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Introduction

by the Executive Director



Adv. KD McKenzie
Executive Director

I wish to dedicate this Annual Report to the many communities we visited during the period under review, especially the most rural and vulnerable people in our country. Communities such as Ngezimane in Limpopo, Ganyesa and Pudimoe, in North West, have strengthened our resolve to ensure that Batho Pele and policing within the framework of the Constitution and the Bill of Rights becomes a reality to these vulnerable communities. These are the very communities who are marginalized and denied government services affecting their daily lives. It is these communities who have to travel long distances on foot or use public transport in order to lodge a complaint with the ICD. Each Imbizo, Public Service Week and other community outreach programmes, have been humbling experiences. Communities have been receptive to hearing from government, sharing their complaints and frustrations around particular policing areas with us and expecting our interventions to bring some form of change or relief. Even though the aforesaid activities are exhausting, because we try to address as many communities as we can within limited time frames, I am assisted by a very supportive team who are dedicated and committed

to the work of the ICD.

In the interest of capacity building and strengthening the skills of our investigative cadre, we have entered into partnerships with Scotland Yard to deliver training for our investigators. The British High Commissioner has undertaken funding of this project, which commenced in September 2002. The project started with a focused training needs analysis, followed by determination of the scope of training and the third phase was the train – the - trainer phase. The next phase of this project will be the delivery of the identified training areas to the ICD trainers, who will in future ensure that newly appointed investigators be similarly trained. The penultimate phase will be delivery of the aforesaid training to the current pool of ICD investigators. The final phase, which will be undertaken after the lapse of a year, will be an impact assessment of the training, thus an evaluation of whether there has been benefits to the department and more particularly, the communities we serve.

Levels of cooperation have continued to improve between the ICD and the South African Police Service. I am particularly appreciative of the fact that in a number of high profile and sensitive investigations, we received full cooperation from the SAPS.

As far as international liaison is concerned, I visited Los Angeles at the invitation of the Vera Institute for Justice, to deliver a paper on the South African model of civilian oversight. I also similarly delivered a paper in Brazil.

I wish to commend “Team ICD” for the commitment and dedication and for getting the work done.

A handwritten signature in black ink that reads "KDMcKenzie".

Adv. KD McKenzie
Executive Director



Foreword

by the Minister



Mr. C. NQAKULA
Minister for
Safety & Security

I present the seventh annual report of the Independent Complaints Directorate, the second since I joined the department.

During the year under review, the ICD received 4443 complaints falling within their mandate, representing an increase of 31,8% against the previous financial year. The figure for deaths in police custody and as a result of police action is 528, representing a decrease of 9,7%. For the same period in the previous financial year there were 585 deaths – a decrease of 12,8%. It is evident that with regard to decreasing the risk of deaths in police custody and as a result of police action, the ICD has done much to ensure that the figure continues the downward spiral. They are also indicative of the SAPS focusing on policing within a human rights ethic. There is still much work to be done to ensure that deaths in police custody and as a result of police action are reduced to acceptable levels, comparable to international standards. I would

also like to emphasize that the increased level of cooperation between the SAPS and the ICD has resulted in the continued decline of these deaths.

There are further increases in the ICD case intake, notably, 88,7% for criminal offences and 29,3% for misconduct. In light of the increase in the workload and change in strategy, from monitoring of certain cases, to investigation of all cases, it will be imperative to review future budgets of the ICD.

A handwritten signature in black ink, appearing to be 'C. NQAKULA'.

Mr. C. NQAKULA
MINISTER FOR SAFETY AND SECURITY



1. Legislative Mandate of the ICD

Section 222 of the Interim Constitution (Act 200 of 1993) provided for the establishment of an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the South African Police Service are investigated in an effective and efficient manner.

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

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

Section 18 of the Domestic Violence Act, Act No. 116 of 1998 stipulates that failure by a member of the SAPS to comply with an obligation imposed on him/her in terms of the DVA or the National Instruction issued thereunder, constitutes misconduct as contemplated in the SAPS Act, and that the ICD, established in terms of the SAPS Act, must forthwith be informed of any such failure reported to the SAPS. Unless the ICD directs otherwise in any specific case, the SAPS must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The ICD must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it and set out the recommendations made in respect of such matters.

The National Commissioner of the SAPS must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the ICD.

In terms of Section 640 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.



Vision

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

Mission

To promote proper police conduct



Aim

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:

Providing internal and external communication services, media liaison and marketing of the department.

The implementation of the Public Finance Management Act 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.

To install, maintain and manage the IT networks of the department in compliance with GITO Council, NIA and other Government Information Technology initiatives.

Conducting internal audit to promote corporate governance and to foster fiscal discipline.

Rendering a legal service and providing legal advices to all components within the department as well as participation in all relevant activities of the JCPS Cluster.

Managing the assets and fleet of the ICD as well as providing logistics, cleaning and auxiliary services.

Managing and providing security services in the department in line with the Minimum Information Security Standard and other national safety regulations.

Managing all Special Programmes identified by the Presidency, such as HIV/AIDS, disability, gender, and youth in line with government strategies and initiatives.

Key policy developments

Programme 1 developed the following policies during the year under review:

- Security
- Occupational Health and Safety
- Internet
- Resettlement
- Sexual Harassment
- Overtime



Output and service delivery

Made input to the Department of Justice resulting in an eleventh hour amendment of the Regulation of Interception of Communications and Provision of Communication-Related Information Bill (B 50D of 2001).

Assisted SITA with the installation of the Cab-e-net system which required cabling and equipment installations. Encrypted data transfer was implemented.

The MISS has been largely complied with through the development of a security policy, the acquisition of security equipment, drills and practical training on a number of security issues covering IT, documents, buildings and the safety of people.

The department succeeded in implementing and rolling out the Basic Accounting System as directed by the Minister of Finance.

Several training and awareness campaigns were presented to increase the prevention of the spread of HIV/AIDS among employees of the department.

During the year under review, 40% of the service providers used by the ICD, were from identified Small Medium Micro Enterprise and/or Black Economic Empowerment service providers.

An agreement on co-operation and reporting systems has been reached with the Municipal Police Services in Gauteng (that is, the Johannesburg Metropolitan Police Department, the Ekurhuleni Metropolitan Police Department and the Tshwane Metropolitan Police Service) in respect of a pilot project by the ICD in terms of which the ICD is to actively investigate complaints regarding alleged criminality by members of the said Police Services. In the same vein, a Witness Protection Protocol has been developed for the ICD in consultation with the Office of the Special Director: Witness Protection Unit, to facilitate the placement of identified witnesses under witness protection programmes.

Human Resource Management

The statistics and information published in this part of the annual report is 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.

Service Delivery

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

Table 1.1 - Main services provided and standards

Main services	Actual customers	Potential customers	Standard of service	Actual achievement against standards
Preliminary investigation	Victims	Public	Within 14 days	89 % Achieved
Full Investigation	Victims	Public	Within 180 days	26 % Achieved
Production of DVA Reports	Parliamentarians	Public	Within 90 days	180 % Achieved
Capturing of cases on database	Victims	Public	Within 24 Hours	48 % Achieved

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 a regular basis

Table 1.3 - Service delivery access strategy

Access Strategy	Actual achievements
Community Awareness	Participation in awareness programmes
Media	Prompt responses



Human Resource Management

Table 1.4 - Service information tool

Types of information tool	Actual achievements
Publicity Material	Brochure and poster available in all official languages
ICD Website	Availing information about ICD's activities
Government Website	Availing information about ICD's activities
MGCC	Availing information on ICD mandate, especially during launches

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 organisations

Expenditure

The following tables summarise final audited expenditure by programme (Table 2.1) and by salary levels (Table 2.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary levels within the department.

Table 2.1 - Personnel costs per programme: 2002/03

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	14 085	7 831	177	1 321	56	147
Programme 2	13 135	7 768	18	179	59	152
Programme 3	4 545	3 140	4	87	69	120
Total:	31 766	18 740	198	1 587	59	144

The training expenditure under Programme 1 includes the amount of R 77 743.00 allocated to various bursary holders represented as follows in the three programmes: 8 bursary holders in Programme 2; 12 in Programme 3 and 6 in Programme 1.



Human Resource Management

Table 2.2 - Personnel costs per salary levels: 2002/03

Salary levels	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	41	0.2	41
Skilled (Levels 3-5)	2 584	13.8	62
Highly skilled production (Levels 6-8)	6 182	33	127
Highly skilled supervision (Levels 9-12)	5 510	29.4	188
Senior and Top Management (Levels 13-16)	4 423	23.6	398
Total:	18 740	100	143

The expenditure of the offices of the Executive Director and two Chief Directors forms part of the expenditure of Programme 1. This is also the reason for the higher personnel expenditure and average cost per employee. Similarly the high expenditure in respect of Professional and Special Services also covers the total expenditure paid to the Auditor-General, the consultant who assisted with the refurbishment of ICD House and the expenditure incurred with regard to the Teambuilding sessions for the Western Cape provincial office.

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 Owners Allowance and Medical Aid per programme: 2002/03

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	5 311	28.34	22	0.12	115	0.61	379	2.02
Programme 2	5 279	28.17	33	1.18	165	0.88	359	1.92
Programme 3	1 952	10.42	2	0.01	18	0.10	168	0.90
Total:	12 542	66.93	57	0.30	298	1.59	906	4.83

In view of a limited budget, claims for overtime were only submitted at the end of a financial year to be paid out from savings that developed due to the non-filling of vacancies. During the close of the year under review some claims for unremunerated overtime could not be paid out timeously because of a technical problem in the Basic Accounting System linkage with National Treasury. The result was that most of these claims had to stand over for payment during the financial year 2003/4.



Table 2.4 - Salaries, Overtime, Home Owners Allowance and Medical Aid per salary bands: 2002/03

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
Lower skilled (Levels 1-2)	-	-	-	-	-	-	-	-
Skilled (Levels 3-5)	1 853	70.5	8	0.30	50	2	207	7.8
Highly skilled production (Levels 9-12)	4 079	65.9	32	0.51	145	2.3	312	5.0
Highly skilled supervision (Levels 9-12)	4 075	73.9	17	0.30	83	1.5	250	4.5
Senior and Top Management (Levels 13-16)	2 535	57.31	-	-	20	0.5	137	3.09
Total:	12 542	66.93	57	0.30	298	1.59	906	4.83

The ICD developed an overtime policy that excludes employees from the level Deputy Director and higher from the monetary benefit for overtime performed.

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) and salary level (Table 3.2). The ICD does not have critical occupations.

Table 3.1 - Employment and vacancies per programme: 31 March 2003

Programme	Number of posts	Number of employees	Vacancy rate	Additional to the establishment
Programme 1: Administration	60	53	11.6	None
Programme 2: Investigations	67	51	23.8	None
Programme 3: Research and Development	39	26	33.3	None
Total:	166	130	21.6	None

The moratorium that was placed on the filling of vacancies during August 2002 hampered service delivery to a certain extent. In addition, skilled production employees were poached by other employers as a result of the ICD's empowerment strategy through multi-tasking.



Table 3.2 - Employment and vacancies per salary levels: 31 March 2003

Programme	Number of posts	Number of employees	Vacancy rate	Additional to the establishment
Lower skilled				None
Skilled	59	44	25.8	None
Highly skilled production	62	47	24.1	None
Highly skilled supervision	34	28	17.6	None
Senior and Top Management	11	11	0	None
Total:	166	130	21.6	None

4. Job Evaluation

The Public Service Regulations of 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, the Executing Authority may evaluate or re-evaluate any job in his or her department. In terms of the regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. This has been complemented by a decision by the Minister for the Public Service and Administration that all Senior Management Service jobs must be evaluated before 31 December 2002.

The following table (Table 4.1) summarises the number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded. All the posts that were evaluated and upgraded were vacant, therefore no employees were granted salaries higher than the grades determined by the Job Evaluation.

Table 4.1 - Job Evaluation: 01 April 2002 to 31 March 2003

	Number	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	59	29	49.1	-	-	-	-
Highly skilled production	62	12	19.3	-	-	-	-
Highly skilled supervision	34	6	17.6	-	-	-	-
Senior Management Service Bands A	8	8	100	-	-	-	-
Senior Management Service Bands B	2	2	100	-	-	-	-
Senior Management Service Bands C	1	1	100	-	-	-	-
Senior Management Service Bands D	-	-	-	-	-	-	-
Total:	166	58	34.9	-	-	-	-



5. Employment Changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of the trends profile of the department. 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). There are no identified critical occupations in the Department.

Table 5.1: Annual Turnover rates per salary levels for the period 1 April 2002 to 31 March 2003

Salary Band	Number of employees as per band on 1 April 2002	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	-	-	-	-
Skilled (Levels 3-5)	53	7	10	18.8
Highly skilled production (Levels 6-8)	45	10	7	15.5
Highly skilled supervision (Levels 9-12)	22	5	3	13.6
Senior Management Service Bands A	5	2	-	0
Senior Management Service Bands B	2	-	-	0
Senior Management Service Bands C	1	-	-	0
Senior Management Service Bands D	0	-	-	0
Total:	128	24	20	15.6

Table 5.2 - Reasons why staff are leaving the department

Termination Type	Number	% of total
Death	-	-
Resignation	5	25
Expiry of Contract	-	-
Dismissal - operational changes	-	-
Dismissal - misconduct	2	10
Dismissal - inefficiency	-	-
Discharged due to ill-health	-	-
Retirement	-	-
Transfers to other Public Service Departments	13	65
Other	-	-
Total	20	100
Total number of employees who left as a % of the total employment		15.6



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Table 5.3 - Promotions per salary levels for the period 1 April 2002 to 31 March 2003

Salary levels	Employees 1 April 2002	Promotions to another salary level	Salary levels promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary levels
Lower skilled	-	-	-	-	-
Skilled	53	3	5.6	7	13.2
Highly skilled production	45	8	17.7	6	13.3
Highly skilled supervision	22	9	40.9	5	22.7
Senior and Top management	8	0	0	0	0
Total:	128	20	15.6	18	14

The performance appraisal for Senior and Top management could not be finalized before printing of this report. In view of the limited number of members on the level of Senior Manager (that is Chief Director) to assist the Executive Director in constituting an evaluation panel, the latter had to obtain assistance from another department in the JCPS Cluster, to form a performance appraisal panel. The results of the appraisal will be printed in the Annual Report 2003/04.

6.1 - Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2003

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials & managers	4	-	1	1	1	2	1	1	11
Professionals	13	3	3	-	3	1	-	5	28
Technicians and associate professionals	28	-	1	7	8	1	1	1	47
Clerks	7	-	1	1	25	5	2	2	43
Service and sales workers									
Skilled agriculture and fishery workers									
Craft and related trades workers									



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Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Plant and machine operators and assemblers									
Elementary occupations									
Total	52	3	6	9	37	9	4	9	129
Employees with disabilities	1	-	-	-	-	-	-	-	1

At the beginning of the year under review the ICD appointed a second employee with a disability. Unfortunately before the candidate could take up employment she was hospitalized and died two months later.

6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2003

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	1	-	-	1
Senior Management	4	-	1	1	1	1	1	1	10
Professionally qualified and experienced specialists and mid-management	13	3	3	-	3	1	-	5	28
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	28	-	1	7	8	1	1	1	47
Semi-skilled and discretionary decision making	8	-	1	1	25	5	2	2	44
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	53	3	6	9	37	9	4	9	130

In terms of gender representativity the ICD has already appointed 59 (45,3%) female employees, whilst six (55%) of the eleven top and senior managers are African and Coloured males.

The nature of the ICD's main objective, namely the investigation of alleged criminal activities and misconduct committed by members of the SAPS/MPS seems to draw more interest from male applicants. Perhaps the irregular hours to be worked by the investigators as well as the crime scenes that are to be attended by investigators attributes to the limited interest from females.



Human Resource Management

6.3 Recruitment for the period 1 April 2002 to 31 March 2003

Occupational Bands	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	3	-	2	-	-	-	-	-	5
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	7	1	-	1	1	-	-	-	10
Semi-skilled and discretionary decision making	2	-	-	-	4	-	1	-	7
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	12	1	2	1	6	-	2	-	24

6.4 Promotions for the period 1 April 2002 to 31 March 2003

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	1	-	-	-	1	-	1	-	3
Professionally qualified and experienced specialists and mid-management	6	-	1	-	2	-	-	1	10
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	4	-	-	-	3	-	-	-	7
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-



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Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Unskilled & defined decision making	-	-	-	-	-	-	-	-	-
Total	11	-	1	-	6	-	1	1	20
Employees with disabilities									

6.5 Terminations for the period 1 April 2002 till 31 March 2003

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	1	-	-	-	-	-	-	-	1
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	5	-	1	-	-	1	-	-	7
Semi-skilled and discretionary decision making	1	-	-	-	-	-	-	-	1
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
Total	7	-	1	-	-	1	-	-	9

6.6 Disciplinary Action for the period 1 April 2002 to 31 March 2003

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	2	-	1	1	1	-	-	-	5



6.7 Skills Development for the period 1 April 2002 to 31 March 2003

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials & managers	3	-	1	1	1	2	1	1	10
Professionals	11	-	2	-	2	-	-	5	20
Technicians and associate professionals	4	-	-	-	2	-	-	1	7
Clerks	4	-	-	-	9	1	1	-	15
Service and sales workers									
Skilled agriculture and fishery workers									
Craft and related trades workers									
Plant and machine operators and assemblers									
Elementary occupations									
Total	22	-	3	1	14	3	2	7	52
Employees with disabilities									

The above mentioned employees attended Seminars, Workshops and Conferences on issues such as HIV/AIDS, Corporate Governance, etc.

7. Performance Rewards

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 7.1) and per salary levels (Table 7.2).

Table 7.1 Performance rewards per race, gender and disability: 1 April 2002 to 31 March 2003

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost	Average cost per employee
African	21	89	23.5	78 324.94	3 729
Male	11	52	21	61 023.80	5 547
Female	10	37	27	17 301.14	1 730



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	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost	Average cost per employee
Asian	4	10	40	21 232.95	5 308
Male	3	6	50	17 265.15	5 755
Female	1	4	25	3 967.80	3 967
Coloured	3	12	25	7 716.90	2 572
Male	1	3	33	2 149.50	2 149
Female	2	9	22	5 567.40	2 783
White	10	18	55	30 093.50	3 009
Male	3	9	33	6 802.50	2 267
Female	7	9	78	23 291.00	3 237
Employees with a disability	-	1			
Total:	38	130	29	137 368.29	3 614

The Performance Management Unit facilitated performance appraisal meetings in respect of non-senior management employees for the period ending 31 March 2003. During this period 119 employees were evaluated and 38 (32%) employees were granted incentives, 7 (5.8%) of which received merit awards and 31 (26%) advanced to the next notch.

The high percentage of beneficiaries has been due to the extra effort that was put in by employees to overcome the workload experienced as a result of the vacancies in the department.

Table 7.2 - Performance Rewards per salary levels below Senior Management Service: 1 April 2002 to 31 March 2003

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	-	-	-	-	-	-
(Levels 1-2) Skilled (Levels 3-5)	14	44	31	32	22	1.21
Highly skilled production (Levels 6-8)	12	47	26	41	3.4	0.66
Highly skilled supervision (Levels 9-12)	12	28	43	64	5.3	1.16
Total	38	119	32	137	3.6	0.95

Performance related rewards (cash bonus), per salary level for Senior Management Service
No members of the Senior Management Services were evaluated for the period as yet.



8. Foreign Workers

No foreign nationals have been employed in the Department, during the year under review.

9. Leave utilisation for the period 1 January 2002 to 31 December 2002

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) and disability leave (Table 9.2). In both cases, the estimated cost of the leave is also provided.

Table 9.1 - Sick leave: 1 January 2002 to 31 December 2002

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
Lower skilled (Levels 1-2)	-	-	-	-	-	-	-
Skilled (Levels 3-5)	329	85.2	37	38.2	8.8	51	264
Highly skilled production (Levels 6-8)	270	86.7	30	30.9	9	80	234
Highly skilled supervision (Level 9-12)	112	79.5	21	21.7	5.3	61	89
Senior management (Level 13-16)	77	88.3	9	9.2	9	117	68
Total:	788	83.14	97	100	8.12	309	655

The department has put measures in place to ensure proper management of sick leave and that sick leave is not abused. Only one employee took disability leave during the period under review. Though the rate of sick leave is high there has been a reduction from 119 to 97 employees using sick leave during the year under review.



Table 9.2 Disability leave (temporary and permanent): 1 January 2002 to 31 December 2002

Salary level	Total days taken	% days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated Cost (R'000)
Lower skilled	-	-	-	-	-	-
Skilled	-	-	-	-	-	-
Highly skilled production	-	-	-	-	-	-
Highly skilled supervision	-	-	-	-	-	-
Senior management	30		1	0.77	30	25
Total:	30		1	0.77	30	25

Table 9.3 - Annual leave: 1 January 2002 to 31 December 2002

Salary Band	Total days taken	Number of employees	Average per employee
Lower skilled	-	-	-
Skilled	850	50	16
Highly skilled production	1018	49	21
Highly skilled supervision	624	32	20
Senior management	182	11	17
Total:	2 674	142	19

Table 9.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000, requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Although it seems that some employees on levels 6-8 and 13-15 are not taking all their annual leave (22 days) the leave directive allows employees to extend their leave credit into the next leave cycle.

Table 9.4 - Capped leave: 1 January 2002 to 31 December 2002

Salary Bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2002	Number of employees as at 31 December 2002	Total number of capped leave available at 31 December 2002
Lower skilled (Levels 1-2)	-	-	-	-	-
Skilled (Levels 3-5)	36	0.29	10.4	39	409
Highly skilled production (Levels 6-8)	51	1.41	63.45	45.75	1 967.25
Highly skilled supervision (Levels 9-12)	60	1.49	65.02	31	2 015.84
Senior management (Levels 13-16)	5	0.40	57.9	11	637
Total	152	1.24	40.5	124	5 029.09

The department has conducted an audit of the capped leave during the period under review. It must be mentioned that when the department was established it employed many employees with extensive experience i.e. investigators and support service personnel to enhance the establishment phase. Unfortunately they brought with them leave credits which were eventually converted to capped leave.

Table 9.5 - Leave payouts for the period: 1 April 2002 to 31 March 2003

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 (R'000)
Leave payout for 2002/03 due to non-utilisation of leave for the previous cycle	-	-	-
Capped leave payouts on termination of service for 2002/03	-	-	-
Current leave payout on termination of service for 2002/03	3	2	1.5
Total:	3	2	1.5

Employees were encouraged to take all their vacation leave during the leave cycle in order to sufficiently rest and revive their working spirits.

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.



Human Resource Management

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 Service Regulations, 2001? If so, provide her/his name and position.	X		Mr EG Valoyi, Director: Administration, on 01 August 2002.
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		Special Programmes, The Special Programmes Officer deals on a daily basis with HIV/AIDS and related issues. There is only one person responsible for this. The annual budget for Special Programmes during the period 2002/2003 amounted to R 66 000.00
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	The Employment Assistance Programme has not been established. This is work in progress.
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 Committee deals with HIV/AIDS issues. Committee members at the National Office: Mr EG Valoyi, Ms J Breedt, Mr B Alberts, Mr N Lekganyane, Mr S Mabona, Ms T Mogari, Mr T Tiba and Ms M Smit. The Provincial offices are represented by the Special Programmes Representatives: Ms U Patel (Eastern Cape), Ms N Nonyane (Gauteng), Ms A Soni (KwaZulu-Natal), Ms M Geerdts (Limpopo), Ms R Selema (Mpumalanga), Mr M Tsimane (North-West), Mr D Morema (Northern Cape), Mr Setlogelo (Free State), and Ms L Jantjies (Western Cape).
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 policy on HIV/AIDS deals with issues of unfair discrimination.
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		The primary objective of the SMS member is to institute guidelines to ensure that an employee or applicant who is either infected or affected is not unfairly discriminated against and is protected from victimization through positive measures and he/she and his/her family is supported through the forthcoming Employment Assistance Programme.



Question	Yes	No	Details, if yes
7. Does the department encourage its employees to undergo Voluntary Counseling and Testing? If so, list the results that you have achieved.		X	No programme is in place yet, but the Department will engage in this process during 2003/04.
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 Department has developed an Employment Assistance Programme strategic plan and the Employment Assistance Programme Policy, but no measures are in place to monitor or evaluate the assistance programme until implementation thereof.

11. Labour Relations

Table 11.1: Misconduct and disciplinary hearings finalized: 1 April 2002 to 31 March 2003

The following table summarises the outcomes 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	-	-
Final Written Warning	1	20
Suspended without pay	2	40
Fine	-	-
Demotion	-	-
Dismissal	2	40
Not guilty	-	-
Case withdrawn	-	-
Total	5	100



Table 11.2 - Types of misconduct addressed at disciplinary hearings

Type of Misconduct	Number	% of total
Mismanagement	-	-
Drinking alcohol/intoxicating substance	2	40
Fraud	-	-
Failure to attend crime scenes	1	20
Statutory offence and loss of murder case dockets	1	20
Failure to comply with SOPS and making false statements	1	20
Total	5	100

Table 11.3 - Grievances lodged for the period: 1 April 2002 to 31 March 2003

	Number	% of total
Number of grievances resolved	4	57.1
Number of grievances not resolved	3	42.9
Total number of grievances lodged	7	100

Table 11.4 - Disputes lodged with Councils for the period: 1 April 2002 to 31 March 2003

	Number	% of total
Number of disputes upheld	3	100
Number of disputes dismissed	-	-
Total number of disputes lodged	3	100

Strike actions for the period: 1 April 2002 to 31 March 2003

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

Table 11.5 - Precautionary suspensions for the period: 1 April 2002 to 31 March 2002

Number of people suspended	2
Number of people whose suspension exceeded 30 days	2
Average number of days suspended	244
Cost	R 129 056.00

The reason for exceeding the 30 days suspension period was that the appeal authority was outside the department and these two employees were eventually dismissed.



12. Skills development

This section highlights the efforts of the department with regard to skills development.

12.1 Training needs identified: 1 April 2002 to 31 March 2003

Occupational categories	Gender	Number of employees as at 1 April 2002	Training needs identified at start of reporting period			
			Learner-ships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	3	-	7	2	9
	Male	5	-	10	3	13
Professionals	Female	7	-	27	-	27
	Male	16	-	48	7	55
Technicians and associate professionals	Female	10	-	25	9	34
	Male	38	-	30	4	34
Clerks	Female	38	-	50	10	60
	Male	11	-	36	17	53
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	58	-	109	21	130
	Male	70	-	124	31	155
Total		128	-	233	52	285



Human Resource Management

12.2 Training provided 1 April 2002 to 31 March 2003

Occupational categories	Gender	Number of employees as at 31 March 2003	Training provided within the reporting period			
			Learner-ships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	5	-	30	-	30
	Male	6	-	20	-	20
Professionals	Female	9	-	30	-	30
	Male	19	-	21	-	21
Technicians and associate professionals	Female	11	-	40	-	40
	Male	36	-	13	-	13
Clerks	Female	34	-	15	-	15
	Male	10	-	8	-	8
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	59	-	115	-	115
	Male	71	-	62	-	62
Total		130	-	177	-	177

It is evident that Human Resource Development concentrated during the year under review on providing opportunities for management development courses for senior and middle managers as well as for women, in particular. Other training included specialized training in respect of the Public Finance Management Act, firearm training for investigators and administrative courses such as Executive Writing Skills and Public Presentation Skills.

13. Injury on Duty

Injury on duty: 1 April 2002 to 31 March 2003

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
Organisational Diagnosis and Organisational Development for the Western Cape Provincial Office	1	7 days	68 118.20
Total number of projects	Total individual consultants	Total duration Work days	Total Contract value in Rand
1	1	7	68 118.20

The consultant was employed to conduct diagnoses of the problems experienced in the Western Cape Office. The source of the problems was a grievance lodged by most of the staff members in the Western Cape Office against their Provincial Head. After an internal investigation, the investigators recommended, amongst others, that the rebuilding of a team be prioritized. Three workshops were held over a period of seven days for 17 employees with a view of rebuilding a team in the office.

Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals

No Consultants were appointed using appropriated funds, in terms of Historically Disadvantaged Individuals.

Project on consultant appointments using Donor funds

No Consultants were appointed using Donor Funds.

Analysis of consultant appointments using Donor funds, in terms of Historically Disadvantaged Individuals

No Consultants were used or appointed with the aid of donor funding.





Community members in Limpopo Province during the Imbizo in 2002.



A community member raising policing concerns in the Northern Cape Province during the Imbizo in 2002.



A community member raising policing concerns in the Northern Cape Province during the Imbizo in 2002.



Community members in Free State Province during the Imbizo in 2003.

3. Programme 2 Investigations

Aim

To investigate complaints of brutality, criminality, corruption and misconduct perpetrated by members of the South African Police Service and Municipal Police Service. The main activities of the Programme are contained in the South African Police Service Act (Act 68 of 1995).

Main activities

The following main activities were undertaken:

- **Investigation:** The ICD received 528 notifications of death in police custody and as a result of police action. 1002 complaints of criminality including corruption were investigated. Corruption allegations rose from 30 in the 2001/2002 financial year to 106 in the financial year under review. Investigation into the majority of these complaints have been finalized while in some, investigation is still continuing. 453 of the 2913 complaints of misconduct were investigated. This translates to 16% of the targeted 20%, which was piloted from 01 July 2002 in terms of our new strategy. The shift in strategy has seen a sharp increase especially in complaints of criminality.
- **Training:**

The ICD has a partnership of cooperation with the Metropolitan Police Service, otherwise known as Scotland Yard, to assist with the skilling of investigators. The project commenced in September 2003 with the conducting of the training needs analysis, which was followed by the scoping of the training curricula. The first phase of the train-the-trainer programme was conducted in the latter period of the year under review. Over and above training, we are receiving on-going advices on investigation of corruption cases.
- **Establishment of the integrity-strengthening unit:** In order to ensure good governance and reduce the risk of corruption, the ICD commenced with the establishment of the Integrity Strengthening Unit, which should be fully established during the beginning of the financial year 2003/2004. Comparative work with regard to various models in existence to identify best practice from other countries has already been finalized. This Unit will initially primarily focus on:
 - Prevention of corruption and unethical behaviour within the ICD's field of operations;
 - The detection of unethical behaviour and possible corrupt practices and recommend the course of action to be taken;
 - Investigation of all allegations of misconduct against operational staff; and
 - Education of operational staff in respect of corruption and ethics.



3. Programme 2 Investigations

Objectives, activities undertaken, service standards and the execution of the identified objectives in line with the strategic plan

OBJECTIVES	ACTIVITIES	SERVICE STANDARDS	AVERAGE LEVEL OF SERVICE DELIVERY	REMARKS
To investigate at least 70% of all notifications of deaths in police custody and as a result of police action.	Full investigation (this excludes technical reports such as the post mortem, ballistic or any forensic reports, as the ICD has no control over their finalization).	To be completed within 180 days.	Within 126 days.	The ICD received 528 notifications of deaths in police custody and as a result of police action for the financial year under review. The target was therefore to investigate 370 notifications (70%). The ICD actively investigated 528 (100%) notifications of deaths in police custody and as a result of police action. The target was thus exceeded by 158 investigations (30%).
To investigate all complaints of criminality received against members of the SAPS and MPS.	Investigation of criminal offences (in both common and statutory law) in at least 70% of reported complaints.	To be completed within 90 days.	While the target of 70 % was reached and exceeded, it took about 125 days to complete some investigations.	Of the 1002 complaints of criminality received for the period under review, the majority of which were reported by the victims or third parties. A small percentage were initiated by ourselves after gleaning them from both electronic and print media. Investigations were undertaken in all the complaints and thus meeting our objective to investigate all criminal offences as of 01 July 2002.
To investigate and/or monitor all service delivery and misconduct complaints received.	Piloted investigation of 20% of misconduct and monitored the remaining 80%.	To complete investigation of this category within 90 days of referral from Complaints Registry.	The number of days taken to finalize the investigation exceeded the set target date.	The ICD received 2913 complaints of misconduct and service delivery for the period under review. The ICD investigated 453 of the misconduct complaints. i.e. 16% The ICD therefore did not meet its objective.

A review of some of the cases investigated/still under investigation

On duty shooting incidents

- Incidents of deaths as a result of police action:**

Shooting incidents accounted for 55% (293) of the total number of deaths as a result of police action. The use of force to effect an arrest and the use of lethal force to stop a suspect from fleeing has been a hotly debated issue in recent years. The debate about the constitutionality of section 49(2) of the Criminal Procedure Act, 1977 (Act 51 of 1977), was certainly triggered by continued deaths of suspects under circumstances that would not otherwise justify the actions by the police. Despite the fact that the Constitution places a high premium on the life of an individual, the police have continued, in a number of incidents that were investigated, to readily use their weapons for the sole purpose of stopping a suspect from fleeing, notwithstanding the fact that their lives or those of any other persons, were not under threat or in danger.



3. Programme 2 Investigations

As the ICD, while we understand the difficulties faced by the police in terms of policing and reducing crime effectively and the killings of their colleagues, we still feel that more should still be done in inculcating the culture of policing within a human rights ethic. The fact that the proclamation of the amended section 49(2) went back and forth for such a long time, due to the confusion in the interpretation thereof, was not helpful especially to rank and file.

Below are some examples of incidents of the use of excessive force by members of the SAPS in which suspects were unarmed and attempting to flee from arrest.

SAPS	ALLEGATION	ICD ACTION	STATUS
Vaalbank	It is alleged that on 4 September 2002 a SAPS member driving a state vehicle spotted two minor boys breaking empty bottles along a road. The member stopped the vehicle and approached the two minor boys. The two minors then fled into the nearby forest whereupon the member gave chase. He allegedly fired 11 shots in the direction they fled and fatally wounded one of them in the process. The member returned to his vehicle and drove away. Later that day the minor who survived reported the deceased missing. The SAPS conducted a search and the body of the deceased was discovered in the forest, with gunshot wounds.	Investigated.	The investigation has been finalized with the recommendation that the member be charged with murder. The Director of Public Prosecutions concurred with the recommendation and the case has been set down for trial.
Tweefontein	It is alleged that in August 2002 a SAPS member attached to the Vaalbank Police Station saw two unknown civilian males allegedly robbing a woman. The SAPS member then started firing shots at the alleged suspects, fatally wounding the one suspect and seriously injuring the other.	Investigated.	The investigation was completed and the recommendation for prosecution made to the DPP.
Standerton	It is alleged that on 17 March 2003 three accused persons were being escorted from the court to the cells. One of the accused, who was unarmed at the time, attempted to break away and flee. The SAPS members who were escorting him then fired shots at the deceased fatally wounding him in the back.	Investigated.	The investigation is ongoing.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Motetema	It is alleged that on 23 July 2002, two SAPS members attempted to arrest a suspect in a rape case. The suspect fled and the SAPS members fired 15 shots at the accused fatally wounding him.	Investigated.	The investigation has been finalised. The ICD recommended that the members be charged with murder. The decision of the Director of Public Prosecutions is still pending.
Mothotlung	It is alleged that on 16 June 2002, three members of the SAPS acting on a tip off by the deceased's family, visited the deceased's home in order to arrest him as he had allegedly escaped from custody. The deceased was subsequently searched and no firearm or weapon was found on him. He was then arrested and escorted to the police vehicle. Whilst walking to the police vehicle, escorted by the three members, he attempted to flee by scaling over the fence of his neighbour's yard. The members fired approximately three shots at the deceased. He was struck in the back once and died on the scene.	Investigated.	The investigation was completed and recommendation for prosecution forwarded to the DPP.

Off-duty shooting deaths incidents

The following cases are a reflection of a worrying trend of ongoing misuse/abuse of service issued firearms by off duty SAPS members in domestic disputes and circumstances totally unrelated to the business of the SAPS. This raises questions on the wisdom of carrying firearms while members are off duty, which results in them using same for purposes other than what they were intended. These actions, other than the obvious reasons of attracting civil liability against the Minister for Safety and Security, also lead to destruction of family lives and unnecessary suffering and hardship for especially women and children.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Johannesburg Central	It is alleged that during August 2002 an off duty SAPS member assigned to work at the World Summit for Sustainable Development was requested by a security guard at the hotel at which he was residing, to go to his room, as he was partially dressed while in the hotel corridor. The member was escorted by another security guard. Upon arriving at his room he shot the security guard twelve times in the face with his service firearm, fatally wounding him.	The ICD investigated a charge of murder and made a recommendation that the member be prosecuted for murder.	The DPP concurred with the ICD's recommendations and the matter awaits trial in court.
Kriel	It is alleged that on 28 November 2002, an off duty SAPS member who had visited his girlfriend, got into an argument with an inebriated civilian. This was after the member slapped the deceased's wife and the deceased retaliated by slapping the suspect member. The suspect member then drew a firearm and fatally wounded the deceased. The suspect member had just completed his in-service training at SAPS Elukwathini and was ready for permanent deployment when the incident occurred.	The ICD investigated a charge of murder. The suspect was arrested.	The investigation in the matter is still continuing.
Atteridgeville	It is alleged that on 27 November 2002 an off duty SAPS member was walking with some female civilians. The deceased, a civilian, then approached the group and allegedly slapped one of the ladies. The lady retaliated and the SAPS member intervened to separate the deceased from the lady. The deceased and the SAPS member started exchanging blows whereupon the SAPS member drew his service firearm. The deceased attempted to flee and the SAPS member fired at the deceased, seriously injuring him in the leg. The deceased still managed to flee to his home. It is alleged further that the member followed him to his home where he fired a further two shots, which wounded him fatally.	The ICD investigated the incident. The suspect was arrested on a charge of murder.	The investigation has been finalised and the case has been set down for trial.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Harding	It is alleged that on 17 December 2002, a SAPS member had earlier accused his brother (the deceased) of having an affair with his wife. The jealous member allegedly shot and fatally wounded his brother and then turned the firearm on his wife injuring her in the arm.	The ICD investigated a charge of murder and attempted murder. The suspect member was arrested and bail was successfully opposed. The member is currently incarcerated.	The investigation has been finalized and the docket forwarded to the DPP for a decision.
Mabopane	It is alleged that on 27 July 2002, a SAPS member had an argument with the deceased accusing him of having an affair with his wife. He then drew his service firearm and fatally wounded the deceased.	The ICD investigated a charge of murder and recommended that the suspect be charged. It further made a recommendation to the SAPS that the member be charged departmentally.	The investigation has been finalized. The DPP concurred with the ICD recommendation and the case is currently pending in court. The SAPS have also simultaneously charged the suspect departmentally. The outcome is awaited.

Other deaths as a result of police action

SAPS	ALLEGATION	ICD ACTION	STATUS
Tsakane	It is alleged that a SAPS member driving in a marked vehicle, randomly fired shots at a group of civilians. One civilian was fatally wounded and members of the community recovered his body the next day. The member alleged that the deceased attempted to rob him. He however failed to report an armed robbery case or report the shooting incident. He further denied having discharged his firearm.	The ICD investigated the incident and upon finalization thereof recommended that the member be charged with murder.	The case is currently at the DPP awaiting a decision on prosecution.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Bayview	It is alleged that on 29 August 2002, three members of SAPS Bayview conducted a search of the deceased's motor vehicle without a warrant, outside his residential premises. The deceased demanded reasons for the search. The three members became abusive and assaulted the deceased. The deceased's brother and sister then attempted to intervene and, they too were assaulted. All three were then taken to Bayview Police Station where they were allegedly further assaulted. After the said assault the deceased was taken to hospital where he later died.	The ICD took over the investigation and the suspects were charged with murder, as well as assault with intent to do grievous bodily harm. The circumstances surrounding the search was also the subject of an investigation.	The investigation has been finalised and the case has been set down for trial in the High Court.
Phoenix	It is alleged that on 12 April 2002 a SAPS member from Inanda was driving a state vehicle, which collided with and killed a minor child returning home from school. The member then attempted to flee the scene of the accident. However, members of the community stopped him. Members of SAPS Phoenix were contacted and arrived at the scene of the collision. They allegedly became abusive towards the teachers who were at the scene of the crime. The said members did not properly conduct an on-scene investigation. The father of the deceased boy was dissatisfied with the manner in which the SAPS had conducted the initial investigation on the crime scene.	The ICD investigated charges of culpable homicide as well as reckless and negligent driving. A disciplinary investigation was also conducted against the SAPS Phoenix members for dereliction of duty for failing to conduct a proper investigation at the crime scene and for failing to timeously notify the ICD of the incident.	The investigation has been finalised. The DPP's decision is outstanding.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Phillipi	On 24 June 2002 a SAPS member allegedly robbed a petrol station of approximately R1 000. He allegedly further shot and fatally wounded six petrol attendants at point blank range in the back, execution style. A few days after the incident the said member confessed to the crime. It was alleged that the member displayed tendencies of an unstable personality but his firearm was notwithstanding, never withdrawn from him.	The ICD investigated charges of murder and armed robbery.	The investigation was finalised. The member confessed to having committed the crimes. He was referred for psychiatric observation and was found to be mentally unstable and unfit to stand trial. He was declared a President's patient and is currently being held at a state mental institution. He escaped a few months after incarceration at the institution but was re-arrested 24 hours later.
Phillipi	On 19 January 2003 a SAPS member was allegedly drinking beer while on duty at the police station. At the end of his drinking, he was instructed to clean up the beer bottle tops, which was thrown on the ground. He then instructed a student constable to pick up the beer bottle tops. The student constable refused to comply with the instruction and the suspect member then drew his service firearm and shot him at point blank range, fatally wounding him. He continued to shoot indiscriminately with his firearm until the magazine was empty. He then took out a R5 rifle and continued to shoot randomly both inside and outside the charge office. He shot and injured another student constable as well as a civilian.	The ICD investigated a charge of murder; four counts of attempted murder, malicious damage to property and numerous contraventions of the Arms and Ammunition Act, 1969. Numerous departmental misconduct cases are being investigated, including drinking on duty. The member was arrested and bail was successfully opposed. He is currently in custody.	The investigation has been finalised. The medical report is outstanding. The case is currently at the DPP pending a decision.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Ekukuveni	The deceased had earlier arranged with the Station Commissioner for a police escort as he was expecting guests at a traditional ceremony. On 06 May 2002 after having made the arrangement, he went to the station to get the escort. At the station an argument ensued between a SAPS member and the deceased. The member then allegedly drew his firearm and fatally wounded the deceased.	The ICD investigated a charge of murder and recommended that the member be charged with murder. The DPP concurred with the recommendation.	The suspect was found guilty on the charge of murder and sentenced to 25 years' imprisonment.

Criminal Offences

1002 complaints of criminality were received by the ICD during the period under review. Below are a few examples of some of the cases investigated.

Torture

SAPS	ALLEGATION	ICD ACTION	STATUS
Klerksdorp	It is alleged that on 09 June 2002 the complainant was assaulted and electrocuted by five SAPS members.	The ICD investigated a charge of assault with intent to do grievous bodily harm.	The investigation was finalised and the allegations were found to be unsubstantiated. The DPP concurred with the ICD recommendation and declined prosecution. The case is closed.
Hartebeespoortdam	It is alleged that on 11 April 2002 members of the SAPS unlawfully entered an employer's home and arrested one of the complainant's employees accusing him of theft of a TV and hi-fi. The members assaulted the employee by means of fists and batons. They demanded that the employee show them where the alleged stolen goods were being kept. The victim was then thrown into the boot of the SAPS vehicle and taken to the station for further interrogation. At the Station the victim was again repeatedly assaulted. His face was covered with a wet sack and he was strangled with electric wires.	The ICD investigated charges of assault with intent to do grievous bodily harm. It recommended that the accused be charged.	The DPP concurred with the ICD recommendation. The matter has been set down for hearing.



3. Programme 2 Investigations

SAPS	ALLEGATION	ICD ACTION	STATUS
Lichtenburg	It is alleged that on 25 May 2002 the complainant was assaulted as well as sprayed with teargas by two SAPS members.	The ICD investigated charges of both assault with intent to do grievous bodily harm as well as common assault. The former allegation was unsubstantiated, while the latter was substantiated.	The DPP declined prosecution i.r.o. the assault with intent to do grievous bodily harm, however concurred to prosecute i.r.o. the charge of assault common. The case is currently pending in court.
Polokwane	It is alleged that on 20 June 2002 two civilians were arrested and tortured at the premises of SAPS Polokwane. The suspects were arrested on a charge of theft of a motor vehicle. They were allegedly tortured during the period of interrogation.	The ICD investigated charges of assault with intent to do grievous bodily harm. The allegations were substantiated and a recommendation to prosecute the suspect member was made to the DPP.	The DPP concurred with the decision and the case has been set down for trial.



3. Programme 2 Investigations

Crimes against women & children

SAPS	ALLEGATION	ICD ACTION	STATUS
Ulundi/ Melmoth	On 09 April 2002, a female minor aged 13 was offered a lift in a SAPS vehicle by a SAPS member attached to the Ulundi SAPS. The member then drove with the minor for approximately ± 2km before stopping and then allegedly began to rape the minor. The member then left the minor at the scene of crime and returned to work.	The ICD investigated a criminal charge of rape. The member was arrested. On finalization of the investigation, the ICD recommended that the suspect member be charged with rape.	The DPP concurred with the ICD's recommendation. The case is currently pending in court and has been set down for trial.
Verulam	It is alleged that on 06 May 2002 a SAPS member at the rank of captain allegedly ordered a female suspect detained at the station to have oral sex with him. The suspect member allegedly raped the victim.	The ICD investigated a criminal charge of rape. The suspect was arrested.	The case is pending in court.
Amanzimtoti	It is alleged that on 01 May 2002 a SAPS member allegedly raped his 14-year-old daughter. The incident allegedly took place at the family home.	The ICD took over the investigation from the Child Protection Unit and investigated a charge of rape. The suspect was arrested but later released on R5 000 bail.	The investigation is finalised. The ICD recommended that the suspect be charged and the DPP concurred with the decision. The case has been set down for trial.
Sundumbili	It is alleged that on 29 November 2002 a SAPS member allegedly assaulted a pregnant mother of a minor accused whom he was investigating. The member also attempted to bribe the woman/victim by demanding money to squash the case against her minor son.	The ICD is currently investigating charges of assault with intent to do grievous bodily harm. The ICD also instructed the SAPS to open a case of defeating the ends of justice against the suspect officer.	The complaint is still under investigation.



3. Programme 2

Investigations

TABLE WITH SOME FINALISED COURT CASES

STATION	CHARGE	COURT VERDICT	SENTENCE	DEPARTMENTAL FINDING
Umlazi	Murder	not guilty	None	No action taken
Mondlo	Murder Attempted Murder	guilty guilty	15 years - imprisonment 10 years - imprisonment	Dismissed from Service
Point	Rape	not guilty	None	Discharged
Ekuvukeni	Murder	guilty	25 years - imprisonment	Dismissed from Service
Empangeni	Murder	guilty	8 years - imprisonment	Dismissed from Service
Durban Central	Murder x 2	guilty-both counts	10 years - imprisonment 10 years - imprisonment	Dismissed from Service
Umbilo	Attempted Murder	not guilty	None	Discharged
Esikhawini	Murder	guilty	15 years - imprisonment	Dismissed from Service
Sebokeng	Attempted Murder x 4 robbery- firearm assault robbery-vehicle point of firearm crimen injuria reckless driving	guilty on all 4 counts guilty guilty not guilty not guilty not guilty not guilty	31 years & 6 months - imprisonment	Dismissed from Service
Soshanguve	Murder Attempted Murder	guilty guilty	10 years - imprisonment 3 years - imprisonment	Dismissed from Service
Ennerdale	Murder	guilty	20 years - imprisonment	Dismissed from Service
Soshanguve	Culpable Homicide	guilty	5 years - imprisonment (suspended)	Dismissed from Service
Motswedi	Assault	guilty	R600 fine / 6 months imprisonment suspended for 3 years	Not guilty
Vereeniging	Culpable Homicide	guilty	2 years - suspended for 4 years	Not guilty
Boitekong	Culpable Homicide	guilty	3 years suspended for five	
Mafikeng	Murder	not guilty	-	Guilty and dismissed from Service
Galeshiwe	Murder	guilty	15 years - imprisonment	Dismissed from Service
Bolobedu	Murder Murder	guilty guilty	25 years - imprisonment 15 years - imprisonment	Dismissed from Service
Giyani	Culpable Homicide	guilty	3 years - imprisonment	Suspended for 3 years



3. Programme 2 Investigations

STATION	CHARGE	COURT VERDICT	SENTENCE	DEPARTMENTAL FINDING
Thohoyandou	Murder	guilty-culpable homicide	5 years imprisonment suspended for 5 years conditional on the payment of R20 000 to the deceased family	
Polokwane	Assault with intent to do grievous bodily harm x 10	guilty x 4 (2 members) not guilty x 10 (2 members)	R800 / 4 months imprisonment	Guilty-derelection of duty. Paid R1500 fine
Seshego	Housebreaking with intent to commit murder and assault	guilty guilty	20 years - imprisonment 1 year - imprisonment	Dismissed from Service
Kanyamazane	Murder	guilty-culpable homicide	3 years - imprisonment/ R15 000 fine	Dismissed from Service
Dimbaza	Culpable Homicide	guilty	1 year imprisonment/ R4000 fine	
Kagega Park	Murder	guilty	10 years - imprisonment	Dismissed from Service
Mount Ayliff	Murder	guilty	25 years (life) - imprisonment	Dismissed from Service
Umtata	Culpable Homicide	guilty	5 years - imprisonment	Dismissed from Service
Porterville	Murder	not guilty	-	Discharged
Pinelands	Culpable Homicide	guilty	3 years - imprisonment, suspended for 5 years	Dismissal - suspended for 12 months
Plettenberg Bay	Culpable Homicide	guilty	5 years - imprisonment, suspended for 5 years & R3 000 fine	Pending finalization of departmental hearing
Mitchells Plain	Culpable Homicide	guilty guilty	1 year imprisonment, suspended for 3 years (accused 1) 6 months imprisonment suspended for 3 years (accused 2)	Pending finalization of departmental hearing



This Programme consists of the following sub-programmes:

Complaints Registry;
Monitoring; and
Research and Development.

COMPLAINTS REGISTRY

This sub-program is responsible for receiving, processing and registering complaints. It also maintains a database to identify trends and practices in respect of police misconduct and criminality.

Main Activities

In-take of complaints;
Interviewing of complainants and obtaining of statements;
Registration of cases on database;
Mediation;
Generation of statistics; and
Database management.

Key Outputs

Statistics

The intake of complaints falling within the mandate of the ICD from 1 April 2002 to 31 March 2003 amounted to 4 443, an increase of 31.9% compared to the same period in the financial year 2001/02. Cases recorded for the same period in 2001/02 amounted to 3 369. In the case of deaths, a decrease of 9.7% was recorded compared to the same period in 2001/02. There was a substantial 88.7% increase in reports of serious criminal offences allegedly committed by SAPS members. Incidents of misconduct reported to the ICD increased by 29.3% compared to the same period in 2001/02. Figure 1 below represents a graphical comparison for the two years.

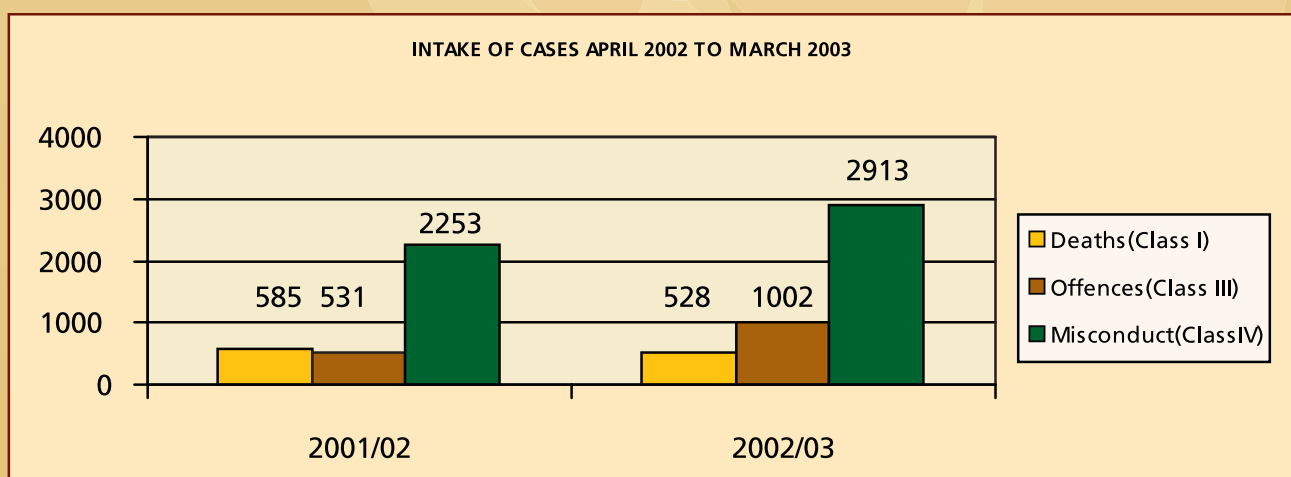


Figure 1



Deaths in police custody

Of the 217 deaths in police custody, the majority occurred in Gauteng (24.4%), followed by KwaZulu-Natal with 14.3% of the incidents, while the Eastern Cape had 12.4% of custody deaths. 12% of deaths in police custody occurred in Limpopo and 11.1% took place in the North West, while 10.6% happened in the Western Cape and 10.1% in Mpumalanga. 5.1% of custody deaths took place in the Free State. No deaths in police custody were registered in the Northern Cape. See Figure 2 below.

Total deaths in police custody	217
Natural causes	109
Suicide	68
Injured prior to custody	28
Injured in custody	12

Table 1

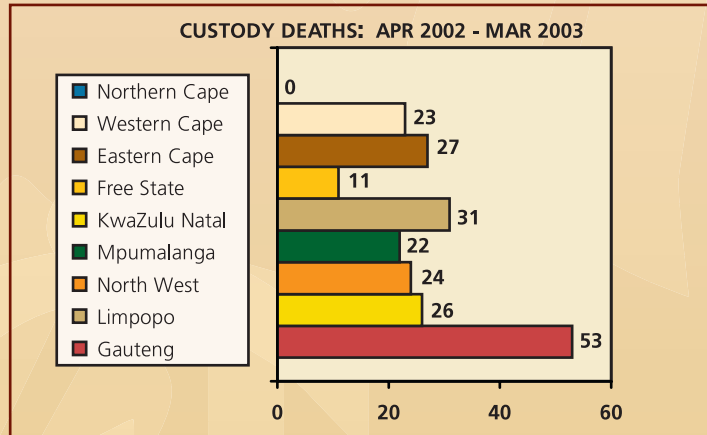


Figure 2

50.2% of deaths in police custody resulted from natural causes, indicating that the deceased became ill or were already ill when they were taken into police custody. 31.3% of custody deaths were as a result of the deceased committing suicide. The role played by the police in these incidents was investigated and found to be minimal, if any at all. Injuries sustained prior to custody accounted for 12.9% of the incidents. These incidents indicate the extent to which communities take the law into their own hands. 5.5% of deaths in police custody arose from injuries sustained in police custody. This is mostly from injuries inflicted by fellow inmates. See Table 1 above.

Deaths as a result of police action

Of the 311 deaths as a result of police action, the majority occurred in Gauteng (31.8%), followed by KwaZulu Natal with 22.5% of the incidents, while the Western Cape had 10.9% of deaths as a result of police action. 9% of the deaths as a result of police action took place in Mpumalanga and 8.7% in the Free State. 6.8% of the incidents occurred in Limpopo, while 5.1% happened in the Eastern Cape and, 4.8% in the North West. 0.3% incidents of death as a result of police action occurred in the Northern Cape. See Figure 3 below.

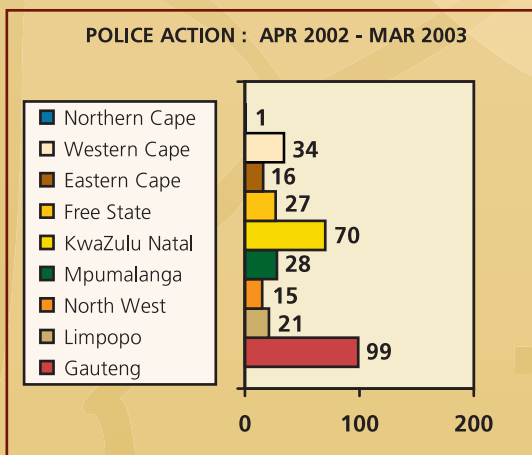


Figure 3

Total deaths as a result of police action	311
Shooting of suspects	284
Struck by police vehicle	9
Assault/beatings	8
Innocent bystander shot	9
Torture	1

Table 2



Shooting incidents

There were 293 shootings by police members, which resulted in death. 284 were incidents in which the deceased were suspects, while in 9 incidents the deceased were innocent bystanders caught in crossfire between the police and criminals.

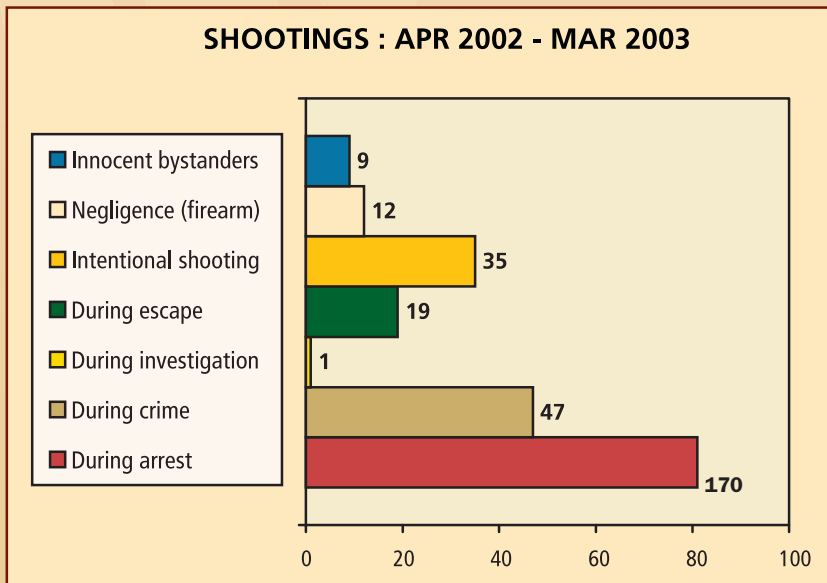


Figure 4

58% of the shootings occurred during the course of arrest, while 16% took place during commission of a crime. 6.5% of the incidents happened during attempts by suspects to escape from lawful police custody, 4.1% resulted from negligent handling of firearms. 0.3% of the incidents took place while police members were conducting investigation, while 11.9% of the incidents resulted from intentional shootings not related to police operations. The shooting of innocent bystanders accounted for 3.1%.

Some shootings per police station

Most police stations had an average of between 1 and 2 shootings except for 9 police stations in Gauteng, KwaZulu Natal, Limpopo, Mpumalanga and North West (See Table 3 below), which had between 3 and 9 shooting incidents each - which is high when compared to the national average.

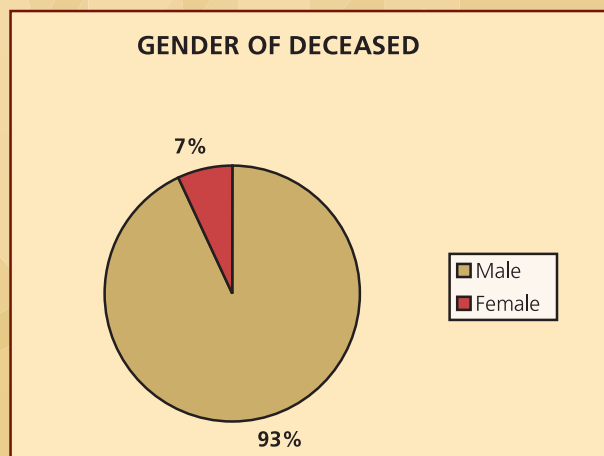
Police Station	Province	Total
Hillbrow	Gauteng	9
Alexandra	Gauteng	8
Nelspruit	Mpumalanga	5
KwaMashu	KwaZulu Natal	5
Khayelitsha	Western Cape	5
Empangeni	KwaZulu Natal	5



Police Station	Province	Total
Umlazi	KwaZulu Natal	4
Phoenix	KwaZulu Natal	4
Moroka	Gauteng	4
Jhb Central	Gauteng	4
Tsakane	Gauteng	3
Port Shepstone	KwaZulu Natal	3
Mondeor	Gauteng	3
Middelburg	Mpumalanga	3
Mamelodi	Gauteng	3
Mabopane	North West	3
Kuilsriver	Western Cape	3
Kliptown	Gauteng	3
Katlehong	Gauteng	3
Grassy Park	Western Cape	3
Brooklyn	Gauteng	3

Table 3

Figure 5



Gender of Deceased

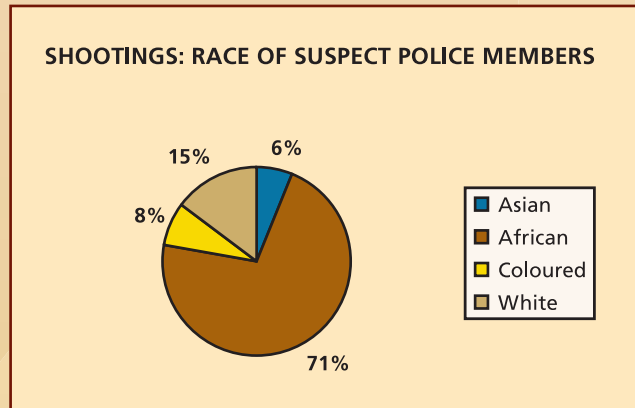
The majority of the deceased in police custody and as a result of police action were males (93%). This was a phenomenon in all the provinces. Of the 7% deaths of women, these occurred in the Eastern Cape, KwaZulu Natal, Mpumalanga, North West and Western Cape. See Figure 5 above.



Race of suspect police members involved in shootings

The majority of suspect police members involved in shootings were African (71%), followed by Whites (15%) and Asians (6%). 8% of Coloured police members were involved in shootings.

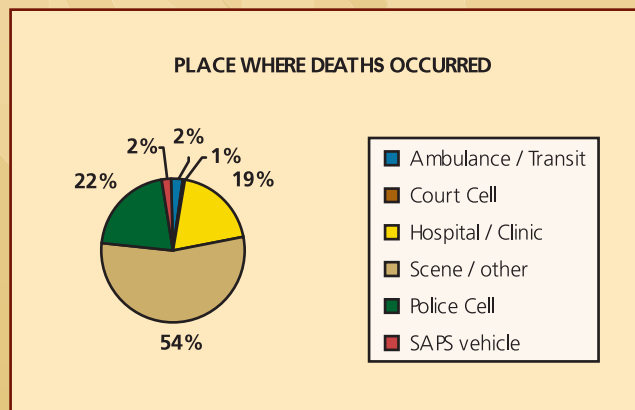
Figure 6



Place where deaths occurred

Of all the 528 deaths in custody and as a result of police action, 54% occurred at the scene of crime/arrest and 19% happened in hospital/clinic, while 22% of the deaths took place in police cells. 2% occurred in a police vehicle and in an ambulance / transit respectively. 1% of the deaths happened in court cells where the deceased were in the custody of the police.

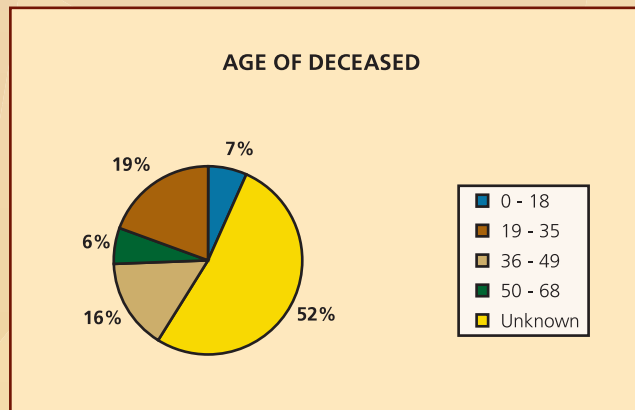
Figure 7



Age of deceased

The majority (52%) of those who died in police custody and as a result of police action were aged between 19 and 35, while children (0 - 18 years) numbered 7% of the deceased. 16% of people in the age range of 36 - 49 died in police custody and as a result of police action, while 6% were in the 50 - 68 age group. The ages of 19% of the deceased could not be determined due to lack of identification. Their ages had to be estimated during post mortems.

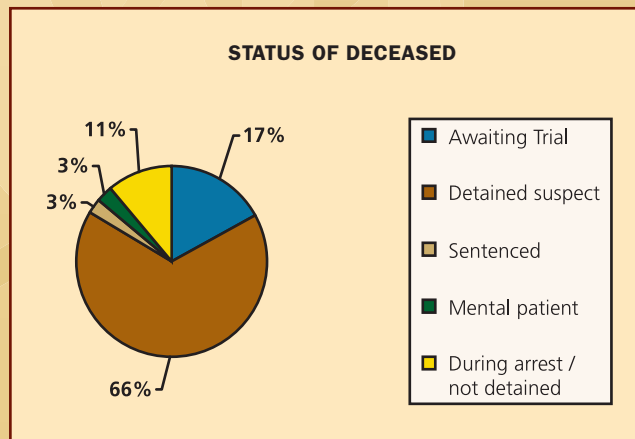
Figure 8



Status of deceased

66% of the deceased were suspects in one or more crimes, while 11% were in the process of arrest or had not been arrested due to being innocent bystanders. 17% of the deceased were awaiting trial prisoners. Both mental patients and sentenced (in transit) prisoners accounted for 3% of the deceased.

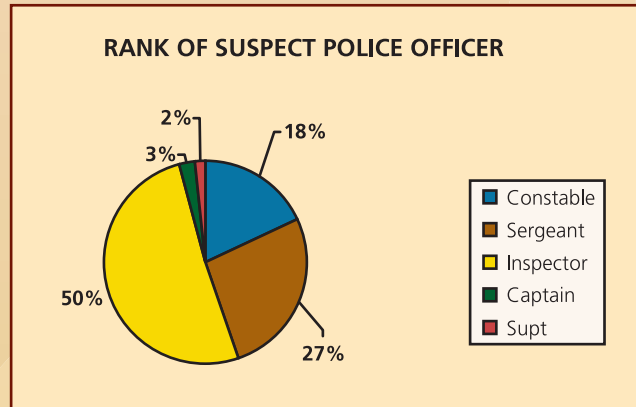
Figure 9



Rank of suspect police officers

The majority of police officers involved in shootings were of the rank of Inspector (50%), followed by Sergeants (27%), while 18% of Constables were involved in shootings. Officers at the rank of Captain accounted for 3% of shootings, while Superintendents accounted for 2% of shooting incidents.

Figure 10



Criminal Offences

A total 1 002 allegations of criminal offences were reported to the ICD nationally. The majority of criminal offences registered by the ICD were committed in Gauteng (31.6%), followed by the Western Cape (19.2%) and the North West (12.5%). 8.8% allegations of criminal offences were reported in Limpopo and 8% in the Eastern Cape, while 7.1% of the reports came from the Northern Cape and 6.5% were reported in the Free State. Mpumalanga accounted for 4.8% of reports of criminal offences, while KwaZulu-Natal accounted for only 1.6% of all allegations of criminal offences reported to the ICD nationally. See Figure 11 below.

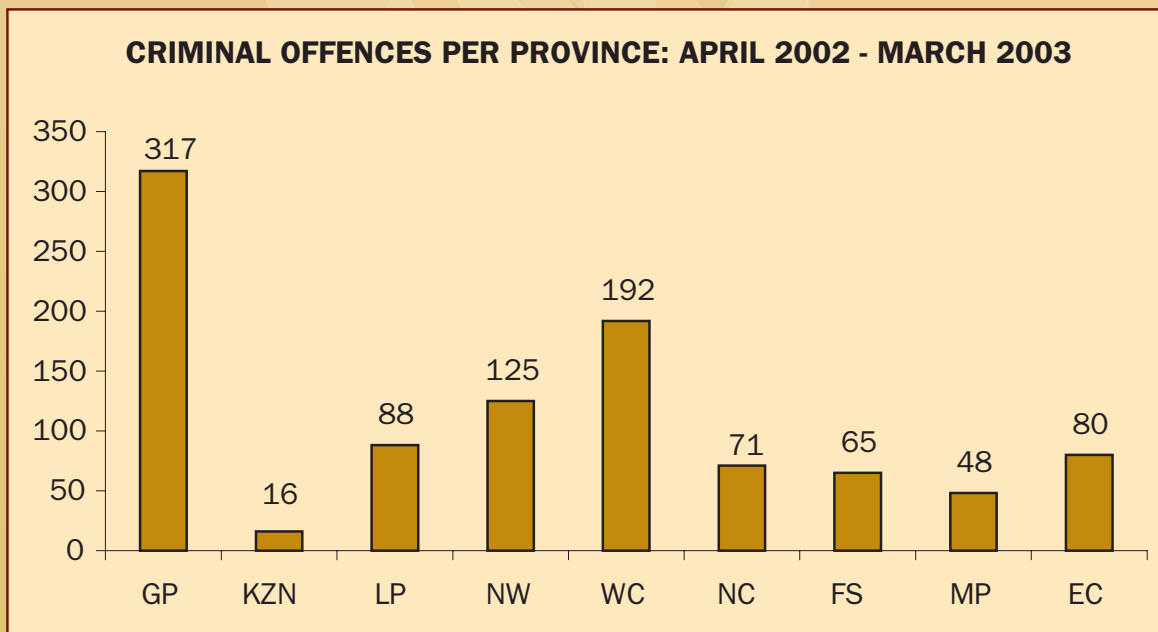


Figure 11



4. Programme 3

Monitoring and development

The reporting of allegations of criminal offences has increased significantly (88.7%) when compared to the previous financial year. This can be attributed to two things, namely, the increasing levels of confidence the public has in the ICD and the increased levels of awareness about the ICD in the community due to the community outreach programme that the ICD undertakes regularly. The intake of most categories of offences handled by the ICD has in many instances doubled or increased by even bigger margins. These increases can be seen in respect of cases of assault, theft, attempted murder, rape, harassment and the various types of corruption.

The majority of criminal offences reported to the ICD were serious assaults (35.2%), followed by attempted murder (12.6%). The various types of corruption collectively accounted for 10.5% of all criminal offences reported to the ICD. This is a significant increase from 30 cases to 106 cases, which represents an increase of 253%. See Table 5 below.

TYPE OF OFFENCE	TOTAL	%
Abuse of power	70	7.0
Assault common	64	6.4
Assault GBH	353	35.2
Attempted murder	126	12.6
Conspiracy	24	2.4
Corruption - abuse of informers' fees	6	0.6
Corruption - aiding escapes from custody	3	0.3
Corruption - issuing of fraudulent vehicle certificates	3	0.3
Corruption - sale, theft and/or destruction of police dockets	10	1.0
Corruption - sale, theft and/or disposal of exhibits	11	1.1
Corruption (serious cases including accepting bribes)	73	7.3
Criminal defamation	6	0.6
False accusation of a crime	34	3.4
Fraud	7	0.7
Harassment	20	2.0
Indecent assault	7	0.7
Instigation of violence	5	0.5
Intimidation	27	2.7
Kidnapping	1	0.1
Leaving scene of a collision	6	0.6
Malicious damage to property	19	1.9
Organised crime	2	0.2
Rape	16	1.6



4. Programme 3

Monitoring and development

TYPE OF OFFENCE	TOTAL	%
Reckless driving	15	1.5
Robbery of cash in transit	2	0.2
Theft	69	6.9
Torture	23	2.3
TOTAL	1 002	100.0

Table 5

Misconduct

A total of 2 913 cases of police misconduct were reported to the ICD. 89.3% of these cases related to neglect of duty by police members, while 9.6% of misconduct related to failure/refusal to perform duties. The rest of the alleged misconduct cases related to gross discourtesy, ill treatment of a lower ranking employee of the service and misappropriation or misuse of public property. See Table 6 below.

TYPE OF MISCONDUCT	TOTAL	%
Failure / refusal to perform duties and responsibilities	280	9.6
Neglects duty or performs duty in improper manner	2601	89.3
Gross discourtesy	23	0.8
Ill-treats a lower ranking employee	4	0.1
Misappropriates or misuses any public property	5	0.2
TOTAL	2 913	100.0

Table 6



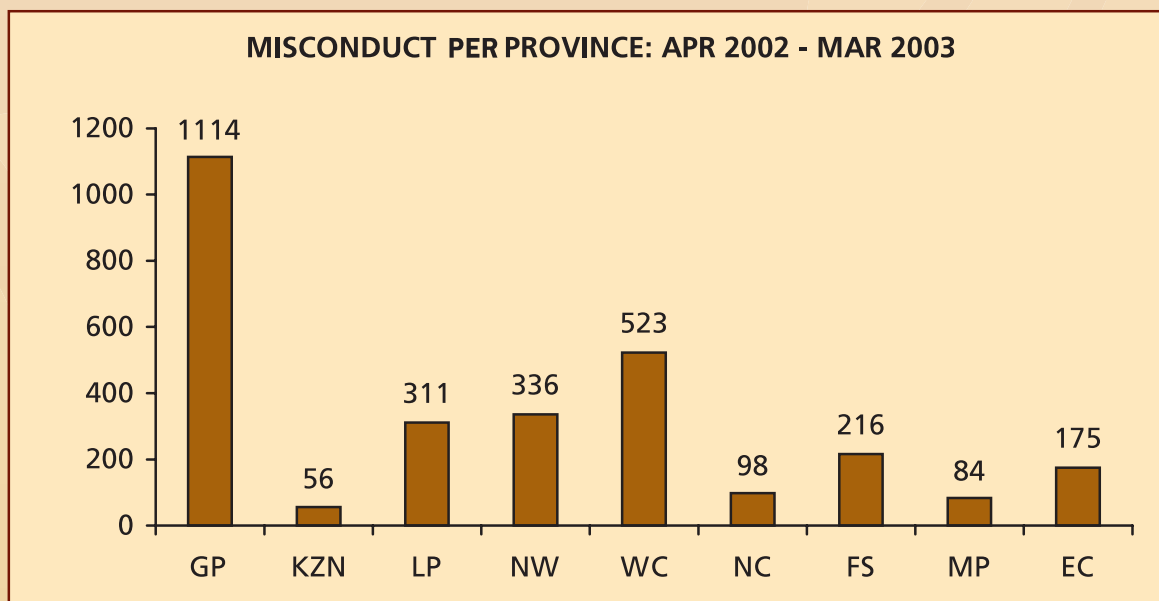


Figure 12

38.2% of the alleged cases of misconduct occurred in Gauteng, 18% in the Western Cape, and 11.5% happened in the North West. 10.7% of the cases were reported in Limpopo, 7.4% in the Free State and 6% of the reports came from the Eastern Cape, while 2.9% of the incidents took place in Mpumalanga and only 1.9% of the reports came from KwaZulu-Natal. See Figure 12 above.

MONITORING

This sub-programme monitors police investigations and the implementation of the Domestic Violence Act by the SAPS and MPS. The sub-program also conducts audit visits at police stations, for the purpose of assessing the level of compliance with the DVA.

Main activities

- Monitoring of individual cases under SAPS investigation;
- Post investigation monitoring of cases investigated by ICD;
- Supervision of police investigations;
- Monitoring the implementation of the DVA and
- Conducting audits at police stations.

Key Outputs

Domestic Violence Report

The first DVA Report for 2002 was tabled in Parliament in October 2002. The report dealt with some of the problems that the ICD continues to experience in regard to the implementation of the DVA by the SAPS. The



report identified a number of problems that need urgent attention in order for the implementation of the DVA by the SAPS to be effective. Some of these are outlined below:

- Station commanders treating acts of non-compliance in a trivial manner. This is indicated by the length of time it takes for managers to implement the recommendations of the ICD;
- Improper administration of the DVA Register (SAPS 508). Some stations do not have a register at all and in those that have it, not all incidents are recorded, thereby affecting the accuracy of statistics.
- Lack of understanding of the role of SAPS in terms of the DVA. Some members try to mediate or resolve complaints themselves and therefore do not record such complaints in the relevant registers;
- Lack of understanding of the role of the ICD in terms of the DVA. The number of applications for exemption is disproportionately low compared to the number of complaints of non-compliance. This indicates that applications for exemption are not being forwarded to the ICD in line with the DVA and the National Instruction.

Some of the problems mentioned can be addressed through training but SAPS management should commit itself to proper implementation of the DVA by seriously taking disciplinary action against members who do not comply with the Domestic Violence Act.



RESEARCH AND DEVELOPMENT

Main Activities

Conduct pro-active research and develop recommendations to enhance human rights focussed service delivery in policing.

Key Outputs

Activities	Progress
<p>Conduct research in order to produce at least one recommendation in respect of each of the JCPS Cluster's identified security areas.</p>	<p>The following research reports were finalised during the period:</p> <ul style="list-style-type: none"> • Deaths of children in police custody or as a result of police action. • Recommendations in respect of escapes from police custody. • The use of excessive force by members of the SAPS (study conducted in Gauteng). <p>Progress was also made in respect of the "Strategy to reduce the risk of deaths in police custody".</p> <p>Except for the report on the use of excessive force by SAPS members, the above research documents, although they have been completed, have not been sent to stakeholders yet due to the fact that they are still being edited internally.</p>

THE USE OF FORCE BY MEMBERS OF THE SAPS

The main recommendations dealt broadly with the following aspects:

Human rights training

These principles should be further reinforced by specific training in human rights especially pertaining to policing. Of specific relevance is Article 2 of the UN Code of Conduct for Law Enforcement Officials, which states that "in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."

Monitoring, public scrutiny and increased ICD role

The role of the ICD in investigating use of force cases needs to be further strengthened and formally supported. Investigations of police criminality or excessive use of force, shootings (lethal or 'deadly' use of force) should not be solely under the authority of the police themselves. Alternatively, such investigations should be monitored and reviewed by the ICD. As a minimum, the ICD should have the authority to control and direct the investigation. They should also have unrestricted access to police stations. Furthermore, in principle every serious case



should be the responsibility and prerogative of being investigated independently by the ICD.

Investigating shooting incidents

Shooting incidents where an injury or death occurs need to be investigated (as opposed to merely filling out a shooting incident report by the duty officer) in more detail by specialist investigators (if possible within 48 hours of the shooting incident occurring). This recommendation points to some needed reform in the shooting incident investigations.

Provision of counseling and debriefing on a more regular organised basis

Commanders need to recognise signs of stress other than only those related to the work situation. For both experiencing traumatic incidents and as a check on the emotional stability in terms of personal circumstances, it is recommended that more regular debriefing and interviews with their commanders, than is currently the case, should be instituted.

In order to implement this on a systematic basis it is recommended that all commanders receive some form of basic debriefing technique and counseling training since they are the first line of contact and observation.

Warning signs and performance review

A system of regular review of personnel behaviour and performance should be instituted at station level. This should be a standard management requirement of commanders and that written assessments be noted in the personal files of members for evaluation purposes when promotions are due. Part of this system to be a form of 'red-flagging' of areas of behavioural concern, for instance excessive alcohol use or abuse; incidents of domestic violence (a check to be made whether the register requirements of the Domestic Violence Act are being adhered to in the cases of members themselves); expression of inappropriate anger or aggression in work situations; and frequent absenteeism. Such behaviour review to include a review of past patterns of possible misconduct so that all incidents can be included in the assessments.

Section 49 workshops

There is an obvious need for clear and concise explanations and definitions of the whole Section 49. It is suggested that workshops be formulated dealing with all aspects, in particular the practical applications by means of case studies and interactive role-playing, and that these be presented countrywide at area level.

Training in conflict mediation skills for operational police officers

A pattern that consistently emerged from this study was poor people management skills, a lack of conflict mediation skills or the implementation of anger management techniques. It is recommended that specific courses for the training in these particular skills be implemented. Moreover, that such courses be supplemented with a range of other life skill training and stress management techniques (e.g. lectures on the meaning and content of 'appropriate professional behaviour').



4. Programme 3

Monitoring and development

Simulation training

It is strongly recommended that operational police officials be given specialised situational training using available programmes. Such simulation training, although the initial outlay is costly, can save on the costs of such training items as bullets and firearms. Simulation training in particular can help to inculcate split-second decision making and critical assessment of life-threatening situations, etc.

Weapons handling training

There was an evident need for an emphasis in basic training for police members to be more intensively trained not only in the handling, firing but also methods of retention of a firearm, approaching a crime scene with a firearm and, arresting a suspect.

Refresher courses

It is imperative to ensure that police members are thoroughly conversant with techniques and strategies by means of frequent refresher courses for such policing activities as arrest procedures, handling and detention, subduing a suspect using only 'minimum force', approach to a crime scene, apprehending of a fleeing suspect without firing a firearm.

Objectives in line with the strategic plan

Main Objective: Monitoring of police investigations and the development of pro-active recommendations to intervene and alter/curb errant police behaviour.

Priorities for this objective	Output Baseline Strategy	Expected Outcomes
To process, register, formulate and mediate complaints received in respect of criminal offences allegedly committed by the police	Capturing of cases into database within 24 hours.	To have a database that is always up-to-date.
To monitor cases investigated by the police	Monitor cases investigated by the SAPS and misconduct cases allegedly committed by the Municipal Police Services. Monitor the implementation of the Domestic Violence Act by the SAPS.	A decrease in criminality and/or misconduct committed by members of the SAPS and MPS. A decrease in complaints of non-compliance by the police.
To conduct external audits at police stations	Visit at least four problematic police stations per province per year.	Improvement of Service Delivery to the public.
To conduct research and make recommendations on issues of national significance	Produce recommendations in line with the JCPS Cluster's identified Security Areas. Produce four recommendations on systemic problems in policing.	Contribute to government's national crime prevention strategy. Institutional changes in SAPS.



4. Programme 3

Monitoring and development

Service Delivery Improvement Plan

PROGRAMME	ACTIVITIES	SERVICE STANDARDS	AVERAGE LEVEL OF SERVICE DELIVERY	REMARKS
	Attending to complaints	Within five minutes	Immediately upon arrival	Consultation with Case Analysts depends on number of people in queue.
	Progress reports to complainants	Within 30 days	Within 7 days	Target met 23 days ahead of service standard.
3	Production of DVA reports	Within 90 days	Within 180 days	Problems relating to the slow disciplinary processes of the SAPS.
	Forwarding recommendations to SAPS	Within 30 days	Within 48 days	The internal quality assurance process sometimes requires more time to scrutinize the quality of recommendations before forwarding same to SAPS.
	Capturing cases on database	Within 24 hours	Within 48 hours	Target met in 6 provincial offices, problems due to staffing shortages in other 3 offices.



5. Annexures

Annexure 1

List of abbreviations

AHRC	-	African Human Rights Commission
APT	-	Association for the Prevention of Torture
BAS	-	Basic Accounting System
BEE	-	Black Economic Empowerment
BHC	-	British High Commissioner
CPF	-	Community Policing Forum
DPP	-	Director of Public Prosecutions
DVA	-	Domestic Violence Act
GBH	-	Grievous Bodily Harm
GITO	-	Government Information Technology Officer
HDI	-	Historically Disadvantaged Individual
ICD	-	Independent Complaints Directorate
IDTT	-	Inter-Departmental Task Team
IT	-	Information Technology
JCPS	-	Justice, Crime Prevention and Security Cluster
MET	-	Metropolitan Police Service
MISS	-	Minimum Information Security Standard
MPS	-	Municipal Police Services
NIA	-	National Intelligence Agency
PCA	-	Police Complaints Authority
PFMA	-	Public Finance Management Act
PSC	-	Public Service Commission
PSCBC	-	Public Service Coordinating Bargaining Council
SAPS	-	South African Police Service
SDI	-	Service Delivery Improvement
SITA	-	State Information Technology Agency
SMME	-	Small Medium Micro Enterprises
SMS	-	Senior Management Service
SOP	-	Standard Operating Procedure
SP	-	Special Programmes
SPR	-	Special Programme Representatives



5. Annexures

Annexure 2

Sponsorships and funding

The Executive Director was invited to deliver a paper on policing oversight in Los Angeles. Vera Institute funded the travelling and accommodation expenditure:

- Travel and accommodation R 18, 500.00

The Executive Director was invited to deliver a paper on policing oversight in Brazil. The Ford Foundation funded the travelling and accommodation expenditure:

- Travel and accommodation R 12, 920

The Executive Director and three ICD Managers attended an Anti-Corruption Conference in Hong Kong. The British High Commission funded the travelling and accommodation expenditure for two delegates:

- Travel and accommodation R 26, 678.80

The Executive Director and two Programme Managers conducted a study tour to the Police Complaints Authority in the UK. The British High Commission funded the travelling and accommodation expenditure:

- Travel and accommodation R 73, 502.00

Special Programmes facilitated a workshop on basic self-defence techniques for ICD women in National Office. Veggie Fair of Zambezi Drive sponsored the workshop. The monetary value: R 120.00

The Department of Health sponsored the ICD with Condom Cans. The monetary value: R 700.00

Special Programmes launched the World Aids Day Donations Campaign. Clover SA in Boksburg sponsored the launch to the amount of: R 211.58

The ICD held its World Aids Day and International Disability Day Celebrations. Gezina Fruit Shop and Hermanstad Bakers World sponsored the event to the amount of: R 370.00

During the STI / Condom Week the Department of Health sponsored 60 female condoms. The monetary value: R 360.00.

Twenty ICD employees (20) visited BMW Headquarters in Midrand at BMW's invitation. BMW sponsored the occasion to the amount of: R 8, 440.00 (travel and lunch)

Twenty ICD employees (20) visited Bakgatla Gate and Manyane resorts. Golden Leopards Resorts sponsored the occasion to the amount of: R 2, 480.00 (travel and lunch)



6. Management Report

For the year ended 31 March 2003

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 Independent Complaints Directorate (ICD) has once again succeeded in utilising voted funds as planned. With less than 0,5% of the budget not utilised, the ICD has made tremendous progress in moving towards becoming a fully-fledged investigative body by the year 2005. This achievement is in line with our "Vision 2005" strategy, which will see the ICD investigating every complaint themselves.

With the assistance from the ICD the South African Police Service (SAPS) not only succeeded to decrease the number of deaths in police custody and police action but, police management has also set up a unit within SAPS, to monitor these deaths. The ICD's model of policing oversight, and the successes achieved in South Africa, continue to pioneer the concept of civilian control of police throughout the world. More calls are being made for the constitution of similar bodies in other democratic societies.

With the first real budgetary increase received during the year under review, the ICD could not only satisfactorily execute on its mandate, but could also cover some aspects of its additional mandate. The latter being that of monitoring the implementation of the Domestic Violence Act (DVA) by the South African Police Service and, the extended civilian oversight function over the various Municipal Police Services.

As to be expected from the spending trend, the emphasis of expenditure has been indicative of the ICD's investigative priorities. Programme 2: Investigation of Complaints utilised more than 41% of the total budget against Programme 3: Monitoring and Development that used only 14% of the budget. The rest of the budget (44%) was utilised by Programme 1 in respect of the improvement of the infrastructure in respect of Information Technology, the administration of increased obligatory legislation and, the enhancement of corporate governance.

Other major expenditure under Programme 1 included the upgrading of the accommodation of the National Office in Pretoria. The upgrading of ICD House not only increased available office accommodation but also rendered a positive corporate image and, permitted more space for public visitations.

2. Services rendered by the department

2.1 The services rendered by the ICD are required by the following legislation:

Section 222 of the Interim Constitution (Act 200 of 1993) provided for the establishment of an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the police service are investigated in an effective and efficient manner.

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

- (a) May *mero motu* or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the Commissioner concerned;



6. Management Report

For the year ended 31 March 2003

- (b) Shall *mero motu* or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and
- (c) May investigate any matter referred to the Directorate by the Minister or member of the Executive Council.

Section 18 of the Domestic Violence Act (Act no 116 of 1998) stipulates that:

- 4 (a) 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.
- 4 (b) 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 referred to in paragraph (a).
- 5 (c) 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 setting out the recommendations made in respect of such matters.
- 5 (d) (iii) 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 640 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 had been given to it in respect of the SAPS, as explained above.

3. Capacity constraints

Since establishment the ICD has been dealing with capacity constraints satisfactorily in view of a limiting budget, coupled with a limiting human resource structure. The gradual increase of the budget afforded the ICD the opportunity to appoint more investigators in order to execute its investigative mandate. Unfortunately the ICD's budget did not increase in relation to the increase of the additional mandate that it had to execute.

The increase of obligatory legislation further compelled an increase of staff in respect of Administration, yet the increase in staff numbers under Programme 1: Administration never quite sufficiently addresses the necessary distribution of authority.

The result of these staff shortages necessitated the development and continuous training of staff to become generalists in the various fields. Such staff are more than often recruited by other departments and promoted to a supervisory level with the result that the ICD has to start afresh with the training of generalists.

4. Utilisation of donor funds

Though the ICD had not utilised any donor funding to deliver on its mandate, the Head of the Department (Executive Director) visited various countries abroad to present the South African model of policing oversight. Expenditure in respect of these visits was covered by the organisations and countries who invited the Executive Director. (Please refer to the chapter on Donor Assistance for further information.)



6. Management Report

For the year ended 31 March 2003

5. Other organisations to whom transfer payments have been made

A transfer payment has been effected to the Police, Security, Legal and Correctional Sector Education Training Authority (POSLEC SETA) with regard to the Skills Development Levy. (Please refer to the notes additional to the annual financial statements for further information.)

6. Corporate governance arrangements

The constitution of the ICD's Audit Committee and the appointment of the first staff members to the Internal Audit component, introduced a fresh view to the ICD's risk management approach. The first activities undertaken by the component: Internal Audit included a redefinition of the various managerial risks identified by the private consultants, LTS Consulting during 2000. Except for a single training session to senior and middle managers in respect of the ICD's Fraud Prevention Plan and, two information sessions with regard to corporate governance in the ICD, no other activities occurred.

Investigations conducted by Internal Audit revealed some gaps in existing control measures. These gaps were eventually addressed through the compilation of procedures and policies to ensure adherence to prescripts in respect of Human Resource Management and Provisioning Administration.

Issues of anti-corruption remained high on the ICD's priority list. For further information in this regard, please refer to the statistical information in respect of internal disciplinary proceedings. The increased emphasis on the National Intelligence Agency's (NIA) security vetting process slowed the filling of permanent positions and the appointment of contract workers.

The appointment of a Security Manager and the development of the ICD's Security Policy and Plan, brought about an increased adherence of the ICD to the Minimum Information Security Standard. The Contingency Plan developed for use in National Office is to be amended to eventually suit the layout of every Provincial Office.

7. 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 2003 in respect of - in particular - refurbishment and, travelling and accommodation services rendered to the ICD during the last quarter of the financial year. The reason being the problems experienced with transfer of accounts from the Financial Management System (FMS) to the Basic Accounting System (BAS), as well as problems experienced with service providers not submitting invoices for payment timeously.

8. Progress with financial management improvement

All requirements of the Public Finance Management Act have now been complied with and, the last few financial procedures and policies have been drafted for approval.

Financial progress would have been superb if it had not been that the ICD was encouraged to accept the implementation date of 1 October 2002 for the transfer of financial transactions from FMS to BAS. The understanding has been that it would allow a period of six months for teething problems. Unfortunately, at the very end of the financial year and, particularly during the closing of accounts in April and May 2003, the ICD found itself - on several occasions - in a desperate situation where electronic linkage broke down and became non-existent for hours (and days). During other times reports could not be generated which not only created confusion but also brought about an increased workload and unnecessary stress to the financial staff.



6. Management Report

For the year ended 31 March 2003

10. Performance information

The Executive Director approved the existence of an Executive Committee (EXCO) with a view to report to her and, to make recommendations with regard to progress made by the ICD in terms of the attainment of goals and objectives and, the improvement of service delivery.

During the quarterly report back to the Minister for Safety and Security and, to National Treasury, it became evident that the uniform reporting format did not allow for the measurement of success/failure in terms of the attainment of objectives. Neither did the format provide progress on service delivery indicators.

The reporting format is currently being amended again with a view to consolidate information from the various Responsibility Managers in terms of the progress made and, level of performance achieved, as per identified objective and set target for the specific period.

It is envisaged to eventually develop the ICD database in order to link a monetary value to each and every activity. The result will be the exact calculation of expenditure and, in the final instance, an indication of the value of the services that were rendered by the ICD to the complainant.

Approval

The annual financial statements set out on pages 1 to 27 have been approved by the Accounting Officer.



ADV KD McKENZIE
EXECUTIVE DIRECTOR

30 May 2003



7. Report of the Audit Committee

For the year ended 31 March 2003

This report outlines the Audit Committee's functions for the 2002/2003 financial year.

The Audit Committee comprises of three non-official members and chaired by a non-official independent chairperson. The members of the Audit Committee are Messrs. SK Motuba (Chairman), CF Terhoeven, SDC Masuku and Adv KD McKenzie (ex-officio).

The chairperson, members of the committee, Internal Audit and ex-officio members attend meetings as required. Representatives of the Auditor-General, and affected components are in attendance at all meetings. In terms of section 77 of the PFMA, the Audit Committee must meet at least twice a year, with additional meetings convened as necessary. This committee met twice during the year ending 31 March 2003.

The committee's primary objective is to provide management with additional assurance regarding the efficacy and reliability of the financial and risk information used by management and to assist it in the discharge of its duties. The duties and responsibilities of the Audit Committee are set out in the Audit Committee Charter read with Treasury Regulations issued in terms of the PFMA (Public Finance Management Act, 1999).

The structure of the Audit Committee is set out in the Audit Committee Charter, which was adopted on 26 August 2002 and is reviewed annually. The charter sets out specific responsibilities delegated by Management to the Audit Committee. Its function is primarily to assist Management in discharging its responsibilities relative to the Public Finance Management Act (PFMA of 1999 as amended) and the Treasury Regulations. The committee is assisted in its tasks by regular reports from Internal Audit, the Auditor General and Finance division of the Department.

The committee has to satisfy management that adequate and appropriate financial and operating controls are in place with reference particularly to monitoring the management and assessment of financial risks, financial control, accounting and reporting. As part of its function the Audit Committee coordinates and monitors the activities of Internal Audit. The Audit Committee is able to report on the effectiveness of the internal control systems and to assess whether the internal audit section is fulfilling its role efficiently and effectively.

It further ensures that the Departmental systems produce timeous and accurate information on the financial position and the published financial statements are a fair reflection of this position.

In terms of Sec 3.1.10 of the Treasury Regulations (April 2001) the Audit Committee should report on the following:

- The effectiveness of internal control.
- The quality of in-year management and monthly reports submitted in terms of the Act and the Division of Revenue Act.
- Evaluation of the annual financial statements.

EFFECTIVENESS OF INTERNAL CONTROL

Based on the report of the Auditor General for the year ended 31 March 2003 it is clear that Internal Audit made a considerable contribution to assist management in maintaining effective internal control systems. The Audit Committee has noted the emphasis of matters indicated by the Auditor General in the Financial Statements but is satisfied that management will attend to the issues raised.

The Internal Audit component is under-capacitated and is headed by a Deputy Director who reports to the Accounting Officer. This issue was also highlighted in the previous Audit Committee meetings.



7. Report of the Audit Committee

For the year ended 31 March 2003

Based on the reports discussed at the Audit Committee meetings, evaluations of work performed by Internal Audit and feedback received from management and the Auditor General, we are of the opinion that considerable efforts in the improvement of internal control has been achieved by the department. We however, still raise concern with specific reference to the under capacity of the Internal Audit unit.

The committee is pleased to announce that despite constraints experienced by Internal Audit, some significant progress has been made in implementing adequate internal control measures.

THE QUALITY OF IN-YEAR MANAGEMENT AND MONTHLY REPORTS

Presentations of monthly management reports were made at the Audit Committee meetings for the year under review and the Audit Committee is pleased to announce that the information provided is in terms of the Regulations and sufficient to allow the committee to give an assessment.

Based on the presentation of the in-year management reports the committee is of the opinion that the quality of the in-year management reports is fair based on the prescribed accounting practice set out in the Treasury Regulations issued in terms of the PFMA, 1999.

EVALUATION OF THE ANNUAL FINANCIAL STATEMENTS

Based on the analytic review of the financial statements, explanations of the department and the unqualified audit report of the Auditor General as at 31 March 2003, the Audit Committee is of the opinion that the financial statements are fair based on the prescribed accounting practice set out in the Treasury Regulations and directives received from National Treasury issued in terms of the PFMA, 1999.

S Motuba
Chairman - Audit Committee

Johannesburg
05 August 2003



8. Report of the Auditor-General

TO MEMBERS OF PARLIAMENT ON THE
FINANCIAL STATEMENTS OF VOTE 22 -
THE INDEPENDENT COMPLAINTS
DIRECTORATE FOR THE YEAR ENDED 31
MARCH 2003



1. AUDIT ASSIGNMENT

The financial statements as set out on pages 72 to 93, for the year ended 31 March 2003, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 3 and 5 of the Auditor-General Act, 1995 (Act No. 12 of 1995). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

2. NATURE AND SCOPE

The audit was conducted in accordance with Statements of South African Auditing Standards. These standards require that the audit is planned and performed to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

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

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

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

3. AUDIT OPINION

In my opinion, the financial statements fairly present, in all material respects, the financial position of the Independent Complaints Directorate at 31 March 2003 and the results of its operations and cash flows for the year then ended in accordance with prescribed accounting practice and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).



8. Report of the Auditor-General

TO MEMBERS OF PARLIAMENT ON THE FINANCIAL STATEMENTS OF VOTE 22 - THE INDEPENDENT COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31 MARCH 2003

4. EMPHASIS OF MATTER

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

Matters not affecting the financial statements

4.1 Revised budget

Approval was obtained to increase the allocation for personnel expenditure, but the rest of the revised allocations as reflected in the appropriation account could not be verified. An amount of R1,857 million, appropriated for capital expenditure, was also utilised to defray current expenditure.

4.2 Internal audit

With reference to paragraph 4.1 of the previous report internal audit became fully functional and an audit plan was submitted. However, during the year under review internal audit focussed on human resource management. Therefore, only limited reliance could be placed by my Office on internal audit's work during the financial year under review due to the differing focus areas.

5. APPRECIATION

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



S A Fakie
Auditor-General

Pretoria

18 July 2003



For the year ended 31 March 2003

The financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material respects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act and the Division of Revenue Act, Act 5 of 2002.

1 Basis of preparation

The financial statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The reporting entity is in transition from reporting on a cash basis of accounting to reporting on an accrual basis of accounting. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. Under the accrual basis of accounting transactions and other events are recognised when incurred and not when cash is received or paid.

2 Revenue

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the Adjusted Estimates of National / Provincial Expenditure. Unexpended voted funds are surrendered to the National/ Provincial Revenue Fund. Interest and dividends received are recognised upon receipt of the funds, and no accrual is made for interest or dividends receivable from the last receipt date to the end of the reporting period. They are recognised as revenue in the financial statements of the department and then transferred to the National/Provincial Revenue Fund.

3 Donor aid

Donor Aid is recognised in the income statement in accordance with the cash basis of accounting.

4 Current expenditure

Current expenditure is recognised in the income statement when the payment is made.

5 Unauthorised, irregular, and fruitless and wasteful expenditure

Unauthorised expenditure means:

- the overspending of a vote or a main division within a vote, or
- expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

Unauthorised expenditure is treated as a current asset in the balance sheet until such expenditure is recovered from a third party or funded from future voted funds.



For the year ended 31 March 2003

Irregular expenditure means expenditure, other than unauthorised expenditure, incurred in contravention of or not in accordance with a requirement of any applicable legislation, including:

- the Public Finance Management Act,
- the State Tender Board Act, or any regulations made in terms of this act, or
- any provincial legislation providing for procurement procedures in that provincial government.

Irregular expenditure is treated as expenditure in the income statement. Fruitless and wasteful expenditure means expenditure that was made in vain and would have been avoided had reasonable care been exercised. Fruitless and wasteful expenditure must be recovered from a responsible official (a debtor account should be raised), or the vote if responsibility cannot be determined.

6 Debts written off

Debts are written off when identified as irrecoverable. No provision is made for irrecoverable amounts.

7 Capital expenditure

Expenditure for physical items on hand on 31 March 2003 to be consumed in the following financial year, is written off in full when they are received and are accounted for as expenditure in the income statement. Physical assets (fixed assets and movable assets) acquired are expensed i.e. written off in the income statement when the payment is made.

8 Investments

Marketable securities are carried at market value. Market value is calculated by reference to stock exchange quoted selling prices at the close of business on the balance sheet date.

Non-current investments excluding marketable securities are shown at cost and adjustments are made only where in the opinion of the directors, the investment is impaired. Where an investment has been impaired, it is recognised as an expense in the period in which the impairment is identified. Increases in the carrying amount of marketable securities classified as non-current assets are credited to revaluation and other reserves in shareholders' equity. Decreases that offset previous increases of the same marketable security are charged to the income statement. Increases/decreases in the carrying amount of marketable securities classified as current assets are credited/charged to the income statement. On disposal of an investment, the difference between the net disposal proceeds and the carrying amount is charged or credited to the income statement. On disposal of a marketable security classified as a non-current asset, amounts in revaluation and other reserves relating to that marketable security, are transferred to retained earnings.

9 Investments in controlled entities

Investments in controlled entities are those entities where the reporting entity has the ability to exercise any of the following powers to govern the financial and operating policies of the entity in order to obtain benefits from its activities:

- To appoint or remove all, or the majority of, the members of that entity's board of directors or equivalent governing body;
- To appoint or remove the entity's chief executive officer;
- To cast all, or the majority of, the votes at meetings of that board of directors or equivalent governing body; or
- To control all, or the majority of, the voting rights at a general meeting of that entity.

Investments in controlled entities are shown at cost.



For the year ended 31 March 2003

10 Receivables

Receivables are not normally recognised under the cash basis of accounting. However, receivables included in the balance sheet arise from cash payments that are recoverable from another party. Receivables for services delivered are not recognised in the balance sheet as a current asset or as income in the income statement, as the financial statements are prepared on a cash basis of accounting, but are disclosed separately in the notes to enhance the usefulness of the financial statements.

11 Payables

Payables are not normally recognised under the cash basis of accounting. However, payables included in the balance sheet arise from cash receipts that are due to either the Provincial/National Revenue Fund or another party.

12 Provisions

A provision is a liability of uncertain timing or amount. Provisions are not normally recognised under the cash basis of accounting, but are disclosed separately in the notes to enhance the usefulness of the financial statements.

13 Lease commitments

Lease commitments for the period remaining from the accounting date until the end of the lease contract are disclosed as a note to the financial statements. These commitments are not recognised in the balance sheet as a liability or as expenditure in the income statement as the financial statements are prepared on the cash basis of accounting.

14 Accruals

This amount represents goods/services that have been delivered, but no invoice has been received from the supplier at year end, OR an invoice has been received but remains unpaid at year end. These amounts are not recognised in the balance sheet as a liability or as expenditure in the income statement as the financial statements are prepared on a cash basis of accounting, but are however disclosed.

15 Employee benefits

Short-term employee benefits

The cost of short-term employee benefits is expensed in the income statement in the reporting period that the payment is made. Short-term employee benefits, that give rise to a present legal or constructive obligation, are deferred until they can be reliably measured and then expensed. Details of these benefits and the potential liabilities are disclosed as a note to the financial statements and are not recognised in the income statement.

Termination benefits

Termination benefits are recognised and expensed only when the payment is made.

Retirement benefits

The department provides retirement benefits for its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National/Provincial Revenue Fund and not in the financial statements of the employer department.



For the year ended 31 March 2003

Medical benefits

The department provides medical benefits for its employees through defined benefit plans. These benefits are funded by employer and/or employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for medical benefits in the financial statements of the department.

Post retirement medical benefits for retired civil servants are expensed when the payment is made to the fund.

16 Capitalisation reserve

The capitalisation reserve represents an amount equal to the value of the investments and/or loans capitalised, or deposits paid on behalf of employees of a foreign mission, for the first time in the previous financial year. On disposal, repayment or recovery, such amounts are transferable to the Revenue Fund.

17 Recoverable revenue

Recoverable revenue represents payments made and recognised in the income statement as an expense in previous years, which have now become recoverable from a debtor due to non-performance in accordance with an agreement. Repayments are transferred to the Revenue Fund as and when the repayment is received.

18 Comparative figures

Where necessary, comparative figures have been adjusted to conform to changes in presentation in the current year. The comparative figures shown in these financial statements are limited to the figures shown in the previous year's audited financial statements and such other comparative figures that the department may reasonably have available for reporting.



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**APPROPRIATION STATEMENT
for the year ended 31 March 2003**

Programme	2002/03						2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000	Actual Expenditure R'000
1 Administration									
Current	12,320	274	12,594	12,593	1	99.99	9,635	9,634	9,634
Capital	1,314	178	1,492	1,492	-	100.00	1,123	1,123	1,123
2 Investigation of complaints									
Current	10,827	1,328	12,155	12,155	-	100.00	9,815	9,815	9,815
Capital	3,140	-2,025	1,115	980	135	87.89	817	817	817
3 Monitoring and development									
Current	3,986	255	4,241	4,241	-	100.00	4,555	4,551	4,551
Capital	315	-10	305	305	-	100.00	770	770	770
9 Special Functions									
Current	-	-	-	-	-	-	-	-	5
Capital	-	-	-	-	-	-	-	-	-
Total	31,902	-	31,902	31,766	136	99.57	26,715	26,715	26,715

Programme	2002/03						2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000	Actual Expenditure R'000
Direct charge against the National Revenue Fund									
1 Provinces Equitable Share									
State Debt Costs	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**APPROPRIATION STATEMENT
for the year ended 31 March 2003**

Economic classification	2002/03					2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Current	17,882	841	18,723	18,740	(17)	100.09	16,313	16,312
Personnel	22	-	22	21	1	95.45	32	32
Transfer payments	9,229	1,016	10,245	10,228	17	99.83	7,660	7,661
Other	-	-	-	-	-	-	-	-
Capital	4,769	-1,857	2,912	2,777	135	95.36	2,710	2,710
Transfer payments	-	-	-	-	-	-	-	-
Acquisition of capital assets	-	-	-	-	-	-	-	-
Total	31,902	-	31,902	31,766	136	99.57	26,715	26,715
Standard item classification	2002/03					2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Personnel	17,882	841	18,723	18,740	(17)	100.09	16,313	16,312
Administrative	6,930	440	7,370	7,354	16	99.78	5,311	5,307
Inventories	803	(97)	706	706	-	100.00	577	577
Equipment	4,310	(817)	3,493	3,357	136	9.11	3,261	3,261
Land and buildings	850	(850)	-	-	-	-	219	219
Professional and special services	1,105	483	1,588	1,588	-	100.00	1,002	1,002
Transfer payments	22	-	22	21	1	95.45	32	32
Miscellaneous	-	-	-	-	-	-	-	-
Special functions	-	-	-	-	-	-	-	-
Total	31,902	-	31,902	31,766	136	99.57	26,715	26,715





**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**DETAIL PER PROGRAMME 1
for the year ended 31 March 2003**

	2002/03						2001/02	
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
1 Programme per subprogramme								
1 Subprogramme 1								
Current	3,060	(29)	3,031	3,031	-	100.00	2,112	2,112
Capital	227	92	319	319	-	100.00	41	41
1 Subprogramme 2								
Current	9,260	303	9,563	9,562	1	99.98	7,523	7,527
Capital	1,087	86	1,173	1,173	-	100.00	1,082	1,082
Total	13,634	452	14,086	14,085	1	99.99	10,758	10,762

	2002/03						2001/02	
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Economic classification								
Current								
Personnel	7,806	26	7,832	7,832	-	100.00	6,104	6,103
Transfer payments	22	-	22	21	1	95.45	32	32
Other	4,492	248	4,740	4,740	-	100.00	3,499	3,504
Capital								
Transfer payments	-	-	-	-	-	-	-	-
Acquisition of capital assets	1,314	178	1,492	1,492	-	100.00	1,123	1,123
Total	13,634	452	14,086	14,085	1	99.99	10,758	10,762

	2002/03						2001/02	
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Standard item classification								
Personnel								
Administration	7,806	26	7,832	7,832	-	100.00	6,104	6,103
Inventories	2,758	(61)	2,697	2,697	-	100.00	1,651	1,651
Equipment	608	(119)	489	489	-	100.00	391	391
Land and buildings	654	1,071	1,725	1,725	-	100.00	1,602	1,602
Professional and special services	850	(850)	-	-	-	-	219	219
Transfer payments	936	385	1,321	1,321	-	100.00	759	759
Miscellaneous	22	-	22	21	1	95.45	32	32
Special functions	-	-	-	-	-	-	-	-
Total	13,634	452	14,086	14,085	1	99.99	10,758	10,762

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**DETAIL PER PROGRAMME 2
for the year ended 31 March 2003**

	2002/03						2001/02	
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
2.1 Subprogramme 1								
Current	10,827	1,320	12,155	12,155	-	100.00	9,815	9,815
Capital	3,140	(2,017)	1,115	980	135	87.89	817	817
Total	13,967	(697)	13,270	13,135	135	98.98	10,632	10,632

	2002/03						2001/02	
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Economic classification								
Current								
Personnel	6,913	837	7,750	7,767	(17)	100.22	6,666	6,666
Transfer payments	-	-	-	-	-	-	-	-
Other	3,914	491	4,405	4,388	17	99.61	3,149	3,149
Capital								
Transfer payments	-	-	-	-	-	-	-	-
Acquisition of capital assets	3,140	(2,025)	1,115	980	135	87.89	817	817
Total	13,967	(697)	13,270	13,135	135	98.98	10,632	10,632

	2002/03						2001/02	
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Standard item classification								
Personnel								
Administrative	6,913	837	7,750	7,767	(17)	100.22	6,666	6,666
Inventories	3,569	369	3,938	3,921	17	99.57	2,810	2,810
Equipment	112	40	152	152	-	100.00	132	132
Land and buildings	3,286	(2,035)	1,251	1,116	135	89.21	864	864
Professional and special services	-	-	-	-	-	-	-	-
Transfer payments	87	92	179	179	-	100.00	160	160
Miscellaneous	-	-	-	-	-	-	-	-
Special functions	-	-	-	-	-	-	-	-
Total	13,967	(697)	13,270	13,135	135	98.98	10,632	10,632





**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**DETAIL PER PROGRAMME 3
for the year ended 31 March 2003**

Programme per subprogramme	2002/03					2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
3.1 Subprogramme 1								
Current	537	(183)	354	354	-	100	310	310
Capital	25	(18)	7	7	-	100	26	26
3.2 Subprogramme 2								
Current	3,449	438	3,887	3,887	-	100	4,241	4,241
Capital	290	8	298	298	-	100	744	744
Total	4,301	245	4,546	4,546	-	100	5,321	5,321

Economic classification	2002/03					2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Current								
Personnel	3,163	(22)	3,141	3,141	-	100	3,543	3,543
Transfer payments	-		-	-	-	-	-	-
Other	823	277	1,100	1,100	-	100	1,008	1,008
Capital								
Transfer payments	-		-	-	-	-	-	-
Acquisition of capital assets	315	(10)	305	305	-	100	770	770
Total	4,301	245	4,546	4,546	-	100	5,321	5,321

Standard item classification	2002/03					2001/02		
	Adjusted Appropriation R'000	Virement R'000	Revised Allocation R'000	Actual Expenditure R'000	Savings (Excess) R'000	Expenditure as % of revised allocation	Revised Allocation R'000	Actual Expenditure R'000
Personnel								
Administrative	3,163	(22)	3,141	3,141	-	100	3,543	3,543
Inventories	603	133	736	736	-	100	845	845
Equipment	83	(18)	65	65	-	100	54	54
Land and buildings	370	146	516	516	-	100	795	795
Professional and special services	-		-	-	-	-	-	-
Transfer payments	82	6	88	88	-	100	84	84
Miscellaneous	-		-	-	-	-	-	-
Special functions	-		-	-	-	-	-	-
Total	4,301	245	4,546	4,546	-	100	5,321	5,321

INDEPENDENT COMPLAINTS DIRECTORATE VOTE 22

NOTES TO THE APPROPRIATION STATEMENT for the year ended 31 MARCH 2003

1 Detail of current and capital transfers as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in note 8 (Transfer payments) 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 (Charge to National/Provincial Revenue Fund) to the annual financial statements.

3 Detail of special functions (theft and losses)

Detail of these transactions per programme can be viewed in note 9.2 (Details of special functions) to the annual financial statements.

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

4.1 Per programme:

Programme 1: Administration - The balance between the budgeted amount and the invoice received from POSLEC SETA for the Skills Development Levy has to be surrendered to National Treasury as this was a transfer payment.

Programme 2: Investigation of complaints - No material variance to be explained.

Programme 3: Monitoring and development - The variance can be attributed to the fact that orders were placed for computer equipment (R102 000) that could be obtained at a special price, but the invoice was only received in the new financial year as well as the finalisation of the refurbishment project (R33 000) of which the invoice was also received in the new financial year.

Special functions - No material variances to be explained.

4.2 Per standard item:

Personnel: The overspending of R17 000 can be attributed to the fact that the interfacing of PERSAL to BAS only occurred in April 2003 and the effect of the employers contributions could not be accurately calculated in a manual way. Furthermore, the fact that BAS was off-line and very slow during March 2003 contributed to not having proper control over the interfaces and payments made.

Administrative: The overspending could be attributed to the fact that not all invoices for travel arrangements were received before the end of the financial year.

Inventories: No material variances to be explained.

Equipment: Invoices were received after the financial year-end and could therefore not be paid during March 2003. A request was made for the roll-over of R135 000 for the computer equipment and the refurbishment project.



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**NOTES TO THE APPROPRIATION STATEMENT
for the year ended 31 MARCH 2003**

Professional and special services: No material variances to be explained.

Transfer payments: The amount indicated as underspending is the balance of the invoice received from POSLEC SETA and the budgeted amount for the Skills Development Levy and must be surrendered to National Treasury.

5 Reconciliation of appropriation statement to income statement:

	2002/03 R'000	2001/02 R'000
Total expenditure per Appropriation Statement	31,766	26,715
Less: Investments acquired and capitalised during the current financial year - expensed for appropriation purposes	-	-
Add: Local and foreign aid assistance (including RDP funds)	-	-
Actual Expenditure per Income Statement	31,766	26,715



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**INCOME STATEMENT (STATEMENT OF FINANCIAL PERFORMANCE)
for the year ended 31 MARCH 2003**

	Note	2002/03 R'000	2001/02 R'000
REVENUE			
Voted funds			
Charge to National/Provincial Revenue Fund	1	31,902	26,715
Non voted funds			
Other revenue to be surrendered to the revenue fund	2	307	106
TOTAL REVENUE		32,209	26,821
EXPENDITURE			
Current			
Personnel	3	18,740	16,312
Administrative		7,354	5,307
Inventories	4	679	533
Machinery and Equipment	5	612	814
Land and buildings	6	-	-
Professional and special services	7	1,583	1,002
Transfer payments	8	21	32
Special functions: authorised losses	9	-	5
TOTAL CURRENT EXPENDITURE		28,989	24,005
Capital			
Inventories	4	27	44
Machinery and Equipment	5	2,745	2,447
Land and buildings	6	-	219
Professional and special services	7	5	-
TOTAL CAPITAL EXPENDITURE		2,777	2,710
TOTAL EXPENDITURE		31,766	26,715
NET SURPLUS /(DEFICIT)		443	106
NET SURPLUS /(DEFICIT) FOR THE YEAR	10	443	106



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**BALANCE SHEET (STATEMENT OF FINANCIAL POSITION)
at 31 MARCH 2003**

ASSETS	Note	2002/03 R'000	2001/02 R'000
Current assets		710	668
Cash and cash equivalents	11	13	11
Receivables	12	697	657
TOTAL ASSETS		710	668
LIABILITIES			
Current liabilities		710	668
Voted funds to be surrendered	13	136	-
Revenue funds to be surrendered	14	30	17
Bank overdraft	15	144	428
Payables	16	400	223
TOTAL LIABILITIES		710	668
NET ASSETS/LIABILITIES		-	-
EQUITY			
Recoverable revenue		-	-
TOTAL EQUITY		-	-



**INDEPENDENT COMPLAINTS DIRECTORATE
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**CASH FLOW STATEMENT
for the year ended 31 MARCH 2003**

	Note	2002/03 R'000	2001/02 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Net cash flow generated by operating activities	17	3,220	2,772
Cash generated (utilised) to (increase)/decrease working capital	18	135	1,117
Voted funds and Revenue funds surrendered	19	(294)	(96)
Net cash flow available from operating activities		3,061	3,793
CASH FLOWS FROM INVESTING ACTIVITIES			
Capital expenditure		(2,777)	(2,666)
Net cash flows from operating and investing activities		284	1,127
Net increase/(decrease) in cash and cash equivalents		284	1,127
Cash and cash equivalents at beginning of period		(428)	(1,555)
Cash and cash equivalents at end of period		(144)	(428)



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

1 Charge to National/Provincial Revenue Fund

1.1 Included in the above are funds specifically and exclusively appropriated for National Departments (Voted funds) and Provincial Departments (Equitable Share):

Programmes	Total Appropriation 2002/03	Actual	Variance over/(under)	Total Appropriation 2001/02
Administration	14,086	14,085	1	10,758
Investigation of complaints	13,270	13,135	135	10,632
Monitoring and development	4,546	4,546	-	5,325
Special functions	-	-	-	-
TOTAL	31,902	31,766	136	26,715

1.2 The variance for Administration is due to the balance of the budgeted amount for the Skills Development Levy and the actual invoice received. An application for the rollover of R135 000 for Investigation of complaints has been made and can be attributed to the fact that invoices were only received in the new financial year.

2 Other revenue to be surrendered to the revenue fund

Description	Note		
Cheques written back/stale cheques		8	65
Interest received		3	6
Other		296	35
		307	106

3 Personnel

3.1 Current expenditure

Appropriation to Executive and Legislature			
Basic salary costs		12,542	10,644
Pension contributions		1,847	1,582
Medical aid contributions		905	772
Other salary related costs		3,446	3,314
		18,740	16,312
Average number of employees			
		166	149
Total Personnel Costs		18,740	16,312



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

		2002/03 R'000	2001/02 R'000
4	Inventories		
4.1	Current expenditure		
	Inventories purchased during the year		
	Computer consumables	74	51
	Stationery	304	261
	Printing: Departmental	156	71
	Other	145	150
		679	533
4.2	Capital expenditure		
	Inventories purchased during the year		
	Domestic supplies	13	3
	T-shirts and sports gear	12	-
	Other	2	41
		27	44
	Total cost of inventories	706	577
4.3	Inventories on hand at year end (for disclosure purposes only)		
	Stationery	456	
		456	
			Costing method used
			Latest unit price
	The value of inventory on hand disclosed is for all stores.		
5	Machinery and Equipment		
	Current (Rentals, maintenance and sundry net of cash discounts)	612	814
	Capital	2,745	2,447
	Total current and capital expenditure	3,357	3,261
5.1	Capital machinery and equipment analysed as follows:		
	Computer equipment	1,267	2,242
	Furniture and office equipment	1,245	130
	Other machinery and equipment	233	75
		2,745	2,447
6	Land and buildings		
	Capital expenditure	-	219
	Total current and capital expenditure	-	219
6.1	Capital land and building expenditure analysed as follows:		
	Non-residential buildings	-	219
		-	219



**INDEPENDENT COMPLAINTS DIRECTORATE
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**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

7	Professional and special services			
7.1	Current expenditure			
	Auditors' remuneration		240	197
	Contractors		10	3
	Consultants and advisory services		131	82
	Commissions and committees		11	-
	Computer services		517	237
	Other		674	483
			1,583	1,002
7.2	Capital expenditure			
	Other		5	-
			5	-
	Total Professional and special services		1,588	1,002
8	Transfer payments	Note		
	Other transfers	Annexure 1E	21	32
			21	32
	Analysis of payments			
	Current		21	32
			21	32
9	Special functions: Authorised losses	Note		
	Debts written off	9.1	-	5
			-	5
9.1	Debts written off			
	Nature of debts written off			
	Tax debt		-	1
	Bursary debt		-	3
	Interest on late payment		-	1
			-	5
9.2	Details of special functions (theft and losses)			
	Per programme			
	Administration		-	5
			-	5
10	Analysis of surplus			
	Voted funds to be surrendered to the National/Provincial Revenue Fund		136	-
	Non voted funds		30	106
	Other revenue to be surrendered to the Revenue Fund		30	106
			166	106
	Total		166	106



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

		2002/03 R'000	2001/02 R'000
11 Cash and cash equivalents			
Cash on hand		13	11
		<u>13</u>	<u>11</u>
12 Receivables - current			
	Note		
Amounts owing by other departments		12	50
Staff debtors	12.3	89	80
Other debtors	12.4	593	527
Advances	12.5	3	-
		<u>697</u>	<u>657</u>
12.1 Amounts of R200 000 (2002 : R150 000) included above may not be recoverable, but has not been written off in the income statement.			
12.2 Age analysis – receivables current			
Less than one year		45	8
One to two years (List material amounts)		83	302
More than two years (List material amounts)		569	347
		<u>697</u>	<u>657</u>
12.3 Staff debtors			
(Group major categories, but list material items)			
S & T Account		58	69
Tax debt		14	11
Housing guarantee		17	-
		<u>89</u>	<u>80</u>
12.4 Other debtors			
Pensions (Finance)		69	69
Independent Institutions		59	24
Debt awaiting pension / pension received less than debt		90	87
GG Accidents		176	176
Thefts & Losses (awaiting approval)		65	67
Suppliers		134	104
		<u>593</u>	<u>527</u>
12.5 Advances			
Nature of advances			
Salary advance issued by Statistics SA		3	-
		<u>3</u>	<u>-</u>



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

13 Voted funds to be surrendered

	Note		
Opening balance		-	-
Transfer from income statement		136	-
Paid during the year		-	-
Closing balance		136	-

14 Revenue funds to be surrendered

	Note	2002/03 R'000	2001/02 R'000
Opening balance		17	7
Transfer from income statement for revenue to be surrendered		307	106
Paid during the year		(294)	(96)
Closing balance		30	17

15 Bank overdraft

Balance of PMG Account	538	1,069
Add: Outstanding deposits	1	1
Sub total	539	1,070
Deduct:	683	1,498
Orders payable	64	108
Bank adjustment	16	-
ACB control account	603	1,390
Paymaster General Account (Exchequer account)	(144)	(428)

16 Payables - current

Description	Note		
Other payables	16.1	340	223
		340	223

16.1 Other payables

Credits received from Pensions to be taken into account	89	68
Government Garage - Western Cape	210	103
Recoverable revenue	26	52
Credits received from Independent Institutions	15	-
	340	223

17 Net cash flow generated by operating activities

	Note	2002/03 R'000	2001/02 R'000
Net surplus as per Income Statement		443	106
Adjusted for items separately disclosed		2,777	2,666
Capital expenditure		2,777	2,666
Net cash flow generated by operating activities		3,220	2,772



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

18 Cash generated (utilised) to (increase)/decrease working capital

(Increase) / decrease in receivables – current	(40)	921
(Increase) / decrease in prepayments and advances	(2)	7
Increase / (decrease) in payables	177	189
	135	1,117

19 Voted funds and Revenue funds surrendered

	Note		
Revenue funds surrendered		294	(96)
		294	(96)



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

These amounts are not recognised in the financial statements, and are disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act and the Division of Revenue Act, Act 5 of 2002.

20 Contingent liabilities

Liable to	Nature	Note	2002/03 R'000	2001/02 R'000
Motor vehicle guarantees	Employees	Annexure 3	320	617
Housing loan guarantees	Employees	Annexure 3	661	499
			981	1,116

21 Commitments

Current expenditure

Approved and contracted/ordered	-	123
	-	123

Capital expenditure

Approved and contracted/ordered	-	41
	-	41

Total Commitments	-	164
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22 Accruals

Listed by standard Item

Administrative	332	309
Inventories	5	8
Equipment	46	33
Professional & Special Services	23	15
	406	365

Listed by programme level

P1: Administration	293	93
P2: Investigation of complaints	86	269
P3: Monitoring and development	27	3
	406	365

23 Employee benefits

Leave entitlement	6	96
Thirteenth cheque	972	853
Performance bonus	50	34
	1,028	983



**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

24 Key management personnel

24.1 Remuneration

The aggregate remuneration of the key management of the department amounts to R1 479 000 and consists of three individuals. The major classes of key management personnel are Deputy Director-General (one individual - the Executive Director) and Chief Directors (two individuals).

24.2 Other remuneration and compensation provided to key management and close members of the family of key management personnel

No other remuneration and compensation are provided to key management during the reporting period.

24.3 Loans that are not widely available (and/or widely known) to persons outside the key management

No loans were made available to the key management of the Department.

25 Gifts, donations and sponsorships

Nature of gift, donation or sponsorship

Sponsorship to visit BMW (Midrand) and brunch at Magaliesburg
Sponsorship to visit Bakgatla and Manyane resorts

	2002/03 R'000	2001/02 R'000
Sponsorship to visit BMW (Midrand) and brunch at Magaliesburg	8	-
Sponsorship to visit Bakgatla and Manyane resorts	3	-
	11	-





**INDEPENDENT COMPLAINTS DIRECTORATE
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**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

ANNEXURE 1E

STATEMENT OF OTHER TRANSFERS BY NATIONAL/PROVINCIAL DEPARTMENTS AS AT 31 MARCH 2003

(List each Transfer by Entity / Institution)	GRANT ALLOCATION				EXPENDITURE				
	Appropriations Act R'000	Adjustments Estimate R'000	Roll Overs R'000	Total Available (1) R'000	Actual Transfer R'000	Amount not Transferred R'000	% of Available Transferred	Capital R'000	Current R'000
POSLEC SETA	215	(193)	-	22	21	1	95	-	21

**INDEPENDENT COMPLAINTS DIRECTORATE
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**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

ANNEXURE 3

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2003

DOMESTIC/ FOREIGN (provide separate returns for Domestic and Foreign)

Guaranteed institution	Guarantee in respect of	Original Guaranteed capital amount	Opening balance as at 01/04/2002	Guarantees issued during the year	Guarantees Released during the year	Guaranteed interest outstanding as at 31/03/2003	Closing Balance 31/03/2003	Realised losses i.r.o. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000
Stannic	Motor Vehicle	733	617	-	(297)	-	320	-
ABSA	Housing	1,468	160	128	(22)	-	266	-
African Bank	Housing	80	17	-	-	-	17	-
Nedbank	Housing	1,056	95	88	-	-	183	-
Standard Bank	Housing	225	79	-	(34)	-	45	-
People's Bank	Housing	130	26	-	(26)	-	-	-
FNB	Housing	230	46	-	-	-	46	-
NBS	Housing	129	28	-	(2)	-	26	-
Saambou	Housing	388	48	30	-	-	78	-
Total		4,439	1,116	246	(381)	-	981	-





**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

ANNEXURE 4

PHYSICAL ASSET MOVEMENT SCHEDULE (Not including inventories)

PHYSICAL ASSETS ACQUIRED DURING FINANCIAL YEAR 2002/03		Opening Balance R'000	Additions R'000	Disposals R'000	Transfers In R'000	Transfers Out R'000	Closing Balance R'000
LAND AND BUILDINGS		219	-	-	-	-	219
Non-Residential Buildings		219	-	-	-	-	219
MACHINERY AND EQUIPMENT		6,418	2,745	-	-	-	9,163
Computer equipment		5,929	1,267	-	-	-	7,196
Furniture and office equipment		280	1,245	-	-	-	1,525
Other machinery and equipment		209	233	-	-	-	442
		6,637	2,745	-	-	-	9,382
PHYSICAL ASSETS ACQUIRED DURING FINANCIAL YEAR 2001/02		Opening Balance R'000	Additions R'000	Disposals R'000	Transfers In R'000	Transfers Out R'000	Closing Balance R'000
LAND AND BUILDINGS		-	219	-	-	-	219
Non-Residential Buildings		-	219	-	-	-	219
MACHINERY AND EQUIPMENT		3,971	2,447	-	-	-	6,418
Computer equipment		3,687	2,242	-	-	-	5,929
Furniture and office equipment		150	130	-	-	-	280
Other machinery and equipment		134	75	-	-	-	209
		3,971	2,666	-	-	-	6,637

**INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22**

**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 MARCH 2003**

ANNEXURE 5

INTANGIBLE ASSET MOVEMENT SCHEDULE (Not including inventories)

INTANGIBLE ASSETS ACQUIRED DURING FINANCIAL YEAR 2002/03	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers In R'000	Transfers Out R'000	Closing Balance R'000
Computer software	57	283	-	-	-	340
	57	283	-	-	-	340
INTANGIBLE ASSETS ACQUIRED DURING FINANCIAL YEAR 2001/02	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers In R'000	Transfers Out R'000	Closing Balance R'000
Computer software	*	57	-	-	-	57
	-	57	-	-	-	57

*Computer software (licences) were included in the expenditure incurred for computer equipment and it was only during 2001/02 that a differentiation was made.





