

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

Zithulele Moses Dladla

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COMMISSIONER: Good afternoon, Brigadier Dladla.

BRIG DLADLA: Good afternoon, Commissioner.

COMMISSIONER: Welcome to the proceedings of the Commission. Mr Arendse, you're going to lead Brigadier Dladla?

MR ARENDSE: Yes.

COMMISSIONER: We thought we would sit till 5 o'clock today and start again tomorrow morning at 9 o'clock, given the pressure of time we have this week; if that's suitable?

MR ARENDSE: We'll try and finish by five.

COMMISSIONER: Excellent. And if you want us to take a short adjournment in the middle of the afternoon, just let me know.

MR ARENDSE: That's okay.

COMMISSIONER: Brigadier Dladla, as I've said, welcome to the proceedings of the Commission. You are aware that these proceedings are in public, that there are members of the media here and that your name and your testimony may be made public?

BRIG DLADLA: Yes, I'm aware.

COMMISSIONER: Thank you. And you have no objection to that?

BRIG DLADLA: I have no objections.

COMMISSIONER: And are you going to testify in English or in isiXhosa? In English?

BRIG DLADLA: I speak isiZulu, but ...(intervention).

COMMISSIONER: IsiZulu, yes, I thought that.

BRIG DLADLA: I speak isiZulu, but I will testify in English.

COMMISSIONER: In English. Thank you very much. I would like to put you under oath. Do you have any objection to taking the oath?

ZITHULELE MOSES DLADLA: (Sworn states)

COMMISSIONER: Thank you very much. Mr Arendse?

EXAMINATION BY MR ARENDSE:

Thank you. Brigadier, you are a brigadier in the South African Police Service, and you are the station commander at Khayelitsha Police Station, which is here in Bonga Drive in Khayelitsha. Is that correct?

BRIG DLADLA: Yes, Commissioner.

MR ARENDSE: Your station is what is referred to as a 'brigadier' station?

BRIG DLADLA: Yes, Commissioner.

MR ARENDSE: Just quickly run through the difference between a brigadier station, a colonel station, lieutenant colonel station and a captain station; just to give us a sense of how big or small your station is.

BRIG DLADLA: Thank you, Commissioner. A brigadier station, it's the biggest

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station in the – it's one of the biggest stations in the SAPS. There are brigadier stations, there are colonel stations, there are lieutenant colonel stations and there are captain stations also. In the Western Cape there are 18 brigadier stations; we are one of the 18 brigadier stations in the Western Cape.

MR ARENDSE: And what criteria or factors are taken into account to determine whether you're a brigadier station or one of the other stations?

BRIG DLADLA: It's a lot of criteria that is used by the national office. I am not sure of everything; but what I know, one of it is the levels of crime and the population and – ja, levels of crime and population. Those are the things that I know, but there are other dimensions that are known by the head office that are utilised.

MR ARENDSE: Okay. You are also regarded or referred to as a 'presidential' station. Is that correct?

BRIG DLADLA: Yes, Commissioner.

MR ARENDSE: Just give us some brief background as to how that designation came about.

BRIG DLADLA: I am not sure how it came about, because I came in Khayelitsha in 2011 on April 1st.

MR ARENDSE: Okay.

BRIG DLADLA: So it was done long before my arrival in Khayelitsha.

MR ARENDSE: Okay. Now just then tell us about your background; where you come from, where you were born and when you first entered the service.

BRIG DLADLA: I was born in KwaZulu Natal, at the small town of Weenen. And I joined the police in 1987, in Pinetown, as a student. And I was sent to college in Hammanskraal, where I underwent my training there. After finishing the training I was posted to Unit 19, which was then a riot unit in Pretoria, where I worked for two years, working where there was violence, especially in those days.

The areas that I worked in was in the then Eastern Transvaal at KwaNdebele in Eastern Transvaal. And Mpumalanga Township, I worked there for six months, and also in Pinetown, Dassenhoek. We were based in Pretoria but we were the biggest unit that was responsible to prevent and also make sure that there is no violence in the country. We were based in head office, we were Unit 19.

I then got a transfer after two years there. I went to KwaDabeka, which is near Pinetown. KwaDabeka is – when I arrived there it was a captain station but now it's a colonel station. I did all my policing in the same station and I got most of my promotions there. I started there in 1990, in January 31st, up until 2004, when I left; I got a lateral transfer to Bishop Lavis.

There, in KZN, I worked in crime prevention for a few months and then I was transferred to inquiry investigation. In the past the investigation was divided into two; it was detectives investigators and uniform investigators. Uniform investigators, they were dealing with assaults, reckless and negligent driving, malicious damage to property; but the assault, if the victim had been hospitalised it will dealt with by the detectives.

I was then transferred – we were then integrated to the detectives; I became a detective in, I think it's 1993 when I became a detective. I was already – promotion-wise; in 1990 I was promoted to lance sergeant from 1st November 1990. Then in 1991 1st December I was promoted to full sergeant. And in 1993, when we were integrated to the detectives, I was still a sergeant,

but I got promoted to be a warrant officer in 1993 1st December while I was already in the detectives.

I worked there in the detectives, investigating all different cases; your murder cases, your hijackings, all those cases. And I was promoted in 1997 to be a captain.

MR ARENDSE: So did you still continue then as a detective?

BRIG DLADLA: When I was promoted in '97 I was – I continued to be a detective. But that's when I was – after my promotion I was appointed to be a branch commander, acting branch commander; because that was then a colonel station, the branch commander was supposed to be a lieutenant colonel, a superintendent. At that time I was a captain; there were no lieutenant colonels at the station. So I had to act as a commander and other people were acting ...(indistinct) in support.

So I acted from 1997, after my promotion. My promotion was somewhere in July, August but with effect from 1st April. So I acted until 2000, when I was promoted on the same post that I was acting on as a branch commander, to a lieutenant colonel. I worked still as a branch commander, commander of detectives; the branch commander is also called the commander of detectives.

So I worked until I applied for a lateral transfer from KwaZulu Natal, KwaDabeka, to Western Cape. I started at Bishop Lavis in 2004 in May and I worked there for six months. I had also applied for a post at Mfuleni as station commander. I got a promotion from Bishop Lavis to Mfuleni as a station commander.

And Mfuleni was – it had been a satellite station; the commander was a captain. But then it was upgraded to a colonel; that's why I was – I applied for the post and I was appointed. We were then in the zone of Kuils River, where I was working as a station commander. We were starting from scratch because there was nothing, but we managed to have the station run. I can say I was sharing a table with five other members; not an office, a table, the way it was so small.

And that's where I worked until 2006, when there was a need in the detectives. General Mfazi wanted me in the detectives, but the then PC didn't want me – didn't want to lose me from Vispol as well. So when there was the restructuring General Mfazi made that use and restructured me to Kraaifontein Detectives, where I became a branch commander again.

I worked from July, late July 2006 until I applied for a promotion to Wynberg station commander and I was promoted in 2010 in February, but my promotion was with effect from 1st of March and I started on the 10th of March in Wynberg, where I worked from that day until I was instructed by the Provincial Commissioner to go to Khayelitsha.

MR ARENDSE: Who would the Provincial Commissioner – who would it have been there?

BRIG DLADLA: The Provincial Commissioner is General Lamoer, who instructed me to go to Khayelitsha. I said ugh, but because I wanted to contribute I accepted without putting any representation. I had a chance to put a representation to say I'm not going to Khayelitsha because of this and that and that and that. I had a lot of reasons that could make me not to go to Khayelitsha, valid reasons. But because I wanted to contribute I accepted without putting any representation.

MR ARENDSE: Thank you. And you ...(intervention).

BRIG DLADLA: And I started in Khayelitsha on the 1st of April 2011.

MR ARENDSE: Now just tell us the area covered by your station; and if you could do it by reference to the map here on the far left with that brown, orange, brick colour; that map, just indicate to us your precinct and the areas that's covered by your station.

BRIG DLADLA: I don't see the names of the road, but I can tell the Commission of – without me referring to them.

COMMISSIONER: It might be easier, brigadier, to draw to your attention that the Commission's understanding is that if you look at that map, that north line that goes sort of diagonally down, that's the N2, and that ...(intervention).

BRIG DLADLA: This one?

COMMISSIONER: Yes, exactly. And then that pale yellow area immediately next to the N2, above the orange, red area, we think is the area of the Site B police station.

BRIG DLADLA: This one?

COMMISSIONER: So you can see BM section there, right next to the N2 in the yellow, and does that look to you like it is – it covers the area that is the area of your police station?

BRIG DLADLA: It does; if this is Spine Road from N2 ...(intervention).

COMMISSIONER: That's right, that's Spine Road, correct.

BRIG DLADLA: And then this is Jeff Masemola.

COMMISSIONER: Jeff Masemola, that's right.

BRIG DLADLA: Which was the ...(indistinct) up to Pama here, if this is Pama?

COMMISSIONER: Yes.

BRIG DLADLA: And this is Lwandle, it goes like this, up until it joins Mew Wy.

COMMISSIONER: Yes, that's right.

BRIG DLADLA: And it goes back like.

COMMISSIONER: And then joins Jeff Masemola again?

BRIG DLADLA: Yes. And then this is the railway line, I presume?

COMMISSIONER: Ja.

BRIG DLADLA: If this is the railway line, it is our boundary with Lingeletu West up to, if this is Swartklip?

COMMISSIONER: Yes.

BRIG DLADLA: Yes. Our area, it ends here and it goes that way, up. Yes. Swartklip, I think it ends here and then it becomes Old Faure Road.

COMMISSIONER: That's correct. Thank you.

MR ARENDSE: Thank you. Just while you're on the map, brigadier; what are regarded as the hotspots and where on that map are they?

BRIG DLADLA: Our hotspots in Khayelitsha are determined by the crime that is reported and also the *izimbizo* that we have with the community and the meetings that we have with the CPF. Because Site C is our main hotspot in terms of crime, especially Idada Road.

MR ARENDSE: Can you just point it out on the map please? I think the Commission accepts that your hotspots can change on a daily basis and they can even change from morning to evening or afternoon.

BRIG DLADLA: Yes.

MR ARENDSE: But just give us sort of the main areas. I'm sure there must be a few that's always regarded, like you say, Site C, that's always regarded as a hotspot.

BRIG DLADLA: Site C is our hotspot, Site C is the – including Taiwan and ...

And also Thembokwezi, it's a hotspot in terms of the hijackings. There it's robberies and murders. Also there is a footbridge here that comes from Driftsands to Site C, when people are coming to the taxi rank, it's also our hotspot there; because people come like – because they are confined by the bridge and the route that they must take. But it's not easily accessible by us with vehicles; you have to access it by when you're conducting foot patrols.

Green Point is also our hotspot in BM section. RR, where is OR Tambo? OR Tambo is this one. RR, opposite OR Tambo, it's also our hotspot. Also the N2, the N2, the whole of the N2 in our precinct is a hotspot because of these informal settlements here, around here, which make it easy for the perpetrators to just disappear there.

And the mall, the shopping mall, it's now and then a hotspot in terms of the robberies, business robberies, and the theft out of motor vehicles. The trucks that are delivering there, they are also a problem. Then under the – I'm trying to see, this is our boundary. Under the bridge, the railway bridge, it's our boundary with Lingelethu West. That is our hotspot for the gang fight. Site C is also a hotspot for the gang fight. Also the boundary between Green Point and that part of Lingelethu West is also a hotspot for the gang fight. So there are different hotspots in the area.

MR ARENDSE: Okay, thank you. And are these hotspots, are they – what does it mean in terms of the deployment of your personnel, especially Vispol, for an area to be described or regarded as a hotspot?

BRIG DLADLA: It means – when there it a hotspot it means that we must deploy people there and you must make sure that there are operations that are taking place. Like the transport routes are also our hotspots, all the main routes; because people are coming from different areas to access public transport. So it means that we must deploy people there, our members there.

And we deploy according to the times that are being mentioned either by our CTA, the Crime Threat Analysis or Crime Pattern Analysis, or according to what we get from *izimbizo* when we are – when we meet with the people. Because they tell us and say people are being robbed in the morning when they are going to work, and then we take note of that and also compare with what we have; then we deploy accordingly.

MR ARENDSE: So it would follow that where there are hotspots there would be high visibility police?

BRIG DLADLA: Yes; which we may need also for that area to change from being a hotspot because of the visibility.

MR ARENDSE: Okay. Now when you arrived at the Khayelitsha Police Station what were your impressions?

BRIG DLADLA: Ay, when I arrived at Khayelitsha I was shocked; because yes, I had worked at the stations which are – which have got crime and which – like Bishop Lavis, Mfuleni, Kraaifontein, but I didn't expect what I saw.

After having worked one year in Wynberg, Wynberg I had only three murders for the whole year; but when I started in Khayelitsha I started on Friday, the time I arrived, I arrived at roundabout half past twelve, but there was already a murder for that day, it was the 1st of April, already a murder for that day. And when I worked over the weekend with the members three more murders came in different times. I said ja.

But the members said, no brigadier, it's much better now; it used to be a problem, they used to get a lot of murders here. You know, I was consoled by

my constables when I saw it's too much murders here. But it was not that people were not working; there was deployment, people were working. But still crime was happening.

MR ARENDSE: Did this – I think you described it as, or you seem to be shocked from three murders in a year at Wynberg to, by the end of the weekend, four murders. Did this affect or influence your approach or attitude towards policing in Khayelitsha; and if so, how did it influence your approach to policing?

BRIG DLADLA: It did. And I had thought I knew what I was going to face, because coming to Khayelitsha, accepting to come to Khayelitsha, you must have to accept to come to Khayelitsha. But when I came there and realised, no, this is what is going to happen, I realised that let me go to the communities and speak and try and engage with the communities.

I engaged with the communities with the help of the sector commanders and also the Vispol heads and the branch commander, Colonel Marais. We engaged with different NGOs, different people and your SANCO, your ... We also met with the business people, because there was also a lot of business robberies. And, mind you, business robbery in the past a spaza shop was not regarded as a business but now it's regarded as a business, so you have a business robbery. We are getting a lot.

We engaged the foreign nationals, to try – especially because the majority are Somalians, to try and see how can we work together in also making the quick response. For example, in the Somalians we went to an extent of asking the Bellville Somalians who understood English better to translate for us the – what we wrote to them, to say if there is a crime happening please phone these numbers so that we can easily respond.

We also tried to engage the – we also engaged the patrollers, the community, to help us with the patrolling. Our reservists were already down at that time, but we tried to encourage them to come back and work. And when we were analysing our crime we noticed that our murders were mostly committed by a sharp instrument.

I think out of – it's about 66% of the murders for the previous financial year then were committed with sharp instruments. We also focused on the dangerous weapons to try and remove it from making it an instrument to kill the people or an instrument to rob the people. Because there are also robberies which are committed with these.

We also – we said let's increase also on drugs, because all of a sudden there were also now property crime, and Khayelitsha is not supposed to be a property crime, it's a ...(indistinct) crime station. So we also put in place the operations to address drugs, because now and then the drugs were coming up and the people were breaking into places or stealing from their residence to feed the habits of drugs. So that is what we addressed and we deployed our crime prevention.

Initially we needed to have more people at certain specific times. So we had – the provincial office also allowed for the vehicles to be reduced from the sector so that we can have a crime prevention, so that we can have more deployment at the peak time; because our peak times is Friday night, Saturday night and Sunday. So if you have more people working at those times they will prevent the murders from taking place and the other serious crimes.

So that had an effect in terms of having – there was a provincial standard which was saying two vehicles per sector in terms of implementing sector

policing. But we had to reduce it to try and have more people at specific times, at crucial times. But we still maintained our six vehicles per sector for sector policing plus the sector commanders, but now these were additional people that we were trying to put them during the peak times of the station.

MR ARENDSE: Now I just want to go back because you made a general statement about – because I asked you about your approach and you were giving evidence on that. But let's just sort of go back and unpack that. When you got to Khayelitsha Police Station what was the state or the status of the Community Police Forum?

BRIG DLADLA: Okay. Community Police Forum; when I arrived in Khayelitsha it was there, the team was there. But the first two – the first month it went – I saw the – the first two months the chairperson was attending but I was told there was a deputy who had never come to the meetings. And the CPF was there but it was not functioning as it was supposed to function.

And what we did, we tried to – because the chairperson was now and then delegating to the secretary whatever the duties that were supposed to be done, not even delegating to the deputy; the deputy was nowhere to be found. So all the duties were being delegated to the secretary because she is a strong woman. But we sat as the CPF, police and the community and agreed that this guy is not attending meetings.

They asked me to disband the whole CPF. I said let's not disband the whole CPF without going the right way; let us write letters to these people and tell them that we have noted they have not been attending the meetings, what is the problem. They were no response. And we had meetings after that and we agreed that Mr Siko, who was part of the CPF, Mr Bongani Siko, he must act as the CPF chairperson until we went for the AGM.

But while we were still preparing for that we were also – there was also distraction, that the terms of the CPF were going to change, and they changed from two years to five years throughout the country. So although we went on and had a special AGM where we elected Mr – we ended up electing Mr Siko as the chairperson of the CPF and we filled the other vacant posts and we ...

But we were already functioning better after he had started acting. There was a good working relationship. We didn't have a bad working relationship as SAPS and the CPF, but it was that it had not been functioning the way it was supposed to function.

MR ARENDSE: So when you got here, the reason why it was not functioning was that the chairperson was not attending the meetings?

BRIG DLADLA: Was not attending the meetings and the deputy was not attending the meetings. And I still don't know, because he didn't give us reason why he was not – he decided to abstain from the meetings.

MR ARENDSE: And then for a while Mr Siko was then made acting chairperson.

BRIG DLADLA: Yes.

MR ARENDSE: Until the elections.

BRIG DLADLA: Yes.

MR ARENDSE: Can you recall when those elections took place?

BRIG DLADLA: The elections were in – we started the process in 2012 up to January. I think there were also some hiccups, but we eventually had the elections, assisted by the Department of Community Safety.

MR ARENDSE: Ja, I was going to ask you. Who conducted these elections?

BRIG DLADLA: The Department of Community Safety.

MR ARENDSE: The Department of Community Safety.

BRIG DLADLA: We have been having a very good relationship with the Department of Community Safety when it comes to CPF. Because Archie, Mr Monakali, he once conducted the training for us and for then CPF and where Pinkie was the one who was conducting the process of the elections. So we had been communicating well with them and they have been assisting us in the CPF.

MR ARENDSE: Are you able to comment or to describe how these elections were conducted in terms of, were notices sent out to the community, were nominations called for, were all relevant NGOs and other community organisations contacted, were they informed, were they invited to put in nominations and to participate in the elections? Are you able to describe that process?

BRIG DLADLA: Yes. We forwarded notices to the different organisation and the NGOs.

MR ARENDSE: Now who did that? Was that the DOCS or you?

BRIG DLADLA: No, it was the then CPF executive.

MR ARENDSE: Ja?

BRIG DLADLA: We forwarded to the different organisations, inviting them, informing them of the date. When we had our elections, it was at a school near the police station in Ncumisa. So we had done it the right way, because DOCS were also overseeing that; there were no complaints from them, as the representatives in the AGM, that we didn't do things right. Because we wanted to do it right so that we don't have to have investigations afterwards.

MR ARENDSE: Now I think one of the first things that you said you did when you became the station commander, and after you recovered from your shock, was to interact with the community.

BRIG DLADLA: Yes.

MR ARENDSE: So were you then satisfied this is now what you're describing a year later? Were you satisfied that those elections was an inclusive one, that the stakeholders in the community would be represented on the CPF?

BRIG DLADLA: Some of them that I met later on, they were of the opinion that they were not informed. But I opened the hands for them; I said we've got sector forums, let's participate in our respective sector forums to try and address this, the issue of crime. There were some who said they were not aware of that.

MR ARENDSE: Can you recall the names of these organisations?

BRIG DLADLA: Unfortunately I can't recall whether it was Free Gender; I think it was Free Gender. I can't – I'm not sure, but I think Free Gender was one of those. And SJC as well, they also said they were not part, when I met with them. As I said, I was interacting with the different organisations.

MR ARENDSE: But as you said now, did you open your door to them, as it were, and say look, I'm prepared to interact with you as station commander?

BRIG DLADLA: Yes. I can make an example with – first with the – because the people that I interacted first with, let me start with SJC. SJC, they invited me to a show called – to their – they had a sort of a conference or information session, they invited me and the branch commander and commander of the FCS. The commander of the FCS was on leave, so I had to go with Warrant Officer Salome.

And I went there personally to them and the Colonel Marais, who is the branch commander. We had been given a slot of 10 minutes, 10 minutes. But it

was so interesting and people – it became our show, it became a sort of *izimbizo* for us, and people asking for clarifying questions, putting – giving me complaints, and I interacted with them.

But afterwards they withdrew. I continued with other organisations, we continued from – with Aresta. Aresta was an organisation that was headed by Mr Mbatha. Aresta was dealing with – they were trying – they were educating our South Africans with regards to accepting foreign nationals, to stop xenophobia.

MR ARENDSE: What does Aresta stand for?

BRIG DLADLA: I only know it has Aresta, he always said it's an Aresta, Mr Mbatha. But we – it was – as I said, their duty was to educate the people with regards to accepting the foreign nationals. We also – there are other NGOs that are – that we communicated with. I went to the sectors as well and had *izimbizo* with the people, to try and get to make them work with us.

We also engaged SANCO, but SANCO was a – it was a bit tricky. Because there are, I'm not sure if it's two or three SANCOs; if you try to communicate with these, the others would think now you are siding with these. But we said we'll engage all of them, we won't – it's not for us to determine who is what; but we engaged them all. And we even – they even also approached us when they had problems with the boys who were fighting here, the gangs, and we worked with them.

And, who are the other organisations? There are other organisations that I was not directly linking with them but it's with my support arms, your social crime prevention, your Vispol head, your sector commanders in the area. We linked with all those things; the schools, the Department of Social Development, the Department of Education in the Western Cape. Because we were also involved with them in trying to address the gang fights in the area.

MR ARENDSE: Is it important for you to interact with the community and organisations who either represent the community or represent certain groups in the community, like say religious groups or gender groups? And if so, why is it important for you?

BRIG DLADLA: It's very important to communicate with them, and I miss the religious groups, the traditional leaders, the taxi people, CODETA. It's very important to communicate with those people, because they are the people who are there, who know what is happening, who feel what is happening. So we communicated with them in that so that we can get advice, we can get information, we can get all those things that are necessary to fight crime.

MR ARENDSE: Now to come back to the question about the CPF. Is this CPF representative of these groupings, or do you have the CPF on the one hand and then you also still interact with other groupings on the other hand?

BRIG DLADLA: The CPF is representative of some of the people. But after I had understood that – I had known of more, it opened my eyes that we need to extend our things; in the next AGM we need to extend, try and also communicate better.

We also – I also relied – because I didn't know a lot of people in the area – of the organisations in the area, I relied on the people that knew the area better, the members of the station, the management of the station that was there for a long time, as well as the other people in the CPF.

So but as I went on I got to know that okay, there is this organisation, there is this organisation. But we must bear in mind, even though we can

engage them all we cannot elect them all to be in the executive. But what I'm – that is why I said there are sectors, go to the sectors, let's work from there. And it is working.

I can also say, I was also an acting cluster commander. I happened to oversee some of the things. We ended up having, like in Harare ...(intervention).

MR ARENDSE: Acting cluster commander of Khayelitsha?

BRIG DLADLA: Of Khayelitsha cluster, yes.

MR ARENDSE: For how long and from which period?

BRIG DLADLA: For six months. We ended up having people from different groups that were not part of the CPFs, being part of the CPF now from the structures of the sector forums. So there is one thing about these three police stations, Khayelitsha, Harare and Lingelethu; they used to be one police station.

And the community of Khayelitsha, in most cases, they are rep – when you have a meeting – when I have a meeting with a certain group I will call – I will have a meeting maybe let's say with – like the gays or the Free Gender; when you are in the meeting you find that okay, there are people from Kuyasa, which is a Harare area, there are people from Ilitha Park, which is a Lingelethu West area.

But the meeting that I had was for my station as Site B. So I don't exclude them, I encourage that we work together, and I also extend it to the three stations.

MR ARENDSE: Are you satisfied that you as station commander of Khayelitsha Site B, that you are interacting with the community in an effective way to the extent that they can trust what you do?

BRIG DLADLA: I am doing my best to interact with the community; and so far, so good. But if there's still room for improvement I'm open for improvement.

MR ARENDSE: Okay. Now ...(intervention).

BRIG DLADLA: If there are people that I don't know, I'm open for them to interact with us. And as I said, in the *izimbizo*, some people call it *imbizos*, but *izimbizo* it's not a specific NGO or a specific organisation, it's the community at large. So when I interact there I open it for other people who might be representing their respective organisations to also communicate with us.

MR ARENDSE: How many of these *imbizos* have you had since you became station commander?

BRIG DLADLA: Ay, I can't count, I have had a lot. Some are general *imbizos*; some are specific, they are focused, some are focused. I had *izimbizos* that are focused on gang violence, I had *izimbizos* that are focused on domestic violence; I had *izimbizos* that are general, that are open for everything.

MR ARENDSE: And have you recorded the dates of these *imbizos*?

BRIG DLADLA: I had the dates, you know, from 2011. I have a register where I write; whenever I meet somebody or I meet with the people I register – I note it in my notebook. But unfortunately when they broke into my car in September last year it was stolen; but I have the latest one now that I started. Like the *izimbizo* that I had was in, when was it, in January or February at Site C, it was on domestic violence in Sector 2.

MR ARENDSE: Okay. And do ...(intervention)?

BRIG DLADLA: That is my latest *imbizo*.

MR ARENDSE: We'll come back to that; that's a topic on its own, we'll come back to that. But do you call these *imbizos* or are you called upon to convene

one? How does it work? Who decides that you're now going to have an *imbizo*?
 BRIG DLADLA: We decide, we call an *izimbizo* and communicate with the CPF. Because all these *izimbizos*, we don't do it alone, we do it with our CPF. And even if they are not there but the sector forum is there, there are representatives from the community when we have these *izimbizos*; we call them.

Some of the *izimbizos*, the challenges is the venues; venues are also a challenge, especially at RR. I even instructed the captain, the sector commander of RR to just – I said just go with a vehicle, talk to the people in a loudhailer; whether you have two or three listening it's fine, even somebody who is in his house, he will hear what you are saying. And we have done it; we are still going to continue doing it.

MR ARENDSE: What's been the attendance at these *imbizos*?

BRIG DLADLA: The attendance is not good. But as a Christian I believe that whether there are two or three people that attend, the message will go across. But it's not as what we will expect. Sometimes we will have 40 people, sometimes we will have 80; they vary. But you expect to have more.

MR ARENDSE: But the invitations go out and you're satisfied with the attendance?

BRIG DLADLA: We send the invitations out, we also loudhail, we also make use – sometimes we make use of our – the Radio Zibunele; Constable Jacobs will go to Radio Zibunele and make those announcements. And we also announce in our sector – in our CPF meetings, and sometimes we loudhail a day before and on the day of the *izimbizo*.

MR ARENDSE: And you said earlier that your CPF may not be fully representative of the community. But you also recognise other groupings who represent various interests in the community. Was that what you said earlier?

BRIG DLADLA: That's what I said, yes.

MR ARENDSE: Now these various other interest groupings, do you ensure that they also get the invitation to come to the *imbizos*?

BRIG DLADLA: *Izimbizos*, we do it in the sectors. So we go according to the sectors; so we distribute pamphlets in the areas and also loudhail. And the sector commander will communicate with the different people in the groups that are in his sector; because the majority of my sector, I say all my sector commanders are known in their respective sectors.

MR ARENDSE: How many sectors are we talking about?

BRIG DLADLA: I have six sectors. Sector 1 is Captain Johnson.

MR ARENDSE: Can you again perhaps, with reference or by reference to the map, show us where these sectors are?

BRIG DLADLA: Site C has got two sectors, Site C including Thembani, Bongweni and Kwezi. So that is why I say Thembokwezi. The boundaries are somewhere here; you won't see it as it is but there's Sector 1 and Sector 2. That is Captain Johnson, ...(indistinct). And then Sector 3 is here. It starts from Mew Wy along Jeff Masemola up to Spine; that is Sector 3. That is Constable Zamani; he is the only constable of the sector commanders.

And then Sector 4 is here; it's Warrant Officer Xhongo. Sector – your LKM, they all belong to – and the shopping mall, they all belong – the boundary is the railway line; they belong to Warrant Officer Xhongo in Sector 4. Sector 5 is your RR, your PJS, your Q; that is the sector of Captain Mhlwa. And then Sector 6 – that was Sector 5 of Captain Mhlwa. Sector 6, it's Captain Mandlana.

So there are three captains, two warrant officers and one constable.

MR ARENDSE: And do you supervise and oversee and monitor what they do?

BRIG DLADLA: Yes, I do.

MR ARENDSE: And is that on a daily basis, a weekly basis, monthly basis?

BRIG DLADLA: It's on a daily basis. Because the weekend crime we discuss on a Monday and we see what they did. And on Tuesday we also have a SCCF where we monitor what was done in the previous week, from Monday to Sunday. Like, for example, today it's Monday; today it was only operational people, where we met and discussed the weekend crime, and so where we lack and also try and adjust.

And tomorrow it's Tuesday, starting from seven it's a big SCCF where we look at the week for the – the crime for the week, starting from last week Monday until yesterday, last night. And on Wednesdays I just meet with – now and then with Colonel Marais, who is a branch commander, and Colonel Abels, who is the Vispol head, just to talk about crime. Because I don't have time, on that day we have to be in the cluster meeting.

Then on Thursdays again we meet with the operational commanders, including the sector commanders and the social crime prevention. Social crime prevention and sector commanders, they are always part of the meeting where I monitor the – we monitor the sector, what happened in their respective sectors.

And they give feedback on what they did; how many – did they visit schools, did they visit the paralysed, did they have – visit their crime scenes, did they visit their domestic violence victims or perpetrators of domestic violence, because we visit both; did they submit – when is their next meeting, what came out from their meetings with the community, when do they have the interactions with the communities. So they give us feedback on this. We monitor and they also plan at the same time.

MR ARENDSE: And you say at each of these – in each of these sectors, are there also community forums that meet with the sector commanders?

BRIG DLADLA: Ja. Each sector has got a sector forum. The sector commander is part of that meeting.

MR ARENDSE: Now the sector forum, is that a – does that sort of mirror the bigger CPF? In other words, the sector forum is also CPF, or is it a more general forum? Just describe that to us.

BRIG DLADLA: The sector forum is in the sector and it's open for all the organisations there that are in the sector. But there are also elected people, the chairperson, the deputy, the secretary. The chairperson and the secretary of the sector forum, they attend the executive meeting of the CPF. So that is why I say I encourage the other people to join, to go to the sectors and join the sectors because we can communicate.

We also attend the meetings in the sectors but not all the sector meetings, because sometimes they clash with other, already planned meetings.

MR ARENDSE: Do you attend CPF meetings?

BRIG DLADLA: Yes, I attend CPF meetings.

MR ARENDSE: And do your sector commanders attend sector meetings?

BRIG DLADLA: They attend the sector meetings; they also attend the executive meeting. And we rely on them in transporting our people to their respective sectors, those that are coming from the sectors. But it's a must that they must come and attend this meeting of the executive; they also attend their sector forum meetings.

MR ARENDSE: Now what would you say or what would your comment be as to whether your attendance, I'm not talking about SAPS' attendance at these forum meetings or the CPF meetings, that it hinders more than it helps? Because there is perhaps a sense that people feel they can't – either they can't express themselves openly because you, the police, are present; so they can't, for example, or they feel they can't open up and complain about the police.

Alternatively, or on the same side of the coin, they say well, these meetings are nothing other than police meetings; because the CPF and the sector forums, they do what the police tell them to do. Just your comment and your experience?

BRIG DLADLA: No. I would say it helps for us to be there; because we get to know the complaints as well, we get to get the hotspots. People, unlike in the past, they know their rights; they take us on if we have done wrong, if we have done good, they appreciate. We do get appreciated, we do get taken on where we lack. So it doesn't make them negative and say, we won't say these things because the police are there.

And we have made them – we also encourage them that they mustn't wait with the things or with the complaints until there is a big meeting. If it can be discussed in that meeting the problem, there is a complaint, we attend to it there. If it's a specific complaint that needs specific attention, we don't want to generalise, we say let's go – let us not just shoot from the hip, let's go check what happened and give feedback on that.

And I also – that is why we also get a chance to tell the people to convey the message to other people as well; to say, don't wait for the meeting, even for the CPF meeting, we are always available. I have been preaching this to the community since I came to Khayelitsha, that me personally I'm not seen by appointment, you can come and see me without making any appointment if I'm available. I don't chase you away and say you didn't make an appointment. So we are open for the community; it helps us to attend these sector forums, these meetings.

But the CPF also have day – the community members of the CPF, they also have days where they meet alone to discuss some other issues. I think that also helps them to – you can't say that they can't discuss this because they couldn't discuss it in our presence.

MR ARENDSE: Okay. Now just on your – when you came to Khayelitsha as station commander what did you find there in terms of personnel; what did you find there in terms of personnel morale and their attitude towards crime? Can you just describe those first impressions when you got to Khayelitsha Police Station?

BRIG DLADLA: Ja. Our people are – they are committed; as much as it is difficult, they're working under difficult circumstances. I found – that's what I found, that the members, as much as they are stretched, but they are still committed in helping the community. The morale is – now and then it's – you cannot say it is bad, it is good; it's fluctuating depending on what is happening to that individual at that particular time.

MR ARENDSE: The personnel and the number of posts in terms of the RAG etc. were you satisfied that the station was properly established in terms of personnel given the size – you're a big station, you're a brigadier station, were you satisfied with that?

BRIG DLADLA: I was not satisfied I just came at the wrong time when the POP

was being re-established and the TRT was formed...(intervention).

MR ARENDSE: Just give us the – just tell us what it is these letters?

BRIG DLADLA: POP is Public Order Policing so when they were – when I came to Khayelitsha they were being re-established at provincial office. So when they were disbanded the members were put at different stations and I had some of the people at Khayelitsha but when I came there, they were on the way out, moving out from Khayelitsha going back to POP. The last person that I heard that went to Public Order Policing, it was captain Chandler who was a sector commander in Site C – in sector two, he was the last person to leave from Khayelitsha and some members were taken to TRT – Tactical Response Team, they had been placed in Khayelitsha, they had been doing – all those members had been doing work for Khayelitsha SAPS only. Now when they were moving out, so they were leaving a void in Khayelitsha but unfortunately the – with the RAG, I will never be satisfied with the RAG because it – and I have addressed it with the provincial commissioner and the provincial commissioner was also addressing it for us. The RAG I don't know how they do it to make it give you members but I'm not satisfied with the personnel that I have. I will need more personnel because our area...(intervention).

MR ARENDSE: Where – just identify maybe the areas or the sectors or the units where you feel there's a deficiency and where you need more personnel?

BRIG DLADLA: I need more personnel in visible placing, I need more personnel in the detectives because as much as it is a small area, but it is overpopulated and congested and you need to conduct foot patrols, which are impractical with the personnel that we have. Foot patrols, they make you delay because you leave the vehicle there and you walk, when you respond you have to – something else that is on the other side, you have to walk to the vehicle before you can – and it takes long for you to reach there but it will be – with the personnel that I have, it's very difficult but we do it. Maybe with more personnel it will help me to access these inaccessible areas like RR like Taiwan, your BM, your YAB sections.

MR ARENDSE: So it's – are you saying that it's not a case that it's impossible to patrol these areas, that it is possible to patrol- and I'm referring especially to the informal settlements, the informal areas where there are narrow footpaths and there are shacks. We went on the inspection, you showed them to us, are you saying that it is possible to patrol these areas but more personnel is required?

BRIG DLADLA: It is possible but more personnel is required but it is difficult even if you have personnel because you get restricted by the path that you must walk on. Sometimes it's even difficult to walk with the stretcher, carrying a body from moving – navigating amongst the shacks. The roads that we could access in RR easily, when I came here in Site B, today, you cannot just make a turn on the curve, you have to reverse and move forward and reverse to be able to make a turn because people also extend their places in the informal settlement but you can't blame the people because they are trying to get something. So with more personnel it can help us and – ja it can help us and also as I said in the detectives, - in the detectives, I wish we can have personnel. We are quick to say our detectives are not working, our detectives are working but they are overloaded. You know in the movies, when you see in the movies or when you open the channel 171 or 170 you see a team ascending to a crime scene, attending to a docket but here you have a team of dockets ascending on a

detective.

I'm saying that with passion being – sorry – why I'm saying that it's because in the detectives – but colonel Marais maybe will explain that. In the detectives we have different groups and mind you, I hear people talking about – these are the people who are governed by the Labour Law but we make use of them, we overrule the Labour Law because they work Monday to Friday and we still - if he's on standby we still want him to come and work over the weekend. When he's working over the weekend we will give him a rest day later on but we don't give them a double rest day for Sunday, we just give them a single rest day, that's how we negotiate with them but we don't force them, we communicate with them. So what I'm saying the detective, we need more detectives, especially in Khayelitsha, we are a station like Harare, a station with serious cases that need more personnel to be in a position to say, the case is finalised on the day it is reported but as it is, we make use of what we have. You have those two detectives that are on standby for murders, two detectives that are on standby for the trio crimes – trio crimes is business robbery, hijacking and house robbery. So you have those people and you still have the people who are on standby for – someone who's on standby for inquest.

So you have those people who are coming to attend to the scene, if there are two for the murders, if this one is still busy with the house robbery that is not relating to the murder, he cannot even go and assist that other one, because he must still do the other job. So that's why I'm saying you need more personnel in the detectives, leave the RAG alone, the RAG is a Resource Allocation Guide, it's there to guide you but give people according to the need.

MR ARENDSE: And you have – you've expressed and articulated this need to the provincial commissioner?

BRIG DLADLA: Yes.

MR ARENDSE: What has the response been, has there been any response?

BRIG DLADLA: The provincial commissioner is also gagged by the RAG and he doesn't – he's also of the opinion...(intervention).

MR ARENDSE: Gagged by the RAG?

BRIG DLADLA: Gagged by the RAG like me, as I'm saying the RAG says you must have so much people, he's addressed us a lot of times in the meeting that he is also not – he doesn't agree with the RAG. So he is busy addressing it on our behalf.

MR ARENDSE: Now – because we see that – and I'm looking at the schooling report, in 2010/2011 you were granted 302, and you actually had 358 then in 2011/2012 still 302 and you actually had 365. The report says that since August 2011, the allocation has decreased from 362 to 309 in December 2011 to 306 in August 2011 and of the 306, 17 are on duty arrangements of those, 16 are operational members. Now this report then indicates that actually the number is reduced quite substantially.

BRIG DLADLA: One must indicate that Khayelitsha police station is an accounting station. An accounting station is the station that is also doing work for other stations in the cluster, like your finance duties, like your supply chain duties. So if there are members that are put to perform functions in the cluster, there is no – if there is no way that they can be put – place, they are placed in Khayelitsha police station. So at that time, as I indicated, the members that were – they were disbanded from POP, they were forming part of those figures. The members from Tactical Response Team, they were forming part. The FCS

was also appearing there on that rack, so the reason why it went down from that 362 to 306 was when they were placed at the correct places. For example, I think, if we are not the only cluster with a recognised TRT structure, maybe there's another cluster I'm not sure, I'm subject to correction but I know that Khayelitsha has got a recognised TRT structure, so where they can place the members under. In other stations – in other clusters where it's not approved yet, their TRT's are reflected at the accounting station, that is why it was also reflecting on our area and at that time we were utilising them, although I was not personally there, Khayelitsha was utilising them fully – solely for the Khayelitsha area crime (inaudible).

MR ARENDSE: Now the schooling report says that, despite what is stated in your RAG, between August 2010 and August 2012, the station's total staff compliment declined by 55 members, predominantly non-commissioned vispol members.

BRIG DLADLA: Ja it's what I've explained with regards to those people and also, the schooling report, I wonder if it says, people who were – when you're making an inspection, you must be in a position to say, so many people are in Khayelitsha – at Khayelitsha – out of Khayelitsha on detached duties or – and so many people are in Khayelitsha on duty arrangement, it should focus on both because there were some people on duty arrangement to Khayelitsha, there were some people on duty arrangement from Khayelitsha. For example it was Lingeletu West people that were taken from Court and brought to Khayelitsha and some from Khayelitsha and sent to Lingeletu West for Court but in that period, we've been working to place the people accordingly but that doesn't mean we don't have a shortage. We still have a shortage of operational people.

MR ARENDSE: Because – just on to – or rather to respond to your request for more detail, they say, in their view, the utilisation of available personnel at the station is inefficient, in particular in reference to duty arrangements. In 2011 there were 39 members on duty arrangements, 13 of whom were performing duties at Court, those 39 members would have been listed on the total personnel strength of Site B, yet those members are not available to the station commander to be posted their appointed posts.

BRIG DLADLA: Yes it's true, some of them for example in detectives, there were – there are – there were and there are still detectives that are performing duties elsewhere in the – like the one is at college – Paarl college, detectives college, and the others are in the provincial task team and the other one was in – the two were in Harare at CIO's – Crime Information Officers but sometimes one also need to say, Harare, had even a worse shortage than me, so that is why I also allowed Harare to have something but those that were at Lingeletu, as I indicated, they were replaced, the people are now – they are now back that were not working at the station and the – those that were at Court, they had been swapped also with other people. So it has been addressed but although it has been addressed, but we still need – there's still a shortage, I still maintain that there is a shortage because sometimes you have figures but when you go to the bodies, it's a totally different ballgame altogether...(intervention).

MR PIKOLI: Sorry Mr Arendse can you just go back to the accounting status of your station, is it accounting in terms of the PFMA Act?

BRIG DLADLA: No it is an accounting station – an accounting station is a station that is identified and appointed as to – sort of an extension to the provincial office, as I indicated with the finance, we are sort of an extension of

the – of the provincial office and it has been addressed now – I think it's going to be addressed now with the new clusters because it was two different things. I was – I'm a station commander of the accounting station but it's – the cluster commander is also responsible for – his also a commander of the eight stations. Me I'm only assisting in terms of the support duties, their finance, their supply chain issues, they will bring to my station and the – the seven stations plus mine as we are working as an extension of the provincial office.

MR PIKOLI: So that will mean that policing being a national function, the national commission of police accounts to SCOPA in the national assembly, the provincial commissioner does not account to the SCOPA in the province?

BRIG DLADLA: No I'm not going to answer on that it could be him who would have that but we must not confuse this accounting station to mean, like, I'm accounting to the cluster commander. It's, as I said, it's sort of an extension, if the finance for them some of the things are done at our office at Khayelitsha, logistics...(intervention).

MR PIKOLI: Procurement...(intervention).

BRIG DLADLA: Ye they're done at our station and we refer to province on behalf of the eight stations, so in that sense.

MR PIKOLI: Thank you.

MR ARENDSE: Does being an accounting station allow you more flexibility, does it actually allow you perhaps to address deficiencies in this RAG that you say, gags?

BRIG DLADLA: No it puts more pressure on us because we have to do some of the work that is supposed to be done at the stations, so it has to be done at the accounting station. We must also go and conduct some inspections as the accounting station so it doesn't give us any help but – in fact...(intervention).

MR ARENDSE: Extra responsibilities on you, like, when you say, you can't not help Harare when they say they need some help, they need some additional support then you make a (inaudible) arrangement with them?

BRIG DLADLA: Exactly.

MR ARENDSE: But then that has a knock-on effect – an adverse effect on your station?

BRIG DLADLA: Yes.

MR ARENDSE: Now according to the schooling report, they say the detective and CPU, and CCU deployment and support services, according to the duty list appeared to be in order, would you agree with that statement?

BRIG DLADLA: I agree.

MR ARENDSE: Your – are you – do you want to comment on it, do you want to leave it for colonel Marais, how many dockets on average do your detectives have to deal with, have to contend with?

BRIG DLADLA: On average 165.

MR ARENDSE: 165?

BRIG DLADLA: Yes but colonel Marais will go into details as he's directly responsible but maybe one must mention that it's – we also have detectives that are working in the crime office – detective service centre which was formally known as the crime office, that do not carry dockets. It's those detectives that are working shifts and they are working shifts with the particular shift that is working and they are part of the first responder to the crime scenes and they are also attending to the crime scenes that are not being attended – that do not fall in the mandate of the murder group and the robberies group. So then they

attend to the general cases but they also attend – they come to the scene and attend until the detective that is on standby comes.

MR ARENDSE: So that's a kind of relief to those detectives who are burdened with 165 dockets?

BRIG DLADLA: Not – that is the – also the reason why you have people carrying 165 but you can't do without them, these 16 detectives, they are divided into four, it's a matter of must, that you must have them because they must – when the case is registered in the community service centre as I indicated to the commission, you move from the community service centre, the docket must come to those detectives that are there. Let's take, for example an assault with intent to do grievous bodily harm, if the complainant reports it in the charge office, after the case has been registered on CAS, or once she is done giving a statement and the docket has been – it's waiting to be registered on CAS, he or she is referred to the crime office. The crime office will then attend to that client and if there is a need to arrest, the suspect is available, they arrest immediately. So that is why you need four, you'll have two staying inside, you'll have two going outside to go and conduct the investigation. If there is a witness statement that can be obtained, as soon as possible, they will also do that. So you can't do without them, that is – but you still – then you have those detectives who are having an average of 165 dockets on hand.

MR ARENDSE: What is – you were also a detective, if I recall from your evidence you also got promotion for the work you were doing. What is your opinion on a detective carrying 165 dockets?

BRIG DLADLA: You can't – you can't manage 160 dockets it's difficult because the dockets must be inspected by your group head or your commander or your station commander and you must also give feedback to your clients. So if you've got such a workload, you can't satisfy everyone, you'll satisfy some but there will be those who will be complaining. Ja it's better to have less dockets so that you can give better attention.

MR ARENDSE: Ma'am should we have a short adjournment at this point?

COMMISSIONER: We will adjourn for five minutes is that sufficient – ten minutes?

COMMISSION ADJOURNED

ON RESUMPTION

COMMISSIONER: Advocate Arendse, advocate Pikoli and I have just been wondering whether it's possible for you to finish your in chief this afternoon, if we need to sit a little bit later we'll do that but do you think you might be able to do that?

MR ARENDSE: I'll try madam.

COMMISSIONER: You'll try your best thank you.

MR ARENDSE: I think we – if we see by five we can do it...(intervention).

COMMISSIONER: We can investigate.

MR ARENDSE: I don't have a problem.

COMMISSIONER: Okay excellent, thank you, brigadier you're still under oath.

CROSS-EXAMINATION BY MR ARENDSE CONTINUED: When you arrived at Khayelitsha, you've spoken about some of your priorities, interacting with the community and so on and you described that, just in terms of the different components that make up Khayelitsha police station, did you leave it as it was when you came there or did you re-organise or re-arrange anything and if so, which of these components did you re-arrange or re-organise?

BRIG DLADLA: There's no re-organising but also it's a branch – like in the detectives the branch commander will re-arrange the people according to their performance but we will talk about it and ...(intervention).

MR ARENDSE: Well can you talk about it, did you – or let me ask you, did you initiate this intervention or did it come from colonel Marais or did you discuss it with him?

BRIG DLADLA: Maybe, let me also indicate that colonel Marais came in 2011 as well, I think if it's not February it's March, just a month or two before I came. So we will talk as commanders and he will tell me that, I'm thinking of doing this and this and this and I said, if I see that it's a correct move, I'll agree with him but the re-arrangements, they – we did, as I indicated in vispol – visible policing, as I said we had to start a crime prevention unit which is normally known as CPU, the crime prevention unit, as I have indicated that it had to work flexi hours. In the past when I arrive there were sector – the sector vehicles were two – two vehicles per sector but because they had – the number of the people had also decreased, so we couldn't sustain the two vehicles per sector because two vehicles per sector means you must have 12 vehicles in the sector, plus 24 members in the sector, per shift – not per sector, per shift. So it's 12 vehicles, 24 members, now I didn't have enough personnel now so that is why I had to reduce the vehicles in the sectors and the members and start a crime prevention. Crime prevention, we divided them into two groups, so the crime prevention is – addressed the crimes according to the crime threats and the patterns we have discussed and also in the hotspots.

MR ARENDSE: So – but did this not – criticism of that change, did that not mean that visibility was reduced in some sectors, and knowing now that you then re-arranged this as you explained, that there would then be some vehicles where there was only one member in that vehicle because some people were complaining that they only see one member in a vehicle?

BRIG DLADLA: No, it's not that you are reducing visibility in the sectors but you are enhancing visibility at crucial times and you need to have more people. For example, Friday night, Saturday night – on a Saturday night if you go to a shebeen – to close a shebeen that is operating, that has about 60 to 100 people, you can't do it with a vehicle and two members, you have to have enough people to be able to close that shebeen, so that was the reason why we had to re-arrange the people because it's the shebeens that we could not get in time during the week because what – the reason – we try and address the shebeens and try and take the liquor during the week so that by the weekend it's not a lot of problems. We're talking about illegal shebeens, people who are trading without licenses. So if you could not take it in time and you find a lot of people at that particular shebeen, with four members, they're going to walk all over you, the people there. So it's better to have numbers so that you prevent injuries to people. People, when they realise that there's few police officials, they say, we can take a chance here, and we end up using live ammunition which is not necessary. So if you have numbers – so if you arrive being a team that is coming to a shebeen, you say – you ask for the license, they don't have a license and then you inform them to close. You know the people they still want to drink, they will resist but if they see it's a team – the police are in numbers, they won't take that chance. So it's to prevent injuries as well.

MR ARENDSE: And is this still your strategy?

BRIG DLADLA: We still working like that.

MR ARENDSE: And has it worked, does it work?

BRIG DLADLA: It's working magic because sometimes – I would say it's working magic because if I look at the dangerous weapons that we are getting compared to the past – dangerous weapons and drugs there are now in our top number one and two in our top ten of the crimes that are reported. Meanwhile in the past they were not in the top – they were not number one and two cases reported, for example, if I'm not mistaken, I think the dangerous weapons for the past – from 1st of April 2013 to end of January 2014, either it's 600 or 644 dangerous weapon cases. Those are the cases where people were found with dangerous weapons and were arrested. I don't talk about the dangerous weapons that were confiscated after it had been dropped on the floor and it's put in the SAP13. So you can see, we are trying to reduce robberies, we are trying to reduce murders, it's – I must say it's a difficult task.

MR ARENDSE: Has this resulted with reference to the statistics or is it too early to say – has this resulted in reduction of contact crimes, where the use of dangerous weapons and/or drugs are involved?

BRIG DLADLA: You know if I look at the murders, I was checking at the murders from April last year until end of January, only December had a lot of murders that were committed with a sharp instrument that had more murders. Some had gone down from what it used to be, the murders that are committed with the sharp instrument and if I look at the murders now, compared to the previous financial year, not even the devil will make us exceed the target that we set ourselves.

MR ARENDSE: What target have you set yourself?

BRIG DLADLA: We wanted to have less murders than those that were reported in the previous financial year. In the previous financial year, I think the stats are there in this thing – they are open they were given out we had 168 murders last year in Khayelitsha alone, Site B police station. So we targeted to have less murders than last year. So far it's going well, as much as it is a lot of murders, but it's much better. One life saved, to me, is a lot.

MR ARENDSE: And what is the number – what figure are we at, at the moment?

BRIG DLADLA: We are at 125 and the financial year end at the end of March, so we are close to the end of March, I don't think we will exceed our target that we set ourselves.

MR ARENDSE: So – and that target is 168?

BRIG DLADLA: It's – the target is less than 168, it's to be less than 168.

MR ARENDSE: Now this strategy that you described of – as I understood it, basically to rather focus on hotspots and to put more resources there to deal and to prevent crime and to deal with the crime threat, like, when you close illegal shebeens either the shebeen owners or the clients, sort of turning on you. That strategy, how – has that impacted at all on vigilante murders, on rapes, on murders generally?

BRIG DLADLA: On murders generally, yes, but we're still getting vigilante murders but vigilante murders – majority of them, unlike in the past, there used to be a sitting where somebody would be tried and given a sentence, now it becomes a spur of the moment, it just – by the time we respond he's already gone but there is a lot of other people that we have saved also, from the hands of the vigilante people and we save them also by even breaking the rules of taking people to the hospital in a police van, because we want to save that life, it's not supposed to be happening but how can you save that individual because

the ambulance will delay. So it's better to try and save him and take him to the hospital.

MR ARENDSE: Now where would this be reflected because I don't think it will be reflected in the crime statistics that you actually from time to time, save someone from being killed by a mob?

BRIG DLADLA: No it's not reflected in the statistics but it's what we know and what people know, what people see. The people out there, they know how many people that we have taken from the crime scenes to the hospital.

MR ARENDSE: And you say that the, sort of nature of the vigilante murders is also now changed from where a street committee would have a meeting and there would be a decision, to a more spontaneous type of vigilante killing?

BRIG DLADLA: Yes I say so.

MR ARENDSE: Are you able to tell us or give an indication from your experience why this change has happened?

BRIG DLADLA: I'm not in a position to know but we have tried to address it with the different communities when we heard that there is imbizo to try address this vigilantism but one must bear in mind that we are serving the poor people who – where a R20 for him means a lot, so if you take his money and he shouts a thief, people will respond just like that. So we really wish people can change from that but it's difficult but we'll keep on engaging our communities to try and change from that because we can understand but we must also mention that some of them call us, some of them hand over the people to us, as the police, it's not everyone that is involved in the vigilante murders. We do get people that get handed over to us by the community, but what I've been also preaching to the communities – there are people even handed over to me but when I have to ask for a statement, everybody moves back, if I say, who arrested this guy and the people will say it's the community and I say, but we want to place him into the scene him or we want to link him to the crime, can anyone give us a statement – I always preach this in the CPF's, in the imbizo's that we have but people move forward. The question I always ask them, I say, guys, you say you fear for your lives when you're giving us statements and you're going to testify in Court, but you don't fear for your lives when somebody's been assaulted and killed there, don't you think other people will see you and say, you killed my brother and come back for you. Why it's not better we handle it in the lawful way, I'm just talking generally to the people because I'm not specifically talking to an individual that is doing that but people don't give statements. So you end up – you have this person whose handed to you who's alleged to have committed an offence but you can't link him to a crime, so we'll keep on preaching that, asking our communities to work together with us.

MR ARENDSE: Now some people, critical of the police, will say that you're not – on the one hand you're not going to address this problem of vigilante killings unless you address the problem, that they see as a problem of police inefficiency, how do you respond to that criticism?

BRIG DLADLA: Why inefficiency – I don't know what do they mean with the inefficiency of the police.

MR ARENDSE: Well they say – well it's pointless calling the police if we witness or see a vigilante killing or it's about to take place, when you phone them, they don't come or if you phone them, they come too late and if they do come, they do nothing about it. You know, I'm obviously – maybe I'm being unfair but that's just the general tone of the criticism.

BRIG DLADLA: I understand there are some where we would lack but in the imbizo's that I have with the community, some community members complain about us blowing the siren when we're coming to the scene but that is – we are responding to those cases, we're moving the vehicles to try and have a quick response and the members of Khayelitsha, they're not scared, they like to go and assist people. When somebody phones, they react and – especially when it's said, it's a murder in progress, a rape in progress, they react, they drive there, whether it's a female or male, they go there with passion. If there is a – they need backup the other two stations are there, they work like brothers. So if there is a need for backup we get it from Lingeletu, we get it from Harare, if our crime prevention is not working but we are really – our members are really responding to these cases and as I said, I thank some of the community because we have solved some other cases because of them but the other problem will be the intimidation of witnesses in these vigilante murders because if somebody submitted a witness statement, and you end up sometimes, you don't find him because he has relocated to somewhere else, but I believe, although we would lack here and there but I believe, we are working, I believe we are visible, I believe we are doing our work.

MR ARENDSE: Do you – are you satisfied with your reaction or your response time when crime has been or is being committed and you're called upon to react, given this other strategy that you described where there are now, perhaps less – there are now less vehicles in a particular sector because you've employed this other strategy?

BRIG DLADLA: I'm satisfied with the reaction, you see people – it will differ from person to person. Somebody who is complaining about a domestic violence or about an assault that has taken place, he expects a police official to be there, not knowing that the vans are busy in another scene, where you need more people. So somebody who has been assaulted, it's a serious case to him, so if he doesn't get a quick response, he will criticise the police, not knowing where the police are, not knowing why the police come late because they are engaged somewhere else. Like – let me make an example, in the gang fights, sometimes we find that the boys are fighting at our boundary with the Lingeletu West underneath the bridge there in Palmer Road. Then another call will come that inside Site C they're also fighting. So you see you've got two scenes in one precinct. Sometimes you have Harare as well, at Gwuyasa, so that becomes a problem that will cause also – maybe a delay in responding to an assault case.

MR ARENDSE: Okay we'll come – I think try and deal in a more focused way with the issue of – especially the young adult gangs and school gangs and your – how you deal with that, but let's just come back to when you came to the station, the detectives, did you change the system, the allocation of cases to detectives and applying some other criteria and not just doing it on a random basis?

BRIG DLADLA: You see the detectives are like this, there is a group that is dealing with serious and violent crime, there is a group – serious and violent crime, you're talking about murders, attempted murders, possession of unlicensed firearms, business robberies, house robberies, car-jacking and then you have a group that is dealing with economic crimes that is – property crimes sorry, that is house break in, theft out of motor vehicle, theft of motor vehicle, we've distinguished between a theft of motor vehicle and a hi-jacking of a motor vehicle. We've also distinguished between a house break in and a house

robbery, we've distinguished between the two. So house robbery will fall under the robberies but house break in will fall under the property crimes on this side and then you have the general crimes where your assaults, your malicious damage to property, theft etc. and you have a detective community service centre, so all those things, when colonel Marais came to the station and myself and he told me he was going to implement it accordingly but also, that is why you – you must also sub-divide now in the same group so that you can ensure quick response to the crime scenes and a better service delivery. Yes he did make some changes of which I also agreed with him and if you identify the witness and then that particular investigator, he will change it and then report to me that, I've done this because of this and this and this.

MR ARENDSE: I didn't hear – unless it's under one of those categories, I didn't hear – is there a special approach – special arrangement with regard to crime against women and children?

BRIG DLADLA: Commissioner yes that is FCS, Family and Child Protection and Sexual offences unit. That is totally out of the detectives of the station – the general detectives. FCS is running according to the clusters, as – if I can indicate, Khayelitsha is a cluster. My station is called Khayelitsha SAPS but – and the cluster is called Khayelitsha cluster. The cluster is based or housed at my premises of Khayelitsha SAPS but they serve the eight stations in the cluster which is Khayelitsha, Lingelethu West, Harare, Gordon's Bay, Makassar, Strand, Lwandle and Somerset West, the eight stations. So they are a specific unit that does not belong to the general detectives of the station. The commander does not report to me, he reports to province, I'm only housing them at the station. It's the same as the local criminal records centre, there is a satellite office that is housed at our station but they don't report to me they report to their commander and at the province. Same as the cluster, the cluster is housed at my office, I don't have – the members that are working under the cluster commander, they don't report to me, they report under the cluster commander, like I do as a station commander reporting to the cluster commander.

MR ARENDSE: So where there is a rape, or an attempted rape or some sexual violence committed against women or children, would that be referred by the community service centre to FCS?

BRIG DLADLA: Correct.

MR ARENDSE: And I think you – when we did the inspection you also explained to us how that works

BRIG DLADLA: If the commission wants me to re-explain I can also do that again.

MR ARENDSE: I think maybe for the record if you don't mind.

COMMISSIONER: We are going to have somebody from the FCS aren't we, later on in the programme, but I mean, a very short explanation.

MR ARENDSE: Ja maybe just your interaction with FCS because what I just wanted to understand is that of the many dockets that your detectives receive or open, you know, is that separate from what goes to FCS?

BRIG DLADLA: It's separate from the FCS because when a victim of a sexual offences crime comes to the police station, when we find that he or she is a victim of the sexual offences crime, we refer him or her to the victims support room to wait there so that he can be attended by the FCS member. We don't take a statement from him or her, the statement is taken by the FCS member, we're trying to avoid the secondary trauma to the victim but if the victim needs

medical assistance we take her straight to the hospital at Simalela where she will be attended to but we also inform the FCS to meet the victim there.

MR ARENDSE: So basically your station will be transporting the survivor there but the FCS unit will take over the matter from there?

BRIG DLADLA: That's true.

MR ARENDSE: But you do deal with domestic violence cases?

BRIG DLADLA: Yes it depends – if that survivor is – that sexual offence was as a result of domestic violence, it won't be dealt by us but the other domestic violence's – domestic violence cases are dealt by our detectives. Maybe I should also mention the docket of – for the FCS does not even go to the detectives of the station it's allocated straight from the community service centre to the FCS unit.

MR ARENDSE: Now are you satisfied with the way CSC deals with domestic violence cases, are you satisfied that your 508 a and b registers are properly maintained, are you satisfied that the person responsible is informing a victim or a survivor of domestic violence of her rights?

BRIG DLADLA: Yes I'm satisfied, we have grown since 2011 when I came there. We have grown in terms of training, we have grown in terms of complying, we have grown in terms of investigation of domestic violence cases, because as I indicated, as much as it is under – let me first explain that, domestic violence is an umbrella of all the crimes that we have. It can be a different crime but falling under domestic violence because it can be a murder, because the deceased was killed by the boyfriend or the husband or the girlfriend, it can be an assault, any assault, GBH or assault common, it can be malicious damage to property, the property's damaged by the boyfriend or the – especially the boyfriends who don't want to be jilted, they always give problems to the women. So I'm saying domestic violence is an umbrella but underneath this umbrella, the different cases, so these – the reporting of domestic violence – the attending of domestic violence cases I'm satisfied we have grown a lot and we have trained a lot of people so far but there is still space for us – we must still train other people but when it comes to the one day workshop on domestic violence everybody had been trained, only – the difficult training is the one for five days because we rely on the provincial call up, we do submit our nominations to say, we need – there are so many people that have not been trained but it will depend – we are not the only station. We have to accept that we are a big station, a small station if one person is not trained it means a lot to them because it's mostly in small stations you have two people working in a van, one person in the community service centre, so if one person is not trained there it's a lot on them, but on our side if we have trained some and some are still outstanding but it's better.

MR ARENDSE: Now the people who are trained in the community service centre are they both men and women?

BRIG DLADLA: Both men and women, as I indicated that the one day domestic violence workshop everybody has been trained, and we went further and trained the domestic violence court was trained in Pretoria so that she can manage this project. What we did we also have investigators that are investigating domestic violence cases, but the general one, not the murders, the general domestic violence cases, your assault, your malicious damage to property.

MR ARENDSE: And are you satisfied that it works or that it has improved?

BRIG DLADLA: It's working, you know these if I see the number of domestic violent cases that are coming at the station it has increased, but I actually put

that to what we have been doing outside with our social crime prevention constable, constable Jacobs and there is imbizo's that we have been having, because when I had this imbizo people will say they don't want to report domestic violence at the police station, because they expect - men, they don't want to report domestic violence at the police station because we laugh at them. I agree, we used to do that in the past, but we have learnt, we have changed, we have grown, we don't do that. When I speak about this in these imbizo's that I have, once I start speaking about domestic violence, men who are, women who are abusing men the community laughs and I said look it's good if the community laughs, we are human, we still make those mistakes of laughing, but we have grown tremendously from what we used to be, as the organisation. People we've - in January we had three or four women arrested in my cells for assaulting their boyfriends, not husbands, boyfriends, and the boyfriends opened cases, that shows how we have grown. When we go and talk to the people we're building confidence to the people that we can take the cases, even if you are a man, and we also interacted with PAMA, PAMA is People Against Men Abuse, we encourage them, we plan to have imbizo in Site C, after following the imbizo we had three weeks back we plan to have imbizo only to focus on men, to only call men, not women, so that men can open up and talk, we plan to engage PAMA, we plan to engage the Brothers for Life, I told them I am trying to get the number for the Brothers for Life, because we want to engage them, the Brothers for Life people is people who have been involved there, they have addressed us saying that they have been involved in domestic violence, they have been abusing their spouses, so we want to bring them to engage with the men of Site C who will be both victims and perpetrators, so that's where we're going with this.

MR ARENDSE: Now this - you acknowledge the increase in domestic violence cases, now is that one of two things or is it the same side of the coin, on the one hand it could mean an increase in confidence in the police that as you say like some men they're coming out, and they're reporting these things or is it also an indication of a worrying trend here in Khayelitsha that domestic violence is actually on the increase.

BRIG DLADLA: It's both according to me, because we worry about domestic violence and domestic violence does not only include the people who are related, who are in a love relationship, it also includes the mother and the daughter for example, I won't mention the names, but you will find that there is a disabled lady who is in a wheelchair, I think yesterday or the day before yesterday she was arrested for the third time for the cases she is committing against her mother. She is disabled, so I'm saying it's on both sides, it's that it is a worrying factor, that is why we address it, we went to the radio and addressed it, we doing these imbizo's and addressing it, that also increases the understanding of the community that you can report domestic violence, don't be afraid that your husband he is a provider and you end up not reporting, don't be afraid to report because you are a man, you can't report because the police will laugh at you, it's both ways. It's the awareness and the confidence that people have on the police.

MR ARENDSE: So by saying that and going on this awareness campaign you also acknowledged that there is a problem with under reporting that actually a lot of these cases are not being reported to the police?

BRIG DLADLA: Yes, there is some - there are some cases that are not

reported, that is why we are encouraging the people to report, because we don't want it – we want it to be addressed, we don't want it to end up being resulting to the loss of life. What we also did as the Western Cape Police, in 2012 these 16 Days of Activism we said we made it 100 Days of Activism, we increased it from the time it started up until in March, our closing ceremony was in Makhaza, the provincial closing ceremony. We are serious about domestic violence, we are encouraging the people to attend, to report domestic violence so that we can prevent it from being serious cases and we are addressing it. We were one of the stations, Western Cape identified at that time in 2012 Western Cape identified 16 stations to address domestic violence, we were part of that station, so we've been addressing it there vigorously, this domestic violence, because we were also visiting the perpetrators of domestic violence to address them, we also visited – I will take 20 randomly, victims of domestic violence, and visit them, and see what is happening. It's difficult, people are – ja.

MR ARENDSE: Now I think anybody or everybody in this room can feel your passion and the way you seriously deal with these issues and you take them seriously, but are your other police officers in the station, especially at the front line, that sit at the desk do they share your passion and your commitment for addressing these issues seriously, because there are complaints that they don't.

BRIG DLADLA: As I said we have grown a lot, and I always try and engage them, make them engage with the people, to know that what is our stance on domestic violence, on attending the community as a whole. We put it to them and if we identify the non-compliance we correct it, if we need to take steps we take steps, if the steps could be different, sometimes we need to tell the people this is not the way to address, you're supposed to do this and this and this, because some people will think he's doing it right, we know he's doing it wrong, and we have sector commanders, sector commanders are also engaged on domestic violence. The members they do, as I said there has been a big improvement about domestic violence and we also have a domestic violence officer at the station, and there's an office where if you are involved in domestic violence you get a – after reporting the case you get referred to so that we can make a follow up and check what – how can we also help you, how can we also refer you to where you can get counselling and all those things.

MR ARENDSE: Are you satisfied that there is enough privacy at the police station, or do you just stand like the long queues that we've seen either you're going to have a document certified or you're going to complain about a cell phone theft, are you in the same queue and do you have to wait and then some people feel they're rather going to leave because they at the station, they've already been humiliated by their partner, and they just don't feel that the whole set-up is conducive to them lodging a complaint.

BRIG DLADLA: A station commander like me we would love to have a CSC that is similar to Milnerton, similar to Mfuleni. Our community service centres in Khayelitsha are not sufficient, you end up – it's not intentional because the community service centre is so congested the privacy is not enough so to what we have we make use of that, we try as far as possible to attend to the people and try and move those who need confidential things to be done, to be attended confidentially, and move them away, but as the Commission and saw we only have two cubicles where you can take statements, if two or three people coming to report cases, fortunately it's cases that are – do not – that we deal with in the community service centres, are not cases that are – that need – that are sexual

offences, but still maybe if I dream that one day I will get a proper CSC, that will be wide and when I come it's the clients that are coming to certify documents they can still stand in a line, but still not congested like it's happening.

MR ARENDSE: So definitely accommodation and space and so on is one of the recommendations that must come from this commission?

BRIG DLADLA: It is a problem, accommodation is a challenge because the – if you look at the new building that we had, Khayelitsha used to operate from the old buildings that are there, and the park homes, there were three more containers that were utilised as offices, and then the new building was opened in 2012, somewhere in September, that building was initially planned to be an administration block, but it ended up housing the cluster office, I think they are utilising five offices, the local criminal record centre which is good, because you are taking service to the people, but accommodation is a problem. The FCS are also housed there, which is also good, because one must look, LCRC was based in Somerset West, for them to come and attend cases in Khayelitsha they had to drive from Somerset West to Khayelitsha, now it's better, they are at my station, they are only responsible for the three stations. FCS used to be in Bellville, I know how difficult it is to have an FCS unit that is away from the area, because the victims or the survivors – I must apologise, I'm still used to the victims, the survivors have to travel twice to go and see investigators if they just want to go and see investigators, when they were still in Bellville, but now that they are in Khayelitsha it's much better and my new – in the cluster we are – the three stations are the most that contribute in the FCS workload, so it's better, they are now accessible, but on my side as a station commander it's taking my accommodation.

MR ARENDSE: Yes. Does it help that you have a – as you pointed out to us during the inspections, that you have a floor manager who can identify domestic violence and abuse against women and children, survivors and people who is perhaps in the queue and they could be assisted as soon as possible?

BRIG DLADLA: It helps, I wish I can as I indicated earlier on I wish I can have more members so that I can put more people, but as it is now it helps a lot because you don't keep people in the queue when they are coming to open cases, you only – in the long queue you only find people that are coming to certify that are coming for affidavits, which is also a confidence on the police because most government offices, post offices, religious leaders, are commissioners of oaths but people believe in coming to us, so we do that, we don't chase them away, and I said to them you don't limit people to say I can only come and certify, I can't certify more than ten, I said no there's no such, come and certify as much as you like, so the thing of the floor manager is good, and it helps us to easily access the people who are reporting crimes.

MR ARENDSE: Now just staying on that theme since you came to the station what has your approach been towards the gay and lesbian and transgender community?

BRIG DLADLA: You know I communicate a lot with gays and lesbians, because I respect them, it's their choice, they chose that, so we must respect their choice, and I have been encouraging that to our members as well to accept them. And the minister also – the deputy minister of the SAPS also made it easy for us when he started the project that engaged Free Gender and other organisations, even the sex workers, unfortunately I don't have sex workers in my area but I have gays and lesbians, we have interacted very well and they

Free Gender also indicated in the meeting we had on Wednesday or Tuesday night when we were engaging gays for the first time, they say they even come – they used to hate the police, but now they come to the station and they know we understand them, but we are still learning, there is still a lot of work to be done, because we need to – you must know when you have children they don't behave the same way, some of my police will still be having that but I am satisfied because in January when I visited my cells as I do always in the morning I found somebody who was detained alone in a cell and I asked because in the other cells there were three or four in each, I said why is this one detained alone, and not in the other cells, they said no this one is gay, I said that's good, I was very appreciative that my members respect him for being gay and if he can't be detained with the other people, he prefers to be detained alone, they detained him alone, but the province went further, we have a cell in Macassar where if we don't have enough space at the stations we can detain the people at that cell in Macassar, that is specifically, it's not utilised Macassar doesn't utilise that cell for any other detentions, it's only for the transgender people, or gays or lesbians, if he is one, but we must acknowledge that it depends whether we have the space in the police station, if we have space we still keep alone if he doesn't feel comfortable to be with the people. If he says I am not comfortable to be detained with the men.

COMMISSIONER: Sorry Brigadier could you just explain you're saying that you have a cell at Makhaza?

BRIG DLADLA: Yes Commissioner, as I said ...(intervention).

COMMISSIONER: Oh, at Macassar, I'm with you, so that's a different police station in the cluster.

BRIG DLADLA: Yes, its for the cluster, it's a cluster cell.

COMMISSIONER: It's a cluster cell.

BRIG DLADLA: Utilised by all eight stations, if we don't have enough space to detain somebody who is ...

COMMISSIONER: Then they can go to Macassar, thank you.

BRIG DLADLA: But we have learnt a lot and we are interacting with them and I believe we will overcome the hurdles that we have.

MR ARENDSE: Have you got offices from that community on your staff establishment?

BRIG DLADLA: Yes, we do have and they help us as well, you know if you can't tolerate the people at home you won't be able to tolerate people outside, it starts at home. Our colleagues – there are some colleagues of ours who are open about their sexual preferences, and that makes it easy for us to understand them, to even understand those who are outside, so even if somebody comes at the station to report I am confident that we have grown to understand them better, yes.

MR ARENDSE: Are these members – are they employed in the CSC?

BRIG DLADLA: Some are employed in the CSC, some are employed elsewhere in the investigation or in the support services.

MR ARENDSE: So you're saying that with some of those members on your staff it has created an awareness and a sensitivity to what was previously regarded as a problem?

BRIG DLADLA: Exactly, it's helping us a lot.

MR ARENDSE: And it helps.

BRIG DLADLA: As much as it is our duty but we must accept, we must

understand that we are still behind as the country, especially in our communities in the townships, in accepting the LGBT something, but the gays and lesbians, if it is not offensive to them, but I don't believe it's offensive, we will not tolerate, so the police are coming from those communities so you would expect that there had been those problems but as I said we have learnt a lot and we have grown and it is also helping us to grow even further.

MR ARENDSE: You employ a gender coordinator at your station?

BRIG DLADLA: It's not at my station as such, it's in the cluster, it's a coordinator who is coordinating our communications with Free Gender, now we will add the gays. You know we learn from them, they even taught me some words that I didn't know in the meeting that we had because I asked them in the meeting that we had on Wednesday night, so I also learn, just imagine I started accepting the people, tolerating the people but there were things that I still didn't know, so the more you communicate the more we learn. And what I did also in that meeting I called the chief commander that was on duty and I called one of the constables that was on duty, a female a constable, to come and attend the meeting, so that we spread this gospel to everyone at the station, it's better if our members also get it, don't get it from the commander, get it from one on one, as constables on the ground.

MR ARENDSE: Now because she has not objected to her name being used and she is scheduled to testify, that person is Colonel Veitz?

BRIG DLADLA: Colonel?

MR ARENDSE: Is it Colonel Veitz?

BRIG DLADLA: Wiese.

MR ARENDSE: Wiese, sorry.

BRIG DLADLA: She is our coordinator.

MR ARENDSE: And has things improved with her coordinating these matters?

BRIG DLADLA: It has improved a lot. And with this, because this – the gays that we met on Wednesday were from Khayelitsha only, Khayelitsha area, greater Khayelitsha, the three stations. We recommended to the cluster commander that we must extend these to especially Lwandle, although we also wanted to go other stations but we want Lwandle to get first priority to join us in these meetings.

MR ARENDSE: Can I perhaps just move onto something else. Reservists, do you have reservists that assist you, how many are there?

BRIG DLADLA: I have reservists, I have 136 reservists now that are available, and active, but if I look what Khayelitsha used to have ...

MR ARENDSE: Yes, the number has declined?

BRIG DLADLA: A lot, and they're just like doing wrestling, you know when a wrestler is moving out of the ring and come forward, back to the ring just not to be counted out that's what they are doing now, they only – the majority of them are only doing their set hours that they must perform per month, unlike in the past. Khayelitsha used to be a force with the reservists, they would come and work, but now you have – there's very few that are working more than their required 16 hours that they have to work per month. It's very few, but in the past there used to be a lot of reservists. When I came it was already down.

MR ARENDSE: Is that because the system of payment was terminated?

BRIG DLADLA: Commissioner it's a combination of different issues that caused to the decline of the reservists. Yes, when they stopped paying the reservists the people became negative incoming to work, but the other side a lot of our

reservists have found employment elsewhere especially in the security industries, and some have been employed as permanent members of the SAPS, some were employed as security guards in the SAPS so it's a combination of different factors that has caused the decline.

MR ARENDSE: But you would appreciate more reservists?

BRIG DLADLA: Yes I will appreciate more reservists.

MR ARENDSE: Then just moving onto another topic, on the one hand General Schooling and Lt Colonel Leamy are quite complimentary about your sector policing, they say each sector also has a sub-forum, it is a good strategy for the captains who are sector commanders to also be in command of the crime prevention units, this makes good sense organisationally as these commanders will be able to exercise good command and control over their sectors, I think that's what you described earlier in your evidence, but then they say it is really the case even that each sector is covered by a single vehicle, most often there are only four to five vehicles deployed to the whole station area. The CPU members are then forced to fill the shortfall in sector vehicles. This has a negative impact on crime prevention activities as CPU members are not able to hold observation of operations and patrols and also to attend to complaints.

BRIG DLADLA: Firstly I don't understand the last part when he says CPU cannot attend to complaints, but CPU is not attending to complaints, the sectors there are six sectors and we – there six, we post six vehicles in the sectors, one per sector, but one must understand that as I said I need more members, because when sector policing was started it didn't cater for other things like leave, like courses. In a shift of 23/24 members at one given time three members must be on leave, and if there is a course you will have somebody on course, so he won't be working in his shift. These people make arrests, they have to attend court, unfortunately court doesn't function 24 hours, so he has to be away from his duties after – which is a night duty, in order to be able to attend court, those are the factors that also will make you have less people, less vehicles, and the factors that like sick leave that you don't plan, sick leave you don't plan, and factors of maternity in the police we have a lot of females now, a lot of ladies are in the police, so that has also – it's a good thing, don't misunderstand me it's a good thing, but it also has a negative effect on policing because a lady will go up to six months on maternity, because she will have those months and she still has to – the maternity leave but she will add with her annual leave as well, but sometimes there are complications in the pregnancy and she will go earlier than anticipated by booking off sick, because of this complication, so that causes your people to have lesser – less deployment outside, but that is why crime prevention is there, to supplement the shifts if there is a shortage, especially in the evening, because during the day it's easy all of us are there, you can take somebody also from vispol support, because they are police officials and we also make use of the sector commanders, sector commanders those are the people that can be sometimes seen working alone, it's not working alone, because if he has got a meeting that he has to attend with his people he will be driving alone, if he has got a project that he must address he might go alone, but we clustered our sector commanders to work together, there are six, it's two/two so that they can be able to function properly and attend to a complaint that is also there, so the sector commander is not only doing the projects in the sector, he is also attending to the complaints that are reported, or if he comes across a certain crime he is also attending to that.

We also take the sector commanders and the officers to work extra hours on weekends, they are additional to the weekend duties, the lieutenant colonels and the captains they are additional to the patrollers outside, to attend to prevent crime, it's officers. In terms of the commissioned officer, let me be specific because if you say officers other people only understand that the police are officers, so now I am referring to the commissioned officers that also come and work over weekends to supplement the – or to be additional to the people that are working.

MR ARENDSE: Now one of the drivers or contributors to what seen or perceived to be a lack of visible policing is also absenteeism, is that a problem at your station?

BRIG DLADLA: Yes absenteeism is what I have explained. Absenteeism is not only sick leave, it's about courses, attending courses, you are absent from your work, you are on course, attending court, you are absent from your work, you are attending court, but there is also a problem with sick leave, and we identify the people, the high flyers that are misusing sick leave we identify them, and we have interviews with them. The commanders have interviews with them to address their misuse of sick leave, but there are people who are really sick, really sick, and you can see they need support structures. I have also – I'm not somebody who easily grant transfer to a member but there are those that I have decided to grant transfers without replacement, it's one or two, because of their illnesses, and they don't have support structures in the Western Cape. Their support structures are in the Eastern Cape, so what I'm saying there are some of our members who are really sick, who are not abusing sick leave, so that will also contribute to the absenteeism, but those who we see you know your people, you can see, you pick up a trend, okay, this one is always off sick when his shift is working over the weekend he will book off sick. Or this one is always off sick on a Monday, like we had a captain like that, and when we started to address him he realised that we were going to dismiss him and he resigned, late last year, somewhere in – he resigned, I think he resigned in October/November, we don't only address sick leave on the non-commissioned officers, we also address it with the commissioned officers, so yes there is a challenge of sick leave, but we are on top of it, and I can say December 2013 reported the lowest number of sick leave – of members off sick in Khayelitsha, so we were happy, that shows that we monitor it, we are aware of what is happening and we address it.

MR ARENDSE: And discipline because the Schooling Leamy report says that discipline from the 2012 Inspection Report, the Provincial Report, it appears that discipline is not always applied in a prompt, fair and consistent and progressive manner as prescribed by Regulation 4B of the SAPS disciplinary regulations. In 2012 the report indicates that investigations took too long which resulted in delay. These delays were worrisome as the could have led to *prima facie* cases being withdrawn due to expired deadlines and does not instil confidence in the public that SAPS disciplinary regime operates effectively. Your comment on that?

BRIG DLADLA: I wonder if they quoted the disciplinary register numbers because I take that as a general statement. If they were inspecting they should have said on DR so and so this is what happened, DR so and so this is what happened because that is a general statement. We will be in a position to check because there are a lot of factors that also affect that contribute to discipline

not being finalised in time because the member involved can be away on course, he can be away on leave, he can be away sick, so those are the factors that we need to take into consideration. But it will be better if we had seen how it is happening but some – yes there will be some and we are serious on that and the delays some of the people who have been parading or have paraded for some of the cases that were delayed at the Provincial Office so I make sure that I will have a parade again for the delays on the investigations. That was on some of the cases. So to a certain extent it can happen but we are on top of things, we are pushing that we finalise it in time because we don't want to lose the cases.

MR ARENDSE: And criminal cases against your officers, this is what they say Schooling in the report in 2010 only five were referred to ICD/lped, 12 cases were withdrawn and 1 closed undetected, 15 cases are pending, 1 member took his discharge final outcome not noted, 1 member was found guilty of fraud and took his discharge and sentence is unknown. In our view a number of these cases should have been referred to the ICD/lped. No documentation is provided which indicates that the SC, that is you, is following up on the pending cases.

BRIG DLADLA: We have internal investigators not only in Khayelitsha. lped doesn't take on the cases. So some of the cases are investigated internally and we have had a good successes. When the lped was started it was a wow as if they are going to take all the cases, they don't take all the cases and some of the cases are investigated by us. Like the case that we finalised last year, one of corruption of one of our members a constable in the CSC, he was found guilty and sentenced to four years imprisonment, as we speak he is in Pollsmoor. So yes some of the cases are investigated by us, some of the cases are investigated by lped but we inform lped for all the cases that are taking place in our precinct.

MR ARENDSE: Are you satisfied with your first and second level inspections, that they are being conducted properly or on a regular basis by the responsible commanders and are you satisfied with the quality of the inspections?

BRIG DLADLA: The first level inspection I am not sure which one they are referring to, are they to the first level inspection in the Community Service Centre registers or are they referring to the dockets.

COMMISSIONER: I think we are referring here to the registers and the OB and all of that.

MR ARENDSE: Ja the oversight and monitoring.

COMMISSIONER: Ja let's start at least with talking about that. In other words the extent to which first and second level inspections of all your registers and Occurrence Books and so on are done, we can separate out dockets for a minute.

BRIG DLADLA: Thank you Commissioner. I am now satisfied, it has improved a lot and I was checking on that that it must be done. It was done but it was not according to my satisfaction. I have seen a lot of improvement on that and I am now happy that it is being done but that is just an administration part, it doesn't affect the crime prevention outside.

MR ARENDSE: Well they say at paragraph 230 of their report

“Perusal of the SAPS registers and books shows a glaring inconsistency in the required first and second level inspections.”

This is now in relation to occurrence books, information books, domestic violence registers,

“This is an unnecessary inefficiency which results in poor service

delivery by the SAPS in terms of its legislative duties.”

And then they have noted a number of things from their examination of the occurrence books.

BRIG DLADLA: As I have indicated that is an administration part, it doesn't lead to poor service delivery. It is our way to monitor what is happening but as I have indicated we have improved a lot on the first level inspection. It was done but it was not done according to my satisfaction but we have improved and it doesn't affect service delivery.

COMMISSIONER: Well this is one of the questions isn't it, it really is, as I understand it, it is about the system of what I understand is called command and control, it is really ensuring that everybody does their job properly, that the various standing orders are complied with, that the necessary registers are complete, it would involve for example making sure that prisoners aren't being held for longer than 48 hours, that domestic violence registers are complete. So although it may not in some direct way impact on exactly what your relationships externally are it is actually your systems management which provides for a good efficient functioning police station. Would you agree with that?

BRIG DLADLA: I agree with that Commissioner. As I indicated that I had been following it, I have been checking here and there trying to make a balance and we have improved on that and yes there were – we had to correct it in the way that we – there was a time when we didn't have enough, we didn't have enough officers as it was indicated in that inspection but we turned around and made use more optimally of what we have. The inspection, when the people from Provincial office comes to the stations to do inspection it is not to find fault but it is to help us to grow where we are lacking. So we are growing, we have improved a lot Commissioner.

MR ARENDSE: Madam Commissioner may I – may we adjourn and if I order my thoughts and some questions overnight then I could possibly speed this up and be an additional half an hour tomorrow morning and I am quite happy to start at 8:30 if you are inclined to start a bit earlier.

COMMISSIONER: It certainly would be helpful to us if you could ensure that you could manage within half an hour, I just want to consult the evidence leaders and see how they are and what time they think we should start. We had been planning to start, to work from 9 to 5 in fact for the rest of this week except possibly for Friday I think we might have an 8:30 start. Ms Bawa do you have comment on this? You know I think that perhaps we should start at 9, I think there is – as much work as we want to do and we want to get through it let's start at 9, you have your thoughts ordered and let's hope that maybe you will be finished with your in-chief examination by 9:30 and let's proceed from there.

MR ARENDSE: As you please.

COMMISSIONER: Good, thank you.

MR ARENDSE: I am just saying that I was not going to finish by 5:30.

COMMISSIONER: Yes I understand that and I mean I do understand that we are all working under pressure and I don't want to be an unduly hard task master/mistress. Thank you very much indeed Brigadier, this afternoon we will now adjourn and we will recommence tomorrow morning at 9 o'clock and I can't give you any further indication as to when you will be complete tomorrow but hopefully it will not take the whole of the day.

BRIG DLADLA: I will be here tomorrow.

COMMISSIONER: I know you are a busy man. Thank you Brigadier. Okay we will adjourn now and we will reconvene tomorrow morning at 9 o'clock.

COMMISSION ADJOURNS: (at 17:20)

18 February 2014

ON RESUMPTION ON 18 FEBRUARY 2014 (at 09:00)

COMMISSIONER: Good morning, morning Brigadier you are still under oath from yesterday.

BRIG DLADLA: Yes Commissioner.

COMMISSIONER: Mr Arendse are you ready to start?

MR ARENDSE: Yes Madam Commissioner.

COMMISSIONER: Go ahead.

ZITHULELE MOSES DLADLA (still under oath)

EXAMINATION BY MR ARENDSE (continued)

COMMISSIONER: Mr Arendse I just wanted to announce that I understand that our interpreter has been delayed this morning is it alright if can proceed operating in English or do we need to wait until the interpreter is ready? Ms Mayosi perhaps I should ask you that question.

MS MAYOSI: It looks from the audience present that we could probably cope with English.

COMMISSIONER: Yes what I do understand is that generally until 10 o'clock there's not such a full hall do you want to consult and come back to us?

MS MAYOSI: Yes I think we could proceed in English until the interpreter arrives.

COMMISSIONER: Good thank you I gather she'll be here in 15 or 20 minutes we can always pause so please draw it to our attention if you'd like us to do that.

MS MAYOSI: I will do.

COMMISSIONER: Mr Arendse would you like to proceed?

MR ARENDSE: Thank you Madam Commissioner, hon Commissioners. Brigadier Dladla there are just four areas I still want to explore with you in the time that we do have available. The first area relates to the Shabalala report, now that report you also just saw recently when we consulted with you is that correct?

BRIG DLADLA: That's correct Commissioner.

MR ARENDSE: The report itself, well what is now known as the Shabalala task team that was established in 2013 by the National Commissioner in July somewhere and at that time you would have been the station commander is that correct?

BRIG DLADLA: Correct Commissioner.

MR ARENDSE: Did you interact with the task team at all?

BRIG DLADLA: No Commissioner I was on leave in that period, when they came to the station I was on leave.

MR ARENDSE: Who would have been acting?

BRIG DLADLA: It was the acting station commander then Colonel Marais who is the commander of the detectives.

MR ARENDSE: Okay and he's testifying next. When did you return from leave?

BRIG DLADLA: My leave was from the last week of June up to the third week of

/...

July I came back from leave at the end of July.

MR ARENDSE: The end of July.

BRIG DLADLA: Yes.

MR ARENDSE: When you returned were you informed that the task team visited your station?

BRIG DLADLA: Yes I was informed that the task team had visited the station and they were awaiting the report.

MR ARENDSE: Did you make any further enquiries about what their purpose was, what they came to do, what did they inspect, what questions they asked?

BRIG DLADLA: They did tell me some of the things that were highlighted during the inspection, there were some dockets that were requested to be inspected, specific dockets and there were some queries on those dockets.

MR ARENDSE: Would you have been told this by Colonel Marais?

BRIG DLADLA: Colonel Marais yes.

MR ARENDSE: Okay thank you. Now some of the, I just want to take you to some of the findings, they point out that although – and I'm looking Madam Commissioner at paragraph 6.3 onwards of the report – they say:

“Although community police forums exist at all three police stations in Khayelitsha...

However the poor relationship between management of the Khayelitsha police station and the Khayelitsha CPF is not conducive or effective cooperation and partnership in policing. Neither the constitution of the CPF nor the minutes of the CPF meetings could be produced by either the police station or the CPF.

The public relations officer of the Khayelitsha CPF Mr Siko who is currently acting as the chairperson raised his concern that the CPF is not recognised by management of the police station.

The management of the Khayelitsha police station also raised their concern that the elected chairperson of the CPF is not involved in the meetings or the activities of the CPF.

Members of the social crime prevention section of Khayelitsha police station and the CPF are also not working hand-in-hand during awareness campaigns”.

Your comment?

BRIG DLADLA: It is wrong to say that the relationship was not good between us as management and the CPF because it was as a result of us working together with the members of the CPF that were available that we decided together to say Mr Siko must act. We didn't have a bad working relationship I have seen places where the station commander and the CPF don't see eye-to-eye. We only heard that there were people who were not attending so the CPF was not functioning as it was supposed to function but there were no problems in terms of our relationship because all these imbizos that we had we involved them and in most cases it was Mr Siko who was the PRO and Mr Nomawethu Mosana who is the secretary of the CPF would attend these imbizos and would attend even the meetings when DOCS is calling for a meeting of the chairpersons or there is something that needed to be attended it will be those two who will attend. So to say our relationship was not right is incorrect. I accept that we were not functioning as we were supposed to function but we were busy addressing it as it was also indicated that Mr Siko was the acting chairperson of the CPF. The social crime prevention we also worked, especially the secretary who was

always available she always interacted with us when we interacted with the community.

MR ARENDSE: Now you described that yesterday so it sounds to me that it would have at least made a difference if you had been present when the task team came to your police station so that you could explain this to them and you didn't get the opportunity to do that.

BRIG DLADLA: I'm not sure if it would have made a difference because Colonel Marais is also aware of everything that is happening so we couldn't say what the author must write but I don't know maybe the wording, he missed the wording he didn't put his wording correct when he was writing that, I'm not sure.

MR ARENDSE: I think if you look he must have also mentioned this to them because he said:

"The management of the Khayelitsha police station (which would have been Colonel Marais, amongst others) also raised their concern that the elected chairperson of the CPF is not involved in the meetings and activities of the CPF".

And you described that yesterday.

BRIG DLADLA: Yes.

MR ARENDSE: Now just moving onto other aspects of the report "implementation of sector policing" paragraph 7 of the report they record at 7.1.1 that:

"It was found that sector policing is fully implemented in the Khayelitsha area in accordance with National Instruction 3 of 2009 Sector Policing.

At the Khayelitsha police station it was found that the recourses that have been allocated to sector policing are on the decrease. As the demand for service increases more members allocated to sector policing are redeployed to perform other functions. At present only one member and a vehicle is deployed in each of the sectors at Khayelitsha police station this creates a situation whereby sectors are jointly policed by two members from different sectors. This has a negative impact on both visibility of the police presence in the sectors as well as on reaction time to attend to complaints".

You also touched on this yesterday.

BRIG DLADLA: Yes and Commissioner it's puzzling if you hear a report by somebody who is supposed to be inspecting saying that if you say there is one member posted in the vehicle for the sector policing it's puzzling because for safety when we say sector policing I don't know how they interpret sector policing. The vehicles that are attending complaints in the sectors we allocated two persons, two members per vehicle not one member per vehicle you cannot attend. We would rather have less vehicles than have one person working in the vehicle. I don't know if they were referring to the, I believe they were referring to the sector commanders. Sector commanders, each sector commander has got a vehicle but there are vehicles for complaints in the sector vehicles Commissioner. The sectors are six, as far as possible we put six vehicles and 12 members that is two members and one vehicle per sector. The sector commanders become additional to the sectors, as I indicated the sector – if we have enough people we add them to the sector commanders to be their partners but if there are not enough people on the particular day the sector commanders work together to be one/one except when he has got a meeting or somebody is

off sick or is on leave that's when he will try and get someone else if he needs to attend something that needs to members. But if he's going to a meeting he goes alone, if he's going to address things that do not need two people he will go alone as sector commander not as a sector vehicle that will attend to complaints. This paragraph on that report is not correct and it's not supposed to be like that as somebody who is inspecting.

MR ARENDSE: Then the task team also had some criticism generally which would include you of arrest and detention of suspects in the Khayelitsha area. They say at paragraph 8.3.2:

"The large number of suspects that are detained and not charged and then later being released on an SAP328 is however of concern. The general reasons for the release of the suspects are often indicated that the suspects cannot be linked with the crimes committed. This creates the impression that members are arresting and detaining suspects without the prerequisite of a reasonable suspicion that the suspects committed the crime in question exists.

In general the arresting officers do not make statements that indicate the reason for the arrest made".

Your comment on that?

BRIG DLADLA: Again Commissioner this is a generalisation when it comes to this but on other issues it was specific. The report should have said SAP14 so-and-so Zithulele Zaza was arrested on such a day and was released with an SAP328 without being charged. But it does happen that people are arrested and sent to court after the court date, after the 48 hours has expired but that is when the next court date falls either on a weekend or on a public holiday. The criminal procedure allows the detention of somebody while you're investigating until you send him to court at the earliest convenient time and allowed date to appear, for that suspect to appear in court. For example, if somebody is arrested on Thursday afternoon or on Thursday during the day and say 12 o'clock on Thursday during the day, 48 hours will expire on a Saturday at 12 o'clock. We consider the action time of arrest not only the detention time so that person who was arrested on the Thursday and his time expires on a Saturday definitely he will have to go to court on Monday. If the Monday is a holiday, public holiday he'll have to go to court on Tuesday. Now and then it might happen that somebody is arrested and his time expires at 3, let us be honest the court does not accept somebody at 3 although the court is functioning, is supposed to work until 4 but they don't accept him. By the time you reach court they won't accept him and send you back. It is only in the police accepted that other government departments can get away with other things and take all the punches as the police but as far as possible Commissioner I visit the cells daily and the officers visit the cells. We eliminate these things, the stamp duty officer for the detectives also visits the cells to eliminate the people who might exceed the time while in custody. Now and then it will happen but I would have loved it if it was specific on that one to say so-and-so and so-and-so because that would be a proper report but it's not a thing that happens, it will happen once in a thousand.

MR ARENDSE: Now the task team was also critical and perhaps we can deal with this through Colonel Marais but if you wish to comment they also criticised the quality of investigations they found that:

"The investigation of case dockets by the detectives does not result

in any extraordinary achievements or successes. Very little impact is made on serious crimes such as armed robberies and housebreakings. In most of these cases no facial identification profiles are compiled even where the complainants have described the suspects. Witness statements are not always taken, the complainants' witnesses are not given the opportunity of viewing the photo albums of criminals available at the police station to identify suspects and no section 205 applications are sent to the cellular mobile companies in order to track stolen phones, where necessary".

BRIG DLADLA: Colonel Marais will also deal with that further but the investigations are thorough, yes now and then there might be a slip-up but the investigation only, the inspection only focused on those dockets. Because there was an allegation of poor investigation what I would have appreciated was to take, conduct a thorough inspection not an inspection based on a few dockets that were taken sporadically.

If you are doing a full inspection you will call an investigator, bring all his dockets so that you can inspect each and every docket and then make a finding on that particular investigator to say he's bad or good because you had a chance to see all the dockets and you had a chance to judge him or her if he has done his work or not done his work. You might see two or three dockets that are bad but what about 150 dockets that are or 80 dockets that he has done better, he has investigated them better. I am saying we are utilising the aids that assist us in the investigation of crime and our people, we identify the talent on the people it's not only warrant officers and sergeants there are even constables that we saw that they are good and we put them to investigate serious crimes. Talent is talent it's not about the experience you can be three years, four years in the detectives but if you are talented you will be a very good investigator so we are utilising all the aids.

The other problem is the cooperation with the witnesses, some witnesses do not cooperate with us especially the foreign nationals they don't cooperate with us when it comes to investigation, when it comes to them identifying the suspects on ID parades. We arrange ID parades and they don't come for ID parades and the facial identification as far as possible people can describe the people we make it easy for them. What has made it easy for us is also that the LCRC (Local Criminal Record Centre) the satellite is at our station so that also makes it easier for our investigators. The photo albums, we make use of the photo albums people do come and check if they can identify. The CIOs come and make profiles of the arrested suspect and we have photo albums, electronic albums where people can come and identify the possible suspects because we profile the suspects.

MR ARENDSE: So as station commander are you saying that you are satisfied with the quality of the investigations carried on by detectives?

BRIG DLADLA: I'm satisfied but I accept that we can still improve.

MR ARENDSE: Now we just need to move a bit quicker I'm not going to, Madam Chairperson there are a number of cases you will recall given to the task team following a meeting between the SJC and members of the task team on the 11th July 2012. Quite a few of these cases Brigadier involve Khayelitsha but there are a number of them that predate you coming to the station and we propose Madam Commissioner that we respond to them through the evidence of Colonel Marais. Maybe I can just ask you a general question, you will remember there

were complaints that were lodged in November 2011 by the Social Justice Commission and they had a number of cases which they highlighted which they say indicated that there was police inefficiency it wasn't either handled at all or wasn't handled properly. Subsequently in July 2012 there were further cases that were raised by the SJC and these are listed in the Shabalala report. One case of 2001 involves rape; the one in 2006 was a murder; the one in 2010 robbery with a weapon or instrument other than a firearm; 2010 rape and a kidnapping; 2010 attempted murder; 2010 attempted murder and then there are quite a few cases here one of 2012 the one of assault GBH, another one of assault GBH, murder, assault. Most of these cases in fact involve the Khayelitsha police station, 2012 rape and then one of 2008 which was also rape. Most of the cases involve the Khayelitsha police station.

BRIG DLADLA: Colonel Marais will be in a position to address the cases that are investigated by his unit but the rape cases are not investigated by his unit they belong to the FCS.

MR ARENDSE: Okay, for example I'm just looking at a random matter here and the docket, is Constable Mchithwa on your staff establishment?

BRIG DLADLA: He's at the FCS Mchithwa.

MR ARENDSE: FCS, ja this is a 2008 rape.

BRIG DLADLA: He's in the FCS.

MR ARENDSE: Which is recorded by the – then just to move on the issue of vigilante killings you've already touched on yesterday in your evidence.

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: There too Madam Commissioner of the 78 cases that were handed to the task team those that involve the Khayelitsha police station they will also be dealt with during the evidence of Colonel Marais. Just on your performance chart the task team criticises you by saying that:

“At all three stations the number of arrests is inflated by the number of arrests made in respect of cases of possession of dangerous weapons (pocket knives) all these cases are withdrawn in court by the prosecutor with the remark that the accused did not hold any immediate danger to anybody. These arrests account for nearly 50% of the case dockets that are opened”.

Your comment on that?

BRIG DLADLA: It's not true that they account for 50% of the cases that are opened and when we make these arrests for dangerous weapons we have always complained at court that they withdraw these cases unnecessarily. As a result we embarked on training to train our people on the Possession of Dangerous Weapons Act and the legal official has trained our members. Some of our cases are successful in court but there is always a comment that we cannot prove that the accused intended to commit crime even though we explain in the statement that this is a hotspot for robberies and that is why he was in that situation and he was not at home, we didn't arrest him at his house we arrested him on the street where they are hotspots for robberies, a hotspot for murders where knives are used but still they get withdrawn in court. We accept that we don't have the powers to overrule that but the dangerous weapons have been removed from the would-be criminals or the would-be perpetrators. We are not happy with the withdrawal of those cases as the station.

MR ARENDSE: If I could move on to discipline at paragraph 9.2 of the task team report they say:

“An analysis of the disciplinary steps taken since January 2011 against employees attached to the three police stations in Khayelitsha revealed a large number of members that are subjected to disciplinary steps, some members even repeatedly. This also indicates that notwithstanding steps taken against employees it does not seem to have a positive effect on the discipline as the non-compliance to department directives and procedures seems to continue. It also does not serve as a deterrent or a remedial measure to address poor discipline and incidents of misconduct”.

Then in relation to your station Brigadier Dladla for your comment:

“During the period January 2011 to December 2011 a total number of 291 employees were disciplined and for the six month period from January to June 2012 already 138 were disciplined which is extremely high”.

And then they add:

“Of significance to note is the dramatic increase in domestic violence and assault, GBH cases registered against members at the Khayelitsha police station from during the period January to June 2011 to 16 in the same period during 2012. This is considered an indication that those entrusted with the policing of social crimes within their community are in fact perpetrators themselves. It could also be an indication of high levels of work stress experienced by members”.

Your comment?

BRIG DLADLA: My comment will start with the discipline, as I indicated that the station is an accounting station it's not only Khayelitsha police there are also TRT members included there. The cluster personnel are also included in my station. It sounds big but one must remember that it's out of more than 300 people different things. These disciplinary cases include cases emanating from criminal cases like your assault, it's allegations it's not that the people all of them really committed those. Some are people who came late, people who are not complying with instructions, people who are involved in criminal cases then the departmental case must run parallel to the criminal case. So it's a variety of things and when it comes to assaults we are working in a very difficult place where you get assaulted for coming to arrest, you get assaulted for trying to close a shebeen as I indicated. Out there people are not kissing the police, people are resisting, people are fighting. Yes if the police just assaults someone for no reason not defending himself it's unacceptable but it's not easy out there it's difficult Commissioner people are fighting. When you come and people are fighting and you try to stop you become a victim and at the end of the day somebody will come and open a case what does that mean when there are so many criminal cases reported against the police? Doesn't that mean that we are open to the people to say if you want to lay a criminal charge we accept the criminal charge we don't turn you away because you are laying a criminal charge against the police. I believe so that we are open for the community they can trust us, and they trust us. If they come and report our own police and we open cases against our own police that means we can be trusted, that means there is a good working relationship with the community.

MR ARENDSE: Now also further to that the task team says that the number of complaints actually increased for a six month period from January 2012 to June

2012 in comparison with the number of complaints reported during the same period of 2011, complaints against the police.

BRIG DLADLA: Complaints against the police increased from?

MR ARENDSE: It increased compared to January 2011 to June 2011.

BRIG DLADLA: Can I get the figure?

MR ARENDSE: It says:

“Of the total number of complaints registered against SAPS 12 of 15 during 2011 and 12 of 16 during January to June 2012 was for alleged police negligence or misconduct. It should also be noted that the number reported for the six month period in 2012 is already more than the number reported during the 12 month period of 2011”.

BRIG DLADLA: Yes that is the openness that we have, if you have a complaint against the police we've been telling the people in these imbizos that if you feel that you are not treated accordingly you can report. People report and these complaints are not purified it's complaints that are reported the station, those complaints must be investigated to determine the truth. Some people complain and the complaints are not valid, some people complain and the complaints are valid some open to the people and we tell the people that if you are not happy let us know. So the increase will be because we are open to the people, we are managing the people, we are monitoring what is happening so that we can improve our service. Our people must know that if you don't do well something will follow.

MR ARENDSE: But doesn't it concern you that the report indicates that police negligence and misconduct increased between 2011 and 2012 from 42% to 50%, poor communication from 21% to 25% and poor investigation from just under 16% to 25%?

BRIG DLADLA: That gave us an indication of where we are and if you look now where we are standing it has decreased because we are monitoring, we are rectifying these things. I was new at the station I opened these lines for the people so that we can gauge ourselves and see where we are it has improved a lot we have reduced that, we could see that there are problems and we addressed the problems.

MR ARENDSE: Okay, then in their conclusion the task team says at paragraph 11:

“As it is evident in this report (their report) the South African Police Service cannot claim that the services that are rendered to the community in Khayelitsha is of such a standard that the community does not have any reason for complaining”.

Do you agree with that statement?

BRIG DLADLA: Yes I accept that but policing is taking place, we might not satisfy everyone but a lot of people we have satisfied and I am sure by the letters that people send with regards to individuals to the station and with regards to what also they say when they speak on the radio. But yes we might lack here and there but we'll get there.

MR ARENDSE: Madam Commissioner unless it's going to be covered by our colleagues there are other areas that include the DOCS inspectorate reports and those of the SAPS inspectorate reports.

COMMISSIONER: Ms Bawa were you intending to go through those?

MS BAWA: I am going to be dealing with them, if there's something that I missed and Mr Arendse wants to deal with them afterwards I'm taking aspects of

it I'm not going to take him through each and every part of the report.

COMMISSIONER: How would you like to deal with it Mr Arendse do you want to go through them now?

MR ARENDSE: (Off mic)

COMMISSIONER: Yes sweep up after Ms Bawa has completed thank you.

MR ARENDSE: Yes other than that we'll conclude at this point.

COMMISSIONER: If there's anything that's been left out, I think what we'll do is we'll give Ms Bawa an opportunity to put some questions and if at that stage there are still things you want to put in chief I think do so and then we'll move onto cross-examination from the complainant organisations.

MR ARENDSE: Thank you. Ms Bawa?

NO FURTHER QUESTIONS BY MR ARENDSE

CROSS-EXAMINATION BY MS BAWA

MS BAWA: Morning Brigadier.

BRIG DLADLA: Good morning.

MS BAWA: You told us a little bit about where you came from and I thought it was fascinating your progress in policing from KwaZulu-Natal down to Cape Town. It seems as if you've progressed up the ranks in SAPS but the one aspect you didn't tell us about was your training can you tell us a little bit about that?

BRIG DLADLA: Thank you Commissioner, my training starting from the training at Hammanskraal, the riot course which I did in (indistinct). I also did the junior manager's course, I did the detective course for investigators, I did the forensic course for investigators, I did the police officer's course, the commissioner officer's course. I did the station commander's course, I did the detective commander's course the first one and the, the old one and the new one. I did the emerging leadership program (ELP), I did the EDLP (Executive Development Program). I did the – what else, ja those are the courses that I've done maybe I'm missing some I'm trying to think what else I'm missing but I've got both the station commander and the branch commander, all the CAS courses both as an investigator and as a manager, exhibit management course, suicide prevention, discipline regulations.

MS BAWA: The forensic course...(intervention)

BRIG DLADLA: Forensic course for investigators it's a one week course.

MS BAWA: When did you do it?

BRIG DLADLA: I did in 1995 in KZN.

MS BAWA: Is there a similar course offered in the Western Cape?

BRIG DLADLA: The courses that I did in the Western Cape were the ELP, as I said emerging leadership program, I did the branch commander's course I was already in the Western Cape in, ELP I did it in 2005, the branch commander's course I did in 2010 the second one I was here in the Western Cape. The executive development leadership program I did it in 2011 I was here in the Western Cape. The station commander's course with all six programs I did it here in the Western Cape.

MS BAWA: I'm asking you about the forensic course.

BRIG DLADLA: No I said I did it while I was in KZN.

MS BAWA: Yes.

BRIG DLADLA: That was for investigators on the collection, on the preservation of forensic evidence at the scene not collection because it's collected by the experts.

MS BAWA: And you did it prior or whilst you were a detective?

BRIG DLADLA: Yes while I was still an investigator.

MS BAWA: It's one of the issues that has arisen with one of our witnesses, well it's arisen with our witnesses who come from the Department of Provincial Health, the forensic services, both Professor Wadee and one of the other witnesses who dealt with crime scenes. One of the recommendations that came from them was that it is important for a detective to have knowledge about forensics and to be trained in forensics and that he was of the view that the training that they currently get in forensics in the Western Cape wasn't sufficient. Do you find that there is a need for more of the detectives in your station to go on a forensics course?

BRIG DLADLA: Training will always be a need for everyone because you grow with the training but I don't know what he based that finding on.

MS BAWA: The recommendation was made against the background of where the persons who work, the forensic officers will go out and they find that the crime scenes are not properly preserved, that when they come there the investigator has already left. They don't only find that in Khayelitsha but that they find it all over the Western Cape that there isn't proper preservation of the evidence at the crime scene. Professor Wadee's evidence was also linked to the fact that he has great difficulty in ensuring that the detectives who deal with matters attend post-mortems. He was of the view that if there was better training and there was a better understanding of what forensics entailed then those two aspects would be better dealt with.

BRIG DLADLA: Commissioner, I don't know what he meant because I've never met him at any crime scene that I've visited in Khayelitsha to make that conclusion. The crime scenes in Khayelitsha are all preserved, they are all cordoned off and we have senior officers that are on standby that are visiting the scenes. With regards to post-mortems almost all our post-mortems are attended by our people, they will send us a letter and our people will attend the post-mortem. We are fortunate that we don't have a lot of Muslim people so that will be where the post-mortem will have to be attended quickly. We are given dates and our members attend the post-mortem. Also I've never had a complaint that they are not attending because we are also monitoring that in our cluster meeting because that's a report that must be given. Khayelitsha is always attending all the post-mortems.

MS BAWA: The complaint comes in an affidavit, the Deputy Director: Metro Management Forensic Pathology and it says that:

"The investigating officer at the crime scene is meant to hand over information to the FBOs but in many instances when the FBOs arrive the detective or IO has already left the scene and there are simply uniformed officers awaiting the collection of the body. This means that information does get lost from the crime scene to the pathologist.

A number of the FBOs inform me that when they get to the scene on a number of occasions they find that the SAPS uniformed officials are sitting in their vehicles and do not back up the FBOs properly or do not ensure that the crime scene remains secured. This has been raised with SAPS on a case-by-case basis and whilst it occurs in Khayelitsha this is not limited to only Khayelitsha.

Whilst there are mechanisms in place to do so I do not find that I get

feedback of any steps or action taken in relation to the complaints that are raised”.

As far as the post-mortem reports go the professor says:

“In my experience at the respective facilities what happens is that a day or two before the trial date commences or sometimes on the date of the trial the investigating officer seeks the post-mortem report which, given the limited time available, cannot be timeously located and hence it is reported to the court that the post-mortem report is not available”.

He then goes further. We have also had an affidavit from one of the assistant directors who had previously been a detective and he said:

“I have personally witnessed instances where the investigating officer in Khayelitsha has left the crime scene and there are only two SAPS members left at the crime scene to ensure that the crime scene is not contaminated prior to investigation by the FBOs. In many instances this simply becomes impossible due to the sheer number of members of the public versus the few SAPS members who are left at the crime.

I have also found certain crime scenes to be well looked after where the crime scene has been cordoned off and the public kept at bay by police officers. More often than not these are the exceptions to the rule, for example when there are cash-in-transit heists where the provincial CIA and LCRC are in attendance. In my experience the crime scenes are not properly cordoned off, members of the public and relatives in particular are allowed to put on or take off clothing and the bodies are disturbed before the investigation is continued”.

This apparently is raised and it is reported at the inter-departmental meetings at which SAPS is represented. That was the evidence but I don't want to get sidetracked by the evidence my point was coming out of what they experienced and given that you had done a forensic course I was exploring with you a possible recommendation that the Commission could make given your experience with the forensic course, that it is important for detectives to do a forensic course. It was that avenue that I was exploring with you I was looking at what are the things that the Commission needs to put in place and you have had experience with having done a course so before we get sidetracked that was where I was going.

BRIG DLADLA: Commissioner, she has covered a lot of things there are a lot of responses to that but she is limiting me to comment on the training. Training will be good for every investigator, any additional training would be good.

COMMISSIONER: I think perhaps you should ask the Brigadier to comment on the other issues that you put to him please.

MS BAWA: Could you then also comment on the other parts of the affidavit which I've now read to you?

BRIG DLADLA: Commissioner, you said the forensic, you named the people that are coming to the scene I want to get clarity on that, their names and what is their duty when they come to the scene.

MS BAWA: Well he is the person in charge of the forensic pathology officers.

BRIG DLADLA: Pathology officers.

MS BAWA: Right.

COMMISSIONER: Give the name and the title.

MS BAWA: It's Mr Kevin Jones.

BRIG DLADLA: Commissioner she answered right it was my wording I wanted the name that they utilised to call them and I wanted to know what are their duties when they come to the crime scene. What are their duties did they mention what their duties are these pathology officers?

MS BAWA: They come and fetch the body Brigadier that's what they come and do at the murder scene and they take photographs. They've testified that...(intervention)

BRIG DLADLA: No, no Commissioner this is what I wanted to know.

COMMISSIONER: Basically the forensic pathology service.

BRIG DLADLA: The don't take photographs Commissioner they come when the investigation is complete at the scene, their duty is to take the body. The photographs are taken by the Local Criminal Record Centre the photograph section, all the scenes as I indicated Commissioner they are cordoned off, we do the investigation at the scene. The LCRC as I indicated is at the station that was part of extending service delivery to ensure that people come quickly to the scene in Khayelitsha. Those people they only come to fetch the body when the investigation is done they are only put a statement to say I went to the scene I received the body from Brigadier Dladla and I kept the body and made sure that there are no further injuries to the body until I book the body in the mortuary, they don't do any investigation at the scene.

The pathologist is sometimes called to the scene but you cannot have him at all the scenes because we don't require him at all the scenes. When you require a pathologist at the scene we also request him to come, him or her to come to the scene. But those people they are the people who just come and collect the body and even when we call the pathologist to the scene they will still come to collect the body because he doesn't collect the body he will conduct the investigation at the scene. These people that are alleging that I don't agree with that because I have visited the majority of the scenes since I came to Khayelitsha I have never complained about the way they cordon off the scene. The only problem Commissioner that we have is the number of onlookers at the scene, people that are coming to the scene they want to come close and that is why it also affects our deployment because people come in numbers to the scene and you will need three or four vans to have at least eight people to try and move people away from the scene. There are people who are drunk who will just run into the scene like you see maybe in a cricket match they come to the field it's just like that but all are cordoned off. We have the material to cordon off the scenes and we do that and when we visit we also check all those things because it's part of what we must monitor.

MS BAWA: Brigadier their evidence was that in fact they do take photographs to assist the pathologist and in fact they have been called to give evidence in court and produce their photographs at times when there aren't actually photographs by the LCRC available. Mr Jones in cross-examination was tested on this and he says that he does appear at scenes whilst investigations are still ongoing, when he comes there he does find that they are not cordoned off. We've also heard the relative of a victim who had been killed near Taiwan which falls under the Site B area whose testimony was of precisely the same nature. Her brother had been killed there was no crime scene investigation, I've forgotten the name of the witness, that the area had not been cordoned off that the police simply moved the body without any investigation. So that's been part of the evidence

that's been placed before the Commission in relation thereto. I am sure Mr Arendse will refer you to that statement, that evidence that was given before the Commission of that crime scene that was taken.

BRIG DLADLA: Commissioner, the scenes are different, cordoning off the scene we cordon it off as far as possible but sometimes it's difficult especially if you are in the informal settlement. You will say it's not cordoned off but you try and move the people from their houses so that you can try and cordon it off. Some people are very cooperative and move from their houses, we try as far as possible but in other cases it's difficult because of the scene itself. But as I indicated all the scenes that I've visited I've never seen a problem where the scene is not cordoned off even though I can see the challenges that they were trying to cordon it off but it's impractical to cordon it off because of the situation, of the circumstances of that particular scene.

MS BAWA: May I also say to you in fairness that the FBO officer says that the difficulties that they encounter with the crime scenes in Khayelitsha they encounter across the Western Cape.

BRIG DLADLA: I didn't get that question Commissioner.

MS BAWA: The proposition that I put to you that came out of the affidavit was not an experience that they were having in Khayelitsha they were having those kinds of experiences at other crime scenes across the Western Cape.

BRIG DLADLA: That is a generalisation Commissioner I would appreciate as well if they were saying at Khayelitsha on such-and-such a date there was this that was not done they are making a statement based on generalisations.

MS BAWA: You also testified, moving off the forensic evidence, that you were the station commander at Mfuleni, is Mfuleni very different to your experience in Khayelitsha?

BRIG DLADLA: No it's not that different it's nearly the same but as I say it's nearly the same but what is good at Mfuleni is that even the informal settlement especially (indistinct) Dale side even when it was still Extension 6 before they built the houses what they did there is they started with the roads before they built the houses. There were roads but people were living in shacks it made it easy for Mfuleni people to move around, even if you are chasing a suspect it's easy to cut him off this way and that way. In Taiwan if you're chasing a suspect he's gone, even if you are about 200 metres away from the suspect I guarantee you won't find that suspect because he will disappear in the shacks. But where the shacks are divided, I can see now at BM Section it's a little bit better that part, you see the shacks that are next to the OR Thambo they make it easy it's accessible. Even when there is fire we will know that we will have access to go and get help. It makes it easy for us when we're chasing a suspect because you can see the place is wide, you cannot be killed by somebody who is hiding behind a shack. We lost a constable from Lansdowne who was off duty trying to help somebody who was being robbed but because it was so congested he tried to run and he ran to the suspect that shot him.

MS BAWA: You're referring to the incident last year which was under a CCTV camera that wasn't working?

BRIG DLADLA: Pardon?

MS BAWA: This was the incident with the constable last year where in fact the incident took place under a CCTV camera that was not working?

BRIG DLADLA: I am not Commissioner referring to last year's incident I'm referring to an incident that took place somewhere in 2010 I was still not

working in Khayelitsha.

MS BAWA: When you did your station commander's course were you at Mfuleni?

BRIG DLADLA: I started it when I was in Mfuleni because it's different modules Commissioner there are six modules.

MS BAWA: What do the modules entail?

BRIG DLADLA: The module entails the operational management and the other module deals with the communication, another module deals with detective management, the other module deals with the crime intelligence things, another module deals with CSC, I've forgotten the sixth one but maybe it will come up. There are six modules altogether.

MS BAWA: Perhaps human resources?

BRIG DLADLA: No.

MS BAWA: No okay. In your view is it important for a station commander to have those courses in fulfilling their jobs?

BRIG DLADLA: It's important because that course covers and gives insight to the station commander of what is happening in the detectives because the majority of the station commanders are not trained in the detective course so it gives him that insight of what is happening in some part of the detectives so it's very important.

MS BAWA: You then served a period in Kraaifontein but you then applied for a transfer to Wynberg, why did you transfer to Wynberg?

BRIG DLADLA: No Commissioner I indicated that in Kraaifontein I came in 2006 last week of July and I stayed there until 2010. I applied for a promotion from Kraaifontein to Wynberg, moving from Kraaifontein to Wynberg was a promotion from Colonel to Brigadier.

MS BAWA: So Wynberg is a brigadier station?

BRIG DLADLA: Yes.

MS BAWA: Why would Wynberg be a brigadier station do you have any idea?

BRIG DLADLA: I don't know.

MS BAWA: (Discussion aside) It seems the only time you moved without having put in an application to move was when you moved from Wynberg to Khayelitsha is that correct?

BRIG DLADLA: No it's not correct, when I was moved from Mfuleni to Kraaifontein I didn't put an application and then Wynberg to Khayelitsha it was also not at my request.

MS BAWA: Okay so how did it come about that you moved from Mfuleni to Kraaifontein?

BRIG DLADLA: There was a restructuring as I indicated to the Commissioner yesterday that the then deputy PC for detectives he wanted me in the detectives and when he got the chance with the restructuring in the police so he made use of that and restructured me to Kraaifontein in consultation with the then provincial commissioner. Then I went and became a branch commander in Kraaifontein.

MS BAWA: When you moved from Wynberg to Khayelitsha?

BRIG DLADLA: It was an instruction from the provincial commissioner.

MS BAWA: And do you know what informed the instruction, what made him want you to move from Wynberg to Khayelitsha?

BRIG DLADLA: I really don't know what informed the instruction.

MS BAWA: How did you get it, how did you get the instruction?

BRIG DLADLA: I was called I think it was May, March '10 in the evening that I

must see the PC the following day in the morning so I went there I did not even know what it was about and then I got the news when I came there that he wanted me to go to Khayelitsha. I asked when and he said he will give me correspondence I must think about it. I said I'm not going to think about it I will go.

MS BAWA: Okay, did he tell you why he wanted you to go to Khayelitsha?

BRIG DLADLA: He didn't say much but I just accepted.

MS BAWA: The 10 months policing as station commander at Wynberg what was your experience like?

BRIG DLADLA: It was not 10 months it was 12.

MS BAWA: Twelve okay.

BRIG DLADLA: Because I started on the 10th March.

MS BAWA: 10th March ja.

BRIG DLADLA: And I left on the 1st April during the day so it was exactly more than 12 months.

MS BAWA: What was your experience like?

BRIG DLADLA: It's a station for old people.

MS BAWA: It's a station for?

BRIG DLADLA: For an old station commander close to retirement.

MS BAWA: Why do you say that?

BRIG DLADLA: It's unlike Khayelitsha, it's unlike Kraaifontein if I make those few examples, unlike Nyanga, Guguletu, Harare there you've got challenges.

MS BAWA: In Wynberg you don't have the same kind of challenges that you face in the other places?

BRIG DLADLA: No, Wynberg the challenges are only now and then house robberies that you get from the, the majority of them are committed by the Ovambo people that are staying in Hout Bay. But in Wynberg you've got a lot of support from private people because the private house owners they have got security companies patrolling, they have got security systems in their houses, they've got large dogs.

The business people have got cameras they've got security so all those are support. There you've got your law enforcement, you've got your Metro it's all those people that are law enforcement that are working there it makes it easy. Even the private security cameras in the private residence there are one or two in the house that is focused strategically on the road, not in the house on the road that helps the police also with regards to a follow up on an investigation. The security companies there it's a lot so it's like it's a different country compared to Khayelitsha. In Khayelitsha even the reservists in Wynberg, your reservists in Wynberg the majority of them are rich people who even when you go out with him he will offer you something but our reservists in Khayelitsha are people who are unemployed that you must always try and help because there's nothing (indistinct) that you could try and help. I am saying in Khayelitsha we have people who cannot afford all these things who solely rely on the police. Even business people, even those who can afford they simply don't get proper security they don't want to lose money. I can tell you there is one of the service stations in Khayelitsha Site B area that doesn't have a single camera on their premises and I've been speaking since 2011 with the owner that helps us in the investigation. Our Khayelitsha people for them to go to the toilet they have to go out, for them to go to fetch water they have to go out so that is all you don't get in there. So how do you police people like that because he

wouldn't be a victim if he was staying in his house and doing everything inside like other people do. But now it's like that they are staying in an informal settlement you can try and reinforce the door but it's impractical, we understand their plight it's difficult. This is why I'm saying the two stations are totally different.

Our people in Khayelitsha will phone the police for the ambulance, they will phone the police for the fire brigade, "police phone the ambulance for us", "police phone the fire brigade for us" that is what is happening in Khayelitsha. It's everything, the community believes in the police, the community relies on the police.

MS BAWA: Did you find that you had an active community police forum in Wynberg, is it easier for people who are more economically well off to be part of community police forums?

BRIG DLADLA: It's easier because the majority of the people that are in the community police forums are the people who are self-employed. Can you believe there the CPF meeting will be at 2 o'clock or 12 o'clock during the day because it's business people you can meet and they can avail themselves at a time convenient to them. But in the townships you are dealing with the employees who must first go to work, when he's finished work he must come back home, he will not even go home he will first start with the meeting before he goes home. The meeting starts at 6 sometimes it will start at 7 because people are not back from work yet so those are the differences that you find. That is why now and then if you look the CPFs in the township will now and then not function well because they have got a lot on their hands. They are committed to do the job for the community but also they have to look after themselves.

MS BAWA: It would be fair to say that the challenges CPFs face in townships are far greater than the challenges which CPFs face in urban areas would you agree?

BRIG DLADLA: I agree.

MS BAWA: Would you then say that when you're looking at training and planning and resourcing of CPFs you've got to make an extra effort for those in the townships than what you would make for those in the urban areas would you agree?

BRIG DLADLA: I totally agree and also I even made the comment to one of the DOCS people when they were at the station I said the township people, the committed people in the CPFs are the people who are unemployed. The people that are working well they don't do anything for the community they don't involve themselves, very few are involved in community things so it's challenging. If it can be better funded it will be better for the CPFs that are in the poor community stations.

MS BAWA: Having now drawn this distinction and it's a very fair distinction between the challenges facing Wynberg and Khayelitsha can you explain or do you have any clue why the Province would allocate one policeman to every 113 people in Wynberg but one policeman to every 524 people in Khayelitsha or to every 903 persons in Harare?

BRIG DLADLA: I don't know...(intervention)

MR ARENDSE: Sorry can I just ask Madam Chair is that the October 2010 response to...

COMMISSIONER: Those are the correct ones.

MS BAWA: It's the one you handed up.

MR ARENDSE: Ja the October 2010 one.

COMMISSIONER: Yes because the others were 1600 so that is correct but as I recall it that's actually national, that's head office allocations not province allocations.

MR ARENDSE: Yes.

COMMISSIONER: But it's a good question and we'd be interested in your answer.

BRIG DLADLA: Commissioner, I don't know that is why I said I don't agree with the RAG I want more members.

MS BAWA: If you were planning this you would certainly do it differently wouldn't you?

BRIG DLADLA: Ja the RAG must be a guide but I have to do it according to what I deem fit for the community.

MS BAWA: It's against that background – what was your relationship like with the community in Wynberg?

BRIG DLADLA: Commissioner I didn't stay long in Wynberg as I said I stayed for one year, here I will be three years on the 1st April I've stayed longer here but we had a good working relationship with those that I interacted with.

MS BAWA: Were there any complaints that arose in Wynberg in respect of your services as a station commander?

BRIG DLADLA: No I didn't get any complaints.

MS BAWA: Okay.

BRIG DLADLA: Ja I didn't get any complaints.

MS BAWA: People in urban areas are very quick to complain so that's why I'm asking you whether there were any complaints that came to you for your services and whether there was anything raised with you by the PC or anybody prior to your transfer to Khayelitsha?

BRIG DLADLA: I didn't get any complaints.

MS BAWA: When you came to Khayelitsha were you aware that it had been declared a presidential station in 2003?

BRIG DLADLA: I was aware because I was the station commander I had been attending the PCCFs so I was aware that Khayelitsha was a presidential station.

MS BAWA: What did you understand that to mean?

BRIG DLADLA: I thought, I understand it's supposed to have, it's supposed to be resourced 100% but one must also indicate that there is a big improvement in the resourcing of Khayelitsha. Commissioner, can she please repeat the year when it was declared a presidential station?

MS BAWA: 2003.

BRIG DLADLA: Yes that is when a lot of resources were ploughed in Khayelitsha but still Khayelitsha is growing it's still not enough. If I hear the people that were working there, that were working then they will tell you that there were only three vans in Khayelitsha for the whole of Khayelitsha, the three stations because it was still one police station. But now we have three police stations now you can put 14 vehicles for Khayelitsha, for the whole of Khayelitsha that is 644 plus the crime prevention, plus the TRT because the majority of the time the TRT is working in these three police stations. So it's different, something has been done the only thing that has not been done is a beautiful police station for Khayelitsha for one of the three. It could be Lingelethu, it could be Harare I wouldn't mind but just to have a good police station but I believe I'm waiting to

see what will happen with Makhaza because Makhaza my last information was that they are going to start building a police station in Makhaza from March this year. The resources have been ploughed into Khayelitsha but it's still not enough.

MS BAWA: I'm going to take you to those resources in a little while but I just want to go through the different projects with you. Following on the, is it still regarded as a presidential station or has that project come and gone?

BRIG DLADLA: It's still regarded as a presidential station but I'm not sure of Lingeletu and Harare because we are now split into three, I'm not sure if they are still presidential stations maybe the provincial office can clarify that.

MS BAWA: So what was started in 2003 as a presidential station I see they still measure, when they do performance evaluations they still measure the performance of the presidential station and they still measure the Khayelitsha station in that category are you aware of that?

BRIG DLADLA: Yes I am aware.

MS BAWA: Who does that measurement is it different from the people who measure it against the brigadier stations and the 149 in the province or is it the same standard being used?

BRIG DLADLA: It's also done by head office as the stations are divided into subcategories of presidential station, Brigadier stations, Colonel station, Lt Col station and Captain stations.

MS BAWA: Now following on the presidential station in 2003 they also introduced POSS are you familiar with the POSS project?

BRIG DLADLA: Yes I'm familiar with the POSS strategy.

MS BAWA: People Orientated Sustainable Strategy was this operating in Khayelitsha when you got here?

BRIG DLADLA: Yes it was still operating that is a project, POSS was a strategy for the whole of the Western Cape as it is stated People Orientated Sustainable Strategy.

MS BAWA: As I understand it from the approach from the forward of the then Provincial Commissioner Petros it was established that crimes of high prevalence in Khayelitsha, Mitchell's Plain, Kuilsriver, Guguletu and Nyanga were identified and in order to make an impact it was decided that for the remaining seven months of the then financial year focus will be given to these stations in terms of ensuring 100% resources and performance management and then the POSS strategy sets out how they would go about reducing crime in those five areas. What we don't find in the public domain is whether there was any measurement, the strategy also contemplates a seven month period and then a four year period and a 10 year period but what one doesn't find is whether there's any measurement of the success of the strategy. As station commander in Khayelitsha have you come across any information that tells you how this impacted and improved on the Khayelitsha performance?

BRIG DLADLA: As I indicated POSS was a strategy for the Western Cape but in that strategy if you have a problem in crime certain stations that are contributing more in crime were identified, that's my interpretation that's why Khayelitsha was one of those stations that are there. As it is now it's no more POSS it's Opus, now we are still one of the six stations that are contributing in crime.

MS BAWA: Except of the five which are identified in 2003 which was Khayelitsha, Mitchell's Plain, Kuilsriver, Guguletu and Nyanga of the six we now have Khayelitsha, Harare, Lingeletu West so it includes all three of the

Khayelitsha police stations am I correct?

BRIG DLADLA: Yes but one must bear in mind that at that time 2003 Khayelitsha was still regarded as one station and Kuilsriver was still one station not three stations as it is. So emanating from POSS part of the POSS strategy was to take policing to the people that is why Khayelitsha ended up with three stations to try and take policing and services to the people. As you see Mfuleni I started in 2004, 1st December so it was coming, it was a satellite of Kuilsriver so POSS was addressing service delivery, POSS was addressing crime ja.

MS BAWA: In between POSS and Opus we heard something called Project 23 are you familiar with Project 23?

BRIG DLADLA: Yes.

MS BAWA: What did that entail as far as Khayelitsha was concerned?

BRIG DLADLA: Project 23 was where the stations that were contributing, there were 23 stations that were contributing to Western Cape crime, both in volumes and serious. When I say in volume there are stations that do not have serious crimes like murders, business robberies, house robberies but they have a lot of thefts, a lot of housebreakings so big numbers. But Khayelitsha and Harare excluding Lingeletu, Lingeletu was not part of Project 23, those two were included because of the seriousness of crimes that we contribute to the province.

MS BAWA: So how did Project 23 differ from POSS?

BRIG DLADLA: As I indicated POSS was not a strategy for the six stations that you indicated or five stations that you indicated POSS was a strategy for the whole of the Western Cape of which the plan from that strategy was to identify those stations that contributed to crime and needed resources and needed crime to be reduced. Project 23 it's just a project not affecting the whole of Western Cape only those 23 stations that were contributing to crime in the Western Cape.

MS BAWA: What did Project 23 entail?

BRIG DLADLA: As I indicated Commissioner Project 23 we had to, the stations that had a lot of domestic violence, the stations that had large volumes of reported cases, stations with serious cases, murder, business robberies, house robberies they were put together, we had to account and make sure that things are in place and that training was also provided because there will be monitoring and evaluation of this Project 23 so we would account on the training, account on what was done, why did our crime increase, why did our crime decrease. We would also take the best practices from each other in those meetings.

MS BAWA: When was Project 23 implemented?

BRIG DLADLA: I think it's 2012 I'm not sure of the year but I think it's 2012.

MS BAWA: So Project 23 is it part of Opus or did it precede Opus?

BRIG DLADLA: It forms part of Opus as one of the, ja it forms part of Opus.

MS BAWA: Because Opus is foreshadowed in the Western Cape Provincial Plan of 2012/2013.

BRIG DLADLA: That is why I said Commissioner I think it's 2012.

MS BAWA: What has the effect of Project 23 been because it's now just over a year and a half that it's been in place?

BRIG DLADLA: To a certain extent it did have an effect because we got our people trained, we were getting priority when it comes to training. We were also getting priority when it comes to additional resources from the provincial office.

The resources that I'm talking about I'm talking about additional deployment that is the 10111 people, the public order people they will be deployed into these respective stations on request. We will get preference in getting those people deployed, your mounted police and what else that would come here, I indicated the public order policing here so you did get support from the provincial office because we were identified as people who needed additional assistance.

MS BAWA: When it comes to your station budget is that controlled by your station or by the provincial office?

BRIG DLADLA: It's controlled by the provincial office but I have access to manage my budget and see what I got I can utilise and monitor it if I'm over-spending or under-spending. But I don't just take a decision I have to apply to provincial office and get approval to do certain things, for example overtime. I have overtime but for me to get overtime I must apply to provincial office and say on such-and-such a day I intend having overtime and my application will be approved and then if I've got authority then I will execute the overtime, the operation with that overtime money.

MR PIKOLI: I'm a bit late I just want to take you back to POSS which was born out of the national crime combating strategy in three phases from 2003-2005 which was meant to be the stabilisation phase and then 2005-2010 meant to be the normalisation phase and 2010-2017 meant to be the socio-economic development of Khayelitsha. Now can you tell me in precise terms as to where are we in terms of these phases?

BRIG DLADLA: As I indicated and as it was also indicated that it's not POSS anymore but it's Opus.

MR PIKOLI: Does that mean that you have since abandoned those three phases it's something of the past?

BRIG DLADLA: Yes but some of the POSS, some things from POSS were incorporated to Opus but the normalisation in some crimes it has taken place but in some crimes it hasn't taken place.

MR PIKOLI: Was there a review of POSS which led then to Project 23, was it as a result of you having had a re-look as to the implementation of the strategy?

BRIG DLADLA: No there was no review I think the problem was that it had to be normalisation up to 2010 so the project manager would have done that but he was transferred to another province so the new provincial commissioner came in and we had to do things another way.

MS BAWA: So if I understand you right Project 23 was part of Opus and Project 6?

BRIG DLADLA: It's also part of Opus, Project 6 is the six stations but in fact it's four stations that are Nyanga, Khayelitsha, Harare, Gugulethu those are the stations that have serious cases, when it comes to murders those are the heavyweights of the province. But because Lingeletu West and Philippi East are linked to these two stations so now and then their crimes would come, the crime that is taking place in the two stations of Harare Khayelitsha will now and then feature in Lingeletu but Lingeletu West is an affluent suburb of Khayelitsha so they don't have the crime that we have as the two stations. But now and then it overlaps to Lingeletu that is why Lingeletu was drawn in but the majority, the real thing was to address the murders, the trio crimes which as I indicated the trio crimes are hijackings, business robberies and house robberies.

MS BAWA: What is the plan to address it, what does Project 6 envisage is going

to be done differently to address it?

BRIG DLADLA: Project 6 we had to, again it also had to increase our visibility as much as our visibility was there we had to increase visibility and we had to engage more with the communities. We had to increase communication with the patrollers and the street committees, we also had to address the gangs.

MS BAWA: I don't think you'll quibble I think I've seen you write it somewhere that it is important for crime prevention that you have visible policing do you agree?

BRIG DLADLA: Yes.

MS BAWA: There are two core functions that you have to perform and I'm simplifying this, one is crime prevention and one is where you catch the criminals so one is proactive and one is reactive and those are your two core functions for a station. I know there are lots of others but that's where a station commander would – is that a fair generalisation?

BRIG DLADLA: Yes.

MS BAWA: So the success of a station is dependent on how well it prevents crime and how well it catches criminals is that fair?

BRIG DLADLA: It's fair.

MS BAWA: When was Project 6 commenced?

BRIG DLADLA: In September 2013.

MS BAWA: I asked you about your budget because in Major General Fick's affidavit which was put before the Commission she sets out the budget that's allocated to the three police stations in Khayelitsha. If one looks at the overall budget for Khayelitsha for the 2013/2014 year given that you've got all three stations as part of Project 6 then one simply sees an increase of the budget of 200 000 from the previous financial year.

BRIG DLADLA: It increased with?

MS BAWA: On page 4 of Major General Fick's affidavit she basically says that, she sets out the budgets for the four financial periods and she shows that for the 2010/2011 year, 15 710 550 was allocated and then your budget went down to 14.8 million and then it went further down to 14.6 million.

BRIG DLADLA: Commissioner sorry which year was it 14 million?

MS BAWA: For the three police stations together and then for 2013/2014 it shoots up they give you from the previous financial year they give you about another 1.3 million for the three police stations 15.9 million gets allocated. For the most part, the bigger part of the budget for this financial year is allocated to your station. So whilst it's increased from the previous financial year to this financial year by 1.3 million the bulk of that 1.3 million appears to go to, or 700 000 of it roughly gets allocated to your station are you aware of that?

BRIG DLADLA: Yes I'm aware.

MS BAWA: What is the thinking, what is the increase in budget meant to address?

BRIG DLADLA: The increase is meant to address, there were a lot of petrol increases in these years and those increases don't only affect the community they also affect us as the police. All the things that we needed were increased; your services of vehicles, your repairs of vehicles, your stationery for the station and the overtime. It also increased, I was happy for the first year that it increased a little bit better because when I looked at it previously it was much higher so I was a little bit happy with that increase on overtime because when you have overtime you can call more people to come and work to be additional

so it covered all those things.

MS BAWA: So the biggest bulk of it would go towards covering overtime is that how I understand it?

BRIG DLADLA: No as I indicated I said your repairs to vehicles, your servicing of vehicles, buying stationery and the repairs to the buildings. We had to refurbish one of the offices and make it a domestic violence office so those are the things, all the blockages that you have in terms of plumbing it goes there. Everything, wear and tear on vehicles' tyres, petrol you know how many times it increased so it covered all those things.

MS BAWA: Have you been able to fix your motor at the gate?

BRIG DLADLA: The motor is working.

MS BAWA: It does seem and maybe I must take you to the space issues while we're at it, it does seem that you have office space dilemmas both from your community service centre where you don't have access to special interview rooms, you've only got two cubicles to take statements, some of your detectives are four in an office and some are housed in a container. I'm simply relaying it to you because you relayed this to us at the inspection and I need to just get it onto the record.

BRIG DLADLA: Yes.

MS BAWA: In some of the documentation I've seen there have been complaints about an electricity problem at the police station has that been sorted out?

BRIG DLADLA: Electricity is a problem in the townships now and then but we've got two generators one for the old building and one for the new building. I think when you came, I can't recall if it was when, no there was no problem at the time but now and then it becomes a problem electricity but we have solved it and also in the containers we have also put the new power outlets there.

MS BAWA: When it comes to the building of a fourth police station which from information provided to the Commission it's proposed that this would happen in Makhaza which is a very different area of Khayelitsha to where you operate. Would you say it would be strategically a good idea that the admin block which is currently at the Khayelitsha police station revert to the Khayelitsha police station and that whatever they're going to build in Khayelitsha at the new police station then takes your LCRC, your FCS and your cluster commander and that would then mean that the existing building at your police station gets used as part of your station, would that solve some of your space problems?

BRIG DLADLA: Partly it will because the Makhaza people will have access, Makhaza will have service in their area because as it is they go to either of the stations because of transport things. But with regards to the challenges in the charge office it won't solve the problem because I would love to have a decent charge office that is conducive to my members who are working there day and night, we are working when it's hot, we are working there when it's cold. I would like to, or rather have these people who are working 7:30 to 4 squeezed in offices but the CSC people who are there 24 hours who are there getting the people who are the first people to meet with the clients the CSC must be inviting for the clients and when you come in there you must get a different atmosphere and relax but without talking, by mere entering and say ja.

MS BAWA: Would you agree you would also go a long way if your members came to a pleasant place to work.

BRIG DLADLA: It will help a lot.

MS BAWA: Now the year 2012/2013 was also the year of the detectives on the

provincial planning horizon how did that benefit your detectives?

BRIG DLADLA: It did because vehicle-wise there were vehicles, new vehicles that we got and training we did get a lot of our people trained. I'm trying to think when did the, no the laptops came later but I think it was also part of the year of the detectives because all detectives were issued with laptops I believe it was a continuation of the year of the detectives.

MS BAWA: Now I understand they have been issued with laptops and 3G cards but the 3G cards aren't working is that the situation at your station as well?

BRIG DLADLA: It's the same all detectives were issued with laptops but the 3G cards are only for the branch commander.

MS BAWA: So the detectives don't have access from their laptops to email or the Internet?

BRIG DLADLA: No.

MS BAWA: Have you stepped into the electronic age Brigadier Dladla are you computer literate can you find your way around a computer?

BRIG DLADLA: When it comes to police computers, policy systems I am very good but the part of typing I'm poor there but utilising your Per system monitoring it, vehicle circulation, firearm enquiries, performance chart I'm familiar with that.

MS BAWA: So if you don't give detectives access to emails on their own laptops and you don't allow them to access the ECAS system through their laptops you limit them don't you?

BRIG DLADLA: Not necessarily because there are, I think there are 15 or 14 desktops with CAS so I don't think it will, with regards to CAS it will hamper them but maybe with email it can make communication easier but not all of us are familiar with email you also need to give them training.

MS BAWA: Yes because one would think as you move into the electronic age people have cell phones, people have smart phones, people have email addresses and sometimes email communication with both complainants, with prosecutors, with other services like forensics, like your colleagues at other offices they are all facilitated with email would you agree?

BRIG DLADLA: Yes it will help.

MS BAWA: It would help, it would also open the door for the DCCO at the court to be able to email to the investigating officer directly if they need something or for the chief pathologist to email an investigating officer directly if they require him to attend a post-mortem would you agree?

BRIG DLADLA: I wouldn't agree with that one because I wouldn't encourage it to communicate with the investigating officer directly because it's better to communicate with the office so that it can be monitored. If you communicate with the IO directly the branch commander will have to account at the end of the day if that investigating officer didn't do what was required. Sometimes you will find that that IO is on a course, that IO is on leave or that IO is on rest day because he was working last night and you send the email through to him and he did not even open it because he is sleeping he was working the previous night. I would think it's still better to communicate with the office maybe you can cc the IO.

MS BAWA: That was my suggestion it does seem that if that is – and that appears to be a real difficulty – the one benefit of sending a station commander or a branch commander an SMS versus an email is you can cc whoever you want to into an email.

BRIG DLADLA: Ja I agree but we must also look at the budget constraints because that will mean a lot of budget so we know the constraints of the budget. If it can be introduced slowly maybe ja, I understand the need but the budget constraints are a problem.

MS BAWA: You see Brigadier one of the other difficulties that we've heard all along is you've got 14 or 15 desktops to be shared amongst how many people?

BRIG DLADLA: The people that will be utilising those desktops will be about – because you must exclude the 12 that will be on rest days that are working in the crime office. It will be the four that will be on duty at that particular time but they have got their own there but it's part of that and then the investigators about 20-something plus the four or five civilians, plus the captain.

MS BAWA: Roughly 40?

BRIG DLADLA: Say so ja.

MS BAWA: That's on a shift.

BRIG DLADLA: No I said in the crime office there are 16 detectives so four are on duty at a given time, four or three are on duty at a given time so those 12 are on rest days. At a given time out of that 16 you only have four, a maximum of four on duty because others are on rest days. Then you can add them to the investigators and the investigators are not always in the office. So yes more will do but I believe it's still sufficient these 15 because investigators are always going outside to do investigations.

MS BAWA: You're satisfied that as far as bullet proof vests, handcuffs, torches, pocketbooks, reflective jackets you're adequately resourced? I think you asked for more bullet proof vests for this financial year did you get it?

BRIG DLADLA: We did get some but you don't order as a station you put your order to the provincial supply chain and then it's ordered together and when it's there you get informed. The bullet proof vests there will always be a need, as much as all our people who need a bullet proof vest have but there is wear and tear because they wear them and they get worn out so we always order to have spares and we always order for the reservists. We don't issue to the reservists and say you are the only one using this one unlike the permanent member, each permanent member who is operational has got his own bullet proof vest that he keeps whether at the office or at home but when he's on duty he must wear it.

MS BAWA: So you put your order in through the cluster and then you get back what you want and one of the orders that you put in was for digital cameras, fridges and steel cabinets did you get those?

BRIG DLADLA: We got the steel cabinets, that was the first thing that I did when I came to Khayelitsha I wanted the dockets to be safe almost every detective has got a steel cabinet, all members have got handcuffs and torches. The digital cameras we did get the digital cameras now, yes.

MS BAWA: So that brings me to vehicles because if I look at the vehicles that were at the Khayelitsha police station in 2011 the cluster representation which is at page 351 attached to Colonel Burger's affidavit, Major General Burger's affidavit it showed that Khayelitsha had 113 vehicles. The most recent figure which I see under Major General Fick you have 62 that are granted and 70 actual can you tell this Commission how many vehicle you actually have at work at the moment?

BRIG DLADLA: Commissioner I'll start with that one first, when I indicated yesterday about the accounting station, that's part of accounting station's duties the vehicles for FCS are reflected at Khayelitsha, the vehicles for TRT are

reflected in Khayelitsha. So that statement is specific to say these are the vehicles that are there. I agree with the figures of General Fick.

MS BAWA: So you have 70 vehicles if you're agreeing with the figures of Major General Fick, are those 70 vehicles available to the Khayelitsha station or are those vehicles available to the Khayelitsha station, the FCS and the TRT?

BRIG DLADLA: I agree with it because when she wrote that statement it's what was there but we know vehicles fluctuate there was an accident I don't know what is going to happen with that vehicle so the numbers can fluctuate a bit but I can check here on my list of vehicles.

MS BAWA: For the record it's page 193, 193 of the Annexures to Major General Fick's affidavit.

BRIG DLADLA: There's the SCM figure and then paragraph 25 page 7.

BRIG DLADLA: Commissioner I can clarify this by saying community service centre vehicles are 13, CPU is five, sector commanders it's five and Vispol support it's five, support it's six, TRT is six.- yes, I agree it's 40 plus 30, plus 32.

MS BAWA: So that comes to 40.

BRIG DLADLA: I said 40 plus 32, I just didn't calculate this on the side, it's 42, but that exclude the FCS, it only includes as I indicated its detectives of the station, visible policing and the TRT and the support. That's 72.

MS BAWA: Now you will recall that the Department of Community Safety did two inspections at your station last year, one during February and one during November.

BRIG DLADLA: Yes.

MS BAWA: Did they consult with you at all?

BRIG DLADLA: Yes, we had a meeting before they started and we had a meeting – a feedback after they finished.

MS BAWA: And did they give you a copy of their report?

BRIG DLADLA: Yes they did.

MS BAWA: Okay, I'm not going to take you to the report, I have left a copy on the table, but on page 6 of the November 2013 report they say a total of your 16 patrol cars were at the SAP garage Maitland at the time of the oversight visits, these vehicles can only be replaced once the boarding process has been completed in terms of all of the vehicles. They also detail in the report that you've got 69 vehicles which is roughly close to your 72, 13 are garaged, ten are in poor condition, would you agree with that?

BRIG DLADLA: Yes, I agree.

MS BAWA: So it seems as if there is a need for more vehicles in Khayelitsha, would you agree?

BRIG DLADLA: Yes, I agree, but also we need certain types of vehicles, certain make, not your Tata.

MS BAWA: Are you getting Tata's?

BRIG DLADLA: No there are also Tata's, but they are not good, as much as we understand we were informed that all vehicle manufacturers must be given a chance but Tata's with all due respect to the Tata company, are not good. We find that it's got a problem with the brakes, below 5 000 kms, it doesn't reach even 5 000, but you have a problem with brakes that are leaking, so we need – I don't know, these are the vehicles that are working 24 hours, so you need to have the tried and tested vehicles.

MS BAWA: We should go proudly South African hey?

COMMISSIONER: Could I just ask about Maitland, one of the things that has been said to us is that vehicles when they go to Maitland for repairs can often take a long time. Is that your experience, I mean I'm looking at the DOCS report which says that 16 of your 70 odd vehicles were there, that's a high proportion, is that unusual or do you find vehicles go there for a long time?

BRIG DLADLA: It's true, as much as it is there is a slight improvement but it was a problem.

COMMISSIONER: And to have 16 out of 70 is that quite usual or is that a high number or a low number?

BRIG DLADLA: At that time I think the Commissioner is referring to that time.

COMMISSIONER: Yes that's right, it was the November report by DOCS, exactly.

BRIG DLADLA: Ja, at that time there was a problem at the garage, but it has been addressed and we were even given a report in the conference that we had that the garages will improve their standard of working, so we were expecting to improve better, because we have seen other people being employed as well, so we expect that there will be improvement, there was a problem.

COMMISSIONER: Is there a service level agreement with them?

BRIG DLADLA: Sorry Commissioner?

COMMISSIONER: Is there a service level agreement between you and Maitland or between the province and Maitland, do you know?

BRIG DLADLA: I'm not sure but not with us, but its supposed to be with the province, but I'm not sure if there is that, but Maitland is a police garage commissioner that we must clarify, they are also under the police, it's not a private institution.

COMMISSIONER: Okay, no I understand that but there still may be with – between government institutions an agreement of that sort.

BRIG DLADLA: Okay.

COMMISSIONER: Thank you.

MS BAWA: Is the Bellville garage also a police garage?

BRIG DLADLA: Yes Commissioner, there are different garages in the SAPS, there is also one in Malmesbury, one in Stellenbosch, one in Wynberg now, that has recently been reopened.

MS BAWA: Because you similarly had problems with Bellville last year where they kept 12 of your cars for more than two weeks due to personnel shortages if I recall?

BRIG DLADLA: I believe they had personnel shortages, but as I said it's being addressed, there is an improvement, but we are still not happy as the clients.

MR PIKOLA: Now the sectors that share one vehicle, they've got six sectors and you mentioned five sector vehicles.

BRIG DLADLA: Sector commander vehicles, yes currently if the sector commander vehicle is boarded he won't have a vehicle until it is replaced, but we make use of other vehicles commissioner, from the other department, the other sub-component. As it is indicated there are 13 for the CSC so we make use of the other vehicle in that sector.

MS BAWA: Have you raised the difficulty with the Tata vehicles with the superior officers?

BRIG DLADLA: It has been raised but we didn't raise it in writing, but it was also in our conference, that is when we also got clarity because we are not the only people that have a problem with the Tata vehicles, it was also raised on the

6th when we had a conference, 6th of February.

MS BAWA: The conference that took place in Durban between the station commanders and the ...(intervention).

BRIG DLADLA: Yes.

MS BAWA; Turning to personnel I mean advocate Arendse raised with you, and you agreed that on the Schooling and Leamy report that there has been a reduction in the number of members that you have available to yourself over the last four years, and it seems as if it's a little bit more than simply a number decreasing, if I worked it out correctly you've got approximately 222 operational members, is that roughly correct?

BRIG DLADLA: Police act members?

MS BAWA: Yes.

BRIG DLADLA: Yes. Police act members.

MS BAWA: Police act members.

BRIG DLADLA: Yes, not operational members.

MS BAWA; And 52 PSA members, PSA personnel?

BRIG DLADLA: Yes.

MS BAWA: So your actual is about 272?

BRIG DLADLA: As it is now.

MS BAWA: As it is now, right.

BRIG DLADLA: Ja.

MS BAWA: That is significantly different from the 358 which the station had in 2010/2011 and the 365 which it had in 2011 and 2012, and you explained that by saying that some of the members were allocated to the TRT and to POP and that they served in Khayelitsha. Tell me how many members of the TRT are actually in Khayelitsha and how many members of the POP are actually in Khayelitsha?

BRIG DLADLA: I indicated commissioner that they were taken out of Khayelitsha, they are no more under Khayelitsha strength, but still the vehicles they indicated for TRT they are indicated, they are falling under Khayelitsha as an accounting station, but they – even though they are not doing work for Khayelitsha and the members of TRT are not performing work for Khayelitsha alone there are – they belong to the cluster, although they are based at my station, and it is easier for me because when they go out to wherever they are going they start in my area, because they are in my area, but also I indicated that the POP was already, when I arrived it was already, members were already, the majority of the them were already taken out, as I indicated with Captain Chandler, who was the last member to leave for POP.

Commissioner they are not at Khayelitsha, I don't know their figures, because they are outside of Khayelitsha people.

MS BAWA: But you said to me earlier on that part of what you get extra as being a project 6 station is that you get assistance by deployment of the 10111, the POP, and the TRT and my question was I accept that they don't form part of your station numbers but when you get that assistance in numbers how many more members do you get to assist you?

BRIG DLADLA: Okay, when they – when we get assistance it will depend on how many are available because they don't give us alone, like during project 6 from October, November up to December I had two vehicles with four members that we placed inside C alone, they were not doing, they were not working elsewhere, only in Site C, additional to the two sector vehicles that are in sector one and two, because it's difficult to separate these two, they are nearly married

to each other, so those were two additional vehicles but they were not, they didn't cover Thembani, they only covered Site C, those were four members and two vehicles extra, and they will come like that, and sometimes we will get two vehicles from – those four members were 10111 members, sometimes we will get six members from POP, maybe with two vehicles. It will depend on the request, when you request them and how many they can afford to give you, because you are not the only applicant.

MS BAWA: You've raised your shortage and your concerns and I see correspondence going back as far as 2011 with the manner in which the RAG in Khayelitsha has been calculated, you've raised it with the provincial inspectorate and you've answered it in your report, I've seen at least three incidents in correspondence, have you ever received a formal response to address your concerns in relation thereto?

BRIG DLADLA: As I indicated yesterday the response was given to us in the meeting in the PCCF I take that as an official response because it's a minuted meeting, it's a provincial crime combating forum and it was not only addressing me, it was addressing us all who are not happy, who have a shortage of members and also trying to address the RAG.

COMMISSIONER: And precisely can you just precisely tell us what the response was in that PCCF meeting, I know you covered this yesterday, but just remind us again.

BRIG DLADLA: The Provincial Commissioner stated to us that he is busy also addressing the issue of RAG, that it must be done in a way that we will all be satisfied, addressing it in the management forum, the National Management Forum.

MS BAWA: And when did this meeting take place that this was told to you?

BRIG DLADLA: I can't recall the exact date but it was in the provincial, it was in the PCCF.

MS BAWA: This year, last year?

BRIG DLADLA: No it's two years back, somewhere in 2012.

MS BAWA: And it's also a 2012 letter at page 214 attached to Burger affidavit where you in terms say to them that the station has enough personnel as per the RAG but due to illness, illiteracy and some members declared unfit that you've got shortages. The overpopulation of the area and the density of the informal settlement make the figures of the personnel as directed by the RAG to be insufficient. Is the PCCF meeting subsequent to you having addressed this letter?

BRIG DLADLA: It was addressing all those letters because commissioner we have some, there are some names, there are some bodies but they are not operational outside, they are doing other vispol support duties, for example the – as she indicated that it's 220 police act personnel, but if you now divide, sub-divide them to different sub-components you find that I've got a supply chain, finance, HRM, administration, loss management and the support head, those people are police officials who are trained in terms of the Police Act, but they are not doing police work outside, they are only doing support duties.

COMMISSIONER: So they are in the support services sector but they are still considered to be police act personnel?

BRIG DLADLA: Yes commissioner.

COMMISSIONER: And how many would they be in your police station?

BRIG DLADLA: As I indicating the support services it's a support head, finance

head, HRM head, SCM head, loss management, admin head and the captain here, and then your MIO, the constable there, communication nine, that the people who are sort of on this side it's 8, if I exclude communication.

COMMISSIONER: And the people there in – supervising and commanding would not be police act members, but they would be public service members?

BRIG DLADLA: Commissioner these eight people that I have indicated they are supervising the PSA personnel.

COMMISSIONER: Thank you.

BRIG DLADLA: And you also under vispol now you have those who are dealing with firearms replication, PDP application, police act people, so if you count them there you will see I have 220 but actually its not that.

MS BAWA: In fact if one looks at the attachment at page 209 which is a letter dated 2nd September 2013 it sets out your different components and your captains and it shows that in effect you only have about 140 vispol members available, which is on 113 that sets out your HR – what is MIO?

BRIG DLADLA: MIO it was – what year was that?

MS BAWA: 2013.

BRIG DLADLA: 2012/2013?

MS BAWA: Yes.

BRIG DLADLA: 2012/2013 I had only one person in MIO, a sergeant.

MS BAWA: Ja, that's right, a level 7 hey?

BRIG DLADLA: Level 6.

MS BAWA: Level 6 would be a sergeant and level 7 would be a warrant officer.

BRIG DLADLA: Warrant officer.

MS BAWA: This is 2013 that's right.

BRIG DLADLA: But that is a post of a Lt Colonel.

MS BAWA: And your Lt Colonel and a captain post was vacant at that stage?

BRIG DLADLA: Was vacant yes.

MS BAWA: I also noticed from this schedule that not only are there two or three Lt Colonel and captain posts vacant but if one looks at the – what you had at the beginning of January 2012 and what you've got in September 2013 you've lost approximately 14 sergeants and warrant officers, you started off with 52 sergeants at the beginning of January 2012 and in September 2013 you've got 38, you've had 27 warrant officers at the beginning of January 2012, and you've got 23 at September 2013, why the attrition in respect of sergeants that many, how come you've lost that many sergeants?

BRIG DLADLA: No, it can't be that I've lost so many sergeants, because in 2011 there were more constables that were promoted to sergeant and became sergeants, it can't be, the only sergeant that I remember that I have lost, who passed away is sergeant, only last year, sergeant – in the detectives, Sgt Nyango.

MS BAWA: I did a comparison between your duty lists for January 2012 and the figures which is provided attached to Major General Burger's affidavit as to how many warrant officers and sergeants you are, because I was trying to work out you've got less members now than what you had in January 2012, in January 2012 you had 365, you've now got 272.

BRIG DLADLA: No I understand the question now, maybe I didn't understand the question clearly. As I indicated to the Commission yesterday that in 2012 the members that were indicated to be at duty arrangement like in court at Lingeletu West were still appearing on the system at Khayelitsha police

station, so those members were subsequently transferred to Lingeletu West to be permanent where they are so that they come out. The people that were also taken to TRT they were still on the system, they were still showing Khayelitsha, so we had to take them as Khayelitsha people, up until they are removed from the system, from Khayelitsha.

MR PIKOLI: In 2011/2012 you don't seem to have had a crime information officer.

BRIG DLADLA: A crime information officer?

MR PIKOLI: Ja, in 2011/2012, it's not reflected in the structure.

BRIG DLADLA: In the past where I say the sergeant is working crime information officer we have been having them, colonel – captain van Tonder. Oh, okay, let me clarify this again, it was there commissioner, it was not part of the station, it was falling under crime intelligence, falling under national, although they were based at – initially they were at the station and then moved to national and then they are back at the station again now, so there was commissioner, but she was doing the work, she was available, but she was not falling under Khayelitsha, she was falling under national, Captain van Tonder and Sergeant Brandt.

MR PIKOLI: She was not under your command, is that what you're saying?

BRIG DLADLA: Yes, but as a client and as a senior officer who is directly there I had control over her.

COMMISSIONER: Ms Bawa is this a good moment just to take a break. How much longer do you think you're going to be? You've got a question to put?

MS BAWA: I've got quite a bit, I've got one more question on duty arrangements then it will be a good time to break. It seems as if in 2011 there were 39 members doing duty arrangements if one looks at the Schooling report of which 13 were at the court and they would not have been available for you to be – to use within your station strength, is that correct?

BRIG DLADLA: I must indicate again it's a thing that I explained yesterday, that as much as – according to the RAG I had enough people but the people that were as it was indicated that I had 362 people those are the people that were moved from the station to TRT, although they were out of the station and working at TRT, let's take about the – I think TRT has got 22 members, if you look at those members of TRT they had been removed from the station, they are not doing duty for my station, but there was still a problem to say where are we going to place them, where are we going to account for these people so because there is no structure for TRT that can place these people, so place these people in Khayelitsha. It's the same with the operational room of the cluster. The operational room of the cluster is based in Khayelitsha, so those members that are there some of them are my members, some of them are from Lingeletu, Harare and Strand, but now because the cluster, the operational room doesn't have a recognised or say official structure that we can place people at, they appear they are placed under Khayelitsha. The operational room is supposed to be supplied members by the different stations that will do the work for the cluster, not one station, because not – a station is not granted extra people because it has got an operational room there, so what I'm saying the people who were indicated in my station but they were not my people, up until they were, the structure was approved. As I indicated I said yesterday I am subject to correction, Khayelitsha TRT I think it's Khayelitsha TRT and maybe one more other TRT that is official, that has its own code.

MS BAWA: You see Brigadier I heard you yesterday, but if one looks at the inspectorate report for 2011 on page 40 to 41 they set out the rank, the name, the sub-component of your station that the person's duty arrangement has taken to, and where they're working at, and of the list of RAG there only nine go to the TRT, the others go to vehicle fleet, CID, the cluster, vispol support, HRM, loss management, FCS, admin station, SC secretary, so your answer on the 39 on duty arrangements insofar as it affects the TRT only relates to nine of those members of the 39.

BRIG DLADLA: Okay, let me also explain this commissioner. Our – like when the inspectorate came to the station they expect people to be at the post where they are allocated to, the name and the body must be there, but for example if I quote what the – the person that is the station commander's clerk or secretary is not an operational person, it's a level 3 clerk, after the promotion of my secretary to the cluster I had to take someone from vispol, a clerk, to act as my secretary and also the FCS its – FCS is just the same as TRT but in the detectives there were people who were also in the task teams, I think they were seven, they were five at that time and then they ended up being seven, one was taken to Paarl Detectives Academy, one detective, the others were in the task team, the provincial task team, there were two different task teams in the province where five members were taken into. As I said up to January this year they were still in those respective task teams in the detectives, but one has subsequently resigned, so it's now six members so if – I don't want to generalise, if I get a name where – name by name I will be in a position to say this was so and so and this was at that and that. And there were warrant officer Mnyayiza was in Harare because Harare as it was mentioned he was asking if I did have a CIO in 2011, Warrant Officer Mnyayiza had to go to Harare because they didn't have a CIO, I had to help Harare, and then Sergeant Madongana, but Sergeant Madongana is back now, so now and then you find that you have to support, for example if they had come in 2011, in 2012 – no from 2011, from November 2011 until November 2012 I didn't have a vispol head, commander, because he was acting in Harare. There was a need in Harare, there was no station commander in Harare so my vispol had to go and work there.

Yes I am unfortunate that I have more members than other stations in the cluster, so if there is a shortage I try and also assist as much as it is at my own expense but also I believe we are one organisation, we must try and make sure that service delivery is continuing somewhere else.

MS BAWA: Let me – as I understand on what you're saying now is that as of now there are only six members on duty arrangements?

BRIG DLADLA: Plus warrant officer Mnyayiza ja.

MS BAWA: And that includes the three that's gone to the union?

BRIG DLADLA: Oh, excluding those, that is why I am saying the names that it is two operational from there, two police act plus the clerk.

MS BAWA: And the ones that's in the war room in Cape Town, you don't have ... (intervention).

BRIG DLADLA: They are, they are from the detectives.

MS BAWA: But that's from your station still.

BRIG DLADLA: From my station yes.

MS BAWA: So four of your detectives are in the war room in Cape Town?

BRIG DLADLA: No, it's one in college, two in Vis, three in the war room, there were four but the other one resigned.

MS BAWA: So it's three now?

BRIG DLADLA: It's three now, plus two, plus one at the college.

MS BAWA: And do you have any that's with the cluster?

BRIG DLADLA: Pardon?

MS BAWA: With the cluster.

BRIG DLADLA: With the cluster ...(intervention).

MS BAWA; Is there anyone of Khayelitsha stationed ...(intervention).

BRIG DLADLA: No, she was transferred to the cluster and the Lt Colonel of MIO was transferred to the cluster.

MS BAWA: How long is – I've got one question – how long does it take to fill a post after somebody has transferred or resigns or dies or vacates a post?

BRIG DLADLA: I'm not in a position to answer that, I think my commander will be in a position to answer that, General Burger.

MS BAWA: So when you lose a member at your station, like the Lt Colonel that got transferred to the cluster, has that post been filled?

BRIG DLADLA: No, you put your needs to the province, and the decision will be taken whether it's urgent and important for you to get, like for example as you indicating that Lt Colonel she hasn't been replaced and the post has not been advertised, but the other Lt Colonel that went to Somerset West also on transfer, the post was advertised and we are waiting for it to be, it was advertised and people were shortlisted and recommended, we are waiting for the confirmation.

MS BAWA: So the person that went to Somerset West when did she go?

BRIG DLADLA: She left somewhere in 2012.

MS BAWA: And the post has been advertised and you're waiting for it to be filled.

BRIG DLADLA: It was advertised last year and I think the recommendations were done somewhere in January or December, I can't recall, we are waiting for the appointment.

MS BAWA: Okay, thank you.

COMMISSIONER: Right I think this is a convenient moment, we will take the adjournment we will adjourn now until ten to twelve.

COMMISSION ADJOURNS: (at 11:35)

ON RESUMPTION: (at 11:55)

ZITHULELE MOSES DLADLA: (suo)

CROSS-EXAMINATION BY MS BAWA: (cont)

Brigadier before the adjournment I was maybe ineptly trying to work out of your 272 bodies that you have available how many physical bodies do you actually have at your station, and so we were working out who is still on duty arrangements and I think we got to the point of where we have three at the war room, the one at Paarl has resigned so he's not there any more so that's now a vacancy on your RAG. We have three at the unions, you said one of the clusters has been transferred so that's a vacancy that's not been filled. You have one loaned to Gordons Bay now?

BRIG DLADLA: Gordons Bay? No I don't have one in Gordons Bay, I have a Lt Colonel that went to Lwandle to be a station commander.

MS BAWA: Okay, and that post hasn't been filled yet in your RAG?

BRIG DLADLA: No not yet.

MS BAWA: Right, and you have two that's currently at Harare.

BRIG DLADLA: I must clarify that, the one at Lwandle is not on duty

arrangement, he was permanently transferred from this station there.

MS BAWA: So that's a vacancy at your station that needs to be filled?

BRIG DLADLA: Yes.

MS BAWA: So if I work it out with – that's about eight that's on duty arrangements as we speak at the moment, is that correct?

BRIG DLADLA: It's nine with warrant officer Mnyayiza, who is at Harare.

MS BAWA: Okay so that's nine. So of your 222 members nine are on duty arrangements?

BRIG DLADLA: Yes.

MS BAWA: So that gives you 213 who is available, right, and then if you look at the document which I've just given you, which is the annexure to the Burger affidavit at page 209, it sets out your shortages in each component but it also tells us where your ranks are allocated.

BRIG DLADLA: Yes.

MS BAWA: So your station commander is one, under your Vispol you have a vacancy in your Lt Colonel and I see they categorise your captain and lieutenant together.

BRIG DLADLA: Yes, the captain and the lieutenant they are clustered together as well as the lieutenant colonel and the major.

MS BAWA: And the major. And if you turn the page I put it to you earlier on that you had a shortage of warrant officers and sergeants at your station and if you turn the page of your vispol staff you've got 27 shortages on your vispol staff of which are predominantly one can see there you've got eleven warrant officers short and 27 sergeants short, the shortfall isn't that obvious because what they've done in your vispol section is they've given an additional 14 constables, is that correct?

BRIG DLADLA: That's correct.

MS BAWA: But on your RAG allocation if one uses that then you are short warrant officers and sergeants in your vispol section, is that correct?

BRIG DLADLA: Yes it's correct, but with regards to sergeants that is being addressed because the promotions of the sergeants are done by the National so there is a list of promotion that came out in the first week of February and we also indicated that there are people who are not in the list of the promotion that were supposed to be there, we responded to say these are the people who also qualified who were supposed to be in the same list with the – in that list of those who were promoted.

MS BAWA: Okay, and so you anticipate that a number of your constables are going to be promoted to sergeant?

BRIG DLADLA: Yes.

MS BAWA: In addition to that do you have – does your staff complement include student constables, would that be included or is that additional?

BRIG DLADLA: Students are excluded, we don't have students right now but last year we were training students for the protection services in the SAPS and National Mobile Trained Unit, they were trained at the station by our field training officers, they are gone now back to college and they will be going to their respective places.

MS BAWA: Are students being trained at your station force multipliers or are they nuisances?

BRIG DLADLA: They are, but it takes long for them to work outside, because that's why you need more people outside. The majority of their time they spend

at the station inside, not going outside, not allowed to go and attend outside, up until they finish a certain phase, then when they've done that phase then they can go and work outside. At that time while they are there they become additional forces in our deployment.

MS BAWA: Okay.

BRIG DLADLA: But which is good for that period when they are gone the void is there.

MS BAWA; If one looks at this list then one sees if you take –I take it CID is not out on the – how the station is run, they're inside the station, CS?

BRIG DLADLA: Yes.

MS BAWA: Your support services and your finance takes up about eleven of your staff complement, if you look at your RAG granted, and then you've got under your admin, general and cleaners you've got five members allocated to admin general, what do they do? Is that part of your accounting station functions?

BRIG DLADLA: No, they are admin, the people falling under admin is people that are, if you say admin and cleaners, it's people that are cleaning the station and it's people that are doing the filing of the documents, it could be dockets, there are people who are filing the dockets, there are people who are dealing with the filing of the station file and there are people who are dealing with the email, so those are the people that are there.

MS BAWA; So you've got seven of your members allocated to that and then in your next column you've got another six that's allocated to the admin of the CID.

BRIG DLADLA: Which paragraph, which column?

MS BAWA: I'm on the next page 288 and you see admin CID you've got ...(intervention).

BRIG DLADLA: Admin CID.

MS BAWA: You've got six more members allocated to deal with that.

BRIG DLADLA: Admin CID it's PSA members that are supporting the detectives in terms of the systems and like when a docket – when the dockets are coming for inspection, I'm making an example, there's a lot of other work that they do, when a docket has been inspected by officers, the officer will inspect maybe 30 to 40 dockets and give different brought forward dates on the different dockets, so those people their duty is to make sure that they put the correct date, the date that is mentioned on the system, that this case will be seen by the officer on such and such a date, when we receive the SAP69's they are also they must write, when we receive the 76 they must register them in the register, that is part of their duties, there are different people that are doing different work, they also deal with the daily cash files, the management of the emails, the typing of things that needs to be typed, so it's different work that is done by those admin people in the detectives, they are not police act but they are PSA.

MS BAWA: But they're on the same levels as some of your sergeants and warrant officers that's why there's levels 7, 6 and 5.

BRIG DLADLA: The levels can be the same but the duties are not the same and the salary level, notches are not the same as well.

MS BAWA: So when you come to the operational levels outside you've implemented a system – or let's deal with inside first, as I understand it a SAPS15 document is a document, it's a duty list and it tells you where every member on a shift is, is that correct?

BRIG DLADLA: Yes, it's for the day, the SAP15.

MS BAWA: For the shift?

BRIG DLADLA: For the shift, and the crime prevention.

MS BAWA: Right and so as a station commander if you pull an SAPS 15 you can see where the members on those shifts are allocated for the day?

BRIG DLADLA: Yes.

MS BAWA: In addition to that in your station you've got a floor manager, is that a member or a volunteer?

BRIG DLADLA: It's a member.

MS BAWA: Your commander of your CSC is a warrant officer?

BRIG DLADLA: No in the CSC I am supposed to have four Lt colonels as a brigadier station, heading the shifts, but I don't have enough, I have four, five captains, so the four captains are running the shifts, the shortages that I had with regards to officers I had to move some people from the shifts to make sure that they are, there is somebody, a Lt Col responsible for the operations and the Lt Col that is responsible for vispol support overall in charge, although there are also officers under her, so in the shifts the shifts are headed by four captains, the three deputy shift commanders are lieutenant, in the other shift it's a captain.

MS BAWA: In addition to that you have three members who sees to your SAPS 13 store.

BRIG DLADLA: SAP 13 store is a captain that is in charge there, Captain Mouton, and constable Fortuin, two clerks, and constable Bredenkamp who is supposed to be working outside but due to medical condition he can't work outside, we had to place him at the SAP 13. He is very sick, he was involved in an accident, vehicle accident, but the floor manager is a warrant officer. He is not in charge of the shifts, each shift has got somebody who is in charge, the person who is in charge of all shifts is Lt Col Masete.

MS BAWA: And your victim support is it a member or is it a volunteer that deals with your victim support?

BRIG DLADLA: The victim support is volunteers, but in the domestic violence office, it's a police act member, Sgt Roberts.

MS BAWA: Now you don't have any members placed at court any more, that's now been taken over entirely by Lingelethu West, is that correct?

BRIG DLADLA: Yes, I don't have.

MS BAWA: And the liaison officer and the DCCO at court does it come out of your staff complement or Lingelethu West?

BRIG DLADLA: The liaison officer is from Lingelethu West, but the DCCO is from Provincial, they fall under Provincial office, all DCCO's.

MS BAWA: Okay, so when you put together a shift ideally you need how many members, 32 on a shift?

BRIG DLADLA: On my wish list it would be more than that, but per shift if you look at my duty list I have for example a shift, a shift I've got 22 police act people, I don't count the one who is working in the ops room and the two PSA members. Out of the 22 in that shift I must put six vehicles outside, I must two people in the cells, I must put somebody who will be writing the OB, I must put people in the CSE, in the front desk there, and I must also cater for leave, because if you have got 22 members you've got 12 months in a year so at one given point out of 22 there must be two people on leave, because if you don't put at least two people on leave you will have a bottle neck when it's the following year, because our leave expires at the end of June.

/...

MS BAWA: Let me while we're on the issue of leave let's deal with a question of absenteeism, because it does appear that one of the issues that the inspectorate raised with you, both in 2011 and 2012 was that all the leave forms weren't being put onto the electronic system. Has that now been sorted out?

BRIG DLADLA: On the?

MS BAWA: Leave, the absence of members is not recorded, the paper records was not being recorded onto the data basis.

BRIG DLADLA: I've never had a problem with that, the HRM head has kept chart all the leave that has been granted to the people.

MS BAWA: If one looks at the inspectorate report for 2012 I think, let me just find it quickly, page 79, its – let me just – sorry, no it's not you, it's Lingeletu West, let me just check this quickly, the references, I'll have to find just the correct reference. Ms Mayosi tells me I'm right it is page 79, so why am I not getting it. In your response to the 2012 inspectorate report, the following was stated:

“the inspection reveal that not all absenteeism of members recorded on the leave records and on PERSA. The following reasons contributed to the shortcoming, namely

- 1) the relief commanders report, which was perused for the year 2010, 2011 and 2012 revealed when members were absent it was not reflected by means of an AR number;
- 2) The SAPS 15's were incomplete. The fact that the SAPS 15's are not inspected and closed each month by the vispol commander further contributes to insufficient control over the attendance of members in shifts. All SAP 15's are not handed in at the end of each month at HRM to establish whether all absence of members are on record.”

This was raised with you in the 24 August 2012 inspectorate report. Your response to that was the SAPS 15's will all be checked by the vispol head and outstanding absenteeism periods will be captured by HRM. The vispol head will on a daily basis check the SAP 15's and forward it to the HRM for inspection. No specific incidents were pointed out by the inspection team, the HRM head will personally do an inspection and rectify. That's what I was referring to when the inspectorate report in August 2012 questioned the data integrity of the information that was provided to you in relation thereto.

BRIG DLADLA: Exactly that is why I am saying it was not a problem, it could be that individual SAP 15 that was not properly done, but I have never had the problem with the – in such a way that it was – that we it's a problem that our leave of absence is not captured.

MS BAWA: Well if we do come to the leave of absence, you did something very interesting, I notice from your station minutes for the December 2012/January 2013 period that you said to your members that between 15 December to 10 January, 15 December 2012 to 10 January 2013 there would be no annual leave taken. Did it work?

BRIG DLADLA: That's a national instruction that is why I said we have less months to work with so that is why you have to put more people, people who must be on leave each and every time, there must be no month where there are no people on leave. To a certain extent it works but there are emergencies when somebody will have this emergency and we will have to view each case and grant leave. As I indicated last year if you don't give them leave then you

end up with off sick, if you had that emergency but we were pushing on that and last year even the absence was to a minimum, it was the smallest number of people that were absent last year.

MS BAWA: You mean absent over the holiday period or absent.

BRIG DLADLA: The period, December, sorry, I meant December last year.

MS BAWA: This national instruction does it apply to all SAPS members or only people at certain ranks.

BRIG DLADLA; It applies to police act personnel, especially operational people, but we also include the support, because they are our support, we can't be operational outside and when we don't have the support base. We give the support to a minimum, I believe to a minimum.

MS BAWA: Would it include the members employed at the cluster, and the TRT and the FCS?

BRIG DLADLA: The instruction is given to all of us.

MS BAWA: Okay, I ask you because in the same period that you give your members an instruction that they can't take leave the leave records for the cluster indicates that three of the Lt Colonels go on leave.

BRIG DLADLA: I cannot answer for the cluster.

MS BAWA: But if that was so and there is such a national instruction that they would be acting in contravention of that national instruction wouldn't they?

BRIG DLADLA: I believe so, but it doesn't say you people must not take, it says 10%, not more than 10%, but now you have to manage it as a manager now how do I manage this. Speak to your people and tell them this is going to happen and if you have a good working relationship with your people then it's easy to implement that instruction.

MS BAWA: But three out of eight is more than 10% the last time I counted.

BRIG DLADLA: Ja, three out of eight, ja it's strong.

MS BAWA: The question of patrols, I also notice that you have said that foot patrols are important, that it needs to take place with the community, but that it takes long because you've got big areas to cover and so you need more personnel. Do you think foot patrols with the community is a good way to improve on visible policing?

BRIG DLADLA: Yes, I agree.

MS BAWA: And bicycles?

BRIG DLADLA: To a certain extent during the day yes.

MS BAWA: You pointed out that one of the most effective means which you had crime preventative strategies when your members went out on foot patrols in civilian clothing with the community and you did stop and seizures, how often do you do that?

BRIG DLADLA: With the community?

MS BAWA: When members go out in ordinary clothes, civilian clothes with the community and you do stop and seizures?

BRIG DLADLA: We do it not every now and then. We do it because we don't want people to get used to it. They will end up identifying the people that we put on those private clothes.

MS BAWA: You pointed out a number of hotspots, would I be fair in saying that in just about every sector you have hotspots?

BRIG DLADLA: It is fair, it is almost every area in Khayelitsha is a hotspot.

MS BAWA: Do you find that you get adequate support from Crime Intelligence?

BRIG DLADLA: To a certain extent we do get support but it is not as what we

would like it to be.

MS BAWA: What would you like it to be because one of the difficulties that is raised in the November 2013 report of DOCS is the people doing Crime Intelligence lack experience or their needs to be more training going on in Crime Intelligence. In which sense do you find that there is something lacking in the crime intelligence that you are getting?

BRIG DLADLA: I can't comment on their experience and their training because they don't work under me, I am not used to them. I only put in a request with them and get whatever feedback I can get from them but a little bit of an advantage that I have is that their commander is at the station, he is based at my station as well, they are using two of our offices so and now and then you will get even information that you didn't ask for but it is not what we – not to the extent that we want it to be. Like you need intelligence to investigate these vigilante cases, with their help we can solve a lot.

COMMISSIONER: I also note that in this regard in the 2012 Inspection Report the comment was made that there wasn't proper flow of information between the CIO and the operational members so that the operational members – and this was comments taken I think from the Sector Commander and VISPOL operational support weren't feeling that they were getting the information about crime intelligence that would help them decide you know what to do on a daily basis. Do you have a comment on that?

BRIG DLADLA: CIO's they were falling under Crime Intelligence as the Commission said I didn't have, they were falling under Crime Intelligence but they were a part that is analysing crime. CIO's are the people who are analysing crime. And I don't understand if there was no information flow because the CIO's they were giving us the documents that we need and the product that we need with regard to crime and crime analysis and crime pattern analysis and also they were visiting their own duty parades which they are still doing to brief the members that are coming on duty especially on Friday evening, Saturday evenings, to give them the report of what is happening in the station area. They will visit these on duty parades and give them feedback on crime so that – they also supplied us with a deployment document to tell us that this is where we must concentrate.

COMMISSIONER: But what I am putting to you is, that is their function, but what I am putting to you is that what the Provincial Inspectorate said in 2012, August 2012, was that that was not working well particularly from the view of the VISPOL sector commanders, they didn't feel they were getting that information.

BRIG DLADLA: Yes I agree with regards to – if it is with regards to crime intelligence.

COMMISSIONER: Specifically, talking generally from CIO's and your two specific crime information officers?

BRIG DLADLA: I wouldn't agree with regards to CIO's because I know what they are doing but with regards to crime intelligence the information on the investigation I agree, but with regards to the CIO's – CIO's although they were falling under Crime Intelligence but they were doing analysis of these things. Even with the station profile things they worked hand in hand with the sector commanders. If the sector managers wanted some information they will go to the CIO's and get that information, maybe that profile or whatever they need. Even the detectives are also making use of the CIO's with regard to the profiles.

MR PIKOLI: Help me understand this in terms of command and control. You

told us before the tea adjournment that the CIO that was at your station was not under your command but under your control.

BRIG DLADLA: I was saying that I was managing them to a certain extent but I as the CIO's were like TRT, FCS, the FCS is based at my station and I am a client to them because they investigate my cases but they are managed by the Provincial Office. The CIO's were at the station, initially the CIO's were belonging to the stations, the Station Commander had a say over them, they fell directly under the Station Commander but then they were removed from the direct command of the Station Commander and they belong to the National Office under Crime Intelligence but still as an officer in the police you still oversee things that need to be overseen as a – just like an adult in the community when they see a child making wrong then you correct that so they were not reporting directly under me although they were based at my station.

MR PIKOLI: But then if they are not under your command how do you task them in terms of your priorities as a station?

BRIG DLADLA: That was their duty to give me as Station Commander but not working under me but working under the National Office. Now they are back under the Station Commander I think since 2013, early 2013, they are back under the Station Commander.

MR PIKOLI: Now the CIO's under your command and control now so previously it is split kind of responsibility?

BRIG DLADLA: Yes Commissioner.

COMMISSIONER: Can I also just follow up on this and clarify because Crime Intelligence is crucial. What the report says is that you have two CIO officials who weren't under your command but now are under your command who presumably compile the crime statistics for your particular area. As information comes in, as reports come in they are in charge of compiling it and identifying places where crime is happening. Is that right?

BRIG DLADLA: Yes.

COMMISSIONER: And that is the information that needs to be fed back to the Sector Commanders and the VISPOL, the people involved in visible policing effectively.

BRIG DLADLA: Yes.

COMMISSIONER: So what I am trying to understand is in response to my earlier query you said you don't think there is a problem between the CIO officials who are based at your station and VISPOL but there might be a problem with Crime Intelligence. By that do you mean Provincial Crime Intelligence or Cluster Crime Intelligence but not the two people that are based at your police station?

BRIG DLADLA: Exactly Commissioner.

COMMISSIONER: Now what information would Provincial or Cluster Crime Intelligence be able to provide you that is relevant to what is happening in Site B on a daily basis?

BRIG DLADLA: What I meant when I said we don't get information from the Crime Intelligence is the information that will help us solve cases. It is information that will help us prevent if there is a possible thing but now and then you also get as I said it is not up to what we expect, now and then we get information from them to say there will be this and this and this that will be taking place in your area so it is an early warning from Crime Intelligence so we will plan accordingly and do that. Sometimes they will give us information on

the suspects, they will work on the suspects and get information and follow it up and give it as an intelligence to us but that is what is not enough for us.

COMMISSIONER: But presumably most of the relevant information that you need comes from the two CIO members that are based in your police station, they are the ones who are getting your crime statistic and your information and presumably identifying suspects that are repeatedly suspects in cases that are being opened in your police station.

BRIG DLADLA: No Commissioner. The CIO's are not gatherers, the gatherers are with Crime Intelligence, under Crime Intelligence – when the CIO's were under Crime Intelligence they were one of the legs of Crime Intelligence. What the CIO's, they analyse crime and they give us the document, they check, we get a daily crime report from them where they check where did crime take place, was the crime pin mapped on the system if not let's rectify, was the crime properly registered on the system and now and then they must go and visit the crime scenes and they must also profile the arrested suspects so that we can have profiles of all the arrested suspects but they are not the gatherers, the gatherers are with the – they were left with the Cluster Crime Intelligence.

COMMISSIONER: What you are saying is the CIO's gather suspect information, do they do a crime pattern analysis?

BRIG DLADLA: That is what I said Commissioner.

COMMISSIONER: So they are doing the crime pattern analysis.

BRIG DLADLA: Crime threats and crime pattern analysis. They will be in a position Commissioner to tell me that of the rapes that we received for the month so many were linked to robbery, the victims ages were like this and this and this and of the murders that we had so many were committed with a firearm, so many were committed with a sharp instrument.

COMMISSIONER: Well it does seem from the Inspectors report that they are criticising or suggesting that the information that is flowing from those two officials to your VISPOL is not adequate but you say that is correct?

BRIG DLADLA: I say it is incorrect.

COMMISSIONER: Thank you.

MS BAWA: Can we now turn to Sector Policing. Earlier on in the week or late last week the Sector Profiles for the six sectors in Khayelitsha was requested and provided to the Commission. Are you aware of that?

BRIG DLADLA: Yes I am aware.

MS BAWA: Did you have a look at the sector profiles that was provided to the Commission?

BRIG DLADLA: I didn't have a chance to look at that because I was here.

MS BAWA: And can the Commission assume that that was the latest sector profiles that is available at the station?

BRIG DLADLA: Yes.

MS BAWA: Okay because these sector profiles that has been provided to the Commission is of some concern. Let me tell you what the difficulties are. The sector profiles identify firstly the population in each sector and the geographic area that the sector covers, if the figures as indicated in the sector profiles is added up, the six, then according to your Sector Commanders combined you have got close to 337 people living in those six sectors alone. The area that they would be covering if one adds up the geographic area that is covered, they would be covering the whole of Khayelitsha and not simply the area which is covered by the Khayelitsha station. Those are two of the difficulties. Thirdly

some of them have the old CPF chairperson's name listed on it, the one that you will recall was removed when Mr Siko came into office. The sector profiles have a huge number of shebeens, a number of businesses, a number of licensed liquor facilities, it indicates some of the priority crimes, it identifies in some cases of some concern only one or two informers in other absolutely no informers and they highlight very few projects as being running or planned in those sectors. Now this is of some concern, are you aware of this?

BRIG DLADLA: I am aware of the sector profiles and I also heard that they were required by the Commission last week and we were busy, we had a date where I had set to get all the sector profiles so that they can go to Captain van Tonder for the station profile to be updated so they had to work together the Sector Commanders and the CIO Captain so that we can address the – because the problem was also so that we can address and update the shortcomings. But I am not sure what was given there, if they gave the whole document I am not sure.

MS BAWA: Well there is lots of blank pages, there is absolutely no indication of the crime statistics and if one looks at the National instruction it basically says that the sector profile is meant to be a planning tool that is used to provide direction to the Sector Commander, it would identify the demographical and geographical information, the needs, concerns, perceptions and abilities of the community within a sector in respect of the crime related matters. One would have to look very deep in these sector profiles to find any of that. But more importantly under Section 7 of the National Instruction a sector profile must be reviewed at least quarterly to provide for changes that may occur in the demarcated sectors. So even if one had to prepare this at the request of the Commission one would have expected that there have been a sector profile available and updated, would you expect that?

BRIG DLADLA: Yes I would expect that.

MS BAWA: Do you do inspections of the sector profiles?

BRIG DLADLA: Sometimes I do.

MS BAWA: And what have you found in respect thereof?

BRIG DLADLA: The shortcoming that I had identified was the population but the figures that were given were incorrect, that is why I said let's check those because we were also believing that it is more than 300 000 people but when the statistics it came to be 154 because it is what I was getting from the station that it is people, how many people are there but I realised that no they were saying the figures were more than 300 because they were still including the whole Khayelitsha. Part of these things that also made me to want to see the sector profiles was the chop shops because I wanted to know how many chop shops are there per sector so we had to update the station profile, that is why I had to see those. They had to communicate first with Captain van Tonder and then I would have inspected them during this month.

MS BAWA: If one looks at the Inspection Reports that were done for 2011 and 2012 it was identified that the six sectors – it was found that both sector 1 and sector 4 did not fully function due to the fact that both of the two sectors did not have a sub sector forum, both of these forums were inactive, only two sector files were well maintained namely 2 and 5, the other four sector files showed generic shortcomings, no crime statistics for monthly, quarterly and annually which we didn't get for any of them, minutes were not regularly typed and we got no minutes for any of them, no mobilisation order, I think one has a mobilisation

order, one identifies – I am reading from your 2011 Inspectorate Report – and it says

“Sector policing at the stations precinct is not fully implemented and is sacrificed for the sake of crime prevention due to the ongoing youth fights within the greater Khayelitsha area. The Sector Commanders on the Station Crime Prevention Unit as well as the three stations in the clusters are all involved with a project called Khulesa to assist in the prevention of youth fights and the prevention of contact crimes ... “

I am going to come to that in a minute but your response to that was effectively that in 2011 that the stats are now placed in file and that the minutes would be updated and that a copy of the mobilisation and contingency plan be given to all of them. Now this is in 2012, the problem was identified in 2011 and when the Inspectorate comes back in 2012 the problem is there again, when we ask for it in 2014 the problem is there and if I go to the Inspectorate Report of 2013 then those difficulties are highlighted again. Now there seems to be a problem with the management of the sectors, would you agree?

BRIG DLADLA: I won't agree with the management of the sectors but with regard to the sector profiles to a certain extent I will agree but I will have to get clarity on the instructions that were given to the members when they submitted these profiles, I will have to find out what were the instructions because clearly something is not right there.

COMMISSIONER: Sorry just to interrupt ... (intervention)

BRIG DLADLA: If I can be given a chance to verify that.

COMMISSIONER: The other thing that the report, that the 2012 report which Ms Bawa was referring to mentions is that sector policing is not implemented because of ongoing youth fights in the area and the need to deal with crime prevention and it is really what you said yesterday that in order to establish a crime prevention unit you have had to sacrifice some people that might otherwise be involved in Sector Policing. That obviously is partly an issue of a shortage of resources but it is also a difficult strategic question, I mean do you have a comment on how you made the decision whether to use crime prevention units, whether to use your staff in crime prevention units as opposed to sector policing and also the extent to which when the Provincial Inspectorate comes and you explain to them that this really is as a result of staff shortages what their response it. So the first question is how do you make the decision whether to move people out of sectors into crime prevention and secondly what are the Provincial Inspectors response when they realise that is what you need to do?

BRIG DLADLA: Commissioner the reports – the other report is saying Sector Policing is implemented correctly, the sector forums are running which means – but the other report is saying Sector Policing is not implemented so it is two contradicting reports. But the reason why as I indicated the standard for Sector Policing that was set by the Western Cape Policing was that two vehicles per sector and when I came here we couldn't put two vehicles per sector already, we would put eight vehicles per sector.

COMMISSIONER: I understand that you only have five from the evidence this morning even though you have got six sectors.

BRIG DLADLA: Commissioner I was just trying to explain that. When we could only put eight vehicles because to be able to comply with two vehicles per sector that was when the members who had to go away were still in Khayelitsha

so when I had eight vehicles I indicated that we were given the chance to establish Crime Prevention Units so the Crime Prevention Units we started them, that was for us to have more deployment at crucial times, it also assisted us with regards to the gang fights as the Commissioner has indicated because that is when we could easily shift the people from working in the morning to start at one until eleven at night. If you have the four shifts with that standard of having more vehicles in the sectors then in each shift you will have 12 vehicles with 24 members for you to be able to put that standard of two vehicles per sector of which I only have 22 members in one shift which means there will be no other activities in the CSC. If those 24 members, 12 vehicles per sector times two is 24 members, if we multiply that with four that is 96 which means 96 minus 24, the whole of that 96 will be on rest days, I mean the whole of that 96 minus 24 will be on rest days if I am talking about the people that are supposed to work outside. So you can't access them, you can't play with them and do flexible duties. If you have to send someone – if like there was a state of the nation address you have to send people there then you can't find those people easily, if there is a big match then you have to send people there, with Crime Prevention you can easily find people.

COMMISSIONER: Because people aren't on 12 hour shifts four days on four days off they are more flexible to you when they are on crime prevention.

BRIG DLADLA: Exactly that is why I said we have made it flexible.

COMMISSIONER: So really it is logistics that has made – it is not so much a strategic crime decision as the point that because you haven't got enough people to put on sectors, two each shift and you are struggling to put one vehicle a shift out now, one vehicle a sector out now, it is really a logistical response that that is the response that you have produced.

BRIG DLADLA: Yes Commissioner that is why you must try to be creative.

COMMISSIONER: I understand that. And when you explain that to the Provincial Inspectorate what was their response, when you said I just have a great shortage and it is not a historical shortage, it is a shortage that has occurred and I am not having to effectively reduce policing in my area despite the fact that this is a POS station, a presidential station, a project 6 station, a project 23 station, I am actually having to put less people out there, what was the response from the Provincial Inspectorate?

BRIG DLADLA: Commissioner according to the RAG Khayelitsha doesn't have serious shortages.

MS BAWA: Well they go a little bit further than that don't they Brigadier because in the 2011 Inspectorate Report one of the increases of crime, well there is a number of reasons given for the increase of crime in Khayelitsha and it is on page 29 of the 2011 report and they list eight issues and they say

“The increase in crime can be attributed to the following:

1. A number of cases were received from Groote Schuur Hospital where a number of death incidents were reported where murder cases occurred but in most of these incidents no skeleton dockets were opened.
2. Some of these incidences were occurring indoors which is mostly domestic related incidents and difficult to police.
3. Liquor plays a big role with the community and the crime.
4. The temporary housing structures, lack of numbering and the fact that there is no proper streets in between these houses makes it

- difficult to do proper crime prevention patrols.
5. The increase in the number of vigilantism incidents due to the fact that people take the law into their own hands.
 6. Poverty,
 7. The station does not have enough personnel to post two complaint vehicles in every sector on a 24 hour basis.
 8. The lack of registered informers on both detectives and VISPOL members.”

So in 2011 the inspectorate identifies a number of causes which they attributed to increase in crime and when one looks at your response to the Inspectorate you noted and then you agree that you do not have enough personnel and that the RAG must be revisited. So on the issue of vigilantism, while I am there, you indicate that you had an imbizo that has been held in Site C which is mostly affected by the vigilantism and that there has been a drastic drop in the number of vigilantism. I am going to come to the question of vigilantism in a while. And that the one thing that is also evident is that you say that in September alone 73 common assaults were reported, 42 of which was domestic violence. So I am essentially saying to you looking at what the Inspectorate said to you in 2011, what they say to you in 2012 and what they raise with you again in 2013 is that unless they staff you properly you cannot properly implement sector patrolling as contemplated in the National Instruction. Would you agree with that?

BRIG DLADLA: I agree but the National Instruction doesn't say two vehicles per sector, that was a provincial standard to say two vehicles per sector. That was then a provincial standard.

MS BAWA: But what the National Instruction does do it says that divisional commission of visible policing must set minimum standards of operational guidelines for sector policing and monitor the functioning of sector policing.

BRIG DLADLA: Yes.

MS BAWA: That minimum guideline has been set provincially, correct?

BRIG DLADLA: That was then.

MS BAWA: That was then. It is now set at one vehicle two persons per sector, is that correct?

BRIG DLADLA: The minimum standard for sector policing it says there must be – the station must be divided, there must at least two sectors, the station must be divided into manageable sub areas and it doesn't state that there must be two vehicles per sector but we feel that if we can do that it can be better. It says there must be a sector commander identified, there must be a sector forum functioning, it does not state the resources, how many vehicles must be there.

MS BAWA: So in your view you don't need a vehicle on sector patrol in a sector in order to implement sector policing?

BRIG DLADLA: I was clarifying the minimum standards but as I indicated all along I agree that I need extra people and as I have been indicating also to the provincial office that I don't agree with the RAG, I don't dispute that I need more members, I really need more members but I was just clarifying the minimum standard of the sector policing according to the National Instruction.

MR PIKOLI: Brigadier I agree with you that these are provincial guidelines but is there no expectation that you must comply with those guidelines? Why I am raising this as an issue is because in the task team report headed by the late General Shabalala it is raised as an issue where there is no compliance with

those guidelines.

BRIG DLADLA: Commissioner I indicated it was the then minimum standard to have two vehicles per sector of which I still agree that it can be better if it is two vehicles per sector and what I am saying I wish – the Crime Prevention members are 24 and we divide them into 2 so if you divide these crime prevention members as they are 24, divide them by four they will give you six members so that will be six and three additional vehicles per shift. Even if I want to comply I can't comply. I also indicated – Commissioner when I am saying the minimum standard of two vehicles per sector I said it was the then minimum standard because we were allowed in the stations to form Crime Prevention Units so the minimum standard of two vehicles is no more applicable. I don't know if it is clear what I am saying.

MS BAWA: When questioned about this by the Inspectorate in 2012 you indicated to them on page 55 that in all the sectors there is a community that patrol but they are not willing to attend meetings or give their names in fear of arrest, sector commanders have extended invitations to these patrollers with no success. What are the fears, what are they scared about?

BRIG DLADLA: The challenge is that I have with the patrollers, the patrollers they will patrol but our people believe in assaulting people, if they find you having committed a crime there are those who will assault the people. That is what I found challenging here because people were saying you police are arresting us yet we are working with you. Now you have a case where somebody who is assaulted by the patrollers and he opens a case and he says I was assaulted by Dladla who was patrolling, what do you do? It is a serious case, it is GBH, he was injured. We have to process this guy and go to court. That makes the patrollers negative to say we are working with you but you are also arresting us. I have been trying to explain to the patrollers that we must not take law into our own hands, we are working with the police and we must not do that. It was the same even with the – if you listen to the people, the community, they say they want taxi drivers because they can give to the people, they can assault the people but it is not supposed to go like that. I explained to them that as the police we cannot assault the people. If we assault the people we get charged for that, it is not only the community members that get charged. I had a meeting also with the patrollers representatives on Saturday and we were addressing all the shortcomings that we coming up across with and I also addressed them several issues that we need to address but I encouraged them to patrol. You will find that the patrollers are, the community is patrolling. We have agreed that we must make a list so that we can know who is patrolling and then we call the van and then the people can patrol but we know who is patrolling but that was saying they don't want to make that list so we can't keep records because they think that should somebody be assaulted there must be an investigation and there will be proof that he was working. That is one of the things that make people negative to patrol. But we still encourage them to patrol, there are those who are still committed in patrolling but some have, the figures have declined. There is nothing budgeted for the patrollers but I would, I would try and even make something for them even just to make some soup for them to get warm when they are patrolling because they will be patrolling in winter. Ja, that was the problem, that is what we were trying to indicate that some have declined because of that.

MS BAWA: As I understood your evidence Brigadier in a weekend shift you

have nine vehicles out on a shift, is that correct?

BRIG DLADLA: Yes. On night shift, Friday night and Saturday night.

MS BAWA: And that is the high watermark of when most of the crime happens?

BRIG DLADLA: Is taking place yes.

MS BAWA: And you managed to achieve that because you don't put out the two vehicles per sector per shift as contemplated to do that, in the week, in the less peak periods you put out less?

BRIG DLADLA: If there is no off sick you achieve it but sometimes you find that in a shift of this 22 operational members you find that there are 3 people who are sick so that will have an effect on your deployment because you still have people that are on leave so it has an effect on your deployment.

MS BAWA: Sometimes it has a serious effect because on the day when the Department of Community Safety did their inspection in February 2013 you had 27 members absent as a combination between leave, sick leave and training. That must seriously de-capacitate you on any day when that occurs.

BRIG DLADLA: When you say 27 you must now break them down and say 27 from where because you have got detectives, you have got support, you have got shifts, you have got VISPOL support, so out of those people there can be people who are on leave if they – are they referring to off sick people only or are they referring to absenteeism only?

MS BAWA: Well it doesn't specify but on your own figures it does seem that your VISPOL sick leave was higher than the national average in 2012, it was 9.6 whereas your support services was 8.9 and that figure has subsequently come down. Would you agree?

BRIG DLADLA: Commissioner I don't want to agree when it is not clear. I want clarity. She said on that day there were so many people that were not at work, I wanted to know Commissioner if it was ... (intervention)

COMMISSIONER: I don't think the report breaks it down from my recollection, is that right?

MS BAWA: Ja. It is on page 11 of the 2012/2013 report and it says ... (intervention)

COMMISSIONER: This is the DOCS report?

MS BAWA: This is the DOCS report. A total of 417 working days were lost due to sick leave, an average of 1.4 days per person for the entire station personnel. The average number of days per member per component at the respective components for VISPOL is 1.5, for detectives is 1.04, for support services 1.8. And then it says at the time of the oversight audit a total of 27 members were absent for duty due to sick leave, normal leave and attendance of training courses.

BRIG DLADLA: It can't be 27 per day. We won't have 27 people off sick per day.

MS BAWA: No, no it is a combination of off sick, annual leave and training.

BRIG DLADLA: Yes that I agree, that is what I was asking from the beginning Commissioner if it included leave – as I indicated if you have 50 members at one given time every month you must have 5 members on leave, you must because if we have 50 members and there is no 5 members on leave then you will have a problem. And what we must also bear in mind is that leave is not the same. The shift get more days than the people that are working half past seven to four. If I am going applying for leave four days on and four days is my leave so if somebody is going on leave on Monday, he is going on rest days on

Monday and he is applying for leave then Monday, Tuesday, Wednesday, Thursday is his rest days so the leave doesn't start counting there but you start counting leave from Friday. You say Friday, if he asked for four days, Friday, Saturday, Sunday, Monday. So it is totally different from us that are working half past seven to four. We are working half past seven to four, our leave is calculated on five days, we count this five working days as our leave, we skip the two rest days. It is the same with the shifts, you count the four days that is taken you skip the four days that would be your rest days so they always get more days than others. So that is why you will find that it is more days but you have to cover as they indicated and I also indicated with pregnancies there could be complications that is why you find that there is sick leave. There are people who are sick in Khayelitsha Commissioner, really sick who are not abusing sick leave. As I indicated I even allowed somebody to be transferred. As it is I think one, two, three, four that are really sick but they do come to work, the other two are still trying but you can see he is limping. I don't know if when the Commission visited the station the floor manager is a warrant officer who was involved in an accident, he can't really walk so that is why we gave him what we term as a soft job. I also indicated somebody who is at the SAP 13 who was also involved in an accident, he is still sick, not well. There are people – you can try and support people at work but if there is no support structure at home it becomes a little bit difficult. I have somebody who was sent to me from another station, a member and that member is sick. He was sent to me because I am closer to where he stays but he doesn't make any difference, he is just a number there. He is always sick. You see he can't use his arm because it sort of – yes there was in the detectives somebody, the two detectives crossed, the one who came to the station is very sick, she is not abusing sick leave. I have the other one who crossed that is a civilian who crossed with another one, he is sick Commissioner and he had been to the mental hospital. So yes there are people who are sick that can also contribute to a number to a number of people who are not there but as far as possible we plan also overtime and make sure that we supplement the weekend deployments with overtime. Like in December we added the weekends that are problematic, even in January and February we also had our overtime but overtime comes late, it will be better if it can come earlier. You use your overtime based on the percentage that you utilised last year trying to save so that when December comes you have overtime available to put more additional people because December 16 is very difficult in Khayelitsha. So during these festive season we put more people by making use of overtime.

COMMISSIONER: Use of overtime, thank you. Ms Bawa?

MS BAWA: I am going to move off the absenteeism question merely to put to you that this was an issue which was raised by the Inspectorate in the 2011 report where they identified on a number of days where you had something like 14 or 16 members absent, they also identified that a number of your SAP 15's had not been completed properly, that your absenteeism wasn't recorded in the SAP 15's, that you undertook to put measures in place to correct it and that the issue was again raised in the 2012 report where a similar undertaking was to correct it although the acknowledgement in the 2012 report is that whereas you had a poor rating for absenteeism for the first four quarters of 2010/2011 of 44% you achieved a satisfactory of 50.8% for absenteeism annually. Does that accord with an improvement that you are seeing in absenteeism between

2010/11, 11/12 and then 12/13, are you improving on your figures?

BRIG DLADLA: That is what I indicated.

MS BAWA: Sorry, do you have the improved figures?

BRIG DLADLA: I just – it differs from period to period, I don't know if I have got it here, I will just check here. But I indicated to the Commission that we had improved in December on people that were off sick but we are a big station with a lot of members that are there and if I look at the months that are always problematic, if you look from 2005 December used to be 214 people but they were still a lot of people as well but still we have gone down from the average because it was 214 in December alone, 113 in 2006, 123 in 2007, 116 in 2008, 100 in 2009, 95 in 2010, in 2011 there was 54, in 2012 it was 59, in 2013 it was 46. That is December alone. When you say this sick leave it is different people, it can be people from support, it can be people from detectives, it can be people from VISPOL. If you look at the people who are working shifts it is a majority of the people who are always booking off sick. But we are monitoring it and we are improving on it and I am satisfied that we have done better because there hasn't been a much difference in the month of 2013. But also what we must bear in mind Commissioner is that there are 36 days of sick leave in a cycle, a cycle is in 3 years. Now some people believe that it is a must to take these 36 days and then when he looks he says hey I have got so many days I can utilise. That is why in December I also go and take an extra step to say the members are allowed to book off sick for one day or two without a medical certificate but the station commander has the right to say no I want a medical certificate if he has identified you as a high flyer but in December I say no irrespective of your status I want a medical certificate whether you are a high flyer or not a high flyer. So if you look at the 2012 was I think was the last year of the cycle, the new cycle started last year, that also has an impact but I think we managed well on the first cycle, the figures were not bad especially in December because that is when people want to go on holiday, they want to visit their families and then they will book off sick. Somebody will maybe be given leave up to the 15th and then all of a sudden he adds with sick leave wherever he is, you can't even visit to go and double check if he is really sick or what because when we visit we are doing both to double check if the member is really sick or also to give support to that particular member. But also the member is not supposed to leave his place of residence without the approval of his Commander or her Commander when she is sick so it is part of the management. When it is far you can't even know where about to ask that particular station to go and help you. The majority of us are coming from the rural areas in other provinces so it is difficult to say go and find this house there and you can visit for us and check if he is really sick.

COMMISSIONER: I think it is probably time to take an adjournment so we will adjourn now until 2 o'clock.

COMMISSION ADJOURNS: (at 13:15)

ON RESUMPTION: (at 14:00)

COMMISSIONER: Good afternoon, brigadier. You're still under oath.

ZITHULELE MOSES DLADLA: (suo)

COMMISSIONER: It's taking a bit of time. Thank you. Miss Bawa, are you ready to continue?

CROSS-EXAMINATION BY MS BAWA:

Brigadier, you testified yesterday that your detectives on average is

/...

carrying approximately 165 dockets. I noticed in one of the correspondence that you wrote, you identified that detectives should carry between 60 to 80 dockets. Is that your experience or is that based on an instruction?

BRIG DLADLA: It could be, it's manageable; that 60 is manageable.

MS BAWA: Does it – what had also come out in the evidence, and this is one of the things I want to explore as part of what would be recommended. You're detective division is divided up into the very serious crime, the economic crime and then sort of general investigations.

Would your recommendation of 60 also apply if you have your detectives dealing with murder, culpable homicide, or would you expect that somebody who is dealing with such serious crime carry less dockets?

BRIG DLADLA: Yes. On the serious crimes, if it's lesser it will be better; because we can have – we can give attention to each docket.

MS BAWA: Do you – one of the difficulties which all three stations appear to have is informers, is registering informers. Now I understood from some of the testimony that came here; is my understanding correct that an informer doesn't necessarily have to be a known criminal, it could be any member of the society who has got information on crimes that would be useful to the police?

BRIG DLADLA: That is correct.

MS BAWA: And one of the items on your Western Cape detective 10-point plan is to register one informer every quarter and to submit a claim. That's correct?

BRIG DLADLA: It is to submit one claim per quarter, not necessarily register one informer.

MS BAWA: Why are the stations having such difficulties getting informers?

BRIG DLADLA: The stations have got difficulties in having informers that are registered. But at the same time, you also have informers that are not registered, that will just give you information and they don't want to do anything with you after that; you either get the information over the phone or he will meet you and say this is what is happening and then he runs away, he doesn't want anything after that.

But what we are trying to – the problem with the registered informers is a perception that was – there's an association of the word informer. If you interpret the word informer to the Nguni languages, Zulu and Xhosa, it's called *impimpi*. So *impimpi* has got a stigma attached to the older system. So as a result people, there are some who are willing to assist us, but some don't want to assist us; they believe we will expose them.

But it's not – I believe it's not understanding what an informer is. And I've been also up and down trying to explain the difference between the informer and the witness. Because some people believe that if you give a statement you are an informer, meanwhile you are not an informer you are a witness. An informer is somebody who is very protected. The documents are kept under lock and safe; it's – not everyone has access to the documents, so he will not be known. So those are part of the things.

The detectives will try and recruit informers, but people don't want to be informers. I have tried to have them but they say no, I don't want to be registered, I won't give you my particulars, but I will give you information on this and that. And it's happening. I have a lot of informers that are giving me information; they will phone me and say at such and such a place this thing is happening, at such and such a place this is what is happening. So it is a challenge for all of us.

MS BAWA: Would it be of assistance if it was restructured? In other words, like we make ...(indistinct), if we called an informer something which wouldn't have the same connotation to it and we repackaged it, that we might come up with a different formula?

BRIG DLADLA: We tried to do that by trying to – it's better even if you put it in English when you speak to someone and you don't say it's an *impimpi*, you say informer; I want to work with you, I want you to be my aid. You try and move away from that stigmatised word *impimpi*. But still it's not as good as we want to have. It's not only Khayelitsha, it's all over the country.

MS BAWA: Okay. The other thing which – I was listening to you talk about absenteeism levels and some of the difficulties you've had with some of your members being sick. I see that there is one captain appointed to the health and wellness programme for the entire Khayelitsha cluster.

And that person might not always be available when assistance is required, for obvious reasons; I mean, it's only one person. Do you think that system needs to be restructured at all?

BRIG DLADLA: I don't think so, because she is not alone. It's now a warrant officer. I don't think so, because you can – it's not only her alone. She is responsible for the cluster but there are other people from different clusters, there are people from provincial office. So you can make use of them. Even if you don't feel comfortable in accessing her, you make arrangement to access somebody else from the cluster, from another cluster.

MS BAWA: We have heard evidence that, whether it's real or whether it's only a perception, that members do not want to use the internal services because they're of the view that it would be held against them when it comes to promotion opportunities. Now whether that's true or not, how do we go about eliminating that perception amongst the rank and file?

BRIG DLADLA: It's difficult. It's difficult, because – but firstly we must clarify that it's not a policy of the SAPS to ignore people because they are making use of the services and it's not – we are not doing it. I am one of the managers that are also involved in the promotion panels; I have never heard any panellist member saying this guy is going to be discriminated because he's utilising this, he is weak. It's not a policy of the SAPS.

But also, in the police we want to be brave, including myself. We don't want to be seen as weak. I can tell you, I've worked all these areas where there is – I've been dealing with blood, blood, blood, but I've never attended any session. I've been offered but I don't see the need.

Fortunately the provincial office has said now we must now force people to go. It must be a system that we as commanders must make arrangements and just send people to go for counselling and to be attended by our EHW. But ja, we don't want to be seen as weak because we are – we want to be seen as strong. But that is the mistake that we have been doing as police officials.

MS BAWA: Do you ...(intervention)?

BRIG DLADLA: The systems are there in place but we are not making use of them.

MS BAWA: Do you think one way to overcome the perception is if by example the senior members go; whether you perceive yourself to need it or not, but by way of – like you lead by way of example when it comes to dealing with Free Gender and the LGT community, you similarly set the example by saying there's nothing wrong in using this service?

BRIG DLADLA: Ja. As I indicated, that the provincial office decided that we must arrange, so I will also go, as much as I don't really need it. I don't know, I don't need it, but I will go just to support my members; because we have realised that they don't attend.

But it's not that all of them, some speak out and we arrange. We arrange even when the – after the incident that they have attended. The majority don't want to go, some do attend. So with this new instruction that we must arrange, I will also go for them to see that it's – there's nothing wrong with that.

MS BAWA: If one looks at crime statistics over the last 10 years, and the Schooling and Leamy report deals with it from paragraph 171 onwards, we don't seem to be making a huge dent in reducing crime. We had the conversation earlier about crime prevention and crime solving. On the crime prevention avenue, we seem to be seeing increasing and higher crimes, especially in contact crimes in Khayelitsha. Do you agree with that?

BRIG DLADLA: Yes. But one must consider the population, the growth of the population; it has grown tremendously. And also the daily commuters, Site C is a junction where people from Mfuleni, they get their transport in Site C. The taxis that are coming from other areas, the people are dropped there and they take the taxis to their different destinations. Some people have been moved to Mfuleni, some people have been moved to other areas, but the more you move the more they came back.

Because I can tell you, at BM section there were people who had been – there were people who were phoning me, who came to me and said Dladla, stop the law enforcement from demolishing our shacks. I said I can't stop the law enforcement from demolishing your shacks because they are demolishing the shacks that are not supposed to (be) there, they are doing their work.

So the more you take them, you can think you have taken them to wherever, but they are back. Before I came to Khayelitsha, some three or four years back before I came to Khayelitsha, RR, it was cleared. I don't know if I was at Kraaifontein at the time or I was at Mfuleni; it was cleared. But now it's back to where it was. And I don't think it will be okay; because if I look, we are busy electrifying the area but there are no roads. So it's still going to be a challenge.

If you look at K section, there is a big difference now; because K section is RDP houses, you can easily access it. Where it's in an informal settlement it's difficult to access because of all these things that are there. The people don't have proper housing, there are no proper roads.

And you have to park a vehicle certain metres and walk, certain metres to where you are attending, and by the time you come back maybe the tyre has been slashed. So that will also cause you a delay to attend to somebody also who needs to be attended, because you must first fix the tyre. Maybe both tyres are slashed, then even the spare won't work.

So what I'm saying, if we can improve the infrastructure and the living condition of the people of Khayelitsha and put –electrify the houses and the streets to have lights, the people to have proper housing, not shacks; and if you have a proper house you will have a proper toilet, you don't need to go out when you have to utilise the toilet, if you came late from work you have to fetch water there are night, so if he has water in the house you don't have to police that, that will improve the standard of living of Khayelitsha.

And also make sure that there are facilities for the Khayelitsha youth to

engage, because there are no facilities, nothing. We even have street soccer, play on the street. There is one field in Sector 6 that is run by Amandla Football Club, but it's not enough for the people of Khayelitsha. The people of Khayelitsha need to be catered for in all respects so that they can stop being violent.

Because if you look at some of the things, some people will fight over water that is the used water that is spilled into my yard, there's nowhere to spill water. So if you can look at all those things it will help to reduce the violent crimes.

MS BAWA: Can I ask you; I saw from your SCCF minutes two things that I want to raise with you. One is that you instructed one of your warrant officers in one of the sectors to address a letter to the City of Cape Town on the issue of the lighting was out in his sector.

You also – and it's not clear from the minutes where it went to, which is why I'm asking you. You also indicated that contact needed to be made with the local councillor in relation to the lighting. Can you tell us whether that letter went off and whether you got any response from either the council or the city?

BRIG DLADLA: You know, when the letter comes from us it becomes better, they respond quicker and the lights are rectified, but it's not our duty as the police. And some of the counsellors have said it's better if you report it, you as the police. So we have been doing it, we are doing it. I think that was Warrant Officer Visser in one of the – who is a sector commander of Sector 2. So now and then we identify the lights that are not working and we report them on behalf of the community.

I can tell you, when it comes to lights; I stay in Wynberg, it's pathetic what you see from Khayelitsha to Wynberg. If I'm driving on Lansdowne Road from work we find that the lights are not working in Khayelitsha but the lights are working on the R300 and the off-ramp from the N2. I once counted, there were three or four lights working from Bonga Drive, corner of – intersection of Bonga Drive and Jeff Masemola up to Stock Road. From Stock Road to Nooiensfontein it was better, a little bit better. But from Nooiensfontein it was less than five up to Wynberg, less than five lights that were not working.

I'm saying if we can look at all those things our job will be easier as well. We don't dispute that we also lack somewhere, but the majority of our crimes are emanating from these shortages of resources. When I first read the report that was coming to us with regards to the commission of inquiry it was – that led to the establishment of the commission of inquiry, in those complaints those organisations were not complaining about SAPS alone.

They were complaining about all government departments that are in Khayelitsha; your Metro Police, your law enforcement, your Health Department, your Justice Department, SAPS. But unfortunately we chose the wrong job, that we are only the whipping boys as the SAPS; we were isolated as SAPS.

MS BAWA: Well I'm looking at it as to where you get the voice to tell us where to make recommendations, without any whipping going on along the way. So you get to tell us where you think things need to be improved as the Agency most dominant in crime prevention in Khayelitsha.

On that issue; besides the environmental factors, we have had evidence from the ambulances who pick up trauma patients throughout Khayelitsha, and when they do a mapping of where they pick people up who are victims of bullet wounds, victims of dangerous weapons, stabbings, etcetera, they basically pick

people up just about everywhere, without much distinction between the formal and the informal areas of Khayelitsha. Do you find that to be the case as well?

BRIG DLADLA: No. You know, for example, in Taiwan in Site C, Taiwan is an informal settlement. And Idada Road is the road, the last road, to the informal settlement. So if you pick up someone there you will think I have picked him up – because it's Taiwan and it's RDP houses you will say I have picked him up at, where? It will depend whether you say you picked him up on this side or on this side. But ...(intervention).

COMMISSIONER: But I understand that, Brigadier Dladla. But if you actually look at the picture you would expect then, and what you would see, is along Jess Masemola, along Mew Way there would be – you know, they do it in a form of lights so it would be very sharp along the edges of the roads which bound onto the informal settlements. But that's not what the picture looks like at all. It looks pretty evenly spread.

Now admittedly it also includes motor vehicle accidents, so it's anybody who is injured traumatically and needs to be taken to hospital immediately. So it's not only crime, the vast majority would be crime, pretty evenly spread between formal and informal areas.

We have asked them to produce a spread to show us Friday afternoons, when we are particularly active for the gang fights, for the young school gangs, but also they're going to do it up till Friday evenings, which are a particularly bad time as well if one looks at the crime stats.

Do you have a comment on that or are you fairly certain that in fact contact – violent contact crime is more prevalent, at least in your precinct, in informal areas?

BRIG DLADLA: In my area it's more prevalent in informal areas. But also a good example is if you look at the three stations, the contact crimes are more in the two stations, Khayelitsha and Harare; less in Lingelethu West, because Lingelethu West has less informal settlements than the other two. So I don't agree with that; because even in Thembokwezi you get these, but not like in other areas.

MS BAWA: If we move on to the question of disciplinary complaints. Advocate Arendse read an extract of the Schooling and Leamy report which indicated that there were delays in the finalisation of disciplinary complaints which could lead to them *prima facie* being withdrawn due to expired deadlines. And your comment was that this was a very general statement which needed to be corroborated.

Now the statement which appears from the Leamy report effectively comes from the inspectorate report, the 2012 inspectorate report, where they make essentially three findings on complaints; basically that,

“After perusal of some of the finalised complaints files it was found that some of the complaints files were closed without a satisfactory statement of the complaint.”

And they give a number of examples; but,

“The captain who is responsible for complaints could not explain the reasons why these satisfactory statements were not obtained from the complainants. The officer was informed that the complaint cannot be closed without a satisfactory statement and that the satisfactory statement needs to be obtained.”

That was the one aspect in the 2012 report. In the 2011 report they

highlighted a number of outstanding complaints. And the statement which appears in the Schooling report is effectively taken from the inspectorate report.

After your evidence yesterday I went to have another look because the Commission had been given a number of your disciplinary complaints for the period spanning 2010 to 2013. In fact, I think you made the best disclosure of the complaints in the disciplinary register out of the three stations.

And can I ask you; do you have an electronic database of the complaints, an electronic complaints database?

BRIG DLADLA: Commissioner, can I get clarity? Because she spoke about discipline and also at the same time spoke about the complaints. They are two different things.

MS BAWA: Well I understood that – well let's not call it discipline, let's call it complaints; because it relates to Standing Order 101. Standing Order 101 deals with the management of complaints against the South African Police Service.

BRIG DLADLA: Okay.

MS BAWA: And the heading in the Schooling and Leamy report might be misrepresentative in saying it's discipline. But I think it's clear that what it deals with is the information which had been provided to the Commission as requested under paragraphs 3.8 to 3.10, which are the disciplinary complaints, and which is governed by Standing Order 101.

And so my first question to you is, under Standing Order 101 it requires every business unit, which includes a station, to have an electronic database for purposes – to be utilised for the complaints. And my question is, do you have such a database?

BRIG DLADLA: Commissioner, let me clarify first, because there seems to be a confusion. Let me clarify; Standing Order 101 complaints are the complaints against the police. As I indicated yesterday, that if the complaint is reported, it's investigated by the officer, it's different from the discipline thing.

But disciplinary steps may emanate from the Standing Order 101 complaint. So when a Standing Order 101 complaint is received it's investigated to determine if there is a misconduct. If there is a misconduct then we open a disciplinary case.

COMMISSIONER: Thank you. That is clear.

BRIG DLADLA: We also – Commissioner, we – yes, at that time we were not registering them, we had a manual for Standing Order 101 complaints. But now when it comes we register it at registration. That is part of – those are the people that are in – when we were talking about personnel at administration, those people, when it comes it's captured on the system and then we also register it on the manual book.

I must also clarify that the cluster complaints are captured also at Khayelitsha. If somebody complains to the cluster, that will be captured at my station. As I indicated, my station is an accounting station. Although they will keep their register at the cluster, but electronically it will be captured at the station as well.

MS BAWA: So you're saying the system which is – the difficulties which is identified in 2011 and 2012 inspectorate reports of cases of – disciplinary cases have been dealt with? In other words, you have put in place systems to deal with outstanding complaints?

BRIG DLADLA: Exactly. We manage it in the SCCF, we also report on it in the cluster meeting. And there were standing operational procedures that were

formulated by the provincial office with regards to Standing Order 101 complaints; to say if the complaint is reported and we receive it at the station, we must identify the officer that is going to investigate.

I must – the station or the acting station commander must sign a certificate to say, I've taken note of the complaint, we have assigned the complaint to Captain So-and-So or to Lieutenant Colonel So-and-So, we know the brought-forward date that is set by the Province, and we give the contact details of that investigating – the officer that is investigating. And then we go and interview the complainant and take a statement from her or him.

And I think I have only two Standing Order 101 outstanding, they came last week, ja, last week either Thursday or Friday. So it doesn't matter whether the complaint comes from – the complainant comes to the station or it came from provincial office, but we still register them.

And if it came to us a station, we register it and also report it to the provincial office, so that they can be in a position to know how many complaints are there. And there is a weekly feedback that we complete, that is completed to give feedback to the cluster in the meeting and also in our SCCF, as to how many Standing Order 101 complaints are outstanding.

MS BAWA: My question to you, Brigadier Dladla, which I'm not sure you've answered; under Section 3 of Standing Order 101 it requires a station to have an electronic database. Do you have such an electronic database?

BRIG DLADLA: I indicated that we have.

MS BAWA: You do?

BRIG DLADLA: Yes.

MS BAWA: And when was that put in place?

BRIG DLADLA: We started last year, I'm not sure of the month.

MS BAWA: Okay. And it's not the details off that electronic database that was furnished to the Commission, it was other information; it was the manual disciplinary register that was provided?

BRIG DLADLA: That was – when you requested it, it was earlier. That is why we had given that one. It was prior to us implementing the electronic one.

MS BAWA: Okay. Now the Standing Order contemplates that when you receive a complaint you must ensure a written acknowledgment of receipt of the complaint (is) provided to the complainant. How do you do that?

BRIG DLADLA: As I indicated, the Standing Order says you must make arrangement and go and see the complainant. That's when you interview the complainant and take a statement from ...(intervention).

MS BAWA: Stop a moment, Brigadier; you're jumping the gun. There is a system which is put in place with a Standing Order. The first provision, which is clause 5(1), and if it makes it easier I will provide you with a copy.

BRIG DLADLA: Okay.

MS BAWA: So that you can look at it. It contemplates three stages, registration, assignment and investigation. And I am at registration at the moment.

BRIG DLADLA: Yes?

MS BAWA: And clause 5(1), which is on the second page of the document I have provided you with, contemplates that,

“The member receiving the complaint must ensure that a written acknowledgment of receipt of the complaint is provided to the complainant.”

Now I'm asking you how do you go about providing it? Do you give them a receipt, do you write a letter, do you keep it on file? How do you actually go about doing that?

BRIG DLADLA: Well if it's a – if she gave us in writing we acknowledge receipt; we make a copy and sign and acknowledgment receipt. But most of the complaints are coming from inspectorate; people are given the number, they know the numbers of the inspectorate, they come from the inspectorate.

So when it comes to us, as I indicated, I put a certificate and send it to inspectorate to indicate that we have acknowledged receipt of the complaint and the investigating officer – the officer investigating will be so-and-so.

MS BAWA: Now the next stage is what you've already told us about; it's how you assign the complaint to an investigation. So if it comes from Provincial Inspectorate it's assigned, it comes down to you as station commander, you assign an investigator.

That investigator has to complete that complaint within 19 days or else come and seek an extension, as I understand the Standing Order. Is that how you understand the Standing Order, 19 working days?

BRIG DLADLA: With the provincial office, the provincial office reduced the number to 7 days.

MS BAWA: Seven days?

BRIG DLADLA: Yes.

MS BAWA: Okay. In the past – I have a number of correspondence between 2010 and 2012 which I pulled out of the files given to me. You accept that that period wasn't met in the past by your station; that there was a number of incidences where investigations were not completed during that period?

BRIG DLADLA: Yes, there were some that were not completed in time, but with various results. But one of – Standing Order 101 complaints were problematic all over in the province. That is why the Province made those instructions, those standing operations procedures that we must follow as – in the province to try and overcome this problem of Standing Order 101 complaints that are long outstanding.

MS BAWA: The other thing I noted from the files that were given to us is that there are a number of files where there is absolutely no letter of satisfaction from the complainant signed. At best the investigator puts in a note or an affidavit or an email which indicates that the complainant is satisfied, or there's an interpretation of a statement which is made that the complainant is satisfied. Have you remedied that that procedure is now properly complied with?

BRIG DLADLA: It has been remedied. And the provincial office does not accept anything without a satisfactory statement, they only accept the statement from the person who is investigating if the complainant says I'm not satisfied. And also sometimes if he's complaining about the case docket there won't be a satisfactory statement before that case is finalised, but we identify that we'll monitor the investigation and make sure that we give feedback to the complainant that is complaining about poor investigation.

But if the complainant is satisfied and we do – we file satisfactory statements and also the reports, there must be a statement from the officer that was investigating. He must – there must also be a report that is submitted together with the satisfactory statement. The copies are also forwarded to the provincial office of all those things.

MS BAWA: You, in one of your SCCF minutes, recorded that there was a 125 –

165 files – 125 files investigated and in relation to 106 of them no steps were taken. Is it common more often than not, when these complaints get investigated, that it results in no steps being taken?

BRIG DLADLA: It depends on the case by case. Because when somebody alleges that this is what happened, you have to investigate and see what happened. And if – as I indicated, if there was a misconduct we will take steps.

The steps, they range from counselling; because somebody might not know that what he was doing was wrong, then it's a complaint. It could be a verbal warning, it could be a written warning, it could be that it has to be – it has to go for a hearing. So it depends. And also, ...(intervention).

COMMISSIONER: Brigadier Dladla, could you just answer the question which was put to you. Is it unusual for 106 complaints out of 125 to result in no steps, not even counselling?

BRIG DLADLA: It won't be unusual, Commissioner, because ...(intervention).

COMMISSIONER: Not unusual.

BRIG DLADLA: ... of different reasons.

MS BAWA: Can I maybe put one complaint to you that epitomise some of the complaints; and this is not one of yours, this comes from the TRT.

There is a complaint that is lodged, right. It is actually lodged by a member who is employed at another police station. And her complaint is that at 01:30 in the morning TRT members knocked on her door, she opens it to them, they say they're looking for a certain policewoman who is a suspect. She alleges that they did not introduce themselves and that a certain sergeant who was speaking to her requested her appointment certificate.

She wasn't happy with the manner in which they approached her. She alleged that in the process they broke a window; she suffered emotional stress because of their actions.

There is a statement from her niece who lives with her, who says that she is awoken by this noise, a loud noise. She comes to the door and the windows and she sees that her aunt is already talking to a police officer. She alleges that one of the policemen followed her aunt to the room, the other was busy searching the dining-room. They asked to see a safe and the member involved refused because her firearm was in the safe.

In the course of this – the police officer goes to her – the member goes to her police station, she complains to her commanding officer, she goes and lays a complaint at the Harare Police Station. The docket gets lost. She then lodges a complaint with the Provincial Inspectorate and they refer it on to investigation.

The matter then gets investigated through an investigator appointed at the cluster. The cluster takes a statement, the investigator takes a statement from the sergeant who worked on the same day and his partner who was involved. And they accept – they allege that they went to this house together, they knocked on the door, the lady opened it, she introduced himself – he introduced himself, he told her why he was there. He ascertained that they got the wrong person and they left.

That's his version and that's corroborated by his department. His captain reports well, my members were interviewed, I saw no need to open up the disciplinary action against the members because they had acted according to the correct procedure. The docket is never investigated by Harare. A disciplinary file is eventually opened. And essentially if one looks at the entire investigation, it boils down to he says, she says and we prefer the version of the

TRT person.

And if I look through a number of the complaints of bad service at the police station, he swore at me, he didn't do this, the extent of the investigation is well, we have the complaint from the complainant, we ask our officer what happened, we get their statement, we close the file and we finish with an investigation and we prefer the SAPS version. Would you care to comment on that?

BRIG DLADLA: I can't comment because it's not my station and it's not my members. But, Commissioner, I was listening from the statement of the complainant. I wanted to see, it didn't come out clearly for me where the TRT went wrong. Because I'm told they knocked at the door, introduced themselves and explained the reason.

MS BAWA: That was what the police officer was saying. The actual statement from the complainant, while we're at it was,

"I heard a big bang knock in all doors and windows. I woke up and looked through the kitchen window and I asked who's there. And the response was, 'police, open the door'. I saw the police outside.

When I opened the door one was asking the other police officer to bring something to break the door down. After I opened I switch on the light. I went to my children's room as my three-year old was crying. I was trying to comfort her. A policeman was already next to me and others all over the house, asking me who else is there.

I got confused with the situation. I was sleeping and all of a sudden police is all over my house. None of them bothered to introduce themselves or even tell me why they're there.

I came out of the room. I could move further outside the room as the police sergeant was standing there with an intimidating manner and I was there. He then started asking me questions; 'you are a police, right; what's your rank, confirm your force number, give me your ID; not your appointment certificate, we don't need it; where is your safe, where is your firearm'.

Then one constable asked me if I am not working in Lansdowne. I said no. I ask him why do they have to treat me like that.

I never took down the registration of the two Vitos that they were driving. Also I didn't take their names, but I can be able to identify the sergeant that was questioning me. I am not sure if I can identify the police that were there as it was a terrifying situation.

I was with my child crying, on the other hand my house was full of police.

I opened up a docket at Harare. The first one got lost before it was case (sic). I opened up another one that was registered and in respect of which I'm not getting feedback."

And then she goes to the inspectorate,

"I would want closure on this matter since I can't believe that I was approached by my own colleagues like a suspect; because in my experience you do investigation when you're looking for someone. And it's very easy for a police that is known like me in my area; I don't feel safe since that day and I don't have answers."

And her statement is corroborated by her niece. A follow-up statement is then taken from her, which is then interpreted. What I initially read to you was

the report to the Provincial Inspectorate, and the statement that I'm now going to give you is an interpretation of a complainant that is satisfied with the outcome;

"I am a constable ... On Thursday the colonel ..."

That was the investigator,

"... gave me feedback on my complaint, whereby he told me that the commander of the TRT unit saw nothing wrong that was done by his members; although my window was broken to my house, even though I still don't know why the TRT was in my house. The case I opened in Harare, the first docket I opened got lost.

I am happy with the investigation, what the colonel did. But maybe it's me who doesn't know the procedure when you're looking for a suspect. Because according to my information, you introduce yourself, you tell the person why you're there, and that's what I didn't get. But the TRT commander sees nothing wrong with that.

But if that's how things are done now in the SAPS I am hoping that I will know who the TRT was looking for. And the investigating officer, where did he get my information; because I was always working with Makhasa. And were they, at all the other houses that they visit people, as disrespectful as what they were.

If TRT members informed me of why they were in my house and who they are and treated me with respect I would not have opened up a complaint.

It's still traumatising to me the way I was treated. It's still difficult for me. I wish I can forget about it; it's hurting me and it's really tearing me apart, the treatment I get from my own colleagues."

Now the first thing that I read to you is the report – by way of summary, is the report which is actually furnished to the Provincial Inspectorate. And in the report it is indicated that she is happy with the investigation, even though she had a complaint that there was no female TRT officer with the members that went to her house. Where that comes from the statement, I don't know.

But my point to you is; I've now gone through a number of complaints, brigadier, I can take you to a dozen of them, including your station; in where one finds that on service delivery complaints that come, you invariably have the version of the complainant and the version of the police officer and almost invariably when the chip falls, it falls on the side of the police officer because you don't have any other evidence before you. And I was asking you to comment in relation to that.

BRIG DLADLA: As I said, Commissioner, I won't be able to comment on that one because it's not my station. But if the treatment was that bad, it's unacceptable.

COMMISSIONER: You see, it does also go to the question I put to you, as to whether it was surprising that 106 out of 125 complaints lead to no steps. If the general approach is that when there's a dispute of fact between a member of SAPS and a complainant, we believe the member of SAPS, then it's not surprising that 106 out of 125 resulted in no response.

But it doesn't give one confidence in the complaint management process. Because when there are two versions it's not always the case that it will always be the SAPS version that's correct. Sometimes it may be and sometimes it may be not. But you can't have the commanding officer taking the view that we'll

always believe SAPS. That's not really an independent verification of what's happened.

And again, I think one of the things this Commission is seeing is that (there is) no confidence that when complaints are laid they are dealt with in a fair and impartial manner, which acknowledges that there may be many times perhaps when complainants who have gone to the effort to complain have some merits in their complaint.

MS BAWA: Let me take you to one, brigadier, that you are familiar with. We had a ...(intervention).

MR ARENDSE: Can the witness respond to your observation, comment, Madam Chair?

COMMISSIONER: Sorry? Can I repeat it?

MR ARENDSE: No. Can the witness respond?

COMMISSIONER: Yes, certainly, I think that's a good idea.

MR ARENDSE: I think it's quite an important statement.

COMMISSIONER: Thank you, Mr Arendse; yes. Would you like to respond to what I put to you, which is that – it's really the point that if 106 out of 125 is not an unusual ratio for no steps being taken, and in the light of the complaint that Miss Bawa has outlined, where there is a conflict of fact the version of the SAPS officer is taken or the SAPS member is taken as the correct version, that is going to undermine a complaints system. Because people will not think that the complaint system is impartial and fair; they will think that it's one-sided in favour of SAPS.

BRIG DLADLA: Commissioner, I wouldn't say it's one-sided. Because if we still – if there are still those that were positive and there are also criminal charges that are opened, that will not be decided by us as the police. I believe there can be, here and there, some hiccups but the majority ...

And we must – Commissioner, we must also bear in mind that we are – these are the police who are expecting anything at any time. Some of – that can also be a problem in terms of the approach. So but when you have already entered you must identify yourself and the reason for your presence.

MS BAWA: Before I get to the other complaint. In 2011 the inspectorate raised with you that there was a number of officers reluctant to finalise disciplinary files in time. And you responded in your answer to that you took note of the officers' reluctance to finalise disciplinary files in times, you were giving them counselling at the SCCF meeting and that future steps would be taken against officers who fail to finalise complaints.

This was your response in 2011. Did you take any steps against any officers subsequent to that for failing to finalise complaints?

BRIG DLADLA: There had been an improvement in finalising the complaints, as I indicated.

MS BAWA: Could you repeat that?

BRIG DLADLA: I said, Commissioner, there has been a – there was a big improvement in finalising the complaints in time.

MS BAWA: So you didn't have any need to take any steps against any investigator who had been appointed to deal with a complaint for not timeously finalising a complaint?

BRIG DLADLA: Yes, Commissioner.

MS BAWA: I noticed then in the inspectorate report of 2012 that of the disciplinary complaints, and they say this at page 83, paragraph 7.4,

“Weekly inspections of the complaints register is lacking. Only monthly inspections are conducted in the complaints register. There is no evidence of inspections by the acting support head. The SC’s signature was recorded only once in the register, on 27 July 2012.”

Do you inspect this register regularly, at least since the inspectorate raised this with you?

BRIG DLADLA: I do inspect, and we also discuss the Standing Order 101 complaints in the meetings. I also inspect, because I’m also issuing – I’m booking the complaints, majority of the times I book the complaints myself. But also one must consider that from – I was last at the station on the 27th of March 2013 up until I came back on the end of October. So I came back at a busy time, it’s the festive season. So when it’s festive season you concentrate more on operations.

MS BAWA: With respect, brigadier, I’m reading to you a report from 2012, not 2013. So your deployment to the cluster wouldn’t have impacted on this at all, because your six months at the cluster, as I understand it, was in 2013, not 2012.

BRIG DLADLA: Inspection – if you look at the way we attended to them, there was a total difference, unlike in the past. So it was – there was quick finalisation after that.

MS BAWA: I want to put to you a statement that was received by the Commission and the complainant came to give evidence before the Commission. And the complainant’s son had been killed and she is a domestic worker and she lives in Site B in Khayelitsha. And her son was murdered in November 2010.

The police had come to the house, they took a statement from her, they asked her daughter to go to the police station to make a statement. There was an ex-girlfriend involved. They asked the daughter to show them where the girlfriend lives. They went to this place, they found the cell phone that had been taken at the time of the killing; they removed clothes with bloodstains in it.

They were asked to identify if anybody else was involved. They went, they found the person and they arrested him, and they found the body. So as far as this mother was concerned, the police had come, they did their investigation, they followed up on the suspects, they arrested them; the suspects left them to where they had left the son’s body.

And then to her surprise they were released and she wasn’t given any reasons for the release. She then called the investigating officer, who was the detective on the case, to get an explanation, but he never answered her calls and she got no explanation. She was treated extremely discourteously. And she tried to lay a complaint. She says,

“My complaint was ridiculed and nothing came about it.”

And then she came and she gave us a second statement. During the first week of February 2013 she called the investigating officer asking for feedback on the matter. She was told on numerous occasions to ...(intervention).

BRIG DLADLA: Excuse me, Commissioner. Constable?

MS BAWA: Sorry?

BRIG DLADLA: Commissioner, I was asking if she was naming a rank of the investigating officer?

MS BAWA: She does. I don’t want to mention the police officer’s name. I’m happy ...(intervention).

COMMISSIONER: Yes. We could give that to you. But I’m sure that Mr

Arendse – you will recall the statement, Mr Arendse, and all the details were given to Mr Arendse.

MS BAWA: She was then on numerous occasions advised to wait on the line by the switchboard operator while they tried to locate him. His cell phone would ring unanswered. And she made several attempts to speak to the investigating officer.

And then she came to the police station, and now you'll know exactly who I am talking about, and she got an appointment with the station commander who was in charge during March of 2013. And the meeting was kept in the brigadier's office and he was not aware of the case, I gave him the case number and he looked it up on his computer. I explained to the Brigadier in detail that since 2010 I reported the case, I was not satisfied with the lack of feedback or how the investigating officer treated me. My aim for the meeting was to complain to the Brigadier about the conduct of the investigating officer because he never communicated anything to me and I was always in the dark about the progress of the case. The investigating officer had lied to me on the previous occasion about the number of accused who received bail inaccurately stating that it was only one person when all four in fact had been released on bail. I related to the Brigadier about my dissatisfaction with the lack of communication, about the developments that I reported. The Brigadier picked up the phone, he phoned the investigating officer, he asked him – he spoke to him on the phone in my presence, he asked probing questions about a lot of issues as well as my complaint of the fact that I wasn't getting feedback. He showed empathy, he told me that the investigating officer must and will contact me within a week and he told the investigating officer in my presence that I must be regularly updated about progress. A week passed and I received no update or communications from the investigating officer despite the promises. I returned to the Brigadier after securing another appointment over the phone set for a few days after the call. At that meeting, which did not last long, the Brigadier told me that he was still waiting for the investigating officer to update him and promised to get back to me but never did. After a week I called the switchboard at the police station, I called the Brigadier on his mobile number and the Brigadier told me that the law and the legal processes take time to resolve issues. He told me over the phone that if there's something that needs my attention I will be updated. That was the last time I spoke to him. After the first week of September the investigating officer called after a year and nearly a year of no communication asking me to arrange that my daughter made a statement for him for the High Court proceedings. I told him that it was unfair to expect any further statements after we all have availed our statements to him and that my daughter was preparing for her grade 12 mock exams. Anyway, he came to our house, he took the statement, I asked him about his disappearance and lack of feedback and his reply was that he was out of Cape Town for a long time. He showed me pictures on his mobile phone and requested my daughter to sign the statement that he wrote. He stated that there will be court proceedings on 13 September which he said was not necessary for us to attend as we will receive feedback accordingly. I never received any feedback as promised up to date. On Saturday 2 November I called the investigating officer to enquire about the proceedings, we're now in November 2013. His response was that he does not know what took place, he could not attend and he was in the Eastern Cape and he can't help me. I have not been told anything about the case I reported since

2010 at Site B and I feel that the police had let me down after numerous promises to follow up and give me feedback. I am frustrated about this.”

Now how all of this ends up, is that she comes and gives evidence before the Commission and Adv Arendse undertakes that she will get feedback on the matter and Brig Solomons then sends us a letter which informs us that the matter is in the High Court last Friday and in all this time, despite all of this, this woman for three years had not received any response from the investigating officer. Now there may be a myriad of reasons besides the fact that he was out of time, he's carrying a 165 dockets, I can even understand that but the proposition I'm putting to you is, you have a member of the public who is now completely disillusioned about the way in which SAPS had treated her.

BRIG DLADLA: Commissioner, although I can't recall the facts of the case properly because I attend to a lot of people but when somebody comes to me I ask to give me a complaint in writing if he wants it to be addressed and if he wasn't want to give me in writing I still attend to the complaint. I'm trying to remember which one – I don't want to confuse this with another case but if I listen to the facts, it's that there was an arrest and the case as in court, it had been remanded in court.

If you give feedback to somebody and say the case is remanded to such and such a day, in that period until the next remand you can't give feedback to that particular person if it's remanded to such and such a day but I'm just speaking out of my head based on what I'm listening but I'm trying to remember if it's the same lady that I attended, if I'm not confusing with the other one who was wearing the mourning clothes, but if – can I see the name of the investigator?

MR ARENDSE: Is it perhaps just possible to also give the name of the complainant and the investigator while ...(intervention)

COMMISSIONER: The name of the complainant was not kept confidential.

MR ARENDSE: No, it wasn't.

MS BAWA: The name of the complaint was Beauty Ntsholo. I don't want to make much about the facts of the complaint, I'm happy to give it to you.

BRIG DLADLA: I'm trying to ...(intervention)

MS BAWA: But I want to put the proposition to you. Brigadier, I think you dealt with it entirely appropriately from your side in the sense that you contacted the investigating officer, you listed to the complaint, you followed up, you gave her – and you hoped – my point is a slightly different one – I'll show you the complaint - my point is, is that generally what we're finding with people coming both with the Lingeletu West and Khayelitsha and to some extent even Harare, the station commander's cell phone is given off, the station commander door is open, the senior officers are doing their utmost to listen to when the community talks to them, to deal with the complaints that come to them and the community is saying we are not getting that same kind of treatment from those lower in the ranks at the stations and that's the proposition I want to put to you.

BRIG DLADLA: But Commissioner, based on this one, if I'm listening, there is a court date that you give to the relatives of the deceased, you say the case is remanded to such and such a date. What other feedback must we give up until you get a query from the court to say address this, then you come and say I'm addressing this. On this one specifically, I'm trying to find out because ...(intervention)

COMMISSIONER: I don't think that Ms Ntsholo knew about the court date.

Indeed I'm quite sure that when she testified here which was only sometime in the last four weeks she did not know that the case was enrolled in the High Court for February 14th, in fact the Commission only found out about that sometime later when Brig Solomons informed us. Now it's obviously very good that the case has gone to the High Court. I mean, I will say that the perpetrators were arrested there and then on that night in 2010 so why it's taken till 2014 to get to the High Court is a different question but that's not immediately the issue the Commission's concerned about but it's that she, who is the mother of a son who was murdered in her home that night, nobody came back to her and said this case is proceeding, these people who perpetrated are going to have a case against them and it's going to take some time and this is when the next date is and this is when the next date. And although it's true from a SAPS' perspective it doesn't matter if the family is there on the day that the case is postponed for further investigation or remanded to the Regional Court or the High Court, it's often very important for the families to be there, it's part of the process of dealing with the terrible that's happened to their family member and they just need to be told.

BRIG DLADLA: Commissioner, if I'm listening ...(intervention)

MS BAWA: Sorry, Brigadier, look at paragraph 24, I've just opened it up because I think you misunderstood what I read. She was expressly told she doesn't have to be at court that the investigating officer would give her feedback, feedback that wasn't forthcoming.

BRIG DLADLA: Ja, you see, Commissioner, that's what I was saying, without missing, to murder cases, they get a date in High Court or it will go for DPP decision although it's a court matter and you give – you explain that there will be a date in such and such a day, so while waiting for the (indistinct), already informed him or her that the date is on such a date. You try to explain that it will take time but the date is set to be set on such and such a date.

COMMISSIONER: You see, it seems to me that there ought to be something in the docket which indicates after every court appearance there is communication with the complainant to say the matter is postponed until such and such a date. I know it's a burden for an investigating officer but at the end of the day it is a service that one needs to provide and although you are correct that maybe to some complainants you tell them it's in court on such a such a date and there will be many postponements, that was not what her version was before this.

BRIG DLADLA: Commissioner, the docket is not back, you'll only get correspondence that this is what it is – if it's a Regional Court matter or a High Court matter. So what you have is what you have informed the client that it's on such and such date it will be – this is what is happening. I think the problem is when it's a long date and people tend to forget because some people will come and complain and say the investigating officer doesn't give me feedback and I ask "When last did you see the investigating officer?" "I last see him two weeks back, he came to me for this and this but yet ...(intervention)

COMMISSIONER: If you read through the complaints complainant organisation raised many of which relate to Khayelitsha. Again and again this is what people are complaining about. Many of them in fact have led to convictions and it may indeed be that the murderers of Mrs Ntsholo's son will be brought to book but it's four years later and she doesn't feel like she heard it and you just have to read through, it's a litany, at time and time again, "We didn't know what was happening." Now you may be right but there's a systems failure here, there

needs to be a way to make sure that as a police service this is something that's communicated with complainants and frankly, it shouldn't have to bother you, you're a busy person, you shouldn't have to be dealing with this, it needs to be dealt with lower down in the system and it needs to be a system in place of communicating with complainants but it's just what we have seen all the way through these hearings is this is one of the things that really distresses people. Do you want a chance to say something?

BRIG DLADLA: Commissioner, no, I was saying Commissioner there are a lot of factors that will cause a delay in a case. Like we had a case that was finalised in December where somebody was convicted to 15 years, it's a 2010 case, it's – sometimes it's on our side a problem but sometimes the accused will play delaying tactics, there will also be a warrant of arrest because they don't attend the court or maybe changed the attorneys that are representing him but on this one, I'm trying to remember and remember but ...(intervention)

COMMISSIONER: Do you want to have a minute just to look through the statement?

BRIG DLADLA: I'm trying to – it will help me.

COMMISSIONER: Ja, we'll just give you a minute to do that.

MR ARENDSE: Can I just ask, are the names of the two IOs on there – perhaps – are they? Okay.

BRIG DLADLA GIVEN TIME TO READ THROUGH STATEMENT

MR ARENDSE: Madame Chair, just while we are waiting, Col Marais is going to testify next, also has some information in relation to this matter. Col Marais also just going to mention to us one, that they have been keeping Ms Ntsholo informed now of the latest developments but also that he knows a bit more about this matter, he one IO, the first one, who she was quite complimentary about, keeping her informed, had also left with a number of these dockets, they had been transferred and one of these dockets involved this matter and he can perhaps when we call him shed some light on it.

COMMISSIONER: Thank you. Well it may be helpful then to ask Col Marais about this in due course. Yes, Brigadier, go ahead.

BRIG DLADLA: Commissioner, I remember this one and I'm disappointed that she says I never came back to her because it's a pity I don't have - my register was stolen, each time I do something especially when I attend the people and return their things I write on my book because the diary doesn't have enough time – it's not – the diary was also stolen with my book but I remember now this lady, I gave her feedback initially from the time that she complained I explained to her all what is happening, only I found that she said she was not happy with the feedback but when I spoke to the investigating officer, the investigating officer explained to me that the docket was not with him, it was at court but he will communicate. When he gave me feedback I then phoned the complainant. I normally I return all the calls for the people. I now remember this lady. I returned the call and also told her what was the situation on the docket. I'm disappointed if she says I didn't give feedback, I'm very disappointed.

MS BAWA: I want to take you back to the proposition that I put to you. If I should put the complaints that the Commission has gotten into three broad categories, the one I think we've tested with you to the T is there is a complaint of a lack of police visibility in certain areas and I think we've explained that through the lack of vehicles and your attempt best use vehicles. So that we've covered extensively.

The second area of complaints is where police officers at the station either refuse to open up dockets or they simply don't take the complaint of the complainant seriously enough, examples where they come in is where cell phones has been stolen and recovered where the policeman at the CSC refuses to open up a docket.

And the third area of complaints come from the school principals in Khayelitsha where they've effectively come an given evidence of where all in all they commend the police for increasing patrols for attempting to do something about gangs at the schools and they talk about having suffered a number of break ins before you became station commander and after and where they've effectively identified the perpetrator and the police basically advised them well, go and make sure that the perpetrators have the stolen property and then you come and tell us and then what the principal does is, they turn to the Taxi Association and the Taxi Association recovers their stolen goods.

In a similar matter they actually go with one of the perpetrators to Nyanga and the police officers let them do that and the perpetrator, without accompanying them or arresting the perpetrator when a security guard has called them, and the perpetrator gets away and that's why – and that leads to this break in trust which these members or these members of the public have with the police officer and the perception that in effect the police is not taking it seriously investigating our criminal complaints and we have a myriad of complaints of that nature that's come before the Commission both from the complainant organisations and people who have come to the Commission independently and in order to test all of this, what the Commission did was it commissioned a survey in Khayelitsha asking members of the public certain questions and what had arisen from this survey was the percentage of people who had answered the survey who basically indicated that in your area 54% indicated that they didn't report crime for two reasons. One was fear of the perpetrator and two, a distrust of SAPS and that a very high percentage in Khayelitsha which was about 77% of the people which is higher than the national average indicated that they don't feel safe in their homes.

Now this indicates to the Commission, both from the complaints that they got, the evidence that's been led and the Commission that there is a level of a breakdown in communication between a broad sector the community and police. Would you care to comment on that?

BRIG DLADLA: Commissioner, I still say no. I don't agree, Commissioner.

MS BAWA: I don't have any further questions.

NO FURTHER QUESTIONS BY MS BAWA

COMMISSIONER: Just one question that I would want to explore at this stage, is we did have testimony from one of the witnesses for the Social Justice Coalition that the NGOs have established good relationships with senior members of the police stations, I think particularly your police station but perhaps not necessarily so but that although need anything or if there is trouble and they contact you or perhaps your Vispol commander or one of the sector commanders they do get a response. They're no seeing any improvement in their relationship with the more junior members of SAPS in their areas. What's your comment on that?

BRIG DLADLA: Commissioner, as I indicated that yes, you'll get no and then whose who will not do their job according to they are supposed to do but the majority of our people are doing their work and it is disheartening for them to be

painted with the same brush. I know I have good cops at the police station, I might have some few individuals that are making our name bad but we are busy addressing that. People are paid to do their job, we cannot beg them to do their job. I always tell them I don't believe that it's calling, I believe that you have to do your job because the police pay you to do your job.

I communicate with my members both on one-on-one and also on duty parades and also in station lectures. We do that, we arrange the speakers to address our people on all aspects of policing. It could be communication with the community, how to handle the community, just basic things that – and remind that – because all these people are trained but you can find that now and then somebody doesn't do things the way he was taught to do it, but that is why we remind them.

We engage our legal services, we engage our EHR to sensitise them on different issues. Even on the issue of arrest our legal services, they always go and attend the on duty parades especially at CSC to try and sensitise the people with regards to the use of force, with regards to when to arrest, when not to arrest.

Ja, we are not perfect, Commissioner, but we are doing our best to make sure that policing takes place in Khayelitsha. There is policing in Khayelitsha, Commissioner but we won't be hundred percent but we are pushing to make sure that we satisfy our clients.

COMMISSIONER: Do you have any thoughts on recruitment, who should be recruited into SAPS?

BRIG DLADLA: Commissioner, we are not involved with the recruitment.

COMMISSIONER: No, but you are very involved with working with a lot of SAPS members so I would have thought that your views would be – were really worth hearing. What do you think about who should be recruited into SAPS?

BRIG DLADLA: There are different theories, Commissioner, different theories in terms of recruitment. Some people say it's better to recruit people that are staying in the area but some people say no, if somebody is staying in the area he won't be able to perform because he will be scared to be attacked afterwards. So it's a tricky situation.

COMMISSIONER: And particular personality types or particular sets of skills?

BRIG DLADLA: That is determined at the provincial office because when they apply – when you apply you complete an application form and you get invited to write a psychometric test, the psychometric test is to determine your profile, so that is what is utilised and then other processes continue.

COMMISSIONER: Thank you.

MR PIKOLI: I suppose the golden question will be what have you done with those bad cops?

BRIG DLADLA: We have taken steps about the bad cops. As I indicated to the Commissioner yesterday that one of our own was dismissed last year for corruption, the case was investigated by us. The other one was dismissed in 2011 for – also for corruption, it was with – the first one, that one of 2011, he had arrested someone with a balon and ended up taking a balon for himself. He was arrested by the police and was dismissed in the disciplinary enquiry and the one of last year was dismissed in the – he was sentenced to four years in court. Sorry, four years imprisonment by the court so he is dismissed, he's in Pollsmoor, there are also three who were dismissed last year in the disciplinary enquiries for failing to do their duties.

MR PIKOLI: Do you still have bad cops?

BRIG DLADLA: Yes, Commissioner, there will always be an element of bad cops but I will not know them personally, it will be – you'll determine after things have been reported.

COMMISSIONER: Thank you. Ms Mayosi?

CROSS-EXAMINATION BY MS MAYOSI: Brig Dladla, in your statement to the Commission you referred us to standing order 28 where the functions – your functions as station commander are found. Do you remember that?

BRIG DLADLA: Yes Commissioner.

MS MAYOSI: And if I read paragraph 1.1 of standing order 28 it says that the purpose of this order is to regulate the duties and responsibilities of a station commander which is to manage and maintain the operational and support functions in order to ensure an effective and efficient policing service to the community in his or her policing area, is that right?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: Now the operational and support functions would be the human and other resources that you have in your station, is that right?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: So from this definition of your functions, do you agree that there is a direct correlation between effective and efficient policing and resources?

BRIG DLADLA: I agree, Commissioner.

MS MAYOSI: And your function as a station commander is to manage and to maintain those resources?

BRIG DLADLA: Yes.

MS MAYOSI: In order to deliver effective and efficient policing?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: So if those resources are not managed well or if those resources are not maintained then it's fair to say that the policing delivered to the community will not be effective or efficient, is that right?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: Do you also agree that if those resources are no sufficient for the needs of a policing area even the best management of those resources is not going to deliver efficient and effective policing?

BRIG DLADLA: That's correct, Commissioner.

MS MAYOSI: Is this the position that you see yourself as being in where you have insufficient resources and you have a great need in your community and you are making the best of that situation?

BRIG DLADLA: Commissioner, it's true but I must not make it an excuse, I must do my work as far as possible with the limited resources that I have.

MS MAYOSI: And that's why you say – you've often said in your examination-in-chief as well as in cross-examination that you don't agree with RAG. I think you said yesterday you are gagged by the RAG. Something like that? Is that why/

BRIG DLADLA: That's correct.

MS MAYOSI: Because you simply don't have the resources for the need?

BRIG DLADLA: That's correct, Commissioner

MS MAYOSI: Okay. Do you also agree though that even in a scenario, a theoretical scenario where you have the best resources and they are enough for that community, if those resources are not managed and maintained well they will not deliver effective and efficient policing?

BRIG DLADLA: That's true, Commissioner.

MS MAYOSI: Okay. Now there have been a number of inspection that have been conducted by the provincial inspectorate and those reports we've been provided with. You are aware of that, right?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: We've been furnished with an inspection report – a report of an inspection that was done from August to the 2 September 2011 and your responses or your feedback to that report. Do you recall that?

BRIG DLADLA: I beg your pardon?

MS MAYOSI: We've been given a report of an inspection that was done in August – 29 August to the 2 September 2011. Do you remember that inspection?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: And you also provided feedback to the inspectorate about their findings?

BRIG DLADLA: Yes Commissioner.

MS MAYOSI: Now the purpose of that inspection, it was to evaluate the quality of service delivery, the level of compliance with departmental directives, instructions, policies and procedures, that's what the report says in paragraph 1.2. Does that ring a bell?

BRIG DLADLA: Yes Commissioner.

MS MAYOSI: As I said, the inspectorate made some findings and you responded to those but let's move on from that report for the moment. The next report that we have is for an inspection that was done from 13 until 17 August 2012. Do you remember that one?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: You also gave your feedback to the inspectorate's findings and the purpose of that inspection was to establish the factors which contributed to the high number of reported contact crimes for the financial year 2010 and 2011. Is that familiar to you? You may not have the report in front of you but is that familiar to you basically?

BRIG DLADLA: Yes, Commissioner.

MS MAYOSI: Alright, various aspects were focused on namely partnership policing, crime prevention operations and so on. Now in that report, in the 2012 report, the inspectorate recorded some of your operational successes at paragraph 2.6 of that report page 73 and this what that paragraph says:

“The following successes information for the first quarter of 2012/13 was retrieved from the OPAM system.

(a) Arrests 1 228.

(b) Arrests 579, dagga, 3 404.”

And so on and number of statistics which are seen as successes of your station for that quarter are recorded. The report then says”

“It was found that despite the above successes the station was not successful in reducing its crime in comparison to the same first quarter periods of 2010 and 2011.”

Do you recall that finding?

BRIG DLADLA: I can't recall off my head just now but I ...(intervention)

MS MAYOSI: But that is the finding.

BRIG DLADLA: If it was a report it did come to us then.

MS MAYOSI: Ja. And then it says that:

“Most of the individual crimes increased as follows.

Rape in 2011. In that period first quarter was 25 incidents and in 2012, 59.

Attempted murder 37 and in 2012 it was 57.

Attempted robbery, aggravated, it was 6.

And then in the quarter under review it was 9.”

And so on. So they record how various individual crimes have increased and they say – the inspectorate says that:

“The following aspects contributed to the station’s underperformance.”

And I’ll read them:

1. The station’s information gathering is questionable. No concise gathering of information is in place.
2. There is also no proper flow of information between the CIO and the different shifts, sector commanders and the station’s operational teams.
3. Insufficient number of 252A operations against shebeens.
4. Absenteeism on the different four shifts.
5. Lack of resources such as vehicle fleet mechanical conditions.
6. Poor command and control over the vehicle fleet.

So those are the reasons which the inspectorate felt contributed to your underperformance in that aspect of operational – ja in your operational sort of area.

Now in your response or in your feedback to the inspectorate you provided responses to a number of things, in most instances you noted the inspectorate’s findings but where you disagreed you stated and you explained. You didn’t respond at all to these finding and these reasons so I take it you didn’t dispute them, you didn’t argue with them, you didn’t agree with them, so they stand undisputed. What do you say to that as the reasons for your underperformance in that quarter?

BRIG DLADLA: As I explained to the Commissioner earlier with regards to crime intelligence, the gathering of crime intelligence is not part of the station but there is a component of crime intelligence. I also indicated to the Commission with regards to the flow of information between the sector commanders and the CIOs, I don’t agree with that one.

MS MAYOSI: Sorry, could you raise your voice a bit, Brigadier, I can’t hear you?

BRIG DLADLA: I said I don’t agree with the flow of information as I indicated to the Commissioner with regards to the flow information between the sector commanders and the CIOs and we also – our CIOs, ever since I arrived in Khayelitsha our CIOs would the shifts that are reporting on duty on the crime, as I indicated to the Commission.

MS MAYOSI: So you don’t agree with – sorry?

BRIG DLADLA: You listed a lot of things, some I can’t recall what you listed.

MS MAYOSI: Okay. But nowhere in your responses, in your feedback to the inspectorate do you say the CIO- I think information gathering I think is not part of the station, I think you said. Nowhere do you say in your responses to the inspectorate in 2011 or 2012 the things you are saying now. Why is that?

BRIG DLADLA: It must be an omission but as I indicated, the crime intelligence gatherers do not belong to the station.

MS MAYOSI: Now what is of concern – as I’ve said, you didn’t say anything

about these findings in your feedback, you said anything is about almost everything else but you were completely silent on this but in the previous years inspection, the 2011 one that I mentioned first, some of these findings were in fact made and you did respond and I'll take you through your responses and even in those responses nowhere do the things you are saying now appear in those responses. Why is that? When you had the opportunity to respond when you responded in fact, why didn't you say what you are saying now?

BRIG DLADLA: Can I get the response that is said to be given, we gave, Commissioner?

MS MAYOSI: Okay, I'll do that. Relating to the finding that there's no – there is also no proper flow of information between the CIO and the different shift sector commanders and the station's operational teams, I'll go the finding in 2011 and your response there.

BRIG DLADLA: Okay.

MS MAYOSI: In the 2011 report 20 August to 2 September 2011 inspection report it was found in paragraph 3.2.11 the following:

“It was however established that there is a lack of flow of information between members of Vispol and the detectives to the CIO official who is on standby duties.”

For example, there as a triple murder case and so on which is not relevant for the point I suppose I'm trying to make but that was the finding. If we go to your response then you said in your feedback letter dated 29 October:

“Regarding the lack of flow of information between the CIO and the detectives, this issue has been resolved. It has been brought to the attention of the detective duty officers that number of CID officials on standby must be reflected on the notice board and the crime office in order for this individual to be notified of serious matters.”

So what you've just said here is not what you said there.

BRIG DLADLA: The flow of information, Commissioner, I was made to believe the problem was between the sector commanders and the CIOs. That is what I responded on. But with regards to the information, we share information in the SSCFs but now what is reflected there, it's about the detectives and the CIOs.

MS MAYOSI: And the station's operational teams, different shifts and the station's operational teams.

BRIG DLADLA: What we meant by that was that where we lacked we improved, it's the same thing that I'm saying that the CIOs would brief the shift commanders of the shifts that are coming on duty and interact with the other shifts that are on standby, the detectives co-officers that are on standby.

MS MAYOSI: So in 2011 you said that that issue was resolved?

BRIG DLADLA: It's resolved.

MS MAYOSI: Ja. However it was reported on again in the 2012 report, that is really the concern. What is say is concerning, that an issue which you indicated in your 2011 feedback response had been resolved, found its way into the findings again as the reasons for your underperformance in 2012.

BRIG DLADLA: Commissioner, if you listen, they say – I want to know how did they determine that? Was it based on the interview of the people or based on the – on what?

MS MAYOSI: Col Diadla, I didn't conduct the inspection, you didn't ask that in your feedback, you merely responded in 2011 that the issue had been resolved and the issue found itself again as a finding in 2012. I can't answer how they

detected anything.

BRIG DLADLA: I agree with what you are saying that you didn't conduct but what I'm saying to the Commission is that if we did not put a response there we omitted to put a response there but I'm stating to the Commission that ever since I came to Khayelitsha we have a CCF, in the SCCF that's where we share information on crime. We have the CIOs, it's even better now there are three. There were two at that time, so it's better, they are briefing the shifts that are coming on on crime and they also made a deployment document that will guide us where to deploy and how to deploy, so if we did not respond on this thing that will be my response also at that time.

MS MAYOSI: Moving on the next finding and your response. Absenteeism on the different four shifts, in 2011 this was the finding, the phrase absenteeism on the different four shifts is the finding in 2012. Going back to 2011 under the topic absenteeism, it starts from paragraph 5.9 page 38, a total of 16 members have exhausted their sick leave and then it moves on to describe the A relief people who were absent and there was no absenteeism recorded and there's a whole list, a very detailed list of a number of people who were absent on various shifts and it says at 5.10.15:

"The high absent rate results in service delivery being hampered. The D relief..."

Again there's a long list of people who were absent for which there were no records, the paragraph that Adv Bawa referred to you earlier with 36 people on a daily basis, ten more members are absent for various reasons. It says again in another paragraph:

"The high absenteeism rate causes service delivery to be hampered."

This was said in 2011 already. And then it says at 5.10.19:

"SAP 15s are not inspected by the Vispol head and they are not closed off on a monthly basis. This is a clear indication that the command and control is poor over the SAP 15. HRM requested on a daily basis for SAP 15s but never received the SAP 15s. All outstanding SAP 15s must be obtained and ensured that all absenteeism is closed."

This was your response to this finding:

"The absenteeism of the shifts are addressed daily on the SCCF meetings and interviews are held with the members who have a tendency of booking off sick regularly."

You then provide a list of 16 members whose records, outstanding absenteeism records have now been rectified following the inspection and then you say:

"The inspection enclosure of the SAPS 15s by Vispol will be addressed by Lt Col Brookes of Vispol in future. A system has now been put in place by the station commander that the human resources management office receive a copy of the SAP 15s during each shift in order for the leave clerk to keep record of all the absenteeism on the shifts. This will alleviate the problem of not receiving the SAPS 15s at the end of the month by Vispol."

So again you didn't quibble with the finding necessarily in 2011 but you sought to put in place measures to rectify it and to make sure that doesn't happen. However, the finding crept up again, some finding crept up again in 2011 and it was attributed as was foregrounded really in the 2011 report where they said that this high rate of absenteeism affects service delivery, it is one of the

factors that is listed in this report as contributing to your station's underperformance. You didn't argue with this, you didn't agree with it, you didn't respond to it at all.

BRIG DLADLA: Commissioner, if you look at the SAP 15s, if you look at the sick leave record, we wouldn't have known that so many people were sick if we did not follow up on the SAP 15. We find on the SAP 15s although they are collected later, they – we even put a container in the CFC so that they can – the commander can put it there and the leave clerk will come and collect it. The sick leave, the off sick members, yes, they affect service delivery but as I indicated to the Commission we're addressing sick leave and we are winning on improving sick leave and as I indicated to the Commission that we identify the high flyers that are misusing sick leave and we have interviews with them according to the regulations and we also take steps where it's necessary. There are people who had already exhausted sick leave. Unfortunately, if you have exhausted sick leave and you are sick you can apply for temporary incapacity but I don't recommend if you are a high flyer on sick leave because I must also recommend as a station commander. Some people are getting – are paying back the State money that they received while they were off sick and who are also taking unpaid leave if people are not – they are off sick and they did not submit medical certificates in time. So the system is in place, Commissioner, as I indicated, made an example with those figures of absenteeism.

MS MAYOSI: You didn't say any of that in 2012. You didn't respond at all to the same finding that had initially been made in 2011, you were silent in 2012 but now in 2014 you seek to explain that. Why did you not explain that explanation if you had it in 2012?

BRIG DLADLA: It must be an omission on our side, I accept, but we had also rectified as I indicated in the 2011 ... (intervention)

MS MAYOSI: But it wasn't rectified or else it wouldn't have found its way as another finding again in 2012.

BRIG DLADLA: Commissioner, if the Commission looks at the number of people that was identified who are misusing sick leave at that time we identified them because we were having those SAP 15s of the people.

MS MAYOSI: But what you don't disagree with inspectorate on is that these high rates of absenteeism do in fact affect service delivery negatively, right?

BRIG DLADLA: I don't disagree with that, Commissioner, because when somebody is off sick he is sick, he books off sick and he is entitled to be off sick when he is not feeling well but we don't leave it like that, we followed up and visit, as I indicated, the members that are sick. Unfortunately, sick leave comes at a short notice, you planned that you have people that will be on parade at 17.45 and then you get a call at 17.40 that please book me off sick, I can't come to work or the call is delayed five to six informing the commander that I'm sick, I can't come to work and he's already booked off sick. Sometimes although he booked early but the commander will come maybe – the commander comes 30 minutes before time. When he checks in the occurrence book you will find that hey, so many people have reported off sick because when you are off sick you must phone the charge office and write and have the occurrence book made with regards to your absence but you must also inform your immediate commander that you won't be coming so that it does because it's at a short time, at a short notice.

MS MAYOSI: The next finding in the 2012 report which was also found in 2011

is the following and I'll read first what was said in 2012. This again you'll recall is what the inspectorate says is a contributing factor to your underperformance:

"Its poor command and control over the vehicle fleet."

Again, as I've said, you didn't respond to this finding in any manner in 2012. In 2011 this is what was found about – there were a number of findings about the vehicle fleet in 2011. Sorry, if you can just bear with me. At paragraph 7.8 page 50:

"The management of the fleet at the station is not in accordance with special force order 3A of 1987. The following neglects were identified. Weekly vehicle inspections were not conducted as prescribed in paragraph 15, for example..."

And they list SAPS number and the inspection of the vehicle. There were no inspections at various times that are identified on the report.

The second neglect is acknowledgement of keys outstanding, for example, I think they list the vehicles.

"A third neglect, no book out or back and distances travelled not accounted.

The next one:

"Above shortcomings should have been identified if weekly inspections were properly conducted"

The shortcomings were pointed out to the vehicle fleet manager, they name him during the inspection, after hours garaging/transport between home and work. The following authorities were also not signed by the station commander and/or acting station commander and then they name the individuals whose authorities were not signed. Yes, so your response to these findings in 2011 was to state that they had been rectified, rectified, rectified, some of them, and then another finding regarding the AVL – sorry the station does not have an automated vehicle location AVL file in place, all vehicles have been issued with AVL's. So there were various problems identified about the vehicle fleet in 2011, which to most of them you either provided an explanation in 2011 or indicated that they had been rectified, so a finding in 2012 that there is no control and command of the vehicle fleet should not have been there, is that correct, if you had rectified all of the issues in 2011 as you said you had?

BRIG DLADLA: Commissioner they indicated the SAP numbers of the vehicles and I'm not sure how many are indicated, but if you look at the fleet that we have yes to a certain extent there will be the omissions then there, but sometimes it could be that the vehicle was at the garage that is why it could not be inspected in that period, but also the after hours garaging is that it must be signed by the station commander personally or the acting station commander who is appointed in writing, so as I'm here I've been here since eight o'clock, I came at eight o'clock, so today I couldn't sign, I will try and catch up after hours and see if I can sign those things, because I didn't expect that I will be here until late, until after four, so what I'm saying if I go to a meeting I will be in the meeting not knowing how long the meeting will be and will end up not being able to come back to the station and sign those, then you will pick that up if it's on that day. But the majority of them I sign the authority for people to utilise the State vehicle, it's not utilising State vehicles commissioner to and from home, it's the people that are utilising the vehicles because it's the wrong information that is given that it's utilisation between to and from home. It's people who are on standby as I indicated like in the detectives the captain that is on – the duty

officer that is on standby the detectives that are on standby for murders, they are on standby for robbery cases, the standby officer from vispol, or a detective that has to do work after hours, because the client cannot be available during the day, so those are things that make you utilise the vehicle after hours, but now and then there will be a slip up that you rectify.

MS MAYOSI: Brigadier Dladla these are significant findings that were made against your police station in 2012. In fact it was said by the inspectorate to be contributors to your under performance so if you had these explanations to give at the time in 2012 in your feedback report you would have given it, why would you omit, be completely silent when in everything else you say noted, noted, noted, noted, noted, noted and you move on, this critical issue that related to your under performance you say nothing about. I put it to you that it is because you didn't have these explanations then, there was simply no reason why these things managed to be findings again in 2012 when they had been found in 2011, what do you say to that?

BRIG DLADLA: Commissioner we did have the explanations and commissioner they would contribute to a certain extent.

MS MAYOSI: To what?

BRIG DLADLA: These will not contribute to impairment of service delivery, the signing of the, the handing off of the key on the signature, it won't because the vehicle is handed over to someone, it's only omission to sign the signature, but the vehicle is there, it's doing the duties, it won't hamper service delivery because ...(intervention).

MS MAYOSI: But you didn't say that in 2012, you didn't say I disagree, this didn't contribute to my underperformance, you said nothing. Why are you saying that now, and why should you be believed.

BRIG DLADLA: I must be believed because it's what is happening.

MS MAYOSI: What is your definition of inefficiency?

BRIG DLADLA: I don't have my personal definition commissioner of inefficiency.

MS MAYOSI: But one of your functions is to ensure effective and efficient policing services. So you must surely as a station commander, if you read again that standing order, have you are required to have a definition of efficiency. What is it?

BRIG DLADLA: Commissioner I believe I cannot be judged as being inefficient based on a few things, when a lot of things are going well.

MS MAYOSI: So what is your definition of efficiency?

BRIG DLADLA: I say commissioner I don't have a definition of efficiency.

MS MAYOSI: But you don't want to be judged for inefficiency, what is your definition of inefficiency?

BRIG DLADLA: I'm asking for protection commissioner.

MR PIKOLI: Brigadier whilst we are all aware of the resources deficit that you have in a station how would you rate the performance of your station on a scale of 1 to 10?

BRIG DLADLA: Commissioner I didn't get that question properly.

MR PIKOLI: I'm saying Brigadier whilst all of us are aware of the resources deficit that you are faced with in your station how would you rate the performance of your station on a scale of 1 to 10?

BRIG DLADLA: The performance of the whole station commissioner, commissioner I will put ourselves at six and a half, the performance, I will put ourselves there, these are the administrative omissions ...(intervention).

MR PIKOLI: Six and a half would be about 70% or so?

BRIG DLADLA: I will put ourselves there commissioner, these are administrative processes, that does not say you are not working, yes I accept that there are those administrative errors, that is why the inspection teams are there, it is to guide us, to help us, so but commissioner I still say we are doing our best to give service delivery to the people, we might not satisfy them, but we do our best commissioner.

MS MAYOSI: Brigadier Dladla this commission has been set up following a complaint by many members of the Khayelitsha community that the police in Khayelitsha are functioning inefficiently and not effectively and that they don't trust them any more. So you've come here to answer that, to answer the charge or the complaint – excuse me for using charge – the complaint of inefficiency. I have to know from you what your definition of inefficiency is, because if you say you don't know that should be a matter of concern given the description of your functions encapsulated in standing order 28 that you must manage, and maintain resources and ensure the effective and efficient delivery of policing services in Khayelitsha. What is your definition of efficiency or inefficiency?

BRIG DLADLA: I still say commissioner I don't ...(intervention).

MR ARENDSE: Madam Commissioner may I just interpose; I think the question is unfair. The commission has been established to determine whether or not there inefficiencies and a breakdown in relations, it's a conclusion, and the witness is here to give evidence and to assist and it is only arising from his evidence, the evidence of other witnesses and taken collectively, cumulatively when it's analysed and so on that we will at the end of the day make our respective arguments on efficiencies and inefficiencies. I do understand my colleague's question, I'm not saying its not relevant, I'm saying it is unfair to put that question – it's a technical legal question to well not quite a lay witness, he is a station commander, but to put that to him, with respect.

COMMISSIONER: Your comment Ms Mayosi?

MS MAYOSI: My comment to that madam chair is that the witness referred us to standing order 28, and he said that the wording in standing order 28 describes what his functions are, and what standing order 28 says is that his functions are to manage and maintain the operational and support functions in order to ensure an effective and efficient policing service to the community of Khayelitsha, there is nothing legalistic about the word, leave aside why the commission was set up, I'm asking to determine whether the station commander of Site B understand what his functions are, and if he doesn't know he should say it to be fair.

COMMISSIONER: I think if we formulate it in the light of standing order 28 I think that's a fair question Mr Arendse to say what is the witness' understanding, do you want to just read out that provision from standing order 28 again Ms Mayosi?

MS MAYOSI: It says – paragraph 1:

“The purpose of this order is to regulate the duties and responsibilities of a station commander, which is to manage and maintain the operational and support functions in order to ensure an effective and efficient policing service to the community in his or her policing area.”

COMMISSIONER: So I think the question Brigadier Dladla is just to ask you what your understanding of the words effective and efficient police service are in that provision of the standing order on the duties of station commanders.

BRIG DLADLA: Commissioner the question to me was what is my definition.

COMMISSIONER: True, but we formulated it slightly differently here.

BRIG DLADLA: If its put the way the commissioner is putting I can answer in that way.

COMMISSIONER: Well that ...(intervention).

MR ARENDSE: I think that is entirely different madam commissioner that in the context of your duties as defined and stipulated one of them is to have an effective and efficient police station, how do you understand that, or what do you understand that to mean, it's different.

COMMISSIONER: I think that is the question as reformulated by Ms Mayosi in the debate, am I correct Ms Mayosi?

MS MAYOSI: With particular focus on the word efficiency.

COMMISSIONER: In the provision of the standing order?

MS MAYOSI: Indeed madam Chair.

COMMISSIONER: Ja, so if you could look at that provision in the standing order, which stipulates that one of the duties of the station commander is to ensure that the operations work in such a way that there's an effective and efficient police service, what's your understanding of an effective and efficient police service?

BRIG DLADLA: Commissioner my understanding is that we must do our work in such a way that we satisfy our clients, and we look at – we look, we manage our resources in a way that it will reduce the cost and it will also make sure that they last longer, and give a proper service to the community.

COMMISSIONER: Thank you. Ms Mayosi?

MS MAYOSI: You will recall Brigadier Dladla that I asked for your understanding of the word efficiency in the context of the inspection reports. My understanding of the word efficiency is that it means an ability to achieve a better result, what do you say to that, do you agree with that understanding, do you not agree with that of the word efficiency?

BRIG DLADLA: It's your comment, I accept if you say so.

MS MAYOSI: Now if there are findings that are made in relation to your station in 2011 and those same findings are made in an inspection the following year in 2012 I put it to you that that's a sign of inefficiency, there is a sign of inability of an inability to achieve a better result, what do you say?

BRIG DLADLA: No commissioner I disagree I cannot be judged on as I said earlier I cannot be judged based on those administrative areas. If you look at the successes that I had or that we had as a station and what we have done as a station, you cannot just judge us on that only. Judge us on everything.

MS MAYOSI: The successes it is stated in the 2012 report is that your successes failed to reduce crime in the quarter that was under review, should you not be judged on that?

BRIG DLADLA: You see again commissioner we are judged at a quarter, the times are not the same, and one – on the other day you will work well, on the other times it won't go your way, I can make an example commissioner, sometimes you have a lot of deployment but still crime will come, sometimes you have a lot of people off sick and you say hey what am I going to do, and with those minimum resources you still manage to survive and don't get a lot of crime but you still get also more results from the people. Commissioner I still say we are working in Khayelitsha and we are visible in Khayelitsha like – even our detectives on Fridays they wear uniform to ensure visibility although they are

doing their detective duties, so I say commissioner let us be judged on overall things. Yes, other crimes increased, other crimes decrease, I agree commissioner.

MS MAYOSI: I agree with you Brigadier Dladla that you are working in Khayelitsha, the question of whether or not you are effective will be determine by this commission, it is the complaint of the community of Khayelitsha that you are not. Now going back to the period, to the inspection reports and the period under review I put it to you and we will argue this at the end of this commission that in that period from 2011 to 2012 you were inefficient in your management, in your maintenance of the resources in your station and this as is stated by the inspectorate is one of the factors that contributed to the under performance of your station, what do you say to that?

BRIG DLADLA: I still say no.

MS MAYOSI: In your evidence in chief you made what to me sounded like a heartfelt sort of statement about the critical absence of adequate resources in your station, in your area, you mentioned from the issue of space, which is critically lacking, to vehicles, to quite simply warm bodies to do the work, do you recall?

BRIG DLADLA: Commissioner if the commission remember I didn't say on vehicles, I said on accommodation, yes there is a shortage, I said on personnel there is shortage.

MS MAYOSI: So you said then that there's no space and there's personnel. So it's patently clear I think its fair to say to everybody that you have - you quite simply have inadequate resources for the mammoth policing task you must perform in Khayelitsha, would you agree?

BRIG DLADLA: Commissioner I didn't get the question properly.

MS MAYOSI: It's quite clear to anybody I would say that you simply don't have sufficient resources for the huge work of policing Khayelitsha, even your region really, your precinct, would you agree with that?

BRIG DLADLA: I agree with that commissioner.

MS MAYOSI: Now no amount of managing and maintaining those resources is going to result in effective policing, do you agree?

BRIG DLADLA: No amount commissioner?

MS MAYOSI: No amount of managing or maintaining resources that are inadequate compared to the need is going to result in effective policing, what do you say? The best efforts will not result in effective policing if those resources are simply not enough.

BRIG DLADLA: Commissioner as I indicated we are making the best use of the people that we have. Yes as I indicated we might lack here and there but there is policing in Khayelitsha.

MS MAYOSI: We agree on that. All I'm trying to say is that when you have ten children and you have one slice of bread, and your duty is to protect those children from hunger, no amount of dividing that slice of bread amongst those ten children, no matter how well you do it, is going to achieve that goal. Would you agree?

BRIG DLADLA: Commissioner it's better to give them a piece each and give them water.

MS MAYOSI: There's no water, there's just the bread, and it's one slice.

BRIG DLADLA: There is water, that is why you have, if you get a little piece and water that will be fine, they will survive they won't die if there's water, so

we do have water.

MS MAYOSI: Yes, but my scenario doesn't have water, but it doesn't matter, let's move on. There's a difference though between making the most of a bad situation and being effective, is there not?

BRIG DLADLA: Commissioner as I indicated I said we do have people but I am not happy with the numbers that we have. I still say that I didn't change on anything, and I say we are making full use, optimal use of what we have, but we are human, we will make mistakes so we will rectify the mistakes where we are making mistakes.

COMMISSIONER: Thank you Brigadier. Ms Mayosi are you nearing the end there?

MS MAYOSI: No.

COMMISSIONER: Oh, how much longer do you need?

MS MAYOSI: I won't be done by five.

COMMISSIONER: You won't be done by five. Okay, well it does seem to me that if we could move a little faster it will be helpful.

MS MAYOSI: Oh, okay. Alright. You mentioned that did you say that vehicles are not a problem as far as resources are concerned?

BRIG DLADLA: I indicated that I said to the commission I didn't talk about vehicles, but I talked about the accommodation, I talked about personnel, I even indicated that computers we don't have a problem as such.

MS MAYOSI: SAPS though, as members of SAPS would you agree that you experience policing from the perspective of being providers of a service, would you agree?

BRIG DLADLA: I agree commissioner.

MS MAYOSI: So if the receivers of the service for example the community of Khayelitsha if they come here and they say yes we understand you have constraints, but I'm not safe, I'm not secure, and you are not effective, is it not more helpful for you as SAPS, as an entity which is in the public service to say what can we do to be better?

BRIG DLADLA: That's we are doing commissioner, that's what we've been doing when we engage with the different organisation to say how can we better our relationships, what can we do. I can say the – of the organisations that complained especially SJC we tried to engage with them but they withdrew. It was a good engagement, as I indicated to the commission the first engagement I think it was in 2012 somewhere in February or March, I can't recall, we started well, but after the commission was announced they withdrew which was wrong because we should have continued our engagement. Free Gender engaged with us continuously and again in – last year August we engaged a Social Justice Coalition at the station with General Jacobs, and they moved backwards again, but I made a follow up, I even went to their offices, and they said no they must still go to the structures, so we are saying as the SAPS we are open to criticism, we are open to working together, we want to know how can we improve, that is why we are engaging them, but I am glad when I talk to the people I found that one of the SJC people is in the CPF of Harare, so I said that's good, so we are continuously engaging, we want to try, we want to provide the service to the people.

MS MAYOSI: Just on the – before we leave the inspection reports, do you not think that the administrative regulations are important in terms of all the registers that you must complete, and all the signing offs that you must do, do

you regard that as a critical part of your function?

BRIG DLADLA: Commissioner it's important, I don't say it's not important, it's important but what I'm saying Commissioner is that it doesn't affect us to perform our duties which is the prevention of crime, and the investigation of crime.

MS MAYOSI: And so do you not think that compliance with those administrative regulations and all those registers that police must complete is an objective indicator of how efficient you are operating?

BRIG DLADLA: The overall rating will be okay, yes I lacked there, but overall rating you – nobody is perfect, so I'm addressing where I'm lacking, or we are addressing where we are lacking as a station.

MS MAYOSI: I've heard you say a number of times in your evidence in chief even though you express all of these difficulties and these challenges, I've heard you say that you are satisfied with various aspects of the policing services that are provided by your station, what exactly are you satisfied with?

BRIG DLADLA: I even indicated to the commission that although I am satisfied but we are growing, there's still room for improvement, if I look at the – it's a pity I did not bring my other stuff here, commissioner if I look at the – when people say there's no policing in Khayelitsha, there's no visibility in Khayelitsha, the arrests that we make where do we make those arrests? Commissioner those arrests we're making at different places in Khayelitsha. When it comes to making an arrest we are visible. That is why I am saying we are doing well, if I look at the drugs, our people are making arrests for drugs outside, our people are making arrests for crimes that are reported, our people are making arrests for dangerous weapons, that's visibility, we are there to attend to people, if you look at the assaults that are reported at Khayelitsha and the arrests that we make on assaults commissioner, it's a lot of assaults but we're making a lot of arrests, even on domestic violence we're making arrests. That is part of us being visible commissioner. I don't dispute that we will have mistakes, we will lack here and there, but we are looking forward to provide an even better service to the community.

MS MYOSI: So it seems to me as you are satisfied with the efforts that the police are putting into performing their function.

BRIG DLADLA: I'm satisfied but I'm still pushing for more.

MS MYOSI: Are you satisfied with the effect of your efforts?

BRIG DLADLA: I'm satisfied commissioner.

MS MYOSI: Alright. Moving to the inspections, to the next inspection then, the next inspection report that we have is for an inspection that was conducted from 10 September 2013 to 16 September 2013, by the inspectorate. Now the purpose of that inspection was to determine the reasons for the poor performance of your station on crime, are you satisfied with your station performing poorly on crime?

BRIG DLADLA: Commissioner I'm not sure – the inspection was to with regards to projects – with the project and it was to, because the project was going to run until end of March, but with regards to crime, crime is there, but there is a reduction especially this year, with regards to murders our murders had gone down, I was satisfied with the way we have handled, we have dealt with the murders, because they've decreased compared to the same period last year.

MS MAYOSI: But brigadier Dladla I don't want us to quibble really about the purpose of the inspection, you obviously don't have the inspection report in front

of you, can I arrange for it to be – you will see at paragraph 2 it's indicated "purpose of the inspection" can you read that out for the record please?

BRIG DLADLA: Okay, paragraph 2 it says:

"The purpose of the inspection

The purpose of the inspection was to determine the reasons for the poor performance on crime."

MS MAYOSI: Now my question is are you satisfied with your station's poor performance on crime, a direct answer will do.

BRIG DLADLA: Commissioner I would say I am satisfied because the murders have decreased up to date. To me I worry too much on the murders because we lose people, the murders, the rapes I worry a lot because I believe that you lost someone that will be a provider to the family and the woman who is raped is hurt for life.

MS MAYOSI: Right, so it says in this report anyway that your station performs poorly on crime, and that's why they felt necessary to inspect it and you are right, it seems that there is something, no I think project 6 appears in another report, so I won't talk about that now. But your functions, the constitution says that insofar as crime is involved SAPS' specific responsibilities regarding crime are to prevent combat and investigate crime, do you agree with that?

BRIG DLADLA: I agree.

MS MAYOSI: So if – crime is experienced by people, real people, human beings on the ground, so if you are performing poorly on crime it is those people who really feel the consequences of that poor performance, is that right?

BRIG DLADLA: I indicated yes commissioner.

MS MAYOSI: Right, and if you are performing poorly on crime you've got to be performing poorly on either combating, investigating or preventing crime, or all of the above, is that right?

BRIG DLADLA: I wouldn't say that we – I would say Commissioner if crime is taking place its not that we are working, it's – but we are working, but you won't always be successful.

MS MAYOSI: Okay, turning to the inspection report then, your ...(intervention).

MR PIKOLI: Excuse me, before you get there. Brigadier I would like to refer you to your performance plan of 2012/2013 where you deal with your key departmental program to visible policing, you have a sub-program "visible policing crime prevention" and then you've got the objectives/key actions. Amongst those that are listed is "contact crime, murder".

BRIG DLADLA: Yes.

MR PIKOLI: And then there's another column on output and then there's a performance indicator, written to reach the set target.

BRIG DLADLA: Yes.

MR PIKOLI: Now I don't see any targets, I see there's a baseline column, which has not been filled and there's a target column which has not been filled, what should we make of this, or how do you explain it to us.

BRIG DLADLA: The baseline, you know I'm saying ...(intervention).

MR PIKOLI: There's nothing on the baseline, there's nothing on the target.

BRIG DLADLA: Okay.

MR PIKOLI: And yet under performance indicator you say to reach the set target, now I'm asking what is a set target?

BRIG DLADLA: It's supposed to be there to say if we had so many murders, like in I think in 2011/2012 we had 162 murders, so our target was to be at 150,

below 162,

MR PIKOLI: I will accept that but we don't have it here on paper.

BRIG DLADLA: It's supposed to be there commissioner. They are, we do write these things on the performance agreement. Commissioner is there – is it open – okay this is according to the – here is the annexure where we say contact crimes and (indistinct) crimes and then the target is to reduce to – you put to the target here, the target was to reduce them by 4% as it is here, but it says an annexure.

MR PIKOLI: But you agree that's not there?

BRIG DLADLA: It's not there ...(intervention).

MR PIKOLI: And also there's no reference to see annexure.

BRIG DLADLA: ... that is why it's not there.

MR PIKOLI: There's no reference to say that for the targets see annexure A, B or C?

BRIG DLADLA: Ja, we should have ...(intervention).

MR PIKOLI: So anybody who reads that performance plan will not know what is happening.

BRIG DLADLA: Yes.

COMMISSIONER: Ms Mayosi?

MS MAYOSI: You mentioned Brigadier Dladla that what you want to be judged on is the results on the ground, when crime such as rape reduce or when you are able to help people who are victims of crime, is that correct?

BRIG DLADLA: Yes commissioner.

MS MAYOSI: Now I have in front of me a summary of the crime stats that are released by the South African Police Service, and these are the stats from 2003 to the year 2012/2013, and if you look at those stats the three years starting from 2009, April to March, from April 2009 to March 2010 until April 2012 to March 2013 murders in Khayelitsha increased to 124, from April 2009 to March 2010, in the next period April 2010 to March 2011 there were 125, the following period April 2011 to March 2012 there were 161, and the following period which is April 2012 to March 2013 there were 168.

BRIG DLADLA: Yes commissioner.

MS MAYOSI: Is that what you want to be judged on?

BRIG DLADLA: Commissioner as I said it's a work-in-progress, I arrived there and we're working together as I indicated to the Commissioner if we look at the murders that we have now, it has gone down, they – we were unfortunate Commissioner that in most of our house robberies, of our business robberies the victims were also killed, and there were also vigilante cases so we were unfortunate with that but I believe we will overcome. As I indicated it has dropped up to now.

MS MAYOSI: It has dropped in terms of what, which statistics?

BRIG DLADLA: In terms of the murders. So far I can see it has dropped.

COMMISSIONER: Do you know what the figure on murders is standing for this year, starting 1st of April 2013 to 2014, how many murders have you ...

BRIG DLADLA: My station it is still low commissioner, I'm not going to say it because it's not released yet.

COMMISSIONER: I see, I had thought we had evidence of 125 which – but I may be wrong about that, I thought we'd received ...(intervention).

BRIG DLADLA: Commissioner I must have said it by mistake, I was not supposed to say.

COMMISSIONER: Alright, okay.

MR PIKOLI: Can I refer you to your performance measurement/scoreboard which is attached to your 2012/2013 plan. You state the performance indicators and you list all the crimes there, amongst those is murder.

BRIG DLADLA: Yes.

MR PIKOLI: The number of columns, MPL what does it mean?

BRIG DLADLA: MPL?

MR PIKOLI: Ja, what does that mean?

BRIG DLADLA: It's much like plan.

MR PIKOLI: And B, and then there's a ...(intervention).

BRIG DLADLA: Sorry?

MR PIKOLI: The next column is B.

BRIG DLADLA: B?

MR PIKOLI: Ja.

BRIG DLADLA: Baseline.

MR PIKOLI: The other one then there's T which is target.

BRIG DLADLA: Target.

MR PIKOLI: Next murder, on B the baseline it is 0%.

BRIG DLADLA: The baseline?

MR PIKOLI: Is 0%, what does that mean?

BRIG DLADLA: It was my performance agreement, I didn't have a baseline when I arrived there that is why it is zero so you see it is my performance agreement, it is my assessment, I didn't have a baseline at Khayelitsha. Baseline is what you had previously.

MR PIKOLI: Ja but you knew the number of murders in the previous year, didn't you know?

BRIG DLADLA: Yes how many murders.

MR PIKOLI: Yes.

BRIG DLADLA: It was 125 if I am not mistaken.

MR PIKOLI: Okay. And then on the next column you have got minus 4 as a target.

BRIG DLADLA: To try and reduce by 4%.

MR PIKOLI: From the 120 it was reduced by 4%?

BRIG DLADLA: Yes.

MR PIKOLI: Okay. And then you have got quarter one up to the fourth quarter. The results of quarter one you have got 45.2% and the score is 2, what does that mean?

BRIG DLADLA: It is a comparison of the old, of the same quarter this year and the same quarter the previous year. So if I got a two it is a rating that I didn't make the target that was set for last year.

MR PIKOLI: So this is 2 out of 5?

BRIG DLADLA: 2 out of 5.

MR PIKOLI: And the second quarter you have the result 72.22 and the score is 1.

BRIG DLADLA: Yes. If you did not make the target the system automatically generates your rating to say you are rated one here, you are rated 2 here, you are rated 4 here.

MR PIKOLI: And then there seems to be a big jump to 4 as a score in the third quarter.

BRIG DLADLA: As I indicated Commissioner the months are not the same. For

example the second quarter which is July August September you always have a lot of murders, it is in winter and that is why we try and get more deployment in winter because there is more murders but in the next quarter it becomes lesser. Like in December, other month were low but in December was high with a lot of cases reported but January was low again and is still low now with February. The results will differ.

MR PIKOLI: Now given all the scores and targets because quarter four is 2, this will give you an average of about 2.5.

BRIG DLADLA: No Commissioner, it is different sub-categories. You get rated 1 here there is a – it should be saying the contact crimes, different crimes Commissioner, if they were more you get rated less if there were less reported you get rated more.

MR PIKOLI: Sure. That is why in quarter three it was 4 because there were less murders in quarter four.

BRIG DLADLA: Yes.

MR PIKOLI: No in quarter 3, in the third quarter.

BRIG DLADLA: In the third quarter yes there were less murders that is why I scored 4.

MR PIKOLI: And then in the fourth quarter you scored 2.

BRIG DLADLA: Because it was more.

MR PIKOLI: Ja it was more. Then what I am saying is the average given the scores that you had in that year it will give you an average of about 2.5.

BRIG DLADLA: Are all the quarters there?

MR PIKOLI: Ja all quarters are here.

BRIG DLADLA: The average ... (intervention)

MR PIKOLI: No, no there is no average, I am saying ... (intervention)

BRIG DLADLA: Oh you saying when you add them and divide.

MR PIKOLI: Ja when I add.

BRIG DLADLA: Yes.

MR PIKOLI: So how would you rate that performance?

BRIG DLADLA: Pardon?

MR PIKOLI: How would you rate that performance?

BRIG DLADLA: It is not a good performance, as I indicated that it is not a good performance on the murders, I indicated to the Commission that there was an increase on the murders I accepted that it was not a good performance on our side.

MR PIKOLI: Thanks.

MS MAYOSI: Those are the numbers for the murders and the document that I am looking at is an exhibit, it is on the record in bundle 9, 6 and it is file 14. So these are the statistics for Khayelitsha the precinct. As I read out to you earlier murders have increased from 2009 to 124, 125, 161, 168. If we look at attempted murders again for the same period 2009 to March 2010 there were 91, April 2010 to 2011 there were 98, April 2011 to March 2012 there were 141 and April 2012 to March 2013 there were 248. Again these are the numbers you say that you wish to be judged by, these are the results that you wish to be judged by rather than the feeding of registers and administrative stuff that has nothing to do with service delivery, is that correct?

BRIG DLADLA: Commissioner I didn't dispute that our crime increased, I accepted that our crime increased and also the crime definitions we also make sure that we are registering crime accordingly. I still say Commissioner we are

working, we lost some of the crime categories where it increased but I still say we are working.

MS MAYOSI: But with these numbers Brigadier Dladla the question I ask you is should you be satisfied as you are with the policing in Khayelitsha.

BRIG DLADLA: I said Commissioner I am satisfied but we can improve. Crime has increased in some quarters and I also stated the reason why we were in project 23 and also in project 6, I did indicate to the Commission that it was because our crime we are one of the stations that are contributing in high crime.

MS MAYOSI: Moving on to the inspection then, the inspection of 2013 the report, there were – it was as I mentioned to you and you have the report in front of you now.

BRIG DLADLA: Yes.

MS MAYOSI: There were a number of findings that were made under partnership policing, One of the findings being that there was no – first of all your response to this report was due on the 26th of November, have you responded to this report?

BRIG DLADLA: Yes commissioner we have responded.

MS MAYOSI: Okay, I haven't seen that report, but anyway let's move on. One of the findings is that there was no electronic database of the partnerships although there's documentary proof that there is NGO's and State departments and that they have interactions, and so on, you see that in paragraph 3.1?

BRIG DLADLA: Yes I see that.

MS MAYOSI: The next finding under partnership policing is that the effectiveness of partnership policing could not be assessed due to the unavailability of the files or minutes, do you see that?

BRIG DLADLA: Which paragraph is that?

MS MAYOSI: 3.1, we're still in 3.1 under partnership ...(intervention).

BRIG DLADLA: 3.1 sub-paragraph?

MS MAYOSI: Under the fourth bullet, under 3.1.

BRIG DLADLA: Okay, I see it.

MS MAYOSI: There was an unavailability of minutes, the reason I raise this finding is that in the August 2012 report a similar finding was made about the unavailability of minutes and if we can go to that report, at page 69, paragraph 2.1 under partnership policing, second paragraph, it was found that the minutes of May 2012 and June 2012 are not available for inspection on request, and that one of – it was one of the findings that led them to conclude that there was a poor partnership existing between the CPF and the police station, and that no projects were launched by the CPF. Now the reason I'm really referring to this finding is again because a similar finding was made in the previous year, and yet you see in an inspection in 2013 that something as critical as partnership policing cannot be assessed because there are no files and minutes, why is that?

BRIG DLADLA: As I indicated to the commission we handed the minutes that we had from – of the CPF those we didn't have we also explained why we didn't have, but the CPF was there and I indicated that it was not functioning as it was supposed to function so that's why there were some meetings that we will call and we will end up not having a meeting because the (indistinct) it didn't allow us to continue.

MS MAYOSI: In fact this finding in 2012 of a poor relationship between the CPF is similar to what the task team found in relation to CPF's and Khayelitsha, is

that not right?

BRIG DLADLA: Yes commissioner but what I'm saying I don't – maybe I'm misunderstanding, I'm understanding it wrong when you say poor relations between the police and the CPF, I'm saying we were not functioning as we were supposed to function.

MS MAYOSI: Alright. And then under sector policing, if you go back again to the 2013 report, still under 3.1 but further down, there are a number of findings that are made about sector policing being that it is implemented but discrepancies still exist and then mention sector 1 it was found that there's no evidence of information exchanged to address crime and then perusal of sector 3 files reveal that no proper records are kept of sub-forum meetings that were held. Again these findings are similar to what was found the previous year in 2012, why is that, why is this a recurring – why is this allowed to be a recurring thing in the station?

BRIG DLADLA: With regards to the minutes are there for the sector forums that are – were existing, the minutes are there in the files of the sector commanders.

MS MAYOSI: Yes, but with regards to sector 1 there's no evidence of information exchanged to address crime, that's what is said in 2013, in 2012 what was said about sector 1 “no crime statistics for monthly, quarterly and annual periods” so the same thing really.

BRIG DLADLA: Sector 1 there was a little bit of a problem with the sector forum and we had to get another sector forum, so but its running, the sector commander is there, the sector forum is there.

MS MAYOSI: And then if you move on to the next page under cluster operational room if you go to the next page.

BRIG DLADLA: Excuse me Commissioner, is it still on this ...(intervention).

MS MAYOSI: On the 2013 report.

BRIG DLADLA: 2013/2014?

MS MAYOSI: Yes.

BRIG DLADLA: Okay.

MS MAYOSI: The 2013 September, September 10, to 16 September.

BRIG DLADLA: Yes, it's the one I've got yes.

MS MAYOSI: Yes, if you go to the next page under paragraph 3.2 cluster operational ...(intervention).

BRIG DLADLA: Three point?

MS MAYOSI: Sorry?

BRIG DLADLA: Sorry I didn't get 3.2?

MS MAYOSI: Yes.

BRIG DLADLA: Okay.

MS MAYOSI: Yes, there's 3.2 at the bottom but go to the next page.

BRIG DLADLA: Okay.

MS MAYOSI: Again there's a finding about SAPS 15s that don't give a clear indication of what they should give a clear indication of, this time in relation to the ops room. So incomplete or totally uncompleted SAPS 15s as I mentioned earlier when I looked at the 2011 and the 2012 reports appear to be a recurring difficulty with the station.

BRIG DLADLA: Commissioner, can I read this with understanding?

COMMISSIONER: This appears to be cluster operational room.

BRIG DLADLA: Commissioner, this paragraph 3.2 was not supposed to be part of the station.

COMMISSIONER: Yes, this refers to the cluster, this is an issue ... (intervention)

BRIG DLADLA: It was supposed to be cluster paragraph. That is why I said I wanted to read it with understanding.

MS MAYOSI: Okay. And you have stated that in your response to the inspectorate?

BRIG DLADLA: Yes.

MS MAYOSI: I haven't seen your response, Adv Arendse?

MR ARENDSE: It's only that the cluster office is based at my station as I indicated.

COMMISSIONER: Yes, you have testified to that, ja. Ms Mayosi, it is now five o'clock. How much longer are you going to be? I'm not suggesting that you do it now but I'm just wondering – trying to plan tomorrow and work out which witnesses we'll need for testifying tomorrow.

MS MAYOSI: I think I'll be another 30 minutes but I also ... (intervention)

COMMISSIONER: Because you have exceeded your time. Just noting to you that you have been quite a bit longer than the time allocated. I understand Brig Dladla's an important witness but I would be grateful if you could try to get to the point as soon as possible in the morning.

MS MAYOSI: Be more efficient tomorrow.

COMMISSIONER: And I won't ask you for your definition of it.

MS MAYOSI: No.

COMMISSIONER: Mr Arendse, so we'll adjourn now till nine o'clock tomorrow morning. I think tomorrow we should have just a further conversation about the timing but my sense is that will – if Col Marais could be available. Brig Dladla, we will not need you for long in the morning, that's one of the reasons why I've asked Ms Mayosi. You'll be able to discuss with your own counsel as to how long he'll need to re-examine you but I would imagine ... (intervention)

MR ARENDSE: I won't be long at this stage.

COMMISSIONER: Won't be long. I would imagine that if you could make yourself available from nine till ten, that should probably cover it and then if Col Marais could be available thereafter and my understanding is that – Ms Bawa, just to talk about Col Nel and Col Rabie we would like that on Friday, is that correct? Yes. And on Thursday we've then scheduled witnesses in relation to the CPFs and the KDF and also Capt Pillay, I think, is that correct? Hopefully that may proceed a little more quickly. Thank you very much Brig Dladla, it's been a long day, we're very aware of that, we're grateful to you for being here and for providing your testimony and we'll see you in the morning at nine o'clock. We will now adjourn, thank you.

COMMISSION ADJOURNS: (at 17:05)

19 February 2014

ON RESUMPTION ON 19 FEBRUARY 2014 (at 09:00)

COMMISSIONER: Good morning, good morning Brigadier.

BRIG DLADLA: Good morning Commissioner.

COMMISSIONER: Welcome once again to the proceedings of the Commission I

/...

hope that we won't detain you for too long this morning. Ms Mayosi good morning, you are still under oath Commissioner.

BRIG DLADLA: Yes Commissioner I'm still under oath.

COMMISSIONER: Excellent thank you, go ahead Ms Mayosi.

ZITHULELE MOSES DLADLA (still under oath)

CROSS-EXAMINATION BY MS MAYOSI (continued)

MS MAYOSI: Thank you Madam Chair. Brigadier good morning yesterday we had started discussing the 2013, the September 2013 inspection reports. I will continue to look at those reports this morning but just to speed things up I want to look at the 2013 inspection report together with the 2014 follow up inspection report, do you have both reports in front of you?

BRIG DLADLA: I have 2014 I'm trying to find...

MS MAYOSI: The document that I gave you just before we started it should be 2013 and 2014 both of them should be there.

BRIG DLADLA: Okay.

MS MAYOSI: We discussed the inspection findings relating to partnership policing yesterday and the conclusions of the 2013 inspection to the effect that there was no electronic database of partnerships available and there was a non-availability of the minutes, you will recall that?

BRIG DLADLA: Yes Commissioner.

MS MAYOSI: Yes and I also mentioned that that wasn't the first time, the previous year – the electronic database was the first time such a finding was made in 2013 but in 2012 a previous finding had been made that there were no minutes available to have a look at the CPF relationship do you recall?

BRIG DLADLA: Yes Commissioner.

MS MAYOSI: Yes, in the follow up inspection though it doesn't appear that this matter was rectified because when the inspections were done again on the 10th January this year the finding was in relation to no electronic database of partnerships is available it wasn't implemented, that issue that had been picked up in September wasn't implemented in January. The explanation was that Colonel Abels undertook to rectify the situation without delay, do you see that report?

BRIG DLADLA: Yes.

MS MAYOSI: The unavailability of files or minutes this issue was still not implemented do you see that?

BRIG DLADLA: Yes.

MS MAYOSI: Now the reason I bring those issues up is that there doesn't appear to have been an improvement from one inspection to the next. Do you regard this as an improvement, this state of affairs?

BRIG DLADLA: Commissioner the minutes are available, the minutes of the CPF we last had a meeting in November and we agreed that there won't be a meeting as it is always during the festive season because most of our people go to the Eastern Cape that are part of the meeting. The last meeting we had was in November we have the minutes, either November of the first week of December but after that we didn't have a meeting. We planned to have a meeting in January but it didn't materialise until we had a meeting in February because people come back late from Eastern Cape. So there are minutes of the meeting that we had in the first week of February, the meetings are monthly meetings.

MS MAYOSI: Yes, on the 10th though when the inspection was done there were still no minutes available and that is what was recorded are you saying that after

the 10th January the minutes have now been made available, is that what you're saying?

BRIG DLADLA: The minutes are available, in January I think we indicated when they came, they didn't come for a lot of days when they came the secretary was off sick who is a member of the police in whose office the minutes are but she's back, the minutes are there we had the meeting and we also had a meeting now we are still waiting for the secretary to bring them for typing.

MS MAYOSI: Alright, moving on then to the next issue that was assessed in the 2013 inspection, there was an assessment of overtime operations conducted, in the 2013 report and this appears under paragraph 3.3 and the finding that was made under that topic was that there was no record of operational plans included in overtime applications. Now when the January 10th 2014 inspection some three months later was done this issue had not been implemented the report states that:

"It was found that operational files were not in each overtime application for the said operations. The operations conducted were not updated in the overtime allowance register no reasons could be provided for this".

BRIG DLADLA: No Commissioner I disagree the overtime applications are kept at finance and the overtime file is separate from the file of the operational plans. There is no overtime that is approved by the provincial office without the operational plan, without the OPEM results of previous operations or previous actions. So there is a file that has got operational plans, there is a file that has got overtime things. We also explained to the, we also responded on that one Commissioner.

COMMISSIONER: But I don't understand, if this report is not correct there's either a problem at your station or a problem with the report how could the report be compiled to say that no overtime "since the last inspection in September 2013 overtime operations had only been executed in December and January" which you did tell us but the operational files were not in each overtime application for said operations. Is that just false?

BRIG DLADLA: Commissioner as I'm indicating for each overtime application there is an operational plan so the operational plans are there, there is a file for operational plans so since it has been queried we also made a copy and put on the side of the overtime plan. But what I'm saying Commissioner is the operational plans are available they get even faxed or taken by hand to the Province for the approval of overtime. Overtime is not approved Commissioner without the operational plan.

COMMISSIONER: So you saw this letter of January 2014?

BRIG DLADLA: Yes we have responded to it Commissioner.

COMMISSIONER: So how could this have arisen this misunderstanding with the provincial inspectorate?

BRIG DLADLA: I don't understand Commissioner why there is this misunderstanding but we have rectified the way they want it but there is a file on the operational plans. Even as I indicated the provincial office does not sign or approve the overtime if there is no operational plan you must attach that to the application form.

MS MAYOSI: However, it reflects here that no reasons could be provided for this finding so again it's a case similar to that which we canvassed yesterday where in interacting with the inspectors during the inspection different or no reasons

are furnished than those to which you furnish here at the Commission.

BRIG DLADLA: Commissioner, this is the report which says when they asked those people, I don't know who they communicated with was it a clerk, I can't recall if Lt Colonel du Toit was there who is the head of finance to give that explanation of they just asked for the files that they wanted to inspect and checked and didn't ask for explanations but on our response we indicated what is happening. The report says "no explanation" at the time when they were doing the inspection but had they given us a chance to tell them and sat with us to tell them we would have told them that this is what is happening.

Commissioner, when they conduct an inspection they go to different components and sit in that particular component. The people who are dealing with the detectives will go to the detectives, the person who is dealing with finance will go to finance, the person who is dealing with supply chain will go to supply chain. He or she will ask for what he or she is looking for.

MS MAYOSI: You say had they given you the time presumably you would have provided a different response. This inspection that occurred on the 10th January 2014 was a follow up on issues that had arisen in a September 2013 inspection so you had a period of more than three months really to apply your mind to the September 2013 findings and to respond appropriately by January 2014. So it is no excuse to say had you been given time a different reason would have been given, what do you say to that?

BRIG DLADLA: No Commissioner I am still saying the reports are there, the operational plans are there, there is a file which has operational plans, there is a file which has overtime applications it's there, it's available.

MS MAYOSI: It wasn't found by the inspectorate presumably and that is why they have recorded what they have recorded here. Now I don't think we can take this matter any further but I want to state to you that the information that you are now providing was not provided by the persons responsible for this function to the inspectorate and it is again another case such as you did yesterday of you providing what I regard as excuses to the Commission for non-performance.

BRIG DLADLA: Commissioner it is not an excuse, it's not an excuse it's something that is there as I indicated to the Commission I'm not sure if the commander of finance was there because he would have been in a position to explain to them, to produce and say this is the file, this is the file, now it's in one file all together.

MS MAYOSI: On the same issue whilst they were still assessing the overtime operations conducted again they found that operational files were perused, they perused the operational files but they were not files according to prescripts. This finding was made in September 2013, when they returned to do their follow up inspection in January 2014 this issue was still not implemented and no reasons could be provided why the status remained the same since the last inspection. What do you have to say, why is it that no reasons were provided?

BRIG DLADLA: Commissioner, the files are filed accordingly I've got an experienced Lt Colonel in finance he knows his job so the files are filed accordingly.

MS MAYOSI: Brigadier do you accept that if your experienced Lt Colonel in finance does not provide the reasons that are required during the inspection, although he is responsible for that function you as station commander are ultimately accountable for performance or non-performance on that score, do

you accept that?

BRIG DLADLA: I agree with that Commissioner.

MS MAYOSI: And that the inspection reflects what it reflects and so you must be accountable for this non-performance do you accept that?

BRIG DLADLA: I accept Commissioner.

MS MAYOSI: Reading these reports if one were to read just the inspection reports, the September inspection report and the follow up report in your view does this reflect an improvement in performance?

BRIG DLADLA: The September report is not an inspection report it's not supposed to be an inspection report, September and January it's supposed to be a project report because that was, although it's written "inspection report" I agree but it's not supposed to be like that because it was a work in progress that is done. Even the head of the inspectorate I'm not sure if he's going to testify here he will tell you that it's a progress report on the project.

MS MAYOSI: Reading this progress report on the project and its findings from one period to another do they reflect your station making progress?

BRIG DLADLA: On the implemented things there is, on some of the implemented things it's progress. You know if the inspectorate is conducting an inspection they don't go Commissioner to things that are right and they write the correct things and the positive things, they go with the intention to correct those that are wrong. Those that we have corrected it will not necessarily be reflected or those where you are performing right it won't necessarily be mentioned because they are not concentrating on that, they concentrate on what needs to be improved.

MS MAYOSI: Brigadier as we go through this follow up report I will demonstrate that what you've just said is in fact incorrect because they do record where things have been implemented do you accept that?

BRIG DLADLA: No you don't understand me, Commissioner I say like I want to make an example with the CIOs they didn't go and inspect the CIOs because there was no problem there. They didn't go and inspect DPO – I'm making an example of that that you go and inspect on that one where there is a problem because the inspection is for us to rectify where we can rectify and do better where we are not doing better.

MS MAYOSI: On the assessment of overtime operations that were conducted as it was assessed in September 2013 and as it was assessed again in January 2014 have you improved given that none of the findings have been implemented?

BRIG DLADLA: Let's go through here you see if you look at the overtime they said:

"The overtime register was perused from April 2012 till June 2013. Applications for overtime authorities and operations executed were recorded. Records for claim of operations executed against overtime are kept according to prescripts".

So because they were dealing with overtime what was good is indicated as I said but when you are inspecting other, where there is no lack they didn't inspect and they recorded what was positive.

MS MAYOSI: Carry on reading that paragraph you were reading, the last sentence.

BRIG DLADLA: "No records of operational plans included in overtime applications".

MS MAYOSI: And that's a finding if you may stop there.

BRIG DLADLA: Yes.

MS MAYOSI: Now go to the 2014 follow up inspection report, the 2014 just on that finding.

BRIG DLADLA: Okay.

MS MAYOSI: It starts at, the assessment of overtime is dealt with at paragraph 3.3.

BRIG DLADLA: "The operational plans are not included in overtime applications", you see if you read that it says "operational plans are not included in overtime applications" the inspectorate is a provincial arm that knows that for every overtime application you have the operational plan. So if you say no overtime, no operational plans are included in overtime I won't agree because as I indicated we have the files and they get sent together, the application for overtime and the operational plan get sent together because you must sign for the overtime and also approve the operational plan that would be attached to the overtime application.

MS MAYOSI: Let's move on then to the next issue that was assessed detective services and there was a case docket analysis that was conducted here.

BRIG DLADLA: Yes.

MS MAYOSI: Now that specific issues is relating to the dockets which we put the questions to your head of detectives is that Colonel Marais?

BRIG DLADLA: Colonel Marais yes.

MS MAYOSI: But you will see from the 2013 inspection report that a total of 100 dockets were assessed for the purposes of the inspection and they assessed 100 dockets that had been struck off the roll and they made findings in relation to 29 of those dockets, different findings about dockets couldn't be found and so on. So just on the issue of dockets do you attend case management meetings that happen with various stakeholders that are held every month?

BRIG DLADLA: I delegated to Colonel Marais to attend that but if I've got time I also attend if it doesn't clash but in most cases it's attended by Colonel Marais who is the branch commander.

MS MAYOSI: We've been furnished with minutes of those meetings from about March 2012 to maybe September 2013 and there are complaints made at those meetings that station commanders don't attend. You have not attended a single one of those meetings according to the minutes that we've been furnished with.

BRIG DLADLA: Yes I didn't attend but I delegated to the Colonel who is a branch commander who is my second in charge of the station because I cannot attend all the meetings.

MS MAYOSI: He hasn't attended a single one are you aware of that according to those minutes, in any event the minutes we've been furnished with for those periods are you aware of that?

BRIG DLADLA: No I am not aware.

MS MAYOSI: Why are you not aware would you not then get feedback from him about what transpired at those meetings every month?

BRIG DLADLA: We discussed the feedback in the meeting, he was not supposed to attend alone he was supposed to attend with also the colonel that is in charge for the courtroom.

MS MAYOSI: So has he been giving you feedback given that he hasn't been attending these meetings?

BRIG DLADLA: The feedback that we got, that I get is in the meeting when he's

reporting, when they are reporting on what transpired at the meetings.

MS MAYOSI: How do you check his attendance of those meetings because you've delegated to him so how do you check his performance on that delegation?

BRIG DLADLA: I checked by inspecting some of the dockets that I have to inspect per month.

MS MAYOSI: So if you do check you would have known that he doesn't attend these meetings.

BRIG DLADLA: Not necessarily.

MS MAYOSI: You say you do check though so how would you not know if you do check?

BRIG DLADLA: When I do check I am just checking if the instructions that are given in the dockets are complied with some they are complied with, some are not complied with.

MS MAYOSI: Brigadier you said that you were not aware that he hasn't been attending these meetings though.

BRIG DLADLA: Yes as I said to the Commissioner I was not aware.

MS MAYOSI: My question really was why it is that you are not aware, if you take the issues relating to dockets and they impact on the administration of justice seriously, you personally don't attend those meetings your delegate doesn't attend those meetings and you are not aware what is to be made of the seriousness with which your station regards this issue based on that?

BRIG DLADLA: I will accept that there is a lack on our side and if he didn't attend it was a lack on our side it's wrong.

MS MAYOSI: Are you going to do something about it in terms of taking steps against the person you delegated?

BRIG DLADLA: I'm going to do something about it.

MS MAYOSI: Now I will say that the meetings according to the minutes that we've been provided with have been attended by two individuals on two occasions only, two individuals from Khayelitsha CID I think Colonel Louw and someone else.

BRIG DLADLA: Colonel?

MS MAYOSI: Louw.

BRIG DLADLA: (Indistinct)

MS MAYOSI: Sorry?

BRIG DLADLA: Colonel who?

MS MAYOSI: I think I recognised the name you've just mentioned it is Major General Lourens and Nomdo yes.

BRIG DLADLA: Nomdo.

MS MAYOSI: On two occasions only the meetings have been attended by those individuals otherwise – and I don't know if they were delegated by yourself because you said you had delegated Colonel Marais otherwise the absence of the station commander is complained about at almost every one of those meetings. So are you aware of the issues that arise relating to dockets discussed at those meetings?

BRIG DLADLA: Yes I'm aware.

MS MAYOSI: Those issues what are they?

BRIG DLADLA: I'm aware of the dockets that are coming later to court, some of the dockets that are coming later to court and some of the queries that are not addressed in the, the queries that are not addressed from the prosecutor.

MS MAYOSI: What steps do you put in place to respond to those issues?

BRIG DLADLA: The cases that are not coming to court in time we appointed somebody that will be dealing with those cases directly. Captain Molo was always the guardian, was always in charge of the courtroom to eliminate those problems but it's now Captain van der Merwe.

MS MAYOSI: Are you effective are you achieving results in dealing with the issue of dockets not getting to court?

BRIG DLADLA: I will say so because the list of cases that are not at court normally I would get an email if there are dockets that are not at court but there is a reduction of those emails and WhatsApp messages that I get about dockets not at court.

MS MAYOSI: Now if you go to the 2013 inspection there was a finding that was made under "docket analysis" if you go just below the last bullet point and the reason for the above shortcomings, "the above shortcomings can be attributed to improper command and control due to the following reasons" and for the moment I'll just focus on the first bullet point because the rest of the issues I think should probably be taken up with Colonel Marais. That first bullet point speaks about "inadequate disciplinary measures are taken against members who do not comply with instructions" do you see that?

BRIG DLADLA: Yes I see that.

MS MAYOSI: Below the last bullet point it says:

"In conclusion the inspection team is of the opinion that due to the reluctance of the station management to take disciplinary steps against investigating officers causes them to blatantly ignore the instructions of the prosecutors and officers".

Do you see that?

BRIG DLADLA: Yes I see that.

MS MAYOSI: What do you say to that finding?

BRIG DLADLA: Look I don't inspect all the dockets I inspect dockets sporadically, if I find the problems in the docket I also address it with the commanders. There was a time where I found that there were not, the instructions were not given clearly in the dockets to guide the investigating officers and I made an example of how they must look at when I inspect the docket and write all things because I tell they must give the instructions as if that guy doesn't know anything because if somebody else comes and checks the docket he will say you are not doing your job. If you perceive that somebody knows that docket, assume that somebody knows the docket, you know he knows the investigation but still give a detailed instruction in the docket so that should it be given to somebody else who is inexperienced there won't be a problem. Yes I agree there are where they didn't give guidance where they were supposed to give guidance. I address them also on parade all the detectives with regards to those instructions.

MS MAYOSI: The inspectorate nevertheless concluded that station management is reluctant to take disciplinary measures or takes inadequate disciplinary measures against investigating officers who are errant in this regard. Now what makes this finding about the reluctance to take disciplinary measures more concerning for me is that a similar finding was made in 2012 by the inspectorate and in that regard the reluctance or the failure to implement disciplinary measures arose in the context of a lot of disciplinary issues that had been outstanding and investigations that were taking too long. If I refer you to the

2012 inspection report under “discipline management” under paragraph 6.1 in discipline management the following is said:

“The inspection revealed that discipline is not always applied in a prompt, fair, consistent and progressive manner as prescribed by Regulation 4B of the SAPS Disciplinary Regulations SSSBC agreement 1/2006”.

And then they gave examples of investigations that had not yet been completed and were taking too long. At paragraph 6.5 the inspectorate concluded:

“The non-compliance of Regulation 4(B) could not be justified. The delay in these disciplinary investigations can lead to *prima facie* cases being withdrawn due to procedural unfairness”.

So it is a matter of concern is it not to you that there is an issue raised in 2012 around the reluctance or inadequate application of SAPS’ disciplinary procedures. It arises again in a 2013 inspection that station management is reluctant to implement disciplinary measures and this is causing these problems in docket management, are you not concerned about that?

BRIG DLADLA: Commissioner, it’s two issues here it’s an issue of long outstanding disciplinary cases which was addressed and then the reluctance now of group commanders to take steps against the people that are not complying with the instructions. So what – Commissioner each discipline is applied by each commander, Colonel Marais will indicate that there are group commanders that are responsible for those investigation groups and those are the people that will see all the dockets of their members and if there is misconduct that is detected then they must take steps.

As I indicated I don’t inspect all the dockets but I’m not happy with the finding that we are not taking steps or we need to make sure that people that are not doing their work we take steps. But also we must also look at the workload, if you take steps – you do take steps but you’ll end up, you must also know you have somebody who is overloaded with work but I don’t say steps must not be taken, steps must be taken to correct Commissioner.

MS MAYOSI: So if your commanders who comprise station management are not taking disciplinary steps do you accept that you are responsible or accountable, they are responsible for implementing the disciplinary steps but ultimately you take accountability for their performance or non-performance in that regard, in particular where the consequences when it comes to docket management are so serious.

BRIG DLADLA: I agree Commissioner.

MS MAYOSI: But let’s look then at what the inspectorate found when it came back in January 2014 to look at these docket issues. They made findings in respect of 29 dockets in 2013 and so on 2014 they returned to look at what had been implemented in relation to those dockets. As I said the finer details of those issues will be discussed with Colonel Marais but what concerns me from your perspective are the reasons why the issues were not implemented. Now there were issues you will see under 3.4 you’re looking at the 2014 report 3.4 you’ll see that CAS 93801/2012 was implemented so that is not an issue in the inspection as was CAS 422/2012 you see that, so that’s not an issue in the follow up. But look at, can you read what is said next to CAS 8082/2006?

BRIG DLADLA: Yes Commissioner.

MS MAYOSI: Can you read that into the record?

BRIG DLADLA: “Not implemented. Docket cannot be traced at archives

duplicate to be opened”.

MS MAYOSI: Go down again two CAS down, CAS 359/11/2011 can you read what is said there?

BRIG DLADLA: CAS 359?

MS MAYOSI: Yes 11/2011.

BRIG DLADLA: “Docket cannot be traced at archives duplicate to be opened”.

MS MAYOSI: The following one CAS 179/11/2010?

BRIG DLADLA: “Docket cannot be traced at archives duplicate to be opened”.

MS MAYOSI: Let’s go to the next page, the next one CAS 144/04/2011?

BRIG DLADLA: It’s also Commissioner “docket cannot be traced at archives duplicate to be opened”.

MS MAYOSI: Let’s go to the next block that begins with “failure to hold identification parades CAS 523” read what’s next to CAS 523/05/2011.

BRIG DLADLA: “Dockets could not be traced at archives”.

MS MAYOSI: And that applies in relation to the next, up until CAS 307/09/2011 “dockets cannot be traced at archives not implemented” do you see that?

BRIG DLADLA: Yes.

MS MAYOSI: If you go to the next page at the top CAS 307/09/2011 what does it say there?

BRIG DLADLA: Sorry?

MS MAYOSI: 307/09/2011 top of the next page.

BRIG DLADLA: Yes it says “docket cannot be traced at archives duplicate to be opened”.

MS MAYOSI: As it says for the next two dockets in that same block.

BRIG DLADLA: No the next one is...(intervention)

MS MAYOSI: Not implemented.

BRIG DLADLA: “Implemented FIC”.

MS MAYOSI: CAS 179/10/2010.

BRIG DLADLA: Ja 179 says “implemented FIC”.

MS MAYOSI: Alright, my document doesn’t say that 808/02/2006?

BRIG DLADLA: 8?

MS MAYOSI: 808/02/2006.

BRIG DLADLA: Yes that one it’s duplicated if you look at 179/10/2010...(intervention)

MS MAYOSI: It says...(intervention)

BRIG DLADLA: Ja it’s FIC there’s another 179/10/2010 where it says “duplicate”, I mean “not implemented”.

COMMISSIONER: Ms Mayosi can I remind you of your time limit which is now 10 minutes over, we can see on this report and I think we should say to you Brigadier Dladla these reports have all been admitted, not objected to and it does seem as if there are a very large number of dockets as a result of this investigation which couldn’t be traced.

MS MAYOSI: The point I’m trying to make Madam Chair is the point you state which is that there are dockets that could not be traced, actions were not implemented because dockets could be traced at archives in relation to 12 of these. In relation to an additional nine dockets could not be produced because nobody knew where they were. Now would you say there’s a problem there?

BRIG DLADLA: Commissioner, with regards to dockets that cannot be traced at archives it’s dockets that have been finalised. When a docket is in the archives it’s filed, the people that are working at the archives don’t sign for the docket on

the system without having the docket Commissioner coming to them. So what might happen is that these dockets are misfiled but they are at the archives because in the archives it's clerks that are working there they don't deal with the dockets. The docket might not be finalised in the sense that the suspect is arrested but it's filed because maybe the suspect cannot be traced at that time or the case was withdrawn and it cannot be placed back on the roll. So it's filed and then sent to archives. When we first look at the docket and then if we don't find the docket that's when we open a duplicate but most of our dockets Commissioner are scanned. When we scan the docket we scan the face of the docket and scan the statements so that helps us if the docket is misfiled or it can get lost you can still go and print it on the system. So we first look at the dockets because sometimes it gets filed incorrectly, filed in another bundle when it's supposed to be in another one. This long list of dockets I arrange a day if there are a lot of dockets that are outstanding and send other people to go and assist the people in the archives so it's dockets that are there that are not missing that we'll look for and find.

MS MAYOSI: But the dockets could not be found that is the point not the whole explanation that you are giving because the things you are saying can't be known without looking at those dockets. But the issue really is that it can't be known what the problems are or what actions to take in relation to those dockets because they simply could not be found, that is the issue.

BRIG DLADLA: I agree Commissioner the dockets could not be found at the archives.

MS MAYOSI: And is that a problem for you that dockets cannot be found at archives?

BRIG DLADLA: There are some dockets that cannot be found at the archives but not because they are lost Commissioner, as I indicated that if it comes for filing which means it came physically to the clerk doing the filing so it must have been misfiled we must look for it and find it. We have found some dockets that were misfiled and there was a time Commissioner where the shelves just gave in and the dockets were mixed and we had to redo them. So it can be human error that you ask for people that are not familiar with the archives to come and help when there's a disaster that happens so that can lead to the misfiling of the docket. But it's a docket that is there that can be recompiled, that can be traced and...

COMMISSIONER: But the difficulty from an operational perspective is that whether it's misfiled or lost or destroyed if it's needed it doesn't matter which of those three it is, it actually impacts on the operation ability of SAPS if you cannot put your hands on a docket when you need to it doesn't matter whether it's misfiled or lost is that not correct?

BRIG DLADLA: It's correct Commissioner.

COMMISSIONER: When did you start scanning dockets at Khayelitsha?

BRIG DLADLA: When I arrived there they had already started scanning but the scanning also relies on the network Commissioner, the better the network the better the scanning because sometimes the scanning does not work. But that is also monitored in our SCCF when we check data integrity as to how many dockets were scanned, if the scanner is not working they must make an OB entry and report so that it can be fixed. There are other scanners in the detectives where we scan further the statements that we get from the witnesses.

COMMISSIONER: So they're scanned directly up to a database that is managed on a network is that right?

BRIG DLADLA: Yes Commissioner.

COMMISSIONER: You don't keep them as files on some hard drives you actually scan them straight up to a network.

BRIG DLADLA: Yes Commissioner.

COMMISSIONER: That's the E docket system.

BRIG DLADLA: Yes but it's still not a full E docket because it's only the scanning, it's still not linked to other departments like court.

COMMISSIONER: Do you scan all parts of the docket or do you just scan certain parts of the docket?

BRIG DLADLA: We scan the whole docket when it's being registered from the charge, community service centre we scan the docket and then when it's with the detectives when they investigate they scan, they also give feedback on how many dockets have been scanned for the week. We monitor it day-by-day in the charge office the scanning as to how many dockets were scanned and how many were not scanned and what the reason was and we take it from there.

COMMISSIONER: Thank you.

MS MAYOSI: Where do you store your archived dockets?

BRIG DLADLA: Commissioner the archived dockets are stored in the archives the latest one the room where the Commission went to the first big one.

MS MAYOSI: The room that is inside the building?

BRIG DLADLA: Yes Commissioner the first room from the CSC and the crime office and then that room that we went in.

MS MAYOSI: So it would be in that room where all of these dockets cannot be found.

BRIG DLADLA: It will be in that room Commissioner the room is about from this wall to that wall.

COMMISSIONER: Can I just clarify the dockets, the closed dockets that are held in containers those are not considered to be archived but considered to be closed dockets is that correct?

BRIG DLADLA: It's all Commissioner, the containers are the extension of that archive.

COMMISSIONER: Of the archives so some of them are archived in containers and some of them in that room.

BRIG DLADLA: Yes Commissioner, the latest dockets are in this so when there is no more space from this archive we move the dockets to the containers to open space for the latest dockets.

COMMISSIONER: How many containers do you have holding dockets?

BRIG DLADLA: It's three Commissioner.

COMMISSIONER: Three containers and didn't I see in one of your "needs assessments" that you needed another container, do you need another container for dockets?

BRIG DLADLA: It's still a problem Commissioner we need additional because the thing is Commissioner the dockets cannot be destroyed there was a moratorium on the destruction of dockets so we are running out of space so that is also affecting this thing, a cause of some of misfiling because you have started moving these that you are going to put into the container that can cause that.

COMMISSIONER: That was an instruction going back to 1994 the non-destruction of dockets.

BRIG DLADLA: Non-destruction of documents not only dockets.

COMMISSIONER: Ja not only dockets all documents.

BRIG DLADLA: All documents.

COMMISSIONER: Thank you.

MS MAYOSI: Brigadier the DOCS inspection of 2012/2013 had findings relating to the training of SAPS members in your police station.

BRIG DLADLA: Training Commissioner?

MS MAYOSI: Yes training and they found the following, that 26 out of 223 members had been trained on the Domestic Violence Act which is roughly 12% of the members; 5%, that is 11 out of 223 have trained in the Child Justice Act; 12 out of 223 have been trained in the Sexual Offences Act; 10 members out of 223 have been trained in the Firearm Control Act and that only 16 had been trained in victim empowerment. They expressed the concern in the report that the low numbers of trained staff on these critical pieces of legislation are a matter of concern. Are you concerned about these low numbers of trained staff?

BRIG DLADLA: Commissioner, as I indicated there has been a big improvement on training. SAPS employed the legal officials that are training our people, as I indicated on domestic violence every police member has been trained and that is on a one day training. Can I just check here Commissioner with your permission, okay Commissioner for example as I indicated all police (indistinct) members have been trained on domestic violence it's about 180 or 190 are trained on the Firearms Control Act, no all of them have been trained but there are some that are not competent on the use of firearms because of medical reasons they cannot go and do the practical shooting. Domestic violence we have trained all people on a one day course, 46 have been trained on a five day course that was an improvement from what we had. But with the five day one we rely on the provincial office because we submit our nominations and they will get a call-up.

MS MAYOSI: So are you saying there has been a significant improvement since this inspection and since DOCS found these numbers?

BRIG DLADLA: Yes.

MS MAYOSI: These numbers are no longer...

BRIG DLADLA: Are no longer relevant.

MS MAYOSI: I see but the same report also found that out of your 63 detectives 54 of those 63 actually carry dockets the others are in court or elsewhere. It was then found that 33 detectives have attended the basic detective training program, only 24 detectives have attended the detective learning program and four only have attended the specialised detective training program.

BRIG DLADLA: That Colonel Marais will have the exact figures but again Commissioner a lot of our detectives have been trained, as we speak I think it's three or four that on course. We have been getting preferential treatment when it comes to the detectives training in the last two years there is also a big improvement on the training of the detectives. As I indicated not all our detectives are docket carriers, 16 of our detectives are working in the crime office but we train them all on the basic training of two weeks and also for the (indistinct) on that.

MS MAYOSI: The inspection of 2014 then the follow up report concluded that disciplinary steps must be instituted against investigating officers who could not produce case dockets. The case dockets that are referred to in that column where dockets couldn't be found nobody knew where they were or dockets couldn't be found because they were in archives. Have you actually implemented these steps, have you taken these comments seriously?

BRIG DLADLA: Yes we've taken it seriously Colonel Marais is busy addressing it.

MS MAYOSI: So he would be able to give us details of the actual steps that have been taken?

BRIG DLADLA: He will be able to tell you.

MS MAYOSI: If I then conclude Brigadier Dladla I think it is clear as I said yesterday that your station is seriously constrained in terms of resources that are available to deliver effective policing to the community of Khayelitsha. If we were to ask the Commission to make such a recommendation is that a recommendation you would support that there be serious attention given to beefing up your resources to enable to do the work that you need to do.

BRIG DLADLA: We will agree with that Commissioner.

MS MAYOSI: You would support that. We say then as the complainant organisation that because you don't have these resources, you don't have sufficient resources and the need in Khayelitsha is so great the conclusion is unavoidable that the policing currently being delivered to the community is ineffective what do you say to that?

BRIG DLADLA: I would not say, I would not agree 100% to a certain extent I will say yes but there is still a lot of policing that is done in Khayelitsha.

MS MAYOSI: Yes I think I agree with you I think there is policing that is being done, there are efforts being made as we discussed yesterday to really cope with a very difficult situation but the result is ineffective for a number of reasons, some may or may not be attributable to yourselves would you accept that?

BRIG DLADLA: I wouldn't say it's ineffective.

MS MAYOSI: You don't say it's ineffective so you say the policing is effective?

BRIG DLADLA: As I said I won't agree with you 100%, to a certain extent yes.

MS MAYOSI: Okay to a certain extent it is ineffective. We will also argue though that even with the available resources that these available resources are not being maintained and managed properly at your station and this is another cause for why your team cannot function effectively in Khayelitsha, what do you say to that?

BRIG DLADLA: I disagree.

MS MAYOSI: Is it your view then even with all the reports, all the evidence which is before this Commission that you are managing and maintaining the resources in Khayelitsha efficiently?

BRIG DLADLA: As I indicated to the Commission we are doing the work, we are making use of what we have, yes additional resources will do us good but we are making use of what we have.

MS MAYOSI: You displayed a lot of passion in your examination in chief in particular and a lot of sensitivity about the problems and the community itself and a lot of dedication to the project that you have been entrusted with. What concerns me, and this is a question that I must ask you, is that why is it that you are defending an indefensible conclusion which is that you are in any event, even with that passion and commitment, delivering ineffective policing services in Khayelitsha, why do you defend that?

BRIG DLADLA: Commissioner, I'm not defending I have accepted where we lacked and I indicated to the Commission that we are not 100%, there are challenges but we are addressing them I accepted that I didn't deny Commissioner.

MS MAYOSI: I have no other questions.

NO FURTHER QUESTIONS BY MS MAYOSI

COMMISSIONER: Thanks Ms Mayosi. I am just wondering whether you could provide us with the latest list of training at your police station, training courses and who is being trained because there seemed to be an inconsistency particularly on domestic violence between the documentation that we have which may be out of date but in fact the most recent is November 2013 so it may not be, would that be possible?

BRIG DLADLA: It's possible Commissioner I will just arrange that there.

COMMISSIONER: It doesn't have to be done now, that would be very helpful.

BRIG DLADLA: On training because I was specific to the Domestic Violence Act, all training I can get that.

COMMISSIONER: It obviously is a key issue for effectiveness and efficiency so if we could just have a list of what skills training all your members have undergone it would be helpful.

BRIG DLADLA: Okay Commissioner for which period the training that the Commissioner wants?

COMMISSIONER: I suppose what we want to know is how many people have done the domestic violence one day course and the five day course. On other things some of the training lasts forever so it would be helpful to take each member and say this person has undergone this, that and the other so we know, we can work out what the level of training of your...(intervention)

BRIG DLADLA: We have that Commissioner I will make it available.

COMMISSIONER: That would be helpful thank you, we don't need to know the names, perhaps the rank so if it's a constable, a sergeant, a warrant officer.

BRIG DLADLA: Okay Commissioner.

COMMISSIONER: Thank you. Mr Arendse?

RE-EXAMINATION BY MR ARENDSE

MR ARENDSE: Thank you Madam Chair. Brigadier Dladla yesterday in answer to a question from the hon Commissioner Advocate Pikoli he asked you on a scale of 1-10 where would you place your station on that scale and how would you rate you station and your answer was 6.5 is that what you said?

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: This morning in answer to Ms Mayosi's question about or she put to you that you're ineffective and inefficient and you said you don't agree, you do agree it is not 100% and she in response said that she agrees with you so maybe somewhere along that scale we can get to the proper figure. I think everyone agrees that you're not going to be able to operate 100% here in Khayelitsha in your precinct.

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: Now among some of the reasons which surprises me that have not been explored by Ms Mayosi because they originate in the complaints lodged by the SJC amongst others. In response to a question that Ms Bawa put to you comparing Wynberg with Khayelitsha your answer was firstly "Wynberg is for someone who is close to retirement" in other words compared to Khayelitsha you were saying it's quite a cushy position is that right. In fact you said that in your year at Wynberg you had three murders, do you recall that evidence?

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: Compared when you came to Khayelitsha on the Friday afternoon by Monday morning you had four.

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: Now I'm dealing with the issue of, firstly the issue of resources which you have conceded that the RAG should just be a guide and that you are under-resourced you remember that evidence?

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: But then she put it to you that firstly, she put two things to you (1) from the resources that you have firstly you are under-utilising those resources and those appear from these reports that she put to you, do you recall her putting that to you?

BRIG DLADLA: Yes.

MR ARENDSE: So I first want a response on that part.

BRIG DLADLA: Commissioner, we are not under-utilising the resources the activities that we have in the area the patrols, the arrests on different police initiated crimes, the arrests that we make on cases that are reported by people your assaults, your rapes, you can name all the cases we are doing policing. We are visible, we are preventing crime in the area and also our resources get drained by the service delivery protests you still have to make use of your resources until you get POP. There is policing in Khayelitsha Commissioner we are active in Khayelitsha but as I indicated yes somewhere we did not succeed but in a lot of areas we also succeeded. If you look at how many people are arrested a month it's a lot and I'm referring to people that are linked to cases, that are linked by evidence to cases not just arrests, positive arrests. We do a lot of service we are a government department that is available 24 hours, we do as I indicated yesterday that people will phone us for the ambulance, people will phone us for the fire brigade, to call the fire brigade or all the ambulance and even phone again and say the ambulance is not coming. So there are activities, we are working in Khayelitsha.

MR ARENDSE: Thank you, now going on to the other side of this continuum assuming you get better resourced you throw away the RAG where it belongs maybe in the bin, you throw away the RAG and you get better resourced you get more personnel, you get more vans, you jack up your disciplinary procedures, you deal with absenteeism, all these issues that have been raised with you, are you still going to be able to effectively and efficiently deliver a policing service in the light of your evidence yesterday in response to Ms Bawa's question because she put it to you that looking at the figures it doesn't seem as if – I think she was citing from paragraph 171 of the Schooling report – that you have been making a dent in fighting crime and your response was you don't agree. You mentioned some factors like the growth of the population, daily commuters, Site C has become a junction almost like a nodal point, almost where people meet from various other townships, the taxis in the areas that come into Site C from other areas bringing people there, taking them away, no proper roads, infrastructure, electricity of the streets and the houses, lack of proper toilets, standard of living. You were comparing that with Wynberg where people have their own alarm systems, they have ADT and the businesses are protected they are insured and that kind of thing. I want you to just respond that even if you were to become better resourced in those areas that have been raised with you are you going to be able to improve policing effectively and efficiently?

BRIG DLADLA: Commissioner that was the reason why I raised those points that for any policing to succeed you also need to address those factors to be successful. Yes we'll get the people that will improve and it will be good for us

to give a better service but also those factors also need to be addressed.

MR ARENDSE: Thank you. Now these dockets referred to in the 2014 inspectorate report on your station these dockets how does the inspectorate identify them, do they do it randomly, are they cases they heard about, do they relate to some complaints or do they just come there and like a lucky draw they just pull it out of a hat and they say the one docket X, Y and Z can you explain how that works?

BRIG DLADLA: I am not sure how they draw those dockets but what I suppose those are dockets from different people but I'm not sure how they identify those dockets.

MR ARENDSE: It seems to me these are all finalised dockets.

BRIG DLADLA: Yes Commissioner, once the docket is archived it means it has already been finalised.

MR ARENDSE: So does that mean the cases are concluded?

BRIG DLADLA: As I indicated Commissioner it's different cases if it's filed it could be a docket that has been maybe undetected because there is no other evidence to trace the suspect or a case that had been sent to the SVP and declined to prosecute or a case that had been sent to court and withdrawn. A case that had been sent to court and the accused did not appear in court and he was traced and cannot be found and you end up circulating the accused and then you find the docket. So those are the dockets it's not the dockets – when the docket is in the archives it's a docket that has already been filed.

COMMISSIONER: Mr Arendse can I just clarify are you talking about the dockets in the September provincial inspectorate report?

MR ARENDSE: I'm referring to the dockets that Ms Mayosi highlighted from paragraph 3.4 to 3.8 of the January 2014.

COMMISSIONER: Yes because I think those were originally selected in September 2013 from a group, it says "from a total of 100 dockets which had been struck from the roll were perused" so they took a group that had been struck from the roll and then looked at those dockets I think that's where it was selected from and then there was the follow up on those dockets later on. So obviously identifying dockets which had not resulted in a full prosecution and trying to investigate why, that's my understanding of it.

MR ARENDSE: Thank you Madam Commissioner I think that makes sense that the fact Brigadier Dladla is that from a pool or a group of 100 dockets it obviously raises a concern with the inspectorate and they've now come to your station to ask you to find those dockets isn't it, from these 100 dockets that relate to cases struck from the roll they're asking you where are these dockets so that the inspectorate can look into these dockets and see whether there is in fact some inefficiencies or incompetence or even bribery or corruption or anything that relates possibly to misconduct. That seems to be the source of how they determine these dockets isn't it?

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: In fact one I think I saw under 3.4 where the SPP's (Senior Public Prosecutor) instructions had not been followed so that is also possible.

BRIG DLADLA: It's possible.

MR ARENDSE: That here you find a docket that should not have been filed and in fact action should then be taken against that IO for not following the SPP's instructions.

BRIG DLADLA: It should be both the investigating officer and the officer that

closed the docket.

MR ARENDSE: Yes because I was just wondering because you had given a response and I'm not sure that perhaps you understood the context and that's what I'm trying to do Madam Commissioner, I think you posed a question which invited the answer "yes" when you said to Brigadier Dladla if these dockets are not found and whatever then it impacts on service delivery and he just said "yes". What I'm trying to explore is that some of these dockets may well have been concluded and finalised and in fact it does not have an impact on service delivery because the investigation is complete or the case is concluded for a number of reasons.

BRIG DLADLA: That's correct Commissioner.

MR ARENDSE: But there could also be cases I accept Madam Commissioner, it could also be reasons where there is some kind of a cover-up not through your active knowledge or participation in it but one of your members who files a docket or gives it to the clerk "put this away" and it should never be put away because there are complainants in the community who are waiting for the matter to be prosecuted.

BRIG DLADLA: Commissioner I was saying yes in respect of that there could be dockets that still need to be checked and see if they were properly investigated that's the reason why I said yes it could affect service delivery because we need to check if there is a complaint.

MR ARENDSE: Now thankfully this is an inquiry but it should be something that should be put to you under cross-examination but when dockets are struck or when cases sorry are withdrawn or struck from the roll or do you already do this, you and your detective commander should you not routinely either daily and if you're too busy and we know you've got a lot of work but at least weekly should you not peruse those dockets and just satisfy yourself that these dockets should be archived or not archived?

BRIG DLADLA: The branch commander does that sporadically.

MR ARENDSE: Sporadically?

BRIG DLADLA: Yes.

MR ARENDSE: What does sporadically mean is it once...(intervention)

BRIG DLADLA: He would look at the dockets that are coming from court and check what the results were, he will check if the withdrawn case what were the reasons. He would even check sometimes the cases of firearms that are finalised in court but people are just given a suspended sentence, they are found guilty he would now and then do that. I would also come up, maybe across when I'm inspecting but most of the cases of the time I inspect serious cases your murder, your business robberies, your house robberies.

MR ARENDSE: Just moving generally and trying to move quickly Madam Chair, the status of these inspectorate reports, SAPS inspectorate reports they are dealt with in Standing Order 6 so that is before the Commission. Brigadier I understand these inspection reports to be a tool, a management tool to really assess, evaluate and obviously to monitor whether or not you are complying with policies and procedures and with the law etc., is that your understanding of it?

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: Now these reports, we haven't made an issue of these reports and thankfully they are before the Commission but they could also end up on someone's desk and never be actioned because these reports must be approved according to SO6, they must be approved by the inspectorate and by the

divisional inspectorate and then by the provincial commissioner and then they get sent to the national commissioner. So these reports actually go right to the top are you aware of that?

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: But I think if there are not only recommendations that come out of this Commission there are also some lessons because – and I'm just putting this on record Madam Chair – that when I asked about these inspection reports, and I'm not suggesting that you are guilty of this Brigadier Dladla, but sometimes these reports are not taken seriously and responses are not given or there's just a neglect in dealing with issues that are raised by the inspectors. As you would expect the inspectorate are not the most well liked of SAPS officers when they come into the office but it's no excuse not to deal with these things.

COMMISSIONER: I'm sure these are things that we will be able to hear from General Jephtha when she gives evidence because this is obviously an important aspect that there's appropriate follow up.

MR ARENDSE: Now I know it may have been quite early on in her cross-examination and before she also made the concession that she agrees that somewhere below 100% and maybe 6.5 but the analogy was used about a slice of bread and then you said no there's bread and water and we were almost getting into the big book but the question is are you, the analogy when you use it it sounds almost desperate and my question is are you in a desperate situation here in Khayelitsha Site B policing precinct?

BRIG DLADLA: I'd like to get clarity desperate in terms of resources or in terms of crime?

MR ARENDSE: Well desperate in the sense because the context was resources, both physical and human capital and RAG and all that kind of thing, and it's that and whether you are in a crisis situation because of that.

BRIG DLADLA: With resources it's not a crisis according to the RAG as I indicated to the Commission but as I also indicated the RAG is a guide we still need more people to be able to function better.

COMMISSIONER: But Brigadier we're not asking you whether it's a crisis according to the RAG we're asking whether in your experience as an experienced station commander it is a crisis or a desperate situation given what you are given and given the crime rates.

BRIG DLADLA: It is Commissioner.

MR ARENDSE: Now it was also pointed out to you that out of 125 I think or 135, 106 – 125, 106 and the Commissioners and cross-examiners said but this is at least a worrying trend that you take sides in 106 out of 125 cases. Did you deal with any of these cases personally or did you deal with all of them personally?

BRIG DLADLA: No Commissioner I didn't deal with them personally.

MR ARENDSE: You didn't deal with any of them?

BRIG DLADLA: I'm not sure I can see when I look Commissioner.

MR ARENDSE: But I would expect that you would deal with each case on its merits.

BRIG DLADLA: That is what is done Commissioner.

MR ARENDSE: There are cases that you dealt with personally you gave evidence of this where you did and have taken disciplinary action against members who have committed misconduct.

BRIG DLADLA: Yes Commissioner.

MR ARENDSE: You confirm that the situation is in a crisis here in Khayelitsha would that include your relationship, i.e. SAPS relationship with the community?

BRIG DLADLA: No I wouldn't confirm that the crisis, that there is a crisis with our relationship with the SAPS but now and then you find that is, there is a lack the relationship is not good but we are drilling it to our members to make sure that we improve our relationship and we're leading from the front to try and improve our relationship with the community. For example yesterday we had an information session with the relatives of the deceased it's the second phase now, we started last year where we call a certain number of the families of the deceased to come and talk to them and give them feedback on the cases, besides the feedback that is given by the IO just to come and interact with them. We intend to continue doing that as well and invite others so we are trying to improve our relationship with our clients, our community.

MR ARENDSE: Then just lastly how do you feel about having been given the opportunity to testify before the Commission and before some members of the community here in Khayelitsha?

BRIG DLADLA: I liked it because I could state my case, I could say when led I believe there's a lot of people that are interested in the Commission so that gives us a chance to tell them that we want their cooperation, we want to work with them, we are against vigilantism, we want to assist them. They mustn't wait out there they must come in and work with us so that we can solve the problems earlier before they become big.

MR ARENDSE: Thank you very much Brigadier Dladla for your time and I see with my own eyes that your passion is infectious at the station I think the inspection that was conducted your members behaved impeccably and your station looked like a model station. We know of course that you've got your problems but for as long as we have you there I think it will go a long way towards attempting to address some of these problems, thank you.

NO FURTHER QUESTIONS BY MR ARENDSE

MR PIKOLI: Good morning Brigadier.

BRIG DLADLA: Good morning sir.

MR PIKOLI: With an eye on the clock I will ask you a few issues.

BRIG DLADLA: Yes Commissioner.

MR PIKOLI: The first thing is the concern I have around the question of the CCTV, the cameras that you have in Khayelitsha you've got about 16 cameras located at the hot crime spots.

BRIG DLADLA: Yes Commissioner.

MR PIKOLI: What is of concern is that there's no footage that has been used in court other than those found at filling stations but for the 16 cameras no footage has been used in court. This was brought to our attention by the senior public prosecutor here, it is an area of concern particularly given the fact that these are allocated at what has been identified as crime hotspots. Now I was just wondering as to whether you have been to the TMC or perhaps Colonel Marais has been there or even Captain van Tonder just to see how they operate and how they can assist you in your work. That is an area that perhaps I would like to canvass with you.

Then also I'm concerned about your recruitment campaign insofar as the informers are concerned. We had from Lingeletu West that there are only 21 informers who are registered there. I am mindful of the fact that some members of the community do come to you from time to time and tell you about what is

happening in the township which is appreciated because apart from the state-provided resources members of the community are also a resource, a natural resource in the fight against crime that we must make use of.

BRIG DLADLA: Yes.

MR PIKOLI: But the numbers are a bit concerning because one would think that (indistinct) and with all the efforts made at making SAPS a legitimate state institution there are people who would volunteer, not just on the basis of getting money but the fact that they want to make sure that crime is reduced. So it is a matter of concern.

The last point I wanted to raise has already been canvassed by Advocate Arendse, the value of the inspection reports. I think you have spent some time disputing or refuting what is contained in those reports and yet they are supposed to be seen as a management tool as Advocate Arendse has said but you have been disputing those reports. Now do you see value in these inspection reports, let me say that I must also indicate that the Commission appreciates all the good work done by the good cops but of course one is concerned about the bad work done by the bad cops.

BRIG DLADLA: Commissioner thank you, with regards to CCTV it's the first thing that we ask ourselves when crime has been committed is the video footage. We are concerned about it, we are utilising it in most cases we find the response that the camera wasn't focused on the direction or sometimes Commissioner the camera is not working. Sometimes it was focused but it cannot, it's not clear even if you try and enhance it it's still not clear. That is why we also encourage the people that can afford it because it helps us. We do get some of the footage where it's available, even if we can't download it we get the help of the provincial command centre that is also helping with the downloading of these footages if it's there.

MR PIKOLI: Have you been to the TMC in Goodwood to engage with the people who man those cameras just to tell them what you need so as to make them effective?

BRIG DLADLA: We sent the sector commanders for their respective sectors to go and communicate with them and also get feedback. The investigating officers are also going there to make use of this when it's not working the sector commander must always check in his sector if the CCTV cameras are still working and communicate with them.

MR PIKOLI: Have you been there personally?

BRIG DLADLA: Not personally.

MR PIKOLI: And Colonel Marais?

BRIG DLADLA: I'm not sure of Colonel Marais.

MR PIKOLI: And Captain van Tonder?

BRIG DLADLA: I'm not sure of Captain van Tonder but I'm sure of the sector heads.

MR PIKOLI: Because Captain van Tonder is a CIO.

BRIG DLADLA: CIO yes.

MR PIKOLI: Who is doing all the crime patterns and crime analyses so as to assist you.

BRIG DLADLA: Yes Commissioner.

MR PIKOLI: You are not sure whether she has been there as well.

BRIG DLADLA: No I'm not sure Commissioner I would lie. The informers Commissioner it's difficult but we always preach, all of us we always preach to

the people that they must work with us and I always tell the members to recruit informers but it's not coming. You do get information now and then but it's from the people, some of the people are registered some are not registered but it's not as it's supposed to come from the community. In most cases in these imbizos even if it's a domestic violence imbizo but I still pop in this thing of informers because I would request the community to assist us. I will even tell, their response Commissioner is that you police we give you information the next day the suspect is coming after us. But I can make an example Commissioner we had a case I think 2012 where somebody was robbing a spaza shop and somebody else, there were two people who saw this suspects robbing this spaza shop, but the suspect saw one they didn't see the second one. The one who was not seen is the one who gave information to the police, the one who was seen did not give information to the police but because they saw this one they approached him and said you gave information to the police. I found out when he came to report to me to say I've been, this is what has been happening I want to work with you I saw you arrested the people that committed that crime those were the right people. But they came to me and said they know that I'm the cause of their arrest, I asked if we can open a case, she wanted to open a case of intimidation he said no he doesn't want a case but he was just confirming to me that it's the right people that we have. When I'm checking we find that the information was provided by someone else so the people believe that if they give us information as the police we expose them to the criminals but I always motivate and encourage them that we will not do that. Even if they come together to give information I address them on, if they come together and I address them on informers I say when you want to communicate you communicate alone not with your friend because you are friends today, tomorrow you fight and you expose each other. So we try and encourage them but it's still not coming the way it's supposed to.

The inspection report Commissioner we do value their guide and we have taken note of where we lack we will even improve where we are lacking.

COMMISSIONER: Thank you very much indeed Brigadier Dladla for your testimony and for the reports you've given us and for the inspection *in loco* in your police station. We do wish you well with the important work that you carry out, thank you very much you may now stand down.

BRIG DLADLA: Thank you Commissioner.

WITNESS IS EXCUSED