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Minister of Police
Mr Nkosinathi Mthethwa, MP



Deputy Minister Of Police
Mr Fikile Mbalula, MP



Executive Director
Mr Francois Beukman



Programme Manager:
Corporate Services
Mr Elias Valoyi



Chief Financial Officer
Ms Elise Verster



Programme Manager:
Investigations
Mr Tommy Tshabalala



Programme Manager:
Information Management and Research
Ms Noluthando Sihlezana



Provincial Head: Mpumalanga
Mr MacKenzie Tsimane



Provincial Head: Gauteng
Advocate Siphokazi Moleshe



Provincial Head: Eastern Cape
Advocate Sakhele Poswa



Provincial Head: North West
Mr Matthews Sesoko



Provincial Head: Western Cape
Mr Thabo Leholo



Provincial Head: Limpopo
Mr Innocent Khuba



Provincial Head: Northern Cape
Mr Dan Morema



Provincial Head: Free State
Mr Israel Kgamanyane



Acting Provincial Head:
KwaZulu-Natal
Mr Len John



Senior Manager: Legal Services
Ms Bongwiwe Tukela



Senior Manager:
Information Management System
Mr Moses Dlamini



Senior Manager:
Human Resource Management
Mr Molefe Matsomela

FOREWORD BY THE MINISTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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



MR EN MTHETHWA
MINISTER OF POLICE

OVERVIEW BY THE EXECUTIVE DIRECTOR

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

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

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

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

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

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

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

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

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

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

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



MR. F. BEUKMAN
EXECUTIVE DIRECTOR

I. LEGISLATIVE AND OTHER MANDATES

I.1 Constitutional mandate

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

I.2 Legislative mandates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. MISSION AND VISION

2.1 Vision

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

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

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

2.2 Mission

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

2.3 Values

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

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

3. PROGRAMME PERFORMANCE

SUMMARY OF PROGRAMMES

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

Programme 1: Administration

Programme 2: Complaints Processing, Monitoring and Investigation

Programme 3: Information Management and Research

Overview of the service delivery environment for 2009/10

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

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

Overview of the organizational environment

Performance information

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

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

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

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

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

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

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

Major projects undertaken during the 2009/10 financial year

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

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

Progress with financial management

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

Strategic issues facing the department

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

4. PROGRAMME 1: ADMINISTRATION

Purpose

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

Main activities

The main activities of this programme include the following:

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

Measurable objectives

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

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

Service delivery objectives and indicators

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

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

Capital investment, maintenance and asset management

Capital investment

The department has no capital investments.

Maintenance

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

HUMAN RESOURCE MANAGEMENT

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

Objective

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

I. Service delivery

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

Table I.1 - Main services provided and standards

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

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

Table 1.2 - Consultation arrangements with customers

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

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

Table 1.3 - Service delivery access strategy

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

Table 1.4 - Service information tool

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

Table 1.5 - Complaints mechanism

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

Table 1.6 – Courtesy

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

Table 1.7 – Service standards

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

2. Expenditure

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

Table 2.1 - Personnel costs per programme: 2009/10

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

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

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

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

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

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

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

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

3. Employment and vacancies

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

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

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

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

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

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

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

4. Job evaluation

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

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

| | | | | | | | |
|----------------------------------|------------|------------|-----------|----------|----------|----------|----------|
| Senior Management Service Band C | 1 | - | - | - | - | - | - |
| Senior Management Service Band D | - | - | - | - | - | - | - |
| Total: | 287 | 127 | 44 | - | - | - | - |

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

| Beneficiaries | African | Asian | Coloured | White | Total |
|-----------------------------|----------|----------|----------|----------|----------|
| Female | - | - | - | - | - |
| Male | - | - | - | - | - |
| Total | - | - | - | - | - |
| Employees with a disability | | | | | - |

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

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

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

| Beneficiaries | African | Asian | Coloured | White | Total |
|-----------------------------|----------|----------|----------|----------|----------|
| Female | - | - | - | - | - |
| Male | - | - | - | - | - |
| Total | - | - | - | - | - |
| Employees with a disability | | | | | - |

5. Employment changes

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

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

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

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

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

Table 5.3 - Reasons why staff left the department

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

Table 5.4: Promotions by critical occupation

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

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

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

6. Employment equity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Signing of performance agreements by SMS members

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

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

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

| |
|---|
| 1. The post of the Executive Director was vacant by 30 June 2009; it was filled on 7 August 2009. |
| |

Table 7.3 - Disciplinary steps taken against SMS members for not having concluded performance agreements as on 30 June 2009

| |
|---|
| 1. No disciplinary steps taken, as all performance agreements have been concluded |
| |

8. Filling of SMS posts

Table 8.1 - SMS post information as on 31 March 2010

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

Table 8.2 - SMS post information as on 30 September 2009

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

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

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

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

| |
|--|
| Reasons for vacancies not advertised within six months: |
| N/A |
| Reasons for vacancies not filled within 12 months: |
| N/A |

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

| |
|----------------|
| I. None |
| |
| |

9. Performance rewards

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

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

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

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

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

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

10. Foreign workers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 HIV/AIDS and health promotion programmes

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

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

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

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

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

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

13. Labour relations

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

| Total collective agreements | Date |
|-----------------------------|------|
| None | |

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

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

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

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

Table 13.3 - Types of misconduct addressed at disciplinary hearings

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

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

| Grievances | Number | % of total |
|--|----------|------------|
| Number of grievances resolved | 7 | 87.5 |
| Number of grievances not resolved | 1 | 12.5 |
| Total number of grievances lodged | 8 | 100 |

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

| Disputes | Number | % of total |
|--|----------|------------|
| Number of disputes upheld | - | - |
| Number of disputes dismissed | 2 | 100 |
| Total number of disputes lodged | 2 | 100 |

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

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

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

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

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

14. Skills development

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

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

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

Table 14.2 - Training provided: 1 April 2009 to 31 March 2010

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

15. Injury on duty

Table 15.1 – Injury on duty, 01 April 2009 to 31 March 2010

| Nature of injury on duty | Number | % of total |
|---------------------------------------|-------------|------------|
| Required basic medical attention only | None | |
| Temporary total disablement | None | |
| Permanent disablement | None | |
| Fatal | None | |
| Total: | None | |

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

16. Utilization of consultants

Table 16.1 - Report on consultant appointments using appropriated funds

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

17. Granting of employee-initiated severance packages

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

5. PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION

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

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

Service delivery objectives and indicators

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

Service delivery achievements

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

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

Highlights for the financial year

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

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

2. Stakeholder management

a. The National Forum for Municipal Police Services

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

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

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

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

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

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

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

c. Training cooperation with the SAPS

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

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

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

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

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

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

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

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

The objective of the investigation was to establish whether:

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

METHODOLOGY

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

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

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

FINDINGS

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

Regulatory measures

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

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

The role of SAPS members and supervisors

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

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

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

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

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

RECOMMENDATIONS

The following institutional or facility deficiencies require attention:

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

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

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

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

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

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

EASTERN CAPE

1. NEMATO: MURDER

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

2. BERLIN: ASSAULT

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

3. ALIWAL NORTH: MURDER

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

4. IZELE: MURDER

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

5. KING WILLIAM'S TOWN: MURDER

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

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

6. EAST LONDON: ASSAULT

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

7. GONUBIE: ASSAULT

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

FREE STATE

8. NAVALSIG: ATTEMPTED MURDER

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

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

9. BETHLEHEM: RAPE

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

10. BAINSVLEI: RAPE

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

11. PHUTHADITJHABA: MURDER

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

12. SASOLBURG: RAPE

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

GAUTENG**13. PRETORIA CENTRAL: MURDER**

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

14. LOATE: MURDER

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

15. ATTERIDGEVILLE: MURDER

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

16. KEMPTON PARK: RAPE

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

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

17. RABIE RIDGE: MURDER

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

18. JOHANNESBURG CENTRAL: ASSAULT GBH (TORTURE)

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

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

19. CLEVELAND: CORRUPTION AND ASSAULT GBH

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

LIMPOPO

20. POLOKWANE: MURDER

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

21. SESHEGO: MURDER

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

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

22. GIYANI: MURDER

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

KWAZULU-NATAL

23. LADYSMITH: MURDER

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

MPUMALANGA**24. INANDA: MURDER**

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

25. DURBAN: EXTORTION

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

26. LYDENBURG: MURDER

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

27. HAZYVIEW: MURDER

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

28. KRIEL: EXCESSIVE FORCE

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

29. SKUKUZA: MURDER

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

30. BLINKPAN: ASSAULT GBH AND MURDER

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

31. VOSMAN: MURDER

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

NORTHERN CAPE

32. STEINKOPF: MURDER

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

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

33. ROODEPAN: ASSAULT AND RAPE

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

34. OLIFANTSHOEK: RAPE

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

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

NORTH WEST

35. KLERKSDORP: ASSAULT GBH (TORTURE)

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

36. MMABATHO: ASSAULT GBH (TORTURE)

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

37. KLERKSORP: ASSAULT GBH (TORTURE)

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

38. WOLMARANSSTAD: ASSAULT GBH (TORTURE)

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

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

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

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

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

41. BRITS: CORRUPTION

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

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

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

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

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

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

44. KLERKSDORP: MURDER

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

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

45. RUSTENBERG: ASSAULT GBH (TORTURE)

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

46. RUSTENBERG: MURDER

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

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

47. RUSTENBERG: MURDER

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

WESTERN CAPE

48. KHAYELITSHA: MURDER

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

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

49. KNYSNA: MURDER

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

50. KNYSNA: RAPE

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

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

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

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

52. GUGULETHU: MURDER

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

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

6. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

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

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

Service delivery achievements

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

7. STATISTICS FOR 2009/10

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

Section A: Complaints intake

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

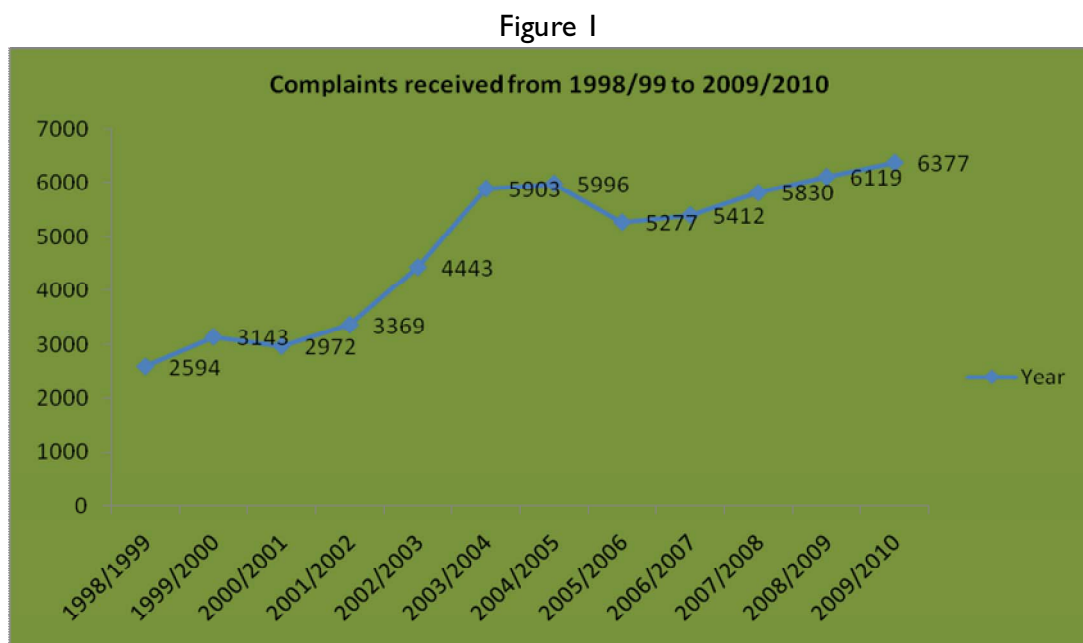


Table I shows the total number of complaints received by the ICD nationally per class in the financial year 2009/10, which is the period under review.

| Class | Number of complaints |
|-------------------|----------------------|
| Deaths | 860 |
| Domestic Violence | 126 |
| Criminal | 2 462 |
| Misconduct | 2 929 |
| Total | 6 377 |

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

Figure 2

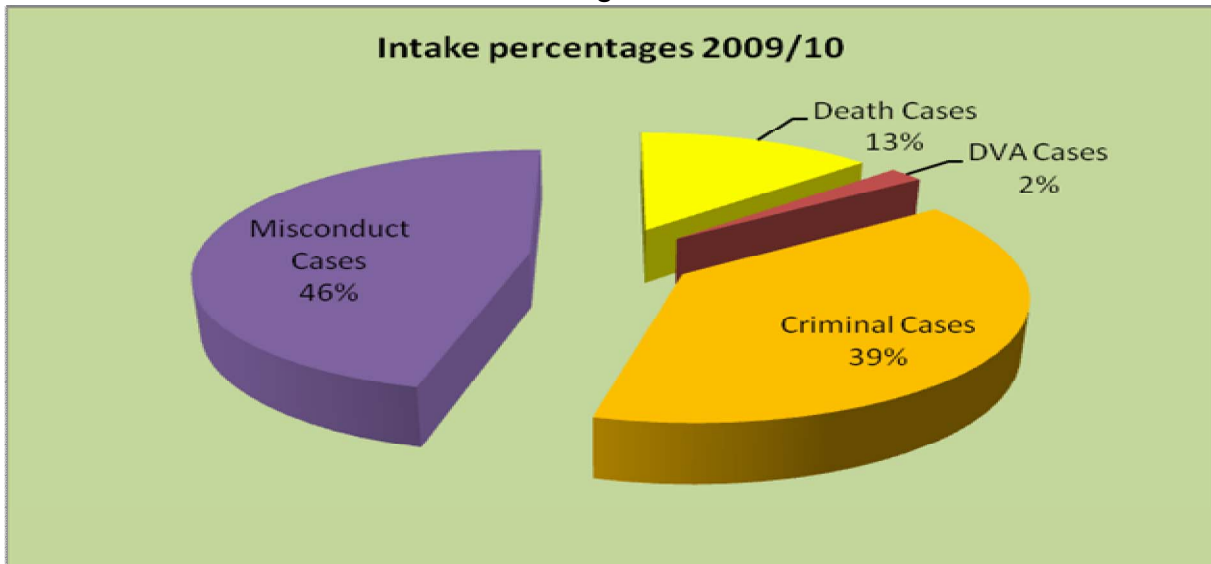


Table 2 shows the comparisons of the complaints received from the previous financial year (2008/09) and the current financial year (2009/10). The ICD experienced an overall increase of 4% of complaints received, with a decrease in DVA-related complaints (16%) and deaths (6%).

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

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

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

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

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

Figure 3

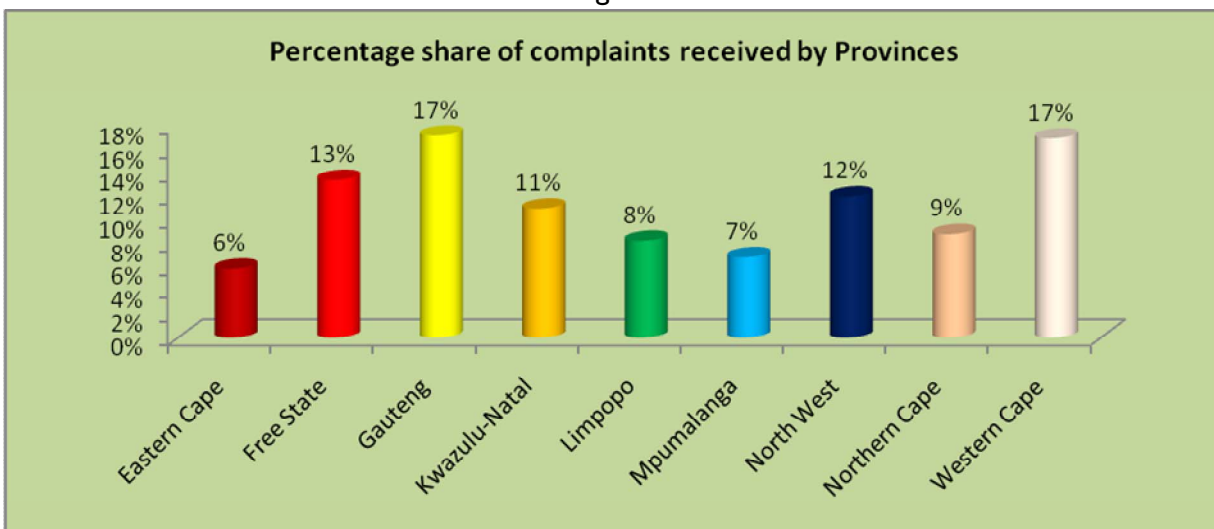


Table 4 shows a two-year comparison of complaints received per province from the previous financial year (2008/09) and the current financial year (2009/10). Mpumalanga experienced a substantial 47% increase in complaints received, followed by the Western Cape with 26%, while the Eastern Cape, KwaZulu-Natal,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

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

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

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

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

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

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

Figure 4

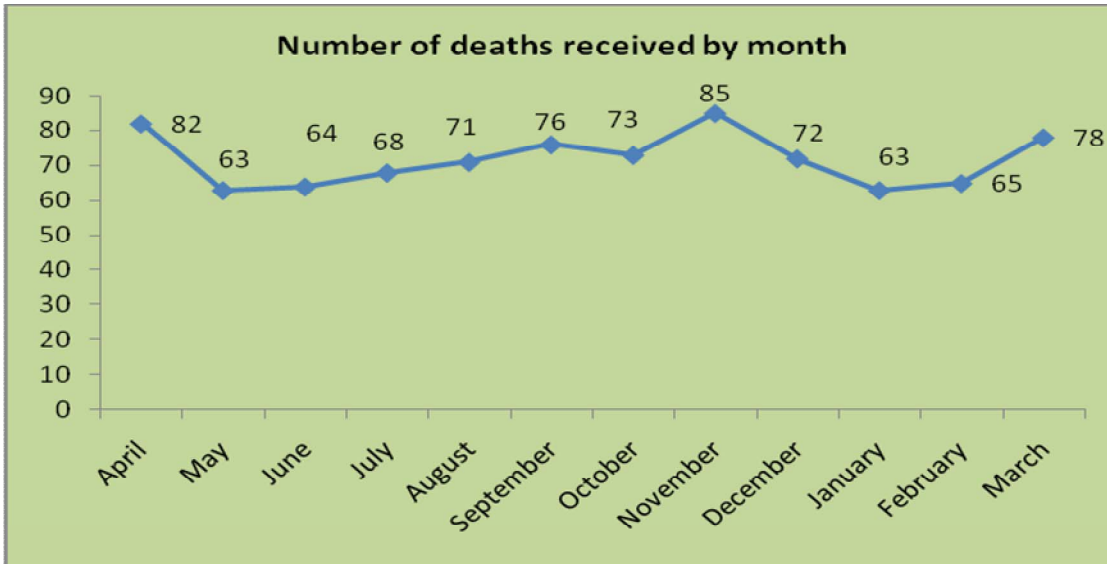


Figure 5 shows that deaths in police custody accounted for 34%, while deaths as a result of police action accounted for 66% of all death notifications received during the period under review.

Figure 5

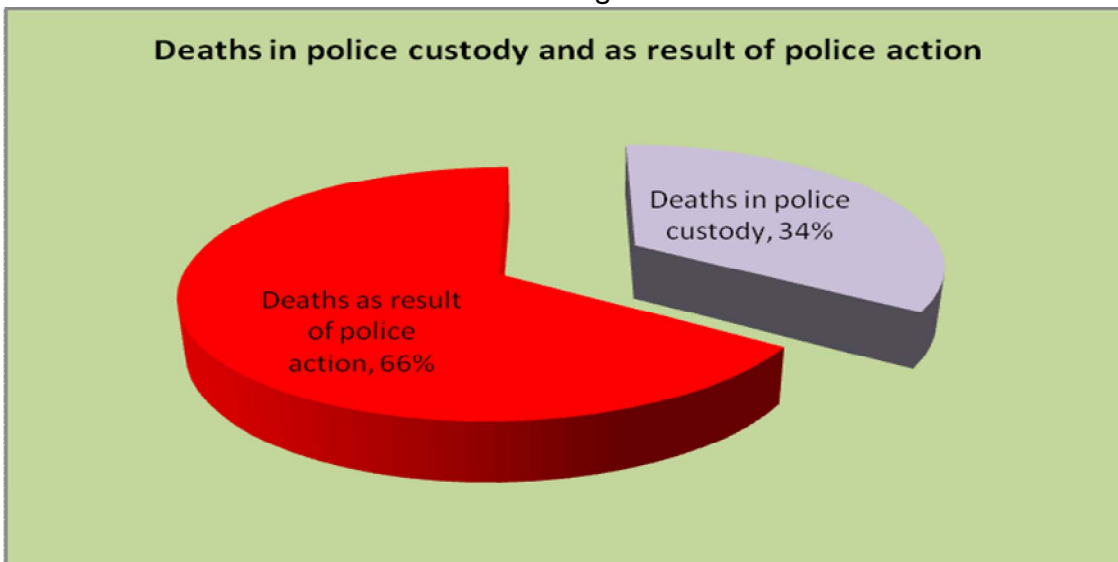


Table 5 is a comparison of deaths in police custody and deaths as a result of police action over two financial years. Deaths in police custody decreased by 2%, whereas deaths as a result of police action decreased by 8%.

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

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

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

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

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

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

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

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

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

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

Figure 6

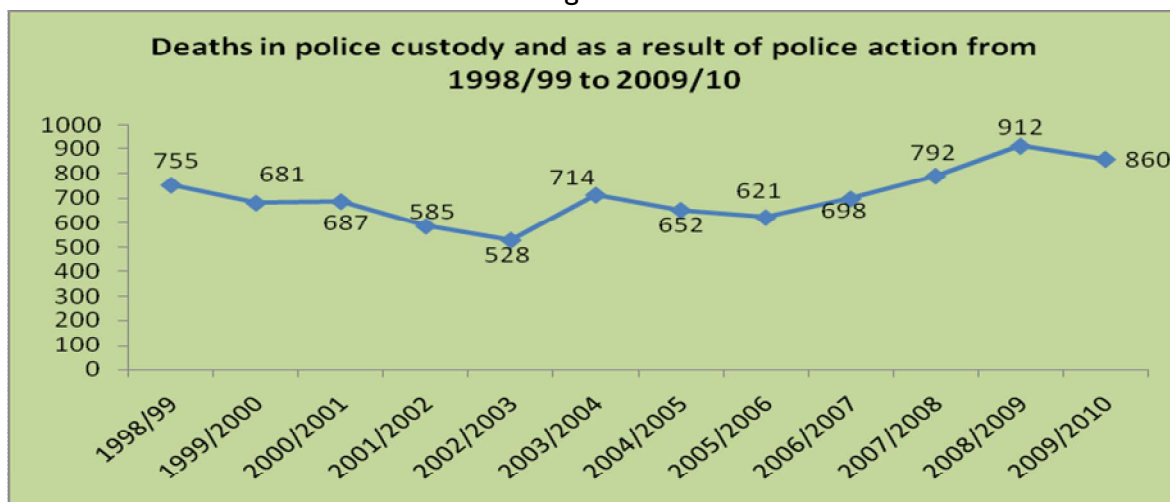


Table 8 shows deaths in police custody and deaths as a result of police action received in 2009/10 by description. The majority of deaths were caused by shooting of the deceased with a service firearm, which accounts for 55% (471), followed by deaths resulting from assault 14% (122).

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

Table 8: Deaths in police custody and deaths as a result of police action by description

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

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

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

Table 9: Deaths in police custody by description

| Short description | Number | Percentage |
|-------------------------------------|------------|-------------|
| Injuries sustained in custody | 97 | 33% |
| Injuries sustained prior to custody | 104 | 35% |
| Natural causes | 93 | 32% |
| Total | 294 | 100% |

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

Table 10: Deaths in police custody by circumstance per province

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

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

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

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

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

Table 12: Deaths as a result of police action and relevant circumstances per province

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

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

| Table 13: The accused member by rank | | |
|--------------------------------------|------------|-------------|
| Accused member | Number | Percentage |
| Constable | 231 | 27% |
| Sergeant | 43 | 5% |
| Warrant Officer | 194 | 22% |
| Lieutenant | - | - |
| Captain | 43 | 5% |
| Major | - | - |
| Lieutenant Colonel | 15 | 2% |
| Colonel | 9 | 1% |
| Not applicable | 325 | 38% |
| Total | 860 | 100% |

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

Figure 7

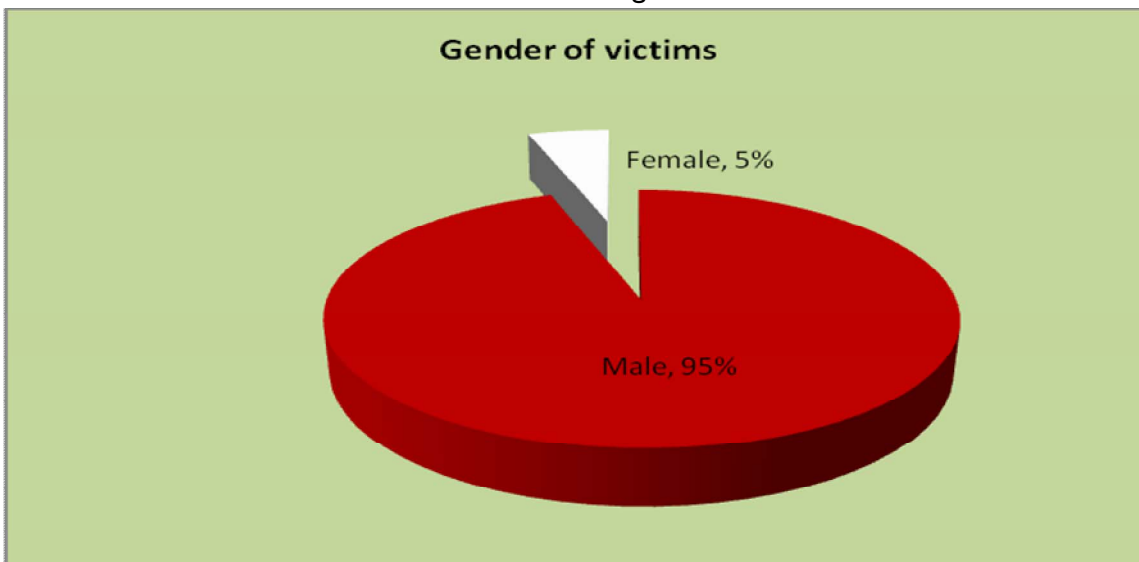


Figure 8 indicates the ages of the victims who died in police custody and as a result of police action. The age group 26-35 years accounted for 47% of all reported deaths. The age group 19-25 included the second highest number of victims. Children/minors accounted for 5% of victims.

Figure 8

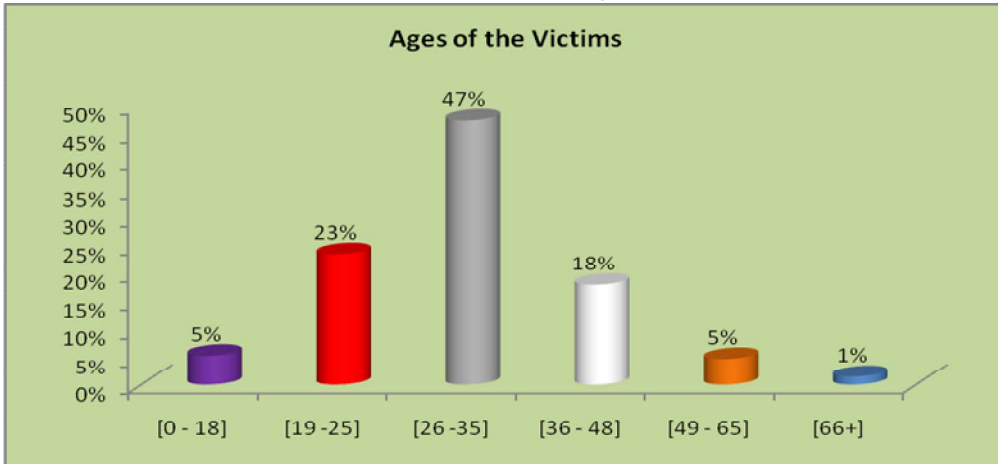


Figure 9 depicts the classification of the victims who died in police custody and as a result of police action. The majority (90%) of deceased persons were suspects, followed by awaiting trial detainees at 9%.

Figure 9

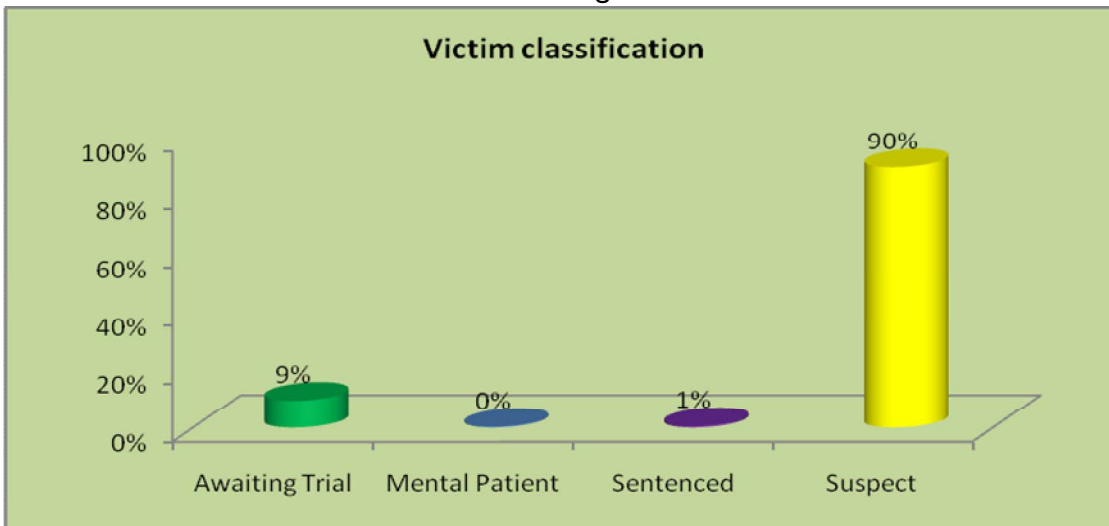


Figure 10 indicates the persons responsible for deaths in police custody and as a result of police action. Most deaths in police custody and as a result of police action were caused by SAPS members (62%), followed by both suicides and natural causes (14%). Members of the public were responsible for 8%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

Figure 10

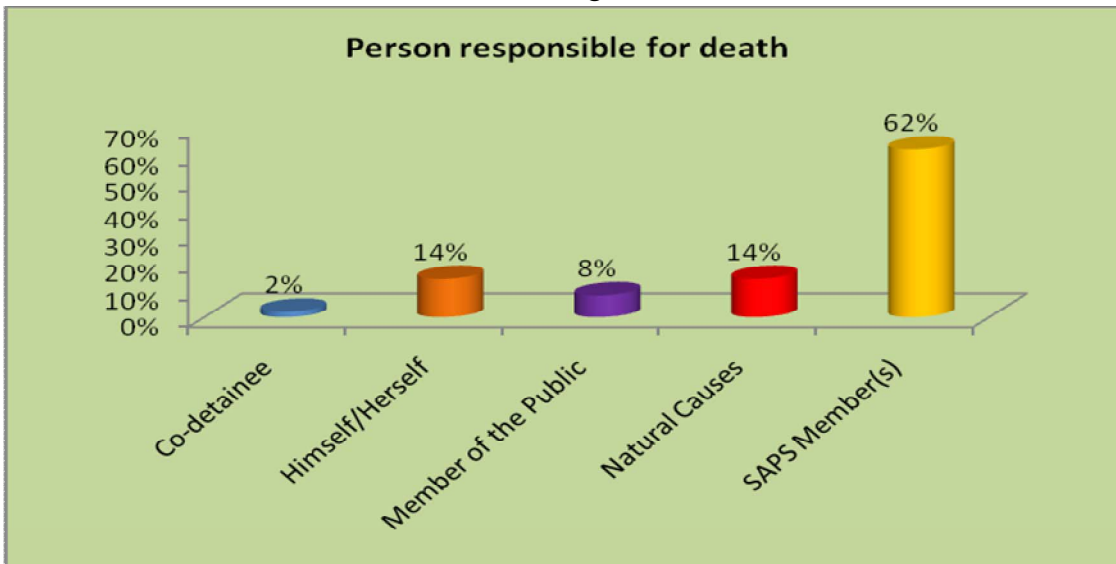


Figure 11 shows that most deaths (58%) occurred at the crime scenes (other). Twenty-one percent of the suspects died in hospital, whereas 17% died in police cells and 2% died while in transit either on the way to hospital or on the way to police stations.

Figure 11

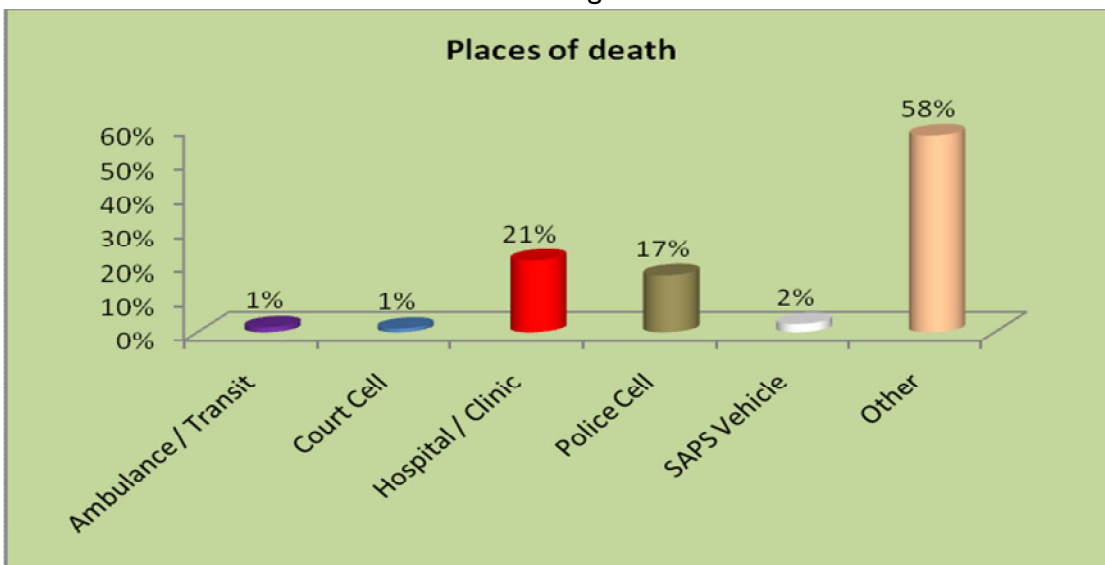


Figure 12 indicates that most incidents where members used their service firearms resulting in death occurred on Mondays, with 44 incidents reported, followed by Fridays and Sundays with 25 incidents each.

Figure 12

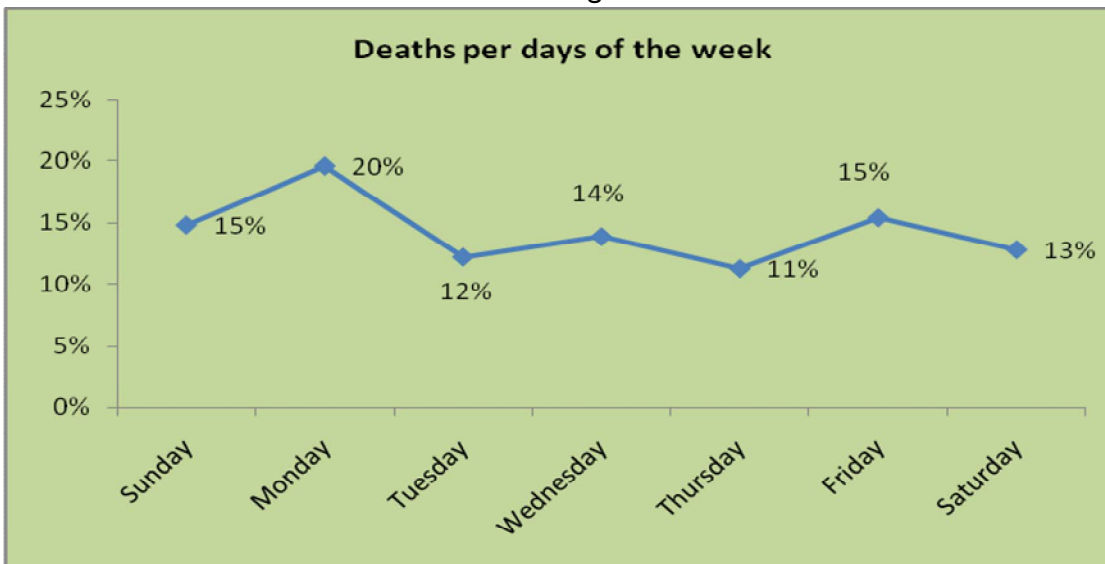


Table 14 provides a list of police stations and MPS precincts where deaths in police custody and as a result of police action occurred per province.

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

Table 14: Names of police stations

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

Table 14: Names of police stations

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

Table 14: Names of police stations

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

Table 14: Names of police stations

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

Table 14: Names of police stations

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

Table 14: Names of police stations

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

Table I4: Names of police stations

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

Table I4: Names of police stations

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

Table 14: Names of police stations

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

Table I4: Names of police stations

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

Table 14: Names of police stations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Figure 13

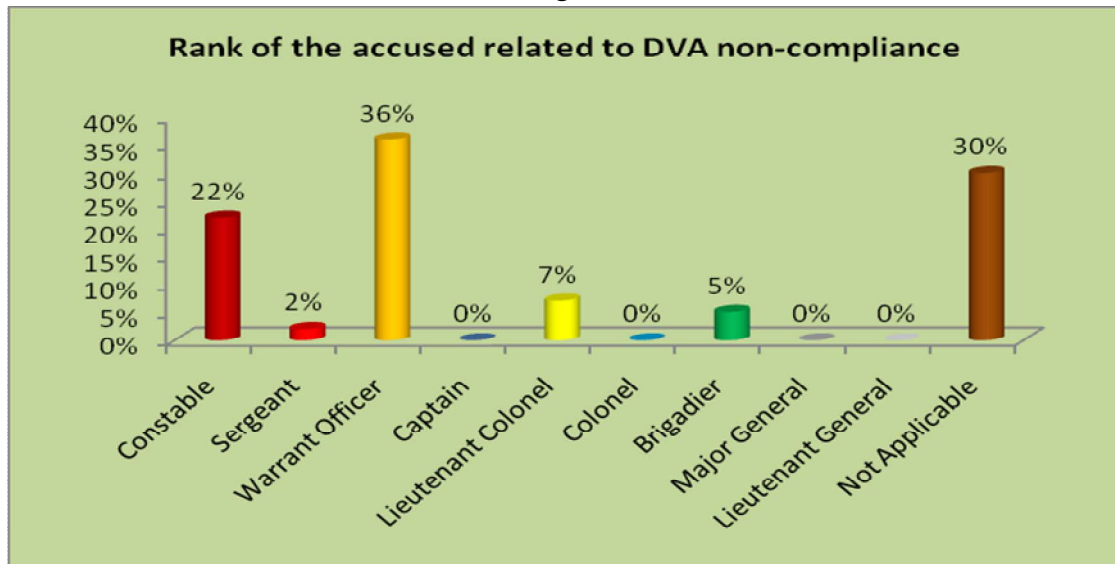


Table 19 is a list of police stations against which incidents of alleged non-compliance were reported during the financial year 2009/10.

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

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

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

3. Criminal offences

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

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

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

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

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

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

| Province | 2008/09 | 2009/10 | Yearly Change |
|---------------|--------------|--------------|---------------|
| Mpumalanga | 110 | 212 | 93% |
| North West | 222 | 305 | 37% |
| Northern Cape | 259 | 239 | -8% |
| Western Cape | 356 | 495 | 39% |
| Total | 2 285 | 2 462 | 8% |

Figure 14 shows the trend of allegations of criminal offences reported to the ICD from the 1998/99 financial year to the financial year 2009/10. The figures indicate that over the twelve-year period, the ICD experienced an overall increase of 285% in criminal complaints.

Figure 14

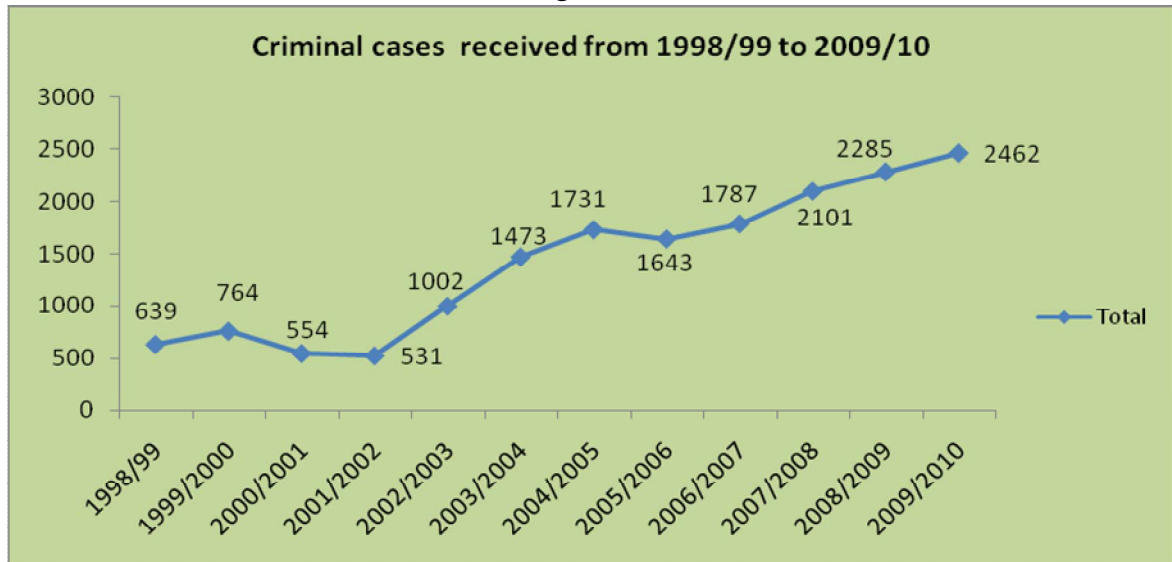


Table 22 breaks down the number of alleged criminal offences received by the ICD per the nature of the allegations. It can be observed that the majority of complaints received were of assault with the intent to cause grievous bodily harm (assault GBH) (37%), followed by assault common (17%) and attempted murder (13%).

| Type of Offence | Total | Percentage |
|---|-------|------------|
| Arson | 3 | 0% |
| Assault common | 422 | 17% |
| Assault GBH | 920 | 37% |
| Attempted murder | 325 | 13% |
| Breaking and entering | 13 | 1% |
| Corruption - abuse of informers' fees | 14 | 1% |
| Corruption - aiding escape from custody | 22 | 1% |

| Table 22: Alleged criminal offences per type of offence | Total | Percentage |
|--|--------------|-------------------|
| Corruption - destruction of police docketts | 1 | 0% |
| Corruption - issuing of fraudulent vehicle certificates | 2 | 0% |
| Corruption - sale, theft and/or destruction of police docketts | 35 | 1% |
| Corruption - sale, theft and/or disposal of exhibits | 36 | 1% |
| Crimen injuria | 48 | 2% |
| Defeating the ends of justice | 79 | 3% |
| Dog attack | 10 | 0% |
| Extortion or soliciting a bribe | 49 | 2% |
| Fraud | 33 | 1% |
| Harassment of a serious and prolonged nature | 48 | 2% |
| Indecent assault | 12 | 0% |
| Intimidation | 43 | 2% |
| Kidnapping | 2 | 0% |
| Malicious damage to property | 53 | 2% |
| Operating a motor vehicle under the influence of intoxicating alcohol or drugs | 6 | 0% |
| Perjury | 15 | 1% |
| Pointing of a firearm | 61 | 2% |
| Possession of suspected stolen property | 4 | 0% |
| Rape | 24 | 1% |
| Reckless operation of a motor vehicle | 37 | 2% |
| Robbery | 12 | 0% |
| Theft | 125 | 5% |
| Theft of motor vehicle/motorcycle | 3 | 0% |
| Torture* | 5 | 0% |
| Total | 2 462 | 100% |

*Torture is not a defined crime in SA legislation – it is investigated as assault GBH

Table 23 shows the categories of accused members per rank. The majority of accused members were Warrant Officers (27%), followed by Constables (22%) and Captains (7%). In 208 cases received, Warrant Officers were involved in assault GBH and 117 assault common; while in 112 cases Constables were involved in attempted murder incidents. In 917 cases reported, the victims did not know the ranks of the members.

| Table 23: Accused members by rank | | |
|--|---------------|-------------------|
| Rank | Number | Percentage |
| Constable | 537 | 22% |
| Sergeant | 85 | 3% |
| Warrant Officer | 660 | 27% |
| Lieutenant | - | - |
| Captain | 151 | 7% |

| Rank | Count | Percentage |
|--------------------|--------------|-------------|
| Major | - | - |
| Lieutenant Colonel | 66 | 3% |
| Colonel | 25 | 1% |
| Brigadier | 10 | 0% |
| Major General | - | - |
| Lieutenant General | 11 | 0% |
| Unknown | 917 | 37% |
| Total | 2 462 | 100% |

Figure 15 shows the days of the week on which the alleged criminal offences occurred. It can be observed that most criminal offences allegedly occurred on Fridays and Saturdays. The SAPS were reported to have committed assault GBH in 159 cases and assault common in 71 cases on Fridays. Fifty-three (53) cases of attempted murder and 19 of theft were alleged to have happened on Saturdays.

Figure 15

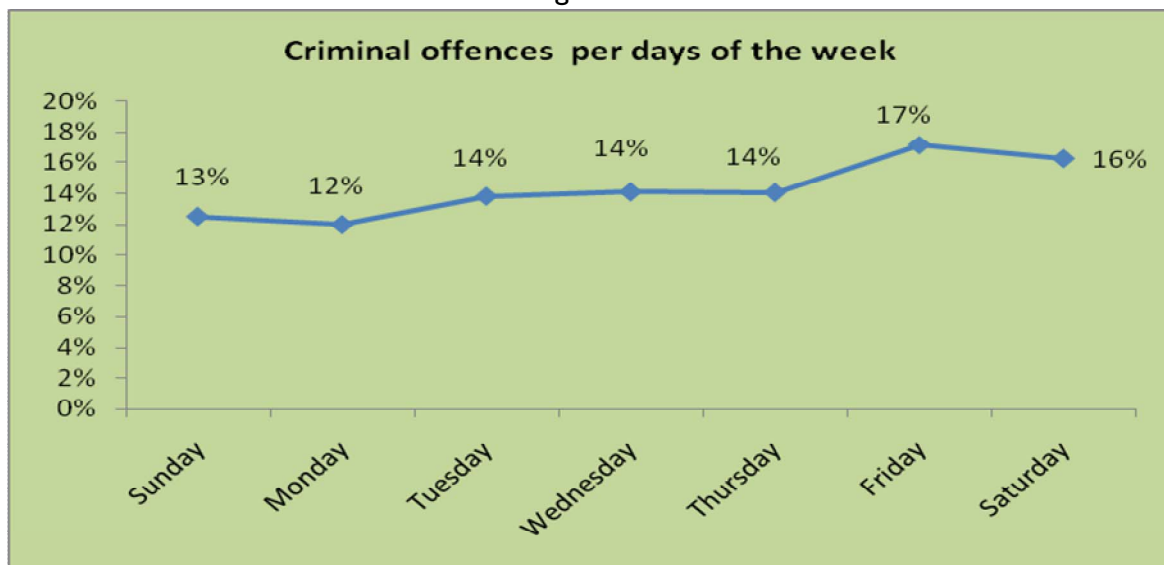


Table 24 lists the police stations against which 20 or more criminal offences were reported.

| Station | EC | FS | GP | KZN | LP | MP | NW | NC | WC | Total |
|-----------------|----|----|----|-----|----|----|----|----|----|-------|
| Mmabatho | | | | | | | 44 | | | 44 |
| Unknown | 1 | 2 | 12 | | | 2 | 7 | 2 | 14 | 40 |
| Mitchells Plein | | | | | | | | | 36 | 36 |
| Kimberley | | | | | | | | 36 | | 36 |
| Elsiesriver | | | | | | | | | 34 | 34 |
| Polokwane | | | | | 34 | | | | | 34 |
| Seshego | | | | | 31 | | | | | 31 |
| Mafikeng | | | | | | | 31 | | | 31 |
| Delft | | | | | | | | | 27 | 27 |
| Upington | | | | | | | | 27 | | 27 |
| Parkroad | | 26 | | | | | | | | 26 |
| Tlhabane | | | | | | | 24 | | | 24 |
| Balfour | | | | | | 23 | | | | 23 |
| Kagisanong | | 21 | | | | | | | | 21 |
| Nyanga | | | | | | | | | 21 | 21 |
| Matsulu | | | | | | 20 | | | | 20 |
| Mankweng | | | | | 20 | | | | | 20 |

4. Misconduct

Table 25 presents the number of alleged misconduct cases received by the ICD per province during the period under review. Gauteng received the highest number of complaints at 530, followed by the Free State at 516 and the Western Cape at 476.

| Province | 2009/2010 | Percentage |
|---------------|--------------|-------------|
| Eastern Cape | 107 | 4% |
| Free State | 516 | 18% |
| Gauteng | 530 | 18% |
| KwaZulu-Natal | 230 | 8% |
| Limpopo | 211 | 7% |
| Mpumalanga | 143 | 5% |
| North West | 417 | 14% |
| Northern Cape | 299 | 10% |
| Western Cape | 476 | 16% |
| Total | 2 929 | 100% |

Table 26 depicts the yearly change in misconduct complaints received over a two-year period from 2008/09 to 2009/10 per province. There was an overall 6% increase in misconduct complaints compared to the previous reporting period. An increase was experienced in most provinces except the Eastern Cape, KwaZulu-Natal, and the Northern Cape. Gauteng, Mpumalanga and the Western Cape experienced increases of 36%, 24% and 19% respectively, while the Eastern Cape, KwaZulu-Natal and Northern Cape experienced decreases of 24%, 20% and 7% respectively when compared to 2008/09.

| Province | 2008/2009 | 2009/2010 | Yearly change |
|---------------|--------------|--------------|---------------|
| Eastern Cape | 141 | 107 | -24% |
| Free State | 503 | 516 | 3% |
| Gauteng | 390 | 530 | 36% |
| KwaZulu-Natal | 289 | 230 | -20% |
| Limpopo | 199 | 211 | 6% |
| Mpumalanga | 115 | 143 | 24% |
| North West | 415 | 417 | 0% |
| Northern Cape | 321 | 299 | -7% |
| Western Cape | 399 | 476 | 19% |
| Total | 2 772 | 2 929 | 6% |

Table 27 presents misconduct complaints received by the nature of the offence. It can be seen that the majority of recorded misconduct cases related to the improper performance of functions (53%) by SAPS members and the neglect of duties (45%).

| Table 27: Misconduct by type | | |
|--|--------------|-------------------|
| Short description | Total | Percentage |
| Gross discourtesy | 67 | 2% |
| Neglects his or her duty | 1 324 | 45% |
| Performs his or her function in an improper manner | 1 538 | 53% |
| Total | 2 929 | 100% |

Table 28 shows a breakdown of the improper performance of functions per province. North West recorded the highest number of such complaints at 398 (26%), followed by Gauteng at 239 (16%) and the Free State at 227 (15%).

| Table 28: Performance of functions in an improper manner by province | | |
|---|--------------|-------------------|
| Province | Total | Percentage |
| Eastern Cape | 66 | 4% |
| Free State | 227 | 15% |
| Gauteng | 239 | 16% |
| KwaZulu-Natal | 33 | 2% |
| Limpopo | 107 | 7% |
| Mpumalanga | 129 | 8% |
| North West | 398 | 26% |
| Northern Cape | 129 | 8% |
| Western Cape | 210 | 14% |
| Total | 1 538 | 100% |

Figure 16 portrays the ranks of members against whom allegations of improper performance of functions were made. Warrant Officers accounted for the majority of cases at 45% and Constables for 15%. In 29% of the cases, complainants could not identify the rank of the member.

Figure 16

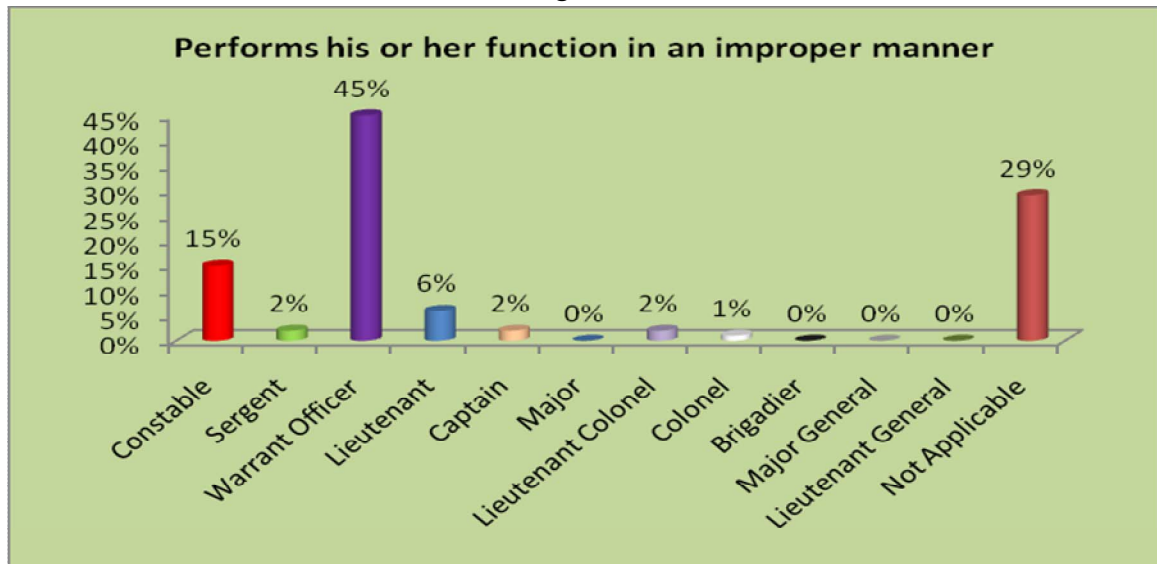


Table 29 shows the incidents in which members were accused of neglecting duties per province. Gauteng recorded the highest number of incidents with 285 (21%), followed by the Free State with 268 (20%) and the Western Cape with 264 (20%).

| Province | 2009/2010 | Percentage |
|---------------|--------------|-------------|
| Eastern Cape | 24 | 2% |
| Free State | 268 | 20% |
| Gauteng | 285 | 21% |
| KwaZulu-Natal | 194 | 15% |
| Limpopo | 106 | 8% |
| Mpumalanga | 3 | 0% |
| North West | 13 | 1% |
| Northern Cape | 167 | 13% |
| Western Cape | 264 | 20% |
| Total | 1 324 | 100% |

Figure 17 depicts the members against whom complaints of neglect of duty were made by rank. Warrant Officers at 46% and Constables at 14% were most likely to be accused of neglecting their duties. In 30% of the complaints, the complainants could not identify the member's rank.

Figure 17

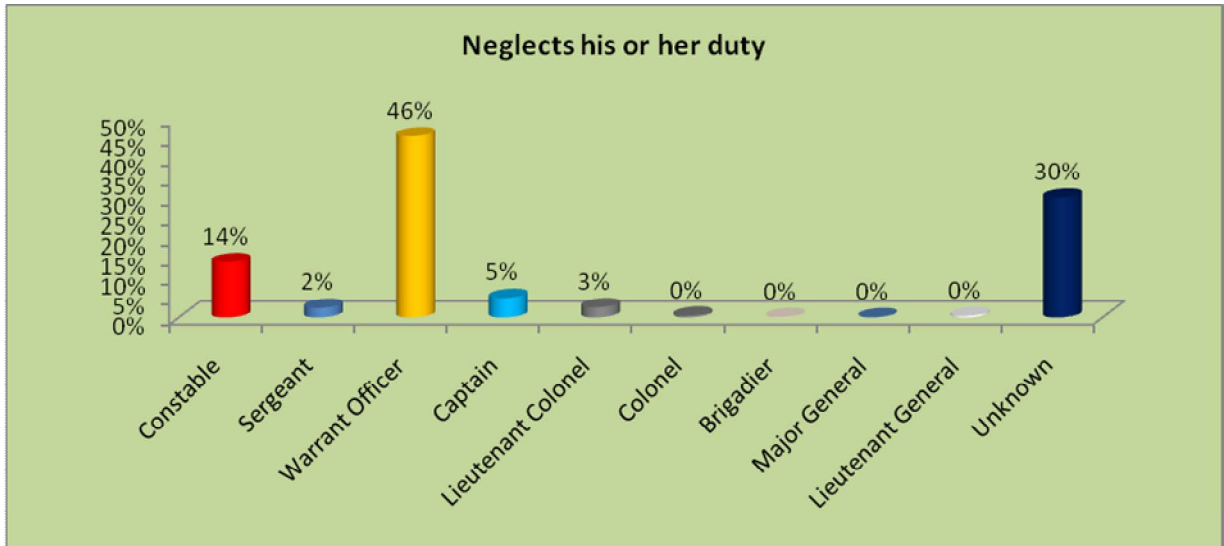
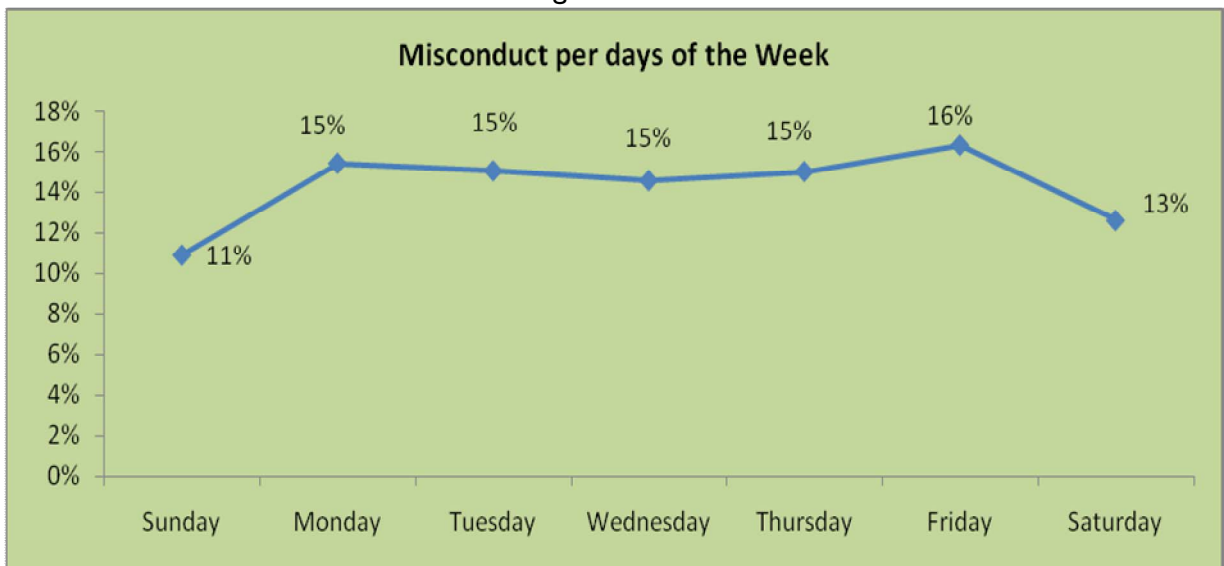


Figure 18 shows misconduct complaints received per day of the week. The statistics suggest that misconduct is more likely to happen during weekdays and less so on weekends.

Figure 18



Section B: Performance information

The primary focus of the ICD in the 2009/10 financial year was on completing investigations of new complaints, as well as completing investigations of cases carried over from the previous reporting period. In this report, *workload* means cases carried over from 2008/09 plus cases received in 2009/10.

- **Cases received in 2009/10** are complaints registered between April 2009 and March 2010.
- **Cases carried over from 2008/09** are complaints registered prior to 1 April 2009.

Table 30 shows the total number of cases carried over from the previous financial year (2008/09) to the current reporting period (2009/10). It can be observed that overall 4 060 complaints were carried over from the previous financial year. KwaZulu-Natal carried over 2 011 cases, while the Western Cape carried over 953 cases from the previous financial year.

| Province | Total | Percentage |
|---------------|--------------|-------------|
| Eastern Cape | 370 | 9% |
| Free State | 120 | 3% |
| Gauteng | 207 | 5% |
| KwaZulu-Natal | 2 011 | 50% |
| Limpopo | 125 | 3% |
| Mpumalanga | 170 | 4% |
| North West | 58 | 1% |
| Northern Cape | 46 | 1% |
| Western Cape | 953 | 24% |
| Total | 4 060 | 100% |

Table 31 sets out the cases carried over by classification, per province. The majority of cases were of misconduct (1 559), followed by criminal cases (1 485), deaths in police custody and as a result of police action (908), and non-compliance with the DVA (107).

Table 31: Cases carried over from previous year by classification per province as at 1 April 2009

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape | 98 | 2 | 196 | 74 | 370 |
| Free-State | 8 | 1 | 67 | 44 | 120 |
| Gauteng | 27 | 0 | 68 | 112 | 207 |
| KwaZulu-Natal | 641 | 23 | 605 | 742 | 2 011 |
| Limpopo | 16 | 2 | 77 | 30 | 125 |
| Mpumalanga | 38 | 10 | 105 | 17 | 170 |
| North West | 3 | 0 | 31 | 24 | 58 |
| Northern Cape | 2 | 1 | 28 | 15 | 46 |
| Western Cape | 76 | 68 | 308 | 501 | 953 |
| Total | 908 | 107 | 1 485 | 1 559 | 4 060 |

Table 32 shows that a total of 6 377 complaints were received by the ICD in the financial year 2009/10. It can be observed that Gauteng and the Western Cape received the largest number of complaints.

Table 32: Percentage of cases received by province

| Province | Total | Percentages |
|---------------|--------------|-------------|
| Eastern Cape | 384 | 6% |
| Free-State | 849 | 13% |
| Gauteng | 1 094 | 17% |
| KwaZulu-Natal | 683 | 11% |
| Limpopo | 514 | 8% |
| Mpumalanga | 439 | 7% |
| North West | 767 | 12% |
| Northern Cape | 566 | 9% |
| Western Cape | 1 081 | 17% |
| Total | 6 377 | 100% |

Workload

Table 33 indicates that the workload of the ICD during the period under review amounted to 10 437 cases. This is a combination of cases carried over from the previous reporting period and the cases received during the reporting period, namely, the financial year 2009/10.

| Province | Carried over by 1st April | Cases received during 2009/10 | Workload |
|---------------|---------------------------|-------------------------------|---------------|
| Eastern Cape | 370 | 384 | 754 |
| Free-State | 120 | 849 | 969 |
| Gauteng | 207 | 1 094 | 1 301 |
| KwaZulu-Natal | 2 011 | 683 | 2 694 |
| Limpopo | 125 | 514 | 639 |
| Mpumalanga | 170 | 439 | 609 |
| North West | 58 | 767 | 825 |
| Northern Cape | 46 | 566 | 612 |
| Western Cape | 953 | 1 081 | 2 034 |
| Total | 4 060 | 6 377 | 10 437 |

Table 34 gives a breakdown of the workload per classification. Most of the cases were of misconduct (4 488), followed by criminal offences (3 947), deaths in police custody and as a result of police action (1 769) and non-compliance with the DVA (233).

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|--------------|--------------------------|----------------|------------------|---------------|
| Eastern Cape | 183 | 11 | 379 | 181 | 754 |
| Free State | 55 | 20 | 334 | 560 | 969 |
| Gauteng | 216 | 33 | 410 | 642 | 1 301 |
| KwaZulu-Natal | 911 | 31 | 780 | 972 | 2 694 |
| Limpopo | 69 | 8 | 321 | 241 | 639 |
| Mpumalanga | 118 | 14 | 317 | 160 | 609 |
| North West | 44 | 4 | 336 | 441 | 825 |
| Northern Cape | 18 | 13 | 267 | 314 | 612 |
| Western Cape | 155 | 99 | 803 | 977 | 2 034 |
| Total | 1 769 | 233 | 3 947 | 4 488 | 10 437 |

Cases completed

Table 35 shows that, overall, the ICD completed 76% of its workload in the financial year 2009/10. The Northern Cape achieved 98%, followed by the North West with 95%, Limpopo with 92%, and the Free State with 90%.

| Province | Workload | Completed | Percentage |
|---------------|---------------|--------------|------------|
| Eastern Cape | 754 | 594 | 79% |
| Free State | 969 | 872 | 90% |
| Gauteng | 1 301 | 795 | 61% |
| KwaZulu-Natal | 2 694 | 1 965 | 73% |
| Limpopo | 639 | 586 | 92% |
| Mpumalanga | 609 | 390 | 64% |
| North West | 825 | 787 | 95% |
| Northern Cape | 612 | 599 | 98% |
| Western Cape | 2 034 | 1 358 | 67% |
| Total | 10 437 | 7 946 | 76% |

Table 36 gives a breakdown of the completed cases per classification. The majority of completed cases were misconduct matters (3 415), followed by criminal offences (3 071), deaths in police custody and deaths as a result of police action (1 287) and non-compliance with the DVA (173).

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|--------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape | 122 | 5 | 314 | 153 | 594 |
| Free State | 54 | 20 | 297 | 501 | 872 |
| Gauteng | 170 | 32 | 280 | 313 | 795 |
| KwaZulu-Natal | 670 | 18 | 525 | 752 | 1 965 |
| Limpopo | 63 | 8 | 293 | 222 | 586 |
| Mpumalanga | 65 | 11 | 174 | 140 | 390 |
| North West | 44 | 4 | 316 | 423 | 787 |
| Northern Cape | 18 | 13 | 257 | 311 | 599 |
| Western Cape | 81 | 62 | 615 | 600 | 1 358 |
| Total | 1 287 | 173 | 3 071 | 3 415 | 7 946 |

Table 37 indicates the completion rate for cases of deaths in police custody and deaths as a result of police action and whether or not targets were met. It is evident that overall the ICD exceeded its strategic target of 60% by completing investigations of 73% of its workload. North West and the Northern Cape both achieved 100% completion rates. The Free State achieved 96%, while Limpopo's completion rate was 91%. Both Mpumalanga and the Western Cape fell short of the 60% target, but their completion rate was above 50%.

| Province | Workload | Completed cases | Percentage | Target |
|---------------|--------------|-----------------|------------|-------------------|
| Eastern Cape | 183 | 122 | 67% | Target met |
| Free State | 55 | 54 | 98% | Target met |
| Gauteng | 216 | 170 | 79% | Target met |
| KwaZulu-Natal | 911 | 670 | 74% | Target met |
| Limpopo | 69 | 63 | 91% | Target met |
| Mpumalanga | 118 | 65 | 55% | Target not met |
| North West | 44 | 44 | 100% | Target met |
| Northern Cape | 18 | 18 | 100% | Target met |
| Western Cape | 155 | 81 | 52% | Target not met |
| Total | 1 769 | 1 287 | 73% | Target met |

Table 38 shows the completion rate for criminal matters per province. Overall, the ICD exceeded its strategic target of completing 50% of its workload. All provincial offices exceeded the 50% target, some even completing more than 80% of their workload. The Northern Cape achieved 96%, followed by North West at 94% and Limpopo at 91%.

| Province | Workload | Completed cases | Percentage | Target |
|---------------|--------------|-----------------|------------|-------------------|
| Eastern Cape | 379 | 314 | 83% | Target met |
| Free State | 334 | 297 | 89% | Target met |
| Gauteng | 410 | 280 | 68% | Target met |
| KwaZulu-Natal | 780 | 525 | 67% | Target met |
| Limpopo | 321 | 293 | 91% | Target met |
| Mpumalanga | 317 | 174 | 55% | Target met |
| North West | 336 | 316 | 94% | Target met |
| Northern Cape | 267 | 257 | 96% | Target met |
| Western Cape | 803 | 615 | 77% | Target met |
| Total | 3 947 | 3 071 | 78% | Target met |

Table 39 sets out the completion rate for misconduct matters, which was exceeded by 26% against a strategic target of 50%. The Northern Cape achieved 99%, followed by North West at 96% and Limpopo at 92%. Gauteng missed the target by 1%.

| Province | Workload | Completed cases | Percentage | Target |
|---------------|--------------|-----------------|------------|-------------------|
| Eastern Cape | 181 | 153 | 85% | Target met |
| Free State | 560 | 501 | 89% | Target met |
| Gauteng | 642 | 313 | 49% | Target not met |
| KwaZulu-Natal | 972 | 752 | 77% | Target met |
| Limpopo | 241 | 222 | 92% | Target met |
| Mpumalanga | 160 | 140 | 88% | Target met |
| North West | 441 | 423 | 96% | Target met |
| Northern Cape | 314 | 311 | 99% | Target met |
| Western Cape | 977 | 600 | 61% | Target met |
| Total | 4 488 | 3 415 | 76% | Target met |

Table 40 shows the completion rate for cases of non-compliance with the DVA. Although there is no strategic target for this category, the ICD strives

| Province | Workload | Completed cases | Percentage |
|---------------|------------|-----------------|------------|
| Eastern Cape | 11 | 5 | 45% |
| Free State | 20 | 20 | 100% |
| Gauteng | 33 | 32 | 97% |
| KwaZulu-Natal | 31 | 18 | 58% |
| Limpopo | 8 | 8 | 100% |
| Mpumalanga | 14 | 11 | 79% |
| North West | 4 | 4 | 100% |
| Northern Cape | 13 | 13 | 100% |
| Western Cape | 99 | 62 | 63% |
| Total | 233 | 173 | 74% |

In terms of Table 41, a total of 2 491 cases will be carried over to the next financial year, namely, 2010/11.

| Province | Carried over as at 1 April 2009 | Received during 2009/10 | Workload for 2009/10 | Completed in 2009/10 | To be carried over to 2010/11 |
|---------------|---------------------------------|-------------------------|----------------------|----------------------|-------------------------------|
| Eastern Cape | 370 | 384 | 754 | 594 | 160 |
| Free State | 120 | 849 | 969 | 872 | 97 |
| Gauteng | 207 | 1 094 | 1 301 | 795 | 506 |
| KwaZulu-Natal | 2 011 | 683 | 2,694 | 1 965 | 729 |
| Limpopo | 125 | 514 | 639 | 586 | 53 |
| Mpumalanga | 170 | 439 | 609 | 390 | 219 |
| North West | 58 | 767 | 825 | 787 | 38 |
| Northern Cape | 46 | 566 | 612 | 599 | 13 |
| Western Cape | 953 | 1 081 | 2 034 | 1 358 | 676 |
| Total | 4 060 | 6 377 | 10 437 | 7 946 | 2 491 |

Table 42 indicates the number of cases to be carried over to the next financial year (2010/11) by classification. Misconduct cases make up the majority (1 073), followed by criminal cases (876), and deaths in police custody and deaths as a result of police action (482). Non-compliance with the DVA cases will number 60.

| Provinces | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape | 61 | 6 | 65 | 28 | 160 |
| Free State | 1 | 0 | 37 | 59 | 97 |
| Gauteng | 46 | 1 | 130 | 329 | 506 |
| KwaZulu-Natal | 241 | 13 | 255 | 220 | 729 |
| Limpopo | 6 | 0 | 28 | 19 | 53 |
| Mpumalanga | 53 | 3 | 143 | 20 | 219 |
| North West | 0 | 0 | 20 | 18 | 38 |
| Northern Cape | 0 | 0 | 10 | 3 | 13 |
| Western Cape | 74 | 37 | 188 | 377 | 676 |
| Total | 482 | 60 | 876 | 1 073 | 2 491 |

Table 43 shows the number of cases allocated within 48 hours per province. It can be observed that the ICD managed to allocate 6 244 or 98% out of 6 377 of the cases received within the 48-hour period.

Table 43: Registered and allocated cases within 48 hours

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape | 85 | 8 | 183 | 107 | 383 |
| Free State | 47 | 19 | 267 | 516 | 849 |
| Gauteng | 189 | 32 | 342 | 530 | 1 093 |
| KwaZulu-Natal | 270 | 8 | 175 | 230 | 683 |
| Limpopo | 53 | 6 | 244 | 211 | 514 |
| Mpumalanga | 80 | 4 | 212 | 143 | 439 |
| North West | 41 | 4 | 298 | 411 | 754 |
| Northern Cape | 16 | 12 | 238 | 300 | 566 |
| Western Cape | 64 | 28 | 457 | 414 | 963 |
| Total | 845 | 121 | 2 416 | 2 862 | 6 244 |

Table 44 shows the nature of the cases that were not registered and allocated within 48 hours. It can be observed that 133, or 2% of cases out of the 6 377 received, were not registered and allocated within 48 hours. Most of the cases not registered and allocated within 48 hours were received in the Western Cape.

Table 44: Registered & allocated cases after 48 hours

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|------------|
| Eastern Cape | 0 | 1 | 0 | 0 | 1 |
| Free State | 0 | 0 | 0 | 0 | 0 |
| Gauteng | 0 | 1 | 0 | 0 | 1 |
| KwaZulu-Natal | 0 | 0 | 0 | 0 | 0 |
| Limpopo | 0 | 0 | 0 | 0 | 0 |
| Mpumalanga | 0 | 0 | 0 | 0 | 0 |
| North West | 0 | 0 | 7 | 6 | 13 |
| Northern Cape | 0 | 0 | 0 | 0 | 0 |
| Western Cape | 15 | 2 | 39 | 62 | 118 |
| Total | 15 | 4 | 46 | 68 | 133 |

Table 45 indicates that the ICD managed to attend at 64% of scenes where victims died in police custody and as a result of police action. The ICD could not attend all scenes due to either late reporting or non-reporting, or cases in which people died in hospital. In some instances, deaths were picked up from newspaper reports and, in others, there was one scene but multiple deaths.

| Province | Attended | Not attended | Total | Percentage |
|---------------|------------|--------------|------------|------------|
| Eastern Cape | 32 | 53 | 85 | 38% |
| Free State | 41 | 7 | 48 | 85% |
| Gauteng | 117 | 7 | 124 | 94% |
| KwaZulu-Natal | 130 | 138 | 268 | 49% |
| Limpopo | 28 | 15 | 43 | 65% |
| Mpumalanga | 56 | 14 | 70 | 80% |
| North West | 23 | 18 | 41 | 56% |
| Northern Cape | 15 | 1 | 16 | 94% |
| Western Cape | 50 | 29 | 79 | 63% |
| Total | 492 | 282 | 774 | 64% |

Table 46 sets out post mortem attendance. It can be observed that out of 860 deaths in police custody and deaths as a result of police action, the ICD attended 517 post mortems (60%). Other post mortems could not be attended due to late reporting or non-reporting by members of the SAPS.

| Province | Attended | Not attended | Total | Percentage |
|---------------|------------|--------------|------------|------------|
| Eastern Cape | 31 | 54 | 85 | 36% |
| Free State | 41 | 6 | 47 | 87% |
| Gauteng | 146 | 43 | 189 | 77% |
| KwaZulu-Natal | 146 | 124 | 270 | 54% |
| Limpopo | 24 | 29 | 53 | 45% |
| Mpumalanga | 44 | 36 | 80 | 55% |
| North West | 23 | 18 | 41 | 56% |
| Northern Cape | 14 | 2 | 16 | 88% |
| Western Cape | 48 | 31 | 79 | 61% |
| Total | 517 | 343 | 860 | 60% |

As reflected in Table 47, the ICD made 526 recommendations for decisions to the DPP in criminal matters, including deaths.

| Province | Deaths | Criminal matters | Total |
|---------------|------------|------------------|------------|
| Eastern Cape | 51 | 95 | 146 |
| Free State | 11 | 43 | 54 |
| Gauteng | 11 | 6 | 17 |
| KwaZulu-Natal | 5 | 1 | 6 |
| Limpopo | 16 | 20 | 36 |
| Mpumalanga | 6 | 23 | 29 |
| North West | 5 | 103 | 108 |
| Northern Cape | 5 | 122 | 127 |
| Western Cape | 2 | 1 | 3 |
| Total | 112 | 414 | 526 |

Table 48 shows the number of days that ICD investigators spent in courts or testifying in disciplinary matters held by the SAPS during the financial year 2009/10.

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|------------|
| Eastern Cape | 53 | 0 | 28 | 0 | 81 |
| Free State | 41 | 0 | 113 | 1 | 155 |
| Gauteng | 15 | 0 | 3 | 0 | 18 |
| KwaZulu-Natal | 0 | 0 | 0 | 0 | 0 |
| Limpopo | 86 | 0 | 48 | 0 | 134 |
| Mpumalanga | 47 | 0 | 10 | 0 | 57 |
| North West | 13 | 0 | 41 | 0 | 54 |
| Northern Cape | 0 | 0 | 32 | 0 | 32 |
| Western Cape | 8 | 0 | 0 | 0 | 8 |
| Total | 263 | 0 | 275 | 1 | 539 |

Table 49 sets out the number of recommendations made to the SAPS per province and per classification. A total of 1 666 recommendations were made by the ICD to the SAPS for various offences. Seven hundred and sixty-six (766) recommendations were in respect of misconduct and seven hundred and thirty (730) were in respect of criminal offences.

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape | 5 | 0 | 16 | 3 | 24 |
| Free State | 22 | 11 | 126 | 153 | 312 |
| Gauteng | 66 | 11 | 64 | 68 | 209 |
| KwaZulu-Natal | 20 | 0 | 34 | 8 | 62 |
| Limpopo | 1 | 2 | 6 | 17 | 26 |
| Mpumalanga | 5 | 5 | 7 | 0 | 17 |
| North West | 8 | 3 | 103 | 139 | 253 |
| Northern Cape | 3 | 6 | 104 | 48 | 161 |
| Western Cape | 2 | 0 | 270 | 330 | 602 |
| Total | 132 | 38 | 730 | 766 | 1 666 |

Table 50 shows that out of 77 cases in which police officers were charged departmentally, 59 were charged for misconduct and 11 were charged for misconduct emanating from their involvement in criminal offences.

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|-----------|
| Eastern Cape | 0 | 2 | 0 | 0 | 2 |
| Free State | 1 | 0 | 3 | 0 | 4 |
| Gauteng | 1 | 0 | 1 | 5 | 7 |
| KwaZulu-Natal | 1 | 0 | 0 | 0 | 1 |
| Limpopo | 0 | 0 | 1 | 2 | 3 |
| Mpumalanga | 1 | 0 | 1 | 0 | 2 |
| North West | 1 | 0 | 3 | 32 | 36 |
| Northern Cape | 0 | 0 | 2 | 1 | 3 |
| Western Cape | 0 | 0 | 0 | 19 | 19 |
| Total | 5 | 2 | 11 | 59 | 77 |

Table 51 provides the details of departmental convictions against members of the SAPS: 12 members were given written warnings, 14 were given verbal warnings, 25 were reprimanded, and 10 were dismissed (discharged) from service.

Table 51 : Details of departmental convictions

| No. | CCN | Station | Nature of complaint | Sentence/sanction | Month |
|-----|------------|---------------|------------------------------------|------------------------|----------------|
| 1 | 2009070506 | Butterworth | DVA non-compliance | Verbal warning | September 2009 |
| 2 | 2009100350 | Alice | Failure to arrest the transgressor | Warning | November 2009 |
| 3 | 2009020177 | Kagisanong | Attempted murder | Dismissed from service | April 2009 |
| 4 | 2007110228 | Kopanong | Murder | Dismissed from service | May 2009 |
| 5 | 2009050256 | Brandfort | Rape | Dismissed from service | June 2009 |
| 6 | 2009040480 | Fouriesburg | Assault common | Written warning | July 2009 |
| 7 | 2008100613 | Puttfontein | Serious misconduct | Dismissed from service | April 2009 |
| 8 | 2008060233 | Kagiso | Improper conduct | Reprimand | August 2009 |
| 9 | 2008090330 | Rabie Ridge | Murder | Dismissed from service | October 2009 |
| 10 | 2009060381 | Hercules | Unsatisfactory investigation | Verbal warning | November 2009 |
| 11 | 2009100171 | Pretoria West | Failure to assist | Verbal warning | November 2009 |
| 12 | 2010010212 | Ivory Park | Improper conduct | Written warning | February 2010 |
| 13 | 2008090334 | Umbilo | Murder | Dismissed from service | November 2009 |
| 14 | 2008120045 | Nebo | Improper conduct | Written warning | August 2009 |
| 15 | 2009020424 | Polokwane | Fraud | Dismissed from service | November 2009 |
| 16 | 2009100355 | Seshego | Unsatisfactory investigation | Warning | January 2010 |

Table 5 I : Details of departmental convictions

| No. | CCN | Station | Nature of complaint | Sentence/sanction | Month |
|-----|------------|--------------------|---|--|----------------|
| 17 | 2009060253 | Kriel | Assault GBH | One member found not guilty and acquitted. The other member was dismissed from service, suspended for 6 months and fined R500, which is payable in two instalments of R250 per month from his salary. The last member was dismissed from service, suspended for 6 months | March 2010 |
| 18 | 2009090070 | Phokeng | Failing to provide progress report to the victims | Reprimand | March 2010 |
| 19 | 2008050407 | Haartebeespoortdam | Death as result of police action | Written warning | May 2009 |
| 20 | 2008060226 | Ganyesa | Defeating the ends of justice | Dismissed from service, suspended for a period of 6 month | September 2009 |
| 21 | 2009080350 | Atamelang | Improper performance | Written warning | August 2009 |
| 22 | 2009080508 | Brits | Contravention of Reg 20 (a)(e)(i)(q)(z) | Dismissed from service | December 2009 |
| 23 | 2009120203 | Zeerust | Improper performance of duties | Reprimand | December 2009 |
| 24 | 2008120278 | Mmabatho | Improper performance of duties | Verbal warning | February 2010 |
| 25 | 2009120307 | Mmabatho | Failing to provide progress report to the victims | Reprimand | January 2010 |
| 26 | 2010010274 | Klipgat | Failing to provide progress report to the victims | Reprimand | January 2010 |
| 27 | 2009120044 | Bloemhof | Failing to provide progress report to the victims | Reprimand | January 2010 |
| 28 | 2008090500 | Stella | Improper performance of duties | Written warning | May 2009 |
| 29 | 2008090518 | Rustenburg | Improper performance of duties | Written warning | May 2009 |
| 30 | 2009010501 | Mafikeng | Improper performance of duties | Verbal warning | July 2009 |

Table 5 I : Details of departmental convictions

| No. | CCN | Station | Nature of complaint | Sentence/sanction | Month |
|-----|------------|--------------------|---|-------------------|----------------|
| 31 | 2009050475 | Mafikeng | Improper performance of duties | Reprimand | July 2009 |
| 32 | 2009080237 | Morokweng | Improper performance of duties | Written warning | August 2009 |
| 33 | 2009110234 | Ganyesa | Failing to provide progress report to the victims | Reprimand | November 2009 |
| 34 | 2009080476 | Morokweng | Improper performance of duties | Reprimand | October 2009 |
| 35 | 2009090062 | Coligny | Improper performance of duties | Reprimand | October 2009 |
| 36 | 2009100309 | Klerksdorp | Improper performance of duties | Reprimand | November 2009 |
| 37 | 2009110036 | Zeerust | Failure to conduct full and proper investigation | Reprimand | November 2009 |
| 38 | 2009110254 | Lichtenburg | Improper performance of duties | Reprimand | November 2009 |
| 39 | 2009090262 | Setlagole | Improper performance of duties | Reprimand | October 2009 |
| 40 | 2007080542 | Mafikeng | Improper performance of duties | Reprimand | September 2009 |
| 41 | 2009090078 | Klipgat | Improper performance of duties | Reprimand | September 2009 |
| 42 | 2009070367 | Haartebeespoortdam | Improper performance of duties | Reprimand | August 2009 |
| 43 | 2009070584 | Boons | Improper performance of duties | Reprimand | August 2009 |
| 44 | 2009030174 | Rustenburg | Improper performance of duties | Verbal warning | June 2009 |
| 45 | 2009040001 | Phokeng | Improper performance of duties | Written warning | May 2009 |
| 46 | 2009050015 | Mogwase | Improper performance of duties | Reprimand | May 2009 |
| 49 | 2009110080 | Monakato | Failing to provide progress report to the victims | Written warning | November 2009 |
| 50 | 2009110123 | Phokeng | Failing to provide progress report to the victims | Reprimand | November 2009 |
| 51 | 2009100009 | Boitekong | Improper performance of duties | Reprimand | October 2009 |
| 52 | 2009090054 | Phokeng | Improper performance of duties | Reprimand | October 2009 |
| 53 | 2009060187 | Madikwe | Improper performance of duties | Reprimand | September 2009 |
| 54 | 2009110480 | Rustenburg | Failing to provide | Reprimand | December |

Table 5 I : Details of departmental convictions

| No. | CCN | Station | Nature of complaint | Sentence/sanction | Month |
|-----|------------|----------------|---|--|----------------|
| | | | feedback to complainants | | 2009 |
| 55 | 2009120106 | Lethabong | Failing to provide feedback to complainants | Reprimand | January 2010 |
| 56 | 2009040498 | Kagiso | Improper conduct | Verbal warning | April 2009 |
| 57 | 2008120288 | Kuruman | Attempted murder | Found guilty for contravening regulation 20(z), 20(i) of the SAPS; Regulation 20(z) suspended for 3 months, Regulation 20(i) fine R300, Regulation 20(i) fine R300 | October 2009 |
| 58 | 2005110349 | Warrenton | Assault GBH | Dismissed from service, suspended for a period of 6 month | November 2009 |
| 59 | 2007120177 | Kraaifontein | Dereliction of duty | Corrective counselling | May 2009 |
| 60 | 2007100120 | Brackenfell | Dereliction of duty | Corrective counselling | August 2009 |
| 61 | 2009040307 | George | Improper conduct | Corrective counselling | August 2009 |
| 62 | 2009080396 | Stellenbosch | Dereliction of duty | Verbal warning | September 2009 |
| 63 | 2009060341 | Lingeletu West | Dereliction of duty | Written warning | September 2009 |
| 64 | 2009070363 | Durbanville | Dereliction of duty | Corrective counselling | September 2009 |
| 65 | 2009070213 | Table View | Improper conduct | Corrective counselling | October 2009 |
| 66 | 2006110469 | Athlone | Dereliction of duty | Verbal warning | November 2009 |
| 67 | 2006110396 | Manenberg | Dereliction of duty | Verbal warning | November 2009 |
| 68 | 2008020103 | Nyanga | Dereliction of duty | Verbal warning | November 2009 |
| 69 | 2009070602 | Delft | Dereliction of duty | Verbal warning | November 2009 |
| 70 | 2009080290 | Belhar | Dereliction of duty | Verbal warning | November 2009 |
| 71 | 2009090123 | Milnerton | Dereliction of duty | Verbal warning | November 2009 |
| 72 | 2009080593 | Woodstock | Dereliction of duty | Written warning | November 2009 |

Table 51: Details of departmental convictions

| No. | CCN | Station | Nature of complaint | Sentence/sanction | Month |
|-----|------------|---------------|---------------------|------------------------|---------------|
| 73 | 2009090619 | Athlone | Dereliction of duty | Corrective counselling | December 2009 |
| 74 | 2009100328 | Kirstenhof | Dereliction of duty | Corrective counselling | December 2009 |
| 75 | 2009090361 | Phillipi East | Improper conduct | Verbal warning | January 2010 |
| 76 | 2009110502 | Diep River | Dereliction of duty | Corrective counselling | January 2010 |
| 77 | 2009070275 | Ravensmead | Improper conduct | Corrective counselling | February 2010 |

Table 52 indicates that in the 47 cases where members of the SAPS were convicted for various criminal offences, 25 were convicted in relation to deaths in police custody and deaths as a result of police action, and 22 convictions were related to other criminal offences.

Table 52: Criminal cases - convictions

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|-----------|
| Eastern Cape | 6 | - | 3 | - | 9 |
| Free State | - | - | 3 | - | 3 |
| Gauteng | 2 | - | - | - | 2 |
| KwaZulu-Natal | 5 | - | 6 | - | 11 |
| Limpopo | 2 | - | - | - | 2 |
| Mpumalanga | 2 | - | 2 | - | 4 |
| North West | 1 | - | 2 | - | 3 |
| Northern Cape | 1 | - | 5 | - | 6 |
| Western Cape | 6 | - | 2 | - | 7 |
| Total | 25 | - | 23 | - | 47 |

Table 53 sets out the details of convictions for criminal offences in which SAPS members were found guilty. Seventeen (17) convictions were for murder, 9 for assault GBH, 8 for culpable homicides, and 3 for assault common. It must be noted that in the Bizana case, 8 suspects were convicted in one incident.

| Table 53: Details of criminal case convictions | | | | | |
|---|------------|---------------------|----------------------------|--|----------------|
| Number | CCN | Station | Nature of complaint | Sentence/ Sanction | Month |
| 1 | 2003050550 | Bizana | Culpable homicide | Accused no. 1 to 5 sentenced to 8 years imprisonment; accused no. 6 to 8 sentenced to 5 years imprisonment | February 2010 |
| 2 | 2006110453 | Lukholweni | Assault GBH | R4 000 fine or 4 months imprisonment, half of which was suspended for 5 years | July 2009 |
| 3 | 2007090178 | Qumbu | Assault GBH | R1 000 admission of guilt | April 2009 |
| 4 | 2007110105 | Tsolo | Culpable homicide | 4 years, wholly suspended | September 2009 |
| 5 | 2007120259 | Ngqeleni | Murder | 5 years imprisonment | June 2009 |
| 6 | 2007120434 | Mthatha | Murder | 8 years imprisonment | September 2009 |
| 7 | 2009010413 | Aliwal North | Murder | 18 years imprisonment | February 2010 |
| 8 | 2009010100 | King William's Town | Murder | 12 years imprisonment | February 2010 |
| 9 | 2008090119 | Peddie | Assault GBH | R1 000 or 6 months imprisonment suspended for 3 years | March 2009 |
| 10 | 2009010538 | Bultfontein | Assault common | Admission of guilt paid | June 2009 |
| 11 | 2009040480 | Fouriesburg | Assault common | 9 months imprisonment or R3 000 fine of which R2 000 and 6 months is suspended for 4 years. R1 000 fine is to be paid in 5 consecutive instalments | July 2009 |
| 12 | 2008010536 | Tumahole | Attempted murder | Fined R9 000 suspended for 18 months | March 2010 |
| 13 | 2006120315 | Katlehong | Murder | 15 years imprisonment | April 2009 |
| 14 | 2008070298 | Moroka | Murder | R10 000 fine or 5 years imprisonment | April 2009 |
| 15 | 2007010046 | Mpumalanga | Murder | 10 years imprisonment | July 2009 |

| Number | CCN | Station | Nature of complaint | Sentence/ Sanction | Month |
|---------------|------------|----------------|-------------------------------------|--|---------------|
| 16 | 2007060355 | Durban North | Defeating the ends of justice | R4 000 or 4 months imprisonment | July 2009 |
| 17 | 2007060281 | Phoenix | Culpable homicide | 4 years imprisonment | November 2009 |
| 18 | 2002120057 | Phoenix | Culpable homicide | Sentence still pending | December 2009 |
| 19 | 2006070499 | Ladysmith | Murder | 15 years imprisonment | November 2009 |
| 20 | 2007100379 | Loskop | Negligent discharge of a firearm | R10 000 fine or 1 year imprisonment | October 2009 |
| 21 | 2006030111 | Inanda | Culpable homicide | 3 years imprisonment wholly suspended for 5 years | December 2009 |
| 22 | 2008060386 | Greytown | Assault | Cautioned and discharged | February 2010 |
| 23 | 2007070287 | New Hanover | Murder | 8 years imprisonment wholly suspended for 5 years | February 2010 |
| 24 | 2007060281 | Phoenix | Indecent assault | 4 years imprisonment | January 2010 |
| 25 | 2003120095 | Marianhill | Murder | Sentence still pending | July 2009 |
| 26 | 2008030449 | Polokwane | Murder | 6 years imprisonment suspended | October 2009 |
| 27 | 2007030397 | Mahwelereng | Culpable homicide | 6 years imprisonment suspended | October 2009 |
| 28 | 2007070001 | Vosman | Assault GBH | R1 500 fine or 6 months imprisonment wholly suspended for 3 years | May 2009 |
| 29 | 2007050025 | Masoyi | Culpable homicide | R10 000 fine or 18 months plus 2 years imprisonment wholly suspended for 5 years | May 2009 |
| 30 | 2007120056 | Volkstrust | Murder | Convicted on a competent verdict of assault GBH and sentenced to 2 years imprisonment wholly suspended | December 2009 |
| 31 | 2009060019 | Matsulu | Assault GBH and pointing of firearm | R1 500 fine or 6 months imprisonment, half of it suspended for 3 years | March 2010 |
| 32 | 2007070398 | Jouberton | Death as result of police action | 15 years imprisonment | October 2009 |
| 33 | 2008030516 | Cyferskuil | Assault GBH | Written warning | May 2009 |
| 34 | 2009100206 | Mafikeng | Reckless driving | R2 000 fine or 4 months imprisonment | October 2009 |
| 35 | 2008060025 | Galeshewe | Assault GBH | Correctional supervision | July 2009 |

| Number | CCN | Station | Nature of complaint | Sentence/ Sanction | Month |
|---------------|------------|----------------|-------------------------------|--|----------------|
| 36 | 2007010086 | Rosedale | Murder | 3 months imprisonment or R1 000 fine | August 2009 |
| 37 | 2008070632 | Paballelo | Assault | 3 months imprisonment or R1 000 fine | August 2009 |
| 38 | 2008070567 | Kimberley | Drunken driving | 8 months imprisonment or R2 000 {(I) Contravention of Section 65(1)(a) Act 93/96}; 4 months imprisonment or R1 000 {(II) Contravention of Section 63(1) Act 93/96}; 2 months imprisonment or R400 {(III) Contravention of Section 65(9) Act 93/96} | September 2009 |
| 39 | 2008050224 | Warrenton | Assault GBH | R6 000 fine or 4 months imprisonment and suspended for 4 years in case that the accused was not found guilty | February 2010 |
| 40 | 2008100629 | Kimberley | Assault common | Suspect was cautioned and discharged | March 09 |
| 41 | 2005050004 | Touws River | Culpable homicide | Suspended sentence | June 2009 |
| 42 | 2006070494 | Brackenfell | 3 murder charges | 14 years per murder = 42 years, (8 years per murder) to serve 24 years | October 2009 |
| 43 | 2006110139 | Woodstock | Assault GBH | 12 months imprisonment suspended for 5 years and R8 000 fine | December 2009 |
| 44 | 2004080453 | Langa | Murder | 10 years imprisonment suspended for 5 years | February 2010 |
| 45 | 2004110334 | Nyanga | Murder | 5 years imprisonment wholly suspended for 5 years and correctional supervision | February 2010 |
| 46 | 2007080270 | Somerset West | Housebreaking, assault common | R3 000 fine or 5 months imprisonment | August 2009 |
| 47 | 2004100185 | Strand | Murder | 4 years imprisonment suspended for 5 years on culpable homicide | August 2009 |

Table 54 shows that in the financial year 2009/10, 49 acquittals were recorded in criminal matters.

| Province | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
|---------------|-------------|--------------------------|----------------|------------------|-----------|
| Eastern Cape | 3 | 0 | 3 | 0 | 6 |
| Free State | 1 | 0 | 5 | 0 | 6 |
| Gauteng | 1 | 0 | 0 | 0 | 1 |
| KwaZulu-Natal | 3 | 0 | 0 | 0 | 3 |
| Limpopo | 1 | 0 | 0 | 0 | 1 |
| Mpumalanga | 4 | 0 | 0 | 0 | 4 |
| North West | 0 | 0 | 8 | 0 | 8 |
| Northern Cape | 0 | 0 | 10 | 1 | 11 |
| Western Cape | 2 | 0 | 7 | 0 | 9 |
| Total | 15 | 0 | 33 | 1 | 49 |

Table 55 sets out the details of acquittals in criminal matters. There were acquittals in 14 murder cases, 13 in assault GBH, 5 in assault common cases, 4 in attempted murder cases, and 3 acquittals for defeating the ends of justice.

| Number | CCN | Station | Nature of complaint | Sentence/sanction | Month |
|--------|------------|---------------|---------------------|-------------------|----------------|
| 1 | 2003110134 | Dordrecht | Assault GBH | Acquitted | September 2009 |
| 2 | 2005080066 | Fort Beaufort | Murder | Acquitted | August 2009 |
| 3 | 2008070413 | Nemato | Murder | Acquitted | October 2009 |
| 4 | 2009010610 | Kenton-on-Sea | Rape | Acquitted | November 2009 |
| 5 | 2008020489 | Port Alfred | Attempted murder | Acquitted | March 2010 |
| 6 | 2008020353 | Fort Beaufort | Murder | Acquitted | February 2010 |
| 7 | 2007110464 | Bethlehem | Attempted murder | Acquitted | April 2009 |
| 8 | 2008120434 | Parys | Assault GBH | Acquitted | May 2009 |
| 9 | 2004040260 | Odendaalsrus | Murder | Acquitted | August 2009 |
| 10 | 2008060527 | Bultfontein | Perjury | Acquitted | September 2009 |
| 11 | 2008040363 | Bethlehem | Rape | Acquitted | October 2009 |
| 12 | 2009010320 | Thabong | Kidnapping | Acquitted | March 2010 |

| Number | CCN | Station | Nature of complaint | Sentence/ sanction | Month |
|---------------|------------|----------------|-------------------------------|-------------------------------|---------------|
| 13 | 2005090488 | Nigel | Murder | Acquitted | May 2009 |
| 14 | 2004090240 | Himeville | Murder | Acquitted | May 2009 |
| 15 | 2006040252 | Port Edward | Murder | Acquitted | March 2010 |
| 16 | 2007030393 | Wentworth | Murder | Acquitted | March 2010 |
| 17 | 2006120069 | Mogwadi | Culpable homicide | Acquitted | May 2009 |
| 18 | 2007050025 | Masoyi | Murder | Acquitted | May 2009 |
| 19 | 2002090110 | Vaalbank | Murder | Acquitted | August 2009 |
| 20 | 2006010131 | Vaalbank | Murder | Acquitted | August 2009 |
| 21 | 2006010076 | Vaalbank | Murder | Acquitted | August 2009 |
| 22 | 2009090564 | Taung | Assault GBH | Acquitted | December 2009 |
| 23 | 2009120096 | Mmabatho | Theft | Acquitted | January 2010 |
| 24 | 2009060165 | Mmabatho | Assault GBH | Acquitted | June 2009 |
| 25 | 2009090042 | Makwassie | Defeating the ends of justice | Acquitted | March 2010 |
| 26 | 2009050060 | Mmabatho | Assault GBH | Acquitted | March 2010 |
| 27 | 2003120351 | Mmabatho | Assault GBH | Acquitted | March 2010 |
| 28 | 2008090440 | Rustenburg | Assault common | Acquitted | May 2009 |
| 29 | 2009030072 | Lethabile | Assault common | Acquitted | August 2009 |
| 30 | 2009020189 | Warrenton | Crimen injuria | Acquitted | April 2009 |
| 31 | 2009030339 | Rosedale | Assault GBH | Acquitted | May 2009 |
| 32 | 2009040409 | Keimoes | Assault GBH | Acquitted | June 2009 |
| 33 | 2008080359 | Kimberley | Assault common | Acquitted | July 2009 |
| 34 | 2009040049 | Kagisho | Defeating the ends of justice | Acquitted | July 2009 |
| 35 | 2009050107 | Kimberley | Theft | Acquitted | July 2009 |
| 36 | 2009070028 | Modderrivier | Assault common | Acquitted | July 2009 |
| 37 | 2006110488 | Kuruman | Fraud | Acquitted | November 2009 |
| 38 | 2008120288 | Kuruman | Attempted murder | Acquitted | February 2010 |
| 39 | 2008050224 | Warrenton | Assault GBH | Acquitted | February 2010 |
| 40 | 2008120229 | Rosedale | Assault GBH | Acquitted | March 2010 |
| 41 | 2004010525 | Knysna | Assault GBH | Acquitted | April 2009 |
| 42 | 2004090129 | Kraaifontein | Assault common | Acquitted | May 2009 |

| Number | CCN | Station | Nature of complaint | Sentence/ sanction | Month |
|--------|------------|--------------|-------------------------------|-----------------------|----------------|
| 43 | 2007010009 | Worcester | Murder | Acquitted | May 2009 |
| 44 | 2006090220 | Rawsonville | Defeating the ends of justice | Acquitted | July 2009 |
| 45 | 2000110080 | Cloetesville | Attempted murder | Acquitted | October 2009 |
| 46 | 2005030100 | Manenberg | Culpable homicide | Acquitted | November 2009 |
| 47 | 2008020202 | Bellville | Assault GBH | Acquitted | February 2010 |
| 48 | 2006100010 | Mowbray | Assault GBH | Acquitted | August 2009 |
| 49 | 2003010034 | Bishop Lavis | Murder | Acquitted | September 2009 |

Table 56 indicates that a total of 25 applications for exemption were processed during the period under review, including 1 that was carried over from the previous year, 2008/09. Twenty-four (24) applications were granted within 30 days and 1 was not granted within the 30-day period.

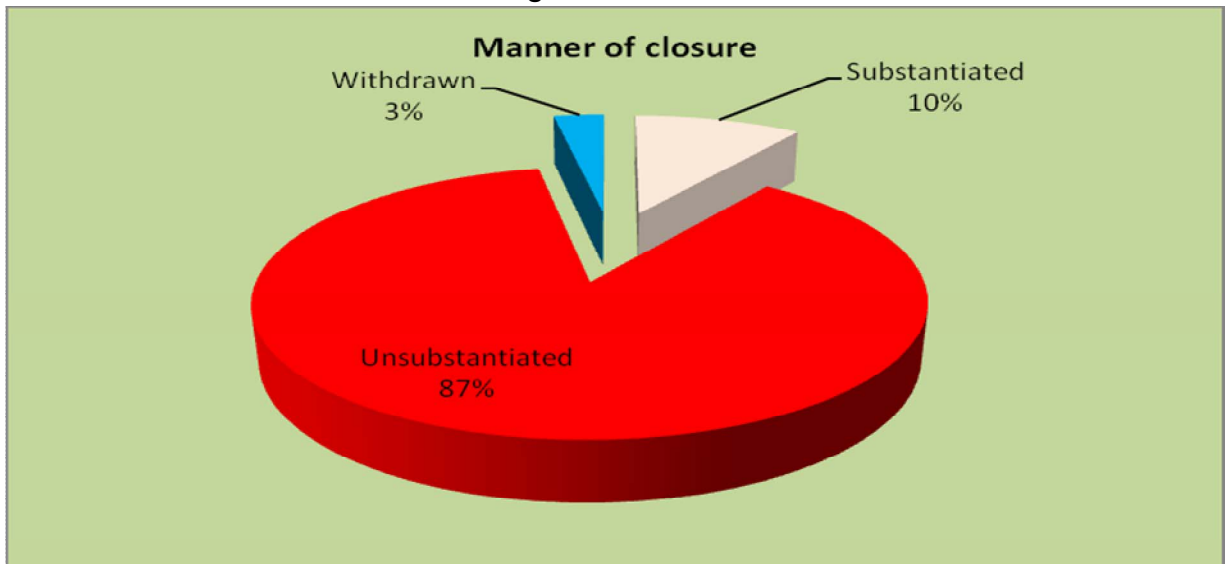
| Province | Received | Granted WITHIN 30 days | Granted after 30 days | Not granted within 30 days | Not granted after 30 days |
|---------------|-----------|------------------------------|--------------------------|----------------------------------|------------------------------|
| Eastern Cape | 0 | 0 | 0 | 0 | 0 |
| Free State | 9 | 8 | 0 | 1 | 0 |
| Gauteng | 5 | 5 | 0 | 0 | 0 |
| KwaZulu-Natal | 0 | 0 | 0 | 0 | 0 |
| Limpopo | 0 | 0 | 0 | 0 | 0 |
| Mpumalanga | 2 | 2 | 0 | 0 | 0 |
| North West | 8 | 8 | 0 | 0 | 0 |
| Northern Cape | 1 | 1 | 0 | 0 | 0 |
| Western Cape | 0 | 0 | 0 | 0 | 0 |
| Total | 25 | 24 | 0 | 1 | 0 |

Table 57 details the number of cases closed between 1 April 2009 and 31 March 2010 and the manner of closure. The ICD closed a total of 6 224 cases in the financial year 2009/10. The majority, 2 899 or 47% of the cases, were cases misconduct, 2 100 or 34% were criminal cases, and 1 059 or 17% were deaths in police custody and deaths as a result of police action.

| Table 57: Closed cases between April 2009 and March 2010 | | | | | |
|--|--------------|--------------------------|----------------|------------------|--------------|
| Manner of closure | Death cases | DVA non-compliance cases | Criminal cases | Misconduct cases | Total |
| Substantiated | 97 | 26 | 199 | 289 | 611 |
| Unsubstantiated | 960 | 129 | 1 803 | 2 535 | 5 427 |
| Withdrawn | 2 | 11 | 98 | 75 | 186 |
| Total | 1 059 | 166 | 2 100 | 2 899 | 6 224 |

Figure 19 depicts the manner of closure of the 6 224 cases. It can be observed that 87% of the cases were unsubstantiated, 10% were substantiated, and 3% were withdrawn.

Figure 19



The ICD had a target to attend at least 200 station audits, and to conduct 200 cell inspections and 240 community outreach activities in 2009/10 financial year. As can be observed from Table 58, the ICD conducted 442 station audits, 386 community outreach activities, and 387 cell inspections. All targets were exceeded.

| Province | Station audit | Community outreach | Cell inspection |
|-----------------|----------------------|---------------------------|------------------------|
| Eastern Cape | 38 | 22 | 26 |
| Free State | 48 | 47 | 36 |
| Gauteng | 57 | 23 | 50 |
| KwaZulu-Natal | 34 | 31 | 40 |
| Limpopo | 56 | 43 | 38 |
| Mpumalanga | 37 | 43 | 40 |
| North West | 42 | 44 | 35 |
| Northern Cape | 99 | 79 | 95 |
| Western Cape | 31 | 54 | 27 |
| Total | 442 | 386 | 387 |

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**REPORT OF THE AUDIT COMMITTEE
for the year ended 31 March 2010**

INDEPENDENT COMPLAINTS DIRECTORATE

Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2010.

Audit Committee members and attendance

| | |
|---|---|
| Mr. SK Motuba | 3 |
| Ms. V. Motholo | 2 |
| Mr. A. Darmalingam (Appointed October 2009) | 1 |

Audit Committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from section 38 (1) (a) of the PFMA and Treasury Regulations 3.1.

Effectiveness of internal control

The system of internal control applied by the department over financial risk and risk management is effective, efficient and transparent.

In line with the PFMA and the King II Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by the risk management process, as well as the identification of corrective actions and suggested enhancements to the controls and processes. From the various reports of the Internal Auditors, the Audit Reports on the Annual Financial Statements and the management report of the Auditor-General, it was noted that matters were not reported indicating any material deficiencies in the system of internal control for the period under review, except for controls around predetermined objectives.

The quality of in-year management and monthly / quarterly reports submitted in terms of the PFMA

The Audit Committee is satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer of the Department during the year under review.

Evaluation of the annual financial statements

The Audit Committee has:

- Reviewed and disclosed the audited annual financial statements to be included in the annual report with the Auditor-General and the Accounting Officer;
- Reviewed the Auditor-General's management report and the management's responses thereto;
- Reviewed the department compliance with legal and regulatory provisions; and
- Reviewed significant adjustments resulting from the audit.

The Audit Committee concurs and accepts the Auditor-General's conclusions on the annual financial statements, and is of the opinion that the audited financial statements be accepted and read together with the report of the Auditor-General.

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Internal Audit

The Audit Committee is satisfied that the internal audit function is operating effectively and that it has addressed the risks pertinent to the department in its audit, despite capacity constraints.

Auditor - General South Africa

The Audit – Committee has met with the Auditor – General South Africa to ensure that there are not unresolved issues.


.....
Chairperson of the Audit Committee

.....
22 July 2010

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**REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2010**

Report by the Accounting Officer, who is also the Executive Director of the Independent Complaints Directorate (ICD) to the Executive Authority, the Honourable Minister EN Mthethwa, the Minister of Police, and the Parliament of the Republic of South Africa.

I. General review of the state of financial affairs

- Important policy decisions and strategic issues facing the department

The ability and capacity to deal effectively with all complaints lodged by the public has been a challenge since the inception of the ICD in 1997.

A new legislative framework for the Directorate is envisaged in 2010 to ensure the Directorate's independence from the South African Police Service (SAPS). The Department will in future also focus on the investigation of more serious crimes by members of SAPS, which will have an impact on the current staff establishment.

The creation of a new staff establishment and macro-structure based on the status of the Department as a National Department since 2007, as well as the envisaged new functions of the Department, should play a major role in addressing the challenges with relation to the current number and levels of posts.

The reorganization and refocus of the Department's mandate could ensure that the Medium Term Expenditure Committee would be able to analyze the budget requests within the context of the new legislative framework and increased investigation activity by the Department. The implementation of the reorganization of the Department will contribute to improved staff morale and more focused service delivery.

The ICD will focus on those matters that will have a lasting impact on transforming the police. The ICD's activities shall increase in terms of the scope of investigations and dedicated focus on more serious crime and matters of a systemic nature. Current non-core activities, such as matters related to the Domestic Violence Act, will possibly in future reside with the Secretariat of Police.

Strategic focus areas for the Department will also include:

- Improving the management structure of the Directorate;
- Improving reporting and accountability practices in the Directorate; and
- Establishing a formal liaison medium between the Directorate and the Secretariat of Police.

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■ Comment on significant events that have taken place during the year

The appointment of the new Head of Department (Executive Director), Mr F Beukman, during August 2009, has ensured the implementation of good governance practices and the management of the reorganization of the ICD.

Plans are currently being introduced to strengthen the ICD in order to ensure the execution of its constitutional mandate. A Task Team, established by the Minister of Police, is currently preparing separate legislation for the ICD.

■ Major projects undertaken during the year

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

Against this background, it was important to review the policy decision during the 2004/05 financial year to investigate all complaints received from members of the public and stakeholders adopted. This policy decision created a challenge for the ICD to attain its strategic objectives in the years that followed, because the number of Class IV complaints steadily increased. Interestingly, the bulk of the complaints in the Class IV category relate to complaints about service delivery, and it is this category that poses serious challenges to the ICD's resources. The responsibility for service delivery complaints and disciplinary-related matters falls within the ambit of SAPS management, and is not ideally suited as a focus area for the ICD's activity.

■ Spending trends

The funds budgeted but not utilized during the financial year in respect of the Call Centre and the relocation of the National Office eventually escalated from the second quarter of the said financial year into a major under-spending of more than R10 000 000.

- Reasons for under-spending

In view of the envisaged cost of maintaining a toll-free Call Centre and the establishment of the Presidential Hotline, as well as the future focus of the Department's activities, it was decided not to incur any further expenditure in the establishment of an ICD Call Centre. Especially after the permanent Executive Director's appointment, it became

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**REPORT OF THE ACCOUNTING OFFICER
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necessary for the mandate and functions of the ICD to be reconsidered. The R1 000 000 thus set aside for the Call Centre was to be returned to the National Treasury.

As early as July 2008, a request was submitted to the Department: Public Works to commence with the search for suitable office space that would accommodate all National Office staff members in one building. Various obstacles were to be overcome before a suitable building could be identified that suited the Department: Public Works, the National Intelligence Agency, and the South African Police Service (in terms of the ICD's security status and requirements). It is now envisaged that the relocation of the ICD's National Office from its current use of two separate buildings will commence during the next financial year, as early as June/July 2010.

- Impact of under-spending on Programme 3 and service delivery

Due to the limited number of ICD offices (nineteen) throughout the country, the marketing of the ICD's services remains a challenge and the ICD cannot manage to ensure sufficient visibility to render satisfactory service delivery to all of the country's citizens. Especially in the rural communities, limited accessibility exists.

The ICD continues with the arrangement that where ICD investigators visit crime scenes, and, while present in a specific area, they also make use of the opportunity to distribute brochures (about the services rendered by the ICD) to nearby police stations and community centres. When visits are undertaken to villages to engage with witnesses for the taking of statements, the brochures are also distributed to the nearby community members in order for them to learn more about the services offered by the ICD. Provincial Heads are urged to increase the number of outreach programmes – especially to far-off rural areas – to ensure that the services of the ICD become known to more community members.

Fortunately, the establishment of the Presidential Hotline has aided contact between the community and the ICD. Complainants currently use the hotline to lodge their complaints in respect of alleged police brutality – these complaints are immediately directed to the ICD for further investigation.

The non-relocation of staff from the two buildings of the National Office into a single building did not have a huge impact on service delivery, though the loss in time and the increased travelling expenditure due to the travelling undertaken by staff members between the two buildings for the attendance of meetings and discussions will no longer impact on service delivery at all when all staff members are once more united in one building, later in June /July 2010.

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- Actions taken or planned to avoid recurrence

The new legislation of the ICD will guide the Task Team, comprising members of the Department: Public Service and Administration, as well as the National Treasury, in determining the personnel structure of the ICD. Caution will be exercised to ensure that the ICD continue to perform its duty in line with its constitutional and legislative mandate, which requires a pro-active and reactive type of service delivery.

- Virement

In terms of section 43(2) of the Public Finance Management Act, the saving on a main division within a vote may be utilized towards the defrayment of excess expenditure under another main division within the same vote and this amount may not exceed eight percent of the amount appropriated under that main division. Further to the Adjustment Estimates, there was a need to obtain approval from the Head of the Department for the shifting of the following funds within the ICD's budget:

In Programme 1: Administration, the net result of the application of virement is nil. However, an amount had to be taken from the Sub-programme: Corporate Services to the Sub-programme: Management to address the shortfall on Goods & Services and Machinery & Equipment.

In Programme 2: Complaints Processing, Monitoring & Investigations, there was a shortfall in terms of Machinery & Equipment which could be addressed through the virement of funds from Programme 3: Information Management and Research.

The savings on Compensation of Employees created by vacancies in Programme 3: Information Management and Research allowed for the shifting of funds to address the shortfall on Programme 2: Complaints Processing, Monitoring & Investigation. The net effect of the shifting of funds (taking into account the Adjustment Estimates) in Programme 3 is as follows: A saving of R180 000 (0.32%) will be shifted to Programme 2: Investigation of Complaints (a total amount of R180 000) (1.13%).

Reason for the virement

In terms of section 43(2) of the PFMA, the Accounting Officer has given the approval for the virement to be performed for the following reasons:

- Programme 1: Administration

Sub-programme: Management

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The shortfall under Goods and Services could be attributed to the appointment of the permanent Executive Director. Visitations had to be arranged for Mr Beukman to visit every ICD office and to make personal contact with each and every staff member. More expenditure had to be incurred in terms of the Executive Director's meetings with the Task Team (established by the Minister of Police) to assist in the development of the envisaged new legislation.

Sub-programme: Corporate Services

The under-spending created was a result of the many vacancies and high staff turnover in Corporate Services, as well as the non-realization of the relocation of National Office, and could effectively be utilized to address the shortfall under the Sub-programme: Management.

- Programme 3: Information Management & Research

Sub-programme: Research

Due to the envisaged new legislation, a decision was taken to decrease the number of pro-active research projects, and the result was that the saving could be utilized to strengthen the support within the Office of the Executive Director.

Sub-programme: Information Management System

The saving created in this Sub-programme was due to the non-establishment of the Call Centre, as well as the non-relocation of the National Office to new accommodation.

- Programme 2: Investigation of complaints

Sub-programme: Complaints Processing, Monitoring & Investigation

The continued under-budgeting of the ICD on Goods and Services in Programme 2 at the cost of rather utilizing additional funds for the creation of more Investigative posts has eventually caught up with the ICD. The under-budgeting of the overhead costs such as cleaning services and security services, coupled with the significant price increases with regard to travelling expenditure, necessitated that funds be shifted from Programme 3.

As mentioned earlier, the virement was eventually approved by the Accounting Officer in respect of an amount of R180 000 (1.13%) from Programme 3 to be shifted to Programme 2 (0.32%).

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- Other material matters (including unauthorised, irregular, fruitless, and wasteful expenditure, as well as steps to address and prevent such expenditure)

A small saving of R131 000 from the Sub-programme: Legal Services was also utilized for the over-spending on the Sub-programme: Complaints Processing, Monitoring & Investigation.

The ICD is currently awaiting recommendations from the Department: Public Service and Administration in respect of a dispute between the ICD (as the Employer) and an Employee in the Directorate: Legal Services, who requested to be reclassified in respect of the Occupational Specific Dispensation (OSD). The said official has submitted a request to the ICD to be classified as a Legal Professional in view of the activities that he performs in his specific position.

Two cases of fruitless and wasteful expenditure occurred during the year under review. Accommodation arrangements were made for two Investigators to travel to the KwaZulu-Natal Province with a view to assisting the provincial staff with an entrapment case. Unfortunately, the complainant requested a withdrawal of the case, and the Director: Public Prosecutions agreed at a late stage that the case be withdrawn. When the Investigators tried to cancel the bookings, they were informed by the travel agency that the bookings had already been made, and the amount of R2 250.00 (R1 125.00 per Investigator x 2 Investigators) was to be paid out from the ICD's budget. After investigation it was decided that the changes in the arrangements made at such a late stage were beyond the control of the ICD's Investigators, and the ICD had to incur the wasteful expenditure.

Two cases of irregular expenditure were reported to the Loss Control Officer. After investigation and the completion of disciplinary processes, both cases were regarded as fraudulent activities performed by the relevant staff members, and instructions were given for them to reimburse the ICD the full expenditure, including the payment of interest. The first case dealt with a Senior Manager who was found negligent for recommending and submitting an incorrect completed travel claim to the amount of more than R12 000. An arrangement was implemented for the employee to reimburse the ICD within three months.

The other case involved an official who fraudulently claimed official kilometres in respect of a trip which was eventually found – after investigation – to be a private trip, undertaken to the value of R658.90. After arrangements were made, the ICD was reimbursed in full.

Two other cases of irregular expenditure was discovered when it was found that two staff members were appointed for longer than the six month period – that is, they were appointed for a period longer than the maximum period of 12 months. According to the Public Service Regulations I/VII/B5.3, a person may only act for a period of six months, and in both cases the staff members were appointed and received acting allowances for longer than the maximum uninterrupted period of six months without prior approval from the relevant authority. These

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cases will now be reported to the National Treasury and legal advice will be requested to determine whether the expenditure can be claimed back from the employees.

All policies and procedures are discussed with employees during team building sessions and during the Induction Course, when employees new to the ICD are trained on the mentioned guidelines. At Senior Management Committee meetings, such transgressions are discussed (without providing personal information), and Responsibility Managers are urged to make staff members aware of the consequences of such misconduct.

Soccer World Cup clothing and tickets

After the closing of the financial year: 2009/2010, during June 2010 the ICD utilized R25 600 (less than 0.02% of the budget) from the budget line item "Gifts and promotional items" (in the 2010/2011 financial year) to procure vuvuzelas, soccer scarves and SA flag rainbow beanies for all 303 staff members and interns, with a view to building team spirit and support for the national team during the World Cup soccer event.

2. Services rendered by the department

2.1 Services rendered by the ICD

Services rendered by the ICD have been discussed earlier in this Report, under the heading Programme Performance in respect of Programme 2 and Programme 3. The legislative mandate of the ICD is covered by the activities undertaken under these Programmes.

2.2 Tariff policy

The ICD does not charge any tariff for services rendered and this issue is thus not applicable to the ICD in respect of the financial year 2009/10.

2.3 Free services

All services rendered by the ICD to the public, fall within the mandate of the ICD, and are rendered free of charge.

2.4 Inventories

The total inventories on hand at year-end are disclosed in the Annexure on Inventory.

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3. Capacity constraints

The limited funding necessitated that the ICD make more use of interns with the relevant tertiary qualifications to aid with the shortage of staff – particularly in the Programme: Administration (Support Services).

The development and training of staff in Support Services remains a priority and the development of such interns and staff members to become generalists – to address staff shortages – remains necessary. Unfortunately the low salary levels paid to these staff members – in view of the ICD’s budgetary constraints – has the effect that such members, as soon as they have gained sufficient knowledge and expertise, leave the ICD, through recruitment practices, to perform the same duties on the same performance level at other departments at a much higher compensation level. The ICD thus continuously has to appoint unemployed youths and start afresh with the training of staff to become generalists.

The restructuring process to capacitate and streamline the complaints handling process – a capacity constraint in Programme 2 – can still not be implemented in view of budgetary constraints. It is envisaged that the new legislation will not only enhance the number of complaints to be dealt with by the ICD, but will also address the capacity constraints. The limited number of Investigators and the ever-increasing number of complaints of alleged misconduct by police reported to the ICD necessitate that Investigators become overburdened, and that the backlog of cases continues to increase, while cases take increasingly longer to be finalised.

4. Utilization of donor funds

With a major donation that was received from the Safety and Security Sector Education Authority (SASSETA) during the year under review, the ICD could develop a crime resolving learnership that permitted fifty-five (55) ICD Investigators to be trained, and who satisfactorily passed the final test.

5. Trading entities and public entities

No trading or public entities report to the ICD.

6. Organizations to whom transfer payments have been made

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy.

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7. Public private partnerships (PPP)

The ICD does not have any public private partnerships.

8. Corporate governance arrangements

The post of Manager: Ethics and Risk Management was suitably filled early in the second semester of the financial year, and all employees had to complete the annual conflict of interest declaration form, which is not only to be approved by the immediate supervisor of each employee, but is also scrutinised by the Manager: Ethics and Risk Management to ensure that no conflicts of interest exist in terms of the activities performed by the ICD and those of its staff members. Refresher training on the ICD's core values and ethics has been undertaken in the National Office and in respect of the Senior Management Committee members. The Manager: Ethics and Risk Management in the new financial year will commence with training in all provincial offices. Conflict of interest declaration forms were also completed by all committee members in the various committees, to declare their personal interests in the applicants for appointment to the ICD and/or the service providers who wish to render services to the ICD during selection committee meetings and/or at bid committee meetings.

The comprehensive risk management assessment was undertaken, and the Ethics and Risk Management Committee dealt with the monitoring of risk mitigation and ethical dilemmas that developed. Several pre-investigative procedures were undertaken by the Manager: Ethics and Risk Management with a view to enhancing ethical behaviour in the ICD.

Though the ICD had difficulty in maintaining the prescribed number of committee members in its Audit Committee – currently consisting of three external members – the Committee met on three occasions during the year under review and has placed a high priority on the improvement of the matters identified by Internal Auditing and the Auditor-General. It is envisaged that one or more members with sound knowledge of the Government's financial system will be appointed in order to improve oversight of the various control measures in place in terms of financial management.

During the last quarter of the year, the Component: Internal Audit performed provincial visits to measure the implementation of the corrective action plan to ensure a satisfactorily maintained asset management system.

9. Discontinued activities/activities to be discontinued

No activities were discontinued during the year under review.

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**REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2010**

10. New/proposed activities

No new activities were undertaken by the ICD.

11. Asset management

Much effort was made during the year under review to ensure that all assets are recorded on the LOGIS Asset Register. During visits to the respective regions (Provincial Offices), the Asset Management Unit conducted asset verification on all assets and the bar coding thereof. The Unit further ensured that all Asset Registers were signed by the appointed Asset Holders and affixed behind the door of each office.

In searching for the necessary supporting documents in terms of the procurement of the ICD's assets over the last five years, it was found that only 40% of the ICD's assets on the Asset Register have the relevant order numbers and/or payment batches to substantiate the procurement values. In the case of the other 60% of the total number of assets, the order numbers were either not known and/or not registered on the Asset Register. All procurement of assets can be confirmed in terms of the available payment batches, which also support the total value of the Opening Balance - the batches mostly referred to the simultaneous procurement of more than one asset or more than one class of asset. The challenge thus remained that not all payment batches could be linked back to specific items/assets, uniquely numbered on the Asset Register.

To account for the values of all the assets through the provision of supporting documents, management decided to opt for the fair value formula in respect of the take on of assets on the Asset Register. This formula implies that a service provider – who may have sold relevant assets to the Department – be approached with a description of the asset in order to assess the asset and to provide a current and closer actual value to the asset, in a written format. This value was then regarded a fair value of the asset or category of assets, and thus captured onto the Asset Register.

The application of the fair value formula to all of the ICD's assets contributed to the following:

- A decrease in the number of asset categories registered on the Asset Register, which paved the way for an easier monthly verification of assets. For example, instead of having various chairs, such as those with a three-wheel base or a five-wheel base, the value of the chair mostly used in the ICD was identified and its current value was accepted as the fair value of all of the category: Chairs currently in use and in full operation;
- More than 50% of the ICD's assets have reached their end of life, and when the fair value was applied, it was found that the value of these items depreciated with a negatively influence to the total value of the Asset Register;

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**REPORT OF THE ACCOUNTING OFFICER
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- Supporting documentation was obtained through the listing of the most recent values in respect of the different categories of assets with a more current and fair value;
- The total value of the Asset Register in respect of the Opening Balance had to be restated to just more than R8 918 000 in the column “Current Year Adjustments to Prior Year Balances” in disclosure note no. 27.

An additional electronic asset management system has been procured – but is not yet fully installed – to improve the physical verification of official assets. Additional funding is however required to increase the staff numbers in the provincial offices, where two staff members are expected to perform all functions relevant to the various support functions. The provincial visits by staff from the National Office aided the transfer of skills to provincial staff, but a satisfactory performance level for these provincial staff members will be difficult to maintain, since additional staff are necessary before the ICD will be able to maintain the targets set out in the Government’s Asset Management Reform Strategy satisfactorily.

12. Events after the reporting date

No events of importance took place after the reporting date.

13. Performance information

The ICD’s electronic case management system makes provision for the registration of all complaints received and investigated by the ICD, and allows for the monitoring of individual complaints up to finalization and the eventual closure of the cases. Performance of the line functionaries is measured through the updating of a monthly spreadsheet in terms of the various activities performed by individual staff members.

With regard to the reporting on performance, the ICD has called for the assistance of a consultant to develop a monthly report to be completed by the various Responsibility Managers and to be submitted, via the Programme Managers, to the Accounting Officer in respect of the number of complaints dealt with, as well as the level of attainment of the set targets/objectives in line with the ICD’s Strategic Plan. A comprehensive report is then to be compiled and submitted on a quarterly basis by the Programme Managers via the Executive Director to the Executive Authority, with references to possible corrective and/or rehabilitative measures to be embarked on to improve service delivery.

Since the receipt of the interim Management letter from the Office of the Auditor-General, much attention has been directed to improve on the reporting of performance;

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for example quotations are currently sought to upgrade the case management system to ensure that the process for the updating of information is made more user friendly. The newly developed monthly reports are to be discussed and finalized with the relevant Responsibility Managers at the forthcoming lekgotla. This will allow them to complete the necessary data (and provide supporting information) in respect of the first three monthly reports for the financial year 2010/11. The first quarterly report to be submitted to the Minister of Police during July 2010 will also be addressed to the ICD's Audit Committee to evaluate and measure the ICD's performance, as well as the efficiency of its performance reporting.

Notwithstanding the formal reporting structure, the ICD utilizes the service of its members through various committee meetings to enhance accountability and transparency, and minutes of all official meetings are filed on the intranet for information (to all staff) and future reference.

14. SCOPA resolutions

| Reference to previous audit report and SCOPA resolutions | Subject | Findings on progress |
|---|----------------|-----------------------------|
| No SCOPA resolutions received. | N/A | N/A |

15. Prior modifications to audit reports

The following mechanisms have been put in place to resolve the matters reported on by the Auditor-General in terms of the previous financial year's financial statements:

| Nature of qualification, disclaimer, adverse opinion and matters of non-compliance | Financial year in which it first arose | Progress made in clearing/resolving the matter |
|---|---|---|
| Basis for the qualification of the Report from the Office of the Auditor-General in respect of the annual financial statements for the financial year: 2008/2009: | | |

**INDEPENDENT COMPLAINTS DIRECTORATE
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**REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2010**

| | | |
|---|------------------|---|
| <p>Asset Management -</p> <ul style="list-style-type: none"> - Insufficient and inappropriate audit evidence to substantiate an adjustment to the assets, to the amount of R544 000 - Disposals to the amount of R639 000 - Additions to the amount of R5 826 000, and - No evidence to substantiate the opening balance of R14 937 000 | <p>2007/2008</p> | <p>In the previous financial year (2008/09), most activities centred on the identification and physical search of all official assets. Unfortunately the ICD did not have sufficient time or hands to address and maintain a satisfactory document database. During the year under review (2009/10), an appropriate document management system has been implemented to control all source documentation and to ensure accurate reconciliation at financial year closure.</p> <p>All assets have been recorded and are currently being uniquely bar-coded.</p> <p>It needs mentioning that the limited staff numbers in Support Services – especially in the provinces – cannot ensure a permanent turn around on the findings of the Auditor-General.</p> |
| <p>Internal Control Deficiencies -</p> <ul style="list-style-type: none"> - Control environment Management and staff are not assigned appropriate levels of authority and responsibility. Human resource policies do not facilitate effective recruitment and training, disciplining and supervision | <p>2008/2009</p> | <p>Policies have been reviewed to enhance corporate governance and the delegation of powers derived from the PFMA, and the authority of the Accounting Officer has been updated.</p> |

**INDEPENDENT COMPLAINTS DIRECTORATE
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**REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2010**

| | | |
|---|------------------|--|
| <p>of personnel.</p> <ul style="list-style-type: none"> - Control activities Inadequate segregation of duties to prevent fraudulent data and asset misappropriation exists. General information technology controls have not been designed to maintain the integrity of the information system and the security of the data. Manual or automated controls are not designed to ensure that the transactions which have occurred, are authorised, and completely and accurately processed. Policies and procedures related to financial reporting are not established and communicated. Realistic targets are not set for financial performance measures, which are in turn not linked to an effective reward system. - Key Governance Responsibilities: - Clear trail of supporting documents that is easily available and provided in a timely manner - Key officials available | <p>2008/2009</p> | <p>With limited funding the ICD could not really improve the segregation of duties in terms of Support Services yet an action plan in terms of Supply Chain Management is now being developed to ensure the prevention of fraudulent transactions.</p> <p>Quotations for the upgrading of the case management system are also being considered to improve the integrity of case information.</p> <p>Consultants have assisted the ICD with the development of performance agreements from the level of the Accounting Officer to the lowest post level in order to address targets and ensure that financial performance is appropriately measured.</p> <p>The ICD has directed much energy to ensure that a clear trail of supporting documents is available - see paragraph above in respect of Asset Management.</p> <p>All relevant staff members will be present during the</p> |
|---|------------------|--|

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**REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2010**

| | |
|--|--|
| <p>throughout the audit process</p> <p>- Prior year findings have not been satisfactorily addressed</p> <p>- Adequate control processes and procedures are designed and implemented to ensure the accuracy and completeness of reported performance information.</p> | <p>final audit of the ICD's financial statements.</p> <p>Prior year findings in respect of Asset Management have been addressed during the year under review (2009/2010) - see paragraph above in respect of Asset Management.</p> <p>As mentioned under the heading performance management, the ICD has made use of a consultant to develop a monthly report to be completed by the various Responsibility Managers and to be submitted via the Programme Managers to the Accounting Officer in respect of performance and service delivery. The upgrading of the case management system will also enhance the integrity of information to be reported.</p> |
|--|--|

16. Exemptions and deviations received from the National Treasury

No exemptions and deviations from the PFMA or TR or in terms of financial reporting requirements have been requested or received from the National Treasury.

17. Other

No other material facts exist that have not been addressed in this Report.

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**REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2010**

18. Approval

The Annual Financial Statements set out on pages 155 to 189 have been approved by the Accounting Officer.



**MR. F. BEUKMAN
EXECUTIVE DIRECTOR**

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**REPORT OF THE AUDITOR-GENERAL
for the year ended 31 March 2010**

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF VOTE NO. 20: INDEPENDENT COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31 MARCH 2010

REPORT ON THE FINANCIAL STATEMENTS

Introduction

I have audited the accompanying financial statements of the Independent Complaints Directorate, which comprise the appropriation statement, the statement of financial position as at 31 March 2010, the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory information, set out on pages 155 to 189.

Accounting officer's responsibility for the financial statements

The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1.1 and in the manner required by the Public Finance Management Act of South Africa (PFMA). This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor-General's responsibility

As required by section 188 of the Constitution of South Africa and section 4 of the Public Audit Act of South Africa, my responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with International Standards on Auditing and *General Notice 1570 of 2009* issued in *Government Gazette 32758 of 27 November 2009*. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**INDEPENDENT COMPLAINTS DIRECTORATE
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**REPORT OF THE AUDITOR-GENERAL
for the year ended 31 March 2010**

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Independent Complaints Directorate as at 31 March 2010, and its financial performance and its cash flows for the year then ended in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting note 1.1 and in the manner required by the Public Finance Management Act of South Africa.

Emphasis of matter

I draw attention to the matters below. My opinion is not modified in respect of these matters:

Basis of accounting

The department's policy is to prepare financial statements on the modified cash basis of accounting determined by the National Treasury, described in accounting policy note 1.1.

Irregular expenditure

- As disclosed in disclosure note 24 to the financial statements, irregular expenditure to the amount of R14 000 was incurred as proper subsistence and travel procedures were not followed.
- As disclosed in disclosure note 24 to the financial statements, irregular expenditure to the amount of R145 810 was incurred as proper human resource procedures were not followed.

Additional matters

I draw attention to the matter below. My opinion is not modified in respect of this matter:

The supplementary information set out in annexures 1A to 6 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and accordingly I do not express an opinion thereon.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

In terms of the PAA of South Africa and *General notice 1570 of 2009*, issued in *Government Gazette No. 32758 of 27 November 2009* I include below my findings on the report on predetermined objectives, compliance with the PFMA, Public Service Act (PSA), Preferential Procurement Policy Framework Act (PPPFA) and financial management (internal control).

**INDEPENDENT COMPLAINTS DIRECTORATE
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**REPORT OF THE AUDITOR-GENERAL
for the year ended 31 March 2010**

Predetermined objectives

Non-compliance with regulatory requirements

Inadequate content of strategic or annual performance plan

The strategic plan of the Independent Complaints Directorate did not include the measurable objectives, expected outcomes, programme outputs, indicators (measures) and targets for all of the entity's programmes, as required by Treasury Regulation 5.2.3(d).

Reliability of reported performance information

The following criteria were used to assess the reliability of the planned and reported performance:

- **Validity:** Has the actual reported performance occurred and does it pertain to the entity i.e. can the reported performance information be traced back to the source data or documentation?
- **Accuracy:** Amounts, numbers and other data relating to reported actual performance has been recorded and reported appropriately.
- **Completeness:** All actual results and events that should have been recorded have been included in the reported performance information.

No supporting source documents

Programme 2: Investigation of complaints. Sufficient appropriate audit evidence in relation to the actual reported achievement of programme 2 could not be obtained. There were no satisfactory audit procedures that I could perform to obtain the required assurance as to the validity, accuracy and completeness of the reported information.

Compliance with laws and regulations

Public Finance Management Act and Treasury Regulations

Non-adherence to requirements

- Contrary to section 38(1)(g) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA) the accounting officer did not immediately report the particulars of irregular expenditure discovered to the National Treasury.
- Contrary to the requirements of Treasury Regulation 9.1.1 the accounting officer did not implement effective, efficient and transparent processes of financial and risk management to prevent and detect irregular expenditure.

INTERNAL CONTROL

I considered internal control relevant to my audit of the financial statements and the report on predetermined objectives and compliance with the PFMA, PSA and PPPFA, but not for the purposes of expressing an opinion on the effectiveness of internal control. The matters reported below are limited to the deficiencies identified during the audit.

INDEPENDENT COMPLAINTS DIRECTORATE
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REPORT OF THE AUDITOR-GENERAL
for the year ended 31 March 2010

- **Leadership**

The accounting officer did not effectively monitor the compliance with laws, regulations and internally designed procedures to prevent irregular expenditure.

- **Financial and performance management**

Manual controls are not designed to ensure that all transactions for performance information are completely recorded and accurately classified.

OTHER REPORTS

Investigations

- **Investigations completed during the financial year**

An investigation was conducted into a fraudulent subsistence and travel claim made by a provincial head. A receivable of R12 000 was raised against the official.

Auditor-General
Pretoria

30 July 2010



AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

**INDEPENDENT COMPLAINTS DIRECTORATE
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**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| Appropriation per programme | | | | | | | | | |
|---|---------------------------|----------------------|----------|------------------------|-----------------------|---------------|--|------------------------|-----------------------|
| APPROPRIATION STATEMENT | 2009/10 | | | | | | | 2008/09 | |
| | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual Expenditure |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| 1. ADMINISTRATION | | | | | | | | | |
| Current payment | 44,002 | (1,052) | - | 42,950 | 38,105 | 4,845 | 88.7% | 32,444 | 32,444 |
| Transfers and subsidies | 65 | - | - | 65 | 65 | - | 100.0% | 56 | 56 |
| Payment for capital assets | 306 | 1,052 | - | 1,358 | 1,358 | - | 100.0% | 1,025 | 1,025 |
| 2. COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION | | | | | | | | | |
| Current payment | 54,739 | (656) | - | 54,083 | 54,083 | - | 100.0% | 50,720 | 52,140 |
| Payment for capital assets | 1,252 | 656 | 180 | 2,088 | 2,088 | - | 100.0% | 2,382 | 2,382 |
| 3. INFORMATION MANAGEMENT AND RESEARCH | | | | | | | | | |
| Current payment | 15,499 | (124) | (180) | 15,195 | 9,978 | 5,217 | 65.7% | 11,040 | 10,442 |
| Payment for capital assets | 604 | 124 | - | 728 | 569 | 159 | 78.2% | 830 | 830 |
| Subtotal | 116,467 | - | - | 116,467 | 106,246 | 10,221 | 91.2% | 98,497 | 99,319 |
| TOTAL | 116,467 | - | - | 116,467 | 106,246 | 10,221 | 91.2% | 98,497 | 99,319 |

**INDEPENDENT COMPLAINTS DIRECTORATE
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**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| | 2009/10 | | | | 2008/09 | | | | |
|--|---------------------------|-----------------------|----------|------------------------|------------------------|-----------------------|---|------------------------|-----------------------|
| | Final Appropriation | Actual Expenditure | | | Final Appropriation | Actual Expenditure | | | |
| TOTAL (brought forward) | | 106,246 | | | | 99,319 | | | |
| Reconciliation with statement of financial performance | | | | | | | | | |
| ADD | | | | | | | | | |
| Departmental receipts | 154 | | | 69 | | | | | |
| Actual amounts per statement of financial performance (total revenue) | 116,621 | | | 98,566 | | | | | |
| Actual amounts per statement of financial performance (total expenditure) | | 106,246 | | | 99,319 | | | | |
| Appropriation per economic classification | | | | | | | | | |
| | 2009/10 | | | | 2008/09 | | | | |
| | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| Current payments | | | | | | | | | |
| Compensation of employees | 66,529 | 49 | (180) | 66,398 | 65,061 | 1,337 | 98.0% | 56,604 | 58,017 |
| Goods and services | 47,711 | (1,881) | - | 45,830 | 37,086 | 8,744 | 80.9% | 37,601 | 36,981 |
| Financial transactions in assets and liabilities | - | - | - | - | 201 | (201) | - | - | 29 |
| Transfers and subsidies | | | | | | | | | |
| Departmental agencies and accounts | 65 | - | - | 65 | 65 | - | 100.0% | 56 | 56 |
| Payments for capital assets | | | | | | | | | |
| Machinery and equipment | 2,162 | 1,832 | 180 | 4,174 | 4,015 | 159 | 96.2% | 4,236 | 4,236 |
| Total | 116,467 | - | - | 116,467 | 106,428 | 10,039 | 91.4% | 98,497 | 99,319 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| Detail per sub-programme | 2009/10 | | | | | | | 2008/09 | |
|--------------------------------|------------------------|-------------------|----------|---------------------|--------------------|--------------|---|---------------------|--------------------|
| | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| 1.1 CORPORATE SERVICES | | | | | | | | | |
| Current payment | 29,320 | (1,093) | - | 28,227 | 26,614 | 1,613 | 94.3% | 20,296 | 20,296 |
| Transfers and subsidies | 65 | - | - | 65 | 65 | - | 100.0% | 56 | 56 |
| Payment for capital assets | 205 | 928 | - | 1,133 | 1,133 | - | 100.0% | 898 | 898 |
| 1.2 MANAGEMENT | | | | | | | | | |
| Current payment | 7,310 | 41 | - | 7,351 | 7,351 | - | 100.0% | 5,470 | 5,470 |
| Payment for capital assets | 101 | 124 | - | 225 | 225 | - | 100.0% | 127 | 127 |
| 1.3 PROPERTY MANAGEMENT | | | | | | | | | |
| Current payment | 7,372 | - | - | 7,372 | 4,140 | 3,232 | 56.2% | 6,678 | 6,678 |
| Total | 44,373 | - | - | 44,373 | 39,528 | 4,845 | 89.1% | 33,525 | 33,525 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| Economic classification | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
|---|-----------------------------------|------------------------------|-----------------|--------------------------------|-------------------------------|-----------------|--|--------------------------------|-------------------------------|
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| Current payments | | | | | | | | | |
| Compensation of employees | 22,349 | (1,326) | - | 21,023 | 19,846 | 1,177 | 94.4% | 16,289 | 16,286 |
| Goods and services | 21,653 | 274 | - | 21,927 | 18,250 | 3,677 | 83.2% | 16,156 | 16,156 |
| Financial transactions in assets and liabilities | - | - | - | - | 9 | (9) | - | - | 3 |
| Transfers and subsidies to: | | | | | | | | | |
| Departmental agencies and accounts | 65 | - | - | 65 | 65 | - | 100.0% | 56 | 56 |
| Payment for capital assets | | | | | | | | | |
| Machinery and equipment | 306 | 1,052 | - | 1,358 | 1,358 | - | 100.0% | 1,024 | 1,024 |
| Total | 44,373 | - | - | 44,373 | 39,528 | 4,845 | 89.1% | 33,525 | 33,525 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| Detail per sub-programme | 2009/10 | | | | | | | 2008/09 | |
|--|------------------------|-------------------|------------|---------------------|--------------------|----------|---|---------------------|--------------------|
| | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| 2.1 COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION | | | | | | | | | |
| Current payment | 53,147 | (495) | - | 52,652 | 52,652 | - | 100.0% | 49,893 | 51,313 |
| Payment for capital assets | 1,222 | 626 | 180 | 2,028 | 2,028 | - | 100.0% | 2,354 | 2,354 |
| 2.2 LEGAL SERVICES | | | | | | | | | |
| Current payment | 1,592 | (161) | - | 1,431 | 1,431 | - | 100.0% | 827 | 827 |
| Payment for capital assets | 30 | 30 | - | 60 | 60 | - | 100.0% | 28 | 28 |
| Total | 55,991 | - | 180 | 56,171 | 56,171 | - | 100.0% | 53,102 | 54,522 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| Economic classification | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
|---|-----------------------------------|------------------------------|-----------------|--------------------------------|-------------------------------|-----------------|--|--------------------------------|-------------------------------|
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| Current payments | | | | | | | | | |
| Compensation of employees | 37,015 | 2,742 | - | 39,757 | 39,757 | - | 100.0% | 34,589 | 36,006 |
| Goods and services | 17,724 | (3,398) | - | 14,326 | 14,317 | 9 | 99.9% | 16,131 | 16,130 |
| Financial transactions in assets and liabilities | - | - | - | - | 9 | (9) | - | - | 4 |
| Payment for capital assets | | | | | | | | | |
| Machinery and equipment | 1,252 | 656 | 180 | 2,088 | 2,088 | - | 100.0% | 2,382 | 2,382 |
| Total | 55,991 | - | 180 | 56,171 | 56,171 | - | 100.0% | 53,102 | 54,522 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| Detail per sub-programme | 2009/10 | | | | | | | 2008/09 | |
|--|------------------------|-------------------|--------------|---------------------|--------------------|--------------|---|---------------------|--------------------|
| | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| 3.1 INFORMATION MANAGEMENT SYSTEM | | | | | | | | | |
| Current payment | 13,721 | (77) | | 13,644 | 8,427 | 5,217 | 61.8% | 9,424 | 8,827 |
| Payment for capital assets | 599 | 80 | | 679 | 520 | 159 | 76.6% | 750 | 750 |
| 3.2 RESEARCH | | | | | | | | | |
| Current payment | 1,778 | (47) | (180) | 1,551 | 1,551 | - | 100.0% | 1,616 | 1,615 |
| Payment for capital assets | 5 | 44 | | 49 | 49 | - | 100.0% | 80 | 80 |
| Total | 16,103 | - | (180) | 15,923 | 10,547 | 5,376 | 66.2% | 11,870 | 11,272 |

| Economic classification | Adjusted Appropriation | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |
|--|------------------------|-------------------|--------------|---------------------|--------------------|--------------|---|---------------------|--------------------|
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 | R'000 |
| Current payments | | | | | | | | | |
| Compensation of employees | 7,165 | (1,367) | (180) | 5,618 | 5,458 | 160 | 97.2% | 5,726 | 5,725 |
| Goods and services | 8,334 | 1,243 | - | 9,577 | 4,337 | 5,248 | 45.3% | 5,314 | 4,695 |
| Financial transactions in assets and liabilities | - | - | - | - | 183 | (183) | - | - | 22 |
| Payment for capital assets | | | | | | | | | |
| Machinery and equipment | 604 | 124 | | 728 | 569 | 159 | 78.2% | 830 | 830 |
| Total | 16,103 | - | (180) | 15,923 | 10,547 | 5,376 | 66.2% | 11,870 | 11,272 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**NOTES TO THE APPROPRIATION STATEMENT
for the year ended 31 March 2010**

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in the note on transfers and subsidies, disclosure notes and Annexure I (A) to the Annual Financial Statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note I (Annual Appropriation) to the Annual Financial Statements.

3. Detail on financial transactions in assets and liabilities

Detail of these transactions per programme can be viewed in the note to financial transactions in assets and liabilities to the Annual Financial Statements.

4. Explanations of material variances from Amounts Voted (after Virement):

| 4.1 Per Programme | Final Appropriation | Actual Expenditure | Variance R'000 | Variance as a % of Final Appropriation |
|--|------------------------|-----------------------|-------------------|--|
| Administration | 44,373 | 39,528 | 4,845 | 10.92% |
| Complaints Processing, Monitoring and Investigation | 56,171 | 56,171 | - | 0% |
| Information Management and Research | 15,923 | 10,547 | 5,376 | 33.76% |

Explanation of variance:

This can mainly be attributed to the vacancies as a result of a high staff turnover in Programme 1 and the non-establishment of the Call Centre in Programme 3. In addition, the non-realisation of the relocation of National Office contributed to the variance.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**NOTES TO THE APPROPRIATION STATEMENT
for the year ended 31 March 2010**

| 4.2 Per Economic classification | Final Appropriation | Actual Expenditure | Variance | Variance as a % of Final Appropriation |
|---|------------------------|-----------------------|----------|--|
| | R'000 | R'000 | R'000 | % |
| Current payments: | | | | |
| Compensation of employees | 66,398 | 65,061 | 1,337 | 2.01% |
| Goods and services | 45,830 | 37,086 | 8,744 | 19.07% |
| Financial transactions in assets and liabilities | - | 210 | (201) | - |
| Transfers and subsidies: | | | | |
| Departmental agencies and accounts | 65 | 65 | - | 0% |
| Payments for capital assets: | | | | |
| Machinery and equipment | 4,174 | 4,015 | 159 | 3.81% |

Explanation of variance:
This can be attributed to the vacancies as well as the fact that the relocation of National Office did not take place as planned.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 31 March 2010**

| PERFORMANCE | Note | 2009/10 R'000 | 2008/09 R'000 |
|---|-------------|--------------------------|--------------------------|
| REVENUE | | | |
| Annual appropriation | 1 | 116,467 | 98,497 |
| Departmental revenue | 2 | 154 | 69 |
| TOTAL REVENUE | | 116,621 | 98,566 |
| EXPENDITURE | | | |
| Current expenditure | | | |
| Compensation of employees | 3 | 65,061 | 58,017 |
| Goods and services | 4 | 36,903 | 36,981 |
| Financial transactions in assets and liabilities | 5 | 201 | 29 |
| Total current expenditure | | 102,165 | 95,027 |
| Transfers and subsidies | | | |
| Transfers and subsidies | 6 | 65 | 56 |
| Expenditure for capital assets | | | |
| Tangible capital assets | 7 | 4,016 | 4,236 |
| Total expenditure for capital assets | | 4,016 | 4,236 |
| TOTAL EXPENDITURE | | 106,246 | 99,319 |
| SURPLUS/(DEFICIT) FOR THE YEAR | | 10,375 | (753) |
| Reconciliation of Net Surplus/(Deficit) for the year | | | |
| Voted funds | 12 | 10,221 | (822) |
| Annual appropriation | 1 | 10,221 | (822) |
| Departmental revenue | 13 | 154 | 69 |
| SURPLUS/(DEFICIT) FOR THE YEAR | | 10,375 | (753) |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**STATEMENT OF FINANCIAL POSITION
for the year ended 31 March 2010**

| POSITION | Note | 2009/10 R'000 | 2008/09 R'000 |
|--|-------------|--------------------------|--------------------------|
| ASSETS | | | |
| Current assets | | 10,295 | 1,837 |
| Unauthorised expenditure | 8 | 891 | 891 |
| Cash and cash equivalents | 9 | 8,634 | 29 |
| Prepayments and advances | 10 | 17 | 46 |
| Receivables | 11 | 753 | 871 |
| TOTAL ASSETS | | 10,295 | 1,837 |
| LIABILITIES | | | |
| Current liabilities | | 10,295 | 1,837 |
| Voted funds to be surrendered to the Revenue Fund | 12 | 10,221 | - |
| Departmental revenue to be surrendered to the Revenue Fund | 13 | 23 | 3 |
| Bank overdraft | 14 | - | 1,834 |
| Payables | 15 | 51 | - |
| TOTAL LIABILITIES | | 10,295 | 1,837 |
| NET ASSETS | | - | - |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**CASH FLOW STATEMENT
for the year ended 31 March 2010**

| CASH FLOW | Note | 2009/10 R'000 | 2008/09 R'000 |
|--|-------------|--------------------------|--------------------------|
| CASH FLOWS FROM OPERATING ACTIVITIES | | | |
| Receipts | | 116,621 | 98,566 |
| Annual appropriated funds received | 1.1 | 116,467 | 98,497 |
| Departmental revenue received | 2 | 154 | 69 |
| Net (increase)/decrease in working capital | | 198 | (826) |
| Surrendered to Revenue Fund | | (134) | (67) |
| Current payments | | (102,165) | (94,027) |
| Transfers and subsidies paid | | (65) | (56) |
| Net cash flow available from operating activities | 16 | 14,455 | 2,590 |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | |
| Payments for capital assets | 7 | (4,016) | (4,236) |
| Net cash flows from investing activities | | (4,016) | (4,236) |
| Net increase/(decrease) in cash and cash equivalents | | 10,439 | (1,646) |
| Cash and cash equivalents at beginning of period | | (1,805) | (159) |
| Cash and cash equivalents at end of period | 9 | 8,634 | (1,805) |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. 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, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 2 of 2006.

1. Presentation of the Financial Statements

1.1 Basis of preparation

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid.

1.2 Presentation currency

All amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.

1.3 Rounding

Unless otherwise stated all financial figures have been rounded to the nearest one thousand Rand (R'000).

1.4 Comparative figures

Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

1.5 Comparative figures - Appropriation Statement

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

2. Revenue

2.1 Appropriated funds

Appropriated funds comprises of departmental allocations as well as direct charges against revenue fund (i.e. statutory appropriation).

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

The total appropriated funds received during the year are presented in the statement of financial performance.

Unexpended appropriated funds are surrendered to the National Revenue Fund. Any amounts owing to the National Revenue Fund at the end of the financial year are recognised as a payable in the statement of financial position.

2.2 Departmental revenue

All departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the National Revenue Fund, unless stated otherwise.

Any amount owing to the National Revenue Fund is recognised as a payable in the statement of financial position.

No accrual is made for the amount receivable from the last receipt date to the end of the reporting period. These amounts are however disclosed in the disclosure note to the annual financial statements.

3. Expenditure

3.1 Compensation of employees

3.1.1 Short-term employee benefits

The costs of short-term employee benefits are expensed in the statement of financial performance when financial authorisation for payment is effected on the system (by no later than 31 March each year).

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts must not be recognised in the statement of financial performance or position.

Employee cost are capitalised to the cost of a capital project when an employee spends more than 50% of his/her time in the project. These payments form part of expenditure for capital assets in the statement of financial performance.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

3.1.2 Post retirement benefits

Employer contributions (i.e. social contributions) are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March each year).

No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National Revenue Funds and not in the financial statements of the employer department.

Social contribution (such as medical benefits) made by the department for certain of its ex-employees are classified as transfers to households in the statement of financial performance.

3.1.3 Termination benefits

Termination benefits such as severance packages are recognised as an expense in the statement of financial performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

3.1.4 Other long-term employee benefits

Other long-term employee benefits (such as capped leave) are recognised as an expense in the statement of financial performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Long-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements.

3.2 Goods and services

Payments made for goods and/or services are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

The expense is classified as capital if the goods and/or services were acquired for a capital project or if the total purchase price exceeds the capitalisation threshold (currently R5,000). All other expenditures are classified as current.

3.3 Financial transactions in assets and liabilities

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or under-spending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but an estimate is included in the disclosure notes to the financial statements amounts.

All other losses are recognised when authorisation has been granted for the recognition thereof.

3.4 Transfers and subsidies

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

3.5 Unauthorised expenditure

When confirmed, unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

Unauthorised expenditure approved with funding is derecognised from the statement of financial position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding it is recognised as expenditure in the statement of financial performance on the date of approval.

3.6 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance according to the nature of the payment and not as a separate line item on the face of the statement. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

3.7 Irregular expenditure

Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable.

4. Assets

4.1 Cash and cash equivalents

Cash and cash equivalents are carried in the statement of financial position at cost.

Bank overdrafts are shown separately on the face of the statement of financial position.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

4.2 Other financial assets

Other financial assets are carried in the statement of financial position at cost.

4.3 Prepayments and advances

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and where the goods and services have not been received by year end.

Prepayments and advances outstanding at the end of the year are carried in the statement of financial position at cost.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

4.4 Receivables

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party or from the sale of goods/rendering of services.

Receivables outstanding at year-end are carried in the statement of financial position at cost plus any accrued interest. Amounts that are potentially irrecoverable are included in the disclosure notes.

4.5 Inventory

Inventories that qualify for recognition must be initially reflected at cost. Where inventories are acquired at no cost, or for nominal consideration, their cost shall be their fair value at the date of acquisition.

All inventory items at year-end are reflected using the weighted average cost or FIFO cost formula.

4.6 Capital assets

4.8.1 Movable assets

Initial recognition

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value.

Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as "expenditure for capital asset" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.

5. Liabilities

5.1 Payables

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are carried at cost in the statement of financial position.

5.2 Contingent liabilities

Contingent liabilities are included in the disclosure notes to the financial statements when it is possible that economic benefits will flow from the department, or when an outflow of economic benefits or service potential is probable but cannot be measured reliably.

5.3 Contingent assets

Contingent assets are included in the disclosure notes to the financial statements when it is possible that an inflow of economic benefits will flow to the entity.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

5.4 Commitments

Commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.5 Accruals

Accruals are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.6 Employee benefits

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the statement of financial performance or the statement of financial position.

5.7 Lease commitments

Finance lease

Finance leases are not recognised as assets and liabilities in the statement of financial position. Finance lease payments are recognised as an expense in the statement of financial performance and are apportioned between the capital and interest portions. The finance lease liability is disclosed in the disclosure notes to the financial statements.

Operating lease

Operating lease payments are recognised as an expense in the statement of financial performance. The operating lease commitments are disclosed in the disclosure notes to the financial statements.

5.8 Provisions

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made.

The basis for calculating provisions: All debts outstanding for a period longer than three years are deemed potentially doubtful.

6. Receivables for departmental revenue

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**ACCOUNTING POLICIES
for the year ended 31 March 2010**

7. Net Assets

7.1 Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National Revenue Fund when recovered or are transferred to the statement of financial performance when written-off.

8. Key management personnel

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2010**

I. Annual Appropriation

I.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds):

| | Final Appropriation | Actual Funds Received | Funds not requested/ not received | Appropriation received 2008/09 |
|--------------|--------------------------------|----------------------------------|--|---|
| | R'000 | R'000 | R'000 | R'000 |
| Programme 1 | 44,373 | 44,373 | - | 33,525 |
| Programme 2 | 56,171 | 56,171 | - | 53,102 |
| Programme 3 | 15,923 | 15,923 | - | 11,870 |
| Total | <u>116,467</u> | <u>116,467</u> | <u>-</u> | <u>98,497</u> |

2. Departmental revenue

| | <i>Note</i> | 2009/10 R'000 | 2008/09 R'000 |
|---|-------------|--------------------------|--------------------------|
| Sales of goods and services other than capital assets | 2.1 | 69 | 2 |
| Interest, dividends and rent on land | 2.2 | 24 | 3 |
| Financial transactions in assets and liabilities | 2.3 | 61 | 64 |
| Total revenue collected | | <u>154</u> | <u>69</u> |
| Departmental revenue collected | | <u>154</u> | <u>69</u> |

2.1 Sales of goods and services other than capital assets

| | <i>Note</i> | 2009/10 R'000 | 2008/09 R'000 |
|--|-------------|--------------------------|--------------------------|
| Sales of goods and services produced by the department | 2 | 69 | 2 |
| Sales by market establishment | | 25 | 25 |
| Other sales | | 44 | (23) |
| Total | | <u>69</u> | <u>2</u> |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2010**

2.2 Interest, dividends and rent on land

| | Note | 2009/10 | 2008/09 |
|--------------|------|-----------|----------|
| | | R'000 | R'000 |
| Interest | 2 | 24 | 3 |
| Total | | 24 | 3 |

2.3 Financial transactions in assets and liabilities

| | Note | 2009/10 | 2008/09 |
|--|------|-----------|-----------|
| | | R'000 | R'000 |
| Receivables | 2 | 38 | 32 |
| Other Receipts including Recoverable Revenue | | 23 | 32 |
| Total | | 61 | 64 |

3. Compensation of employees

3.1 Salaries and Wages

| | Note | 2009/10 | 2008/09 |
|----------------------------------|------|---------------|---------------|
| | | R'000 | R'000 |
| Basic salary | 3 | 42,831 | 36,186 |
| Performance award | | 988 | 831 |
| Service Based | | 3,381 | 2,768 |
| Compensative/circumstantial | | 1,603 | 4,191 |
| Other non-pensionable allowances | | 7,888 | 7,183 |
| Total | | 56,691 | 51,159 |

3.2 Social contributions

| | Note | 2009/10 | 2008/09 |
|-------------------------------|------|--------------|--------------|
| | | R'000 | R'000 |
| Employer contributions | | | |
| Pension | | 5,456 | 4,686 |
| Medical | | 2,908 | 2,165 |
| Bargaining council | | 6 | 7 |
| Total | | 8,370 | 6,858 |

Total compensation of employees

Average number of employees

| | |
|---------------|---------------|
| 65,061 | 58,017 |
| 287 | 270 |

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 20**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2010**

4 Goods and services

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|---|------|------------------|------------------|
| Administrative fees | | 416 | 1,889 |
| Advertising | | 603 | 814 |
| Assets less than R5,000 | 4.1 | 476 | 1,424 |
| Bursaries (employees) | | 169 | 180 |
| Catering | | 255 | 241 |
| Communication | | 2,653 | 2,574 |
| Computer services | 4.2 | 2,760 | 2,688 |
| Consultants, contractors and agency/outsourced services | 4.3 | 1,024 | 661 |
| Audit cost – external | 4.4 | 2,114 | 1,355 |
| Government motor transport | | 4,665 | 4,425 |
| Inventory | 4.5 | 1,797 | 1,546 |
| Operating leases | | 4,237 | 1,064 |
| Owned and leasehold property expenditure | 4.6 | 3,222 | 8,275 |
| Travel and subsistence | 4.7 | 10,874 | 8,342 |
| Venues and facilities | | 640 | 202 |
| Training and staff development | | 660 | 379 |
| Other operating expenditure | 4.8 | 338 | 922 |
| Total | | 36,903 | 36,981 |

4.1 Assets less than R5,000

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|-------------------------|------|------------------|------------------|
| | 4 | | |
| Tangible assets | | 476 | 1,424 |
| Machinery and equipment | | 476 | 1,424 |
| Total | | 476 | 1,424 |

4.2 Computer services

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|-------------------------------------|------|------------------|------------------|
| | 4 | | |
| SITA computer services | | 436 | 1,075 |
| External computer service providers | | 2,324 | 1,613 |
| Total | | 2,760 | 2,688 |

**INDEPENDENT COMPLAINTS DIRECTORATE
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**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2010**

4.3 Consultants, contractors and agency/outsourced services

| | Note 4 | 2009/10 R'000 | 2008/09 R'000 |
|--|-----------|------------------|------------------|
| Business and advisory services | | 358 | 175 |
| Legal costs | | - | 76 |
| Contractors | | 648 | 312 |
| Agency and support/outsourced services | | 18 | 98 |
| Total | | 1,024 | 661 |

4.4 Audit cost – External

| | Note 4 | 2009/10 R'000 | 2008/09 R'000 |
|-------------------|-----------|------------------|------------------|
| Regularity audits | | 2,052 | 1,331 |
| Other audits | | 62 | 24 |
| Total | | 2,114 | 1,355 |

4.5 Inventory

| | Note 4 | 2009/10 R'000 | 2008/09 R'000 |
|--|-----------|------------------|------------------|
| Learning and teaching support material | | 26 | 2 |
| Other consumable materials | | 219 | 409 |
| Stationery and printing | | 1,552 | 1,135 |
| Total | | 1,797 | 1,546 |

4.6 Owned and leasehold property expenditure

| | Note 4 | 2009/10 R'000 | 2008/09 R'000 |
|--------------------------|-----------|------------------|------------------|
| Municipal services | | 882 | 529 |
| Property management fees | | 44 | 27 |
| Other | | 2,296 | 7,719 |
| Total | | 3,222 | 8,275 |

4.7 Travel and subsistence

| | Note 4 | 2009/10 R'000 | 2008/09 R'000 |
|--------------|-----------|------------------|------------------|
| Local | | 10,855 | 8,338 |
| Foreign | | 19 | 4 |
| Total | | 10,874 | 8,342 |

**INDEPENDENT COMPLAINTS DIRECTORATE
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**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2010**

4.8 Other operating expenditure

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|---|------|------------------|------------------|
| Professional bodies, membership and subscription fees | 4 | 6 | 8 |
| Resettlement costs | | 141 | 360 |
| Other | | 191 | 554 |
| Total | | 338 | 922 |

4.9 World Cup Expenditure

| | Quantity | 2010/11 R'000 | 2009/10 R'000 |
|---------------------------|------------|------------------|------------------|
| Rainbow Nation Vuvuzela's | 303 | 7 | - |
| Soccer Scarves | 152 | 9 | - |
| SA Flag Rainbow Beanies | 151 | 6 | - |
| Makarapa's | 10 | 2 | - |
| Flags (32 Countries) | 32 | 6 | - |
| Total | 648 | 30 | - |

5. Financial transactions in assets and liabilities

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|-------------------|------|------------------|------------------|
| Debts written off | 5.1 | 201 | 29 |
| Total | | 201 | 29 |

5.1 Debts written off

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|------------------------------------|------|------------------|------------------|
| Nature of debts written off | 5 | | |
| Tax Debt | | 12 | 7 |
| Salary Overpayment | | 7 | - |
| Claims written off | | 182 | - |
| Total | | 201 | 7 |

6. Transfers and subsidies

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|------------------------------------|----------|------------------|------------------|
| Departmental agencies and accounts | Annex 1A | 65 | 56 |
| Total | | 65 | 56 |

**INDEPENDENT COMPLAINTS DIRECTORATE
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**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2010**

7. Expenditure for capital assets

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|-------------------------|------|------------------|------------------|
| Tangible assets | | 4,016 | 4,236 |
| Machinery and equipment | 7.1 | 4,016 | 4,236 |
| Total | | 4,016 | 4,236 |

7.1 Analysis of funds utilised to acquire capital assets – 2009/10

| | Voted funds R'000 | Aid assistance R'000 | Total R'000 |
|-------------------------|----------------------|----------------------------|----------------|
| Tangible assets | 4,016 | - | 4,016 |
| Machinery and equipment | 4,016 | - | 4,016 |
| Total | 4,016 | - | 4,016 |

7.2 Analysis of funds utilised to acquire capital assets – 2008/09

| | Voted funds R'000 | Aid assistance R'000 | Total R'000 |
|-------------------------|----------------------|----------------------------|----------------|
| Tangible assets | 4,236 | - | 4,236 |
| Machinery and equipment | 4,236 | - | 4,236 |
| Total | 4,236 | - | 4,236 |

8 Unauthorised expenditure

8.1 Reconciliation of unauthorised expenditure

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|--|------|------------------|------------------|
| Opening balance | | 891 | 91 |
| Unauthorised expenditure – discovered in current year | 8 | - | 800 |
| Unauthorised expenditure awaiting authorisation / written off | | 891 | 891 |

Analysis of awaiting authorisation per economic classification

| | | |
|--------------|------------|------------|
| Current | 891 | 891 |
| Total | 891 | 891 |

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9 Cash and cash equivalents

| | Note 9 | 2009/10 R'000 | 2008/09 R'000 |
|--|-----------|------------------|------------------|
| Consolidated Paymaster General Account | | 11,871 | - |
| Disbursements | | (3,266) | - |
| Cash on hand | | 29 | 29 |
| Total | | 8,634 | 29 |

10 Prepayments and advances

| | Note 10 | 2009/10 R'000 | 2008/09 R'000 |
|---------------------------------|------------|------------------|------------------|
| Travel and subsistence | | 17 | 29 |
| Advances paid to other entities | | - | 17 |
| Total | | 17 | 46 |

11 Receivables

| | Note | 2009/10 | | | R'000 Total | 2008/09 R'000 Total |
|----------------------------|--------------------|-----------------------------------|-----------------------------------|--|----------------|---------------------------|
| | | R'000 Less than one year | R'000 One to three years | R'000 Older than three years | | |
| Claims recoverable | 11.1 Annex 4 | 69 | 466 | - | 535 | 633 |
| Recoverable expenditure | 11.2 | (1) | - | - | (1) | 2 |
| Staff debt | 11.3 | 30 | 70 | 119 | 219 | 233 |
| Other debtors | 11.4 | - | - | - | - | 3 |
| Total | | 98 | 536 | 119 | 753 | 871 |

11.1 Claims recoverable

| | Note 11 | 2009/10 R'000 | 2008/09 R'000 |
|------------------------|------------|------------------|------------------|
| National departments | | 466 | 610 |
| Provincial departments | | 69 | 23 |
| Total | | 535 | 633 |

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11.2 Recoverable expenditure (disallowance accounts)

| | Note | 2009/10 | 2008/09 |
|--------------------------|------|------------|----------|
| | 11 | R'000 | R'000 |
| Independent Institutions | | (1) | 2 |
| Total | | (1) | 2 |

11.3 Staff debt

| | Note | 2009/10 | 2008/09 |
|--------------------|------|------------|------------|
| | 11 | R'000 | R'000 |
| Salary Overpayment | | 182 | 221 |
| Tax Debt | | 22 | 12 |
| Other | | 15 | - |
| Total | | 219 | 233 |

11.4 Other debtors

| | Note | 2009/10 | 2008/09 |
|--------------------------|------|----------|----------|
| | 1 | R'000 | R'000 |
| Independent Institutions | | - | 3 |
| Total | | - | 3 |

12 Voted funds to be surrendered to the Revenue Fund

| | Note | 2009/10 | 2008/09 |
|--|------|---------------|----------|
| | | R'000 | R'000 |
| Opening balance | | - | - |
| Transfer from statement of financial performance | | 10,221 | (800) |
| Add: Unauthorised expenditure for current year | | - | 800 |
| Closing balance | | 10,221 | - |

13 Departmental revenue to be surrendered to the Revenue Fund

| | Note | 2009/10 | 2008/09 |
|--|------|-----------|----------|
| | | R'000 | R'000 |
| Opening balance | | 3 | (591) |
| Transfer from Statement of Financial Performance | | 154 | 69 |
| Paid during the year | | (134) | 525 |
| Closing balance | | 23 | 3 |

14 Bank Overdraft

| | Note | 2009/10 | 2008/09 |
|---|------|----------|--------------|
| | | R'000 | R'000 |
| Overdraft with commercial banks (Local) | | - | 1,834 |
| Total | | - | 1,834 |

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15 Payables – current

| | Note | 2009/10 Total | 2008/09 Total |
|---------------------------------|---------|--------------------------|--------------------------|
| Amounts owing to other entities | Annex 5 | <u>51</u> | <u>-</u> |
| Total | | <u>51</u> | <u>-</u> |

16 Net cash flow available from operating activities

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|--|------|--------------------------|--------------------------|
| Net surplus/(deficit) as per Statement of Financial Performance | | 10,375 | (753) |
| Add back non cash/cash movements not deemed operating activities | | 4,080 | 3,343 |
| (Increase)/decrease in receivables – current | | 118 | (691) |
| (Increase)/decrease in prepayments and advances | | 29 | (8) |
| Increase/(decrease) in payables – current | | 51 | (127) |
| Expenditure on capital assets | | 4,016 | 4,236 |
| Surrenders to Revenue Fund | | (134) | (67) |
| Net cash flow generated by operating activities | | <u>14,455</u> | <u>2,590</u> |

17 Reconciliation of cash and cash equivalents for cash flow purposes

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|--|------|--------------------------|--------------------------|
| Consolidated Paymaster General account | | 11,871 | (1,834) |
| Disbursements | | (3,266) | - |
| Cash on hand | | 29 | 29 |
| Total | | <u>8,634</u> | <u>(1,805)</u> |

The negative amount of R1 827 represents incorrect disclosure of additional receivables in the 2008/09 financial year which will be resolved in the current financial year

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These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

18 Contingent liabilities and contingent assets

18.1 Contingent liabilities

| | | <i>Note</i> | 2009/10 R'000 | 2008/09 R'000 |
|---|---------------|-----------------|--------------------------|--------------------------|
| Liable to | Nature | | | |
| Motor vehicle guarantees | Employees | <i>Annex 3A</i> | 179 | 261 |
| Housing loan guarantees | Employees | <i>Annex 3A</i> | 269 | 269 |
| Claims against the department | | <i>Annex 3B</i> | 2,640 | 2,014 |
| Other department (Interdepartmental unconfirmed balances) | | <i>Annex 5</i> | 51 | - |
| Total | | | 3,139 | 2,544 |

19 Commitments

| | <i>Note</i> | 2009/10 R'000 | 2008/09 R'000 |
|----------------------------|-------------|--------------------------|--------------------------|
| Current expenditure | | | |
| Approved and contracted | | 632 | 538 |
| | | 632 | 538 |
| Capital expenditure | | | |
| Approved and contracted | | 1,012 | 103 |
| | | 1,012 | 103 |
| Total Commitments | | 1,644 | 641 |

No commitment is for longer than a year

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20 Accruals

| Listed by economic classification | 2009/10 R'000 | | | 2008/09 R'000 |
|-----------------------------------|------------------|----------|----------|------------------|
| | 30 Days | 30+ Days | Total | Total |
| Goods and services | - | - | - | 1,094 |
| Machinery and equipment | - | - | - | 39 |
| Total | - | - | - | 1,133 |

| Listed by programme level | Note | 2009/10 R'000 | 2008/09 R'000 |
|--|----------------|------------------|------------------|
| | Administration | | - |
| Complaints Processing, Monitoring and Investigations | | - | 348 |
| Information Management & Research | | - | 94 |
| Total | | - | 1,133 |

21 Employee benefits

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|-----------------------------------|-------------------|------------------|------------------|
| | Leave entitlement | | 1,875 |
| Service bonus (Thirteenth cheque) | | 1,527 | 1,565 |
| Capped leave commitments | | 3,234 | 3,730 |
| Other | | 96 | 305 |
| Total | | 6,732 | 7,707 |

The negative leave amounts included in the disclosure note, amounts to R56 109.59 and can be attributed to staff taking leave at the start of the period that exceeds the number of days calculated for the first quarter of the calendar year.

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22 Lease commitments

22.1 Finance leases expenditure

| | Land | Buildings and other fixed structures | Machinery and equipment | Total |
|---|-------------|---|--|--------------|
| 2009/10 | | | | |
| Not later than 1 year | - | - | 217 | 217 |
| Later than 1 year and not later than 5 years | - | - | 43 | 43 |
| Total lease commitments | - | - | 260 | 260 |
| | | | | |
| | Land | Buildings and other fixed structures | Machinery and equipment | Total |
| 2008/09 | | | | |
| Not later than 1 year | - | - | 284 | 284 |
| Later than 1 year and not later than 5 years | - | - | 228 | 228 |
| Total lease commitments | - | - | 512 | 512 |

*Disclosed Finance Leases refer to operating leases in respect of labour saving devices (photocopiers).
Permitted as per directive 14/3/4/1/11 (dated 20/09/2005) from National Treasury*

23 Receivables for departmental revenue

| | <i>Note</i> 2 | 2009/10 R'000 | 2008/09 R'000 |
|---|------------------|--------------------------|--------------------------|
| Sales of goods and services other than capital assets | | 69 | 53 |
| Interest, dividends and rent on land | | 24 | 7 |
| Financial transactions in assets and liabilities | | 61 | 9 |
| Total | | 154 | 69 |

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24 Irregular expenditure

24.1 Reconciliation of irregular expenditure

| | <i>Note</i> | 2009/10 R'000 | 2008/09 R'000 |
|--|-------------|--------------------------|--------------------------|
| Opening balance | | | |
| Add: Irregular expenditure – relating to prior year | | - | 28 |
| Add: Irregular expenditure – relating to current year | | 198 | - |
| Less: Amounts condoned | | | 154 |
| Less: Amounts recoverable (not condoned) | | (14) | (182) |
| Less: Amounts not recoverable (not condoned) | | | - |
| Irregular expenditure awaiting condonation | | <u>184</u> | <u>-</u> |
| | | | |
| Analysis of awaiting condonation per age classification | | | |
| Current year | | <u>184</u> | - |
| | | <u>184</u> | <u>-</u> |

24.2 Details of irregular expenditure recoverable (not condoned)

| Incident | 2009/10 R'000 |
|---|--------------------------|
| Official claimed private km's; Ordered to pay back to the ICD | 1 |
| SMS member claimed official kilometres unduly; Ordered to pay back. | 13 |
| Two Senior managers were paid acting allowance for a period longer than six months dating back to the 2008/09 financial year. The ICD was in contravention of the requirement of Chapter One, part Seven (VII) (B) of the Public Service Regulations. | 184 |
| Total | <u>198</u> |

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**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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25 Key management personnel

| | No. of Individuals | 2009/10 R'000 | 2008/09 R'000 |
|--|-----------------------|------------------|------------------|
| Officials: | | | |
| Level 15 to 16 | 1 | 609 | 56 |
| Level 14 (incl. CFO if at a lower level) | 4 | 3,399 | 3,089 |
| Total | | 4,008 | 3,145 |

26 Provisions

| | Note | 2009/10 R'000 | 2008/09 R'000 |
|--------------------------------------|------|------------------|------------------|
| Potential irrecoverable debts | | | |
| Receivables | | 119 | 79 |
| Total | | 119 | 79 |

27 Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

| | Opening balance | Curr Year Adjust- ments to prior year balances | Additions | Disposals | Closing Balance |
|--|--------------------|--|--------------|--------------|--------------------|
| | R'000 | R'000 | R'000 | R'000 | R'000 |
| MACHINERY AND EQUIPMENT | 19,580 | (8,918) | 4,016 | 2,229 | 12,449 |
| Transport assets | 5,641 | (1,956) | - | 2,068 | 1,617 |
| Computer equipment | 7,766 | (3,987) | 3,626 | 148 | 7,257 |
| Furniture and office equipment | 4,054 | (2,106) | 305 | 13 | 2,240 |
| Other machinery and equipment | 2,119 | (869) | 85 | - | 1,335 |
| TOTAL MOVABLE TANGIBLE CAPITAL ASSETS | 19,580 | (8,918) | 4,016 | 2,229 | 12,449 |

*Restated the Opening Balance through the Current Year Adjustments to Prior Year Balances
The principle of fair value has been applied on all assets taken on, after proof has been obtained to substantiate the monetary values.*

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**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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27.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

| | Cash | Non-cash | (Capital Work in Progress current costs and finance lease payments) | Received current, not paid (Paid current year, received prior year) | Total |
|---|--------------|----------|--|--|--------------|
| | R'000 | R'000 | R'000 | R'000 | R'000 |
| MACHINERY AND EQUIPMENT | 4,010 | - | - | 6 | 4,016 |
| Computer equipment | 3,626 | - | - | - | 3,626 |
| Furniture and office equipment | 299 | - | - | 6 | 305 |
| Other machinery and equipment | 85 | - | - | - | 85 |
| TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS | 4,010 | - | - | 6 | 4,016 |

27.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

| | Sold for cash | Transfer out or destroyed or scrapped | Total disposals | Cash Received Actual |
|--|------------------|---|--------------------|----------------------------|
| | R'000 | R'000 | R'000 | R'000 |
| MACHINERY AND EQUIPMENT | - | 2,229 | 2,229 | - |
| Transport assets | - | 2,068 | 2,068 | - |
| Computer equipment | - | 148 | 148 | - |
| Furniture and office equipment | - | 13 | 13 | - |
| TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS | - | 2,229 | 2,229 | - |

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**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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27.3 Movement for 2008/09

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009

| | Opening balance R'000 | Additions R'000 | Disposals R'000 | Closing balance R'000 |
|--------------------------------------|-----------------------------|--------------------|--------------------|-----------------------------|
| MACHINERY AND EQUIPMENT | 14,393 | 5,826 | 639 | 19,580 |
| Transport assets | 3,840 | 1,916 | 115 | 5,641 |
| Computer equipment | 5,391 | 2,714 | 339 | 7,766 |
| Furniture and office equipment | 3,066 | 1,084 | 96 | 4,054 |
| Other machinery and equipment | 2,096 | 112 | 89 | 2,119 |
| TOTAL MOVABLE TANGIBLE ASSETS | 14,393 | 5,826 | 639 | 19,580 |

27.4 Minor assets

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010

| | Intangible assets R'000 | Heritage assets R'000 | Machinery and equipment R'000 | Biological assets R'000 | Total R'000 |
|--------------|-------------------------------|-----------------------------|--|-------------------------------|----------------|
| Minor assets | - | 12 | 7,694 | - | 7,706 |
| TOTAL | - | 12 | 7,694 | - | 7,706 |

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2009

| | Intangible assets R'000 | Heritage assets R'000 | Machinery and equipment R'000 | Biological assets R'000 | Total R'000 |
|--------------|-------------------------------|-----------------------------|--|-------------------------------|----------------|
| Minor assets | - | 9 | 7,249 | - | 7,258 |
| TOTAL | - | 9 | 7,249 | - | 7,258 |

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**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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**ANNEXURE 1A
STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

| DEPARTMENT/ AGENCY/ ACCOUNT | TRANSFER ALLOCATION | | | | TRANSFER | | 2008/09 |
|-----------------------------|---------------------------|---------------|-------------|--------------------|--------------------|---|----------------------|
| | Adjusted Appropriation | Roll Overs | Adjustments | Total Available | Actual Transfer | % of Available funds Transferred | Appropriation Act |
| | R'000 | R'000 | R'000 | R'000 | R'000 | % | R'000 |
| SASSETA | 65 | - | - | 65 | 65 | 100% | 56 |
| | 65 | - | - | 65 | 65 | 100% | 56 |

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**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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**ANNEXURE 1B
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED**

| NAME OF ORGANISATION | NATURE OF GIFT, DONATION OR SPONSORSHIP | 2009/10 | 2008/09 |
|---|--|-----------------|-------------|
| | | R'000 | R'000 |
| Received in kind | | | |
| Delegation from DRC Mr T Bissembhur & Ms M Smit SASSETA | Voucher from Exclusive books for Library Sweets bought and donated to the Trans-Oranje Crèche for Casual Day Celebration Training to Investigators | - - 1,100 | 1 1 - |
| Subtotal | | 1,100 | 2 |
| TOTAL | | 1,100 | 2 |

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ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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**ANNEXURE 3A
STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2010 – LOCAL**

| Guarantor institution | Guarantee in respect of | Original guaranteed capital amount | Opening balance 1 April 2009 | Guarantees draw downs during the year | Guarantees repayments/ cancelled/ reduced/ released during the year | Revaluations | Closing balance 31 March 2010 | Guaranteed interest for year ended 31 March 2010 | Realised losses not recoverable i.e. claims paid out |
|-----------------------------|-------------------------|------------------------------------|------------------------------|---------------------------------------|---|--------------|-------------------------------|--|--|
| | | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 |
| Stannic | Motor vehicles | 331 | 261 | - | 82 | - | 179 | - | - |
| | Subtotal | 331 | 261 | - | 82 | - | 179 | - | - |
| ABSA | Housing | 496 | 88 | - | - | - | 88 | - | - |
| Nedbank | | 130 | 26 | - | - | - | 26 | - | - |
| Standard | | 564 | 142 | - | - | - | 142 | - | - |
| Free State Development Corp | | 156 | 13 | - | - | - | 13 | - | - |
| | | Subtotal | 1,346 | 269 | - | - | - | 269 | - |
| | TOTAL | 1,677 | 530 | - | 82 | - | 448 | - | - |

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**ANNEXURE 3B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2010**

| Nature of Liability | Opening Balance 1 April 2009 R'000 | Liabilities incurred during the year R'000 | Liabilities paid/cancel led/reduced during the year R'000 | Liabilities recoverable (Provide details hereunder) R'000 | Closing Balance 31 March 2010 R'000 |
|--------------------------------------|---|--|--|--|---|
| Claims against the department | | | | | |
| Court Settlement | - | 11 | 11 | - | - |
| Possible Claims | 2,014 | 626 | - | - | 2,640 |
| Subtotal | <u>2,014</u> | <u>637</u> | <u>11</u> | <u>-</u> | <u>2,640</u> |
| TOTAL | <u>2,014</u> | <u>637</u> | <u>11</u> | <u>-</u> | <u>2,640</u> |

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**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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**ANNEXURE 4
CLAIMS RECOVERABLE**

| Government Entity | Confirmed balance outstanding | | Unconfirmed balance outstanding | | Total | |
|---|-------------------------------|------------|---------------------------------|------------|------------|------------|
| | 31/03/2010 | 31/03/2009 | 31/03/2010 | 31/03/2009 | 31/03/2010 | 31/03/2009 |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 |
| Department | | | | | | |
| Provincial Government – North West | - | - | 1 | 1 | 1 | 1 |
| Provincial Government – Gauteng (Sports, Arts, Culture) | - | - | - | 10 | - | 10 |
| Provincial Government – Gauteng (Shared Services) | - | - | - | 12 | - | 12 |
| National Treasury | - | - | 403 | 587 | 403 | 587 |
| Provincial Government – Gauteng (Education) | - | - | 68 | - | 68 | - |
| Department of Agriculture, Forestry & Fisheries | - | - | 8 | - | 8 | - |
| Provincial Government – Gauteng (Economic Development) | - | - | 3 | - | 3 | - |
| Department of Health | - | - | 7 | - | 7 | - |
| SAPS | - | - | 36 | - | 36 | - |
| SASSA | - | - | 5 | - | 5 | - |
| Statistics SA | - | - | 4 | - | 4 | - |
| Sub-Total | - | - | 535 | 610 | 535 | 610 |
| TOTAL | - | - | 535 | 610 | 535 | 610 |

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ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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**ANNEXURE 5
INTER-GOVERNMENT PAYABLES**

| GOVERNMENT ENTITY | Confirmed balance outstanding | | Unconfirmed balance outstanding | | TOTAL | |
|--------------------------------|-------------------------------|------------|---------------------------------|------------|------------|------------|
| | 31/03/2010 | 31/03/2009 | 31/03/2010 | 31/03/2009 | 31/03/2010 | 31/03/2009 |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 |
| OTHER GOVERNMENT ENTITY | | | | | | |
| Current | | | | | | |
| SARS | - | - | 48 | - | 48 | - |
| National Treasury (NRF) | - | - | 3 | - | 3 | - |
| Subtotal | - | - | 51 | - | 51 | - |
| Total | - | - | 51 | - | 51 | - |

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ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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**ANNEXURE 6
INVENTORY**

| | Note | Quantity | 2009/10 R'000 |
|---|------|---------------|------------------|
| Inventory | | | |
| Opening balance | | 20,360 | 589 |
| Add/(Less): Adjustments to prior year balance | | 361 | 44 |
| Add: Additions/Purchases - Cash | | 22,800 | 2,230 |
| Add: Additions - Non-cash | | 259 | 35 |
| (Less): Issues | | (22,872) | (2,032) |
| Closing balance | | 20,908 | 866 |

LIST OF ABBREVIATIONS

ACC – Anti-Corruption Command
ACHPR – African Commission for Human and People’s Rights
APCOF – African Policing Oversight Forum
BAS – Basic Accounting System
BEE – Black Economic Empowerment
CBPE – Centre for Business and Professional Ethics
CGE – Commission for Gender Equality
CPF – Community Policing Forum
DPP – Director of Public Prosecutions
DVA – Domestic Violence Act
EAP – Employment Assistance Programme
ED – Executive Director
EXCO – Executive Committee
GG – Government Garage
HDI –Historically Disadvantaged Individual
HRM – Human Resource Management
ICAC – International Conference on Anti Corruption
ICD – Independent Complaints Directorate
IMS – Information Management System
ICT – Information and Communication Technology
ISU – Integrity Strengthening Unit
LOGIS- Logistical Information System
OSF – Open Society Foundation
MEC – Member of Executive Committee
MISS – Minimum Information Security Standards
MPS – Municipal Police Services
MPCC – Multi Purpose Community Centre
MTEC – Medium Term Expenditure Committee
NEPAD – New Partnership for Africa’s Development
NGO – Non Governmental Organization
NIA – National Intelligence Agency
NFMPS – National Forum for Municipal Police Services
PERSAL – Personnel and Salary System
PFMA – Public Finance Management Act
POSLEC – Police, Security, Legal and Correctional
POU – Proactive Oversight Unit
PPP – Public/Private Partnership
PSC – Public Service Commission
PSCBC – Public Service Coordinating Bargaining Council
SAPS – South African Police Service
SCOPA – Special Committee on Public Accounts
SCM – Supply Chain Management
SDIP – Service Delivery Improvement Plan
SETA – Sector Education Training Authority
SMC – Senior Management Committee
SMME – Small, Medium, and Micro Enterprises
SMS – Senior Management Service
SOP – Standard Operating Procedure
SP – Special Programmes
SPR – Special Programme Representative
VCT – Voluntary Counseling and Testing

The ICD in photos



Workshop on Torture



Exhibition during Budget Vote

The ICD in photos



Internal Event on Disability

The ICD in photos



Team Building