

# Independent Complaints Directorate

## Annual Report 2000/2001

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**This report is dedicated to the memory of  
Steve Motaung Tiro  
Director: Complaints Registry**



**Born : 8 June 1954  
Died : 14 July 2001**

**Robala Kakagiso Motshweneng oo Ra-Nonyane**

# CHAPTER 1

## FOREWORD BY THE MINISTER



I am honoured to present the fifth Annual Report of the Independent Complaints Directorate (ICD) covering the period April 2000 to March 2001.

My obligation to present this report emanates from Section 222 of the Interim Constitution, 1993 and Section 53(1)(a) of the South African Police Service Act no. 68 of 1995. I am pleased to report that financial discipline, redefinition of management priorities and strict adherence to time-frames have contributed to the success of the operations of the ICD during the period under review.

I am particularly pleased with the work of the ICD over the past financial year despite the dire financial constraints under which they have operated. I am also thankful for the dedication of each individual staff member in making sure that the department executed the obligations for which it was established effectively.

In the new financial year, we shall strive to ensure that the ICD's financial resources are sufficiently augmented to enable the department to raise the level of its service delivery. The momentum of the raised profile, which it received in the past year, must be maintained. The latest available statistics are evidence of increased awareness among members of the public with regard to the existence and mandate of the ICD.

The level of interaction between the ICD and other Government departments in general and, between the ICD and the Ministry for Safety and Security in particular has been quite satisfactory and will be further encouraged in the coming year. The ICD is a part of Government and will receive support and recognition as such.

It is our desire to encourage greater networking between the ICD and other international organizations involved in the protection of human rights. Progress in this regard was achieved in the past year, but more work still needs to be done.

The ICD will further dedicate itself to the transformation of policing in our country and contribute to ensuring that the police service earns and receives the respect and confidence it deserves from the community.

**S.V. TSHWETE**  
**MINISTER FOR SAFETY AND SECURITY**

## CHAPTER 2

### INTRODUCTION BY THE EXECUTIVE DIRECTOR

The ICD has been in operation for four years since it opened its doors to the public on 01 April 1997. In spite of a general lack of resources, the ICD has made incredible inroads and currently boasts a presence in each of the nine (9) provinces.

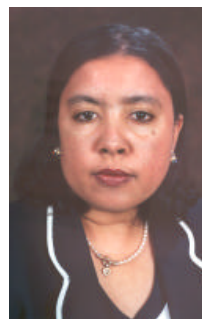
The investigation of all deaths in police custody or as a result of police action has been, and continues to be, a major focus area and priority of the investigative component of the ICD. Previously, the ICD had, in addition, also identified the investigation of all serious criminal offences as a priority for the investigative

**Our government has placed “crime prevention” on its national agenda.**

objectives, with respect to, inter alia, investigative priorities.

The ICD has also identified the issue of corruption within the SAPS as an investigative priority. Certain other cases eg. femicide, rape, spousal abuse, racism, crimes against children, police brutality and the use of excessive force in terms of Section 49 of the Criminal Procedure Act, which are in line with national priorities, were identified as being priority cases to which investigative resources will be allocated.

Our government has placed “crime prevention” on its national agenda. By implication, the role of the ICD as being the only independent body in South Africa to impact on the transformation of policing, becomes increasingly important.



A notable case that received a great deal of media attention during the year under review was that of the death of Mr Bheki Mkhize, a Member of Parliament. The ICD took immediate control of the investigation and recommended that 4 police members be prosecuted for murder and defeating the ends of justice. Their trial has commenced in the Pietermaritzburg High Court. This was indeed a sad indictment for our country since it was a lawmaker who was killed by law enforcement officers.

In 2000, the frightening abuse of power by members of the North East Rand Dog Unit was televised nationally as well as internationally. The incident understandably sparked outrage from the public. Many interviews were requested from the ICD, both from the national as well as the international media. Both the aforesaid incidents have justified the existence of the ICD.

Since December 1999, the ICD is obliged to monitor the implementation of the Domestic

Violence Act (DVA) by the South African Police Service. This obligation has placed additional pressure on the limited resources of the ICD. Further, the successful monitoring of the aforementioned Act has been hampered by a general lack of training of SAPS members in respect of their statutory duties in this regard.

Whilst the ICD will persevere to expose acts of misconduct and criminality by SAPS members, it must be emphasized that there are many SAPS members who go the extra mile, beyond the call of duty, in serving the public. I wish to applaud the continued efforts of these police members sometimes during very difficult circumstances.

During the year under review there has also been many deaths of police officers at the hands of the criminal elements in our communities. As the ICD, we are committed to assisting wherever we can, with efforts and interventions aimed at eradicating this slaughter and inculcating respect for the blue.

I applaud members of my Department for working under difficult circumstances, with the minimum of resources, and still pursuing a high level of excellence. Whilst much has been accomplished in a short space of time, we recognize that many milestones lie ahead. Our struggle to obtain an increased budget goes hand in hand with our efforts to create a more credible police service.

**ADV. KDMcKENZIE**  
**EXECUTIVE DIRECTOR**

# CHAPTER 3

## CORE BUSINESS OF THE ICD

### 3.1 INTRODUCTION

The core function of the ICD has three sub-divisions viz.

- Complaints Registry
- Investigations
- Monitoring and Development

### 3.2 COMPLAINTS REGISTRY

Complaints Registry is charged with the responsibility of receiving, processing and registering complaints reported to the ICD.

The past financial year has been a very busy one, both in terms of the intake of complaints, which again increased dramatically during the period under review, and other related activities.

#### 3.2.1 Complaints received and registered

The number of new matters received and registered during the period under review increased from 4380 in the previous financial year to 5225 in the current one and this represents an increase of about 19%. The increase has been particularly high in the Class V category of complaints. This category specifically deals with those complaints that either occurred before the date of establishment of the ICD or it relates to complaints and / or issues dealt with by other State departments or public institutions such as the Office of the Public Protector. The high number of such cases that need to be referred to other relevant State organs suggests that the public may still be ignorant about the mandate of the ICD and the fact that the ICD cannot address cases that occurred before it was established in April 1997. This is hardly surprising as the ICD has not, because of

resource constraints, been able to reach out to educate the public about its mandate and priorities, as widely as it had hoped.

However, as was the case in the previous financial year, we again experienced a decrease in the number of police-related deaths, albeit a marginal one. The number of deaths increased by about 0,8% from 681 in the 99/2000

**serious criminal offences reported to the ICD decreased by about 27,4%.**

reducing drastically the number of police-related deaths, so that we remain true to the principle of the sanctity of human life that underpins our Constitution.

For the first time since the ICD was established, there has been a decrease in the number of serious criminal offences. As compared to the previous financial year the number of serious criminal offences reported to the ICD decreased by about 27,4%. While the decrease must be welcomed, one must also bear in mind the very real possibility of under-reporting and that it is possible that the number of complaints received by the ICD might not accurately reflect the extent of police involvement in criminal activities.

The number of service - related complaints represents about 32,8% of the total number of complaints received by the ICD and it would appear that the SAPS service delivery machinery needs to be improved before we can see any substantial or significant reduction in this category of complaints.

### **3.2.2. Strategic objectives**

A number of key objectives for this component were identified and they are:-

#### **3.2.2.1 Prompt and quality service**

One of our key strategic objectives is to ensure that we provide prompt and quality service in line with the White Paper on public service delivery (Batho Pele). This has in practice translated itself into two main performance indicators.

Firstly, we have to ensure that members of the public attending our offices to lodge their complaints are attended to within 30 minutes of their arrival.

Secondly, we have to ensure that all complaints that are received by the ICD are processed and registered within one day of receipt thereof and that where the complaints fall outside our mandate, the complainants are informed accordingly within one week of the receipt of their complaints.

While we have endeavoured to adhere strictly to these time-frames, as the number of complaints increases, it equally becomes increasingly difficult, particularly in the provinces which receive the highest number of complaints, to maintain these standards. If the increases do not at some stage level off, we will have to review these standards and set new and more realistic ones. We are also constantly evaluating our performance as a department not only to ensure uniformity, but also to determine whether the performance indicators that we have set for ourselves are being adhered to.

#### **3.2.2.2. Information management system and database**

One of the objectives that we set for ourselves during the period under review, was to establish a fully computerised database system that would, inter alia, enable us to produce statistical information on our operations. Although we have largely accomplished this objective, a lot still remains to be done, particularly, with respect to the updating of the database, which exercise has turned out to be a very laborious and time-consuming one. However, the automation of the case-registration system has brought about uniformity in the way we deal with the cases and clearly, once the database is fully operational, the task of producing reliable statistical information will become much easier than is the case at the moment.

One of the areas that require urgent attention is the training of personnel on statistical analysis and trends identification. In this regard, we have already set in motion processes designed to achieve this objective and have approached a number of institutions, including Statistics South Africa (SSA) and the Council for Scientific and Industrial Research (CSIR). Statistics South Africa undertook, at no cost to the ICD, to train our personnel in the above mentioned areas. The training will take place during the 2001/2002 financial year.

#### **3.2.2.3 Maintaining linkages with other complaints-handling bodies**

We continued to maintain regular contact with other complaints-handling bodies both nationally and internationally.

It was essential that we maintained contact with other complaints-

handling bodies, not only to avoid duplication as well as unnecessary jurisdictional conflicts, but also to glean best practices from other institutions. Throughout the year we maintained regular contact with institutions such as the Human Rights Commission, Public Protector etc and similar organizations abroad. These exchanges of information and ideas have assisted us considerably in inter alia, streamlining our case-intake system.

### 3.2.2.4 Communicating with complainants and other stakeholders

Also, in an effort to educate the public about our complaint system and processes, we have added to our existing information packages, a pamphlet which explains in detail the processes that a complainant has to follow from the moment of reception until it is finalised, in order to bring about a better understanding of the functions, mandate and operations of the ICD.

Several Class IV complaints were referred to the SAPS and other institutions for monitoring and investigation. This referral reduced the intake of new complaints drastically. Of more importance, the referral of these complaints facilitated a focus on more serious complaints such as the Class I and Class III complaints. Although quite often our complainants have been unwilling to return to the police with their complaints, in a few instances, we received positive feedback from our complainants, following the referral of their matter to the SAPS.

This is an indication that the police themselves are taking these complaints seriously, and that they are endeavouring to resolve them as quickly as possible.

We are also exploring the possibility of referring some, if not all, of the service-related complaints to the Office of the Inspector-General of the Police or alternatively to the

Secretariat for Safety and Security. The office of the Inspector-General is specially tasked to deal and oversee all service delivery related complaints. It is housed at SAPS Headquarters but has a mandate to oversee such complaints across the country. We have also discussed this possibility with the Secretariat for Safety and Security, which appears keen to take over the service-related complaints.

### 3.2.3 Conciliation/Mediation

As indicated in our previous Annual Reports there are indeed some complaints and disputes that can best be resolved through

PROVINCE	I	II	III	IV	V	TOTAL
GAUTENG	131	0	103	609	590	1437
NORTHERN PROVINCE	40	1	57	44	539	690
NORTHWEST	41	2	15	20	403	480
MPUMALANGA	60	3	34	83	106	284
KWAZULU NATAL	181	5	66	50	250	552
FREESTATE	41	0	63	92	118	314
EASTERN CAPE	96	4	59	216	113	488
WESTERN CAPE	75	0	134	468	65	742
NORTHERN CAPE	15	0	23	134	115	287
<b>TOTAL</b>	<b>687</b>	<b>15</b>	<b>554</b>	<b>1716</b>	<b>2299</b>	<b>5225</b>

Table 3.1 gives an indication of the number of cases received and registered per classification group.

manner included disputes between on the one hand taxi organisations, tribal leaders etc and the police on the other hand.

### 3.2.4 Statistical Information

The ICD received a total of 5225 cases, of which 4538 were public complaints and 687 were notifications of deaths in police custody during the financial year 2000/2001. Compared to the financial year 1999/2000, the number of cases received was 4380, of which 681 were notifications of deaths in police custody while public complaints numbered 3699. This represents an increase of 842 public



complaints and a decrease of 10 deaths in police custody over the previous year.

about the service provided by the SAPS. In this category it was found that Gauteng (609) Western Cape (468) Eastern Cape (216) and Northern Cape (134) recorded the highest

The largest number of complaints in general was recorded in Gauteng (1437)

NUMBER OF CASES REPORTED IN RESPECT OF DEATHS IN POLICE CUSTODY/AS A RESULT OF POLICE ACTION											
		GP	NP	NW	MP	KZN	FS	EC	WC	NC	TOTAL
<b>CUSTODY</b>											
	NATURAL CAUSES	11	4	8	9	30	6	7	2	1	78
	SUICIDE	22	0	5	2	15	7	7	12	3	77
	INJURIES IN CUSTODY	1	2	0	2	18	5	1	5	2	36
	INJURIES PRIOR TO CUSTODY	3	4	2	1	9	4	9	1	1	34
	POSSIBLE NEGLIGENCE	0	4	2	8	1	2	7	6	0	30
<b>ACTION</b>											
	A. SHOOTING:										
	DURING COURSE OF ARREST	18	10	17	13	73	6	5	18	3	168
	DURING COURSE OF A CRIME	52	0	2	7	11	3	31	11	0	117
	DURING COURSE OF INVESTIGATION	8	3	1	10	2	2	11	1	0	38
	OTHER INTENTIONAL SHOOTING	3	5	0	1	20	0	6	1	0	36
	POSSIBLE NEGLIGENCE	5	2	2	3	1	4	2	0	1	20
	NEGLIGENT HANDLING OF A FIREARM	1	2	1	2	0	1	5	9	2	23
	B: OTHER	7	2	1	2	1	1	5	9	2	30
<b>TOTAL</b>		<b>131</b>	<b>40</b>	<b>41</b>	<b>60</b>	<b>181</b>	<b>41</b>	<b>96</b>	<b>75</b>	<b>15</b>	<b>687</b>

Table 3.2

nal offences

NUMBER OF CASES REPORTED IN RESPECT OF SERIOUS OFFENCES COMMITTED BY MEMBERS OF THE POLICE FROM APRIL 2000 TO MARCH 2001											
		GP	NP	NW	MP	KZN	FS	EC	WC	NC	TOTAL
	ASSAULT WITH A WEAPON	4	6	7	33	32	49	30	73	16	365
	ROBBERY	3	5	3	1	5	4	5	16	0	37
	FRAUD	1	0	0	0	4	4	7	2	1	27
	INDECENT ASSAULT	0	0	0	0	1	0	0	4	1	7
	POSSESSION OF FIREARMS	0	2	0	0	4	0	1	12	0	23
	ARSON	0	0	0	0	1	0	0	0	0	2
	RAPE	0	2	2	0	3	2	4	5	0	18
	CORRUPTION	0	0	1	0	7	2	3	12	3	36
	HARASSMENT	1	0	0	0	3	0	2	4	1	11
	KIDNAPPING	0	0	0	0	0	0	3	1	0	4
	ROBBERY	0	1	0	0	2	0	0	0	0	3
	ORGANISED CRIME	0	0	0	0	0	0	0	1	0	2
	MALICIOUS INJURY TO PROPERTY	0	0	0	0	1	2	1	1	1	6
	FORGERY	0	0	0	0	0	0	0	1	0	1
	INDECENT ASSAULT	0	0	0	0	3	0	1	2	0	6
	FRAUD	1	0	0	0	0	0	0	0	0	1
	EXTORTION	2	1	0	0	0	0	2	0	0	5
	BREAKING AND ENTERING PREMISES	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>103</b>	<b>57</b>	<b>15</b>	<b>34</b>	<b>66</b>	<b>63</b>	<b>59</b>	<b>134</b>	<b>23</b>	<b>554</b>

Table 3.3

number of complaints of police misconduct while the North West (20), KwaZulu Natal (41) and the Northern Province(44)recordedthelowestnumber.

Of the 109caseswhichwentfor criminal trial, 981 are still pending and 18 convictions wererecorded. Ten acquittals wererecorded.

Areas of misconduct among the police have been largely found to be neglectof

In 61 of those cases where internalSAPS disciplinary proceedings were

NUMBERANDNATUREOFCLASSIV CASESOFSAPSMISCONDUCTRECORDED PERPROVINCE											
	CP	NP	NW	MP	K7N	FS	FC	WC	NC	TOTAL	
FAILURETOPERFORMDUTIESANDRESPONSIBILITIES	2	4	0	3	8	44	158	6	88	313	
NEGLECTSDUTYORPERFORMSDUTYINIMPROPERMANNER	603	12	20	56	19	24	34	332	28	1128	
PERFORMSANACTINCONTRAVENTIONOFTHEAPSACT	0	0	0	0	3	1	1	6	5	16	
PERFORMSANACTORFAILSTOPERFORMANACTWHICHCONSTITUTES ANOFFENCE	1	0	0	0	3	2	0	5	4	15	
MISAPPROPRIATES/WITHHOLDSPROPERTYUNDERTHECONTROLOF THESTATE	0	0	0	2	0	0	0	0	0	2	
GROSSDISCOURTESY	1	0	0	0	0	3	3	14	1	22	
FALSEACCUSATIONOFACRIME	0	0	0	0	0	0	1	7	0	8	
CONCEALSEVIDENCE	0	0	0	0	0	0	0	3	0	3	
SEXUALHARASSMENT	0	0	0	0	0	0	0	1	0	1	
ASSAULT	0	21	0	17	8	0	11	63	0	120	
INTENTIONALLY/NEGLIGENTLYALLOWINGAPRISONERTOESCAPE	0	3	0	4	0	10	0	6	2	25	
CRIMFNINJURIA	1	0	0	0	0	0	0	10	0	11	
UNFAIRLABOURPRACTICE	0	0	0	0	0	5	0	0	1	6	
VICTIMISATION	0	1	0	0	0	1	1	5	2	10	
TREATSALOWERRANKINGEMPLOYEEINANOPPRESSIVEMANNER	1	0	0	0	0	0	0	1	0	2	
LEAVINGTHESCENEOFACOLLISIONWITHOUTDISCHARGINGDUTIES	0	0	0	0	0	0	2	0	0	2	
NEGLIGENTHANDLINGOFAFIREARM	0	0	0	1	0	0	0	0	0	1	
DRIVINGAMOTORVEHICLEWITHOUTREGISTRATION	0	0	0	0	0	0	0	0	0	0	
RACIALDISCRIMINATION	0	0	0	0	0	0	1	6	2	9	
USESUNLAWFULFORCEAGAINSTAPRISONER	0	2	0	0	0	0	2	0	0	4	
RELEASINGAPRISONERWITHOUTAUTHORITY	0	0	0	0	0	1	1	0	0	2	
DRUNKDRIVING	0	1	0	0	0	0	0	1	0	2	
RECKLESSOPERATIONOFAMOTORVEHICLE	0	0	0	0	0	1	1	2	1	5	
<b>TOTAL</b>	<b>609</b>	<b>44</b>	<b>20</b>	<b>83</b>	<b>41</b>	<b>92</b>	<b>216</b>	<b>468</b>	<b>134</b>	<b>1707</b>	

Table 3.4  
 decision, numbered 456.

Of those cases which went to the DPP for a decision, 206 are pending, 79 are to be prosecuted, while the DPP decided not to prosecute in 46 cases. Inquests were held in 125 cases.

THE NUMBER OF CASES MONITORED/SUPERVISED AND INVESTIGATED			
Province	Monitored/ Supervised	Investigated	TOTAL
Gauteng	282	124	406
KwaZuluNatal	165	372	537
FreeState	85	2	87
EasternCape	217	99	316
WesternCape	131	128	259
NorthWest	27	42	69
NorthernCape	42	30	72
NorthernProvince	122	16	132
Mpumalanga	49	5	54
<b>TOTAL</b>	<b>1120</b>	<b>818</b>	<b>1938</b>

Table 3.5

CASES REFERRED TO SAPS AND OTHER STATE DEPARTMENTS AND INSTITUTIONS			
Province	SAPS	Other	TOTAL
Gauteng	249	213	462
KwaZuluNatal	200	80	280
FreeState	78	85	163
EasternCape	126	176	302
WesternCape	0	104	104
NorthWest	18	32	50
NorthernCape	23	45	68
NorthernProvince	413	126	539
Mpumalanga	31	29	60
<b>TOTAL</b>	<b>1138</b>	<b>890</b>	<b>2028</b>

Table 3.6

CRIMINAL TRIALS				
Province	Pending	Convictions	Acquittals	TOTAL
Gauteng	10	6	1	17
KwaZuluNatal	21	0	1	22
FreeState	1	2	1	4
EasternCape	18	0	1	19
WesternCape	0	3	2	5
NorthWest	11	3	1	15
NorthernCape	8	1	0	9
NorthernProvince	4	0	1	5
Mpumalanga	8	3	2	13
<b>TOTAL</b>	<b>81</b>	<b>18</b>	<b>10</b>	<b>109</b>

Table 3.7

THE NUMBER OF CASES SENT TO THE DPPP PER PROVINCE					
Province	Pending	Prosecution	Non prosecution	Inquest	TOTAL
Gauteng	49	8	9	21	87
KwaZuluNatal	22	15	14	8	59
FreeState	14	4	2	8	28
EasternCape	9	5	3	11	28
WesternCape	74	17	13	38	142
NorthWest	20	14	1	31	66
NorthernCape	6	8	4	4	22
NorthernProvince	4	3	0	0	7
Mpumalanga	8	5	0	4	17
<b>TOTAL</b>	<b>206</b>	<b>79</b>	<b>46</b>	<b>125</b>	<b>456</b>

Table 3.8

NUMBER OF CASES COMPLETED						
Province	Substantiated	Unsubstantiated	Dismissed	Withdrawn	Mediated	TOTAL
Gauteng	28	133	63	8	13	245
KwaZuluNatal	67	40	0	0	0	107
FreeState	21	103	69	10	0	203
EasternCape	55	59	114	12	8	248
WesternCape	81	83	7	14	52	237
NorthWest	52	94	298	3	20	467
NorthernCape	8	47	22	3	0	80
NorthernProvince	40	51	21	7	5	124
Mpumalanga	21	33	16	5	0	75
<b>TOTAL</b>	<b>373</b>	<b>643</b>	<b>610</b>	<b>62</b>	<b>98</b>	<b>1786</b>

Table 3.9

## 3.3. INVESTIGATIONS

### 3.3.1 INTRODUCTION

The aim of Programme 2: *Investigation of Complaints*, is to investigate deaths in police custody or as a result of police action, as well as other complaints lodged with the Directorate, effectively and efficiently, with a view to establishing whether or not there was any wrongdoing on the part of a police officer. The programme consists of a single sub-programme: Investigation of Complaints, which provides for the investigation of any such deaths a function prescribed in terms of the South African Police Service (SAPS) Act of 1995. In addition, the programme provides for the investigation of any matter referred to the Directorate by the Minister or Member of the Executive Council, as well as for the investigation of any allegation of misconduct or offence committed by any member of the SAPS. The Act also provides that the Directorate may *mero motu* investigate any matter which falls within its mandate.

### 3.3.2 KEY OUTPUTS

The key outputs of this programme are the following:

- Ensuring that all investigations conducted by the ICD are done in an effective and efficient manner;
- Keeping abreast of all operational functions of the ICD;
- Developing and maintaining an open channel of communication between National Office and the Provincial Offices;
- Formulating and developing policies pertaining to investigations;
- Identifying and making provision for the training needs of investigators and their supervisors;
- Identifying and procuring the necessary investigative equipment;
- Identifying, supervising and coordinating the development of Standard Operating Procedures (SOP);
- Developing and implementing standardised uniform investigative guidelines and methodologies so that all ICD offices operate on the same basis using the same documentation and procedures.

### 3.3.3 SERVICE DELIVERY INDICATORS

Some of the most important service delivery indicators are the following:

- Where possible and practicable, timeous attendance at all crime scenes on a national basis;
- To ensure that preliminary investigations are conducted in all Class I cases and finalised within 14 days;
- To ensure that full investigations in all Class I cases are finalised within a maximum period of six (6) months;
- To ensure that investigations in all Class II and III cases are finalised within a maximum period of three (3) months;
- To enlist, as far as possible, the services of specialists independent of the SAPS to conduct post-mortem and ballistic and forensic tests;
- To keep our complainants and other stakeholders regularly informed of progress of investigations;
- To meet at least once a year with other complaints-handling bodies to consider the most cost-effective

ways of dealing with complaints and, in view of the sometimes overlapping mandates, to seek ways of avoiding duplication, thus avoiding wastage of scarce resources.

We also intend maintaining contact with other international bodies having similar responsibilities as the ICD in order to learn from their experiences.

### 3.3.4 INVESTIGATIVE PRIORITIES

The ICD's investigative priorities for the year 2000/2001 were identified as follows:

- Deaths in police custody or as a result of police action;
- Police corruption, focussing specifically on:
- Alleged sale, theft and/or destruction of police dockets;
- Alleged sale, theft and/or disposal of exhibits;
- Escapes from police custody;
- Crimes against children;
- Crimes against women, especially spousal abuse and femicide;
- Racism;
- The use of excessive force in terms of section 49 of the Criminal Procedure Act.

### 3.3.5 INVESTIGATION OF COMPLAINTS - SOME CASES

The ICD has, during the course of the financial year 2000/2001, actively investigated 582 cases in terms of our investigative priorities mentioned above. In the course of such investigations, ICD investigators, who number 45 in total, have travelled a total of 428,397 kms at a cost of R506 764.00. A total of 687 Class I cases (deaths in police custody or as a result of police action) were reported to the ICD during the period 1 April 2000 to 31 March 2001 and preliminary investigations were conducted in almost each and every case.

Where *prima facie* evidence of police involvement in a cover-up or in criminal conduct was detected during such preliminary investigation, the matter was actively investigated to completion. Cases that revealed no foul play on the part of the SAPS were referred back to the SAPS for completion. Our Monitoring division then closely monitored the progress of such investigations. Where appropriate, disciplinary action against SAPS members was recommended. ICD investigators also actively investigated numerous other cases falling within the ambit of the stated investigative priorities, the most noteworthy of which were the following (listed per priority and per SAPS station where the incident occurred):

#### 3.3.5.1 DEATHS IN POLICE CUSTODY OR AS A RESULT OF POLICE ACTION

- **SAPS Mahlabathini (Public Order Policing Unit, Ulundi)**

Mr. Bhekhi Mkhize, MP, was shot and killed on 30 July 2000, when members of the SAPS Public Order Policing Unit, stationed at Ulundi, were conducting a search for illegal firearms. The ICD took charge of the investigation immediately after the incident. The investigation revealed that the deceased (who was unarmed and defenceless at the time), was shot at point blank range, in the face, with an R5 rifle. It was also ascertained that after the incident, the scene was left unattended for a period of time, and thereafter tampered with so that it would appear that the deceased had

died during the course of a struggle. As a result of the investigation, three SAPS members were arrested and appeared at the Empangeni Magistrate's Court where they were granted bail. The DPP eventually accepted our recommendations that the suspects be charged with murder, accessory after the fact to the commission of the crime of murder, alternatively, defeating or attempting to defeat or obstruct the course of justice. The trial is to commence on 17 April 2001 in the Pietermaritzburg High Court.

- **SAPS Alexandra (Public Order Policing Unit)**

This incident occurred in Alexandra, Gauteng, on 30 May 2000. A learner at Realogile High School was shot and killed by the police when they were attempting to disperse a group of angry learners who were marching in protest against the death of another learner allegedly killed by a local shop owner. The ICD took charge of the investigation and after finalization thereof handed over the case docket to the DPP with a recommendation that the suspects be indicted for murder and attempted murder. The DPP accepted our recommendation and decided to charge Sergeant Buhlebenkosi Ndlovu with murder and attempted murder. The first appearance was on 23 January 2001 while the next court appearance will be on 28-29 May 2001 in the Wynberg Magistrate's Court.

- **SAPS Belfast**

This incident occurred in Belfast, Mpumalanga on 16 January 2001 when the deceased's mother contacted the police for assistance as her son, the deceased, was aggressive and insulting them.

The failure of the police to effect his arrest resulted in the deceased's mother asking for

assistance from an officer who lived nearby and was at his home at that time. The officer, accompanied by a colleague attended the scene. It is alleged that the two officers assaulted Mr Mashini with a knob-kierie. It is also alleged that they dragged him on the ground from the house to the police vehicle by pulling him by his trousers. As a result he bled through the nose, mouth and ears while his face and head were covered with blood. He died as a result of his injuries. The brain scans confirmed that he suffered severe head injuries. The ICD took over the docket and arrested the two police officers implicated, on Wednesday, 24 January 2001, and they are now facing a charge of murder. They applied for and were granted bail of R1000 each by the Belfast Magistrate's Court. We recommended that the suspects be suspended without pay. No response to this recommendation has been received from the Provincial Commissioner. They first appeared in the Belfast Magistrate's Court on 02 March 2001 and will appear again on 27 August 2001.

- **SAPS Kuilsriver**

This incident occurred on 12 February 2000, when a SAPS member stationed at Khayelitsha became involved in an argument at a tavern, where he had been drinking. The member discharged his service pistol numerous times, fatally wounding an unarmed civilian. The ICD investigated the case and ultimately recommended to the DPP that the member be charged with murder. The DPP agreed with our

findings and instructed that the member be charged with murder, attempted murder and three (3) counts of contravening S.39(1) of the Firearms and Ammunition Act 75 of 1969.

- **SAPS Marianhill**

This incident occurred on 14 February 2001 when a SAPS member shot dead the deceased after suspecting him of being in love with his (the SAPS member's) fiancée. The member was arrested and charged. He is due to appear in the Pinetown Regional Court on 14 June 2001.

- **SAPS Dog Unit, Newcastle**

This incident occurred in Newcastle on 24 January 2001 after two members of the Newcastle Dog Unit had arrested a man for urinating in public at the Newcastle taxi rank. The police alleged that the crowd at the scene became unruly and began throwing stones and bottles at the police. It was also alleged that Mr Nhlapho who had allegedly been part of the unruly group, produced a firearm and fired at the police. The police returned fire and Mr Nhlapho was fatally injured. The ICD took charge of the case docket and arrested the police officers implicated on Friday, 09 February 2001 and they are now facing a charge of murder. They applied for and were granted bail of R1000 each by the Newcastle Regional Court. Their first appearance was on 22 March 2001 when the case was postponed to 11 June 2001.

- **SAPS Leboeng**

The incident took place on Wednesday, 14 February 2001 when police on patrol found four boys dismantling an abandoned car. When the boys saw the police they fled the scene and upon regrouping, they discovered that one of them was missing. Members of his family filed a complaint about the missing boy, believing that the police had killed him. On Monday, 26 February 2001, the decomposed body of the boy was found with a severed head lying near the body. The ICD attended a post-mortem examination at Medunsa in Pretoria on Friday, 02 March 2001 and the results revealed no bullet wounds. Police complicity in the case could not be established and the ICD closed the case.

- **SAPS Hoopstad**

We investigated the circumstances surrounding the death of Nimrod Fanie Mohlabakoe in police custody.

The incident occurred in Hoopstad, Free State on 06 October 2000 where Mr. Mohlabakoe was arrested for allegedly stealing money. On 08 October 2000 he was found dead in a cell hanging from a window frame, with injuries to his mouth. The post-mortem revealed that the cause of death is consistent with hanging.

We took charge of the investigation and after finalization thereof handed over the case docket to the DPP with a recommendation that a formal inquest be conducted. The DPP decided to hold an informal inquest. We await the results.

- **Murder and Robbery Unit, Pietersburg**



We have been investigating the circumstances surrounding the death of Andries Mangwane.

The incident occurred on 01 March 2001 in Tshamahanzi in the Northern Province where Insp. Matjeke and his son arrested Mr. Mangwane for an alleged housebreaking at Matjeke's house. It is alleged that both Insp. Matjeke and his son assaulted the suspect and locked him up in their garage for further interrogation. He was later taken to the Mokopane Hospital since he sustained serious injuries.

The ICD took over the case docket and arrested Insp. Matjeke and his son on Thursday, 15 March 2001. They applied for and were granted bail of R1000 each by the Potgietersrust Magistrate's Court. Their first appearance in court was on 23 April 2001.

- **SAPS Culcutta**

We are investigating the circumstances surrounding the death of Mr. Given Nkuna that occurred on 12 March 2001 in Culcutta in the Northern Province. Mr. Nkuna was shot for allegedly resisting arrest after a warrant was issued for his arrest. It is also alleged that the suspect overpowered a police officer who was assigned to execute the arrest. The latter then called for police reinforcement. After the arrival of the reinforcements Mr. Nkuna was fatally wounded.

The ICD took over the case docket and conducted a post-mortem on Friday, 06 March 2001 at the Mapulaneng Hospital. The post-mortem revealed that Mr. Nkuna was struck by three bullets, two entered his back and the other bullet entered under the knee

of his left leg.

The case docket was handed over to the DPP for a decision.

- **SAPS Batho**

The ICD investigated the circumstances surrounding the death of James Rakwena.

The incident occurred on 13 January 2001 in Batho in the Free State where Rakwena was involved in an argument with a police officer who fatally shot him.

We took over the investigation and arrested the suspect. He applied for and was granted R 1000.00 bail. His first appearance was on 23 March 2001, and the date for the second appearance has been set for 07 June 2001 in the Bloemfontein Regional Court.

- **SAPS Kanyamazane**

The ICD investigated the circumstances surrounding the death of a civilian on 16 September 2000 in Kanyamazane in the Mpumalanga Province. It is alleged that a police officer who was in the company of his friend when visiting relatives at Kanyamazane, had an argument with a civilian that resulted in him fatally shooting the civilian.

We took over the investigation and after finalization handed it over to the DPP for a decision. The DPP decided to prosecute the police officer. The first appearance will be on 02 August 2001 in the Nelspruit Regional Court.

### 3.3.5.2 POLICE BRUTALITY AND THE USE OF EXCESSIVE FORCE

- **SAPS North East Rand Dog Unit**

Although the incident itself occurred during 1998, this incident only became public knowledge on 7 November 2000, when video footage of six members of the North East Rand Dog Unit using illegal immigrants as "live bait" during a "training exercise", was aired on national television. A joint investigation team of SAPS and ICD members was set up to investigate the matter. All six suspects were arrested and then released on bail of R2000 each. The DPP has decided to charge the members concerned with assault with intent to do grievous bodily harm, corruption and defeating the ends of justice. They appeared in the Pretoria Magistrate's Court on 1 March 2001, and the matter has now been transferred to the Pretoria High Court for trial.

- **SAPS Olifantshoek**

This incident occurred on 1 March 2001 when the Station Commissioner of Olifantshoek Police Station allegedly fired live rounds of R1 ammunition into a crowd of protesters. Eight protesters were wounded. The ICD took charge of the investigation and arrested the Station Commissioner who was subsequently released on bail of R500 by the Postmasburg Magistrate's Court. His first appearance was on 22 March, and the matter has now been postponed until 2 July 2001 in the Kathu Magistrate's Court.

- **SAPS Vredendal**

This incident occurred on 3 March 2001 in Avilla Park informal settlement in Vredendal, where members of the SAPS and SANDF conducted a raid. It is alleged that a police officer assaulted an elderly man, whereupon members of the community became unruly and started throwing stones at the police. It is further alleged that the police then fired live rounds of

ammunition at members of the community, resulting in an exchange of fire between the police and community members. Six civilians and two police officials were wounded during the shooting. The investigation is still continuing.

- **SAPS Port Alfred Dog Unit**

This incident occurred on 26 January 2001 in Port Alfred, when a member of the community was arrested for allegedly drinking liquor in public. It is alleged that the complainant resisted arrest and as a result he was assaulted and dogs were set on him. The ICD has taken charge of the investigation, which is still continuing.

### 3.3.5.3 RACISM AND RACIAL DISCRIMINATION

- **SAPS Hartswater**

The MEC for Safety and Security was rudely treated when she conducted a routine visit to the police station. A number of SAPS members are being investigated on charges of racism and racial discrimination.

- **SAPS Jeppe**

This incident occurred on 09 March 2001 in Hillbrow when a teacher at St Edna's Community College in Hillbrow was allegedly assaulted and detained by two policemen

from the Jeppe police station. The victim was on her way to work when the police stopped her as they suspected her of being an illegal immigrant.

The investigation has been finalized and the docket has been forwarded to the DPP for a decision.

### **3.3.5.4 POLICE CORRUPTION**

- **SAPS King William's Town (Vehicle Collision Unit)**

This incident occurred during February 2001 in King William's Town when a SAPS member approached a member of the public and demanded payment of the amount of R500 in exchange for which the member would not execute a warrant of arrest of which he was in possession in respect of the civilian for an admission of guilt fine for a traffic offence. The ICD was informed of this and decided to take charge of the investigation. A trap was set for the SAPS member and he was arrested after the money had been handed over. On 16 February 2001, the member was charged with fraud, alternatively corruption.

He applied for and was granted bail in an amount of R2000. He appeared in court on 23 March 2001 and the case has been postponed until 8 June 2001 in the Zwelitsha Magistrate's Court.

### **3.3.5.5 CRIMES AGAINST CHILDREN**

- **SAPS Barkly East**

The three police officers implicated in the murder of a minor (14) and the assault of five other teenagers will appear in the Elliot Regional Court on 14 August 2001. The incident occurred in Barkly East in the Eastern Cape on 10 April 2000 where police arrested six teenagers who allegedly committed a burglary. The boys were allegedly assaulted by the police and two of them were dragged behind a police van. One youth collapsed as a result of exhaustion and was killed when the vehicle drove over him.

The ICD took charge of the investigation on 13 April 2000 and after finalization thereof, handed over the case docket to the DPP with a recommendation that the three police officers be indicted for murder, assault, assault with intent to do grievous bodily harm, theft and attempting to defeat the ends of justice, respectively.

The case was first heard on 07 September 2000. The accused have made several court appearances, the last of which was on 26 March 2001, when the case was postponed until 14 August 2001 in the Elliot Regional Court.

- **SAPS Fraserburg**

This incident occurred at Fraserburg Police Station in the Northern Cape on 15 July 2000 when a police officer arrested the deceased for trespassing and stock theft. On 16 July the deceased was discovered hanging in a police cell. The ICD took charge of the investigation on 18 July 2000. A post-mortem conducted on 21 July 2000 revealed that the deceased had multiple injuries but according to the doctor who

conducted that post-mortem, those injuries were not the cause of death. The cause of death, according to the doctor, was found to be consistent with hanging. The MEC for Safety and Liaison in the Northern Cape, Ms Connie Seoposengwe, after visiting the Fraserburg Police Station on 03 August 2000 requested a second post-mortem that was arranged by the ICD and performed by an independent pathologist, on 08 August 2000. A second post-mortem revealed multiple injuries. The docket was handed to the DPP for a decision. We await the DPP's decision.

- **SAPS Bethlehem**

An accused minor was arrested and detained on a charge of motor vehicle theft. The accused was placed with adult detainees where he was assaulted and died as a result. The ICD referred the matter to the DPP and has further recommended that certain members be charged with contravening SAPS Regulations. The outcome of the case is still awaited.

- **Pietersburg Dog Unit**

An incident where it was alleged that police set dogs on two boys was investigated in Pietersburg on 03 November 2000. The two boys were playing next to a rubbish dump when allegedly police let the dogs loose. The boys were badly injured and one of them even had an ear eaten away.

The ICD took the investigation over and after finalization thereof handed over the case docket to the DPP for prosecution. We also recommended to the SAPS management that members involved be charged departmentally. Decisions from both DPP and the SAPS are awaited.

### 3.3.5.6 CRIMES AGAINST WOMEN

- **SAPS De Aar**

This incident occurred on 1 January 2000, when a police officer, stationed at Sunrise Police Station shot and killed his wife with his service pistol. The ICD took over the investigation and, upon finalisation, recommended to the DPP that the member be prosecuted on a charge of murder. The DPP was in agreement with our recommendation. On 23 November 2000, the member was found guilty of murder in the Kimberley High Court and sentenced to 15 years' imprisonment.

- **SAPS Tembisa**

This incident occurred on 28 July 2000 when a SAPS member shot and killed his wife. The ICD took charge of the investigation and arrested the member who was charged with murder. The member applied for and was granted bail. Thereafter, ICD investigators received information that the accused member was threatening witnesses. An application was brought before the court by the ICD to have the bail of the accused member withdrawn. The application was successful and the accused was placed back in custody. Upon finalisation of the investigation the ICD submitted its recommendations to the DPP who decided that the member be prosecuted. He was found guilty of murder, pointing a firearm and two counts of intimidation. On 28 March 2001 he was sentenced to 20 years, 18 months and 10 years respectively. The prison terms are to run concurrently and he will serve an effective 20 years in prison.

## 3.4. MONITORING AND DEVELOPMENT

### 3.4.1 INTRODUCTION

The rationale behind the establishment of this component was the notion that the department should not only focus on incidents of misconduct, but also, on the causes thereof and systemic problems. This approach is premised on the notion that the department should contribute positively to policing in the country and where necessary recommend interventions which would curb errant police behaviour. Already, various initiatives have been undertaken in pursuit of that goal. It would therefore be appropriate to refer to some of these initiatives:

### 3.4.2 RESEARCH INTO POLICE VIOLENCE

Most of the complaints of misconduct and criminality committed by members of the police relate to the use of excessive force by police officers against suspects. While the ICD acknowledges that police officers often find themselves in life-threatening situations and have to defend themselves, indications are that at times police resort to the use of force unnecessarily. In certain instances, the force used is excessive.

Against this background, the department commissioned research into the use of force by police officers. The research is conducted by the Institute of Human Rights and Criminal Justice at the Technikon South Africa. The aim of the research is, among others, to assess the extent, nature and common forms of violence as well as recidivism among officers and ultimately, to develop a profiling technique to identify members who are prone to violent behaviour. At conclusion hereof, the department will develop recommendations aimed at addressing the problem in the short, medium and long term. At the time of writing hereof, the research is nearing completion and the recommendation report will

be released towards the end of 2001.

### 3.4.3 RECOMMENDATIONS FOR HANDLING SERVICE RELATED COMPLAINTS

One of the systemic problems that the department has identified is the manner in which the police handle service-related complaints. Apparent dissatisfaction with the manner in which the police deal with service-related complaints has led members of the public to lodge numerous complaints with our offices countrywide. The conduct that leads to complaints under reference include failure to report progress on investigation and failure to generally communicate with complainants.

In view of the foregoing, the department ends up dealing with a considerable number of service-related complaints. This clearly is contrary to the department's policy of not dealing with management or labour related problems. Worst of all, the situation diverts the department's attention from its statutory mandate of investigating only acts of misconduct and criminal offences. Equally, this state of affairs results in the department's limited resources being depleted by activities falling outside of its core functions.

To address the problem under discussion, during April 2000, the department conducted a study aimed at establishing whether or not the police have a system or mechanism to deal with service-related complaints and if so, whether the system or mechanism is effective or not.

The ultimate objective of the study was to

come up with recommendations for the police to introduce mechanisms to deal with the problem. Following that study, the department has made recommendations for the development of a mechanism to handle service - related complaints. This report was forwarded to the Minister and National Commissioner in January 2001.

#### **3.4.4. DEVELOPMENT OF A STRATEGY TO REDUCE DEATHS IN POLICE CUSTODY**

Following the submission of a detailed research programme to the ICD by the WITS Centre for the Study of Violence and Reconciliation, a workshop was held in April 2000. This workshop, which was attended by all relevant stakeholders, considered the findings of the research and much of the ensuing debate revolved around the development of a strategy to reduce the risk of deaths in police custody or as a result of police action. A task team, consisting of representatives of the ICD, SAPS, NGO's, the Department of Justice and police unions was established to take the process forward.

The strategy is in the process of being finalized and it is envisaged that it will be completed towards the end of 2001.

#### **3.4.5. POLICY DEVELOPMENT**

Various initiatives have been undertaken to develop policies pertaining to the handling of complaints and the making of recommendations. Three of these initiatives deserve mention.

##### **3.4.4.1 Development of the White Paper**

From the inception of the idea of developing a

White Paper it was anticipated that the process would be long and complex. Thus the process of developing a White Paper that started in 1999 continued into the 2000/2001 financial year. After the consultative workshops which were conducted during July - August in 1999, a Draft Green Paper was completed. The Draft was presented to the Minister for Safety and Security. The Minister tabled the document for discussion at one of the meetings of the Safety and Security MINMEC.

Subsequent to the discussion of the Draft Green Paper in the MINMEC, it was felt that although the department consulted widely during the consultative workshops, its consultation has not been adequate. Also, it was felt that the position of the department on certain aspects still remains unclear. For that reason, the department was requested to revise the document and continue to further engage key stakeholders. It was also felt that the process should be short-circuited. Instead of coming up with and publishing a Green Paper, the department should publish a draft White Paper.

In view of the foregoing, the draft White Paper is currently under revision. It is envisaged that the revision would be completed at the end of July 2001. The completed document would be presented to the Minister and if approved; be published as a Draft White Paper that would be sent to all departments and other stakeholders for comment. During that stage, presentations would also be made to the Parliamentary Portfolio Committee on Safety and Security.

##### **3.4.5. DOMESTIC VIOLENCE ACT (DVA)**

In terms of section 18(4)(a)(b) of this Act, the

ICD has been given the additional mandate of ensuring that disciplinary steps are being taken against those SAPS members who do not comply with their obligations in terms of the Act. The ICD is expected to report on a six monthly basis to Parliament on the implementation of this Act.

A policy pertaining to the processing of such DVA cases has been drafted and reported to Parliament have been tabled. The first report was tabled on 30 August 2000, while the second was tabled on 15 March 2001.

Our Western Cape office convened workshops on the DVA where stakeholders including SAPS were made aware of the new DVA. Suitable shelters were identified as well as NGO's which can assist with the counselling of victims where necessary. In other workshops convened, NGO's, members of the community, abused women and men, scholars, Court representatives, SAPS as well as members of Community Police Fora (CPF's) were invited to address their roles in respect of assisting abused victims and how they could work together with both the ICD and the police stations in future.

NUMBER OF DVACASES				
CASE STATUS	DVA1	DVA2	DVA3	TOTAL
FINALISED	0	14	9	23
WITHDRAWN	0	4	2	6
CLOSED	0	3	0	3
PENDING	1	44	38	83
<b>TOTAL</b>	<b>1</b>	<b>65</b>	<b>49</b>	<b>115</b>

Table 3.10

been instituted

These are cases in which there was a failure by a member of the SAPS to comply with an obligation imposed in terms of the DVA.

### 3.4.6. SIXTEEN DAYS OF ACTIVISM OF NO

### VIOLENCE AGAINST WOMEN.

On the first day of activism of the 16 days of no violence against women (25 November 2000) the Executive Director visited SAPS Pietersburg where she addressed police officers on the DVA. Kattlehong Victim Empowerment as well as the National Institute for Crime and Reintegration of Offenders (Nicro) in conjunction with SAPS and Kattlehong CPF organized a mass march that was aimed at the creation of awareness about intimate femicide.

The following police stations around Gauteng (SAPS Moroka, SAPS Kattlehong, SAPS Mamelodi, SAPS Rietgat, SAPS Jabulani, SAPS Dobsonville, SAPS Sebokeng) and SAPS Mabopane in the North West Province were visited. The main aim of visiting those police stations was to observe their readiness in implementing the DVA. The following methods were used in the observation process:

- (i) Interviews - SAPS members were interviewed particularly Station Commissioners, Officers responsible for domestic violence matters and Commanders of the Community Service Centres.
- (ii) Perusal of SAPS 508, 9 Domestic Violence Registers.
- (iii) Inspection of the Trauma Centres where available.

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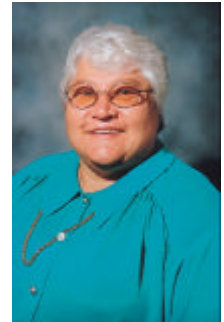
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**Mr TOMMY SHABALALA**  
PROVINCIAL HEAD:  
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**Mr INNOCENT KHUBA**  
ACTING PROVINCIAL HEAD:  
NORTHERN CAPE



**Ms THOBEKA JOZI**  
PROVINCIAL HEAD:  
NORTHERN PROVINCE

# CHAPTER 4

## CORPORATE SERVICES

### 4.1. INTRODUCTION

The corporate services rendered to the line functionaries of the ICD originate from three Directorates viz.

- Administration: HRM, IT, Provisioning and Auxiliary Services.
- Legal Services and
- Finance.

### 4.2 HUMAN RESOURCE MANAGEMENT

#### 4.2.1. Current establishment status: approved, filled & vacant posts

The ICD's fixed establishment constitutes 535 posts. Although it was anticipated to phase the filling of the posts in over a three year period, only certain posts were funded and filled due to budgetary constraints. The current status of the establishment is indicated hereunder:

POST CLASS	STATUS OF POSTS				POST LEVEL		
	APPROVED	FILLED (FUNDED)	VACANT POSTS (FUNDED)	VACANT POSTS (UNFUNDED)	TOP MGT	MID MGT	LOWER LEVELS
Executive Director	1	1			1		
Chief Director	3	1		2	1		
Director	12	9		1	9		
Deputy Director	15	7	2	6		7	
Assistant Director	58	17	7	34		17	
Legal Admin Officer	3	3					3
Principal Communication officer	1	1					1
Principal Investigator	162	13	2	147			13
Senior Investigator	120	18	2	100			18
Investigator	19			19			
State Accountant	2	2					2
Network Controller	1	1					1
Personnel Practitioner	2	2					2
Chief Human Resource Clerk	1	1					1
Personnel Officer	9	2		7			2
Administration Officer	8	5		3			5
Provisioning Admin Officer	1	1					1
Administration Clerk	34	31	3				31
Accounting Clerk	11	3	1	7			3
Provisioning Admin Clerk	8	1	1	6			1
Registry Clerk	16	1		17			1
Typist	15		1	14			
Secretary	16	9	1	6			9
Messenger	1	1					1
Security Guard	16	-	-	16			
<b>TOTAL</b>	<b>535</b>	<b>130</b>	<b>20</b>	<b>385</b>	<b>11</b>	<b>24</b>	<b>95</b>

Table 4.1

#### 4.2.2. Filling of posts

Up to the end of March 2001 a total of 130 officials were employed on the establishment of the ICD. Ten employees were transferred from other Government Departments and ten were appointed from the Private Sector.

During the year under review sixteen vacant posts were advertised and a total number of 901 applications were received and processed.

#### 4.2.3 Contract workers

The ICD appointed a total of forty five contract workers and eight interns for short periods of time not exceeding twelve months to assist with the finalisation of tasks for which funds in the budget would not allow for the permanent appointment of staff.

#### 4.2.4 Performance appraisal

One hundred and twenty employees were evaluated during 2000/01 and the following number of officials received salary increases or awards:

	African		Indian		Coloured		White		Total
	M	F	M	F	M	F	M	F	
Second Notch	2	5	0	0	0	0	0	2	9
Third Notch	0	1	0	0	0	1	0	1	3
Merit Award	0	0	0	1	0	0	0	1	2
Rank Promotion	1	1	0	1	0	0	1	2	6
Post Promotion	3	0	0	0	0	0	0	0	3
DPSA Award	0	0	0	0	0	0	0	0	0
Salary adjustment (Senior Managers)	5	0	1	0	1	2	2	1	12
<b>TOTAL</b>	<b>11</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>7</b>	<b>35</b>

Table 4.2

#### 4.2.4.1 Second notches

Second notches on the specific salary scales were granted to staff members on the following salary levels for continuous above average performance:

4.2

SALARY LEVEL	AFRICAN		INDIAN		COLOURED		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
2-8	2	5	0	0	0	0	0	2	9
9-12	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>9</b>

During the year under review three staff members were identified as having excelled in their performance and were rewarded accordingly. Three staff members were replaced on the third notch.

Table 4.3

#### 4.2.4.3 Merit awards

Two merit awards were awarded in view of continuous above average performance.

SALARY LEVEL	AFRICAN		INDIAN		COLOURED		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
2-8	0	1	0	0	0	1	0	1	3
9-12	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>3</b>

Table 4.4

SALARY LEVEL	AFRICAN		INDIAN		COLOURED		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
2-8	0	1	0	0	0	0	0	1	1
9-12	0	0	0	1	0	0	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>

Table 4.5

#### 4.2.4.4 Rank promotions

In view of their satisfactory performance and the number of years of experience, six employees were promoted to their next higher rank/level.

#### 4.2.4.5. Post promotions

SALARY LEVEL	AFRICAN		INDIAN		COLOURED		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
2-8	1	1	0	1	0	0	1	2	6
9-12	0	0	0	0	0		0	0	0
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>6</b>

Table 4.6

As available in the budget under the standard item: Personnel Expenditure, no staff member received any Departmental Specific Award.

SALARY LEVEL	AFRICAN		INDIAN		COLOURED		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
2-8	0	0	0	0	0	0	0	0	0
9-12	3	0	0	0	0	0	0	0	3
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

Table 4.7

#### 4.2.4.7 Salary adjustment: senior managers

Twelve Senior Managers received a 5% salary adjustment with effect from 1 July 2000 for their acceptable performance.

SALARY LEVEL	AFRICAN		INDIAN		COLOURED		WHITE		TOTAL
	M	F	M	F	M	F	M	F	
13	5	0	1	0	1	1	2	1	11
14	0	0	0	0	0	0	0	0	0
15	0	0	0	0	0	2	0	0	1
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>12</b>

Table 4.8

There were more than ten days of sick leave in the year under review. No employee was discharged due to ill health.

#### 4.2.6 Injury on duty

One employee was involved in a motor vehicle accident while performing official duties, which resulted in injuries whilst on duty.

SALARY LEVEL	NUMBER OF EMPLOYEES	AVERAGE NUMBER OF SICK LEAVE DAYS TAKEN	TOTAL NUMBER OF SICK LEAVE DAYS TAKEN	ESTIMATED COST
2-8	74	8,4	626	R93313,55
9-12	15	8	120	R41442,18
13-15	1	1	1	R1010,78
<b>TOTAL</b>	<b>90</b>	<b>5,2</b>	<b>747</b>	<b>R135766,51</b>

Table 4.9

was discharged due to misconduct.

#### 4.2.8 Job evaluation

Thirteen posts were evaluated during the financial year, but due to budgetary and time constraints, only the following were finalised:

#### 4.2.9. Personnel development

During this financial year, thirty permanent employees were awarded bursaries to study further at various tertiary institutions. The bursaries allocated amounted to R 72390.50. Bursaries were awarded in the following fields of

study:

During the financial year under review, ICD employees have been exposed to a myriad of courses, workshops and in-house training presented by different service providers. Some of the courses and workshops are the following:

#### 4.2.10. SPECIAL PROGRAMMES

CORE	POST/JOB TITLE	OFFICE/ COMPONENT	RESULT
Management and General Support personnel	Chief Human Resource Clerk	Pretoria	Confirmed at Salary level 6
Legal and Support Services	Senior Investigator	King Williams Town	Confirmed at Salary level 7

*Table 4.10* fight against HIV/AIDS by signing the HIV/AIDS commitments scroll. On the national HIV/AIDS Day, 1 December 2000, most staff members of the ICD attended the rally at Church Square, Pretoria in support of the Government's fight against the deadly virus.

#### 4.2.10.2. Youth

FIELD OF STUDY	NUMBER OF BURSARY HOLDERS
Policing	7
Public Administration and Management	10
Information Technology	2
Law	6
Internal Audit	1
Human Resource Management	2
Labour Relations	2
<b>TOTAL</b>	<b>30</b>

*Table 4.11* gender are as follows:

NAME OF COURSE	SERVICE PROVIDER
Basic Investigation	Technikon Pretoria
Fire-Arm Training	Snipers Academy
Paralegal Training	South African Institute of Legal Training
Strategic Management	Execu-Prime Consultant
Practical Legal Training	Law Society
Public Finance Management Act	IPFA
IRP5 Training	SARS
Balanced Scorecard	Wits University
Computer (Windows 98, Excel)	SITA
Provisioning Administration 1	SAMDI
Service Delivery (Batho Pele)	SAMDI
Fraud Risk Management	Pro Active Public Service College
Personnel Administration	National Treasury
Establishment of a Database on Disciplinary Cases	DPSA
Labour Relations	In-house Training
Lotus Notes	In-house Training
Induction	In-house Training

*Table 4.12*

OFFICES	GENDER	POPULATION GROUPS				Total
		African	Coloured	Asian	White	
National	Male	10	1	0	5	16
	Female	15	2	1	9	27
Gauteng	Male	8	-	1	1	10
	Female	5	-	-	-	05
KwaZuluNatal	Male	7	1	2	-	10
	Female	2	-	2	1	05
WesternCape	Male	2	4	3	1	10
	Female	0	6	-	-	06
EasternCape	Male	4	-	-	-	04
	Female	2	3	1	-	06
NorthernProvince	Male	5	-	-	1	06
	Female	2	-	-	2	04
NorthernCape	Male	2	-	-	-	02
	Female	1	1	-	-	02
NorthWest	Male	4	-	-	-	04
	Female	3	-	-	1	04
FreeState	Male	4	1	-	-	05
	Female	1	-	-	-	01
Mpumalanga	Male	1	-	-	1	02
	Female	1	-	-	-	01
<b>Total</b>		<b>79</b>	<b>19</b>	<b>10</b>	<b>22</b>	<b>130</b>

Table 4.13

### 4.3 INFORMATION TECHNOLOGY

The primary role of the sub-directorate is to ensure the computerisation of the ICD on a national basis. All Information Technology (IT) functions are centralised at the National Office due to lack of resources. Two members, namely, a Deputy Director and a Principal Network Controller, staff the component.

#### 4.3.1 Main priorities

The sub-directorate: IT identified the following key priorities for the financial year 2000/2001:

- Linking of remaining provincial offices to the Wide Area Network (WAN);
- Upgrading of all software;
- Extending Internet access to all ICD offices;

- Increasing the security of the network;
- Extending computer training to more personnel;
- Completing the conversion of "old cases" on the database.

We were fortunate in that despite the problems of understaffing and lack of resources we were able to achieve all our priorities identified at the beginning of the financial year.

In pursuit of the above-mentioned priorities the following activities were performed.

#### 4.3.2 Linkage to WAN

All offices of the ICD are now linked to the network mostly via leased dataline. However, two of the ICD's offices use remote dial-up services but have access to all of the ICD's network resources. Admittedly this situation is not ideal but is necessitated by lack of resources. It is our mission to upgrade the two offices to

Office	Connection type	
	Network	Dial-up
Pretoria	✓	
Johannesburg	✓	
Durban	✓	
Cape Town	✓	
King Williams Town	✓	
Pietersburg	✓	
Kimberley	✓	
Mafikeng	✓	
Bloemfontein		✓
Nelspruit		✓

Table 4.14

we felt the time was right to embark on a major upgrade of our office, messaging and anti-virus software. These upgrades were planned to coincide with other activities so that time and resources would be used efficiently and effectively.

The table below reflects what was done:

#### 4.3.4 Network Operations

In order for the network to function properly

and for all ICD staff members to have access to network resources, the network had to be renumbered and split into smaller parts called subnets. Subnetting would allow for faster routing and provide a more tightly integrated network. Management of the network will also be much easier therefore freeing up time to do other tasks. Activities performed during this process included:

- Reconfiguration of the servers

Upgrade	No of seats
MsOffice2000	152
LotusNotesR5.0	150
InternetExplorer5.0	150
NortonAntivirus 7.50	150
Metanetsoftware	30
FMSsoftware	16
Vulindlela	5

Table 4.15: Software and training courses will have to be purchased to re-skill the personnel of the ICD.

#### 4.3.6 User support

About 70% of time spent by personnel in the sub-directorate: IT is spent on user support. Training is helping to address this crucial area.

#### 4.3.7 Conversion of "old" cases

One of the most challenging projects undertaken by the sub-directorate was the conversion of old cases into the live database. These cases were received by the ICD before it developed a computer based Case Management System. The conversion of all 8000 cases took place successfully and the cases are now available on the live database. What remains is the updating of the cases, which should proceed more smoothly.

## 4.4 AUXILIARY SERVICES

### 4.4.1 Accommodation

The ICD has opened offices in all nine provinces, although only temporary office space has been acquired in Bloemfontein (Free State) and Nelspruit (Mpumalanga). The temporary space was obtained free of charge from the Provincial Archivist and the Provincial Secretariat for Safety and Security, respectively, for one year only. Funds will have to be set aside for permanent accommodation in the next financial year.

### 4.4.2 Official Transport

During this year, subsidised vehicles have been purchased, whilst we lost some official vehicles through accidents and theft. Table 4.17 reflects the status of official vehicles in the ICD:

In order to perform our investigatory mandate, ICD officials used the official vehicles as shown in Table 4.16:

OFFICE	TOTAL OFFICIAL KILOMETRES TRAVELLED
HEAD OFFICE	96606
EASTERN CAPE	126206
FREESTATE	65000
GAUTENG	95711
KWAZULU-NATAL	166561
MPUMALANGA	67600
NORTHERN CAPE	37542
NORTHERN PROVINCE	77302
NORTH-WEST PROVINCE	28902
WESTERN CAPE	142898
<b>TOTAL</b>	<b>904328</b>
<i>Table 4.16</i>	

OFFICE	OFFICIAL VEHICLES PROCURED	VEHICLES DAMAGED BEYOND REPAIR	SUBSIDISED VEHICLES PROCURED	VEHICLES IN OPERATION	TOTAL
HEAD OFFICE	0	0	1	4	5
EASTERN CAPE	0	0	1	3	4
FREESTATE	0	0	1	2	3
GAUTENG	0	0	2	3	5
KWAZULU-NATAL	0	1	1	5	7
MPUMALANGA	0	0	0	2	2
NORTHERN CAPE	0	0	1	1	2
NORTHERN PROVINCE	0	0	0	3	3
NORTHWEST PROVINCE	0	0	0	1	1
WESTERN CAPE	0	0	1	7	8
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>8</b>	<b>31</b>	<b>40</b>

*Table 4.17*



## 4.5. LEGAL SERVICES

### 4.5.1 Staffing

Legal Services commenced its duties with a personnel component consisting of one Director, one Legal Administration Officer and one Senior Clerk. However, on 1 August 2000 the Legal Administration Officer left this component to take up office as deputy-director and provincial head of the ICD's Mpumalanga provincial office in Nelspruit.

### 4.5.2 Functions of the Legal Services Component

The *raison d'être* for the existence of the Legal Services component fundamentally is to provide legal services to all components within the ICD. This all-embracing task was complied with during this reporting year *inter alia* in the form of rendering numerous legal advices and/or opinions on a rather regular basis to various components and committees within the ICD, in particular the sub-directorate Human Resources Management.

### 4.5.3 Activities

As the ICD entered its fourth year of existence it experienced an unexpected number of personnel-related problems such as grievances and misconduct allegedly committed by its employees. Legal Services not only assisted the sub-directorate: Human Resources Management in dealing with and solving some of these cases, but also lodged a concerted effort with that sub-directorate in making personnel of the ICD aware of which conduct will amount to misconduct, as well as the possible consequences which may flow from committing misconduct. As far as grievances are concerned, Legal Services succeeded, by way of mediating and the offering of appropriate counselling services, to solve all

grievances lodged with it by personnel members.

Apart from the above, Legal Services also regularly provided the Directorate: Monitoring and Development with legal opinions and/or advices regarding aspects dealt with by this component. With regard to this component, we had to look and/or search for and retrieve (at some stages quite a large volume of) information from the Jutastat and, to a lesser extent, for other components and the Provincial Offices of the ICD.

Legal Services also gave valuable support to the Directorate: Finance with the implementation of the Public Finance Management Act, Act No. 1 of 1999 (PFMA), as amended, by assisting in the explanation to staff members of what conduct will amount to financial misconduct in terms of the said Act. It also submitted comments on the draft Regulations on Payroll Deductions for the Public Service on behalf of the ICD. Upon promulgation of these Regulations, it immediately circulated information regarding the meaning and effect of these Regulations among staff members in one of its monthly Information Bulletins. It is further to be mentioned that Legal Services not only submitted numerous advices and opinions to the Executive Director, but also compiled, on her behalf, requested comments to some important draft Bills such as the Promotion of Access to Information Bill, the Promotion of Administrative Justice Bill (as it was at that stage), the Defence Amendment Act (the Legal Administration Officer in fact appeared on invitation before the Portfolio Committee on Defence to orally comment

on and make suggestions regarding this Bill) and the Fire Arms Control Bill.

As far as this last mentioned Bill is concerned, the Director: Legal Services accompanied the Executive Director to appear, on invitation, before the Portfolio Committee on Safety and Security, to make oral presentations regarding those aspects of the Bill on which the ICD had previously submitted written comments and submissions.

#### 4.5.4 Conclusion

Finally, Legal Services submitted and published on a monthly basis a contribution to the ICD Gazette (the ICD's internal newspaper) in the form of a series of columns in which the concept "misconduct" and the various ways in which it may be committed were explained. This process will continue throughout the next reporting year. The purpose with these columns is to create an improved sense of work ethic among staff members. Legal Services also published on a monthly basis an Information Bulletin, the purpose of which is to bring to the attention of staff members recent and topical legal issues affecting the performance of their duties. Some of the issues that were so addressed included explanatory notes on how some important current and pending legislation might affect the ICD as employer, such as the Promotion of Access to Information Act, the Promotion of Administrative Justice Act, the Protective Disclosures Act, the Employment Equity Act, amendments to the Labour Relations Act and the South African Police Service Amendment Act.

#### 4.5.5 Current and future goals

Apart from continuing in the next reporting year with the activities set out above, the current and

medium term (i.e. before the end of June 2001) strategy and goal of Legal Services is, and will be, to conduct, on an urgent basis, the necessary workshops and training within the ICD on the implementation of the legislation mentioned in the previous paragraph. For this purpose, the Director already attended the relevant workshops on, and underwent the relevant training, to equip him sufficiently to perform this task. Furthermore, and perhaps more in particular, the workshops between the ICD and the Durban Metro Police Service (DMPS) as well as the training of relevant members of the ICD and the DMPS will continue until the stage is reached where there exists a sound and co-operative working relationship between the ICD and the DMPS.

## 4.6 FINANCE

The past year was a challenging year in terms of the implementation of the PFMA, its Regulations and in addition, the compilation of the financial statements required in terms of the said Act.

In terms of the implementation of the said Act, the ICD could not yet establish an Internal Audit component or make use of the expertise of an established Audit Committee. The Department obtained approval from National Treasury to approach any other department in the Justice, Crime Prevention and Security Cluster (JCPS) with the view to share such an Internal Audit component and Audit Committee. The South African Police Service, the National Intelligence Agency as well as the South African Secret Service has been requested to consider the sharing of such services with the ICD.

## CHAPTER 5

### Communication and Marketing Services

#### 5.1 Introduction

The sub-directorate: Communication and Marketing Services renders both internal and external communication services to the ICD. Internal communication includes the organization of staff meetings, the production of internal publications and providing information of a general nature to all within the department.

External communication entails interaction with our stakeholders, providing media liaison services, performing the parliamentary liaison function, representing the department on various governmental bodies such as the Government Communication and Information System and maintaining contact with international organizations and diplomatic representatives.

#### 5.2 Activities and achievements

The following are some of the activities and achievements attained by the sub-directorate:

- \* The Baseline Survey on Public Awareness: The HSRC was commissioned by the ICD to conduct a baseline survey to determine the level of public awareness of the ICD and its activities. The results revealed that much work needs to be done by the ICD to raise the level of awareness among its stakeholders.
- \* Public Service announcements: The production of public service announcements on audiotape culminated in our presenting them to the GCIS for lighting on various community and commercial radio facilities.
- \* It is during this period that all ICD employees were connected to the Internet with assistance from IT.
- \* With the assistance of the GCIS, meetings have been held with NGOs and CBOs to explain to these fora the activities of the ICD and to find out about the expectations of communities from the department.
- \* We have continued to use our campaigns as well as those of other departments to spread the word about the ICD and its activities. These campaigns include the "16 Days of No Violence Against Women" held during November-December 2000.
- \* Closer links with crime reporters of various newspapers have been established and regular reports on the ICD have appeared in several newspapers over the period under review.
- \* A record of regular updates on

cases reported to the ICD has been kept. This was largely dependent on information from the ICD Provincial Offices of the ICD.

#### Government Communications:

The Government Information and Communications System (GCIS) has held regular meetings in which we participated. The meetings were meant to coordinate and streamline communication between and among government departments. They were further meant to ensure that departments follow the correct guidelines in drawing up their communication strategies.

#### Government Communicators' Forum:

The Government Communicators' Forum (GCF) convenes on a regular basis, and departments are advised on the seriousness with which Government takes communication. One of the indicators is that Heads of Communication in Government departments should be appointed at the level of Chief Director.

#### Pre-Cabinet Meetings:

Government Communicators meet once every two weeks to examine the Cabinet agenda as well as to look into issues which have communication implications.

### 5.3 External Relations

During the period under review, we were visited by Professor Richard Terill of Georgia State University in the United States, members from Amnesty International, the Finish Embassy delegation and the Head of Delegation of the International Committee of the Red Cross in

Southern Africa, Dr. Patrick Zahnd.



These visits were not only very valuable, but they also provided us with opportunities to forge relationships with these bodies. They further enabled us to exchange views with expert persons on critical areas of our operations as well as opening avenues for cooperation on issues of mutual interest.



### 5.4 Special Programmes

The Independent Complaints Directorate is committed to enhancing and promoting all Special Programmes within the department. These programmes include Disability, Gender, HIV/AIDS and Youth. The Office of the Presidency co-ordinates these programmes and ensures that

legislation is effective and that policy implementation and monitoring are in place within all departments.

The ICD is a member of all Special Programme Inter-Departmental Committees (IDC) mentioned above. These committees deal with awareness strategies, workshops and problematic areas within these programmes.

The ICD has developed policies within the national framework in all the special programmes. Special Programmes have an internal standing committee that regulates, in consultation with the Executive Director, these programmes within the department. Special Programmes have a quarterly newsletter (SP News) in place that covers all mentioned programmes. Notice boards have been



## CHAPTER 6

### CONCLUSION

The ICD is acutely aware of the enormity of the task imposed on it not only by its original mandate but also by later legislation which now obliges the ICD to investigate complaints relating to Municipal Police Services and complaints against the SAPS relating to the DVA.

As much as 2000/2001 was a difficult year, it is anticipated that next year will be even more difficult if the current resources situation remains unchanged. However we hope and believe that with more persuasion, those who have the powers to do so will find it prudent to augment the ICD's coffers to enable it to carry out its added responsibilities efficiently.

Even though the revisitation of ICD investigative priorities in the past has brought about the desired impact, it will be necessary that more emphasis be placed on the active investigation of all Class I and most Class III cases in accordance with the mandate of the department. This will require added resources to enable the department to have the desired impact both on fulfilling its statutory obligations and on achieving its service delivery objectives.

The ICD's contribution to the Government's crime prevention strategy, however modest, has concentrated on some notable high profile cases. The stabilization of statistics of both Class I and Class III cases is an indication of the meaningful contribution that the ICD has made to the strategy, especially within the SAPS.

The need to have a meaningful presence in Mpumalanga, the Free State and the Northern Cape has become more imperative in our quest to march with the Government's desire to improve

service delivery. This service delivery concept must be regarded qualitatively rather than quantitatively. This means that the transformation of policing in South Africa must be meant to steer policing towards a positive public perception of the police so that confidence in the service can be restored.

The ICD has to be equipped with better detection techniques to enable it to match the sophistication of the criminal element. Increased resources and better trained staff would provide an answer to this challenge.

Since this is the last presentation of the ICD Annual Report in which I shall participate, I wish to extend my personal gratitude and thanks to all those in the department who provided me with the life-enriching experience of working with them over the past three years.

*Tsoeu Ntsane*

## CHAPTER 7

### MANAGEMENT REPORT for the year ended 31 MARCH 2001

Report by the Accounting Officer to the Executive Authority and Parliament of the Republic of South Africa.

#### 1 General review of the state of financial affairs

The total Budget allocation for the Independent Complaints Directorate for the 2000/2001 financial year amounted to R25 512 000. Globally the Department succeeded in spending an amount of R25 511 808.73, leaving an amount of R191,27 to be surrendered back to National Treasury.

Due to the fact that restructuring of the Department was conducted and a decision was taken to decentralise certain administrative expenditure carried in the past by Programme 1: Administration, it translated into a saving on Programme 1: Administration and an overspending on Programme 2: Investigation of Complaints and Programme 3: Monitoring and Development. This now reflects a more accurate costing of the various programmes. Another factor that contributed to the overspending on Programme 2: Investigation of Complaints, was the high profile cases received during the year under review.

The overspending on Programme 3: Monitoring and Development is due to the fact that certain centralised expenditure has been allocated proportionally to the line functions. Furthermore, this overspending is an indication of the implementation of a strategic shift of the Department to focus more on the monitoring of cases being investigated by the SAPS, since we are only able to investigate the most serious of cases, ourselves.

The main expenditure of the Department remains personnel expenditure and the administrative expenditure deriving from the travelling of investigators. Furthermore, GOVNET expenditure has also risen and this can be attributed to the fact that the PERSAL and METANET systems have been decentralised and are now operational in the various provincial offices.

Due to a lack of funds, no significant financial management improvement programme could be embarked upon. An awareness session was conducted at each provincial office to emphasise the impact of the Public Finance Management Act and highlight the crucial sections of the Act. This was done by the officials of the Directorate: Finance, who attended

IPFA courses related to the Public Finance Management Act.

## 2 Services rendered by the department

### 2.1 Tariff policy

Due to the fact that the ICDD does not render services to other departments and therefore does not charge for services, this is not applicable to the Department.

### 2.2 Free services

This paragraph is not applicable to the Department.

## 3 Trading activities

The ICDD does not have any trading activities.

## 4 Trading entities

**This is not applicable to the ICDD.**

## 5 Public entities

**This is not applicable to the ICDD.**

## 6 Public/private partnerships

**No Public/Private Partnerships (PPP's) have been entered into by the Department.**

## 7 Risk management and fraud prevention

**The ICDD is still in the process of conducting a risk management analysis and is in the process of compiling a fraud prevention plan.**

## 8 Discontinued activities/activities to be discontinued

No activity has been discontinued.

## 9 New/proposed new activities

- Monitoring of application of the Domestic Violence Act.
- Civilian oversight of Municipal Policing Services.

## 10 Events after the accounting date

*None.*



**REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE  
INDEPENDENT COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31 MARCH 2001**

**1. AUDIT ASSIGNMENT**

The financial statements as set out on pages [43] to [52], for the year ended 31 March 2001, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 3 and 5 of the Auditor-General Act, 1995 (Act No. 12 of 1995). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements and the compliance with relevant laws and regulations, applicable to financial matters, based on the audit.

**2. REGULARITY AUDIT**

**2.1 NATURE AND SCOPE**

**2.1.1 Financial audit**

The audit was conducted in accordance with generally accepted government auditing standards which incorporate generally accepted auditing standards. These standards require the audit to be planned and performed to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

Due to the nature of the prescribed accounting practice, the audit was performed within a financial reporting framework, which does not at this stage necessarily result in a fair presentation of the results of operations, financial position and cash flows for any financial period.

I believe that the audit provides a reasonable basis for my opinion.

**2.1.2 Compliance audit**

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

I believe that the audit provides a reasonable basis for my opinion.

**2.2 AUDIT OPINION**

### **2.2.1 Financial audit**

In my opinion, the financial statements fairly present, in all material respects, the financial position of the Independent Complaints Directorate (ICD) at 31 March 2001 and the results of its operations and cash flows for the year then ended in accordance with prescribed accounting practice and in the manner required by the relevant act.

### **2.2.2 Compliance audit**

Based on the audit work performed, nothing has come to my attention that causes me to believe that material non-compliance with laws and regulations, applicable to financial matters, has occurred.

## **3. EMPHASIS OF MATTER**

Without qualifying the audit opinion expressed above, attention is drawn to the following matters:

### **3.1 Internal audit**

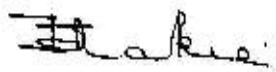
As stated in paragraph 3.1 on page 2 of my report on the financial statements of the ICD for the year ended 31 March 2000 [RP 128/2000], the ICD had not yet established an internal audit capability. Furthermore, the audit committee did not meet during the 2000-01 financial year.

### **3.2 Asset register**

An asset register for the ICD head office could not be submitted for audit purposes. Furthermore, there was no evidence to substantiate that an annual stock taking has been carried out. Due to the above I could not obtain adequate audit assurance that moveable assets are properly managed.

## **4. APPRECIATION**

The assistance rendered by the staff of the ICD during the audit is sincerely appreciated.



SAFAKIE  
Auditor-General

Pretoria

## NATIONAL DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE

### STATEMENT OF ACCOUNTING POLICIES AND RELATED MATTERS for the year ended 31 MARCH 2001

#### 1. Basis of accounting

The financial statements have been, unless otherwise indicated, prepared on the historical cost basis in accordance with the following policies which have been applied consistently in all material respects.

##### 1.1 Underlying assumptions

The financial statements have been prepared on the cash basis of accounting except where stated otherwise. Under the cash basis of accounting, transactions and other events are recognised when cash is received or paid. This basis of accounting measures financial results for a period as the difference between cash receipts and cash payments. Reliance is placed on the fact that the department is a going concern.

**However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act and the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act.**

##### 1.2 Revenue

Revenue of the State and/or departmental receipts is paid over to the principal receivers of revenue. Unexpended voted funds are surrendered to the National/Provincial Revenue Fund.

##### 1.3 Expenditure

The income statement includes both current and capital expenditure. Unauthorised expenditure is not accounted for as expenditure until such expenditure is authorised by Parliament, recovered from a third party, or funded from the following year's appropriation.

##### 1.4 Assets

Physical assets (fixed assets, moveable assets and inventories) are written off in full when they are paid for and are accounted for as expenditure in the income statement. The balance sheet therefore excludes physical assets unless stated otherwise.

##### 1.5 Receivables and payables

Receivables and payables are not normally recognised under the cash basis of accounting. However, receivables and payables included in the balance sheet arise from cash payments, which are recoverable, and cash receipts which are due to either the National Revenue Fund or another party.

## 2. Comparative figures

The comparative figures shown in these financial statements are limited to the figures shown in the previous year's audited financial statements and such other comparative figures that the department may reasonably have available for reporting in terms of the Public Finance Management Act.

### • Unauthorised, irregular, and fruitless and wasteful expenditure

Unauthorised, irregular, and fruitless and wasteful expenditure is treated as a current asset in the balance sheet until such expenditure is recovered, authorised by Parliament, or set off against future voted funds.

### • Debt write-off policy

No debt has been written off during the year. The Department is in the process to develop a new policy in line with the Public Finance Management Act and the Treasury Regulations, which will be implemented in the new financial year.

# NATIONAL DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE

## INCOME STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

(all figures R000)

INCOME					
Previous year			Current year		
Actual	Note	Actual	Voted amount	Variance	
			Over/(under)collection		
Voted funds					
23,883	Current year	1	25,512	25,512	-
544	Other receipts	2	781		781
<b>24,427</b>	<b>Total income</b>		<b>26,293</b>	<b>25,512</b>	<b>781</b>
Previous year			Actual	Voted amount	Variance
Actual			Over/(under)collection		
EXPENDITURE					
23,660	Expenditure for the year		25,512	25,512	-
<b>767</b>	<b>Net surplus for the year</b>	3	<b>781</b>		
<b>ANALYSIS OF SURPLUS TO BE SURRENDERED</b>			<b>Actual</b>		
544	Income transferable to Revenue Fund		781		
223	Voted funds to be surrendered to Treasury*		-		
<b>767</b>	<b>Surplus to be surrendered</b>		<b>781</b>		
Previous year	EXPENDITURE PER PROGRAMME		Actual	Voted amount	Variance
Actual			Under/(over)expenditure		
-					
10,376	Programme 1: Administration		10,108	11,216	1,108
11,361	Programme 2: Investigation of Complaints		11,709	10,784	(925)
1,923	Programme 3: Monitoring and Development		3,696	3,512	(184)
0	Special functions		(1)		1
<b>23,660</b>		4	<b>25,512</b>	<b>25,512</b>	<b>-</b>
Previous year	EXPENDITURE PER STANDARD ITEM		Actual	Amount Voted	Variance
Actual			Under/(over)expenditure		
15,747	Personnel expenditure		17,383	18,248	865
4,957	Administrative expenditure		5,655	4,159	(1,496)
691	Inventory	6	383	785	402
1,329	Equipment	5	1,138	1,145	7
1	Land and buildings		-	-	-
686	Professional and special services	7	825	882	57
0	Transfer payments	8	9	9	-
249	Miscellaneous	9	119	284	165
<b>23,660</b>			<b>25,512</b>	<b>25,512</b>	<b>-</b>

Previous year actual	ECONOMIC CLASSIFICATION OF EXPENDITURE	Current year actual	Current year % of total
1,146	Capital expenditure	936	3.67
22,514	Current expenditure	24,567	96.29
0	Capital transfers	-	-
0	Current transfers	9	0.04
<b>23,660</b>	<b>Total</b>	<b>25,512</b>	<b>100.00</b>

\*An amount of R191,27 has to be surrendered to National Treasury

# NATIONAL DEPARTMENT:INDEPENDENT COMPLAINTSDIRECTORATE

## NOTES TO THE INCOME STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

(All figures R000 unless otherwise indicated)

	Actual	Adjusted Estimate	
<b>1 Voted funds</b>			
	25,512	25,512	
<b>2 Other receipts</b>			
<b>Description</b>	<b>Actual</b>	<b>Adjusted Estimate</b>	<b>Variance Over/ (under) collected</b>
	1	10	771
Subsidised motors scheme	7	6	1
Commission	11	4	7
Revenue previous financial year	654	-	654
Warrant voucher expired	77	-	77
Miscellaneous Revenue Other	12	-	12
Private km with official transport	1	-	1
Donations/gifts received ICD	16	-	16
Cash discount	3	-	3

### 2.1 Gifts, donations and sponsorships received

Received from	Purpose	Actual
Department For International and Development	Attendance of an Anti-Corruption Conference in Durban	16
<b>Total</b>		<b>16</b>

### 3 Income transferable to Revenue Fund

Description	Actual
Transfers i.r.o. previous year (1999/2000)	544
Transfers i.r.o. current year (2000/2001)	774
Current year transfers outstanding (2000/2001)	7
<b>Total</b>	<b>781</b>

## NOTES TO THE INCOME STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

(All figures R000 unless otherwise indicated)

### 4 Expenditure per programme and explanation of material differences

	Actual	Voted	Variance	% of Exp
<b>Special Functions</b>	(1)	-	1	
Cash discount	(1)	-	1	
<b>Programme 1: Administration</b>	<b>10,108</b>	<b>11,216</b>	<b>1,108</b>	<b>9.88</b>
Subprogramme: Management	1,357	1,911	554	
Subprogramme: Corporate Services	8,751	9,305	554	
<b>Programme 2: Investigation of complaints</b>	<b>11,709</b>	<b>10,784</b>	<b>(925)</b>	<b>(8.58)</b>
Subprogramme: Investigation of complaints	11,709	10,784	(925)	
<b>Programme 3: Monitoring and development</b>	<b>3,696</b>	<b>3,512</b>	<b>(184)</b>	<b>(5.24)</b>
Subprogramme: Monitoring and development	784	1,352	568	
Subprogramme: Complaints registry	2,912	2,160	(752)	

#### Explanation of material differences

##### Programme 1: Administration

Savings due to the fact that expenditure on centralised items such as the telephone bill, data lines, stationery, furniture, computers, security and cleaning services have been allocated proportionally to the line functions.

##### Programme 2: Investigation of complaints

As was mentioned in the explanation of the difference in Programme 1, certain centralised costs have been allocated proportionally to the core (line) functions. Furthermore, it was discovered that certain amounts have never been brought to account, since the establishment of the Department and this had now been rectified with the assistance of the consultants from the National Treasury. There were also high profile cases (Dog Units) that had to be investigated and this contributed to higher than anticipated expenditure on travelling and accommodation.

##### Programme 3: Monitoring and development

The main reason for the excess is the fact that certain centralised expenditure has been allocated proportionally to the core (line) functions. This is also an indication of the implementation of the strategic plan of the Department to focus more on the monitoring of cases, than the actual investigation thereof, in line with the limited budgetary allocation.



## NOTES TO THE INCOME STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

(All figures R000 unless otherwise indicated)

<b>5</b>	<b>Equipment</b>		<b>Actual</b>
	<b>Description</b>		
	Current expenditure		235
	Capital expenditure		903
	<b>Total</b>		<b>1,138</b>
<b>6</b>	<b>Inventories</b>		<b>Actual</b>
	<b>Description</b>		
	Current expenditure		350
	Capital expenditure		33
	<b>Total</b>		<b>383</b>
<b>7</b>	<b>Professional and special services</b>		<b>Actual</b>
	GOVNET		222
	Maintenance service		5
	Courier services		5
	Cleaning services		199
	PABX services		39
	Consultants - private sector		3
	Security services - external		127
	Remuneration other		20
	Auditor's remuneration		201
	Contractor services		4
	<b>Total</b>		<b>825</b>
<b>8</b>	<b>Transfer payments</b>		
	<b>Transferee</b>	<b>Purpose</b>	<b>Actual</b>
	Conditional grants		
	Other transfers: PSETA	Skills Development Fund	9
	<b>Total</b>		<b>9</b>
<b>9</b>	<b>Miscellaneous</b>		<b>Actual</b>
	Stabilisation fund		119
<b>10</b>	<b>Prior year expenditure allowed during current year</b>		
	<b>Reasons why previously not brought into account</b>	<b>Nature of expenditure</b>	<b>Actual</b>
	In the establishment phase of the IC D and the move from the Thutong Building to the current premises, some of the documents got lost and were never brought into account. After investigation, it could be determined what type of expenditure it was and this could now be brought into account, although sufficient documentation could not be presented. In total 17 payments have now been accounted for.	Petty Cash	
		Accommodation	
		Salary	
		Allowances	
		Cutlery	
		Transcriber	
	<b>Total</b>		<b>32</b>

# NATIONAL DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

(All figures R000 unless otherwise indicated)

<u>CASH FLOWS FROM OPERATING ACTIVITIES</u>	Note	
Net cash flow from operating activities excluding capital items	1	1,717
<u>CASH FLOWS FROM INVESTING ACTIVITIES</u>		
Purchase of plant and equipment		(936)
Net cash flows operating and investing activities		781
<u>CASH FLOWS FROM FINANCING ACTIVITIES</u>		(2,077)
Proceeds from borrowings		0
Repayment of borrowings		0
Movements on receivables, prepayments, advances, payables and provisions	2	(2,077)
Net increase/(decrease) in cash and cash equivalents		(1,296)
Cash and cash equivalents at beginning of period	3	(247)
Cash and cash equivalents at end of period	4	(1,543)

Independent Complaints Directorate,

Pretoria,

31/05/2001

Adv. KDMcKenzie,

Executive Director: Independent Complaints Directorate,

Accounting Officer.

# NATIONAL DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE

## NOTES TO THE CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2001

(All figures R000 unless otherwise indicated)

		Amount
<b>1</b>	<b>Net cash flow from operating activities excluding capital items</b>	<b>1,717</b>
	Net surplus as per Income statement	781
	Purchase of capital items	936
<b>2</b>	<b>Movements on receivables, prepayments advances, payables and provisions</b>	<b>Amount</b>
	Finance required to <u>increase receivables</u> / decrease payables	(530)
	Finance generated by <u>increase payables</u> / <u>decrease in receivables</u>	(773)
	Revenue paid over	(774)
	<b>Net funds required to finance receivables and payables</b>	<b>(2,077)</b>
<b>3</b>	<b>Cash and cash equivalents beginning of period</b>	<b>(247)</b>
	Paymaster general account	1,227
	Cash in transit	22
	Orders Payable	(1,059)
	ACB Control account EFT payments	(437)
<b>4</b>	<b>Cash and cash equivalents end of period</b>	<b>(1,543)</b>
	Paymaster general account	(508)
	Deposit Account and Petty Cash Advance	12
	Orders Payable	(213)
	ACB Control account EFT payments	(834)

## NATIONAL DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE

### BALANCE SHEET AT 31 MARCH 2001

(all figures R000)

Previous year		Note	Current year
	<b><u>ASSETS</u></b>		
<b>253</b>	<b>Current assets</b>		<b>41</b>
(247)	Cash and cash equivalents	1	(1,555)
372	Receivables	2	1,447
128	Prepayments and advances	3	149
<b>253</b>	<b>Total assets</b>		<b>41</b>
	<b><u>LIABILITIES</u></b>		
<b>253</b>	<b>Current liabilities</b>		<b>41</b>
544	Revenue to be surrendered		7
223	Voted funds to be surrendered		0
(514)	Payables	4	34
<b>253</b>	<b>Total liabilities</b>		<b>41</b>

Independent Complaints Directorate,  
Pretoria,  
31/05/2001

Adv. KDMcKenzie,  
Executive Director: Independent Complaints Directorate,  
Accounting Officer.

## NATIONAL DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE

### NOTES TO THE BALANCE SHEET AT 31 MARCH 2001

(all figures R000)

#### ASSETS

<b>1</b>	<b>Cash and cash equivalents</b>	Amount
	Orders payable	(213)
	Paymaster General	(508)
	ACB Control account EFT payments	(834)
	<b>Total</b>	<b>(1,555)</b>
<b>1.1</b>	Paymaster General Account	Amount
	Balance as per National Accounting Office	(508)
	Deduct:	(1,047)
	Orders payable	(213)
	Electronic funds payable	(834)
	Balance above	<b>(1,555)</b>
<b>2</b>	<b>Receivables - current</b>	Amount
	Staff debts	222
	Other loans and debts	1,225
	<b>Total</b>	<b>1,447</b>
<b>2.1</b>	Age analysis	Amount
	Less than one year	990
	One to two years	219
	More than two years	238
	<b>Total</b>	<b>1,447</b>
<b>2.2</b>	Included above are the following amounts due by national departments:	
	<b>Name of department</b>	Amount
	Pensions (Finance)	12
	SAPS	246
	National Treasury	820
	Eastern Cape: Safety & Security	17
	Public Works	8
	<b>Total</b>	<b>1,103</b>
<b>3</b>	<b>Prepayments and advances</b>	
	<b>Nature of prepayments/advances</b>	Amount
	Salary advances	6
	Subsistence & Transport	131
	Advance Petty cash	12
	<b>Total</b>	<b>149</b>

## NOTES TO THE BALANCE SHEET AT 31 MARCH 2001

(all figures R'000)

### LIABILITIES

4	<b>Payables - current</b>	Amount
	Suspense account	(9)
	Salary deductions payable	(9)
	Claims payable	(16)
	<b>Total</b>	<b>(34)</b>
4.1	Included in payables (4) above are the following amounts due to National departments	
	<b>Name of department</b>	Amount
	Economic Affairs, Agriculture & Tourism	(71)
	SARS (Tax)	(6)
	Pension (Finance)	(3)
	Government Garage	54
	<b>Total</b>	<b>(26)</b>
5	<b>Contingent liabilities</b>	Amount
	Housing guarantees	259
	Stannic guarantees	518
	<b>Total</b>	<b>777</b>

## LIST OF ABBREVIATIONS

CBO's	-	CommunityBasedOrganisations
CPF	-	CommunityPolicingForum
CSIR	-	CouncilforScientificandIndustrialResearch
CSVR	-	CentrefortheStudyofViolenceandReconciliation
DPP	-	DirectorofPublicProsecutions
DMPS	-	DurbanMetroPoliceService
DVA	-	DomesticViolenceAct
GCF	-	GovernmentCommunicators'Forum
GCIS	-	GovernmentCommunicationandInformationSystem
HRM	-	HumanResourceManagement
ICD	-	IndependentComplaintsDirectorate
IDC	-	Inter-DepartmentalCommittee
IT	-	InformationTechnology
JCPS	-	Justice, Crime Prevention and Security Cluster
NCBPA	-	The National Community Based Para-legal Association
NICRO	-	NationalInstituteforCrimeandReintegrationofOffenders
NGO's	-	Non-GovernmentalOrganisations
SAPS	-	SouthAfricanPoliceService
SMC	-	SeniorManagementCommittee
SOP	-	StandardOperatingProcedure
SP	-	SpecialProgrammes
SPR	-	SpecialProgrammeRepresentative
SSA	-	StatisticsSouthAfrica
WAN	-	WideAreaNetwork