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

STATEMENT OF MAJOR GENERAL

I, the undersigned,

HENDRIK SALMON BURGER

do hereby state under oath that:

1. I am a Major General and the Deputy Provincial Commissioner of the South African Police Service, Human Resource Management in the Western Cape situated at SAPS Provincial Office, 25 Alfred Street, Green Point, Cape Town.
2. The facts deposed to hereunder are, unless otherwise stated or the context indicates the contrary, within my personal knowledge and are true and correct.
3. The statement is directed at explaining how the resources are allocated to various police stations and resources. In the allocation of resources, the SAPS is governed or directed by a series of national instructions, standing orders and Safety and Security Sector Bargaining Council agreements (“SSSBC Agreements”). The national Organizational Development of the SAPS allocates to provinces in a manner that will be explained by Brigadier Rabe. When the allocation is determined by the national office, I am largely responsible for allocating the provincial human resources

component. From 1 July 2009 to end of 2010, I was responsible for overall resource allocation, but that was changed in 2011 to my current responsibilities. The reason for this change is because, three more deputies were appointed and our responsibilities were shared across the five deputies.

4. The areas that my evidence will cover will include the following;

4.1. Human Resources Management which covers the following areas;

- 4.1.1. Procedure for filling vacant posts;
- 4.1.2. Working hours;
- 4.1.3. Employee Health and Wellness (EHW);
- 4.1.4. Discipline;
- 4.1.5. Dealing with Employee with criminal record;
- 4.1.6. Leave includes sick and other types of leaves
- 4.1.7. Skills Audit Process
- 4.1.8. Award and reward system
- 4.1.9. The Performance and enhancement programme.

5. Prior to the Commission, I read the affidavit of the Provincial Commissioner of SAPS in the Western Cape, Arno Heinrich Lamoer and confirmed certain statements made therein which were relevant to my position. In I confirmed paragraph 62 thereof and corrected a factual error. The meeting referred to therein was not called

by Social Justice Coalition but me. In my capacity as Deputy Commissioner responsible for human resources, I attended to the complaint. I have dealt with this in my affidavit and do not repeat it here.

6. We were particularly concerned about the allegations of police inefficiency and the breakdown in trust between the Police and the community.
7. I left the meeting satisfied and assured by the CPF that there was no breakdown of relationship between the SAPS and the community. They indicated that the complaints about police were raised with the local management of SAPS and dealt with at that level. They also indicated that they had invited the SJC to CPF meetings and imbizos, and they never attended.

Procedure for filling vacant posts

8. This process is governed by the following national instructions which I attach as **GENB 1-5**. They are:
 - 8.1. National Instruction 2 of 2005 dealing with the advertising of vacant posts
 - 8.2. National Instruction 2 of 2008 dealing with grade progression and promotion of employees: Post Level 2- 12 and Bands A to MMS
 - 8.3. National Instruction 6 of 2005 dealing with selection and appointment of employees on Post Level 1 to 12;
 - 8.4. National Instruction 3 of 2003 dealing with assessment centre levels 13 and 15;
 - 8.5. National Instruction 4 of 2010 dealing with appointment to posts 13 to 15;

9. At the hearing of the Commission, I will answer questions arising out of the processes set out above.

Working hours

10. The working hours in the SAPS is currently governed by SSSBC Agreement 5 of 2002. It was signed in 8 May 2002. I attach a copy of the Agreement as **GENB6**.

Employee Health and Wellness (EHW)

11. This area is governed by the following national instructions:
- 11.1. National Instruction 18 of 1998 dealing with debriefing of employees who have experienced traumatic incidents;
 - 11.2. National Instruction 3 of 2003 dealing with Employee assistance programme.
12. I attach this as **GENB7**
13. The National Instruction 18 of 1998 deals with employees who have encountered traumatic incidents or experiences while in the course of their duty, for example a shooting incident in which a member had to shot or was shot at. National Instruction 3 of 2003 is an intervention offered to members of the SAPS, where their work performance is concerned. There are other intervention programmes targetted aimed at supporting employees, for example, HIV and AIDS, financial management etc.
14. I can testify to the existence of these processes and how they are meant to function. With regards to the specific figures on utilisation and effectiveness, I believe that Colonel Edith Jacobs, section Head of the EHW will be better placed to give that evidence.

Discipline

15. Discipline in the SAPS is governed by the SAPS Discipline Regulations of 3 July 2006. I attach a copy as **GENB8**
16. A record of disciplinary action involving members at station level is reflected in the discipline register.
17. Disciplinary action is enforced at a station level by the line function commanders. Where disciplinary decisions are referred to the Provincial Office for hearings to be conducted, I have overall responsibility of ensuring that the hearing takes place.
18. I can testify to the actual numbers involving the disciplinary actions taken against our members, including what is reflected in the discipline registers. I can also give evidence on the state of the disciplinary processes in the specific stations under investigation.

Dealing with Employee with criminal record

19. Employees who, while serving as members of the SAPS, are found to have criminal records, are dealt with in terms of the following regulations;
 - 19.1. Regulation 64 and section 34 of the SAPS Act both deal with suitability of police officers.
20. I will address at the hearing of the Commission the specific numbers of police officers who have been dismissed as a result of criminal records. These officers acquired these criminal records while serving as members of the SAPS. I will testify as to the specific process that is involved if a member is found to have a criminal record, for example, where a member is charged and convicted of an offence in

which he or she is sentenced to a term of imprisonment, the law requires automatic dismissal.

Leave includes sick and other types of leaves

21. National instruction and head office directives govern the issue of leave. The following are relevant and are attached as **GENB9-10**

21.1. National Instruction 2 of 2004

21.2. Head Office 4/9/1 dated 6 June 2006

22. I will be able to testify to the situation in the three police station with respect to the various leaves that are open to members of the SAPS. Leave plans are done by the station commanders.

Skills Audit Process

23. There are specific national directives dealing with the skills audit process, compilation of the planning provisioning plan, which is done per station but coordinated by the Provincial Office. The Training provisioning plan is drafted by the Provincial Office, taking into consideration the needs determined during the skills audit process.

24. I attach national letters giving directions on matters affecting skill auditing as **GENB11-14**

Awards and rewards systems

25. This is governed by National Instruction 3 of 2006 on incentives, decorations, medals and awards.

26. I will testify on how this is implemented and to the extent required whether there are any officers in the three stations who have been awarded any of these accolades.
27. We also have what are called provincial awards in different categories which include Catch of the Year, Best Detective of the Year award, Station Commander of the Year, Sportsperson of the Year. There are group categories, for example Support Group of the Year.

Performance Enhancement Process

28. This is governed by the National Instruction 1 of 2005 dealing with performance enhancement process for the SAPS. I attach a copy as **GENB15**
29. This performance enhancement process is implemented in all the stations. I will be able to testify on how the implementation of this process is monitored by the Provincial office. I believe that the station commander through which this process is implemented will also give specific evidence in regard to the implementation.

Resource Allocation Guide

30. I intend to testify with reference to the specific stations Khayelitsha, on the Performance Chart System: Resources Allocation Guide Personnel Figures. I attach the documents as GENB16.
31. I will also testify on the skill audit conducted in the three police stations. For that I will refer to the relevant documents.
32. I will testify on the resources constraints affecting in the policing of the three stations and in that regard will rely on the documents attached as GENB17 for the relevant stations.

33. I will also testify on the merits and award system. In that regard I will rely on the documents attached as GENB18.

HENDRIK SALMON BURGER

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to aton thisday of **NOVEMBER** 2012 in accordance with the provisions of Regulation R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR774 of 23 April 1982.