

DEPARTMENT OF POLICE

MANUAL

IN ACCORDANCE WITH

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

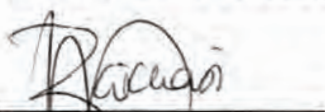
**PROMOTION OF ACCESS TO INFORMATION MANUAL IN
TERMS OF SECTION 14 OF THE ACT**

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

I Yoliswa Makhasi Head of Department for Gauteng Provincial Department of Community Safety hereby publish under section 14 of Promotion of Access to Information Act, 2000 (Act 2 of 2000) a manual submitted under section 14 of the said Act by the-

Gauteng Provincial Government: Department of Community Safety

As set out in the schedule



Yoliswa Makhasi

HOD: Community Safety

28/02/16



**DEPARTMENT OF COMMUNITY SAFETY
GAUTENG PROVINCIAL GOVERNMENT, SOUTH AFRICA**

64 Pritchard Street, Johannesburg 2001, South Africa Tel: +27 11 689 3600 Fax: +27 11 689 3650

**PROMOTION OF ACCESS TO INFORMATION MANUAL
IN TERMS OF SECTION 14 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

1. FUNCTIONS OF THE DEPARTMENT OF COMMUNITY SAFETY (DOCS)

The DOCS advises the Member of Executive Council for Community Safety on policy matters relating to the South African Policing Services in terms of constitutional and other legislative mandates. In addition, DOCS supports the Minister in providing clear policy direction the police and, secondly, to ensure, through monitoring, that the police serves the people of the country.

Constitutional and other legislative mandates/Mandate of the Department:

The mandate is determined by the following legal documents:

Constitution (Chapter 11, Section 206)

South African Police Services Act, Act No 68 of 1995, Chapter 2

1.1 Constitutional Mandate

According to the Constitution the Department has the following functions to fulfill:

A. The province is responsible for:

- i. Monitoring police conduct;
- ii. Overseeing efficiency and effectiveness of the police service including receiving reports on the police service
- iii. Promoting good relations between the police and the community
- iv. Assessment of effectiveness of visible policing; and
- v. Liaising with Cabinet member responsible for policing in the Province

In order to perform the functions outlined above, a province

- i. May appoint a commission of enquiry into any complaint of police inefficiency or a breakdown in relations between the police and the community;
- ii. Must make recommendations to the Cabinet responsible for policing; and
- iii. A Provincial Legislature may require the Provincial Commissioner of the province to appear before it or any of its committees to answer questions.

B. According to the White Paper on Safety and Security, the strategic priority areas to focus on, to achieve a safer and more secure society are:

Law enforcement: If policing is to improve safety and security, it will do so through arresting and bringing suspects to court with good evidence. The focus areas are:

- i. To increase the effectiveness and efficiency of criminal investigations
- ii. To target visible policing in order to address specific crimes and the fear of crime; and
- iii. Improving the quality of service delivery to victims of crime.

Social crime prevention: reduce the socio-economic and environmental factors that influence people to commit crimes and become persistent offenders. It can be achieved by:

- i. Education.
- ii. Promoting social cohesion.
- iii. Supporting youth and families and groups at risk.
- iv. Breaking cycles of violence.
- v. Promoting individual responsibility.
- vi. Socio-economic interventions to undercut causes of crime.
- vii. Environmental design

2. STRUCTURE OF THE DEPARTMENT OF COMMUNITY SAFETY

The Department is structured in such a way that it is able to execute its mandate. The Office of the HOD is the highest organ of the Department while the Office of the MEC provides both an administrative and political support to the political head.

- 2.1 **The Chief Directorate Policy and Research** is responsible for conducting research on safety and security matters with the intention of improving policing and assisting the Department in making informed strategic decisions.
- 2.2 **The Chief Directorate Gauteng Secretariat** is tasked with the facilitation of the improved police services through monitoring and evaluating police performance and the quality of service. The chief directorate is also responsible for the initiates, implements, supports and the co-ordination of social crime prevention programmes and projects by provincial government departments, local authorities, SAPS and the criminal justice cluster.
- 2.3 **The Chief Directorate Safety Promotion** provides professional and volunteer based victim support services of crime in the province, with special focus on victims of sexual and domestic violence.
- 2.4 **Corporate Communications** is responsible for the provision of information and research support systems for the department and other stakeholders and also empowers communities through public information and education.
- 2.5 **The Chief Financial Officer** assists the Department with financial management, accounting and supply chain management services.
- 2.6 **The Corporate Support** Chief Directorate is responsible for rendering an efficient and effective support service in respect of HR, IT, legal services and auxiliary and security services to the Department.

2.7 The Chief Directorate Traffic Management assists with maintaining an acceptable level of quality in road traffic within the province and with the emphasis on road safety.

3. CONTACT DETAILS OF INFORMATION OFFICER

The Head of the Department is the Information Officer in terms of the Promotion of Access to Information Act. The Deputy Information Officer has been appointed in terms of the Act.

Yoliswa Makhasi

Head of Department/Chief Information Officer

Postal address: PO Box 62440
Marshalltown
2107

Street address: 64 Prichard Street,
Johannesburg
2000

Telephone (011) 689 3740

Fax (011) 689 3602

Email Address Yoliswa.Makhasi@gauteng.gov.za

Ms. Nnana Mapheto
Deputy Information Officer

Postal address: PO Box 62440
Marshalltown
2107

Street address: 64 Prichard Street,
Cnr Fox and Simmonds Streets
Johannesburg
2000

Telephone (011) 689 3781
Fax (011) 634 3602/3666

Email Address Nnana.Mapheto@gauteng.gov.za

4. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT

The updated guide on how to use the Promotion of Access to Information Act, 2000, will be available from the South African Human Rights Commission.

Queries can be directed to:

South African Human Rights Commission: PAIA Unit
The Research and Documentation Department

Postal address: Private Bag 2700

Houghton
2041

Telephone (011) 484-8300
Fax (011) 484-1360
Website www.sahrc.org.za
Email PAIA@sahrc.org.za

5. RECORDS

5.1 DESCRIPTION OF SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

For purposes of facilitating a request in terms of the Act, the subjects on which the DoCS holds records and the categories of records held on each subject are as follows:

A. GAUTENG SECRETARIAT

- i. Police Stations Profiles
- ii. Information pertaining to Courts
- iii. Monitoring Reports
- iv. Evaluation Reports
- v. Service Delivery Reports
- vi. Reports on Priority Crimes (per area)
- vii. Information on the Establishment of Metro Police Services
- viii. Police Success Stories
- ix. Community Safety Forums
- x. Coordination of the Criminal Justice System

B. POLICY AND RESEARCH

- i. Research Reports
- ii. Crime Statistics

C. SAFETY PROMOTION

- i. Crime Prevention activities
- ii. Community Police Forums Reports
- iii. Community Safety Forums Reports
- iv. Information concerning Trauma Centers
- v. Information on Victim Empowerment Centers (VEC)
- vi. Ikhaya Lethemba One Stop Centers
- vii. Strategy on the prevention of violence and abuse of vulnerable groups

D. COMMUNICATION AND INFORMATION

- i. Annual Reports
- ii. Speeches
- iii. Media Releases
- iv. Departmental Newsletter
- v. Educational Material (Posters, Leaflets, Brochures and Pamphlets)
- vi. Strategic Plan Documents
- vii. Budget Speeches

E. CORPORATE SUPPORT

- i. Policies of a human resource and information technology nature
- ii. Human Resource Reports

F. CFO OFFICE

- i. Annual Financial Statements
- ii. Policies of a financial, logistical and supply chain nature

G. TRAFFIC MANAGEMENT

- i. Accident statistics
- ii. Information related to fines issued by the Province
- iii. Road Safety Audits
- iv. Offense rates
- v. Profiles of hazardous locations

5.2 RECORDS AUTOMATICALLY AVAILABLE

The following records can be automatically obtained from the department without having to make a formal request:

- i. Departmental Annual Reports
- ii. Annual Financial Statements
- iii. Educational Material
- iv. Departmental Publications
- v. Crime Prevention related Information
- vi. Monitoring and Evaluation Reports
- vii. Progress Reports on Complaints
- viii. Quarterly Expenditure Reports
- ix. Policies regarding Internal Practices
- x. Departmental Strategies

5.3 REQUEST PROCEDURE**A. Granting or refusal of request:**

A requester will be given access to a record of a public body if the requester complies with the following:

- i. The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- ii. Access to that record is not refused on any ground of refusal mentioned in the Act.

B. How do I request access to records:

- i. A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).
- ii. The requester must also indicate if he/she wants a copy of the record or if he/she wants to make an appointment and look at the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form, where possible.
- iii. If a person asks for access in a particular form (e.g. a paper copy, electronic copy, etc) then the requester should get access in that form. Unless doing so would interfere unreasonably with the running of the public body concerned or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in another form, then the fee must be calculated according to the way that the requester first asked for it.
- iv. If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephonically, this must be indicated.
- v. If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
- vi. If a requester is unable to read or write, or has a disability, then the request can be made orally. The Information Officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.

C. Fees payable for a request and notification of decision on access

- i. A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester must pay the request fee of R35.

- ii. The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request (if any) and deposit (if any) before further processing the request.
- iii. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- iv. After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- v. If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- vi. Access to a record will be withheld until all the applicable fees have been paid.

6. SERVICES AVAILABLE TO PUBLIC

The Gauteng Department of Community Safety mainly deals with the monitoring and evaluation of policing services within the province as well as its traffic law enforcement mandate. The establishment of this department, and the significant financial resources devoted to it, demonstrate the seriousness with which the government regards issues of crime prevention, public safety as well as road safety. The key role of the department is to monitor and evaluate the performance of the South African Police Services and the Metropolitan Police Departments in the province, improve community relations, to ensure continuous improvements in its performance against crime, to ensure that abuses of human rights, which characterized policing in the past do not occur and to enforce its traffic law enforcement mandate.

The other key function of the Department is to lead and co-ordinate the social crime prevention activities of a wide range of provincial and local government role players in Gauteng. This emphasis on social crime prevention is enshrined in the

Government's National Crime Prevention Strategy (NCPS) of 1996, and refined in the White Paper of Safety and Security (1998).

7. ARRANGEMENT ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS

The Department of Community Safety follows the Notice and Comment Procedure as stipulated in the Public Administration Justice Act 3 of 2000.

- i. Province advises National Minister on policy issues.
- ii. National minister obliged by the Act to consult provinces on policy issues
- iii. This is done through the Executive Coordinating Committee.
- iv. This process is also done through public hearings, which are published in the local newspapers.
- v. Conditions of Public Service employees are negotiated at the bargaining council created in terms of the Labour Relations Act.

8. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT

The following are options that are available to any member of the public who feels aggrieved by an act or failure to act by an official of an organization:

Procedures for reporting or remedying:

- i. If an Information Officer refuses a request for a record, then the requester can lodge an internal appeal against that decision (s74 (1)(a). He or she may not go to court before following this route. After exhausting the internal appeal remedy an application may be lodged with a court (sections 78 – 82).
- ii. A person may apply for an interdict (A remedy through which a person can ask the court to compel a person to take or not to take a particular action)

- iii. Constitutional Damages (Where a person's right is unjustifiably infringed he can claim constitutional damages)
- iv. Complaints to Public Protector
- v. Corruption Hotline
- vi. Section 5 Remedies in terms of Public Administration Justice Act

9. MANUAL CONTROL

9.1 Review

This manual is subject to annual review in terms of the Act, or whenever necessary, to ensure that it is aligned to prevailing resolutions and related directives by the head of Directorates or on request by stakeholders.

9.2 Amendment

No amendment(s) may be made to any section of this document without it being duly approved and signed by the HOD: Community Safety.

9.3 Approval

This manual was approved by the Head of the Department (Accounting Officer) and shall be effective from the date of signature.



Yoliswa Makhasi

Head of Department

Date: 28/02/17