



ipid

Department:
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

**RESPONSES TO ISSUES REQUIRING FURTHER CLARITY IN RELATION TO CONCERNS RAISED
BY THE PUBLIC DURING TAKING PARLIAMENT TO THE PEOPLE IN THE EDEN DISTRICT
(WESTERN CAPE), 13-17 APRIL 2015**

QUESTION 1	What is the state of police misconduct in the Eden District given the reports of abuse by police officials? Please provide a break-down of misconduct instances.
Sub-questions 1 & 2	In respect of which financial years are the misconduct figures given? Please provide misconduct figures for the past five years

IPID'S RESPONSE:

The Directorate has, in the period 2010/11- 2014/15, investigated a total of **168 cases of police misconduct** in the Eden District (Pacaltsdorp, Oudtshoorn, Kysna, Kwanokuthula and Conville). Our analysis indicates that the majority of cases investigated by the Directorate have mainly been cases of "assault", particularly in the period 2012/13 to date and with few exceptional cases of rape, discharge of firearm and other areas outlined in section 28 of the IPID Act. Please refer to **Annexure A** for a detailed breakdown of the investigated cases.

A summary of the number of cases investigated by IPID per financial year and station area is as follows:

Table 1: A summary of case intake in Eden District per financial year and station area

CASES INTAKE IN EDEN DISTRICT			CASE IN TAKE PER COUNT OF STATION : 2010/11- 2014/15	
Financial year	Total		Station Area	Total
2010/2011	9		Conville	30
2011/2012	11		Knysna	20
2012/2013	39		Kwanokuthula	11
2013/2014	44		Kwanokuthula	4
2014/2015	65		Oudtshoorn	70
			Pacaltsdorp	33
Total	168		Total	168

Sub-questions 3	<p>Regarding the case of rape by a police officer investigated at Oudtshoorn compared to the information the IPID reports on such as cases in its Annual Report, the following information is outstanding from SAPS:</p> <ul style="list-style-type: none"> • Date, location and time the rape was committed? • Whether the police officer was on duty or off duty at the time? • Whether the rape victim was a minor
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IPID'S RESPONSE:

Of the 65 cases investigated by IPID in Eden District in 2014/15, there were only two (2) cases of "rape in police custody" that were deal with, particularly in the station areas of Oudtshoorn (1 case) and Conville (1). The incident of rape in Oudtshoorn was reported to have taken place in March 2015 in police custody and the perpetrator was a non-SAPS or MPS member while the rape incident in Conville was reported to have taken place in September 2014 in police custody and, the perpetrator was also a non-SAPS or MPS member. **(I will confirm on Monday whether the victims were minors or adults/ females or males).** Please refer to **Annexure B** for a detailed report of all the cases (of rape) that were reported in Eden District in 2014/15.

Sub-question 4	<p>Were any police officers charged with more than one case of misconduct? If so, (a) how many and (b) at which police station?</p>
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IPID'S RESPONSE:

In the previous dispensation prior to the enactment of the IPID Act No. 1 of 2011, members of SAPS or MPS had no obligation to act on the recommendations of the IPID on investigation of cases of police misconduct. The enactment of the said Act as espoused in Section 30 mandates the members of SAPS and MPS to institute actions on all recommendations of the Directorate. As a result, the archived recommendations that have been referred to SAPS are for the financial year period 2012/13 to date.

Based on the above, our records indicate that in 2014/15 there was a total 31 incidents where 16 SAPS members were charged with more than one case of misconduct mainly on the grounds of "Contravention of SAPS regulation 20(a), (p), (q) and (z)" in the Eden District

A high level summary of SAPS members who were charged with more than once case of misconduct is as follows

Table 2: A summarised list of members of SAPS charged with more than one case of misconduct

Station	Total Number of officials	Name	Recommended charge	Year
Conville	1	Const. Pieterse (4)	Contravention of SAPS regulation 20(a), (i), (p), (q), (r), (s) and (z)	2012/13
			Contravention of SAPS regulation 20(z)	2014/15
			Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
			Standing Order (G) 341. 7(2), (a)	2014/15
Knysna	2	Const. Titus (3)	Contravention of SAPS regulation 20(a), (f), (i), (p), (q), (w) and (z)	2013/14
			Contravention of SAPS regulation 20(a), (q) and (z)	2013/14
			Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
		Const. Pietersen (2)	Contravention of SAPS regulation 20(a), (p), (q), (s) and (z)	2012/13
			Contravention of SAPS regulation 20(a), (p) and (q)	2013/14
Kwanokuthula	4 Isaacs (3) Rollison (7) Jonck (2) Fortuin (2)	Const. Isaacs , Const. Rollison , Const. Jonck	Contravention of SAPS regulation 20(z)	2014/15
		Const. Isaacs , Const. Rollison	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
		Const. Jonck , Const. Rollison	Contravention of SAPS regulation 20(z)	2014/15
		Const. BA Rollison , Const. R Fortuin , Const. T Isaacs	Contravention of SAPS regulation 20(f), (p), (q) and (z)	2013/14
		Const. BA Rollison , Const. R Fortuin	Contravention of SAPS regulation 20(f), (p), (q) and (z)	2013/14
		Const. Rollison	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
			Contravention of SAPS regulation 20(a), (f), (i), (p) and (q)	2013/14
Oudtshoorn	5 Wolmarans (2) Grundling(3) Augustus (2) Const. Muller (3) Lingeveltdt (2)	Const. C Grundling	Contravention of SAPS regulation 20(a), (p), (r), (s) and (z)	2012/13
		Const. Grundling , Const. F <i>Augustus</i>	Contravention of SAPS regulation 20(a), (p), (e) and (z)	2013/14
		Const. Grundling , Const. F <i>Augustus</i>	Contravention of SAPS regulation 20(a), (p), (e) and (z)	2013/14
		Const. Muller	Contravention of SAPS regulation 20(a), (e), (q) and (z)	2014/15
			Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
			Contravention of SAPS regulation 20(a), (e), (q) and (z)	2014/15

Station	Total Number of officials	Name	Recommended charge	Year
		Const. Lingeveltd	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
			Contravention of SAPS regulation 20(a), (p), (q) and (z)	
		Lt.Col. Olivier, Sgt. Wolmarans	Contravention of SAPS regulation 20(a), (p), (q), (s) and (z)	2013/14
			Contravention of SAPS regulation 20(a), (e), (q) and (z)	2014/15
Pacaltsdorp	4 Mathola/ Matola (5) Jantjies (3) Luiters (2)	Const. Grootboom, Const. Matola	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
		Const. Mathola , Sgt. <i>Jantjies</i>	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
		Const. Mathuthu, Sgt. <i>Jantjies</i> , Const. Mathola	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
		R/Const. Luiters , Const. Matola , Sgt. <i>Jantjies</i>	Contravention of SAPS regulation 20(a), (p), (q) and (z)	2014/15
		Const. D Mathola , R/ Const. NF Luiters	Contravention of SAPS regulation 20(a), (q), (q), (s) and (z)	2014/15
Total number of police officials	16			

Please refer to **Annexure C** for a detailed report on the above.

Sub-questions 5&6	Which recommendations did the IPID make in respect of each case of misconduct provided? (a) Were any cases finalised and (b) what was the outcome in each case (guilty, not guilty, criminal charges...etc.)?
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IPID'S RESPONSE:

Our records indicate that in 2014/15 there was a total 31 incidents where 16 SAPS members were charged with more than one case of misconduct mainly on the grounds of "Contravention of SAPS regulation 20(a), (p), (q) and (z)" in the Eden District. Please refer to **Annexure C** for a detailed report on the outcome of the recommendation referred to SAPS in 2014/15 against the above-mentioned SAPS members.

Sub-questions 7	Were any compensation paid or recommended to the paid by the SAPS to victims of misconduct/ If so, how much in respect of each financial year in the past five years? If not, why not?
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IPID'S RESPONSE:

The above sub-question is not within IPID's mandate; SAPS management is best suited to respond to the sub-question.

QUESTION 2	Are any of these reports in George and Oudtshoorn being taken forward in respect of disciplinary hearings or through IPID? Please furnish details of disciplinary hearings and IPID cases as well as an update on progress.
Sub-question 1	(a) Which cases were being taken forward in (i) George (ii) Oudtshoorn and (b) which cases are being handled by (SAPS) and the (ii) IPID

IPID'S RESPONSE:

IPID has investigated a total of 61 cases in George in the period 2010/11-2014/15. Of the 61 cases investigated, 45 are related to "assault". Please refer to **Annexure D** for a detailed breakdown of cases investigated by the Directorate in George since 2010/11.

With regard to cases reported in Oudtshoorn in the period 2010/11- 2014/15, the Directorate investigated a total of 70 cases. Of the 70 cases investigated, 60 relate to "assault" while 3 cases relate to "attempted murder", 2 cases relate to "rape", 1 "discharge of firearm", 2 to "crimen injuria" and the remaining 2 relate to "neglects his or her duty". Please refer to **Annexure E** for a detailed breakdown of these cases.

Sub-question 2	Please provide an update of the progress in each Misconduct / disciplinary case
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IPID'S RESPONSE:

With regard to recommendations referred to SAPS on police misconduct in the station area of George, the Directorate has forwarded a total of 10 recommendations in the period 2012/13-2014/15 in line with the obligation place on SAPS or MPS members by Section 30 of the IPID Act. Of the 10 recommendations forwarded, SAPS members were found guilty only in 3 of the cases. IPID is awaiting

response on 2 cases in which disciplinary proceedings were initiated in 2014/15. On the other hand, 2 of IPID's recommendations were withdrawn in 2012/13 & 2013/14 and no disciplinary proceedings were taken in the remaining cases (2 cases in 2013/14 & 1 case in 2014/15). Please refer to **Annexure F** for detailed report on the outcome of IPID's recommended to SAPS.

Lastly, regarding IPID's recommendations on cases that were investigated in Oudtshoorn, the Directorate has forwarded a total of 7 recommendations to SAPS since 2012/13. The recommended charges in all 7 recommendations are mainly on the grounds of "Contravention of SAPS regulation 20(a), (e), (P), (q) and (z)". Of the 7 recommendations forwarded, disciplinary steps have been taken in 3 of the recommendations, SAPS declined to take disciplinary steps in 2 of the cases and, the Directorate is awaiting feedback from SAPS on outcome of the remaining 2 recommendations that were forwarded.

Please refer to **Annexure G** for a detailed breakdown of all the IPID recommendations forwarded to SAPS in Oudtshoorn and George in the period 2012/13- 2014/15.

Sub-question 3 & 4	Which legislation is being referred to as there is no Section 30(a) in SAPS Act of 1995 ("SAPS Act")? and on "Appointment letter"
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IPID'S RESPONSE:

The above sub-questions are not within IPID's mandate; SAPS management is best suited to respond to the sub-questions.