



Independent Complaints Directorate

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ANNUAL REPORT 2007/08



independent complaints directorate

Department:
Independent Complaints Directorate
REPUBLIC OF SOUTH AFRICA

Independent Complaints Directorate Annual Report 2007/08





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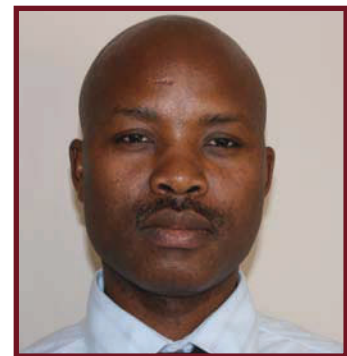
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FOREWORD BY THE MINISTER

It is worth noting that the Independent Complaints Directorate (ICD) is fast becoming popular among the South African public. This is evident in the number of civilians who approach ICD offices throughout the country to seek assistance. The ICD reaffirms its commitment to transform policing and law enforcement in South Africa.

For the ICD, stakeholder relations are very important to ensure we enjoy the support of all important role-players, including ordinary civilians, if we are to succeed in fulfilling our mandate of investigating cases of criminality, corruption and misconduct against members of the South African Police Service (SAPS) and Municipal Police Service (MPS). One of our objectives is to enhance existing relationships and forge new ones.

The ICD continues to impress with the manner in which they execute their duties given the current environment that they operate within, one with very limited financial and human resources. The number of cases reported and resolved bears testimony to ICD's success. With an increased number of personnel and a bigger allocation of the budget, I am certain that the ICD can improve even more. The ICD has this far managed to open six (6) satellite offices and this is definitely a good start to making itself accessible to communities.

I align myself with Parliament's sentiments that the ICD should get capacitated both financially and in terms of human resources.

I commend the ICD workforce for their tireless efforts and dedication by attending to complaints timeously within their given environment which necessitates that they work twice as hard to complete tasks and keep complainants happy.

I believe that this Annual Report for 2007/08 fairly represents the work of the ICD. My wish is to see the ICD overcome their human and financial resource challenge so that they can excel in the execution of their mandate. I also wish them success in future.



MR C. NOAKULA
MINISTER FOR SAFETY AND SECURITY

OVERVIEW BY THE EXECUTIVE DIRECTOR

Since I took over the reins as the Acting Executive Director for the ICD I can say with pride and certainty that the organisation is blessed to have such committed staff who sacrifice a lot to make sure that the ICD delivers on its mandate. It is through commitment and dedication of its employees that the ICD managed to perform its duties despite challenges that could have seriously hamstrung its performance.

Lack of capacity remains a strategic issue for the organisation. The ICD in collaboration with the Institute for Security Studies undertook a research study last year titled "South African Police Services' Compliance with recommendations by the Independent Complaints Directorate" and one of the findings made by the researchers was that the ICD is severely understaffed, especially when considering the increasing numbers of SAPS members. The investigators who fulfil the core mandate of the ICD need increased administrative support in order to carry out their duties effectively.

Deservingly so, the ICD celebrated its tenth anniversary in 2007 and marked this significant period through the hosting of a gala dinner where various ICD stakeholders were invited. The gala event was also in honour of employees who had showed commitment and loyalty to the organisation by being part of it since inception. The ICD received the Santam Risk Management Award in the Category: Best Government Risk Management Initiative. The award was based on the ICD's integrated Compliance and Ethics programme which is aimed at enhancing a culture of trust, accountability and integrity, prevention of non-compliance, protection from negative consequences, detection of non-compliance and remedial action when non-compliance occurs.

The ICD implemented a number of contingency measures on Asset Management to address the findings of the Auditor-General as reflected in his Audit Report for the 2006/07 financial year. There has been a significant improvement in 2007 as a result of the said interventions. During the period under review the ICD managed to establish two satellite offices, one in Mthatha (Eastern Cape) and another in Empangeni (KwaZulu-Natal). New satellite offices will be opened in each financial year until there is a presence in many of our remote and rural areas.

I must say that I am very pleased to note that finally the "brand ICD" is now regularly on the lips of most South African citizens who have come to know more about it and its legal mandate. We need to work together with SAPS to make sure that new police recruits are sensitized as well so that they know what the ICD is all about.

I wish to take this opportunity once again to thank the Honourable Minister for Safety and Security, the Honourable Deputy Minister, the Provincial Members of the Executive Committee for Safety and Security, Parliamentary Portfolio Committee on Safety and Security, the South African Police Service, Civil Society and our most important stakeholder, the community that we serve.



Mr E.G Valoyi
ACTING EXECUTIVE DIRECTOR: ICD

1. LEGISLATIVE MANDATE OF THE ICD

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

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;

Shall mero motu or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and

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

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

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

In terms of Section 64 of the SAPS Act, read with Regulation 9 and Annexure 5 of the Regulations for Municipal Police Services, the ICD has been given the same civilian oversight duties in respect of Municipal Police Services that it has in respect of the South African Police Service

MISSION AND VISION

Mission

To promote proper police conduct.

Vision

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

2. PROGRAMME PERFORMANCE

SUMMARY OF PROGRAMMES

The activities of the Independent Complaints Directorate are organized in the following programmes:

Programme 1: Administration

Programme 2: Investigation of Complaints

Programme 3: Information Management and Research

Overview of the service delivery environment for 2007/08

In the period under review the ICD received a total of 779 cases of deaths in police custody and as a result of police action. KwaZulu-Natal registered most cases with 172 and Gauteng followed with 163 cases. The figure for KwaZulu-Natal indicates an increase of 12%. The number of cases of death for Gauteng dropped from 169 to 162, a decrease of -4%. It is worth mentioning that Mpumalanga reported a massive increase of 68% in 2007/08 compared to 2006/07 financial year.

Cases of deaths increased by 12% during 2007/08 compared to 2006/07 financial year. Deaths in police custody increased by 8%. A total of 95 cases of suicides were registered, accounting for 12% of all deaths. The majority of suicides are committed by hanging where victims used their clothing material. It also needs to be mentioned though that in 17 cases victims were found to have utilised belts and shoelaces to hang themselves. The ICD is therefore investigating these cases to establish if this was a case of negligence and if proved correct disciplinary steps will be taken against responsible police officials.

The annual change in the total number of complaints reported to the ICD varies from 5412 in the 2006/07 financial year to 5822 in the 2007/08 financial year. This increasing number of complaints against police officials is an indication of the trust and confidence that the South African citizens have in ICD's ability to treat them with dignity and, to promptly attend to their complaints.

Overview of the organisational environment

In the 2007 Budget, an additional allocation of R7 million was made for the 2007/08 financial year. The allocation made it possible for the ICD to open two satellite offices and to improve on the compensation of the ICD's investigative capacity to investigate all criminality and more serious cases of police misconduct and to monitor the policing of domestic violence cases.

Performance information

The ICD's electronic complaints handling mechanism allows that complaints – relevant to the mandate of the ICD – be registered and updated on a continuous basis until finalisation of the relevant investigation. Such a case is only closed on the system upon the receipt of the results/findings from the Court in respect of a criminal offence or, when police management reports on their findings in respect of any disciplinary action that has been instituted. The information on the database is then also updated for use by the ICD's researchers in order to analyse trends and to propose recommendations that may curb future errant police behaviour. The eventual shift to the active investigation of all classes of complaints that are being received had a negative influence not only on the ICD's performance levels but also the continued updating of the ever increasing number of cases started to fall behind. Much effort has been made to update the information of such older cases onto the system with a view to finalise same. To monitor the progress made in terms of the set targets, monthly reports have been developed for Responsibility Managers to report on progress made to close and finalise current (recent year) and brought forward (previous year) cases. Responsibility Managers also have

to report on the progress made in terms of the various targets set for every Programme. These monthly reports are then studied by the Programme Managers who have to present a detailed Programme Report on progress and targets for the specific month/period to the Executive Committee (EXCO). Problem areas in respect of performance and stake holder management are also addressed and feedback is provided where challenges exist. In order to improve further on the correctness of information, a Monitoring and Evaluation Committee has been established late in the financial year, not only to seek ways to improve the quality of reporting but also to ensure the improvement of performance levels.

Major projects undertaken during 2007/08 Financial Year

Without the much needed Asset Management system, the ICD's Supply Chain Management put in place a number of contingency measures to improve on the findings of the Auditor General with regard to the ICD's compliance to prescripts for the 2006/07 financial year. One of the contingency measures saw the ICD approaching National Treasury with a policy option to provide additional funding for the 2008/09 financial year in order to establish an Asset Management Unit in all ICD offices.

Progress with financial management improvement

The ICD implemented contingency measures with regard to Asset Management to improve on the findings of the Auditor General regarding the ICD's compliance with prescripts. A proper asset verification process was performed to assist in verifying the existence and registration of each and every official asset on the LOGIS electronic Asset Register. According to the information received from provincial offices before the commencement of the Internal Auditor's visit to the provinces, it became clear that the level of Asset Management had improved significantly due to the contingency measures.

Strategic issues facing the department that need to be dealt with

Capacity problems continue to make it difficult for the ICD to perform its duties diligently, and hamper the organisation's ability to investigate all complaints of criminal offences and misconduct received, allegedly committed by SAPS and MPS members. The number of cases received increases year on year but the ICD structure does not increase in relation to the growing number of complaints. To address the problem, the ICD embarked on a restructuring process, where staff members were audited and those who had a legal qualification and/or investigative experience were recommended for the investigation of Class IV cases (service delivery complaints/ misconduct) and domestic violence cases. The restructuring process has been completed and the outcomes will be implemented once the ICD receives funding for this purpose.

3. PROGRAMME 1: ADMINISTRATION

Purpose:

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

Main Activities

The main activities of this programme include the following:

The implementation of the Public Finance Management Act (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 provision of logistics, cleaning and auxiliary services.

Security management in compliance with the Minimum Information Security Standard (MISS) and other national safety regulations.

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 which 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-centered governance and, the provision of centralized administrative, office support, human resource management and financial management services.

Service Delivery Achievements

Sub - Programme	Output	Output Performance measures/ Service Delivery Indicators	Actual Performance against target	
Supply Chain Management	Maintaining SCM systems	Stocktaking of three(3) storerooms	28 February 2008	Target met
		Evaluate service providers and black list poor service providers	30 June 2007	Target met
Financial Management	Proper Budget Management	Monitoring of expenditure	Monthly	Target met
		Closing and submission of Financial Statements	31 May	Target met
Special Programmes & EWP	Conduct employee wellness campaigns	VCT roll out	30 June 2007	Target met
		Induction of Employees on Employee Wellness Programme	31 May 2007	Target met
Integrity Strengthening & Risk Management	Implementation of control measures to address risks identified	Compile Risk management report	Quarterly	Target met
Service Delivery & Training	Implementation of Batho Pele Revitalization Programme Provision of accredited skills programmes	Launch of Service Commitment Charter	31 March 2008	Target met
		70% of training programmes offered by recognized service providers	31 March 2008	Target met
		Bursary policy and contract reviewed	31 March 2008	Target met
		2% registered learnerships		Target not met. This was due to problems experienced with the SASSETA
Asset Management	Implementation of government strategy on asset management	Up to date Asset Register	31 January 2008	Target met
		Appointment of asset holders	31 March 2008	Target met
		Implement control measures in respect of at least 10% of priority risk areas		Target met
Auxiliary Services	Installation of tracker systems in all GG and subsidized cars Implement ELS system	Reduce misuse of vehicles	Quarterly reports	Target met.
		Office to implement the system	30 September	Target not met. System dependent on G-Fleet which is often off-line

Service Delivery Achievements

Human Resource management	Comply with Employment Equity Act	50% women in top management	31 March 2008	Target met
		2% of people with disabilities	31 March 2008	1.61% achieved
		Maintaining vacancy rate at less than 10%	Quarterly	Target met
Labour Relations	Promotion of labour peace and discipline in the department	Conduct workshops on disciplinary code and grievance procedures	August 2007	Target met
Internal Audit	Evaluate effectiveness of internal controls and compliance to prescripts	Execute operational plan	31 March 2008	Target met
		Report on audit findings	Report quarterly	Target met

Maintenance

The ICD occupies rented/leased buildings and does not own any property, in view thereof we are not affected by any maintenance backlogs.

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, identification of developmental and training needs of personnel and ensuring proper implementation of performance management in the department.

1. Service Delivery

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

Table 1.1 - Main services provided and standards

Main services	Actual customers	Potential customers	Standard of service	Actual achievement against standards
The investigation of all deaths in police custody and as a result of police action and, 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).	Report captured on database within 48 hours.
	Victims	Public	Production of final recommendation reports within 14 days of receipt of technical reports (Class 1 and Class 3).	Report captured on database within 48 hours.
	Victims	Public	Production of final report in respect of Class 4 cases within 180 days.	Final report captured on database within 48 hours.
	Victims	Public	Quality and thorough investigation of dockets to the DPP / SAPS / MPS.	Queries attended promptly, dockets forwarded to the DPP within 30 days.
	Victims	Public	Reporting 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	Attend and respond to legal queries.	Within 5 days and on-going.

Table 1.1 - Main services provided and standards

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 has 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.
Refining/ Strengthening internal business processes.	ICD Employees	ICD Employees	Improvement in service delivery.	Review the SDIP annually, ongoing.

Table 1.2 - Consultation arrangements with customers

Type of arrangement	Actual Customers	Potential Customers	Actual achievements
Personal consultation	Public	Public	Attending to clients within five minutes.
Progress report	Public	Public	Progress regarding investigations reported to clients on regular basis.

Table 1.3 - Service delivery access strategy

Access Strategy	Actual achievements
Community Awareness	Participation in awareness programmes.
Media	Prompt responses.
Satellite offices	6 satellite offices established

Table 1.4 - Service information tool

Types of information tool	Actual achievements
Publicity Material	Brochures and posters available in all official languages.
ICD Website	New information on ICD activities.
Government Website	Information on ICD activities.
Thusong Service Centers	Ensuring that information on ICD mandate is available at these centres, especially during events.

Table 1.5 - Complaints mechanism

Complaints Mechanism	Actual achievements
Consulting at ICD offices	Prompt attendance.
Telephone, Fax and Email	Acknowledgement of receipt.
Referral System	Referring complainants to relevant organizations.
Service Delivery Component	Dealt with 50% service delivery complaints against the department

2. Expenditure

The following tables summarise final audited expenditure by programme (Table 2.1) and by 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 expenditure in terms of bursaries as well as other training interventions.

Table 2.1 - Personnel Costs per programme: 2007/08

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as a percent of total expenditure	Average personnel cost per employee (R'000)
Programme 1	27 402	13 125	253	704	47.89	208
Programme 2	36 597	23 112	340	196	63	231
Programme 3	16 892	9 458	188	303	55.9	143
Total:	80 891	45 695	781	1 203	56.4	199

Table 2.2 - Personnel costs per salary levels: 2007/08

Salary Levels	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	-	-	-
Skilled (Levels 3-5)	6 150	13	82
Highly skilled production (Levels 6-8)	13 942	31	190
Highly skilled supervision (Levels 9-12)	16 285	36	250
Senior and Top Management (Levels 13-16)	9 318	20	582
Total:	45 695	100	199

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: 2007/08

Programme	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount (R'000)	Medical Assistance as a % of personnel cost
Programme 1	8 483	64.6	243	1.8	255	1.9	488	3.7
Programme 2	14 881	64.3	266	1.15	221	0.9	830	3.5
Programme 3	6 743	71.2	80	0.8	237	2.5	414	4.3
Total:	30 107	65.8	589	1.2	713	1.5	1 732	3.7

Table 2.4 - Salaries, Overtime, Home Owners Allowance and Medical Aid per salary level, 2007/08

Programme	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as a % of personnel costs	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Lower skilled (Levels 1-2)	-	-	-	-	-	-	-	-
Skilled (Levels 3-5)	4 564	74.2	88	1.4	152	2.4	356	5.7
Highly skilled production (Levels 6-8)	9 496	68	285	2.0	222	1.5	677	4.8
Highly skilled supervision (Levels 9-12)	11 231	68.9	216	1.3	323	1.9	564	3.4
Senior and Top Management (Levels 13-16)	4 816	51.6	-	-	16	0.17	135	1.4
Total:	30 107	65.8	589	1.2	713	1.5	1 732	3.7

3. Employment and Vacancies

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

Table 3.1 - Employment and vacancies per programme: 31 March 2008

Programme	Number of posts	Number of employees	Vacancy rate	Additional to the establishment
Programme 1: Administration	68	63	7.3	None
Programme 2: Investigation of complaints	109	100	8.2	None
Programme 3: Information management and research	71	66	7.0	None
Total:	248	229	7.6	None

Table 3.2 - Employment and vacancies per salary level, 31 March 2008

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Lower skilled	-	-	-	None
Skilled	81	75	7.4	None
Highly skilled production	82	73	10.9	None
Highly skilled supervision	68	65	4.4	None
Senior and Top management	17	16	5.8	None
Total:	248	229	7.6	None

4. Job Evaluation

Table 4.1 - Job Evaluation: 01 April 2007 to 31 March 2008

	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	81	39	48	13	33.3	-	-
Highly skilled production	82	73	89	50	68.4	-	-
Highly skilled supervision	68	62	91.1	32	51.6	-	-
Senior Management Service Bands A	12	12	100	-	-	-	-
Senior Management Service Band B	4	4	100	-	-	-	-
Senior Management Service Band C	1	-	-	-	-	-	-
Senior Management Service Band D	-	-	-	-	-	-	-
Total:	248	190	76.6	95	50	-	-

5. Employment Changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the ICD's profile. The following tables provide a summary of turnover rates by salary levels (Table 5.1) and the reasons why staff are leaving the ICD (Table 5.2), and promotions by salary levels (Table 5.3).

Table 5.1 - Annual Turnover rates per salary levels for the period 1 April 2007 to 31 March 2008

Salary level	Number of employees as per band on 1 April 2007	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	-	-	-	-
Skilled (Levels 3-5)	66	37	21	31.8
Highly skilled production (Levels 6-8)	82	12	15	18.2
Highly skilled supervision (Levels 9-12)	45	8	11	24.4
Senior Management Service Band A	16	3	3	18.7
Senior Management Service Band B	-	-	-	-
Senior Management Service Band C	-	-	-	-
Senior Management Service Band D	-	-	-	-
Total:	209	60	50	23.9

Table 5.2 - Reasons why staff are leaving the department

Termination Type	Number	% of total
Death	1	2
Resignation	20	40
Expiry of Contract	-	-
Dismissal - operational changes	-	-
Dismissal - misconduct	-	-
Dismissal - inefficiency	-	-
Discharged due to ill-health	-	-
Retirement	-	-
Transfers to other Public Service Departments	29	58
Other	-	-
Total:	50	100
Total number of employees who left as a % of the total employment		23.9

Table 5.3 - Promotions per salary levels for the period 1 April 2007 to 31 March 2008

Salary levels	Employees 1 April 2007	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary bands
Lower skilled	-	-	-	-	-
Skilled	66	12	18	24	36
Highly skilled production	82	54	65.8	31	37.8
Highly skilled supervision	45	36	80	30	66.6
Senior and Top management	16	2	12.5	6	37.5
Total:	209	104	49.7	91	43.5

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 2008

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	11	-	-	-	4	-	-	1	16
Professionals	32	4	4	5	11	1	1	7	65
Technicians and associate professionals	31	1	2	5	30	3	1	-	73
Clerks	26	1	-	-	39	7	1	1	75
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-

6. Employment Equity

Total	100	6	6	10	84	11	3	9	229
Employees with disabilities	2	-	-	-	1	-	-	-	3

Table 6.2 - Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2008

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	11	-	-	-	4	-	-	1	16
Professionally qualified and experienced specialists and mid-management	32	4	4	5	11	1	1	7	65
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	31	1	2	5	30	3	1	-	73
Semi-skilled and discretionary decision making	27	1	-	-	38	7	1	1	75
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	101	6	6	10	83	11	3	9	229

Table 6.3 - Recruitment for the period: 1 April 2007 to 31 March 2008

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	3	-	-	-	3
Professionally qualified and experienced specialists and mid-management	9	1	2	1	5	1	-	-	19
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	16	-	2	1	14	-	2	-	35
Semi-skilled and discretionary decision making	16	-	-	-	26	1	1	1	45

Table 6.3 - Recruitment for the period: 1 April 2007 to 31 March 2008

Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	41	1	4	2	48	2	3	1	102

Table 6.4 - Promotions for the period: 1 April 2007 to 31 March 2008

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	2	-	-	-	2
Professionally qualified and experienced specialists and mid-management	22	1	2	4	6	-	-	1	36
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	28	1	2	1	16	2	4	-	54
Semi-skilled and discretionary decision making	3	-	-	-	8	-	-	1	12
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	53	2	4	5	32	2	4	2	104
Employees with disabilities	-	-	-	-	-	-	-	-	-

Table 6.5 - Terminations for the period 1 April 2007 till 31 March 2008

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	1	-	1	-	-	2
Professionally qualified and experienced specialists and mid-management	-	2	-	-	-	-	1	1	4
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	4	1	-	-	2	-	2	-	9
Semi-skilled and discretionary decision making	2	-	-	-	1	-	2	1	6
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	6	3	-	1	3	1	5	2	21

Table 6.6 - Disciplinary Action for the period 1 April 2007 to 31 March 2008

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	7	-	-	-	3	-	-	-	10

Table 6.7 - Skills Development for the period 1 April 2007 to 31 March 2008

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	94	8	2	3	44	6	2	12	171
Professionals	52	4	1	4	38	7	1	-	107
Technicians and associate professionals									
Clerks	102	3	1	1	106	6	1	5	225
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
Total	248	15	4	8	188	19	4	19	503
Employees with disabilities	-	-	-	-	-	-	-	-	-

7. Performance rewards

Table 7.1 - Performance rewards per race, gender and disability: 1 April 2007 to 31 March 2008

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African	71	181	39	584	8
Male	40	98	40	436	10.9
Female	31	83	37	148	4.7
Asian	6	9	66	101	16.8
Male	4	6	66	57	14.2
Female	2	3	66	44	22
Coloured	8	17	47	55	6.8
Male	4	6	66	29	7.25
Female	4	11	36	26	6.5
White	12	19	63	200	16.6
Male	4	10	40	38	9.5
Female	8	9	88	162	20
Employees with a disability	3	3	100	34	11
Total:	100	229	43.6	974	9.74

Table 7.2 - Performance Rewards per salary levels below Senior Management Service: 1 April 2007 to 31 March 2008

Salary Levels	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary level	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled	-	-	-	-	-	-
Skilled	24	75	32	59	2.4	0.95
Highly skilled production	36	73	49	165	4.5	1.18
Highly skilled supervision	33	65	50.7	486	14.7	2.9
Total	93	213	43.6	710	7.6	1.95

Table 7.3: Performance- related rewards (cash bonus), by salary band, for Senior Management Service.

Salary Band	Beneficiary Profile			Total Cost (R'000)	Average cost per employee (R'000)	Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within salary bands			
Band A	4	12	33	177	44	2.7
Band B	3	4	75	87	29	2.2
Band C	-	-	-	-	-	-
Band D	-	-	-	-	-	-
Total	7	16	43.7	264	37.7	

8. Foreign Workers

No foreign nationals have been employed in the Department.

9. Leave utilization for the period 1 January 2007 to 31 December 2007

The Public Service Commission identified the need to carefully monitor leave within the public service. The following tables provide an indication of the use of sick leave (Table 9.1).

Table 9.1 - Sick leave: 1 January 2007 to 31 December 2007

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)	395	89.9	57	33.9	7	89	355
Highly skilled production (Levels 6-8)	415	85.5	55	32.7	8	175	355
Highly skilled supervision (Level 9-12)	300	87	45	26.8	7	226	261
Senior management (Level 13-16)	85	90.6	11	6.5	8	179	71
Total:	1195	87.7	168	100	7	669	1042

Table 9.2 – Disability leave: 1 January 2007 to 31 December 2007

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)
Skilled	-	-	-	-	-	-
Highly skilled production	92	100	1	50	92	27
Highly skilled supervision	214	100	1	50	214	78
Senior management	-	-	-	-	-	-
Total:	306	100	2	100	306	105

Table 9.3 - Annual leave: 1 January 2007 to 31 December 2007

Salary level	Total days taken	Number of Employees who took leave	Average per employee
Lower skilled	-	-	-
Skilled	1054	88	12
Highly skilled production	1487	79	19
Highly skilled supervision	1459	70	21
Senior management	334	16	21
Total:	4334	253	17

Table 9.4 – Capped leave: 1 January 2007 to 31 December 2007

Salary level	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2007	Number of employees who took capped leave	Total number of capped leave available at 31 December 2007
Lower skilled (Levels 1-2)	-	-	-	-	-
Skilled Levels 3-5)	-	-	-	-	-
Highly skilled production (Levels 6-8)	32	8	27	4	560
Highly skilled supervision (Levels 9-12)	12	3	77	4	2996
Senior management (Levels 13-16)	4	2	66	2	594
Total	48	5	60	10	4150

Table 9.5 Leave payouts for the period 1 April 2007 to 31 March 2008

The following table summarises payments made to employees as a result of leave that was not taken

REASON	Total Amount (R'000)	Number of employees	Average per employee
Leave payout for 2006/06 due to non-utilisation of leave for the previous cycle	-	-	-
Capped leave payouts on termination of service for 2006/06	28	4	7 000.00
Current leave payout on termination of service for 2006/06	-	-	-
Total:	28	4	7 000.00

10 HIV/AIDS and Health Promotion Programmes

Table 10.1 - 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 supplied by the Department.

Table 10.2 - 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 Chapter 1 of the Public Regulations, 2001? If so, provide her/his name and position.	X		Mr JM Matsomela – Senior Manager: Human Resource Management
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and well being 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 well being 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 Special Programme Representatives are tasked with these programmes. The annual budget for Special Programmes & Employee Wellness during the period 2008 / 2009 amounts to R 984 000.00 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 EWP Services was implemented. The EWP services are outsourced to the Independent Counseling and Advisory Services (ICAS). The services include a full EWP service that includes 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 and training.
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 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.	X		The Special Programmes and Employee Wellness Committee deals with HIV / AIDS and related issues. The members from National Office are: Mr M Matsomela, Mr E Valoyi, Ms Verster, Ms M Smit, Mr M Dlamini, Ms E Engelbrecht, Ms K Netshikulwe and the provinces are represented by: Ms N Jayiya (EC), Mr L John (KZN), Mr M Tsimane & Ms W Manyathela (MPU), Mr D Mokoena (LIMP), Mr M Parman (FS), Ms A Percival (WC), Mr D Morema & Mr G Angus (NC), Ms B Motlhale (NW) and Mr R Raburabu (GAU).

Table 10.2 - Details of Health Promotion and HIV/AIDS Programme

Question	Yes	No	Details, if yes
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.	X		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 STI's. The policy was last reviewed during February 2006. The department is currently reviewing the policy for inclusion of the National Strategic Plan (NSP) 2007 - 2011.
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.	X		Allegations of misconduct relating to unfair discrimination on the basis of HIV/AIDS will be dealt with in terms of the Disciplinary Code and Procedure as well as the Grievance Procedure for the Public Service.
7. Does the department encourage its employees to undergo Voluntary Counseling and Testing? If so, list the results that you have achieved.	X		Management encourages employees to openly live with HIV and AIDS to develop support groups. Only two (2) disclosures have been made. The EWP service provider will ensure that they receive the necessary professional care and support.
8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	X		The Employee Wellness service provider (ICAS) submits four quarterly and one annual report to Senior Management on the management and quality control, account management and management information to monitor and evaluate the utilisation and impact of the Employee Wellness Programme.

11. Labour Relations

TABLE 11.1 Collective agreements, 1 April 2007 to 31 March 2008

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

Table 11.2 - Misconduct and disciplinary hearings finalized: 1 April 2007 to 31 March 2008

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

Outcomes of disciplinary hearings	Number	% of total
Correctional counseling	-	-
Verbal Warning	-	-
Written Warning	6	60
Final Written Warning	3	30
Suspended without pay	-	-
Fine	-	-
Demotion	-	-
Dismissal	-	-
Not guilty	1	10
Case withdrawn	-	-
Total	10	100

Table 11.3 - Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Misrepresentation: Criminal record	1	10
Abuse of State vehicle	1	10
Dishonesty	1	10
Fraud	1	10
Dereliction of duties	1	10
Insubordination	5	50
Total	10	100

Table 11.4 - Grievances lodged for the period: 1 April 2007 to 31 March 2008

	Number	% of total
Number of grievances resolved	5	100
Number of grievances not resolved	-	-
Total number of grievances lodged	5	100

Table 11.5 – Disputes lodged with Councils for the period: 1 April 2007 to 31 March 2008

	Number	% of Total
Number of disputes upheld	1	50
Number of disputes dismissed	1	50
Total number of disputes lodged	2	100

Strike actions for the period 1 April 2006 to 31 March 2007

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

Table 11.6 - Precautionary suspensions for the period: 1 April 2007 to 31 March 2008

Number of people suspended	2
Number of people whose suspension exceeded 30 days	2
Average number of days suspended	183
Cost	R 79 059.00

12. Skills development

This section highlights the efforts of the department with regard to skills development. Table 12.1 provides a summary of training needs identified during the period under review and Table 12.2 is a summary of training provided. During this period, 89% of the training needs were addressed.

12.1 - Training needs identified: 1 April 2007 to 31 March 2008

Occupational categories	Gender	Number of employees as at 1 April 2007	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	4	-	8	-	8
	Male	12	-	8	-	8
Professionals	Female	17	-	9	-	9
	Male	41	-	9	-	9
Technicians and associate professionals	Female	31	-	15	-	15
	Male	36	-	15	-	15
Clerks	Female	42	-	9	-	9
	Male	22	-	9	-	9
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	-	-	-	-	-
	Male	-	-	-	-	-
Total		205	-	82		82

12.2 - Training provided 1 April 2007 to 31 March 2008

Occupational categories	Gender	Number of employees as at 31 March 2008	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	64	-	13	10	23
	Male	107	-	15	9	24
Professionals	Female	46	-	7	8	15
	Male	61	-	6	8	14
Technicians and associate professionals	Female	-	-	-	-	-
	Male	-	-	-	-	-
Clerks	Female	107	-	9	8	17
	Male	118	-	9	8	17
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	-	-	29	26	-
	Male	-	-	30	25	55
Total		503	-	59	51	110

13. Injury on duty

There were no cases of Injury on duty which were reported for the period under review.

Utilisation of Consultants

Table 14.1: Report on Consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on project	Duration Work days	Contract value in Rand

2. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

1. INTRODUCTION

Purpose: Receive, register and process complaints. Investigate deaths in police custody and as a result of police action. Investigate and/or monitor complaints of criminality and misconduct. Monitor implementation of the Domestic Violence Act (1998).

- Investigation - investigates complaints of deaths in police custody or as a result of police action, and of misconduct and criminality.
- Legal Services provides legal advices to ICD officials.

Service delivery objectives and indicators

Measurable objectives: To maintain the integrity of independent oversight through the effective finalisation of complaints against police members received from the public.

PROGRAMME: INVESTIGATION OF COMPLAINTS

1. INTRODUCTION

The Programme: Investigation of Complaints forms the core business of the organization and operates in the main in provinces while a smaller proportion thereof is located at national office and this component looks at policy and strategic issues. The Anti Corruption Command, which was established in 2004/2005 financial year, undertakes investigations of corruption and operates across the country. Legal Services plays a critical supporting role to all the programmes but in the main to investigations and hence the component is located within the Programme: Investigations.

During the year under review, the programme was tasked with the responsibility to undertake investigations into all deaths in custody and those resulting from the actions of the South African Police Service (SAPS) and Municipal Police Service (MPS). The investigations of criminal offences and misconduct are discretionary.

Our annual intake of complaints shows a greater proportion of complaints received were cases of alleged misconduct, relating to service delivery – 47%, followed by allegations of criminal offences – 36%, while notifications of alleged death in police custody and as a result of police action accounted for 14%, and with only 3% being complaints of failure to comply with Domestic Violence Act. It was therefore not surprising that as in the past financial years, we dedicated our energies and resources in the investigations of all types of complaints including those that we have discretionary powers, such as complaints of misconduct and criminality. We have also started paying a lot more attention to complaints of failure to comply with the obligations imposed on the police by the Domestic Violence Act.

The Programme had at its disposal a total of 75 investigators, 71 of which were spread within the provinces while 4 were located at national office. It should also be reported that this programme enjoyed more stability in terms of staff-turnover than the other two support programmes, thanks to a revised salary package which saw an upgrade of Senior Investigators, a lowest level position in the ICD, moving from salary level 7 to salary level 8 with effect from 1 May 2008.

2. ANTI CORRUPTION COMMAND (ACC)

The ACC, with its limited human resources, has continued making strides in the investigation of allegations of corruption in the SAPS and MPS. During its four years of its existence, it has had lost no less than five of its members to other departments, which have also established anti corruption capacities. The Unit's efforts of recruiting and retaining female investigators were unsuccessful as three of the five members recruited by other departments were females. We will however, continue to recruit female investigators as and when vacancies occur in the unit.

The National Anti Corruption Hotline (NACF), located within the Office of the Public Service Commission continued to be the biggest referral agency of corruption allegations to the ACC. The only challenge experienced with those complaints received from the NACF is the sometimes limited information furnished on the details of the alleged corruption and thus making it difficult to follow up on them given the fact that complainants prefer to remain anonymous. It will be helpful going forward, if the NACF can engage the public in an extensive education drive to conscientize them on the importance of furnishing comprehensive information on the allegations to enable the investigation agencies to follow on the complaints otherwise this becomes a waste of resources.

The Durban Metro Police Service (DMPS) has continued to be the major contributor of complaints involving allegations of corruption. Two incidents of a high profile nature of corruption involving traffic fine monies were investigated and they led to arrests of two of the members of the DMPS. The cases are now on trial in the Durban Regional court. Another incident worth mentioning was the arrest and subsequent conviction of a female member of the Ekurhuleni Metro Police Service (EMPS), for extorting an amount of R200 instead of issuing a traffic fine to a motorist who was allegedly caught speeding. This member was convicted and sentenced to five years imprisonment with the option of a fine. We can only hope that this kind of interventions would send a message to those who abuse their positions for personal gains. We salute the stance taken by the magistrate who presided over this case who also made it clear that he want to send a strong message in sentencing the member regardless of the fact that she was a first offender.

3. LEGAL SERVICES

The ICD lost its Senior Manager, Dr Johan Snyman as its Head of Legal Services to a car accident. Dr Snyman had played an important role in putting together the Standard Operating Procedures (SOP) that guided the ICD's daily operations. He had also been the mastermind behind the cooperation agreements established with our key stakeholders, the South African Police Service (SAPS), Municipal Police Service (MPS), Director of Public Prosecutions (DPP). He will be sorely missed by all those privileged to know him.

In December 2007, Legal Services welcomed a new Senior Manager in the person of Ms Bongiwe Tukela as its new head.

Legal Services has developed an Information Manual in terms of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000). This manual was long overdue as the provisions of section 14 of the Act provides that "Within six months after the commencement of this section or the coming into existence of a public body , the information officer of the public body concerned must compile in at least three official languages a manual containing information-" about that public body.

It has also identified that the process which was followed in dealing with the applications for exemptions in terms of the Domestic Violence Act, 1998 (Act No. of 1998) as amended, was flawed as it was not in compliance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) as the ICD did not make provision for complainants to make representations before a decision which might affect the outcome of their complainant is taken. The application for exemption form has now been aligned to be PAJA compliant.

4. EVALUATION OF PERFORMANCE BY THE PROGRAMME

Programme 2: Investigations

The workload of the ICD must be understood in the context of its strategic objectives which means that some cases will inevitably be due for finalization only in the next financial year. The programme met most of its targets given the problem that the ICD faces, viz that of lacking sufficient resources. The following table depicts performance in respect of only cases received and finalized during the financial year under review, only:

Output	Measure/indicator	Target	Performance
Investigation of complaints	Finalize internal investigations in respect of deaths in custody and deaths (Class 1) where there is no police involvement within 30 days	60% of notifications received from SAPS/MPS	Target exceeded by 18%. 237 out of 302 cases were finalized within 30 days, amounting to 78%
	Finalize internal investigations in respect of deaths in custody and deaths (Class 1) where there is police involvement within 120 days	60% of notifications received from SAPS/MPS	Target not met. 288 cases out of 490 finalized, representing 59% of notifications received
	Finalize internal ICD investigations of Class 3 (criminal offences) cases within 180 days	50% of complaints received from SAPS/MPS	Target exceeded by 6%. 56% of cases, that is 971 out of 1742 cases finalized within 120 days
	Finalize internal ICD investigations of Class 4 (misconduct) cases within 120 days	50% of misconduct complaints	Target not met. Only 1075 (32%) out of 2474 cases finalized.
	Attendance of crime scenes	70% of death notifications	Target exceeded by 7%. 536 scenes attended out of 696, representing 77%. In the case of natural deaths there were no scenes and there were no scenes to attend in deaths due to natural causes
	Attending autopsy/post mortem examinations	70% of death notifications	Target exceeded by 7%. 473 post mortems attended out of 617, representing 77%.
	Written feedback to stakeholders	Every 30 days	Target not met consistently. Not all provinces are able to meet the target due to workload.

In addition to finalizing cases received during the 2007/08 financial year, the ICD finalized 6 743 cases registered prior to 1 April 2007. Of these, 1 077 were deaths in police custody or deaths as a result of police action, 2 430 were criminal offences and 3 236 were misconduct cases. The following table depicts performance in respect of cases due for finalized during the financial year under review.

Period of receipt	Deaths	Criminal	Misconduct	Total
Current (2007/08)	525	971	1075	2571
Prior to 1 April 2008	1077	2430	3236	6743
Total	1602	3401	4311	9314

Further detail is provided in the section on statistics.

A SAMPLE OF THE CASES INVESTIGATED BY THE ICD DURING THE FINANCIAL YEAR

Death as a result of police action

SAPS VILJOENSDRIFT (2007110416)

It is alleged that the suspect, a police official with the rank of Constable, stationed at Viljoensdrift police station, went to the station and booked out an official vehicle and two firearms (Z88 pistol and an R5 rifle), indicating that he was going out on crime prevention duties. He then headed out on the N1 near Heiningspruit, where he allegedly shot three occupants who were travelling in a police vehicle. The occupants of the vehicle were a police official with the rank of Superintendent, an Administration official and the third was allegedly the suspect police official's girlfriend. Two of the occupants in the vehicle died on the scene while the other was hospitalized. After the shooting, the police official allegedly drove the victims' vehicle which collided with another vehicle. The suspect was alleged to have been under the influence of alcohol upon being arrested. The incident was taken over for full investigation. The suspect was arrested and is in custody pending psychiatric evaluation.

Status: The matter was remanded on 09 May 2008 for the DPP to decide on a High Court date for trial. The accused is still in custody.

SAPS GALESHEWE (2007060056)

The Police attended a complaint of riotous behavior in Galeshewe. It is alleged that the deceased resisted arrest and bit the officer on the arm and ran into a shack. The officer followed the deceased into the shack, wherein, it is alleged that a struggle for the firearm ensued and a shot went off hitting the deceased on the neck. The deceased died on the scene. The misconduct and criminal investigation was completed by the ICD.

Status: The docket was forwarded to DPP for a decision on possible prosecution.

SAPS KWANOKUTHULA (2007080530)

Members of the police were conducting raids at various homes. During the raid, a police officer allegedly shot and killed an 11 month old baby. After the shooting, he allegedly replaced the ammunition used thereby creating an impression that he still had all the ammunition he had been issued and thus attempting covering up the crime. The incident was investigated and recommendations made to the DPP for possible prosecution on murder and defeating/attempting to defeat the ends of justice.

Status: The matter has been set down for

trial at the Knysna Regional Court for the 6-7/10/2008

SAPS BEAUFORT WEST (2007070003)

It is alleged that a police constable decided to conduct safety precautions on his service firearm while he was in the community service centre. A bullet was discharged from the firearm and fatally wounded a police reservist. The member was arrested and released on bail of R2000.

Status: The police officer appeared in court on the 10/06/2008 for a plea and trial.

SAPS SEYMORE (2006050323)

It is alleged that three members of the Fort Beaufort SAPS were requested to follow-up on a complaint at a farm. It is further alleged that the deceased came out of his house and started shooting randomly. whereby, the police identified themselves and returned fire. The deceased was found lying on his back with a bullet wound to his head.

Status: The DPP concurred with the ICD's recommendations. The matter was set down for trial on 2 – 13 June 2008.

SAPS MECKLENBERG (2007050378)

It is alleged that a police Inspector attached to Lydenburg detective branch was on duty with colleagues tracing suspects. At some point they came across one of the suspects they were looking for and attempted to stop him but he fled. It is alleged that the detectives pursued him but without success. The police then produced their service firearms and shot at the suspect. It is alleged that the suspect died instantly at the scene of crime.

Status: The investigation was completed and we now await ballistic results.

SAPS DENNILTON (2007060154)

It is alleged that on 6 June 2007 at about 10:30, a police constable, an inspector and a reservist constable, were performing crime prevention duties in the Dennilton area. They came across a suspicious motor vehicle and when they tried to stop it, the suspect drove off. It was further alleged that the occupants of the vehicle started shooting at the police and the police returned fire. The police followed the suspect's car until at Kwaggafontein where the suspect's car lost control and collided with a fence at Stand No. 847 Kwaggafontein, Section 10.

There were three suspects in the car, one managed to flee from the police, one was certified dead by paramedics and the other one was admitted at Kwa-Mhlanga hospital for medical treatment.

Status: After investigation by the ICD, the case docket has been forwarded to DPP for a decision.

SAPS MABLE-HALL (2007100624)

The police officer alleges that she was on duty in the Community Service Centre when she received information that her colleague, a police Inspector had been attacked. She reported the incident to a Captain on duty, who together with another Constable attended the scene. They returned to the CSC with the Inspector and one of the suspects who had allegedly attacked him. The Inspector alleged that one of the three males had pointed a firearm at him after he had offered them a lift in his vehicle. Somehow he had managed to stop the vehicle and overpowered the three suspects, two of whom had fled. The one suspect was covered in blood while the Inspector had no visible injuries. An ambulance was summoned but upon arrival the paramedics certified him dead. Foul play was suspected in this case.

Status: A disciplinary hearing found the member guilty and discharged him from service. The criminal case had been postponed to the 27/05/2008 for accused to obtain legal representation.

SAPS POMEROY (2007080278)

SAPS members from Pomeroy and Public Order Policing from Ulundi were conducting raids for illegal firearms at Pomeroy. Upon arriving at a certain homestead, they knocked at a hut where after the deceased came out running. One of the members allegedly fired a shot at the fleeing suspect thus fatally wounding him. The deceased was unarmed and no firearm was found in the whole homestead. After investigation, the ICD recommended that the member be charged with murder.

Status: The matter was set down for trial on 10 June 2008.

Cases of deaths of suspects involving police use of excessive force

SAPS MANKWENG (2008020541)

It is alleged that the deceased and three other victims were involved in a housebreaking and theft. According to the police, the community assisted them in arresting the suspects. The suspects were taken to Mankweng Detective offices where they were charged and taken to the Community Service Centre. One of them collapsed as it is alleged that he was assaulted by the community and by the police during

the arrest. The ambulance was called and the suspect was certified dead by the paramedics. The other three suspects also sustained serious injuries all over their bodies and were sent to hospital for treatment. It is further alleged that the three suspects made the allegations that the police had assaulted them.

ICD Action: The incident was reported to the ICD and we launched an investigation including the claims of assault and torture by the police. These allegations were corroborated by the suspects and thus led to the arrest of eight (8) members of the police. They were all pointed out at an identity parade.

Status: The suspect members appeared before the magistrate in Mankweng and the case was postponed to August 2008 pending the DPP's decision on prosecution.

SAPS MIDDLEBURG (2003040341)

It is alleged that the three police officers attached to the crime prevention unit, were busy doing patrols when they heard on the radio that there was a house breaking that had just occurred. As they were searching for the suspects, they came across a black male around the vicinity and arrested him. A while later as they were driving around and questioning him they came across a white male, sleeping next to a shop. They also took him for questioning and thereafter dragged him while his body was fastened to their vehicle. It is alleged that they later took both men to the station and assaulted them with a baseball bat. Later the white male died in the holding cells. After investigation, the ICD made recommendations to the DPP for prosecution of the members involved.

Status: The case was postponed on 28 January 2008 at the High court. The date of the trial has yet to be confirmed.

Negligent handling of a firearm resulting in death or serious injury

These two incidents demonstrate cases of pure negligence on the part of the members involved. The best way of dealing with these cases would be to subject those members to a serious retraining programme and to also hold an enquiry into their fitness to possess firearms.

SAPS EMONDLO (2003110005)

The allegations are that the deceased was in the company of a police sergeant and another family member when the member allegedly fired shots in the air in an attempt to scare a dog away. The bullet struck the victim who was wounded. He was rushed to a nearby clinic but died

a while later. The ICD investigated and recommended that the member be charged with culpable homicide.

Status: The DPP concurred and the docket was sent to court for issuing of summons.

SAPS PORT SHEPSTONE (2006060289)

It is alleged that a Constable was preparing to go to work with his colleague, another Constable. In an attempt to make his firearm safe, the member accidentally discharged his service firearm fatally wounding his colleague. The ICD recommended that the member be charged with culpable homicide.

Status: Case pending the issuing of summons by the court for the member to appear in court.

Off-duty deaths

A further area of concern is to be found in some of the murders committed when members are off-duty using the official service firearm. The handling of these cases is a concern in that commanding officers and internal discipline officers appear to be reluctant to charge members with misconduct when such members commit misconduct while off-duty. If incidents of misconduct, such as drunken behaviour, assault or domestic violence, do not occur while members are on duty or in pursuit of policing functions, managers and commanders tend to ignore them. It appears no disciplinary action results, especially where no criminal case emanates from such off-duty actions. During the period under review the ICD received notifications of 60 off-duty deaths. Here are some of the off-duty incidents involving members.

It is hoped that police management will look at these incidents differently and evaluate each one of them and where necessary institute an enquiry into the fitness of the relevant members to possess firearms, especially in incidents where members were the aggressors and where alcohol played a role in their actions.

SAPS DENEYSVILLE (2007060368)

It is alleged that the suspect, a police official, found the deceased conversing with his girlfriend at a tavern. The suspect without uttering a word allegedly assaulted the deceased with fists to the point that the latter fell and hit his head on the ground. He later died at his home. The ICD investigated the matter. As a result, the member was arrested and later released on bail of R1000.

Status: The trial date has yet to be determined.

SAPS ROSEDALE (2007010086)

It is alleged that an off duty police was involved in a brawl with a civilian, the cause of which is unclear. The said police officer allegedly hit the deceased with a stone on the head. The deceased died on the scene. The incident was investigated by the ICD and the police officer involved was arrested.

Status: The said police official was charged with murder. The matter is pending setting of trial date.

SAPS KLEINVLEI (2007060305)

It is alleged that an off-duty police officer was at a tavern, an argument broke out with a member of the public and the police officer shot and killed the member of the public. The incident was investigated and the police officer was arrested and later released on bail of R1000.

Status: The matter had been set down for trial at the Bluedowns Regional Court for the 18/07/2008

SAPS BENONI (2008010196)

It is alleged that an off-duty police officer and the deceased became embroiled in an argument in a road rage related incident. The two allegedly parked their vehicles on the side of the road and started threatening each other. The deceased allegedly moved closer to the police officer who pulled out his service firearm and fired shots at him. The deceased allegedly produced a knife and the officer fired six more shots at the deceased. The officer was arrested at the scene and later released on bail.

Status: The decision of the DPP is awaited on prosecution of the member.

SAPS TSAKANE (2007080452)

It is alleged that the deceased and his friends went to a tuck-shop to buy cigarettes. On their way they were approached by an off-duty police officer who accused the deceased of giving him an ugly look. An argument ensued between the two and the officer allegedly took out his service pistol and fired three times towards the deceased. The shots struck the deceased twice on the chest and once on the neck. A toy gun was found next to the deceased which one witness alleged that the officer threw next to the deceased so that he could claim that he was being attacked by the deceased. The ICD investigated further and recommended that the officer be charged with murder.

Status: The officer was charged with murder and the matter was set for trial on the 23 May 2008.

SAPS GREENWOODPARK (2007010020)

An off-duty Sergeant was at a shebeen drinking alcohol when he allegedly got into a quarrel with a civilian. He left the shebeen in his private motor vehicle only to return later. Another quarrel ensued between the deceased and the member whereby the member used pepper spray to spray the deceased. The deceased allegedly pulled out a knife and the member fatally shot the deceased. Upon investigation, a recommendation was made that the member be prosecuted.

Status: The docket has been sent to court for issuing of summons for the member to appear in court.

Femicide cases

SAPS ROSEDALE (2006010030)

It is alleged that a police Captain attached to the visible policing in Upington, stabbed his wife with a knife several times. The wife died on the scene from the multiple stab wounds. The police officer allegedly drove away from the scene. He was later arrested in Kanoneiland. The ICD took over the investigation and at the conclusion thereof, made recommendations to the DPP for the officer to be charged with murder.

Status: The accused pleaded guilty to a charge of murder. He was convicted and sentenced to an effective 10 years imprisonment on 05 February 2008.

SAPS MFULENI (2007060568)

It is alleged that a police officer had an argument with his wife. He drew a firearm and fired a shot whereupon his child, of 18 months, was hit and died later in the hospital. It is further alleged by the wife there was a history of domestic violence. The investigation was taken over by the ICD after which the member was arrested and later released on bail of R2000.

Status: The member made a first appearance in court on the 28/3/2008. The DPP's decision on prosecution is pending.

SAPS DENNILTON (2007100192)

It is alleged that an off-duty police Inspector shot and killed his girlfriend on 6 October 2007 after accusing her of infidelity. The incident took place at his place of residence. There was no record of domestic dispute/violence between the two of them that were uncovered during the investigation. The investigation has now been completed and the docket was forwarded to the DPP for a decision.

Status: The DPP has at this stage declined to prosecute but has instead given instructions for investigations to continue.

SAPS BELABELA (2008010549)

It is alleged that the deceased and the victim were at their residence at Leseding section, Belabela Township. An off-duty student constable stationed at SAPS Bela-Bela arrived at his girlfriend's home. He requested to see his girlfriend but her mother, now deceased, refused him access to the house. The student constable requested deceased to tell his girlfriend to bring his keys and cellphone. The deceased proceeded to the house and came back with the keys and cellphone and handed them over to the suspect. After receiving his belongings the suspect shot the girlfriend's mother and her younger sister and they both died on the scene. He went to the house and shot at the girlfriend, only wounding her on the shoulder and on the right thigh but she managed to flee the attack. The student constable was arrested for the two murders and an attempted murder.

Status: The case was postponed until the 09/06/2008 for High Court trial date.

SAPS THABAZIMBI (2007110495)

It is alleged that a complaint of suicide was reported to SAPS Thabazimbi. The complainant was a police inspector, who alleged that her husband had committed suicide with her service pistol. On conducting preliminary investigation of the scene it did appear as if the deceased had indeed committed suicide. During investigation it became clear that the deceased's wife's explanation of the incident differed with the observation obtained from the crime scene which led to a suspicion that the member might have killed her husband. The member was then immediately arrested, and the inquest docket converted to murder. On further investigation the member admitted to the murder. The suspect was arrested and currently detained at SAPS Bela-Bela while investigations are continuing.

Status: The suspect appeared before the magistrate and was released on a bail of R1000 and the case was postponed until the 01/08/2008 for trial.

SAPS MPUMALANGA (2007010046)

The member, a police Inspector, allegedly assaulted his wife severely during a domestic dispute. The wife was later taken to hospital by family members where she was declared dead on arrival. The member was off-duty at the time of the incident. The ICD investigated and recommended prosecution of the member.

Status: The matter was set down for 28 and 29/07/2008 for trial.

Vigilantism and the police's failure to ensure that suspects receive prompt medical attention

While only one incident of vigilantism is depicted hereunder, the ICD received 56 notifications of incidents of deaths prior to suspects being detained. While the police cannot take the blame for causing these deaths, their inaction or delay in seeking medical intervention were found to have contributed in the death of a suspect. The police have to acknowledge that they have an obligation to ensure that injured suspects receive prompt medical attention. There are cases where members have even gone to an extent of incarcerating suspects who do not complain of pains but are visibly wounded.

SAPS MOTETEMA (2007070338)

It is alleged that on 15 July 2007 at about 21:45, an adult male person was robbed at gun point by three black males who were armed with a shot gun. On 16 July 2007 at about 02:30, two of the suspects were arrested by members of the community and allegedly assaulted before handing them to the police. The suspects were detained at Motetema police cells and never taken for medical attention. On 16 July 2007 at about 07:30, during cell visit it was found that one of the suspects was in a critical condition. An ambulance was summoned to attend to him. The paramedics certified the suspect dead on arrival at the station. The ICD investigated and the SAPS members involved were arrested and later released on bail.

Status: The case was postponed to 23 May 2008 for DPP's decision.

Deaths involving vehicle accidents

A total of 70 incidents of fatal vehicle accidents were reported and investigated during the period under review. In some of these incidents, no less than two victims died in a single accident. In some of them it was also noted with concern that alcohol appeared to have played a major role as well. Here we only depicted two incidents of motor vehicle accidents.

SAPS MPUNGAMHLOPHE (2003090227)

The member, an Inspector, was travelling in a police van and busy performing patrol duties when he saw a group of people who appeared drunk on the road. He allegedly swerved in order to avoid them but lost control and hit one person fatally on the scene while the second one died later in hospital. The matter was investigated and recommendations made to the DPP for a decision.

Status: The matter had been set down for trial on 22 May 2008.

SAPS PHOENIX (2002120057)

It is alleged that the member who is a sergeant was on duty and driving a state motor vehicle, when he hit a child in a hit-and-run incident. The accident happened during the day. The member also failed to report the accident to his superiors. The ICD recommended that the member be charged with culpable homicide.

Status: The matter has been set down for trial in October 2008

Criminal offences reported

SAPS HENNEMAN (2007090475)

It is alleged that the victim, the complainant in our case, approached a police official, the accused for a lift. The suspect instead drove the victim together with her friend, to the police station. Upon arrival he allegedly took the victim to the kitchen where he attempted to rape her. Upon investigation by the ICD, the suspect member was arrested and appeared before court where he was released on bail of R1500.

Status: The matter was postponed in court pending the decision of the Director of Public Prosecution.

SAPS HOBHOUSE (2007100367)

It is alleged that three suspects who were in custody in the police cells, attacked a police official with the intention of disarming him in an attempt to escape from custody. The police official wrestled with the three awaiting trial prisoners and in the process a shot went off and wounded the three suspects. No fatalities occurred as a result of the shooting.

Status: The matter was sent to the DPP for a decision on whether to prosecute or not.

SAPS VAN DERKLOOF (2007120183)

It is alleged that the accused who that is stationed at De Aar was temporarily deployed at Van Der Kloof. It is further alleged that on the night in question whilst in the location, he met with the complainant and her friend. He invited both the complainant and her friend to his hotel room. The the friend, to the complainant, refused, whereas the victim went with the accused to his hotel-room. Upon arriving at his hotel-room they had consensual sex. But she thereafter laid a complaint of rape. The ICD investigated the allegations, which led to the arrest of the police officer.

Status: The accused made a first appearance in court, where he was released on bail. The matter has been subsequently withdrawn by the DPP after the complainant submitted a withdrawal statement after the ICD found that the sex was consensual.

SAPS KENHARDT (2007080656)

The complainant is alleged to have been given a lift by the suspect police officer in a police vehicle from Keimoes to Kenhardt. At Kenhardt the accused invited the complainant to accompany him to a tavern for drinks. Thereafter he invited the victim to his house. At the house it is further alleged that the accused demanded sex as payment for the lift. When the complainant refused, it is alleged, that the accused forced himself on the complainant and raped her. The allegations were investigated and the police officer was arrested and released on R2000-00 bail.

Status: The police officer was dismissed from the service during a disciplinary hearing. The criminal case is currently in court and was set down for trial for 12 – 13 and 17 June 2008.

SAPS GALESHEWE (2008010050)

It is alleged that the complainant accompanied the accused person, a police officer to his residential place. The reason was that the accused was going to show the victim his house. It is alleged that when he was showing her the main bedroom, he pulled out his firearm and raped her. It is further alleged that after the rape, he instructed her to wash herself, and threatened to kill her if she reported on the matter. The victim reported the matter after three days to her employer. The accused alleged that he and the victim are lovers; however, the victim refutes this allegation by the accused. The incident was investigated and the police officer was arrested and later released on bail.

Status: The DPP has declined to prosecute and on the 30 June 2008, the charges were formally withdrawn at the regional court.

SAPS CAMBRIDGE (2008020410)

It is alleged that on 17 December 2007, the complainant, a 15 year old girl and her father, a police Inspector attached to the SAPS, were travelling from Mthatha to their residence. It is alleged further that upon arrival at around 22:00, the police Inspector called her to his room where he kissed and raped her. On 16 February 2008, the Inspector told her to accompany him to visit his friend. On their way back home the Inspector took a different route and parked the vehicle in a dark place

next to a Road Lodge and allegedly raped her again. The victim reported the matter to her mother who resides at her work place away from home and they reported the matter to the police. The ICD took over the investigation. The police Inspector was arrested. He was released on bail of R1000.00.

Status: The matter is currently on the court roll.

SAPS EAST LONDON (2008030042)

A newspaper article revealed that a Duncan Village man laid a charge of assault against police after allegedly being pulled out of his house and beaten by officers who accused him of being drunk and disorderly. The man alleges that he was picked up at his home after 10pm on Friday, but was only charged at 12h45 on Saturday. He alleges further that his arms and hands are swollen and can't even take a bath without feeling extreme pain, after being trampled on and kicked several times by the members. The ICD decided to institute an investigation into these allegations using our power to initiate investigations out of its own accord (mero motu).

Status: The investigation was completed and currently awaits the decision of the Senior Public Prosecutor (SPP).

SAPS MANKWENG (2007110031)

It is alleged that on 31 October 2007 at around 20h00, University of Limpopo students were on strike and SAPS members stationed at Mankweng were called to calm the situation. The University of Limpopo students were marching and burning tyres and dustbins. During the process of the strike, police used rubber bullets to disperse the students. It is further alleged that one of the students, the victim, was standing in front of her residential place observing what other students were doing and she never participated in the strike. The victim was shot by SAPS members on the head and as a result she was confined to the Intensive Care Unit, Polokwane hospital. A case of attempted murder was opened.

Status: The investigation has been completed and the docket sent to the DPP for decision.

SAPS KEMPTONPARK (2007060288)

It is alleged that the police entered a clothing store at Kempton Park to conduct a raid. During the raid, an argument ensued between one officer and a female cashier. The officer allegedly started assaulting her in full view of other officers. The assault was captured on CCTV camera. The incident was reported and the ICD immediately launched investigation. Recommendations

were made that the member be charged with assault.

Status: A criminal summons was issued for the officer to appear in court on 22 May 2008.

SAPS DUDUZA (2007040266)

The complainant was in the company of three of his sons when they were approached by a group of Police officers. One of the officers allegedly fired a shot towards them which struck one of his sons. When they tried to intervene to seek answers they too were assaulted with firearm butts and torches. They were later attended by a medical practitioner. Upon receipt of a complaint the ICD investigated the incident, which included retrieval of firearms of the police officers involved for ballistic testing at the Forensic Science Laboratory (FSL). Recommendations to the DPP have already been submitted for possible prosecution.

Status: We await the DPP response with regard to recommendations.

SAPS HILLBROW (20071200240)

It is alleged that the victim was arrested for public drinking and taken to SAPS Hillbrow together with his friends. He was incarcerated separately from his friends. It was in this separate cell where the victim was severely assaulted by the police. He was only released after paying and admission of guilt fine of R300.00. He was then taken to the Hospital where he received medical attention.

Status: Matter pending the decision of the DPP on possible prosecution.

SAPS PINETOWN (2007080653)

It is alleged that a Durban Metro Police Constable issued a number of fraudulent traffic fines to his ex-girlfriend and her friends. In one instance he issued a fine and declared her motor vehicle unroadworthy. During ICD investigation it was discovered that some fines were issued in areas where the ex-girlfriend had never visited. The incident was fully investigated and recommendations made to the DPP on amongst others, abuse of power. The ICD made recommendations to DMPS management

Status: The matter is on the court roll at Pinetown Court. The case was postponed for trial for 21/05/2008.

SAPS MELMOTH (2004020321)

The member, a sergeant was allegedly involved in an extra-marital relationship with the complainant. There was a dispute between the member, his wife and the complainant. On this day the member allegedly locked up the complainant in his marital house for the whole day and night assaulting

her with the assistance of his wife. He also stole her two bank cards and withdrew an amount of R1000. The matter was investigated and recommendations made to the DPP.

Status: The matter had been set down for trial on 23 June 2008

SAPS BELLAIR (2007050545)

The member, who is a Detective Inspector, allegedly raped a woman who was a suspect in a theft docket that he was investigating. The ICD investigated and recommended that the member be charged with rape.

Status: The matter has been postponed to the 23 May 2008 for trial.

SAPS PHOENIX (200706028)

It is alleged that the victim, a female minor of 13yrs old, was indecently assaulted by a Durban Metro Police Constable over a period of two years. The member suspect apparently resided with the victim's family as he was a colleague of the victim's father at the DMPD. The allegations were investigated and recommendations for prosecution made to the DPP.

Status: The matter had been set down for trial for the 03 September 2008

Allegations of torture during investigation

An area, which some police officers continue to be notorious in, especially while conducting investigations, is employment of torture methods during investigation. Sadly, these methods continue to be used by our police today after 14 years of constitutional democracy, where human rights should be reigning supreme.

It is unfortunate that in all the cases, the ICD can only recommend that the said implicated members be charged with assault and at best, assault with intent to do grievous bodily harm. This is because our legal system has yet to criminalize torture as required by the Optional Protocol on the UN Convention against Torture.

SAPS POMEROY (2007110196)

The members were allegedly following information on possession of illegal firearms. As they were interrogating the suspect they allegedly tortured him by using the wet tube method to suffocate him. The suspect succumbed and died at the scene

ICD Action: The investigation was conducted and the four suspect members

were arrested. The investigation is now complete.

Status: We await the DPP's decision to our recommendations.

On 10 April 2008, in the case of Mthembu v The State (64/2007) [2008] ZASCA, the South African Supreme Court of Appeal delivered a landmark decision, holding that evidence obtained from a state witness through torture was inadmissible.

Allegations of corruption

SAPS BELLAIR (2008020022)

The member, an Inspector, allegedly tried to extort money from the complainant after arresting her. The complainant was arrested for a case of dealing in drugs. The officer indicated that if she paid an amount of R2000, 00, he will ensure that the docket disappears. The complainant complied and paid R1000.00. The investigation was completed and recommendations made to the DPP.

Status: The matter had been remanded in court to the 23 May 2008.

SAPS BELLAIR (2007040156)

A police Inspector stationed at SAPS Bhekithemba, allegedly wanted to extort R4000-00 from a foreign citizen before he could return his ID book and a motor vehicle logbook which were earlier seized by the said police officer. A trap was set for the member when he allegedly came to collect the money from the complainant and he was arrested on the scene. The DPP concurred with the ICD's recommendations to charge the member with corruption.

Status: The matter was set down for trial on 21/08/2008.

SAPS DURBAN CENTRAL (2007030483)

The ICD received allegations of corruption by a member of the Durban Metro Police Department (DMPS) which took the form of receiving money from the motorists who were issued with traffic fines. The officer allegedly misled the motorists who had huge traffic fines that he would assist them with the reduction of the fines as he was working as a police liaison at the Durban Magistrate Court. It is alleged that he would use a cheque issued by one motorist as payment of a fine, to pay for other motorist's traffic fines while he pocketed the cash received from them. The officer was alleged to have also been showered with large number of gifts from these unsuspecting motorists for having reduced their traffic fines. This was not only done to private persons but also to companies. : The allegations were investigated and this led

us to arresting the officer on allegations of corruption.

Status: The officer was released on bail and he is due to appear again before the Durban Regional Court.

SAPS DURBAN CENTRAL (2007070114)

A Durban Metro Police Department (DMPD) officer was nabbed by the Anti Corruption Command for his involvement in corrupt activities. The official was said to have acted as a Public Relations Officer (PRO) for the DMPS. In doing that he received money directly from the motorists to settle for their traffic fines. He targeted those who were issued hefty traffic fines and were usually paying by cheques. He then used these cheques to pay for a number of fines issued for other motorists while he pocketed the cash. He allegedly reduced the fines in collusion with a prosecutor who operated in the traffic courts. The ICD investigated the allegations and the officer was arrested.

Status: He is also out on bail and would be appearing before the Durban Regional Court shortly.

5. OUTCOMES OF CRIMINAL AND DISCIPLINARY HEARINGS

Although the ICD's performance should not be measured against the number of convictions attained in the financial year, it is however important that we account on the outcomes of those cases that the DPP and SAPS had concurred with our recommendations to prosecute. It is against this background that we wish to advise that for the period under review we spent no less than 575 days in criminal court hearings and 28 days in respect of disciplinary hearings. The huge difference between the days spent in the criminal courts as opposed to disciplinary hearings can be attributed to the existing legislative lacuna in the South African Police Service Act. Until such time that there is an amendment to the legislation, SAPS management will continue to ignore our recommendations which is the reason why the ICD is viewed as "toothless".

As matters stand SAPS management are under no obligation to report back on their decision regarding our recommendations and those that do, just do it out of courtesy. But of course this is not enough and we cannot rely on goodwill by some managers within the service while the majority continues to ignore our recommendations. The ICD need a strong legislative muscle to enforce its recommendations and in the event where there is difference of opinion on a recommendation, with SAPS management, to compel the latter to furnish reasons why they cannot implement. Notwithstanding these challenges, we can report that the convictions attained during the period under review, demonstrate that we continue supporting SAPS management in rooting out undesirable elements who are giving the service a bad name.

5.1 CRIMINAL CONVICTIONS

A combined total of 313 years of imprisonment was handed down to police officers found guilty of an array of crimes—see table 18 in the statistical section. One of the convictions emanating from an incident in 2005 in Milnerton, Western Cape, involved a police officer from the Eastern Cape who went berserk and killed his wife, two children, a pastor and a neighbour, after he suspected his wife of infidelity. He was handed 25 years (125 years) for each murder, which sentences will run concurrently. In another conviction, a police officer in Bizana, the Eastern Cape was sentenced to effective terms of imprisonment of 10 and 15 years for the rape of two women on separate incidents in police holding cells. Another conviction was that of a police officer in Philipi, for murder, 5 counts of attempted murder, 3 counts of pointing of a firearm, abduction and handling a firearm whilst under the influence of alcohol. All the incidents took place at the police station and involved his colleagues. For his trouble, he was sentenced to 15 years imprisonment.

5.2 DEPARTMENTAL CONVICTIONS

A quick glance on sentences meted out by SAPS disciplinary officers (see table 19 in the statistical section), reveal a great deal of inconsistency. SAPS management will have to address this if they hope to have an effective disciplinary system that will achieve its intended objective of correcting wrong behaviour but also of being deterrence.

5. Programme 3: Information Management and Research

Purpose: Manage all information needs and knowledge. Conduct proactive research and embark on various proactive oversight activities. Manage all communication and the marketing of activities and products to stakeholders.

Service delivery objectives and indicator

Output	Measure/indicator	Target	Actual Performance
Processing of applications for exemption in terms of DVA, received by ICD provincial offices	Time within which all applications for exemption must be finalized	Within thirty (30) days of receipt	Target met. 58 applications for exemption were received and 44 exemptions were granted, 9 applications were declined. The other 5 were not due for finalization due to being received toward the end of March 2008.
	Number of station audits conducted by provincial offices reflecting the state of affairs concerning compliance with the DVA and relevant recommendations related to management of DVA by the SAPS	Five (5) station audits per quarter per province	Target exceeded. A total of 436 station audits were conducted nationally, representing 242%. On average about 12.1 audits were done per quarter per province.
	Production of custody management reports by ICD provincial offices following cell inspections at police stations to determine compliance with standards set for proper management of depressed, intoxicated, ill and suicidal prisoners.	Five (5) cell inspections per quarter per province	Target exceeded. A total of 369 cell inspections were conducted nationally, representing 205%. On average about 10.3 audits were done per quarter per province.
	Production of qualitative reports containing recommendations	Four (4) reports per annum	Target met. Four reports completed, that is, Femicide: A study of members of the South African Police Service, Suicides in police custody, A study of factors contributing to South African Police Service non-compliance with the Domestic Violence Act and South African Police Services' Compliance with Recommendations by the Independent Complaints Directorate
	Production of workshop report	(One) 1 workshop per annum	Target exceeded. 2 workshops held during the financial year
Registration and allocation of new cases on the database.	Time within which cases must be registered	Registration within 24 hours	Target met at 98% or 5 713 cases were registered within stipulated time.

	Time within which cases must be allocated after registration	Allocation within 48 hours after registration	Target met at 96% since 5 597 cases were allocated within 48 hours
	Internal client satisfaction in terms of number of responses and response time from Information and Communication Technology	Response to 95% requests within four (4) hours	Target exceeded. 4077 calls and 96% responded to in less than 4 hours. Other 198 calls took longer than 4 hours to respond to due to the complexity of issues
Marketing ICD	Time taken to respond to media enquiries	Within 1 hour of receipt	Out of 743 media enquiries received, 80% responded to within one hour, 10% within 4 hours due to the nature of request eg request needed statistics or detailed research. The other 10% responded to within 8 hours due to unavailability of other parties that could assist in formulating responses
	Number of community outreach activities to be undertaken	Five (5) community awareness programmes per quarter per province	Target exceeded. A total of 218 outreach activities were conducted nationally, representing 121%. On average, 6 audits were done per quarter per province.

Information and Communication Technology

Information and Communication Technology (ICT) met all its targets and dealt with 4077 calls, 96% of which were responded to in less than 4 hours. Other 198 calls took longer than 4 hours to respond to due to complexity of issues.

ICT relocated two (2) Local Area Networks (LANs) to new premises and implemented a Storage Area Network (SAN) solution to enable the ICD to recover in case disaster strikes.

A process to move toward Open Source Software was started in line with government's policy of Free and Open Source Software (FOSS). This project has saved the ICD R757 000 and the saving will grow to over R1.4 million over the next three years.

Communications and Marketing

Community Outreach Programmes

One of the challenges that continue to face the ICD is that of ensuring that it becomes a well-known organization to all members of society and that communities have a clear understanding of its mandate and how to access its services. The factor that contributes to this problem is that the Directorate's Corporate Communications is centralized at ICD Headquarters in Pretoria with no Communication Officials in Provincial Offices. Despite the situation, public relations work has to be done to raise awareness of the organization and the Directorate therefore relies on other staff members in provinces to perform this function of marketing the organization to various stakeholders, through Outreach Campaigns.

During April 2007 and March 2008 ICD was engaged in Community Outreach activities in order to inform the communities of the mandate of the department and to educate the communities on their rights in terms of the DVA. ICD managed to visit 218 Communities and exceeded the target that was set at 180 Communities for the period. It calculates to 121% compliance.

Quarter	GP	LP	MP	NW	NC	FC	FS	KZN	WC	TOTAL	Target %
Q 1	19	8	2	8	3	6	10	9	6	71	158
Q 2	5	0	5	9	5	4	2	7	10	47	104
Q 3	2	6	7	12	6	14	9	13	8	77	171
Q 4	2	3	4	4	4	0	0	6	0	23	51
Total	28	17	18	33	18	24	21	35	24	218	121

The following Communities were visited:

<p>Gauteng Berea Braamfontein Diepkloof Dobsonville Emdeni Ikhaya le Themba Jabulani Jeppe Johannesburg Johannesburg Prison Kagiso Klipspruit Lenasia South Moroka Orange Farm Parktown Parys Tembisa Tembisa Hospital</p>	<p>Limpopo Agang Municipality Atok Atok Thusong Centre Bosasa Youth Centre Botlokwa Ga-Kgapane Lephalale Mahwelereng Makonde Mankweng Mokwakwaila Moshate Polokwane Prison Sekgopetjane High Sekgosese</p>	<p>North West Gatelopele Secondary School Ikopoleng Ipeleheng High School Kutlanong High School Lapologang High School Lesetheng Maboloka Mafikeng Makgori Manamakgotheng Matolong Miga Mmabatho Mogogelo Mogwase Mooipan Moruleng Motswedding FM Radio Station Nation Potchefstroom Ramatlabama Rustenburg Seberia Setlagole Thutlore Secondary School Tshilamoholo Weltevreide</p>	<p>Northern Cape Aggeneys Brandvlei Bulletrap De Aar Freserburg Garies Hondeklip Bay Hopetown Ikhutseng Khies Kimberly Kleinzee Middel Pos Niewoudville Pampierstad Plaatfontein Pniel Roodepan Sprinbok Van Wyksvlei Warrenton Windsorton</p>
<p>Mpumalanga Acornhoek Breyten Dluhluma Elukwatini Katjibane Kriel Kwamhlanga Langloep Mamethlake Mashishing Mkhuhlu Mpuluzi Nelspruit Nelspruit Correctional Services Piet Relief Siyabuswa Vosman</p>	<p>Western Cape Atlantis Bishop Lavis Delft Dysselsdorp Grassy Park Hanover Park Khayelitsha Manenburg Mitchell's Plain Nyanga Paarl West Coast Wynberg Wynberg Child Protection Unit Wynberg Refugee Centre</p>	<p>Eastern Cape Aliwal North Barkly East Bedford Bisho Cala Cathcart Centane Confimvaba Flagstaff Graaf Reinet KWT Correctional Centre Lady Frere Maclear Matatiele Middleburg Ngangelizwe Ntabankulu Peddie Port Elizabeth Port St. Johns Queenstown Rosemead Somerset East Vidgesville Willowvale</p>	
<p>Kwazulu Natal Durban Phoenix Pinetown Richards Bay Sundumbili Umbumbulu</p>	<p>Free State Bethulie Bloemfontein Botshabelo Excelsior Frankfort Harrismith Hertzogville Kagisano Odendaalsrus Philipolis Reitz Sasolburg Senekal Springfontein Tweespruit Vanstadensrus Ventersburg Winburg</p>		

A total of 743 media enquiries were received for the 2007/08 financial year, which the ICD had to respond to. 80% of media enquiries were responded to within one hour of receipt. The remaining 20% involved enquiries that necessitated thorough research or complex information that would have to be gathered from different sources. These were normally responded to within 8 hours of receipt.

Research

The component conducted four research projects with the aim of coming up with policy recommendations. The four projects that were conducted were:

- Femicide: A study of the members of the South African Police Service
- Suicides in police custody
- A study of factors contributing to South African Police Service non-compliance with the Domestic Violence Act
- SAPS Compliance with ICD Recommendations

This study focused on femicide cases that were reported during 2004/05, 2005/06 and 2006/07 financial years. A total of 49 cases of femicide were reported to the ICD during these periods. In 2004/05, 11 cases were reported, 2005/06, 14 cases were reported and in 2006/07 24 cases were reported which clearly shows a significant increase in each financial year.

The ICD's role as a police oversight body warrants its concern with the increasing number of police officers killing their spouses/partners and therefore resulted in research on the topic. The following are the reasons for conducting the study:

The significant number of femicide cases involving SAPS members using service pistols;
Legal actions against the Minister of Safety and Security relating to police perpetrated femicide
The non-existence of appropriate interventions from SAPS to deal with the problem, despite the existence of SAPS Employee Assistance Programme

Triangulation research technique, that is, combination of both qualitative and quantitative research techniques was employed to collect data. For the quantitative component of the study, case dockets opened to register cases of femicide at ICD provincial offices during the periods 2004/05, 2005/06 and 2006/07 were scrutinized. One on one interviews conducted with ICD provincial heads and some of the investigators involved in these cases, as well as members of the SAPS were used to collect qualitative data.

Quantitative Findings

Of the 49 femicide cases reported to the ICD for the identified periods, researchers only had access to 30 dockets. KwaZulu-Natal accounted for the majority of the cases nationwide at (30%) of cases followed by the Western Cape (13.3%) and Free State (13.3%). Gauteng and Limpopo accounted for the third most cases at (10.0%) cases respectively and the Eastern Cape had the least number of cases (3.3%). In the majority of cases (76.7%) the shooting occurred at the victim's place as findings showed that the majority of the victims in the study were married to the perpetrator (53%). The study found that incidents of domestic violence were reported in 27% of the cases. Constables were in the majority as perpetrators (37%) followed by inspectors at (33%). In 90% of cases a firearm was used as an instrument of killing and 80% of firearms used were work firearms. Some of the perpetrators were found to be under the influence of alcohol when the incident happened, that is, in 13% of the cases.

Qualitative Findings

In an attempt to find the reasons behind the increasing numbers of femicides involving SAPS members interviews were conducted with both ICD provincial heads as well as SAPS members themselves. The following are themes identified as causes of these incidents by both ICD provincial heads and SAPS members interviewed:

- Financial problems
- Domestic violence
- Easy access to firearms

Station commissioners' inability to sanction members reported for domestic violence

A number of recommendations emanated from the findings of the study which researchers believe that if implemented they may assist in decreasing the incidences of femicide committed by SAPS members. The recommendations made were as follows:

Access to firearms– researchers recommended that in order to deal with firearm negligence, SAPS should consider sending members on refresher course on the correct handling and circumstances under which their service firearm should be used. As a solution to easy access to firearms, members should be issued with firearms when they commence duty and then to hand them back in at the station when they knock-off duty.

Financial management– it was recommended that SAPS should look into organizing or sending members on financial management courses to assist them on proper management of their finances.

Transfer of members – there is a need for SAPS to amend their transfer policy to take into consideration factors that might impact on member family lives when they are stationed far from their families.

Involving other family members when providing counseling – It is suggested that other family members be involved when a member is being counseled as this will enable the counselor to insight on other issues that the member won't disclose if being counseled alone.

Improvements in Employee Assistance Programme – it is recommended that EAP members pay frequent visits to stations in order to remind and inform members about the services that are provided by the unit. A possible solution to members' concerns about privacy is to have a private number or hotline where members will be able to access EAP anytime without anyone's knowledge.

Suicides in police custody

This study focused on suicides that took place in police custody during the 2006/2007 financial year. The central aim was to determine factors which could account for these deaths and to suggest concrete steps that could be taken to minimize or prevent its occurrence. It is apparent that not enough is done to prevent deaths in police custody.

The study focused on the 94 cases of police custody suicides registered for the financial year 2006/07. Gauteng and Western Cape recorded the highest number of police custody suicides during the year under consideration, with each recording 18 or 19.1% each of the total 94 deaths. The lowest number was 3 recorded by the Northern Cape. There were, however, 6 police stations that recorded more than one suicide for the year under review. These were Milnerton (3), Jacobsdal (2), Makhado (2), Protea Glen (2), Vredendal (2), and Wesselsbron (2).

Hanging accounted for 65 (69.1%) of the suicides. The most popular method of hanging involved using a blanket (17 cases/ 18.1%), a shirt (10 cases/ 10.6%), trousers (9 cases/ 9.6%), and using a belt (8 cases/ 8.5%). Another high frequency method included shooting which accounted for 17% of the total suicides. In the majority of cases (68)72.3% which are present, the ranks of those police officers involved in the cases were not known. In terms of this, inspectors accounted for 13 cases (31.8%). This was more than double the rank of constable, which at 5 cases accounted for the second highest number of cases. In those cases where race was known, blacks accounted for 18.1% (17 cases), whites 7.4% (7 cases), while coloureds accounted for 3.2% (3 cases). 61 victims (64.9%) were black, 15 (16%) were coloured, and 11 (11.7%) were white. Only a single victim (1.1%) was Asian. In addition to this, more than 90% of the victims were male.

Of the 71 cases where the ages were known, 12 were under the age of 20. Most of the victims are concentrated between the ages of 20 and 40, with the highest concentration at the 30 year age group. Further analysis reveal that the youngest victim was 14 years of age, and the oldest was a 67 year old. 14 victims (14.9%) were awaiting trial, while 69

victims (73.4%) were classified as suspects. In 10 cases the classification of the victims was not known and one victim was classified as both a suspect and awaiting trial. Rape or rape suspect was the reason for detention that dominated amongst suicide victims with a frequency of 6, followed by domestic violence or contravention of the Domestic Violence Act (5 cases), with assault GBH and intimidation, murder, and riotous behavior each recording three cases.

In terms of the place of death, most of the deaths (64 or 69.1%) took place in police cells. Other notable places where deaths occurred include in transit in an ambulance (1), in court cells (2), at hospital/clinic (8) and in SAPS vehicles (4). The study therefore raises serious questions about the supervision of prisoners and the conditions of the holding cells. Most victims were able to find something with which to hang themselves. Additionally, the study also raises questions about the management of those in need of special care such as those under the influence of alcohol, those who are injured or sick and those who are suicidal.

Two main recommendations emanated from the findings of the research. It is believed that these, if implemented efficiently, would significantly reduce the number of deaths which take place in police custody. The recommendations are as follows:

The most important would be the introduction of a system whereby the implementation of the Policy on the Prevention of Torture and The Treatment of Persons in Custody of the South African Police Service could be more effectively monitored and evaluated. Aspects of the policy that need particular attention would be the searching of persons in custody and the seizure of objects in their possession. In a number of cases, victims committed suicide using articles that should have been seized. It can thus be assumed that police neglected to check victims for dangerous weapons prior to detention. Results also indicated that in a number of cases victims committed suicide with items not otherwise deemed dangerous, such as pants, blankets, etc. Although the general confiscation of these items would be impractical, it would become necessary to do so in cases of those who exhibit at-risk behaviour. However, police are not trained in identifying at-risk prisoners or detainees. There is therefore an urgent need for this type of training. Additionally, police need to be trained on how to deal with these individuals once identified.

A study of factors contributing to SAPS non-compliance with Domestic Violence Act

The South African Police Service members are compelled to comply with the provisions of the Domestic Violence Act (116 of 1998), failure to which constitutes non-compliance warranting ICD intervention. This project seeks to identify factors and explain reasons for the non-compliance of SAPS members with the Act. The aim of the study was to discover the following:

- Handling of domestic violence cases by police stations,
- Record keeping methods employed by stations with regard to domestic violence cases,
- Conditions of victim empowerment centres at police stations.

The study combined both qualitative and quantitative research techniques to examine the relevant data. The quantitative phase focused on the extraction of information from ICD dockets of reported non-compliance while the qualitative component of the study focused on interviews with DVA coordinators at identified police stations. Gauteng and the Western Cape recorded the highest number of non-compliance incidences in the period from January 2006 – July 2006 while Free State had the highest number in the second half of the year. The particular focus of the research was on stations where more than one case of non-compliance with DVA occurred. A questionnaire was used to extract quantitative data from dockets reported at ICD provincial offices and the collected data was then analysed.

Quantitative results

Free State accounted for the highest number of non-compliance cases, that is, 42.4% followed by the Eastern Cape (24.2%) and then Gauteng with (15.1%) cases. When examining the reason why complainants contacted the ICD, the results indicate that in 67.7% of cases complainants came to the ICD due to SAPS' failure to execute warrants of arrest and in 15.2% of cases, the complainants contacted the ICD due to SAPS' failure to assist the complainant to open a case of domestic violence. The other reason given for contacting the ICD was due to SAPS' failure to serve protection order

to the respondent. The analyzed biographical data of complainants indicate that the majority of complainants were black (87.9%) followed by coloureds (6.1%). Whites and Indians accounted for 3% of the complainants respectively. Females also accounted for the majority of the complainants (87.9%) while males constituted 12.1%.

Inspectors seem to be in the majority for transgressing the stipulations of the Act when assisting domestic violence complainants with the rest spread across all the other ranks. Of the 33 cases perused for this study 21 were fully investigated by the ICD and accordingly led to recommendations being made by ICD to SAPS. In 14 cases of the 21 cases that were investigated, ICD recommended that the member involved be charged departmentally and 6 cases were referred back to SAPS for further investigation and only in one case did the ICD recommend criminal charges against the member involved. The study shows that in 39.4% of cases, ICD recommendations were not implemented by SAPS but in 245% of cases.

Qualitative results

Interviews with DVA coordinators at police stations revealed the following as hindrances to effective implementation of the Act:

Lack of resources,
Abuse of Act by complainants,
Insufficient or lack of training on DVA.

Recommendations that resulted from the study are as follows:

The study found that lack of resources is still a problem for most of the police stations thus it is recommended that police station that are affected can look into utilizing the services of Community Policing Forums in so far as convening workshops to educate the community about domestic violence. It is also recommended that SAPS should look into bringing Metro Police Service on board for handling cases of domestic violence.

One of the findings of the research is that training is still varied and insufficient. It is therefore recommended that courses should be offered on a more regular basis. SAPS should also look into developing refresher courses that are related to domestic violence. It is also imperative that radio control personnel be included in any training related to DVA.

This research found that compliance with DVA becomes challenging when members perceive that complainants are abusing the Act, especially when they are dealing with cases of spouses that get protection orders against one another. This is a point in case where the Act should be clear and specific in stipulating the procedure to be followed when handling such a situation and not leave the decision to the member's discretion.

Stakeholder Workshop

On 28 March 2008, the Independent Complaints Directorate hosted a stakeholder workshop entitled "Femicide: A study of the members of the South African Police Service". The workshop was held at Birchwood Hotel and Conference Centre in Boksburg. The workshop was based on a research project that was conducted by the Pro-Active Research Unit of the ICD. The project sought to examine the reasons behind the increase in incidents of femicide perpetrated by members of SAPS and it focused on all nine provinces of the country. The workshop participants were mostly officials from different government departments tasked with safety and security as well as civilian oversight issues. The departments represented were:

South African Police Service;
Metropolitan Police Service;
Community Safety and Liaison;
Secretariat for Safety and Security; and
Independent Complaints Directorate.

Non-governmental organisations concerned with civilian oversight were also represented at the workshop. These included:

Gun Free South Africa; and
Tshwaranang Legal Advocacy Centre

The workshop had the following main objectives:

To give stakeholders the opportunity to deliberate and give input into mapping out strategic interventions that will assist in minimizing the number of femicide incidents perpetrated by members of the South African Police Service;
To give stakeholders the opportunity to critically evaluate and comment on the ICD research report

Two papers were presented by representatives from the two non-governmental civilian oversight organisations that were present at the workshop, that is, Gun Free South Africa and Tshwaranang Legal Advocacy Centre. The papers were based on extensive research that has been conducted by the two organizations into femicide. The members of the Pro-Active Research Unit also presented the findings of their research project.

The following recommendations emanated from the findings of the research project by the Pro-Active Research Unit:

Access to firearms – researchers recommended that in order to deal with firearm negligence, SAPS should consider sending members on refresher course on the correct handling and circumstances under which their service firearm should be used. As a solution to easy access to firearms, members should be issued with firearms when they commence duty and then to hand them back in at the station when they knockoff duty.

Financial management – it was recommended that SAPS should look into organizing or sending members on financial management courses to assist them on proper management of their finances.

Transfer of members – there is a need for SAPS to amend their transfer policy to take into considerations factors that might impact on members' family lives when they are stationed far from their families.

Involving other family members when providing counselling – it is suggested that other family members be involved when a member is being counseled as this will enable the counselor to get insight information about other issues that might be taking place that maybe the member won't disclose if being counseled alone.

Improvements in Employee Assistance Programme – it is recommended that EAP members pay frequent visits to stations in order to remind and inform members about the services that are provided by the unit. A possible solution to members' concerns about privacy is to have a private number or hotline where members will be able to access EAP anytime without anyone's knowledge.

SAPS Compliance with the ICD's Recommendations

This project had its roots in an agreement between the ICD and the Institute for Security Studies (ISS) to undertake a joint research project to, firstly, establish the extent to which the police comply with recommendations made by the ICD and, secondly to make recommendations that would address areas of non-compliance.

Several findings were made with regards to the following:

- The relationship between the ICD and the police;
- The processes and procedures used by the ICD;
- The (lack of) resources at the disposal of the ICD;
- The level of police compliance; and
- The impact of ICD recommendations.

From these findings, recommendations aimed at the following emerged:

Enhancing the independence and credibility of the ICD;

Legislative changes aimed at addressing legislative deficiencies in the ICD's mandate;

Measures that will regulate co-operation and co-ordination between the ICD and the police;

Regulations for the provision of regular inspections at police offices to determine the outcome and impact of ICD recommendations;

Measures for ensuring that, in the event of ICD recommendations not being implemented, acceptable reasons for non-compliance are provided;

An ICD policy that sets out the conditions and circumstances for both taking over of investigations from the police and the referral of investigations to the police, including the monitoring of and the reporting on such investigations;

The provision of in-service training by the ICD at police stations, inclusive of the sharing of information on the purpose, structure and functioning of the ICD;

Involvement of the ICD in the development of training curriculum for the police and the provision of relevant formal training (at police training colleges); and

Measures that will ensure that decisions made at disciplinary hearings resulting from misconduct cases are arrived at objectively.

In terms of the findings of the research 573 recommendations were made by the ICD. It was found that there was compliance with ICD recommendations on the part of SAPS in 333 of the cases, which constitutes 58.1%. In 82 cases (14.3%) there was no compliance, while there was partial compliance in 20 cases or 3.5% of the 573 cases. In 138 cases (24.1%) researchers were unable to determine whether there was compliance or not.

Statistics

1. Total number of complaints received by ICD

The nine (9) provincial offices of the ICD received a total of 5830 complaints during the 2007/8 financial year, 1 April 2007 to 31 March 2008. It can be observed from Table 1, which gives an overview of all the complaints received that Gauteng received the largest number of complaints with 1155 (20%) cases followed by Western Cape and KwaZulu-Natal with 1011 (17%) and 777 (13%) cases respectively.

It is also notable that the Mpumalanga province received the lowest case intake with 302 (5%) cases, followed by Limpopo, Eastern Cape and North West with 456, 464 and 481 cases respectively, each amounting to 8% of the intake. See Table 6 for deaths as a result of MPS.

Table 1: Total Case intake 2007/8 financial year

Province	Criminal	Death*	Domestic violence	Misconduct	Total	Provincial share
Eastern Cape	200	93	12	159	464	8%
Free State	212	50	21	348	631	11%
Gauteng	452	169	45	489	1155	20%
Kwazulu-Natal	274	175	15	313	777	13%
Limpopo	173	71	6	206	456	8%
Mpumalanga	114	63	6	119	302	5%
North West	155	57	19	250	481	8%
Northern Cape	182	19	12	340	553	9%
Western Cape	339	95	31	546	1011	17%
Grand Total	2101	792	167	2770	5830	100%

* 13 deaths are as a result of Metropolitan Police Services action.

It is evident from Table 2, that ICD has received more complaints than in the previous financial year 2006/7. Generally ICD experienced 8% increase in 2007/8 case intake compared to 2006/7 financial year. Furthermore, Free State experienced marked increase in complaints of 35%, followed by Eastern Cape with 27%.

Gauteng, Mpumalanga and North West are the only provinces that have experienced a drop in complaints received in 2007/8 compared to 2006/7 financial year.

Table 2: Case intake yearly change

Province	2006/7	2007/8	Change
Eastern Cape	364	464	27%
Free State	466	631	35%
Gauteng	1256	1155	-8%
Kwazulu-Natal	631	777	23%
Limpopo	449	456	2%
Mpumalanga	368	302	-18%
North West	587	481	-18%
Northern Cape	462	553	20%
Western Cape	829	1011	22%
Grand Total	5412	5830	8%

Figure 1, provides a trend line of all the complaints received between 2003/4 and 2007/8 financial years. It shows that there was a slight decrease of 3% in complaints received from 2003/4 to 2004/5 and a further significant decrease of 12% from 2004/5 to 2005/6. ICD experience a slight increase of 3% from 2005/6 to 2006/7 and a significant increase of 12% from 2006/7 to 2007/8. The increase in complaints received by ICD in recent financial years could be attributed to the results of marketing strategies that have been implemented by ICD in 2006/7.

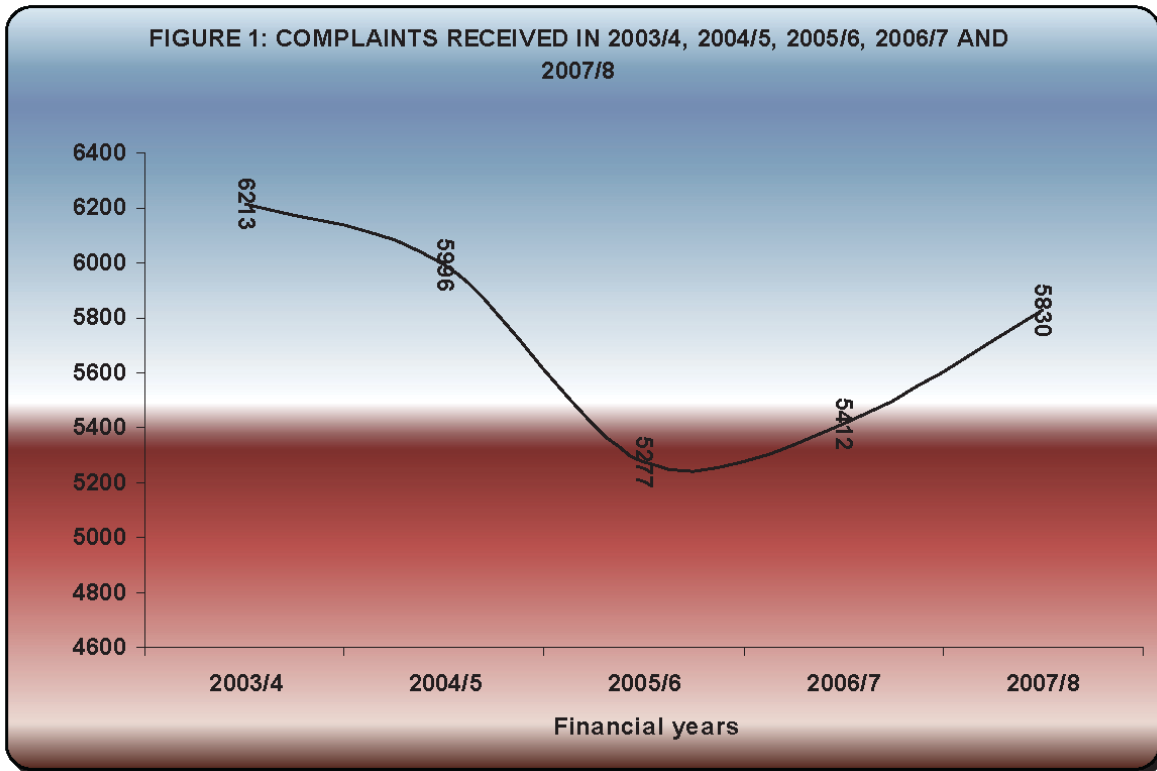


Figure 2, shows that the majority of complaints received refer to cases of alleged misconduct, relating to service delivery – 47%, followed by allegations of criminal offences – 36%. The number of cases of alleged death in police custody and as a result of police action amounts to 14%, and to a smaller extent failure to comply with Domestic Violence Act amounts to 3%.

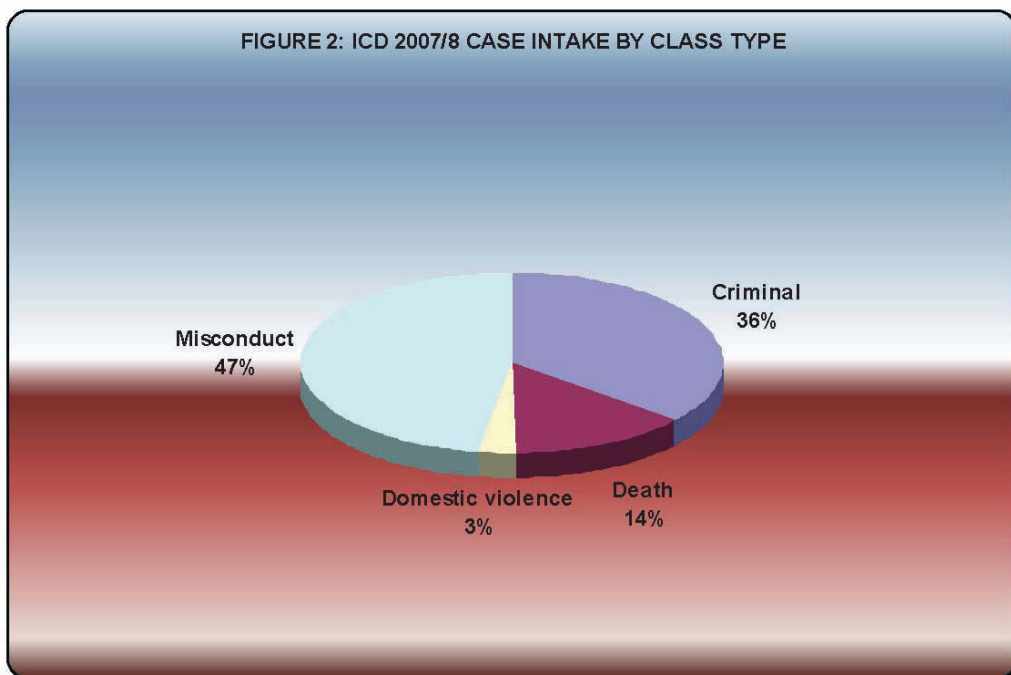
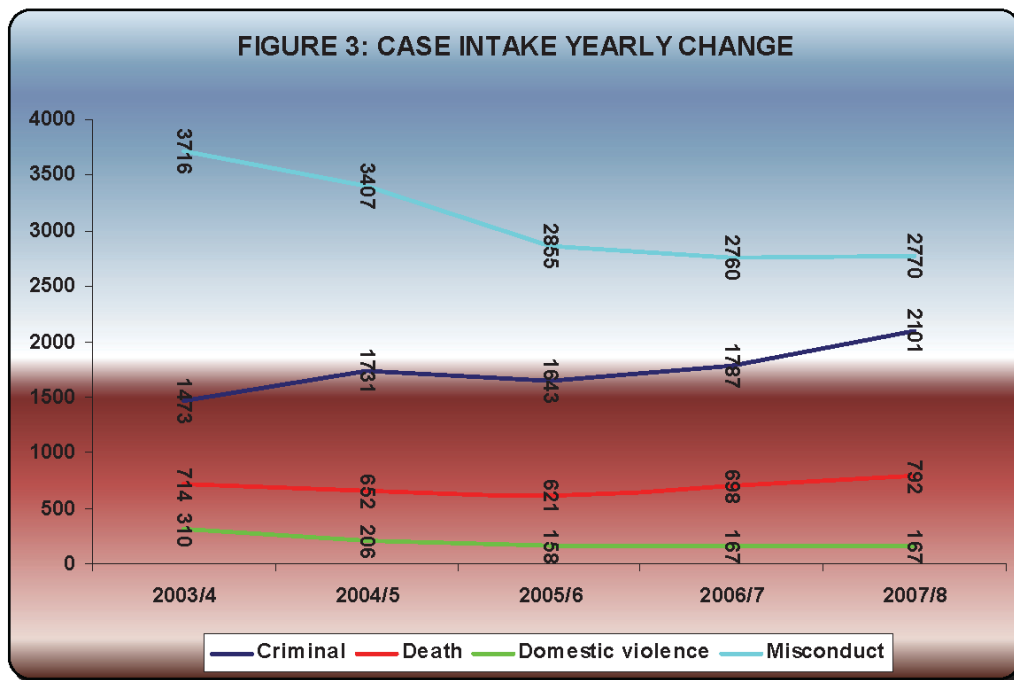


Table 3 shows a change from 2006/7 to 2007/8 financial year in complaints received by means of category. There was an 18% increase in the number of criminal cases in 2007/8 compared to 2006/7, and a 13% increase in the number of deaths in police custody and as a result of police action. There were no changes in cases of misconduct and domestic violence related complaints in 2007/8 compared to 2006/7 financial year. Refer to Figure 3 for a trend line from 2003/4 to 2007/8 financial year changes.

Table 3: Case type yearly change

Class	2006/7	2007/8	Change
Criminal	1787	2101	18%
Death	698	792	13%
Domestic violence	167	167	0%
Misconduct	2760	2770	0%
Grand Total	5412	5830	8%

FIGURE 3: CASE INTAKE YEARLY CHANGE



2. DEATHS IN POLICE CUSTODY AND AS A RESULT OF POLICE ACTION

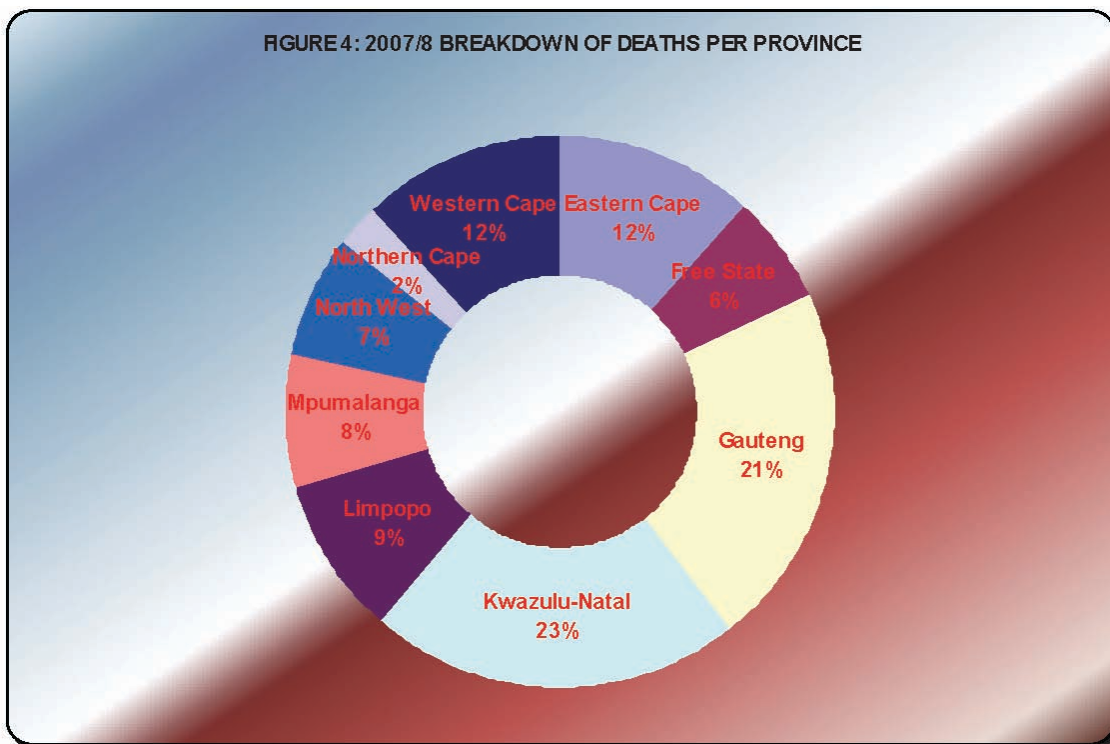
This portion of the report will give more details about the death cases that were dealt with in the 2007/8 financial year.

Table 4, reflects the total (792) number of deaths in police custody and as a result of police action reported to ICD and confirmed by SAPS in 2007/8 financial year. It is also clear from figure 4, that KwaZulu-Natal and Gauteng received the most number of deaths with 175 and 169, which together amounts to 44% of the total number of deaths.

Province	2007/8	Percentage share
Eastern Cape	93	12%
Free State	50	6%
Gauteng	169	21%
Kwazulu-Natal	175	23%
Limpopo	71	9%
Mpumalanga	63	8%
North West	57	7%
Northern Cape	19	2%
Western Cape	95	12%
Total	792*	100%

* 13 deaths as a result of Metropolitan Police Service.

Northern Cape received the least number of deaths cases with 19 (2%) followed by Free State with 50 which accounts for 6% of the total deaths.

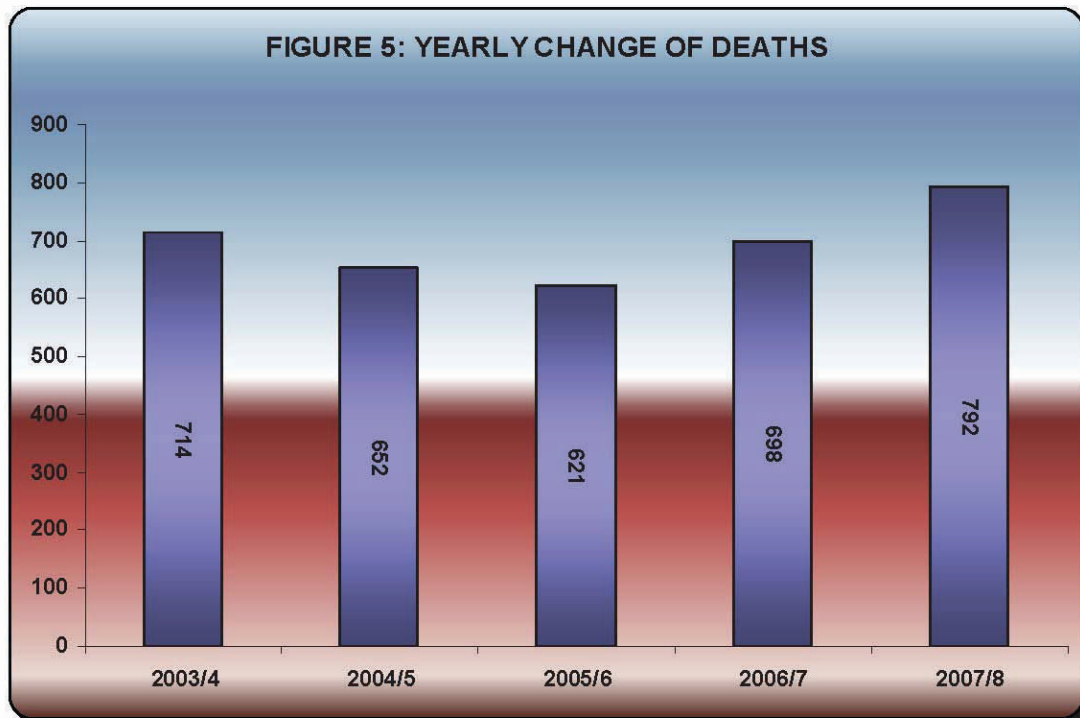


In Table 5, it is shown that ICD nationally has a general increase of 13% in deaths in police custody and as a result of police action in 2007/8 compared to the previous financial year. It is also evident that seven provinces experienced the increase of between 6% and 70%. Mpumalanga reported massive increase of 70% in 2007/8 compared to 2006/7. Northern Cape and Eastern Cape also experienced a significant increase of 46% and 29% compared to 2006/7.

It is clear that only Free State reported a drop (11%) in deaths in police custody and as a result of police action in 2007/8. There was no change in deaths in police custody and as a result of police action in 2007/8 compared to 2006/7 for Gauteng.

Table 5: Yearly change of Deaths			
Province	2006/7	2007/8	Yearly change
Eastern Cape	72	93	29%
Free State	56	50	-11%
Gauteng	169	169	0%
Kwazulu-Natal	153	175	14%
Limpopo	67	71	6%
Mpumalanga	37	63	70%
North West	52	57	10%
Northern Cape	13	19	46%
Western Cape	79	95	20%
Total	698	792	13%

Figure 5, provides national change in deaths in police custody and as a result of police action from 2003/4 to 2007/8. It is shown that there was a decrease of 9% from 2003/4 to 2004/5 and 5% decrease from 2004/5 to 2005/6. There was a 28% increase in deaths from 2005/6 to 2007/8.



2.1 DEATHS AS A RESULT OF MUNICIPAL POLICE SERVICES ACTION

There were 13 deaths as a result of Municipal Police Services received by ICD in 2007/8 financial year. Gauteng receiving a total of 7 deaths, KwaZulu-Natal and Western Cape each reporting 3 deaths.

Province	Total	Accused Member Station	2007/8
Gauteng	7	JHB Metro Police	6
		Ekurhuleni Metro Police	1
Kwazulu-Natal	3	KZN Metro Police	3
Western Cape	3	Cape Town City Police	3
Total	13		13

2.2 CIRCUMSTANCES OF DEATHS

Table 7.1, provides a more detailed analysis of all deaths in police custody or as a result of police action. It is evident from this table that there were 302 deaths in police custody which amounts to 38% and 490 deaths as a result of police action which amounts to 62% of all deaths.

Deaths in police custody are mostly due to Natural causes which accounts for 16% of the total deaths and followed by suicides which amounts to 12% of the total deaths in 2007/8. Injuries sustained prior to detentions amounts to 56 (7%), which are deaths as a result of mob justice assaulting the suspects prior to detention. Society has a substantial role to play in reducing these kinds of deaths, by refraining from mob justice, and inform SAPS as soon as they have captured a suspect. Three percent of the deaths resulted from injuries sustained in custody. SAPS members must visit the cells regularly so that they can detect if there is any kind of assault between the detainees.

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Deaths as a result of police action were mainly due to shootings which accounts for more than 50% of all deaths. It can be observed that the majority of shootings happened while police officials were conducting their duties. Most suspects are shot during arrest (24%) followed by suspects shot during the course of a crime (10%). SAPS 2006/7 Annual Report revealed that 108 Members of SAPS were murdered between April 2006 and March 2007. This highlights the fact that we are dealing with notorious criminals in our country. There has been many incidents in the 2007/8 where multiple suspects were shot while they were committing crime. On the 11 December 2007 eleven suspects were shot dead after trying to rob a coin security vehicle in Maubane road next to Pienaarsrivier (Limpopo). Though some of these police shootings are justified, there are situations where SAPS members react excessively by fatally shooting suspects unnecessarily.

Domestic violence related and off duty shootings account for 8% of all deaths. More than 80% of these deaths involve SAPS members shooting their spouses and children. SAPS need to attend to domestic violence related cases without delay, and if necessarily the member's firearm should be confiscated. Researchers have released many reports pointing to the fact that femicide is increasing in South Africa, especially within the safety and security environment. Femicide being the national crisis, all the citizens has a role to play in reducing these kinds of killings.

Also of concern are incidences where innocent people lose their lives due to being knocked down by police vehicles. Vehicle accidents involving police accounted for 9% of all deaths in 2007/8. Most of these cases are one incidence with more than one victim. Members need to be cautious when driving or pursuing suspects in order to reduce these vehicle accidents.

Table 7.1: Circumstances of deaths

Death in police custody	2007/8	Percentage share
Injuries sustained in custody	25	3%
Injuries sustained prior to detention	56	7%
Natural causes	126	16%
Suicide	95	12%
Total (Deaths in police custody)	302	38%
Death as a result of police action	2007/8	Percentage share
A suspect shot during the course of a crime	83	10%
A suspect shot during the course of an escape	34	4%
A suspect shot during the course of arrest	191	24%
A suspect shot during the course of investigation	43	5%
An innocent bystander shot by police	3	0%
Domestic Violence related and off-duty shootings*	60	8%
Possible negligence - handling of firearm	6	1%
Vehicle accident involving police	70	9%
Total (Deaths as a result of police action)	490	62%
Grand Total	792	100%

* referred to "Other intentional shootings" in past reports.

Suicides in police custody account for (95 victims) 12% of all deaths. Table 7.2, provides detailed information about the material used in committing suicides. Seventy five percent of the suicides are committed by hanging. It can be observed that most victims used their clothing material in hanging themselves. Even though members couldn't have done much to prevent most of the hangings, there is a total of 17 hangings where the belts and shoe laces were used. All these suicides will be investigated, and if members are found guilty of negligence, disciplinary steps will be taken. Fifteen victims shot themselves in 2007/8, this is also an indication that SAPS are dealing with criminals who will do whatever it takes to resist arrest. It is clear that those criminals will always pose danger to the SAPS members.

Some of the victims who committed suicides were arrested for schedule one offences. There is a need for SAPS to enlighten the suspects about the options available during arrest. The society has to be educated about the procedures that are followed before the arrest as well as the legal rights available to the suspects after the arrest.

Table 7.2: Objects used in suicides

Suicides (Circumstances)	2007/8	Percentage share
Drink poison	1	1%
Hanging (Bandage)	1	1%
Hanging (Belt)	8	8%
Hanging (Blanket)	16	17%
Hanging (Cell Mat lining)	3	3%
Hanging (Rope)	2	2%
Hanging (Shirt)	19	20%
Hanging (Shoe laces)	9	9%
Hanging (Socks)	2	2%
Hanging (strips of sports bags)	1	1%
Hanging (Trouser)	11	12%
Jumped from a building	2	2%
Jumped from a police vehicle	3	3%
Set himself / herself alight	2	2%
Shot himself/ herself	15	16%
Total (Suicides)	95	100%

Overall deaths increased by 13% in 2007/8 compared to the 2006/7 financial year. Deaths in police custody increased by 8%. Also of a concern is the increase of 22% of the injuries sustained prior to detention. This substantiates the fact that mob justice is on the rise in South Africa. ICD and SAPS should increase their targets for the community outreach programmes in the 2008/9 financial, so that the society can be educated about the consequences of mob justice. Deaths

due to injuries sustained in custody have declined by 19% compared to the same period in the previous financial year. There was no significant change in suicides compared to the same period in 2006/7. It can be seen that deaths due to natural causes increased by 16%, this trend should be expected to rise since we have been encountering diseases that are incurable.

Deaths as a result of police action increased by 17% compared to the same period in 2006/7. Deaths due to police negligence have decline by 74 % while shootings of suspects during the investigation increased by significant 87%. It is worrying that those deaths as a result of accidents involving police have increase by a significant 59% in 2007/8 compared to 2006/7. Also the deaths as a result of domestic violence related and off-duty shootings increased by 7%.

Table 8: Circumstances of deaths yearly change			
Death in police custody	2006/7	2007/8	Percentage share
Injuries sustained in custody	31	25	-19%
Injuries sustained prior to detention	46	56	22%
Natural causes	108	126	17%
Suicide	94	95	1%
Total (Deaths in police custody)	279	302	8%
Death as a result of police action	2006/7	2007/8	Percentage share
A suspect shot during the course of a crime	97	83	-14%
A suspect shot during the course of an escape	31	34	10%
A suspect shot during the course of arrest	141	191	35%
A suspect shot during the course of investigation	23	43	87%
An innocent bystander shot by police	4	3	-25%
Domestic Violence related and off-duty shootings*	56	60	7%
Possible negligence - handling of firearm	23	6	-74%
Vehicle accident involving police	44	70	59%
Total (Deaths as a result of police action)	419	490	17%
Grand Total	698	792	13%

* referred to "Other intentional shootings" in past reports

The next table (Table 9) provides detailed information about the circumstances of deaths per province. In Eastern Cape, most deaths were due to shootings during arrest followed by natural causes. Most deaths in Gauteng and KwaZulu-Natal were due to shootings. Northern Cape received the least amount of deaths due to shootings and followed by North West. Western Cape has many deaths due to vehicle accidents involving police. Notably most death due to mob justice are happening in Gauteng followed by Eastern Cape.

Table 9: Circumstances of deaths per province										
Deaths in police custody	EC	FS	GT	KZN	LP	MP	NW	NC	WC	Total
Injuries sustained in custody	-	-	-	11	3	4	2	2	3	25
Injuries sustained prior to detention	11	1	22	9	5	7	-	-	1	56
Natural causes	24	9	14	26	12	6	22	2	11	126
Suicide	5	13	23	12	4	3	10	10	15	95
Total	40	23	59	58	24	20	34	14	30	302
Deaths as a result of police action	EC	FS	GT	KZN	LP	MP	NW	NC	WC	Total
A suspect shot during the course of a crime	5	3	30	14	15	6	3	-	7	83
A suspect shot during the course of an escape	3	-	12	7	-	4	-	-	8	34
A suspect shot during the course of arrest	25	4	34	71	16	22	6	2	11	191
A suspect shot during the course of investigation	10	-	11	12	2	3	1	2	2	43
An innocent bystander shot by police	-	-	2	1	-	-	-	-	-	3
Domestic Violence related and off-duty shootings	6	10	16	2	5	4	3	-	14	60
Possible negligence – handling of firearm	-	-	1	-	-	2	1	-	2	6
Vehicle accident involving police	4	10	4	10	9	2	9	1	21	70
Total	53	27	110	117	47	43	23	5	65	490

* referred to "Other intentional shootings" in past reports.

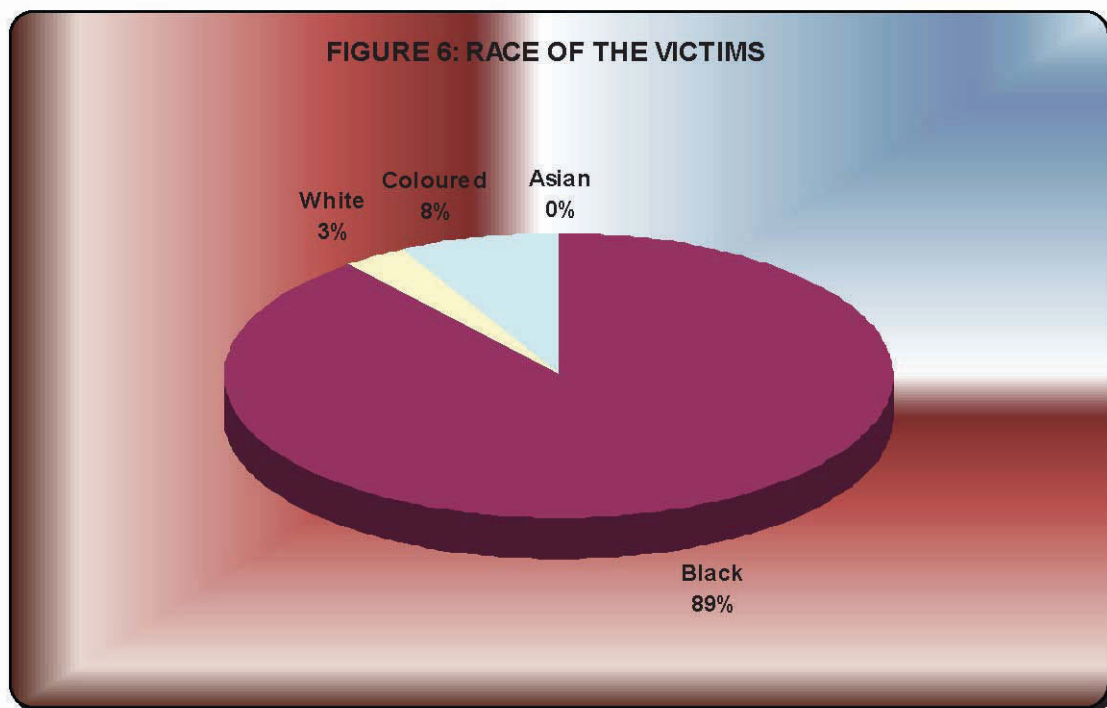
2.3 MORE ABOUT THE VICTIMS

This section of the report gives more details about the victims in the death cases.

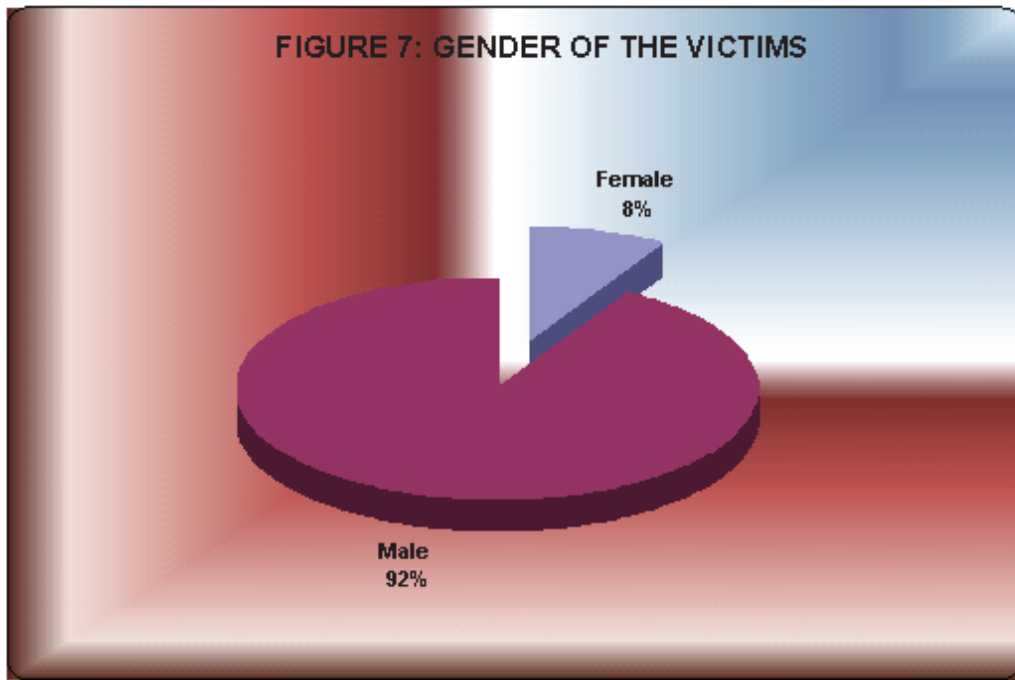
It can be observed in Table 10 and figure 6 that the majority (89%) of the victims who died in police custody and as a result of police action were blacks. These were followed by coloured (8%) and white (3%). The majority of the population in South Africa is blacks, which makes sense for them to be the majority of the victims.

Table 10: Victim's race and gender

Victim's Race	Gender of the victims		
	Female	Male	Total
Asian	0	1	1
Black	49	649	698
Coloured	8	52	60
White	3	17	20
Total	60	719	779



A large number of victims dying in police custody or as a result of police actions are males which accounts for 92% and females accounting for 8%. This can be observed in figure 7, and this should be expected since most of the suspects and detainees are males.



It should be noted that most of the females' deaths are due to Domestic violence related shootings, followed by vehicle accidents involving police with 25 and 23 deaths respectively. This shows that females are mostly likely to die while the member involved is off duty and not performing police duties. Males are opposite from females given that they are mostly likely to die whilst members are on duty and performing police duties. Refer to Table 11.

Table 11: Circumstances of deaths per gender

Death in police custody	Female	Male	2007/8
Injuries sustained in custody	1	24	25
Injuries sustained prior to detention	1	55	56
Natural causes	6	120	126
Suicide	3	92	95
Total (Death in police custody)	11	291	302
Death as a result of police action	Female	Male	2007/8
A suspect shot during the course of a crime	1	82	83
A suspect shot during the course of an escape	0	34	34
A suspect shot during the course of arrest	2	189	191
A suspect shot during the course of investigation	3	40	43
An innocent bystander shot by police	0	3	3
Domestic Violence related and off-duty shootings	25	35	60
Possible negligence - handling of firearm	2	4	6
Vehicle accident involving police	23	47	70
Total (Death as a result of police action)	56	434	490
Grand Total	67	725	792

* referred to "Other intentional shootings" in past reports.

Out of the total of 792 deaths, 43 victims were younger than 19 years old as shown in Table 12. Western Cape registered many deaths of victims younger than 19 years old with 14, followed by KwaZulu-Natal and Eastern Cape with 7 deaths each.

Table 12: Victims younger than 19 years

Province	Total
Eastern Cape	7
Free State	3
Gauteng	1
Kwazulu-Natal	7
Limpopo	4
North West	5
Northern Cape	2
Western Cape	14
Total	43

The average age of the victims is 30 years with a maximum of 67 years. Seventy one percent of the victims are between the ages of 20 and 36 years.

2.4 MORE ABOUT THE ACCUSED OFFICERS

It is important to note that the 302 deaths in figure 8 categorized as Not Applicable refer to the deaths in police custody in which members of the police service were not directly involved. These include instances where people died as a result of suicides, natural causes, injuries sustained in custody and injuries sustained prior to detention.

In the majority (44%) of deaths as a result of police action, suspect officers were of the rank of Constable, followed by Inspectors at 35%. In the previous financial year, Inspectors were the majority suspects in deaths and followed by Constables, which is vice versa in 2007/8 financial year. The senior police officials are less likely to be suspects in deaths given that they are the minority within SAPS and they are not always involved in arrests and investigations during which most deaths occurred.

FIGURE 8: ACCUSED'S RANK

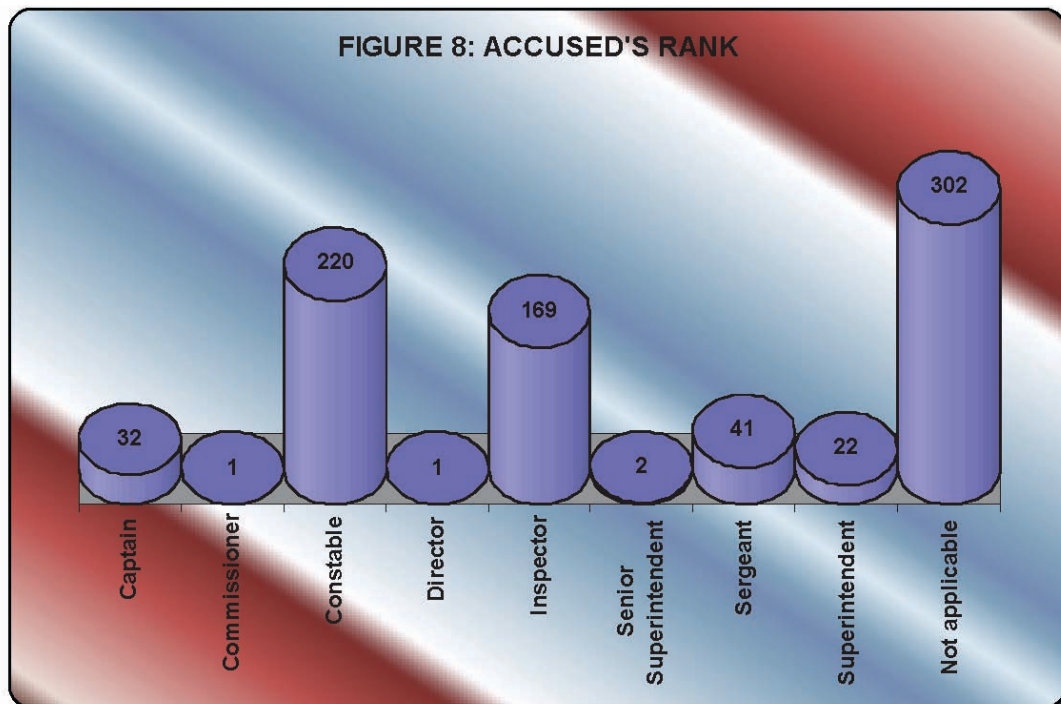
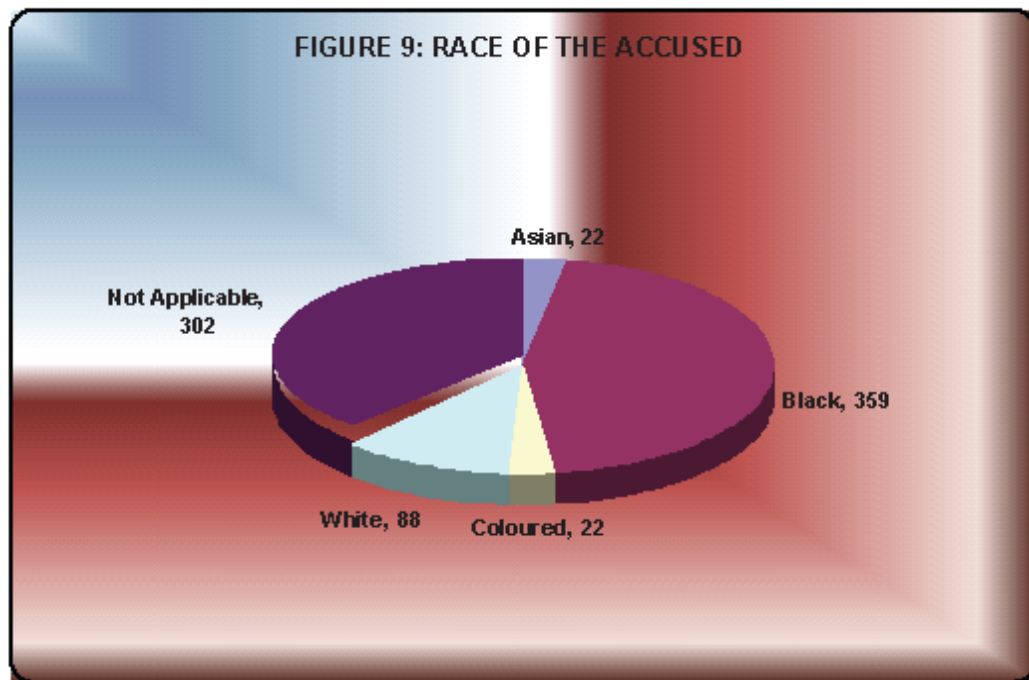


Figure 9 provides information about the race of suspects in deaths. The majority (74%) of those accused of deaths as a result of police actions cases were Black, followed by Whites who accounted for 18%. Coloureds and Asians accounted for a total of 8% of the accused in death cases as a result of police action.



The station with many deaths reported was Rus De Winter in Limpopo. Note that all those victims died in a shoot-out between robbers and police in Maubane road next to Pienaarsrivier on the 11th December 2007. An inspection needs to be done in all the stations with more than five deaths, so that the number of deaths can be reduced.

Table 13: Police stations with 5 or more deaths

Station	Limpopo	Station	Gauteng
Bolobedu	5	Jeppe	5
Mussina	5	Mamelodi	5
Rus De Winter	11	Pretoria Central	8
		Sebokeng	5
Station	Western Cape	Station	Kwazulu-Natal
Beaufort-West	5	Durban Central	5
Delft	5	Empangeni	9
Khayelitsha	6	Greenwood Park	7
Station	Eastern Cape	Inanda	5
Libode	5	Malvern	5
Mount Frere	5	Station	North West
Umtata	8	Mmabatho	5
Station	Free State	Rustenburg	6
Petrus Steyn	5		

3. CRIMINAL OFFENCES

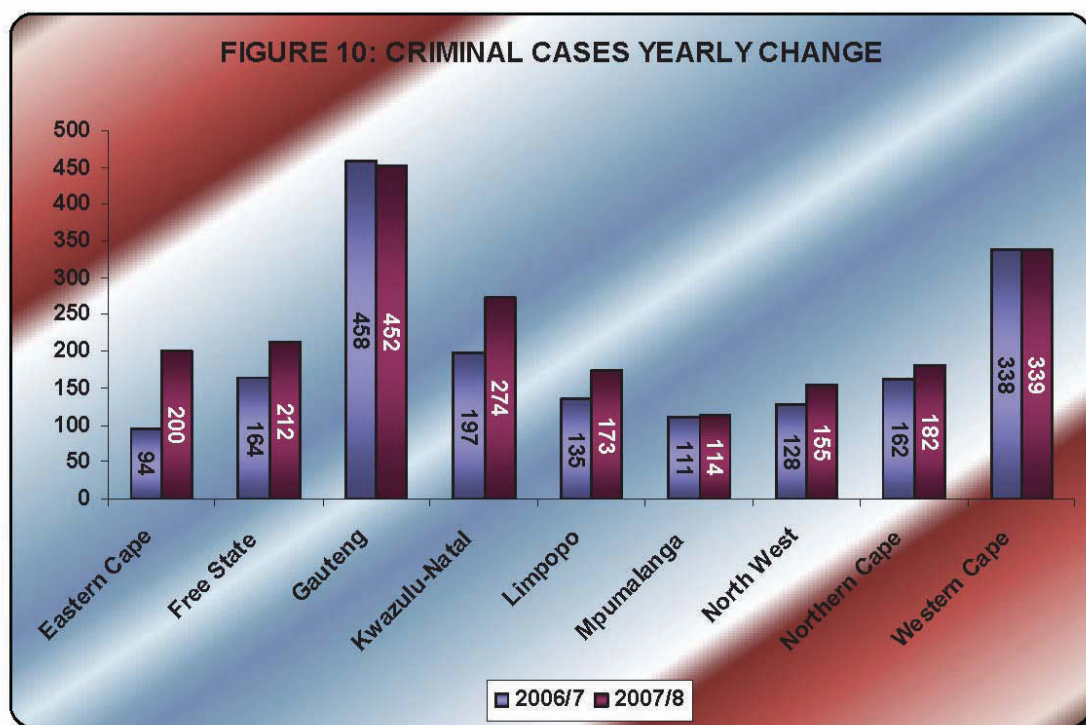
In this report the criminal offences statistics involving SAPS for 2007/8 are discussed and compared to those recorded during the preceding financial year.

In 2007/8 financial year ICD received 2101 cases of alleged criminal activities involving SAPS members, as shown in Table 14. The majority (22%) of those complaints were reported in Gauteng, followed by Western Cape with 16%. The least number of such offences were registered in Mpumalanga (5%).

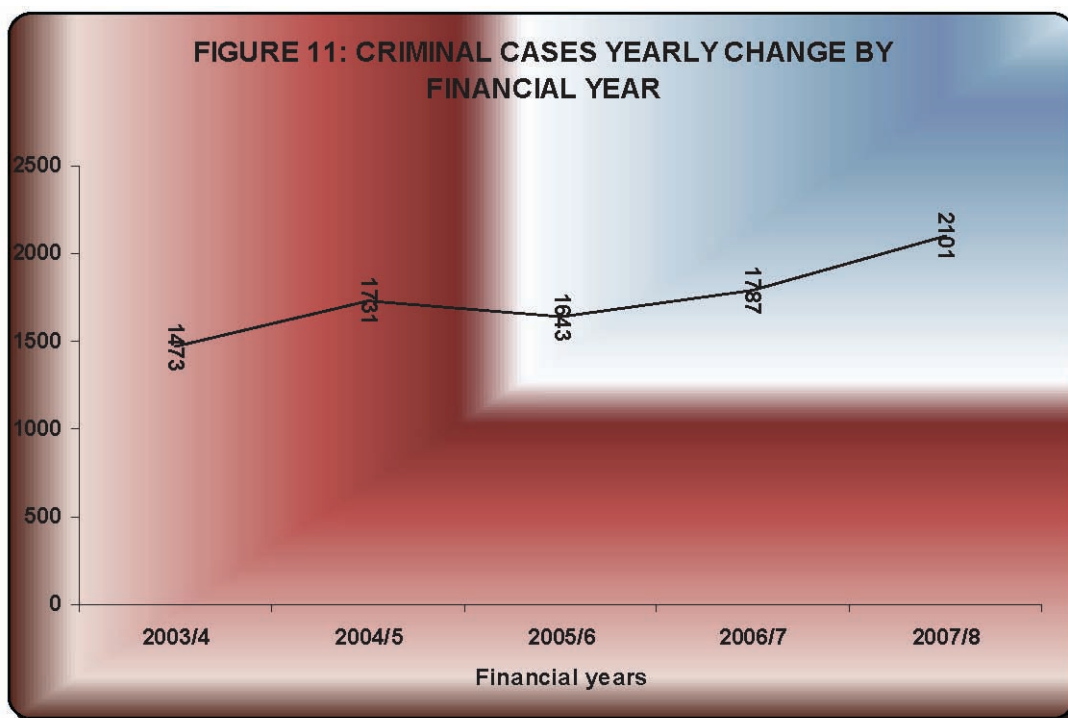
Table 14: Criminal offences in 2007/8

Province	2007/8	Provincial %
Eastern Cape	200	10%
Free State	212	10%
Gauteng	452	22%
Kwazulu-Natal	274	13%
Limpopo	173	8%
Mpumalanga	114	5%
North West	155	7%
Northern Cape	182	9%
Western Cape	339	16%
Grand Total	2101	100%

Figure 10, present the change in criminal offences complaints received in 2007/8 from 2006/7 per province. In general there was 18% increase in 2007/8 compared to the same period in 2006/7. Increases were experienced in all provinces except Gauteng which experienced a slight decrease of 1% and Western Cape with no change. Eastern Cape experienced a significant increase of 113% compared to the same period in 2006/7. The significant increase in general must be the results of the marketing strategies that have been implemented and opening of the satellite offices in 2007/8 by ICD. These increases provide evidence that ICD is growing and the society get to know about the services the Department is providing. It should be expected that the complaints against SAPS will continue to rise in coming financial years.



Criminal offences reported to ICD increased by 18% from 2003/4 to 2004/5 and there was a slight decrease of 5% from 2004/5 to 2005/6. From 2005/6 to 2006/7 there was an increase of 9% in criminal offences, and as mentioned in figures 10 and 11, there was a general increase of 18% in 2007/8 compared to 2006/7.



Police brutality accounts for more than 50% of the criminal offences reported to ICD in 2007/8. The cases of attempted murder accounted for 16, 2%. Assault accounts for 50% of all the criminal cases reported. Most of the attempted murder cases are in situations where the members shot/assaulted the suspects but the suspect didn't die. This shows that police brutality is still a crisis that the SAPS management needs to attend. Theft seems to be a problem at 6%. The various types of corruption collectively accounted for 9% of all criminal cases.

Table 15: Criminal offences by nature of allegations

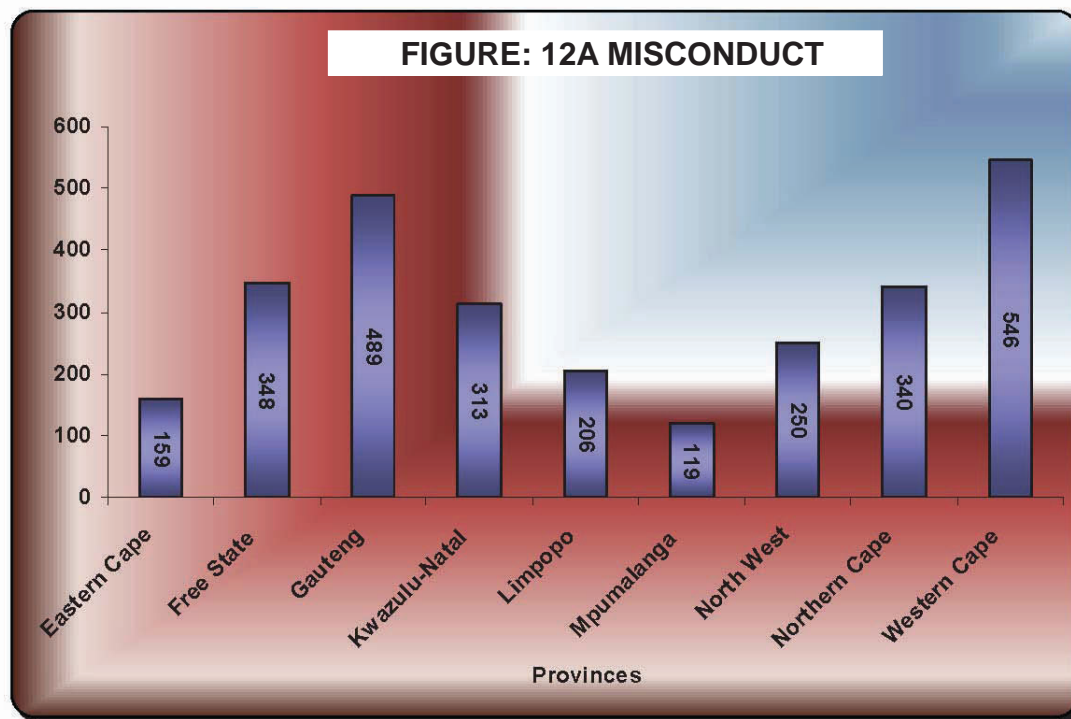
Short Description	2007/8	Percentage share
Abuse of power	45	2.1%
Assault common	301	14.3%
Assault GBH	739	35.2%
Attempted murder	341	16.2%
Corruption - abuse of informers' fees	4	0.2%
Corruption - aiding escapes from custody	17	0.8%
Corruption - issuing of fraudulent vehicle certificates	5	0.2%
Corruption - sale, theft and/or destruction of police docketts	25	1.2%
Corruption - sale, theft and/or disposal of exhibits	19	0.9%
Crimen injuria	3	0.1%
Criminal defamation	10	0.5%
Defeating the Ends of Justice	40	1.9%
Drunken driving	6	0.3%
False accusation of a crime	4	0.2%
Fraud	23	1.1%
Harassment	32	1.5%
Indecent Assault	11	0.5%
Intimidation	64	3.0%
Kidnapping	1	0.0%
Malicious damage to property	52	2.5%
Other Corruption (Soliciting bribes, Extortion)	109	5.2%
Participation in an organised criminal enterprise *	5	0.2%
Pointing of a firearm	37	1.7%
Rape	24	1.1%
Reckless driving	19	0.9%
Robbery	11	0.5%
Theft	134	6.4%
Torture	20	1.0%
Grand Total	2101	100.0%

* Participation in an organised criminal enterprise includes allegations of drug trafficking, trade in illegal firearms and counterfeit money.

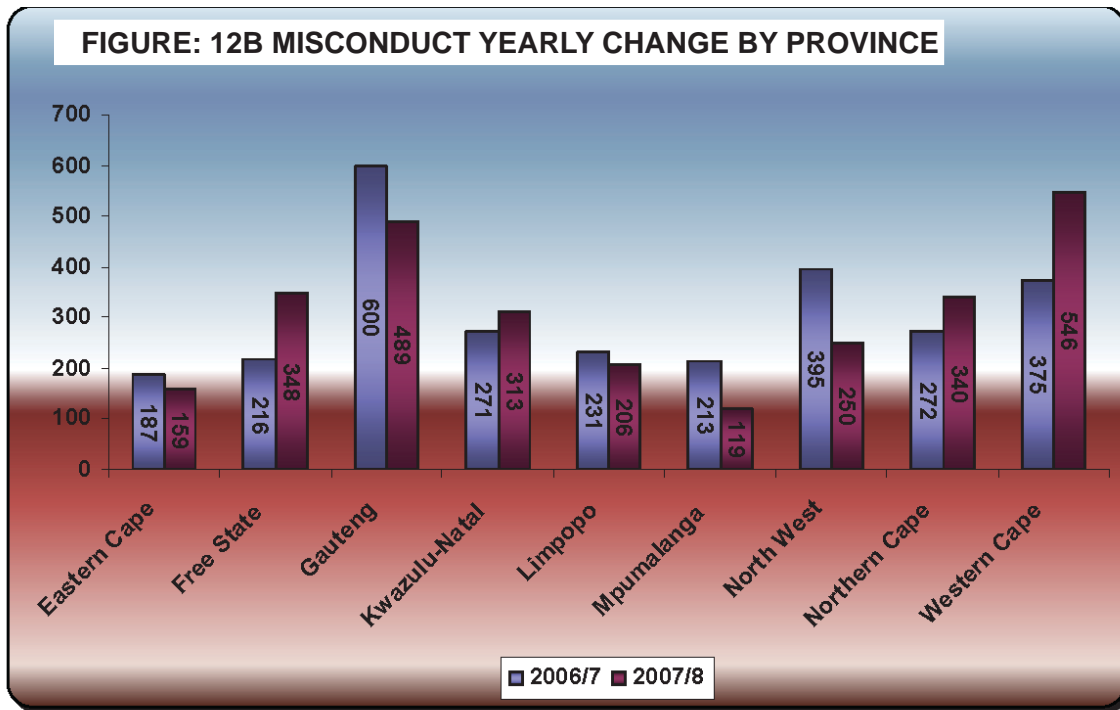
4. MISCONDUCT

The majority of the complaints received by ICD are cases of poor service delivery by members of the Service. ICD received 2770 complaints which accounts for 47% of all cases received in 2007/8 financial year. These largely relate to service delivery complaints such as failure/ refusal to assist victims of crime. Western Cape took a lead by accounting for 20% of misconduct complaints, followed by Gauteng which accounted for 18% of misconduct cases in 2007/8. Mpumalanga registered the least number of misconduct complaints with 4%.

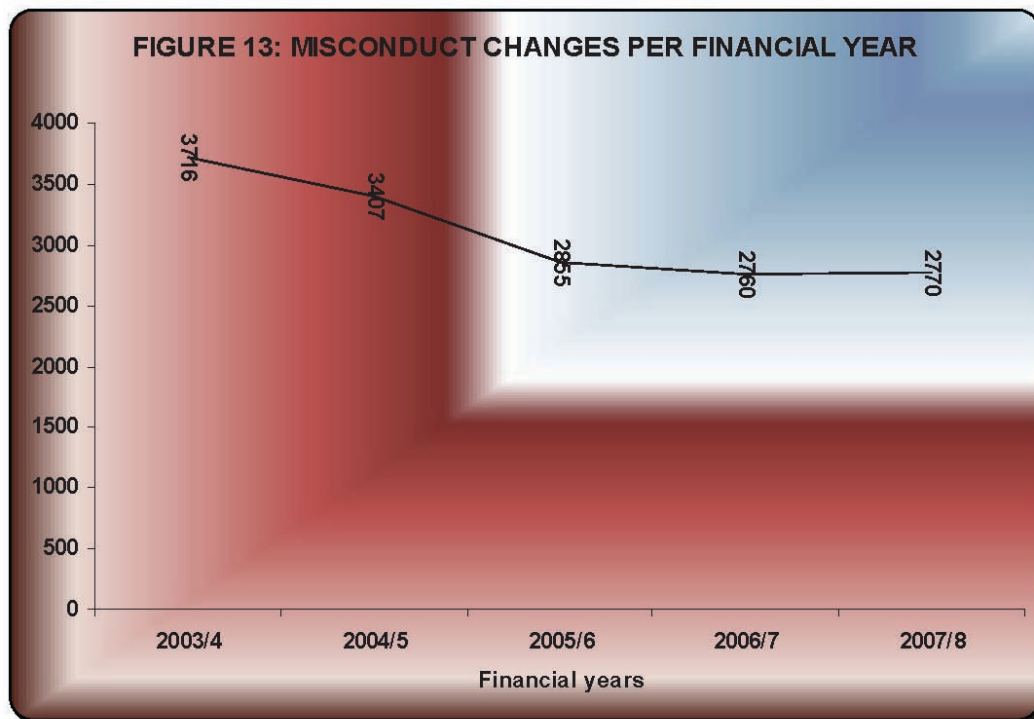
It is important that SAPS provides a responsible, effective and quality service with honesty and integrity and to cooperate with the community and all other role players in creating a safe and secure environment for all people in South Africa.



Generally there was no significant change in the number of misconduct cases received between April 2007 and March 2008 relative to the same period in 2006/7. Provinces which experienced the increase are Free State, KwaZulu-Natal, Northern Cape and Western Cape with 61%, 15%, 25% and 46% respectively in 2007/8 compared to 2006/7. The other five provinces which experienced a decline are Eastern Cape, Gauteng, Limpopo, Mpumalanga and North West with 15%, 19%, 11%, 44% and 37% respectively in 2007/8 compared to the previous financial year.



There has been a general decline in misconduct complaints since 2003/4 until 2006/7 financial year. It is clear from figure 13 that there was an 8% decline in 2003/4 compared to 2004/5 and a further decline of 16% in 2005/6 compared to 2004/5. The decline in 2006/7 compared to 2005/6 was not significant and there was no change in misconduct cases in 2007/8 compared to 2006/7.



OUTCOMES – CRIMINAL CASES

Table 18 shows the outcomes of criminal cases investigated by the ICD for the year under review, where the investigation resulted in the successful prosecution of members. The offences vary from Murder to cases of Assault with the intent to do grievous bodily harm. Sentences determined by the court vary from 25 years imprisonment for murder to admissions of guilt for less serious offences.

Table 18: OUTCOMES- CRIMINAL CASES		
SAPS STATION & ICD CCN	OFFENCE/MISCONDUCT	FINDINGS & SENTENCE
Wolmaranstad 2005100451	Murder	20 Years imprisonment
Ganyesa 2006010205	Murder	6 Years wholly suspended for 5 years with conditions
Lethabile 2006030092	Murder	4 Years imprisonment wholly suspended for 5 years with conditions
Kanana 2005050133	Attempted Murder	12 months imprisonment wholly suspended for 5 years, conditionally
Mothibistad 2006050495	Culpable Homicide	Fine imposed, R600
Mafikeng 2006110524	Assault Common	Admission of guilt fine R400
Lomanyaneng 2007030153	Assault Common	Admission of guilt fine R500
Mzamba 2006070408	Rape	10 Years imprisonment and declared unfit to possess firearm
Mzamba 2006040269	Rape	15 years imprisonment, 5 of which is suspended
Elliot 2001090056	Culpable Homicide	3 years imprisonment wholly suspended for 5 years
Izele 2005100354	Assault GBH	5 Years imprisonment or R5000 fine
Elliotdale	Negligent handling of firearm	3 Years imprisonment or R5000, with a further 18 months wholly suspended
Giyane 2003110367	Culpable Homicide	3 Years imprisonment or R8000 fine
Zebediela 2003030202	Culpable Homicide	5 Years imprisonment
Moroka 2006090397	Murder	18 Years imprisonment
JHB Central 2006120317	Culpable Homicide	8 Years imprisonment wholly suspended for 4 years, conditionally
Milnerton 2005050324	Murder – 5 counts	25 Years imprisonment on each count but all the sentence to run concurrently
Pinelands 2006030157	Murder; Possession of stolen firearm & ammunition	10 Years imprisonment

Cape Town 2001090255	Murder	8 Years imprisonment
Phillipi 2003010292	1 x Murder, 5 x Att. Murder, 1 x abduction, 3 x pointing of firearm, 1 x handling a firearm whilst under the influence	15 Years imprisonment
Landsdown 99080051	Culpable Homicide	5 Years imprisonment suspended for 5 years
Bishop Lavis 2002090097	Culpable Homicide	30 Months imprisonment suspended for 5 years
Mannenburg 2003050269	Culpable Homicide	3 Years suspended for 4 Years
Kabokweni 200512020258	Assault GBH	R300 or 12 months & imprisonment suspended for 3 years
Kanyamazane 2003080261	Murder	25 Years imprisonment
Germiston 2006050005	Corruption	5 Years imprisonment without an option of a fine and dismissed from EMPS
Mayville 2007020190	Attempted murder	5 Years imprisonment suspended for 5 Years and compensation of R5000 to the victim
Bhekithemba 2006110337	Murder and Assault common	Sentence pending while dismissed in departmental hearing

OUTCOMES – DEPARTMENTAL CASES

Table 19 shows the outcomes of Departmental Misconduct cases investigated by the ICD for the year under review, where the investigation resulted in the successful prosecution departmentally of members. The misconduct varies from improper performance of duties to Negligence during the escape of suspects. The findings determined by the internal disciplinary process vary from verbal warnings to dismissal from the service.

TABLE 19: OUTCOMES - DEPARTMENTAL CASES

SAPS STATION & ICD CCN	OFFENCE/MISCONDUCT	FINDINGS & SENTENCE
Itsoseng 2006050141	Improper performance of duties	Dismissal, suspended for a period of 6 months, conditionally
Garankuwa 2006070013	Improper performance of duties	Final verbal warning
Christiana 2007030014	Improper performance of duties	Written warning
Fochville 2007030534	Improper performance of duties	Written warning
Makwasi 2006100152	Death in custody	Written warning
Ventersdorp 2007040023	Improper performance	Verbal warning
Fochville 2007010460	Escape from custody	Written warning

Coligny 2007010522	Assault common	Written warning
Temba 2005090172	Improper performance	Reprimand
Itsoseng 2007080235	Neglect of duty	Reprimand
Lomanyaneng 2006110356	Improper performance	Reprimand
Taung 2007070362	Neglect of duty	Reprimand
Atamelang 2005060086	Death – police action	R300 fine suspended for 12 months
Rustenburg 2007080145	Improper performance	Reprimand
Ganyesa 2006010205	Death – police action	Dismissal from service
Zeerust 2007080154	Assault common	Reprimand
Jericho 2007080431	Improper performance	Reprimand
Lichtenburg 2007080148	Improper performance	Reprimand
Jouberton 2007080415	Improper performance	Dismissal, suspended for 6 months
Marikana 2007040308	Assault common	Written warning
Mafikeng 200609171	Assault common	Verbal warning
Jouberton 2007070398	Murder	Dismissal
Mothibistad 2006050495	Culpable homicide	R500 suspended for 5 years
Protea Glen 2006070288	Neglect of duties	R500 fine and dismissal, suspended for 12 months
Sinoville 2006110333	Improper performance	Dismissal
Pretoria Central 2007050231	Improper performance	Final written warning & R500 fine
Jabulani 2007120376	Improper performance	R500 fine of R250 was suspended for 12 months
Pretoria Central 2007050231	Neglect of duties	Written warning
Presbury 2006090029	Attempted murder	Dismissal – suspended for 5 months and R500 fine
Kwandengezi	Attempted murder	Dismissal
Kwamashu 2007090431	Unauthorized use of state vehicle	Written warning
Wentworth 2007030393	Murder	Dismissal

5. STATISTICAL INFORMATION WITH REGARD TO PERFORMANCE

The ICD managed to finalize a total of 9314 cases, 2571 being cases registered in 2007/8 and 6743 cases registered prior to 1st April 2007. It is also evident from the following table, that 72% of the finalized cases were from previous financial years while current cases amounted to 28%.

The finalization of cases must be understood within the context of strategic objectives that the ICD has set itself. These are details below:

Output	Measure/indicator	Target	Performance
Investigation of complaints	Finalize internal investigations in respect of deaths in custody and deaths (Class 1) where there is no police involvement within 30 days	60% of notifications received from SAPS/MPS	Target exceeded by 18%. 237 out of 302 cases finalized within 30 days, amounting to 78%
	Finalize internal investigations in respect of deaths in custody and deaths (Class 1) where there is no police involvement within 120 days	60% of notifications received from SAPS/MPS	Target not met. 288 cases out of 490 finalized, representing 59% of notifications received
	Finalize internal ICD investigations of Class 3 (criminal offences) cases within 180 days	50% of complaints received from SAPS/MPS	Target exceeded by 6%. 56% of cases, that is 971 out of 1742 cases finalized within 120 days
	Finalize internal ICD investigations of Class 4 (misconduct) cases within 120 days	50% of misconduct complaints	Target not met. Only 1075 (32%) out of 2474 cases finalized.
	Attendance of crime scenes	70% of death notifications	arget exceeded by 7%. 536 scenes attended out of 696, representing 77%. In the case of natural deaths there were no scenes and there were no scenes to attend in deaths due to natural causes
	Attending autopsy/post mortem examinations	70% of death notifications	Target exceeded by 7%. 473 post mortems attended out of 617, representing 77%.
	Written feedback to stakeholders	Every 30 days	Target not met consistently. Not all provinces able to meet the target due to workload.

The above table depicts the number of cases were due to be finalized during the 2007/8 financial year and the strategic targets for specific categories. In terms of our service delivery standard we will always have some cases overlapping from previous financial year. This will happen since some of the cases that are registered towards the end of the financial year will always be due for finalization in the next financial year.

Finalization of cases

Some provinces finalized more cases received prior to 1 April 2007, and that led to them not meeting their targets for the 2007/8 financial year.

The North West province managed to finalize all their cases received prior to 1 April 2007 in 2007/8.

Period of receipt	Deaths	Criminal	Misconduct	Total
Current (2007/08)	525	971	1075	2571
Prior to 1 April 2008	1077	2430	3236	6743
Total	1602	3401	4311	9314

Applications for exemption

In terms of the Domestic Violence Act, the ICD is responsible for receiving applications for exemptions from SAPS members on reasons why they should not be charged with misconduct for failing to implement the DVA. ICD received 58 applications for exemptions and during the period under review granted 44. In 9 cases the ICD did not find sufficient merit for exempting SAPS members from departmental prosecution. In these cases a recommendation was made for the members involved to be disciplined. In 5 cases the applications for exemption are still pending.

Province	Received	Granted	Not Granted
Eastern Cape	6	4	1
Free State	29	23	6
Gauteng	6	3	0
KZN	0	0	0
Limpopo	5	4	0
Mpumalanga	0	0	0
North West	11	9	2
Northern Cape	0	0	0
Western Cape	1	1	0
Total	58	44	9

Disposal of cases

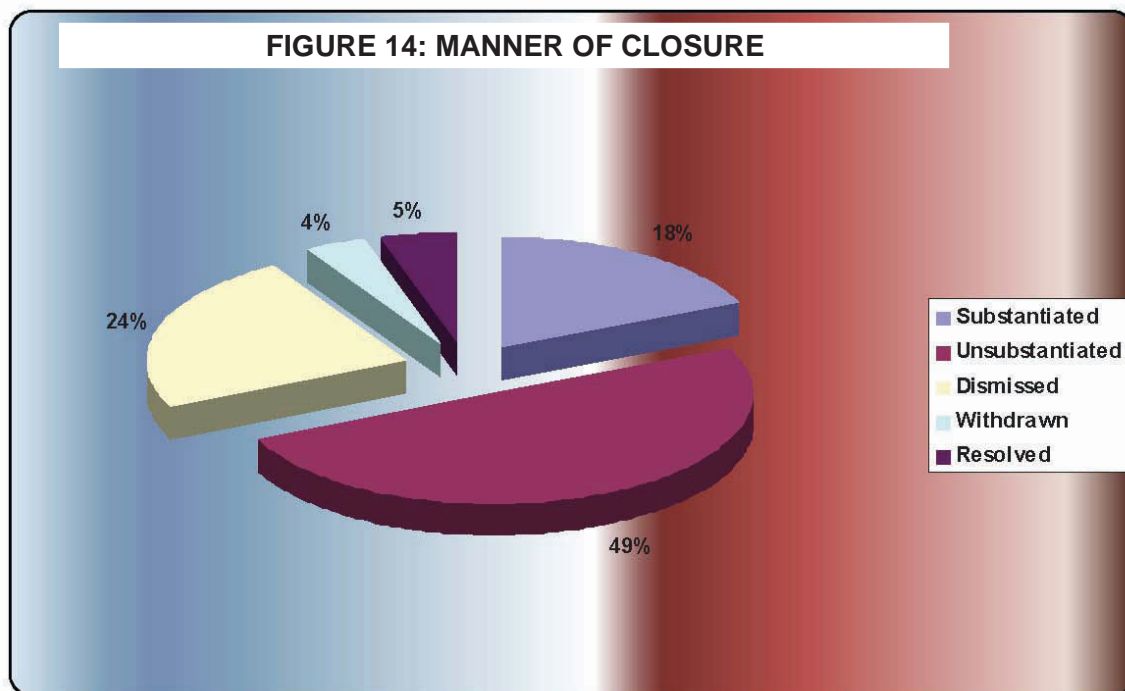
Table 17 provides information in respect of the number of investigations undertaken between April 2007 and March 2008, providing detailed reasons for the closure. As can be observed in this table, ICD closed 7238 cases in 2007/8. The majority 3908 of these were misconduct cases, 2157 criminal cases, 977 Deaths cases and 196 Domestic violence cases. Note that Table 15 and figure 15 include both the current cases and those carried forward from the previous financial year.

Table 17: Closed cases between April 2007 and March 2008

Manner of closure	Death	DVA	Criminal	Misconduct	Total
Substantiated	280	63	462	515	1320
Unsubstantiated	672	58	968	1903	3601
Dismissed	21	41	563	1076	1701
Withdrawn	3	17	116	140	276
Resolved	1	17	48	274	340
Total	977	196	2157	3908	7238

It is important to note that the majority (49%) of the cases were closed as unsubstantiated, 24% were either closed as dismissed or unfounded. It is also clear from the figure that 18% were closed as substantiated while 4% and 5% were closed as withdrawn and resolved respectively.

FIGURE 14: MANNER OF CLOSURE



The target for attending post mortems and scenes is 70% and has been exceeded in 2007/8. ICD managed to attend 473/617 post mortems and 536/696 scenes. The targets have been exceeded by 7% in both instances.

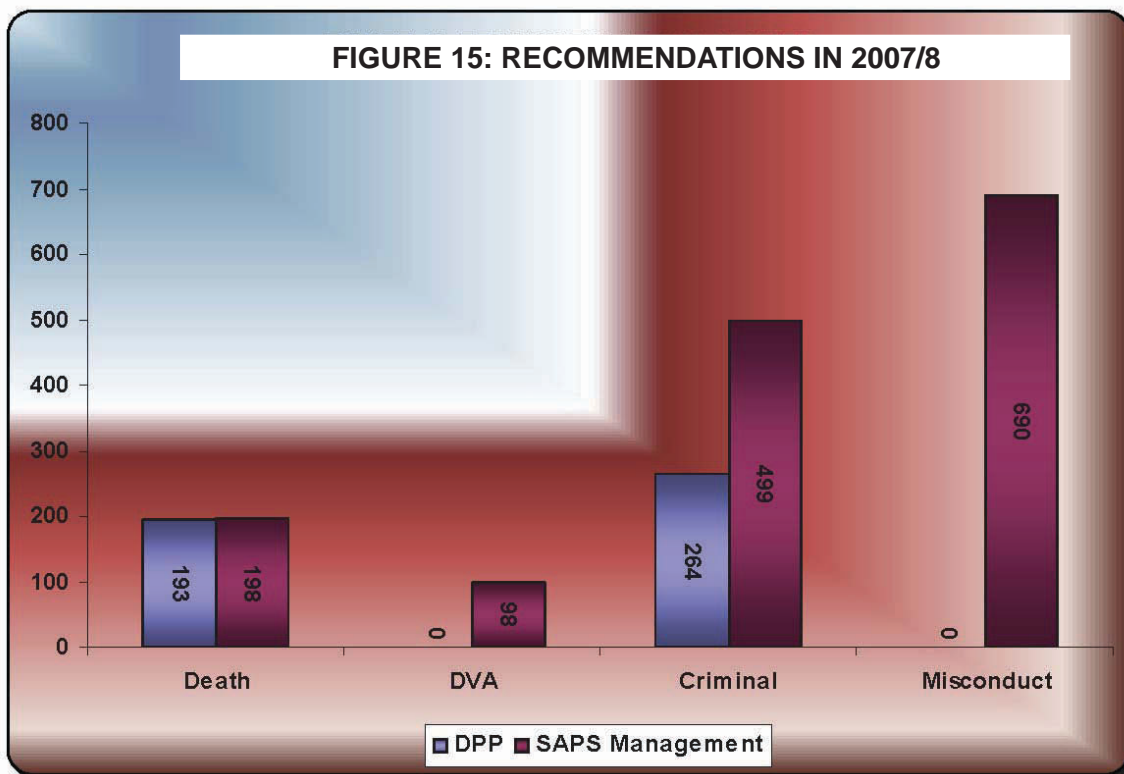
RECOMMENDATIONS FOR PROSECUTION

In all cases in which allegations have been substantiated, ICD recommended to the DPP and/or to SAPS management for internal disciplinary actions.

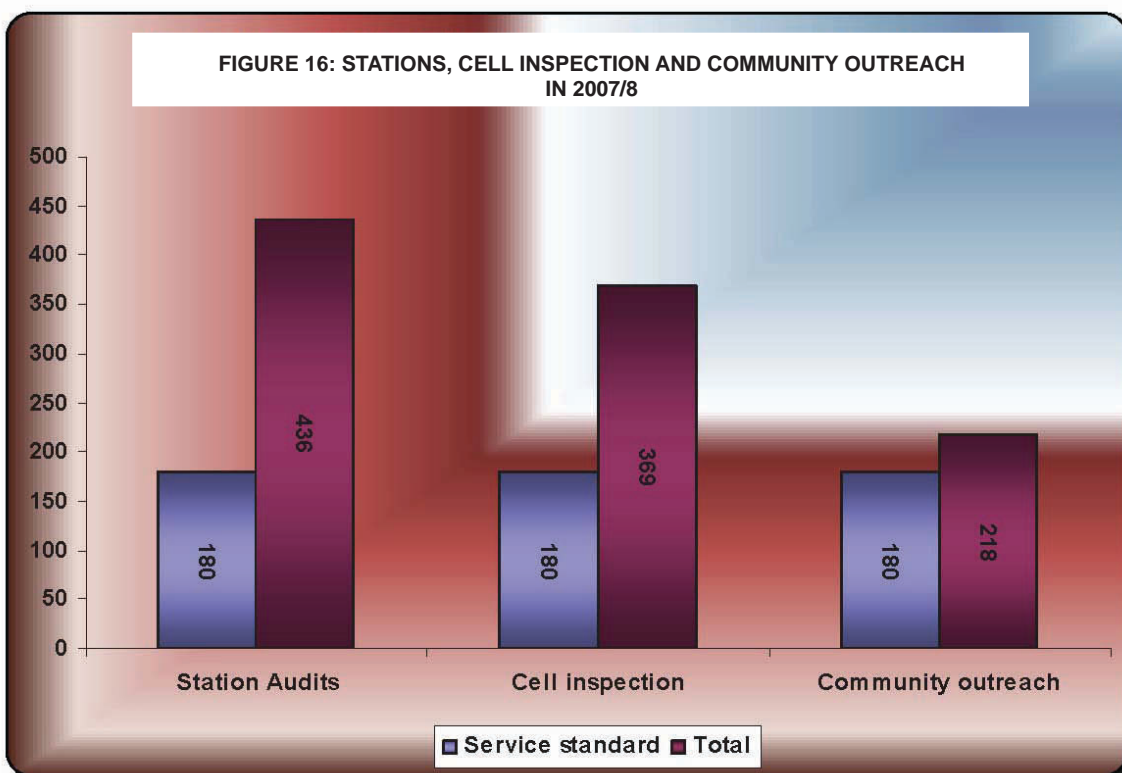
Figure 15 indicates the number of recommendations that the ICD referred to the various Directors of Public Prosecutions (DPP) and to SAPS Management for internal disciplinary proceedings. A total of 1942 recommendations were referred to the DPP and SAPS management. Of the total, 457 cases were recommendations to the DPP on a variety of criminal issues. Of this figure (457), 193 cases were recommendations in respect of deaths in custody or as a result of police action and 264 cases recommendations in respect of criminal cases.

Only deaths and criminal cases can be referred to the DPP, but all complaints (deaths, DVA, criminal and misconduct) can be referred to SAPS management

ICD referred 1485 recommendations to SAPS management and of this figure, 198 recommendations were made in respect of deaths in custody or as a result of police action, 98 recommendations were made in respect of Domestic Violence Act, 499 recommendations were made in respect criminal offences and 690 recommendations were in respect of police misconduct.



ICD had a strategic objective to conduct at least 180 Station audits, 180 Cell inspections and 180 Community outreach in 2007/8. As can be seen in figure 16, ICD attended 436/180 station audits, 369/180 cell inspection and 218/180 community outreach. It is clear that ICD has managed to exceed all targets in this regards in 2007/8 financial year.



With regard to death in police custody, 60% of notifications received from SAPS/MPS were finalized within 30 days.

The target for completion of deaths where there was no police involvement is 60% of notifications received from SAPS/MPS to be finalized within 30 days. Nationally, ICD met its targets by finalizing 78% of those cases within 30 days. All the provincial offices met this target except the Mpumalanga office.

Death in police custody

Province	Received	Finalized	Finalization Rate	Performance
Eastern Cape	40	29	73%	Target met, exceeded by 13%
Free State	23	20	87%	Target met, exceeded by 27%
Gauteng	59	40	68%	Target met, exceeded by 8%
Kwazulu-Natal	58	44	76%	Target met, exceeded by 16%
Limpopo	24	20	83%	Target met, exceeded by 23%
Mpumalanga	20	7	35%	Target not met
North West	34	34	100%	Target met, exceeded by 40%
Northern Cape	14	14	100%	Target met, exceeded by 40%
Western Cape	30	29	97%	Target met, exceeded by 37%
Grand Total	302	237	78%	Target met, exceeded by 18%

Death as a result of police actions, 60% of notifications received from SAPS/MPS finalized within 120 days.

Generally, ICD didn't meet the target in this category by only finalizing 59% of those cases within 120 days. Most provincial offices like Free State, Gauteng, Limpopo, North West Northern Cape and Western Cape managed to meet their targets, and only Eastern Cape, KwaZulu-Natal and Mpumalanga didn't meet their targets.

Death as a result of police action

Province	Received	Finalized	Fin rate	Performance
Eastern Cape	53	23	43%	Target not met
Free State	27	27	100%	Target met, exceeded by 40%
Gauteng	110	96	87%	Target met, exceeded by 27%
Kwazulu-Natal	117	31	26%	Target not met
Limpopo	47	31	66%	Target met, exceeded by 6%
Mpumalanga	43	20	47%	Target not met
North West	23	15	65%	Target met, exceeded by 5%
Northern Cape	5	3	60%	Target met, exactly on target
Western Cape	65	42	65%	Target met, exceeded by 5%
Grand Total	490	288	59%	Target not met

Criminal cases, 50% of complaints received to be finalized within 180 days

Collectively ICD managed to meet its targets in this category, since 56% of all the criminal cases that were due for finalization during 2007/8 financial year were finalized. It should be noted that the reason why some of the provincial offices didn't meet their targets, is due to their emphasis that were put in place during the 2007/8 financial to reduce their workload of the cases that were received in the previous financial years. Some provincial performance finalization rate is more than 100%.

Province	Cases due for finalization	Finalized	Finalization rate	Performance
ACC	41	49	120%	Target met
Eastern Cape	148	79	53%	Target met
Free State	154	220	143%	Target met
Gauteng	217	213	98%	Target met
KZN	293	45	15%	Target not met
Limpopo	147	98	67%	Target met
Mpumalanga	236	23	10%	Target not met
North West	121	80	66%	Target met
Northern Cape	157	91	58%	Target met
Western Cape	228	73	32%	Target not met
Total	1742	971	56%	Target met

Misconduct cases, 50% of misconduct complaints received to be finalized within 120 days

With regard to cases of misconduct, it is clear from the table below that the target was not met, since we finalized only 43% of the misconduct cases within 120 days, while the target was 50%. Only Free State, Gauteng, North West and Northern Cape managed to meet their targets.

Province	Cases due for finalization	Finalized	Finalization rate	Performance
Eastern Cape	173	19	11%	Target not met
Free State	203	238	117%	Target met
Gauteng	314	256	82%	Target not met
KZN	387	0	0%	Target not met
Limpopo	215	95	44%	Target not met
Mpumalanga	192	15	8%	Target not met
North West	270	170	63%	Target met
Northern Cape	269	174	65%	Target met
Western Cape	451	108	24%	Target not met
Total	2474	1075	43%	Target not met

Attendance of death scenes

The Department has a target of attending to at least 70% of death scenes. All the offices met their targets with the exception of North West and Western Cape. In cases where deaths occur in hospital, there are no scenes.

Province	Attended	Not Attended	Total	% Targets	Performance
Eastern Cape	53	18	71	75%	Target met, exceeded by 5%
Free State	31	8	39	79%	Target met, exceeded by 9%
Gauteng	149	31	180	83%	Target met, exceeded by 13%
KZN	109	3	112	97%	Target met, exceeded by 27%
Limpopo	72	19	91	79%	Target met, exceeded by 9%
Mpumalanga	33	1	34	97%	Target met, exceeded by 27%
North West	26	31	57	46%	Target not met
Northern Cape	16	0	16	100%	Target met, exceeded by 30%
Western Cape	47	49	96	49%	Target not met
Total	536	160	696	77%	Target met, exceeded by 7%

Attending autopsy/ post mortem examinations

The Department has a target of attending to 70% of the post mortems of all the notification of deaths received from SAPS or MPS. Again, all the provincial offices met their targets with the exception of North West and Western Cape. In most deaths due to natural causes, no post mortems get performed especially in deaths occurring in hospital.

Province	Attended	Not Attended	Total	% Targets	Performance
Eastern Cape	45	19	64	70%	Target met
Free State	36	3	39	92%	Target met, exceeded by 22%
Gauteng	155	20	175	89%	Target met, exceeded by 19%
KZN	58	6	64	91%	Target met, exceeded by 21%
Limpopo	49	20	69	71%	Target met, exceeded by 1%
Mpumalanga	32	2	34	94%	Target met, exceeded by 24%
North West	36	21	57	63%	Target not met
Northern Cape	18	1	19	95%	Target met, exceeded by 25%
Western Cape	44	52	96	46%	Target not met
Total	473	144	617	77%	Target met, exceeded by 7%

4. DVA station audits, Cell inspections and Community outreach

DVA station audits

Provincial offices conducted audits at police stations to determine the level of compliance with the Domestic Violence Act and the National instructions. All the provincial offices except Mpumalanga met their targets of conducting 20 Domestic violence station audits. Free State took a lead by exceeding the target by 560%, followed by Gauteng and Eastern Cape with 335% and 275% respectively.

DVA station audits in 2007/8

Province	Attended	Targets	% Performance	Performance
Eastern Cape	55	20	275%	Target met
Free State	132	20	660%	Target met
Gauteng	67	20	335%	Target met
KZN	35	20	175%	Target met
Limpopo	31	20	155%	Target met
Mpumalanga	19	20	95%	Target not met
North West	23	20	115%	Target met
Northern Cape	30	20	150%	Target met
Western Cape	44	20	220%	Target met
Total	436	180	242%	Target met

Station Audits - National

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Quarter	GP	LP	MP	NW	NC	EC	FS	KZN	WC	TOTAL	Target %
Q 1	14	0	4	6	3	6	23	6	13	75	167
Q 2	22	0	8	6	9	9	82	9	16	161	358
Q 3	14	18	4	5	9	25	15	9	10	109	242
Q 4	17	13	3	6	9	15	12	11	5	91	202
Total	67	31	19	23	30	55	132	35	44	436	242

During April 2007 to March 2008 ICD was engaged in Station Audit in order to establish the compliance of SAPS with the Domestic Violence Act and the National Instructions in relation to the Act. ICD managed to visit 436 stations and exceeded the target set at 180 stations for the period. We recorded 242% compliance.

The following stations were visited:

Gauteng Alberton Barage Boipatong Boosens Brakpan Bramley Bronkospruit Cleverland Crystal Park Cullian De Deur Diepkloof Dobsonville Ekangala Eldorado Erusmia Evaton Germiston Hammanskraal Hillbrow Jabulani Jeppe JHB Central Kagiso Katlegong Kliprevier Langlaagte Ladium Lenasia Lenasia South Loate Lyttleton Mabopane Mamelodi West Meadowlands Meyerton Moroka Naledi Orlando PTA West Rietgat Rodepoort Sandringham Sandton Sebokeng Sharpville Silverton Springs Temba Vanderbijlpark Vereeniging Vosloorus Welbekend Westonaria Yeoville Kwazulu Natal Durban Central Emangusi Empangeni Ezibayeni Gowan Lea Harding Hluhluwe	Limpopo Alldays Apel Burgersfort Dennilton Gravelotte Groblersdal Letsitele Magatle Mahwelereng Malipsdrift Mara Marble Hall Mecklenburg Modimolle Mogwadi Morebeng Phalaborwa Pienaarsrivier Ritavi Roedtan Rust De Venter Sekgosese Sekhukhune Senwabarwana Tinmyne Tuinplaas Tzaneen Zebediela	North West Bloemhof Carltonville Fochville Itsoseng Khutsong Madibogo Mafikeng Mmabatho Mogwase Mooifontein Reivilo Settagole Tlhabane Wedela	Northern Cape Aggeneys Belmont Britstown Cambell Carvavon Clavinia Colesburg Douglas Fraserburg Garies Griekwastad Hopetown Kakamas Keimoes Kruman Middlepos Niewoudsville Portnollot Roodepan Springbok Strydenburg Van Wyksvlei Van Wyksvlei Victoria West
	Free State Arlington Bainsvlei Batho Bayswater Bethlehem Bethule Boshof Brandfort Bronville Bullfontein Clarens Clocolan Dewetsdorp Edenburg Edenville Excelsior Ficksburg Fouriesburg Goedemoed Harrismitlh Phuthadijhaba Reddersburg Reitz Rietbeckstad Roadside Rosendal Rouxville Sasolburg Solesesha Senekal Smithfield Springfontein Thabong	Mpumalanga Bethal Bergersfort Emelo Hazeyview Kabokwane Kaapmuiden Kinross Komatipoort Lydenburg Malelane Masoyi Mhluzi Tonga Volksrust White River Witbank	Eastern Cape Alexandra Algoa Park Aliwal North Barkley East Bedford Bell Berlin Bhisho Bityi Bizana Buffalo Flats Butterworth Cala Cradock Duncan Village Eliot Ezibeleni Flagstaff Fleet Street Fort Beaufort Gelvandale Hofmeyer Idutywa Inyibiba Inyibiba Izele Kidds Beach Komga Kwa Zakhele Kwanobuhle KWT Lady Frere Libode Lusikisiki Macleantown Maclear Mooiplaas
		Western Cape Ashton Bongalethu Bothasig Brackenfell Bridgeton Caledon Camp Bay Darling Durbanville Dysselsdorp Elsiesriver Genadendal George Goodwood Gordon Bay Grabouw Gugulethu Kraaifontein Ladysmith Macassar Malmesbury Manenberg Melkbostrand Mfukeni Minerton Mitchell's Plain Montagu Mossel Bay Muizenberg	

Ibisi Inanda Inguvuma Intsikeni Jozini Kokstad Kwamashu Kwadukuza Mbasana Mkhuze Montclair Mpungamhlophe Msinsini Ndumo Newark Hibberdene Nondweni Nongoma Nottingham Road Ntambamhlophe Pinetown Richards Bay Scottburgh Umbombo Umkomaas Umzikhulu Umzinto Wembezi	Tierpoort Trompsburg Tseki Tseseng Tumahole Tweeling Van Stadensrus Verkeerdevlei Vijoenskroon Vredefort Warden Welkom Wepenaar Winburg Xhariep Dam Zastron	Nyanga Oudtshoorn Philipi Philadelphia Rawsonville Riviersonderende Robertson Sea Point Strand Table View Worcester	Mpisi Mt Road Mzamba Ndevana New Brighton Ntabankulu NU 1 Mdantsane Pearston Port Alfred Port St John Queenstown Somerset East Sterkspruit Stutterheim Tamara Ugie Vulindlela
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Cell inspections

ICD met its target in conducting cell inspections by 205%. Again, Free State took a lead by conducting 96 cell inspections, followed by Gauteng and Western Cape at 66 and 46 respectively.

Cell inspection in 2007/8

Province	Attended	Targets	% Performance	Performance
Eastern Cape	33	20	165%	Target met
Free State	96	20	480%	Target met
Gauteng	66	20	330%	Target met
KZN	38	20	190%	Target met
Limpopo	26	20	130%	Target met
Mpumalanga	20	20	100%	Target met
North West	21	20	105%	Target met
Northern Cape	23	20	115%	Target met
Western Cape	46	20	230%	Target met
Total	369	180	205%	Target met

Community outreach

ICD has the responsibility of conducting and organizing awareness campaigns with other relevant stakeholders and the community. The target in 2007/8 was 180 campaigns, and ICD managed to exceed that target by attending to 218 community outreach campaigns. KwaZulu-Natal took a lead by attending 35, followed by North West and Gauteng with 33 and 28 campaigns respectively.

Community outreach in 2007/8

Province	Attended	Targets	% Performance	Performance
Eastern Cape	24	20	120%	Target met
Free State	21	20	105%	Target met
Gauteng	28	20	140%	Target met
KZN	35	20	175%	Target met
Limpopo	17	20	85%	Target not met
Mpumalanga	18	20	90%	Target not met
North West	33	20	165%	Target met
Northern Cape	18	20	90%	Target not met
Western Cape	24	20	120%	Target met
Total	218	180	121%	Target met

6. ANNEXURES

ANNEXURE 1

LIST OF ABBREVIATIONS

AHRC-	African Human Rights Commission
APCOF-	African Policing Civilian Oversight Forum
BAS-	Basic Accounting System
BEE-	Black Economic Empowerment
DVA-	Domestic Violence Act
EAP-	Employee Assistance Programme
HDI-	Historically Disadvantaged Individual
SAHRC-	South African Human Rights Commission
ICAC-	International Conference on Anti Corruption
ICD-	Independent Complaints Directorate
IT-	Information Technology
LOGIS-	Logistical Information System
IMS-	Information Management System
MISS-	Minimum Information Security Standards
MPS-	Municipal Police Services
NEPAD-	New Partnership for Africa's Development
NGO-	Non Governmental Organization
PFMA-	Public Finance Management Act
PSC-	Public Service Commission
PSCBC-	Public Service Coordinating Bargaining Council
SAPS-	South African Police Service
SDIP-	Service Delivery Improvement Plan
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

7. REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2008

This report outlines the Audit Committee's functions for the 2007/2008 financial year.

Audit Committee members and attendance:

The Audit Committee consists of the members listed hereunder and met three times during the financial year ending 31 March 2008.

Name of Member	Date appointed	Number of meetings attended
Mr. SK Motuba (Chairperson)		3
Ms. N. Galeni (Member)	1 September 2007	2
Mr P. Mongwe (Ex Officio)		3

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 Regulation 3.1.13 and 27(1)(10). The Audit Committee also reports that it has adopted appropriate formal terms of reference as its audit committee charter, it has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein.

Effectiveness of internal control

The system of internal control is effective as the various reports of the Internal Auditors and the Audit report on the Annual Financial Statements have not reported any significant or material non-compliance with prescribed policies and procedures, other than those matters qualified included in the report of the Auditor-General.

The quality of in-year management and monthly reports

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

Evaluation of the annual financial statements

The Audit Committee has:

- Reviewed and discussed with the Auditor-General and the Accounting Officer the audited annual financial statements to be included in the annual report.
- Reviewed the Auditor-General's management letter and management's responses.
- Confirmed that there were no changes in accounting policies and practices.
- The Audit Committee concurs and accepts the conclusions of the Auditor-General 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.



SK. Motuba
Chairman – Audit Committee

Pretoria
1 August 2008

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

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8. REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION OF VOTE NO. 21: INDEPENDENT COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31 MARCH 2008

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the Independent Complaints Directorate which comprise the appropriation statement, statement of financial position as at 31 March 2008, statement of financial performance, statement of changes in net assets/equity and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 86 to 130.

Responsibility of the accounting officer for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the modified cash basis of accounting as determined by the National Treasury, as set out in note 1.1 to the financial statements, and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (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
 - making accounting estimates that are reasonable in the circumstances.

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Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards *on Auditing and General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance on whether the financial statements are free from material misstatement.
5. 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 risk 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.
6. An audit also includes evaluating the:
- appropriateness of accounting policies used
 - reasonableness of accounting estimates made by management
 - overall presentation of the financial statements.
7. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Basis of accounting

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

Basis for qualified opinion

Capital Assets

9. I was unable to satisfy myself regarding the existence, accuracy and completeness of the capital assets' closing balance disclosed in note 28, due to insufficient and appropriate audit evidence to substantiate:
- The difference between the asset register and annual financial statements
 - An unsubstantiated amount of R17 154 000, relating to an adjustment made to the prior year balances.
 - Disposals of R8 322 000 were reflected in the financial statements, but the occurrence and completeness of the amount could not be verified, as the documentation provided for audit purposes did not include any values.
 - Non-cash additions to the amount of R4 267 000 could not be supported with appropriate and sufficient evidence and alternative audit procedures could not be performed.

Commitments

10. Commitments are overstated because of prior years' commitments dating back as far as 2004 that are still reflected on the commitment report. Furthermore, the department did not provide me with proper and adequate supporting documentation in order to confirm the accuracy, completeness, classification and rights and obligations regarding the commitments.

Qualified opinion

11. In my opinion, except for the effects of the matters described in the Basis for qualified opinion paragraphs, the financial statements present fairly, in all material respects, the financial position of the Independent Complaints Directorate as at 31 March 2008 and its financial performance and cash flows for the year then ended, in accordance with the modified cash basis of accounting as determined by the National Treasury and in the manner required by the PFMA.

OTHER MATTERS

I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

Internal controls

12. Section 38(1)(a)(i) of the PFMA states that the accounting officer must ensure that the department has and maintains effective, efficient and transparent systems of financial and risk management and internal control. The table below depicts the root causes that gave rise to the inefficiencies in the system of internal control, which led to the qualified opinion. The root causes are categorised according to the five components of an effective system of internal control.

Reporting item	Control environment	Risk assessment	Control activities	Information and communication	Monitoring
Capital Assets	✓				
Commitments	✓				

Control environment: establishes the foundation for the internal control system by providing fundamental discipline and structure for financial reporting.

Risk assessment: involves the identification and analysis by management of relevant financial reporting risks to achieve predetermined financial reporting objectives.

Control activities: policies, procedures and practices that ensure that management's financial reporting objectives are achieved and financial reporting risk mitigation strategies are carried out.

Information and communication: supports all other control components by communicating control responsibilities for financial reporting to employees and by providing financial reporting information in a form and time frame that allow people to carry out their financial reporting duties.

Monitoring: covers external oversight of internal controls over financial reporting by management or other parties outside the process; or the application of independent methodologies, like customised procedures or standard checklists, by employees within a process.

Matters of governance

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13. The PFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of certain key governance responsibilities, which I have assessed as follows:

Matter of governance	Yes	No
Audit committee		
• The Independent Complaints Directorate had an audit committee in operation throughout the financial year.	✓	
• The audit committee operates in accordance with approved, written terms of reference.	✓	
• The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10.	✓	
Internal audit		
• The department had an internal audit function in operation throughout the financial year.	✓	
• The internal audit function operates in terms of an approved internal audit plan.	✓	
• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2.	✓	
Other matters of governance		
• The annual financial statements were submitted for audit as per the legislated deadlines.	✓	
• The financial statements submitted for audit were not subject to any material amendments resulting from the audit.		✓
• No significant difficulties were experienced during the audit concerning delays or the unavailability of expected information and/or the unavailability of senior management.	✓	
• The prior year's external audit recommendations have been substantially implemented.	✓	
• SCOPA resolutions have been substantially implemented.	✓	

OTHER REPORTING RESPONSIBILITIES

REPORT ON PERFORMANCE INFORMATION

14. I have reviewed the performance information as set out on pages 5 to 80.

Responsibility of the accounting officer for the performance information

15. The accounting officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited financial statements fairly present the performance against predetermined objectives of the department.

Responsibility of the Auditor-General

16. I conducted my engagement in accordance with section 13 of the PAA read with *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*.

17. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.

Audit findings (performance information)

18. I believe that the evidence I have obtained is sufficient and appropriate to report that no significant findings have been identified as a result of my review.

OTHER REPORTS

Special investigations

19. As previously reported in the 2006/07 and 2005/06 audit reports, a special investigation was conducted by the Public Service Commission during 2004 on human resources and travel and subsistence expenditure. At the date of this audit report, the PSC report had still not been released.

APPRECIATION

20. The assistance rendered by the staff of the Independent Complaints Directorate during the audit is sincerely appreciated.

Auditor - General

Pretoria

31 July 2008



AUDITOR - GENERAL

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2008**

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

1. General review of the state of financial affairs

The following items need mention:

- Lack of capacity remains a strategic issue

The capacity constraint of the ICD remains its most urgent challenge since the Department: Public Service and Administration approved a staff structure of 535 posts for the ICD as early as 1998 yet, up to now, not half of the said posts have been funded.

The active investigation of all complaints received by the ICD in respect of alleged police brutality and misconduct remains problematic in view of the limited number of investigators, limited budget for their operational expenses and the limited resources available for alternative investigative methods.

The staff structure of the ICD has not increased in relation to the increase in the number of complaints received for investigation or the increase in the number of staff in the SAPS and the various Metro police services.

Management is currently preparing a policy option to the Medium Term Expenditure Committee (MTEC) that meets in September 2008 with regard to a request for additional funding to restructure the ICD's personnel structure to increase its investigative capacity through the use of non-investigative staff members, relevantly qualified and experienced, to handle the investigation of Class IV (police misconduct in terms of poor service delivery) and DVA cases.

- Comment on a significant event celebrated during the year

The ICD celebrated its first ten years of existence through the hosting of a gala dinner event at the Castle Kyalami Hotel in Midrand. Many of the Honourable Members from the Parliamentary Portfolio Committee on Safety and Security as well as distinguished guests from the various stake holders joined the Executive Director to celebrate this milestone with other ICD's staff members. More than fifty corporate gifts were presented as awards to the staff members who served in the ICD since 1997.

- Comment on a major Asset Management project undertaken during the year

Without a much needed electronic Asset Management system, the Sub-directorate: Supply Chain Management and Asset Management (SCM & A/M) implemented the following contingency measures to improve on the findings of the Auditor-General in his Audit Report on the ICD's compliance to prescripts for the financial year: 2006/7:

- Informal training in respect of Asset Management was provided to all administrative staff, from the National and Provincial Offices dealing with assets, during February 2007;
- Staff from SCM & A/M in National Office, then visited the Provinces and again provided practical training on Asset Management. A proper asset verification process was also performed during March and April 2007, to assist in verifying the existence and registration of each and every official asset on the LOGIS electronic Asset Register;

- Discussions and informal training sessions were also held during meetings such as at the NOMM (National Office Management meeting) and the SMC (Senior Management Committee meeting), since December 2006 in respect of challenges experienced in terms of Asset Management;
- Provinces were also requested to continue with the registration of all assets onto the LOGIS procurement system, since limited funding prohibited the ICD from procuring an effective Asset Management System;
- During the latter half of the year under review, individual printouts of the various provincial offices' Asset Registers (on LOGIS) were compiled and submitted to the provincial heads with the request to correct the errors that still existed on the different Asset Registers before the next physical verification process commenced;
- A second verification visit was undertaken during September – November 2007, in order to ensure that all assets have been registered on the LOGIS system before the close of the financial year; and
- The National Treasury (MTEC) was approached with a policy option to provide additional funding for the 2008/9 financial year in order to establish an Asset Management Unit in all the ICD offices. A limited allocation of R500 000.00 made to the ICD will permit the establishment of a small Asset Management unit in National Office only, as from 01 April 2008.

From information received from the provincial heads before the commencement of the Internal Auditor's visit to the Provinces, it became apparent that the level of Asset Management improved with the extra effort directed from National Office, since the onset of 2007.

- Spending trends

Savings under the Economic Classification: Compensation of employees, due to the number of vacancies - such as the post of the Head of Department (HOD) and other vacancies on the lower salary levels, were utilized to cover expenditure in respect of Goods and Services as well as for the payment of Capital Assets – Software. Simultaneous with the celebrations of the ICD's ten years of existence, the marketing of the ICD's services to all communities panned out into an electronic Post Office advert that ran for more than two months in all Post Offices as well as a full page advert of the ICD's mandate and services that was placed in two national newspapers to enhance the marketing strategy that the ICD embarked on for the year.

In terms of the unspent funds earmarked for official accommodation – payable to the Department: Public Works – the National Treasury approved that the total amount further be utilized for the payment of service charges in respect of official accommodation used by the ICD in the Western Cape, Eastern Cape and Free State.

The opening of two satellite offices necessitated the procurement of more GG vehicles, office furniture and equipment as well as the payment for official accommodation and the cabling of the offices in terms of communications and information technology. Outdated computer equipment could also be upgraded and/or replaced and the procurement of a Disaster Recovery Solution aided communication.

The additional attention given to enhance the reporting on performance and the provision of statistics, increased expenditure in terms of travel and accommodation in Programme 2 (Investigation of Complaints) and 3 (Information Management and Research). The components: SCM & A/M, Finance and Internal Audit (in Programme 1: Administration) also incurred additional expenditure in terms of provincial visitations to train and develop provincial staff in respect of Asset Management.

- **Reasons for over / under-spending.**

The ICD utilized its full budget to render a service to the communities.

- **Virement**

The saving of R1 723 000 (5.92%) that originated under Programme 1: Administration, due to the more than 50 vacancies that occurred during the year under review, was broken down and, an amount of R1 366 000 (3.88%) was shifted to Programme 2: Investigation of Complaints and R357 000 (2.16%) to Programme 3: Information Management and Research. The virement approval received from the Head of Department amounted to 5.92% of the budget of Programme 1 which is well within the limit of 8%, permitted in terms of Section 43 (2) of the PFMA.

As mentioned earlier, the said under-spending could be utilized to fund the marketing of the ICD's services to the communities, improve its communications and aid the improvement of reporting in terms of performance and statistical information to stake holders.

2. Service rendered by the ICD

- 2.1 Services rendered by the ICD have been discussed earlier in the Report, under the heading dealing with the legislative mandate of the ICD.
- 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: 2007/8.
- 2.3 **Free Services.** All services rendered to the public fall within the mandate of the ICD and are rendered free of charge.
- 2.4 **Inventories.** Except for the Stores in National Office (Pretoria), the ICD's other Stores are situated in KwaZulu-Natal (Durban) and Western Cape (Cape Town). The inventories at hand in these Stores reflect the total amount of R490 482.11 as follows:

National Office	R449 866.90
KwaZulu-Natal	R 11 589.91
Western Cape	<u>R 29 025.30</u>
Total	R490 482.11

3. Capacity constraints

The ICD is gradually losing its grip of compliance to administrative legislation with the steady increase of the investigative capacity, since the opening of more satellite offices increases the administrative burden on the already overburdened Support Services (Programme 1: Administration).

Though National Treasury provided funding to open up a small Asset Management unit in National Office – three staff members - as from 1 April 2008, this will not improve the situation of Support Services in the 15 provincial and satellite offices where the dire need for extra hands is experienced on a daily basis.

In the meanwhile the ICD still continues to make use of Interns with relevant tertiary qualifications to aid the shortage of staff – particularly in Support Services.

The development and training of staff in Support Services remains a priority in order to develop them to become generalists – thereby also addressing staff shortages. Unfortunately the low salary levels paid to these staff members – in view of the ICD's budgetary constraint – have the effect that such members, as soon as they had

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 have to continuously appoint more unemployed youths to start afresh with the training of staff to become generalists.

4. Utilisation of donor funds

The ICD received various minor donations, mostly in kind, during the various Imbizo's and, during the opening of its first satellite office in Mthatha. Such donations assisted with the catering for community members who attended these ICD rallies. A major size donation in the form of a mobile office - fully fitted with the necessary IT and communication equipment was received from the European Union – for use by the Eastern Cape Investigators for the easy intake and on-the-spot registration of complaints in the different rural areas during visitations.

The Acting Executive Director and an ICD member from the Senior Management level were invited and their travelling and accommodation expenditure was sponsored to attend a conference on civilian oversight in Kenya, hosted by the Kenyan National Human Rights Commission and the African Policing Oversight Forum (APCOF). The same Senior Management member also attended the establishment of an oversight office in Chilpancingo, Guerrero, Mexico as a guest of Fundar & Tlachinollan and the Institute for Security and Democracy of Mexico who also funded his trip and accommodation expenses.

5. Trading entities and public entities

No trading or public entities report to the ICD.

6. Organisations to whom transfer payments have been made

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

7. Public private partnerships (PPP)

The ICD has not yet commenced with any PPP's during the financial year: 2007/8.

8. Corporate governance arrangements

The Anti-Corruption and Fraud Prevention Strategy has been developed with the main objective to create fraud awareness and, to ensure the adherence of staff members to such policies.

Training on the Conflict of Interest Policy will continue to be provided to every new staff member, annually and all employees are required to annually complete the Conflict of Interest Declaration form.

The ICD has been fortunate to be awarded the **Santam Risk Management Award** in the category: **Best Government Risk Management Initiative**. The award was based on the ICD's integrated Compliance and Ethics programme which is aimed at enhancing a culture of trust, accountability and integrity, prevention of non-compliance, protection from negative consequences, detection of non-compliance and remedial action when non-compliance occurs.

Other initiatives which have been recognized include the implementation of a comprehensive Risk Management Strategy, establishment of an integrated Ethics and Risk Management Committee which deals with Risk Management and Ethics in a holistic manner, the appointment of an Ethics custodian, as well as the appointment and training of Ethics and Risk Coordinators. Furthermore, the ICD successfully demonstrated how the results of the annual risk assessment were utilized to draft an Anti-Corruption and Fraud Prevention Strategy. As winner of the award, the ICD is entitled to funding to the value of R20 000 towards a training opportunity in the field of Risk Management.

The Audit Committee met on three occasions during the year under review and at the close of the year a decision was taken that the term of office of the Chair person would continue for a further period whilst, the other two Committee member posts – which have been vacant for a few months – be advertised for filling. Ms Galeni was appointed as a member of the Audit Committee on 01 September 2007.

The performance of the component: Internal Audit improved to such an extent that the Office of the Auditor-General placed an increased reliance on the Component's performance. During the last quarter of the year under review, the Component also assisted the Auditor-General with the auditing of compliance of Asset Management in the provincial offices that the Auditor-General could not visit.

9. Discontinued activities/activities to be discontinued

No activities were discontinued during the year under review.

10. New/proposed activities

No new activities were undertaken by the ICD.

11. Asset management

Though the Asset Management Project that was undertaken during the year under review - see paragraph 1 above – may have improved the level of Asset Management throughout the ICD, the limited staff capacity to be appointed in the National Office as from 1 April 2008, to open up an Asset Management unit will not be sufficient to effectively monitor the timely procurement of assets for all the offices, assist with the regular physical verification of assets and equipment in all sixteen offices, nor be able to assist with the regular updating of the Register on the LOGIS system. The performance levels achieved during the project cannot be maintained without providing additional support to the relevant provincial staff members in the component Support Services to perform the other activities too. Additional funding is thus imperative to ensure the continued compliance to prescriptions.

12. Events after the reporting date

A number of payments had to be effected in terms of invoices received during the months of April and May 2008. From an amount of R409 740.03 (R410 000) that accrued in the financial year: 2006/7, the accruals for the year under review increased to an amount of R2 722 000 (R2 721 964.93).

13. Performance information

The ICD's electronic complaints handling mechanism allows that complaints – relevant to the mandate of the ICD – be registered and updated on a continuous basis until finalisation of the relevant investigation. Such a case is only closed on the system upon the receipt of the results/findings from the Court in respect of a criminal offence or, when police management reports on their findings in respect of any disciplinary action that has been instituted. The information on the database is then also updated for use by the ICD's researchers in order to analyse trends and to propose recommendations that may curb future errant police behaviour.

The eventual shift to the active investigation of all classes of complaints that are being received had a negative influence not only on the ICD's performance levels, but the continued updating of the ever increasing number of cases started to fall behind. Much effort has been made to update the information of such older cases onto the system with a view to finalise same.

To monitor the progress made in terms of set targets, monthly reports have been developed for Responsibility Managers to report on progress made to close and finalise current (recent year) and brought forward (previous year) cases. Responsibility Managers also have to report on the progress made in terms of the various targets set for every Programme. These monthly reports are then studied by the Programme Managers who have to present a detailed Programme Report on progress and targets for the specific month/period to the Executive

Committee (EXCO). Problem areas in respect of performance and stake holder management are also addressed and feedback is provided where challenges exist.

In order to further improve on the correctness of information, a Monitoring and Evaluation Committee has been established late in the financial year, not only to seek ways to improve the quality of reporting but also to ensure the improvement of performance levels.

14. SCOPA resolutions

No resolutions were yet made.

15. Prior modifications to audit reports

From the Auditor-General's Report for 2006/7, his qualified opinion of the ICD's poor management of assets encouraged the component: Supply Chain Management in National Office to perform more than 800 hours of overtime during the 2007/8 year to improve the ICD's compliance to prescripts in terms of Asset Management. Although the electronic Asset Registers in the provincial offices could be monitored in National Office, except for the Durban and Cape Town Stores, the physical asset verification could still not be maintained satisfactorily.

It is important to note that when the National Treasury decided in 2002 to commence with an integrated Supply Chain Management Strategy and later, an integrated Asset Management Process, the ICD had only two staff members to fulfill and drive both processes in National Office as well as to assist with the same tasks in the various provincial offices. In view of the continued non-existence of a formal Asset Management component, the staff members in the component: Supply Chain Management in National Office thus had to engage in contingency measures to improve Asset Management compliance, as mentioned above in paragraph 1 under the heading "Asset Management Project undertaken".

It should also be mentioned that if the National Treasury could have timely provided the relevant training in terms of the interpretation of LOGIS reports with regard to the completion of the annual financial statements, some of the confusion in terms of the information required for the completion of note 28 and 29 of the annual financial statements, would have been prevented during the closing of the previous financial year.

Other matters that the Auditor-General reflected on in his Report include:

- Materials of non compliance with applicable legislation and internal policies

Since the approval of the ICD's Anti-Corruption and Fraud Prevention Strategy, the ICD's Ethics and Risk Management Committee met quarterly to determine the progress in the mitigation of risks by the various components/offices. The progress reports from the said component/office heads are scrutinized by the Chief Risk Officer who then summarizes progress in a consolidated report to the Committee. The more priority transversal risks that required top management's attention were taken to an Executive Committee (EXCO) meeting, late in 2007 and, factors to mitigate these risks are now being developed by individual teams under the leadership of Senior Managers. The various teams' progress is monitored by EXCO.

The Ethics and Risk Management Committee also decided to call Responsibility Managers to meetings to allow them to report back on their individual progress made in terms of the mitigation of risks.

- Insufficient control over leave benefits

Proper leave control has since been implemented. The Directorate: Human Resource Management (HRM) has introduced a Control Leave Register as a tool whereby managers submit to HRM at National Office, on a monthly basis the details of those staff members that utilized leave benefits during the preceding month. Once the information has been received in HRM, it is compared with the relevant leave register, leave file and the information

as captured on PERSAL. HRM ensures that on a monthly basis, PERSAL print outs are also compared with the actual leave files and through the quarterly audits of the leave files, misfiling has also drastically decreased.

- Goods and services

Irregular expenditure to the amount of R113 304.00 incurred by the ICD, was eventually condoned by the National Treasury, late in 2007. The ICD developed a procedure in line with the Government's Disciplinary Code and Procedure to reprimand officials that do not comply with the prescripts of the ICD's SCM Policy and Procedures. A record is kept of the names of such transgressors as well as details of the transgressions.

- Internal audit

The Component: Internal Audit is fully functional subsequent to the appointment of the Manager, Assistant Manager and Internal Audit Clerk in 2006 and better cooperation has been experienced between the Unit and the Office of the Auditor-General. The risk based Audit Plan and Three Year Rolling Plan was approved by the ICD's Audit Committee on 3 August 2007. Staff in the Component visited all Provincial Offices and eighteen (18) final audit reports in respect of Asset Management and Stores were completed. Two (2) draft audit reports in respect of Debt Management and Security Management have been submitted to the relevant Managers for their comments.

The Manager: Internal Audit and the Manager: Ethics and Risk Management facilitated the risk assessment for 2008/2009 and the said report is to be reviewed by the ICD's Risk Management Committee.

An external Quality Assurance Review was completed by PriceWaterhouseCoopers in January 2008 and the Internal Audit Activity was found performing satisfactorily, to "partially conforming" to the Standards and Code of Ethics for Internal Auditors. The major lack identified was in terms of the rank level of the Manager. For more information with regard to the reliance placed on the components performance, see further information mentioned under paragraph 8, above.

- Special Investigations

The allegations made in respect of travelling and subsistence as well as recruitment procedures, received from public members, were handed over to the Public Service Commission (PSC) for investigation on 19 November 2004 - from the Office of the Auditor-General. A report on the findings from the PSC regarding travelling and subsistence has now been received in the Ministry for Safety and Security.

16. Exemptions received from the National Treasury

No exemptions from the PFMA, TR or any financial reporting requirements were received.

17. Other

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

18. Approval

The Annual Financial Statements set out on pages 93 to 130 have been approved by the acting Accounting Officer.



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MR P.A. Mongwe
ACTING EXECUTIVE DIRECTOR
DATE: 31 MAY 2008

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2008**

ACCOUNTING POLICIES

The Annual 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 Annual 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), the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 2 of 2006.

1. Presentation of the Annual Financial Statements

1.1 Basis of preparation

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

Total appropriated funds are presented in the statement of financial performance.

Unexpended appropriated funds are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position.

2.2 Departmental revenue

All departmental revenue is paid into the National Revenue Fund when received, unless otherwise stated. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position.

Amounts receivable at the reporting date are disclosed in the disclosure notes to the annual financial statements.

2.2.1 Sales of goods and services other than capital assets

The proceeds received from the sale of goods and/or the provision of services is recognised in the statement of financial performance when the cash is received.

2.2.2 Interest, dividends and rent on land

Interest, dividends and rent on land is recognised in the statement of financial performance when the cash is received.

2.2.3 Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the statement of financial performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the statement of financial performance when the cheque becomes stale. When the cheque is reissued the payment is made from revenue.

2.2.4 Transfers received (including gifts, donations and sponsorships)

All cash gifts, donations and sponsorships are paid into the National Revenue Fund and recorded as revenue in the statement of financial performance when received. Amounts receivable at the reporting date are disclosed in the disclosure notes to the annual financial statements.

All in-kind gifts, donations and sponsorships are disclosed at fair value in the annexure to the annual financial statements.

2.3 Local and foreign aid assistance

Local and foreign aid assistance is recognised in the financial records when notification of the donation is received from the National Treasury or when the department directly receives the cash from the donor(s).

All in-kind local and foreign aid assistance are disclosed at fair value in the annexures to the annual financial statements.

The cash payments made during the year relating to local and foreign aid assistance projects is recognised as expenditure in the statement of financial performance. The value of the assistance is recognized as a receivable in the statement of financial position.

Inappropriately amounts using local and foreign aid assistance and any unutilised amounts are recognised as payables in the statement of financial position.

3. Expenditure

3.1 Compensation of employees

3.1.1 Short-term employee benefits

Salaries and wages comprise payments to employees (including leave entitlements, thirteenth cheques and performance bonuses). Salaries and wages 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). Capitalised compensation forms part of the expenditure for capital assets categories in the statement of financial performance.

All other payments are classified as current expense.

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 position.

3.1.2 Post retirement benefits

The department provides retirement benefits (pension benefits) for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions.

Employee contributions (i.e. social contributions) to the fund are expensed when the final authorization for payment to the fund is effected on the system (by no later than 31 March of each year). No provision is made for retirement benefits in the financial systems of the department. Any potential liabilities are disclosed in the financial statements of the National Fund and not in the financial statements of the employer department.

The department provides medical benefits for certain of its employees. Employer contributions to the medical funds are expensed when final authorization is effected on the system (by no later than 31 March of each year).

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 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. These amounts are not recognised in the statement of financial performance or position.

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 services were used for a capital project or an asset of R5 000 or more is purchased. All assets costing less than R5 000 will also be reflected under good and services.

3.3 Interest and rent on land

Interest and rental payments 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). This item excludes rental for the use of buildings or other fixed structures. If it is not possible to distinguish between payment for the use of land and the fixed structures on it, the whole amount should be recorded under goods and services.

3.4 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 amounts are disclosed as a disclosure note.

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

3.5 Unauthorised expenditure

When discovered 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 recognised in the Statement of Financial Performance when the unauthorised expenditure is approved and the related funds are received. Where the amount is approved without funding it is recognised as expenditure, subject to availability of savings, in the Statement of Financial Performance on the date of approval.

3.6 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recognised as an asset in the statement of financial position until such time as the expenditure 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.

3.8 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).

3.9 Expenditure for capital assets

Payments made for capital assets 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).

4. Assets

4.1 Cash and cash equivalents

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

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 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.

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

4.4 Receivables

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party.

Receivables outstanding at year-end are carried in the statement of financial position at cost.

4.5 Inventory

Inventories purchased during the year are disclosed at cost in the notes.

4.6 Capital assets

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of the acquisition. Where the cost cannot be determined accurately, the capital asset should be stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

Projects (of construction/development) running over more than one financial year relating to assets are only capitalised as assets on completion of the project and the total cost incurred over the duration of the project.

Disclosure notes 28 and 29 reflect the total movement in the asset register for the current financial year.

5. Liabilities

5.1 Voted funds to be surrendered to the Revenue Fund

Unexpected appropriated funds are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position .

5.2 Departmental Revenue to be surrendered to the Revenue Fund

Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position at cost.

5.3 Bank Overdraft

The bank overdraft is carried in the statement of financial position at cost.

5.4 Payables

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

5.5 Contingent liabilities

Contingent liabilities are included in the disclosure notes.

5.6 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.

5.7 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.

5.9 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.

5.9 Lease commitments

Lease 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.

Operating and finance lease commitments are expensed when the payments are made. Assets acquired in terms of finance lease agreements are disclosed in the annexures and disclosure notes to the annual financial statements.

6. Receivables for departmental revenue

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

7. Net Assets

7.1 Capitalisation reserve

The capitalisation reserve comprises of financial assets and/or liabilities originating in a prior reporting period but which are recognized in the statement of financial position for the first time in the current reporting period. Amounts are transferred to the National Revenue Fund on disposal, repayment or recovery of such amounts.

7.2 Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made and recognised in a previous financial year becomes recoverable from a debtor in the current financial year.

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**APPROPRIATION STATEMENT
for the year ended 31 March 2008**

Appropriation per programme									
	2007/08							2006/07	
	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	28,288	-	(2,838)	25,450	25,450	-	100%	22,517	21,882
Transfers and subsidies	48	-	-	48	48	-	100%	48	48
Payment for capital assets	789	-	1,115	1,904	1,904	-	100%	785	785
2.Investigation of Complaints									
Current payment	32,979	-	19	32,998	32,998	-	100%	27,733	27,733
Transfers and subsidies	-	-	-	-	-	-	-	12	12
Payment for capital assets	2,252	-	1,347	3,599	3,599	-	100%	1,539	1,539
3.Information Management and Research									
Current payment	15,253	-	409	15,662	15,662	-	100%	11,691	11,691
Transfers and subsidies	-	-	-	-	-	-	-	5	5
Payment for capital assets	1,282	-	(52)	1,230	1,230	-	100%	1,576	1,576
Subtotal	80,891	-	-	80,891	80,891	-	100%	65,906	65,271
TOTAL	80,891	-	-	80,891	80,891	-	100%	65,906	65,271
Reconciliation with Statement of Financial Performance									
Add:									
Departmental receipts				377				38	
Actual amounts per Statements of Financial Performance (Total revenue)				81,268				65,944	
Actual amounts per Statements of Financial Performance (Total expenditure)					80,891				65,271

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**APPROPRIATION STATEMENT
for the year ended 31 March 2008**

Appropriation per economic classification									
	2007/08							2006/07	
	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	46,547	-	(852)	45,695	45,695	-	100%	36,831	36,831
Goods and services	29,973	-	(1,567)	28,406	28,406	-	100%	25,109	24,474
Financial transactions in assets and liabilities	-	-	9	9	9	-	100%	1	1
Transfers and subsidies									
Provinces and municipalities	-	-	-	-	-	-	-	25	25
Departmental agencies and accounts	48	-	-	48	48	-	100%	40	40
Payments for capital assets									
Machinery and equipment	4,140	-	(388)	3,752	3,752	-	100%	3,139	3,139
Software and other intangible assets	183	-	2,798	2,981	2,981	-	100%	761	761
	80,891	-	-	80,891	80,891	-	100%	65,906	65,271

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**DETAIL PER PROGRAMME 1 – ADMINISTRATION
for the year ended 31 March 2008**

Programme per sub-programme	2007/08							2006/07	
	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 Management									
Current payment	5,299	-	(293)	5,006	5,006	-	100%	4,430	4,430
Payment for capital assets	81	-	232	313	313	-	100%	35	35
1.2 Corporate Services									
Current payment	16,799	-	(2,545)	14,254	14,254	-	100%	12,373	12,373
Transfers and subsidies	48	-	-	48	48	-	100%	48	48
Payment for capital assets	708	-	883	1,591	1,591	-	100%	750	750
1.3 Property Management									
Current payment	6,190	-	-	6,190	6,190	-	100%	5,714	5,079
Payment for capital assets	-	-	-	-	-	-	-	-	-
TOTAL	29,125	-	(1,723)	27,402	27,402	-	100%	23,350	22,715

DETAIL PER PROGRAMME 1 – ADMINISTRATION
for the year ended 31 March 2008

Economic Classification	2007/08							2006/07	
	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 payment									
Compensation of employees	15,032	-	(1,907)	13,125	13,125	-	100%	11,041	11,041
Goods and services	13,256	-	(931)	12,325	12,325	-	100%	11,476	10,841
Transfers and subsidies to:									
Provinces and municipalities	-	-	-	-	-	-	-	8	8
Departmental agencies and accounts	48	-	-	48	48	-	100%	40	40
Payment for capital assets									
Machinery and equipment	750	-	305	1,055	1,055	-	100%	753	753
Software and other intangible assets	39	-	810	849	849	-	100%	32	32
Total	29,125	-	(1,723)	27,402	27,402	-	100%	23,350	22,715

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**DETAIL PER PROGRAMME 2 – INVESTIGATION OF COMPLAINTS
for the year ended 31 March 2008**

INDEPENDENT COMPLAINTS DIRECTORATE

Programme per sub- programme	2007/08							2006/07	
	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 Investigation of Complaints									
Current payment	32,154	-	278	32,432	32,432	-	100%	26,771	26,771
Transfers and subsidies	-	-	-	-	-	-	-	11	11
Payment for capital assets	2,245	-	1,329	3,574	3,574	-	100%	1,520	1,520
1.2 Legal Services									
Current payment	825	-	(259)	566	566	-	100%	962	962
Transfers and subsidies	-	-	-	-	-	-	100%	1	1
Payment for capital assets	7	-	18	25	25	-	100%	19	19
TOTAL	35,231	-	1,366	36,597	36,597	-	100%	29,284	29,284

VOTE 21

DETAIL PER PROGRAMME 2 – INVESTIGATION OF COMPLAINTS for the year ended 31 March 2008

Economic Classification	2007/08						2006/07		
	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 payment									
Compensation of employees	23,003	-	109	23,112	23,112	-	100%	18,441	18,441
Goods and services	9,976	-	(97)	9,879	9,879	-	100%	9,292	9,292
Financial transactions in assets and liabilities	-	-	7	7	7	-	100%	1	1
Transfers and subsidies to:									
Provinces and municipalities	-	-	-	-	-	-	-	12	12
Payment for capital assets									
Machinery and equipment	2,162	-	146	2,308	2,308	-	100%	1,495	1,495
Software and other intangible assets	90	-	1,201	1,291	1,291	-	100%	43	43
Total	35,231	-	1,366	36,597	36,597	-	100%	29,284	29,284

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 21**

**DETAIL PER PROGRAMME 3– INFORMATION MANAGEMENT AND RESEARCH
for the year ended 31 March 2008**

Programme per sub-programme	2007/08						2006/07		
	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 Monitoring & Research									
Current payment	1,728	-	(124)	1,604	1,604	-	100%	1,442	1,442
Transfers and subsidies	-	-	-	-	-	-	-	1	1
Payment for capital assets	25	-	52	77	77	-	100%	117	117
1.2 Information Management System									
Current payment	13,525	-	533	14,058	14,058	-	100%	10,249	10,249
Transfers and subsidies	-	-	-	-	-	-	-	4	4
Payment for capital assets	1,257	-	(104)	1,153	1,153	-	100%	1,459	1,459
TOTAL	16,535	-	357	16,892	16,892	-	100%	13,272	13,272

Economic Classification	2007/08						2006/07		
	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 payment									
Compensation of employees	8,512	-	946	9,458	9,458	-	100%	7,349	7,349
Goods and services	6,741	-	(539)	6,202	6,202	-	100%	4,341	4,341
Financial transactions in assets and liabilities	-	-	2	2	2	-	100%	-	-
Transfers and subsidies to:									
Provinces and municipalities	-	-	-	-	-	-	-	5	5
Departmental agencies and accounts									
Payment for capital assets									
Machinery and equipment	1,228	-	(839)	389	389	-	100%	891	891
Software and other intangible assets	54	-	787	841	841	-	100%	686	686
Total	16,535	-	357	16,892	16,892	-	100%	13,272	13,272

Independent Complaints Directorate – Vote 21

Notes to the Appropriation Statement for the year ended 31 March 2008

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

Detail of these transactions can be viewed in note 6 (Transfers and subsidies) and Annexure 1 (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 1 (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 note 5 (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	Variance as a % of Final Appropriation
	R'000	R'000	R'000	%
Administration	27,402	27,402	-	0%
Investigation of Complaints	36,597	36,597	-	0%
Information Management & Research	16,892	16,892	-	0%

4.2 Per Economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	%
Current payment:				
Compensation of employees	45,695	45,695	-	0%
Goods and services	28,406	28,406	-	0%
Financial transactions in assets and liabilities	9	9	-	0%
Transfers and subsidies:				
Departmental agencies and accounts	48	48	-	0%
Payments for capital assets:				
Machinery and equipment	3,753	3,753	-	0%
Software and other intangible assets	2,980	2,980	-	0%

Independent Complaints Directorate – Vote 21

Statement of Financial Performance for the year ended 31 March 2008

	<i>Note</i>	2007/08 R'000	2006/07 R'000
REVENUE			
Annual appropriation	1	80,891	65,906
Departmental revenue	2	377	38
TOTAL REVENUE		81,268	65,944
EXPENDITURE			
Current expenditure			
Compensation of employees	3	45,695	36,831
Goods and services	4	28,406	24,474
Financial transactions in assets and liabilities	5	9	1
Total current expenditure		74,110	61,306
Transfers and subsidies	6	48	65
Expenditure for capital assets			
Machinery and equipment	7	3,752	3,139
Software and other intangible assets	7	2,981	761
Total expenditure for capital assets		6,733	3,900
TOTAL EXPENDITURE		80,891	65,271
SURPLUS/(DEFICIT)		377	673
SURPLUS/(DEFICIT) FOR THE YEAR		377	673
Reconciliation of Surplus/(Deficit) for the year			
Voted Funds	12	-	635
Departmental Revenue	13	377	38
SURPLUS/(DEFICIT) FOR THE YEAR		377	673

Independent Complaints Directorate – Vote 21

Statement of Financial Position as at 31 March 2008

	<i>Note</i>	2007/08 R'000	2006/07 R'000
ASSETS			
Current assets		528	706
Unauthorised expenditure	8	91	91
Cash and cash equivalents	9	13	13
Prepayments and advances	10	38	20
Receivables	11	386	582
TOTAL ASSETS		528	706
LIABILITIES			
Current liabilities		528	703
Voted funds to be surrendered to the Revenue Fund	12	-	635
Departmental revenue to be surrendered to the Revenue Fund	13	(591)	(210)
Bank overdraft	14	992	232
Payables	15	127	46
Non-current liabilities			
Payables	16	-	3
TOTAL LIABILITIES		528	706
TOTAL		-	-

Independent Complaints Directorate – Vote 21

Cash Flow Statement for the year ended 31 March 2008

	<i>Note</i>	2007/08	2006/07
		R'000	R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		81,268	65,944
Annual appropriated funds received	1.1	80,891	65,906
Departmental revenue received	2	377	38
Net (increase)/decrease in working capital		259	1,109
Surrendered to Revenue Fund		(1,393)	(643)
Current payments		(74,110)	(61,306)
Transfers and subsidies paid		(48)	(65)
Net cash flow available from operating activities	17	5,976	5,039
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets		(6,733)	(3,900)
Net cash flows from investing activities		(6,733)	(3,900)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in non-current payables		(3)	-
Net cash flows from financing activities		(3)	-
Net increase/(decrease) in cash and cash equivalents		(760)	1,139
Cash and cash equivalents at the beginning of the period		(219)	(1,358)
Cash and cash equivalents at end of period	18	(979)	(219)

Independent Complaints Directorate – Vote 21

Notes to the Annual Financial Statements for the year ended 31 March 2008

1. Annual Appropriation

1.1 Annual Appropriation

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

	Final Appropriation R'000	Actual Funds Received R'000	Funds not requested/ not received R'000	Appropriation received 2006/07 R'000
Administration	27,402	27,402	-	23,350
Investigation of Complaints Information	36,597	36,597	-	29,284
Management and Research	16,892	16,892	-	13,272
Total	80,891	80,891	-	65,906

2. Departmental revenue

Description (Specify material amounts separately)

	Note	2007/08 R'000	2006/07 R'000
Sales of goods and services other than capital assets	2.1	99	32
Interest, dividends and rent on land	2.2	21	3
Financial transactions in assets and liabilities	5.1	257	3
Total revenue collected		377	38
Departmental revenue collected		377	38

2.1 Sales of goods and services other than capital assets

Sales of goods and services produced by the department	-	32
Administrative fees	98	20
Other sales	1	12
Sales of scrap, waste and other used current goods		
Total	99	32

2.2 Interest, dividends and rent on land

Interest	21	3
Total	21	3

2.3 Financial transactions in assets and liabilities

Other receipts including recoverable revenue	257	3
Total	257	3

3. Compensation of employees

3.1 Salaries and Wages

	2007/08 R'000	2006/07 R'000
Basic salary	30,108	25,287
Performance award	723	558
Service Based	2,418	1,801
Compensative/circumstantial	1,794	1,140
Other non-pensionable allowances	5,022	3,643
Total	40,065	32,429

3.2 Social contributions

3.2.1. Employer contributions

Pension	3,891	3,159
Medical	1,732	1,237
Bargaining council	7	6
Total	5,630	4,402
Total compensation of employees	45,695	36,831
Average number of employees	248	219

4. Goods and services

	Note	2007/08 R'000	2006/07 R'000
Advertising		1,315	418
Attendance fees (including registration fees)		604	538
Bank charges and card fees		16	25
Bursaries (employees)		178	61
Catering		411	-
Communication		1,849	1,524
Computer services		1,667	1,880
Consultants, contractors and special services		1,204	1,088
Courier and delivery services		138	53
Drivers' licences and permits		1	1
Entertainment		-	267
External audit fees	4.1	661	712
Equipment less than R5 000		1,059	362
Government motor transport		2,704	3,283
Inventory	4.2	2,319	1,185
Legal fees		35	643
Maintenance, repairs and running costs		121	145
Municipal Services		444	347
Operating leases		427	390
Photographic services		-	1
Plant, flowers and other decorations		-	5
Professional bodies and membership fees		7	3
Resettlement costs		153	432
Subscriptions		12	53
Owned and leasehold property expenditure		6,545	5,241
Travel and subsistence	4.3	6,514	5,646
Venues and facilities		30	166
Witness and related fees		(8)	5
Total		28,406	24,474

Independent Complaints Directorate – Vote 21

Notes to the Annual Financial Statements for the year ended 31 March 2008

4.1 External audit fees

Regularity audits	603	600
Performance audits	-	22
Other audits	58	90
Total	661	712

4.2 Inventory

Domestic consumables	30	43
Parts and other maintenance material	-	10
Stationery and printing	2,289	1,132
Total	2,319	1,185

4.3 Travel and subsistence

Local	6,507	5,580
Foreign	7	66
Total	6,514	5,646

Independent Complaints Directorate – Vote 21

Notes to the Annual Financial Statements for the year ended 31 March 2008

5. Financial transactions in assets and liabilities

	<i>Note</i>	2007/08 R'000	2006/07 R'000
Debts written off	5.1	9	1
Total		<u>9</u>	<u>1</u>

5.1 Debts written off

Nature of debts written off

Transfer to debts written off			
Tax debt		9	1
Total		<u>9</u>	<u>1</u>

6. Transfers and subsidies

Provinces and municipalities	<i>Annex 1A</i>	-	25
Departmental agencies and accounts	<i>Annex 1B</i>	48	40
Total		<u>48</u>	<u>65</u>

7. Expenditure for capital assets

Machinery and equipment	28	3,752	3,139
Software and other intangible assets		2,981	761
Computer software	29	2,981	761
Total		<u>6,733</u>	<u>3,900</u>

8. Unauthorised expenditure

8.1 Reconciliation of unauthorised expenditure

Opening balance		91	91
Unauthorised expenditure awaiting authorisation		<u>91</u>	<u>91</u>

9. Cash and cash equivalents

Cash on hand		13	13
Total		<u>13</u>	<u>13</u>

10. Prepayments and advances

Travel and subsistence		21	3
Advances paid to other entities		17	17
Total		<u>38</u>	<u>20</u>

Independent Complaints Directorate – Vote 21

Notes to the Annual Financial Statements for the year ended 31 March 2008

11. Receivables

		2007/08			2006/07	
		R'000			R'000	
	<i>Note</i>	Less than one year	One to three years	Older than three years	Total	Total
Staff debtors	11.1	18	33	-	51	61
Other debtors	11.2	104	206	22	332	493
Intergovernmental receivables	<i>Annex 4</i>	1	2	-	3	28
Total		123	241	22	386	582

11.1 Staff Debtors

(Group major categories, but list material items)

S&T Account	10	40
Tax Debt	41	21
Total	51	61

11.2 Other debtors

(Group major categories, but list material items)

Disallowance: Miscellaneous	-	51
Independent Institutions	89	90
Debt awaiting pensions / pension received less than debt	193	183
Correcting 2007/08 balance erroneously calculated	-	(41)
NRF (National Treasury)	51	210
Total	333	493

12. Voted funds to be surrendered to the Revenue Fund

Opening balance	635	377
Transfer from Statement of Financial Performance	-	635
Paid during the year	(635)	(377)
Closing balance	-	635

13. Departmental revenue to be surrendered to the Revenue Fund

Opening balance	(210)	18
Transfer from Statement of Financial Performance	377	38
Paid during the year	(758)	(266)
Closing balance	(591)	(210)

14. Bank overdraft

Cash with commercial banks (Local)	992	232
Total	992	232

Independent Complaints Directorate – Vote 21

Notes to the Annual Financial Statements for the year ended 31 March 2008

15. Payables – current

Description	Notes	30 Days	30+Days	2007/08	2007/07
				R'000	R'000
				Total	Total
Advances received	15.1	-	-	-	46
Credits to be paid to SARS	15.2	-	127	127	-
Total		-	127	127	46

15.1 Advances received

Description	2007/08	2007/07
(Identify major categories, but list material amounts)		
Credits received from Independent Institutions	-	46
Total	-	46

15.2 Other payables

Description	2007/08	2007/07
(Identify major categories, but list material amounts)		
Credits to be paid to SARS	127	-
Total	127	-

16. Payables – Non-current

Payables – Non-current	One to two years	Two to three years	More than three years	Total	Total
Description	R'000	R'000	R'000	R'000	R'000
Advances received 16.1	-	-	-	-	3
Total	-	-	-	-	3

16.1 Advances received

Description	2007/08	2007/07
(Identify major categories, but list material items)		
T&S Standing Advance (Entrapment fees)	-	3
Total	-	3

Independent Complaints Directorate – Vote 21

Notes to the Annual Financial Statements for the year ended 31 March 2008

17. Net cash flow available from operating activities

	2007/08	2006/07
	R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance	377	673
Add back non cash/cash movements not deemed operating activities	5,599	4,366
(Increase)/decrease in receivables – current	196	1,079
(Increase)/decrease in prepayments and advances	(18)	19
Increase/(decrease) in payables – current	81	11
Expenditure on capital assets	6,733	3,900
Surrenders to Revenue Fund	(1,393)	(643)
Net cash flow generated by operating activities	5,976	5,039

18. Reconciliation of cash and cash equivalents for cash flow purposes

Cash on hand	13	13
Cash with commercial banks (Local)	(992)	(232)
Total	(979)	(219)

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

These amounts are not recognised in the financial statements and are disclosed to enhance the usefulness of the financial statements.

19. Contingent liabilities

Liable to	Nature	Note	2007/08 R'000	2006/07 R'000
Motor vehicle guarantees	Employees	Annex 3A	331	-
Housing loan guarantees	Employees	Annex 3A	514	420
Claims against the department		Annex 3B	2,429	429
Total			3,274	849

20. Commitments

Current expenditure				
Approved and contracted			638	1,975
			<u>638</u>	<u>1,975</u>
Capital expenditure				
Approved and contracted			2,111	1,041
			<u>2,111</u>	<u>1,041</u>
Total Commitments			2,749	3,016

21. Accruals

Listed by economic classification

	30 Days	30+ Days	Total	Total
Compensation of employees	220	13	233	43
Goods and services	610	1,580	2,190	367
Machinery and equipment	149	43	192	-
Total	979	1,636	2,615	410

Listed by programme level

P1: Administration	1,552	226
P2: Investigation of Complaints	916	141
P3: Information Management and Research	147	43
	<u>2,615</u>	<u>410</u>

22. Employee benefits

Leave entitlement	1,388	3,850
Thirteenth cheque	1,106	1,217
Capped leave commitments	3,275	-
Total	5,769	5,067

Restated: Capped leave in respect of 2006/07 was included in the total amount of leave benefits

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

23. Lease Commitments

(a) Finance leases

2007/2008	Land R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
Not later than 1 year	-	-	316	316
Later than 1 year and not later than 5 years	-	-	356	356
Total present value of lease liabilities			672	672
Analysis				
Condoned	-	-	672	672
Total	-	-	672	672

2006/2007	Land R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
Not later than 1 year	-	-	63	63
Later than 1 year and not later than 5 years	-	-	261	261
Total present value of lease liabilities	-	-	324	324
Analysis				
Condoned	-	-	324	324
Total	-	-	324	324

Disclose Finance Leases: Labour saving devices (photocopiers). Allowed per directive 14/3/4/1/1 (dated 20/09/2005) from National Treasury.

24. Receivables for departmental revenue

Sales of goods and services other than capital assets	54	32
Interest, dividends and rent on land	19	3
Financial transactions in assets and liabilities	1	3
Other	302	-
Total	376	38

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

25. Irregular expenditure

a. Reconciliation of irregular expenditure

	2007/08 R'000	2006/07 R'000
Opening balance		
Add: Irregular expenditure – current year	303	85
Less: Amounts condoned	275	85
Current expenditure	275	85
Irregular expenditure awaiting condonement	28	-
Analysis of awaiting condonement per classification		
Current expenditure	28	-
	28	-
Analysis of awaiting condonement per age classification		
Current year	28	-
Total	28	-

2006/07: Condonement of expenditure in terms of printing of DVA Report and ICD Brochures was received from National Treasury on 22/03/2007.

2007/08: Condonement of expenditure in terms of security contract signed, which was not carried out correctly in terms of relevant Practice Notes issued by National Treasury and SCM. Condonement was approved by National Treasury on 14/11/2007.

Condonement of expenditure in terms of the placement of recruitment advert was received from the Acting Executive Director on 17 July 2008.

Condonement of expenditure in terms of catering was requested from the Acting Executive Director on 28 July 2008.

b. Irregular expenditure

Incident	Disciplinary steps taken/criminal proceedings		
Printing of DVA Report and ICD Brochures	None	-	85
Security Contract	None	275	-
Catering	None	16	-
Placement of recruitment advert	None	4	-
Placement of recruitment advert	None	8	-
		303	85

26. Key management personnel

	No. of Individuals	2007/08 R'000	2006/07 R'000
Officials			
Level 15 to 16	1	216	347
Level 14 (incl CFO if at a lower level)	4	2,479	2,378
Total		2,695	2,725

The position of the Head of Department (ED) was vacant for the whole of the financial year and the expenditure reflects the Acting Allowance that was paid.

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

27. Provisions

	2007/08 R'000	2006/07 R'000
Potential irrecoverable debts		
Other debtors	65	250
Total	65	250
 Provisions		
Other – Specify one per line	-	57
	-	57
Total	65	307

28. Tangible Capital Assets

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Opening balance	Current Year Adjustments to prior year balances	Additions	Disposals	Closing Balance
	Cost R'000	Cost R'000	Cost R'000	Cost R'000	Cost R'000
BUILDING AND OTHER FIXED STRUCTURES	991	(991)	-	-	-
Non-residential buildings	991	(991)	-	-	-
 MACHINERY AND EQUIPMENT	 31,467	 (16,163)	 7,954	 8,322	 14,936
Transport assets	4,812	(2,359)	2,300	913	3,840
Computer equipment	11,453	(3,923)	2,946	4,591	5,885
Furniture and office equipment	10,227	(7,332)	1,861	1,869	2,887
Other machinery and equipment	4,975	(2,549)	847	949	2,324
 TOTAL TANGIBLE ASSETS	 32,458	 (17,154)	 7,954	 8,322	 14,936

28.1

ADDITIONS TO TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Cash Cost R'000	Non-cash Fair Value R'000	(Capital Work in Progress current costs) Cost R'000	Received current, not paid (Paid current year, received prior year) Cost R'000	Total Cost R'000
MACHINERY AND EQUIPMENT	3,752	4,267	-	(65)	7,954
Transport assets	824	1,476	-	-	2,300
Computer equipment	1,130	1,899	-	(83)	2,946
Furniture and office equipment	1,445	409	-	7	1,861
Other machinery and equipment	353	483	-	11	847
 TOTAL	 3,752	 4,267	 -	 (65)	 7,954

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

28.2

DISPOSALS OF TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Sold (Cash) Cost R'000	Non-Cash Fair Value R'000	Total Cost Cost R'000	Cash Received Actual Cost R'000
MACHINERY AND EQUIPMENT	-	8,322	8,322	-
Transport assets	-	913	913	-
Computer equipment	-	4,591	4,591	-
Furniture and office equipment	-	1,869	1,869	-
Other machinery and equipment	-	949	949	-
TOTAL	-	8,322	8,322	-

28.3

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2007

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
BUILDING AND OTHER FIXED STRUCTURES	991	-	-	991
Non-residential buildings	991	-	-	991
MACHINERY AND EQUIPMENT	21,235	10,232	-	31,467
Transport assets	3,181	1,631	-	4,812
Computer equipment	7,411	4,042	-	11,453
Furniture and office equipment	6,368	3,859	-	10,227
Other machinery and equipment	4,275	700	-	4,975
TOTAL TANGIBLE ASSETS	22,226	10,232	-	32,458

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

29. Intangible Capital Assets

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Opening balance Cost R'000	Current Year Adjustments to prior year balances Cost R'000	Additions Cost R'000	Disposals Cost R'000	Closing Balance Cost R'000
COMPUTER SOFTWARE	2,699	(2 699)	2,981	-	2,981
TOTAL INTANGIBLE ASSETS	2,699	(2 699)	2,981	-	2,981

29.1

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Cash Cost R'000	Non-Cash Fair Value R'000	(Development work in progress – current costs) Cost R'000	Received current year, not paid (Paid current year, received prior year) Cost R'000	Total Cost R'000
COMPUTER SOFTWARE	2,981	-	-	-	2,981
TOTAL	2,981	-	-	-	2,981

Independent Complaints Directorate – Vote 21

Disclosure Notes to the Annual Financial Statements for the year ended 31 March 2008

29.2

DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Sold (Cash) Cost R'000	Non-Cash Fair Value R'000	Total Cost Cost R'000	Cash Received Actual Cost R'000
COMPUTER SOFTWARE	-	-	-	-
TOTAL	-	-	-	-

29.3

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2007

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
COMPUTER SOFTWARE	1,938	761	-	2,699
TOTAL	1,938	761	-	2,699

Independent Complaints Directorate –Vote 21

**Annexures to the Annual Financial Statements
for the year ended 31 March 2008**

**ANNEXURE 1A
STATEMENT OF UNCONDITIONAL GRANTS AND TRANSFERS TO MUNICIPALITIES**

NAME OF MUNICIPALITY	GRANT ALLOCATION			TRANSFER			SPENT			2006/07 Total Available R'000
	Amount R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	Available funds Transferred %	Amount received by municipality R'000	Amount spent by municipality R'000	% of available funds spent by municipality %	
Tshwane Metro	-	-	-	-	-	0%	-	-	0%	19
Greater Johannesburg Metro	-	-	-	-	-	0%	-	-	0%	3
Cape Metropole	-	-	-	-	-	0%	-	-	0%	1
Ethekwini Mun	-	-	-	-	-	0%	-	-	0%	2
	-	-	-	-	-	-	-	-	-	25

RSC Levies

**ANNEXTURE 1B
STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2006/07	
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	Available funds Transferred %	Final Appropriation Act R'000	
SASSETA	48	-	-	48	48	100%	40	
	48	-	-	48	48		40	

The payment to SASSETA related to the administrative contribution that was transferred by the Department.

Independent Complaints Directorate –Vote 21

Annexures to the Annual Financial Statements for the year ended 31 March 2008

ANNEXURE 1C

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2007/08	2006/07
		R'000	R'000
Received in cash			
TELKOM	Sponsorship towards 10 th Year Celebrations	2	-
Subtotal		2	-
Received in kind			
European Union	Project "Policing against crimes on women and children" in Eastern Cape – accessories such as two laptops, printer and two cell phones	-	50
European Union	Paralegal Training to ICD members at Hemingway's Guest House (King Williams Town)	-	28
European Union	Domestic Violence Act training to ICD members at Hemingway's Guest House (King Williams Town)	-	46
European Union	Team Building session for Eastern Cape Office at Haylards Hotel, Port Alfred	-	31
European Union	K53 licence training to Eastern Cape Office staff	-	6
European Union	Project Management training (Phase 2) for two members of Eastern Cape Office at MSC College	-	7
European Union	Practical Project Management for ICD Staff at LDI	-	91
European Union	Team Building session for Eastern Cape Office at Kat Leisur, East London	-	10
European Union	Telephone techniques training for one Eastern Cape staff member	-	1
European Union	Leadership and Management Training for Eastern Cape Staff at MSC College	-	21
European Union	Conflict Management training for Eastern Cape Staff at MSC College	-	4
European Union	Supervisory skills training for Eastern Cape Staff at MSC College	-	21
European Union	International Computer Driver Licence (ICDL) for three Eastern Cape Staff members at MSC College	-	10
European Union	Report Writing training for Eastern Cape staff members at MSC College	-	4
European Union	Presentation Skills training for Eastern Cape staff members at MSC College	-	4
European Union	Various community outreach programmes to promote ICD (including brochures, banners, flag, T-shirts and posters)	-	98
European Union	Design and implement Communication and Marketing Strategy for the ICD		40
European Union	HIV Basic Management Course for one Eastern Cape Office staff member at MSC College	-	7
Open Society Foundation	Air tickets and accommodation for two top management members to attend an APCOF meeting in Nigeria	-	36
Open Society Foundation	Air tickets and accommodation for one top management member to attend and African Commission meeting in respect of APCOF in Gambia	-	22
European Union	Mobile Investigation Vehicle fitted with IT equipment to attend to complaints during Imbizo's	350	-
European Union	Aids /HIV Awareness Management and Intervention Course for two Eastern Cape Office staff members at MSC College	14	-

Independent Complaints Directorate –Vote 21

Annexures to the Annual Financial Statements for the year ended 31 March 2008

ANNEXURE 1C

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

European Union	Project Management training for two members of Eastern Cape Office at MSC College	7	-
European Union	"Touch Typing" course for a staff member of Eastern Cape Office	5	-
European Union	Batho Pele training for staff	10	-
European Union	Training for one staff member of the Eastern Cape Office on HIV for a year	7	-
European Union	First Aid training for staff from Eastern Cape Office	8	-
Mr Clifford Lyons	Train set that was donated to the Trans-Oranje Crèche	1	-
Triple 3 Concrete & Ms Maureen Smit	30 Blankets that were donated to the Trans-Oranje Crèche	1	-
Connex Travel, Netstar, Triple Option, Letago Cleaning Services, Triple 3 Concrete and ICD employees	Luvyo Orphanage Home was invited to join the ICD in celebration of Youth Development Month (June 2007) and various snacks, clothing and toys were donated to the Orphanage	1	-
ABSA	Donated three gifts that were given as prizes in the Talent Competition in the 16 Days of Activism and World Aids Day	1	-
ICAS Southern Africa	Donation of "stress reliever tool" as part of the Health and Wellness Strategy to all ICD staff	3	-
Subtotal		408	537
TOTAL		410	537

Independent Complaints Directorate – Vote 21

**Annexures to the Annual Financial Statements
for the year ended 31 March 2008**

**ANNEXURE 3A
STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2008 – LOCAL**

Guarantor institution	Guaranteee in respect of	Original guaranteed	Opening balance	Guarantees	Guarantees	Revaluations	Closing	Guaranteed	Realised
		capital amount	1 April 2007	draw downs during the year	cancelled/ reduced/ released during the year		balance 31 March 2008	interest for year ended 31 March 2008	losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
	Motor vehicles								
Stannic		-	-	331	-	-	331	-	-
	Housing								
ABSA		1,870	193	139	86	-	246	-	-
Nedbank		231	46	-	-	-	46	-	-
Standard Bank		796	122	54	13	-	163	-	-
FNB		228	46	-	-	-	46	-	-
Free State Development Corporation		156	13	-	-	-	13	-	-
Total		3,281	420	524	99	-	845	-	-

Independent Complaints Directorate – Vote 21
Annexures to the Annual Financial Statements
for the year ended 31 March 2008

ANNEXURE 3B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2008

Nature of Liability	Opening Balance 01/04/2007 R'000	Liabilities incurred during the year R'000	Liabilities paid/cancelled/reduced during the year R'000	Liabilities recoverable(Provide details hereunder) R'000	Closing Balance 31/03/2008 R'000
Claims against the department					
Court settlement	415	-	-	-	415
Possible claims	14	2,000	-	-	2,014
Total	429	2,000	-	-	2,429

Independent Complaints Directorate – Vote 21
Annexures to the Annual Financial Statements
for the year ended 31 March 2008

ANNEXURE 4
INTER-GOVERNMENT RECEIVABLES

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2008 R'000	31/03/2007 R'000	31/03/2008 R'000	31/03/2007 R'000	31/03/2008 R'000	31/03/2007 R'000
Department						
Provincial Government – North West	-	-	1	-	1	-
Provincial Government – Western Cape	-	-	-	17	-	17
Provincial Government – Northern Cape	-	-	2	2	2	2
Secretariat for Safety & Security	-	-	-	9	-	9
TOTAL	-	-	3	28	3	28

Confirmation letters were sent, but responses are still awaited.