



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Auxiliary Law Enforcement Policy

Draft version for public comment

[Reference Codes]

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DEFINITIONS

Term	Definition
Auxiliary Law Enforcement Officers	means a person contracted to the City in either a voluntary or EPWP capacity, who while on duty has the full status of being a Peace Officer in terms of Section 334 of the Criminal Procedures Act, 1977 (Act 51 of 1977).
City	means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) , or any structure or employee of the City acting in terms of delegated authority.
Councillor	means a member of a municipal council
Law enforcement officer	means a law enforcement officer of the City's law enforcement departments within the Safety and Security Directorate
Learnerships	means a structured learning programme which includes theoretical and practical workplace experiential learning over a period of at least 12 months and which leads to an occupationally related qualification registered on the NQF.
Metro Police	Means the City's municipal police service
Traffic Services	means the line department responsible for enforcing the City of Cape Town's Traffic By- law and National Road Traffic Act, 1996 (Act 93 of 1996)

Abbreviations

EPWP – The City's Expanded Public Works Programme

ODTP – The City's Organisational Development and Transformation Plan

IDP – The City's Integrated Development Plan

SAPS - South African Police Services

1 PROBLEM STATEMENT

The City's Auxiliary Law Enforcement Service was established in terms of Council resolution C39/10/12 of 31 October 2012 which gives the Chief Law Enforcement the authority to determine who may serve as Auxiliary officers and determine the service protocol of the function.

Auxiliary Law Enforcement officers are regarded as being in the employment of the City whilst on duty and have full Peace Officer status in terms of section 334 of the Criminal Procedure Act, 1997 (Act 51 of 1997) when they are on official duty.

Since the adoption of this policy certain operational challenges have presented themselves, and this review is an opportunity to address issues, such as prioritized recruitment, grading, criteria for appointment and uniforms.

2 DESIRED OUTCOMES

To have an Auxiliary Law Enforcement Policy that is easy to understand and which bolsters and supports Law Enforcement Services.

3 STRATEGIC ALIGNMENT

The ODTP principles:

Priority 3: Safe Communities

Priority 11: Operational Sustainability

IDP Pillar: Safe City and a Well Run City

4 REGULATORY CONTEXT

In terms of section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), hereby declare that every person who, by virtue of his or her office, falls within a category defined in Column 1 of the Schedule to this notice, shall, within the area specified in Column 2 of the Schedule, be a peace officer for the purpose of exercising, with reference to the offences specified in Column 3 of the Schedule, the powers defined in Column 4 of the Schedule

5 POLICY PARAMETERS

This policy applies to all auxiliary law enforcement officers and those wishing to become auxiliary law enforcement officers

Councillors are excluded from being Auxiliary Law Enforcement Officers

6 ROLEPLAYERS AND STAKEHOLDERS

- Directorate Safety and Security
- Law Enforcement Department
- Law Enforcement: Auxiliary Service
- Law enforcement officers

7 POLICY DIRECTIVES

7.1 Application

Members of the public that wish to join the auxiliary law enforcement service must complete the required forms electronically and submit to the office of the Deputy Chief: Law Enforcement responsible for auxiliary services or in any other manner approved by the delegated authority, as set out in the standard operating procedure relating to recruitment and selection.

7.2 Criteria

- 7.2.1 Applicants must meet the following criteria in order to be considered for appointment as an auxiliary law enforcement officer. They must
- a. be at least 18 years of age;
 - b. be in possession of senior certificate;
 - c. be in good health and able to pass the prescribed physical assessment;
 - d. be of good standing and have no criminal record
 - e. not be the accused in an ongoing or pending criminal case that is of a serious nature, the seriousness of the offence will be determined by a set of criteria determined by the department law enforcement: auxiliary service
 - f. be in possession of a driver's license.

- 7.2.2 The delegated authority responsible for auxiliary services may only waive any of the above stated criteria in cases where someone has a proven track record of being involved in community upliftment projects and community development programmes.
- 7.2.3 All EPWP Auxiliary Law Enforcement Officers become Auxiliary Law Enforcement Officers on completion of their training and upon conclusion of their compulsory voluntary hours these are essential components to the retention of the EPWP contracts
- 7.2.4 No person may be appointed as an Auxiliary Law Enforcement Officer that is currently serving in another capacity as a such as a trainee law enforcement officer, a member of SAPS, Traffic Services, Metro Police or members of the Executive Committee of the Community Policing Forum.

7.3 Training

- 7.3.1 Training will occur over a three-month period or as determined by the management structure of law enforcement , and will be set out in a standard operating procedure.
- 7.3.2 Trainees are expected to complete 60 hours of supervised active duty before they are considered qualified.
- 7.3.3 If a trainee fails to comply with the training rules and regulations, the City may seek to recover costs associated with training, from the trainee who fails to complete the mandatory training due to non-compliance with training rules and regulations, the process will be set out in their service contracts

7.4 Recruitment

- 7.4.1 Learnerships and EPWP opportunities must be advertised internally before they are advertised externally
- 7.4.2 Recruitment for specialized skills may be prioritized by the delegated authority. This includes but is not limited to:
- a. Life saving
 - b. Skipper qualifications
 - c. Marine Enforcement
 - d. Extensive SAPS investigative qualifications
 - e. Foreign language ability
 - f. Technology related qualifications
 - g. Drone and piloting qualifications

Commented [TZ1]: 25/04/19

This should be set out in the policy so that the rules do not change, so that there is transparency and consistency.

Commented [SCM2]: Hi Tim there needs to be flexibility and so the best way to have flexibility and account for transparency is to have a SOP

Commented [TZ3]: 25/04/19

Is this an employment contract? Is a contract signed with EPWP workers?

In my view the costs of training will exceed the amounts due to the auxiliary LEO in any EPWP contract. This may not be the ideal manner to recover costs.

The clause is intimating that the process to recover costs will be set out in the contracts

7.5 Duties and responsibilities

- 7.5.1 Auxiliary law enforcement officers must attend monthly meetings as scheduled by the Area Chief or higher ranking Auxiliary Coordinator.
- 7.5.2 Each auxiliary law enforcement officer shall devote a minimum of 16 hours per month to the functions of the Law Enforcement Department. Auxiliary law enforcement officers may be required to be on duty over and above 16 hours in emergency situations.
- 7.5.3 Each auxiliary law enforcement officer must submit a monthly attendance register indicating the number of hours worked and assignment details.
- 7.5.4 An Auxiliary law enforcement officer must carry and produce his or her appointment card (as peace officer) at all times whilst on duty.
- 7.5.5 An Auxiliary Law Enforcement Officer is not automatically authorized to carry or use a firearm on duty. Possession and the use of a firearm by an Auxiliary Law Enforcement officer is based on competency which is determined by on completion of relevant training courses.
- 7.5.6 The issuing of firearms is at the discretion of the Chief, and is informed by the completion of the relevant training courses.
- 7.5.7 The Law Enforcement Auxiliary Officer programme is a volunteer programme of the City and carries no financial reward or remuneration. Auxiliary law enforcement officers will also have no right to employment nor expectation of employment.
- 7.5.8 An Auxiliary law enforcement officer shall be entitled to the same degree of legal indemnity afforded to a permanent law enforcement officer acting in good faith and within the law while on duty.
- 7.5.9 Auxiliary law enforcement officers will be covered by the City's Group Personal Accident Insurance for purposes of covering expenses relating to injuries on duty.
- 7.5.10 An Auxiliary law enforcement officer rendering exemplary service shall be included for consideration in the periodic awards process designed to recognize service excellence or bravery.
- 7.5.11 An Auxiliary law enforcement officer that fails to comply with the policy and associated codes of conduct, processes and procedures will be subject to disciplinary hearing, which may result in termination of the contract.

7.5.12 An Auxiliary law enforcement officer that fails to comply with the required hours of training due to absenteeism over a three-month period will have their membership terminated in writing by the Deputy Chief responsible for Auxiliary Law Enforcement. This will not apply to an approved leave of absence whether prior or pursuant to the absence period

7.6 Grading

There are different categories of Auxiliary law enforcement officers:

- a. Leaner law enforcement officer;
- b. Qualified law enforcement officer;
- c. Qualified law enforcement officer – Specialized Auxiliary services;
- d. Qualified law enforcement officer- Administrative support;
- e. Qualified law enforcement officer- Supervisor

7.7 Advancement in Rank

- 7.7.1 Auxiliary law enforcement officer shall be considered for advancement in rank upon attaining the criteria laid down in the applicable standing orders or protocols, with the proviso that an Auxiliary law enforcement officer shall not have supervisory capacity over permanent law enforcement officers.
- 7.7.2 Prior learning and experience will be considered after an Auxiliary law enforcement officer has completed the first six-month period of active duty. Advancement in rank will be accommodated in accordance to the established Criteria for Advancement in Rank for Auxiliary Law Enforcement officers based on Prior Learning and Experience.
- 7.7.3 An advancement in rank may create conditions for an auxiliary law enforcement officer to patrol independently without direct supervision of a full time law enforcement officer. Such permission can only be granted by the Deputy Chief responsible for auxiliary services and must only be granted in exceptional cases and when an Auxiliary law enforcement officer has met certain criteria, which include but is not limited to:
 - a. hours worked
 - b. qualifications attained
 - c. good standing
 - d. competency; and
 - e. managerial recommendation

7.8 Chain of Command

- 7.8.1 An Auxiliary law enforcement officer shall be considered to be performing service to the City after formally booking on duty either by clocking-in, in person or electronically, or when called to perform such duties by an official appointed to manage his/her activities.
- 7.8.2 An Auxiliary law enforcement officer, while on active duty will function through the chain of command of the Law Enforcement Department, Auxiliary law enforcement officers possess peace officer status by virtue of appointment in terms of section 334 of the Criminal Procedure Act, 1977 while on duty and do not possess such status when off duty.
- 7.8.3 All Auxiliary law enforcement officers will serve under the supervision and direction of their appointed Auxiliary Law Enforcement Services Supervisors or permanent Law Enforcement Officers
- 7.8.4 An Auxiliary law enforcement officer must adhere to the chain of command in the context of communication in respect of matters pertaining to the Auxiliary Services and the Law Enforcement department generally and prospective Auxiliary law enforcement officers must, be informed and instructed to follow such communication protocols accordingly when deemed reasonable.

7.9 Uniform

- 7.9.1 Auxiliary law enforcement officers will wear uniforms issued by the City while on duty and any exceptions are subject to the prior approval of the Chief Law Enforcement Officer
- 7.9.2 Auxiliary law enforcement officers must adhere to the applicable standing orders in respect of Dress Code, Equipment and Grooming as determined by the Law Enforcement Department.
- 7.9.3 Auxiliary Law Enforcement officers that are attached to specialized units may have insignia that identifies their association to a specialized unit.

7.10 Conduct

- 7.10.1 Auxiliary law enforcement officers will adhere to the same standards, including the relevant provisions of the Standing Orders, Protocols, and Standard Operating Procedures applicable to permanent law enforcement officers.
- 7.10.2 All Auxiliary law enforcement officers will be required to ascribe to the Code of Conduct of the Auxiliary Law Enforcement Service of the City (Annexure A).
- 7.10.3 All Auxiliary law enforcement officers must not divulge any confidential information in person or via social media.

8 IMPLEMENTATION PROGRAMME

This policy will be implemented over a three-month period by the Directorate Safety and Security

9 Monitory and Evaluation

- 9.1 An annual report will serve before the relevant Section 79 committee; this report must include:
 - 9.1.1 The number of Auxiliary law enforcement officers recruited;
 - 9.1.2 The number of specialized Auxiliary law enforcement officers recruited;
 - 9.1.3 The numbers of Auxiliary law enforcement officers delineated by grade;
 - 9.1.4 A list of arrests and safety interventions carried out by Auxiliary law enforcement officers that have contributed to creating a safer and more caring society;
 - 9.1.5 Any incidents where auxiliary law enforcement officers have contravened the code of conduct, or the media and social media protocols and how such matters were resolved; and
 - 9.1.6 Any incidents involving auxiliary law enforcement officers that resulted in loss of life.