### THE INDEPENDENT COMPLAINTS DIRECTORATE

# ANNUAL REPORT 1999/2000

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# FORWORD BY THE MINISTER FOR SAFETY AND SECURITY

It is a great pleasure and honour for me to present the fourth Annual Report of the Independent Complaints Directorate (ICD).

Since joining the Ministry for Safety and Security as Minister, I have made it my duty to facilitate the work of the ICD as laid down in Section 222 of the Interim Constitution, 1993 and Section 53(1)(a) of the South African Police Service Act, 1995. I therefore do not hesitate to say that their operations are on course towards the fulfilment of their statutory obligations.

The ICD has, over the past financial year, worked towards complementing the South African Police Service (SAPS) in its endeavours to root out corruption within the SAPS. In this exercise they have received and will continue to receive my unswerving support.

As we look forward to the year ahead, we should learn from the experiences of the past year in order that we may paint an even brighter picture of our achievements in the coming year.

I am aware of the scarce resources available to the ICD, but they are a reflection of the tight fiscal conditions under which the Government operates, and it is our obligation to maximise output in spite of these constraints.

I am confident that the lessons of the past can only enhance our capacity and preparedness to face the obstacles ahead without fear, in our quest to restore public confidence in the South African Police Service.

S.V.TSHWETE Minister for Safety and Security



### Introduction

The Independent Complaints Directorate (ICD) has been in operation for three years since it opened its doors to the public on 1 April 1997. When it commenced operations, the ICD had 35 posts allocated to it and had its National Office temporarily housed in premises subject to a month-to-month lease.

Now the ICD has 153 funded posts and, in addition to its National Office it has functional offices in all of the nine provinces. What makes this achievement remarkable is that the ICD has, to a large extent, had to be creative and fend for itself.

The three years have seemed long in terms of the changes which have taken place in our external environment. For the first time, a black National Commissioner has been appointed to head the SAPS. It is also significant that prior to his appointment, he was a civilian, without a background in policing.

Perhaps the most dramatic change during the period of the ICD's existence has been the swing in public opinion in respect of issues such as crime, the police and the role of the ICD.

Our government has acknowledged crime to be a real phenomenon, the combating of which requires prioritization. This echoes public sentiment in all sectors of society. The police, according to one public survey, are increasingly being viewed as being ineffectual. There seems to be growing, popular perception that the constitutional rights of criminals are being protected above those of their victims. Coupled to this is a belief that human rights-orientated bodies such as the ICD are impeding the operation of the criminal justice system.

The Truth and Reconciliation Commission hearings revealed in frightening detail what can happen when the police are given free reign and allowed to break the law, in order to enable them to achieve a particular objective. Against this background it is encouraging to note that National Commissioner Selebi has stated that all corruption that may exist among police officers must



be wiped out and that it is very important for all members of the SAPS to participate in combating crime with "clean hands" (Servamus, January 2000: 4).

The fact that he personally subjected himself to an investigation conducted by the ICD sends out a powerful message to his subordinates. The investigation itself typifies the role of and vindicates the establishment of the ICD as an impartial body capable of establishing the truth. Ultimately, it will impact positively on enhancing the credibility of the SAPS.

ADV. KAREN D MCKENZIE Executive Director

# CORE BUSINESS OF THE ICD

#### Introduction

The core business of the ICD consists of the following distinct operational areas:

Complaints Registry: Its function is to receive and register complaints by members of the public against members of the SAPS. Here a decision is made on how a complaint received should be dealt with by the ICD; whether it should be investigated by the ICD itself, or referred to the SAPS or any other competent body, for investigation.

**Investigations:** This component is responsible for ensuring that all complaints received by the ICD and allocated for active investigation, are indeed investigated efficiently and effectively.

Monitoring and Development: This component, as its name suggests, monitors the progress of cases referred to the SAPS for investigation. It also conducts research with a view to making recommendations on the root causes of misconduct and the development of strategies to curb them.

#### COMPLAINTS REGISTRY Complaints Received And Registered

During the period under review, we yet again, as was predicted in the previous reports, experienced a phenomenal increase in the number of complaints and reports of police-related deaths. For the first time the number of complaints has exceeded 4 000. We received 4 380 complaints (see Table 1 on page 33). In real terms, this represents an increase of about 52% on the figure for the 1998/1999 financial year (see Figure 1 on page 38).

As was the case in the previous years, the highest number of complaints emanated from the Gauteng Province. The Western Cape has now overtaken Kwazulu-Natal as the province generating the second highest number of complaints. During the period under review, the former recorded 340 cases more than the latter (see Figure 2 on page 38).

Despite the high increase in the overall number of complaints received, it is, however, gratifying to see that the number of police-related deaths decreased significantly (by about 10%) as compared to previous years. Whether or not the reduction could be directly attributed to the positive impact that the ICD has had and signals a different approach to policing, is difficult to say. The reduction in policerelated deaths will have to be maintained over a longer period of time before any definitive conclusions could be drawn. But, whatever the reason for the decrease, it is something that needs to be accentuated and applauded. The number of people dying at the hands of the police, particularly deaths resulting from shootings, is still cause for concern and a matter which requires urgent attention and intervention.

Another area where there has been a marked decrease is with regard to the allegations of torture. Whereas in our first year of operation, we received about 68 such allegations, in the 1998/1999 and 1999/2000 financial years the number of cases of torture decreased by about 82% and 50% respectively. In interpreting these figures, regard should be had to the fact that under-reporting is to be expected.

Tables 2 – 4 represent a breakdown of policerelated deaths and other cases received by the ICD. Notwithstanding the decrease in police-related deaths, we have experienced increases in other categories of violent crimes such as assaults with intent to do grievous bodily harm (see Table 3 on page 35).

The increase in complaints seems to suggest that there is a growing awareness among members of the public in general and, in particular, among the non-governmental organizations, of the existence and nature of services being provided by the ICD. Whilst these developments are to be welcomed, it is evident that these increases will continually erode our capacity to deal with complaints in an effective and efficient manner, as we are enjoined to do by legislation.

If we are to continue to maintain an acceptable level of efficiency, a continuous review of our investigative priorities is necessary and, this is what the ICD was compelled to do during the period under review.

#### **Investigative Priorities**

At a recent strategic planning workshop at which we visited our investigative priorities, it was resolved that we would, consistent with Government priorities, focus on cases involving allegations of corruption, femicide, rape, spousal abuse, racism, use of force within the context of Section 49 of the Criminal Procedure Act and of course, cases of death in police custody or resulting from police action.

A complaint or an allegation falling under any of these categories will be investigated by the ICD to the extent that it is deemed necessary. Normally we would conduct a preliminary investigation, particularly in cases of police-related deaths, to determine whether there are any grounds for taking over the investigation from the police. Where it is felt that the investigation should rather be left in the hands of the police, the ICD will supervise or monitor the investigation. Any other allegation/complaint will be referred to the police for investigation and the investigation thereof will be monitored by the ICD.

#### Mediation

In the previous Annual Report, it was envisaged that the majority of the misconduct matters would, upon the finalization of our mediation policy, be resolved by way of mediation. The implementation of this policy has been stalled due to largely technical objections raised by the police at the eleventh hour. This is an unfortunate

situation and it is hoped that eventually common sense will prevail and that the objections raised against the policy will fall away as soon as the police realize that it is also in their interest that most of the misconduct matters be resolved informally and in a non-adversarial manner. In some jurisdictions, it is in fact compulsory for parties to attempt to resolve their disputes through mediation before any investigation could be embarked upon. The advantages of such an approach cannot be over-emphasized.

Certainly informal resolution of complaints will save us time and scarce resources that would otherwise be consumed by a full investigation. Indeed, if the policy had been implemented at the time the much-publicised allegations against the National Commissioner of Police arose, we would have resorted to mediation instead of investigation, in an attempt to resolve the issues raised by these complaints.

Notwithstanding the difficulties we have experienced with respect to the implementation of the mediation policy, we continued to employ conciliation and mediation to resolve matters which were of such a nature as to require a different approach. For example, in Kwazulu-Natal two senior public prosecutors at Kwa-Mashu and Verulam called upon the ICD to intervene and resolve the apparent misunderstanding that had arisen between themselves and the police. Both matters were mediated upon quite successfully by the ICD. Similar approaches were employed, with equal success, in all our provincial offices.

#### **Finalised Cases**

During the period under review, 3283 cases were finalised (see table 5 on page 37). This figure also includes cases that were not dealt with by the ICD itself and were referred to other departments and

organisations. Of the cases that were actually investigated or monitored by the ICD (about 1171), only 21% of these cases were found to have been substantiated. This clearly shows that the ICD has no axe to grind with the police and that it operates fairly and impartially.

#### **INVESTIGATIONS**

This component is one of the core line functions of the Department and is responsible for ensuring that all complaints received by the ICD and allocated for active investigation are investigated efficiently and effectively.

### Caseload and capacity to fulfil mandate and maintain high standard of service delivery

There are currently 45 investigators on our establishment nationally.

We are currently actively investigating approximately 1200 cases, and have taken over approximately 350 live case dockets from the SAPS for full investigation. This means that the current case load per investigator is in the region of about 40 cases. This figure is however, misleading, as a number of our newly established and smaller provincial offices have no monitoring capacity and this function is therefore fulfilled by the investigators.

During the past financial year, priority was given to the investigation of police-related deaths, and a major part of the budget allocated for investigations was utilised in the investigation of these cases.

#### **Cost Per Investigation**

During the 1999/2000 financial year, approximately 1 200 cases were actively investigated by the ICD. An average of 75 hours was spent on each case as well as an average of 1 000 km travelled per case and thus a total cost of R7 050.00 per case.

The ICD's average hours spent per case compares very favourably to other international oversight bodies. In one particular case in Canada, approximately 750 hours was spent thereon at a cost of approximately 28 000 Canadian dollars.

### **Restructuring of the Directorate: Investigations**

The Directorate: Investigations at National Office has undergone considerable restructuring during the period under review. Flowing from a study conducted by the Directorate in the previous financial year, it was decided to disband the Special Investigation Unit at National Office, and transfer the staff complement thereof to various provincial offices, which are the operational centres of the Department. As a result, two investigators were transferred to the Gauteng provincial office, thereby increasing their capacity, and one investigator was transferred to the fledgling office in Nelspruit, Mpumalanga, which is currently being serviced by the Pietersburg provincial office in the Northern Province. The Directorate at National Office consequently no longer conducts any operational activities, but is mainly concerned with the formulation and development of policy and SOPs pertaining to investigations; training and development; monitoring the application of SOPs and keeping abreast of relevant issues of national importance.

#### **Highlights and Achievements - Some Cases**

Despite a number of problems experienced by the investigative component of the ICD, both at National Office and at provincial level, the ICD has managed to achieve some remarkable successes in the field of investigations.

### NORTHERN CAPE AND FREE STATE SAPS Postmasburg

It is alleged that the deceased was in a tavern drinking with his friends when an argument arose between a policeman and another person who was drinking in the same tavern. The policeman is alleged to have gone home to fetch his service pistol. On his arrival back at the tavern, the policeman then shot and killed the deceased. The post-mortem confirmed that the deceased died as a result of gunshot wounds. After the completion of its investigation the ICD recommended that the police

officer be charged with murder as well as contravention of the Arms and Ammunition Act which prohibits a person from handling a firearm whilst under the influence of liquor.

The DPP confirmed the recommendation made by the ICD.

#### **SAPS Galeshewe**

It is alleged that the deceased was shot and killed by an off-duty policeman who accused the deceased of being in possession of stolen property. After its investigation, the ICD found that the goods in question did not belong to the deceased and that the officer shot and killed the deceased while the deceased was just standing next to him. The post- mortem also revealed that the deceased died as a result of a gun shot wound.

The ICD recommended that the officer be charged with murder. The DPP confirmed the ICD's recommendation.

#### NORTH WEST SAPS Vryburg

The suspect, who is a policeman, was at his girlfriend's house in Vryburg with the deceased when a quarrel broke out between the two over beer glasses belonging to the policeman's girlfriend. Both the policeman and the deceased left the girlfriend's house, but the policeman later came back and informed his girlfriend that he had shot the deceased. After investigation by the ICD the DPP decided that the policeman be charged with murder. However after a disciplinary hearing and a criminal trial, the police member was found not guilty.

#### **SAPS Swartruggens**

Five policemen, acting on information received from other civilians, arrested a civilian for drunken driving. They took him for blood samples and thereafter detained him. The other detainees discovered that the suspect had been detained with his firearm and a fully loaded magazine. They dispossessed the suspect of his firearm and handed it over to the police. It was later discovered that the suspect was an off-duty police officer. The investigation by the ICD revealed that the members who arrested the suspect were guilty of misconduct in that they failed to search him properly or did not search him at all, thus creating a hazard for other detainees. The five police members have been charged

departmentally with failure to carry out their duties.

#### **SAPS Reivilo**

The body of an unidentified man was discovered on the morning of 5 March 1999 in the open veld. He was last seen in the company of a policeman. Next to this body was a firearm allegedly issued to the policeman last seen with the deceased. It was also alleged that this policeman had travelled together with the deceased in a state vehicle the night before. The ICD recommended that a formal inquest be held to determine if any person is responsible for the death and that the member be charged with contravening the Arms and Ammunition Act 75 of 1969 for negligently losing his firearm and not carrying it in the prescribed holster. Further recommendations have been made that disciplinary steps be taken against the member for abuse of a state vehicle and negligent handling of a firearm.

#### **SAPS Ganyesa**

On the evening of 3 March 1999 the deceased was allegedly in the company of two other males at a tavern. They saw a policeman enter the tavern, buy a beer and exit. The policeman was later seen shooting in the air. He also later shot at the deceased. The reason for the shooting is unknown. The ICD, after investigations, recommended that the policeman be charged with murder and contravention of the Arms and Ammunition Act 75 of 1969. The DPP has instructed that the policeman be prosecuted for murder.

#### GAUTENG SAPS Brixton

On Monday 19 April 1999 video material filmed by the British Broadcasting Corporation (BBC) was televised. The video material showed two separate

incidents of assault. In each incident, members of the SAPS were assaulting two suspects. The SAPS Senior Management, particularly the office of Gauteng Provincial Commissioner Maharaj requested the ICD to investigate both incidents.

In the first incident, it is alleged that on 16 January 1999, the complainants were pulled off the road by SAPS members while travelling along Golden Highway in a white Toyota Corolla. It is alleged that the complainants were then accused of colluding with the occupants of another vehicle, namely a VW Golf, in stealing the latter vehicle. The said VW Golf was allegedly stolen. It is further alleged that the said police officers then assaulted them. The police officers who allegedly participated in the said assault are stationed at Brixton Flying Squad, Johannesburg Dog Unit and Mondeor Police Station.

In the second incident, it is alleged that the complainants hi-jacked a vehicle at the corner of Rissik and Wolmarans Streets, Johannesburg, on 24 January 1999. The owner of the said vehicle, a BMW, immediately notified the Flying Squad who gave chase. The said vehicle was chased up until Diepkloof, Soweto, where it was found crashed against a tree. It is alleged that despite having been injured from the said accident, the complainants were assaulted by police at the scene of accident. Two days later, Mr Sebastian Lewis passed away. He was a passenger in the said vehicle and it is also alleged that he was assaulted while lying unconscious. The driver of the hi-jacked vehicle, survived the crash. He is currently serving a 15 year jail sentence in connection with the said hi-jacking.

The DPP has already decided to prosecute two policemen in respect of the second incident. A decision is still being awaited from the DPP in respect of the first incident.

#### WESTERN CAPE SAPS Operation Good Hope

In this matter a police officer attached to Operation Good Hope, and instrumental in conducting raids on the homes of suspects, allegedly beat a minor with a metal instrument during one of these raids. The ICD responded to the scene within an hour of the occurrence and managed to secure valuable medical evidence and fresh witness accounts. A charge of assault with intent to do grievous bodily harm was investigated and a recommendation was made to the DPP that the officer be prosecuted accordingly. The DPP confirmed this recommendation.

#### **SAPS Camps Bay**

A policeman in pursuit of a suspect allegedly apprehended and shot the unarmed suspect six times. The scene was cleared and the ICD was not notified of the incident. Attempts were made by other officers to conceal the true nature of events. The ICD through its sources came to hear of the incident and as a result of its independent forensic capacity was able to uncover valuable evidence.

Charges of murder and defeating the ends of justice were investigated by the ICD and a recommendation for the prosecution of police members was made to the DPP. The DPP decided to prosecute four members.

#### SAPS Bellville

A police captain was alleged to have called a fellow officer, "a hotnot". Charges of crimen injuria and violation of police regulations were investigated by the ICD. A recommendation was made both to the DPP and to the SAPS for the prosecution of this officer. Prosecutions ensued.

#### **SAPS Kuilsriver**

The ICD investigated a break-in allegedly by police members of a police forensic laboratory. It enlisted the assistance of the SAPS and ensured the arrest of two police persons and two civilians. The investigation is ongoing and the police members have been charged accordingly.

#### **SAPS Landsdowne**

A member of the SAPS, whilst driving a police vehicle unlawfully and under the influence of liquor collided with another vehicle, almost instantly killing an adult woman and her unborn baby. The ICD responded to the scene within an hour of the occurrence and arrested the member who had a previous conviction for drunken driving and the

unauthorised use of a state vehicle. The ICD recommended his immediate suspension. The investigation is ongoing. The officer has been suspended indefinitely.

#### NORTHERN PROVINCE SANDF Commandos. Carolina

The police were busy with "away lay" duties together with the South African National Defence Force (SANDF). They saw two suspects trying to slaughter a sheep. They tried to arrest them but the suspects started to run away. The police and SANDF members shot at one suspect and he was killed. The ICD intervened and arranged for an independent pathologist who established, without doubt, that the deceased was shot and killed with an R4 rifle used by the SANDF member. The ICD proved in this case that the death of the deceased was not caused by the act of the police officer but by members of the SANDF.

# POLICY FORMULATION AND DEVELOPMENT

As a new Department, the ICD has had to develop its own SOPs afresh. This has been a lengthy and painstaking process during which attempts have been made to include stakeholders such as the SAPS and the Department of Justice. During the year under review, the relevant stakeholders have approved the following SOPs relating to investigations:

- ICD Handgun Policy;
- Arrest procedures;
- · Search and seizure procedures;
- Notifications from SAPS of deaths in custody or as a result of police action and initial investigation of such deaths;
- · Mediation procedures;
- Investigative standards and procedures;
- · Notification of major incidents;
- The processing and storage of evidence;
- Procedure to be followed when receiving notification of deaths in custody or as a result of police action;
- · Investigative priorities;
- Identification parade procedures;
- · Confessions, admissions and pointings out;

- The receiving, lodging and processing of complaints;
- Procedure on the making of recommendations and the further handling thereof.

#### **Training and Development**

Since April 1999, the following training courses have been arranged for ICD investigative staff:

- ICD Commanders Investigation Management Course
- ICD Basic Handgun Orientation Course
- Basic Death Investigation Course
- Crime Scene Technicians Course
- Practical Aspects of Forensic Medicine.

All investigative personnel benefited from the abovementioned training.

It should be mentioned that a large portion of the training referred to above was only made possible due to the generous assistance of the British and United States governments who sponsored many of these initiatives and to whom we express our gratitude and appreciation. Certainly, the ICD alone has insufficient funds to bear the costs of such training.

# REPRIORITISATION OF STRATEGIC OBJECTIVES FOR THE FORTHCOMING FINANCIAL YEAR

As a result of the lack of key strategic resources (mainly personnel) and an effective nett decrease in our operational budget for the forthcoming year, it has been necessary for the ICD to reprioritise its strategic objectives, in respect of investigative priorities, in order to streamline operations and maximise the utilisation of scarce resources. This has also been occasioned by a simultaneous need for the Department to increase its efficiency and service delivery.

We have identified the following strategic objectives with regard to investigations:

A preliminary investigation shall be conducted by the ICD in all cases of police-related deaths. Such preliminary investigations shall be an active investigation into the merits and circumstances surrounding the death and will culminate in a report within 14 days. The purpose of this preliminary investigation shall be to, insofar as it is possible to do so, determine whether or not there is prima facie evidence of SAPS complicity in criminal conduct in each particular case. Where no such evidence or indication exists, the docket shall be returned to the

SAPS for completion of the investigation, and the ICD shall continue to monitor the progress and eventual outcome of the investigation.

This will ensure that valuable time and resources are not spent on investigating cases which do not warrant it, but rather that investigative resources are allocated to cases where the ICD's intervention is required. This will allow investigators to concentrate on serious cases where there is prima facie evidence of SAPS involvement in criminal conduct.

A further strategic objective identified was the development of standardised and uniformed investigative guidelines, methods and procedures to be implemented within the ICD. This will allow for the streamlining of investigations as well as provide for the uniform allocation of resources to investigative priorities, and ensure that cases are investigated efficiently and effectively.

This will ultimately improve the ICD's service delivery and will have a greater impact on the transformation of the SAPS.

## MONITORING AND DEVELOPMENT

#### THE MONITORING OF COMPLAINTS

Complaints of minor offences and misconduct committed by police members are referred to the SAPS for them to investigate, whilst we actively monitor these investigations. The reason for this is twofold:

- Due to a lack of resources (both human and financial), we are unable to investigate each and every complaint ourselves.
- It encourages the SAPS to improve their service delivery standards.

For a brief summary of some of the complaints, see pages 31 – 32.

#### The process of monitoring entails the following:

- Liaising with the SAPS on a regular basis for the purpose of requesting and obtaining monthly progress reports on the investigation.
- Liaising with the complainant for the purpose of reporting progress to him/her.
- Compiling a final case report and making recommendations, either to the DPP or to the SAPS for criminal prosecution or internal discipline to be instituted.

#### VISITS TO POLICE CELLS

In the North West Province cell visits were conducted at the following police stations: Garankuwa, Taung, Brits, Klerksdorp, Lichtenburg, Christiana, Letlhabile, Mothibistad, Lehurutshe, Mooifontein and Itsoseng. These visits were conducted with a view to determining the conditions of the cells as well as the wellbeing of persons in police custody. Based on conversations with persons in custody, complaints raised were brought to the attention of Station Commissioners.

In the Gauteng Province cell visits were conducted following a media report that a large number of people (particularly alleged illegal immigrants) were detained in the wake of Operation Crackdown, a police crime fighting strategy.

The visits were conducted at the following police stations: Hillbrow, Johannesburg Central and Jeppe. Cell inspections and interviews with inmates were conducted. In general, there was no overcrowding, and the conditions were satisfactory. However in certain circumstances recommendations to improve cell hygiene were made and the complaints of the inmates were forwarded to the relevant Station Commissioners.

In Kwazulu Natal cell visits were conducted at the following police stations: Nyoni, Gingindlovu and Umhlali. Interviews with inmates, including alleged illegal immigrants, were conducted and cell inspections were done. Recommendations as to how cell hygiene should be improved were made to the Station Commissioners.

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

In terms of this Act a police member is now obliged to inform a complainant of his/her rights when he/she reports an incident of domestic violence. Where a police member fails to perform this duty and a complaint is received in this regard, the police member has to be prosecuted departmentally, unless the ICD directs otherwise. These complaints have to be reported to the ICD by the SAPS. In turn the ICD has to report to Parliament on a six-monthly basis as to the complaints received by the SAPS and itself, the particulars of same and how each complaint was actioned.

SAPS National Instructions pertaining to the implementation of this Act were drafted in consultation with the ICD. Already we have received the first number of complaints pertaining to the afore-mentioned.

#### **POLICING TRAINING**

One further proactive initiative is the making of contributions to the curricula for SAPS training programmes. We have reviewed training curricula for police members, with specific focus on disciplinary issues, human rights and awareness of the role and function of the ICD vis a vis SAPS. The following are some of our successful interventions:

- Technikon SA: The provider of distance learning policing modules to many SAPS members. We contributed an information document on the ICD for their training curricula.
- Human Rights and Policing Training Manual: In terms of this SAPS training initiative (funded by the Royal Danish Government), 2000 three-day workshops will be held nationally in order to train police members in human rights. A substantial contribution was made by the ICD.
- Crime Intelligence Training Programme: This training commenced in August 1999 at the Detective Academy. As part of the programme we offered ICD awareness training.
- Applied Law for Police officials: A new course to be offered by Technikon SA in the near future. We have contributed to a text book which has been written on this subject.
- Bi-National Commission's Subcommittee on Training: We are members of this sub-committee of which the proposed training programmes will be funded by the USA (either in the form of their experts or expenses for participants). The training is aimed at being inter-departmental to include the Departments of Justice, Correctional Services, Home Affairs, the SAPS, the National Intelligence Agency (NIA), the National Interdepartmental Structure for Border Control (NIDS), ICD as well as the South African Secret Service (SASS).

#### RESEARCH

Currently, in an attempt to be proactive and not merely reactive, the ICD is also focussing on development issues, for the purpose of highlighting root causes for certain police conduct. The following projects were initiated:

#### **SAPS Vehicle Pounds**

The ICD has adopted as a national project, research which has as its focus the reception, processing, storage and disposal of vehicles. Focus will be on current vehicle pounds of SAPS (SAPS 13 camps), the conditions which facilitate the frequent stripping of vehicles stored in police pounds and recommendations on the prevention of this kind of corruption and misconduct. This research has just begun and will be conducted on a national level because of the enormity of the problem countrywide. This would entail actual visits to the vehicle pounds (primarily those which are currently the presumed source of complaints of corruption and misconduct), interviews with Commissioners tasked with the supervision of these camps, liaison with the Provincial Commissioners and the National Commissioner, etc.

#### Development of a strategy for the reduction of the risks of deaths in police custody and as a result of police action.

We commissioned the Centre for the Study of Violence and Reconciliation (CSVR) to conduct research into the following aspects:

- The use and abuse of force by members of the SAPS.
- The skill of policing and improving the management of the use of force in the SAPS.
- An examination of deaths in police custody.

This research programme was made possible through the generous funding of the Royal Danish Government. Recently we also attended the Royal Society of Medicine's conference on "Medical Aspects of Death in Custody", which was held in London. The British High Commission funded the

participation of two of our staff members. The two-day conference focused on aspects such as:

- The role of the custody officer;
- Custody management;
- Models of working with mentally ill people in contact with the police;
- · Restraint and resuscitation;
- Medical care of detainees and the prevention of tragedy;
- The training of custody personnel;
- · Custody first aid; and
- The role of the Police Complaints Authority.

#### **Police Brutality**

We have started to conduct comparative research on police brutality in different jurisdictions, e.g. Canada and the USA, with the aim of developing a profile of police officers prone to violence and misconduct. The following aspects will be central in the development of this profiling strategy:

- the previous exposure of certain police to the political violence during the eighties;
- the political changes that commenced in the early nineties;
- racial stereotypes;
- financial, marital and other problems experienced by individual officers:
- the process of recruitment;
- · levels of education of the culprits;
- · training programmes of new recruits.

Complaints handling mechanisms within SAPS is another project which we have started to research, with the aim of making recommendations to the SAPS with regard to the implementation of a uniform system.

#### The White Paper Process Consultative Workshops

During August 1999 the Chief Directorate: Monitoring and Development mooted the idea of developing a White Paper that would set out a policy framework for the Department. To kick-start the process, the Department compiled a Discussion Document, which

was a culmination of internal discussions within the Department.

The next step was to consult various stakeholders around the country. To that end, the Department circulated the Discussion Document to various stakeholders and thereafter, conducted consultative workshops in all of the nine provinces. Various stakeholders were invited to and participated in the workshops.

The first consultative workshop was held in Durban on on 5 - 6 July, and the rest took place in the following order: Bloemfontein on 8 - 9 July, Kimberley on 12 - 13 July, Johannesburg on 19 - 20 July, Mafikeng on 22 - 23 July, Nelspruit on 26 - 27 July, and Pietersburg on 29 - 30 July. The penultimate workshop was held in Stellenbosch on 3 - 4 August and the last one was held in East London on 6 - 7 August.

The consultative workshops were a tremendous success. The workshops also provided the Department with an opportunity to meet and discuss pertinent issues with various stakeholders. Many valuable lessons were learnt from the consultative workshops. Stakeholders who participated in the workshops made valuable inputs to the Discussion Document.

The inputs received were incorporated into a revised Discussion Document. The revised Discussion Document formed the basis of a Draft White Paper.

At the time of writing hereof the Department is in the process of further consulting with its key stakeholders on the Draft White Paper.

#### **International Liaison**

Another highlight of 1999 was a visit to the ICD by Ms Susan James - a Canadian expert in Civilian Oversight. Ms James spent the month of July with the Department. She was attached to the Chief Directorate: Monitoring and Development during her short stay. In spite of the short period that she spent with the ICD, Ms James was able to make a number of observations and to advise on a number of issues.

In her report about her experience at the ICD, Ms James made very interesting suggestions. One of the suggestions was that the ICD should, as part of its communication strategy, define its stakeholder community. She felt that information needed to be communicated to all the defined stakeholders in a format designed specifically for their needs in order to promote the work of the ICD.

## **CORPORATE SERVICES**

#### Introduction

The support services rendered to the line functionaries of the ICD can be found under the Programme: Administration and consists of three Directorates viz:

- Finance,
- Legal Services, and
- Administration

The more important aspects covered during this year have been the filling of all funded vacancies, the continued implementation of the conditions of service agreement and the implementation of new policies in line with the Public Service Regulations.

Information Technology (IT) focussed all its energy on the equipping of the new offices as well as developing a Wide Area Network (WAN) that would enhance the management of complaints and the automation of the registration process. With a limited budget, we managed to open the remaining two offices in Mpumalanga and the Free State.

Herewith more details on the functions of the various Directorates / Sub-directorates:

#### HUMAN RESOURCE MANAGEMENT

### Current Establishment Status: Approved, Filled and Vacant Posts

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

#### **Filling Of Posts**

Up to the end of March 2000 a total of one hundred and thirty-three employees were appointed or transferred to the establishment of the ICD. Ten of these employees were transferred from other Government Departments and twenty-two from the SAPS.

During the year under review, twenty three vacant posts were advertised and a total number of 1890 applications were received and processed.

#### **Secondments**

Two members of the SAPS from the office of the Provincial Commissioner: Free State were seconded to the ICD during 1999 to receive complaints and deal with investigations in the ICD's Free State Office. These officials' secondment lasted until the end of May 1999, when funds for further

secondments were depleted. We are grateful to the SAPS for their assistance without which we would have found it difficult to operate in the Free State Province.

#### **Contract Workers**

The ICD appointed a total of fifty-three contract workers and two interns for short periods of time-less than 6 months - to assist with the finalisation of tasks for which funds in the budget would not allow the permanent appointment of staff or the posts had not been advertised yet.

#### **Sick Leave**

Eighty nine employees took 912 sick leave days during 1999/2000. The estimated cost to the department for the said leave taken represents R 184 605.18.

SALARY LEVEL	NUMBER OF EMPLOYEES	AVERAGE NUMBER OF SICK LEAVE DAYS TAKEN	TOTAL NUMBER OF SICK LEAVE DAYS TAKEN	ESTIMATED COST
2 - 8	72	10.68	769	R 123 938.85
9 - 12	9	6.55	59	R 16 946.63
13 - 15	8	10.5	84	R 43 719.70
TOTAL	89	27.73	912	R 184 605.18

Seven employees took more than 15 continuous days of sick leave in the year under review. No member of staff was discharged due to ill - health.

#### **Injury On Duty**

Two employees were involved in a car accident while performing official duties, which resulted in injuries whilst on duty.

#### **Staff Turnover**

Four employees were transferred to other state departments and nine employees resigned from the ICD

to seek greener pastures in the private sector. No staff members were discharged due to misconduct.

#### **Job Evaluation**

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

CORE	POST/JOB TITLE	OFFICE/ COMPONENT	RESULT
Management and General Support personnel	Executive Secretary	Pretoria	Upgraded to Salary level 6
Management and General Support personnel	Secretary : Chief Director	Pretoria	Upgraded to Salary level 4
Legal and Support Services	AD: Complaints Registry	Pretoria	Confirmed at Salary level 9
Management and general Support personnel	Secretary Director	Pretoria	Confirmed at Salary level 3
Legal and Support Services	AD: Investigations	King Williams Town	Confirmed at Salary level 9

#### **Personnel Development**

During this year, twenty-eight permanent employees were awarded bursaries to study further at various tertiary institutions. The funds allocated for these bursaries amounted to R60 000-00. Bursaries were awarded in the following fields of study:

FIELD OF STUDY	NUMBER OF BURSARY HOLDERS
Policing	7
Public Administration and Management	11
Criminal Forensic Certificate	1
Labour Law	4
Law	2
Internal Audit	1
Human Resource Management	1
Public Relations	1

During the year under review, ICD employees have been exposed to a myriad of courses and workshops. Some of the courses and workshops included:

NAME OF COURSE	SERVICE PROVIDERS
Records Management Course	National Archives
Hand gun programme	University of South Africa
Secretarial Course	Rosebank College
<b>Provisioning Administration Course</b>	SAMDI
A workshop on HIV/AIDS	Department of Health
A seminar on Status of Women	DPSA and Department of Labour
A Job Evaluation and Panel Training	Department of Public Service and Administration
<b>Entry Level Programming Course</b>	State Information Technology Agency (SITA)
<b>Public Finance Management Act</b>	IPFA.
IRP 5 Seminar	South African Revenue Services (SARS).
Basic Course in Investigation	Technikon Pretoria
Persal courses	Department of State Expenditure
Forensic Assessment Interview and Interrogation Seminar	DABIS Services
9th International Anti-Corruption Conference	Department of Justice
Combating Fraud and Corruption in South Africa	University of Pretoria
8th Annual South African Telephony Conference	Whitehead Morris Seminars (Pty)
12th Annual Labour Law Conference	Butterworth Publishers

#### **SPECIAL PROGRAMMES:**

#### **HIV / AIDS Awareness**

With the limited number of staff members available in the support components, the ICD has been in a position to assist the Department of Health in their campaign to distribute condoms and information on HIV / AIDS. Furthermore the ICD committed itself to the promotion of the fight against HIV/AIDS by signing the HIV/AIDS commitment scroll.

#### **Youth Programme**

Not much progress was made in this respect except that the ICD has become a member of the Interdepartmental Committee on Youth Affairs.

#### **Affirmative Action Programme**

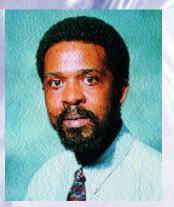
The ICD has sustained phenomenal growth in representativity and affirmative action since its inception in 1997. Statistics with regard to the appointment of staff reflects the following in terms of population group, gender and disability:

OFFICES	GENDER			POPULATION GROUPS	GROUPS		
		Black	Coloured	Asian	White	L	Total
Pretoria	Male	6 7	જ જ	0	ಸು ರ	16 26	(48)
Johannesburg	Male Female	tှီတ∞	1 ' '	1	) <del></del> -	9	(19)
Durban	Male Female	<b>%</b> &	. 1	2 1		10	(14)
Cape Town	Male Female	0 %	4 9	8 '	1 .	10	(16)
King Williams Town	Male Female	ကလ	3	. 1		4	(10)
Pietersburg	Male Female	ကဏ			2	5 5	(11)
Kimberley	Male Female	1 2				8 8	(4)
Mafikeng	Male Female	က က		<u>.</u> 1	. 1	ကက	(10)
Free State	Male Female	20 20	1 .			8 8	(5)
Mpumalanga	Male Female				1	1 1	(2)
Total		81	21	10	21	133	

# NATIONAL OFFICE - PRETORIA



ADV KAREN MCKENZIE EXECUTIVE DIRECTOR



MR MIKE KEKANA CHIEF DIRECTOR: MONITORING AND DEVELOPMENT



Ms Elize Verster DIRECTOR: ADMINISTRATION



DR JOHAN SNYMAN DIRECTOR: LEGAL SERVICES



MR EDDIE JACOBS DIRECTOR: FINANCE



MR STEVE TIRO DIRECTOR: COMPLAINTS



MR JULIAN SNITCHER DIRECTOR: INVESTIGATIONS



MR ELIAS VALOYI DEPUTY DIRECTOR: HUMAN RESOURCES MANAGEMENT



MRS KRISHNEE KISSOONDUTH DEPUTY DIRECTOR: STRATEGY AND POLICY CO-ORDINATION



MR MOSES DLAMINI DEPUTY DIRECTOR: INFORMATION TECHNOLOGY



MR TSOEU NTSANE HEAD: COMMUNICATION

# PROVINCIAL HEADS



MR SHADRACK MAHLANGU REGIONAL DIRECTOR: GAUTENG PROVINCE



Mr Riaz Saloojee REGIONAL DIRECTOR:

Ms Alfradeen Jenneker

REGIONAL DIRECTOR:

EASTERN CAPE



ADV "STIX" MDLADLA REGIONAL DIRECTOR: KWAZULU NATAL



Ms Thobeka Jozi REGIONAL DEPUTY DIRECTOR: NORTHERN PROVINCE



MR PAUL MOGOTLHE REGIONAL DIRECTOR: NORTH WEST PROVINCE



MR NYANISO NGELE REGIONAL DEPUTY DIRECTOR: FREE STATE PROVINCE

#### INFORMATION TECHNOLOGY

The sub-directorate: Information Technology is responsible for the computerisation of the ICD and the development of systems to support the business objectives of the ICD. Given that the ICD receives complaints from the public, the management and processing of such information is important. To this end, the sub-directorate has, with technology partners, developed a Case Management Database System.

#### **Case Management System**

Since its inception, the ICD has been searching for a tool to manage the complaint process and the peripheral data that is generated in that process. It was decided that a database would meet that requirement and also assist in the generation of statistics. Additionally, a database such as the one envisaged by the ICD, had to be able to allow for the monitoring of progress of complaints from the moment of receipt until they are finalised, provide up-to-date statistics for cases received by all ICD offices around the country and many other features that will be detailed later. Development took place in two phases.

Phase one comprised of identification of the needs of the ICD, drawing up tender specifications and awarding the tender. Whilst the development of the Case Management Database System was ongoing, a parallel process of setting up a national infrastructure to run it, took place.

Phase two of system development took place during the current financial year. The major part involved the development of reports and the enforcement of ICD operational rules on the system. This ensured consistency throughout the organisation and that information is available to management for decisionmaking or interventions at all times.

The functionality that the database gives is extensive, and these are some of its benefits:

- Risk of losing data is minimised;
- Feedback to complainants is much faster;
- Reporting to supervisors is easy;
- Work distribution can be facilitated;
- Management information is easily accessible;

- · Cases can be managed more effectively;
- Adherence to procedures is improved;
- Accurate statistics on cases already in the database are available;
- Statistics available online 24 hours a day, 7 days a week, 365 days a year.

Obviously, all of the offices of the ICD must have access to the Case Management System in order to function and manage complaints more effectively . All ICD offices have been linked to the Case Management System and will be able to register complaints and manage their cases as from 1 April 2000.

#### **Old Cases**

For a while, the ICD has been sitting with over three thousand cases that were processed manually. The reason for that is that the computerisation process has only been completed during the year under review, due to financial constraints and other problems. Thus the need to convert the "old cases" into electronic format. To this end, the subdirectorate developed yet another database for the capturing of old cases, which will eventually be converted onto the live database early on in the new financial year.

Almost 2 500 cases have already been captured onto the database. All the cases will be captured before the end of June 2000.

#### **Y2K Readiness**

The Year 2000 computer bug was expected to present a problem for many institutions. While all ICD systems were Y2K compliant even before the end of the 1998/1999 financial year, nobody really knew what was going to happen. Therefore IT staff took all the steps necessary to deal with the unexpected and were in attendance to monitor the date rollover.

This included obtaining the very latest anti-virus software to counter Y2K viruses and any malicious code. Fortunately, nothing happened!!

#### **Network Infrastructure**

With the development of the Case Management System having entered the second phase, it was imperative to set-up Local Area Networks ("LANs") at a number of our provincial offices. Network cabling was installed at the following provincial offices: Eastern Cape, North West, Northern Cape and Northern Province. The set-up of the LANs took place simultaneously. Seven offices in all are now networked. The two offices in Nelspruit and Bloemfontein were not linked because they operate as satellite offices at this point. Whilst Kimberley will be linked in May 2000, plans to link Nelspruit and Bloemfontein with the nearest sister sites within the ICD's Wide Area Network are being considered.

Offices which are part of the WAN, are benefiting in a number of ways:

• They share information over the WAN;

- They can access the case management system;
- They can use collaboration, scheduling and messaging systems;
- Their telephone usage should decrease;
- Their communication by fax should decrease, and
- The transfer of documents between these offices has been more secured.

#### Training

The following table gives an indication of the status of networking and training at the various ICD offices:

OFFICE	LAN STATUS	WAN LINK STATUS	TRAINING
National Office: PRETORIA	Completed	Completed	Not completed
Gauteng: JOHANNESURG	Completed	Completed	Completed
KwaZulu-Natal: DURBAN	Completed	Completed	Completed
Western Cape: CAPE TOWN	Completed	Completed	Completed
NorthWest Province: MAFIKENG	Completed	Completed	Completed
Northern Cape: KIMBERLEY	Started	Not yet Completed	Not yet Completed
Eastern Cape: EAST LONDON	Completed	Completed	Completed
Northern Province: PIETERSBURG	Completed	Completed	Completed
Free State: BLOEMFONTEIN	Not started	Not started	Not started
Mpumalanga: NELSPRUIT	Not started	Not started	Not started

#### **Electronic Messaging And Scheduling**

At the beginning of the year under review, a limited number of personnel of the ICD had access to some form of electronic mail (e-mail), which was only internal. During this year the sub-directorate: IT acquired and established an Internet mail server running on the Lotus Domino platform. The rollout to users at the ICD has been taking place and at this point virtually all staff members who have computers have access to e-mail and can communicate with just about anyone on the Internet.

As with any tool, there is a need to monitor the e-mail system to ensure that it is not abused. As a tool though, e-mail has gone a long way to making work easier and the ICD more accessible to the outside world.

Since Lotus Notes is a powerful collaboration and scheduling tool, it is being used by staff to manage a central events calendar, allocate tasks, notifications, document distribution and general diary management.

As more and more people at the ICD use these tools, the ICD will solidly have entered the electronic age.

#### **Network Upgrade**

At the beginning, the WAN links were all 64K to all sites; however, it became necessary to upgrade to higher speeds. A decision was taken by the IT Committee to upgrade existing links and to only install faster lines from early 1999 onwards.

Provincial offices with higher volumes of complaints would get an upgrade from 64K to 256K and those with less volume would be upgraded from 64K to 128K. The upgrades have solved many problems and made it possible for all our offices to register complaints on the Case Management System when such a complaint is reported.

Another upgrade undertaken at National Office has been to upgrade the LAN from a slow Ethernet network to a Switched Fast Ethernet network. This has dramatically increased the response of the network. The equipment removed from the National Office LAN was shifted to the provincial offices.

#### **Document Database**

Communication lines and the flow of information have manifested themselves as problems in many institutions. This situation also prevails in the ICD. There are complaints from staff that they are not kept abreast of what is happening in the organisation. The sub-directorate: IT was approached to come up with a solution which would allow for recording minutes and resolutions of the Senior Management Committee (SMC).

The sub-directorate found a Lotus database to be the most suitable solution. Development of the database was completed in a very short period of time. All staff now have access to this database and to important resolutions and decisions taken at the SMC meetings.

It is envisaged to post all documentation that ICD personnel should know about on the database. This will include policy documents on various subjects, memoranda, circulars, requests for comment, the monthly newsletter, the filing system, etc.

With the advent of the technology at the disposal of ICD personnel, the need for training became even greater. Training for users of the system has been taking place in tandem with the WAN integration. The training provided ranged from Windows 95 / 98 to Lotus Notes and the Case Management System.

Since training is an ongoing exercise, follow-up sessions are scheduled for the whole of the 2000/2001 financial year.

#### Conclusion

Given that the sub-directorate has only two staff members, it has nevertheless achieved much. There remains a commitment to see the ICD through this new millennium and to use technology to help the ICD achieve its goals and objectives.

#### **AUXILIARY SERVICES**

#### Accommodation

The Mafikeng office in the North-West Province, moved into permanent accommodation during June 1999. The ICD has now opened permanent offices in seven of the nine provinces.

Temporary office space has been acquired to open intake offices in Bloemfontein (Free State) and Nelspruit (Mpumalanga). The temporary space was obtained free of charge from the Provincial Archivist and the Provincial Secretariat for Safety and Security respectively, for one year only. Funds will have to be set aside for permanent accommodation in the 2000/2001 financial year.

#### **Equipment**

Investigative equipment provided by ICITAP during the presentation of their training courses to our investigators, was distributed to the various provincial offices.

The ICD registered its own flag with the Bureau of Heraldry during 1999.

#### **Official Transport**

During this year eleven official and sixteen subsidized vehicles have been purchased, though some vehicles were also damaged. The following information reflects the status of official vehicles in the ICD:

OFFICE	NO. OF OFFICIAL VEHICLES PROCURED	VEHICLES DAMAGED BEYOND REPAIR	NUMBER OF SUBSIDISED VEHICLES PROCURED	TOTAL NO. OF VEHICLES IN OPERATION
HEAD OFFICE	1			3
EASTERN CAPE	2			3
FREE STATE	1			1
GAUTENG			2	8
KWAZULU-NATAL	2	1		5
MPUMALANGA	1	1		1
NORTHERN CAPE	2	1		3
NORTHERN PROVINCE	1	//	2	6
NORTH-WEST PROVINCE	1	Stolen	2	5
WESTERN CAPE		-	1	6
TOTAL	11	4	7	41

#### **FINANCE**

#### Introduction

The Finance Directorate is comprised of four sections: Budgeting, Accounting, Bookkeeping and Salaries.

Much progress has been made with regard to the training on financial matters and prescripts of all staff members of the ICD. This situation resulted in fuller compliance with the provisions of the Exchequer Act, Financial Regulations, Treasury Instructions and other prescripts.

Notwithstanding the provisions of Section 8 of the Public Finance Management Act (PFMA), the department has not yet established an Internal Audit component. However, the process is currently

underway to have the component operational during the 2000/2001 financial year.

All Finance staff underwent training in the PFMA as well as the new Treasury Instructions. This Act is to come into operation on 1 April 2000. Training will also be provided to the provincial office staff in order to ensure compliance with the new Act.

#### **Budget And Expenditure** 1998 / 99 Financial Year

The ICD was allocated a total budget of R27 760 000 for the afore-mentioned financial year of which an amount of R3 560 000 was transferred to the Department of Public Works for accommodation. This effectively reduced the budget to R24 542 000.

A finalised and audited expenditure report against the budget follows hereunder:

#### 1998/1999 FINANCIAL YEAR - BUDGET AND EXPENDITURE

Standard Item	Budget R'000	Expenditure R'000
Personnel Expenditure	15 655	12 285
Administrative Expenditure	5 528 3	806
Stores and livestock	650	355
Equipment	1 389	3 887
<b>Professional and Special Services</b>	820	457
Miscellaneous Expenditure	500	212
TOTAL	24 542	21 170

The saving on the budget of the department is mainly due to the fact that staff were not appointed as anticipated.

#### 1999 / 2000 Financial Year

For the financial year under review the ICD was allocated a total budget of R 24,089,000 of which an amount of R206 000 was transferred to the Department of Public Works for accommodation for its provincial offices. Below is an analysis of the provisional expenditure for the department for the 1999 / 2000 financial year.

Standard Item	Budget R'000	Expenditure R'000
Personnel Expenditure	16 046	15 700
Administrative Expenditure	3 962	4 886
Stores and Livestock	617	733
Equipment	2 415	2 509
Land and Buildings	48	
Professional and special services	508	580
Miscellaneous Expenditure	335	335
TOTAL	25 137	24 791

#### **Medium Term Expenditure Framework (MTEF)**

The following allocation was made to the ICD in terms of the MTEF:

FINANCIAL YEAR	ALLOCATION R'000
2000 / 2001	25 098
2001 / 2002	25 972
2002 / 2003	27 135

It is clear from the commitment (allocation) which the department received in terms of the MTEF that it will not achieve its objective to expand the approved establishment structure.

#### **LEGAL SERVICES**

### **Staff and Functions of the Legal Services Component**

The personnel of Legal Services consists of one Director, one Legal Administration Officer and one Senior Clerk. One of the main functions of this directorate during the year under review was to provide legal services to all components within the ICD. In this regard legal opinions were furnished on a variety of topics. A part of this legal advice was, on request, offered informally and orally, on a regular basis to colleagues with regard to legal issues applicable and consequential to various ICD activities. The majority of these opinions and advices, however, dealt with labour-related matters, such as employment contracts, disciplinary matters and human resource management, while problems experienced by the ICD's investigation officers in regard to investigative issues also formed a large portion of the opinions and advices offered. Legal Services also facilitated the appointment by the Minister of Justice of the ICD's investigators as Justices of the Peace and Commissioners of Oaths.

#### **Workshops with SAPS**

An important task performed by Legal Services was conducting workshops with the Legal Services components of SAPS attached to the offices of all nine Provincial Commissioners of SAPS. These nine workshops in the various provinces were well attended, not only by the respective Legal Services of SAPS, but also by high-ranking members of SAPS, particularly the detective branches. The purpose of these workshops was to discuss and address legal issues pertaining to operational levels of investigations by the ICD of offences and/ or misconduct allegedly committed by SAPS members.

These workshops may rightly be described as being successful in that a number of actual or potential conflict areas were proactively identified and solved.

After conducting these provincial workshops, Legal Services held a national workshop in Pretoria where the various provincial Legal Services of the SAPS and the ICD jointly formulated the decisions taken on co-operation and channels of communication to be followed in future for solving operational problems. These decisions are to be distributed by and within SAPS in the form of National Instructions.

Legal Services also participated in the consultative workshops for the ICD White Paper process.

# ADVOCACY AND STRATEGY

#### INTRODUCTION

Advocacy and Strategy within the ICD is characterised by two areas, namely, Communication and Marketing Services, and Strategy and Policy Co-ordination.

The Communication and Marketing Services subdirectorate was established with the purpose to render communication services to the whole of the ICD. This would entail the provision of both internal communication within the Department and external communication with the organisation's stakeholders and with other interested parties.

The Strategy and Policy Co-ordination component is responsible for the co-ordination of the development of policy and standard operating procedures. In addition, the component is responsible for the co-ordination of special programmes and workshops on various issues including strategic planning and policy co-ordination.

# ACTIVITIES OF THE COMMUNICATION AND MARKETING SERVICES COMPONENT

The component has managed to print and distribute publicity material reflecting the mission and vision of the ICD.

Efforts have been made to network with other organisations to promote the idea of implementing an Award Scheme for members of the SAPS in collaboration with the SAPS and such organisations as Business Against Crime (BAC) and the Protea Hotels Group, under the stewardship of the ICD.

We have continued to participate in the meetings of the Government Communicators' Forum (GCF) and have benefitted in the acquisition of information on Government activities even at Cabinet level. We have further positioned ourselves in such a way that Government Departments know about ICD activities.

Furthermore, the ICD has assumed a strategic position as a member of several GCF clusters which are particularly relevant to the organisation, such as the Justice, Crime Prevention and Security cluster as well as the International Relations, Peace and Security cluster.

The recognition of the existence of the ICD by more Government Departments and parastatal organisations has led to greater interaction with departments such as the Government Communication and Information System (GCIS), the Public Protector; the Departments of Justice, Health; the Human Sciences Research Council (HSRC); the Council for Scientific and Industrial Research (CSIR), the SAPS, the South African National Defence Force (SANDF), various Community Policing Forums (CPFs) and new organisations as the Transformation and Integration of Police Back into Societies (TIPS).

The component continues to be actively involved in conducting monthly General Staff Meetings as a measure of promoting internal communication. The General Staff Meetings provide an excellent opportunity to recognise the National Office Employee of the Month. Provincial offices were encouraged to embark on a similar exercise to provide their staff with incentives and raise morale. This exercise is being further supplemented by the monthly production and publication of the ICD Gazette and to ensure its distribution to all the Provinces.

The component has carried out the function of Parliamentary liaison and ensured that adequate preparations are made for enabling the Minister to table the ICD Annual Report in Parliament. Facilitating communication between the Department and Parliamentary officials is another of its functions, as well as providing liaison between the ICD and the Ministry for Safety and Security.

Activities relating to the Communications and Marketing sub-directorate have been carried out at regional level. In addition to the participation of the sub-directorate directly in organising and holding media conferences and other activities, the following initiatives have been carried out by the regions themselves:

- They have received good media exposure through radio talk shows in which the listeners participated, television appearances and newspaper interviews.
- They have initiated community outreach programmes to interact with communities especially at the rural level.
- They have engaged in cooperative exercises with members of the SAPS at various levels to enable each to understand the other's role.
- The ICD regional personnel have participated in various community activities and imparted information about the organisation, with the assistance of various groups, especially nongovernmental organisations.

### ACTIVITIES OF THE SUB-DIRECTORATE: STRATEGY AND POLICY CO-ORDINATION

We assumed the responsibility of establishing and maintaining the web-site of the ICD. The unit works in conjunction with the Executive Director and other key Departmental Heads in keeping the content of the web-site relevant and updated. The web-site is a strategic tool that can be effective in marketing an organisation. Relevant information such as the mandate and vision of the organisation, successful cases that have been handled, reports produced by the ICD, media releases and national contact information are all available on the web-site.

The ICD web-site, which is maintained on a daily basis, can be found at the following address: http://www.icd.gov.za

This component was also instrumetal in compiling the ICD strategic plan. Such a document is currently in place but is constantly revised in view of the decisions that will be taken at subsequent strategic planning workshops.

In the year 2000, this unit will assume the added responsibility of Special Programmes. This will entail the development of policies on each of the issues listed below as well as the management of each special programme:

Affirmative Action HIV/Aids Batho Pele Youth Issues Disability Gender Smoking Transformation

The complaints handling mechanism ie. complaints against the ICD are also dealt with by this unit. Detailed records in this regard are maintained in an attempt to ensure that the complaints received are adequately addressed.

#### **CHALLENGES**

The Communication and Marketing Services subdirectorate is involved in efforts to secure donor funding for the installation and maintenance of a toll-free telephone line.

It is projected that the sub-directorate will engage in programmes aimed at promoting accessibility by rural communities.

The forthcoming conference of the International Association for Civilian Oversight and Law Enforcement (IACOLE 2001), will be hosted by South Africa. In this regard, the component will have to interact with the relevant Governments within the South African Development Community (SADC) in preparation for this event.

### **CONCLUSION**

The ICD finds itself in the fortunate position of enjoying ministerial support more than at any other time since its inception. This support will be beneficial not only in boosting the morale of the ICD staff members, but also hopefully result in Government turning a sympathetic ear to ICD requests for an increased budget to enable it to operate effectively and efficiently.

As indicated earlier, there is a clear increase in the awareness of the organisation among members of the public. It will therefore be no surprise if the current figure were to increase further in the coming year.

The ICD's capacity to meet its challenges needs to be enhanced in a practical and realistic manner by providing it with the necessary financial and human resources. Even the decision to increase its monitoring function as a cost-cutting measure and an alternative strategy has its limitations. The organisation is still obliged by law to actively investigate deaths in police custody or as a result of police action.

The coming financial year will be difficult for the ICD, but the determination of its personnel to contribute to the realisation of the aims and objectives of the organisation should facilitate the promotion of proper police conduct and the transformation of the SAPS.

The additional responsibilities of administering the Domestic Violence Act and the Municipal Police Services, as well as taking into consideration the ICD's increased public profile will necessitate a further reprioritisation of the organisation's activities. As indicated, even this exercise has limits as the question of an increased budget will continue to be of paramount importance.

## **ATTACHMENTS**

#### **Summary of Complaints**

**Table 1** Complaints received by the ICD during the period

1 April 1999 to 31 March 2000

**Table 2** A breakdown of police-related deaths from 1 April 1999

to 31March 2000

**Table 3** A breakdown of serious offences from 1 April 1999 to

31 March 2000

**Table 4** A breakdown of misconducts from 1 April 1999 to

31 March 2000

**Table 5** Completed cases from 1 April 1999 to 31 March 2000

Figure 1 Yearly comparison of cases received since 1 April 1999 to 31 March 2000

Figure 2 Percentage distribution per province of complaints received from

1 April 1999 to 31 March 2000

List of abbreviations

# SUMMARY OF COMPLAINTS

DATE OF COMPLAINT	POLICE STATION	STATUS OF COMPLAINT	NATURE OF COMPLAINT
99/10/12	Vryheid	Matter investigated by Vryheid Police.	A well-known mental patient in Vryheid attacked a white person and was subsequently fatally shot by a white police officer from Vryheid police station, without using other means available to subdue the mental patient.
99/11/07	Newcastle	Matter referred to DPP	A white police officer unleashed his police dog on a black woman when she asked why the police were assaulting her partner without reason.
99/11/06	Newark	ICD is supervising the investigation	The complainant was in police custody where he was severely tortured until he suffered permanent physical injuries.
99/11/10	Phoenix	ICD is supervising the investigation	Indian males who operated a tow-truck service and own a private vehicle pound in Phoenix were arrested for being in possession of suspected stolen property. Further investigation revealed that the vehicles were brought to their pound by two police officers.
99/08/09	Utrecht	ICD is supervising the investigation	A mental patient was found dead in police cells. It is alleged that she hanged herself.
99/01/05	Internal Investigation Unit, Kliptown	Matter referred to DPP	The police, while questioning the complainant allegedly stole his money. When he took the matter up he was arrested. His wife was then forced to pay a sum of money to secure his release and that amount went straight into the pocket of the investigating officer.
99/02/10	Vereeniging	Matter scheduled for trial	The investigating officer required a bribe from the complainant who was investigated for motor vehicle theft. He offered to persuade the prosecutor to withdraw charges upon payment of the bribe. He was then trapped by the police and arrested on the spot.
99/07/30	Parkview	DPP declined to prosecute.	Complainant alleged that he was tortured by police in order to force him to confess to a crime he did not commit.
2000/01/13	Louis Le Grange	Matter referred to the Station Commissioner.	The complainant who was arrested on a charge of armed robbery and hijacking, was severely assaulted by members of SAPS and was refused medical attention.
2000/01/19	Engcobo	Matter referred to both the Station Commissioner and Area Commissioner.	The complainant who is a member of SAPS and four other police officers in uniform were shot at by another police officer even though they identified themselves as police officers.

DATE OF COMPLAINT	POLICE STATION	STATUS OF COMPLAINT	NATURE OF COMPLAINT
99/10/29	PE Witness Protection Unit	ICD to hold the matter in abeyance until further instructions.	The complainants who are under witness protection allege that they are being assaulted by witness protection officers and that they receive unequal treatment compared to that of their white counterparts- one of the complainants is now mentally ill as a result of an assault.
00/03/09	Mdantsane	ICD investigating the matter	A charge of rape was laid against the complainant. The investigating officer approached the complainant on several occasions to induce him to pay a sum of money in order to have the charges against him withdrawn. The complainant was also at one stage arrested and locked up.
99/05/24	Maitland Dog Unit	Matter remains open at ICD for general recommendations on racism	The complainant alleges that a member of SAPS stationed at the Dog Unit shouted to the complainant "Bliksemse kaffir. Ek gaan jou privaat dele afsny".
99/03/29	Piketberg	DPP upon recommendation of ICD is prosecuting the SAPS member	The complainant alleged that he was assaulted by a police officer.
99/06/28	Kuilsriver	The SAPS member is currently being prosecuted on a charge of murder	Its is alleged that a member of SAPS fatally injured the deceased, Thanduxolo Smile when he fired 3 shots at him during an argument.
99/06/28	Montague	Disciplinary steps were taken against the member	Complainant alleges that a SAPS member was discourteous and acted in a racist fashion towards a member of the public.
98/06/23	Faure	A SAPS member and the civilians are currently being prosecuted	It is alleged that SAPS members as well as civilian persons committed housebreaking at the Faure base and stole a large number of firearms which were later sold to known gang members.
99/08/18	Bethani	Still under investigation, suspect not yet charged	A police officer alleged that he had opened a fraud case against his colleague who stole and cashed his cheque.
99/08/10	Mafikeng	Matter referred to DPP	Complainant alleges that he opened a case against a certain white man, and he suspects foul play on the part of SAPS.
99/10/25	Ga-Rankuwa	Still under investigation	Complainant alleges that he was assaulted and tortured by the Ga-Rankuwa Murder and Robbery Unit.
99/09/15	Mmabatho	Still under investigation	Complainant alleges that he reported a case of vehicle theft at Mmabatho. The vehicle was later recovered in Gauteng and was impounded at Diepkloof SAPS 13.It was later sold without his consultation.
00/01/04	Itsoseng	Still under investigation	Complainant alleges that six of his sheep were stolen and he personally arrested two of the suspects but they were eventually released.

#### Complaints received by the ICD during the period 1 April 1999 to 31 March 2000

CLASS	I	II	III	IV	V	TOTAL
GAUTENG	157	6	227	411	227	1028
NORTHERN PROVINCE	45	1	49	109	235	439
NORTH WEST	47	0	74	122	156	399
MPUMALANGA	46	0	38	95	59	238
KWAZULU NATAL	176	1	41	29	282	529
FREE STATE	36	1	56	99	23	215
EASTERN CAPE	89	9	75	203	90	466
WESTERN CAPE	67	3	170	496	133	869
NORTHERN CAPE	18	2	34	111	32	197
TOTAL	681	23	764	1675	1237	4380

#### **LEGEND**

**CLASS V** 

CLASS I	DEATH IN POLICE CUSTODY OR AS A RESULT OF POLICE ACTION
CLASS II	REFERRALS FROM THE MINISTER OR MEC
CLASS III	SERIOUS CRIMINAL OFFENCES
CLASS IV	MISCONDUCT

MATTERS OUTSIDE THE MANDATE OF THE ICD

#### A breakdown of police-related deaths from 1 April 1999 to 31March 2000

#### CLASS I – DEATHS IN POLICE CUSTODY

	GT	NP	NW	MPL	KZN	FS	EC	WC	NC	TOTAL
NATURAL CAUSES	9	0	6	0	12	1	2	1	0	31
SUICIDE	21	1	5	1	4	5	15	5	6	63
INJURIES IN CUSTODY	6	2	1	0	2	5	2	2	0	20
INJURIES PRIOR										
TO CUSTODY	15	1	4	4	0	2	0	0	2	28
POSSIBLE NEGLIGENCE	2	14	1	9	3	10	9	14	5	67
TOTAL	53	18	17	14	21	23	28	22	13	209

#### **CLASS I - DEATHS AS A RESULT OF POLICE ACTION**

	GT	NP	NW	MPL	KZN	FS	EC	WC	NC	TOTAL
A. SHOOTING: DURING COURSE OF ARREST	52	18	12	13	93	7	23	22	2	242
DURING COURSE OF A CRIME	24	2	7	2	14	0	12	3	0	64
DURING COURSE OF INVESTIGATION	7	5	3	8	10	1	13	0	0	47
OTHER INTENTIONAL SHOOTING	5	1	4	4	10	0	4	4	0	32
POSSIBLE NEGLIGENCE	6	0	1	3	1	2	5	1	1	20
B. OTHER:	10	1	3	2	27	3	4	15	2	67
TOTAL	104	27	30	32	155	13	61	45	5	472

#### A breakdown of serious offences from 1 April 1999 to 31 March 2000

	GP	NP	NW	MP	KZN	FS	EC	WC	NC	TOTAL
ASSAULT GBH/ ATTEMPTED MURDER	158	41	48	29	27	47	45	82	23	500
THEFT	16	0	7	1	2	1	8	19	5	59
TORTURE	12	0	3	2	0	2	4	3	2	28
INSTIGATING/ FAILURE TO PREVENT/ STOP VIOLENCE	2	0	0	0	0	0	1	2	0	5
ABUSE OF POWER	2	1	3	0	0	4	0	30	2	42
ARSON	0	0	0	0	0	0	0	0	0	0
RAPE	1	2	2	0	3	0	0	1	0	9
CORRUPTION	20	3	5	2	6	1	7	17	1	62
HARASSMENT	2	1	1	1	1	0	0	4	0	10
KIDNAPPING	2	0	1	1	0	0	3	0	0	7
ROBBERY	1	0	0	0	0	0	1	0	0	2
ORGANISED CRIME	0	0	0	0	0	0	0	2	0	2
MALICIOUS INJURY TO PROPERTY	6	1	1	0	0	0	1	7	0	16
FORGERY	0	0	1	0	0	0	1	0	0	2
INDECENT ASSAULT	0	0	0	1	2	1	0	1	1	6
FRAUD	0	0	2	1	0	0	2	0	0	5
EXTORTION	4	0	0	0	0	0	2	1	0	7
BREAKING AND ENTERING PREMISES	1	0	0	0	0	0	0	1	0	2
TOTAL	227	49	74	38	41	56	75	170	34	764

TABLE 4

### A breakdown of misconducts from 1 April 1999 to 31 March 2000

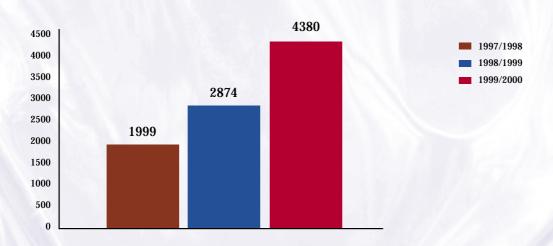
CLASS IV - MISCONDUCT	GT	N	WN	MPL	KZN	FS	EC	WC	NC 1	NC TOTAL
FAILURE TO PERFORM DUTIES/RESPONSIBILITIES	5	16	9	2	6	25	137	235	63	525
NECLECTS DUTY OR PERFORMS DUTY IN AN IMPROPER MANNER	374	75	86	08	7	19	32	55	14	754
PERFORMS AN ACT IN CONTRAVENTION OF THE SAPS ACT	0	0	<b>∞</b>	-	9	က	8	58	82	50
PERFORMS AN ACT OR FAILS TO PERFORM AN ACT WHICH CONSTITUTES AN OFFENCE	2	0	0	0	-	7	82	∞	11	31
MISAPPROPRIATES/WITHHOLDS PROPERTY UNDER THE CONTROL OF THE STATE	0	0	-	0	0	1	0	1	~	75
GROSS DISCOURTESY	0	0	0	0	0	-	0	14	-	16
FALSE ACCUSATION OF CRIME	ıc	-	0	0	0	9	0	40	4	26
CONCEALS EVIDENCE	0	0	0	0	0	0	0	z,	0	5
SEXUAL HARRASSMENT	1	0	0	0	0	7	0	0	0	က
ASSAULT	13	13	1	10	4	9	17	74	2	143
INTENTIONALLY/NEGLIGENTLY ALLOWING A PRISONER TO ESCAPE	4	8	0	0	0	0	0	7	8	15
CRIMEN INJURIA	1	0	0	-	0	0	3	9	1	12
UNFAIR LABOUR PRACTICE	0	0	0	0	0	0	0	0	0	0
VICTIMISATION	2	-	0	-	2	0	4	Z	0	15
TREATS LOWER RANKING EMPLOYEE IN AN OPPRESSIVE MANNER	-	0	7	0	0	-	2	-	-	∞
LEAVING THE SCENE OF A COLLISION WITHOUT DISCHARGING DUTIES	0	0	က	0	0	0	0	-	0	4
NEGLIGENT HANDLING OF FIREARM	-	0	0	0	0	0	0	0	0	1
DRIVING A MOTOR VEHICLE WITHOUT A REGISTRATION	0	0	0	0	0	0	0	1	0	1
RACIAL DISCRIMINATION	0	0	0	0	0	0	3	14	2	19
USES UNLAWFUL FORCE AGAINST A PRISONER	0	0	0	0	0	0	0	0	_	1
RELEASES A PRISONER WITHOUT AUTHORITY	0	0	0	0	0	0	1	0	0	1
DRUNKEN DRIVING	1	0	0	0	0	0	0	1	0	2
RECKLESS OPERATION OF A MOTOR VEHICLE	1	-	7	0	0	1	0	0	3	<b>∞</b>
WILFULLY RENDERS HIMSELF/HERSELF UNFIT FOR WORK	0	0	-	0	0	0	0	0	-	82
TOTAL	411	109	122	95	53	66	203	496	113	1677

### Completed cases from 1 April 1999 to 31 March 2000

		GP	KZN	FS	EC	WC	NW	NC	NP	MP	<b>FOTAL</b>
Monitored	l/Supervised	349	31	102	90	118	139	78	49	39	995
Investigat	ed	92	27	33	6	97	50	26	0	0	331
Substantia	ited	32	2	28	0	0	0	10	1	11	84
Unfounde	d/Unsubst.	378	28	27	0	0	64	8	17	15	537
Dismissed		157	5	6	0	0	47	0	19	8	242
Withdraw	n	30	4	0	0	11	10	0	5	3	63
Mediated		117	12	0	0	7	2	0	1	0	139
Referred:	SAPS	113	37	1	0	11	5	1	2	4	174
	Other Institutions	112	25	27	0	7	65	8	77	27	348
TOTAL		1380	171	224	96	251	382	131	171	107	2913
DPP Dec	isions										
	Pending	32	6	31	34	27	11	22	26	21	210
	Prosecution	36	36	6	14	15	5	0	4	2	118
	Non-Prosecution	36	10	10	2	13	3	18	6	3	101
	Inquest	27	17	17	0	23	12	0	4	3	103
TOTAL		131	69	64	50	78	31	40	40	29	532
Criminal	Trials										
	Pending	21	17	0	11	0	1	0	9	1	60
	Convictions	7	3	0	13	8	0	0	0	0	31
	Acquittals	20	0	0	0	5	2	0	0	0	27
TOTAL		48	20	0	24	13	3	0	9	1	118
TOTAL D	PP Decisions	179	89	64	74	91	34	40	49	30	650
Disciplin	ary Action										
•	Pending	3	0	0	2	0	6	0	0	10	21
	Acquittals	27	0	0	0	0	0	0	0	0	27
	Convictions	5	0	4	0	2	1	1	2	5	20
	Declined cases	24	0	2	0	2	0	0	5	1	34
TOTAL		59	0	6	2	4	7	1	7	16	102

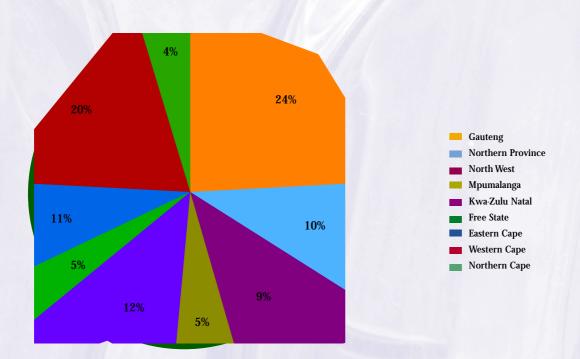
# FIGURE 1

Yearly comparison of cases received since 1 April 1999 to 31 March 2000



## FIGURE 2

Percentage distribution per province of complaints received from 1 April 1999 to 31 March 2000



### LIST OF ABBREVIATIONS

ICD Independent Complaints Directorate

SAPS South African Police Service

TRC Truth and Reconciliation Commission

BBC British Broadcasting Corporation
SOP Standard Operating Procedure
DPP Director of Public Prosecutions

SANDF South African National Defence Force

DVA Domestic Violence Act

NIA National Intelligence Agency

NIDS National Interdepartmental Structure for Border Control

SASS South African Secret Service

IT Information Technology

HRM Human Resource Management

WAN Wide Area Network

SAMDI South African Management Development Institute
DPSA Department of Public Service and Administration

UNISA University of South Africa

IPFA Institute for Public Finance Auditing

SARS South African Revenue Service
IMLU Independent Medico-Legal Unit

ICITAP International Criminal Investigative Training Assistance Programme
IACOLE International Association for Civilan Oversight and Law Enforcement

DFID Department for International Development

LAN Local Area Network

PFMA Public Finance Management Act

MTEF Medium Term Expenditure Framework

SMC Senior Management Committee

BAC Business Against Crime

GCF Government Communicator's Forum
HSRC Human Sciences Research Council

CSIR Council for Scientific and Industrial Research

**CPF** Community Policing Forum

TIPS Transformation and Integration of Police Back into Society

SADC Southern African Development Community