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## GOVERNMENT NOTICE

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### DEPARTMENT OF POLICE

No. R. 98

10 February 2012

#### INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ACT, 2011

#### REGULATIONS FOR THE OPERATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

The Minister of Police has, under section 34(1) of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), made the regulations set out in the Schedule hereto.

### SCHEDULE

#### Definitions and interpretation

1. In these regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and unless the context indicates otherwise—

**“complainant”** means a person who has submitted or lodged a written report or a complaint, as the case may be, with the Directorate in terms of regulation 2;

**“complaint”** includes a written report contemplated in regulation 2(1);

**“member of the Directorate”** means a person appointed to the Directorate on a full-time or contractual basis, either in the national office or in any provincial office;

**“Public Service Disciplinary Code”** means the Disciplinary Code and Procedures for the Public Service as contained in Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 2 of 1999, as amended;

**“Station Commander”** means a member of the South African Police Service in charge of a police station; and

**“the Act”** means the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011).

### **Reporting of matters to be investigated to Directorate**

2. (1) A Station Commander or any member of the South African Police Service or the Municipal Police Services must, within the period referred to in section 29(1)(b) of the Act, submit a written report to the Directorate regarding any matter listed in section 28(1)(a) to (f) of the Act in a format substantially similar to **Form 1**.

(2) The report contemplated in sub-regulation (1) must be submitted to a provincial office by fax or electronic mail, and the relevant provincial head must ensure that the Executive Director is notified of such report.

(3) A person contemplated in sub-regulation (1) must, after the submission of the report referred to in sub-regulation (2), keep or retain proof of the submission, including the method of transmission.

(4) (a) The provisions of this regulation do not preclude a member of the public from lodging a complaint, in a format substantially similar to **Form 2**, with the person contemplated in sub-regulation (1) or the Directorate, either at the national or provincial office, regarding any matter listed in section 28(1)(a) to (g) of the Act.

(b) A person who lodges a complaint in terms of this sub-regulation must do so in writing, by fax or electronic mail and the provisions of sub-regulation (3) apply with such changes as may be required by the context.

(c) A complaint lodged in terms of this sub-regulation may not be rejected merely as a result of the complainant's inability to furnish all of the information required in terms of **Form 2**.

(5) A complaint lodged with the Directorate at the national office in terms of sub-regulation (4) may be referred by the Executive Director to a relevant provincial office for investigation.

**Receiving, registering, processing, referral and disposing of complaints**

3. (1) A member of the Directorate designated for such purpose must, upon receipt of a complaint contemplated in regulation 2, determine whether or not the complaint falls within the ambit of the provisions of section 28(1)(a) to (g) of the Act.

(2) (a) A complaint which falls outside the ambit of the said provisions must, within seven days of receipt or referral, as the case may be, be referred, in writing, to an appropriate authority or institution that is capable of dealing with such complaint.

(b) The complainant must, within seven days, be informed in writing and, if practicable, telephonically, of such referral.

(3) A complaint which falls within the ambit of the said provisions must, within seven days of the receipt or referral, be registered in a computer-based register designed for this purpose and the complainant must, within the same period, be informed in writing and, if practicable, telephonically, that his or her complaint has been received and that his or her complaint is being investigated by an identified investigator, including the name and contact details of such investigator.

(4) A complaint which has been registered in terms of sub-regulation (3) must be disposed of within the time periods contemplated in regulations 4(6), 5(4) or 6(3) and (5), whichever is applicable in the circumstances.

**Investigation of deaths in police custody or as result of police action**

4. (1) The investigation of the death of a person in police custody or the death of a person as a result of police action or omission or both must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate the death of a person—

- (a) in police custody, irrespective of whether or not such death has occurred as a result of the alleged involvement of a member of the South African Police Service or the Municipal Police Services; or
- (b) who has died as a result of any action or omission or both on the part of a member of the South African Police Service or the Municipal Police Services.

(3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable, but within 24 hours of designation—

- (a) attend the scene where the death occurred, ensure that the scene is secured in terms of regulation 8, oversee the scene and conduct a preliminary investigation;
- (b) record the details of the deceased, including his or her name and surname, age and gender;
- (c) identify and record particulars of all potential witnesses for purposes of interviewing them, and in the case of a death in police custody, record the particulars of the persons who had been on duty in the facility at the time when the death occurred;
- (d) authorise the removal of the corpse, in consultation with a pathologist if a pathologist is available;
- (e) collect, or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory and ensure the proper registration, handling, transportation and disposal of exhibits;
- (f) visit the deceased's next-of-kin to inform them of the death and to obtain statements that may assist in the investigation;
- (g) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation;

- (h) attend the *post mortem* and advise the person conducting the *post mortem* of observations made at the scene of death as well as areas that should be concentrated on; and
- (i) after collecting all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the death containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Services or criminal prosecution of such member, to the Executive Director or the relevant provincial head, as the case may be.

(4) In the event of a death in police custody that has occurred as a result of the alleged involvement of a member or members of the South African Police Service or the Municipal Police Services, as the case may be, or a death which is the result of the action or omission or both of such member or members, the investigator, when visiting the scene of death, must, in consultation with the Executive Director or the relevant provincial head, as the case may be, make a determination as to whether such member or members must be arrested.

(5) When effecting an arrest, the investigator must have due regard to the constitutional rights of the person who is arrested and the provisions of sections 39 to 53 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) relating to the arrest of persons.

(6) An investigation into the death of a person in police custody and the investigation of the death of a person who has died as a result of police action or omission or both must be finalised within a reasonable period, which period may not exceed 90 days after designation, failing which the investigator must give reasons for failure to comply with this period in the report contemplated in sub-regulation (3)(i).

(7) An investigator designated to investigate a death in terms of this regulation must inform the complainant, and the next-of-kin, if the complainant is not a member of the deceased's next-of-kin, in writing of the progress made with the investigation at least once per calendar month.

(8) In the event of a late notification of a death in police custody or as a result of police action or omission or both, the investigator must, within a reasonable period, which period may not exceed 30 days of designation—

- (a) conduct a preliminary investigation or proceed with a full investigation;
- (b) attend the *post mortem* if it has not yet been conducted;
- (c) interview witnesses and obtain statements that may assist in the investigation;
- (d) consider the desirability of reconstructing the scene of death; and
- (e) submit a report on the investigation containing recommendations to the Executive Director or relevant provincial head.

(9) For purposes of sub-regulation (8), the investigator must—

- (a) peruse the police docket;
- (b) take the police docket over for further investigation;
- (c) finalise and submit the police docket to the relevant Director of Public Prosecutions together with recommendations relating to further actions by the National Prosecuting Authority; and
- (d) submit a report on the investigation containing recommendations to the Executive Director or relevant provincial head.

### **Investigation of criminal matters**

5. (1) An investigation of a matter contemplated in sub-regulation (2) must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a complaint that—

- (a) a person has been raped while that person was in police custody;
- (b) a member of the South African Police Service or the Municipal Police Services has raped a person, irrespective of whether such member had been on official duty at the time of the alleged rape or not;
- (c) a member of the South African Police Service or the Municipal Police Services has in the execution of his or her duties tortured or assaulted a person; or
- (d) a member of the South African Police Service or the Municipal Police Services is involved in corruption.

(3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable, but within 24 hours of designation—

- (a) if a police docket has been opened, take over the docket and conduct all outstanding investigations, and if such docket has not been opened, ensure that it is opened for purposes of the investigation;
- (b) interview and record the details of the victim of the offence concerned, including his or her name and surname, age and gender, if this had not yet been done;
- (c) identify and record particulars of all potential witnesses for purposes of interviewing them, and in the case of an offence contemplated in paragraph (a) of sub-regulation (2), record the particulars of the persons who had been on duty in the facility at the time when the offence had been committed, if this had not yet been done;
- (d) collect, or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory or other appropriate institution and ensure the proper registration, handling,

transportation and disposal of exhibits, if this had not yet been done;

- (e) in the case of an offence contemplated in paragraph (a) or (b) of sub-regulation 2, ensure, if this had not yet been done, that—
  - (i) the victim is examined by a medical practitioner without delay;
  - (ii) a sexual assault crime kit is obtained, properly sealed and submitted to the Forensic Science Laboratory; and
  - (iii) the provisions of sections 28(3), 31(5), 32(1) and (5), 33(1), 34, 36 and 37 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), and any South African Police Service National Instructions relating to the crime of rape are complied with;
- (f) in the case of an offence contemplated in sub-regulation (2)(d) or any offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), involving an amount of R100 000 or more, ensure that a report contemplated in section 34(1) of that Act has been taken down in the manner contemplated in section 34(3)(a) of the said Act;
- (g) in the case of an offence contemplated in paragraph (c) of sub-regulation (2), if this had not yet been done—
  - (i) attend and secure the scene where the alleged torture occurred in terms of regulation 8; and
  - (ii) ensure that the victim is taken to a medical practitioner for examination, including the taking of bodily specimens relating to torture;

- (h) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and
- (i) after collecting all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the offence to the Executive Director or the relevant provincial head, as the case may be, containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Service or criminal prosecution of such member.

(4) An investigation contemplated in this regulation must be finalised within a reasonable period, which period may not exceed 90 days after designation, failing which the investigator must include reasons for failure to comply with this period in the report contemplated in paragraph (i) of sub-regulation (3).

(5) An investigator designated to investigate an offence in terms of this regulation must inform the complainant, and if the complainant is not the victim of the offence, the victim, in writing of the progress made with the investigation at least once per calendar month.

(6) Regulation 4(4) and (5) applies with such changes as may be required by the context to the arrest of a person in terms of this regulation.

### **Investigation of discharge of official firearm**

6. (1) The discharge of an official firearm by a member of the South African Police Service or the Municipal Police Services, as the case may be, must be investigated in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a complaint that a member of the South African Police Service or the Municipal Police Services has discharged an official firearm, irrespective of whether such member had been on or off duty and whether any injury has been sustained as a result of such discharge or not.

(3) An investigator designated in terms of sub-regulation (2) must conduct a preliminary investigation, to be finalised within a reasonable period, which period may not exceed 30 days after designation, into the discharge of an official firearm to enable the Executive Director or the relevant provincial head, as the case may be, to determine whether a full investigation is warranted or not.

(4) If the Executive Director or relevant provincial head, as the case may be, determines that a full investigation is warranted, the investigator must as soon as is practicable, but within 24 hours after determination—

- (a) if a police docket has been opened, take over the docket and conduct all outstanding investigations, and if such docket has not been opened, ensure that it is opened during any stage of the investigation;
- (b) identify and record particulars of all potential witnesses for purposes of interviewing them;
- (c) collect or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory or other appropriate institution and ensure the proper registration, handling, transportation and disposal of exhibits, if this had not yet been done;
- (d) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and
- (e) after collecting all evidence, statements, technical and expert reports, if applicable, submit a final report on the investigation to the Executive Director or the relevant provincial head, as the case may be, containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Services or criminal prosecution of such member.

(5) A full investigation contemplated in this regulation must be finalised within a reasonable period, which period may not exceed 90 days after designation, failing

which the investigator must include reasons for failure to comply with this period in the report contemplated in paragraph (e) of sub-regulation (4).

(6) An investigator designated to do an investigation in terms of this regulation must inform the complainant in writing of the progress made with the investigation at least once per calendar month.

(7) Regulation 4(4) and (5) applies with such changes as may be required by the context to the arrest of a person in terms of this regulation.

### **Investigation of referred matters**

7. (1) The investigation of matters referred to the Directorate as contemplated in section 28(1)(h) of the Act must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a matter contemplated in section 28(1)(h) of the Act which had been referred to the Directorate for investigation.

(3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable, determine whether the referred matter relates to—

- (a) a matter contemplated in regulation 4, in which case the provisions of that regulation apply with such changes as may be required by the context;
- (b) a criminal matter, in which case the provisions of regulation 5 apply with such changes as may be required by the context, notwithstanding the fact that the criminal matter to be investigated may not be listed in sub-regulation (2) of that regulation; or
- (c) a matter not dealt with in regulation 4 or 5, in which case the Executive Director or relevant provincial head, as the case may be, must give directions regarding the investigation, the period within which the investigation must be completed and the manner of disposal of the referred matter.

(4) An investigator designated to do an investigation in terms of this regulation must inform the person who referred the matter for investigation in writing of the progress made with the investigation at least once per calendar month.

### **Securing of crime scene**

8. An investigator designated to investigate a criminal matter must secure the scene of the crime, if still intact, or take over the securing of such scene from a member or members of the South African Police Service who may already be present at such scene, by—

- (a) establishing an inner cordon around the perimeter of the crime scene, as well as an outer cordon around the inner cordon to enable persons to perform their tasks within the inner cordon;
- (b) protecting obvious exhibits from contamination and the elements;
- (c) making a note of each exhibit to protect its integrity and location if it has to be moved;
- (d) regarding a corpse as a source of evidence and handling it as such;
- (e) identifying other scenes that might have a direct connection with the primary crime scene, and also protecting such scenes;
- (f) exercising control over the persons who may gain access to the crime scene and co-ordinating all investigation support resources;
- (g) requesting potential witnesses to wait at a designated area outside the outer cordon for the obtaining of statements, ensuring their safety and encouraging witnesses not to discuss the incident amongst themselves;
- (h) protecting the routes of access and departure by the person or persons suspected of having committed the crime, if known;
- (i) determining access and departure routes for use by emergency services and other persons authorised to enter the crime scene;

- (j) controlling any representatives of the media who may be in the vicinity of the crime scene; and
- (k) refraining from releasing information about the crime or the crime scene to any unauthorised person, including representatives of the media.

**Procedures relating to identification parades, taking of affidavits, giving of evidence, production of documents and submission of information and co-operation by Police**

**9. (1) The procedures relating to—**

- (a) the arrangement and holding of identification parades, as contemplated in section 29(2)(a) of the Act;
- (b) the taking of affidavits or affirmed declarations or the giving of evidence or the production of documents in the possession or under the control of a member of the South African Police Service or the Municipal Police Services which have a bearing on the matter to be investigated, as contemplated in section 29(2)(b) of the Act; and
- (c) the submission of any other information or documentation required for investigation purposes, contemplated in section 29(2)(c) of the Act,

must be conducted in accordance with the relevant procedures applicable to members of the South African Police Service.

(2) A member of the Directorate may require written reasons for failure by a member of the South African Service or the Municipal Police Service to comply with a request for co-operation regarding any matter contemplated in sub-regulation (1), and may make recommendations to the Executive Director or relevant provincial head, as the case may be, regarding disciplinary measures to be taken against such member.

**Access and control of confidential information and records**

10. (1) All information, whether verbal or in writing, and all documentation acquired during the course of an investigation conducted in terms of the Act and all records pertaining to any such investigation are to be treated as confidential and may not be divulged to any person outside of the Directorate unless authorised to be divulged, in the interests of justice, by –

- (a) the Executive Director or relevant provincial head, as the case may be, in writing; or
- (b) an Act of Parliament.

(2) All information, documentation and records pertaining to an investigation must be secured at all times in a manner that would effectively prevent access to such information, documentation and records by an unauthorised person.

(3) A member of the Directorate may insist on, and must be granted, access to such confidential information, documentation and records as are reasonably necessary to enable such member to conduct an investigation in terms of the Act, excluding confidential information, documentation and records protected under professional privilege.

(4) Subject to the provisions of section 33(2) of the Act, a member of the Directorate who divulges information, documentation or records or causes such information, documentation or records to be divulged in contravention of sub-regulation (1) or (2) is guilty of misconduct and is subject to the disciplinary measures contemplated in regulation 13.

**Integrity testing and confidentiality of information relating to integrity testing**

11. (1) The Executive Director may conduct, or authorise any member of the Directorate or any other person to conduct, a procedure to test the integrity of any particular member of the Directorate.

- (2) The procedure referred to in sub-regulation (1) may involve—

- (a) the employment of an act or omission, by the person who conducts the procedure, which offers the member of the Directorate whose integrity is being tested the opportunity to engage in behaviour in contravention of any law, any code of conduct which is binding on such member or any disciplinary regulations;
- (b) the testing of a member of the Directorate for the abuse of alcohol or drugs; or
- (c) the use of a polygraph or any similar instrument.

(3) A procedure involving a measure contemplated in paragraph (a) of sub-regulation (2) may only be performed—

- (a) after approval by the Director of Public Prosecutions having jurisdiction in the area in which the integrity testing will take place, or by his or her delegate; and
- (b) in consonance with such instructions or guidelines as may be laid down by the National Director of Public Prosecutions or by the Director of Public Prosecutions having jurisdiction in the area in which the integrity testing will take place, or by his or her delegate, in accordance with section 252A(2)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(4) A procedure involving measures contemplated in paragraphs (b) and (c) of sub-regulation (2) may only be performed with the written approval of the Executive Director, in which case the member of the Directorate whose integrity is being tested must submit to such measures.

(5) A member of the Directorate may not, at any time when reporting for duty, while on duty or while on call for duty, have any evidence of—

- (a) alcohol; or
- (b) a drug as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) which may not lawfully be taken or has been taken in a manner which is contrary to the prescription of

a registered medical practitioner or the recommendation of the manufacturer of the substance,

in his or her breath, blood or urine, as the case may be.

(6) Despite paragraph (b) of sub-regulation (5), a member of the Directorate who lawfully takes or has taken a drug prescribed by a registered medical practitioner may not perform duties involving operational capacity if the substance may impair such member's capacity to perform the duties without danger to himself or herself or any other person.

(7) In the event of an alcohol test—

- (a) the member of the Directorate whose integrity is being tested must provide a specimen of breath or blood, if requested to do so, and if such member fails or refuses to provide such specimen, he or she may be charged with disobeying a lawful order, command or instruction under regulation 13; and
- (b) the test, in the case of a specimen of breath, must be performed by using equipment prescribed in regulation 332 of the regulations made under the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(8) In the event of a drugs test —

- (a) the member of the Directorate whose integrity is being tested must provide a specimen of blood or urine to a registered medical practitioner or registered nurse at a place and time specified by the Executive Director, if requested to do so, and if such member fails, unless failure is attributable to a medical condition, or refuses to provide such specimen, he or she may be charged with disobeying a lawful order, command or instruction under regulation 13; and
- (b) the registered medical practitioner or registered nurse may give such directions as may be reasonably necessary to the member of

the Directorate whose integrity is being tested regarding the manner in which the specimen is to be provided.

(9) If a member of the Directorate refuses to submit to a polygraph examination or other similar test, when requested to do so, or if the polygraph or similar test indicates possible deception, the Executive Director may instruct such member to subject himself or herself to a security screening in accordance with section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), failing which he or she may be charged with disobeying a lawful order, command or instruction under regulation 13.

(10) The Executive Director, in the event of a result that impacts adversely on the integrity of a member of the Directorate after employment of a measure contemplated in paragraph (a) of sub-regulation (2), may—

- (a) require such member to undergo such counselling, rehabilitation or retraining as directed by the Executive Director or relevant provincial head;
- (b) require such member to subject himself or herself to a security screening in accordance with section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994); or
- (b) if appropriate in the circumstances, take disciplinary or other action against such member under regulation 13.

(11) The Executive Director, in the event of a finding that a member of the Directorate has evidence of alcohol or drugs in his or her breath, blood or urine respectively, may—

- (a) suspend such member from duty until he or she is free from such evidence;
- (b) require such member to undergo such counselling or rehabilitation as directed by the Executive Director;

- (c) refer such member to an identified registered medical practitioner for a medical examination and report of the member's fitness to proceed with his or her duties;
- (d) after considering a report referred to in paragraph (c), instruct such member to perform other duties for such time as the Executive Director considers necessary; or
- (e) if appropriate in the circumstances, take disciplinary or other action against such member under regulation 13.

(12) The measures contemplated in this regulation must be applied with due regard to decency and the right of a member of the Directorate to dignity and privacy.

(13) No person may disclose any information which he or she has obtained in the application of the measures contemplated in sub-regulation (2), unless such information is—

- (a) required by a person who of necessity needs the information for the performance of his or her functions in terms of these regulations;
- (b) supplied in the performance of functions in terms of these regulations; or
- (c) required in terms of any law or as evidence in any court of law or formal disciplinary process.

(14) Any contravention of sub-regulation (13) is to be regarded as serious misconduct for purposes of regulation 13.

### **Disciplinary referrals**

12. (1) A complaint of a disciplinary nature or recommendations by the Directorate involving the discipline of a member or members of the South African Police Service or the Municipal Police Services must be contained in a report substantially similar to **Form 3**.

(2) The Executive Director or relevant provincial head must, in accordance with section 7(6) of the Act, read with sections 9(m) and 21(1)(f), ensure that the form contemplated in sub-regulation (1) is correctly completed and submitted to the National Commissioner or relevant Provincial Commissioner of Police, as the case may be.

(3) The Executive Director or relevant provincial head must interact and liaise with the National Commissioner or Provincial Commissioner of Police regarding progress relating to disciplinary proceedings initiated by the National Commissioner or Provincial Commissioner of Police, as the case may be, in accordance with section 30 of the Act.

(4) The duty imposed upon the Executive Director or the relevant provincial head in terms of sub-regulation (2) or (3) may be delegated, in writing, by the Executive Director or relevant provincial head, as the case may be, to a suitable member of the Directorate.

### **Disciplinary measures in relation to members of the Directorate**

13. The Public Service Disciplinary Code applies in the case of disciplinary proceedings initiated against a member of the Directorate as a result of the alleged misconduct of such member or failure to comply with a lawful command, order or instruction.

### **Security screening investigations**

14. The security screening investigation of a member of the Directorate or investigator contemplated in sections 8(3) and 22(3) of the Act, respectively, must be done in accordance with the provisions of section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994).

**Reporting**

15. (1) In addition to the provisions of section 32 of the Act, the Executive Director must submit an annual report to the Minister and Parliament in accordance with section 9(j) of the Act.

(2) The report contemplated in sub-regulation (1) must include an overview of—

- (a) the administration of the Directorate relating to its overall management and organisation;
- (b) the processing, monitoring and investigation of complaints lodged with the Directorate in terms of section 28(1) of the Act;
- (c) the management of information and research conducted during the financial year under review; and
- (d) statistics of cases dealt with by the Directorate on both national and provincial level, including information on the number and nature of cases carried over to the next financial year,

and may include recommendations relating to the manner in which deficiencies in practices employed by members of the South African Police Service or Municipal Police Services could be addressed.

(3) Despite sub-regulation (1), the Executive Director must, in accordance with section 7(12) of the Act, at any time when requested to do so by the Minister and Parliament, report on the activities of the Directorate.

**General**

16. These Regulations may be supplemented by—

- (a) the guidelines issued by the Executive Director in terms of section 7(3)(e) of the Act; and

- (b) any protocol on co-operation entered into by and between the Directorate, the South African Police Service and the Municipal Police Service pursuant to section 29(2) of the Act.

**Short title and commencement**

17. These regulations are called as the Independent Police Investigative Directorate Regulations, 2012, and come into effect on 1 April 2012.

**ANNEXURE****FORMS**

- Form 1: Reporting of matter by Station Commander, Member of the South African Police Service or the Municipal Police Services
- Form 2: Complaint reporting form by member of public
- Form 3: Disciplinary referrals to National Commissioner or Provincial Commissioner

**FORM 1**  
**REPORTING OF MATTER BY STATION COMMANDER, MEMBER OF THE SOUTH**  
**AFRICAN POLICE SERVICE OR MUNICIPAL POLICE SERVICES**  
**(Regulation 2(1))**

Complaint Details			
CAS/CR No/Inquest No		Province	
Date of Incident		Time of Incident	
Reported to SAPS	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Reported to SAPS	
Incident relates to :			
<input type="checkbox"/> Death in police custody			
<input type="checkbox"/> Death as a result of police action			
<input type="checkbox"/> Discharge of firearm by police officer			
<input type="checkbox"/> Rape by police officer			
On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/>			
<input type="checkbox"/> Rape of person in police custody			
<input type="checkbox"/> Torture/assault by police officer			
Complaint Description (Use additional folios if necessary)			

<b>Complainant Details</b>			
Role in the case	<input type="checkbox"/> Complainant <input type="checkbox"/> Third party		
ID Number		Passport Number	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Fax		Email	
Nationality		Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Disabled status	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Address (if complainant is willing to disclose this)			
Country		City	
Suburb		Postal Code	
Preferred contact Method (e.g. Email, SMS, Fax)			

Police Details (Reporting Station/Unit/MPS)			
Policing Unit		Policing Entity (E.g. SAPS, MPS)	
Police Station			
Investigating Officer First Name		Investigating Officer Middle Name	
Investigating Officer Surname		Investigating Officer Rank	
ID Parade Held	<input type="checkbox"/> Yes <input type="checkbox"/> No		
IPID Telephonically Informed	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Call
IPID Official incident reported to		Time of Call	
Title of Person Reporting Incident			
First Name of Person Reporting Incident		Middle Name of Person Reporting Incident	
Surname of Person Reporting Incident			
District Surgeon Notified			
	<input type="checkbox"/> Yes <input type="checkbox"/> No		
District Surgeon First Name		District Surgeon Middle Name	
District Surgeon Surname		District Surgeon Tel	
Victim Details			
Nationality		ID Number	
Passport Number			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female		Race
Age			
Next of Kin Notified	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Location of Body			
Responsible Person for death / injury	<input type="checkbox"/> Himself/Herself <input type="checkbox"/> SAPS/MPS Member( s) <input type="checkbox"/> Inmates <input type="checkbox"/> Vigilantes / Members of the public <input type="checkbox"/> Other		
Responsible Person (Other)			
Cause of Death	<input type="checkbox"/> Suicide <input type="checkbox"/> During Apprehension <input type="checkbox"/> In transit with SAPS vehicle <input type="checkbox"/> Natural Causes <input type="checkbox"/> Self-defense <input type="checkbox"/> During escape <input type="checkbox"/> Due to motor vehicle accident <input type="checkbox"/> Unknown <input type="checkbox"/> Other		

Classify Deceased	<input type="checkbox"/> Suspect <input type="checkbox"/> Sentenced <input type="checkbox"/> Witness Protection <input type="checkbox"/> Awaiting trial <input type="checkbox"/> Mental patient		
Detainee	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Reason for Detention			
Place where Death Occurred			
Instrument / Object Causing Death			
<b>Service Member's Details</b>			
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Contact Number			
Vehicle Registration Number			
Description of vehicle:			

Station Commissioner's Rank:
Station Commissioner's Full names:
Station Commissioner's Signature:

## COMPLAINT REPORTING FORM BY MEMBER OF PUBLIC (Regulation 2(4))

Complaint Details			
CAS/CR No/ Inquest No		Province	
Date of Incident		Time of Incident	
Reported to SAPS?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Reported to SAPS	
Name of SAPS station			
Protection Order issued?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Protection Order type	Interim <input type="checkbox"/> Final <input type="checkbox"/>
Date Issued			
Incident relates to : <input type="checkbox"/> Death in police custody <input type="checkbox"/> Death as a result of police action <input type="checkbox"/> Discharge of firearm by police officer <input type="checkbox"/> Rape by police officer On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/> <input type="checkbox"/> Rape of person in police custody <input type="checkbox"/> Torture/assault by police officer <input type="checkbox"/> Corruption within the police			
Complaint description (use additional folios if necessary):			

<b>Complainant Details (includes third party complaints)</b>			
Role in the case	<input type="checkbox"/> Complainant <input type="checkbox"/> Third Party		
ID Number		Passport Number	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Fax		Email	
Nationality		Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Disabled status			
Address			
Country		City	
Suburb		Postal Code	
Preferred contact Method (E.g. E-mail, SMS, Post)			
<b>Victim Details</b>			
Passport Number			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Age			
<b>Service Member's Details</b>			
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No		Rank
Persal Number			ID Number
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station			Duty Station Unit
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No		Rank
Persal Number			ID Number
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station			Duty Station Unit
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No		Rank
Persal Number			ID Number

Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
Contact Number			
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Vehicle Registration Number			
<b>Details of Witnesses to Incident</b>			
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Title		First Name	
Middle Name		Last Name	
Landline		Mobile	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	

COMPLAINANT'S FULL NAMES:

COMPLAINANT'S SIGNATURE:

DATE:

**FORM 3**  
**DISCIPLINARY REFERRALS TO NATIONAL COMMISSIONER / PROVINCIAL**  
**COMMISSIONER**  
**(Regulation 12(1))**  
**CASE INVESTIGATIVE REPORT**

Complaint Details			
CCN		Incident description code	
Type of report		Report date	
Date of last report		Complaint class	
Complainant		Date of complaint	
SAPS CR/CAS number		Suspect identification	
Investigator		Assignment	
Reporting staff member			
Source of complaint			
Summary of complaint			
Evidence giving rise to disciplinary recommendations			
Analysis and findings			

Recommendations regarding disciplinary action to be taken in terms of applicable disciplinary regulations or code
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**Signature of investigator:** \_\_\_\_\_

**Recommended / not recommended**

**Full names of supervisor:** \_\_\_\_\_

**Signature of supervisor:** \_\_\_\_\_

**Full names of IPID Provincial head:** \_\_\_\_\_

**Signature of IPID Provincial head:** \_\_\_\_\_

**Full names of IPID Executive Director / member acting in terms of regulation 12(4):**

\_\_\_\_\_

**Signature of IPID Executive Director / member acting in terms of regulation 12(4):**

\_\_\_\_\_