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REPORT ON COMMISSION EVIDENCE

“We chose the wrong job. We are the whipping boys.”

– SAPS Station Commander

This week the O'Regan-Pikoli Commission hears testimonies from senior members of SAPS Western Cape. Yesterday morning, **Lieutenant Colonel Barend Swart** of Lingelethu West was cross-examined by the Commission's Evidence Leader Advocate Thembalihle Sidaki, and Advocate Ncumisa Mayosi, who is representing the five complainant organizations.

Swart completed his SAPS training in 1978 and a year later joined the Detective Service in Welkom. Currently he holds the position of Detective Commander at Lingelethu West, under the station commandership of **Colonel Michael Reitz**, who testified last week.

During his cross-examination, Advocate Sidaki referred to a particular case in 2010 in which four men were arrested by SAPS Lingelethu West and charged with three counts of attempted murder. When the first accused appeared in court on 22 December his case was struck off the roll because he had been unlawfully held in custody for longer than 48 hours. The other three men were later released after the case docket was not brought to court on three consecutive occasions. The case was withdrawn on 7 June 2011.

In response to this recurring question of lost case dockets, both Swart and Reitz have shifted the blame on to the prosecuting authorities. Swart recalled once joking with a senior prosecutor that he needed a search warrant to locate his branch's missing dockets in the prosecuting office. During the same visit he claimed to have retrieved a handful of dockets that had been mislaid there for over a year. Later Swart affirmed that during his nine years of service at Lingelethu West – and despite overwhelming evidence to the contrary – there has never been a lost docket at his station.

Like Reitz, Swart has insisted that the training of members at SAPS Lingeletu West is sufficient, but that additional training is always beneficial. The Commission, however, has heard several complaints that relate specifically to detectives and their mismanagement of crime scenes. Swart maintained that the members of his detective unit have received the appropriate training, especially in the handling of forensics, DNA and ballistics. Commissioner O'Regan responded skeptically, recalling evidence provided by forensic experts earlier in the Commission which identified Lingeletu West detectives as not appearing to have the skills required for preserving evidence that aids both the investigation and the post-mortem.

In his own performance evaluations at Lingeletu West, Swart has never scored higher than 3 out of 5. When asked by Advocate Mayosi whether he is satisfied that an average performance in a context such as Khayelitsha can deliver the services required by the community, he replied that yes, he is satisfied. 'Ideal detectives you only get in movies,' he added.

Swart admitted to having no knowledge of computers, but stated emphatically that it is detectives – and not computers – who solve crime cases. Although he is a branch commander in Khayelitsha, Swart cannot speak isiXhosa – only the handful of words and phrases he tries to memorize each day. This, he acknowledged, is a disadvantage, especially when questioning suspects and witnesses – and thus he suggested to the Commission that a formal language programme be added to their list of recommendations.

Swart's testimony was followed by that of **Brigadier Zithulele Moses Dladla**, the Station Commander at Site B, Khayelitsha. After receiving training in Hermanskraal, Dladla served with Unit 19, 'the lost boys', an SAPS riot squad based in Pretoria. In 1990, he was transferred to Kwa Dabeka, a station near Pinetown in KwaZulu-Natal, where he served until 2004. By then he had been promoted to the position of Detective Commander, and undertook a lateral transfer to the Western Cape. There he served at Bishop Lavis, Mfuleni, Kraaifontein and Wynberg – where he was promoted to the rank of Brigadier – before transferring to Khayelitsha in 2011.

Dladla recalled being shocked when he arrived at Site B. In Wynberg, under his command, only three murders had been recorded in 2010. By the end of his first morning at Site B, however, on Friday 1 April 2011, he had already coordinated the investigation of a murder. By the end of the weekend, another three had been committed.

Advocates Bawa and Mayosi drew on specific testimonies in which criticisms are leveled at Dladla's station. One complainant, a domestic worker from Site B, testified that in November 2010 her son was murdered by a group of young men. During the investigation and subsequent arrest – which both took place the same day – she acknowledged that SAPS had performed well. Thereafter, however, she was left in the dark. When she later discovered that all four suspects had been released, she made enquiries to an investigating officer but received no feedback. Eventually, she resorted to meeting with Brigadier Dladla himself, whom, she said, treated her with empathy and promised to resolve the problem. But it was only once she had testified at the Commission more than three years after her son's murder – and after further meetings and fruitless phone calls – that the case finally reached the Cape Town High Court.

Dladla said he was disappointed by the way in which the complainant's testimony had distorted the facts. In response to additional damning evidence, he was unwilling to accept that his station had been performing poorly, ineffectively or inefficiently. He argued that the accusations were all based on specific incidents which, when taken in isolation, misrepresent

his station's overall performance on the ground. When asked what factors do hamper this performance, he agreed with Advocate Mayosi's statement that he and his members simply do not have the resources required for the mammoth task of policing in Khayelitsha.

Dladla described the issue of crime prevention in Khayelitsha as one in which every branch of the criminal justice system has its part. 'We [the police] chose the wrong job. We are the whipping boys,' he joked cynically. He explained that, in the densely-packed informal settlements within Site B, residents are known to fight violently over the ground they use for disposing of dirty water. He then drew attention to faulty street lights as an example of a factor that falls outside of the police mandate but has a direct impact on the proliferation of crime. He added that, while driving home from work, usually on Lansdowne Road, he often counts the faulty lights en route from Khayelitsha to the southern suburbs. 'It's pathetic,' he said, 'that the closer you get to Wynberg the fewer the broken lights.'

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