

Programme 2: Investigation of Complaints

Investigation of Complaints provides for the investigation of all deaths in police custody and as a result of police action. It also provides for the investigation of corruption, other forms of criminality and misconduct committed by members of the SAPS and MPS, including allegations brought to the attention of the ICD by the Minister for Safety and Security or a member of the Executive Council.

The Integrity Strengthening Unit (ISU), which was established in 2005, provides a platform for employees to report any form of illegal or unethical behaviour by their colleagues or managers via a secure email or fax line. All cases are dealt with in a confidential manner and complainants are guaranteed the protection in terms of the Protected Disclosures Act 26 of 2000. Whilst some cases require in-depth investigations, others are solved through mediation or remedial counseling.

Expenditure estimates

Investigation of Complaints

Programme	Expenditure outcome				Medium-term expenditure estimate		
	Audited 2002/03	Audited 2003/04	Preliminary outcome 2004/05	Adjusted appropriation 2005/06	2006/07	2007/08	2008/09
R thousand							
Investigation of Complaints	13,135	16,139	19,182	21,107	27,271	33,035	40,308
Legal Services	720	809	921	1,025	1,823	1,920	2,016
Total	13,855	16,948	20,103	22,132	29,094	34,955	42,324
Change to 2004 Budget Estimate	-	-	-	-	3,228	6,896	12,876

Economic classification of payments

Current payments							
Compensation of employees	8,812	10,276	14,031	15,485	18,809	23,536	29,230
Goods and services	3,988	4,452	5,653	6,142	9,571	10,699	12,224

Interest and rent on land	-	-	-	-	-	-	-
Financial transactions in assets and liabilities	-	-	-	-	-	-	-
Unauthorised expenditure	-	-	-	-	-	-	-
Transfers and subsidies							
To: Provinces and municipalities	24	27	27	53	16	-	-
Departmental agencies and accounts	-	-	-	-	-	-	-
Universities and technicons	-	-	-	-	-	-	-
Public corporations and private enterprises	-	-	-	-	-	-	-
Foreign governments and international organisations	-	-	-	-	-	-	-
Non-profit institutions	-	-	-	-	-	-	-
Households	-	-	-	-	-	-	-
Payments for capital assets							
Buildings and other fixed Structures	-	-	-	-	-	-	-
Machinery and equipment	977	2,021	340	400	633	650	790
Cultivated assets	-	-	-	-	-	-	-
Software and other intangible Assets	54	172	52	52	65	70	80
Land and subsoil assets	-	-	-	-	-	-	-
Total	13,855	16,948	20,103	22,132	29,094	34,955	42,324

Objective

The objective of Investigations under this Programme is the investigation of all deaths in custody and as a result of police action, and any allegations of misconduct, criminality and corruption committed by any member of the SAPS or MPS. This objective is to be achieved by inter alia: Within 180 days of reporting the complaint, finalize investigations into all SAPS / MPS related deaths, acts of criminality and corruption. Such investigations will be conducted in an unbiased, impartial and independent manner and recommendations will be made to the Director of Public Prosecutions (DPP) and/or the National Commissioner of SAPS or the relevant Municipal Police Chief.

Legal Services provide effective legal advisory support by providing telephonic and written legal advice to line functionaries and corporate services as well as Liaison on a continuous basis with external stakeholders and the maintaining of existing protocols.

The main objective of the Integrity Strengthening Unit (ISU) is to ensure that the ICD's core values, as expressed in the Code of Ethics, are being practised by all staff members. The ISU also has to ensure that risks within the organisation are managed effectively to enable the ICD to achieve its strategic intent, and therefore certain controls are put in place to monitor compliance with legislation and policies. Although the ISU resides within Programme 2 and investigations form part of its functions, it operates as an independent unit and enjoys full support of the Executive Authority.

Challenges

The Anti-Corruption Command (ACC) was established during the 2004/05 financial year. It is aimed at the investigation of allegations of corruption perpetrated by the SAPS and MPS members.

Staffing the ACC was and continues to be a huge challenge as we need credible, experienced and skilled investigators. Technical equipment has been procured for use by the Anti-Corruption Command and has been successfully deployed in various operations. A full-time technician now has to be appointed to ensure operation deployment as well as maintenance and custody of the equipment utilised by the Command. This technician will also have to ensure the integrity of the downloading of visuals from said equipment, for the purpose of evidence in criminal prosecutions.

Training of representatives in the provincial offices with regard to specialised corruption knowledge remains a challenge.

The process of referring service delivery complaints to the Secretariats would involve consultations with the National Secretariat and the Provincial Secretariats. If agreement is reached that they take over the service related complaints, this will culminate in a working protocol between the two organisations to regulate the referrals from the ICD. It is envisaged that this process will have commenced by the end of the current financial year.

Training to all ICD staff with regard to legislation, Acts promulgated and legislative frameworks mentioned in internal policies, and which are relevant to the proper and effective functioning of all staff will have to commence and be consistently maintained.

The delay in obtaining Policing Powers for ICD investigators has been cause for great concern and impacted negatively on the services that ICD investigators deliver.

The ISU, which was established in terms of the minimum anti-corruption capacity requirements, will have to address specific forms of corruption included in the Public Service Anti-Corruption Strategy, such as conflicts of interest, fraud, bribery and insider trading. This will be achieved through the development of policies, a fraud and corruption risk assessment, an ethics audit, as well as a comprehensive ethics training and awareness programme.

Key result areas

Outcomes	Indicators	Targets
Reduced levels of criminality in the SAPS and MPS.	Finalized internal investigations in respect of Class 1 (deaths) within 180 days.	60% of notifications received from SAPS/MPS.
Reduced levels of criminality in the SAPS and MPS.	Finalized internal ICD investigations of criminality within 180 days.	50% of complaints received from SAPS/MPS.
Conducting on-scene investigation of Class 1.	Attendance of crime scene.	70% of all reported Class 1 scenes.
Participation at autopsy/post mortem examination.	Attending an autopsy/post mortem examination at an identified location.	70% of all reported deaths.
Preliminary investigation findings.	Finalization of preliminary investigation within 30 days.	70% of all Class 1.
Progress/update on investigation.	Written/oral feedback made to complainants and recorded in the investigation diary.	Every 30 days.

Service delivery objectives and indicators

We have conducted preliminary investigations into all the reported cases of deaths in police custody and as a result of police action which were also completed within the set 14 days. Finalization of investigations into deaths in police custody and as a result of police action is dependent on the services rendered to the ICD by the Forensic Science Laboratory of the South African Police Service in processing exhibits.

One of the objectives of the ISU is to ensure that the Ethics Helpline is manned at all times during official hours, and that it operates as an extension of the National Anti-Corruption Hotline (NACH).

Service Delivery Improvement Plan (SDIP)

OBJECTIVE	SERVICE STANDARDS	INDICATORS
External Clients		
The investigation of all deaths in police custody and as a result of police action and offences allegedly committed by any member of the SAPS and MPS.	Attendance of scenes of crime (Class 1) within 72 hours.	Written confirmation in file/docket.
	Forwarding of exhibits for forensic examination within 7 days of receiving exhibits.	Written confirmation.
	Family liaison to be conducted immediately and on an ongoing basis.	Written confirmation in docket.
	Production of preliminary reports within 180 days (Class 1 and Class 3).	Reports captured on database within 48 hours.
	Production of final recommendation reports within 14 days of receipt of technical reports	Reports captured on database within 48 hours.

	(Class 1 and Class 3).	
	Quality and thorough investigation of dockets to the DPP / SAPS / MPS.	No query should be received but if such queries arise, dockets should be forwarded back to the DPP within 30 days.
	Reporting progress to stakeholders.	<ul style="list-style-type: none"> • Initial written report within 7 days of incident. • Further progress report on a monthly basis.
Legal liaison services with stakeholders.	Liaising and maintaining protocols on co-operation with SAPS, MPS, NPA and any other relevant stakeholders.	Ongoing.
Integrity and Risk Management.	Receiving concerns through the Ethics Helpline.	Acknowledge receipt within 24 hours.
	Providing requests/ recommendations to management.	Within 48 hours.
	Providing feedback on progress to complainants.	Progress to be reported on a monthly basis.
	Submitting final response to complainants.	60 days as from receipt of case.
	Development and implementation of conflicts of interest policy and declarations.	June 2006.
	Development of ICD Code of Conduct for suppliers and external service providers.	November 2006.
Internal Clients		
Skilling of investigators through training.	In-house training interventions.	Two training interventions annually.

Provision of effective legal advisory services.	Attend and respond to legal queries.	Within 5 days and on-going.
Integrity and Risk Management.	Receiving concerns through the Ethics Helpline.	Written acknowledgement of receipt within 24 hours.
	Forwarding requests / providing recommendations to management.	Within 48 hours.
	Providing feedback on progress to complainants.	Progress to be reported on a monthly basis.
	Submitting final response to complainants.	In writing within 60 days as from receipt of case.
	Providing ethics and awareness training.	6 training interventions per annum.
	Development and implementation of conflicts of interest policy and declarations.	June 2006.
	Ethics risk assessment.	Annual report to the ED.
	Ethics audit.	Annual report to the ED.

Recent outputs

In 2004/05 preliminary investigations into 714 reported cases of deaths in police custody and as a result of police action were completed within the departments own internal set target of 14 days.

The target of finalising 85 per cent of investigation reports of police criminality and misconduct within 180 days in 2004/05 was not achieved due to the fact that the increased workload in implementing Vision 2005 was not complemented by additional staff.

The 2004/05 target of implementing 80 per cent of recommendations implemented that were issued by Legal Services has been met.

Programme 3: Information Management and Research

Information Management and Research receives and registers complaints from the community, the Minister for Safety and Security, and the relevant MEC's. It also oversees the investigation of any cases it refers to the SAPS, and monitors the implementation of the Domestic Violence Act (DVA), by both the SAPS and the MPS. This programme is divided into two sub-programmes, namely, Information Management System (IMS) and Proactive Oversight. IMS is further made up of three components, namely, Complaints Registry and Monitoring, Information and Communication Technology and Communication.

Expenditure estimates

Information Management and Research

Programme	Expenditure outcome				Medium-term expenditure estimate		
	Audited 2002/03	Audited 2003/04	Preliminary outcome 2004/05	Adjusted appropriation 2005/06	2006/07	2007/08	2008/09
R thousand							
Monitoring and Research	566	349	1,469	1,571	1,665	1,753	1,840
Information Management System	5,336	7,458	7,611	8,956	12,430	13,089	13,743
Total	5,902	7,807	9,080	10,527	14,095	14,842	15,583
Change to 2004 Budget Estimate					13	(844)	(880)
Economic classification of payments							
Current payments							
Compensation of employees	3,876	3,737	6,548	7,877	8,102	8,531	8,957
Goods and services	1,322	2,477	2,144	2,218	5,106	5,719	6,005
Interest and rent on land	-	-	-	-	-	-	-

Financial transactions in assets and liabilities	-	-	-	-	-	-	-
Unauthorised expenditure	-	-	-	-	-	-	-
Transfers and subsidies	9	10	11	25	6	-	-
To: Provinces and municipalities	9	10	11	25	6	-	-
Departmental agencies and accounts	-	-	-	-	-	-	-
Universities and technikons	-	-	-	-	-	-	-
Public corporations and private enterprises	-	-	-	-	-	-	-
Foreign governments and international organisations	-	-	-	-	-	-	-
Non-profit institutions	-	-	-	-	-	-	-
Households	-	-	-	-	-	-	-
Payments for capital assets							
Buildings and other fixed Structures	-	-	-	-	-	-	-
Machinery and equipment	507	1,392	340	365	835	544	571
Cultivated assets	-	-	-	-	-	-	-
Software and other intangible Assets	188	191	37	42	46	48	50
Land and subsoil assets	-	-	-	-	-	-	-
Total	5,902	7,807	9,080	10,527	14,095	14,842	15,583

Objective

The objective of the Programme: Information Management and Research is to maintain a current complaints register, allocate and follow-up on cases, oversee the implementation of the DVA and analyse all information on the database, producing at least three reports annually and recommending interventions to enhance human rights focused service delivery in policing. Further, it serves to improve the management of information through technology and the dissemination of information in order to market the organization to various stakeholders.

Challenges

The first challenge is maintaining a database that is always up-to-date due to the important role that accurate information plays in decision-making and accountability to stakeholders. We hope to address this challenge by employing data capturers in the provincial offices to ensure that the database is updated constantly.

The second challenge is to ensure that recommendations flowing from the stakeholder workshop are taken forward and that the objective of establishing a cordial relationship with the police, Secretariat for Safety and Security and civil society becomes a reality.

Key result areas

Sub-programme	Indicator	Target
Complaints Registry.	Registration and allocation of new cases on the database.	Registration within 24 hours.
		Allocation within 48 hours after registration.
	Updating the database with case developments.	Within two (2) days of case development.
Monitoring.	Finalization of all applications for exemption in terms of DVA, received by ICD provincial offices within 30 days of such application.	100% Within thirty (30) days of receipt.
	Production of audit reports by ICD provincial offices reflecting the state of affairs concerning compliance	Three (3) station audits per quarter per province.

nt recommendations related by the SAPS.	
anagement reports by ICD 19 cell inspections at police mpliance with standards set of depressed, intoxicated, ill	Three (3)er ICD provinci
reports containing	Three (3)
report.	(One) 1
n in terms of number of e time.	Respon (4) hours.
o media enquiries.	Within 1
reflecting community outreach	Three (3)ammes per quarter

n 24 hours as required by the standard by independent mprovement as compared to the past fis still a problem of s Investigations and Monitoring. This pboard. One of the should review each complaint and dete be referred, do not e and/or availability of staff in provinciaB meetings of such

they were made. This achievement isct that only a few African Police Service. This is in spite (of non-compliance ial number of applications received.