

1. LEGISLATIVE MANDATE OF THE ICD

Section 222 of the Interim Constitution (Act 200 of 1993) provided for the establishment of 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 South African Police Service are investigated in an effective and efficient manner.

Section 53 (2) of the South African Police Service Act (Act no 68 of 1995) stipulates that the Independent Complaints Directorate:

(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 muto* or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and

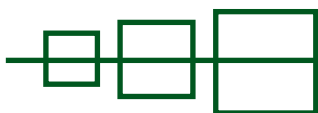
(c) May investigate any matter referred to the Directorate by the Minister or a member of the Executive Council.

Section 18 of the Domestic Violence Act, Act No. 116 of 1998 stipulates that failure by a member of the South African Police Service 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 South African Police Service. Unless the Independent Complaints Directorate directs otherwise in any specific case, the South African Police Service must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The Independent Complaints Directorate 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 South African Police Service must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the Independent Complaints Directorate.

In terms of Section 640 of the SAPS Act, read with Regulation 9 and Annexure 5 of the Regulations for Municipal Police Services, the ICD has been given the same civilian oversight mandate in respect of Municipal Police Services that it has in respect of the South African Police Service.



VISION

A transformed police service in line with the spirit and purport of the Constitution

MISSION

To promote proper police conduct.

Vision and Mission

