

ICD's Budget Vote Speech, 07 June 2001

Madam Speaker

Since its establishment four years ago, the Independent Complaints Directorate (ICD) has made every effort to ensure that it fulfils its legislative and constitutional obligations. We are, however, acutely aware of the need for the ICD to do more to implement its mandate as it currently stands, as well as to meet the obligations of legislative imperatives in terms of monitoring the implementation of the Domestic Violence Act by the South African Police Service and the obligation to oversee the newly created Municipal Police Services.

During the "16 days of activism of no violence against women" which commenced on 25 November 2000 and culminated on 10 December 2000, the ICD monitored the implementation of the Domestic Violence Act by the South African Police Service. This was done through visits to various police stations in the Gauteng Province namely Moroka, Kaitleng, Mamelodi, Rietgat, Jabulani, Mabopane, Dobsonville and Sebokeng.

These police stations were chosen since they were identified as stations receiving many such complaints, in the ICD's first Domestic Violence Report to Parliament.

The ICD compiled a report on its findings and made recommendations in this regard, and they were forwarded to myself, the National Commissioner and the Secretariat.

This report also formed part of the most recent Domestic Violence Report to Parliament.

The South African Police Service who is now looking at the implementation of the recommendations positively received the report and recommendations. The South African Police Service has also requested the ICD's assistance in monitoring the twenty priority stations, which have been identified as recording the highest levels of crimes against women and children.

Madam Speaker,
Honourable Members,

It is common knowledge that Municipal Police Services have been established in Durban and Johannesburg, while these services are also expected to be established soon in Tshwane and Ekurhuleni.

The establishment of these services will have a definite and serious impact on the statutory mandate, and eventually the functioning and financial resources of the ICD. I say this because in terms of the Regulations for Municipal Police Services, issued in terms of the South African Police Service Act, the ICD has the same civilian oversight duties and responsibilities over Municipal Police Services as it has over the South African Police Service.

This means that the ICD is statutorily mandated to ensure that complaints regarding offences or misconduct allegedly committed by a member of a Municipal Police Service are investigated in an efficient and effective manner.

The ICD has initiated a workshop between the Municipal Police Services, the South African Police Service and the Department of Transport for purposes of proactively establishing a sound working relationship and reaching consensus on a Minute of Understanding between the said parties. Furthermore, the ICD has simultaneously reached an advanced stage of establishing a national protocol for existing and to-be-established Municipal Police Services in giving effect to the ICD's expanded mandate.

However, it is foreseen that due to the ICD meeting the obligations of its expanded mandate, this may cause a serious drain on the current budget and may necessitate expenditure to be incurred by the ICD for which it did not, and could not, budget for.

With this in mind, the ICD has had to adopt a different approach to its operations by managing them in a prioritised manner, while allowing them to continue unhindered and at the desired pace in spite of the current very tight fiscal conditions. This approach entails reprioritising investigations within the ICD to conserve resources by actively investigating the most serious of cases, while strengthening its monitoring capacity at its nine Provincial Offices.

A case that demonstrated successful co-operation between the ICD and the South African Police Service is that in which an investigation was conducted to determine the circumstances surrounding the fatal shooting of Mr Bheki Mkhize by members of the Ulundi Public Order Policing Unit.

In this case forensic and ballistic experts from the South African Police Service assisted the ICD.

Madam Speaker,
Honourable Members,

The number of complaints being handled by the ICD is beginning to be consistent, according to the latest available statistics. During the 1999/2000 financial year the ICD handled 4380 complaints against the South African Police Service, while during the 2000/2001 financial year it dealt with about 4863 cases, representing an 11% increase.

The number of deaths in police custody or as a result of police action during the 1998/1999 financial year was 756, while in the 1999/2000 financial year the number was 681, representing a 10% decrease.

During the 2000/2001 financial year the figure was 650, representing a further 4.5% decrease. This steady decrease should be ascribed to the impact of the work being done by the ICD and the consequent discipline it imposes on SAPS.

In 1999 the ICD embarked on a process of developing a White Paper to propose a policy framework that would guide its endeavours. To kick-start the process the organisation developed a Discussion Document based on comparative research and internal discussions within the organisation. These discussions were followed by consultative workshops in the major centres of all our country's provinces.

Various stakeholders were invited and participated at those workshops and on the basis of inputs received from various stakeholders; the Discussion Document was revised and converted to a draft White Paper. After consideration, it has been felt that the ICD needs to further engage other key stakeholders and consult widely. The White Paper is set for finalisation during the current financial year.

The ICD has also embarked on research projects with a view to formulating recommendations on systemic problems hampering effective policing. These research projects constitute some of the pro-active initiatives that the Department is involved in. Recommendations that are formulated constitute the strategic interventions that are necessary to improve policing and service delivery by the police. These include:

- A strategy to reduce the risk of deaths in police custody or as a result of police action.
- A profiling strategy to assist in the early identification of police members prone to violence.
- Accountability of Station Commissioners.

Madam Speaker, it is quite obvious from what I have delineated above that as the workload increases on the side of SAPS a proportional rise in mandatory obligations on the part of the ICD is experienced. The ability of the organisation to respond appropriately to these challenges - foreseen and unforeseen - can easily be attributed to the professional management style of the Executive Director and her top management. We commend them for this and wish to assure the House that they will always enjoy the full support of my Department.

I thank you.