



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

AUXILIARY LAW ENFORCEMENT POLICY OF THE CITY OF CAPE TOWN (POLICY NUMBER 62642)

**APPROVED BY COUNCIL: 27 MAY 2021
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1. DEFINITIONS AND ABBREVIATIONS

Term	Definition
Auxiliary Law Enforcement Officers	means a person contracted to the City on a voluntary basis who while on duty has the full status of being a Peace Officer in terms of Section 334 of the Criminal Procedure Act, 1977 (Act No. 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 the municipal Council of the City.
EPWP Auxiliary Law Enforcement Officers	means a trained Auxiliary Law Enforcement Officer who concludes an EPWP contract with the City.
Law enforcement officer	means a law enforcement officer of the City's law enforcement departments within the Safety and Security Directorate.
Learnership	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 City's line department responsible for enforcing the City of Cape Town's Traffic By-law and the National Road Traffic Act, 1996 (Act No. 93 of 1996)

Abbreviation	Term
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 Service
EPIC	Emergency Police Incident Control

2. 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 Services the authority to determine who may serve as Auxiliary Law Enforcement Officers and the service protocol of the function.

Auxiliary Law Enforcement Officers are regarded as being in the employment of the City whilst on duty and having full Peace Officer status in terms of section 334 of the Criminal Procedure Act, 1997 (Act No. 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.

3. DESIRED OUTCOMES

- a. To have an Auxiliary Law Enforcement Policy that is easy to understand and which bolsters and supports Law Enforcement Services.
- b. To encourage, support and facilitate crime prevention partnership programmes and organisations such as neighbourhood watches or other community patrol groups or Community Policing Forums.

4. STRATEGIC ALIGNMENT

The ODTP principles:

- a) Priority 3: Safe Communities
- b) Priority 11: Operational Sustainability
- c) IDP Pillar: Safe City

5. REGULATORY CONTEXT

- a) Constitution of the Republic of South Africa, 1996
- b) Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- c) GN 1114 dated 19 October 2018 - Declaration of Peace Officers

- d) National Road Traffic Act, 1996 (Act No. 93 of 1996)
- e) City of Cape Town Animal By-law, 2010
- f) City of Cape Town Cemeteries, Crematoria and Funeral Undertakers By-law, 2011
- g) City of Cape Town Community Fire Safety By-law, 2002 as amended
- h) City of Cape Town Control of Undertakings that Sell Liquor to the Public By-law, 2013 as amended
- i) City of Cape Town Environmental Health By-law, 2003
- j) City of Cape Town Events By-law, 2009 as amended
- k) City of Cape Town Filming By-law, 2005
- l) City of Cape Town Graffiti By-law, 2010
- m) City of Cape Town Informal Trading By-law, 2009 as amended
- n) City of Cape Town Integrated Waste Management By-law, 2009 as amended
- o) City of Cape Town Municipal Planning By-law, 2015 as amended
- p) City of Cape Town Outdoor Advertising By-law, 2001 as amended
- q) City of Cape Town Parks By-law, 2010
- r) City of Cape Town Problem Property By-law, 2020
- s) City of Cape Town By-law Relating to Streets, Public Places and the Prevention of Noise Nuisances By-law, 2007
- t) City of Cape Town Traffic By-law, 2011
- u) City of Cape Town Treated Effluent By-law, 2010 as amended
- v) City of Cape Town Wastewater and Industrial Effluent By-law, 2013
- w) City of Cape Town Water By-law, 2010 as amended

6. POLICY PARAMETERS

This policy applies to all Auxiliary Law Enforcement Officers, EPWP Auxiliary Law Enforcement Officers and those wishing to become Auxiliary Law Enforcement Officers.

7. ROLEPLAYERS AND STAKEHOLDERS

- Directorate Safety and Security
- Law Enforcement Department
- Law Enforcement: Auxiliary Service
- Law Enforcement Officers

8. POLICY DIRECTIVES

A. Auxiliary Law Enforcement Officers

8.1. Application

- a. Members of the public that wish to join the City's auxiliary law enforcement service must complete the required forms electronically and submit them 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 of Auxiliary Law Enforcement Officers.
- b. A single database will be kept to prevent duplication and to make effective auditing possible.

8.2. Criteria

8.2.1. Subject to clause 8.2.2 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 a Senior Certificate or accepted equivalent;
- c. be in good health, able bodied and 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;
- f. subject him or herself to an internal vetting process;
- g. be in possession of a valid driver's license;
- h. pass a compulsory internal driving assessment;
- i. complete the prescribed entry level cognitive assessment successfully;
- j. comply with the City's prescribed drug test policy; and
- k. comply with any other conditions as determined by Law Enforcement HR Branch.

- 8.2.2. The delegated authority responsible for auxiliary services may waive any of the criteria stated in clause 8.2.1 in cases where an applicant has a proven track record of being involved in community policing, upliftment projects and community development programs.

8.3. Exceptions and Exclusions

- 8.3.1. The following persons shall not be permitted to become members of the Auxiliary Service or shall be restricted in the manner outlined:
- a) No person may be appointed as an Auxiliary Law Enforcement Officer that is currently serving in another capacity such as a trainee law enforcement officer, an operational member of SAPS, Traffic Services, Metro Police, a remunerated member of a statutory body exercising oversight over the police or a holder of public office.
 - b) Public representatives, including councillors, are excluded from being Auxiliary Law Enforcement Officers.
 - c) Members employed by or contracted to private security companies or the private security industry are prohibited.

8.4. Training

- 8.4.1. Basic 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.
- 8.4.2. After successful completion of Basic Training the Safety and Security Training College will issue a competency certificate to the Auxiliary Law Enforcement Officer, however the Auxiliary Law Enforcement officer will only be allowed to commence work under the supervision of a Law Enforcement Inspector, after receiving an appointment card signed by the Executive Director Safety and Security or relevant delegated authority.
- 8.4.3. Further training modules as well as refresher training are required beyond Basic Training, as specified by the Training Prospectus, which shall be scheduled from time to time. Candidates shall be made aware of the requirements and commitments related to such further training components.

- 8.4.4. If a trainee fails to comply with the training rules and regulations, as stipulated in relevant national laws and policies as well as the policies of the training college, as shared with the applicant upon induction, 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.
- 8.4.5. Training dates and times shall take place in accordance with the published Training Prospectus. Reasonable access to training shall be offered both during working hours as well as after hours and over weekends to permit access to employed persons. Reasonable notice should be given before any training.

8.5. Recruitment

- 8.5.1. Learnerships and EPWP opportunities must be advertised internally before they are advertised externally.
- 8.5.2. Recruitment for specialized skills may be prioritized by the delegated authority. This includes but is not limited to:
- 8.5.2.1. Life saving
 - 8.5.2.2. Skipper qualifications
 - 8.5.2.3. Marine Enforcement
 - 8.5.2.4. Extensive investigative qualifications
 - 8.5.2.5. Foreign language ability
 - 8.5.2.6. Technology related qualifications
 - 8.5.2.7. Drone and piloting qualifications
 - 8.5.2.8. Firearm training and competency
 - 8.5.2.9. Qualified Trainer in area required by directorate of Safety and Security

8.6. Duties and responsibilities

- 8.6.1. Auxiliary Law Enforcement Officers may be required to perform their minimum 16 hours of volunteer time in the community they were recruited from or with the community safety structures they were recruited from, although they may receive approval upon submitting a suitable motivation to work outside of their community or on specialized services.

- 8.6.2. Auxiliary law enforcement officers must attend monthly meetings as scheduled by the Area Chief or higher ranking Auxiliary Coordinator.
- 8.6.3. 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.
- 8.6.4. Each auxiliary law enforcement officer must submit a monthly attendance register indicating the number of hours worked and assignment details.
- 8.6.5. An Auxiliary law enforcement officer must carry and produce his or her appointment card (as peace officer) at all times whilst on duty.
- 8.6.6. 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 a supervisor upon completion of relevant training courses.
- 8.6.7. The issuing of firearms is at the discretion of the Chief, and is informed by the completion of the relevant training courses.
- 8.6.8. 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.
- 8.6.9. An Auxiliary Law Enforcement Officer who is recruited to be employed on an EPWP project, however, does receive a stipend for the duration of their contract.
- 8.6.10. 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.
- 8.6.11. 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.

- 8.6.12. 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
- 8.6.13. An Auxiliary law enforcement officer that fails to comply with this policy and associated codes of conduct, processes and procedures will be subject to disciplinary hearing, which may result in termination of the contract.
- 8.6.14. An Auxiliary law enforcement officer that fails to comply with the required hours of duty due to absenteeism and without the approval of the Deputy Chief, or delegated authority over a three-month period, will have their membership terminated in writing by the Deputy Chief responsible for Auxiliary Law Enforcement.
- 8.6.15. An Auxiliary law enforcement officer can only perform his/her duties and powers in terms of Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and any other delegated powers whilst booked on duty and in possession of a valid appointment card.

B. EPWP Auxiliary Law Enforcement Officer

- 8.6.16. Auxiliary Law Enforcement Officers may become EPWP Auxiliary Law Enforcement Officers on completion of their basic training and upon assuming duty in terms of an EPWP Auxiliary Law Enforcement contract. The completion of the training and the adherence to the compulsory monthly voluntary hours, are essential to the allocation of the EPWP contracts.
- 8.6.17. EPWP Auxiliary Law Enforcement Officers ~~will~~ have full Peace Officers Powers, but for the purpose of the EPWP contract remuneration, they will only execute the following By-Laws (1). Traffic Bylaw; (2). By Law Relating to Streets, Public Places and the Prevention of Noise Nuisance, (3). Integrated Waste Management By-Law, and (4). Informal Trading By-Law.

8.7. Grading

8.7.1. There are different categories of Auxiliary law enforcement officers:

- a. Auxiliary Support Officer (civilian designation, not qualified as peace officer)
- b. Learner Auxiliary Law Enforcement Officer;
- c. Auxiliary Law Enforcement Officer;
- d. Auxiliary Law Enforcement Officer – Specialized Auxiliary services;
- e. Auxiliary Law Enforcement Officer- Administrative support; and
- f. Auxiliary Law Enforcement Inspector- Supervisor.
- g. EPWP Auxiliary Law Enforcement Officer – on EPWP Auxiliary Law Enforcement contract with remuneration

8.8. C. Auxiliary Support Officer

8.8.1. Function

The functions of the Auxiliary Support Officer will involve supporting the Law Enforcement and its Auxiliary Service as well as other departments in the Safety and Security directorate, which functions would include but would not be limited to:

1. IT support
2. administrative support
3. fleet and HR support
4. community engagement and awareness training
5. fundraising and promotion
6. call-taking in any emergency call-taking, dispatching or watch room support capacity
7. supporting crime prevention partnership programmes and organisations such as neighbourhood watches, walking bus or other community patrol groups or Community Policing Forums

8.8.2. Criteria

8.8.2.1. That in the case of recruitment for the grade of Auxiliary Support Officer, that the requirements clauses 8.2.1(b) (Senior Certificate), (c) able bodied and (g) driver's license be waived.

- 8.8.2. This grade would not be a qualified Peace Officer, but an Auxiliary Support Officer tasked with admin and support roles, who, once having met all the requirements, could subsequently apply to become an Auxiliary Law Enforcement Officer.

8.8.3. Training and Development

- 8.8.3.1. Where Auxiliary Law Enforcement Support Officers have been volunteers for a period longer than 12 months, they may be assisted to complete their Senior Certificate and driver's license qualification by the City of Cape Town through internal or external training service providers.
- 8.8.3.2. This may be accomplished through citywide or directorate-specific training funding or the dedicated volunteer training and development fund (Andrew Jantjies Memorial Fund).

8.8.4. Uniform

- 8.8.4.1. The specified uniform of the Auxiliary Support members will be designated in such a manner that it is clearly indicated that they are not qualified peace officers.

8.8.5. Advancement in Rank

- 8.8.5.1. An 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.
- 8.8.5.2. 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

8.8.5.3. 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

8.9. Chain of Command

8.9.1. 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.

8.9.2. An Auxiliary law enforcement officer may book on duty, when reasonably expected to do so or when required by emergencies or circumstances, by contacting the control room and requesting to go on duty and shall be deemed to be formally on duty after being confirmed as such by the control room, which shall keep a record of such exceptional booking on duty as well as the nature of the incident that required the exception. The member will be required to complete the exceptional report for submission to his/her line manager and create the Emergency Policing Incident Control (EPIC) service request.

8.9.3. 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.

8.9.4. 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.

- 8.9.5. 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.

8.10. Uniform

- 8.10.1. Auxiliary Law Enforcement Officers will be required to wear uniform issued by the Law Enforcement Department whilst on duty and any exceptions are subject to the prior approval of the Chief: Law Enforcement Services.
- 8.10.2. 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.
- 8.10.3. Auxiliary Law Enforcement officers attached to specialized units may have insignia that distinguishes their association with that unit.

8.11. Conduct

- 8.11.1. Auxiliary Law Enforcement Officers will adhere to the same standards, including the relevant provisions of the Code of Conduct, Standing Orders, protocols, and Standard Operating Procedures applicable to Permanent Law Enforcement Officers.
- 8.11.2. All Auxiliary Law Enforcement Officers will be required to adhere to the Code of Conduct of the Auxiliary Law Enforcement Service of the City. Auxiliary Law Enforcement Officers must not disclose any confidential information in person or via social media.

9. IMPLEMENTATION

This Policy is valid from date of approval by Council and must be implemented by the Chief: Law Enforcement Services.

10. Monitoring and Evaluation

- 10.1. An annual report will serve before the relevant Section 79 committee; this report must include:
 - 10.1.1. The number of Auxiliary law enforcement officers recruited;
 - 10.1.2. The number of specialized Auxiliary law enforcement officers recruited;
 - 10.1.3. The numbers of Auxiliary law enforcement officers delineated by grade;
 - 10.1.4. 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;
 - 10.1.5. 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
 - 10.1.6. Any incidents involving auxiliary law enforcement officers that resulted in loss of life.
 - 10.1.7. The Deputy Chief responsible for the Auxiliary Services must ensure that the relevant monitoring and evaluation objectives in this policy are achieved.
- 10.2. **Compliance with policy**
 - 10.2.1. Failure to comply with the provisions of this policy may result in the City taking the necessary disciplinary action against a member which could result in dismissal.
 - 10.2.2. Where reputational harm or undesirable conditions arise due to the actions, omissions or status of an Auxiliary Law Enforcement Officer the City may take reasonable steps to remedy these circumstances.