

PS & T / 9 of 2019

**REPORT ON SALIENT POINTS OF THE PAPERS PRESENTED AT THE IMPS-SA
(INSTITUTE FOR MUNICIPAL PUBLIC SAFETY OF SOUTHERN AFRICA.)
CONFERENCE HELD AT MPUMALANGA: EDCS (15/2/1/7)**

PURPOSE

The purpose of this item is to give a functional summary to the Section 80 committee of salient points of the papers presented at the IMPS-SA (Institute for Municipal Public Safety of Southern Africa.) Conference held at Mpumalanga.

INTRODUCTION AND BACKGROUND

The IMPS-SA conference were held at the Premier Hotel Winkler, Whiteriver, Mpumalanga from the 12th August 2019 to the 15th August 2019 with the following conference theme: “Extended Powers for all Municipal Law Enforcement Officers”

The following members attended the conference, namely Member of Mayoral Committee responsible for Public Safety and Transport, Cllr V Morris, Senior Manager: Public Safety and Transport, Mr RT Mokhuoa, Acting Chief Traffic & Security, Adv LS van Wyk, Asst Chief Security Mr J Suping and Superintendent, responsible for Security (Hennenman and Ventersburg) M Phoofolo.

DISCUSSIONS

Twelve (12) papers were presented at the conference touching on very cardinal issues relating to the Security and Safety fraternity. The discussion papers are as follows:

PAPER 1

DEVELOPING THE EXTENDED POWERS ACQUIRED THROUGH GN R1114, dated 19 OCTOBER 2018 FOR ALL MUNICIPAL LAW ENFORCEMENT OFFICERS IN THE RSA (*Chief Rudolf Wiltshire, Chief Law Enforcement; City of Cape Town*)

In a nutshell, topic pertained, in the main, the following:

- Electing a Law Enforcement National Chiefs/Managers Forum Chairperson
- IMPS-SA and Law Enforcement
- Standardising Rank and Uniform
- Law Enforcement National Code-Practices, Policies and Procedures
- Training and Skills and or Specialised Skills
- Partnerships in the Law Enforcement Environment
- Establishing Auxiliary / Volunteer Services

- Law Enforcement role in responding to Public Violence
- Standardising Job Descriptions Nationally
- The Role of SALGA in the Law Enforcement Environment

PAPER 2

LAW ENFORCEMENT: WHEN IS TRAINING "APPROVED TRAINING" FOR THE PURPOSES OF

COMPETENCY CERTIFICATES? (*Professor Hennie van As; Professor in Public Law: Nelson Mandela University, Port Elizabeth; Director: Centre for Law In Action (CLA); Steering Committee Member: PescaDOLUS; Director: FISHforce (a Fisheries Law Enforcement Academy)*)

Faculty of Law

Powers of LEOs

Extensive, but in practice, weak.

- * Area of jurisdiction expanded
- * Power to issue Section 56 and 341 Notices (fines up to R5000) – consequences?
- * Powers to arrest, search and seize – consequences?
- * Execution of Warrants
- * Businesses Act - Disposal of impounded goods to be regulated in by-law – Court order sometimes necessary – How many have by-law?
- * By-laws - numerous
- * Occupational Health and Safety Act
- * Offences relating to essential infrastructure
- * National Building Regulations and Building Standards Act
- * Fire Brigade Services Act
- * Control of Access to Public Premises and Vehicles Act
- * Drugs and Drugs Trafficking Act
- * Possession of housebreaking implements
- * Failure to give a satisfactory account of possession of goods or give reasonable explanation of how acquired
- * Provincial Liquor Acts (supply, possession, conveyance, hours)

* Tobacco Products Control Act

Town Planning or Land Use Planning

All Legislation (SPLUMA)

Provincial Land Use Planning Acts

Municipal Planning By-laws

Road traffic and road transportation legislation

National Road Traffic Act 92 of 1993 including regulations

National Land Transportation Act, 5 of 2009;

Note: Traffic Officers are trained and appointed as such in terms of National Traffic Act.

Can a Law Enforcement Officer in terms of Sec 334 of CPA exercise the same duties?

Schedule 1 offences – almost 30 of them - May be enforced in the whole of RSA

FCO's? Additional powers?

Bigger municipalities have specialist officials

Others will rely on municipal LEO

2015 – SAPS civil claims to the value of R14 billion (16 000 new claims – arrest and maltreatment after arrest)

Duration of training?

Requirements for appointment of as PO

Minister may impose conditions -

One = **employer may only issue a certificate of employment if employee is in possession of a competency certificate issued by the Commissioner of Police.**

Competency certificate must state that the employee is in the opinion of the Commissioner competent to exercise his/her powers

Commissioner must consider the following criteria:

Previous criminal convictions;

Whether declared incompetent to possess a firearm

The training the applicant received in relation to powers to be exercised.

QUESTION 1

Is the current training for LEOs sufficient to qualify as “training the applicant received in relation to powers to be exercised”?

SAPS – 20 months

Traffic officers – 3 years

No – current training for LEOs in relation to the powers they execute not sufficient to meet the requirements of R1114 to such an extent that the Commissioner of Police can issue competency certificates with a clear conscience.

QUESTION 2

Should the powers of LEOs who are already in service be restricted to those aspects that they have been declared “competent” to perform prior to the coming into operation of GN R1114?

“Yes” in view of the preceding discussion.

Quo vadis?

MMs as accountable officers should limit the LE powers of officers to those on which they had adequate training

Minister of Justice - appoint task team to facilitate co-operation with SALGA & SAPS to develop a curriculum or training standard for LEOs

Amend Police Act to afford powers to Commissioner to determine training standards for LEOs as is the case with municipal police officers

Without proper training, education and professionalization LEO’s will not be able to meaningfully contribute towards fight against crime and achieving constitutional objectives.

PAPER 3

THE EFFICACY OF THE IMPS-SA / SALGA PARTNERSHIP FROM A KNOWLEDGE MANAGEMENT

PERSPECTIVE HIGHLIGHTING AREAS OF COLLABORATION (*Ms Mapule Letshweni; Director of Knowledge .0Management and Municipal Innovations in the Office of the SALGA National CEO*)

INTRODUCTION

- **SALGA** is an autonomous association of municipalities of South Africa, recognised in terms of the Section 163 of the Constitution of the Republic of South Africa

- As a Schedule 3A Public Entity, SALGA is recognised in terms of the Public Finance Management Act (PFMA) and therefore reports to the Minister of Cooperative Governance and Traditional Affairs (COGTA)

- Our vision is to be an association of municipalities that is at the cutting edge of quality and sustainable services.

Challenges faced by the Local Government sector

- **High turnover** of technical & professional staff
- Poor or insufficient **financial** management
- **Limited resources** - requiring that risk & cost must be managed effectively to provide municipal services
- In some cases - a strong **dependence on consultants** which often leaves the municipalities in a position of having to consistently "re-purchase" advice and intellectual property
- **Inability** of some municipalities to deliver on the core set of critical **municipal services**
- **Corruption & fraud**

CHANGE IS REQUIRED.....

- Improving **revenue** collection and debt management
- Enhancing municipal **capacity** in all areas
- Improving use of **data** and analysis to inform service delivery
- Fostering **knowledge** sharing, & thought leadership
- **Innovation** - new and improved systems, processes, approaches
- Improve **partnerships** with stakeholders including professional bodies
- **Accountability** and Consequences Management

SALGA – IMPS-SA MOA

PURPOSE

*To create a cooperative and collaborative framework for **skills development and career advancement** that will contribute to the improvement of municipal service delivery objectives.*

Duration

Three (3) Years - signed May 2019

Key Areas of Collaboration

- Building **strong relations** between SALGA and IMPS-SA in support of the Local Government sector;

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- SALGA and IMPS-SA supporting the **coordination and strengthening of capacity building programmes** specifically in the main for Municipal Law Enforcement and Public Safety Officers in the Local Government sector;
- SALGA and IMPS-SA fostering **knowledge sharing, thought leadership**, best practices and innovations in support of the interests of Local Government;
- IMPS-SA offering opportunities for **professionalisation** in line with SALGA's guidelines and principles;
- IMPS-SA offering **relevant subject matter experts** that will contribute to the development of training materials for the benefit of the Local Government sector as and when required;
- IMPS-SA providing **regular update reports** as can reasonably be produced on the qualification advertisement, enrolment, intake and performance of delegates.
- SALGA promoting participation of Municipal Public Safety Officers (Municipal Law Enforcement), in the main, to undergo standardised basic training; to acquire **professional development**, as may be required from time to time;
- SALGA working with all **relevant stakeholders** to create a conducive environment for Municipal Public Safety Officers (Municipal LEO) with regards to minimum standards, updated from time to time by IMPS-SA;
- SALGA supporting the **Municipal Public Safety qualifications** and its objectives; the Promotional Pyramid of **progression** in the profession; as well as the Municipal Public Safety qualification in Municipalities;
- SALGA granting **professional status** to IMPS-SA by recognising IMPS-SA as a professional body representing Municipal Public Safety (Municipal Law Enforcement & Security, in the main) within the local sphere of government.

PROGRAMMES for discussion with IMPS-SA

Research

- Generate new knowledge, inform policy and work of municipalities
- Continuously improve the legislative framework
- 4th Industrial Revolution (Smart Policing, Robotics, Artificial Intelligence)

Capacity Building

- Work together to transform municipalities into learning organisations that solve problems, experiment with new approaches, and learn the from past and others.

Innovation

- Exploring new and better ways of delivering services;

Learning

- **Peer Learning** - the solutions are often not far away. Identify problem areas and approach SALGA to identify municipalities / organisations you can learn from

- **Study Tours & Delegations**

- **Benchmarking**

- **Retiring employees**

- Identify retiring employees five years or more before they retire, select those with critical skills and arrange for skills transfer.
- This process cannot be done in months of retirement and there must be fair compensation for this programme.

PAPER 4

"CLOUD" ACCESS CONTROL FOR MUNICIPALITIES (*Mr Gary Johnson; MD Afrisec Strategic Solutions*)

WHAT IS THE CLOUD?

- Cloud computing is the on-demand availability of computer system resources, especially data storage and computing power, without direct active management by the user
- Cloud computing means storing and accessing data and programs over the Internet instead of your computer's hard drive
- Data centres are available to many users over the Internet
- Clouds may be limited to a single organization (enterprise clouds) or be available to many organizations (public cloud)
- Cloud computing relies on sharing of resources to achieve coherence and economies of scale

EXAMPLES OF THE CLOUD?

- **AMAZON'S CLOUD SERVICE – AMAZON WEB SERVICES (AWS)**

- Database storage
- Running web and application servers
- Securely stores files (photos, documents, videos)
- Sending bulk emails

•OTHER EXAMPLES – **GOOGLE, FACEBOOK, TWITTER OR INSTAGRAM**

- All of this data is stored in clouds
- How big is the cloud – can store an **Exabyte** – 4.2 million MacBook hard drives

FEATURES OF CLOUD ACCESS CONTROL

The following processes are managed remotely:

- Verification of the system operation
- Adding new users to the access control groups
- Revoking rights to access certain facilities
- Lockdown feature for emergencies
- Offline unlock capabilities
- Changing users' rights instantly and remotely
- Access point reprogramming, over the air updates
- Heatmap of entry events
- Exportable access logs for admins & customized reports

CLOUD BASED VS TRADITIONAL

- Higher upfront costs (**purchase of local servers and other hardware**)
- Proprietary legacy systems harder to change a security vendor
- Centralized controllers** usually limited to certain number of doors 8 or 16
- Need onsite specialist for faults
- IP access control **can integrate** with CCTV, Fire alarm and building management system
- Wireless – **flexibility and scalability**

CLOUD INTEGRITY & SECURITY

- **Data integrity** on the server. Data remains as it is on the server for a long time, unmodified
- Ensure data is accurate and consistent
- **Cloud Service Provider** must have **multiple copies of the data**
- Data must be **available all the time** for the client
- No **unauthorized access or changes** to the data
- Examples – change of a single pixel in a photo, loss of access control database

WHAT DOES A MUNICIPALITY REQUIRE?

1. **COMPARISON OF COSTS FOR CLOUD SOLUTION VS TRADITIONAL ACCESS CONTROL**
2. **RELIABLE INTERNET CONNECTION – PREFERABLE ON FIBRE OPTIC CABLE**
3. **IDENTIFY & SELECTION OF A SERVICE PROVIDER**
4. **NEGOTIATE A SERVICE LEVEL AGREEMENT**
5. **MOBILE DEVICES TO ACCESS THE INFORMATION VIA WEB BASED APPS**
6. **CLOUD BASED ACCESS CONTROL POLICY**

KEY ELEMENTS OF CLOUD ACCESS CONTROL SOLUTION

- Offsite Cloud Data Base Server
- Onsite Door Controller
- Electronic - wireless Lock

PAPER 5

SOUTHERN SKY OPERATIONS - New Products on Offer (*Mr Eric Stewart; Managing Director Southern*

Sky Ops

SIMULATOR - Scenarios & Training on the simulation system - Argentinian Company DAVNAR TECH)

At Southern Sky Operations they have a passion for firearms, and their aim is to share their passion with anyone who is interested, and to empower men and women to learn, use and enjoy firearms safely and responsibly.

They focus on a select clientele of law enforcement, government departments, security companies and various end users.

Specialists in:

Firearms, ammunition, Security & Tactical Equipment and Firearms Training

Services:

Weapons and ammunition procurement

Non-lethal weapons procurement

Body armour procurement

Tactical gear procurement

Weapon storage

Transportation services

Weapon Maintenance

Training - Private & Corporate: Competency training, refresher courses, security guard training, tactical training, evaluation of training

Legal Advice - Licences, motivations, appeals

A range of accessories equipment

Physical Training - Self-defence training and close quarter combat

Glock armoury and familiarisation courses

The clients know that when they come into the store their individual needs will be catered for, whether it's just a cup of coffee or chatting about their specific needs.

The company value proposition is distinctive because they provide individual services and a friendly environment that is wholly focused on the customer.

Situations with Real Videos - Company can develop and produce the video that is needed to suit any situation

ABACO@SHOT simulator for practical shooting simulations, in its PTV-ONE (1 line of fire) and PTV-TWO (2 line of fire) versions

Simulator for special forces and security companies, they have simulations with decision-making, stress, skill, both in 3D and in real video.

Product developed 100% in Argentina, both in Hardware and Software.

CUSTOM 3D SIMULATIONS

They have a wide range of 3D exercises, from the classic Shooting Targets, to Practical Shooting exercises.

Simulation Products by DAVNAR TECHNOLOGIES, a company based in Argentina, supplied to and available from SOUTHERN SKY OPERATIONS

PAPER 6

THE FIGHT AGAINST RHINO POACHING IN THE KRUGER NATIONAL PARK

NB: (Presentation to be forwarded upon receipt from SANparks presenter)

7. INTERMODAL ENFORCEMENT IN LIGHT OF EXTENSION OF POWERS AND THE NEED FOR QUALITY

ASSURANCE IN ENFORCEMENT/POLICING (*Mr Neil Arendse; Manager: Traffic Enforcement, City of Cape Town*)

Explain: Intermodal – More than one mode e.g. Road and Rail

Public Transport Enforcement in Cape Town is addressed from a Singular as well as Dualistic Approach as follows:

- Road Based – Transport Enforcement Unit (Combination of Traffic Services & Law Enforcement Services)
- Rail Based – Rail Enforcement Unit (Exclusively Law Enforcement Services)

The risk with Combination/Dualistic Services is that it creates an: *Us vs Them* Culture.

Extension of Powers allows for Law Enforcement to perform Traffic-related functions and thus, it creates the potential for a ***Unified Intermodal Public Transport Enforcement capacity***.

What is Quality?

In relation to a **Product** –

Quality is...

The degree, to which a set of inherent characteristics (e.g. features, performance, reliability of e.g. a cellphone, etc.), fulfil requirements!

In relation to a **Service** –

Quality is...

The ability of an organisation to meet or exceed customer expectations!

What is Quality Management (QM)? –

A discipline for ensuring that outputs, benefits, and the processes by which they are delivered, meet stakeholder requirements and are fit for purpose.

Generally speaking, performance metrics boil down to:

- quantitative measurements, for manufactured goods;
- qualitative assessment, for services

Measures of quality for is different in relation to/and because of:

- Goods: as it is tangible
- Services: as it is less tangible

Year-on-Year Law Enforcement Agencies try to measure their performance (with view to improve hopefully).

In this regard, the Focus is on measuring the ‘Busy-ness’ of Staff (Productivity); as opposed to the Effectiveness

(Customer Service) of Staff.

The problem is, as Management, we tend to focus only on Stats relating to Arrests, Fines and Confiscations. We do not really care about Stats relating to Public Assistance and/or Complaints Attended to.

We however forget: **The latter is the coal-face of service delivery!**

- Quality Management (QM) - Made up of 4 Components namely:
- Quality Planning
- Quality Assurance
- Quality Control
- Quality Improvement

Quality Assurance the component that ensure the “*box can be ticked*” under Quality Control.

As Enforcement Agencies – we are good at measuring productivity, and sometimes -*it even feels that it is all that Enforcement principals care about, however, a few questions on this:

- How do we measure customer service?
- When last did we engage our customer?

Should this engagement not inform Quality Planning? (especially in Local Governments having direct access to communities)

The ultimate goal of Quality Assurance Programs – improving quality in services

We constantly come up with strategies to be more productive, but we fail to understand...
Culture eats

Strategy for Lunch!

Do we have a culture of Quality Service and if not, how do we change our culture in order to achieve strategy?

- By focusing on developing a culture of quality amongst staff.

Understanding also that:

- Service encounters are based on human interactions; and
- The presence of the human element during the service delivery process – greatly increases the probability of error on part of employees and customers

Why focus on Quality Assurance Programs?

Because customers largely establish impressions of the organization's level of service, based on their encounters with First Line Employees (FLE's) In light of this, it doesn't matter how professional the Chief seems on TV, the FLE's (the Constable/Officer), are still his/her representatives. In considering them (FLE's), the following questions arise:

- How well do they understand the requirements and expectations of the customer?
- Who is guiding/mentoring them?
- How is the "gap" between service & expectations narrowed?

It is important to understand that the right culture can leave customers not caring about Management, but having said that, it is important to note that if there is a problem, a customer's first board-of-call is: "***I want to speak to your SUPERVISOR!***" – Enter the Sergeant/Inspector. Considering this scenario: How well do they (Sgt./Insp.) understand the requirements and expectations of the customer?

It is critical to understand that the first step towards quality policing, is quality leadership!

With regards to our First Line Supervisors:

- How much effort are we investing in equipping and developing our Supervisors/Sergeants/Inspectors?

Also, did you know First Line Supervisors have the primary responsibility for managing performance? This is considering the number of people's IPM's they do, as oppose to the Chief.

It is therefore clear that they (First Line Supervisors), are the ultimately deliverers of service to our Customers. The UK understood this as well, and put it into play when they adopted their New Public Management approach in Policing.

In drawing parallels, one can thus say that **Quality can be planned & checked by Management**, but the **Assurance portion, is left to First Line Supervisors!**

The best thing that Management can do to support First Line Supervisors:

- Move away from Coercive Style Leadership – Implement Servant Style Leadership – The Employee of Today is highly informed, and wants to be respected and treated fairly.

As a way forward, Management should focus on:

- Creating a Culture of Quality in our Services,
- Not only focus on Production of Staff, but care also about matters of Public Assistance & Attending to Complaints,
- Engage more with Customers, and
- Developing and Implementing – Quality Assurance Program

Paper 8

COMMUNITY POLICING AND THE EMPOWERMENT OF NEIGHBOURHOOD WATCHES (*Alderman JP Smith; MMC: Public Safety, City of Cape Town*)

Putting Boots on the ground - without breaking the Bank ... including expensive technology.

City supports to Neighbourhood Watches:

- **Equipment** the City supplies to the NWs include dash cams, body cams, reflective jackets, rechargeable

flashlights, headlamps, spotlights, floodlights, first aid kits, fire extinguishers, hand radios

- **Control Room** – the hand radios supplied to the NHWs are linked to base stations, these are linked to their control room for response to emergency requests.

- **Radio Room:** 13 dedicated members respond to logged requests using a range of instant messaging apps such as Whatsapp and Telegram.

- Currently have 3 **NHW coordinators** (CSLOs), covering area East, South and West with 4th about to be appointed for North.

- We are busy developing **NHW app/web-based** solution to allow NHWs to be dispatched as we do with our integrated call-taking and spatially-enabled resource management computer-aided dispatching solution (EPIC).

AUXILIARY LAW ENFORCEMENT SERVICE

- The Auxiliary (volunteer) Service started in the 2012/2013 financial year with 38 volunteers recruited from Neighbourhood Watches that were active within the municipality of Cape Town. They received Peace Officer training and were appointed as Auxiliary Law Enforcement Officers.
- The strategy is for these Auxiliary Officers to do their volunteer duties in their respective neighbourhood watch areas, enforcing by-laws and conducting crime prevention duties under the mentorship Law Enforcement Services.
- The Auxiliary Service are also a force multiplier to the Law Enforcement Service and its members daily integrate assisting with Law Enforcement operations and interventions.
- There are now 504 LEAS and the college will train 560 in the coming 12 months.

Auxiliary Criteria

- Minimum academic qualification Matric
- Valid Driver's License
- No Criminal Record or pending criminal case.
- No protection order against applicant
- Must be 18years or older.
- Must be declared fit to possess a fire arm
- Must be a South African Citizen or hold permanent residency.
- Must be able bodied and character of good standing.
- Must register successfully on the Law Enforcement Services auxiliary SMS data base AUX33002

RETENTION STRATEGY AND CAREER PATH

- All Law Enforcement Services EPWP funded projects are filled from the Auxiliary Service officers through a competitive process.
- The department is presently in the process of recruiting 280 additional auxiliary officers from within the four geographical law enforcement areas. Since confirmation of the availability of the new training college in Muizenberg, that target has been moved to 560.
- Training of 75 new recruits will commence on 08 April 2019 and two more courses will commence before end June 2019, with additional courses added as soon as more trainers are contracted or seconded.

- The appointment of an additional 20 Auxiliary volunteer Inspectors is well in advance and will strengthen the management and coordination of the project.

Local Government Safety Quick Fixes

Best practice innovations which **do not require budget** for municipalities to consider:

- Acknowledge SAPS limitations currently and embrace **crime prevention** and new **peace officer powers**:

- True state of crime reflected by SAP6 report
- Crime Intelligence and effective investigation and criminal justice system is collapsing or has collapsed
- We can do much more as local authorities, incl. investigations, rural safety, tourism safety, marine enforcement, gang enforcement, liquor enforcement, rail enforcement, etc.

- **Rent-a-Cop** (Externally Contracted Officers)
- Law Enforcement **Auxiliary Services** (LEAS) - reservists
- **LEAS on EPWP**
- **City Improvement Districts** (SRAs)

Unlawful occupation of land

Land Invasions - problem statement

- Lack of capacity and action by **SAPS**
- Lack of **POPS & investigations** into instigators of land invasions
- Lack of enforcement capacity within the **local authority**
- **Violent aftermath** as standard consequence of action
- Lack of **prosecution** of illegal land occupiers
- Lack of understanding of law and process by **private property owners**
- Court decisions compelling **alternative accommodation**
- Interpretation of **PIE Act** – impossible burden of protection on property owners (both private and public)

REMEDIES BEING PURSUED BY COCT

- Anti-Land Invasion War Room (Ndabeni) between Safety & Security and Human Settlements
- Expanding existing ALIU by 40 more Law Enforcement officers
- Expanding Tactical Response Unit (TRU) by 47 Metro Police officers
- Purchasing 8 more effective vehicles (Nyalas)
- Improving monitoring of land invasion hotspots through aerial surveillance (drones for daily or weekly updates) supported by analytics
- Contracting service providers to remove structures (*possibility of municipal collaboration?*)
- Investigations by SSIU in support of SAPS with drivers of unlawful occupation of land
- Drafting Unlawful Occupation of Land By-law (e.g. dealing with impoundment of building materials, vehicles

delivering such material, must also include buildings, property and also vacant land)

- New powers of LE allow for all Schedule 1 offences, including arresting powers (incl. Criminal Matters

Amendment Act, arson, public violence, theft, robbery, do not have to witness but reasonable suspects)

WHAT IS ASKED OF WCG - LAND INVASIONS

- Start speaking out about dysfunctionality of PIE Act
- Propose amendments to PIE Act to clarify the definition of “inhabited” – *see SALGA recommendations*
- Parallel provincial legislation about illegal occupation of land or standard by-law – legislation needs to be passed by end of this term
- Contribute to financial costs of municipalities relating to land invasions (e.g. WCG/CoCT MOU)
- Legal assistance to local authorities
- Ensure that SAPS nodal point is effective and that municipalities have access thereto. Not just “flow of information” but also coordination.
- Supply guidance on appropriateness of Law Enforcement officers becoming first respondents without the authority and training to do so – new powers. (*currently only Swartland trained in public order policing*)
- Use Watching Briefs to monitor key land invasions and criminal justice consequences – effective prosecution
- Facilitate cross boundary co-operation and enforcement protocol on unlawful occupation of land Memorandum of Agreement (MOA) to be finalised between municipalities. (*cf Draft Agency Agreement*)

ROLE OF SALGA

- Pursuing SALGA 20 Sep 2018 Stakeholder Engagement and National Task Team on Unlawful Land Occupation held on 13 March 2019 and ensuring that we contribute to the National Working

Group which will reconvene in July 2019.

- Important recommendations:
 - national directive on crowd management - shared by SAPS
 - updates for definitions in PIE Act
 - municipalities must obtain written permission from property owners of the high risk properties to act on their behalf
 - if people are occupying farmland, municipalities can approach the Department of Rural Development for support - the department can also buy the land to provide services and housing
 - “the biggest issue with the Department of Public Works [regarding] release of land...” – WCG initiating intergovernmental disputes.

LOCAL GOVERNMENT COOPERATION

- **Shared training** facilities (for peace officers and fire fighters)
- **Mutual Aid** agreements
- **Cross-border operations** of staff, especially specialised units and intelligence sharing
- Collaboration on **IT development** and integration between Law Enforcement and Fire in various

municipalities, CoCT, Metro EMS

- Possible use of **computer aided dispatching** system developed by City by rural municipalities for free
- Collaboration on **standard by-laws** (e.g. by-law to regulate illegal occupation of land to deal with land invasions from a by-law perspective)

MEC Fritz has indicated he intends to host multilateral summit between all Safety & Security MMCs, senior staff and MMs to discuss range of issues.

Unlawful Occupation

Constitution of South Africa

- “(1) No one may be deprived of property except in terms of law of general application, and no law may

permit arbitrary deprivation of property.”

- (1) Everyone has the right to have access to adequate housing.

- (2) The state must **take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.**
- (3) **No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.**

The Prevention of Illegal Eviction and Unlawful Occupation of Land Act No 19 of 1998 (the "PIE ACT")

- Consider all relevant circumstances – just & Equitable
- Consider evictions in fair manner – recognizing the right of land owners to apply for eviction

• SECTION 4

• Court may grant order if

- (7) just and equitable
- after consideration all relevant facts including
- whether land has been made available or can reasonably be made available for the relocation of the unlawful occupier, and including the rights and needs of the elderly, children, disabled persons and households headed by women.

HOUSING ACT 107 OF 1997

• Section 9 – Functions of Municipalities

- 9. (1) Every municipality must as part of the municipality's process of integrated development planning. Take

all reasonable and necessary steps within the framework of national and provincial housing legislation

and policy to--

- (a) ensure that—

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- (iii) Services in respect of water, sanitation, electricity. Roads, storm water

Drainage and transport are provided in a manner which is economical efficient:

- (b) set housing delivery goals in respect of its area of jurisdiction;
- (c) identify and designate land for housing development;
- (d) create and maintain a public environment conducive to housing development which is financially and socially viable

GOVERNMENT OF THE RSA AND OTHERS V GROOTBOOM AND OTHERS 2001 (1) SA 46 (CC)

- Eviction -Adequate basic shelter or housing until they obtain permanent housing
- Court had to decide, amongst others, whether nationwide housing program was sufficiently flexible to respond to those in desperate need and to cater for immediate and short-term requirements
- The Desperate would be consigned to their fate unless a temporary measure forms part of the national housing program
- National housing program failed to recognize that State must provide for those in desperate need
- oblige the State to devise and implement a coherent, co-ordinated program designed to meet its obligations

ROLE OF IMPS-SA

- IMPS-SA played leading role in previous collaboration on powers of MLEOs which was great success (thanks to all who made it happen)
- This advanced the cause of safety in SA, effectively turning every MLEO into a fully-fledged police officer.
- Land invasions and the unlawful occupation of land is major political and economic challenge in SA and threatens to do great harm to the stability
- PIE Act and the definition of occupied and inhabited sits at the core of this issue
- IMPS-SA could play the same lobbying and leading role on this that it did on peace officer powers
- Establish working group, perhaps led by MP Ximbi and link to SALGA working group on this matter

PAPER 9

A FUTURISTIC PUBLIC SAFETY DEPARTMENT *(Mr Gary Johnson; MD Afrisec Strategic Solutions)*

This presentation was combined with Presentation 4: "Cloud" Access Control for Municipalities.

PAPER 10

THE IMPORTANCE OF REVENUE PROTECTION UNITS IN MUNICIPALITIES TO EFFECTIVELY COMBAT NON-TECHNICAL LOSSES *(Mr Rens Bindeman; Technical Adviser of the South African Revenue Protection Association*

(SARPA))

INTRODUCTION

SARPA was founded in 1997 to promote the exchange of information and finding of solutions in protecting the income and assets of utilities against pilfering, misapplication and

misappropriation. SARPA has branches in Gauteng, Limpopo, Mpumalanga, Kwazulu Natal, Freestate, Eastern Cape, Northern Cape and Namibia.

This presentation highlights the issues around non-technical losses in Municipalities and the legal challenges for those trying to minimize such losses. It also relate to the factors that cause such losses, as well as the impact these losses have on Municipalities.

SARPA was the first Revenue Protection Association in the world to introduce infrastructure related crimes into this area of focus. SARPA represent Utilities in the Southern Africa region at events and forums to assist in coordinating actions against these type of crimes.

It must be noted Revenue Protection officials are frustrated with the fact that they cannot combat these issues in isolation and need help from those with more powers and legal knowledge. We would like to use this opportunity to express our satisfaction with regard to the extended powers given to all Municipal Law Enforcement Officers and hope that it will bring the two groups together to successfully address loss related issues in Municipalities.

CHALLENGES

First of all there are several internal challenges that contribute to the losses namely inadequately trained manpower (who cannot identify problems),dishonest employees (which results in a high labour turnover),unmetered clients (no income to utility), out dated metering technology (results in billing mistakes) and high retrofit costs (changing of meters from post paid to prepaid)

Secondly, there is also external challengeslike negative political influences, overcoming those that arenegative towards change,changing the customer's negative mindset regarding the demand for quality service and a weak legal framework that cannot prosecute those who commit illegal acts that causes the Municipality losses.

THEFT MITIGATIONS

The most prominent theft issues experienced currently in Municipalities are infrastructure theft, meter tampering and illegal connections which falls under the non-technical losses definition. The best practices to minimize such threats would be to implement the following measures namely; establishment of a combined task team or dedicated section to deal with such issues, establish a Revenue Loss Forum, ensure that Bylaws are effective to combat these threats and are regularly updated, introduce data mining analysis structures, install split metering with anti-tamper features and house meters in secure enclosures Strategic objectives

One of the strategic objectives of a municipal entity should be to arrest the upwards loss trends. This can be done by reducing non-technical losses, ensuring sustainability, focusing on area meter installations, remedial and recovery, processes, installation of "best fit" technology and processes to maintain such equipment. It is also very important to communicate, educate and ensure behaviour change of the Consumers / Community as a whole.

The strategy should also include actions to prevent Illegal consumption (illegal connections by non-customer), fraudulent acts (meter tampering, rogue meters, data fraud, corruption), unsafe conditions (unsafe leads, open boxes, bad workmanship), administrative errors (inaccurate recording of consumption, customer account data

and faulty metering, lack of punitive actions (to utilize the bylaws, lack of powers, syndicate activities, indigent tariff, no revenue protection section, minimal support from Law Enforcement entities and lack of specialization, no budget,

What is causing the financial shortfalls?

The smaller Municipalities do not have any dedicated Revenue protection staff members, nor any budget to perform any revenue protection actions.

It has been proven that dedicated Revenue Protection Sections will always recover more income than the costs of its operations. In the light of the fact that R9.2 billion in total

electricity losses has been calculated in the period 2017/18 in South Africa, as well as the fact that there has been an increase in access of 39% in electricity costs since 2012/13, it seems correct that this practice has been receiving the correct attention in some Municipalities.

In order to have an effective unit in place the following issues are important: - Size of the unit (1 staff per 5 000 consumers), knowledge levels of individuals should be high, specialized members to be introduced (revenue recovery, data analysis, investigations), integration with other departments (Revenue Loss Forum), rapid response teams (fully resourced and trained), excellent liaison and assistance from Law Enforcement entities

LOSS CONTROL

It must be noted by that the theft of Municipal services like electricity and water is happening everywhere in the country, including in private households, businesses, industry and commerce. The “80 /20 principle” should be noted in this regard, whereby 20 % of the Consumers contribute to 80% of the income and therefore need 80% of the attention

NON-TECHNICAL LOSSES

Non-technical losses are all those losses caused by actions external to the power system and its equipment by those operating the system or legal as well as illegal consumers. Experience has shown that Utilities who initiate dedicated Revenue Protection Sections soon find that these units become self-funding and within a period of as little as 1 year can clawback significant lost revenue for the Utility. Furthermore, one should not forget that audited and reinstated installation are once again the cash register of the utility.

IMPACT OF HIGH LOSSES- WHAT CAN GO WRONG

If the loss figure is higher than the Electricity Regulator (NERSA) benchmark, the Municipalities supply licence could be at risk and the NERSA approval of new tariffs could be delayed. This will have a huge impact on the utility as there will be a reduction in cash flow. This could in turn spark Law Suits which could result compensation to be paid to consumers. Such a situation could also escalate into Community violence, which would heavily impact the Law Enforcement community.

It will also definitely cause a lack of faith in political structures, who promises good Service Delivery to its consumers.

The loss in income will also cause the network to degrade (as there is not enough money for maintenance), which will cause more issue. There will also be an escalation of operational costs as more overtime has to be worked and malfunctioning equipment has to be replaced. Possible Department of Labour intervention in serving prohibition notices on the MM.

ANALYSING THE LOSSES AND ACTIONS

It is very important for the relevant entities in the Municipality to constantly analyse losses and to compile a loss profile, which could be utilized by Law Enforcement and Revenue Protection officials to identify hotspots and compile a combined Threat Analysis. This could assist in compiling an effective Action Plan, which can then be implemented with timelines and desired outcome. A post project analysis should also be instituted, would look at things like loss patterns identified, audit findings and also counter / remedial actions results and could be ideal to utilise, in order to do a Gap analysis report.

WHAT IS REQUIRED FROM LAW ENFORCEMENT ENTITIES?

It must be noted that theft of services or infrastructure at a Municipal entity can never be totally eradicated.

Therefore, it needs assistance from all the Departments in the Municipality to combat this threats as a joint venture.

The silos that currently exist between Departments is a big stumbling block in the process of effectively minimizing losses within the Utility. It is not purely a Service or revenue protection or a Law Enforcement Departments problem.

In the City of Cape Town the goal of establishing the Metal theft Unit (former Copperheads) was to pooling resources, intelligence and knowledge in order to jointly fight the common enemy.

It must be noted that in all of these criminal actions against a Utility, there is some common factors that dictates what the actions would be in order to mitigate these risks. These factors are based on the level of understanding of these relatively new crimes to those trying to minimize the financial effects on the Utility. Efforts devoted to implement technological solutions and managerial processes are sometimes wasted, due to the lack of effective analysis, intelligence and monitoring processes. It is clear that some of these issues is not a guarding or visible policing exercise, but rather an intelligence driven operation. We have learned the hard way in the fight against essential infrastructure theft that merely protecting the infrastructure is way more expensive and unproductive versus an intelligence driven exercise. A critical step is to become knowledgeable about the theft problem by participation in Regional and National meetings of SAPS and organizations like SARPA and to actively contribute to the SAPS Non-ferrous metal crime combating committees (NFMCCC) in each province. The police machine operates on numbers and if they do not understand how many cases / the financial losses incurred, they will deploy their resources to counter other crimes.

It is therefore crucial that not only all cases has to be reported to SAPS, but statistic's should be forwarded to a nodal point like the provincial NFMCCC, Infrastructure Crime Forum(ICF) or SARPA.

The NPA is currently engaged in tracking all the cases reported under the Criminal Matters Amendment Act (crime code 3200) and all essential infrastructure stolen or vandalised must be registered under this crime code. This Act ensures the right refusal of bail, up to 30 years imprisonment, R60 million rand fines, tampering charges and collusion charges for those involved in protecting such assets.

IMPORTANT FACTORS

There is no such thing as a “tamperproof meter” nor kiosk. Cultural and behavioural changes are required to ensure that the consumers a community as a whole understand that their negative actions results in negative results for all of us. Staff that are endangered do not fix problems and leaves the consumer without the necessary services. It takes a person with experience to prevent or defuse a volatile situation in the community. It is not rocket science to do this only common sense.

The other issue that is a big risk for us is the “enemy within” which causes the consumers not to trust the Municipality and all its staff members. The actions against such individuals should be fast and decisive, in order to win their trust back.

As stated before the 80/20 principle certainly applies to all Service Provision entities. Therefore, it is crucial to focus on the “big fish” first. Revenue protection and technical staff really need Law Enforcement to assist them with protection or obtaining the necessary legal clearance to investigate any possible illegal activities.

Therefore “Political buy-in” is seen as very necessary to ensure that everyone is on the same page. Awareness campaigns should be initiated to inform as many role players as possible regarding new threats.

It must be noted that the entire Revenue Protection and Infrastructure related crime combating processes have really meta morphed in the past 20 years and has now reached a new level of expertise, which has resulted in the need for those involved in such actions to go to the next level of specialization.

This has come about due to the fast tracking of technology development processes worldwide, criminals entering the cyber space and organized crime syndicates entering the space which was before dominated by what we call the “bread and butter thief’s” This has however triggered Service providers and Manufacturers to enter the market from another direction and exploit and capture the market and offer all kind of packages and wonderful solutions, which in turn opens up new loopholes and opportunities for brilliant criminal minds to exploit.

The concept of “rogue meters” was born due to this and it is now seen as one of the largest threats to hit Municipalities in Southern Africa for many years. This threat involves replacing a Municipal prepaid meter with what we call a “sub-meter” and then channelling the funds to a third party’s banking account.

This threat creates new levels of understanding the different modus operandi of the perpetrators, the charges to be utilised to convict them, the most effective way to detect such

actions, the way to “follow the money” and how to obtain information and evidence from companies operating in this space.

FINDING THE MONEY

The biggest problem for anyone trying to combat revenue losses or infrastructure related crimes is the fact that there is no money available to achieve any results. As the enhancement of revenue by far outweighs the costs incurred to achieve this goal, it should be plain common sense to find the funds sooner than later. However, as it is not a licence requirement, CFO’s must provide such budget with already reduced income and diminishing cash flows.

Currently 6% of a Municipalities operational income has been earmarked by NERSA to be used to perform maintenance. A motion for NERSA to endorse the use of 2% of such monies to minimize revenue losses has been proposed by SARPA. Municipalities who cannot provide budget for Revenue Protection activities in order to reduce non-technical losses can then make use of such funds to do so. SARPA recommends that a minimum of 2% of the operational electricity income to be made available to fund Revenue Protection and Law Enforcement operations to minimize revenue losses until the required National standard of 9% electricity losses is achieved in such Municipality.

CONCLUSION

We should be taking into consideration the current threats to the wellbeing of Municipalities in Southern Africa is due to the huge losses incurred through non-technical revenue losses and infrastructure related crimes. The fact that extended powers for all Municipal Law Enforcement Officers in the RSA has been declared, is seen as very good news to all those combating non-technical losses in Municipalities. It would make good sense to say that the time has come to take hands between Law Enforcement and Revenue Protection officials, in order to minimize non-technical losses in Municipalities.

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DOLDRUMS OF NON-IMPLEMENTATION OF CERTAIN PARTS OF THE MIGRATION POLICY AND PREVAILING OPPORTUNITIES FOR THE CITIES (*Mr Thulani V Mkhabela; Senior Manager: Public Safety, Law Enforcement & Security, City of Mbombela*)

Through this presentation the presenter highlighted the matters faced by Law Enforcement Officials and municipalities on a daily basis with regards to immigrants - whether documented, or not.

The cities are obligated to provide services to communities - whether foreign national or South African citizen.

The work of Law Enforcement becomes cumbersome and difficult, resulting from persistent ignorance of certain responsibilities and gaps created by the lack of migration policy.

Most municipalities are wary of implementing immigration policy viewed as National competency. IDP, more often than not, is silent about the matters of foreign nationals.

PAPER 12

TRUVELO AFRICA (*Mr Immanuel Mukosi; MD Truvelo Africa*) - **EXHIBITOR AT IMPS-SA CONFERENCE**

Truvelo Manufacturers (Pty) Ltd was founded in 1966 by FJ Gebert when he established the need for **accurate vehicle speed measurements in the Traffic Law Enforcement field**. He patented the use of piezo sensor cables to accurately detect the passage of a vehicle's wheels. This resulted in the first accurate and reliable vehicle speed measurement; hence the company name "Truvelo" or true-velocity.

Truvelo Africa (Pty) Ltd

Established in 2014, Truvelo Africa is the newest addition to the Truvelo group of companies. It is 100% black owned and Directed by Mr TI Mukosi, Truvelo Africa concentrates on the South African & African markets. Truvelo Africa specialises in the full solution of providing **Speed Measuring Equipment and Back Office**

Management System BUSINESS

Truvelo Manufacturers (Pty) Ltd.'s main function is to design, develop, manufacture, install, service and market the Truvelo range of traffic related equipment for traffic law enforcement and vehicle data gathering. Our products are manufactured mainly for police/traffic departments, local and state/ governments' law enforcement agencies, civil engineers, road construction agencies and now with a new offering to household security and estates.

Truvelo has successfully complied with type approval requirements for traffic law enforcement systems and is also a SANAS accredited calibration laboratory for speed measuring equipment.

The company is also the Sole Supplier for Africa of the Kustom Signals Range of Products.

PRODUCT OFFERING

Prosecuting Guidelines for Speed Measuring Equipment

Requirements for Prosecution with regard to speed measurements by Laser Equipment
Preparation for mobile SME's - Prior to the machine being used checks must be carried out and recorded

Site selection and setup for laser (setup and installation)

Manual operating procedures to be adhered to whilst operating the equipment

KEY FEATURES (ProLaser 4 with Video Camera)

Faster target acquisition

Greater range: 3,0m to 2400m

Smaller, lighter: only 1.134kg

Simple user interface; one touch controls

High contrast OLED graphical display

Speed and range in HUD

Event record in internal memory up 1000 events (Speed, Range, Date, Time and Tracking History)

Rugged, forward-sweep pistol grip design

FEATURES (LaserCam 4 with Built-in Camera)

Speed application using a single laser sensor covering one traffic lane of piezo sensors covering up to 3 traffic lanes

High resolution Digital Colour Camera

Environmentally Sealed Enclosure

Laser Sensor or Piezo Sensor Input

Front and Rear photography

Downloading of Violation data by Wireless LAN or Ethernet

D-Cam Status via GSM/GPRS

Summary & Benefits for Working with TBOSS

Increase in Road Safety, through better collection and enforcement techniques

Live monitoring of Traffic Management through better technology

Increase in Revenue for Issuing Authorities

No Profit or Collection Sharing

Retain Skills and knowledge

Unlimited operators

Rent to own option on equipment

Training of Operators for Both Speed and Back Office

Calibration of Speed Equipment every 6 months and Distance sites every 12 months.

Conclusion

The past conference was very key as it set the pace for the new developments such as the extended powers for Municipal Law Enforcement Officers. The conference will be followed up with a mini-conference hosted by City of Cape Town during the month of October in order to finalise the implementation thereof.

FOR INFORMATION.

PS&T /10 OF 2019

PROGRESS MADE TO MMAMAHABANE FIRE STATION AFTER COMMENCEMENT OF RENOVATIONS:EDCS(20/2/2/1/5)

PURPOSE:

To inform the Section 80 Committee about the progress made on the Mmamahabane Fire Station after commencement of renovation activities after this facility was subjected to severe vandalism.

BACKGROUND:

After the withdrawal of Security Services from Mmamahabane Fire Station unprecedented vandalism on Fire Stations was visited upon this (Mmamahabane) Fire Station. It was decided that renovations should be made on this Station and such resulted in a contractor being appointed for this purpose. The appointed contractor commenced with the renovations and hereunder follows the progress made thus far.

PROGRESS:

- Exterior walls are plastered, windows replaced and doors installed.
- Roof is fixed as well.
- Electricity is restored.
- Water is restored.

OUTSTANDING AREAS.

- Ablution area is yet to be attended.
- Interior doors yet to be replaced.
- Partitioning of the applicable area into relevant cubicles (offices etc) is yet to be effected.
- Ceiling is yet to be attended.
- Painting of the Station.
- Telephone lines are not operational.

PLAN AT COMPLETION OF RENOVATIONS.

To circumvent the vandalism that was once visited upon this facility the following arrangement should imperatively be prioritized.

- Security Guards 24/7

- Although this facility is not resourced both with personnel and Emergency Vehicle there is still a need to avail at least two members per shift 24/7 to inter alia, take telephone calls and relay messages to stations with Emergency Vehicles and to also serve as deterrent against vandalism and be at hand to report anything that can adversely impact the Station that by nature falls outside the scope of Security Guard Services.

CHALLENGES:

This Fire Station has no Emergency Vehicles allocated to it since there is only one Fire Engine that is operational at the time of print of this information and the other one which could be ready soon is still at Workshop for repairs on its Gear Box. The operational one is being utilized from Welkom and if the other one gets ready any time soon it will be utilized from Virginia.

No appointed personnel for this Station to cater for the intentions as set out in point two under “Plan at completion of renovations.”

Since there were no personnel appointed for this facility it will be imperative for Management to get Fire Fighters from existing shifts to come to this Station to cater for the purpose as set out in point two under :Plan at completion of renovations” and such will simply mean that overtime is going to escalate.

Fire Department is very thin on utility vehicles and it is going to be a huge challenge to ferry Fire Fighters from other Fire Stations to this one.

RECOMMENDATIONS.

- That Fire Fighters are appointed for this Fire Station.
- That utility vehicle is sourced for this Fire Station as well as a Fire Engine capable of accommodating Rescue Equipment.

CONCLUSION:

Once the Mmamahabane Fire Station is ready there should be at least two fire fighters posted there 24/7.

FOR CONSIDERATION.

PS & T / 11 of 2019

REPORT ON CATEGORY OF AUTHORIZED PERSONS (CAPs) EDCS @ 3/1/2)

2. PURPOSE

To inform the section 80 committee about the appointment of Mr. F Klaassen as a Category of Authorised Persons (CAPs).

2. BACKGROUND.

The Minister may, after consultation with the Fire Brigade Board, by notice in the Gazette declare that a Category of Persons in the service of the State (*Free State*) or a controlling authority designated for the purpose by the Administrator (*Premier*) may perform the prescribed functions in order to ensure that the objects of the FBSA (Fire Brigade Service Act, Act 99 of 1987) are achieved.

*** **SEE ANNEXURE A (1)** - Section 13 of the Fire Brigade Service Act, Act 99 of 1987,

*****SEE ANNEXURE_A (2)** – Section 9 of the Fire Brigade Service Amendment Act, Act 83 of 1990.

During a Provincial Fire Services Advisory Committee (PFSAC) Meeting, that was held on 22 February 2019. Mr F Klaassen, Assistant Fire Chief of Matjhabeng Fire & Rescue Services was co-opted as a CAP for the Free State.

*****SEE ANNEXURE B** – Top of Page 4.

The appointment letter of Mr. Klaassen was signed on 11 April 2019, by the previous MEC of CoGTA, Mr. M.D. Khoabane. The appointment letter will be sent to the office of the Municipal Manager, Matjhabeng Local Municipality.

*** **SEE ANNEXURE C:** Copy of the appointment letter that was send to him via social media.

3. FINANCIAL IMPLICATIONS.

That Mr Klaassen be allowed to attend CAP meetings as requested by the current MEC of CoGTA, Mr. T.S. Nxangisa

4. LEGAL IMPLICATIONS.

None

5. POLICY POSITION.

That the duties and function of the CAPs as mentioned in the Fire Services Act (Act 99 of 1987), be performed according as prescribed, in order to ensure that the objects of the FBSA are achieved.

6. RECOMMENDATIONS

That the appointment of Mr. Klaassen be acknowledge, and he be allowed to attend CAP meetings.

7. FOR DISCUSSIONS:

PS & T / 12 of 2019

ENHANCING PUBLIC SAFETY SERVICE DELIVERY THROUGH THE APPOINTMENT OF EXISTING MUNICIPAL SECURITY PERSONNEL TO EFFECT THE DUAL FUNCTION OF MUNICIPAL LAW ENFORCEMENT & MUNICIPAL SECURITY SERVICES: EDCS (5/3/2/7)

PURPOSE

The purpose of this item is to highlight the Section 80 Committee on the enhancing of Public Safety Service delivery through dual function of Municipal Law Enforcement and Municipal Security Services.

INTRODUCTION AND BACKGROUND

Matjhabeng Municipal Security officers are currently having limited powers in terms of their appointment. They have the power in terms of section 334 and can issue section 341 fines and execute warrants in certain circumstances. However they do not have powers in respect of issuing Section 56 fines, dealings with house or car break-ins, or with persons who are suspected of dealing in stolen property. This has stifled their performance in this field. They also do not have powers to deal with animals that were suspected to being stolen, or for checking on gambling licence establishments. The Security officers can also not deal with people suspected of being illegal immigrants, the unlawful occupying of land and informal traders.

DISCUSSION

Matjhabeng Local Municipality would achieve a giant leap towards enhancing public safety service delivery through the appointment of Law Enforcement Officers (hereafter referred to as LEO) to effect the dual function of municipal law enforcement & municipal security.

POWERS IN TERMS OF THE NEW EXTENDED POWERS

- Municipal Law Enforcement Officers in terms of the extended powers have powers of arrest within the jurisdiction of Matjhabeng Local Municipality;
- they can ensure by-law enforcement as compelled for a municipality to do through a variety of existing legislation;
- their patrols in the city will be seen as visible policing or force multipliers;
- immediately available to deal with protests and marches;
- application of access control to public premises would also be more effective through municipal law enforcement officers rendering the dual function referred to;
- effective VIP security services could also be drawn from these officers;
- municipal law enforcement officers with the dual function of security are more affordable for the municipality;

- can be rapidly deployed in the protection of municipal assets and their extra powers will contribute to efficiency;
- allows for traffic officers (who cost more) to be more focused on ensuring good traffic management.

EXTENSIVE LAW ENFORCEMENT & CERTAIN POLICING POWERS

Section 334(1) (a) of the Criminal Procedure Act 51 of 1977 authorises the Minister of Justice to declare that categories of law enforcement officers have certain powers. In GN R209 dated 19 Feb. 2002 municipal LEO's are given powers to:

- Enforce by-laws and also,
- Certain policing powers in regard to:
 - Section 341 and Section 56 notices,
 - the execution of warrants of arrest, and
 - *i.r.o* certain national and provincial legislation, powers of arrest without warrants.
 - The power to arrest without warrant suspects or witnesses who refuse to give a name or address or if they give a name the LEO suspects that it is false.

NO CERTIFICATE - NO POWERS

- * Vital importance of Section 334(2) (a) and (b) determines that no person who is a peace officer by virtue of a notice issued under sub-section (1) shall exercise any power conferred upon him under that sub-section unless he is at the time of exercising such power in possession of a certificate of appointment issued by his employer, which certificate shall be produced on demand. A power exercised contrary to the provision of paragraph. (a) Shall have no legal force or effect.

LEGAL MANDATE

- Section 43(c) of the Constitution states that the legislative authority of the local sphere of government is vested in municipal councils and Section 151(2) of the Constitution goes on to say that the executive and legislative authority of a municipality is vested (*given and possessing*) in its municipal council.

Matjhabeng Local Municipality has a constitutional mandate to promote a safe and healthy environment for all its residents. (See section 152 of the Constitution, 1996).

In regard to by-laws, Section 156 of the Constitution is a key section, what it does is:

- *Give a municipality power to make and administer by-laws on the matters it may administer.*

- *The matters that may be administered are in Part B of Schedules 4 & 5 as well as other matters assigned to municipality by national or provincial legislation, which includes law enforcement.*

- *Give a municipality the right to exercise any power concerning a matter reasonably necessary for or incidental to the effective performance of its functions – the so-called ancillary powers. In practical terms this means that a by-law may create offences, limit the actions of persons or require permission to be obtained to do a certain act.*

Municipal by-law now has a constitutional status equal to a national or provincial act but with different powers.

- Section 334(2) (a) and (b) of the Criminal Procedure Act, 51 of 1977

PROBLEM STATEMENT

In order for Matjhabeng Municipality to have an effective and efficient Law Enforcement force the following imperatives need to be in place.

IMPERATIVE 1

- Appropriate and enforceable by laws must be in place around the clock.

- Although a whole range of National and Provincial legislation provides certain frameworks and measures within which to operate, it remains the responsibility of Matjhabeng Local Municipality to deal with the issues that are unique to the different communities and suburbs.

- Proper execution of the functions allocated to a municipality in terms of Schedules 4B & 5B of the Constitution requires sound policies and frameworks to be put in place. There is no obligation on the municipality to adopt any by-laws, except those relating to revenue management, and under normal circumstances policies would suffice. The problem however, starts when legal effect has to be given to such policies. No matter how sound the policy may be, it will be worthless without a by-law to give effect thereto.

IMPERATIVE 2

- Personnel must be properly trained to understand and enforce the laws.

- The law enforcement function of municipalities is now more important than ever. The actions of municipalities are governed by a very long list of National legislation and policies which in some cases require substantial knowledge of the law and especially the procedures and actions to enforce them.

- Proper training is thus even more important. There are many court cases in which law enforcement agencies and municipalities are challenged in court for unlawful arrests and for failure to comply with the Promotion of Administrative Justice Act, 3 of 2000. Many hours of the LEO are spent in legal follow up & good training will achieve convictions which eventually diminishes criminality.

- Adequacy of training is more than ever tested in court and the legal implications for municipalities providing sub - standard training can have huge financial implications through related civil liability for example an illegal arrest or an injury in the course of duty.

FINANCIAL IMPLICATIONS

No increase in salaries anticipated. There would, however, be a new rank structure with appropriate insignia as advised by the Institute for Municipal Public Safety of Southern Africa (IMPS-SA) with nominal costs expected from existing vote.

Financial implications regarding training will be incurred as all officers **MUST BE TRAINED** in the new curriculum for Law Enforcement Officers as offered by the University of Nelson Mandela Bay. (See attached quotation for training)

CONCLUSION

Considering the many benefits to be gained as set out in this item, Matjhabeng Local Municipality would undoubtedly achieve its objective by maintaining law and order and to execute its constitutional mandate by ensuring a safe and secure environment for its inhabitants. This item previously served before section 80 before the signing off of extended powers by the National Minister.

RECOMMENDATIONS

- **THAT** the dual function (*of both municipal security and by-law enforcement*) of the security officers **BE APPROVED** by the committee and referred to council for a resolution.
- **THAT** the officers **BE RE-DESIGNATED** as municipal law enforcement officers
- **THAT** new employees in said function **BE APPOINTED** as learner/Law Enforcement Officer
- Funds **BE MADE** available for the training of all officers

FOR CONSIDERATION: