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Minister of Police  
**Mr Nkosinathi Mthethwa, MP**



Deputy Minister Of Police  
**Mr Fikile Mbalula, MP**



Executive Director  
**Mr Francois Beukman**



Programme Manager:  
Corporate Services  
**Mr Elias Valoyi**



Chief Financial Officer  
**Ms Elise Verster**



Programme Manager:  
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**Mr Tommy Tshabalala**



Programme Manager:  
Information Management and Research  
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Provincial Head: Mpumalanga  
**Mr MacKenzie Tsimane**



Provincial Head: Gauteng  
**Advocate Siphokazi Moleshe**



Provincial Head: Eastern Cape  
**Advocate Sakhele Poswa**



Provincial Head: North West  
**Mr Matthews Sesoko**



Provincial Head: Western Cape  
**Mr Thabo Leholo**



Provincial Head: Limpopo  
**Mr Innocent Khuba**



Provincial Head: Northern Cape  
**Mr Dan Morema**



Provincial Head: Free State  
**Mr Israel Kganyane**



Acting Provincial Head:  
KwaZulu-Natal  
**Mr Len John**



Senior Manager: Legal Services  
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Senior Manager:  
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**Mr Moses Dlamini**



Senior Manager:  
Human Resource Management  
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## FOREWORD BY THE MINISTER

As government we have committed ourselves to actively combat crime including serious and violent crime by being tougher on criminals and organized syndicates. We have however always emphasized that this tough stance on crime must be balanced by our philosophy that policing must also be oriented to respect human rights, be community-centred, be biased towards the weak and respect the safety needs of society.

The Independent Complaint Directorate (ICD) is an important institution in giving effect to this philosophy.

Over the last year we have sought to make certain that historical concerns raised with regard to the effectiveness of the ICD are addressed. We have done this by focusing on the need for both institutional and organizational reform of the ICD. This is because we believe that the ICD must become a strong body that is able to contribute to ensuring that the rule of law is upheld at all material times, even by law enforcement agencies.

In giving effect to the transformation of the ICD we have appointed a new Executive Director and tasked him with reorganizing and transforming the ICD into a strong civilian oversight body.

This reorganization has also been accompanied by a process to develop separate legislation for the ICD which will enhance the investigative capacity of the ICD and focus the institution on its core mandate and functions.

In looking forward we have recognized that for the ICD to achieve its objectives and strategic goals, it is imperative that its operational framework is properly aligned. To achieve this alignment we identified a number of areas that must be addressed and have developed a clear policy to guide our approach.

This policy draws on the comprehensive guidance given by the White Paper as well as on past ICD experiences and reports emanating from Parliament regarding the ICD's functioning.

The Policy document which will guide the transformation of the ICD includes the need to:

- ***Ensure that the ICD uses its resources to focus on its core functions and mandate:*** In the past there have been concerns raised in Parliament regarding the broad focus of the ICD's mandate and its inability to effectively implement this mandate. Equally, there have been concerns raised in relation to the ICD's lack of powers when investigating cases. The transformation of the ICD focuses the body squarely on the most important issues the ICD should deal with in order to make a real impact.

- **Address structural challenges that have faced the ICD:** Past experiences indicated that structural challenges have impacted on the Directorate's success. In moving forward, the changes to the ICD must speak to the need for the National Office to be a lean, administrative office providing strategic leadership and direction and with the capacity to execute its mandate, located at various provincial offices.
- **Address the need to focus on strong investigative capacity:** We have recognized that the ICD's focus should not merely be on processing complaints but rather on developing a strong investigative capacity.
- **Address systemic issues of corruption:** We acknowledge the need for the ICD to investigate substantial systemic defects in policing and systemic corruption as part of their mandate.
- **Ensure recommendations are adequately addressed by the police:** There have been several other problems that have plagued the smooth operations of the ICD. One of these problems has been the reluctance on the part of the police to implement recommendations of the ICD. This problem will now be addressed as part of the legislative reform of the ICD.
- **Ensure alignment between the functions of the ICD and the Civilian Secretariat for Police:** To address this, the different, yet complimentary role of the Secretariat for Police is also being taken into consideration. There can be no question that the historical dysfunctional nature of the Secretariat created vacuums that the ICD, unsuccessfully, tried to fill. As a result, the lines were blurred and the focus was not always on the ICD's primary mandate.

In dealing with the challenges the ICD has faced and determining the mandate of the ICD, the principle in transforming the ICD is that the focus must be on the ICD's ability to investigate those matters that will have a lasting impact on transforming the police into a structure that not only deals with crime with vigor but also upholds the law and the Constitution.

Through this transformation and alignment we have committed ourselves to continue working for the entrenchment of a human rights culture. This approach is therefore a far cry from the alleged militarization approach which had been bandied about by some in society.

The processes we have begun affirm our view not only that we take the functions of the ICD seriously but also that this government and Ministry have neither the desire nor is there the likelihood of this country, at any point moving towards a police state.

The process of transforming the ICD should be completed within the next twelve months. Once completed, it will provide the ICD with the necessary tools to effectively execute its mandate. The responsibility will then be on the leadership of this body to implement this mandate and to ensure that they give practical expression to our vision to transform and empower the ICD.



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**MR EN MTHETHWA**  
**MINISTER OF POLICE**

## OVERVIEW BY THE EXECUTIVE DIRECTOR

The financial year 2009/2010 was a year of change for the Independent Complaints Directorate (ICD).

The need to transform the current ICD from a complaints-driven organization to a new investigative-driven institution – the Independent Police Investigative Directorate (IPID) – was instrumental in the development of a new legislative framework during the reporting period under review.

Various workshops, interactive sessions, and consultations were held with internal stakeholders, civil society, government departments, Chapter Nine Institutions, and Parliamentary role-players in the mapping of a new strategic focus and envisaged structure that will improve and strengthen civilian oversight over the South African Police Service (SAPS) and Municipal Police Services (MPS).

The activities of the department took place against the background of preparing for the envisaged change in 2011.

Some of the highlights in the past year included the following:

- Substantial improvements were made in the financial management of the department;
- The department received an unqualified report from the Auditor-General after five years of qualified audit reports;
- A total of 6 377 complaints were received during the financial year, and 98% were allocated within the specified 48 hours;
- The ICD made 526 recommendations for decisions to the Director of Public Prosecutions (DPP) in criminal matters, and a total of 1 666 recommendations were made by the ICD to SAPS management with regard to various offences;
- In 47 cases, members of the SAPS were convicted for various criminal offences – 25 were convicted in relation to deaths in police custody and deaths as a result of police action, and 22 convictions were related to other criminal offences; and
- A new strategic plan for the organization was developed that focuses on the investigation of priority crimes committed by members of the SAPS and MPS.

Matters that will receive priority attention in the next budget cycle are:

- Further focus being placed on the financial management architecture of the department and improving performance reporting;
- Addressing the gender imbalance in senior management;
- Strengthening good governance practices and ethical conduct;
- Strengthening national and provincial management; and
- Increasing public awareness regarding the role of an independent oversight institution that endeavors to promote police conduct in line with the Constitution.

I had the privilege to have discussions on an individual basis with all ICD staff members and I wish to thank them for their hard work, dedication, and commitment to the activities of the department.

The role of the Portfolio Committee on Police chaired by the Hon. Ms LS Chikunga, MP, and the NCOP Select Committee, chaired by the Hon. Mr T Mofokeng, and their pivotal support for strengthening civilian oversight should be noted with gratitude.

The ICD records its appreciation for the support and active interest of the Minister for Police, the Hon. Minister EN Mthethwa, MP, in the activities of the ICD and his leadership role in the development of a new legislative framework for police oversight in South Africa.



**MR. F. BEUKMAN**  
**EXECUTIVE DIRECTOR**

## I. LEGISLATIVE AND OTHER MANDATES

### I.1 Constitutional mandate

Chapter 2 of the Constitution of the Republic of South Africa (Act No. 108 of 1996) provides for the upholding and safeguarding of the fundamental rights of every person. Section 206(6) of the Constitution provides that on receipt of a complaint lodged by a provincial executive, an independent complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province.

### I.2 Legislative mandates

#### I.2.1 South African Police Service Act (Act No. 68 of 1995)

Chapter 10 of the South African Police Service Act (Act No. 68 of 1995) makes provision for the establishment of the ICD at both national and provincial levels. The Directorate functions independently from the SAPS.

In terms of section 53(1)(a) of Act No. 68 of 1995, the principal function of the Directorate shall be the achievement of the object contemplated in section 222 of the 1993 Interim Constitution, namely:

*“There shall be established and regulated by an Act of Parliament an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the Service are investigated in an effective and efficient manner.”*

In terms of section 3(a) of Act No. 68 of 1995, no organ of state and no member or employee of an organ of state or any other person shall interfere with the Executive Director or a member of the personnel of the Directorate in the exercise and performance of his or her powers and functions.

In terms of section 4 of Act No. 68 of 1995, all organs of state shall accord such assistance as may be reasonably required for the protection of the independence, impartiality, dignity and effectiveness of the Directorate in the exercise and performance of its powers and functions.

Section 53(2) of Act No. 68 of 1995 stipulates that the ICD -

- (a) may *mero motu* or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the Commissioner concerned;
- (b) shall *mero motu* or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and
- (c) may investigate any matter referred to the directorate by the Minister or member of the Executive Council.

The Executive Director of the ICD may in terms of subsections 53(6)(b), (c) and (i):

- (b) request and obtain information from any Commissioner or police official as may be necessary for conducting any investigation;
- (c)
  - (i) monitor the progress of;
  - (ii) set guidelines regarding; and
  - (iii) request and obtain information regarding an investigation referred to a Commissioner under section 53 (2) (a) and
- (i) make recommendations to the Commissioner concerned.

Section 53(8) of Act No. 68 of 1995 also obliges the National or Provincial Commissioner of the SAPS to notify the Directorate of all cases of deaths in police custody or as a result of police action.

In terms of section 64 of Act No. 68 of 1995, read with Regulation 9 and Annexure 5 of the Regulations for Municipal Police Services, the ICD has been given the same civilian oversight duties in respect of Municipal Police Services that it has in respect of the SAPS.

### **1.2.2 Domestic Violence Act (Act No. 116 of 1998)**

Section 18 of the Domestic Violence Act (Act No. 116 of 1998, DVA) stipulates that failure by a member of the SAPS to comply with an obligation imposed in terms of this Act or the National Instructions referred to in subsection (3) constitutes misconduct as contemplated in the South African Police Service Act, 1995, and the Independent Complaints Directorate, established in terms of that Act, must forthwith be informed of any such failure reported to the SAPS. Unless the ICD directs otherwise in any specific case, the SAPS must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The ICD must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a), and set out the recommendations made in respect of such matters. The National Commissioner of the SAPS must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the ICD.

## 2. MISSION AND VISION

### 2.1 Vision

*“An effective, independent and impartial investigating and oversight body that is committed to justice and acting in the public interest, whilst maintaining the highest standards of integrity and excellence.”*

Our vision serves to illustrate what the ICD will look like in the future and clarifies the direction in which we need to progress. In addition, it:

1. inspires, engages and empowers staff to focus their efforts, and builds an effective organisation;
2. builds on core competencies and raises the standard of excellence;
3. creates relevance in the current juncture; and
4. serves to bring about a sense of trust and assurance within the community.

### 2.2 Mission

*“We serve the public interest by acting with integrity and in accordance with our legislative mandate to investigate, amongst others, any misconduct or offences committed by members of the South African Police Service and Municipal Police Services.”*

### 2.3 Values

At the ICD, we aspire to adhere to the highest standard of ethical behaviour, integrity and the continuous application of our values. The following values are the core from which we operate and respond:

***Mutual Respect and Trust  
Integrity and Honesty  
Transparency and Openness  
Equity and Fairness  
Courtesy and Commitment***

### 3. PROGRAMME PERFORMANCE

#### SUMMARY OF PROGRAMMES

**The activities of the ICD are organized into the following programmes:**

Programme 1: Administration

Programme 2: Complaints Processing, Monitoring and Investigation

Programme 3: Information Management and Research

#### Overview of the service delivery environment for 2009/10

The establishment of the Presidential Hotline has added another dimension to the service delivery model of the ICD and its dealings with the community. Complainants currently use the hotline to lodge their complaints in respect of service delivery rendered by the ICD and the SAPS.

The ICD continues to visit communities, and whilst in specific areas, use is made of the opportunity to distribute brochures (about the services rendered by the ICD) to nearby police stations and community service centres.

#### Overview of the organizational environment

##### Performance information

The ICD received a total of 6 377 complaints during the financial year 2009/10. This figure, added to the cases carried over from the previous financial year, meant that the total workload for the ICD amounted to 10 437 cases. Of these, 1 287 cases were deaths in police custody and deaths as a result of police action. Criminal offences cases numbered 3 947, whereas misconduct cases numbered 4,488. Cases of non-compliance with the DVA numbered 233. Of the 10 437 cases making up the workload, 7 946 or 76% were completed.

Ninety-eight percent of cases received during the 2009/10 financial year, or 6 244 cases out of a total of 6 375, were registered and allocated within the specified 48 hours. The performance target was missed by only 2% due to incomplete information having been received.

With regard to deaths in police custody and deaths as a result of police action, 1 287 cases were completed out of a workload of 1 769, resulting in a completion rate of 73%.

The strategic target in respect of criminal offences was met. Three thousand and seventy-one (3 071) investigations were completed out of a workload of 3 947, resulting in a completion rate of 78%.

In respect of misconduct matters, 3 415 investigations out of a workload of 4 488 were completed, resulting in a completion rate of 78%.

The ICD made 526 recommendations for decisions to the Director of Public Prosecutions (DPP) in criminal matters, and a total of 1 666 recommendations were made by the ICD to SAPS management with regard to various offences.

In 48 cases, members of the SAPS were convicted for various criminal offences: 25 were convicted in relation to deaths in police custody and deaths as a result of police action, and 23 convictions related to other criminal offences.

### **Major projects undertaken during the 2009/10 financial year**

In anticipation of the new legislation, it became necessary to take stock of the ICD's ability to respond effectively to the complaints it receives during a financial year, in relation to the limited resources at its disposal.

Against this background it was important to review the policy decision adopted during the 2004/05 financial year to investigate all complaints received from members of the public and stakeholders. This policy decision created a challenge for the ICD to attain its strategic objectives in the years that followed, because the number of misconduct (Class IV) complaints increased steadily. The bulk of the complaints in that category relate to poor service delivery, and it is this category that poses serious challenges to the ICD in terms of resources. The responsibility of dealing with service delivery complaints and misconduct matters should fall on the shoulders of SAPS management. Once the legislative process has been concluded, the ICD will no longer deal with matters related to service delivery, and these will be referred to the relevant structures within the police service.

### **Progress with financial management**

The Department received an unqualified report from the Auditor-General after five years of qualified audit reports.

## Strategic issues facing the department

A process to develop new legislation will commence in the new financial year. The purpose of this process will be to transform the current ICD from being complaints-driven to being investigation-orientated.

## 4. PROGRAMME 1: ADMINISTRATION

### Purpose

To render a comprehensive support service to the line function within the parameters of good governance.

### Main activities

The main activities of this programme include the following:

- Implementing the Public Finance Management Act (Act No. 1 of 1999, PFMA) and Treasury Regulations in order to promote effective and efficient service delivery through sound financial management and administration in the department,
- Managing the establishment of the department, identification of developmental and training needs of personnel, and ensuring proper implementation of performance management,
- Conducting internal audits to promote corporate governance and to foster fiscal discipline,
- Asset and fleet management, as well as the provision of logistics, cleaning and auxiliary services,
- Security management in compliance with the Minimum Information Security Standard (MISS) and other national safety regulations, and
- Management of all Special Programmes identified by the Presidency, such as HIV/AIDS, disability, gender, and youth, in line with government strategies and initiatives.

### Measurable objectives

The objective of the Programme: Administration is to provide for the overall management and organization of the ICD.

The above-mentioned objective implies that the Programme: Administration conducts activities that provide for the strategic leadership, overall management and corporate services, including the policy-formulation responsibilities of the Executive Director and top management. Through the development and maintenance of effective and efficient administrative and support systems, the programme intends to enhance service delivery on the constitutional and legislative mandate of the ICD, with special attention given to people-centred governance and the provision of centralized administration, office support, human resource management and financial management services.

## Service delivery objectives and indicators

OUTPUT	INDICATOR	TARGET	PERFORMANCE
<b>Comply with the Employment Equity Act</b>	Promote employment equity by having 50% women in senior management	31 March 2010	<b>Target not yet met. There were no opportunities for the department to employ female applicants at this level. Equity is currently 30%</b>
<b>Commence with the implementation of the Government's Strategy on Asset Management</b>	Maintain an updated asset register	31 July 2009	<b>Target met. Measures were put in place to ensure proper stocktaking, as well as a proper verification process after all the assets had been captured on Logis. Redundant and/or unserviceable assets were dealt with in terms of the asset management and disposal policies</b>
	Finalise the appointment of Asset Holders throughout the ICD	31 July 2009	<b>Target met. Asset Holders were appointed throughout the ICD and control measures in respect of the identified priority risk areas have been addressed</b>
<b>Evaluate the effectiveness of internal controls and ensure that the ICD complies with applicable prescripts</b>	Execute all audit activities as per operational plan	31 March 2010	<b>Target met. The ICD's Audit Committee confirmed compliance</b>
<b>Implement a Code of Ethics for Suppliers</b>	Workshop the Code of Ethics with the suppliers that render services and goods to the ICD	31 March 2010	<b>Target not met. A code has been developed, but the workshop has not been held</b>

OUTPUT	INDICATOR	TARGET	PERFORMANCE
Promote labour peace and discipline in the Department	Finalization of reported cases of misconduct	70% of cases	Target met. Out of the 7 cases reported during the year under review, 6 cases have been finalized
Maintain employee wellness and special programmes	Roll-out of four health and wellness campaigns, including special programmes	Quarterly	Target met. See Table 12.2 for more details
Develop ICD security plan	Revise ICD security policy in line with NIA requirements	June 2010	Target met. The policy is currently with the NIA for ratification
	Review and develop contingency plans	September 2009	Target not met. Contingency plans finalized in March 2010 and are now in place
	Conduct training on revised security policy	March 2010	Target not met. Awaiting NIA ratification of the security policy
Improve service delivery through the implementation of Batho Pele revitalization programme	Update service delivery improvement plan	31 March 2010	Target met. SDIP developed and submitted to DPSA. Batho Pele flagship projects coordinated, e.g. Public Service Week, Africa Public Service Day, Project Khaedu, Sports Day
Enable quality assured training programmes	70% of training programmes to be offered by recognised service providers	31 March 2010	Target met. All 23 training courses provided by recognised training providers
	Implement a Crime Resolving Learnership	30 June 2009	Target met. 55 officials were trained and a graduation ceremony was held to hand over certificates

## Capital investment, maintenance and asset management

### Capital investment

The department has no capital investments.

### Maintenance

The ICD occupies rented/leased buildings and does not own any property; in view thereof the ICD is not affected by any maintenance backlogs.

## HUMAN RESOURCE MANAGEMENT

The statistics and information published in this part of the Annual Report are required in terms of Regulation III J.3 of the Public Service Regulations and have been prescribed by the Minister for the Public Service and Administration for all government departments within the public service.

### Objective

Managing the establishment and structure of the department, identifying developmental and training needs of personnel, and ensuring proper implementation of performance management in the department.

### I. Service delivery

All departments are required to develop a Service Delivery Improvement (SDI) plan. The following tables reflect the components of the SDI plan, as well as progress made in the implementation of the plan.

**Table I.1 - Main services provided and standards**

Main services	Actual customers	Potential customers	Standard of service	Actual achievement against standards
<b>Investigation of all deaths in police custody and as a result of police action, and of misconduct or offences committed by SAPS and MPS members</b>	Victims	Public	Family liaison conducted immediately and on an on-going basis	Written confirmation in docket
	Victims	Public	Production of preliminary reports within 180 days (Class 1 and Class 3)	Reports captured on database within 48 hours
	Victims	Public	Production of final recommendation reports within 14 days of receipt of technical/preliminary reports (Class 1 and Class 3)	Reports captured on database within 48 hours

	Victims	Public	Production of final reports in respect of Class 4 cases within 180 days	Reports captured on database within 48 hours
	Victims	Public	Quality and thorough investigation of dockets sent to the DPP/SAPS/MPS	Queries attended to promptly, dockets forwarded to the DPP within 30 days
	Victims	Public	Reporting of progress to stakeholders	Further progress reported on a monthly basis
	Victims	Public	Response to service delivery complaints	Response to query within 7 days
<b>Provision of effective legal advisory and liaison services</b>	ICD employees	ICD employees	Attendance and response to legal queries	Within 5 days and on-going
<b>Capturing of cases on database</b>	Victims	Public	Within 24 hours	50% achieved
<b>Development of efficient and effective human resources</b>	ICD employees	ICD employees	Trained and multi-skilled human resources	70% of staff have been trained on the basis of a skills audit
	Youth	Youth	Empowerment of youth to be employable	Implementation of internships started during the year under review
<b>Refinement/strengthening of internal business processes</b>	ICD employees	ICD employees	Improvement in service delivery	Review the SDIP annually; on-going

**Table 1.2 - Consultation arrangements with customers**

Type of arrangement	Actual customers	Potential customers	Actual achievements
<b>Personal consultation</b>	Public	Public	Attendance to clients within five minutes
<b>Progress report</b>	Public	Public	Progress regarding investigations reported to clients on regular basis
<b>Izimbizo</b>	Public	Public	The Minister and the Acting Executive Director visited 4 communities in KwaZulu-Natal, 2 communities in the Eastern Cape, and 1 in Limpopo

<b>Community awareness campaigns</b>	Public	Public	23 awareness campaigns in Gauteng, 43 in Limpopo, 43 in Mpumalanga, 44 in North West, 79 in the Northern Cape, 22 in the Eastern Cape, 47 in the Free State, 31 in KwaZulu-Natal, and 54 in the Western Cape. A total of 386 awareness campaigns held in 2009/10 financial year
<b>Public Service Week</b>	Public and internal	Public and internal	SMS members were deployed in different offices within the department to map business processes. Their inputs formed part of the 2010/11 strategic plan. Other staff members were engaged in community awareness programmes during this period

**Table 1.3 - Service delivery access strategy**

<b>Access strategy</b>	<b>Actual achievements</b>
<b>Establishment of satellite offices</b>	6 satellite offices established
<b>Media</b>	Prompt responses
<b>Disability</b>	All offices have plans to attend to people with disabilities. There are toilets and lifts for people with disabilities
<b>Language</b>	Complainants' languages are respected and information or material is displayed and distributed to customers in their respective languages
<b>Visibility</b>	All ICD offices are visible and branded

**Table 1.4 - Service information tool**

<b>Types of information tool</b>	<b>Actual achievements</b>
<b>Publicity material</b>	Brochures and posters are available in all official languages
<b>ICD website</b>	Information is available about ICD activities
<b>Government website</b>	Information is available about ICD activities
<b>MPCC</b>	Information is available on ICD mandate, especially during launches
<b>Awareness campaigns</b>	Information is provided by word-of-mouth during community awareness campaigns
<b>Annual report</b>	Annual reports are published and obtainable at all ICD offices and on the ICD website
<b>Strategic plan</b>	The ICD strategic plan is obtainable at all offices and on the ICD website

**Table 1.5 - Complaints mechanism**

Complaints mechanism	Actual achievements
Consulting at ICD offices	Prompt attendance
Telephone, fax and email	Acknowledgement of receipt
Referral system	Complainants referred to relevant organizations
Service delivery complaints	All service delivery related complaints received by, responded to, and redressed by Legal Services department
Suggestion boxes	Other complaints received through suggestion boxes and completed service evaluation forms obtainable at reception

**Table 1.6 – Courtesy**

Courtesy strategy	Actual achievements
Welcoming reception	All reception areas have a welcoming waiting area with a water cooler, comfortable chairs and television

**Table 1.7 – Service standards**

Publishing service standards	Actual achievements
Service standards developed and reviewed every year	Service standards are displayed at the reception of each ICD office
	Service standards are announced at all community awareness campaigns
	SDIP is reviewed every year

## 2. Expenditure

The following tables summarize the final audited expenditure per programme (Table 2.1) and per salary levels (Table 2.2). In particular, these tables provide an indication of the amount spent on personnel costs in terms of each of the programmes or salary levels within the department. The training expenditure includes the expenditure in terms of bursaries, as well as other training interventions.

**Table 2.1 - Personnel costs per programme: 2009/10**

Programme	Total expenditure	Personnel expenditure	Training expenditure	Professional and special services	Personnel cost as a percentage of total expenditure	Average personnel cost per employee
	(R'000)	(R'000)	(R'000)	(R'000)		(R'000)
Programme 1	39 528	19 846	204	108	50.2	239
Programme 2	56 171	39 757	293	249	70.7	274
Programme 3	10 365	5 458	163	1	52.6	139
<b>Total:</b>	<b>106 064</b>	<b>65 061</b>	<b>660</b>	<b>358</b>	<b>61.3</b>	<b>243</b>

**Table 2.2 - Personnel costs per salary levels: 2009/10**

Salary levels	Total personnel expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	-	-	-
Skilled (Levels 3-5)	12 274	18.9	129
Highly skilled production (Levels 6-8)	19 116	29.3	224
Highly skilled supervision (Levels 9-12)	22 327	34.3	318
Senior and top management (Levels 13-16)	11 344	17.5	667
<b>Total:</b>	<b>65 061</b>	<b>100</b>	<b>243</b>

The following tables provide a summary per programme (Table 2.3) and salary levels (Table 2.4), of expenditure incurred as a result of salaries, overtime, home owner's allowances, and medical aid. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

**Table 2.3 - Salaries, overtime, home owner's allowance, and medical aid per programme: 2009/10**

Programme	Salaries		Overtime		Home owner's allowance		Medical aid	
	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs
<b>Programme 1</b>	12 963	65.3	860	4.3	421	2.1	842	4.2
<b>Programme 2</b>	25 997	65.3	402	1.0	703	1.7	1 801	4.5
<b>Programme 3</b>	3 871	70.9	87	1.5	100	1.8	265	4.8
<b>Total:</b>	<b>42 831</b>	<b>65.8</b>	<b>1 349</b>	<b>2.0</b>	<b>1 224</b>	<b>1.8</b>	<b>2 908</b>	<b>4.4</b>

**Table 2.4 - Salaries, overtime, home owner's allowance and medical aid per salary level, 2009/10**

Programme	Salaries		Overtime		Home owner's allowance		Medical aid	
	Amount	% of personnel costs	Amount	% of personnel costs	Amount	% of personnel costs	Amount	% of personnel costs
	(R'000)		(R'000)		(R'000)		(R'000)	
<b>Lower skilled (Levels 1-2)</b>	-	-	-	-	-	-	-	-
<b>Skilled (Levels 3-5)</b>	6 424	52.3	222	1.8	450	3.6	975	7.9
<b>Highly skilled production (Levels 6-8)</b>	11 737	61.3	591	3.0	428	2.2	1 036	5.4
<b>Highly skilled supervision (Levels 9-12)</b>	15 298	68.5	536	2.4	296	1.3	780	3.4
<b>Senior and top management (Levels 13-16)</b>	9 372	82.6	-	-	50	0.4	117	1.0
<b>Total:</b>	<b>42 831</b>	<b>65.8</b>	<b>1 349</b>	<b>2.0</b>	<b>1 224</b>	<b>1.8</b>	<b>2 908</b>	<b>4.4</b>

### 3. Employment and vacancies

The following tables summarize the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any posts that are additional to the establishment. This information is presented in terms of two key variables: programme (Table 3.1) and salary level (Table 3.2). The department does not have critical occupations.

**Table 3.1 - Employment and vacancies per programme: 31 March 2010**

Programme	Number of posts	Number of employees	Vacancy rate	Additional to the establishment
<b>Programme 1: Administration</b>	91	83	8.8	None
<b>Programme 2: Investigation of complaints</b>	151	145	3.9	None
<b>Programme 3: Information management and research</b>	45	39	13	None
<b>Total:</b>	<b>287</b>	<b>267</b>	<b>6.9</b>	<b>None</b>

**Table 3.2 - Employment and vacancies per salary level, 31 March 2010**

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Lower skilled	-	-	-	None
Skilled	101	95	5.9	None
Highly skilled production	93	85	8.6	None
Highly skilled supervision	76	70	7.8	None
Senior and top management	17	17	-	None
<b>Total:</b>	<b>287</b>	<b>267</b>	<b>6.9</b>	<b>None</b>

**Table 3.3: Employment and vacancies by critical occupation, 31 March 2010**

Occupations	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
	-	-	-	-
	-	-	-	-
	-	-	-	-
	-	-	-	-

#### 4. Job evaluation

**Table 4.1 - Job evaluation: 01 April 2009 to 31 March 2010**

	Number of posts	Number of jobs evaluated	% of posts evaluated by salary bands	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled	-	-	-	-	-	-	-
Skilled	101	28	27.7	-	-	-	-
Highly skilled production	93	64	68.8	-	-	-	-
Highly skilled supervision	76	35	46	-	-	-	-
Senior Management Service Band A	12	-	-	-	-	-	-
Senior Management Service Band B	4	-	-	-	-	-	-

Senior Management Service Band C	1	-	-	-	-	-	-
Senior Management Service Band D	-	-	-	-	-	-	-
<b>Total:</b>	<b>287</b>	<b>127</b>	<b>44</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 4.2 - Profile of employees whose positions were upgraded due to their posts being upgraded**

Beneficiaries	African	Asian	Coloured	White	Total
Female	-	-	-	-	-
Male	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Employees with a disability					-

**Table 4.3 - Employees whose salary level exceeded the grade determined by job evaluation, 1 April 2009 to 31 March 2010 (in terms of PSR I.V.C.3)**

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
	-	-	-	-
	-	-	-	-
	-	-	-	-
	-	-	-	-
<b>Total number of employees whose salaries exceeded the level determined by job evaluation in 2009/10</b>				-
<b>Percentage of total employment</b>				-

**Table 4.4 - Profile of employees whose salary level exceeded the grade determined by job evaluation, 1 April 2009 to 31 March 2010 (in terms of PSR I.V.C.3)**

Beneficiaries	African	Asian	Coloured	White	Total
Female	-	-	-	-	-
Male	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Employees with a disability					-

## 5. Employment changes

This section provides information on changes in employment during the financial year. Turnover rates provide an indication of trends in the ICD's profile. The following tables provide a summary of turnover rates per salary levels (Table 5.1), the reasons why staff left the ICD (Table 5.3), and promotions per salary levels (Table 5.5).

**Table 5.1 - Annual turnover rates per salary levels for the period 1 April 2009 to 31 March 2010**

Salary level	Number of employees per band on 1 April 2009	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	-	-	-	-
Skilled (Levels 3-5)	88	25	16	18
Highly skilled production (Levels 6-8)	84	2	7	8.3
Highly skilled supervision (Levels 9-12)	65	2	12	18.4
Senior Management Service Band A	12	-	-	-
Senior Management Service Band B	4	-	-	-
Senior Management Service Band C	-	1	-	-
Senior Management Service Band D	-	-	-	-
<b>Total:</b>	<b>253</b>	<b>30</b>	<b>35</b>	<b>13.8</b>

**Table 5.2 - Annual turnover rates by critical occupation for the period**

Occupation	Number of employees per occupation	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
	-	-	-	-
	-	-	-	-
	-	-	-	-

**Table 5.3 - Reasons why staff left the department**

Termination type	Number	% of total
Death	2	5.7
Resignation	11	31.4
Expiry of contract	-	-
Dismissal - operational changes	-	-
Dismissal - misconduct	2	5.7
Dismissal - inefficiency	-	-
Discharged due to ill health	-	-
Retirement	1	2.9
Transfers to other public service departments	19	54.3
Other	-	-
<b>Total:</b>	<b>35</b>	
<b>Total number of employees who left as a percentage of total employment</b>		<b>13.8</b>

**Table 5.4: Promotions by critical occupation**

Occupation	Employees as at 1 April 2009	Promotions to another salary level	Salary level promotions as % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as % of employees by occupation
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-

**Table 5.5 - Promotions per salary levels for the period 1 April 2009 to 31 March 2010**

Salary levels	Employees as at 1 April 2009	Promotions to another salary level	Salary bands promotions as % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as % of employees per salary band
Lower skilled	-	-	-	-	-
Skilled	88	4	4.5	35	39
Highly skilled production	84	9	10.7	43	51
Highly skilled supervision	65	19	29.2	33	50
Senior and top management	16	-	-	9	56
<b>Total:</b>	<b>253</b>	<b>32</b>	<b>12.6</b>	<b>120</b>	<b>47</b>

## 6. Employment equity

**Table 6.1 - Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2010**

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	11	-	-	1	4	-	-	1	17
Professionals	35	3	3	7	17	1	-	4	70
Technicians and associate professionals	42	-	2	1	36	3	1	-	85
Clerks	34	-	-	-	49	10	2	-	95
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>122</b>	<b>3</b>	<b>5</b>	<b>9</b>	<b>106</b>	<b>14</b>	<b>3</b>	<b>5</b>	<b>267</b>
Employees with disabilities	1	-	-	-	1	-	-	-	2

**Table 6.2 - Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2010**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2	-	-	1	1	-	-	1	5
Senior management	9	-	-	-	3	-	-	-	12
Professionally qualified and experienced specialists and mid-management	35	3	3	7	17	1	-	4	70
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	42	-	2	1	36	3	1	-	85

Semi-skilled and discretionary decision-making	34	-	-	-	49	10	2	-	95
Unskilled and defined decision-making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>122</b>	<b>3</b>	<b>5</b>	<b>9</b>	<b>106</b>	<b>14</b>	<b>3</b>	<b>5</b>	<b>267</b>

**Table 6.3 - Recruitment for the period 1 April 2009 to 31 March 2010**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	1	-	-	-	-	1
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	-	-	1	-	-	-	-	1	2
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	-	-	-	-	2	-	-	-	2
Semi-skilled and discretionary decision-making	5	-	-	-	18	2	-	-	25
Unskilled and defined decision-making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>5</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>20</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>30</b>

**Table 6.4 - Promotions for the period 1 April 2009 to 31 March 2010**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	-	-	-	-	-
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	5	-	-	4	10	-	-	-	19

Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	4	-	-	-	5	-	-	-	9
Semi-skilled and discretionary decision-making	2	-	-	-	2	-	-	-	4
Unskilled and defined decision-making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>11</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>17</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>32</b>
Employees with disabilities	-	-	-	-	-	-	-	-	-

**Table 6.5 - Terminations for the period 1 April 2009 to 31 March 2010**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	-	-	-	-	-
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	5	-	-	-	1	-	-	-	6
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	4	1	-	-	-	-	-	-	5
Semi-skilled and discretionary decision-making	2	0	-	-	2	-	-	-	4
Unskilled and defined decision-making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>11</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>3</b>				<b>15</b>

**Table 6.6 - Disciplinary cases handled for the period 1 April 2009 to 31 March 2010**

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Number of disciplinary cases	5	-	1	-	1	-	-	-	7

**Table 6.7 - Skills development for the period 1 April 2009 to 31 March 2010**

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	20	1	-	3	31	-	-	1	56
Professionals	29	-	1	1	10	1	-	-	42
Technicians and associate professionals	39	-	-	-	34	3	2	-	78
Clerks	15	-	-	-	22	1	-	-	38
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>103</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>97</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>214</b>
Employees with disabilities	-	-	-	-	1	-	-	-	1

## 7. Signing of performance agreements by SMS members

**Table 7.1 - Signing of performance agreements by SMS members as on 30 June 2009**

SMS level	Total number of funded SMS posts per level	Total number of SMS members per level	Total number of signed performance agreements per level	Signed performance agreements as % of total number of SMS members per level
Director-General/Head of Department	-	-	-	-
Salary Level 16, but not HOD	-	-	-	-
Salary Level 15	1	-	-	-
Salary Level 14	4	4	4	100
Salary Level 13	12	12	12	100
<b>Total:</b>	<b>17</b>	<b>16</b>	<b>16</b>	<b>94</b>

**Table 7.2 - Reasons for not having concluded performance agreements for all SMS members as 30 June 2009**

1. The post of the Executive Director was vacant by 30 June 2009; it was filled on 7 August 2009.
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**Table 7.3 - Disciplinary steps taken against SMS members for not having concluded performance agreements as on 30 June 2009**

1. No disciplinary steps taken, as all performance agreements have been concluded
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## 8. Filling of SMS posts

**Table 8.1 - SMS post information as on 31 March 2010**

SMS level	Total number of funded SMS posts per level	Total number of SMS posts filled per level	% of SMS posts filled per level	Total number of SMS posts vacant per level	% of SMS posts vacant per level
Director-General/Head of Department	-	-	-	-	-
Salary Level 16, but not HOD	-	-	-	-	-
Salary Level 15	1	1	100	-	-
Salary Level 14	4	4	100	-	-
Salary Level 13	12	12	100	-	-
<b>Total:</b>	<b>17</b>	<b>17</b>	<b>100</b>	<b>-</b>	<b>-</b>

**Table 8.2 - SMS post information as on 30 September 2009**

SMS level	Total number of funded SMS posts per level	Total number of SMS posts filled per level	% of SMS posts filled per level	Total number of SMS posts vacant per level	% of SMS posts vacant per level
Director-General/Head of Department	-	-	-	-	-
Salary Level 16, but not HOD	-	-	-	-	-
Salary Level 15	1	1	100	-	-
Salary Level 14	4	4	100	-	-
Salary Level 13	12	12	100	-	-
<b>Total:</b>	<b>17</b>	<b>16</b>	<b>100</b>	<b>-</b>	<b>-</b>

**Table 8.3 - Advertising and filling of SMS posts as on 31 March 2010**

SMS level	Advertising	Filling of posts	
	Number of vacancies per level advertised in 6 months of becoming vacant	Number of vacancies per level filled in 6 months after becoming vacant	Number of vacancies per level not filled in 6 months but filled in 12 months
Director-General/Head of Department	-	-	-
Salary level 16, but not HOD	-	-	-
Salary Level 15	-	-	-
Salary Level 14	-	-	-
Salary Level 13	-	-	-
<b>Total</b>	-	-	-

**Table 8.4 - Reasons for not having complied with the filling of funded vacant SMS posts - advertised within 6 months and filled within 12 months after becoming vacant**

<b>Reasons for vacancies not advertised within six months:</b>
N/A
<b>Reasons for vacancies not filled within 12 months:</b>
N/A

**Table 8.5 - Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months**

<b>I. None</b>

## 9. Performance rewards

**Table 9.1 - Performance rewards per race, gender and disability, 1 April 2009 to 31 March 2010**

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee (R'000)
<b>African</b>	<b>50</b>	<b>228</b>	<b>22</b>	<b>764</b>	<b>15</b>
Male	31	122	35	524	17
Female	19	106	18	240	13
<b>Asian</b>	<b>2</b>	<b>8</b>	<b>25</b>	<b>19</b>	<b>10</b>
Male	2	5	40	19	10
Female	-	3	-	-	-
<b>Coloured</b>	<b>3</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>6</b>
Male	-	3	-	-	-
Female	3	14	21	19	6
<b>White</b>	<b>5</b>	<b>14</b>	<b>35.7</b>	<b>147</b>	<b>29</b>
Male	-	9	-	83	-
Female	5	5	100	64	13
<b>Employees with a disability</b>	<b>1</b>	<b>2</b>	<b>50</b>	<b>14</b>	<b>14</b>
<b>Total:</b>	<b>61</b>	<b>267</b>	<b>22.8</b>	<b>963</b>	<b>16</b>

**Table 9.2 - Performance rewards per salary levels below SMS, 1 April 2009 to 31 March 2010**

Salary levels	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary level	Total cost (R'000)	Average cost per employee (R'000)	Total cost as a % of the total personnel expenditure
<b>Lower skilled (Levels 1-2)</b>	-	-	-	-	-	-
<b>Skilled (Levels 3-5)</b>	14	95	15	73	5	0.5
<b>Highly skilled production (Levels 6-8)</b>	18	85	21	204	11	1.0
<b>Highly skilled supervision (Levels 9-12)</b>	26	70	37	382	15	1.7
<b>Total</b>	<b>58</b>	<b>250</b>	<b>23</b>	<b>659</b>	<b>11</b>	<b>1.0</b>

**Table 9.3 - Performance related rewards (cash bonus) per salary band for SMS**

Salary Band	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee (R'000)
Band A	6	12	50	188	31
Band B	3	4	75	116	39
Band C	-	1	-	-	-
Band D	-	-	-	-	-
<b>Total</b>	<b>9</b>	<b>17</b>	<b>53</b>	<b>304</b>	<b>34</b>

## 10. Foreign workers

**Table 10.1 – Foreign workers by salary band, 1 April 2009 to 31 March 2010**

Salary band	01 April 2009		31 March 2010		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled	-	-	-	-	-	-
Skilled	-	-	-	-	-	-
Highly skilled production	-	-	-	-	-	-
Highly skilled supervision	-	-	-	-	-	-
Senior management	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 10.2 – Foreign workers by major occupation, 01 April 2009 to 31 March 2010**

Major occupation	01 April 2009		31 March 2010		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled	-	-	-	-	-	-
Skilled	-	-	-	-	-	-
Highly skilled production	-	-	-	-	-	-
Highly skilled supervision	-	-	-	-	-	-
Senior management	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

## 11. Leave utilization for the period 1 January 2009 to 31 December 2009

The Public Service Commission identified the need to monitor leave carefully within the public service. The following table provides an indication of the use of sick leave (Table 11.1).

**Table 11.1 - Sick leave: 1 January 2009 to 31 December 2009**

Salary level	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated cost (R'000)	Total number of days with medical certification
Skilled (Levels 3-5)	537	84	82	40	7	150	451
Highly skilled production (Levels 6-8)	497	90.5	62	30.2	8	258	450
Highly skilled supervision (Level 9-12)	368	88.6	52	25.4	7	303	326
Senior management (Level 13-16)	52	84.6	9	4.4	6	121	44
<b>Total:</b>	<b>1 454</b>	<b>87.4</b>	<b>205</b>	<b>100</b>	<b>7</b>	<b>832</b>	<b>1 271</b>

**Table 11.2 - Disability leave: 1 January 2009 to 31 December 2009**

Salary level	Total days	% days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Skilled	-	-	-	-	-	-
Highly skilled production	-	-	-	-	-	-
Highly skilled supervision	-	-	-	-	-	-
Senior management	-	-	-	-	-	-
<b>Total:</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 11.3 - Annual vacation leave: 1 January 2009 to 31 December 2009**

Salary level	Total days taken	Number of employees	Average per employee
Lower skilled	-	-	-
Skilled	1 579	104	15
Highly skilled production	1 693	93	18
Highly skilled supervision	1 564	83	19
Senior management	379	17	22
<b>Total:</b>	<b>5 215</b>	<b>297</b>	<b>18</b>

**Table 11.4 - Capped vacation leave: 1 January 2009 to 31 December 2009**

Salary level	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2009	Number of employees as at 31 December 2009	Total number of capped leave days available at 31 December 2009
Lower skilled (Levels 1-2)	-	-	-	-	-
Skilled Levels 3-5)	-	-	-	-	-
Highly skilled production (Levels 6-8)	-	-	-	-	-
Highly skilled supervision (Levels 9-12)	4	2	62	39	2 407
Senior management (Levels 13-16)	6	3	65	9	588
<b>Total:</b>	<b>10</b>	<b>3</b>	<b>62</b>	<b>48</b>	<b>2 995</b>

**Table 11.5 - Leave payouts for the period 1 April 2009 to 31 March 2010**

The following table summarizes payments made to employees as a result of leave that was not taken upon the termination of service of the relevant employees.

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave payout for 2009/10 due to non-utilization of leave for the previous cycle	-	-	-
Capped leave payouts on termination of service for 2009/10	86	7	12 286
Current leave payout on termination of service for 2009/10	52	5	10 100
<b>Total:</b>	<b>138</b>	<b>12</b>	<b>11 500</b>

## 12 HIV/AIDS and health promotion programmes

**Table 12.1 - Steps taken to reduce the risk of occupational exposure**

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
Investigators, as they have to attend crime scenes and post mortems	The wearing of protective gear to be supplied by the Department

**Table 12.2 - Details of Health Promotion and HIV/AIDS Programme**

Question	Yes	No	Details, if yes
1. Have you designated a member of the SMS to implement the provisions contained in Part VI E of Chapter I of the Public Regulations, 2001? If so, provide her/his name and position	X		Mr JM Matsomela – Senior Manager: Human Resource Management and Employee Wellness
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose	X		The Sub-Directorate Special Programmes and Employee Wellness has been established to deal with the wellbeing of employees, as well as the Special Programmes. The Assistant Manager and Special Programmes Officer deals on a daily basis with HIV/AIDS, related issues, and the Employee Wellness Programme. The Sub-Directorate is currently resourced with two permanent employees and one intern. In the provinces, the Deputy Provincial Heads are tasked with these programmes. The annual budget for Special Programmes and Employee Wellness during the period 2009/10 amounted to R1 027 639 including salaries
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme	X		On 01 February 2005, the Employee Wellness Programme (EWP) services were implemented. The EWP services are outsourced to Independent Counselling and Advisory Services (ICAS). The services include a 24-hour confidential multilingual toll-free counselling and life management service, professional face-to-face counselling, managerial and retrenchment counselling and consultancy, promotional service, trauma and critical incident counselling, training and resilience

<p><b>4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter I of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent</b></p>	<p><b>X</b></p>	<p>The Special Programmes and Employee Wellness Committee deals with HIV / AIDS, Health and Wellness, and Special Programmes. The members are: Mr R Raburabu (Gauteng), Ms M Smit (HO), Ms K Netshikulwe (HO), Ms A Percival (WC), Ms P Mlungwana (EC), Mr G Angus (NC), Mr L John (KZN), Mr D Mokoena (Limp), Ms B Motlhale (NW), Mr T Mmusi (FS) and Mr O Khanyi (MPU)</p> <p>The Employee Wellness Advisory Committee members are: Mr M Matsomela, Mr M Tsimane, Mr M Dlamini, Ms E Engelbrecht and Ms M Smit</p>
<p><b>5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed</b></p>	<p><b>X</b></p>	<p>The department has an approved internal HIV and Aids Policy since 01 March 2001 that addresses all forms of unfair discrimination relating to HIV/AIDS and Sexually Transmitted Infections (STIs). The policy is National Strategic Plan (Department: Public Service and Administration as well as Department of Health) inclusive</p>
<p><b>6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of those measures</b></p>	<p><b>X</b></p>	<p>Allegations of misconduct relating to unfair discrimination on the basis of HIV/AIDS are dealt with in terms of the Disciplinary Code and Procedure as well as the Grievance Procedure for the Public Service</p>
<p><b>7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved</b></p>	<p><b>X</b></p>	<p>Management encourages employees to live openly with HIV and AIDS and to develop support groups. On 1 December 2009, employees celebrated World Aids Day, where different speakers advised employees on the epidemic</p> <p>The EWP service provider ensures that HIV-positive employees receive the necessary professional care and support. Voluntary Counselling and Testing is encouraged</p>

<p><b>8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators</b></p>	<p><b>X</b></p>	<p>The Employee Wellness service provider (ICAS) submits four quarterly and one annual report to Senior Management. The report covers quality control, accounting and information management to monitor and evaluate the utilization and impact of the Employee Wellness Programme. Monitoring and evaluation of the EWP is addressed at the Employee Wellness Advisory Committee meetings</p>
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### 13. Labour relations

**Table 13.1 - Collective agreements, 1 April 2009 to 31 March 2010**

Total collective agreements	Date
None	

There were no collective agreements entered into with trade unions within the department.

**Table 13.2 - Misconduct and disciplinary hearings finalized: 1 April 2009 to 31 March 2010**

The following table summarizes the outcome of disciplinary hearings conducted within the department for the year under review.

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	-	-
Verbal warning	-	-
Written warning	-	-
Final written warning	2	37.5
Suspended without pay	1	12.5
Fine	-	-
Demotion	-	-
Dismissal	2	25
Not guilty	2	25
Case withdrawn	-	-
<b>Total:</b>	<b>7</b>	<b>100</b>

**Table 13.3 - Types of misconduct addressed at disciplinary hearings**

Type of misconduct	Number	% of total
Misrepresentation	2	29
Bringing the name of the Department into disrepute	1	14
Abuse of State vehicle	1	14
Leaking of information	2	29
Dereliction of duties	1	14
<b>Total:</b>	<b>7</b>	<b>100</b>

**Table 13.4 - Grievances lodged for the period: 1 April 2009 to 31 March 2010**

Grievances	Number	% of total
Number of grievances resolved	7	87.5
Number of grievances not resolved	1	12.5
<b>Total number of grievances lodged</b>	<b>8</b>	<b>100</b>

**Table 13.5 – Disputes lodged with Councils for the period: 1 April 2009 to 31 March 2010**

Disputes	Number	% of total
Number of disputes upheld	-	-
Number of disputes dismissed	2	100
<b>Total number of disputes lodged</b>	<b>2</b>	<b>100</b>

**Table 13.6 - Strike actions for the period 1 April 2009 to 31 March 2010**

Total number of person working days lost	-
Total cost (R'000) of working days lost	-
Amount (R'000) recovered as a result of no work-no pay	-

No employees were involved in any strike actions in the period under review.

**Table 13.7 - Precautionary suspensions for the period: 1 April 2009 to 31 March 2010**

Number of people suspended	7
Number of people whose suspension exceeded 30 days	6
Average number of days suspended	152
Cost	820 938.45

## 14. Skills development

This section highlights the efforts of the department with regard to skills development. Table 14.1 provides a summary of training needs identified during the period under review, and Table 14.2 is a summary of training provided.

**Table 14.1 - Training needs identified: 1 April 2009 to 31 March 2010**

Occupational categories	Gender	Number of employees as at 1 April 2009	Training needs identified at start of reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	21	-	13	-	13
	Male	38	-	24	-	24
Professionals	Female	70	7	54	-	61
	Male	20	15	18	-	33
Technicians and associate professionals	Female	16	14	6	-	20
	Male	35	19	16	-	35
Clerks	Female	16	-	10	-	10
	Male	41	-	31	-	31
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	-	-	-	-	-
	Male	-	-	-	-	-
Sub-total	Female	123	21	82	-	104
	Male	134	34	89	-	123
<b>Total:</b>		<b>257</b>	<b>55</b>	<b>172</b>	<b>-</b>	<b>227</b>

Table I4.2 - Training provided: 1 April 2009 to 31 March 2010

Occupational categories	Gender	Number of employees as at 31 March 2010	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	21	-	13	19	32
	Male	38	-	10	14	24
Professionals	Female	70	7	4	-	11
	Male	20	15	13	3	31
Technicians and associate professionals	Female	16	14	19	-	33
	Male	35	19	20	-	39
Clerks	Female	16	-	23	-	23
	Male	41	-	14	1	15
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	-	-	-	-	-
	Male	-	-	-	-	-
Sub-total	Female	123	21	59	19	99
	Male	134	34	57	18	109
<b>Total:</b>		<b>257</b>	<b>55</b>	<b>116</b>	<b>37</b>	<b>208</b>

## 15. Injury on duty

Table I5.1 – Injury on duty, 01 April 2009 to 31 March 2010

Nature of injury on duty	Number	% of total
Required basic medical attention only	None	
Temporary total disablement	None	
Permanent disablement	None	
Fatal	None	
<b>Total:</b>	<b>None</b>	

No cases of injury on duty were reported for the period under review.

## 16. Utilization of consultants

Table 16.1 - Report on consultant appointments using appropriated funds

Project title	Total number of consultants that worked on project	Duration (work days)	Contract value (R)
-	-	-	-
Job evaluation	1	90	99 180

## 17. Granting of employee-initiated severance packages

Category	Number of applications received	Number of applications referred to the MPSA	Number of applications supported by MPSA	Number of packages approved by the Department
Lower skilled	-	-	-	-
Skilled	-	-	-	-
Highly skilled production	-	-	-	-
High skilled production	-	-	-	-
Senior management	-	-	-	-

## 5. PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION

**Purpose:** To receive, register and process complaints; investigate deaths in police custody and as a result of police action; and investigate and/or monitor complaints of criminality and misconduct.

- *Investigation of complaints* provides for the investigation of complaints of deaths in police custody or as a result of police action, and of misconduct and criminality.
- *Legal Services* provides legal advisory service to ICD management and officials.

### Service delivery objectives and indicators

**Measurable objectives:** To maintain the integrity of independent oversight through the effective investigation and finalization of complaints against police members.

### Service delivery achievements

Output	Measure/indicator	Target	Performance
<b>Complaints Processing, Monitoring and Investigation</b>	Complaints registered and allocated within 48 hours	100%	<b>Target not met. Performance was at 98%. 6 244 out of a total of 6 377 complaints were registered and allocated within the specified 48 hours</b>
	Completed investigations of deaths in police custody and deaths as a result of police action (Class I)	60% of notifications of deaths	<b>Target met. 1 287 cases were completed out of a workload of 1 769, resulting in a completion rate of 73%</b>
	Completed investigations of criminal offences cases (Class III)	50% of criminal complaints	<b>Target met. 3 071 investigations were completed out of a workload of 3 947, resulting in a completion rate of 78%</b>

Output	Measure/indicator	Target	Performance
	Completed investigations of misconduct cases (Class IV)	50% of misconduct complaints	<b>Target met. 3 415 investigations were completed out of a workload of 4 488, resulting in a completion rate of 78%</b>
	Applications for exemption completed within 30 days	100%	<b>Target met. 26 applications were received and processed within 30 days</b>

## Highlights for the financial year

### *1. Implementation of the Standard Operating Procedure: Investigation Standards and Guidelines*

On 1 July 2009, the Standard Operating Procedure (SOP): Investigation Standards and Guidelines came into effect after a long period of drafting and consultation with internal stakeholders. This SOP was developed with the objective of ensuring uniformity in the operations of the ICD. It regulates the whole complaints processing mechanism – complaints intake, registration, investigation and/or monitoring, and post-investigation monitoring. This is a departure from the fragmented SOPs, which were difficult to implement as they were not always user-friendly and sometimes not coherent. The SOP is a work in progress, and like any policy and procedure, it will be reviewed from time to time to ensure that it addresses the operational needs of the organization.

## **2. Stakeholder management**

### *a. The National Forum for Municipal Police Services*

The National Forum for Municipal Police Services (NFMPS) is a forum established in 2005, with members drawn from representatives from the South African Police Service's Division: Visible Policing and Legal Services, Municipal Police Services (MPS), and the ICD. The forum was established to address cooperation between the three institutions to give effect to section 53 of the South African Police Service Act, 1995 (Act No. 68 of 1995), as well as the effective monitoring of the implementation of the Domestic Violence Act, 1998 (Act No. 116 of 1998, DVA). A Protocol on Cooperation was developed to regulate the reporting and processing of complaints emanating from conduct by members of the SAPS and MPS.

The ICD, SAPS, and MPS that signed this Protocol are in full agreement that the Protocol, being the result of prior intensive inter-consultation, represents the best workable way of giving effect to section 53 of the SAPS Act and the ICD's current mandate in terms of the DVA. In a spirit of mutual goodwill and trust, as well as to ensure the maintenance and enhancement of the required cooperation between each other, the ICD, SAPS, and MPS that signed this Protocol consider themselves, in this sense, to be bound by and to abide and adhere to the provisions of this Protocol.

The NFMPS met on a quarterly basis during the period under review to look at issues of cooperation and to proactively address any areas of concern that could hamper the realization of the mandate of the ICD. The Protocol was also revisited and amendments made to give effect to new developments affecting the three parties to the agreement.

### *b. The South African Human Rights Commission's Section 205 Committee*

The South African Human Rights Commission (SAHRC) established a Section 205 Committee on Torture, to deal with South Africa's international obligations relating to torture. The Committee comprises organisations from government and civil society. The Committee started work in 2008 with the following organizations:

- South African Human Rights Commission (SAHRC)
- Association for the Prevention of Torture – Geneva (APT)
- Judicial Inspectorate of Prisons (JI)
- Independent Complaints Directorate (ICD)
- Centre for the Study of Violence and Reconciliation (CSV)
- Civil Society Prison Reform Initiative (CSPRI)
- South African No Torture Consortium (SANTOC), and
- Lawyers for Human Rights (LHR)

The Combating of Torture Bill topped the agenda of issues dealt with by the Committee during the period under review. The Bill was distributed for discussion and inputs by civil society organizations, and it is scheduled to be tabled before the Portfolio Committee on Justice and Constitutional Development in early 2011.

*c. Training cooperation with the SAPS*

In November 2009, the Senior Manager: Human Resource Management and the Programme Manager: Investigation held discussions with Lieutenant General Kruser and Major General Mothiba of the Division: Training in the SAPS to look at areas of cooperation with regard to training. This meeting resulted in an agreement reached with the Division: Training to assist the ICD with capacity building. It was agreed that the ICD would be granted training slots for the Basic Crime Investigation course. This is an entry level investigation programme meant for employees who have never attended formal investigation training, and it is therefore relevant to the Case Analysts and Monitors. Twenty-six (26) employees comprising Monitors and Case Analysts attended the two-week programme that was presented at decentralized training centres in Gauteng and Mpumalanga. The programme will assist these officials in the anticipated transition to the Investigation Component. The Division: Training has undertaken to assist the ICD with capacity building at no cost as the ICD is a government institution.

*d. Cooperation agreement with the German Technical Cooperation for the development of an investigation manual and capacity building for Kenya and Tanzania, through the Trilateral Fund Cooperation*

On 11 May 2009, the ICD approached the German Technical Cooperation (GTZ) under the Study and Expert Fund for Trilateral Cooperation to fund the development of an investigation manual for use by its investigators and also for building the capacity of investigators at similar bodies on the African continent. On 2 December 2009, Mr Peter Conze, Country Director for GTZ South Africa, Lesotho and Botswana, approved an amount of R2 345 000 for the development of the investigation manual, and capacity building for the Kenya National Commission on Human Rights (KNCHR) and the Commission for Human Rights and Good Governance (CHRAGG), Tanzania.

The African Policing Civilian Oversight Forum (APCOF) was appointed as the service provider to develop the investigation manual. A grant agreement was concluded with Mr S Tait, Coordinator of APCOF, who is the project manager responsible for the delivery of this project.

The first meeting of all stakeholders in the project took place on 4 March 2010 in Pretoria. It was hosted by GTZ and attended by Mr Tshabalala (ICD), Mr Tait (APCOF), Ms Simbiri-Jaoko (KNCHR), and Mr Amir Manento (CHRAGG). The objective of the meeting was to discuss the project plan from its inception until the delivery of the product. The three beneficiaries – the ICD, KNCHR, and CHRAGG – made presentations on their mandates and the challenges they face as external police oversight mechanisms in their respective countries. During the consultative meeting, it became clear that in order for the project to be successful, it was necessary that other stakeholders in Kenya and Tanzania who are also involved in the investigation of police misconduct be brought on board so that they can also benefit from the project. It was decided that this process should be done at an early stage so that those stakeholders could also be included in the 40 investigators earmarked for training in each country. The project is scheduled to be completed on 15 December 2010.

### **3. Referral by the Minister for Police – Investigation of escapes in the custody of the South African Police Service**

The Minister of Police, acting in terms of section 53(2)(c) of the SAPS Act, directed the ICD on 21 December 2009 to conduct a full investigation into the number of people (1 144), who escaped from police custody nationally during the 2008/2009 financial year, with the following terms of reference:

1. Review all escapes that occurred during the 2008/2009 financial year;
2. Review all actions taken against members involved or suspected to be involved in the escapes;
3. Review the current mechanisms;
4. Record the findings of the investigation; and
5. Make recommendations.

The objective of the investigation was to establish whether:

- There are measures in place to prevent escapes and whether they are being implemented;
- There are gaps and weaknesses in the handling of suspects while in police custody and which impact on these suspects' ability to escape;
- There is evidence of police collusion in these escapes and what actions, if any, have been taken against any officers found to have colluded (both criminally and departmentally);
- Proper investigations relating to escapes are carried out by the SAPS and how many resulted in prosecution;
- SAPS management has put measures in place to address the problems relating to escapes and the effectiveness thereof; and
- Where there is evidence of criminal involvement, to submit recommendations to the NPA, and where negligence is found, to submit evidence for departmental action.

## **METHODOLOGY**

To effectively focus the overall investigation, an approach consisting of the following methodology was adopted:

- Consulted with the Division: Visible Policing at SAPS National Office to furnish the ICD with the applicable prescripts regulating custody management;
- Selected a sample of police stations to provide written confirmation from Station Commissioners detailing the management of persons in police custody;
- Developed a custody compliance questionnaire;
- Developed a docket analysis questionnaire;
- Obtained corresponding files from offices of the Provincial Commissioners relating to feedback on escapes from police custody;

- Perused documents and plans from the SAPS relating to custody management standing orders;
- Liaised with Provincial Commissioners' offices in all nine provinces;
- Conducted inspection *in loco* at cells, courts, and places where the escapes occurred; and
- Consulted with staff members of the Department of Justice and Constitutional Development at the affected courts.

## FINDINGS

The findings were distinguished between those related to regulatory measures and those related to the role of members and supervisors.

### Regulatory measures

The investigation found that SAPS has developed adequate regulatory measures to minimize escapes. However, it is not clear whether these regulatory frameworks are known to all functional members. Despite the presence of these regulatory frameworks, incidents of escapes are high and are a cause for concern.

There were 655 incidents of escapes recorded during the 2008/2009 financial year, which resulted in a total of 966 persons escaping from lawful custody. The four highest recorded numbers of escapes occurred in KwaZulu-Natal, Gauteng, Western Cape, and Eastern Cape provinces. The other provinces recorded an equally high number of escapes. It was equally concerning to note that only 458 re-arrests were made during the period under review.

### The role of SAPS members and supervisors

Although the ICD's investigation did not reveal evidence to suggest the existence of police collusion or corruption in these escapes, it does point to negligence on the part of SAPS members. For instance, where persons must be restrained as directed in terms of Standing Order (G) 350, members failed to comply with these directives:

- In the Western Cape, out of a total of 145 incidents, handcuffs were used only in 3 instances, while in 1 instance, leg irons were used, which means that in 141 instances of arrests and transportation of prisoners, no restraining measures were used;
- In Gauteng it was found that in 119 instances no restraining measures were used, while only in 15 instances were restraining measures used;
- There were 46 instances where no restraining measures of whatever form were utilized during the arrest and transportation of suspects in Limpopo.

The Station Commanders have failed in their responsibilities to institute disciplinary actions in all incidents of escapes, as provided in the Standing Orders (General) 341, 350, and 361, and Head Office Circular 37/1/8 dated 03 March 2006. One of the reasons advanced by the Station Commanders for their failure to act was that an escapee has not been rearrested and therefore the version of the escape presented by the member remained unchallenged. In such cases, the member imputed the blame on the escapee as his defence. It was found that sanctions imposed are not commensurate with the conduct of the member. The impact that an escape is likely to have on the victim of a violent crime is enormous, and should be a strong consideration in the type of sanction to be imposed on a member due to his/her negligence.

Due to certain members being lax in their approach, it was found that suspects returning from court appearances were either not body searched at all or not properly searched before being detained in the holding cell again. These are security breaches that have led to weapons being smuggled into cells and have exposed members and other prisoners to potential danger. The provisions to conduct searches of the holding facilities every 24 hours in terms of the Standing Orders (General) 341, 350, and 361 are also not complied with; hence weapons and other tools are brought in and get used to aid in the escapes.

Suspects arrested with injuries are normally not profiled by having their fingerprints taken, with the result that, should they escape while receiving medical attention in hospital, there is no record of their identity. This shortcoming should be viewed against the backdrop of escapes that occurred from hospitals.

## RECOMMENDATIONS

### The following institutional or facility deficiencies require attention:

1. There is a need for the SAPS to conduct an audit of all detention facilities to establish the state in which they are and to undertake major renovations to address those facilities in a bad state;
2. The SAPS should investigate the feasibility of installing CCTV cameras in the passages and exercise areas of the holding cells and the outer perimeters of the holding cells, to monitor the movement of prisoners in these areas;
3. Given the number of escapes from hospitals, Station Commanders, with the assistance and/or support of the Cluster Commander or Provincial Commissioner, should sign service level agreements or protocols of understanding with the Chief Executive Officers of the relevant hospitals with a view to be allocated a dedicated safe ward for use while prisoners receive medical attention;
4. Station Commanders must ensure that under no circumstances should only one (1) member visit the holding cells unaccompanied by another functional member. Civilian staff members should not be used as substitutes for functional members to visit cells, as this will put the civilian's and the member's lives at risk;

5. SAPS management should ensure that every member involved in operational/functional duties is equipped with the minimum equipment prescribed in terms of the Operational Guidelines on Prevention of Escapes and Deaths in Custody when reporting for duty;
6. Each pick-up truck should be issued with a padlock and for the lock to be replaced quarterly to address issues of wear and tear;
7. Each station should embark on annual refresher training regarding Standing Orders (General), Head Office Circular 37/1/8 dated 03 March 2006, and the Operational Guidelines on Prevention of Escapes and Deaths in Custody for the management of prisoners in custody;
8. Records of attendance at these training interventions should be kept as reference in the event that a member pleads ignorance of applicable rules should they face disciplinary hearings;
9. At cluster and station level, there is a need for a coordinated effort between the SAPS Station Commander or Cluster Commander and the Court Manager of the relevant court to proactively address areas of concerns that may result in escapes from courts; and
10. The following registers must be implemented in all police cells: cell key register, visitor register, prisoner telephone register, and firearm register.

**The following recommendations are geared at addressing management-related deficiencies:**

1. The Station Commander should, in all cases of escape, institute a disciplinary investigation as provided for by the prescripts mentioned above, and report on the findings of the investigations;
2. The institution of disciplinary proceedings against a member responsible for an escape should not be dependent on whether the escapee was re-arrested or not;
3. Disciplinary officials should ensure that contraventions of the Standing Orders (General), Head Office Circular 37/1/8 dated 03 March 2006, and the Operational Guidelines on Prevention of Escapes and Deaths in Custody for the management of prisoners in custody, and Provincial Orders applicable in that province are dealt with in a serious light, and that convictions should be accompanied by appropriate sanctions that will deter other members;
4. Cluster Commanders should play an active role in monitoring compliance with the Standing Orders on custody management, and ensure that where transgressions have occurred, appropriate disciplinary measures are taken against the Station Commanders falling under their cluster;
5. A consolidated monthly report from each province on incidents of escapes should be lodged with each ICD Provincial Office to monitor whether actions are taken against the responsible members;
6. Station Commissioners should be held vicariously liable in the event of escapes that emanate from institutional deficiencies that were within their power and capability to address.

## SOME OF THE CASES INVESTIGATED BY THE ICD DURING THE FINANCIAL YEAR

In this part of the annual report for the 2009/2010 financial year, we highlight some of the high-profile cases that were dealt with during the period under review.

### EASTERN CAPE

#### 1. NEMATO: MURDER

It was alleged that on Sunday 06/09/2009 at about 22:15 Inspector Marais was called to attend to a serious crime scene at Nemato. On his arrival at the scene he found Constable Cwala (f) at the front door. She was supposed to be on duty that night. Inspector Marais was told by Constable Cwala that she had shot Xolani Tukulu, who was her boyfriend. The two had stayed together. The Inspector entered the house and saw the body of Mr Tukulu lying face down in a pool of blood. Constable Cwala told Inspector Marais that the deceased had come home after a drinking spree while he had known that Constable Cwala was supposed to go to work and that the deceased had to look after their child. He had not apologised for his actions and that is why she had shot him in the head and neck. The DPP decided to prosecute and the matter is on the court roll. The outcome of the internal disciplinary action is still outstanding.

#### 2. BERLIN: ASSAULT

A newspaper report alleged that one Juan Marais, his girlfriend, and a cousin were driving towards King William's Town from East London when his car was bumped from behind by a speeding minibus until he lost control of the car. The car rolled off the road and he and his girlfriend were flung out of the car. He lost consciousness and when he came to his senses, while lying in the bushes, he had screamed for help in IsiXhosa. Allegedly, one Student Constable had sworn at him not to move or else he would be shot. Another Student Constable had allegedly said he must be shot saying, "This dog can speak IsiXhosa. Let's shoot him." Mr Marais's girlfriend and cousin were allegedly assaulted by the other Student Constables. Passers-by were intimidated and told not to intervene or else they would be shot. The victims of the assault were eventually rescued by fire fighters and members of Berlin Police Station. The complaint was investigated and the docket was forwarded to the DPP for a decision. The decision is still outstanding.

#### 3. ALIWAL NORTH: MURDER

It was alleged that in January 2009 a fight broke out between a member of the public and a police officer. The police officer allegedly hit the member of the public on his forehead with a beer bottle. After the fight, the police officer drove off and returned later with a firearm. The police officer then shot the deceased twice. The matter was investigated and recommendations made to the DPP. The police officer was found guilty of murder and sentenced to 18 years imprisonment.

#### 4. IZELE: MURDER

The complainant alleged that her son, Vuyolwethu Jiya, was shot by police from Izele SAPS on 24/03/2009. It was alleged that the police were looking for someone else and the deceased was changing his car tyre when he saw the police. After being shot, the victim was allegedly assaulted the whole day at the police station and only taken to Grey Hospital at 12:00 midnight. The victim was discharged from hospital, and after two weeks his condition deteriorated. He was taken to Bisho Hospital where he died. It was alleged that at the time of his death, his body and private parts were swollen, and that he was on a catheter. The complainant alleged the incident was never reported to the Station Commander. Apparently, Inspector Zinja, who was also there when the deceased was shot, informed the complainant that no case was opened at the station, identified Inspector Mthandeki as the one who had fired the shots, and stated that the deceased had been sitting down with his hands up when he was shot. The docket has been referred to the DPP. The decision of the DPP is outstanding.

#### 5. KING WILLIAM'S TOWN: MURDER

It was alleged that on 03/01/2009 the ICD was informed of a shooting incident in Lundi Street, Ginsberg. As the investigation unfolded, it was discovered that Constable Maqholo's wife's body had been found on the side of the road at Rayi

Location. The police had found Constable Maqholo in front of his home in Dimbaza and were informed that he had killed his wife. Constable Maqholo also showed the police where he had hidden the murder weapon. The ICD took over the investigation and referred the docket to the DPP, who decided to prosecute. The police officer was found guilty and sentenced to 12 years imprisonment.

#### **6. EAST LONDON: ASSAULT**

It was alleged that Vatiswa Ntungwa was arrested on 12/12/2009 at about 20:00 for driving under the influence of alcohol and driving her car into a Wimpy restaurant on the beach front. It was alleged that she was assaulted by police before being taken to the East London Police Station. She alleges that she was pepper sprayed and told that she would only be released if she slept with the police officers. She alleges that police called her a prostitute in front of her children. The matter was investigated and the docket was referred to the DPP. The decision of the DPP is still outstanding.

#### **7. GONUBIE: ASSAULT**

It was alleged that two schoolboys, aged 15 and 17 years, were assaulted by a police official in a back office of Gonubie Police Station. It was alleged that the boys had been seen riding a motorbike without a licence. When the boys saw the police, they allegedly drove home and hid the motorbike at the back of their house. The police arrived at the house and searched the house despite the mother's objections. The police officers had allegedly told the mother that they would take the boys to the police station in order to give the boys fines. Instead, the boys were taken to the back office where they were told to kneel with their hands on the floor. The boys were allegedly assaulted repeatedly with a sjambok in the presence of two female officers. After the incident they were told to go home. The medical report confirmed that the boys had been assaulted. The matter was investigated and the docket was referred to the DPP. The decision of the DPP is still outstanding.

### **FREE STATE**

#### **8. NAVALSIG: ATTEMPTED MURDER**

It was alleged that on the evening of 11/02/2010 a Detective picked up a prostitute in Andries Pretorius Street, Bloemfontein. The complainant

insisted that she would not do business in the street, but only at her house. The Detective then drove off with her, but sped in the opposite direction. The victim requested him to stop the car but he continued driving. They struggled for control of the car until it hit a kerb and went off the road. The victim then got out of the car and was shot at twice by the detective as she ran away. None of the shots struck her. She then ran towards Navalsig Police Station to report the matter. A docket was registered for investigation. By the time the police responded, the vehicle had already been towed away from the scene. Two spent cartridges and a bullet were recovered at the scene. The ICD was informed of the matter in the afternoon of 12/02/2010, and proceeded to arrest the suspect who was detained at Bainsvlei Police Station after he was pointed out by the complainant. The suspect appeared before the Bloemfontein Magistrate's Court on Monday 15/02/2010. The Detective Constable was granted bail of R500. The case is on the court roll.

#### **9. BETHLEHEM: RAPE**

The allegations of the case are that on 14/02/2010, at about 02:00, a 30 year old victim from Ficksburg went looking for her boyfriend, with whom she had quarreled earlier, to get the keys to the house. As she was walking in the street in Bohlokong Township, Bethlehem, she was approached by an unknown male driving a car. He warned her that it was dangerous for a female to be walking alone at that time and offered to help her look for her boyfriend. The victim wanted to phone her boyfriend and the suspect allegedly persuaded her to go make use of the public phones in town (Bethlehem) as the ones in the township did not take coins. Upon noticing that the suspect was not driving to the public phones as expected, she enquired as to where he was driving. He then stopped in an open field near a scrap yard between Bohlokong Township and Bethlehem. The suspect then allegedly pepper sprayed the victim and assaulted her. He then raped the victim in his car. The suspect allegedly threatened to kill the victim if she told anyone that he had raped her. He then took her to her boyfriend's house where the boyfriend identified him as a police officer. The suspect was arrested by the ICD on 16/02/2010. He appeared at the Bethlehem Magistrate's Court on 18/02/2010. The case is on the court roll.

**10. BAINSVLEI: RAPE**

It was alleged that on 11/02/2010 at about 20:00, the suspect, Colonel KM Thobakgale, arrived at Deneysville Police Station Barracks (single quarters) and threatened the victim (a female aged 32 years), who is a Clerk at the station, with a firearm. It was alleged that he forced the victim into his car and drove towards Vereeniging Road and onto an open field. After stopping in the open field, he then instructed her to take off her clothes. The police officer allegedly raped the victim three times. The victim was thereafter taken back to the station. The ICD was informed on 12/02/2010 and proceeded to the scene. A case docket was registered, and the suspect was arrested and detained at Bainsvlei Police Station. He appeared before the Sasolburg Magistrate's Court on 15/02/2010. The police officer was dismissed from the SAPS in a disciplinary hearing. The case is on the court roll.

**11. PHUTHADITJHABA: MURDER**

It was alleged that on 01/02/2010, the suspect's child had arrived home from school and saw a foot protruding under the bed. She then contacted her mother who, upon arrival, found the deceased who had already passed away. The deceased's face was covered with a plastic bag. Police were called and the suspect, Sergeant Motaung, was arrested. The ICD took over the investigation and on completion referred the docket to the DPP for a decision. The DPP decided to prosecute. Sergeant Motaung was convicted and sentenced to 10 years imprisonment.

**12. SASOLBURG: RAPE**

The ICD investigated a case of rape and assault against the Station Commander of Sasolburg, Free State. It was alleged that the Station Commissioner, Brigadier Nghondzweni, had raped the victim, who is a volunteer, in his office at Sasolburg Police Station, on 05/02/2010. The Station Commander had allegedly requested the victim to type something for him, and then locked the office door and raped her. The ICD was informed on 07/02/2010 and investigations were started immediately. The police officer was dismissed from the SAPS in a disciplinary hearing. The case is on the court roll.

**GAUTENG****13. PRETORIA CENTRAL: MURDER**

It was alleged that on 02/11/2009, Constables Masinga and Kekana, who were off-duty, were returning from a pub and were under the influence of alcohol – they were on their way to their place of residence, which is the SAPS barracks. At the corner of Bosman and Church streets they stopped next to a vendor and started eating the meat that the vendor was selling. The vendor asked the police officers to pay for the food they had eaten but the officers allegedly refused to pay. A fight then started, and during the scuffle the victim overpowered the two police officers and hit Constable Masinga on the forehead with a bottle. The Constable then ran to the barracks and took his service pistol. He went back to the scene to continue the fight. After the firearm fell to the ground, Constable Kekana picked up the firearm and shot the deceased twice – killing him instantly. The deceased was shot in the left shoulder and in the head. The ICD took over the docket and referred it to the DPP for a decision. The two suspect officers are on trial for murder.

**14. LOATE: MURDER**

On Sunday 11/10/2009, there was an incident at Loate Police Area that was attended by the ICD's investigators. It was alleged that the police had received information about a hijacked grey Toyota Conquest over the radio. SAPS members from the Flying Squad, Dog Unit and Rietgat Police Station had apparently seen a grey Toyota Conquest, fitting the description of the one that was being sought, along the Mabopane Road, and they had followed the vehicle. The police allegedly put on their blue lights and the vehicle stopped. As the driver got out of the vehicle, the police started shooting at the vehicle. The front passenger was wounded, as well as the passenger seated at the rear right of the said vehicle. The passenger, a 25 year old woman, who was seated on the back seat on the left, was shot dead. The driver of the vehicle was not injured. After the shooting, the police discovered that they had shot at the wrong vehicle, as the registration differed from that of the hijacked vehicle. The ICD took over the docket and referred it to the DPP. The decision of the DPP is outstanding.

### 15. ATTERIDGEVILLE: MURDER

It was alleged that on the morning of 31/10/2009, seven friends were sitting in front of a house in Serote Street, Atteridgeville. The deceased and a friend were polishing their shoes. A Toyota Quantum and a Ford Focus, both fully marked with police insignia and equipped with blue lights, approached them and stopped next to them. The driver of the Toyota Quantum, identified as Officer Skosana, alighted and approached the group of friends. He allegedly walked up to the two friends who were polishing their shoes and ordered them to get into the police minibus. One ran off into the yard of house number 53 Serote Street. The policeman who had arrived in the Ford Focus chased after him. After a few seconds, a gunshot was heard. Witnesses saw the police officer come out of the yard with a pistol in his hand. The victim had managed to climb over the wall and had fallen into the yard of the house directly behind 53 Serote Street. It was alleged that the police left the scene and that the deceased was discovered by a neighbour. The police allegedly returned and took over the scene. The victim was treated by the paramedics and transported to hospital, where he died soon thereafter from a gunshot wound to the head. The ICD took over the docket and referred the case to the DPP for a decision. The decision of the DPP is still outstanding.

### 16. KEMPTON PARK: RAPE

It was alleged that police officers from Kempton Park picked up a couple for drunken driving and took them to Kempton Park SAPS. The couple were driving a Toyota RunX. It was alleged that on arrival at the station, one member who had been driving the police vehicle took the driver (the husband) of the RunX through the back gate into the station while the other member drove the suspect's vehicle. It is further alleged that after about 15 minutes, the husband was released from the police van without being charged, and when he went back to his vehicle his wife informed him that she had been raped by the other police officer. The husband went back to the police station to report matter. While in the police station, he was helped by a white officer who went back with him to his wife who was in the car. On arrival they found that the wife had disappeared. She was only found in the early hours of the next morning roaming the streets. The rape victim was then taken to the police station where a case of rape was opened. The ICD took over the investigation

from the police. The criminal matter is awaiting the finalization of DNA tests. In the misconduct matter, two police officers were found guilty of rape and defeating the ends of justice.

### 17. RABIE RIDGE: MURDER

The ICD attended the scene of a shooting in Klipfontein View, Rabie Ridge. It was alleged that two SAPS members, one stationed at Alexandra Detectives, and the other based at Alexandra Crime Intelligence Gathering, were tracing murder suspects. They had allegedly identified the suspect's car, a Hyundai, which was parked outside the gate at a house in Sikhululekile Street, Klipfontein View. The two members alighted from their unmarked vehicle. According to one of the police officers, Constable Malaka, he saw someone in the backseat of suspect's vehicle pointing something that looked like a pipe at him, and he shot at the occupants as he thought it was a gun. A 3 year-old boy, who was in the arms of an innocent passenger, was shot in the chest. Paramedics were called and they certified the child dead on arrival. No pipe or firearm was found in the suspect's vehicle or on the passenger. The ICD investigated and referred the case to the DPP. The DPP decided to prosecute on murder charges. The case is on trial.

### 18. JOHANNESBURG CENTRAL: ASSAULT GBH (TORTURE)

The complainants allege that on 10/06/2009 they had given Constable Ximba of the Organized Crime Unit information that led to the arrest of the suspects who had hijacked a vehicle belonging to an MEC in Gauteng. The complainants allege that they had been promised a reward of about three hundred thousand rand (R300 000) once the positive suspects had been arrested. The complainants were allegedly given three thousand rand (R3 000) to follow up on the whereabouts of the hijacked vehicle, which was believed to be in Swaziland. They then reported to Constable Ximba that they could not find the said vehicle. On the afternoon of 15/06/2009, the complainants were called to the offices of the Organized Crime Unit at the Old Johannesburg Stock Exchange Building in Johannesburg. The complainants allege that they were accused of having knowledge about the whereabouts of the missing vehicle. They were interrogated, stripped naked, and their hands were tightly handcuffed to their backs.

Plastic bags were put over their heads. After being tied with a rope, the complainants were kicked until they fell to the ground. The suffocation allegedly continued until they passed out. In the process, they had soiled themselves. After they had cleaned up, a person who identified himself as a superior of the officers who had assaulted the complainants arrived. He apologized for what had happened. The ICD took over the investigation and referred the case to the DPP. The DPP decided to prosecute on charges of assault with the intent to cause grievous bodily harm. The case is on the court roll.

### **19. CLEVELAND: CORRUPTION AND ASSAULT GBH**

The complainant alleges that he was arrested by two SAPS officers for driving under the influence of alcohol. He alleges that after arresting him, the police officers ordered him to get back into his car and follow them to a secluded area before they pulled him over on the side of the road. It was alleged that the police officers got out of their vehicle and started assaulting the victim. The police officers then demanded a R500 bribe to let the victim go. He duly gave the officers the money. Two reserve Constables were arrested and charged with corruption and assault with intent to cause grievous bodily harm.

## **LIMPOPO**

### **20. POLOKWANE: MURDER**

It was alleged that on 08/11/2009, at about midnight, members of the SAPS Intervention Unit received information about a planned business robbery at Protea Coin Security in Polokwane. The police proceeded to the scene, and on arrival, the robbers allegedly started to shoot at the police. The police apparently retaliated and shot dead seven robbers. Three 9mm pistols were found next to the dead robbers. The ICD took over the investigation. The docket has been referred to the DPP for a decision. The decision of the DPP is outstanding.

### **21. SESHEGO: MURDER**

It was alleged that on 24/11/2009, at about 16:30, Inspector JS Modiba and Constable MH Matlou from SAPS Seshego attended the scene of a house breaking in Moletjie, Ga-Chokoe. On arrival, the

suspect, who was pointed out by the complainant, jumped out through the window of the complainant's house. The suspect was allegedly chased by both the police and members of the community. The suspect locked himself inside a store room at another house. It was alleged that the suspect attacked the owner with a panga which he had found in the store room. The home owner sustained an open wound on the forehead and a broken finger. The two police officers tried to apprehend the aggressive and violent suspect. The suspect then allegedly attacked Constable Matlou with the same panga. Inspector Modiba, who was behind the suspect, shot the suspect in his back to defend his colleague. The suspect was certified dead by paramedics who were called to the scene. The ICD took over the investigation, which is still ongoing.

## **22. GIYANI: MURDER**

In November 2009, the complainant alleged that her son had come home, alleging that two police officials had assaulted him and left him in the bush in Giyani. The victim of the assault apparently died from his injuries at Giyani Hospital after being taken there by his family – he was certified dead on arrival. A case of murder was opened against the two SAPS members involved, and they were arrested and charged with murder. The police officers have been on trial since 10/11/2009.

## **KWAZULU-NATAL**

### **23. LADYSMITH: MURDER**

On 11/11/2009, Constable Cedric Vries, who was attached to the Crime Intelligence Unit in Ladysmith, was sentenced to 15 years imprisonment for the murder of his girlfriend, Nomfundo Buthelezi. Constable Vries fatally wounded his girlfriend in July 2006 in front of the police station in Ladysmith. He had tried to commit suicide by shooting himself through the head but had survived. The ICD took over the investigation in July 2006 and conducted a full investigation. The matter was heard in the Ezakheni Regional Court.

**MPUMALANGA****24. INANDA: MURDER**

On 16/11/2008, at about 01:00, there was a house party in the Inanda Mission area. The deceased, Bheki Xulu (aged 41), had allegedly intervened in an argument between the suspect, Constable Njinga Richman Chili, and another male earlier that night. The deceased had called the accused over afterwards to talk. The deceased (Xulu) was seated on a chair whilst the accused (Chili) was standing. After a brief conversation the accused produced his service pistol and shot the deceased three times. The deceased died at the scene and the accused walked out of the yard to the police station. The ICD investigated the matter and recommended prosecution. The DPP decided that the police officer should be charged with murder. On 02/05/2010, former Constable Chili was convicted on a charge of murder and sentenced to 12 years imprisonment in the Ndwedwe Regional Court. He had been earlier convicted in a disciplinary hearing on the same case and dismissed from the police service in October 2009.

**25. DURBAN: EXTORTION**

The complainant alleged that he had been arrested on 10/04/2007 on suspicion of dealing in precious stones and that the police officers had demanded four thousand rand (R4 000). The complainant was taken to an ATM and forced to withdraw one thousand two hundred rand (R1 200), which he paid over to the police officers to avoid being detained. An arrangement was then made that the police officers would collect the outstanding R2 800 on 13/04/2007. The complainant then lodged a complaint with the ICD KwaZulu-Natal Office. The suspect was arrested following a trap operation by the ICD. The complainant was able to identify Warrant Officer Hlatshwayo as one of the officers who were present when he was initially arrested – also, the complainant's ID book, as well as other documents, was found in the police vehicle that Warrant Officer Hlatshwayo was driving. Warrant Officer Mandla Hlatshwayo was convicted in the Durban Regional Court on a charge of extortion and attempted corruption and he was sentenced to 2 years imprisonment without the option of a fine.

**26. LYDENBURG: MURDER**

Mr Oupa Malebe was allegedly told to come to the police station as he was sought for an armed robbery case. He was severely assaulted, and he had to be operated on and his testicles were removed. The ICD investigated the case and arrested the 5 members involved. Recommendations were made that the 5 members of the SAPS be prosecuted, and the case is now on trial.

**27. HAZYVIEW: MURDER**

It was alleged that Mr Sipiwe Mdluli was shot and killed after trying to report an assault by her boyfriend, Constable Gilmore Mandla Ntimane. The ICD arrested the police officer and ensured that he would be held accountable. Following an ICD investigation, the DPP agreed with the ICD's recommendation to prosecute. The case is on the court roll.

**28. KRIEL: EXCESSIVE FORCE**

Mr James Frederick Brown of Kriel, an elderly mental patient, died following an encounter with the police. This case involved the use of excessive force on a person who due to his age posed no threat to the police officers, and who had a known mental condition. The ICD reopened the case after obtaining new information. A recommendation that 3 police officers be charged departmentally was made. One police officer was acquitted. One member was dismissed, suspended for six months, and fined R500. The other was dismissed, suspended for six months.

**29. SKUKUZA: MURDER**

In Skukuza, the police alleged that Walter Mhlanga, who had been arrested for housebreaking and theft, had died in the cells. The ICD took over the investigation and the post mortem revealed that the deceased had been assaulted prior to his death. A recommendation was made to the DPP that the members involved be prosecuted. The decision of the DPP is awaited.

### **30. BLINKPAN: ASSAULT GBH AND MURDER**

In September 2009, Mr Nandos Lamono was arrested by the Blinkpan police for murder and attempted murder. Upon investigation, the ICD uncovered that the deceased had been assaulted by having his head smashed against the wall and against the steel door of the holding cells. The ICD recommended that the members be charged with murder. The decision of the DPP is outstanding.

### **31. VOSMAN: MURDER**

The ICD investigated the case of a police officer who is a Reservist in Vosman. This officer alleged that the deceased, Mr Mlambo Vincent Nhlahlhla, had pointed a firearm at him and that he had shot the deceased in self defence. Upon investigation by the ICD, independent witnesses contradicted the version given by the police officer. The police officer is on trial for murder.

## **NORTHERN CAPE**

### **32. STEINKOPF: MURDER**

It was alleged that on 18/11/2009, at about 15:30, a Constable from Steinkopf Police Station in the Northern Cape was attending to a complaint from a school girl who wanted pocket money from her father. The school girl went with the Constable to the house of the deceased (Mr Clive Heyn), where her father was thought to be. When the police Constable arrived at the house of the deceased, he was told that the father of the school girl had already left. The Constable allegedly left but returned to the house after about five minutes. The police officer again asked Mr Heyn where the father of the school girl was. Mr Heyn responded that he did not know where the girl's father was. Apparently an argument ensued between the Constable and the deceased. The Constable assaulted the deceased with an open hand once in the face and the deceased retaliated. It was alleged that the deceased had told the suspect to go away from his yard and threatened to stab suspect with a knife if he came back. The suspect went towards the police vehicle, and then cocked his firearm and went straight towards the deceased, carrying a firearm in his hand. The Constable allegedly fired 2 shots at the deceased, who fell down, and he then fired a further 3 shots at the deceased while the deceased was down. The

deceased was certified dead at the scene. After the shooting, the suspect allegedly threatened family members and witnesses who were at the scene that if any of them said anything, he would kill all of them. No knife was recovered from the scene or the body of the deceased. The Constable fled from the scene but was arrested and he appeared in court. The case is still being investigated.

### **33. ROODEPAN: ASSAULT AND RAPE**

Constable Palm, stationed at the SAPS Dog Unit in Kimberly, was arrested for allegedly raping his ex-wife. It was alleged that on 25/10/2009, while under the influence of alcohol, the accused had visited his ex-wife with the intention to see his children. A disagreement ensued between Palm and his ex-wife, which resulted in the accused assaulting, strangling, and subsequently raping her. He also tried to burn the bedding with a match, but the victim managed to extinguish the fire immediately. The accused then continued with his assault on the victim before forcing her into a room where he allegedly raped her without a condom. The victim further alleges that the Constable threatened to kill her if she reported the incident to the police. The victim broke her silence and confided in her pastor and a friend, which resulted in the arrest and subsequent detention of the SAPS member as a suspect in the rape matter. The complainant underwent all required medical examinations and cooperated with ICD investigators. The victim subsequently made a withdrawal statement to the DPP and the matter was struck off the court roll.

### **34. OLIFANTSHOEK: RAPE**

On 28/09/2009, Constable Mintor, who is now a suspect, was at his house with his friends when the victim (his ex-girlfriend) arrived. It was alleged that the victim voluntarily opted to remain behind with the suspect when Constable Mintor's friends left. Later in the evening, the victim went to the Olifantshoek Police Station to lodge a complaint of assault against the accused. It is said that she did not want the police to arrest the accused, but only to warn him to stop assaulting her. The police report indicated that the accused did not respond when the police went to his house; it appeared that he was asleep. The victim later went to Kathu SAPS with her current boyfriend to open a case of rape against

Constable Mintor. The case was immediately transferred to Olifantshoek SAPS. In addition, the accused was arrested and detained at Olifantshoek Police cells. The case was taken over by the ICD for investigation. The accused appeared before the Kathu Magistrate's Court on a charge of rape.

**NORTH WEST**

**35. KLERKSDORP: ASSAULT GBH (TORTURE)**

The complainant, who has a criminal case pending against him, alleged that on 27/11/2008, he was assaulted by six Inspectors at Klerksdorp Vaal Maseru offices. The complainant was allegedly assaulted with clenched fists and booted feet. He alleged that the inner tube of a wheel and a black plastic bag were used over his head and face to suffocate him while he was tied to a chair. It is further alleged that he was also electrocuted by these officers. The case was referred to the DPP, who declined to prosecute the suspected police officers until the criminal case against the complainant has been finalized.

**36. MMABATHO: ASSAULT GBH (TORTURE)**

The complainant alleges that he was picked up from his place of employment by a Detective on 04/02/2009 in the morning and taken in a police vehicle to a building in Mmabatho, where he was left in an office for two hours. The complainant alleges that he was then relocated to another office where there were five other police officers. He was asked about a bank robbery that had taken place at ABSA Bank on 30/01/2009. The complainant alleges that after he had told the police officers that he knew nothing about the bank robbery, his shirt was taken off and that he was bound to a chair. His face was covered with a plastic bag and he was assaulted. In addition, the victim was allegedly electrocuted with a device unknown to him. The ICD investigated the complaint and made recommendations to the DPP that the police officers be prosecuted. The decision of the DPP is outstanding.

**37. KLERKSORP: ASSAULT GBH (TORTURE)**

The complainant alleges that his client, who is a Captain in the SAPS, was arrested on 21/01/2010 on a charge of theft by members of the Klerksdorp Organized Crime Unit. The complainant further alleges that the victim was assaulted in the presence of the Station Commander. During the assault, the victim was allegedly tied to a chair with adhesive tape and plastic bags were pulled over his head with a rope tightened around his neck to suffocate him. It is further alleged that electric wires were attached to various parts of the victim's body, including his genitals, while electrical shocks were administered. According to the complainant, the electric shocks were so severe that his client's shin was deeply scorched. The complainant further alleges that his client was denied his right to consult a legal representative. The ICD investigated the case and arrested 6 members of the Klerksdorp Organised Crime Unit. The suspects have since been released on bail after appearing at the Klerksdorp Magistrate's Court. They will face charges of assault with intent to cause grievous bodily harm.

**38. WOLMARANSSTAD: ASSAULT GBH (TORTURE)**

The complainant alleges that on 20/01/2010, at around 02:00, police officers knocked on her door and that, when she opened, a police Captain started assaulting her and swearing at her for being in a relationship with a criminal. The police Captain was apparently accompanied by six other police officers. The complainant's house was searched and she was taken to Vaal Maseru Bus Depot. She alleges that she was assaulted until she vomited blood. After being taken to a room and tied to a chair, a black plastic bag was put over her head. The victim alleges that wires were put on her hands and genitals, after which electric shocks were administered. She alleges that she was assaulted until she agreed to go to a Magistrate with the police officers to tell the Magistrate whatever the officers wanted her to say. The ICD investigated the case and arrested six members of the Klerksdorp Organized Crime Unit. The suspects have since been released on bail after appearing at the Klerksdorp Magistrate's Court. They will face charges of assault with intent to cause grievous bodily harm.

**39. WOLMARANSSTAD: ASSAULT  
GBH (TORTURE)**

The complainant alleges that she was assaulted by two Inspectors with a waist belt and open hand on the 06/08/2009. It is further alleged that the complainant was accused of stealing printers and forging cheques at her place of employment. Some of the suspects are implicated in other cases that the ICD is investigating. The matter is still being investigated.

**40. KLERKSDORP: ASSAULT GBH  
(TORTURE)**

The complainant, who is a legal representative, alleges that on 27/01/2010, his client was assaulted and tortured by members of Klerksdorp Organized Crime Unit. The allegations are that on 01/02/2010, the victim, who is the client of the complainant, was taken to the offices of the Klerksdorp Organized Crime Unit by Captain Dawood. Police officers allegedly assaulted and tortured the victim while trying to force him to drop charges against them in return for them dropping trumped-up charges against him. An attempt was made to get the victim to make a confession and tell the Magistrate that he had lied in his statement, which he refused to do. As a result of his lack of cooperation, a false case of attempting to escape from custody was opened against the victim, but the DPP declined to prosecute as it was clear that the victim had not tried to escape. The ICD investigated the matter and referred the case to the DPP for a decision on prosecution. The DPP decided that the police officers involved should be criminally prosecuted for assault with the intent to cause grievous bodily harm. The case is on the court roll.

**41. BRITS: CORRUPTION**

It is alleged that two police officers from Brits forced the complainant to pay a spot fine of R2 000 for allegedly going through a red traffic light on the Brits Main Road. It is further alleged that an argument ensued about speeding and the two officers issued a fine for that. The victim apparently called his girlfriend and arranged to meet her at the nearby fuel station where the money would be withdrawn. The victim allegedly handed R1 000 to the two police officers and they were seen by security guards who followed them. It is further alleged that when

one of the police officers saw the security guards, several shots were fired and the two police officers fled the scene with the victim's car. The matter was investigated by the ICD and it referred the case to the DPP, who decided that the involved SAPS members should be criminally prosecuted for corruption. The case is on the court roll.

**42. KLERKSDORP: MURDER AND  
ATTEMPTED MURDER**

The matter was reported to the ICD by a police officer from Klerksdorp Police Station. It is alleged that on 23/12/2009, at about 23:00, a complaint was received about a white police officer who was wearing a bullet proof vest and shooting randomly in the streets. The reporter alleged that a certain Mr Van Wyk had informed the police that the said officer had shot Mr Van Wyk's plumber, who was his employee. He alleged that while the police were searching for the suspect police officer, they received information that he was walking around Lautz Street towards the Spar shop. The suspect, an Inspector from Jouberton SAPS, was disarmed. A police firearm, two firearm magazines, pepper spray, and a holster were found in his possession. The victim died on 24/12/2009 from the gunshot wound. A case of attempted murder and murder was opened at Klerksdorp SAPS as per CAS 703/12/2009. The ICD investigated the matter and recommended prosecution. The DPP decided to prosecute. The case is on the court roll.

**43. KLERKSDORP: ASSAULT GBH  
(TORTURE)**

The complainant alleges that on 27/01/2010, two of his clients were assaulted and tortured by members of Klerksdorp Organized Crime Unit. The legal representatives were allegedly denied access to their clients by the Commander of the said Organized Crime Unit. The ICD's investigation confirmed that the victims were tortured. The investigation was completed and the docket referred to the DPP for a decision. The decision of the DPP is still outstanding.

**44. KLERKSDORP: MURDER**

It is alleged that on 11/01/2010, two police officers, a Captain and a Constable, took detainees to a clinic for medical treatment. They took three handcuffed detainees out of the police vehicle and escorted

them to the clinic. As they returned from the clinic, one detainee broke loose and escaped. It is alleged that the Constable chased the detainee while the Captain secured the other two detainees. The Constable then shot a warning shot, after which the detainee slipped and fell to the ground. He allegedly stood up and continued running. The Constable allegedly shot him, and he fell to the ground and died on the scene. The deceased was handcuffed on one hand. The investigation into the incident was completed and the docket was sent to the DPP for perusal and decision. The decision of the DPP is still outstanding.

#### **45. RUSTENBERG: ASSAULT GBH (TORTURE)**

The police allege that the deceased was arrested in connection with a robbery at TEBA Bank. He was taken for questioning and it was alleged that the deceased complained about the heat and then asked to be put on the floor. The deceased was later taken to Fern Crest for medical attention, where he was certified dead. The ICD's investigation revealed that the deceased died as a result of torture. The docket was referred to the DPP, who decided that the involved SAPS members should be criminally prosecuted for murder, or alternatively culpable homicide. The case is on the court roll.

#### **46. RUSTENBERG: MURDER**

This matter was reported to the ICD by the police. It is alleged that on the 29/02/2008, at about 01:35, two police officers who were on duty at Rustenberg SAPS received a message from radio control that there had been a shooting incident at Unit 15. They immediately rushed to the scene, and upon their arrival, they found Inspector Moreo, who is an SAPS member attached to the Flying Squad, and two Inspectors known as Kgowane and Mothupi, as well as other members of the community. It is alleged that a black male person of about 25 years of age was lying on the street wearing khaki trousers and a black top. It is alleged that the deceased was lying with his head in a pool of blood, and had an open wound on the right side of his head. The deceased allegedly had a brown and silver knife in his right hand. The deceased was allegedly shot by Inspector Moreo in self defence after the deceased had tried to stab the police officer, who had chased after the deceased following an attempt to break into the Inspector's car. The ICD conducted an investigation

and referred the docket to the DPP. The DPP decided that Inspector Moreo should be prosecuted. On 19/10/2009, the accused was found guilty of culpable homicide and fined R1 000 or 6 months' imprisonment, which was wholly suspended for five years on condition that the accused does not commit a similar offence during the suspension period.

#### **47. RUSTENBERG: MURDER**

Reserve Constable Mfelang was found guilty in November 2009 following an ICD investigation. It was alleged that on 17/07/2007, he went to the house of his girlfriend Zukiswa Macala at X 774, Ext. 2, Jouberton, where he quarrelled with the deceased as they were not on good terms. The police officer allegedly strangled the victim, pulled out his firearm and shot her in the head and in the chest. He then turned the gun on himself and shot himself below the jaw. The bullet went through his skull but he survived. The member was found on the scene, arrested, and taken to hospital for medical attention. A suicide note was found in the member's production sheet that was placed in the police vehicle that the member was supposed to use on the day. The investigation was completed and the matter was placed on the court roll for trial from 28/10/2009 to 30/11/2009. The accused was found guilty and sentenced to 15 years imprisonment.

#### **WESTERN CAPE**

#### **48. KHAYELITSHA: MURDER**

It is alleged that on 28/09/2009, two permanent members and six reserve members assaulted a member of the public by kicking and hitting him with half a brick. He was transported to the Khayelitsha police station where individual members again assaulted him in full view of other police members and administration staff – these members and administration staff declined to make statements. The victim of the assault died in hospital. The ICD was notified and attended the scene. It was established by means of witnesses that shots were also fired by the SAPS members. A 9mm cartridge case was discovered at the scene and it was positively linked to a SAPS member's firearm. Blood was also discovered in the police vehicle that transported the deceased to the police station. The ICD arrested the eight SAPS members and opposed

their bail. The bail application was heard over 15 days at the Khayelitsha Magistrate's Court. The suspects were later granted bail. The case is on the court roll.

#### **49. KNYSNA: MURDER**

It is alleged that on 27/02/2010, an SAPS member from Knysna police station arrested a member of the public at Rheenendal, Knysna. The police officer allegedly assaulted the person during the arrest because the person stabbed him in the arm. The assault victim was then transported to the Knysna police station. At the police station, the officer was joined by two other SAPS members in kicking victim whilst he was on the ground in the parking area of the police station. After the assault, a police officer allegedly dragged the deceased into the police holding cells, leaving a trail of blood on the ground. The victim was placed in a police cell, and on 01/03/2010 he was transported to the George Hospital where he died. A witness furnished the ICD's investigators with information that led to the investigators initiating an investigation and collecting blood for DNA analysis. The post mortem was attended and it was determined that the deceased had died of blunt trauma injuries, including broken ribs. The ICD arrested three SAPS members. The police officers appeared at Knysna Magistrate's Court, where they were granted bail. The case is on the court roll.

#### **50. KNYSNA: RAPE**

It is alleged that on 06/02/2010, at 22:00, a member of the public had an argument or disagreement with people at a birthday party. The victim left and crossed the road into the parking area of a nearby shopping centre in Knysna. She alleges that a police vehicle pulled up alongside her and followed her to the back of the building. The victim alleges that she requested the police officers to take her home. She alleges that, at the back of the building, she was forced into the police vehicle and held down on the seat of the vehicle by one SAPS member whilst the other member raped her. The victim managed to break free and ran from them whilst they were laughing at her. She walked to her friends' house where she reported the incident. The SAPS – FCS unit from George were informed and they conducted the investigation until 2010/02/28 when the ICD took over the investigation. An identity

parade was conducted on 09/02/2010; however, the complainant was not able to positively identify any suspects. A second DNA sample was taken for analysis. The investigation continues.

#### **51. PAARL, OUDTSHOORN, GEORGE AND MONTAGUE: MANIPULATION OF STATISTICS**

The ICD started investigations after receiving a complaint from the office of the MEC for Police in the Western Cape. After relevant reports were received from the office of the SAPS Provincial Commissioner, Western Cape, the allegations being investigated are that housebreaking, arson, and theft out of motor vehicle dockets have been changed to malicious damage to property charges. During the investigation, the ICD perused more than one thousand nine hundred (1 900) dockets at Paarl, Oudtshoorn, and George. A pattern was established that there are similarities in the manner that cases are opened and the charges changed towards the end of the month at the aforesaid stations. A criminal case docket of defeating the ends of justice was opened by the ICD investigators in respect of Paarl. The investigations are continuing.

#### **52. GUGULETHU: MURDER**

On 29/01/2010, a 49 year old coloured male and a witness visited a tavern in NY 109, Gugulethu. Whilst they were sitting outside the tavern, it is alleged that members of the SAPS arrived. It is further alleged that the victim uttered some words towards the SAPS members. Apparently, one of the SAPS members hit the victim on the right cheek with a hand and the deceased fell backwards, hitting his head on the pavement. It is alleged that the two SAPS members loaded the victim into the back of the patrol vehicle by picking him up on each side and then throwing him into the back of the van. According to witnesses, the deceased was bleeding from his mouth and nose whilst in the back of the police van. The deceased was transported to the Gugulethu Day Hospital. The victim died on 30/01/2010 at GSH Hospital, where he had been transferred. The post mortem indicated that the

deceased had a head injury/fractured skull. The deceased also had bruising to his right cheek indicating that he received blunt trauma to the cheek. The ICD opened a murder docket. The investigation continues.

## 6. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

**Purpose:** To manage all information needs and knowledge; conduct proactive research and embark on various proactive oversight activities; and manage all communication and the marketing of activities and products to stakeholders.

**Measurable objectives:** Provide information and recommendations, including in relation to the DVA, by analyzing the complaints register, conducting research and producing reports, and conducting community awareness programmes annually.

### Service delivery achievements

Output	Measure/indicator	Target	Actual performance
<b>Research</b>	Production of qualitative reports containing recommendations	3 reports	Target met. The following reports were completed: 1. Deaths as a result of police action in Gauteng, KwaZulu-Natal and the Eastern Cape; 2. Femicide involving members of the SAPS; and 3. The Challenges and Achievements in the 5 years of Police Oversight: A Comparison between the Independent Police Complaints Commission (IPCC) and the Independent Complaints Directorate (ICD)
<b>Monitoring</b>	Number of police stations audited for compliance with the DVA	198 stations	Target met. A total of 442 station audits were conducted against a target of 198
<b>Marketing</b>	Number of community outreach activities undertaken per annum	240 events	Target met. A total of 386 outreach activities were undertaken, representing an achievement of 161%

## 7. STATISTICS FOR 2009/10

This part of the report deals with the statistics of cases dealt with by the various offices of the ICD for the year ended 31 March 2010. The statistics are discussed in terms of complaints received, cases carried over, and how they were disposed of. After the overall analysis, each class is broken down in detail.

### Section A: Complaints intake

Figure I depicts an upward trend of complaints received by the ICD nationally over the twelve-year period from 1998/99 to 2009/10. The number of complaints received increased from 2 594 in the financial year 1998/99 to 6 377 in the financial year 2009/10, which is an increase of 146% over the twelve-year period.

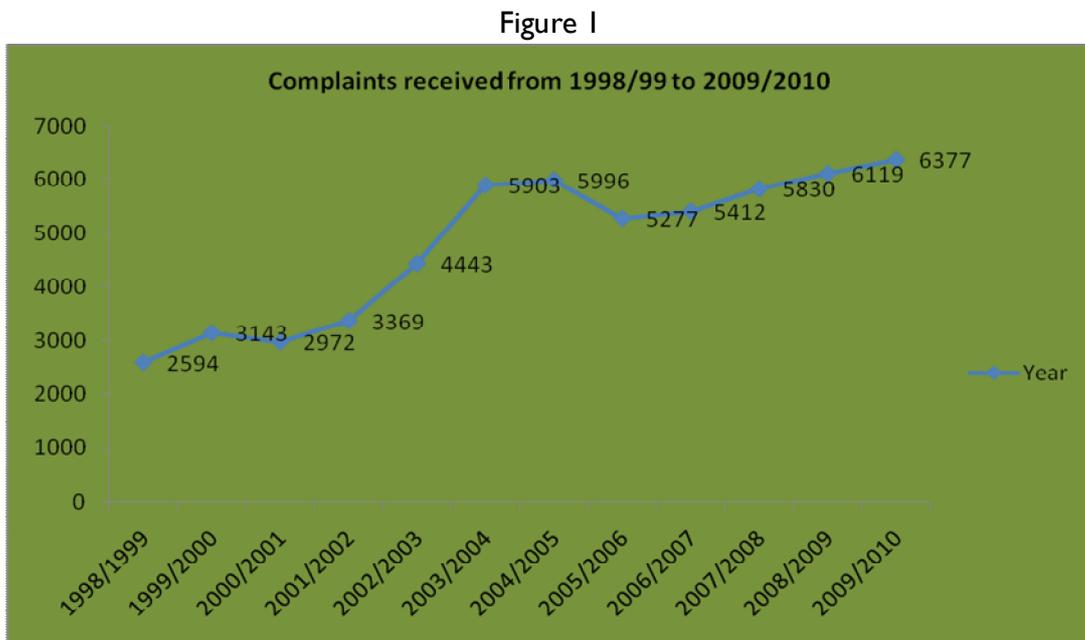


Table I shows the total number of complaints received by the ICD nationally per class in the financial year 2009/10, which is the period under review.

Class	Number of complaints
Deaths	860
Domestic Violence	126
Criminal	2 462
Misconduct	2 929
<b>Total</b>	<b>6 377</b>

Figure 2 shows that the biggest percentage of complaints received are **misconduct** cases at 46%, followed by **criminal** cases at 39%, **deaths** at 13%, and **non-compliance** with the DVA being 2% of the total number of complaints received.

Figure 2

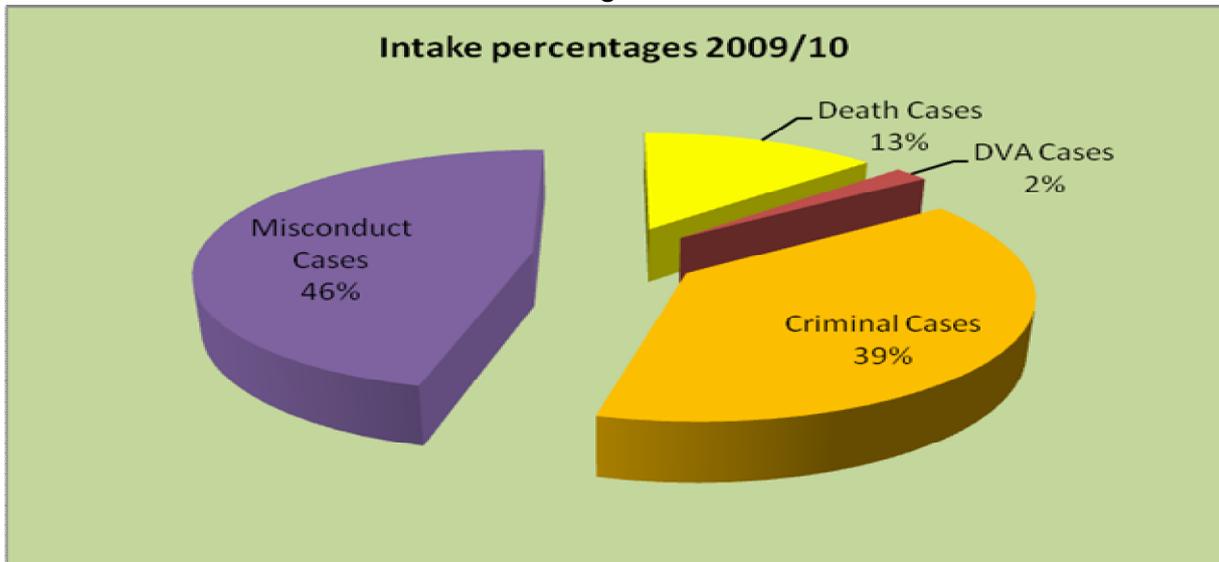


Table 2 shows the comparisons of the complaints received from the previous financial year (2008/09) and the current financial year (2009/10). The ICD experienced an overall increase of 4% of complaints received, with a decrease in DVA-related complaints (16%) and deaths (6%).

Class	2008/09	2009/10	Yearly change
Death	912	860	-6%
Domestic Violence	150	126	-16%
Criminal	2 285	2 462	8%
Misconduct	2 772	2 929	6%
<b>Total</b>	<b>6 119</b>	<b>6 377</b>	<b>4%</b>

Table 3 indicates that the nine (9) provincial offices, including the satellites, of the ICD received a total of 6 377 complaints during the 2009/10 period under review, covering the period 1 April 2009 to 31 March 2010.

Province	Deaths	Domestic Violence	Criminal	Misconduct	Total
Eastern Cape	85	9	183	107	<b>384</b>
Free State	47	19	267	516	<b>849</b>
Gauteng	189	33	342	530	<b>1 094</b>
KwaZulu-Natal	270	8	175	230	<b>683</b>
Limpopo	53	6	244	211	<b>514</b>
Mpumalanga	80	4	212	143	<b>439</b>
North West	41	4	305	417	<b>767</b>
Northern Cape	16	12	239	299	<b>566</b>
Western Cape	79	31	495	476	<b>1 081</b>
<b>Total</b>	<b>860*</b>	<b>126</b>	<b>2 462</b>	<b>2 929</b>	<b>6 377</b>

\* This number refers to deaths as a result of both SAPS and MPS action.

Figure 3 shows the percentages of complaints received per province. It is evident that Gauteng and the Western Cape received the most complaints at 17%, followed by the Free State at 13% and North West at 12%.

Figure 3

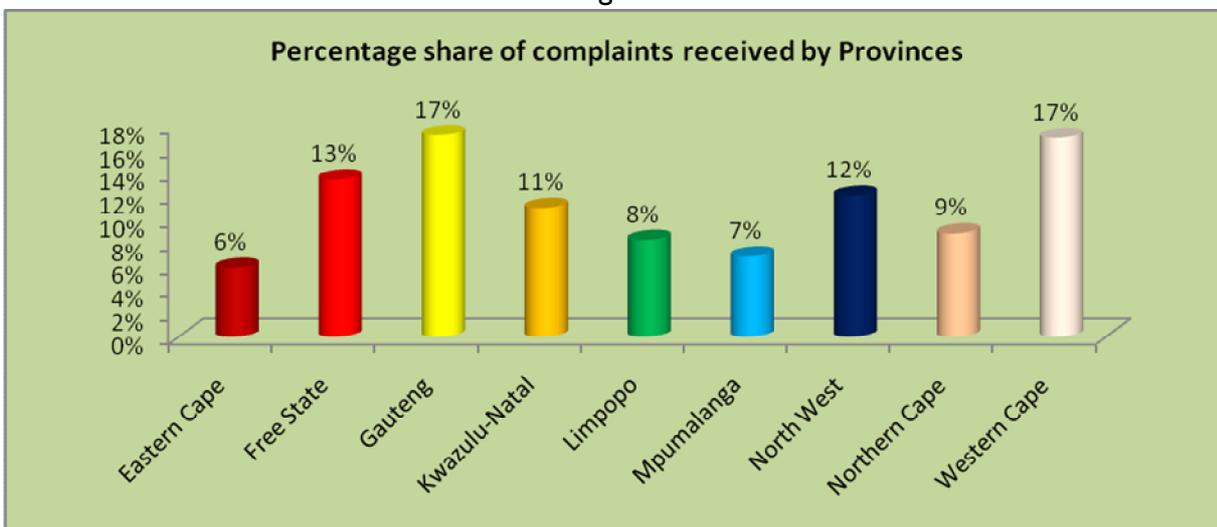


Table 4 shows a two-year comparison of complaints received per province from the previous financial year (2008/09) and the current financial year (2009/10). Mpumalanga experienced a substantial 47% increase in complaints received, followed by the Western Cape with 26%, while the Eastern Cape, KwaZulu-Natal, and the Northern Cape experienced a decrease of 26%, 12%, and 7% respectively.

Province	2008/09	2009/10	Yearly change
Eastern Cape	517	384	-26%
Free State	830	849	2%
Gauteng	1 023	1 094	7%
KwaZulu-Natal	778	683	-12%
Limpopo	491	514	5%
Mpumalanga	299	439	47%
North West	713	767	8%
Northern Cape	607	566	-7%
Western Cape	861	1 081	26%
<b>Total</b>	<b>6 119</b>	<b>6 377</b>	<b>4%</b>

## I. Deaths in police custody and as a result of police action

**A death in police custody** - means the death of any person which occurs during a period commencing upon the arrest of such person and ending when the person leaves police custody either legitimately or by escape. In the case of a person who is arrested by someone who is not a member of the Service, the period shall commence at the delivery of such person into police custody.

**A death as a result of police action** - means the death of any person, including a member of the Service, which was caused, or is reasonably believed to have been caused, by a member of the South African Police Service or Municipal Police Services while acting in his or her capacity as a member of the Service, and shall include by way of illustration, but not limited to, those deaths which occur in connection with:

- (i) An attempt to effect an arrest or to prevent an escape;
- (ii) A member`s action taken in self defence or in the defence of another person;
- (iii) A motor vehicle collision involving one or more Service vehicle;
- (iv) Mass action where police were present; and
- (v) Any action or inaction by a member which amounts to a criminal offence or misconduct as defined in South African Police Service Disciplinary Regulations.

Figure 4 depicts incidents of deaths in police custody and as a result of police action received by the ICD per month during the period under review (financial year 2009/10). The figures indicate April and November as being the months in which the ICD received the most notifications of deaths, that is, 82 and 85 respectively.

Figure 4

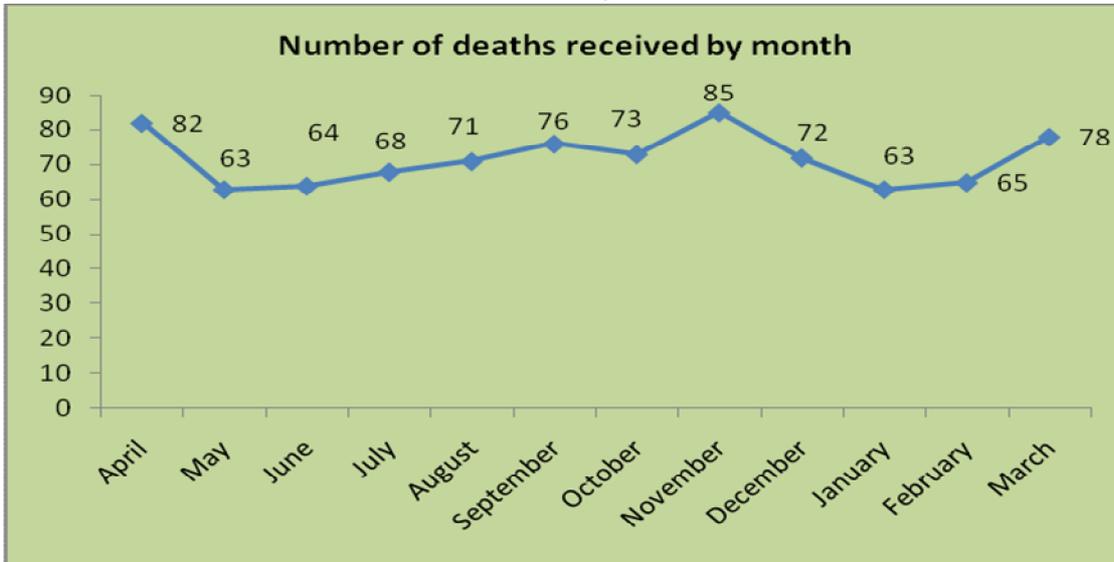


Figure 5 shows that deaths in police custody accounted for 34%, while deaths as a result of police action accounted for 66% of all death notifications received during the period under review.

Figure 5

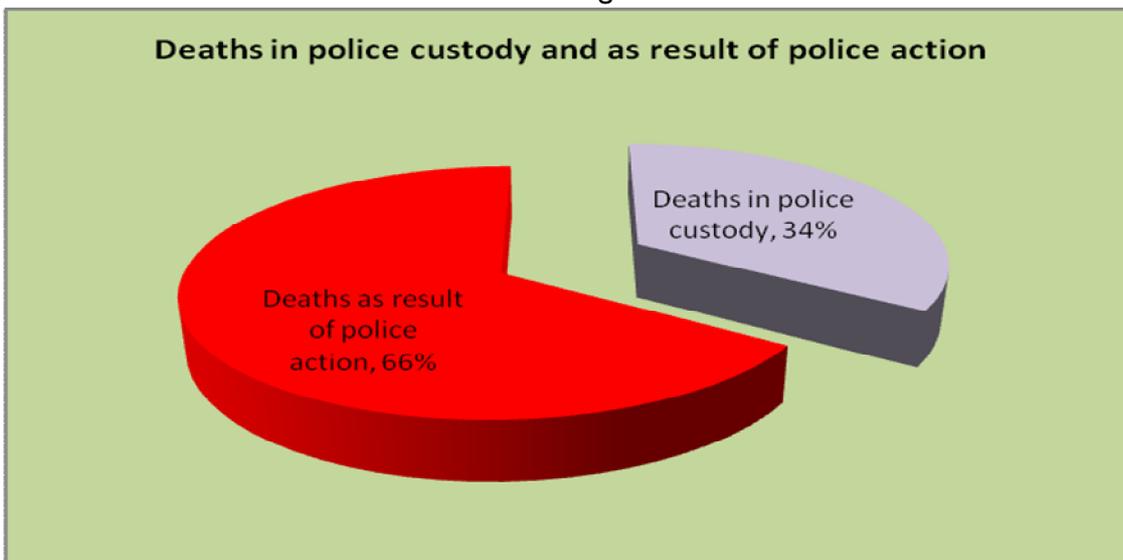


Table 5 is a comparison of deaths in police custody and deaths as a result of police action over two financial years. Deaths in police custody decreased by 2%, whereas deaths as a result of police action decreased by 8%.

<b>Table 5: Yearly changes of deaths in police custody and as a result of police action</b>			
<b>Deaths</b>	<b>2008/09</b>	<b>2009/10</b>	<b>Percentages</b>
Deaths in police custody	300	294	-2%
Deaths as a result of police action	612	566	-8%
<b>Total</b>	<b>912*</b>	<b>860*</b>	<b>-6%</b>

\* These numbers refer to deaths contributed by both the SAPS and MPS.

Table 6 reflects deaths in police custody and as a result of police action reported to the ICD by the SAPS and MPS in the 2009/10 financial year per province. The table indicates that KwaZulu-Natal had a 31% increase in reported deaths, followed by Gauteng with 22%, and the Eastern Cape with 10% of deaths reported.

<b>Table 6: Deaths in police custody and as a result of police action per province</b>		
<b>Province</b>	<b>2009/10</b>	<b>Percentages</b>
Eastern Cape	85	10%
Free State	47	6%
Gauteng	189	22%
KwaZulu-Natal	270	31%
Limpopo	53	6%
Mpumalanga	80	9%
North West	41	5%
Northern Cape	16	2%
Western Cape	79	9%
<b>Total</b>	<b>860*</b>	<b>100%</b>

\* This number refers to deaths contributed by both the SAPS and MPS.

Table 7 is a comparison of deaths in police custody and deaths as a result of police action per province over two financial years, from 2008/09 to 2009/10, which is the period under review. It can be observed that overall the ICD experienced a 6% decrease in the number of deaths dealt with during the period under review, as compared to the previous financial year.

<b>Table 7: Total deaths in police custody and as a result of police action - yearly change</b>			
<b>Province</b>	<b>2008/09</b>	<b>2009/10</b>	<b>Yearly change</b>
<b>Eastern Cape</b>	124	85	-31%
<b>Free State</b>	52	47	-10%
<b>Gauteng</b>	191	189	-1%
<b>KwaZulu-Natal</b>	258	270	5%

Province	2008/09	2009/10	Yearly change
Limpopo	67	53	-21%
Mpumalanga	65	80	23%
North West	59	41	-31%
Northern Cape	14	16	14%
Western Cape	82	79	-4%
<b>Total</b>	<b>912*</b>	<b>860*</b>	<b>-6%</b>

\* These numbers refer to deaths contributed by both the SAPS and MPS.

Figure 6 depicts the trend in respect of deaths in police custody and deaths as a result of police action from the 1998/99 financial year to the 2009/10 financial year. The highest number of recorded deaths in police custody and as a result of police action was in 2008/09, that is, 912. The year with the lowest reported deaths was 2002/03 with 528 cases.

Figure 6

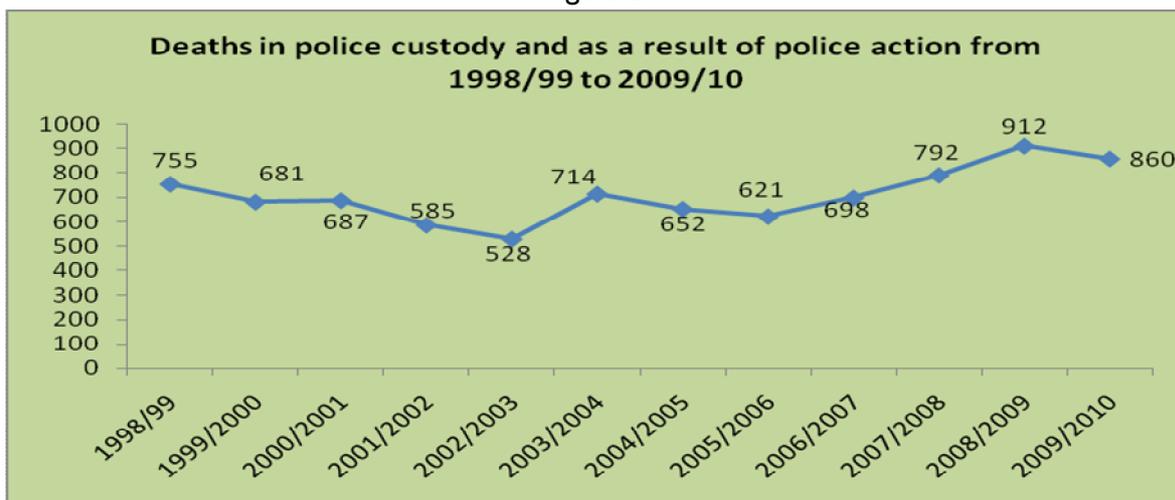


Table 8 shows deaths in police custody and deaths as a result of police action received in 2009/10 by description. The majority of deaths were caused by shooting of the deceased with a service firearm, which accounts for 55% (471), followed by deaths resulting from assault 14% (122).

Short description	Number	Percentage
Assault	122	14%
Natural causes (illness)	93	11%
Poisoning	2	0%
Shot with private firearm	8	1%
Shot with service firearm	471	55%
Struck by police vehicle as pedestrian	27	3%

Short description	Number	Percentage
Suffocation	3	0%
Suicide	112	13%
Suspects in vehicle collision, while being pursued by police	9	1%
Torture	7	1%
Vehicle collision while in police operated vehicle	6	1%
<b>Total</b>	<b>860*</b>	<b>100%</b>

\* This number refers to deaths contributed by both the SAPS and MPS.

Table 9 shows the circumstances in which deaths in police custody occurred. Most deaths in police custody were due to injuries sustained prior to custody (35%), indicating situations where members of the public took the law into their hands before the victims were handed over to the police. Injuries sustained in custody amounted to 33%, and natural causes led to 32% of all deaths in police custody.

Short description	Number	Percentage
Injuries sustained in custody	97	33%
Injuries sustained prior to custody	104	35%
Natural causes	93	32%
<b>Total</b>	<b>294</b>	<b>100%</b>

Table 10 indicates a breakdown of deaths in police custody and the relevant circumstances per province. It can be observed that most deaths in police custody took place in KwaZulu-Natal and Gauteng.

Circumstances	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Injuries sustained in custody	10	9	23	16	5	9	4	7	14	<b>97</b>
Injuries sustained prior to custody	14	7	29	21	7	14	3	1	8	<b>104</b>
Natural causes	13	5	5	23	12	9	17	-	9	<b>93</b>
<b>Total</b>	<b>37</b>	<b>21</b>	<b>57</b>	<b>60</b>	<b>24</b>	<b>32</b>	<b>24</b>	<b>8</b>	<b>31</b>	<b>294</b>

Table 11 portrays deaths as a result of police action and the circumstances surrounding such deaths. In the majority of deaths as a result of police action, the suspects died during the course of arrest (46%), followed by instances where suspects died during the course of a crime (22%), and instances where suspects died during the course of an investigation (10%).

<b>Circumstances</b>	<b>Number</b>	<b>Percentage</b>
A suspect died during the course of a crime	124	22%
A suspect died during the course of an escape	23	4%
A suspect died during the course of an investigation	57	10%
A suspect died during the course of arrest	257	46%
An innocent bystander died during commission of a crime	13	2%
An innocent bystander died during the course of an escape of another	3	1%
Domestic violence related and off-duty deaths	22	4%
Negligent handling of a firearm leading to a death	25	4%
Negligent handling of a vehicle leading to a death	42	7%
<b>Total</b>	<b>566</b>	<b>100%</b>

Table 12 shows a breakdown of deaths as a result of police action and the relevant circumstances per province. It can be observed that the majority of such deaths occurred in KwaZulu-Natal (210 cases), followed by Gauteng (132 cases). Only 8 cases took place in the Northern Cape.

<b>Circumstances</b>	<b>EC</b>	<b>FS</b>	<b>GP</b>	<b>KZN</b>	<b>LP</b>	<b>MP</b>	<b>NW</b>	<b>NC</b>	<b>WC</b>	<b>Total</b>
A suspect died during the course of a crime	9	3	54	37	4	6	1	1	9	<b>124</b>
A suspect died during the course of an escape	3	-	-	15	1	1	2	-	1	<b>23</b>
A suspect died during the course of an investigation	3	5	22	23	1	2	1	-	-	<b>57</b>

<b>Circumstances</b>	<b>EC</b>	<b>FS</b>	<b>GP</b>	<b>KZN</b>	<b>LP</b>	<b>MP</b>	<b>NW</b>	<b>NC</b>	<b>WC</b>	<b>Total</b>
A suspect died during the course of arrest	23	7	39	114	18	31	7	1	17	<b>257</b>
An innocent bystander died during commission of a crime	2	1	-	8	-	1	1	-	-	<b>13</b>
An innocent bystander died during the course of an escape of another	1	-	1	1	-	-	-	-	-	<b>3</b>
Domestic violence related and off-duty deaths	1	1	9	4	1	2	1	1	2	<b>22</b>
Negligent handling of a firearm leading to a death	3	5	2	3	1	4	1	1	5	<b>25</b>
Negligent handling of a vehicle leading to a death	3	4	5	5	3	1	3	4	14	<b>42</b>
<b>Total</b>	<b>48</b>	<b>26</b>	<b>132</b>	<b>210</b>	<b>29</b>	<b>48</b>	<b>17</b>	<b>8</b>	<b>48</b>	<b>566</b>

Table 13 shows that most of the members who are accused of causing deaths as a result of police action are Constables (27%), followed by Inspectors (22%). Sergeants and Captains each accounted for 5%, while Superintendents and Senior Superintendents accounted for 2% and 1% respectively. Not applicable (38%) refers to deaths in police custody where there was no direct police involvement and to deaths due to natural causes.

Accused member	Number	Percentage
Constable	231	27%
Sergeant	43	5%
Warrant Officer	194	22%
Lieutenant	-	-
Captain	43	5%
Major	-	-
Lieutenant Colonel	15	2%
Colonel	9	1%
Not applicable	325	38%
<b>Total</b>	<b>860</b>	<b>100%</b>

Figure 7 portrays the gender of victims of deaths in police custody and as a result of police action. Males made up most of the victims at 95% and females made up 5% of the total number of deaths.

Figure 7



Figure 8 indicates the ages of the victims who died in police custody and as a result of police action. The age group 26-35 years accounted for 47% of all reported deaths. The age group 19-25 included the second highest number of victims. Children/minors accounted for 5% of victims.

Figure 8

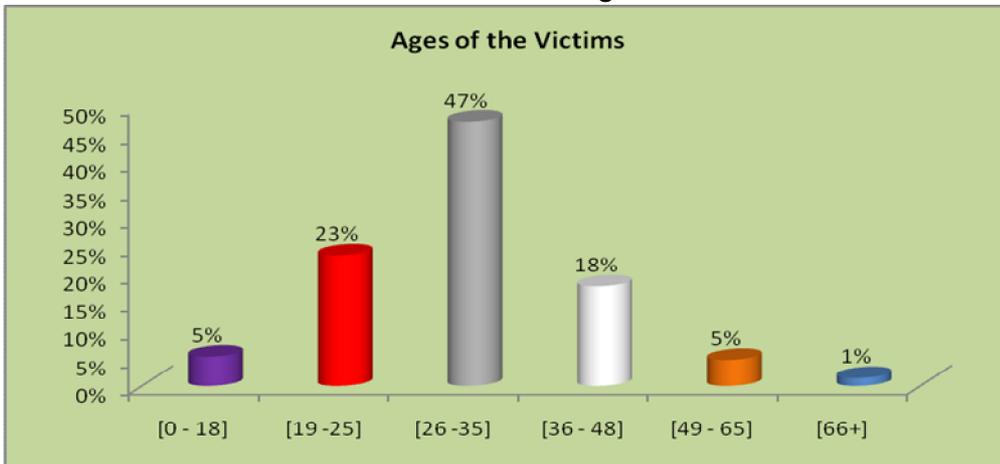


Figure 9 depicts the classification of the victims who died in police custody and as a result of police action. The majority (90%) of deceased persons were suspects, followed by awaiting trial detainees at 9%.

Figure 9

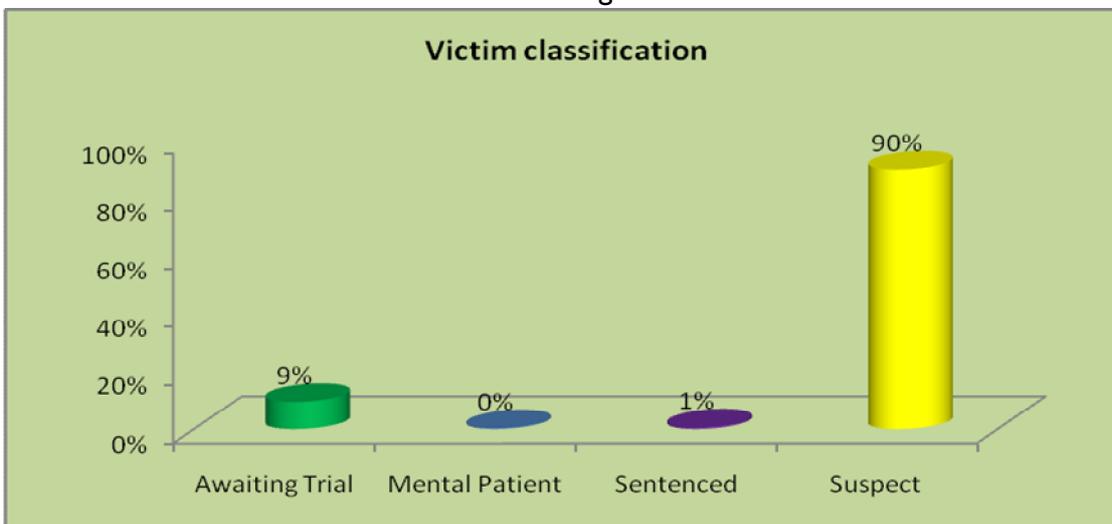


Figure 10 indicates the persons responsible for deaths in police custody and as a result of police action. Most deaths in police custody and as a result of police action were caused by SAPS members (62%), followed by both suicides and natural causes (14%). Members of the public were responsible for 8% of the deaths, while co-detainees were responsible for 2% of all deaths.

Figure 10

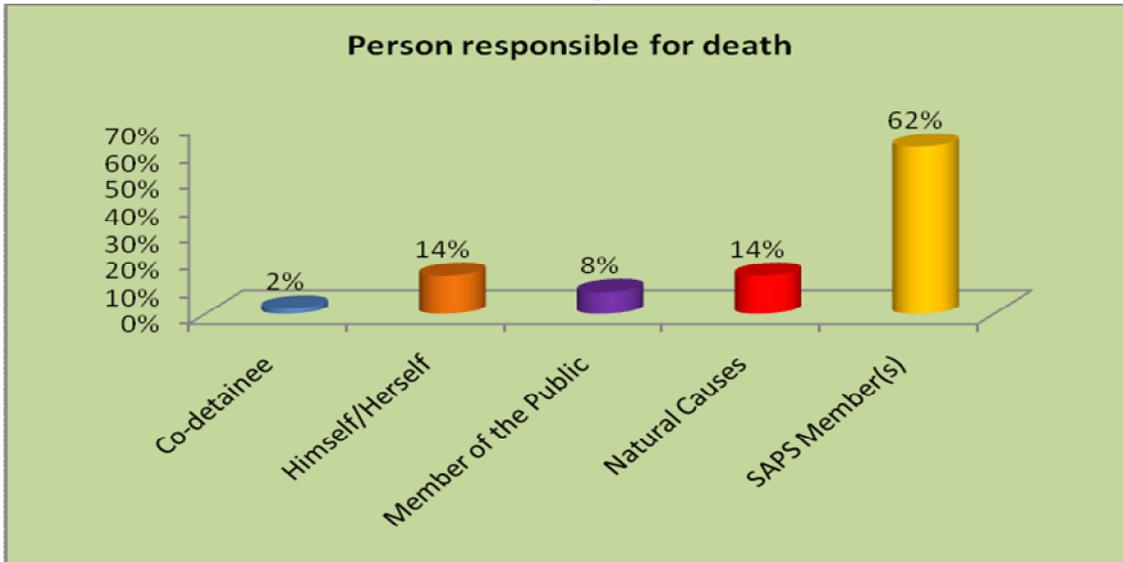


Figure 11 shows that most deaths (58%) occurred at the crime scenes (other). Twenty-one percent of the suspects died in hospital, whereas 17% died in police cells and 2% died while in transit either on the way to hospital or on the way to police stations.

Figure 11

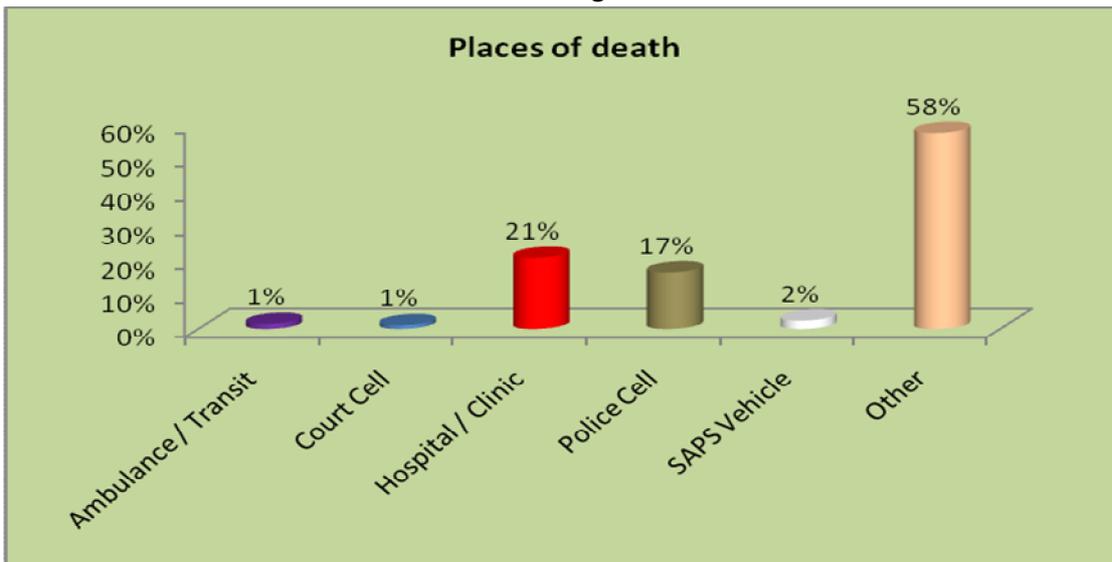


Figure 12 indicates that most incidents where members used their service firearms resulting in death occurred on Mondays, with 44 incidents reported, followed by Fridays and Sundays with 25 incidents each.

Figure 12

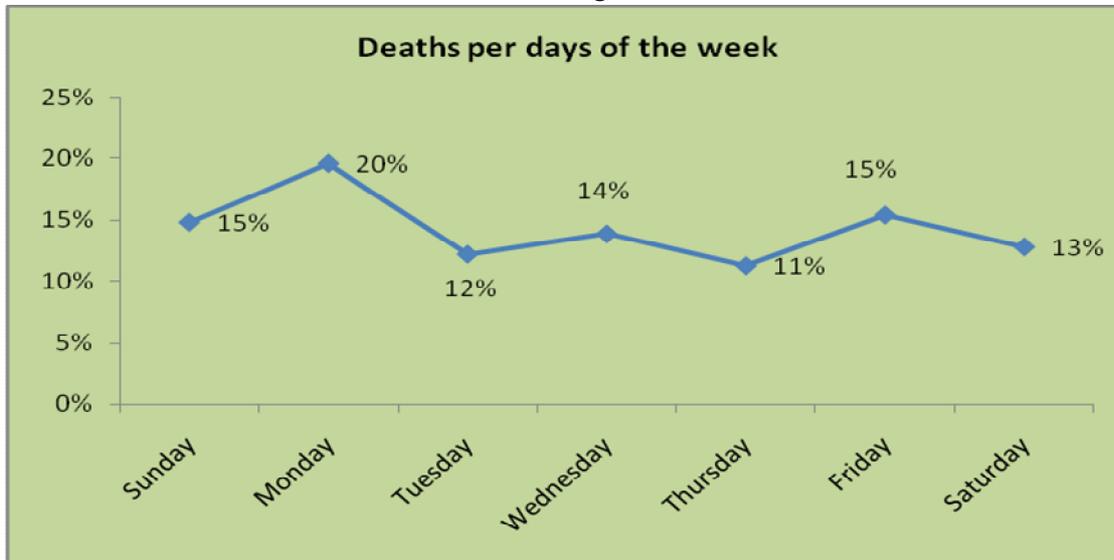


Table 14 provides a list of police stations and MPS precincts where deaths in police custody and as a result of police action occurred per province.

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Acornhoek						2				2
Actonville			1							1
Alberton			1							1
Alexandra			3							3
Alexandra Road				1						1
Alldays					1					1
Amalia							1			1
Amanzimtoti				6						6
Amersfoort						2				2
Athlone									1	1
Atteridgeville			2							2
Bainsvlei		2								2
Barberton						2				2
Bathurst	1									1
Bathlaros								1		1
Bayview				2						2
Beacon Bay	1									1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Bellville									2	2
Bellville South									1	1
Benoni			1							1
Berea				2						2
Bethal						3				3
Bethulie		1								1
Bhekithemba				1						1
Biesiesvlei							1			1
Bishopstowe				1						1
Bityi	1									1
Bizana	2									2
Blinkpan						1				1
Boitekong							1			1
Boithuso		1								1
Boksburg			1							1
Boksburg North			2							2
Bolobedu					4					4
Bonnievale									2	2
Booysens			2							2
Bothaville		1								1
Botshabelo		1								1
Brakpan			1							1
Brandfort		2								2
Bredasdorp									1	1
Breyten						1				1
Brighton Beach				1						1
Brits							2			2
Brixton			1							1
Brooklyn			2							2
Bultfontein		4								4
Bulwer				1						1
Bushbuckridge						2				2
Butterworth	4									4
Cala	1									1
Calcutta						1				1
Calvinia								1		1
Carletonville			1							1
Carolina						2				2

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Cato Manor				7						7
Cape Town Central									1	1
Cedarville	1									1
Ceres									1	1
Chatsworth				3						3
Christiana							1			1
Cleveland			2							2
Cofimvaba	1									1
Cradock	1									1
Cramond				1						1
Creighton				1						1
Crystal Park			1							1
Davel						1				1
Daveyton			1							1
Dawn Park			1							1
De Doorns									1	1
Delareyville									1	1
Delft									3	3
Delmas						1				1
Dennilton					2					2
Diepkloof			3							3
Douglasdale			6							6
Duduza			2							2
Duncan Village	1									1
Dundee				1						1
Durban Central				7						7
Durban North				1						1
Edenpark			2							2
Edenvale			2							2
Eersterust			1							1
Ekgangala			2							2
Ekombe				1						1
Elandslaagte				1						1
Eldorado Park			2							2
Elsburg			1							1
Elsiesriver									1	1
Elukwatini						1				1
Embalenhle						1				1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Empangeni				5						5
Engcobo	1									1
Ennerdale			1							1
Erasmia			1							1
Esikhawini				4						4
Estcourt				3						3
Etwatwa			2							2
Evaton			1							1
Evander						1				1
Ezakheni				3						3
Ezibeleni	1									1
Ezinqoleni				2						2
Fairland			1							1
Ficksburg		2								2
Flagstaff	2									1
Florida			1							1
Folweni				3						3
Frankfort		2								2
Gamalakhe				4						4
Gansbaai									1	1
Ganyesa							1			1
Gariepdam-Norvalspont		1								1
Gariep								1		1
Garsfontein			1							1
Gelvandale	1									1
George									1	1
Germiston			1							1
Gingindlovu				1						1
Giyani					4					4
Glen Grey	1									1
Glencoe				2						2
Glendale				2						2
Gonubie	1									1
Gowan Lea				1						1
Graaff-Reinet	1									1
Grahamstown	3									3
Greenwood Park				4						4
Greylingstad						1				1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Greytown				2						2
Gugulethu									4	4
Hammanskraal			1							1
Harare									4	4
Harding				2						2
Harrismith		2								2
Hartbeesfontein							1			1
Hartbeespoortdam							1			1
Hazyview						3				3
Heidelberg									1	1
Hendrina						1				1
Henneman		1								1
Hibberdene				1						1
Hillbrow			5							5
Hillcrest				2						2
Hlanganani					1					1
Hlogotlou					2					2
Hluhluwe				1						1
Honeydew			3							3
Ibisi				1						1
Idutywa	2									2
Impendle				1						1
Inanda				16						16
Ingwavuma				1						1
Isipingo				2						2
Ivory Park			3							3
Ixopo				1						1
Jabulani			3							3
Jhb Central			4							4
Jouberton							1			1
Kabega Park	2									2
Kabokweni						3				3
Kagisho								1		1
Kagiso			2							2
Kameeldrift			6							6
Kanoneiland								1		1
Kanyamazane						1				1
Katkop	1									1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Katlehong			4							4
Kei Mouth	1									1
Kempton Park			3							3
Kenhardt								2		2
Kensington									1	1
Khayelitsha									7	7
Kimberley								1		1
King William's Town	1									1
Kirkwood	1									1
Kleinbulhoek	1									1
Klerksdorp							2			2
Kliprivier			1							1
Kliptown			4							4
Knysna									1	1
Komatipoort						1				1
Kopanong		2								2
Koster							1			1
Kraaifontein									1	1
Kranskop				1						1
Kriel						1				1
Krugersdorp			5							5
Kuilsrivier									3	3
KwaDabeka				5						5
KwaDukuza				6						6
KwaDwesi	1									1
KwaMakutha				3						3
KwaMashu				12						12
KwaMhlanga						3				3
KwaMsane				4						4
KwaNdengezi				2						2
KwaNonqaba									1	1
KwaZakele	1									1
Ladismith									1	1
Lady Frere	1									1
Lamontville				3						3
Lebowakgomo					2					2
Leeudoringstad							1			1
Lehurutshe							1			1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Lenasia			4							4
Lenasia South			3							3
Lethlabile							2			2
Lichtenburg							1			1
Linden			1							1
Lingelethu West									3	3
Loate			2							2
Loop Street				1						1
Low Creek						2				2
Luckhoff		1								1
Lulekani					3					3
Lusikisiki	3									3
Lwandle									1	1
Lydenburg						1				1
Lyttelton			2							2
Mabopane			2							2
Machadodorp						1				1
Mafikeng							2			2
Mahwelereng					2					2
Maitland									1	1
Makhado					1					1
Malamulele					1					1
Maleboho					1					1
Maluti	2									2
Malvern				1						1
Mamelodi			1							1
Mangaung		1								1
Mankweng					5					5
Maokeng		1								1
Maphumulo				1						1
Margate				2						2
Marianhill				2						2
Marikana							1			1
Masoyi						6				6
Matatiele	2									2
Matsulu						2				2
Mayville				2						2
Mbazwana				3						3

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Mdantsane	1									1
Meadowlands			2							2
Mehlomnyama				1						1
Melmoth				8						8
Memel		1								1
Merweville									1	1
Mfuleni									3	3
Mhala						1				1
Mitchells Plein									1	1
Mid Illovo				2						2
Middelburg						3				3
Middledrift	2									2
Midrand			2							2
Milnerton									1	1
Mmabatho							4			4
Mondlo				2						2
Montclair				6						6
Morgenzon						1				1
Moroka			1							1
Mossel Bay									1	1
Mothutlung							1			1
Motswedi							1			1
Mount Ayliff	2									2
Mount Fletcher	3									3
Mount Frere	4									4
Mountain Rise				2						2
Mpophomeni				1						1
Mpumalanga				2		1				3
Mpungamhlope				1						1
Mqanduli	1									1
Msinga				2						2
Msobomvu	2									2
Mthatha	6									6
Mt Fletcher	2									2
Mtubatuba				4						4
Mtunzini				3						3
Muldersdrif			1							1
Naboomspruit					3					3

**Table I4: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Naledi			2							2
Namahadi		2								2
Nebo					1					1
Newlands East				3						3
Ngqeleni	1									1
Nigel			1							1
Nkandla				1						1
Nongoma				6						6
Norkem Park			1							1
Nottingham Road				1						1
Nqamakwe	2									2
Nquthu				1						1
Nyanga									5	5
Odendaalsrus		3								3
Ogies						1				1
Olifantsfontein			3							3
Oliviershoek				1						1
Orange Farms			2							2
Orkney							1			1
Orlando			6							6
Osizweni				1						1
Ottosdal							1			1
Oudtshoorn									2	2
Paarl									1	1
Paddock				1						1
Parkroad		1								1
Parkview			1							1
Parys		2								2
Peddie	1									1
Petrusville								1		1
Philippi East									1	1
Phoenix				5						5
Phuthaditjhaba		4								4
Piet Retief						3				3
Pinelands									1	1
Pinetown				5						5
Plessislaer				2						2
Pofadder								1		1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Point				3						3
Polokwane					7					7
Pongola				2						2
Port Alfred	1									1
Port Edward				1						1
Port Shepstone				7						7
Port St Johns	2									2
Potchefstroom							3			3
Pretoria Central			4							4
Protea Glen			4							4
Queenstown	4									4
Qumbu	1									1
Rabie Ridge			1							1
Ramsgate				1						1
Randburg			1							1
Randfontein			4							4
Rawsonville									1	1
Reigerpark			1							1
Rietgat			4							4
Rietvlei				1						1
Roodepan								1		1
Roodepoort			2							2
Rosedale								1		1
Rustenburg							2			2
Sabie						1				1
Sakhile						1				1
Saldanha									1	1
Sandringham			1							1
Sandton			2							2
Saselamani					1					1
Sasolburg		1								1
Schoemansdal						2				1
Scottburgh				1						1
Sebokeng			3							3
Secunda						1				1
Sea Point									2	2
Sekhukhune					1					1
Selo-Sesha		1								1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Seshego					7					7
Sharpeville			2							2
Simonstad									1	1
Siyabuswa						2				2
Skukuza						2				2
Sophia Town			1							1
Soshanguve			1							1
Sowati				1						1
Springbok								1		1
Springs			2							2
St Faiths				1						1
Standerton						2				2
Steinkops								1		1
Stellenbosch									2	2
Steynsrus		1								1
Steytlerville	1									1
Stilfontein							1			1
Sundumbili				3						3
Sunnyside			1							1
Sydenham				4						4
Tabankulu	1									1
Table View									1	1
Tamara	1									1
Taung							2			2
Taylor's Halt				1						1
Temba			4							4
Tembisa			5							5
Thohoyandou					1					1
Thornville				2						2
Tonga						2				2
Tsakane			1							1
Tubatse					2					2
Tumahole		1								1
Tzaneen					1					1
Ubombo				1						1
Ulundi				3						3
Umbilo				5						5
Umhlali				1						1

**Table 14: Names of police stations**

Police stations	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Umkomaas				2						2
Umlazi				9						9
Umzimkulu				2						2
Umzinto				1						1
Upington								2		2
Vaalbank						2				2
Ventersdorp							1			1
Vereeniging			1							1
Verena						2				2
Verkeerdevlei		1								1
Verulam				4						4
Villieria			1							1
Villiersdorp									2	2
Violsdrift		1								1
Vosloorus			2							2
Vosman						4				4
Vredefort		1								1
Vredenburg									2	2
Vryburg							2			2
Warden		1								1
Wartburg				1						1
Wasbank				1						1
Weenen				1						1
Welkom		1								1
Wellington									2	2
Westonaria			2							2
Whittlesea	1									1
Wierdabrug			2							2
Witbank						2				2
Wonderboompoort			1							1
Woodstock									2	2
Zeerust							1			1
Zeleville	1									1
Zonkizizwe			2							2
Zwelitsha	1									1
<b>Total</b>	<b>85</b>	<b>47</b>	<b>189</b>	<b>270</b>	<b>53</b>	<b>80</b>	<b>41</b>	<b>16</b>	<b>79</b>	<b>860</b>

### Deaths as a result of Municipal Police Services (MPS) action

Table 15A shows the number of deaths as a result of the MPS in the 2009/10 financial year. MPS were responsible for 10 out of the 860 deaths reported during the period under review. The incidents took place in Gauteng and KwaZulu-Natal Metropolitan areas.

Province	Accused member station	Total
Gauteng	Johannesburg Metro Police	1
	Ekurhuleni Metro Police	7
	<b>Sub-total</b>	<b>8</b>
KwaZulu-Natal	Durban City Police	2
<b>Sub-total</b>		<b>2</b>
<b>Total</b>		<b>10</b>

Table 15B gives a breakdown of the circumstances of the deaths due to MPS action.

Province	Accused member station	Gauteng	KwaZulu-Natal	Total
<b>A suspect died during the course of a crime</b>	Johannesburg Metro Police	1	-	1
	Ekurhuleni Metro Police	6	-	6
	Durban City Metro Police	-	1	1
<b>Total</b>		<b>7</b>	<b>1</b>	<b>8</b>
<b>A suspect died during the course of arrest</b>	Johannesburg Metro Police	-	-	-
	Ekurhuleni Metro Police	1	-	1
	Durban City Metro Police	-	1	1
<b>Total</b>		<b>1</b>	<b>1</b>	<b>2</b>

## 2. Non-compliance with the Domestic Violence Act (DVA)

Table 16 reflects the total number (126) of cases of non-compliance with the DVA received by the ICD.

Gauteng received the majority of non-compliance cases with 26%, followed by the Western Cape with 25% and the Free State with 15% of cases.

Province	2009/10	Percentage
Eastern Cape	9	7%
Free State	19	15%
Gauteng	33	26%
KwaZulu-Natal	8	6%
Limpopo	6	5%
Mpumalanga	4	3%
North West	4	3%
Northern Cape	12	10%
Western Cape	31	25%
<b>Total</b>	<b>126</b>	<b>100%</b>

Table 17 shows the comparison of complaints of non-compliance with the DVA received by the ICD per province over a two-year period. The comparison covers the previous financial year, 2008/09, and the financial year under review, namely, 2009/10. It can be observed that there was an overall decrease of 17% in non-compliance cases. Decreases occurred in North West, KwaZulu-Natal, and Mpumalanga. In contrast, the Eastern Cape and Western Cape reported increases in non-compliance cases.

Province	2008/09	2009/10	Yearly change
Eastern Cape	3	9	200%
Free State	19	19	0%
Gauteng	36	33	-8%
KwaZulu-Natal	23	8	-65%
Limpopo	6	6	0%
Mpumalanga	9	4	-56%
North West	17	4	-76%
Northern Cape	13	12	-8%
Western Cape	24	31	29%
<b>Total</b>	<b>150</b>	<b>126</b>	<b>-17%</b>

Table 18 shows the circumstances of all non-compliance cases by type received during the 2009/10 financial year. It can be observed that the majority of cases reported alleged that the police failed to arrest the abuser (29%), followed by failure to arrest the alleged transgressor at 24%.

<b>Table 18: Non-compliance with DVA by type</b>		
<b>Type of non-compliance</b>	<b>Total</b>	<b>Percentage</b>
Failure to arrest the abuser if an offence of violence has been committed	36	29%
Failure to arrest the alleged transgressor	30	24%
Failure to dispatch a police vehicle to a scene of domestic violence	4	3%
Failure to establish whether the person has a valid licence to possess a firearm	2	1%
Failure to inform a victim on where and how to access alternative shelter, if available	3	2%
Failure to inform the victim of their options	3	2%
Failure to inform the victim on where and how to access medical assistance	1	1%
Failure to inform the victim on where and how to access a protection order	2	2%
Failure to inform the victim on where and how to access counselling services, where required	2	2%
Failure to issue a notice against the alleged transgressor to appear in court	7	6%
Failure to locate the victim and establish whether they are safe	5	4%
Failure to note reason why no charge or arrest was made	8	6%
Failure to note the incident in a Domestic Violence Register (SAPS508)	3	2%
Failure to open a docket and refer the matter to the prosecution	10	8%
Failure to search and seize arms and ammunition	4	3%
Failure to seize a dangerous weapon and/or firearm	5	4%
Failure to take a witness statement	1	1%
<b>Total</b>	<b>126</b>	<b>100%</b>

Figure 13 indicates that the majority of accused members in non-compliance cases were Warrant Officers (36%), followed by Constables (22%) and Captains (7%). These are members who are operational and respond to complainants at either the scene or the police station.

Figure 13

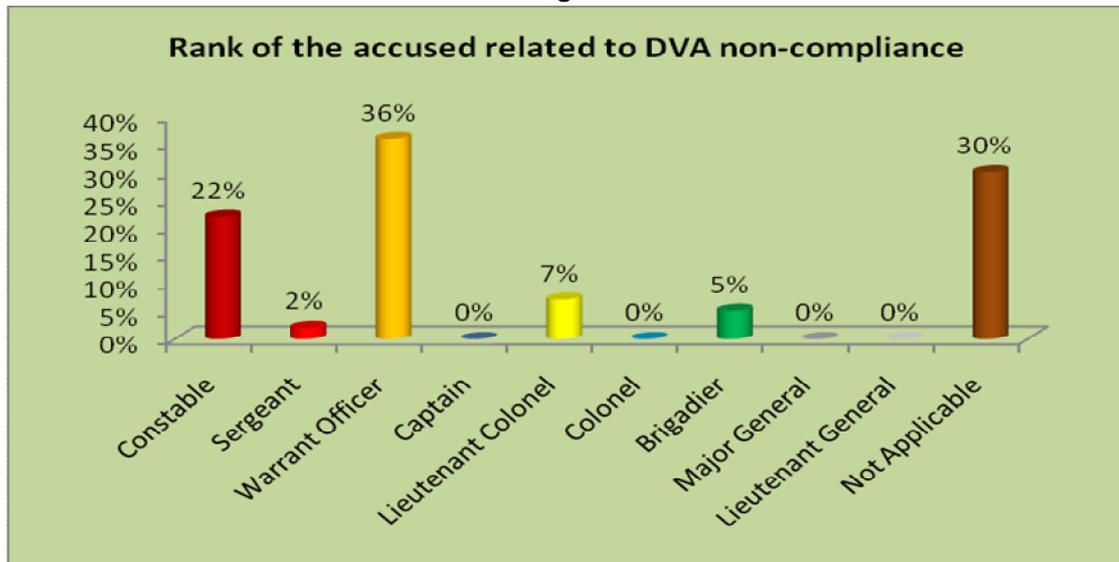


Table 19 is a list of police stations against which incidents of alleged non-compliance were reported during the financial year 2009/10.

Name of police station	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
Actonville			1							1
Aggeneys								1		1
Athlone									1	1
Atlantis									1	1
Atteridgeville			2							2
Bellair				1						1
Bellville									1	1
Bethulie		1								1
Bloemspruit		3								3
Bothaville		1								1
Brandfort		2								2
Butterworth	1									1
Clanwilliam									1	1
Daveyton			1							1
Deben								1		1
Delft									1	1

Dientjie						1				1
East London	1									1
Elsiesriver									1	1
Frankfort		1								1
Galeshewe								3		3
Garankuwa				1						1
Garsfontein				1						1
George									1	1
Goedemoed		1								1
Grassy Park									3	3
Heidedal		1								1
Heidelberg									1	1
Hopefield									1	1
Howick					1					1
Jeppe				1						1
Jouberton								1		1
Cape Town Central									1	1
Kabokweni							1			1
Kagisanong		5								5
Kagiso								2		2
Khayelitsha									1	1
Kimberley								2		2
King William's Town	1									1
Klapmuts									1	1
Kliptown				1						1
Kraaifontein									1	1
Kwamhlanga							1			1
Ladybrand		1								1
Langlaagte				1						1
Lansdowne									2	2
Loate				1						1
Macassar									1	1
Mafikeng								1		1
Maitland									1	1
Malmesbury									1	1
Manenberg									1	1
Mangaung		1								1
Matlala						1				1
Matsulu							1			1
Mbekweni									1	1
Mitchells Plein									1	1
Milnerton									1	1
Mogwase								1		1
Mondeor				2						2
Moroka				1						1

Mount Road	1									1
Muizenberg									1	1
Newlands East				1						1
Norkem Park			1							1
Norwood			1							1
Nyanga									2	2
Ocean View									1	1
Orlando			1							1
Pinetown				1						1
Plessislaer				1						1
Polokwane					2					2
Port Nolloth									1	1
Pretoria Central			1							1
Pretoria West			1							1
Protea Glen			1							1
Queenstown	2									2
Rabie Ridge			1							1
Rosslyn			2							2
Seshego					2					2
Soshanguve			1							1
Soutpan		1								1
Springs			1							1
Stellenbosch									1	1
Sydenham				1						1
Tamara	1									1
Temba			1							1
Tembisa			1							1
Terminus			1							1
Theunissen		1								1
Tlhabane								1		1
Tsakane			1							1
Tzaneen					1					1
Umtata	2									2
Unknown									1	1
Upington									1	1
Vosloorus			3							3
Vryheid				1						1
Westville				1						1
Wierdabrug			1							1
Worcester									1	1
Yeoville			1							1
<b>Total</b>	<b>9</b>	<b>19</b>	<b>33</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>12</b>	<b>31</b>	<b>126</b>

### 3. Criminal offences

In this section, criminal offences involving SAPS members for the period under review, namely, the financial year 2009/10, are discussed and compared to those recorded during the previous financial year 2008/09.

The ICD investigates allegations of criminal offences against members of the SAPS by members of the public. Some complaints were reported by other SAPS members. Because the police are under no obligation to report such offences, these statistics are by no means a true reflection of the extent of police criminality.

Table 20 shows that during the period under review, the ICD received 2 462 allegations of criminal activities involving SAPS members. The majority of these complaints were reported in the Western Cape (20%) and Gauteng (14%).

Province	2009/10	Percentage
Eastern Cape	183	7%
Free State	267	11%
Gauteng	342	14%
KwaZulu-Natal	175	7%
Limpopo	244	10%
Mpumalanga	212	9%
North West	305	12%
Northern Cape	239	10%
Western Cape	495	20%
<b>Total</b>	<b>2 462</b>	<b>100%</b>

Table 21 presents a provincial comparison of the period under review, that is, the 2009/10 financial year and the preceding year, namely, the 2008/09 financial year. Overall, there was an 8% increase in 2009/10 in criminal offences reported compared to the 2008/09 period. A major increase occurred in Mpumalanga, while the Western Cape and North West also experienced significant increases. The Eastern Cape, Gauteng, KwaZulu-Natal and Northern Cape all experienced decreases.

Province	2008/2009	2009/2010	Yearly change
Eastern Cape	249	183	-27%
Free State	256	267	4%
Gauteng	406	342	-16%
KwaZulu-Natal	208	175	-16%
Limpopo	219	244	11%