

INDEPENDENT COMPLAINTS DIRECTORATE

ICD

Independent Complaints
Directorate

1

INDEPENDENT COMPLAINTS DIRECTORATE

ANNUAL REPORT 2004/ 2005

RP No: 771/2005
ISBN No: 0-621-35951-3

CONTENTS

ICD

Independent Complaints
Directorate

2

| | |
|--|-----|
| Foreword by the Minister | 5 |
| Introduction by the Executive Director | 6 |
| 1. Legislative Mandate | 10 |
| 2. Programme Performance | 11 |
| 3. Programme | 14 |
| Administration | 14 |
| Human Resource Management | 18 |
| 4. Programme | 41 |
| Investigation of Complaints | 41 |
| 5. Programme | 68 |
| Information Management and Research | 68 |
| 6. Annexures | 94 |
| Annexure 1: List of abbreviations | 94 |
| Annexure 2: Sponsors and Donor Funding | 96 |
| 7. Report by the Accounting Officer to the Executive Authority and Parliament of the Republic of South Africa | 97 |
| 8. Report of the Chairperson of the Audit Committee | 103 |
| 9. Report of the Auditor General | 105 |
| Statement of Accounting Policies and related matters | 108 |
| Audited Financial Statements for the year ended 31 March 2005 | 115 |

**THIS REPORT IS DEDICATED TO THE MEMORY OF THE LATE
THANDWA VUYOLWETHU QINGA, ASSISTANT MANAGER: AUXILIARY SERVICES**



PHOTO

BORN: 24 FEBRUARY 1974

DIED: 12 MARCH 2005

LALA NGOXOLO

ICD

Independent Complaints
Directorate

4



**To the Minister for Safety and Security, Mr Charles Nqakula
I have the honour of presenting the 2004/05 Annual Report of the
Independent Complaints Directorate.**

FOREWORD BY THE MINISTER

ICD

Independent Complaints
Directorate

5



This is the ninth Annual Report of the Independent Complaints Directorate and fourth since I was appointed as Minister for Safety and Security.

This report is tabled at a time when changes are happening in the ICD, designed to empower that structure better to deliver on its mandate to expose and root out misconduct, including bribery and corruption, within the South African Police Service.

The Annual Report contains important highlights in the work of the ICD. Crucial to the work of the ICD is the ability to collaborate with Senior Police Management to deal with all forms of misdemeanour in the country. The ICD did launch a commendable effort to achieve this.

I welcome the 9% decrease in deaths in police custody and as a result of police action, and the 8% decrease in misconduct complaints lodged against members of the SAPS. The decreases indicate that we are doing something right. I realize also that the ICD faces serious challenges in finalizing some of its investigations. I would like to repeat what I said during the Department of Safety and Security Budget Speech delivered in Parliament earlier this year that there will be a consolidation and streamlining of processes to ensure that the ICD functions efficiently.

Finally, I thank the staff of the ICD who continue to work hard and with dedication under trying circumstances.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final vertical stroke.

MR. C. NQAKULA
MINISTER FOR SAFETY AND SECURITY

INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints
Directorate

6



The ICD, although succeeding to establish itself as a force to be reckoned with, is certainly contending with serious resource allocations. Lack of resources, in particular, within both the line function and corporate services is beginning to affect the ICD's capability to meet set targets. This report, inter alia, makes an indication of set targets for 2004/2005 and the respective performance output. The performance output has certainly been compromised by lack of resources and the previous year's backlog. By virtue of the fact that the backlog in respect of cases under investigation far exceeded the number of new cases received during 2004/2005, the finalization rate of new cases was bound to be adversely affected.

Overview of intake of new cases versus performance output

The intake of the complaints falling within the mandate of the ICD, from 1 April 2004 to 31 March 2005 amounted to 5 790, a decrease of 2% compared to the same period in the financial year 2003/2004. The decrease signifies that the trend in the increase of new cases experienced during previous financial years is beginning to stabilize. However, the number of new cases is still high in comparison to existing resources. The proportionality between new cases and existing resources implies that new cases far exceed existing resources. Coupled with the backlog of existing cases, the situation is further compounded. Given this scenario, the ICD could not reach the set standard of 80% finalization of new cases within 180 days (in respect of cases of death and criminality and 90 days (in respect of misconduct cases. The finalization rate of cases for 2004/05 is briefly as follows:

- Deaths cases = 63%
- Criminal cases or offences = 41%
- Misconduct cases = 44%

The fact that our output fell below the set target is a direct consequence of limited resources, coupled with backlog cases generated from the previous financial year.

Deaths in police custody or as a result of police action

There has been a decrease of 9% in deaths in police custody or as a result of police action compared to the same period in the financial year 2003/2004. The number of deaths received during 2004/05 is 652 compared to 714 received in 2003/04. It is therefore, pleasing to note that the rate of incidents of deaths is stabilizing. I believe that with adequate resources, this number can be reduced further and significantly. What is also pleasing to note, is that the following categories of deaths experienced a huge decrease:

INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints
Directorate

7

- Suicide cases decreased by 59.6%
- Cases of injuries decreased by 44.4%
- Shooting incidents decreased by 3.7%

It is however worrying on the other hand to note that there is a huge upsurge with regard to cases of vigilantism. Cases of vigilantism increased by 184%. There may be merit in the ICD embarking on a study to establish the causes leading to such a huge increase. Be that as it may, I am generally pleased with the overall decrease of cases of deaths as well as other specific categories of deaths mentioned above.

Co-operation with the police

The level of co-operation with the police, particularly in the area of the line function has been sterling. In fact, the reduction of deaths is also partly attributed to the Joint ICD-SAPS Committee, comprising of senior ICD managers and police officers. The said Committee continued to meet on a monthly basis to jointly monitor incidents of deaths. This co-operation will certainly be extended to other focus areas.

Fair reflection of police image

I wish to acknowledge in principle that while it is important to produce and publish statistics pertaining to the intake of new cases on an annual basis, in the same breath it is equally important to publish statistics on the outcome or findings of such cases. The rationale for publishing both intake of new cases and the outcome thereof is to avoid a situation where the public may formulate a selective perception about police image in circumstances where only intake of new cases is published. It is also fair that not only a number and type of allegations against SAPS members, or anyone for that matter is published but findings as well. In this report, I hope that the fact that we have published both scenarios, police image will be assessed fairly by the public and stakeholders. In terms of findings in respect of new cases for 2004/2005, it is evident that a high number of allegations against police were found to be unsubstantiated. To this effect, police were found not to be accountable for 85% of incidents of deaths in police custody or as a result of police action. Furthermore, police were found not to be accountable for 80% of allegations of criminality made against them. Finally, police were found not to be accountable for 80% of misconduct cases investigated against them. Therefore, it would be fair to strike a balance between these allegations and findings when interpreting the image of the South African Police Service.

Police Oversight in Africa

Emanating from a Policing Oversight in Africa conference during 26-29 January 2004, where a resolution for the establishment of the African Policing Civilian Oversight Forum (APCOF) was adopted, an interim Steering Committee has been established. The APCOF Steering

INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints
Directorate

8

Committee had its first meeting in Abuja, Nigeria during 4-5 November 2004. I was selected as Chairperson of the APCOF Steering Committee during this meeting.

The Steering Committee made a presentation to the African Commission for Human and People's Rights (ACHPR) at its 36th session in Dakar, Senegal, in November 2004. The presentation to the Commission covered the following areas:

- The importance of police reform and accountability to the work of the Commission;
- The establishment of the African Policing Civilian Oversight Forum (APCOF);
- The APCOF plan of action.

The purpose of the said presentation was to explore the modalities for an ongoing relationship between the APCOF and ACHPR. The presentation proposed that a special Rapporteur be appointed or to extend the mandate of an existing special Rapporteur to include the responsibility for police accountability and policing oversight.

Capacitating staff in terms of skills and knowledge

The project funded by POSLEC SETA in terms of which a consulting agency, OMNICO was engaged to conduct a skills' audit for the ICD has partially come to an end. The consulting agency has finalized the skills audit and handed its report for implementation. In terms of its report, it found most staff members to be fully equipped with technical skills and only lacking in terms of behavioural skills. I am confident that as soon as our Human Resource Management Division has finalized a programme of implementation of the said findings, all staff members will be exposed to training. The recommended behavioural skill training is certainly intended to complement the existing technical skill. We are however, building internal training capacity so that our staff could also be trained internally on issues such as policies, standard operating procedures, prescripts, ethics, etc. I hope that once the training roll-out takes place, all staff members will maximize the benefits of the said training.

Strategic Plan 2005-2008

The strategic objectives of the ICD for the new financial years (three year cycle) are as follows:

- Investigation of all deaths in police custody and as a result of police action,
- Investigation of all allegations of misconduct and criminal offences by SAPS members, reported to the ICD,
- Skilling of investigators through training,
- Promotion of corporate governance practices,
- Development of efficient and effective Human Resources,
- Refining/Strengthening of internal business processes,
- Improvement of complaints processing.

INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints
Directorate

9

Tribute to leadership and stakeholders

Once- again the continued support of the Minister for Safety and Security, the Deputy Minister for Safety and Security, the provincial MEC's for Safety and Security the South African Police Service, the Directors of Public Prosecutions, civil society and the communities we serve, is appreciated.

Tribute to ICD staff

I once-again wish to commend " Team ICD" for the commitment and dedication and for getting the work done. The valuable contribution of each and every ICD staff member is once-more appreciated.



ADV. KD McKENZIE
EXECUTIVE DIRECTOR

1. LEGISLATIVE MANDATE OF THE ICD

ICD

Independent Complaints
Directorate

10

Section 53 (2) of the South African Police Service (SAPS) 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 (DVA), 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 Instructions 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 64O 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

2. PROGRAMME PERFORMANCE

ICD

Independent Complaints
Directorate

11

SUMMARY OF PROGRAMMES

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

- Programme 1: Administration
- Programme 2: Investigation of Complaints
- Programme 3: Information Management and Research

Overview of the service delivery environment for 2004/05

The intake of complaints falling within the mandate of the ICD from 1 April 2004 to 31 March 2005 amounted to 5 790, a decrease of 2% compared to the same period in the financial year 2003/04. Cases recorded for the same period in 2003/04 amounted to 5 903.

In the case of deaths, a decrease of 9% was recorded compared to the same period in 2003/04. The majority of deaths most of which were shootings occurred in KwaZulu Natal, (26.8%). Gauteng accounted for 22.7%, which were largely shootings, suicides and cases of natural death. Interestingly, vigilantism seems to be a problem in this province, alleged criminals are severely assaulted by the communities before handed over to the police. The Eastern Cape had 10.7% of deaths, which occurred largely as a result of natural causes and to a lesser extent shooting incidents. The Western Cape accounted for 10% of all deaths, which are suicides, motor vehicle accidents and poisoning. There were, however, a few cases pertaining to shooting incidents. Mpumalanga dealt with 8.4% of deaths, which resulted mostly from shootings and natural causes. 8% of deaths occurred in Limpopo, most of which were shootings. There were a few isolated cases of suicide and deaths due to natural causes. 5.8% of deaths happened in the North West, most of which were due to natural causes, a smaller number resulted from suicides and shootings. In the Free State, which also accounted for 5.8% of deaths, natural causes, suicides and vehicle accidents were a strong feature. The least amount of deaths happened in the Northern Cape, (1.7%).

The ICD continues to be committed to reducing the high incidence of deaths in police custody and as a result of police action. To this end, senior managers of the ICD serve on the SAPS-ICD Joint-Committee to monitor deaths. This committee's main responsibility is to account for all death incidents and recommend interventions to deal with problems such as non-reporting or late reporting of such deaths. Also, the committee looks at whether or not the incidents that occur are in line with the official definition.

There was an 18% increase in reports of serious criminal offences allegedly committed by SAPS members. A total of 1 731 allegations of criminal offences were reported to the ICD nationally. The majority of criminal offences registered by the ICD were committed in Gauteng (20.5%), followed by the Western Cape (17%), followed by North West (11.3%), followed by KwaZulu Natal (10.6%), followed by Mpumalanga (8.8%), followed by Northern (8.7%), followed by Limpopo (8.5%), followed by Free State (7.4%), followed by Eastern Cape (7.2%).

2. PROGRAMME PERFORMANCE

ICD

Independent Complaints
Directorate

12

Incidents of misconduct reported to the ICD decreased by 8.3% compared to the same period in 2003/04. A total of 3 407 cases of police misconduct were reported to the ICD. Of these cases, 86.4% related to neglect of duty by police members, while 6.4% related to failure/refusal to perform duties. The rest of the alleged misconduct cases (7.3%) related to gross discourtesy.

The ICD succeeded in dealing with high-profile cases which drew a lot of media attention. A case in point is the Harrismith incident, in which a scholar was shot by the police whilst protesting poor service delivery in iNtabazwe township outside Harrismith. In spite of the large number of witnesses interviewed, the case was investigated and finalized in a short space of time. The ICD has since recommended prosecution of three (3) police officers, a recommendation which has been accepted by the Director of Public Prosecutions (DPP).

The ICD continues to face challenges in terms of the large intake versus available resources and challenges relating to the backlog carried over from past financial years. Therefore, the finalization rate of cases investigated was below the target set in line with the ICD's investigative standards, which was 80% for all types of cases. Based on the same standard, investigations in cases of deaths and criminality should be finalized within 180 days, whilst misconduct cases should be finalized within 90 days.

In respect of deaths, a finalization rate of 63% was achieved. With regard to cases of criminality, 41% of the eligible cases was finalized. Finally, with regard to misconduct cases, a finalization rate of 44% was achieved. These rates, however, do not take into account the backlog cases finalized within the period under review but received in previous financial years.

Overview of the organization environment for 2004/05

The overview will solely focus on the departmental challenges experienced during the period under review:

The Employee Assistance Programme was launched on 04 March 2005. This programme will assist in ensuring that the wellbeing of ICD staff is taken care of. Workshops have been held in all provinces and offices of the ICD and staff have been trained on how to access EAP services.

The Integrity Strengthening Unit was also established during the period under review. The object of the unit is to ensure that ICD staff maintains a high level of ethics and integrity.

The Anti- Corruption Command, established with the responsibility of investigating corruption complaints and highly sensitive matters, is expected to pose a serious challenge.

The process of establishing the Proactive Oversight Unit (POU) started in 2004. A partnership with donors, namely, the Open Society Foundation (OSF) was entered into in terms of which

2. PROGRAMME PERFORMANCE

ICD

Independent Complaints
Directorate

13

OSF undertook to provide ICD with the following support in:

- Identifying and appointing an independent consultant for the ICD to assist in terms of all processes leading to the establishment of a research unit.
- Providing relevant support that the ICD may need to facilitate the establishment of the unit.

The establishment of the POU by the ICD represents a significant milestone, not only in terms of successful deployment of logistical support and personnel, but also in terms of securing research skills and knowledge.

Strategic overview and key policy developments for 2004/05

The development of the Anti Corruption Command Policy framework has already started and will continue in the financial year 2005/06.

3. PROGRAMME 1: ADMINISTRATION

ICD

Independent Complaints
Directorate

14

Purpose:

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

Main Activities

The main activities of this programme include the following:

The implementation of the Public Finance Management Act (PFMA) and Treasury Regulations in order to promote effective and efficient service delivery through sound financial management and administration in the department.

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

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

Asset and fleet management, as well as provision of logistics, cleaning and auxiliary services.

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

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

Measurable Objectives

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

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

Service delivery objectives and indicators

During the period under review first aid and firefighting training was conducted to identified

3. PROGRAMME 1: ADMINISTRATION

ICD

Independent Complaints
Directorate

15

employees. An access to the National Office was further improved by the procurement and installation of a security booth.

In order to adapt the financial reporting in line with international reporting standards, the Standard Chart of Accounts (SCOA) was implemented in April 2004 on the Basis Accounting System (BAS).

The Employee Assistance Programme (EAP) was launched on 04 March 2005. This programme will assist in ensuring that the wellbeing of ICD staff is taken care of. Workshops have been held in all provinces and offices of the ICD and staff have been trained on how to access EAP services.

Several training and awareness campaigns were presented to increase the awareness to prevent the spread of HIV/AIDS among employees of the department and members of the public. Activities were conducted during the Youth Development Month, Women's Month and 16 Days of activism on no violence against women and children.

During the year under review, 40% of the service providers used by the ICD were from identified Small, Medium and Micro Enterprises and Black Economic Empowerment service providers in line with Government directives. The intention is to improve in this regard to at least 50 % for the coming year.

Training was provided to all Provincial Heads, Responsibility Managers, Assistant Managers and Administrative Officers working in Programme 1, on Supply Chain Management related matters.

Supplier's profiles database has been created accordingly.

During the year under review all vehicles with a high mileage were replaced and as such seventeen (17) vehicles were procured. Vehicles have been allocated to different offices accordingly.

A new PABX system was procured. Measures to ensure that ICD telephone accounts decrease were implanted. Most of the ICD cell phone contracts have been transferred into personal contracts.

3. PROGRAMME 1: ADMINISTRATION

ICD

Independent Complaints
Directorate

16

SERVICE DELIVERY ACHIEVEMENTS

The achievements are in accordance with the ENE 2003:

| Sub-programme | Output | Output performance Measures/service delivery indicators | Actual performance against target | |
|-------------------------|-----------------------------------|---|--------------------------------------|----------|
| | | | Target | Actual |
| Supply Chain management | Asset Management (Asset Register) | Measures were put in place to ensure proper stocktaking and capturing of all assets on logis. Redundant or unserviceable assets were dealt with in terms of the draft Asset and Disposal Policy and guidelines. A committee to deal with the latter was established and various meetings took place to ensure compliance. | Feb 05 | Feb 05 |
| Financial Management | Budget Management | Expenditure was monitored monthly to avoid over/under Expenditure. Unqualified audit report obtained. | Monthly | Monthly |
| Special Programmes | Policy development | Risks minimized through the development of policies in order to ensure corporate governance. | Nov 04 | March 05 |
| | EAP Policy | EAP Policy was developed. | Sep 04 | Mar 05 |
| | Policy Development | Increased emphasis on corporate governance through the development of various policies. | Nov 04 | Mar 05 |
| Security | Security policy | Security policy was developed and finalised. | Oct 04 | Oct 04 |

Capital Investment, maintenance and asset management

Capital Investment

The department has no capital investments.

Asset Management

The department has procured two vehicles for the Anti-Corruption Command (ACC) during the

3. PROGRAMME 1: ADMINISTRATION

ICD

Independent Complaints
Directorate

17

period under review. For the movable assets, a Logis system was implemented to control the assets of the department.

- A list of all assets due for disposal was compiled and circulated first to our provincial offices. The Disposal Committee has been established. ICD officials have lost three laptops.
- During the period under review procurement of assets was done through the Logis System and the system automatically updates the register on finalisation of such procurement.
- State of department's stock:

| Good | % | Fair | % | Bad | % |
|------|---|------|---|-----|---|
| 100 | | - | | - | |

All the GG vehicles with a high mileage or which were in a bad condition were replaced accordingly.

Maintenance

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

The only maintenance project that was undertaken during the period under review was the refurbishment the ICD offices in Pretoria.

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

18

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

Objective

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

1. Service Delivery

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

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

19

Table 1.1 - Main services provided and standards

| Main services | Actual customers | Potential customers | Standard of service | Actual achievement against standards |
|---|------------------|---------------------|--|---|
| The investigation of all deaths in police custody and as a result of police action and, misconduct or offences committed by SAPS and MPS members. | Victims | Public | Family Liaison conducted immediately and on an on-going base. | Written confirmation in docket. |
| | Victims | Public | Production of preliminary reports within 180 days (Class 1 and Class 3). | Report captured on database within 48 hours. |
| | Victims | Public | Production of final recommendation reports within 14 days of receipt of technical reports (Class 1 and Class 3). | Report captured on database within 48 hours. |
| | Victims | Public | Production of final report in respect of Class 4 cases within 180 days. | Final report captured on database within 48 hours. |
| | Victims | Public | Quality and thorough investigation of dockets to the DPP / SAPS / MPS. | Queries attended promptly, dockets forwarded to the DPP within 30 days. |
| | Victims | Public | Reporting progress to stakeholders. | Further progress reported on a monthly basis. |
| | Victims | Public | Response to Service Delivery Complaints. | Response to query within 7 days. |
| Provision of effective legal advisory and liaison services. | ICD Employees | ICD Employees | Attend and respond to legal queries. | Within 5 days and on-going. |
| Capturing of cases on database | Victims | Public | Within 24 hours. | 50% Achieved. |
| Development of efficient and effective Human Resources. | ICD Employees | ICD Employees | Trained and multi-skilled human resources. | 70% of staff have been trained on the basis of a skills audit. |
| | Youth | Youth | Empowerment of youth to be employable. | Implementation of Internships started during the year under review. |
| Refining/Strengthening internal business processes. | ICD Employees | ICD Employees | Improvement in service delivery. | Review the SDIP annually, ongoing. |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

20

Table 1.2 - Consultation arrangements with customers

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

Table 1.3 - Service delivery access strategy

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

Table 1.4 - Service information tool

| Types of information tool | Actual achievements |
|---------------------------|--|
| Publicity Material | Brochures and posters available in all official languages. |
| ICD Website | Availing information about ICD's activities. |
| Government Website | Availing information about ICD activities. |
| MPCC | 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 organizations. |

2. Expenditure

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

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

21

Table 2.1 - Personnel Costs per programme: 2004/05

| 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 | 12 829 | 7 608 | 340 | 332 | 59.3 | 149 |
| Programme 2 | 19 476 | 12 462 | 396 | 256 | 63.9 | 186 |
| Programme 3 | 9 808 | 4 838 | 105 | 202 | 49.3 | 100.7 |
| Total: | 42 113 | 24 908 | 841 | 790 | 59.1 | 150 |

Table 2.2 - Personnel costs per salary levels: 2004/05

| Salary Bands | Personnel Expenditure (R'000) | % of total personnel cost | Average personnel cost per employee (R'000) |
|--|-------------------------------|---------------------------|---|
| Lower skilled (Levels 1-2) | - | - | - |
| Skilled (Levels 3-5) | 3 858 | 15.2 | 66 |
| Highly skilled production (Levels 6-8) | 9 363 | 35.6 | 148 |
| Highly skilled supervision (Levels 9-12) | 6 419 | 25.6 | 194 |
| Senior and Top Management (Levels 13-16) | 5 268 | 21 | 439 |
| Total: | 24 908 | 59.1 | 150 |

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

Table 2.3 - Salaries, Overtime, Home Owner's Allowance and Medical Aid per programme: 2004/05

| 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 | 5 159 | 67.8 | 32 | 0.42 | 71 | 0.93 | 337 | 4.42 |
| Programme 2 | 8 253 | 66.2 | 70 | 0.56 | 125 | 1.0 | 518 | 4.15 |
| Programme 3 | 3 462 | 71.5 | 8 | 0.16 | 12 | 0.24 | 209 | 4.31 |
| Total: | 16 874 | 67.7 | 110 | 0.44 | 208 | 0.83 | 1064 | 4.27 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

22

Table 2.4 - Salaries, Overtime, Home Owners Allowance and Medical Aid per salary level, 2004/05

| Programme | Salaries | | Overtime | | Home Allowance | Owners | 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) | 2 983 | 77.3 | 7 | 0.18 | 30 | 0.77 | 188 | 4.87 |
| Highly skilled production (Levels 6-8) | 6 236 | 66.6 | 91 | 0.97 | 120 | 1.28 | 456 | 4.87 |
| Highly skilled supervision (Levels 9-12) | 4 598 | 71.6 | 12 | 0.18 | 58 | 0.90 | 270 | 4.20 |
| Senior and Top Management (Levels 13-16) | 3 057 | 58 | - | - | - | - | 150 | 2.84 |
| Total: | 16 874 | 67.7 | 110 | 0.44 | 208 | 0.83 | 1 064 | 4.27 |

3. Employment and Vacancies

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

Table 3.1 - Employment and vacancies per programme: 31 March 2005

| Programme | Number of posts | Number of employees | Vacancy rate | Additional to the establishment |
|--|-----------------|---------------------|--------------|---------------------------------|
| Programme 1: Administration | 56 | 51 | 8.9 | None |
| Programme 2: Investigation of complaints | 74 | 67 | 9.4 | None |
| Programme 3: Information management and research | 56 | 48 | 14.2 | None |
| Total: | 186 | 166 | 10.7 | None |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

23

Table 3.2 - Employment and vacancies per salary level, 31 March 2005

| Programme | Number of posts | Number of posts filled | Vacancy rate | Number of employees additional to the establishment |
|----------------------------|-----------------|------------------------|--------------|---|
| Lower skilled | - | - | - | None |
| Skilled | 62 | 58 | 6.4 | None |
| Highly skilled production | 71 | 63 | 11.2 | None |
| Highly skilled supervision | 41 | 33 | 19.5 | None |
| Senior and Top management | 12 | 12 | - | None |
| Total: | 186 | 166 | 10.7 | None |

4. Job Evaluation

Table 4.1 - Job Evaluation: 01 April 2004 to 31 March 2005

| | Number of Posts | Number of jobs evaluated | % of posts evaluated by salary bands | Posts upgraded | | Posts downgraded | |
|-----------------------------------|-----------------|--------------------------|--------------------------------------|----------------|----------------------|------------------|----------------------|
| | | | | Number | % of posts evaluated | Number | % of posts evaluated |
| Lower skilled | - | - | - | - | - | - | - |
| Skilled | 62 | - | - | - | - | - | - |
| Highly skilled production | 71 | - | - | - | - | - | - |
| Highly skilled supervision | 41 | 4 | 9.7 | 4 | 9.7 | - | - |
| Senior Management Service Bands A | 10 | 3 | 30 | 4 | 30 | - | - |
| Senior Management Service Band B | 1 | - | - | - | - | - | - |
| Senior Management Service Band C | 1 | - | - | - | - | - | - |
| Senior Management Service Band D | - | - | - | - | - | - | - |
| Total: | 186 | 7 | 4 | 8 | 5 | | |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

24

5. Employment Changes

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

Table 5.1 - Annual Turnover rates per salary levels for the period 1 April 2004 to 31 March 2005

| Salary level | Number of employees as per band on 1 April 2004 | Appointments and transfers into the department | Terminations and transfers out of the department | Turnover rate |
|--|---|--|--|---------------|
| Lower skilled (Levels 1-2) | - | - | - | - |
| Skilled (Levels 3-5) | 35 | 27 | 10 | 28.5 |
| Highly skilled production (Levels 6-8) | 51 | 19 | 10 | 19.6 |
| Highly skilled supervision (Levels 9-12) | 30 | 5 | 2 | 6.6 |
| Senior Management Service Band A | 8 | - | - | - |
| Senior Management Service Band B | 1 | - | - | - |
| Senior Management Service Band C | 1 | - | - | - |
| Senior Management Service Band D | - | - | - | - |
| Total: | 126 | 51 | 22 | 17.4 |

Table 5.2 - Reasons why staff are leaving the department

| Termination Type | Number | % of total |
|--|-----------|-------------|
| Death | 1 | 4.5 |
| Resignation | 4 | 18.1 |
| Expiry of Contract | - | |
| Dismissal - operational changes | - | |
| Dismissal - misconduct | - | |
| Dismissal - inefficiency | - | |
| Discharged due to ill-health | - | |
| Retirement | - | |
| Transfers to other Public Service Departments | 17 | 77.2 |
| Other | | |
| Total: | 22 | |
| Total number of employees who left as a % of the total employment | | 17.4 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

25

Table 5.3 - Promotions per salary levels for the period 1 April 2004 to 31 March 2005

| Salary levels | Employees 1 April 2004 | Promotions to another salary level | Salary bands promotions as a % of employees by salary level | Progressions to another notch within a salary level | Notch progressions as a % of employees by salary bands |
|----------------------------|------------------------|------------------------------------|---|---|--|
| Lower skilled | - | - | - | - | - |
| Skilled | 35 | 2 | 5.7 | 30 | 85 |
| Highly skilled production | 51 | 5 | 9.8 | 37 | 72.5 |
| Highly skilled supervision | 30 | 6 | 20 | 23 | 76.6 |
| Senior and Top management | 10 | 2 | 20 | - | - |
| Total: | 126 | 15 | 11 | 90 | 71.4 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

26

6. Employment Equity

Table 6.1 - Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2005

| Occupational categories | Male | | | | Female | | | | Total |
|--|-----------|----------|----------|-----------|-----------|----------|----------|----------|------------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Legislators, senior officials and managers | 5 | - | 1 | 1 | 1 | 2 | 1 | 1 | 12 |
| Professionals | 18 | 3 | 2 | - | 3 | - | 1 | 6 | 33 |
| Technicians and associate professionals | 34 | 2 | 3 | 8 | 13 | 1 | 1 | 1 | 63 |
| Clerks | 17 | - | 1 | 1 | 29 | 6 | 3 | 1 | 58 |
| Service and sales workers | - | - | - | - | - | - | - | - | - |
| Skilled agriculture and fishery workers | - | - | - | - | - | - | - | - | - |
| Craft and related trades workers | - | - | - | - | - | - | - | - | - |
| Plant and machine operators and assemblers | - | - | - | - | - | - | - | - | - |
| Elementary occupations | - | - | - | - | - | - | - | - | - |
| Total | 74 | 5 | 7 | 10 | 46 | 9 | 6 | 9 | 166 |
| Employees with disabilities | - | - | - | - | 1 | - | - | - | 1 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

27

Table 6.2 - Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2005

| Occupational levels | Male | | | | Female | | | | Total |
|---|-----------|----------|----------|-----------|-----------|----------|----------|----------|------------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top Management | - | - | - | - | - | 1 | - | - | 1 |
| Senior Management | 5 | - | 1 | 1 | 1 | 1 | 1 | 1 | 11 |
| Professionally qualified and experienced specialists and mid-management | 18 | 3 | 2 | - | 3 | - | 1 | 6 | 33 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | 34 | 2 | 3 | 8 | 13 | 1 | 1 | 1 | 63 |
| Semi-skilled and discretionary decision making | 17 | - | 1 | 1 | 29 | 6 | 3 | 1 | 58 |
| Unskilled and defined decision making | - | - | - | - | - | - | - | - | - |
| Total | 74 | 5 | 7 | 10 | 46 | 9 | 6 | 9 | 166 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

28

Table 6.3 - Recruitment for the period: 1 April 2004 to 31 March 2005

| Occupational levels | Male | | | | Female | | | | Total |
|---|-----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top Management | - | - | - | - | - | - | - | - | - |
| Senior Management | 1 | - | - | - | - | - | - | - | 1 |
| Professionally qualified and experienced specialists and mid-management | 7 | - | - | - | - | - | 1 | 2 | 10 |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents | 16 | - | 2 | 1 | 4 | - | - | - | 23 |
| Semi-skilled and discretionary decision making | 14 | - | - | - | 14 | 1 | 1 | - | 30 |
| Unskilled and defined decision making | | | | | | | | | |
| Total | 38 | - | 2 | 1 | 18 | 1 | 2 | 2 | 64 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

29

Table 6.4 - Promotions for the period: 1 April 2004 to 31 March 2005

| Occupational levels | Male | | | | Female | | | | Total |
|---|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top Management | - | - | - | - | - | - | - | - | - |
| Senior Management | 2 | - | - | - | - | - | - | - | 2 |
| Professionally qualified and experienced specialists and mid-management | 3 | - | - | - | - | - | 1 | 1 | 5 |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents | 2 | - | - | - | 4 | - | - | - | 6 |
| Semi-skilled and discretionary decision making | 1 | - | - | - | 1 | - | - | - | 2 |
| Unskilled and defined decision making | - | - | - | - | - | - | - | - | - |
| Total Employees with disabilities | 8 | - | - | - | 5 | - | 1 | 1 | 15 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

30

Table 6.5 - Terminations for the period 1 April 2004 till 31 March 2005

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

Table 6.6 - Disciplinary Action for the period 1 April 2004 to 31 March 2005

| | Male | | | | Female | | | | Total |
|---------------------|---------|----------|--------|-------|---------|----------|--------|-------|-------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Disciplinary action | 2 | - | - | - | 2 | - | 2 | 1 | 7 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

Table 6.7 - Skills Development for the period 1 April 2004 to 31 March 2005

[illegible]

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

32

7. Performance rewards

Table 7.1 - Performance rewards per race, gender and disability: 1 April 2004 to 31 March 2005

| | Beneficiary Profile | | | Cost | |
|-----------------------------|-------------------------|------------------------------------|-------------------------|-------------------|---------------------------|
| | Number of beneficiaries | Total number of employees in group | % of total within group | Cost (R'000) | Average cost per employee |
| African | 61 | 120 | 50 | 270 939.80 | 4 441.60 |
| Male | 36 | 74 | 48 | 203 353.02 | 5 648.69 |
| Female | 25 | 46 | 55 | 67 586.78 | 2 703.47 |
| Asian | 7 | 13 | 54 | 33 498.46 | 4 785.49 |
| Male | 4 | 7 | 58 | 29 694.58 | 7 423.64 |
| Female | 3 | 6 | 50 | 3 803.88 | 1 267.96 |
| Coloured | 7 | 14 | 50 | 30 663.41 | 4 380.48 |
| Male | 2 | 5 | 40 | 10 202.58 | 5 101.29 |
| Female | 5 | 9 | 56 | 20 460.83 | 4 092.16 |
| White | 15 | 19 | 79 | 124 077.21 | 8 271.81 |
| Male | 8 | 10 | 80 | 33673.83 | 4 209.22 |
| Female | 7 | 9 | 78 | 90 403.38 | 12 914.76 |
| Employees with a disability | | | | | |
| Total: | 90 | 166 | 54 | 459 178.88 | 5 101.98 |

Table 7.2 - Performance Rewards per salary levels below Senior Management Service: 1 April 2004 to 31 March 2005

| Salary Bands | Beneficiary Profile | | | Cost | | |
|--|-------------------------|---------------------|--------------------------------|-------------------|---------------------------|--|
| | Number of beneficiaries | Number of employees | % of total within salary bands | Total Cost | Average cost per employee | Total cost as a % of the total personnel expenditure |
| Lower skilled (Levels 1-2) | - | - | - | - | - | - |
| Skilled (Levels 3-5) | 30 | 58 | 51 | 92 683.49 | 3 089.44 | 2.4 |
| Highly skilled production (Levels 6-8) | 37 | 64 | 57 | 127 670.75 | 3 450.56 | 1.3 |
| Highly skilled supervision (Levels 9-12) | 23 | 32 | 65 | 238 824.64 | 10 383.68 | 3.72 |
| Total | 90 | 154 | 57 | 459 178.88 | 5 101.98 | 1.8 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

33

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

| Salary Band | Beneficiary Profile | | | | | |
|--------------|-------------------------|---------------------|--------------------------------|------------------|---------------------------|--|
| | Number of beneficiaries | Number of employees | % of total within salary bands | Total Cost | Average cost per employee | Total cost as a % of the total personnel expenditure |
| Band A | 4 | 10 | 40 | 96 185.00 | 24 047.00 | 1 |
| Band B | - | 1 | - | - | - | - |
| Band C | - | 1 | - | - | - | - |
| Band D | - | - | - | - | - | - |
| Total | 4 | 12 | 40 | 96 185.00 | 24 048.00 | 1 |

8. Foreign Workers

No foreign nationals have been employed in the Department.

9. Leave utilization for the period 1 January 2004 to 31 December 2004

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

Table 9.1 - Sick leave: 1 January 2004 to 31 December 2004

| Salary level | Total days | % days with medical certification | Number of Employees using sick leave | % of total employees using sick leave | Average days per employee | Estimated Cost (R'000) | Total number of days with medical certification |
|---|------------|-----------------------------------|--------------------------------------|---------------------------------------|---------------------------|------------------------|---|
| Skilled (Levels 3-5) | 332 | 59.64 | 33 | 22.45 | 10 | 45 | 198 |
| Highly skilled production (Levels 6-8) | 404 | 63.12 | 39 | 26.53 | 10 | 99 | 255 |
| Highly skilled supervision (Level 9-12) | 129 | 62.02 | 18 | 12.24 | 7 | 68 | 80 |
| Senior management (Level 13-16) | 34 | 79.41 | 9 | 6.12 | 4 | 50 | 27 |
| Total: | 899 | 62.29 | 99 | 67.34 | 31 | 262 | 560 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

34

Table 9.2 - Disability leave (temporary and permanent), 1 January 2004 to December 2004

| Salary Band | 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 | 43 | 43 | 1 | 2 | 43 | 10 |
| Highly skilled supervision | 301 | 301 | 2 | 5 | 151 | 160 |
| Senior management | - | - | - | - | - | - |
| Total: | 344 | 344 | 3 | 2 | 115 | 170 |

Table 9.3 - Annual leave: 1 January 2004 to 31 December 2004

| Salary level | Total days taken | Number of Employees | Average per employee |
|----------------------------|------------------|---------------------|----------------------|
| Lower skilled | - | - | - |
| Skilled | 697 | 43 | 16.2 |
| Highly skilled production | 1086 | 62 | 17.5 |
| Highly skilled supervision | 598 | 32 | 18.6 |
| Senior management | 217 | 10 | 21.7 |
| Total: | 2598 | 147 | 17.6 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

35

Table 9.4 – Capped leave, 1 January 2004 to 31 December 2004

| Salary Bands | Salary Bands Total days of capped leave taken | Average number of days taken per employee | Average capped leave per employee as at 31 December 2004 | Number of employees as at 31 December 2004 | Total number of capped leave available at 31 December 2004 |
|--|--|--|---|---|---|
| Lower skilled (Levels 1-2) | - | - | - | - | - |
| Skilled Levels 3-5) | 5 | 3 | 14 | 43 | 267 |
| Highly skilled production (Levels 6-8) | 10 | 30 | 67 | 62 | 2084 |
| Highly skilled supervision (Levels 9-12) | 19 | 4 | 75 | 32 | 2096 |
| Senior management (Levels 13-16) | 3 | 3 | 68 | 10 | 612 |
| Total | 37 | 3 | 58 | 147 | 5059 |

Table 9.5 Leave payouts for the period 1 April 2004 to 31 March 2005

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

| REASON | Total Amount (R'000) | Number of employees | Average per employee |
|---|----------------------|---------------------|----------------------|
| Leave payout for 2004/05 due to non-utilisation of leave for the previous cycle | - | - | - |
| Capped leave payouts on termination of service for 2004/05 | - | - | - |
| Current leave payout on termination of service for 2004/05 | 15 | 1 | 15 |
| Total: | - | - | - |

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 |
|--|--|
| Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any) | The wearing of protective gear supplied by the Department. The Department will ensure compensation for exposed employees as a result of occupational exposure in terms of the Compensation of Occupational Injuries and Diseases Act, 1993 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

36

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

| Question | Yes | No | Details, if yes |
|--|-----|----|---|
| 1. Have you designated a member of the SMS to implement the provisions contained in Part VI E Chapter 1 of the Public Regulations, 2001? If so, provide her/his name and position. | X | | Mr JM Matsomela, Senior Manager: Human Resource Management |
| 2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and well being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose. | X | | Special Programmes, The Assistant Manager: Special Programmes and the Special Programmes Officer deal on a daily basis with HIV/AIDS and related issues. The current human resource position is two permanent employees and one intern. The annual budget for Special Programmes during the period 2004/2005 amounts to R 633 000.00 including salaries. |
| 3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme. | X | | The services include a full EAP service provided by ICAS, that includes a 24-hour confidential multilingual toll-free counselling and life management service, professional face-to-face counseling, managerial and retrenchment counselling and consultancy, promotional service, trauma and critical incident counselling and training. |
| 4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent. | X | | The Special Programmes Committee deals with HIV/AIDS issues. Within National Office: Mr EG Valoyi, Mr M Matsomela, Ms J Boshoff, Mr B Alberts, Mr S Mabona, Ms T Mogari, Ms T Dibetle, and Ms M Smit. The Provincial offices are represented by the Special Programmes Representatives: Ms U Patel (Eastern Cape), Ms N Nonyane (Gauteng), Mr P Dzanibe (KwaZulu-Natal), Ms M Molepo (Limpopo), Mr M Tsimane (North-West), Mr P Nthotso (Free State) Mr O Setlogelo (Northern Cape), and Ms G Appels (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 department has an approved internal HIV / AIDS Policy since 01 March 2001 that addresses all forms of unfair discrimination relating to HIV / AIDS and STI's. |
| 6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of those measures. | X | | Allegations of misconduct relating to unfair discrimination on the basis of HIV/AIDS will be dealt with in terms of the Disciplinary Code and Procedure as well as the Grievance Procedure for the Public Service. |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

37

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

| 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 | Management encourages employees to openly live with HIV/AIDS and to develop support groups. No disclosures have been made and the department will be engaging in a Voluntary Counseling and Testing (VCT) on an annual basis to staff through the EAP service provider to: - ensure that volunteer staff knows their status; and to - ensure that they receive the necessary professional care and support. |
| 8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators. | | X | The EAP provider will provide a quarterly report to the EAP Advisory Committee on the management and quality control, account management, management information and evaluation of the EAP service. |

TABLE 11.1 Collective agreements, 1 April 2004 to 31 March 2005

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

Table 11.2 - Misconduct and disciplinary hearings finalized: 1 April 2004 to 31 March 2005

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

| Outcomes of disciplinary hearings | Number | % of total |
|-----------------------------------|----------|------------|
| Correctional counseling | - | - |
| Verbal Warning | - | - |
| Written Warning | 5 | 72 |
| Final Written Warning | 2 | 28 |
| Suspended without pay | - | - |
| Fine | - | - |
| Demotion | - | - |
| Dismissal | - | - |
| Not guilty | - | - |
| Case withdrawn | - | - |
| Total | 7 | 100 |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

38

Table 11.3 - Types of misconduct addressed at disciplinary hearings

| Type of misconduct | Number | % of total |
|---|----------|------------|
| Absences without Authority | 3 | 42 |
| Failure to comply with instructions | 1 | 15 |
| Failure to follow communication procedure | 1 | 15 |
| Failure to attend crime scenes | 2 | 28 |
| Total | 7 | 100 |

Table 11.4 - Grievances lodged for the period: 1 April 2004 to 31 March 2005

| | Number | % of total |
|-----------------------------------|--------|------------|
| Number of grievances resolved | 2 | 67 |
| Number of grievances not resolved | 1 | 33 |
| Total number of grievances lodged | 3 | 100 |

Table 11.5 – Disputes lodged with Councils for the period: 1 April 2004 to 31 March 2005

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

Strike actions for the period 1 April 2004 to 31 March 2005

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

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

39

Table 11.6 - Precautionary suspensions for the period: 1 April 2004 to 31 March 2005

| | | |
|--|-----|--|
| Number of people suspended | 1 | |
| Number of people whose suspension exceeded 30 days | 1 | |
| Average number of days suspended | 365 | |
| Cost | 98 | |

12. Skills development

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

12.1 - Training needs identified: 1 April 2004 to 31 March 2005

| Occupational categories | Gender | Number of employees as at 1 April 2004 | Training needs identified at start of reporting period | | | |
|--|--------|--|--|---|-------------------------|-------|
| | | | Learnerships | Skills Programmes & other short courses | Other forms of training | Total |
| Legislators, senior officials and managers | Female | 5 | - | 3 | - | 3 |
| | Male | 5 | - | 5 | - | 5 |
| Professionals | Female | 9 | - | 2 | - | 2 |
| | Male | 21 | - | 15 | - | 15 |
| Technicians and associate professionals | Female | 15 | - | 3 | - | 3 |
| | Male | 36 | - | 9 | - | 9 |
| Clerks | Female | 31 | - | 6 | - | 6 |
| | Male | 4 | - | 2 | - | 2 |
| 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 | 126 | | 45 | - | 45 |
| | Male | | | | | |
| Total | | | | | | |

HUMAN RESOURCE MANAGEMENT

ICD

Independent Complaints
Directorate

40

12.2 - Training provided 1 April 2004 to 31 March 2005

| Occupational categories | Gender | Number of employees as at 31 March 2005 | Training needs identified at start of reporting period | | | |
|--|--------|---|--|---|-------------------------|-----------|
| | | | Learnerships | Skills Programmes & other short courses | Other forms of training | Total |
| Legislators, senior officials and managers | Female | 5 | | 4 | - | 4 |
| | Male | 7 | | 5 | - | 5 |
| Professionals | Female | 10 | | 3 | - | 3 |
| | Male | 23 | | 16 | - | 16 |
| Technicians and associate professionals | Female | 16 | | 3 | - | 3 |
| | Male | 47 | | 9 | - | 9 |
| Clerks | Female | 39 | | 6 | - | 6 |
| | Male | 19 | | 2 | - | 2 |
| Service and sales workers | Female | | | | | |
| | Male | | | | | |
| Skilled agriculture and fishery workers | Female | | | | | |
| | Male | | | | | |
| Craft and related trades workers | Female | | | | | |
| | Male | | | | | |
| Plant and machine operators and assemblers | Female | | | | | |
| | Male | | | | | |
| Elementary occupations | Female | | | | | |
| | Male | | | | | |
| Sub-total | Female | | | | | |
| | Male | | | | | |
| Total | | 166 | | 48 | - | 48 |

13. Injury on duty

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

14. 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 |
|----------------------------|--|--------------------|------------------------|
| Handgun training by vektor | 1 | 12 hours | R 39 460.00 |
| Renovation of boardroom | 2 | 3 months | R30 364.08 |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

41

PURPOSE:

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

Main activities of the Programme

The following main activities were undertaken:

Legal Services

The filling of the vacant post of Assistant-Director: Legal Services in August 2004 played a major role in bringing some relief to the heavy workload in the Directorate: Legal Services. As a result of this filling, it became possible to relocate Legal Services, during the last quarter of the year under consideration, from Programme 1 (Corporate Services) to Programme 2 (Investigations). The purpose of this relocation was to strengthen the capacity of Programme 2, particularly so since the establishment of the ICD Anti-Corruption Command. Although Legal services will remain responsible, inter alia, to provide all components of the ICD with requested and required legal advices and/or opinions (in particular Supply Chain Management and Human Resources), it will in future be required, with the aid of the additional Assistant-Director, to put more emphasis on ensuring that the ICD line functions, ie. investigations into alleged criminal acts by SAPS and MPS members are performed within the ambit of relevant legal prescripts and procedures.

The process of maintaining the existing healthy relationships between the ICD, the SAPS and MPS, continued on a continuous basis with the ICD continuing to be an active member of the National Forum for Municipal Police Services (NFMPS), a body which replaced the former National Co-ordinating Committee, of which Legal Services was the initiator and co-founder. Legal Services also strengthened its relationship with office of the National Director of Public Prosecutions by way of a liaison-process for facilitating of the gathering of evidence by way of entrapment and in terms of section 252A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and applications in terms of section 205 of the same Act (the compelling of cellular phone service providers to reveal certain information). In the same breath, it is also to be mentioned that Legal Services continued to be a member (in its capacity of the representative of the ICD as a law enforcement agency) of the Steering Committee for facilitation of the implementation of the Regulation of Interception of Communications and Provision of

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

42

Communication-related Information Act, 2002 (Act No. 70 of 2002).

Legal Services was also responsible for the drafting of certain Standard Operating Procedures and policies for the ICD. Two of these policies worthy of mention are the Protected Disclosure policy (also known as the “Whistle-blowing” policy) and the Sexual Harassment policy. As far as civil litigation against the ICD is concerned, the ICD continued with its defence of two civil actions (based on unlawful arrest/detention and/or malicious prosecution) which were instituted against it by plaintiffs who are members of the SAPS. These two cases are both partly heard and should be finalized during the next financial year.

Skills Development

To develop the skills of our investigators, we have exposed them to various training interventions to ensure that they can compete with counterparts having similar responsibilities. We have conducted two in-house training sessions based on local content. Twenty eight investigators received training. Eleven did not receive the training as they were either on study leave, vacation leave or attending to protracted court cases. The training centered on the following topics:

- Collection and Preservation of Evidence
- Identification Parade
- Crime Scene Management
- Witness Protection

As an accredited Official institution, we intend issuing firearms to our investigators. This stems from our statutory mandate which is to conduct criminal investigations into complaints of offences allegedly committed by members of the SAPS or Municipal Police Service and since the Minister for Safety and Security has authorized certain identified ICD investigators to exercise police powers in terms of the SAPS Act, 1995. It is therefore imperative to issue firearms to these investigators in order to empower them to effectively perform their duties, should the need for using firearms be necessary. To this end, we have provided two handgun training courses to our investigators in line with the provisions of the Firearm Control Act 60 of 2000. The first training session took place from 25 to 28 May 2004. Seven investigators attended the training. They all passed both the theoretical and practical assessments. The second training took place from 08 March 2005 to 01 April 2005. Thirty five investigators attended the training. Twenty eight members passed both the practical and theoretical assessments. Seven failed the practical assessments and therefore failed the Proficiency Qualification Course.

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

43

Our investigators also benefited from our partnership with the Metropolitan Police Service (Scotland Yard) as they received training intervention conducted by experienced officers from this international policing agency. The expenditure in respect of the handgun training conducted from 08 March 2005 to 01 April 2005 amounted to R72 698.87.

Anti-Corruption Command

An Anti-Corruption Command was established in December 2004. It is mandated to investigate cases of serious and high profile status referred to the ICD or which the ICD becomes aware of. The ACC is overseeing other corruption cases being investigated by ICD investigators in various provinces.

Since its establishment, ACC received a total of 21 cases of different types of corruption, of which 6 are directly investigated by ACC. 7 cases have been closed as having no substance; 2 are with provinces while 5 are with the magistrates' courts for trial. All these cases were reported between 01 December 2004 and March 2005.

There are, however, corruption cases that were reported to provinces for investigation. They were reported before the establishment of ACC. The cases are as follows per province:

Limpopo:

- Cases under investigation: 26,
- Cases closed as unsubstantiated: 4,
- Cases closed as dismissed: 1,
- Cases closed as withdrawn by the complainant: 2.

Kwazulu-Natal:

- Cases under investigation: 2,
- Cases under court proceedings: 2.

Eastern Cape:

- Cases under investigation: 1

Western Cape:

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

44

- Cases under investigation: 9
- Cases referred to DPP: 1

Northern Cape:

- Cases under investigation: 2

Mpumalanga:

- Cases under investigation: 14.
- Cases closed as dismissed: 1.

North West:

- Cases under investigation: 7.
- Cases closed as unsubstantiated: 1
- Cases closed as dismissed: 1

Gauteng:

- Cases under investigation: 31
- Cases closed as unsubstantiated: 5
- Cases closed as declined to prosecute by the DPP: 1
- Cases closed as dismissed: 2
- Cases closed referred to SAPS: 1
- Cases closed as referred to North West ICD: 1

Free State:

- Cases under investigation: 2
- Cases closed as unsubstantiated: 7.

Integrity Strengthening Unit

The Integrity Strengthening Unit (ISU) was established in March 2005 as part of the Independent Complaints Directorate's initiatives to establish minimum anti-corruption capacity, and to ensure that an effective ethics management programme is implemented.

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

45

Prior to the establishment of the ISU, the ICD entered into a joint partnership with the Centre for Business and Professional Ethics (CBPE) of the University of Pretoria and a project was launched to determine the organizational values which were to form the foundation of the ethics management programme. Focus groups and interviews were held with employees of the ICD, which resulted in the development of a Code of Ethics that reflects the department's unique culture, history and workforce. The Code, also referred to as a Values Pledge, includes the core values of the ICD and is linked to departmental policies that pertain to high risk compliance areas, such as sexual harassment, whistle-blowing and IT policies.

In addition to implementing the Code of Ethics, the ISU is responsible for conducting employee awareness training, which includes formal workshops on the Code and relevant policies, as well as short courses aimed at developing managers' ethical decision-making skills. This Unit also has an ethics helpline and confidential e-mail facility, where employees can obtain ethics advice and raise their concerns. The helpline is a source of ethics guidance for employees who are confronted with ethical dilemmas, and makes provision for anonymous reporting.

The purpose of the ISU is to pro-actively raise the level of ethical performance of the ICD by means of an effective ethics management programme that forms the foundation upon which compliance policies and legal best practices are built. The ICD has included this initiative in its strategic objectives, which clearly indicates its commitment to create a culture of ethical excellence within the department.

A REVIEW OF SOME OF THE CASES INVESTIGATED/ STILL UNDER INVESTIGATION

Off duty shooting incidents

The following incidents are a reflection of a worrying trend of ongoing misuse/abuse of service issue firearms by off duty SAPS members in 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 firearms for purposes other than 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.

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

46

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|----------------|--|---------------|---|
| VANDERBILJPARK | It is alleged that on 25 June 2004 at about 23:03 to 00: 30 an off duty police officer on the rank of Inspector, was visiting a shebeen house at a certain address in Ext 18 Bophelong. At some point, the officer went outside to his vehicle, walking past two other people who were standing outside the house. On his return to the house, he allegedly fired one shot at the direction of the two persons he had earlier walked past, fatally wounding one of them instantly. The bullet went through the deceased's back and through the heart and then exited and struck the second person on his right armpit. The police officer alleged that the two persons were attempting to rob him of his vehicle. Our investigations revealed that the shooting was unprovoked and effected an arrest of the suspect police officer at the scene. He was charged with murder and attempted murder. | Investigated. | On completion of the investigation, we recommended to the DPP that the police officer be charged with murder and attempted murder. The DPP concurred with our recommendations and the matter is currently pending in the Johannesburg High Court. |
| BHEKITHEMBA | It is alleged that a SAPS member received information that three people were shot at "Z" section. Upon arrival at the scene he saw three males lying on the floor and alleged that they were shot by Sergeant S. Makhathini who is stationed at SAPS Isipingo. | Investigated. | The member appeared in court and the case is pending. |
| MONDLO | It is alleged that the member arrived at his house and alighted from his motor vehicle to open the main gate. His wife came towards the gate. The member alleges that he saw an unknown male running out of the kitchen and he tried to stop him but the male ran into the back room where the policeman followed and fatally shot him. | Investigated. | The member was charged and appeared in court. The case against him was provisionally withdrawn pending the case of "Defeating the ends of justice" and "Perjury" registered against his wife. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

47

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-----------|---|---------------|--|
| INGOGO | It is alleged by Inspector Ndlonzi that he was at Ingogo Barracks when he was awoken by Mr. Hadabe who informed him that a member of the SAPS had shot two people at Ingogo Bazaar. He further alleged that he went to the Bazaar and found the deceased known as Velaphi shot in the chest. The other male also sustained gunshot wounds and was taken to hospital. | Investigated. | The member was charged and he appeared in court. The case is still pending in court. |
| DIEPKLOOF | It is alleged that on the 11 June 2004 an off-duty police officer visited a shebeen at Zone 05 Diepkloof, Soweto. During the drinking binge, the officer got involved in an argument with the deceased and his friends. The deceased and his friends decided to leave the place and a while later, the police officer together with his friends pursued the deceased in a white Golf. On catching up with them, the argument continued further in the street. The deceased then allegedly removed the car keys from the ignition of the car used by the police officer, and threw them away. He then ran into a nearby house. The police officer allegedly fired shots towards the deceased as he fled to the nearby house. He then followed the deceased who then ran towards the back yard and fired shots at him. The officer was arrested at the scene and charged with Murder. | Investigated. | On completion of our investigation, we recommended to the DPP that the police officer be charged with murder. The latter accepted our recommendations and the matter is currently before Diepkloof Regional Court. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

48

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-------------|--|---------------|---|
| LEBOWAKGOMO | <p>On 15 June 2004, an off-duty police officer was enjoying alcoholic beverages at his house with his relative, one Mr Mphahlele. At one stage the police officer went to his bedroom and returned with a firearm and allegedly asked Mr Mphahlele if he knew the firearm and also told him that, he can shoot him on the head. The police officer then pointed a firearm at Mr Mphahlele and shot him twice fatally wounding him. The incident took place in the presence of the suspect police officer's kids. The suspect went to SAPS Lebowakgomo to report the shooting incident. Members on duty visited the scene of the shooting and found a 9mm firearm and two empty cartridge cases next to the deceased. There were also two empty beer bottles and glasses in the room where the deceased was shot.</p> | Investigated. | The investigation has been finalized and we made recommendations to the DPP that the police officer be prosecuted on a charge of murder. The decision of the DPP is awaited. |
| DENNILTON | <p>It is alleged that on 13 February 2005, a police member (Sgt M.M Seopela) was involved in a conflict with a member of the public at a Shebeen in Matlerekeng (Zamekomst) about the shooting of his brother by the police (Dennilton CAS 257/01/2005, ICD is investigating). The off duty police officer then shot the deceased with his service pistol. The latter died at Hospital.</p> | Investigated. | The docket is still under investigation and expert evidence is still outstanding. Investigation is almost complete save for the outstanding results of the forensic examination |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

49

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|------------|--|---------------|--|
| MAYFLOWER | It is alleged that on 31 March 2005 an off duty Reservist, Joseph Mkhalihi was walking on the street in Mayflower. He then met Smanga Nkosi, the deceased, who was in the company of his cousin Thokozani Shabangu. The reservist unsuccessfully tried to arrest both of them. The reservist fired one shot which hit both the deceased and his cousin. The bullet was stuck in Thokozani's body next to the spinal cord. The reservist was arrested and released on bail. He is facing a murder and attempted murder charges. | Investigated. | Investigation is almost complete save for the outstanding results of the forensic examination |
| TSESENG | It is alleged that two off duty policemen went to a tavern wearing their uniform. An argument ensued between one member and the patrons. Both members went outside and when they came back, one suspect bumped three bullets into the body of one of the patron who died instantly. The suspect was arrested and his bail was successfully opposed. | Investigated. | The suspect was found guilty of murder and sentenced to 15 years imprisonment. |
| CONVILLE | It is alleged that on 23 October 2004 at about 01h00, a SAPS member who was being attacked in a house by the suspect opened fire in self defense. An innocent old gentleman and not the suspect was shot and killed. It is alleged that a senior SAPS member was drinking liquor with the deceased on the 05 March 2005. An argument | Investigated. | The investigation has been finalized and we made recommendations to the DPP that the police officer be prosecuted on a charge of murder. The decision of the DPP is awaited. |
| KIRSTENHOF | ensued between the two over remuneration regarding services rendered by the deceased in cleaning the member's house. | Investigated. | The member was arrested but later released on R1000.00 bail. The matter is currently before court. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

50

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|--------------|--|---------------|---|
| ELSIES RIVER | It is alleged that on 23 October 2004 an off duty SAPS member heard a gun shot outside his house. He subsequently went outside and noticed a SAPS member standing over a deceased female who was lying on the ground. A report was made that unknown men drove past and, allegedly shot her. The off duty member investigated and found the fire-arm of the suspect member hidden in a washing machine. The suspect member made a confession to a senior member that he had shot and killed the deceased who was his girlfriend. | Investigated. | Both the member and his brother were arrested and were released on bail of R1 000.00 each. The matter was referred to the DPP for a decision. |
| HIMEVILLE | It is alleged that the member had an argument with his colleagues and as a result thereof, he fatally shot one member and injured a civilian. The member was arrested and charged for Murder and Attempted Murder | Investigated. | The member appeared in court and the criminal matter is pending. |
| HIMEVILLE | It is alleged that Inspector Ziqubu had an argument with the deceased at a party. He cornered the deceased outside the party and fired two shots at the deceased's head. The member was arrested and charged for Murder. | Investigated. | The criminal matter is still pending. |
| KOKSTAD | It is alleged that the member went to the house of his girlfriend. His girlfriend went outside to talk to him. The member thereafter chased and fired shots at her fatally wounding her. The member then went into the house and fired shot at Captain Gwala and the girlfriend's mother. Captain Gwala was obtaining a statement from the girlfriend's mother about a domestic violence matter against the member. | Investigated. | The matter was forwarded to the DPP. The alleged suspect also died in the incident. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

51

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-----------|---|---------------|--|
| BATLHAROS | The member was arrested for assaulting his girlfriend. At the police station, he requested to speak to his girlfriend and was allowed to speak to her without supervision. He went outside the Police Station building with her. Members in the station heard two shot being fired, and when they went out to investigate, they found that the member has shot his girlfriend. She died on the scene. | Investigated. | On the 15 June 2004 the accused was found guilty of murder at Mafikeng High court and sentenced to 25 Years imprisonment |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

52

On duty shooting incidents

Incidents of death as a result of police actions:

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

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-----------|--|---------------|---|
| LYTTLETON | <p>On 29 August 2004 at around 19h55, police officers attached to SAPS Lyttleton, Pretoria, were busy on routine patrols when they spotted a Volkswagen Polo without registration plates on. The said police officers were in civilian clothes and driving in an unmarked police vehicle, which was not equipped with blue lights or a siren. One of the head lamps on the police vehicle was defective. They tried to stop the Volkswagen Polo, but the driver did not heed their call as he could not ascertain whether they were police officers or it was an attempt to hijack him. The police officers gave chase, while the driver of the Polo sped towards his home. During the chase, the police officers requested a backup from radio control and the driver of the suspected vehicle alerted his parents at home by mobile phone that he is being chased by another vehicle. His father went out of the yard and waited for them as he told them that he is driving towards home. He entered his home and the police officers also stopped their vehicle, two of them jumped out and pursued him into the yard on foot, while one of them remained in the car. It is alleged that the suspect's father approached him, grabbed him around his neck and pointed a firearm on his head. The police officer managed to free himself and fired three shots towards the father. It is alleged that the officer only alerted the father that he is a police officer after he had fired shots at him. He was rushed to hospital where he later died from the gunshot wounds.</p> | Investigated. | <p>On completion of our investigation, we recommended to the DPP that the police officer be charged with murder. The latter accepted our recommendations. The matter is now pending at Pretoria Regional Court.</p> |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

53

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|------------|--|---------------|--|
| CALCUTTA | On 3 May 2004, members of SAPS Calcutta received information on the whereabouts of one of their most wanted suspect, Richard Mavhimbhela. The alleged suspect was seen driving with other unknown persons in a white Ford 4x4. The police officers responded to the information and spotted the vehicle at Mariti market. It is alleged that when they approached the suspected vehicle, the driver of the said vehicle drove towards the police officers. They allegedly tried to stop the vehicle but it could not stop whereupon the police officers fired several shots at the vehicle, which resulted in two passengers, a female and a male person being fatally wounded and another person wounded. The rest of the passengers including the wanted fugitive allegedly fled and were never arrested despite the subsequent pursuit. | Investigated. | The investigation was finalized and we made recommendations for prosecution to the DPP to charge the police officers with two counts of murder and attempted murder. The decision of the DPP is outstanding. |
| ELUKWATINI | It is alleged that on 17 October 2004 two SAPS members went to trace a rape suspect after the victim had informed them that she saw him at a nearby shebeen. On their arrival at the shebeen, the suspect saw them and fled. One police member gave chase on foot and the other was driving the marked SAPS vehicle following them. Later on, the alleged suspect stopped, produced a butcher knife and walked towards the SAPS member. The member drew his firearm and fired two shots fatally wounding the deceased. | Investigated. | The matter is still under investigation. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

54

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|--------------|--|---------------|--|
| PIET RETIEF | It is alleged that on 07 December 2004 at about 01:15, members of the Crime Prevention unit were busy patrolling around Hospital street in Piet Retief when they saw a silver Ford Tracer driving in Pretorius street. They started following the car and two occupants in the vehicle saw that they were being followed. They jumped out of the car running into an open field. Members of the Crime Prevention Unit then gave chase. The suspects started to shoot at Sgt Otto, Insp. Mhlanga and Const. Sethebe. Sgt Otto then returned fire to the direction of the suspects and saw one of the suspects falling down. The suspect was shot on the upper body of his back and the bullet was found during the post mortem in his neck. | Investigated. | Investigation is almost complete save for the outstanding results of the forensic examination. |
| DENNILTON | It is alleged that on 25 January 2005 at about 09:50, Sgt L.S Mononyane and R/Const. Babili both from SAPS Dennilton (Zamekomst satellite station) received a complaint from a complainant. The police officers together with the complainant, used the latter's private motor vehicle to attend the complaint. The members approached the suspect who became violent and Sgt Mononyane fired three warning shoots from his R1 rifle. He further fired another three shots to the suspect and hit him three times. He was then carried by the complainant's car and died en route to the police station. The member is facing a murder charge. | Investigated. | Investigation is almost complete save for the outstanding results of the forensic examination |
| BLOEMFONTEIN | Police received information that there is a vehicle which has been hijacked in Welkom and same was seen in Bloemfontein. Police in Bloemfontein were further informed that one of the suspects is dangerous and is still wanted for theft of a police vehicle. This car was then spotted by police in Bloemfontein and gave chase. Police stopped the vehicle and as they approached the said vehicle, it sped off. One member opened fire and the bullet went through the rear window and the headrest and hit the driver of the stolen vehicle who died later in hospital. | Investigated. | The suspect was charged with murder and closing arguments will be heard on the 24th June 2005. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

55

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|----------|--|---------------|---|
| TONGAAT | It is alleged that the deceased was wanted for theft of coriander to the value of R3000-00. Police officers went to look for the suspect (deceased) and upon locating him, a struggle ensued between Sergeant Naicker and the deceased. The deceased thereafter fled on foot. The police officers gave chase and alleged that thereafter shots were fired at the van. Constable Veeriah returned fire and the deceased was fatally wounded. The scene was attended and members of the community were interviewed. It was discovered that the deceased was not in possession of any firearm. It was also apparent that the deceased was at least 100 metres away from the police officials when Constable Veeriah fired a shot at the deceased. | Investigated. | The matter is still under investigation. |
| PINETOWN | It is alleged that members were performing Crime Prevention duties and went to arrest a suspect but the suspect was not co-operating. Dir. Nunkumar and other members were called for back-up. The suspect, a female, went into the rear of her alleged shebeen and armed herself with bottles and a knife and stormed out of the room with a knife lunged towards the members. She became wild and could not be stopped and as a result Director Nunkumar and Insp. Mutham fired one shot each in her direction. She was struck on the left rear shoulder and right buttock and she was certified dead. | Investigated. | The investigation has been finalized and the docket forwarded to the DPP for a decision on prosecution. |
| TONGAAT | It is alleged that the deceased assaulted and attempted to disarm the member. During the tussle between the member and the deceased a shot went off and the bullet struck the deceased on the left side of his face, thus causing his death. This incident occurred on the police parking area. | Investigated. | Investigations completed and docket forwarded to DPP for decision. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

56

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|----------|---|---------------|---|
| VERULAM | It is alleged that the deceased was being arrested for assaulting his brother and during apprehension a struggle ensued between the deceased and the policeman. The deceased grabbed the policeman's firearm and cocked it. SAPS members fired warning shots towards the deceased but the deceased still pointed the firearm towards the members. The members then fired at the deceased fatally wounding him. The scene was and during investigation, it established that the deceased was arrested and taken to the police van that was parked approximately 70 metres away. The three members who arrested the suspect failed to handcuff the suspect. The members alleged that the struggle for the firearm occurred when they were trying to place the deceased into the police van. | Investigated. | The investigation in to this matter is still pending. |
| SYDENHAM | It is alleged that members from Serious and Violent Crimes Unit acted on information that a house of a doctor was going to be robbed. They then monitored the premises. When the suspects entered the house and saw the police, a shoot out ensued. Three suspects and the garden keeper were fatally wounded; two SAPS members were injured and taken to hospital. | Investigated. | The investigation in to this matter is still pending. |
| BULWER | It is alleged that on 11 February 2005, the deceased escaped from police cells. Information of his whereabouts was received on 12 February 2005. Upon arrival of the members at the scene, the suspect attempted to flee into a nearby bush. The bush was surrounded and warning shots were fired. The suspect was requested to hand himself in but, instead, he pointed a firearm at the members who then fatally wounded him. A 9mm Norinco pistol was recovered at the scene. The version of the community differs from that of the police. Investigations are continuing. | Investigated. | Investigation is pending. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

57

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|---------------|---|---------------|--|
| BRITS | <p>The deceased who was a sought fugitive was spotted driving a suspected stolen vehicle in Brits. He was in the company of one male person and a female. The SAPS gave chase, warned him to stop but he did not heed the warning. The suspect started firing shots at the Police. They fired back, hitting the right front door and left rear tyre causing the vehicle to loose control. At that stage it is alleged that the suspect then shot himself on the head and he died on the scene. The male person ran away and the female was apprehended. It later turned out that she is a registered Police informer who was communicating the whereabouts of the deceased (suspect) with the Police, which led to this incident.</p> | Investigated. | Investigation is almost complete save for the outstanding results of the forensic examination. |
| BUFFALO FLATS | <p>It is alleged that the member was busy with the investigation of a murder case whereby a six year old child was murdered. Information was received that the suspect/deceased was busy selling a firearm in the squatter camp. As he was wanted for murder of the child, members of the SAPS went to the camp in search for him. At the squatter camp the member saw the suspect and ran towards him. Whilst the other members ran around the house trying to apprehend him, he tried to escape. The suspect had a knife and tried to stab the member who then drew his firearm. He was advancing to the member and the member fired a shot. He fell down and the member tried to assist him as he was bleeding.</p> | Investigated. | The matter is still under investigation. |
| TONGA | <p>It is alleged that on 06 August 2004, two SAPS members went to the residence of a 15 year old boy that was suspected of stealing R500-00 from a school. The victim was taken in front of his mother and put at the back of the police truck. They proceeded and picked up one of his friends. They then drove to the nearby bush and on their arrival; started assaulting the two boys with a sjambok. One of the boys became unconscious and was taken back to his residence with severe injuries all over his body. The other one was slightly injured. The boy was admitted at the hospital and was discharged after two days.(case 53-08-2004)</p> | Investigated. | The investigation has been finalized and we made recommendations to the DPP that the police officers be prosecuted. The DPP concurred with our recommendations and the case has been set down for trial. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

58

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-------------|--|---------------|---|
| KANYAMAZANE | It is alleged that on 02 October 2004 SAPS members from Kanyamazane police station received a tip off from an informer that a certain wanted suspect was at a nearby Tavern drinking beer. Members of the Crime Prevention Unit rushed to the place and on their arrival suddenly two of their members opened fire to the group of people sitting outside the tavern. There was no verbal or warning shot that was fired. An innocent schoolboy of about 16 years was fatally wounded and died on the scene and a bystander was also fatally wounded and admitted at hospital. | Investigated. | The investigation has been finalized and the docket forwarded to the DPP for a decision on prosecution. |
| HARRISMITH | It is alleged that on 30 August 2004 the residents of iNtabazwe were protesting against poor service delivery in the area. It is further alleged that they demanded to see the mayor but their request fell on deaf ears. Protesters then attempted to close/ block N3 road. The police opened fire on them and one protester was fatally injured and died at Hospital and scores were treated for birdshot and rubber bullets wounds. | Investigated. | The investigation has been finalized and we made recommendations to the DPP that the police officers be prosecuted. The DPP concurred with our recommendations and directed that three members be charged for murder and fifteen counts of assault GBH. |
| BOTSHABELO | It is alleged that the deceased was wanted for a number of rape and theft cases. The police received information that the deceased was hiding at a particular area. When the deceased saw the police officer, he ran away. One member instructed the deceased to stop but the deceased continued to run and no attempt was made to chase him. He was shot in the back and died instantly. | Investigated. | The suspect was found guilty of murder and will be sentenced on the 3rd June 2005. The suspect 's bail has been extended. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

59

Acts of criminality

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|------------|---|---------------|---|
| MOROKA | It is alleged that on 14 April 2004 the members of the Landless People Movement were marching on Election day and they were arrested for contravening Section 108 of Election Act. They were detained at SAPS Protea. They were booked out for further investigations on 15 April 2004 at about 00:15, by members of the Crime Intelligence Unit (Thathazonke) for questioning, during which time, they were allegedly assaulted and tortured. The complaint was reported to the Gauteng office, which immediately initiated an investigation. | Investigated. | The investigation was completed and case docket taken to Director of Public Prosecution (DPP) who concurred with our recommendations to prosecute the implicated police officials. The matter is currently pending in the Protea Magistrate's Court. |
| ZONKISIZWE | It is alleged that on the 24 September 2004, deceased Charles Mabiya, and his two friends, Sibusiso Lukhele and Bheki Khoza were arrested for armed robbery and possession of unlicensed firearm as per Zonkizizwe CAS 206/09/2004. The three were allegedly assaulted during the arrest. They were taken to SAPS Zonkizizwe, for detention. One of the suspects, Charles Mabiya was booked out for further investigation by Sergeant Zwane. The suspect was allegedly further assaulted during this time and later on booked back into the cells with his injuries without being given medical attention. He later died in the police cells from the injuries sustained. The suspect, Sergeant Zwane was arrested and charged for murder and three counts of assault with the intention to cause grievous bodily harm. | Investigated. | On completion of the investigation, we recommended to the DPP that the police officer be charged with murder and three counts of assault with the intention to cause grievous bodily harm. The DPP concurred with our recommendations and the matter is currently pending in Court. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

60

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|----------|---|---------------|--|
| LINDEN | <p>The complainant in this case alleges that she was on her way home walking side by side with her boyfriend when members of SAPS Fairlands stopped next to them and demanded to see the identity document (ID) of her boyfriend. Her boyfriend did not have any form of identification with him at the time and was then asked by the members to pay them R200 before they let him go. He indicated to them that he only had R50.00. They then told him that are they arresting him. The boyfriend managed to slip out of their hands and fled. The members then turned to the complainant and asked to see her identity document. She was allegedly assaulted with a stick before she was ultimately shoved in the back of the van. There was a civilian woman, who was seated in the front seat of the police van who allegedly arrested. This woman was released on their way to the police station. The police officers tried to solicit a bribe from the complainant but she refused to pay the bribe whereupon she was detained and charged for being suspected to be an illegal immigrant. She was then released after the intervention of Minister of Home affairs at Lindela repatriation centre where would have been deported. On further investigation, we discovered that the woman, who was released before arrival at the police station, had paid an amount of R500 for her release. The police officers involved were arrested on charges of corruption and assault with the intention to cause grievous bodily harm.</p> | Investigated. | The investigation in this matter was completed and the case is pending before the Randburg Magistrate Court. |
| MOKOPANE | <p>It is alleged that on the 7th of July at approximately 13:37 pm, Senior Supt Baloyi a commander of organized crime used a police voucher (SAP154) on his private car, BMW registration number DVT 301 N, at Nyl Plaza toll gate. Mr. Manamela of ICD reported the case.</p> | Investigated. | Investigation is finalized. The suspect was arrested, and passed away while out on R1 000.00 bail. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

61

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|--------------|--|---------------|--|
| SMITHFIELD | It is alleged that a female inmate who was detained in police cells for a period of about two years was raped by at least three members from the station. As a result of this act a child was born whilst she was still detained. Three members were arrested and blood samples taken for paternity testing. The results revealed that one of the members is the father of the child. | Investigated. | The investigation has been finalized and the docket is to be forwarded to the DPP for a decision on prosecution. |
| ODENDAALSRUS | Allegations are that police arrested the deceased for drunkenness. It is further alleged that the police assaulted the deceased during the arrest and took him to police cells. He became very sick and was taken to hospital where he passed away. | Investigated. | Two members were charged with murder and the matter has been partly heard. |
| KIMBERLEY | It is alleged that the suspect, Inspector Koopman based at the Kimberley Police Station barracks, shot and killed Pieter Rooi in his room. It is alleged further that Inspector Koopman tried to hide the corpse but was seen by other colleagues as he tried to load the body into the lift. By this time the suspect's clothes were full of blood and he was heavily under the influence of alcohol. Case dockets of Murder and that of Defeating the ends of Justice were opened against him. | Investigated. | The investigation has been finalized and we made recommendations to the DPP that the police officer be prosecuted on a charge of murder and defeating the ends of justice. The decision of the DPP is awaited. |
| MANENBERG | It is alleged that on 02 March 2005 a SAPS member who was driving a state motor vehicle under the influence of liquor, knocked and killed a pedestrian at the robot intersection. | Investigated | The member was arrested but later released on bail of R500.00. |
| PHOENIX | The complainant alleges that she received a call from Inspector Pillay informing her that he wanted to discuss something with her. They met at Mount Edgecombe Checkers. It is further alleged he said he could not discuss the matter there and took her to a hotel. He threatened to lock up her boyfriend. He then had sexual intercourse without her consent. He also allegedly bit the complainant on her chest. | Investigated | The matter is still being investigated. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

62

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|------------------|--|--------------------------------|--|
| PIETERMARTIZBURG | It is alleged that two policemen were alleged to have demanded payment of R15 000-00 from a woman they had arrested for allegedly being in possession of several false birth certificates. Why did the ICD get involved in what appears to be a straight criminal case? A transaction took place where the police were allegedly paid R5000-00 in marked notes outside the magistrate court. | Supervising the investigation. | The member appeared in court and criminal case is pending. |
| DURBAN CENTRAL | It is alleged that members from SAPS Sydenham demanded R5000-00 from two suspects in order to release them. The suspects paid R2000-00 and the remaining R3000-00 was to be paid the next day at Durban Magistrate Court. The transaction at court was monitored by ICD officials who immediately arrested the members concerned. | Investigated. | Members appeared in court and the case is pending. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

63

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|------------|---|--------------------------------|--|
| KLERKSDORP | <p>The complainant alleged that he was travelling in the company of his wife and two children. He parked behind a white Corolla in Klerksdorp. As he passed the Corolla, a white woman asked rudely if he cannot park his car properly. Before he could respond, a white male appeared and asked what was going on. The white woman responded by saying "Die Kaffir kan nie mooi parkeer". He objected to being called kaffir. The white male bumped him with his car, he fall on the ground. While on the ground he was assaulted by this white male. He also assaulted his (complainant's) wife and sprayed the family with pepper spray, after trying to lock them into the boot of his car. The complainant and his wife were charged for malicious damage to property by the suspect. After our intervention we established that the suspect was in fact a Snr. Supt. in the SAPS. We received the docket from SAPS and established that they had finalized investigation on the charges laid by complainant. But upon perusal of the docket we found that crucial evidence was still lacking in the docket.</p> <p>We liaised with the complainant, did witness canvassing, and we were able to obtain important evidence. As a result of our intervention cases against the complainant and his wife were withdrawn.</p> | Supervising the investigation. | The Director of Public Prosecution then decided to prosecute the Senior Police Officer and his wife. They are charged with two counts of Assault GBH, two counts of Assault, Reckless and Negligent Driving, Use of Motor without owners consent, and Pointing of Fire-arm. The Case has been postponed to 04 May 2005, and then to 11-12 July 2005 for trial. |
| WEDELA | <p>This matter involves a case of death in police custody at Wedela Police station where the deceased's wife had summoned the SAPS after deceased had assaulted her. On arrival at the Police station he was left alone inside the bakkie since he was allegedly still aggressive. The deceased was later found hanging in the back of the bakkie at the police station. The wife had subsequently made allegations that the SAPS members had assaulted her and her husband (deceased), and then killed him or that he died as a result of police beatings.</p> | Investigated. | Investigation is almost complete save for the outstanding results of the forensic examination. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

64

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-----------|---|--------------------------------|--|
| FOCHVILLE | <p>In the afternoon of 22 March 2005, the deceased was referred to the Fochville hospital as he was suffering from a running stomach. He reported further that he was abusing alcohol, drinking a bottle of brandy a day. In the evening while at the hospital he started behaving strangely and a sedative was applied. It appeared not to have the desired effect because he continued with this behaviour, which led the hospital personnel to call the police as they felt that he was endangering the lives of other patients and himself. The purpose was to place him into protective custody.</p> <p>Inspectors Meyer and Dippenaar attended the matter at about 02.00 on 23 March 2005 and the deceased refused to freely move away with them. The patient who was sharing the ward with him stated during the interview that the Police Officers were talking calmly with the deceased. They finally managed to handcuff his hands at the back and went with him to the bakkie. He had no visible injuries on his person. They helped him into the bakkie and drove off. He had no injuries at that stage and was dressed only in boxer shorts.</p> | Supervising the investigation. | Investigation is almost complete save for the outstanding results of the forensic examination. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

65

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|-------------|--|---------------|--|
| | <p>On arrival at the Fochville Police station he was booked in and taken to the cells at 02:50 on 23 March 2005 and had "no injuries or complaints". According to the detainees in cell number three, he was locked in cell number four which had no occupants. They stated further that two Police Officers were responsible for locking him up and they both left him therein. Ten to fifteen minutes after he was locked up they started hearing some heavy banging on the walls and grill door of cell 4, accompanied by a lot of swearing in Afrikaans. From their observations, the banging and swearing went on for about two hours, with breaks of about ten minutes in between. During this whole period there were no cell visits by the personnel on night duty. When the banging and swearing stopped they thought that the said person was tired and had gone to sleep. The impact on the walls and grill was so heavy that they thought that that person was either wearing safety shoes or using his head to cause the banging. The Police came only in the morning for physical counting, and after finishing in their cell, they proceeded to cell number four. They then saw the paramedics coming to cell 4 and later went away carrying a person in a stretcher.</p> <p>The said person was quickly rushed to the hospital where he died after about twenty minutes. At the hospital Dr. De Wet observed that he had a lacerated wound on the back of the head, and an open wound on the forehead.</p> | | |
| EAST LONDON | <p>It is alleged that a police officer was assaulted at East London Police Station by his Commander because he arrested a white suspect. It was further alleged that black suspects are treated differently to white suspects at the police station.</p> | Investigated. | <p>The investigation has been finalized and will be referred to the DPP for a decision on prosecution.</p> |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

66

Crimes against women & children

| SAPS | ALLEGATION | ICD | STATUS |
|----------------|---|---------------------------|--|
| BENONI | On 09 September 2004, the complainant was walking along the street in Benoni when she was arrested and taken to SAPS Benoni where she was detained. She alleged that she was assaulted by two of the police officers who arrested her. She then lost consciousness and woke up much later in the cells. She appeared before the Benoni Magistrate Court on 10 September 2004 and was subsequently released at about 16h00. When she reached her home, she wanted to take a bath and only to discover that she had no panties on. She then suspected that she may have been raped. | Investigated. | Investigation is almost complete save for the outstanding results of the forensic examination the Biology Unit of the Forensic Science Laboratory. |
| BETHLEHEM | It is alleged that on the 7th October 2004 an off duty member who was separated from his wife went to the wife's place and fatally shot her and seriously wounding his (suspects') sister. The suspect was arrested and his bail was successfully opposed. | Investigated. | The investigation has been finalized and the suspect will appear in the High Court as soon as the date is available. |
| DURBAN CENTRAL | It is alleged that the victim went to the station to open a case. Upon her arrival at the station, she was subsequently raped by a policeman at gun point. | Investigation supervised. | The member was arrested and appeared in court. The case still pending. |
| OSIZWENI | It is alleged that the member was seated in his private motor vehicle with his wife when an argument ensued between them. The member then drew his firearm and shot his wife in the mouth. | Investigated. | The member was arrested and he appeared in court. Court proceeding pending. |

4. PROGRAMME 2: INVESTIGATION OF COMPLAINTS

ICD

Independent Complaints
Directorate

67

Other deaths as a result of police action

| SAPS | ALLEGATION | ICD ACTION | STATUS |
|---------|---|---------------|--|
| BIZANA | It is alleged that on the 22 May 2003, members of Bizana Crime Prevention Unit were conducting an operation at Izilangwe locality when they arrested a male known as Bhekihlathi Mzinzi for possession of a 9mm pistol and 10 shot gun shells. The suspect further gave information that another shot gun was in possession of a male known as Sgcawu. On the way to Sgcawu, the suspect developed Epilepsy. At Sgcawu's kraal one shell of shot gun was discovered but Sgcawu was not available. On the way to the station the suspect again developed Epilepsy and was unconscious. He was rushed to hospital by the same vehicle the members were boarding. When they arrived in hospital he was certified dead. | Investigated. | The investigation has been finalized and we made recommendations to the DPP that the police officers be prosecuted. The DPP concurred with our recommendations and the case has is currently pending in court. |
| NONGOMA | It is alleged that SAPS members were performing standby duties and were driving along Ntanzi area with the headlights of their vehicle on. While driving around a curve, the driver noticed a motor vehicle parked in front and people standing behind it. The member applied brakes but knocked five people down as well as the parked vehicle. Two people died as a result of the accident and three others sustained injuries. | Investigated. | The investigation was completed and a recommendation for prosecution made to DPP. |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

68

Purpose:

This programme is divided into two sub-programmes, namely, Information Management System (IMS) and Research. IMS is further made up of three components, namely, Complaints Registry, Information Technology and Communication. The programme Information Management and Research strives for the attainment of the following strategic objectives:

- To ensure that new complaints are received, analysed, processed and registered.
- To maintain a database system which serves as a register for all ICD complaints.
- To manage information technology in order to ensure smooth operation of all ICD IT systems.
- To consolidate and manage all ICD information needs with a view to facilitate access and sharing of knowledge and information.
- To manage all communication and marketing processes and activities with a view to facilitate the dissemination of information and promotion of ICD products and services to all stakeholders.
- To embark on various Proactive Oversight activities including research, station audits, monitoring, etc. with a view to making recommendations to address systemic problems in policing.

Measurable Objectives

The objective of the Programme: Information Management and Research is to maintain a current complaints register, allocate and follow-up on cases and oversee the implementation of the Domestic Violence Act (DVA) and analyse all information on the database, producing at least six reports annually, recommending interventions to enhance human rights focused service delivery in policing.

To improve the management and dissemination of information through technology in order to market the organization to various stakeholders.

Service delivery objectives and indicators

The registration of new cases took place on average within 24 hours as required by the standard. This was also confirmed by independent internal audits. It is heartening to see that there is 100% improvement as compared to the past financial year. However, there is still a problem of prompt referral of complaints to other internal units such as Investigations and Monitoring. This problem happened across the board. One of the contributing factors is that the Case Intake Committees that should review each complaint and determine where the cases should be referred, do not function as expected. In some instances, due to the shortage and/or availability of staff in provincial offices, it is difficult to convene meetings of such committees.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

69

All applications for exemption were finalized on the day that they were made. This achievement is, however, marred by the fact that only a few applications were forthcoming from members of the South African Police Service. This is in spite of the fact that reported cases of non-compliance with the Domestic Violence Act were far higher than the actual number of applications received.

All other service delivery standards were met as required.

Izimbizo

The department focused on community outreach programmes, these events were undertaken during the Imbizo Focus Week (26 – 30 September 2004) while some were conducted as per ICD initiated programmes.

The Executive Director of the ICD and some managers visited communities in the Western Cape and North West for the Izimbizo. The provincial heads also engaged in awareness programmes. The communities visited by the Executive Director and Provincial heads were as follows:

- Mosselbay Community, Western Cape
- Outshoorn Community, Western Cape
- George Community, Western Cape
- Debruk Community, North West
- Siga Community, North West
- Lebotlwana Community, North West
- Skulpadfontein Community, North West
- Ikageng Community, North West
- Kanana Community, North West
- Ga-Rankua Community, North West
- Petsidisulejang Community, North West
- Makwassie Hills Community, North West
- Pachdraai Community, North West
- Gelukspan Community, North West
- Sekhing Community, North West
- KwaNyuswa Community, KwaZulu Natal
- Nyoni Community, KwaZulu Natal
- Inanda Community, KwaZulu Natal
- Umbumbulu Community, KwaZulu Natal
- Ga-Molepo Community, Limpopo
- Apel Community, Limpopo
- Thohoyandou Community, Limpopo
- Makhuva Community, Limpopo
- Jane Furse Community, Limpopo

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

70

- Tshivhase Community, Limpopo
- Moletjie Community, Limpopo
- Lamonde Community, Limpopo
- Tsetseng Community, Free State
- Dewedtsdorp Community, Free State
- Jagersfontein Community, Free State
- Wepener Community, Free State
- Keimoes Community, Northern Cape
- Kakamas Community, Northern Cape
- Augrabies Community, Northern Cape
- Colesberg Community, Northern Cape
- Hanover Community, Northern Cape
- Britstown Community, Northern Cape
- Victoria Community, Northern Cape
- Maluti Community, Eastern Cape
- Centani Community, Eastern Cape
- Ntabankulu Community, Eastern Cape
- Alice Community, Eastern Cape
- Berlin Community, Eastern Cape
- Izele Community, Eastern Cape
- Lady Frere Community, Eastern Cape
- Lady Grey Community, Eastern Cape
- Zwide Community, Eastern Cape
- Ngcamngeni Community, Eastern Cape
- Debenek Community, Eastern Cape
- Peddie Community, Eastern Cape
- Peeston Community, Eastern Cape
- Middledrift Community, Eastern Cape
- Umtata Community, Eastern Cape
- Ngqeleni Community, Eastern Cape
- Middleburg Cape Community, Eastern Cape
- Keiskammahoek Community, Eastern Cape
- Volkrust Community, Mpumalanga
- Elukwatini Community, Mpumalanga

16 Days of Activism for No Violence Against Women and Children

During the 16 day campaign for the eradication of violence against women and children, a number of activities took place, including addressing communities on the mandate of the ICD in terms of the Domestic Violence Act (DVA).

Each of the ten offices of the ICD had a programme of activities with both an internal and external focus. The internal programme was aimed at sensitising ICD staff to the problems of domestic abuse and advices were given on how to deal with the problem.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

71

The external programme was drawn up with the collaboration of stakeholders that included the South African Police Service (SAPS), the Community Policing Forums (CPF), Office on the Status of Women, the Commission for Gender Equality, Safety and Liaison departments as well as Non Governmental Organisations (NGOs).

Activities took the form of public workshops, awareness programmes and workshops with the SAPS.

The 16 day campaign is important in keeping focus on the need to eradicate violence against women and children. The ICD will continue with its efforts to ensure that the Domestic Violence Act is implemented properly by the SAPS, in an endeavour to improve service delivery to victims of abuse.

The following communities were visited:

- Sekhing Community, North West
- Mabopane Community, North West
- Stilfontein Community, North West
- Imbali Community, KwaZulu Natal
- Umbilo Community, KwaZulu Natal
- Umgababa Community, KwaZulu Natal
- Glendale Community, KwaZulu Natal
- Vhembe Community, Limpopo
- Verkeerdevlei Community, Free State
- Bethulie Community, Free State
- Rosendal Community, Free State
- Hertzogville Community, Free State
- Boshoff Community, Free State
- Thabanchu Community, Free State
- Bethelsdorp Community, Eastern Cape
- Gelvandale Community, Eastern Cape
- Tsabo Community, Eastern Cape
- Graskop Community, Mpumalanga
- Wakerstroom Community, Mpumalanga
- Mamethlake Community, Mpumalanga

Research

The establishment of the Proactive Oversight Unit (POU) by the ICD with effect from 1 May 2005 represents a significant milestone, not only in terms of successful deployment of logistical support and personnel but also in terms of securing research skills and knowledge.

The process leading to the establishment of this Unit started in 2004. A partnership with a donor, namely, the Open Society Foundation (OSF), was entered into in terms of which OSF

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

72

undertook to provide the ICD with the following support:

- Identifying and appointing an independent consultant for the ICD to assist in terms of all processes leading to the establishment of a research unit; and
- Providing relevant support that the ICD may need to facilitate the establishment of the unit.

Umhlaba Development Services (Umhlaba), a consultant, was then appointed and immediately assisted the ICD with the motivation for and business planning of the Unit. The said motivation and the business plan were then used successfully during the ICD presentation before the Medium Term Expenditure Committee (MTEC) in September 2004. National Treasury subsequently approved funding for the said unit to the tune of R1, 477 million for the 2005/2006 financial year.

Further discussions between the ICD and OSF resulted in Umhlaba being requested to provide the ICD with the following support:

- Drafting of the advertisements for vacant posts;
- Short listing of candidates;
- Convening the interviewing panel;
- Participation on the interviewing panel; and
- Identifying external panelists for the interviewing process.

To this effect, selection interviews were held on 16 and 17 March 2005 in respect of four (4) newly created research posts, comprising of three (3) Assistant Managers and one (1) Deputy Manager. Final appointments have already been made. All three Assistant Managers assumed duty on 1 May 2005. The Deputy Manager will assume duty on 1 June 2005.

The Unit, headed by the Deputy Manager, will report to the Programme Manager for the Programme: Information Management and Research. As mentioned previously, the Unit will be mandated to conduct quality research work on various policing aspects and to evaluate internal ICD efficiency. Also, of pivotal importance is the fact that an external reference group has been appointed to assist the Unit, mainly in the identification of research projects and quality control.

It is worth noting that while the Secretariat for Safety and Security is tasked with providing oversight over the police strictly on matters of police performance, the ICD on the other hand, is strictly tasked to provide oversight on matters pertaining to police misconduct. Therefore, in as much as the Secretariat, at any stage, is not interested in conducting research on police misconduct, neither are the ICD's research projects related to police performance. This means that the ICD's research work is strictly within the confines of police misconduct, an area falling within the ICD's mandate. In other words, if the ICD does not respond to this challenge, the area will still remain a void, as there would be no other oversight body to conduct research on police misconduct. Besides, the ICD is strategically positioned to carry out research on police

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

73

misconduct by virtue of the wealth of information and data on this matter in its possession generated through its investigative activities.

Our statistics, for instance, indicate that certain categories of misconduct cases such as criminal activities have increased immensely. Therefore, it would be necessary to conduct a study to establish why this is happening. Also, the statistics show that certain police officers at a particular rank commit more offences than others. It is therefore important to conduct a study on why this is the case. In conclusion, there is no room for duplication between the ICD research work and any other civilian oversight body including the Secretariat.

The Reference Group will also bring together role-players from civil society, the ICD, SAPS and the Secretariat for Safety and Security. This Reference Group will serve to not only give direction and support to the research undertaken by the Unit, but also assist in ensuring synergy between the research functions of the Secretariat, SAPS and the Research Unit, thus avoiding any duplication of these functions. An initial Reference Group meeting, held on Tuesday, 17 May 2005, assisted in identifying a number of research projects for the Unit to engage in, including an internal study into the backlog of cases waiting to be finalized, as well as a deeper study into the circumstances surrounding incidents of police misconduct and abuse of power. On the contrary, if the ICD does not carry out this function, it will not only amount to failure to execute its mandate and vision to the fullest, but there will certainly be a void in terms of this function. Civilian oversight bodies all over the world are moving towards complementing their reactive strategies with proactive methodologies including research strategies.

The ICD set a standard of four (4) research reports annually plus additional two (2) reports which must be tabled before Parliament in compliance with the Domestic Violence Act. During 2004/2005, the ICD component tasked with research work lacked research personnel to conduct the said task. The section comprised one manager at Director level plus a secretary. Obviously, the Director who was tasked with a variety of functions such as supervising the entire programme, i.e., the Information Management and Research programme in respect of registration of new cases, handling applications of exemptions aforementioned, station audits pertaining to implementation of DVA, as well as performing senior management functions such as serving in various committees and producing advisory reports to the Executive Director in respect of programme related matters, was not in a position to conduct research. Instead, the component focused its limited energy to lobbying the National Treasury for more funds and upon securing the said funds, to setting up a new Research Unit consisting of a Deputy Manager and three (3) Assistant Managers. Consequently, the target of 4 research reports could not be met except for the production of the DVA reports, which are still to be tabled before Parliament.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

74

Service delivery achievements:

| Sub-programme | Output | Output performance Measures/service delivery indicators | Actual performance against target | |
|------------------------|--|---|-----------------------------------|-----------------|
| Complaints Registry | Case registration | Time within which cases are to be registered on database. | 24 hrs | 24hrs |
| Monitoring | Monitoring the implementation of the DVA by SAPS | Percentage of applications for exemption finalized. | 100% | 100% |
| | | Number of external audits of DVA dockets in non-compliance cases. | 30% | 30% |
| | | Number of community outreach activities held with various stakeholders. | 12 per province | 12 per province |
| Research | Conducting research | Number of reports on systematic problems in policing. | 06 annually | |
| Information Technology | Prompt responses to request for support | Response time to request for support. | 4 hours | 12 hours |
| Communication | Prompt Media responses | Time taken to respond to media enquiries. | 60 min | 2-3 hours |

STATISTICS

SECTION 1: NATIONAL INTAKE OF DEATH, CRIMINAL AND MISCONDUCT CASES

The ICD received a total of 5,790 complaints between April 2004 and March 2005 as shown by Figure 1. It is further evident from this table that the Western Cape accounted for the largest portion (22%) of cases received during the period under review. Gauteng registered 1,171 complaints followed by KwaZulu-Natal with 728 cases and this translates into proportions of 20% and 13% for the 2 provinces respectively. It is also notable that the offices with the lowest case intake for the 2004/5 financial year were the Free State (6.9%) and Eastern Cape (6.1%). The tables that follow will show a comparison with the previous year.

Table 1.1: 2004/5 Provincial Intake (Deaths, Criminal & Misconduct complaints)

| Province | 2004/5 | Provincial % |
|---------------|--------------|--------------|
| Eastern Cape | 355 | 6.1% |
| Free State | 398 | 6.9% |
| Gauteng | 1,171 | 20.2% |
| Kwazulu-Natal | 728 | 12.6% |
| Limpopo | 462 | 8.0% |
| Mpumalanga | 412 | 7.1% |
| North West | 568 | 9.8% |
| Northern Cape | 439 | 7.6% |
| Western Cape | 1,257 | 21.7% |
| TOTAL | 5,790 | 100% |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

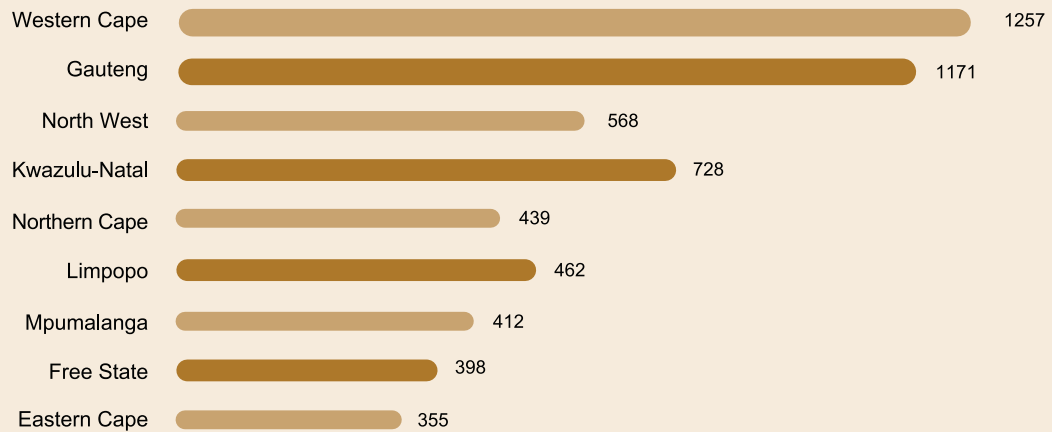
ICD

Independent Complaints
Directorate

75

Figure 1.1 represents the national pattern of all Death, Criminal and Misconduct types of cases that were reported across the 9 provincial ICD centres by members of our society during the 2004/5 financial period.

Figure 1.1: 2004/5 Provincial Complaints Intake (Death, Criminal & Misconduct)



There is a decrease of 2% in the number of cases reported to the ICD from April 2004 to March 2005 relative to the same period in the previous year (See Table 1.2). In spite of this overall decline, the Free State, Northern Cape and Mpumalanga have experienced complaint escalations of 92%, 50% and 22% respectively from 2003/4.

The number of cases reported to Gauteng dropped by 28% followed by the Eastern Cape where complaint volumes decreased by about 23%.

Table 1.2: Yearly change by province

| Province | 2003/4 | 2004/5 | Growth |
|---------------|--------------|--------------|------------|
| Eastern Cape | 458 | 355 | -22.5% |
| Free State | 207 | 398 | 92.3% |
| Gauteng | 1,632 | 1,171 | -28.2% |
| Kwazulu-Natal | 725 | 728 | 0.4% |
| Limpopo | 439 | 462 | 5.2% |
| Mpumalanga | 338 | 412 | 21.9% |
| North West | 523 | 568 | 8.6% |
| Northern Cape | 292 | 439 | 50.3% |
| Western Cape | 1,289 | 1,257 | -2.5% |
| TOTAL | 5,903 | 5,790 | -2% |

It can be observed in Figure 1.2 and Table 1.3 that the majority (59%) of cases received during the 2004/5 financial year were allegations of police misconduct. The more serious alleged criminal offences accounted for 30% of the total 5,790 cases.

The core business of the ICD is to investigate all complaints especially death related ones and we have received 652 such cases which amounted to 11% of the national caseload.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

76

Figure 1.2: 2004/5 Case Intake by Type

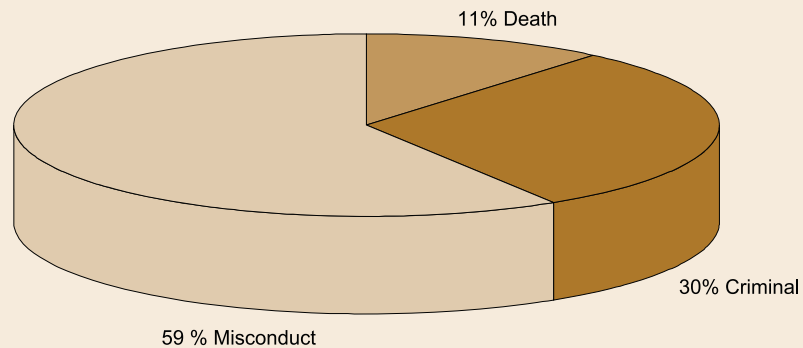
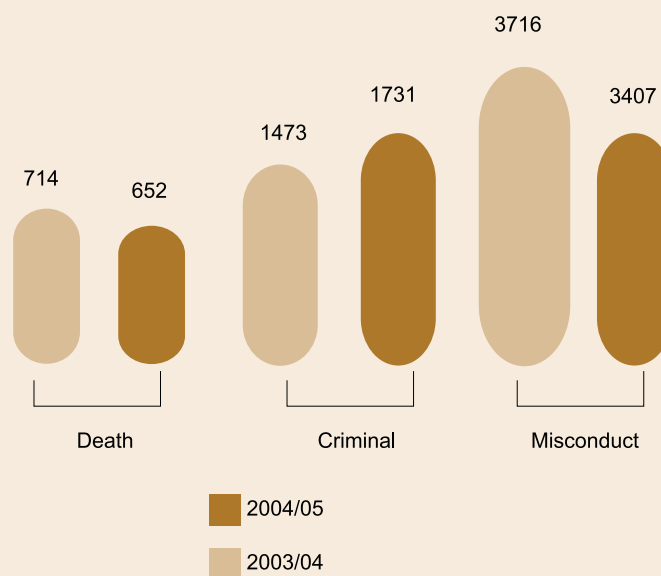


Table 1.3: Case Intake by Type

| Case Type | | 2004/5 | Class Share |
|--------------|--|--------------|-------------|
| Death | | 652 | 11% |
| Criminal | | 1,731 | 30% |
| Misconduct | | 3,407 | 59% |
| TOTAL | | 5,790 | 100% |

As shown in Figure 1.3 and Table 1.4, the number of death complaints has become fewer by 9% during 2004/5 compared to 2003/4. This decline is somewhat consistent with the misconduct cases but the same cannot be said about criminal allegations which increased by 18%.

Figure 1.3: Case Intake Yearly Change



5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

77

Table 1.4: Yearly Change by Type

| Type | 2003/4 | 2004/5 | Change |
|--------------|--------------|--------------|------------|
| Death | 714 | 652 | -9% |
| Criminal | 1,473 | 1,731 | 18% |
| Misconduct | 3,716 | 3,407 | -8% |
| TOTAL | 5,903 | 5,790 | -2% |

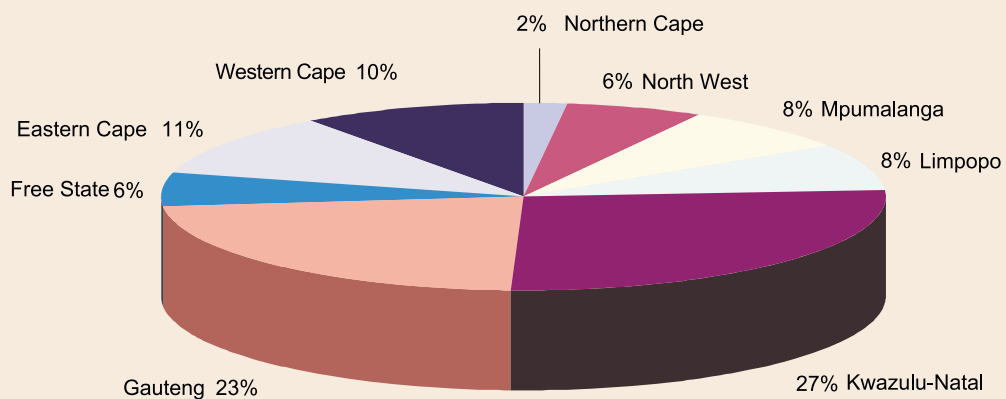
SECTION 2: DEATH NOTIFICATIONS

The ICD has received a total of 652 complaints alleging death in police custody or as a result of police action (See Table 2.1 and Figure 2.1). These types of allegations are most prevalent in Kwazulu-Natal with 175 registered death complaints accounting for about 27% of the total. Gauteng received the second largest number (23%) of death complaints with the Northern Cape registering less than 2% of all death complaints between April 2004 and March 2005.

Table 2.1: Death cases by province

| Province | 2004/5 | Province % |
|---------------|------------|-------------|
| Eastern Cape | 70 | 10.7% |
| Free State | 38 | 5.8% |
| Gauteng | 148 | 22.7% |
| Kwazulu-Natal | 175 | 26.8% |
| Limpopo | 52 | 8.0% |
| Mpumalanga | 55 | 8.4% |
| North West | 38 | 5.8% |
| Northern Cape | 11 | 1.7% |
| Western Cape | 65 | 10.0% |
| TOTAL | 652 | 100% |

Figure 2.1: 2004/5 Deaths cases by province



5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

78

It should be noted as reflected in Table 2.2 that 9 out of the total 652 death complaints were against members of the MPS accounting for about 1.4%. There were 6 complaints in Kwazulu-Natal, 2 in the Western Cape, 1 in Gauteng.

Table 2.2: Death cases against members of the Municipal Police Service (MPS)

| PROVINCE | ACCUSED MEMBER STATION | COMPLAINT |
|---------------|-------------------------|-----------|
| Gauteng | Ekurhuleni Metro Police | 1 |
| Kwazulu-Natal | Durban Metro Police | 6 |
| Western Cape | Cape Town Metro Police | 2 |
| TOTAL | | 9 |

Allegations of death in police custody or as result of police action have generally declined by 9% during 2004/5 relative to 2003/4. This picture is painted in Table 2.3. The overall decrease in death complaints can be observed across all regions with the exception of the Free State that experienced an increase of 3% while the intake in Gauteng remained constant.

Table 2.3: Death Cases Yearly Change

| Province | 2003/4 | 2004/5 | Provincial % |
|---------------|------------|------------|--------------|
| Eastern Cape | 88 | 70 | -20% |
| Free State | 37 | 38 | 3% |
| Gauteng | 148 | 148 | 0% |
| Kwazulu-Natal | 205 | 175 | -15% |
| Limpopo | 53 | 52 | -2% |
| Mpumalanga | 59 | 55 | -7% |
| North West | 39 | 38 | -3% |
| Northern Cape | 12 | 11 | -8% |
| Western Cape | 73 | 65 | -11% |
| TOTAL | 714 | 652 | -9% |

Table 2.4 provides a more detailed analysis of the all the complaints alleging death in police custody or as a result of police action. It is notable that of the total 652 death cases reported to the ICD, 286 were in fact complaints about people dying whilst in the custody of the South African Police Service (SAPS). These make a proportion of 44% of the reports between April 2004 and March 2005.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

79

Table 2.4: Breakdown of Death cases for 2004/5

| Deaths in police custody | 2004/5 | % |
|--|------------|-------------|
| Natural causes | 128 | 19.6% |
| Suicide | 42 | 6.4% |
| Injuries sustained in custody | 45 | 6.9% |
| Injuries sustained prior to detention | 71 | 10.9% |
| TOTAL | 286 | 44% |
| Death as a result of police action | | |
| A suspect shot during the course of arrest | 128 | 19.6% |
| A suspect shot during the course of a crime | 98 | 15.0% |
| A suspect shot during the course of an escape | 12 | 1.8% |
| A suspect shot during the course of an investigation | 21 | 3.2% |
| other intentional shooting/negligence | 77 | 11.8% |
| An innocent bystander shot by police | 5 | 0.8% |
| Beaten with hands/fists by police | 2 | 0.3% |
| Vehicle accident involving police | 23 | 3.5% |
| TOTAL | 366 | 56% |
| GRAND TOTAL | 652 | 100% |

Allegations of death in police custody have according to Table 2.5 decreased by 14% this year relative to the same period the previous year. Death as a result of police action also declined slightly by about 4%.

Table 2.5: Breakdown of Death cases yearly change

| Deaths in police custody | 2003/4 | 2004/5 | Change |
|--|------------|------------|-------------|
| Natural causes | 124 | 128 | 3.2% |
| Suicide | 104 | 42 | -59.6% |
| Injuries sustained in custody | 81 | 45 | -44.4% |
| Injuries sustained prior to detention | 25 | 71 | 184.0% |
| TOTAL | 334 | 286 | -14% |
| Death as a result of police action | | | |
| A suspect shot during the course of arrest | 185 | 128 | -30.8% |
| A suspect shot during the course of a crime | 71 | 98 | 38.0% |
| A suspect shot during the course of an escape | 23 | 12 | -47.8% |
| A suspect shot during the course of an investigation | 20 | 21 | 5.0% |
| other intentional shooting/negligence | 53 | 77 | 45.3% |
| An innocent bystander shot by police | 8 | 5 | -37.5% |
| Beaten with hands/fists by police | 2 | 2 | 0.0% |
| Vehicle accident involving police | 18 | 23 | 27.8% |
| TOTAL | 380 | 366 | -4% |
| GRAND TOTAL | 714 | 652 | -9% |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

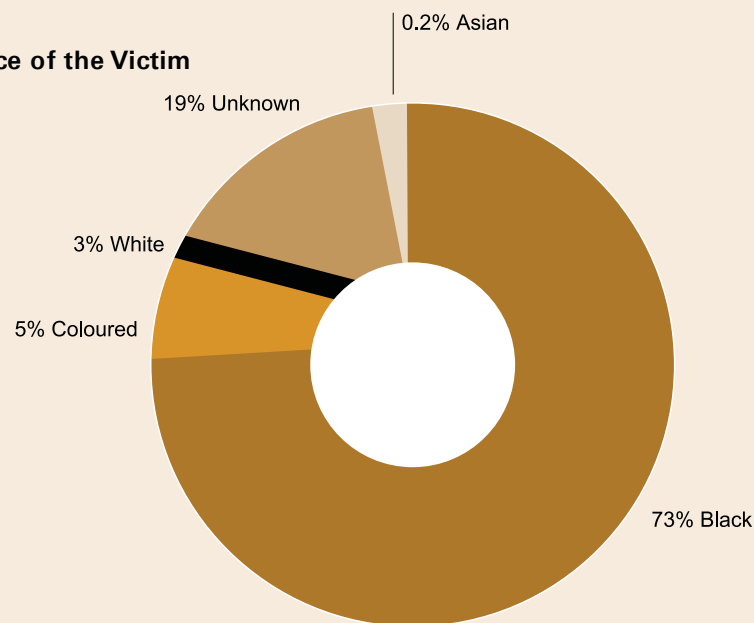
Independent Complaints
Directorate

80

As a measure of progress that various institutions are making in relation to broad based transformation in South Africa, an analysis of racial profiles is important and the ICD fully embraces this rationale in service delivery reports (See Figure 2.2).

Note: Some of the cases reported to the ICD relate to incidents that are not recent. It is therefore expected that the full verification of facts around issues like victim race or gender may take a while. The category of "Unknown" is used in our tables and graphs to denote such complaints.

Figure 2.2: Race of the Victim



According to Table 2.6, the majority (72.4%) of people alleged to have died either in police custody or as a result of police action were Black. These were followed by Coloured (5.4%) and White (2.8%) victims. Asians accounted for less than 1% of the total death toll.

As the investigative processes can be both long and complex, it is expected that we would on occasion have cases where the race of the victim may need verification and we have 19% of such complaints.

Table 2.6: Victim Race

| Race | 2004/5 | Race % |
|--------------|------------|-------------|
| Asian | 1 | 0.2% |
| Black | 472 | 72.4% |
| Coloured | 35 | 5.4% |
| White | 18 | 2.8% |
| Unknown | 126 | 19.3% |
| TOTAL | 652 | 100% |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

81

As reflected in Figure 2.3 and Table 2.7, the majority (91%) of people alleged to have died in police custody or due to police action are male, with 4% being female and the remaining 4% unspecified.

Figure 2.3: Victim Gender

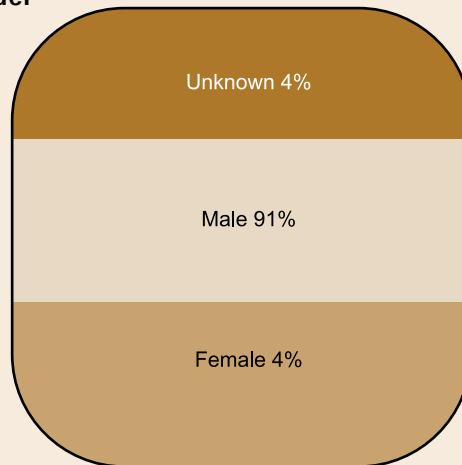


Table 2.7: Victim Gender

| Gender | 2004/5 | Gender Share |
|----------------------|------------|--------------|
| Female | 29 | 4.45% |
| Male | 594 | 91.10% |
| Still being verified | 29 | 4.45% |
| TOTAL | 652 | 100% |

The majority (24.7%) of complaints handled by the ICD in 2004/5 identified the alleged perpetrator as an inspector followed by the ranks of constable (9.4%) and sergeant (7.4%). It is important to mention that the 286 cases in Table 2.8 categorised as Not Applicable refer to death complaints where members of the police may not be directly involved. These cases (representing 44% of 652) include possible instances where people died in police custody on account of natural causes, suicide, injuries sustained prior to detention or injuries inflicted by other inmates. Only 11% of the cases in the table are still being verified.

Table 2.8: Accused Rank

| RANK | 2004/5 | Rank Share |
|-----------------------|------------|-------------|
| Captain | 13 | 2.0% |
| Commissioner | 1 | 0.2% |
| Constable | 61 | 9.4% |
| Inspector | 161 | 24.7% |
| Senior Superintendent | 1 | 0.2% |
| Sergeant | 48 | 7.4% |
| Superintendent | 7 | 1.1% |
| Not Applicable | 286 | 43.9% |
| Unknown | 74 | 11.3% |
| TOTAL | 652 | 100% |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

82

Once again, we emphasize that the 286 cases shown in Table 2.9 refer to instances where members of the police service may not be directly responsible for the reported deaths. It can however be observed in the table that the majority (31%) of those accused were Black, followed by Whites who accounted for 10.4%.

Table 2.9: Accused Race

| Race | 2004/5 | Race % |
|----------------|------------|-------------|
| Asian | 15 | 2.3% |
| Black | 203 | 31.1% |
| Coloured | 10 | 1.5% |
| White | 68 | 10.4% |
| Not Applicable | 286 | 43.9% |
| Unknown | 70 | 10.7% |
| TOTAL | 652 | 100% |

Firearms formed 51% of the weapons used in all reported death cases during 2004/5 and 11% were assault. In the same way that we have aspects of cases still going through verification at the time of reporting, there are instances where the alleged weapon used is unspecified (see Table 2.10).

Table 2.10: Weapon Used

| WEAPON | 2004/5 | Share |
|--|------------|-------------|
| Assault | 70 | 11% |
| Other (Knife, stone, bare hands, etc.) | 182 | 28% |
| Shot with firearm(s) | 332 | 51% |
| Unspecified | 68 | 10% |
| TOTAL | 652 | 100% |

Information contained in Table 2.11 through to Table 2.15 refers to death complaints per police station across the 9 provinces in the country. The said Tables only specify police stations where at least 2 death complaints were involved. Each table however clearly indicates the number of other police stations where only 1 death complaint was involved.

Due to the extensive nature of the data contained in these tables, no further narrative is provided.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

83

Table 2.11: Death cases in KwaZulu-Natal and Gauteng

| KwaZulu-Natal has 41 police stations each with 1 death. | | | Gauteng has 40 police stations each with 1 death. | | |
|---|------------------|-----|---|------------------|-----|
| Kwazulu-Natal | Alexandra Road | 2 | Gauteng | Actonville | 2 |
| | Amanzimtoti | 3 | | Alberton | 2 |
| | Cato Manor | 2 | | Alexandra | 3 |
| | Chatsworth | 2 | | Boksburg | 2 |
| | Durban Central | 2 | | Booysens | 5 |
| | Ekombe | 2 | | Bramley | 2 |
| | Empangeni | 3 | | Brixton | 3 |
| | Eshowe | 3 | | Diepkloof | 3 |
| | Estcourt | 3 | | Dobsonville | 4 |
| | Greenwood Park | 2 | | Evaton | 2 |
| | Inanda | 12 | | Germiston | 2 |
| | Kokstad | 2 | | Hillbrow | 11 |
| | Kwadabeka | 2 | | Jabulani | 2 |
| | Kwadukuza | 2 | | Jeppe | 4 |
| | Kwamakutha | 2 | | Jhb Central | 3 |
| | Kwamashu | 8 | | Kagiso | 2 |
| | Kwandengezi | 2 | | Katlehong | 4 |
| | Ladysmith | 2 | | Kempton Park | 3 |
| | Lamontville | 2 | | Kliptown | 2 |
| | Maphumulo | 4 | | Krugersdorp | 3 |
| | Margate | 2 | | Laudium | 2 |
| | Marianhill | 2 | | Lyttelton Sapd | 2 |
| | Mayville | 3 | | Mamelodi | 2 |
| | Montclair | 4 | | Meadowlands | 2 |
| | Nongoma | 2 | | Moroka | 5 |
| | Peitermaritzburg | 2 | | Muldersdrif | 3 |
| | Phoenix | 3 | | Orlando | 2 |
| | Pinetown | 3 | | Pretoria Central | 2 |
| | Plessislaer | 4 | | Pretoria-North | 2 |
| | Pongola | 2 | | Roodepoort | 2 |
| | Port Edward | 2 | | Sebokeng | 4 |
| | Port Shepstone | 2 | | Silverton | 5 |
| | Stanger | 8 | | Tembisa | 6 |
| | Sundumbili | 4 | | Tsakane | 3 |
| | Sydenham | 5 | | Yeoville | 2 |
| | Tongaat | 4 | Gauteng Total | | 108 |
| | Ubombo | 2 | | | |
| | Umkomaas | 2 | | | |
| | Umlazi | 6 | | | |
| | Umzinto | 3 | | | |
| | Verulam | 3 | | | |
| | Vryheid | 2 | | | |
| | Wentworth | 2 | | | |
| Kwazulu-Natal Total | | 134 | | | |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

84

Table 2.12: Death cases in the Eastern Cape and the Western Cape

| Eastern Cape has 36 police stations each with 1 death. | | | Western Cape has 28 police stations each with 1 death. | | |
|---|---------------|-----------|---|--------------|-----------|
| Eastern Cape | Buffalo Flats | 2 | Western Cape | Atlantis | 2 |
| | Elliot | 2 | | Bishop Lavis | 2 |
| | Maluti | 2 | | George | 2 |
| | Mdantsane | 2 | | Gugulethu | 5 |
| | Molteno | 2 | | Harare | 2 |
| | Mount Frere | 3 | | Khayelitsha | 3 |
| | Msobomvu | 2 | | Klapmuts | 2 |
| | New Brighton | 4 | | Kullsrivier | 2 |
| | Nqamakwe | 2 | | Langa | 4 |
| | Tabankulu | 3 | | Manenberg | 2 |
| | Uitenhage | 3 | | Nyanga | 4 |
| | Umtata | 4 | | Strand | 3 |
| | Willowvale | 3 | | Vredendal | 4 |
| Eastern Cape Total | | 34 | Western Cape Total | | 37 |

Table 2.13: Death cases in Mpumalanga and Limpopo

| Mpumalanga has 26 police stations each with 1 death. | | | Limpopo has 5 police stations each with 1 death. | | |
|---|--------------|-----------|---|---------------|-----------|
| Mpumalanga | Belfast | 2 | Limpopo | Acornhoek | 2 |
| | Dennilton | 4 | | Apel | 3 |
| | Dientjie | 2 | | Bushveld | 2 |
| | Elukwatini | 2 | | Calcutta | 3 |
| | Greylingstad | 2 | | Giyani | 3 |
| | Grootvlei | 2 | | Mankweng | 4 |
| | Kanyamazane | 5 | | Mokopane | 3 |
| | Lydenburg | 2 | | Motetema | 2 |
| | Middelburg | 3 | | Pietersburg | 3 |
| | Nelspruit | 2 | | Potgietersrus | 5 |
| | Piet Ritief | 4 | | Ritavhi | 2 |
| | Vosman | 4 | | Tshauli | 2 |
| | Witbank | 2 | Limpopo Total | | 34 |
| | Unspecified | 3 | | | |
| Mpumalanga Total | | 39 | | | |

Table 2.14: Death cases in the Free State and North West

| Free State has 20 police stations each with 1 death. | | | North West has 26 police stations each with 1 death. | | |
|---|----------------|-----------|---|-------------|-----------|
| Free State | Bronville | 2 | North West | Ganyesa | 2 |
| | Deneysville | 2 | | Klerksdorp | 2 |
| | Harrismith | 2 | | Phokeng | 2 |
| | Kroonstad | 2 | | Stilfontein | 2 |
| | Ladybrand | 2 | | Temba | 2 |
| | Mangaung | 2 | | Tlhabane | 2 |
| | Odendaalsrus | 2 | North West Total | | 12 |
| | Phuthadithjaba | 4 | | | |
| Free State Total | | 18 | | | |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

85

Table 2.15: Death cases in the Northern Cape

| | | |
|--|-------------|----------|
| Northern Cape has 5 police stations each with 1 death complaint. | | |
| Northern Cape | Kimberley | 2 |
| | Steinkops | 2 |
| | Unspecified | 2 |
| Northern Cape Total | | 6 |

SECTION 3: CRIMINAL OFFENCES

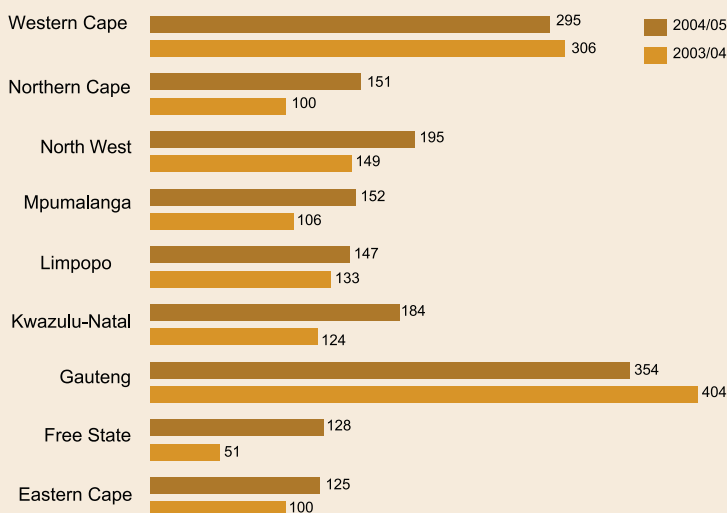
Allegations of criminal offences are observed in Table 3.1 to have totaled 1,731 between April 2004 and March 2005. The majority (21%) of these complaints were reported in Gauteng followed by the Western Cape (17%). The least number of such offences were registered in the Eastern Cape (125).

Table 3.1: Criminal Offence Complaints by Province

| PROVINCE | 2004/5 | Provincial % |
|---------------|--------------|---------------|
| Eastern Cape | 125 | 7.2% |
| Free State | 128 | 7.4% |
| Gauteng | 354 | 20.5% |
| Kwazulu-Natal | 184 | 10.6% |
| Limpopo | 147 | 8.5% |
| Mpumalanga | 152 | 8.8% |
| North West | 195 | 11.3% |
| Northern Cape | 151 | 8.7% |
| Western Cape | 295 | 17.0% |
| TOTAL | 1,731 | 100.0% |

Figure 3.1 and Table 3.2 show that the number of alleged criminal offences by members of police force has increased by about 18% in the 2004/5 financial year from 2003/4. The number of these complaints has more than doubled in the Free State with increases of 51% and 48% for the Northern Cape and Kwazulu-Natal respectively.

Figure 3.1: Criminal Offences Reported



5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

86

Table 3.2: Criminal Offence Complaints Yearly Change by Province

| PROVINCE | 2003/4 | 2004/5 | Growth |
|---------------|--------------|--------------|--------------|
| Eastern Cape | 100 | 125 | 25.0% |
| Free State | 51 | 128 | 151.0% |
| Gauteng | 404 | 354 | -12.4% |
| Kwazulu-Natal | 124 | 184 | 48.4% |
| Limpopo | 133 | 147 | 10.5% |
| Mpumalanga | 106 | 152 | 43.4% |
| North West | 149 | 195 | 30.9% |
| Northern Cape | 100 | 151 | 51.0% |
| Western Cape | 306 | 295 | -3.6% |
| TOTAL | 1,473 | 1,731 | 17.5% |

SECTION 4: MISCONDUCT CASES

Cases involving allegations of police misconduct were highest (26%) in the Western Cape followed by Gauteng that accounted for nearly 20% and Kwazulu-Natal receiving 10.8% of all misconduct complaints (See Table 4.1).

Table 4.1: Misconduct Cases by Province

| Province | 2004/5 | Provincial % |
|---------------|--------------|---------------|
| Eastern Cape | 160 | 4.7% |
| Free State | 232 | 6.8% |
| Gauteng | 669 | 19.6% |
| Kwazulu-Natal | 369 | 10.8% |
| Limpopo | 263 | 7.7% |
| Mpumalanga | 205 | 6.0% |
| North West | 335 | 9.8% |
| Northern Cape | 277 | 8.1% |
| Western Cape | 897 | 26.3% |
| TOTAL | 3,407 | 100.0% |

Complaints of police misconduct have generally declined by 8% with the Eastern Cape and Gauteng experiencing sharp drops of 41% and 38% respectively (See Figure 4.1 and Table 4.2).

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

87

Figure 4.1: Misconduct Cases yearly change

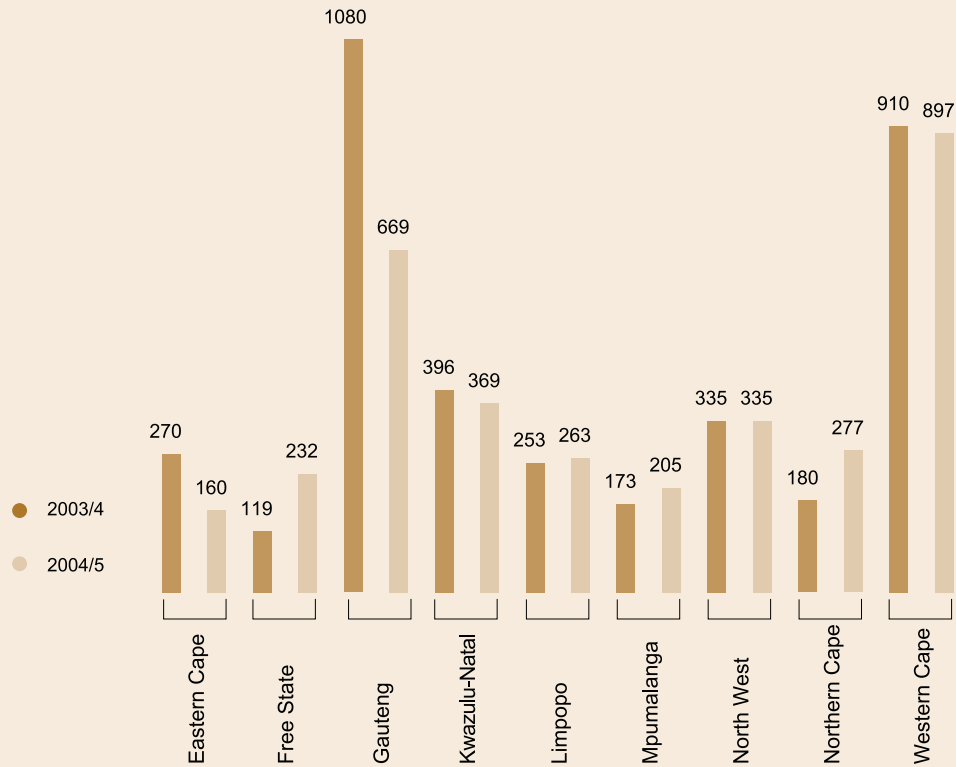


Table 4.2: Misconduct Cases Yearly Change by Province

| PROVINCE | 2003/4 | 2004/5 | Growth |
|---------------|--------------|--------------|--------------|
| Eastern Cape | 270 | 160 | -40.7% |
| Free State | 119 | 232 | 95.0% |
| Gauteng | 1080 | 669 | -38.1% |
| Kwazulu-Natal | 396 | 369 | -6.8% |
| Limpopo | 253 | 263 | 4.0% |
| Mpumalanga | 173 | 205 | 18.5% |
| North West | 335 | 335 | 0.0% |
| Northern Cape | 180 | 277 | 53.9% |
| Western Cape | 910 | 897 | -1.4% |
| TOTAL | 3,716 | 3,407 | -8.3% |

SECTION 5: FINALISATION OF CASES

It is sensible for any organization providing elaborate complaint platforms for communities to avail matching facilities aimed at resolving such complaints. The ICD therefore, places greater emphasis on the number and types of cases that get effectively resolved to the satisfaction of the complainant. It is also important at this stage to be mindful of the many behind-the-scene activities that lead to the finalisation of complaints as that could explain the prevailing conservative finalisation rates.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

88

Complaints initially get screened to be classified appropriately and allocated for proper investigation. It is only after thorough investigative attention that a case can be categorised as finalised.

5.1 GENERAL CASE FINALISATION

Table 5.1.1 shows that 33% of the 1,633 complaints finalised were in fact substantiated.

Table 5.1.1: 2004/ 5 Finalised & Substantiated Cases by Province

| PROVINCE | Finalised 2004/5 | Substantiated 2004/5 | Subs Rate |
|---------------|------------------|----------------------|------------|
| Eastern Cape | 79 | 2 | 3% |
| Free State | 10 | 1 | 10% |
| Gauteng | 429 | 321 | 75% |
| Kwazulu-Natal | 99 | 2 | 2% |
| Limpopo | 261 | 23 | 9% |
| Mpumalanga | 78 | 42 | 54% |
| North West | 170 | 49 | 29% |
| Northern Cape | 118 | 4 | 3% |
| Western Cape | 389 | 94 | 24% |
| TOTAL | 1,633 | 538 | 33% |

As can be observed in Table 5.1.2, cases of death allegations were the most finalised accounting for 63% relative to the intake between April 2004 and September 2005.

Of the 812 complaints of criminal offences, 332 were finalised. About 44% of misconduct complaints were also finalised between April 2004 and December 2004.

Table 5.1.2: 2004/ 5 Finalised Cases by Case Type

| TYPE | Received 2004/5 | Finalised 2004/5 | Finalisation Rate |
|------------|-----------------|------------------|-------------------|
| Death | 314 | 198 | 63% |
| Criminal | 812 | 332 | 41% |
| Misconduct | 2,508 | 1,103 | 44% |

Of all death cases finalised by the ICD so far, 15% were substantiated. As depicted in Table 5.1.3, the highest (40%) rate of substantiation was granted for Misconduct complaints and 20% of finalised criminal cases were substantiated.

Table 5.1.3: 2004/ 5 Finalised and Substantiated Cases by Type

| TYPE | Finalised 2004/5 | Substantiated 2004/5 | Subs Rate |
|--------------|------------------|----------------------|------------|
| Death | 198 | 29 | 15% |
| Criminal | 332 | 66 | 20% |
| Misconduct | 1,103 | 443 | 40% |
| TOTAL | 1,633 | 538 | 33% |

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

89

5.2 FINALISATION OF DEATH CASES ¹

Death cases reported to the ICD are regarded as high priority within the organization. We have received 314 complaints from the community alleging death in police detention or on account of police action between April 2004 and September 2004.

The 314 death complaints that were received as reflected in Table 5.2.1 were passed over to the ICD's investigation unit with the objective of attaining finalization. The Table further shows that 63% of all the complaints we received in this category were finalized.

Table 5.2.1: 2004/5 Death Cases Finalised

| PROVINCE | 2004/5 | Finalised 2004/5 | Finalisation Rate |
|---------------|------------|------------------|-------------------|
| Eastern Cape | 28 | | 0% |
| Free State | 16 | 4 | 25% |
| Gauteng | 73 | 39 | 53% |
| Kwazulu-Natal | 100 | 45 | 45% |
| Limpopo | 30 | 33 | 110% |
| Mpumalanga | 23 | 15 | 65% |
| North West | 18 | 27 | 150% |
| Northern Cape | 3 | 6 | 200% |
| Western Cape | 23 | 29 | 126% |
| TOTAL | 314 | 198 | 63% |

5.3 FINALISED CASES OF CRIMINAL COMPLAINTS ²

Of the 812 criminal offence allegations received by the ICD during between April 2004 and September 2004, 41% were finalised (See Table 6.3.1).

Table 5.3.1: Criminal Offence Complaints Finalised by Province

| PROVINCE | Received 2004/5 | Finalised 2004/5 | Finalisation Rate |
|---------------|-----------------|------------------|-------------------|
| Eastern Cape | 57 | 30 | 53% |
| Free State | 50 | 6 | 12% |
| Gauteng | 170 | 39 | 23% |
| Kwazulu-Natal | 86 | 18 | 21% |
| Limpopo | 63 | 74 | 117% |
| Mpumalanga | 72 | 23 | 32% |
| North West | 81 | 47 | 58% |
| Northern Cape | 61 | 21 | 34% |
| Western Cape | 172 | 74 | 43% |
| TOTAL | 812 | 332 | 41% |

1. The finalisation rate of death complaints is based on the 180 days strategic target hence only cases received between April 2004 and September 2004 are considered in the calculation.
2. The finalisation rate of criminal complaints is based on the 180 days strategic target hence only cases received between April 2004 and September 2004 are considered in the calculation.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

90

5.4 FINALISED CASES OF CRIMINAL MISCONDUCT ³

Table 5.4.1 indicates that we have succeeded in finalising 1,103 misconduct complaints reported during the first three quarters of the financial year 2004/5. These represent 44% from the total 2,508 cases received.

Table 5.4.1: Finalised Misconduct Cases (Received between April 2004 and December 2004)

| PROVINCE | Received 2004/5 | Finalised 2004/5 | Finalisation Rate. |
|---------------|-----------------|------------------|--------------------|
| Eastern Cape | 98 | 49 | 50% |
| Free State | 172 | 0 | 0% |
| Gauteng | 506 | 351 | 69% |
| Kwazulu-Natal | 279 | 36 | 13% |
| Limpopo | 203 | 154 | 76% |
| Mpumalanga | 142 | 40 | 28% |
| North West | 248 | 96 | 39% |
| Northern Cape | 201 | 91 | 45% |
| Western Cape | 659 | 286 | 43% |
| TOTAL | 2,508 | 1,103 | 44% |

3. The finalisation rate of misconduct cases is based on the 90 days strategic target hence only cases received between April 2004 and December 2004 are considered in the calculation.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

91

SECTION 6: STRATEGIC IMPLICATIONS AND CONCLUDING REMARKS

The ICD has received at least 5,790 complaints from communities across provincial offices in the country during the 2004/5 financial year. This figure only includes deaths, criminal offences and misconduct cases. The volume of the stated 3 complaint types has slightly dropped by 2% when compared to the same period the previous year.

6.1 RESOURCE ALLOCATION

From the figures presented in this report, it is clear that the ICD faces serious capacity challenges. These challenges can best be addressed by increasing investigative capacity, which is minute when compared to the workload. The current drive to fill vacant posts is a step in the right direction.

Another serious challenge that the ICD faces is to be able to reduce the backlog of cases that occurs as a result of insufficient capacity. The backlog gets carried-over into a new financial year and it then becomes difficult to clear as the cases received in a particular year also have to be dealt with in terms of the investigative standards. The investigative standards themselves pose a challenge in that they do not bind the ICD to finalise all cases in the financial year that they are received. The paragraphs on performance evaluation explain this reasoning in detail.

A way has to be found to ensure that the ICD fulfils its mandate and continues to serve the public effectively and efficiently despite the serious challenges alluded to above.

6.2 PERFORMANCE EVALUATION IN RELATION TO STRATEGIC TARGETS

As reflected in the Strategic Plan 2004-2007, the ICD undertook to investigate and finalise within 6 months, 80% of all death and criminal complaints received. In other words we committed ourselves to ensure that 80% of cases received in April 2004 would be finalised by September 2004. In the same manner, 80% of complaints received in September 2004 would have to be investigated and concluded by March 2005.

The ICD elected to finalise misconduct cases in 90 days because this category of complaints is regarded as being of a less serious nature.

According to Table 6.2.1, we had aimed to finalise 251 death cases from the 314 received and 650 criminal offences from the total 812 received during the 2004/5 financial year. We have reflected in many sections of this report that the ICD has actually finalised 198 death notifications and 332 criminal offences during the period under review.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

92

Table 6.2.1: Deaths & Criminal complaints due for finalisation by March 2005 (180 days)

| MONTH | DEATH | CRIMINAL | Strategic Target (80%) | |
|--------------|------------|------------|------------------------|------------|
| April | 40 | 107 | DEATH | CRIMINAL |
| May | 52 | 116 | | |
| June | 61 | 128 | | |
| July | 56 | 140 | | |
| August | 55 | 158 | | |
| September | 50 | 163 | | |
| TOTAL | 314 | 812 | 251 | 650 |

The finalisation rate of death cases in relation to the strategic target is **63%** calculated as shown below:

$$[198/314] \times 100 = 63\%$$

The finalisation rate of criminal cases is **41%** given as:

$$[332/812] \times 100 = 41\%$$

The finalisation rate of misconduct cases is **44%** with applicable complaints reflected in Table 6.2.2 illustrated as:

$$[1,103/2508] \times 100 = 44\%$$

Table 6.2.2: Misconduct complaints due for finalisation by March 2005 (90 days)

| MONTH | MISCONDUCT | Strategic Target (80%) |
|--------------|--------------|------------------------|
| April | 254 | MISCONDUCT |
| May | 272 | |
| June | 284 | |
| July | 330 | |
| August | 292 | |
| September | 269 | |
| October | 345 | |
| November | 284 | |
| December | 178 | |
| TOTAL | 2,508 | 2,006 |

6.3 FURTHER RESEARCH PROSPECTS

The quantity and types of complaints that the ICD deals with on a yearly basis are random variables that by definition change when observed at different times. Longitudinal statistical assessments would go a long way in not only ensuring an awareness of organizational activity but also casting attention towards the impact of the service we deliver.

5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

ICD

Independent Complaints
Directorate

93

The report has reflected the influx of complaints going through provincial offices. The numbers are different in each province for reasons that could simply be attributed to randomness... or something else. The newly established research unit should be looking into the 'something else' contained in our reports.

Some of the immediate questions stemming from our yearly service delivery reports include conducting full scale research into:

- What influences the up or down movement of complaint volumes over time? Are we seeing more or less people at ICD provincial offices because of client satisfaction issues?
- Whether or not the provincial complaint quantities are an indication of the increase or decline in the abuse of power by the police?
- What can the ICD together with the SAPS do to ensure the continued decrease in the number of people who die in police custody due to negligence or failure to comply with police regulations (currently 286 in Table 8)?
- The number of people allegedly injured prior to police detention has almost tripled (Table 8). Could this be a sign of increasing vigilantism?
- Investigating the need to adjust the existing performance targets and investigative standards of the ICD.

It is not possible to reflect all the detailed variety and complexity of ICD yearly activities in a single report. Only fundamental statistical issues were thus summarised.

6. ANNEXURES

ICD

Independent Complaints
Directorate

94

ANNEXURE 1

LIST OF ABBREVIATIONS

ACC – Anti-Corruption Command
ACHPR – African Commission for Human and People’s Rights
APCOF – African Policing Oversight Forum
BAS – Basic Accounting System
BEE – Black Economic Empowerment
CBPE – Centre for Business and Professional Ethics
CGE – Commission for Gender Equality
CPF – Community Policing Forum
DPP – Director of Public Prosecutions
DVA – Domestic Violence Act
EAP – Employment Assistance Programme
ED – Executive Director
EXCO – Executive Committee
GG – Government Garage
HDI –Historically Disadvantaged Individual
HRM – Human Resource Management
ICAC – International Conference on Anti Corruption
ICD – Independent Complaints Directorate
IMS – Information Management System
IT – Information Technology
ISU – Integrity Strengthening Unit
LOGIS- Logistical Information System
OSF – Open Society Foundation
MEC – Member of Executive Committee
MISS – Minimum Information Security Standards
MPS – Municipal Police Services
MPCC – Multi Purpose Community Centre
MTEC – Medium Term Expenditure Committee
NEPAD – New Partnership for Africa’s Development
NGO – Non Governmental Organization
NIA – National Intelligence Agency
NFMPS – National Forum for Municipal Police Services
PERSAL – Personnel and Salary System
PFMA – Public Finance Management Act
POSLEC – Police, Security, Legal and Correctional
POU – Proactive Oversight Unit
PPP – Public/Private Partnership
PSC – Public Service Commission
PSCBC – Public Service Coordinating Bargaining Council

6. ANNEXURES

ICD

Independent Complaints
Directorate

95

SAPS – South African Police Service
SCOPA – Special Committee on Public Accounts
SCM – Supply Chain Management
SDIP – Service Delivery Improvement Plan
SETA – Sector Education Training Authority
SMC – Senior Management Committee
SMME – Small, Medium, and Micro Enterprises
SMS – Senior Management Service
SOP – Standard Operating Procedure
SP – Special Programmes
SPR – Special Programme Representative
VCT – Voluntary Counseling and Testing

6. ANNEXURES

ICD

Independent Complaints
Directorate

96

ANNEXURE 2

SPONSORSHIPS AND DONOR FUNDING

The gifts, donations & sponsorships received by the ICD for the 2004/05 financial year are the following:

Received in cash:

- Gujerati Mandal of King Williams Town gave R500 for the Women's Month Celebration in Peddie
- Sky Net - Bloemfontein gave R1 000 for the Women's Month Celebration in the Free State (Sub-total: R1 500)

Received in kind:

- Various individuals & companies -
Munster Banana Farm - 6 boxes of bananas R300 - 16 Days of Activism KZN
SA Fruit Terminal Durban - 2 tons of oranges R500 - Imbizo Focus Week KZN
Mr Bhana - 4 boxes of apples & 200 packets of chips R300 - Imbizo Focus Week KZN
Mr Naidoo & Mr John - 50 loaves of bread R200 - Imbizo Focus Week KZN

Astra Travel Agency - 20 printed T-shirts - Women's Month Celebration in the Free State
Waltons Stationery Bloemfontein - T-shirts to the value of R250 - Women's Month Celebration in the Free State
(Sub-total: R2000)
- British High Commissioner - Sponsorship to visit Nigeria - R40 000
- British High Commissioner - Secondment of official from Scotland Yard to assist with investigative training - R1 200 000
- British High Commissioner - Sponsorship to visit Dakar - R36 000
- Open Society Foundation - Sponsorship to visit Dakar - R24 000
- Association for the Prevention of Torture - Sponsorship to visit United Kingdom - R10 000
- Police Public Complaints Authority from Zambia - Sponsorship to visit Zambia - R12 000

Total R 1 326 000

7. REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

97

1. General review of the state of financial affairs

Items that need to be addressed include:

- Important policy decisions and strategic issues facing the department
The active investigation of all complaints received in respect of alleged police brutality and misconduct still remains problematic in terms of the ICD's capacity. The shift away from the monitoring of certain complaints of police criminality and misconduct to the active investigation of these complaints has influenced the ICD's spending priorities tremendously.

Another important issue that still needs much attention after the initial establishment of the Integrity Office, within Programme 2, is to align all ICD policies within the ICD's ethical framework and to fully implement the Code of Ethics for ICD staff members. The Anti Corruption Command already undertook a few investigations in terms of police corruption and many of these cases are currently before our courts.

The ICD has finalized a tariff policy yet the tariffs applicable need to be determined with regard to the provision of official information in terms of our mandate, in line with the prescripts of the Access to Information Act.

The ICD's model of policing oversight and the successes achieved in South Africa continues to pioneer the concept of civilian control of police throughout the world. To this end the Executive Director and her team were chosen to serve as a secretariat to facilitate the process leading up to the establishment of the African Policing Civilian Oversight Forum (APCOF). An APCOF Steering Committee has been established, and the Executive Director has been elected as its coordinator.

- Comment on major projects undertaken or completed during the year
In order to improve on security measures throughout the ICD and to further our compliance with the MISS, improved security measures have been implemented in National Office as well as the Mpumalanga, Northern Cape and Eastern Cape provincial offices in order to safeguard staff members, assets and information.

Similarly, the component: Information Technology utilised much of the available savings to enhance the ICD's communication and information structures and, to advance information security and improve linkage to e-Government.

Due to the extended illness and subsequent death of the manager responsible for Supply Chain Management, the full implementation of the Logis electronic procurement system in all provincial offices was stalled. This system is currently only utilised in Pretoria, Cape Town and Durban. The plan is to ensure full implementation during 2005 of an additional five provincial offices. The ICD plans to fully implement the prescripts of the Supply Chain Management System during 2005.

7. REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

98

- Spending trends
 - Reasons for under spending.

Having accepted the fact that the filling of vacancies will require more time in order to finalise issues of reference checks and security vetting (by the National Intelligence Agency), part of our strategy was to utilize the savings created under the Standard Item: Personnel Expenditure to fund short term projects such as the installation of the abovementioned security measures, IT improvements and, to aid the compilation of an ICD Code of Ethics.
 - Discuss the impact on programmes and service delivery.

The extensive security arrangements which form part of the recruitment policy of the ICD hampered the filling of vacancies to such an extent that the ICD had to consider other alternatives to shorten the recruitment process. Although these arrangements enhance corporate governance, it negatively influences service delivery, since the time taken to fill the vacancies does not always allow for the meeting of targets and due dates.
 - Actions taken or planned to avoid recurrence.

The ICD was compelled to revisit action plans to improve on service delivery and the attainment of targets and objectives. For example, the continuation of the multi-skilling of staff members remained important in order to ensure the continuation of activities, even though various vacant posts may still exist and/or staff members may be absent from duty. Without extending target dates or lowering performance standards, action plans emphasized the maintenance of preset performance levels. Prioritisation became the key to emphasize our core functions and all energy remained directed towards the core functions.
- Other material matter that needs mentioning are:
 - The issue of Theft and Losses has been addressed and liability files were opened in terms of those staff members and ex-staff members that have been found liable for damages and losses incurred by the ICD. The updating of the Anti-fraud Policy had not yet commenced although during the Ethics Awareness training staff members were warned on the dangers of fraud and corruption.
 - During the last years, the ICD's staff structure has increased in terms of the number of posts, on average, by 10 per cent per year to almost fifty per cent (since 1 April 2000). Most of the increased posts have been placed in the core functions. Whilst the number of core functionary posts is still not sufficient to handle the ever increasing number of complaints against police criminality and poor police performance, it need to be emphasised that, without a significant increase in the number of support staff, the ICD will not be able to cope endlessly without a resulting decrease in the segregation of duties in the support services.

2. Services rendered by the department

- 2.1 Services rendered by the ICD have been discussed earlier in the Report, under the heading dealing with the legislative mandate of the ICD.

7. REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

99

2.2 Tariff policy

This issue is not applicable to the ICD in respect of the financial year: 2004/5.

2.3 Free Services

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

2.4 Inventories

According to the latest unit price per item, the E-Class accountable items in the main store of the ICD amount to R 425 596,62.

3. Capacity constraints

The increase of obligatory legislation compelled an increase of staff in respect of Programme 1: Administration, yet the limited increase in staff numbers never quite sufficiently addressed the necessary segregation of duties – as indicated earlier. The result of these staff shortages necessitates the development and continuous training of staff to become generalists in the various fields. Such staff members are more than often recruited by other departments and promoted to three (3) or four (4) ranks higher, with the result that the ICD has continuously to start afresh with the training of generalists. This has and currently occurs specifically in our Human Resources Management Component.

4. Utilisation of donor funds

The Executive Director and members from Senior Management were invited to various countries abroad to pioneer the concept of civilian oversight of police. Expenditure in respect of these visits have been covered by the organizations and countries that presented the invitations.

5. Trading entities / public entities

No trading or public entities report to the ICD.

6. Other organisations to who 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.

7. Public / private partnerships (PPP)

The ICD has not commenced with any PPP's during the financial year: 2004/5.

8. Corporate governance arrangements

Corporate governance receives high priority in the Office of the Executive Director. Senior managers and supervisors are continuously made aware of the importance of corporate governance and the high level of ethical behaviour expected from each ICD staff member – irrespective of his/her rank or salary level.

7. REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

100

A list of policies, required to address and minimize the risks identified by the various Responsibility Managers, was compiled and distributed to every staff member for input. As the draft policies are being compiled/amended, it is being distributed. Thereafter the policies are tested and amended by the Executive Committee (EXCO) of the ICD, before being recommended to the Executive Director, for her final approval.

Before the component: Internal Audit could reach its full operational status, the Internal Audit Clerk, the two Interns from Internal Audit as well as the Manager: Internal Audit left the ICD for greener pastures. The vacant positions have been advertised.

The Audit Committee met on five occasions during the year under review. Although the external members of the Committee's term of office have expired, the Head of Department is currently considering the extension of the particular members' contract appointments.

Structures established within the ICD to improve on corporate governance include:

- The Top Management meeting refers to a weekly meeting scheduled between the Head of Department, the three Programme Managers and the Chief Financial Officer with a view to discuss short term operational issues, challenges in the various offices/components and the normal run-of-the-mill activities.
- The Executive Committee (EXCO) that consists of senior staff members to assist and make recommendations to the Executive Director in respect of strategic issues and challenges that may influence performance and the Service Delivery Improvement Plan.
- The Senior Management Committee (SMC) meets every second month and consists of heads of the various components within National Office and representation from the nine provincial offices. During these meetings operational issues are discussed as well as best practices and, where necessary, training and information sessions are presented to develop management and leadership.
- The IT Committee, Transport Advisory Committee, the various Adjudication and Evaluation Committees as well as the Employee Assistance Advisory Committee have been established with a view to make recommendations to the Executive Director in line with good governance. Issues of conflict of interest are being submitted to the component: Legal Services where the issue is thoroughly investigated before a recommendation is forwarded for the Head of Department's consideration.
- A partnership existed with the Centre for Professional and Business Ethics, based at the University of Pretoria, for the development of the ICD's Code of Ethics. The appointment of a Manager in the Ethics Office also brought about an increased adherence (and awareness) of the ICD to Government's Anti-corruption Plan. The awareness training presented to all staff will further enhance corporate governance.
- In terms of the Minimum Information Security Standard (MISS), the Contingency Plan developed for use in National Office has been amended and as soon as it has been approved, the layout will change to accommodate every Provincial Office that will make use of it.

7. REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

101

- The security and safety of ICD staff and assets remain high on the ICD's priority list and, in view of the increasing number of dangerous situations facing our Investigators during the course of their work, four senior Investigators have received training in respect of a train-the-trainer's course, conducted by members from Scotland Yard, to assist with the development of all other Investigators.
- The ICD has developed and implemented an Employee Assistance Programme to assist our staff members to handle various stressors in their lives, specifically our Investigators who are continuously exposed to traumatic working conditions. A private consultancy is driving the project and staff members and their families may require assistance on a 24-hour basis.

9. Discontinued activities / activities to be discontinued

No activities were discontinued during the year under review.

10. New / proposed activities

No new activities were undertaken by the ICD.

11. Events after the reporting date

A number of payments still had to be effected in terms of invoices received during the months of April and May 2005 yet a favourable improvement has been the decrease of such accruals. From an estimated amount of approximately R 131 000 accrued in the financial year: 2003/4 to a decreased amount of just over R 128 000 in respect of accruals for the year under review. The ICD has confirmed improvement to fully implement the requirements of the PFMA.

12. Progress with financial management improvement

Though the ICD experiences budgetary limitations, in particular in Programme 1: Administration and, the number of vacant positions throughout the ICD strains performance, the ICD has made great strides in the improvement of financial management since the previous year. Other examples of improvement refer to the number of financial policies and procedures developed and implemented during the year under review; the decrease in terms of the Suspense Account and; the amount of outstanding Debts.

Issues of risk management and Internal Audit still need much attention in the new financial year.

13. Performance information

As mentioned earlier, various action plans, committees and trans-functional task teams have been put in place to ensure effective and efficient performance of the ICD (and the Accounting Officer) in terms of Sections 38 to 42 of the PFMA. The Top Management meeting, EXCO and the SMC contribute to the making of recommendations with regard to the attainment of goals and objectives and, in the final instance, the improvement of service delivery.

7. REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

102

The format of the monthly report for offices and components not only report on progress made by the individual offices and staff members in terms of the attainment of goals, but also allow the various Responsibility Managers to supervise performance and immediately react to non- or poor performance. The format also includes reporting on service delivery indicators. The need to have performances verified by our clients and other role-players in the field of safety and security necessitate that the ICD considers the use of professional consultants to assist in the development of a yardstick to measure the organization's performance. This issue may receive further attention in the new financial year.

14. Scopa resolutions

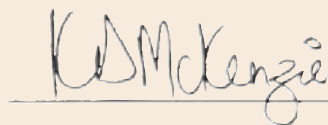
| Reference to previous audit report and SCOPA resolutions | Subject | Findings on progress |
|--|---------|----------------------|
| No references were made during the year under review. | | |

15. Other

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

Approval

The annual financial statements set out on pages 108 to 143 have been approved by the Accounting Officer.



ADV KD MCKENZIE
EXECUTIVE DIRECTOR
DATE: 31 MAY 2005

8. REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2005

ICD

Independent Complaints
Directorate

103

This report outlines the Audit Committee's functions for the 2004/2005 financial year.

Audit committee members and attendance:

The Audit Committee consists of the members listed hereunder and meets four times per annum as per its approved terms of reference. During the period under review five meetings were held.

| Name of Member | Number of meetings attended |
|-------------------------------|-----------------------------|
| Mr. SK Motuba (Chairperson) | 5 |
| Mr. CF. Terhoeven | 5 |
| Mr. SDC Masuku | 5 |
| Adv. KD McKenzie (ex-officio) | 4 |

Audit committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from section 38(1)(a) of the PFMA and Treasury Regulation 3.1.13 and 27(1)(10). The Audit Committee also reports that it has adopted appropriate formal terms of reference as its audit committee charter, it has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein.

Effectiveness of internal control

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

The quality of in-year management and monthly reports

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

Evaluation of the annual financial statements

The Audit Committee has:

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

8. REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2005

ICD

Independent Complaints
Directorate

104

- Confirmed that there were no significant adjustments resulting from the audit.

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

S Motuba
Chairman – Audit Committee

Johannesburg
28 July 2005



9. REPORT OF THE AUDITOR - GENERAL

ICD

Independent Complaints
Directorate

105

TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF VOTE 23 - THE INDEPENDENT COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31 MARCH 2005

1. AUDIT ASSIGNMENT

The financial statements as set out on pages 108 to 143, for the year ended 31 March 2005, 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 4 and 20 of the Public Audit Act, 2004 (Act No. 25 of 2004). 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. Those standards require that I plan and perform the audit 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 my attention and are applicable to financial matters.

The audit was completed in accordance with Auditor-General Directive No. 1 of 2005.

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 2005 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).

9. REPORT OF THE AUDITOR - GENERAL

ICD

Independent Complaints
Directorate

106

4. EMPHASIS OF MATTER

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

4.1 Departmental revenue to be surrendered to the Revenue Fund

4.1.1 Differences between revenue on the statement of financial performance, and notes to the financial statements were identified. Due to a lack of skills and training, prior year revenue transactions were incorrectly captured in the current financial year.

4.2 Non compliance with laws and regulations

4.2.1 Clearing accounts

In terms of Treasury Regulation 17.1.2(b) amounts included in suspense accounts should be cleared and correctly allocated to the relevant cost centres on a monthly basis.

At 31 March 2005 a total amount of R1 056 000 was older than 1 year and at least R69 414.00 was older than 3 years. Due to staff not being adequately trained on how to clear these accounts, the ICD did not comply with the regulation to clear suspense accounts within 30 days of origin.

4.2.2 Debtors

In terms of paragraph 38 (c) of the Public Finance Management Act, the accounting officer must take effective and appropriate steps to collect all money due to the department.

Due to a lack of skills and training the ICD did not comply with the Act as:

- Staff debtors were identified where there was no movement in the balance for the last year and;
- Staff debts were taken on the system without proper supporting documentation

4.3 Supply Chain Management

Treasury did not approve the ICD's request for extension on the implementation of the Supply Chain Management requirements. Due to capacity constraints in the Supply Chain Management component the unique numbering of assets as required could not be adhered to.

The department indicated that the unique numbering of assets has commenced and will be finalised by the end of August 2005.

9. REPORT OF THE AUDITOR - GENERAL

ICD

Independent Complaints
Directorate

107

4.4 Leave commitments

Deficiencies were noted in the management and administration of leave in the ICD. Due to an inadequate control environment, leave forms were not in all cases captured on the Personnel and Salary system (PERSAL) to accurately reflect the available leave credits.

Subsequent to year end all previously uncaptured leave in respect of the 2004/05 financial year was corrected on PERSAL and existing controls are being considered for improvement.

4.5 Expenditure approved in excess of the approved delegations

No controls exist to detect and prevent payments approved by staff without the delegated powers. As a result payments were irregularly approved.

Subsequently the Accounting officer condoned these payments and the updated delegations and related controls will be implemented from August 2005.

4.6 Changes to the Annual Financial Statements

In terms of section 40 (1) (c) of the Public Finance Management Act, financial statements were received on 31 May 2005. The department adjusted and re-approved the financial statements on 18 July 2005 due to material adjustments of:

- Service Bonuses, R1 207 347
- Clearing account, R1 056 000
- Leave entitlements, R2 042 000

These adjustments arose due to ineffective management review and the lack of reconciliations.

5. APPRECIATION

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

N. Manik for Auditor-General

Pretoria
27 July 2005

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICDIndependent Complaints
Directorate

108

The Annual Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Annual Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act and the Division of Revenue Act, Act 5 of 2004. The following issued, but not yet effective Standards of Generally Recognised Accounting Practice have not been fully complied with in the Annual Financial Statements: GRAP 1, 2 and 3.

1. Basis of preparation

The Annual Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. Under the accrual basis of accounting transactions and other events are recognised when incurred and not when cash is received or paid.

2. Revenue**Appropriated funds**

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the Adjusted Estimates of National Expenditure. Unexpended voted funds are surrendered to the National Revenue Fund, unless otherwise stated.

Departmental revenue***Sale of goods and services other than capital assets***

This comprises the proceeds from the sale of goods and/or services produced by the entity. Revenue is recognised in the statement of financial performance on receipt of the funds.

Interest, dividends and rent on land

Interest and dividends received are recognised upon receipt of the funds, and no provision 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 Statement of Financial Performance of the department and then transferred to the National/Provincial Revenue Fund.

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICDIndependent Complaints
Directorate

109

Revenue received from the rent of land is recognised in the statement of financial performance on receipt of the funds.

Financial transactions in assets and liabilities

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

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

Local and foreign aid assistance

Local and foreign aid assistance is recognised in the statement of financial performance on receipt of funds. Where amounts are expensed before funds are received, a receivable is raised. Where amounts have been inappropriately expensed using Local and Foreign aid assistance, a payable is raised. In the situation where the department is allowed to retain surplus funds, these funds are shown as a reserve.

3. Expenditure***Compensation of employees***

Salaries and wages comprise payments to employees. Salaries and wages are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system. The expenditure is classified as capital where the employees were involved, on a full time basis, on capital projects during the financial year. All other payments are classified as current expense.

Social contributions include the entities' contribution to social insurance schemes paid on behalf of the employee. Social contributions are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system.

Short-term employee benefits

The cost of short-term employee benefits is expensed in the Statement of Financial Performance in the reporting period when the final authorisation for payment is effected on the system. Short-term employee benefits, that give rise to a present legal or constructive obligation are disclosed as a disclosure note to the Annual Financial Statements and are not recognised in the Statement of Financial Performance.

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

110

Long-term employee benefits and other post employment benefits

Termination benefits

Termination benefits are recognised and expensed only when the final authorisation for payment is effected on the system.

Medical benefits

The department provides medical benefits for its employees through defined benefit plans. Employer contributions to the fund are incurred when the final authorisation for payment is effected on the system. No provision is made for medical benefits in the Annual Financial Statements of the department.

Post employment retirement benefits

The department provides retirement benefits for certain of 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 the final authorisation for payment to the fund is effected on the system. No provision is made for retirement benefits in the Annual Financial Statements of the department. Any potential liabilities are disclosed in the Annual Financial Statements of the National/Provincial Revenue Fund and not in the Annual Financial Statements of the employer department.

Other employee benefits

Obligations arising from leave entitlement, thirteenth cheque and performance bonus that are reflected in the disclosure notes have not been paid for at year-end.

Goods and services

Payments made for goods and/or services are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system. The expense is classified as capital if the goods and services was used on a capital project.

Financial transactions in assets and liabilities

Financial transactions in assets and liabilities include bad debts written off. Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending available to the department. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts.

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICDIndependent Complaints
Directorate

111

Unauthorised expenditure

Unauthorised expenditure, is defined as:

- 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.

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is approved by the relevant authority, recovered or written off as irrecoverable.

Irregular expenditure

Irregular expenditure, is defined as :

expenditure, other than unauthorised expenditure, incurred in contravention 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.

It is treated as expenditure in the Statement of Financial Performance. If such expenditure is not condoned and it is possibly recoverable it is disclosed as receivable in the Statement of Financial Position at year-end.

Fruitless and wasteful expenditure

Fruitless and wasteful expenditure, is defined as:

expenditure that was made in vain and would have been avoided had reasonable care been exercised, therefore

- it must be recovered from a responsible official (a debtor account should be raised), or
- the vote. (If responsibility cannot be determined.)

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is recovered from the responsible official or written off as irrecoverable.

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICDIndependent Complaints
Directorate

112

4. Transfers and subsidies

Transfers and subsidies include all irrecoverable payments made by the entity. Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system.

5. Expenditure for capital assets

Capital assets are assets that can be used repeatedly and continuously in production for more than one year. Payments made for capital assets are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system.

6. Receivables

Receivables are not normally recognised under the modified cash basis of accounting. However, receivables included in the Statement of Financial Position arise from cash payments that are recoverable from another party, when the payments are made.

Receivables for services delivered are not recognised in the Statement of Financial Position as a current asset or as income in the Statement of Financial Performance, as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are disclosed separately as part of the disclosure notes to enhance the usefulness of the Annual Financial Statements.

7. Cash and cash equivalents

Cash and cash equivalents consists of cash on hand and balances with banks, short term investments in money market instruments and demand deposits. Cash equivalents are short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

8. Payables

Payables are not normally recognised under the modified cash basis of accounting. However, payables included in the Statement of Financial Position arise from advances received that are due to the Provincial/National Revenue Fund or another party.

9. Lease commitments

Lease commitments for the period remaining from the reporting date until the end of the lease contract are disclosed as part of the disclosure notes to the Annual Financial Statements. These commitments are not recognised in the Statement of Financial

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICDIndependent Complaints
Directorate

113

Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on the cash basis of accounting.

Operating lease expenditure is expensed when the payment is made.

Finance lease expenditure is expensed when the payment is made, may results in the acquisition of the asset under the lease agreement. A finance lease is not allowed in terms of the Public Finance Management Act.

10. Accruals

This amount represents goods/services that have been received, but no invoice has been received from the supplier at the reporting date, OR an invoice has been received but final authorisation for payment has not been effected on the system. These amounts are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

11. Contingent liability

This is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the department; or

a present obligation that arises from past events but is not recognised because:

- it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
- the amount of the obligation cannot be measured with sufficient reliability

Contingent liabilities are not recognised in the Statement of Financial Position, but the information is disclosed as part of the disclosure notes.

12. Commitments

This amount represents goods/services that have been approved and/or contracted, but no delivery has taken place at the reporting date. These amounts are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

13. Recoverable revenue

Recoverable revenue represents payments made and recognised in the Statement of Financial Performance as an expense in previous years due to non-performance in

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

STATEMENT OF ACCOUNTING POLICIES

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

114

accordance with an agreement, which have now become recoverable from a debtor. Repayments are transferred to the Revenue Fund as and when the repayment is received.

14. Comparative figures

Where necessary, comparative figures have been restated to conform to the changes in the presentation in the current year. The comparative figures shown in these Annual Financial Statements are limited to the figures shown in the previous year's audited Annual Financial Statements and such other comparative figures that the department may reasonably have available for reporting. Reclassification of expenditure has occurred due to the implementation of the Standard Chart of Accounts. It is not practical to present comparative amounts in the Cash Flow Statements as this would involve reclassification of amounts dating back to the 2002/03 year-end.

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ICD

Independent Complaints
Directorate

115

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

APPROPRIATION STATEMENT

for the year ended 31 March 2005

| Appropriation per Programme | | | | | | | | | |
|---|------------------------------------|-------------------------------|-------------------|---------------------------------|----------------------------|-------------------|---|---------------------------------|----------------------------|
| 2004/05 | | | | | | | 2003/04 | | |
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Expenditure as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| 1. Administration | | | | | | | | | |
| Current payment | 12,312 | - | -1,137 | 11,175 | 11,175 | - | 100.0% | 10,163 | 10,163 |
| Transfers and subsidies | 51 | - | - | 51 | 51 | - | 100.0% | 43 | 42 |
| Expenditure for capital assets | 567 | - | 1,036 | 1,603 | 1,603 | - | 100.0% | 2,063 | 2,063 |
| 2. Investigation of complaints | | | | | | | | | |
| Current payment | 19,684 | - | -1,600 | 18,084 | 18,084 | - | 100.0% | 14,761 | 14,761 |
| Transfers and subsidies | 27 | - | 8 | 35 | 35 | - | 100.0% | 27 | 27 |
| Expenditure for capital assets | 392 | - | 965 | 1,357 | 1,357 | - | 100.0% | 2,128 | 2,128 |
| 3. Information Management and Research | | | | | | | | | |
| Current payment | 8,693 | - | -143 | 8,550 | 8,549 | 1 | 100.0% | 6,265 | 6,213 |
| Transfers and subsidies | 11 | - | 3 | 14 | 14 | - | 100.0% | 11 | 11 |
| Expenditure for capital assets | 377 | - | 868 | 1,245 | 1,245 | - | 100.0% | 1,582 | 1,583 |
| Subtotal | 42,114 | - | - | 42,114 | 42,113 | 1 | 100.0% | 37,043 | 36,991 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

APPROPRIATION STATEMENT

for the year ended 31 March 2005

ICD

Independent Complaints Directorate

| 2004/05 | | | | | | 2003/04 | | |
|---|-------------------------------|-------------------|---------------------------------|--------------------------------|-------------------|---|---------------------------------|--------------------------------|
| Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Expenditure R'000 | Variance R'000 | Expenditure as % of final appropriation % | Final Appropriation R'000 | Actual Expenditure R'000 |
| Reconciliation with Statement of Financial Performance | | | | | | | | |
| Departmental receipts | | | | | | | | |
| Local and foreign aid assistance | | | | | | | | |
| Actual amounts per Statement of Financial Performance (Total Revenue) | | | | - | 94 | | | |
| | | | | - | 300 | | | |
| | | | | 42,114 | 37,437 | | | |
| | | | | | | | | |
| Local and foreign aid assistance | | | | - | | | | 379 |
| Actual amounts per Statement of Financial Performance Expenditure | | | | 42,113 | | | | 37,370 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

APPROPRIATION STATEMENT

for the year ended 31 March 2005

117

ICD

Independent Complaints
Directorate

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

| Appropriation per Economic classification | | | | | | | | | |
|--|------------------------------|-------------------------|----------------|---------------------------|----------------------|----------------|---------------------------------------|---------------------------|----------------------|
| | 2004/05 | | | | | 2003/04 | | | |
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| Current payments | | | | | | | | | |
| Compensation to employees | 29,362 | - | -4,452 | 24,910 | 24,909 | 1 | 100.0% | 20,738 | 20,686 |
| Goods and services | 11,327 | - | 1,572 | 12,899 | 12,899 | - | 100.0% | 10,451 | 10,435 |
| Financial transactions in assets and liabilities | - | - | - | - | - | - | 0.0% | - | 16 |
| Transfers & subsidies | | | | | | | | | |
| Provinces & municipalities | 60 | - | 11 | 71 | 71 | - | 100.0% | 56 | 56 |
| Departmental agencies & accounts | 29 | - | - | 29 | 29 | - | 100.0% | 24 | 23 |
| Payment on capital assets | | | | | | | | | |
| Buildings & other fixed structures | 366 | - | 50 | 416 | 416 | - | 100.0% | - | - |
| Machinery & equipment | 850 | - | 2,266 | 3,116 | 3,116 | - | 100.0% | 5,274 | 5,275 |
| Software & other intangible assets | 120 | - | 553 | 673 | 673 | - | 100.0% | 500 | 500 |
| Total | 42,114 | - | - | 42,114 | 42,113 | 1 | 100.0% | 37,043 | 36,991 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DETAIL PER PROGRAMME 1 - ADMINISTRATION

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

118

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

| Programme per subprogramme | 2004/05 | | | | | | 2003/04 | | |
|--------------------------------|------------------------------------|-------------------------------|-------------------|---------------------------------|----------------------------|-------------------|---|---------------------------------|----------------------------|
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| 1.1 Management | | | | | | | | | |
| Current payment | 3,336 | - | -785 | 2,551 | 2,551 | - | 100.0% | 2,490 | 2,490 |
| Transfers and subsidies | 5 | - | 2 | 7 | 7 | - | 100.0% | 5 | 5 |
| Expenditure for capital assets | 6 | - | 458 | 464 | 464 | - | 100.0% | 480 | 480 |
| 1.2 Corporate Services | | | | | | | | | |
| Current payment | 8,976 | - | -352 | 8,624 | 8,624 | - | 100.0% | 7,673 | 7,673 |
| Transfers and subsidies | 46 | - | -2 | 44 | 44 | - | 100.0% | 38 | 37 |
| Expenditure for capital assets | 561 | - | 578 | 1,139 | 1,139 | - | 100.0% | 1,583 | 1,583 |
| Total | 12,930 | - | -101 | 12,829 | 12,829 | - | 100.0% | 12,269 | 12,268 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ICD

Independent Complaints
Directorate

119

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DETAIL PER PROGRAMME 1 - ADMINISTRATION

for the year ended 31 March 2005

| Economic classification | 2004/05 | | | | | | 2003/04 | | |
|------------------------------------|------------------------------|-------------------------|----------------|---------------------------|----------------------|----------------|---------------------------------------|---------------------------|----------------------|
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| Current payments | | | | | | | | | |
| Compensation to employees | 8,783 | - | -1,174 | 7,609 | 7,609 | - | 100.0% | 6,506 | 6,506 |
| Goods and services | 3,529 | - | 37 | 3,566 | 3,566 | - | 100.0% | 3,657 | 3,657 |
| Transfers & subsidies | | | | | | | | | |
| Provinces & municipalities | 22 | - | - | 22 | 22 | - | 100.0% | 19 | 19 |
| Departmental agencies & accounts | 29 | - | - | 29 | 29 | - | 100.0% | 24 | 23 |
| Payments for capital assets | | | | | | | | | |
| Buildings & other fixed structures | 366 | - | 50 | 416 | 416 | - | 100.0% | - | - |
| Machinery & equipment | 170 | - | 994 | 1,164 | 1,164 | - | 100.0% | 1,926 | 1,926 |
| Software & other intangible assets | 31 | - | -8 | 23 | 23 | - | 100.0% | 137 | 137 |
| Total | 12,930 | - | -101 | 12,829 | 12,829 | - | 100.0% | 12,269 | 12,268 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ICD

Independent Complaints
Directorate

120

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DETAIL PER PROGRAMME 2 - INVESTIGATION OF COMPLAINTS

for the year ended 31 March 2005

| Programme per subprogramme | 2004/05 | | | | | | 2003/04 | | |
|---------------------------------|------------------------------|-------------------------|----------------|---------------------------|----------------------|----------------|---------------------------------------|---------------------------|----------------------|
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| 2.1 Investigation of complaints | | | | | | | | | |
| Current payment | 18,775 | - | -1,551 | 17,224 | 17,224 | - | 100.0% | 14,072 | 14,072 |
| Transfers and subsidies | 25 | - | 8 | 33 | 33 | - | 100.0% | 26 | 26 |
| Expenditure for capital assets | 382 | - | 884 | 1,266 | 1,266 | - | 100.0% | 2,010 | 2,010 |
| 2.2 Legal Services | | | | | | | | | |
| Current payment | 909 | - | -49 | 860 | 860 | - | 100.0% | 689 | 689 |
| Transfers and subsidies | 2 | - | - | 2 | 2 | - | 100.0% | 1 | 1 |
| Expenditure for capital assets | 10 | - | 81 | 91 | 91 | - | 100.0% | 118 | 118 |
| Total | 20,103 | - | -627 | 19,476 | 19,476 | - | 100.0% | 16,916 | 16,916 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DETAIL PER PROGRAMME 2 - INVESTIGATION OF COMPLAINTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

121

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

| Economic classification | 2004/05 | | | | | | 2003/04 | | |
|------------------------------------|------------------------------|-------------------------|----------------|---------------------------|----------------------|----------------|---------------------------------------|---------------------------|----------------------|
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| Current | | | | | | | | | |
| Compensation to employees | 14,031 | - | -1,569 | 12,462 | 12,462 | - | 100.0% | 10,444 | 10,444 |
| Goods and services | 5,653 | - | -31 | 5,622 | 5,622 | - | 100.0% | 4,317 | 4,301 |
| Transfers & subsidies | | | | | | | | | |
| Provinces & municipalities | 27 | - | 8 | 35 | 35 | - | 100.0% | 27 | 27 |
| Capital | | | | | | | | | |
| Machinery & equipment | 340 | - | 988 | 1,328 | 1,328 | - | 100.0% | 1,956 | 1,956 |
| Software & other intangible assets | 52 | - | -23 | 29 | 29 | - | 100.0% | 172 | 172 |
| Total | 20,103 | - | -627 | 19,476 | 19,476 | - | 100.0% | 16,916 | 16,916 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ICD

Independent Complaints
Directorate

122

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DETAIL PER PROGRAMME 3 - INFORMATION MANAGEMENT AND RESEARCH

for the year ended 31 March 2005

| Programme per subprogramme | | 2004/05 | | | | | | 2003/04 | | |
|-----------------------------------|--------------------------------|------------------------------|-------------------------|----------------|---------------------------|----------------------|----------------|---------------------------------------|---------------------------|----------------------|
| | | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| 3.1 Monitoring and Research | Current payment | 1,459 | - | -428 | 1,031 | 1,030 | 1 | 99.9% | 259 | 207 |
| | Transfers and subsidies | 4 | - | -1 | 3 | 3 | - | 100.0% | 1 | 1 |
| | Expenditure for capital assets | 6 | - | 5 | 11 | 11 | - | 100.0% | 141 | 141 |
| 3.2 Information Management System | Current payment | 7,234 | - | 285 | 7,519 | 7,519 | - | 100.0% | 6,006 | 6,006 |
| | Transfers and subsidies | 7 | - | 4 | 11 | 11 | - | 100.0% | 10 | 10 |
| | Expenditure for capital assets | 371 | - | 863 | 1,234 | 1,234 | - | 100.0% | 1,441 | 1,442 |
| Total | | 9,081 | - | 728 | 9,809 | 9,808 | 1 | 100.0% | 7,858 | 7,807 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DETAIL PER PROGRAMME 3 - INFORMATION MANAGEMENT AND RESEARCH

for the year ended 31 March 2005

123

ICD

Independent Complaints Directorate

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23

| Economic classification | 2004/05 | | | | | | 2003/04 | | |
|------------------------------------|------------------------------|-------------------------|----------------|---------------------------|----------------------|----------------|---------------------------------------|---------------------------|----------------------|
| | Adjusted Appropriation R'000 | Shifting of Funds R'000 | Virement R'000 | Final Appropriation R'000 | Actual Payment R'000 | Variance R'000 | Payment as % of final appropriation % | Final Appropriation R'000 | Actual Payment R'000 |
| Current | | | | | | | | | |
| Compensation to employees | 6,548 | - | -1,709 | 4,839 | 4,838 | 1 | 99.9% | 3,788 | 3,736 |
| Goods and services | 2,145 | - | 1,566 | 3,711 | 3,711 | - | 100.0% | 2,477 | 2,477 |
| Transfers & subsidies | | | | | | | | | |
| Provinces & municipalities | 11 | - | 3 | 14 | 14 | - | 100% | 10 | 10 |
| Capital | | | | | | | | | |
| Machinery & equipment | 340 | - | 284 | 624 | 624 | - | 100.0% | 1,392 | 1,393 |
| Software & other intangible assets | 37 | - | 584 | 621 | 621 | - | 100.0% | 191 | 191 |
| Total | 9,081 | - | 728 | 9,809 | 9,808 | 1 | 100.0% | 7,858 | 7,807 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

124

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

Detail of these transactions can be viewed in note 11 (Transfers and subsidies) and Annexure 1 (C-D) to the annual financial statements.

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

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the annual financial statements.

3. Detail on financial transactions in assets and liabilities

Detail of these transactions per programme can be viewed in note 6 (Details of special functions (theft and losses)) to the annual financial statements.

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

4.1 Per programme:

| | Voted Funds after virement R'000 | Actual Expenditure R'000 | R'000 | % |
|---|--|--------------------------------|-------|------|
| Administration | 12 829 | 12 829 | 0 | 0 |
| Investigation of complaints | 19 476 | 19 476 | 0 | 0 |
| Information Management and research | 9 809 | 9 808 | 1 | 0.01 |

The variance can be attributed to the vacancies that existed which resulted in an underspending.

4.2 Per economic classification:

R'000

Current expenditure

Compensation of employees

1

The variance can be attributed to the vacancies that existed which resulted in an underspending.

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

125

| | <i>Note</i> | 2004/05 R'000 | 2003/04 R'000 |
|---|-------------|--------------------------|--------------------------|
| REVENUE | | | |
| Annual appropriation | 1. | 42,114 | 37,043 |
| Departmental revenue | 2. | - | 94 |
| Local and foreign aid assistance | 3. | - | 300 |
| TOTAL REVENUE | | 42,114 | 37,437 |
| EXPENDITURE | | | |
| Current expenditure | | | |
| Compensation of employees | 4. | 24,909 | 20,686 |
| Goods and services | 5. | 12,899 | 10,435 |
| Financial transactions in assets and liabilities | 6. | - | 16 |
| Local and foreign aid assistance | 3. | - | 379 |
| Total current expenditure | | 37,808 | 31,516 |
| Transfers and subsidies | 7. | 100 | 79 |
| Expenditure for capital assets | | | |
| Buildings and other fixed structures | 8. | 416 | - |
| Machinery and Equipment | 8. | 3,116 | 5,275 |
| Software and other intangible assets | 8. | 673 | 500 |
| Total expenditure for capital assets | | 4,205 | 5,775 |
| TOTAL EXPENDITURE | | 42,113 | 37,370 |
| NET SURPLUS/(DEFICIT) | | 1 | 67 |
| NET SURPLUS/(DEFICIT) FOR THE YEAR | | 1 | 67 |
| Reconciliation of Net Surplus/(Deficit) for the year | | | |
| Voted Funds to be surrendered to the Revenue Fund | 12. | 1 | 52 |
| Departmental revenue to be surrendered to revenue fund | 13. | -3 | -1 |
| Local and foreign aid assistance | 3. | - | 79 |
| NET SURPLUS/(DEFICIT) FOR THE YEAR | | 2 | 130 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

STATEMENT OF FINANCIAL POSITION
 as at 31 March 2005

ICD

Independent Complaints
Directorate

126

| | <i>Note</i> | 2004/05 R'000 | 2003/04 R'000 |
|--|-------------|------------------|------------------|
| ASSETS | | | |
| Current assets | | 1,344 | 3,976 |
| Cash and cash equivalents | 9. | 13 | 13 |
| Prepayments and advances | 10. | 85 | - |
| Receivables | 11. | 1,246 | 3,884 |
| Local and foreign aid assistance receivable | 3. | - | 79 |
| TOTAL ASSETS | | <u>1,344</u> | <u>3,976</u> |
| LIABILITIES | | | |
| Current liabilities | | 1,344 | 3,976 |
| Voted funds to be surrendered to the Revenue Fund | 12. | 1 | 52 |
| Departmental revenue to be surrendered to the Revenue Fund | 13. | -183 | -1 |
| Bank overdraft | 14. | 1,431 | 3,329 |
| Payables | 15. | 95 | 596 |
| TOTAL LIABILITIES | | <u>1,344</u> | <u>3,976</u> |
| NET ASSETS | | <u>-</u> | <u>-</u> |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

CASH FLOW STATEMENT

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

127

| | <i>Note</i> | 2004/05 R'000 |
|--|-------------|--------------------------|
| CASH FLOWS FROM OPERATING ACTIVITIES | | |
| Receipts | | 44,746 |
| Annual appropriated funds received | | 42,114 |
| Local and foreign aid assistance received | 3. | 79 |
| Net (increase)/decrease in working capital | | 2,553 |
| Surrendered to Revenue Fund | | -234 |
| Current payments | | -38,309 |
| Transfers and subsidies paid | | -100 |
| Net cash flow available from operating activities | 16. | <u>6,103</u> |
| CASH FLOWS FROM INVESTING ACTIVITIES | | |
| Payments for capital assets | | -4,205 |
| Net cash flows from investing activities | | <u>-4,205</u> |
| Net increase/(decrease) in cash and cash equivalents | | 1,898 |
| Cash and cash equivalents at beginning of period | | -3,316 |
| Cash and cash equivalents at end of period | | <u><u>-1,418</u></u> |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

128

1. Annual Appropriation

1.1 Annual Appropriation

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

| | Final Appropriation R'000 | Actual Funds Received R'000 | Variance over/(under) R'000 | Total Appropriation 2003/04 R'000 |
|-------------------------------------|---------------------------------|-----------------------------------|-----------------------------------|--|
| Administration | 12,829 | 12,829 | - | 12,269 |
| Investigation of complaints | 19,476 | 19,476 | - | 16,916 |
| Information Management and Research | 9,809 | 9,809 | - | 7,858 |
| Total | 42,114 | 42,114 | - | 37,043 |

The variance can be attributed to the vacancies that existed, which resulted in an underspending. No application will be made for a roll-over.

2. Departmental revenue to be surrendered to revenue fund

Description

| | | 2004/05 R'000 | 2003/04 R'000 |
|---|--------------------|------------------|------------------|
| Sales of goods and services other than capital assets | | 3 | - |
| Interest, dividends and rent on land | | 0 | 4 |
| Financial transactions in assets and liabilities | 2.1 | -156 | 90 |
| Transfers received consist of: | | 1 | - |
| Gifts, donations and sponsorships received | | | |
| | <i>ANNEXURE 1J</i> | 1 | - |
| Total revenue collected | | -152 | 94 |
| Departmental revenue collected | | - | 94 |

2.1 Financial transactions in assets and liabilities

Nature of loss recovered

| | | |
|----------------------|-------------|-----------|
| Cheques written back | -2 | 19 |
| Other | -154 | 71 |
| | -156 | 90 |

3. Local and foreign aid assistance

3.1 Assistance received in cash Name of donor and purpose

| Opening Balance | Revenue | Expenditure | Closing balance |
|--------------------|-----------|-------------|--------------------|
| -79 | 79 | - | - |
| -79 | 79 | - | - |

Analysis of balance

| | | |
|----------------------------------|----------|------------|
| Local and foreign aid receivable | - | 79 |
| Closing balance | - | -79 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

129

4. Compensation of employees

4.1 Salaries and wages

2004/05

R'000

2003/04

R'000

Basic salary

Performance award

Service Based

Compensative/circumstantial

Other non-pensionable allowances

16,875

13,295

510

5

1,216

1,064

462

428

2,298

2,904

21,361**17,696***Note*

4.2 Social contributions

2004/05

R'000

2003/04

R'000

4.2.1 Short term employee benefits

Pension

2,479

1,992

Medical

1,064

996

Bargain council

5

2

3,548**2,990****Total compensation of employees****24,909****20,686**

Average number of employees

186

171

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

130

5. Goods and services

| | Note | 2004/05 R'000 | 2003/4 R'000 |
|---|------|------------------|-----------------|
| Advertising | | 297 | 201 |
| Attendance fees (including registration fees) | | 742 | 564 |
| Bank charges and card fees | | 15 | 63 |
| Bursaries (employees) | | 100 | 61 |
| Communication | | 1,353 | 1,654 |
| Computer services | | 2,572 | 1,328 |
| Consultants, contractors and special services | | 797 | 658 |
| Courier and delivery services | | 59 | - |
| Drivers licences and permits | | 1 | 1 |
| Entertainment | | 178 | 376 |
| External audit fees | 5.1 | 619 | 292 |
| Equipment less than R5 000 | | 250 | 44 |
| Firearm handling fees | | 3 | - |
| Government motor transport | | 1,089 | 813 |
| Inventory | 5.2 | 759 | 773 |
| Legal fees | | 293 | - |
| Maintenance, repair and running costs | | 115 | - |
| Operating leases | | 332 | 276 |
| Photographic services | | 2 | 3 |
| Plant flowers and other decorations | | 16 | - |
| Printing and publications | | 7 | - |
| Professional bodies and membership fees | | 1 | - |
| Resettlement costs | | 9 | 41 |
| Subscriptions | | 4 | - |
| Owned and leasehold property expenditure | | 295 | 286 |
| Transport provided as part of the departmental activities | | 46 | - |
| Travel and subsistence | 5.3 | 2,871 | 3,001 |
| Venues and facilities | | 66 | - |
| Witness and related fees | | 8 | - |
| | | 12,899 | 10,435 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

131

| | Note | 2004/05 R'000 | 2003/04 R'000 |
|--|------|------------------|------------------|
| 5.1 External audit fees | | | |
| Regulatory audits | | 407 | 292 |
| Other audits | | 212 | - |
| Total external audit fees | | 619 | 292 |
| | | | |
| 5.2 Inventory | | | |
| Domestic Consumables | | 26 | 28 |
| Fuel, oil and gas | | - | 1 |
| Other consumables | | 13 | 203 |
| Parts and other maint mat | | 11 | - |
| Stationery and Printing | | 709 | 541 |
| Total Inventory | | 759 | 773 |
| | | | |
| 5.3 Travel and subsistence | | | |
| Local | | 2,841 | 2,713 |
| Foreign | | 30 | 288 |
| Total travel and subsistence | | 2,871 | 3,001 |
| | | | |
| 6. Financial transactions in assets and liabilities | | | |
| Debts written off | 6.1 | - | 16 |
| | | - | 16 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

132

| | | | 2004/05 R'000 | 2003/04 R'000 |
|------------|---------------------------------------|-----------------------------|------------------|------------------|
| 6.1 | Bad debts written off | <i>Note</i> | | |
| | Nature of debts written off | | | |
| | Petty Cash | | - | 2 |
| | Tax debt | | - | 3 |
| | Salary Debt | | - | 5 |
| | S & T | | - | 3 |
| | Other | | - | 3 |
| | | | <u>-</u> | <u>16</u> |
| | | | <u>-</u> | <u>16</u> |
| 7. | Transfers and subsidies | | | |
| | Provinces and municipalities | <i>ANNEXURE 1B & 1C</i> | 71 | 56 |
| | Departmental agencies and accounts | <i>ANNEXURE 1D</i> | 29 | 23 |
| | | | <u>100</u> | <u>79</u> |
| | | | <u>100</u> | <u>79</u> |
| 8. | Expenditure for capital assets | | | |
| | Buildings and other fixed structures | <i>ANNEXURE 4</i> | 416 | - |
| | Machinery and equipment | <i>ANNEXURE 4</i> | 3,116 | 5,275 |
| | Software and other intangible assets | <i>ANNEXURE 5</i> | 673 | 500 |
| | Total | | <u>4,205</u> | <u>5,775</u> |
| | | | <u>4,205</u> | <u>5,775</u> |
| 9. | Cash and cash equivalents | | | |
| | Cash on hand | | 13 | 13 |
| | | | <u>13</u> | <u>13</u> |
| | | | <u>13</u> | <u>13</u> |
| 10. | Prepayments and advances | | | |
| | Description | | | |
| | Advances paid to other entities | | 5 | - |
| | Claims recoverable | | 80 | - |
| | | | <u>85</u> | <u>-</u> |
| | | | <u>85</u> | <u>-</u> |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

133

11. Receivables

2004/05
R'0002003/04
R'000

| | | Less than one year | One to three years | Older than three years | Total | Total |
|------------------------------------|------------|-----------------------|-----------------------|---------------------------|--------------|--------------|
| Amounts owing by other entities | ANNEXURE 6 | 5 | - | - | 5 | 13 |
| Staff debtors | 11.1 | 3 | 47 | - | 50 | 43 |
| Clearing accounts | 11.2 | - | 1,056 | - | 1,056 | - |
| Other debtors | 11.3 | 18 | 117 | - | 135 | 3,828 |
| | | 26 | 1,220 | - | 1,246 | 3,884 |

Amounts of R 100 000 (2004: R210 000) included above may not be recoverable, but has not been written off in the Statement of Financial Performance

11.1 Staff debtors

| | | |
|---------------|-----------|-----------|
| S & T Account | 24 | 22 |
| Tax debt | 26 | 21 |
| | 50 | 43 |

11.2 Clearing accounts

| | | |
|-----------------------------|--------------|----------|
| Disallowance: Miscellaneous | 1,056 | - |
| | 1,056 | - |

11.3 Other debtors

| | | |
|--|------------|--------------|
| Nature of advances | - | 69 |
| Pensions (Finance) | 18 | 3,257 |
| Independent Institutions | 117 | 126 |
| Debt awaiting pensions / pension received less than debt | - | 176 |
| GG Accidents | - | 66 |
| Thefts & Losses (awaiting approval) | - | 134 |
| Suppliers | 135 | 3,828 |

12. Voted Funds to be surrendered to the Revenue Fund

| | | |
|--|----------|-----------|
| Opening balance | 52 | 136 |
| Transfer from Statement of Financial Performance | 1 | 52 |
| Paid during the year | -52 | -136 |
| Closing balance | 1 | 52 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

134

| | Note | 2004/05 R'000 | 2003/04 R'000 |
|---|----------------|---------------------|--------------------|
| 13. Departmental revenue to be surrendered to revenue fund | | | |
| Opening balance | | -1 | 30 |
| Transfer from Statement of Financial Performance | | - | 94 |
| Paid during the year | | -182 | -125 |
| Closing balance | | <u>-183</u> | <u>-1</u> |
| 14. Bank overdraft | | | |
| Paymaster General Account | | 1,431 | 3,329 |
| | | <u>1,431</u> | <u>3,329</u> |
| 15. Payables – current | | | |
| Description | | 2004/05 | 2003/04 |
| | | Total | Total |
| | 30 Days | 30+ Days | |
| Other payables | 15.1 | 95 | 596 |
| | | <u>-</u> | <u>95</u> |
| | | <u>95</u> | <u>596</u> |
| 15.1 Other payables | | | |
| Description | | | |
| Credits received from Pensions to be taken into account | | - | 156 |
| Government Garage - Western Cape | | 1 | 210 |
| Recoverable Revenue | | - | 52 |
| Credits received from Independent Institutions | | 94 | 90 |
| Housing guarantees | | - | 88 |
| | | <u>95</u> | <u>596</u> |
| 16. Reconciliation of net cash flow from operating activities to surplus/(deficit) | | 2004/05 | |
| | | R'000 | |
| Net surplus/(deficit) as per Statement of Financial Performance | | 1 | |
| (Increase)/decrease in receivables – current | | 2,638 | |
| (Increase)/decrease in prepayments and advances | | -85 | |
| (Increase)/decrease in other current assets | | 79 | |
| Increase/(decrease) in payables – current | | -501 | |
| Surrenders | | -234 | |
| Capital expenditure | | 4,205 | |
| Net cash flow generated by operating activities | | <u>6,103</u> | |
| 17. Appropriated funds and departmental revenue surrendered | | | |
| Appropriated funds surrendered | | -52 | -136 |
| Departmental revenue surrendered | | -30 | -125 |
| | | <u>-82</u> | <u>-261</u> |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

135

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

| | | Note | 2004/05 R'000 | 2003/04 R'000 |
|--|--|---|--|------------------|
| 18. Contingent liabilities | | | | |
| | Liable to | Nature | | |
| | Motor vehicle guarantees | Employees ANNEXURE 3 | 157 | 317 |
| | Housing loan guarantees | Employees ANNEXURE 3 | 530 | 638 |
| | Capped Leave Commitments | | 3,467 | 3,386 |
| | Other | | 836 | 657 |
| | | | <u>4,990</u> | <u>4,998</u> |
| 19. Accruals | | | | |
| | By economic classification | 30 Days | 30+ Days | Total |
| | Compensation of employees | | | - |
| | Goods and services | 1 | 128 | 129 |
| | | | <u>129</u> | <u>131</u> |
| | Listed by programme level | | | |
| | P1: Administration | | | 70 |
| | P2: Investigation of complaints | | | 54 |
| | P3: Information Management and Research | | | 5 |
| | | | <u>129</u> | <u>131</u> |
| 20. Employee benefits | | | | |
| | Leave entitlement | | 310 | - |
| | Thirteenth cheque | | 15 | - |
| | | | <u>325</u> | <u>-</u> |
| 21. Leases | | | | |
| | | Buildings & other fixed structures | Machinery and equipment | Total |
| 21.1 Operating leases | | | | Total |
| | Not later than 1 year | | 38 | 38 |
| | Later than 1 year and not later than 3 years | | 458 | 458 |
| | Total present value of lease liabilities | | <u>496</u> | <u>496</u> |
| 22. Senior management personnel | | | | |
| | - Deputy Director Generals | | 1,373 | 1,312 |
| | | | <u>1,373</u> | <u>1,312</u> |

The aggregate remuneration of the key management of the department amounts to R1 373 000 and consists of three individuals. The major classes of key management personnel are Deputy Director-General (one individual - Executive Director) and Chief Directors (two individuals).

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ANNEXURE 1C

STATEMENT OF CONDITIONAL GRANTS PAID TO MUNICIPALITIES

| NAME OF MUNICIPALITY | GRANT ALLOCATION | | | TRANSFER | | SPENT | | 2003/04 | | |
|----------------------------------|-------------------------------|------------------|-------------------|-----------------------|-----------------------|--|---------------------------------------|------------------------------------|--|-------------------------------|
| | Division of Revenue Act R'000 | Roll Overs R'000 | Adjustments R'000 | Total Available R'000 | Actual Transfer R'000 | % of Available Funds Transferred R'000 | Amount received by municipality R'000 | Amount spent by municipality R'000 | % of available funds spent by municipality % | Division of Revenue Act R'000 |
| RSC Levies: Tshwane Metro | 43 | - | 8 | 51 | 51 | 100.0% | 51 | - | 5100.0% | 40 |
| RSC Levies: Greater Johannesburg | 7 | - | 1 | 8 | 8 | 100.0% | 8 | - | 800.0% | 6 |
| RSC Levies: Cape Metropol | 4 | - | 1 | 5 | 5 | 100.0% | 5 | - | 500.0% | 4 |
| RSC Levies: Ethekwini Mun | 6 | - | 1 | 7 | 7 | 100.0% | 7 | - | 700.0% | 6 |
| | 60 | - | 11 | 71 | 71 | | 71 | - | | 56 |

ICD

Independent Complaints Directorate

136

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURE 1D

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

| AGENCY/ACCOUNT | TRANSFER ALLOCATION | | | | TRANSFER | | 2003/04 |
|----------------|---|---------------------|----------------------|-----------------------------|-----------------------------|---|---------|
| | Adjusted Appropriation Act R'000 | Roll Overs R'000 | Adjustments R'000 | Total Available R'000 | Actual Transfer R'000 | % of Available Funds Transferred % | |
| POSLEC SETA | 29 | - | - | 29 | 29 | 100.0% | 24 |
| | 29 | - | - | 29 | 29 | | 24 |
| | | | | | | | |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

138

ANNEXURE 1J

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED FOR THE YEAR
ENDED 31 MARCH 2005

| NAME OF ORGANISATION | NATURE OF GIFT, DONATION OR SPONSORSHIP | 2004/05 R'000 | 2003/04 R'000 |
|---|--|------------------|------------------|
| Received in cash | | | |
| Gujerati Mandal of King Williams Town | Women's month celebration in Peddie Town | 1 | |
| | | <u>1</u> | <u>-</u> |
| - Group major categories but list material items including name of the organisation - Totals do not form part of the totals as on the face of the Statement of Financial Performance | | | |
| Received in kind | | | |
| British High Commissioner | Visit to Northern Ireland sponsored | - | 70 |
| Vera Institute (Los Angeles) | Visit to Nigeria sponsored | - | 16 |
| Association for the Prevention of torture (APT) | Visit to Burkina Faso sponsored | - | 18 |
| Various individuals & companies | Sixteen days of activism outreach in KwaZulu-Natal sponsored | - | 1 |
| | | <u>-</u> | <u>105</u> |
| Subtotal | | <u>-</u> | <u>105</u> |
| Total | | <u>1</u> | <u>105</u> |

- Group major categories but list material items including name of the organisation
 - Totals do not form part of the totals as on the face of the Statement of Financial Performance

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

139

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURE 3

STATEMENT OF FINANCIAL GUARENTTEES ISSUED AS AT 31 MARCH 2005 - LOCAL

| Guarantor institution | TRANSFER ALLOCATION | | | | | | TRANSFER | | 2003/04 |
|--|-------------------------|--|----------------------------------|---|---|---|----------------------------------|--|---------|
| | Guarantee in respect of | Original Guaranteed capital amount R'000 | Opening Balance 01/04/2004 R'000 | Guarantees issued during the year R'000 | Guarantees Released during the year R'000 | Guaranteed interest outstanding as at 31 March 2005 R'000 | Closing Balance 31/03/2005 R'000 | Realised losses i.r.o. claims paid out R'000 | |
| Stannic | Motor Vehicles | 207 | 317 | - | 160 | - | 157 | - | |
| | | 207 | 317 | - | 160 | - | 157 | - | |
| ABSA Nedbank Standard Bank FNB NBS | Housing | 1,524 | 240 | 12 | 28 | - | 224 | - | |
| | | 336 | 67 | - | - | - | 67 | - | |
| | | 923 | 154 | 90 | 65 | - | 179 | - | |
| | | 300 | 151 | - | 91 | - | 60 | - | |
| | | 129 | 26 | - | 26 | - | - | - | |
| | Total | 3,212 | 638 | 102 | 210 | - | 530 | - | |
| | | 3,419 | 955 | 102 | 370 | - | 687 | - | |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

140

ANNEXURE 4

PHYSICAL ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

| | Opening Balance R'000 | Additions R'000 | Disposals R'000 | Transfers in R'000 | Transfers Out R'000 | Closing Balance R'000 |
|---|-----------------------------|--------------------|--------------------|--------------------------|---------------------------|-----------------------------|
| BUILDINGS AND OTHER FIXED STRUCTURES | | 416 | - | - | - | 416 |
| Non-residential buildings | | 416 | | | | 416 |
| MACHINERY AND EQUIPMENT | | 3,116 | - | - | - | 3,116 |
| Computer equipment | | 1,292 | | | | 1,292 |
| Furniture and office equipment | | 236 | | | | 236 |
| Other machinery and equipment | | 814 | | | | 814 |
| Transport assets | | 774 | | | | 774 |
| | | 3,532 | - | - | - | 3,532 |

ANNEXURE 4 (CONTINUED)

PHYSICAL ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2004

| | Opening Balance R'000 | Additions R'000 | Disposals R'000 | Transfers in R'000 | Transfers Out R'000 | Closing Balance R'000 |
|------------------------------------|-----------------------------|--------------------|--------------------|--------------------------|---------------------------|-----------------------------|
| MACHINERY AND EQUIPMENT | | 5,275 | - | - | - | 5,275 |
| Computer equipment | | 2,356 | | | | 2,356 |
| Furniture and office equipment | | 1,202 | | | | 1,202 |
| Other machinery and equipment | | 1,265 | | | | 1,265 |
| Transport assets | | 452 | | | | 452 |
| | | 5,275 | - | - | - | 5,275 |

Disposals only relate to amounts included in the opening balances and the additions columns. If you have a disposal, the amount written off should be equivalent to the carrying value of the asset.

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

141

ANNEXURE 5

SOFTWARE AND OTHER INTANGIBLE ASSET MOVEMENT SCHEDULE AS AT 31

MARCH 2005

| | Opening Balance R'000 | Additions R'000 | Disposals R'000 | Transfers in R'000 | Transfers Out R'000 | Closing Balance R'000 |
|-------------------|-----------------------------|--------------------|--------------------|--------------------------|---------------------------|-----------------------------|
| Computer software | 840 | 673 | | | | 1,513 |
| | 840 | 673 | - | - | - | 1,513 |

ANNEXURE 5 (CONTINUED)

SOFTWARE AND OTHER INTANGIBLE ASSET MOVEMENT SCHEDULE AS AT 31

MARCH 2004

| | Opening Balance R'000 | Additions R'000 | Disposals R'000 | Transfers in R'000 | Transfers Out R'000 | Closing Balance R'000 |
|-------------------|-----------------------------|--------------------|--------------------|--------------------------|---------------------------|-----------------------------|
| Computer software | 340 | 500 | | | | 840 |
| | 340 | 500 | - | - | - | 840 |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

ICD

Independent Complaints
Directorate

142

ANNEXURE 6

INTER - GOVERNMENTAL RECEIVABLES

| Government Entity | Confirmed balance outstanding | | Unconfirmed balance outstanding | |
|--|----------------------------------|---------------------|------------------------------------|---------------------|
| | 31/03/2005 R'000 | 31/03/2004 R'000 | 31/03/2005 R'000 | 31/03/2004 R'000 |
| Department | | | | |
| Department of Public Works | - | - | - | 3 |
| Department of Economic Affairs - Northern Cape | - | - | - | -6 |
| Department of Agriculture - Northern Cape | - | - | - | 4 |
| Provincial Government - Western Cape | - | - | 5 | 2 |
| South African Police Services | - | - | - | 7 |
| Statistics South Africa | - | - | - | 3 |
| | - | - | 5 | 13 |
| TOTAL | - | - | 5 | 13 |

Include all amounts owing by National and Provincial Departments as well as all Public Entities,
Constitutional Institutions and Trading Entities

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ADDENDUM

ICD

Independent Complaints
Directorate

143

Addendum: Changes effected to comparative figures (2003/04) due to reclassification
on Standard Chart of Accounts

Published AFS 2003/04

SCoA 2003/04

| Personnel | Compensation of employees | |
|--------------------------------------|---------------------------|---|
| 13,295 | 13,295 | Basic Salaries |
| 1,992 | 1,992 | Pension |
| 982 | 996 | Medical 982 + 14 SMS medical provision added |
| 3,495 | 4,403 | Other Including subsidised vehicle allowances |
| 19,764 | 20,686 | |
| Administrative | Goods & Services | |
| 8,107 | 10,435 | Admin exp + inventories + machinery & equipment |
| Inventories | | professional services + miscellaneous |
| 772 | | Less RSC Levies |
| Machinery & Equipment | | Less Software |
| 991 | | Less subsidised vehicle allowances |
| Professional Services | | |
| 2,001 | | |
| Miscellaneous | | |
| 42 | | |
| 11,913 | 10,435 | |
| Special functions: authorised losses | | |
| 16 | 16 | Note 6.4 Bad debts written off |
| Transfers | Transfers | |
| 23 | 56 | RSC Levies |
| | 23 | POSLEC Seta |
| 23 | 79 | |
| Capital | Capital | |
| Machinery & Equipment | 5,275 | Machinery & Equipment |
| 5,275 | 500 | Software |
| 5,275 | 5,775 | |
| 36,991 | 36,991 | |

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 23

ICD

Independent Complaints
Directorate

NOTES

144