DEPARTMENT OF POLICE

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ACT, 2011 (ACT NO.1 OF 2011)

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE REGULATIONS, 2025

The Minister of Police, under section 34 of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), intends to make regulations in the Schedule.

MR. F CACHALIA

MINISTER OF POLICE

Date:

SCHEDULE

TABLE OF CONTENTS

CHAPTER 1

INTERPRETATION

1. Definitions

CHAPTER 2
PRE-EMPLOYMENT SECURITY AND RISK SCREENING FOR ALL EMPLOYEES OF THE DIRECTORATE

2. Pre-employment security and risk screening for members
3. The procedure to be followed for an appropriate pre-employment security screening investigation

CHAPTER 3
APPOINTMENT OF INVESTIGATORS

4. Determination of the salaries and conditions of service
5. Criteria for Appointment of Investigators
6. Procedure to be followed for an appropriate pre-employment security screening investigation.
7. Human resource policies in the Department
8. Procedure for appointment of investigators
9. Probation Period
10. Transfer of investigators
11. Retirement of investigators

CHAPTER 4
CONDUCT, FINANCIAL DISCLOSURE, ANTI-CORRUPTION AND ETHICS MANAGEMENT

Part 1
CODE OF CONDUCT

12. Adherence to Constitution and other laws
13. Relationship with public
14. Relationships among employees of the Directorate
15. Ethical Conduct
16. Performance of official duties

Part 2

FINANCIAL DISCLOSURE

17. Definitions
18. Register of designated employees' interests
19. Disclosure of designated employees' interests
20. Details of interests to be disclosed
21. Confidentiality of submitted forms and register
22. Conflict of interests

Part 3
ANTI-CORRUPTION AND ETHICS MANAGEMENT

23. Anti-corruption and ethics functions
24. Designation of ethics officers
25. Other remunerative work by employees

CHAPTER 5

OPERATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

26. Reporting of matters to be investigated to Directorate
27. Receiving, registering, processing, referral and disposing of complaints
28. Investigation of deaths in police or metro police custody
29. Investigation of deaths as the result of police or metro police action
30. Investigation of criminal matters
31. Investigation of attempted murder cases
32. Investigation of referred matters
33. Securing of crime scene
34. Procedures relating to identification parades, taking of affidavits, giving of evidence, production of documents and submission of information and co-operation by the Police
35. Access and control of confidential information and records

CHAPTER 6

INTEGRITY TESTING AND CONFIDENTIALITY

36. Integrity testing and confidentiality of information relating to Integrity testing

CHAPTER 7

DISCPLINARY REFERRALS AND INTERNAL DISCIPLINE

37. Disciplinary referrals (Section 30 related)
38. Powers of the Executive Director to refer other matter
39. Disciplinary measures in relation to members of the Directorate

CHAPTER 8

REPORTING

1. Reporting

CHAPTER 9
MISCELLANEOUS MATTER

2. Deviations, delegations and authorisations
3. Repeal and transitional arrangements
4. Short title and commencement

ANNEXURE 1

Forms.

CHAPTER 1

INTERPRETATION

1. Definitions

In these regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and unless the context indicates otherwise: -

"IPID" means an Independent Police Investigative Directorate and the Directorate shall have a corresponding meaning;

"member of the Directorate" means a person appointed to the Directorate on a full- time or contractual basis, either in the national office or in any provincial office;

"Minister" means the Minister responsible for Police**;**

"Salary levels" means salary levels for the investigators as determined by the Minister;

"Public Service Disciplinary Code" means the Disciplinary Code and Procedures for the Public Service as contained in Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 2 of 1999, as amended;

"Station Commander" means a member of the South African Police Service in charge of a police station; and

"the Act" means the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011).

CHAPTER 2

PRE-EMPLOYMENT SECURITY AND RISK SCREENING FOR ALL EMPLOYEES OF THE DIRECTORATE

2. Pre-employment security and risk screening for the members

(1) All prospective employees whether permanent or temporary shall be required to undergo a pre-employment security process prior to being offered employment in order to ensure that the minimum security, integrity and qualification requirements of the Directorate are met and to verify information provided during the selection process.

(2) No appointment, be it permanent or temporary, will be made without a positive pre-employment security report, personnel suitability checks which will confirm that the minimum qualification and security requirements.

(3) The pre-employment screening process will be conducted in accordance with the Minimum Information Security Standards directive or regulation issued by the State Security Agency from time to time.

(4) The personnel suitability checks that are conducted as part of the pre-employment and security screening processes will include:

(a) Identity verification: to confirm that the candidate is a person who he or she professes to be and the ID number provided does in fact belong to the particular individual. The verification is conducted by matching the Name and Surname of the individual to the ID number provided. Check to confirm whether the ID number is a correctly formatted South African identity number;

(b) Qualification verification: this requires the verification of all the qualifications necessary for the appointment into the post. The qualification verification process is to ensure that the qualifications are authentic;

(c) Criminal Record Checks: in order to establish whether an employee has been arrested, charged or convicted of a criminal offence since the previous check was done;

(d) Credit Record Checks: in order to establish whether an employee's personal financial position and credit worthiness has changed since the previous check was one;

(e) Disciplinary Records: in order to establish whether any disciplinary actions taken against an employee may affect his or her security competence;

(f) Previous employment verification: to confirm the accuracy of the candidate's employment history, suitability and conduct of the candidate; and

(g) Any other background checks or verification including social media in order to obtain information that may have an impact on the security competence of employees or risk factor on the Directorate.

3. The procedure to be followed for an appropriate pre-employment security screening investigation for employees

(1) The Directorate shall appoint a service provider for access to personnel suitability checks.

(2) All shortlisted candidates to complete the consent form for the Department to conduct security screening.

(3) Take fingerprints for all candidates using a biometric system.

(4) Upload the fingerprints on the verification system.

(5) Do applications for fingerprints checks for the first two recommended candidates including the following checks:

(a) Citizenship;

(b) Grade 12 (Pre and post 1992);

(c) Academic Qualification (SA only);

(d) Driver's licence check;

(e) Social media checks using handle;

(f) Previous employment checks (Submitted to the last employer of the applicant); and

(g) Draw credit reports – appointed service provider system.

(6) Upon receipt of notification of result, download the results and check if there are any negative records that need further attention.

(7) Should the electronic verification system indicate a possible criminal record, Complete Form 69 and obtain results upon final investigation.

(8) Compile a Personnel Suitability Checks report indicating the positive and negative records (if any).

(9) Share the Personnel Suitability Checks report with the selection Panel.

CHAPTER 3

APPOINTMENT OF INVESTIGATORS

4. Determination of the Salaries and Conditions of Service

(1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of this regulation, the Labour Relations Act, or any collective agreement concluded by the Public Service Coordinating Bargaining Council,

Safety and Security Sectoral Bargaining Council and the General Public Service Sectoral Bargaining Council, the employment of Investigators shall be in terms of the Act and other applicable prescripts, as determined by the Minister.

(2) The Minister may determine different salaries and conditions of service in respect of different ranks and grades of investigators including investigators appointed additional to the staff establishment.

(3) A determination by the Minister under this regulation involving expenditure from the National Revenue Fund may only be made with the concurrence of the Minister of Finance.

5. Criteria for Appointment of Investigators

(1) Investigator – Salary Level 7.

(a) Minimum Qualification Requirements: Possession of a Grade 12 certificate or equivalent and a relevant diploma or degree.
(b) Skills and Knowledge: Knowledge in criminal investigations; and
(c) A valid driver's license.

(2) Senior Investigator – Salary Level 8.

(a) Minimum Qualification Requirements: Possession of a Grade 12 certificate or equivalent and a relevant diploma or degree;
(b) Skills and Knowledge: Proficient in investigative techniques, strong analytical and problem-solving skills, ability to work independently, interviewing skills, presenting evidence in court;
(c) Experience: Three (3) years of proven experience in criminal investigations at an Investigator level or Salary Level 7; and
(d) A valid driver's license.

(3) Assistant Director Principal Investigations – Salary Level 10.

(a) Minimum Qualification Requirements: Grade 12 certificate or equivalent and a relevant diploma or degree in policing or law;
(b) Skills and Knowledge: Proficient in investigative techniques, strong analytical and problem-solving skills, ability to work independently, interviewing skills, presenting evidence in court;

(c) Experience: Five (5) years of proven experience in criminal investigations at a supervisory level (Senior Investigator or Salary Level 8); and

(d) A valid driver's license.

(5) Deputy Director Investigations – Salary Level 12 (MMS)

(a) Minimum Qualification Requirements: Grade 12 certificate or equivalent and a relevant diploma or degree at NQF level 7 in policing or law;

(b) Skills and Knowledge: Middle management or supervisory skills, Proficient in investigative techniques, strong analytical and problem-solving skills, ability to work independently, interviewing skills, Presenting evidence in court;

(c) Experience: five (5) years of proven experience in criminal investigations at a supervisory level (Assistant Director Investigations or Salary Level 10); and

(d) A valid driver's license.

(6) Deputy Provincial Head – Salary level 13

(a) Minimum Qualification Requirements: Possession of an NQF level 7 degree, as recognized by SAQA, in policing or law;

(b) Skills and Knowledge: Expert in investigative methods, strategic planning, excellent leadership and mentorship abilities, Nyukela Pre – entry certificate for SMS, Middle management or supervisory skills, Proficient investigative techniques, strong analytical and problem-solving skills, ability to work independently, interviewing skills, Presenting evidence in court;

(c) Experience: Five (5) years of experience at middle management services or level., with 10 years and more of proven experience in criminal investigations, and

(d) A valid driver's license.

(7) Provincial Head – Salary level 14

(a) Minimum Qualification Requirements: Possession of an NQF level 7 degree, as recognized by SAQA, in policing or law;

(b) Skills and Knowledge: Expert in investigative methods, strategic planning, excellent leadership and mentorship abilities. Nyukela Pre – entry certificate for SMS, Middle management or supervisory skills, Proficient investigative techniques, strong analytical and problem-solving skills, ability to work independently, interviewing skills, Presenting evidence in court;

(c) Experience: Five (5) years of experience at senior management services or level., with 10 years and more of proven experience in criminal investigations, and 10 and more years of investigative experience, with significant experience in a supervisory or managerial role; and

(d) A valid driver's license.

(8) National Head of Investigation

(a) Minimum Qualification Requirements: Possession of an NQF level 7 degree, as recognized by SAQA, in policing or law;

(b) Skills and Knowledge: Expert in investigative methods, strategic planning, excellent leadership and mentorship abilities. Nyukela Pre – entry certificate for SMS, Middle management or supervisory skills, Proficient in investigative techniques, strong analytical and problem-solving skills, ability to work independently, interviewing skills, Presenting evidence in court;

(c) Experience: Five (5) years of experience at senior management services or level, with 10 years and more of proven experience in criminal investigations, and 10 years and more of investigative experience, with significant experience in a supervisory or managerial role; and

(d) A valid driver's license.

6. The procedure to be followed for an appropriate pre-employment security screening investigation

The provisions of regulation 3 above, shall apply to the pre-employment screening of investigators.

7. he Human resource policies in the Department

Subject to the determination of conditions of service by the Minister, the Executive Director may approve the following policies relating to the investigators:

(1) Housing Allowance, including:

(a) Eligibility: Investigators with a permanent appointment.

(b) Allowance Amount: As per the Minister's Determination and

(c) Conditions: Provided monthly; subject to tax regulations.

(2) Overtime, including:

(a) Eligibility: Non-exempt investigators;

(b) Rate: 1.5 times the regular hourly rate and 2.0 times for Sunday hours;

(c) Approval: Must be pre-approved by National Head of Investigation in consultation with the office of the Chief Financial Officer and Human Resource Management. Approval must be in line with the prescribed rates and does not exceed 30 percent of the employees' monthly salary; and

(d) Recording: Accurate documentation of hours worked.

(3) Medical Aid Subsidy, including:

(a) Eligibility: All full-time investigators. To get additional medical Aid subsidy, the employee must be a member of the Government Employee Medical Aid Scheme;

(b) Coverage: Subsidy for approved medical aid plans an additional subsidy amount as determined in the policy;

(c) Contribution: Percentage of monthly premium, as defined by the Department;

(d) Enrolment: Enrolment upon appointment and annually during open enrolment and changes in number of beneficiaries must be communicated to Human Resource Management.

(4) Service Allowance

(a) Eligibility: All investigators.

(b) Amount: As determined by the Minister;

(c) Disbursement: Monthly payment along with regular salary; and

(d) Purpose: To recognize the danger and environment the Investigator are working under.

(5) Transfer

(a) Eligibility for intra-departmental transfer : Investigators with a minimum of 2 year of service and satisfactory performance;

(b) Process: Submit transfer request form, subject to availability and organizational needs; and

(c) Approval: Reviewed by HR and relevant department heads.

(6) Termination

(a) Grounds: Performance issues, misconduct, redundancy, personal reasons, or retirement;

(b) Process: Formal notice, performance review, and exit interview;

(c) Notice Period: a minimum of 30 days' notice for employee who have worked for a year or more; and

(d) Exit benefit: Based on Government Employee Pension Fund provisions and for retiring employee additional Medical Aid subsidy to continue.

8. Procedure for appointment of Investigators

(1) The Executive Director must appoint a selection committee to make recommendations on appointment or promotions to selected posts of the investigators. A selection committee must consist of persons of a grading equal or higher than the grading of the post to be filled. The statement to be aligned with Regulation 67 of the Public Service Regulations, 2016.

(2) The selection panel for the post of Director Investigations or Provincial Head must consist of at least three members of senior management service, as well as a delegate from the public service staff who must be a grading equal to or higher than the grading of the post to be filled.

(3) As enunciated in Regulation 67 of the Public Service Regulations, 2016 the chairperson of the selection committee, who shall be an employee, shall be a grade higher the post to be filled.

(4) The selection committee must be appointed by the Executive Director.

(5) The selection committee must, where reasonably possible, include adequate representation from designated groups.

(6) Employees of a grading which is lower than the grading of the post to be filled may provide secretarial or advisory services during the selection process, but may not form part of the selection committee.

(7) The selection committee must make a recommendation on the suitability of a candidate after considering only:

(a) Information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;

(b) the training, skills, competence and knowledge necessary to meet the inherent requirements of the job; and the needs of the Directorate; and

(c) the affirmative action programme of the Directorate.

(8) A selection committee must record the reasons for its recommendations with reference to the criteria mentioned in sub-regulation (11).

(9) The selection committee must submit its report and recommendations to the Executive Director.

(10) Prior to making a decision on an appointment or promotion, the Executive Director must:

(a) Satisfy himself or herself that the candidate qualifies in all respect for the post and that his or her attributes in his or her application have been verified;

(b) ensure that the candidate has successfully undergone and passed pre-employment screening contemplated in section 22(3) of the Act;

(c) Record all the verifications in writing.

(11) When the Executive Director or his or her delegate, as the case may be, does not approve a recommendation of a selection committee, he or she must record the reasons for his or her decision in writing.

9. Probation Period

(1) No probation period may apply to an appointment in a post in additional to the fixed establishment of the Directorate for a period less than one year.

(2) The Executive Director may require an employee appointed to a new position in or additional to the staff establishment of the Directorate for a period exceeding one year, to serve probationary period of up to 24 months.

(3) An employee who is seconded for a stated period to the Directorate, any other organ of state, another government department, or any other body must, if on probation at the time of the secondment, serve the remainder of his or her probation at that department, other organ of state, another government or other body.

(4) An employee who is transferred to another department, any other organ of state, another government or any other body must, if on probation at the time of the transfer, serve the remainder of his or her probation at that department, other organ of state, another government other body.

(5) A manager or supervisor of a person on probation must ensure that:-

(a) The person on probation, at the commencement of the probationary period, knows the performance and other requirements for obtaining confirmation of probation;

(b) the person on probation, on a quarterly basis, receives written feedback on his or her performance and compliance with other requirements;

(c) if necessary, the person on probation receives training, counselling or other assistance to meet the requirements for confirmation;

(d) the probationary receives written confirmation of appointment at the end of the probationary period, if he or she has been found suitable for the relevant post; and

(e) when dismissal as result of poor performance is considered, the person on probation is afforded the opportunity to state his or her case, during which process the person on probation may be assisted by a personal representative, including a colleague or a trade union representative.

10. Transfer of investigators

(1) Subject to the provisions of this Chapter—

(a) the Executive Director may transfer any investigator in the service of the relevant province to any post or position in any other province with the prior approval of the person in that other province of the Directorate having the power to appoint or to transfer and with the consent of that investigator; and

(b) the Executive Director may transfer any investigator in the service of the Department to any other post in the Department.

(2) The salary and other conditions of service of an investigator may not be adversely affected by a transfer under this regulation without the consent in writing of that investigator, except in accordance with the department's Code of Conduct and Discipline.

11. Retirement of investigators

(1) Subject to the provisions of this regulation:

(a) an investigator shall have the right to retire, and shall be so retired, on the date on which the investigator attains the age of 60 years; and

(b) an investigator who attains the said age after the first day of a month shall be deemed to have attained that age on the first day of the following month.

(2) Notwithstanding the provisions of sub regulation (1), an investigator who was in employment immediately before 1 April 2012 in terms of a law repealed by the Independent Police Investigative Directorate Act (Act 1 of 2011), shall have the right to retire on or after attaining the retirement age applicable to the investigator immediately before the said date.

(3) (a) Notwithstanding the provisions of subsection (1) or (2), an investigator shall have the right to retire on or after attaining the age of 55 years;

(b) Notwithstanding the absence of any reason for discharge in terms of this regulation and other applicable laws, the employer may, at the request of an investigator, allow the investigator to retire before attaining the age of 55 years, if the employer is of the opinion—

(i) that a sufficient reason exists therefor; and

(ii) that the retirement will be to the advantage of the Directorate.

(4) Notwithstanding the provisions of this regulation, an investigator:

(a) who was in employment immediately before 1 April 2012;

(b) who, without interruption of service, has completed a period of ten years' continuous pensionable service in terms of the pension law applicable to the investigator; and

(c) who has attained the age of 55 years, shall have the right to retire.

CHAPTER 4

CONDUCT, FINANCIAL DISCLOSURE, ANTI-CORRUPTION AND ETHICS MANAGEMENT

Part 1

CODE OF CONDUCT

12. Adherence to Constitution and other laws

An employee must—

(a) be faithful to the Republic and honour and abide by the Constitution and all other laws in the execution of his or her official duties;

(b) put the public interest first in the execution of his or her official duties;

(c) loyally execute the lawful policies of the Government of the day in the performance of his or her official duties as contemplated in all statutory and other prescripts;

(d) abide by and strive to be familiar with all legislation and other lawful instructions applicable to his or her conduct and official duties; and

(e) co-operate with public institutions established under the Constitution and legislation in promoting the public interest.

13. Relationship with public.

An employee must—

(a) promote the unity and well-being of the South African nation in performing his or her official duties;

(b) serve the public in an unbiased and impartial manner in order to create confidence in the Directorate and public service;

(c) be polite, helpful and reasonably accessible in his or her dealings with the public;

(d) have regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them;

(e) be committed through timely service to the development and upliftment of all South Africans;

(f) not abuse his or her position in the public service to promote or prejudice the interest of any political party or interest group;

(g) respect and protect the dignity of every person and his or her rights as contained in the Constitution; and

(h) recognise the right of access to information of the public, excluding information that is specifically protected by law.

14. Relationships among employees of the Directorate

An employee must—

(a) co-operate fully with other employees to advance the public interest;

(b) execute all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution or any other law;

(c) refrain from favouring relatives and friends in work-related activities and never abuse his or her authority or influence another employee, nor be influenced to abuse his or her authority;

(d) use the appropriate channels to air his or her grievances or to direct representations;

(e) be committed to optimal development, and utilisation of his or her staff and the promotion of sound labour and interpersonal relations;

(f) deal fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or persuasion, conscience, belief, culture or language; and

(g) refrain from party political activities in the workplace.

15. Ethical conduct

An employee must—

(a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), in return for performing or not performing his or her official duties;

(b) not engage in any conduct that is in conflict with or infringes on the execution of his or her official duties;

(c) not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such

employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act;

(d) recuse himself or herself from any official action or decision-making process which may result in improper personal gain or conflict of interest, and this shall immediately be properly declared by the employee;

(e) immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes a contravention of any law (including, but not limited to, a criminal offence) or which is prejudicial to the interest of the public, which comes to his or her attention during the course of his or her employment in the public service;

(f) not use or disclose any official information for personal gain or the gain of others;

(g) not receive or accept any gift in the course and scope of his or her employment to the cumulative value exceeding R500 per year, unless approval is obtained from the relevant executive authority;

(h) if he or she has permission to perform outside remunerative work, not—

(i) perform such work during official work hours; and

(ii) use official equipment or state resources for such work; and

(i) deal fairly, professionally and equitably with all other employees or members of the public, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language.

16. Performance of official duties

An employee must—

(a) strive to achieve the objectives of the Directorate cost-effectively and in the public interest;

(b) be creative in thought and in the execution of his or her official duties, seek innovative ways to solve problems and enhance effectiveness and efficiency within the context of the law;

(c) be punctual in the execution of his or her official duties;

(d) execute his or her duties in a professional and competent manner;

(e) co-operate fully with other employees to advance the interest of the public;

(f) be honest and accountable in dealing with public funds and use the State's property and other resources effectively, efficiently, and only for authorised official purposes;

(g) use the appropriate mechanisms to deal with his or her grievances or to direct representations;

(h) be committed to the optimal development, motivation and utilisation of employees reporting to him or her and the promotion of sound labour and interpersonal relations;

(i) avail himself or herself for training and development;

(j) promote sound, efficient, effective, transparent and accountable administration;

(k) give honest and impartial advice, based on all available relevant information, in the execution of his or her official duties;

(l) honour the confidentiality of official matters, documents and discussions;

(m) not release official information unless he or she is authorised or has the necessary approval;

(n) when on official duty, dress and behave in a manner that is befitting of employee of the Directorate;

(o) not consume alcoholic beverages or any other non-medicinal substance with an intoxicating effect while on duty or shall not report for duty under such influence;

(p) not misrepresent himself or herself or use the name or position of any other employee or person to unduly or improperly influence any decision making process or obtain any undue benefit;

(q) immediately report any non-compliance with the Act to the head of Directorate and in the event that the non-compliance is by the head of Directorate, report such non-compliance to the executive authority;

(r) not claim any intellectual property over work done in the course and scope of his or her employment;

(s) not act in a manner that brings his or her department or the public service into disrepute; and

(t) not accept or seek compensation of any kind from an employee or a prospective employee in return for performing an act in terms of these Regulations;

Part 2

FINANCIAL DISCLOSURE

17. Definitions —

In this Part, unless the context indicates otherwise—

"designated employee" means—

(a) the Executive Director or any member of the SMS in the Directorate;

(b) any other person in terms of section 36 (3) of the Public Finance Management Act have been approved or instructed by the relevant treasury to be the accounting officer of the Directorate; or

(c) any other employee or category of employees determined by the Minister;

"form" means a form contemplated in regulation 19;

"interests" means the financial interests listed in regulation 20;

"register" means the register of interests kept in terms of regulation 18; and

"remuneration" means any payment or benefit in cash or in kind.

18. Register of designated employees' interests

(1) The Executive Director must submit the interest of designated employees who are members of the SMS to the Director General: Office of the Public Service Commission.

(2) The Executive Director must keep a register of any other designated employees' interests not contemplated in subregulation (1).

19. Disclosure of designated employees' interests.

(1) Every designated employee, except for the Executive Director shall, not later than 30 April of each year, disclose to the Executive Director, in the form prescribed for this purpose by the Public service commission, particulars of all his or her interests in respect of the period 1 April of previous year to 31 March of the year in question.

(2) The Executive Director must, not later than 30 April of each year, disclose to the relevant executive authority, in the form directed for this purpose by the Minister, particulars of all his or her interests in respect of the previous financial year.

(3) Any person who assumes duty as a designated employee on or after 1 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the period from 1 April to date of disclosure.

(4) The Executive Director must ensure that the disclosure of interests by designated employees is submitted electronically to the Public Service Commission, unless otherwise determined by the Minister for Public Service Administration.

(5) The Minister shall submit to the Public Service Commission a copy of the form submitted to the executive authority in terms of—

(a) sub-regulation (2) not later than 31 May of the year in question; or

(b) sub-regulation (3), in so far as it relates to the Executive Director not later than 30 days after it has been so submitted.

(6) The Executive Director shall submit to the Public Service Commission a copy of the form submitted by the designated employee in terms of—

(a) sub-regulation (1) not later than 31 May of the year in question; or

(b) sub-regulation (3), in so far as it relates to a member of the SMS, excluding the Executive Director, not later than 30 days after it has been so submitted.

20. Details of interests to be disclosed.

The following details of interests shall be disclosed:

(a) Shares, loan accounts or any other form of equity in a registered private or public companies and other corporate entities recognized by law:

(i) The number, nature and nominal value of shares of any type in any public or private company and its name; and

(ii) other forms of equity, loan accounts, and any other financial interests owned by an individual or held in any other corporate entity and its name.

(b) Income generating assets:

(i) A description of the income generating asset:

(ii) the nature of the income; and

(iii) the amount or value of income received.

(c) Trusts—

(i) The name of the trust, trust reference or registration number as provided by the Master of the High Court, and the region where the trust is registered;

(ii) the purpose of the trust, and your interest or role in the trust; and

(iii) the benefits or remuneration received (these include fees charged for services rendered).

(d) Directorships and partnerships:

(i) The name, type and nature of business activity of the corporate entity or partnership; and

(ii) if applicable, the amount of any remuneration received for such directorship or partnership.

(e) Remunerated work outside the Directorate:

(i) The type of work;

(ii) the name, type and nature of business activity of the employer;

(iii) the amount of the remuneration received for such work; and

(iv) documentary proof of approval for remunerative work must be attached.

(f) Consultancies and retainerships:

(i) The nature of the consultancy or retainership of any kind;

(ii) the name, type and nature of business activity of the client concerned; and

(iii) the value of any benefits received for such consultancy or retainership.

(g) Sponsorships:

(i) The source and description of direct financial sponsorship or assistance;

(ii) the relationship between the sponsor and the employee;

(iii) the relationship between the sponsor and the Directorate; and

(iv) the value of the sponsorship or assistance.

(h) Gifts and hospitality from a source, other than a family member:

(i) A description, value and source of a gift;

(ii) the relationship between the giver and the employee;

(iii) the relationship between the giver and the Directorate; and

(iv) a description and the value of any hospitality intended as a gift in kind.

(i) Ownership and other interests in immovable property:

(i) A description and extent of the land or property;

(ii) the area in which it is situated;

(iii) the purchase price, date of purchase and the outstanding bond on the property; and

(iv) the estimated market value of the property.

(j) Vehicles:

(i) A description (make and model) of the vehicle;

(ii) the registration number of the vehicle; and

(iii) the purchase price, date of purchase and the outstanding amount owing on the vehicle.

(k) Other financial liabilities:

(i) nature of liability;

(ii) date on which liability was incurred;

(iii) principal amount of liability;

(iv) institution or person to whom liable; and

(v) period over which liability will be paid.

21. Confidentiality of submitted forms and register.

(1) Subject to sub-regulation (3), only the following persons have access to a submitted form or the register:

(a) The Minister for Public Service and Administration;

(b) the Minister;

(c) the Executive Director;

(d) Commissioners of the Public Service Commission;

(e) The Director-General: Office of the Public Service Commission;

(f) The Director-General: Public Service and Administration;

(g) The relevant designated ethics officer as contemplated in regulation 24;

(h) such other persons designated by the Minister, an executive authority, head of the Directorate or the chairperson of the Commission for purposes of record keeping and the effective implementation of this Part; and

(i) subject to the approval of the Minister in respect of the information of the Executive Director in respect of the information of any other employee:

(i) persons appointed to investigate, initiate or conduct disciplinary proceedings; and

(ii) law enforcement agencies charged with investigating or prosecuting an alleged offence; and

(j) a person or institution authorised by statute.

(2) No person who has access to a submitted form or the register may, except when a court so orders, disclose any information in that form or register to anyone other than:

(a) a designated employee in respect of his or her submitted form or an entry in the register in respect of that employee; or

(b) another person who is permitted access in terms of subregulation (1) or to whom access is granted in accordance with subregulation (3).

(3) Any person, other than a person contemplated in subregulation (1), may only be given access to a submitted form or the register in terms of section 11 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

22. Conflict of interest

(1) In so far as conflict of interest relates to members of the SMS—

(a) The Public Service Commission shall verify the interests disclosed.

(b) If the Public Service Commission is of the opinion that an interest of a designated employee disclosed in terms of regulation 19 conflicts or is likely to conflict with the execution of any official duty of that employee, it shall verify the information regarding that interest and refer the matter back to the Minister.

(c) Upon the referral, the Minister shall consult with the employee concerned on appropriate steps to remove the conflict of interest.

(d) If the employee, after the consultation referred to in subregulation (1) (c), fails to take the appropriate steps to remove the conflict of interest, Minister shall instruct the Executive Director to take disciplinary action against the employee.

(e) The Minister must, within 30 days after such referral, report to the Public Service Commission by:

(i) stating whether any steps were taken; and

(ii) if steps were taken, giving a description of those steps or providing reasons if no steps were taken.

(2) In so far as conflict of interest relates to designated employees who are not members of the SMS:

(a) The Executive Director shall verify the interests disclosed;

(b) If the Executive Director is of the opinion that an interest of such designated employee disclosed in terms of regulation 22 conflicts or is likely to conflict with the execution of any official duty of that employee, he or she shall consult the employee concerned and, where possible, take appropriate steps to remove the conflict of interest; and

(c) If the employee, after the consultation referred to in subregulation (2) (b), fails to take the appropriate steps to remove the conflict of interest, the Executive Director shall take disciplinary action against the employee.

(3) The Minister, in respect of the Executive Director, or in respect of other designated employees, shall:

(a) conduct a risk analysis of the disclosed interests and income of the employee;

(b) in the event that the risk analysis indicates a discrepancy between the disclosed interests and the income of the employee, consult with the employee concerned to obtain an explanation for the discrepancy; and

(c) in the event that the explanation referred to in subregulation (3)(b) does not sufficiently address the discrepancy:

(i) investigate whether disciplinary steps must be taken and if so, institute such disciplinary action; and

(ii) if there is a reasonable suspicion of a criminal offence, refer the matter to the relevant law enforcement agencies.

Part 3
ANTI-CORRUPTION AND ETHICS MANAGEMENT

23. Anti-corruption and ethics functions

The Executive Director must:

(a) analyse ethics and corruption risks as part of the Directorate's system of risk management;

(b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;

(c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for-

(i) confidentiality of reporting; and

(ii) the recording of all allegations of corruption and unethical conduct received through the system or systems;

(d) establish an information system that-

(i) records all allegations of corruption and unethical conduct;

(ii) monitors the management of the allegations of corruption and unethical conduct;

(iii) identifies any systemic weaknesses and recurring risks; and

(iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and

(e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.

24. Designation of ethics officers.

The Executive Director must designate such number of ethics officers as may be appropriate, for the Directorate to-

(a) promote integrity and ethical behaviour in the Directorate;

(b) advise employees on ethical matters;

(c) identify and report unethical behaviour and corrupt activities to the Executive Director;

(d) manage the financial disclosure system; and

(e) manage the processes and systems relating to remunerative work performed by employees outside their employment in the Directorate.

25. Other remunerative work by employees.

An application by an employee to perform remunerative work outside his or her department shall be in accordance with the process determined by the Minister and in the form issued by the Minister.

CHAPTER 5

OPERATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

26. Reporting of matters to be investigated to Directorate

(1) A Station Commander or any member of the South African Police Service, a municipal manager, an executive head of a municipal police service or any member of a municipal police service must, within the period referred to in section 29(1)(b) of the Act, submit a written report to the Directorate regarding any matter listed in section 28(1)(a) to (gA) of the Act in a format substantially similar to **Form 1**.

(2) The report contemplated in sub-regulation (1) must be submitted to the Directorate office by electronic mail or hand deliver and such report must be recorded to the register.

(3) A person contemplated in sub-regulation (1) must, after the submission of the report referred to in sub-regulation (2), keep or retain proof of the submission, including the method of transmission.

(4) (a) The provisions of this regulation do not preclude a member of the public from lodging a complaint, in a format substantially similar to Form 2, either at the national or their nearest IPID office, regarding any matter listed in section 28 of the Act.

(b) A person who lodges a complaint in terms of this sub-regulation must do so in writing, or electronic mail and the provisions of sub-regulation (3) apply with such changes as may be required by the context and such report must be recorded.

(c) A complaint lodged in terms of this sub-regulation may not be rejected merely as a result of the complainant's inability to furnish all of the information required in terms of **Form 2**.

27. Receiving, registering, processing, referral and disposing of complaints

(1) A member of the Directorate designated for such purpose must, upon receipt of a complaint contemplated in regulation 26, determine whether or not the complaint falls within the ambit of the provisions of section 28 of the Act.

(2) (a) A complaint which falls outside the ambit of the said provisions must, within seven days of receipt or referral, as the case may be, be referred, in writing, to an appropriate authority or institution that is capable of dealing with such complaint; and

(b) the complainant must, within seven days, be informed by email and, if practicable, telephonically, of such referral.

(3) A complaint which falls within the ambit of the said provisions must, within seven days of the receipt or referral, be registered in a computer-based register designed for this purpose and the complainant must, within the same period, be informed by email and, if practicable, telephonically, that his or her complaint has been received and that his or her complaint is being investigated by an identified investigator, including the name and contact details of such investigator.

(4) A complaint which has been registered in terms of sub-regulation (3) must be disposed of within the time periods contemplated in regulations 28 (6) and (7), whichever is applicable in the circumstances

28. Investigation of deaths in police or metro police custody

(1) The investigation of the death of a person in the custody of the police or metro police must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate the death of a person in police custody, irrespective of whether or not such death has occurred as a result of the alleged involvement of a member of the South African Police Service or the Municipal Police Services;

(3) An investigator designated in terms of sub-regulation (2) must:

(a) attend the scene where the death occurred;

(b) record the details of the deceased, including his or her name and surname, age and gender;

(c) identify and record particulars of all potential witnesses for purposes of interviewing them, and in the case of a death in police custody, record the particulars of the persons who had been on duty in the facility at the time when the death occurred;

(d) authorise the removal of the corpse, in consultation with a pathologist if a pathologist is available;

(e) ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory and ensure the proper registration, handling, transportation and disposal of exhibits;

(f) visit the deceased's next-of-kin to inform them of the death and to obtain statements that may assist in the investigation;

(g) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation;

(h) attend the post mortem and advise the person conducting the post mortem of observations made at the scene of death as well as areas that should be concentrated on; and

(i) after ensuring the collection of all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the death containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Service or criminal prosecution of such member, to the Executive Director or the relevant provincial head, as the case may be.

(4) In the event of a death in police custody that has occurred as a result of the alleged involvement of a member or members of the South African Police Service or the Municipal Police Service, as the case may be, or a death which is the result of the action or omission or both of such member or members, the investigator, when visiting the scene of death, must, in consultation with the Executive Director or the relevant provincial head, as the case may be, make a determination as to whether such member or members must be arrested.

(5) When effecting an arrest, the investigator must have due regard to the constitutional rights of the person who is arrested and the provisions of sections 39 to 53 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) relating to the arrest of persons.

(6) An investigator designated to investigate a death in terms of this regulation must inform the next-of-kin, in writing or telephonically of the progress made with the investigation at least once in a period not exceeding 90 days.

(7) In the event of a late notification of a death in police custody, the investigator must, within a reasonable period, which period may not exceed 60 days of designation: -

(a) Proceed with the investigation;

(b) attend the post mortem if it has not yet been conducted;

(c) interview witnesses and obtain statements that may assist in the investigation;

(d) consider the desirability of reconstructing the scene of death; and

(e) submit a report on the completed investigation containing recommendations.

(8) For purposes of sub-regulation (6), the investigator must-

(a) peruse the police docket;

(b) take the police docket over for further investigation if required;

(c) complete and submit the police docket to the relevant Director of Public Prosecutions together with recommendations relating to further actions by the National Prosecuting Authority; and

(d) submit a report on the completed investigation containing recommendations.

29. Investigation of deaths as the result of police or metro police action

(1) The investigation of the death of a person as a result of police or municipal police action or omission or both must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate the death of a person who has died as a

result of any action or omission or both on the part of a member of the South African Police Service or the Municipal Police Service.

(3) An investigator designated in terms of sub-regulation (2) must:

(a) attend the scene where the death occurred, ensure that the scene is secured in terms of these regulations, oversee the scene and conduct a preliminary investigation;

(b) record the details of the deceased, including his or her name and surname, age and gender;

(c) identify and record particulars of all potential witnesses for purposes of interviewing them;

(d) authorise the removal of the corpse, in consultation with a pathologist if a pathologist is available;

(e) ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory and ensure the proper registration, handling, transportation and disposal of exhibits;

(f) visit the deceased's next-of-kin to inform them of the death and to obtain statements that may assist in the investigation;

(g) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and

(h) attend the post mortem and advise the person conducting the post mortem of observations made at the scene of death as well as areas that should be concentrated on.

(4) After ensuring the collection of all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the death containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Service or criminal prosecution of such member, to the Executive Director or the relevant provincial head, as the case may be.

(5) In the event that the South African Police Service or the Municipal Police Service member involved in the death of the victim is also deceased, the matter must be referred to South African Police Service for further handling.

(6) In the event of a death that occurred as a result of the alleged involvement of a member or members of the South African Police Service or the Municipal Police Service, as the case may be, or a death which is as a result of the action or omission or both of such member or members, the investigator, when visiting the scene of death, must, in consultation, make a determination as to whether such member or members must be arrested.

(7) When effecting an arrest, the investigator must have due regard to the constitutional rights of the person who is arrested and the provisions of sections 39 to 53 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) relating to the arrest of persons.

30. Investigation of criminal matters

(1) An investigation of a matter contemplated in sub-regulation (2) must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a complaint that:

(a) a person has been raped while that person was in police custody;

(b) a member of the South African Police Service or the Municipal Police Service has raped a person, irrespective of whether such member had been on official duty at the time of the alleged rape or not;

(c) a member of the South African Police Service or the Municipal Police Service has tortured or assaulted a person with the intent to cause grievous bodily harm; or

(d) a member of the South African Police Service or the Municipal Police Service is involved in corruption where the value of the corruption is equal to the value of R 5000 or above, where the value is below R 5000, the Executive Director or the relevant provincial head may consider the matter to be investigated.

(3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable:

(a) if a police docket has been opened, take over the docket and conduct all outstanding investigations, record the collection of the docket and if such

docket has not been opened, ensure that it is opened for purposes of the investigation;

(b) interview and record the details of the victim of the offence concerned, including his or her name and surname, age and gender, if this had not yet been done;

(c) identify and record particulars of all potential witnesses for purposes of interviewing them, and in the case of an offence contemplated in paragraph (a) of sub-regulation (2), record the particulars of the persons who had been on duty in the facility at the time when the offence had been committed, if this had not yet been done;

(d) collect or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory or other appropriate institution and ensure the proper registration, handling, transportation and disposal of exhibits, if this had not yet been done;

(e) in the case of an offence contemplated in paragraph (a) or (b) of sub-regulation 2, ensure, if this had not yet been done, that:

(i) the victim is examined by a medical practitioner without delay;

(ii) a sexual assault crime kit is obtained from South African Police Service, properly sealed and submitted to the Forensic Science Laboratory; and

(iii) the provisions of sections 28(3), 31(5), 32(1) and (5), 33(1), 34, 36 and 37 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), and any South African Police Service National Instructions relating to the crime of rape are complied with;

(f) in the case of an offence contemplated in sub-regulation (2)(d) or any offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), involving an amount of R100 000 or more, ensure that a report contemplated in section 34(1) of that Act has been taken down in the manner contemplated in section 34(3)(a) of the said Act;

(g) in the case of an offence contemplated in paragraph (c) of sub- regulation (2), if this had not yet been done:

(i) attend and secure the scene where the alleged torture occurred (where possible) as prescribed by these; and

(ii) ensure that the victim is taken to a medical practitioner for examination, including the taking of bodily specimens relating to torture;

(h) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and

(i) after collecting all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the offence to the Executive Director or the relevant provincial head, as the case may be, containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Service or criminal prosecution of such member.

(5) An investigation contemplated in this regulation must be finalised within a reasonable period, which period may not exceed 150 days after designation, failing which the investigator must include reasons for failure to comply with this period in the report contemplated in paragraph (a) of sub-regulation (3).

(6) The office dealing with the matter and designated to investigate an offence in of this regulation must inform the complainant, and if the complainant is not the victim of the offence, the victim, of the progress made with the investigation at least once every 90 days.

(7) Regulations 28(4) and (5) applies with such changes as may be required by the context to the arrest of a person in terms of this regulation.

31. Investigation of attempted murder cases

(1) The attempted murder of any person by a member of the South African Police Service or the Municipal Police Service through the discharge of any firearm or the use of any weapon or instrument, as the case may be, irrespective of whether such member had been on or off duty, must be investigated in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a complaint that a member of the South African Police Service or the Municipal Police Service has attempted to intentionally kill a person or caused serious injuries that could have led to the death of the person, irrespective of whether such member had been on or off duty.

(3) An investigator designated in terms of sub-regulation (2) must conduct a full investigation similar to the process described in regulation 29 above.

(4) An investigator designated in terms of sub-regulation (2) should, as soon as it is practically possible:

(a) if a police docket has been opened, take over the docket and conduct all investigations, and if such docket has not been opened, ensure that it is opened during any stage of the investigation;

(b) identify and record particulars of all potential witnesses for purposes of interviewing them;

(c) collect or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory or other appropriate institution and ensure the proper registration, handling, transportation and disposal of exhibits, if this had not yet been done;

(d) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and

(e) after ensuring the collecting of all evidence, statements, technical and expert reports, if applicable, submit a final report on the investigation to the Executive Director or the relevant provincial head, as the case may be, containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Service or criminal prosecution of such member.

(5) A full investigation contemplated in this regulation must be finalised within a reasonable period, which period may not exceed 150 days after designation, failing which the investigator must include reasons for failure to comply with this period in the report contemplated in paragraph (e) of sub-regulation (4).

(6) An investigator in terms of this regulation must inform the complainant of the progress made with the investigation at least once every 90 days.

(7) Regulations 28(4) and (5) applies with such changes as may be required by the context to the arrest of a person in terms of this regulation.

32. Investigation of referred matters

(1) The investigation of matters referred to the Directorate as contemplated in section 28(1)(h) of the Act must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a matter contemplated in section 28(1)(h) of the Act which had been referred to the Directorate for investigation.

(3) An investigator designated in terms of sub-regulation (2) should, as soon as is practicably possible, determine whether the referred matter relates to-

(a) a matter contemplated in regulation 28, in which case the provisions of that regulation apply with such changes as may be required by the context;

(b) a criminal matter, in which case the provisions of regulation 30 apply with such changes as may be required by the context, notwithstanding the fact that the criminal matter to be investigated may not be listed in sub-regulation (2) of that regulation; or

(c) a matter not dealt with in regulation 28 or 30, in which case the Executive Director or relevant provincial head, as the case may be, must give direction regarding the investigation, the period within which the investigation must be completed and the manner of disposal of the referred matter.

(4) An investigator designated to do an investigation in terms of this regulation must inform the person who referred the matter for investigation of the progress made with the investigation at least once every 90 days.

33. Securing of crime scene

An investigator designated to investigate a criminal matter must secure the scene of the crime, if still intact, or take over the securing of such scene from a member or

members of the South African Police Service and Municipal Police Service who may already be present at such scene, by:-

(a) establishing an inner cordon around the perimeter of the crime scene, as well as an outer cordon around the inner cordon to enable persons to perform their tasks within the inner cordon;

(b) protecting obvious exhibits from contamination and the elements;

(c) making a note of each exhibit to protect its integrity and location if it has to moved;

(d) regarding a corpse as a source of evidence and handling it as such;

(e) identifying other scenes that might have a direct connection with the primary crime scene, and also protecting such scenes;

(f) exercising control over the persons who may gain access to the crime scene and coordinating all investigation support resources and where any investigative resource is required, such as personal protective equipment, South African Police Service will assist the Directorate by providing such resources;

(g) requesting potential witnesses to wait at a designated area outside the outer cordon for the obtaining of statements, ensuring their safety and encouraging witnesses not to discuss the incident amongst themselves;

(h) protecting the routes of access and departure by the person or persons suspected of having committed the crime, if known;

(i) determining access and departure routes for use by emergency services and other persons authorised to enter the crime scene;

(j) controlling any representatives of the media who may be in the vicinity of the crime scene; and

(k) refraining from releasing information about the crime or the crime scene to any unauthorised person, including representatives of the media.

34. Procedures relating to identification parades, taking of affidavits, giving of evidence, production of documents and submission of information and co-operation by the Police

(1) The procedures relating to-

(a) the arrangement and holding of identification parades, as contemplated in section 29(2)(a) of the Act;

(b) the taking of affidavits or affirmed declarations or the giving of evidence or the production of documents in the possession or under the control of a member of the South African Police Service or the Municipal Police Service which have a bearing on the matter to be investigated, as contemplated in section 29(2)(b) of the Act; and

(c) the submission of any other information or documentation required for investigation purposes, contemplated in section 29(2)(c) of the Act, must be conducted in accordance with the relevant procedures applicable to members of the South African Police Service.

(2) A member of the Directorate may issue a subpoena (as issued by the provincial head) requesting the South African Police Service or Municipal Police Service member to either appear before them to give statements, provide information or documents relating to the investigation.

(3) A member of the Directorate may require written reasons for failure by a member of the South African Police Service or the Municipal Police Service to comply with a request for co-operation regarding any matter contemplated in sub-regulation (1), and may make recommendations to the Executive Director or relevant provincial head, as the case may be, regarding disciplinary measures to be taken against such member.

35. Access and control of confidential information and records

(1) All information, whether verbal or in writing, and all documentation acquired during the course of an investigation conducted in terms of the Act and all records pertaining to any such investigation are to be treated as confidential and may not be divulged to any person outside of the Directorate unless authorised to be divulged, in the interests of justice, by :-

(a) the Executive Director or relevant provincial head, as the case may be, in writing; or

(b) an Act of Parliament.

(2) All information, documentation and records pertaining to an investigation must be secured at all times in a manner that would effectively prevent access to such information, documentation and records by an unauthorised person.

(3) A member of the Directorate may insist on, and must be granted, access to such classified information, documentation and records as are reasonably necessary to enable such member to conduct an investigation in terms of the Act, excluding confidential information, documentation and records protected under professional privilege.

(4) Subject to the provisions of section 33(2) of the Act, a member of the Directorate who divulges information, documentation or records or causes such information, documentation or records to be divulged in contravention of sub-regulation (1) or (2) is guilty of misconduct and is subject to the disciplinary measures contemplated in regulation 39.

CHAPTER 6
INTEGRITY TESTING AND CONFIDENTIALITY

36. Integrity testing and confidentiality of information relating to Integrity testing

(1) The Executive Director may conduct, or authorise any member of the Directorate or any other person to conduct, a procedure to test the integrity of any particular member of the Directorate.

(2) The procedure referred to in sub-regulation (1) may involve-

(a) the employment of an act or omission, by the person who conducts the procedure, which offers the member of the Directorate whose integrity is being tested the opportunity to engage in behaviour in contravention of any law, any code of conduct which is binding on such member or any disciplinary regulations;

(b) the testing of a member of the Directorate for the abuse of alcohol or drugs; or

(c) the use of a polygraph or any similar instrument.

(3) A procedure involving a measure contemplated in paragraph (a) of sub-regulation (2) may only be performed-

(a) after approval by the Director of Public Prosecutions having jurisdiction in the area in which the integrity testing will take place, or by his or her delegate; and

(b) in consonance with such instructions or guidelines as may be laid down by the National Director of Public Prosecutions or by the Director of Public Prosecutions having jurisdiction in the area in which the integrity testing will take place, or by his or her delegate, in accordance with section 252A(2)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(4) A procedure involving measures contemplated in paragraphs (b) and (c) of sub-(2) may only be performed with the written approval of the Executive Director, in which case the member of the Directorate whose integrity is being tested must submit to such measures.

(5) A member of the Directorate may not, at any time when reporting for duty, or while on call for duty; have any evidence of-

(a) alcohol; or

(b) a drug as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) , which may not lawfully be taken or has been taken in a manner which is contrary to the prescription of a registered medical practitioner or the recommendation of the manufacturer of the substance,

in his or her breath, blood or urine, as the case may be.

(6) Despite paragraph (b) of sub-regulation (5), a member of the Directorate who lawfully takes or has taken a drug prescribed by a registered medical practitioner may not perform duties involving operational capacity if the substance may impair such member's capacity to perform the duties without danger to himself or herself or any other person.

(7) In the event of an alcohol test-

(a) the member of the Directorate whose integrity is being tested must provide a specimen of breath or blood, if requested to do so, and if such member fails or refuses to provide such specimen, he or she may be charged with disobeying a lawful order, command or instruction under regulation 39; and

(b) the test, in the case of a specimen of breath, must be performed by using equipment prescribed in regulation 332 of the regulations made under the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(8) In the event of a drugs test -

(a) the member of the Directorate whose integrity is being tested must provide a specimen of blood or urine to a registered medical practitioner or registered nurse at a place and time specified by the Executive Director, if requested to do so, and if such member fails, unless failure is attributable to a medical condition, or refuses to provide such specimen, he or she may be charged with disobeying a lawful order, command or instruction under regulation 39; and

(b) the registered medical practitioner or registered nurse may give such directions as may be reasonably necessary to the member of the Directorate whose integrity is being tested regarding the manner in which the specimen is to be provided.

(9) If a member of the Directorate refuses to submit to a polygraph examination or other similar test, when requested to do so, or if the polygraph or similar test indicates possible deception, the Executive Director may instruct such member to subject himself or herself to a security screening in accordance with section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), failing which he or she may be charged with disobeying a lawful order, command or instruction under regulation 39.

(10) The Executive Director, in the event of a result that impacts adversely on the integrity of a member of the Directorate after employment of a measure contemplated in paragraph (a) of sub-regulation (2), may-

(a) require such member to undergo such counselling, rehabilitation or retraining as directed by the Executive Director or relevant provincial head;

(b) require such member to subject himself or herself to a security screening in accordance with section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994); or

(c) if appropriate in the circumstances, take disciplinary or other action against such member under regulation 39.

(11) The Executive Director, in the event of a finding that a member of the Directorate has evidence of alcohol or drugs in his or her breath, blood or urine respectively, may-

(a) suspend such member from duty until he or she is free from such evidence;

(b) require such member to undergo counselling or rehabilitation as directed by the Executive Director;

(c) refer such member to an identified registered medical practitioner for a medical examination and report of the member's fitness to proceed with his or her duties;

(d) after considering a report referred to in paragraph (c), instruct such member to perform other duties for such time as the Executive Director considers necessary; or

(e) if appropriate in the circumstances, take disciplinary or other action against such member under regulation 39.

(12) The measures contemplated in this regulation must be applied with due regard to decency and the right of a member of the Directorate to dignity and privacy.

(13) No person may disclose any information which he or she has obtained in the application of the measures contemplated in sub-regulation (2), unless such information is-

(a) required by a person who of necessity needs the information for the performance of his or her functions in terms of these regulations;

(b) supplied in the performance of functions in terms of these; or

(c) required in terms of any law or as evidence in any court of law or formal disciplinary process.

(14) Any contravention of sub-regulation (13) is to be regarded as serious misconduct for purposes of regulation 39.

CHAPTER 7
DISCPLINARY REFERRALS AND INTERNAL DISCIPLINE

37. Disciplinary referrals (Section 30 related)

(1) Subject to provisions of section 30(aA), (c), (d) and (e) of the Act, the report(s) on the decision not to initiate as well as the outcome of disciplinary matter referred by the Directorate must be done in accordance with this regulation.

(2) The National Commissioner, or Provincial Commissioner, National Head or appropriate Provincial Head of the Directorate for Priority Crime Investigation or the executive head of the relevant Municipal Police Service, must before submitting the report(s) referred to in sub-regulations (1) to the Minister, Executive Director and the Secretary, satisfy himself or herself that all internal disciplinary processes have been complied with.

(3) The report(s) contemplated in sub-regulations (1) and (2) above must provide:

(a) If the investigative report from IPID is not to be initiated a report in the approved format must be provided to IPID and outline the reason(s) for non-initiation;

(b) The report referred to above should include:

(i) A description of the complaint or allegation;

(ii) Details of the person who conducted investigation;

(iii) Evidence obtained and used to make the finding;

(iv) Analysis of the investigation and findings; and

(v) Reasons for the findings not to initiate the IPID report.

(4) If the investigative report from IPID is to be initiated, a report in the approved format must be provided to IPID and outline the outcome and or sanction(s) of the disciplinary process.

(5) In the event investigative report from IPID leads to a disciplinary enquiry, the disciplinary report referred to must at a minimum contain:

(a) A description of the complaint or allegation the member is charged with;

(b) Details of the person who presented the employer's case at the hearing;

(c) Details of the person(s) who presented the employee's case at the hearing;

(d) The charges that the member was charged with;

(e) The plea of the member;

(f) Date, time and venue of the hearing;

(g) A summary of all the evidence led during the proceedings;

(h) Analysis of the evidence presented and findings; and

(i) The outcome and sanction (if applicable) based on the evidence presented.

(4) The functionary referred to in sub-regulations (1) and (2), must after satisfying himself or herself that provisions of sub-regulation (3) are complied with, submit a report to the Minister, Executive Director and the Secretary, within period of 30 days upon finalisation of that report.

(5) In the event that IPID finds either the decision not to initiate the IPID report, the sanction or the outcome inappropriate, IPID must, based on the report(s) referred to in sub-regulation 3, and in line with Section 30(e), asked for the reasons not to initiate, the outcome and or sanction to be reviewed in the prescribed format;

(6) The Minister must establish a review committee, which must meet to review inappropriate decisions not to initiate, outcomes and sanctions imposed;

(7) The said review committee is only to review inappropriate decisions not to initiate, outcomes and sanctions imposed in the event that the review as requested by IPID in terms of sub-regulation (5) above is not complied with nor a response on the request to review is not initiated by South African Police Service or Municipal Police Service;

(8) The said review committee decision will be final and cannot be further reviewed.

38. Powers of the Executive Director to refer other matter

(1) A complaint of a disciplinary nature or recommendations by the Directorate involving the discipline of a member or members of the South African Police Service or the Municipal Police Service must be contained in a report substantially similar to **Form 3**.

(2) The Executive Director or relevant Provincial Head must, in accordance with section 7(6) of the Act, read with sections 9(m) and 21(1)(f), ensure that the form contemplated in sub-regulation (1) is correctly completed and submitted to the National Commissioner or National Head or the appropriate Provincial Head of

the Directorate for Priority Crime Investigation, or the executive head of the relevant municipal police service, as the case may be.

(3) The Executive Director or relevant provincial head must interact and liaise with the National Commissioner or National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, or the executive head of the relevant municipal police service progress relating to disciplinary proceedings initiated by the National Commissioner or Provincial Commissioner of Police, as the case may be, in accordance with section 30 of the Act on a monthly basis.

(4) The duty imposed upon the Executive Director or the relevant provincial head in terms of sub-regulation (2) or (3) may be delegated, in writing, by the Executive Director or relevant provincial head, as the case may be, to a suitable member of the Directorate.

39. Disciplinary measures in relation to members of the Directorate

(1) Disciplinary proceedings may be initiated against all members of the Directorate who have allegedly committed a misconduct or failed to comply with a lawful command, order or instruction.

(2) The Public Service Disciplinary Code applies in the case of disciplinary proceedings initiated against any other member of the Directorate, except the Executive Director.

(3) Section 6A of the Act shall apply in respect of disciplinary proceedings initiated against the Executive Director.

CHAPTER 8
REPORTING

40. Reporting

(1) In addition to the provisions of section 32 of the Act, the Executive Director must submit an annual report to the Minister and Parliament in accordance with section 9(j) of the Act.

(2) The report contemplated in sub-regulation (1) must include an overview of-

(a) the administration of the Directorate relating to its overall management and organisation;

(b) the processing, monitoring and investigation of complaints lodged with the Directorate in terms of section 28(1) of the Act;

(c) the management of information and research conducted during the financial year under review; and

(d) statistics of cases dealt with by the Directorate on both national and provincial level, including information on the number and nature of cases carried over to the next financial year, and may include recommendations relating to the manner in which deficiencies in practices employed by members of the South African Police Service or Municipal Police Service could be addressed.

(3) Despite sub-regulation (1), the Executive Director must, in accordance with section 7(12) of the Act, at any time when requested to do so by the Minister and Parliament, report on the activities of the Directorate.

CHAPTER 9
MISCELLANEOUS MATTERS

41. Deviations, delegations and authorisations

(1) The Minister may, if circumstances justify it, approve a deviation from any provision of these Regulations, and may authorise such deviation with retrospective effect for purposes of equality.

(2) The Minister or Executive Director, respectively, may delegate in writing any power conferred upon him or her except those referred to in section 10(3) of the Act, in terms of these Regulations to an employee or authorise an employee in writing to perform a duty imposed upon him or her in terms of these Regulations, and may set out conditions for the exercise of the power or performance of the duty.

42. Repeal and transitional arrangements

(1) The Regulations for Operation Independent Police Investigative Directorate, 2012 (published in Government Notice No.35018 on 10 February 2012) are hereby repealed.

(2) Anything done under the Regulations for Operation Independent Police Investigative Directorate, 2012, which could be done under a provision of these Regulations, shall be deemed to be done under these Regulations.

(3) Any process, provided for in the Regulations for Operation Independent Police Investigative Directorate, 2012 (published in Government Notice No.35018 on 10 February 2012), that was initiated prior to the coming into operation of these Regulations but was not yet completed at the time of the coming into operation of these Regulations, shall be processed and finalized in terms of these Regulations.

43. Short title and commencement

These regulations are called the Independent Police Investigative Directorate Regulations, 2025, and come are published for comments.

ANNEXURE (FORMS)

Form 1 – Reporting any matter listed in section 28(1)(a) to (gA) of the Act

Form 2 – Lodging a complaint directly to the Directorate by the member of the public

Form 3 – Referral of matters by the Executive Director