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INDEPENDENT COMPLAINTS DIRECTORATE

STRATEGIC PLAN

2006 – 2009

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Policy Statement by the Minister for Safety and Security

This is the fifth Strategic Plan of the Independent Complaints Directorate (ICD). It is for the period commencing 01 April 2006.

The ICD is an independent mechanism established to ensure that policing in our country takes place within a human rights ethic and that those officers who do not uphold the rule of law are held accountable for their actions. The ICD is an important pillar of that system of control we want to see as a government.

I expect that the other pillars of police control will play their role. Firstly, police management must do all they can to ensure that misconduct within police ranks is dealt with effectively. Secondly, the ICD must investigate police criminality and misconduct, where the police fail to act against their members. Thirdly, civil society must work with us to ensure that police are held accountable for improper action.

Over the past few months I have spoken at length about strengthening the ICD's capacity to carry out its mandate effectively. This includes having a presence in all 43 policing areas. It is unacceptable that our people travel long distances in order to lodge complaints with the ICD which is only located in major centres. The ICD's services must reach even the most remote areas of our country. I have also spoken about restructuring the ICD to ensure that it operates better within its constitutional mandate.

I am encouraged by the recent workshop organized by the ICD in Pretoria on 6 – 7 February 2006, with the aim of establishing a cordial relationship between the ICD, the police and the Secretariat for Safety and Security. I believe this workshop was long overdue. We must accept that tensions will always be there between these institutions but such tensions should be creative enough to ensure better service delivery. It is important that relations be sound enough to encourage cooperation among all the role players.

It is also important that the overlap between the work of the Secretariat and that of the ICD be cleared, so that each can pursue its mandate effectively and efficiently.

The biggest challenge the ICD faces is improving its performance within the limited resources at its disposal. I support the recommendation of the Portfolio Committee on Safety and Security that the ICD should review the targets it has set itself. These targets should be in line with the ICD's capacity to deliver on expectations.

I wish the ICD well in the implementation of their Strategic Plan 2006 – 2009.

MR C NQAKULA
MINISTER FOR SAFETY AND SECURITY

Overview by the Executive Director

The financial year 2004/2005 was quite a challenge for the ICD. Severe capacity problems were revealed resulting in failure by the ICD to meet its targets. This failure was compounded by the fact that ICD management set unreasonable targets for the organization. I am glad that these targets were reviewed at the Senior Management Committee meeting of November 2005. I hope that the Minister will support such a review.

Equally important is the ability of the ICD to fulfill its mandate with adequate resources. In my opinion many of the ICD's problems stem from the fact that it has never had sufficient capacity to do its work effectively. To this end the ICD will receive a budget increase during the 2006/2007 – 2008/2009 MTEF cycle. The R24 million additional funding allocated to the ICD for MTEF cycle will be used to appoint four Provincial Heads at Senior Manager level, as well as 14 investigators all over the country. A further 20 investigators will be appointed in the 2007/08 financial year. In the last year of the MTEF cycle, that is 2008/2009, 29 investigators will be appointed.

The importance of the work of the ICD cannot be overemphasized. Retaining quality and committed staff is our priority and is essential for improving service delivery levels to our communities. I am glad to say that priority has been given to addressing internal management problems, as well as giving attention to concerns from our valuable staff. Stabilizing the organization is important to me.

Despite the challenges of 2004/05, there were important achievements, namely:

- The decrease of 9% in deaths in custody or as a result of police action compared to the same period in the financial year 2003/2004;
- Establishment of the Integrity Strengthening Unit to ensure a high degree of ethics among ICD staff;
- The establishment of the Proactive Research Unit to conduct research on policing matters; and
- Setting up of the Anti-Corruption Command to prioritize cases of corruption.

Along with what I have already mentioned above, a number of areas will be addressed in the coming financial year; viz,

- The implementation of recommendations of the task team on working relations between the ICD, the police, Secretariat for Safety and Security and civil society;
- Reviewing the investigative priorities of the ICD and streamlining systems and processes to ensure higher levels of service delivery; and
- Increasing police co-operation on domestic violence non-compliance matters.

The continued support of the Minister of Safety and Security, the Deputy Minister of Safety and Security, the South African Police Service and other stakeholders, is much appreciated.

L XINWA
ACTING EXECUTIVE DIRECTOR

Legislative Mandate

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

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

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

The Independent Complaints Directorate must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a), and set out the recommendations made in respect of such matters.

The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the Independent Complaints Directorate.

In terms of Section 64 O 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.

Comments

in police custody and as a result of police allegedly

for performance for the 2004/2005 financial year strategic
of Class 1 (deaths in custody and 4 cases
of individual service related complaints strategic
the policy recommendations to the SAP
the policy recommendations, which would delivery
complaints only make little impact, if any impact of
ch. We are of the view that the Secretary complaints.

ly complemented by additional staff to bring from
the morale of investigators who are concerned will be
more Provincial Heads' positions at Directorates in

. The report of the Portfolio Committee assisted

all vacant posts for 2005/06 are likely we would
is also acknowledged that the retention is essential to
the continued improvement of service