



**CITY OF CAPE TOWN  
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**OFFICE OF THE EXECUTIVE MAYOR**

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08 Augustus 2025

South African Police Service  
Wachtuis, 7th floor, 229 Pretorius Street  
Pretoria  
Attention: Major General M van Rooyen  
Division: Legal Services

Per email: [vanrooyenm@saps.gov.za](mailto:vanrooyenm@saps.gov.za)

**COMMENTS ON THE PROPOSED AMENDMENTS TO THE SCHEDULE OF REGULATIONS FOR MUNICIPAL POLICE SERVICES IN RESPECT OF POWERS CONFERRED TO MEMBERS OF THE SERVICE THAT MAY BE EXERCISED BY A MEMBER OF THE MUNICIPAL POLICE SERVICE**

1. The City of Cape Town ("the City") hereby submits its comments to the proposed amendment of Annexure 6 of the Schedule of the Regulations for Municipal Services, as published in GNR 710 of 11 June 1999. These comments are also submitted in the spirit of cooperative governance and intergovernmental relations as envisaged by Chapter 3 of the Constitution and the Intergovernmental Relations Framework Act, 2005. The City is committed to constructive cooperation to enhance community safety outcomes.
  
2. The City welcomes the additional powers in relation to the amendment of Annexure 6 to the Municipal Police Services, which includes:
  - 2.1 Section 40 of the Mental Health Care Act;
  - 2.2 Section 36B of the Criminal Procedure Act;
  - 2.3 Section 3A of the Domestic Violence Act
  - 2.4 Section 41 of the Immigration Act
  - 2.5 Section 28 and 29 of the Second Hand Goods Act

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3. The City acknowledges that the decision by the SAPS to afford Municipal Police Service the aforesaid additional powers is both rational and necessary for a comprehensive approach to public safety in the local municipal jurisdiction(s). However, for maximal impact, this should extend beyond what is commonly meant by "crime prevention" in South Africa (i.e. visible patrol). Research consistently demonstrates that effective crime and disorder reduction benefits significantly from multi-agency collaboration, particularly at the local level.<sup>1</sup> Municipalities are uniquely positioned to leverage a broader range of tools than those available to the SAPS, such as improved lighting and roads, waste and public space management, in conjunction with law enforcement efforts to address chronic problems and enhance public safety.
4. Although there exist joint agreements between local authority law enforcement agencies and the South African Police Service – in particular, with the City of Cape Town – which promote intergovernmental co-operation in the fight against crime, the impact of these arrangements have ultimately been less than satisfactory. This, in part, is as a result of the command and control structure of the SAPS and limited authority by provincial commissioners in making strategic and operational decisions, limitations on the resources available within the SAPS and lack of express investigative power afforded to the Municipal Police Services in investigating, preventing and combatting crime. The City possesses significant resources and expertise that could be more effectively integrated to practically and meaningfully contribute to the successful prevention, investigation and prosecution of certain offences. The lack of data sharing from the SAPS, lack of information from crime intelligence and joint operational planning at local level, however, further negatively impact integrated crime prevention and investigation, particularly in the extortion and gang enforcement environments.
5. The City of Cape Town has demonstrated over many years that it has the operational, administrative, and financial capacity to responsibly exercise an expanded policing mandate. The City has invested heavily in policing infrastructure, including hundreds of LEAP officers deployed in hotspot areas, the use of the EPIC digital command-and-control platform, body-worn cameras, drones, a ShotSpotter acoustic gunshot detection system, and integration with licence plate recognition networks. These capabilities position the City uniquely to make meaningful contributions to the national crime-fighting effort.
6. In these comments on the proposed regulations, the City considers that the following categories of powers should be afforded to Municipal Police Services through the amendment of Annexure 6 of the aforesaid regulations. These are broadly grouped into two main functional areas, namely: -

#### 6.1 Investigative Powers

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<sup>1</sup> South African Cities Network. 2024. *The State of Urban Safety in South Africa Report*. A report of the Urban Safety Reference Group. South African Cities Network: Johannesburg. Available online at [www.sacities.net](http://www.sacities.net)

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## 6.2 Information gathering and analysis

7. In terms of section 64E (c) of the South African Police Service Act ("the Act"), the Municipal Police Service is empowered to "prevent crime". Presently, the legislative scheme limits the ability of Municipal Police Services to effectively achieve the intended purpose of this power, as is implied in terms of section 64A(2)(c) of the Act. Current limitations, such as the refusal by SAPS to share crime **data** of crime reported and detected daily (as opposed to historic **statistics**) electronically, hinder Municipal Police Services from fully implementing evidence-based crime prevention strategies, such as problem-oriented policing or situational crime prevention, which require direct investigative and information-gathering capabilities to identify root causes and implement targeted interventions. The effective prevention of crime cannot be merely reactive; it necessitates proactive engagement, data analysis, and the ability to intervene early in the criminal process with a broad range of tools.
8. The following submissions for consideration by the Minister are not to be interpreted to extend the powers of Municipal Police Services outside of its jurisdiction area of operation as found in section 64F(3).
9. The submissions are addressed further hereunder as follows:
  - 9.1 General Investigative Power;
  - 9.2 Information Gathering and Processing Powers;
  - 9.3 Additional inclusions for legislated powers

### A. INVESTIGATIVE POWERS

10. This submission is made not in opposition to SAPS, but as a partner in policing. It is evident that the SAPS faces serious constraints in capacity, resources, and geographic responsiveness. The City submits that empowering capable municipalities to handle certain categories of investigations can help ease the burden on SAPS and allow for more efficient deployment of its limited resources.
11. The City therefore submits that the Minister consider expressly granting Municipal Police Services the authority to undertake criminal investigations for specific offences within its jurisdiction. These offences collectively contribute to a pervasive sense of disorder and fear within communities. Effective prevention, investigation and resolution of such offences by municipal police can significantly improve local quality of life and prevent escalation to more serious criminal activity that burdens the SAPS.

12. The City submits that granting discrete powers in isolation from their necessary evidentiary complements is irrational and undermines the purposes of crime prevention and justice. Where law authorises first-contact interventions (such as stopping, searching, securing a scene, or effecting an arrest), there must be co-extensive authority to preserve and lawfully obtain contemporaneous evidence, maintain an unbroken chain of custody, and initiate a prosecutable case file. Absent these companion powers, time-sensitive evidence is at risk of degradation or loss, witness recollections are not formally captured, and prospects of successful prosecution are diminished—contributing to unacceptably low conviction rates. The City therefore proposes that any extension of powers to Municipal Police Services be framed as a coherent bundle enabling (i) immediate evidentiary preservation and documentation; (ii) lawful acquisition and recording of material information; (iii) compliant custody and transfer protocols; and (iv) seamless escalation to the appropriate lead agency where required. This principle should guide the drafting of Annexure 6 and associated standing orders/National Instructions.
13. Therefore the City requests that the following be considered and expressly incorporated into the proposed amendment to Annexure 6: -
  - 13.1 That the Municipal Police be authorised to have a dedicated criminal investigation unit;
  - 13.2 That the Municipal Police be authorised to investigate all criminal offences or offences that occurred against City-owned structures, services, projects and construction works and which investigation is then initiated by Municipal Police;
  - 13.3 That the Municipal Police be authorised to investigate minor offences reported by residents of the City, including offences as incorporated and attached hereto as Annexure "A"
  - 13.4 The authority to obtain affidavits from initiating complainants / potential witnesses / persons of interest / suspects;
  - 13.5 Gathering of all documentary, physical or other exhibits that relate to the investigation in question, subject to the provisions of the SAPS Act in terms of how these exhibits are to be disposed of;
  - 13.6 The power to conduct forensic, ballistic or other forms of examination of exhibits that require expert analysis, at City expense, and where the SAPS has insufficient capacity to analyse such exhibits within a reasonable period of time to prevent the provisional withdrawal of charges against accused persons;
  - 13.7 The compilation of case dockets for the purposes of prosecution in accordance with the standards set by the SAPS;

13.8 Case management and direct engagement with the National Prosecuting Authority (NPA) in relation to ongoing investigations and outstanding investigation.

## **B. INFORMATION GATHERING AND ANALYSIS**

14. The City submits that the Minister consider the obligations of the Municipal Police in its mandate to prevent crime. Crime prevention is a multifaceted and layered concept, and the lack of present powers afforded to Municipal Police materially constrains it in achieving this objective. The City submits, and decades of reliable research evidence show, that crime prevention is best achieved, not primarily through visible policing methods, but through careful information analysis to reveal when, where, why and with whom crime and violence most reliably occur. While general crime data is valuable, granular, localised data allow for a nuanced understanding of recurring crime problems, facilitating tailored responses and problem-solving initiatives by police and partners. It is also important that this data is made available and updated in a timely manner.

Information-related capabilities are therefore crucial for maximising the impact of policing and public safety efforts by ensuring that resources are deployed where, when and for the purposes for which they are most needed. The City thus submits that the following be considered and expressly incorporated into the proposed amendment to Annexure 6:

- 14.1 Gathering and maintaining of all crime-related information reported in the jurisdiction of the Municipality concerned, including lawful access to daily crime statistics in the possession or under the control of the SAPS for said jurisdiction;
- 14.2 Gathering and maintaining of all information through private or confidential sources in establishing and identifying criminal activity within the jurisdiction of the Municipality, which includes but is not limited to the recruitment and maintenance of an effective and efficient informer network that will be funded by the Municipality.
- 14.3 The processing and assessment of all crime-related information in order to establish the frequency, nature, threat and impact such crime has on resident safety within the Municipal jurisdiction;
- 14.4 Gathering and retention of all personal information of alleged suspects / accused persons, including ancillary information in relation thereto for the purposes of crime prevention operations;
- 14.5 Proactively processing and utilising information to prevent and detect crime;

### **C. LEGISLATIVE INCLUSIONS:**

15. The City submits that, in order to achieve effective policing within a Municipal jurisdiction, and in line with the objectives sought to be achieved and as discussed under B and C *supra*, the following authority be incorporated as part of the amendment to Annexure 6:

#### **DOMESTIC VIOLENCE ACT**

16. The powers referred to in section 3

#### **SECOND HAND GOODS ACT**

17. The powers referred to in section 30

#### **CRIMINAL PROCEDURE ACT**

18. The powers referred to in section 36C(1);
19. The powers referred to in section 36D subject to the sample being handed into the Police Station that has jurisdiction;
20. The powers referred to in section 36E;
21. The powers referred to in section 37(2); 37(3); 37(4);37(5) 37(6) and 37(7)
22. The powers referred to in section 43 to apply for a warrant of arrest;
23. The powers referred to in section 205 for the purposes of securing evidence as part of the investigative powers for certain offences
24. The powers referred to in section 252A.

### **D. CONCLUSION AND SUMMARY OF SUBMISSION**

25. The City requests that its submissions be duly considered for inclusion into the proposed amendments of Annexure 6. In summary, these are:-
  - 25.1 The express inclusion of investigation powers for certain offences as found in Annexure **A**;
  - 25.2 The express inclusion of authority to gather and analyse information for the purposes of crime prevention and investigation;

25.3 The inclusion of the additional legislative powers in terms of the Criminal Procedure Act to give meaningful effect to paragraphs 11.1 and 11.2 *supra*.

25.4 The City further recommends that the Minister consider introducing a framework for tiered or differentiated devolving of policing powers, where expanded powers may be granted to municipalities that meet criteria of capacity, accountability, and oversight. This would ensure that only capable municipalities are entrusted with investigative functions, while incentivising others to build their readiness.

26. The urgency of these reforms cannot be overstated. Communities across the country, and especially in urban centres, are experiencing unacceptable levels of violent and organised crime. The current monopoly of policing functions in a single, overstretched institution is not sustainable. Decentralising specific functions to capable municipalities like Cape Town offers a practical, constitutional, and implementable path to safer communities.

Yours faithfully,



**GEORDIN HILL-LEWIS**  
**EXECUTIVE MAYOR**

## **ANNEXURE A: LIST OF AUTHORISED CRIMINAL OFFENCES FOR MUNICIPAL POLICE SERVICE**

### **INVESTIGATION UNIT**

The proposed list of offences for municipal police investigation has been identified based on their significant impact on local community safety and quality of life, their direct relevance to municipal infrastructure and services, and where municipal police capacity can most effectively contribute to investigation and resolution. This list also reflects offences that are most responsive to localised, intelligence-driven enforcement, and which can be investigated effectively within municipal boundaries under municipal oversight.

#### **Contact and Violence related offences**

- (a) Assault and Assault where a dangerous wound is inflicted, excluding murder, attempted murder or culpable homicide;
- (b) All offences in terms of the Domestic Violence Act, 116 of 1999;
- (c) Public Violence whether under common law or in terms of any statute;
- (d) Section 1 of the Intimidation Act, 72 of 1982, where such offences involve City employees or persons contracted to perform any service on behalf of the City;
- (e) Robbery, Robbery with aggravating circumstances,

#### **Property related crimes and other serious crimes:**

- (f) Malicious Injury to Property;
- (g) Theft of City-owned property / Theft of up to a stipulated value for non-city-related property;
- (h) Housebreaking with the intent to commit any crime, other than the crime of robbery, aggravated robbery, murder or rape.
- (i) Section 36 and 37 of the General Law Amendment Act, 1955;

(j) Section 3 of the Criminal Matters Amendment Act, 18 of 2015;

### **Police-Initiated and Road Traffic Offences**

(k) Section 3, 4 and 5 of the Drugs and Drug Trafficking Act, 140 of 1992;

(l) Section 63; 64 and 65 of the National Road Traffic Act, 93 of 1996, where the offence does not lead to the death of a person;

(m) All offences in terms of the Firearm Control Act, 60 of 2000, excluding those powers of inspection reserved exclusively for the Designated Firearm Officer or powers conferred to any person in terms of section 141 of the Firearm Control Act

### **Organised Crime**

(n) Section 2, 4, 5, 6, 7, and 9 of the Prevention of Organised Crime Act, 121 of 1998;

(o) Section 3, 4, 6, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21 of the Prevention and Combatting of Corrupt Activities Act, 12 of 2004, where there is alleged involvement in any of the offences committed against the City, or against or by its employees or agents.