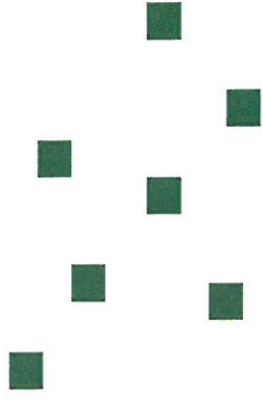


**civilian secretariat
for police service**

Department:

Civilian Secretariat for Police Service
REPUBLIC OF SOUTH AFRICA



Presentation to the Portfolio Committee on Police

**Overview on the Regulations for the Civilian Secretariat
for the Police Service**

23 September 2016

Cape Town

BACKGROUND

- The Civilian Secretariat for Police Service Act was put into operation on 1 December 2011.
- Section 33(1) of the Act provides that the Minister may, after consultation with the Secretary of Police, make regulations regarding –
 - any matter which in terms of the Act may or must be prescribed;
 - any action in order to promote compliance with the Act; and
 - any ancillary or incidental matter that it is necessary to prescribe for the proper implementation or administration of the Act.
- Section 33(3) of the Act provides that the Regulations must be submitted to Parliament for notification before they are promulgated by the Minister.
- The draft Regulations for the Civilian Secretariat for the Police Service in terms of section 33 of the Civilian Secretariat for Police Service Act, 2011 (“the Act”), were finalized after consultation with Provincial Departments for Safety.
- The draft Regulations were approved by the Minister and adopted by MinMec.

OVERVIEW OF THE REGULATIONS FOR THE CIVILIAN SECRETARIAT AND PROVINCIAL SECRETARIATS



- The Regulations apply to members of the Civilian Secretariat for Police Service as well as the Provincial Secretariats.

- It aims to regulate –
 - matters relating to the appointment of such members,
 - the roles and responsibilities of the Secretariats,
 - the manner of reporting,
 - access to information and premises of the police service,
 - how complaints should be dealt with, as well as assessing the ability of SAPS to receive and deal with complaints against its members;
 - the monitoring and evaluation of the police service;
 - the appointment of reference groups and matters related thereto; and
 - the cooperative governance framework.

CIVILIAN SECRETARIAT & PROVINCIAL SECRETARIATS

Members of the Secretariat and Provincial Secretariat:

- Provision is made for the Secretary of Police to, in consultation with the Minister, appoint employees to the Civilian Secretariat.
- The Secretary may also request that a member of the Provincial Secretariat be seconded to the Civilian Secretariat where this is justified and necessary.
- Prescribed appointment certificates must be issued to members of Secretariats (Civilian and Provincial), which certificates must be carried when executing functions. Certificates may be withdrawn where there is misuse by a member.
- The Regulations further provide for the classification of information, the disclosure of information with the authorization of Secretary or Head of Provincial Secretariat, delegations by the Secretary and directives to be issued to the Secretary by the Minister of Police.



REPORTS

Reports:

- The Regulations prescribe the matters which the annual and quarterly reports must contain, which include overviews of the administration of the Secretariat and the execution of its functions.
- The Act requires the Provincial Secretariats to submit quarterly and other reports to the Secretary.
- The Regulations prescribe the matters which the provincial reports must contain, which include an overview of the execution of its functions and advice or recommendations on the monitoring and review of police performance.
- The Secretary may, with the approval of the Minister, submit consolidated reports to Parliament and, where appropriate, to the National Commissioner.

ACCESS TO INFORMATION & PREMISES

Access to information and premises:

- The Secretary and Heads of Provincial Secretariats and any authorised member of the Civilian or Provincial Secretariat may enter premises, inspect documentation and obtain information under the control of the police service that is necessary for the performance of the oversight mandate.
- In the event that a classified document is required, prior notice must be given to the National or Provincial Commissioner. Where access to any document is refused, the Minister or the relevant MEC may be approached for directives to be given to the National Commissioner or Provincial Commissioner concerned.
- Any non-cooperation by a member of the police service may be brought to the attention of the National or Provincial Commissioner for resolution. If no resolution is reached, the matter may be escalated to the Minister or MEC.



COMPLAINTS

Complaints:

- The Regulations require the Secretary to receive complaints relating to poor service delivery from the Minister, an MEC, the Portfolio Committee on Police or Provincial Standing Committee, IPID, DPCI Judge, any organ of state, the public to be dealt with in terms of Chapter 5.
- The Secretary may further resolve a complaint through an informal mediation process and if it remains unresolved, escalate same to the Minister for direction.
- The procedure for lodging a complaint is also prescribed. Upon a complaint being lodged, the Secretary must evaluate whether –
 - the complaint is one which the Secretariat is mandated to receive and deal with;
 - whether the police service has conducted or is conducting an investigation of its own;
 - whether the complainant has exhausted the internal remedies available in the police service;
 - whether the complainant has also exercised his or her right in a court of law or a competent tribunal;
 - whether the complaint is of such a nature that is not deemed to be trivial, frivolous, vexatious or in bad faith.



COMPLAINTS (CONTD.)

- Where the Secretary or a Head of Provincial Secretariat, after considering the relevant factors and based upon available information, decides that the complaint should be dealt with, a member of the Secretariat will be appointed to deal with the complaint. The police service must then provide its full cooperation, assistance and support.
- The findings and recommendations relating to the complaint may be communicated to the police and, where required, the police must give effect to such findings and recommendations of the Civilian or Provincial Secretariat.
- Where the police does not implement the recommendations, it must provide reasons in writing to the Secretary or a Head of Provincial Secretariat within 10 days of receipt of the report and recommendations.
- A complaint must be registered in a computer-based register and the complainant must be informed in writing within seven days of the receipt of the complaint that his or her complaint has been received and referred to an identified member for attention and follow-up.

COMPLAINTS (contd.)

- Complaints from the Minister or Parliament are dealt with in the Regulations. Reports on service delivery complaints are to be submitted to the Minister and the Portfolio Committee. The regulations guide the information that must be contained in the report.
- The Civilian Secretariat is required, under section 6(j) of the Act, to conduct an assessment of the ability of the police service to receive and deal with complaints.
- The Regulations prescribe the aspects which must be dealt with during the assessment, such as access to systems that are in place, the categorisation and management of all complaints received, policies relating to the management of complaints and monthly reports on the management of complaints received.

MONITORING & EVALUATION

Monitoring and evaluation:

- The Civilian Secretariat must annually develop and implement a monitoring and review plan for the evaluation of the performance of the police service.
- The monitoring and evaluation of the police service shall, at a minimum, be based on the Monitoring and Evaluation Tool of the Civilian Secretariat that is approved by the Secretary, but the Civilian Secretariat may go beyond what is provided for in the tool.
- The National Commissioner must, upon a request by the Secretary, ensure that the information or access thereto relating to the following is provided to the Civilian Secretariat –
 - strategic plans on the national, provincial, local and other priorities applicable to the police service;
 - core business plans of the police service;
 - monthly and quarterly reports as required in terms of departmental regulations and directives;
 - information and records that provide an adequate overview of -
 - operational prioritising, objectives and target setting;
 - records relating to the implementation of the Domestic Violence Act, 1998;
 - the nature and extent of the implementation of policy directives of the Minister;
 - financial information and records relating to the expenditure of the allocated program budgets for the period as requested by the Secretary ;
 - the framework, systems and plans for receiving and dealing with complaints against the police service;
 - the framework, plans and extent to which the recommendations of IPID are implemented; and
 - any other records which the Secretary may deem necessary to execute the Secretariat's mandated functions.



MONITORING & EVALUATION (contd.)

- Upon receiving the required information, records and other information from the police service, the Secretary must conduct a preliminary assessment on compliance by the police service with the regulatory framework applicable to the police service.
- During the preliminary assessment, the Secretary may determine, identify and record compliance concerns, any inadequacy in control measures, alignment between the activities of the police service and its mandate and priorities, any significant policing failures, systemic gaps and weaknesses, unreasonable and unnecessary exercise of powers, inadequate coordination of activities with other cluster departments relating to safety and security and concerns relating to the conduct of the activities relating to its mandate and implementation of priorities.
- Upon completion of the preliminary assessment, the Secretary must, for the purposes of compiling a report, ensure the verification of all recorded concerns by implementing such verification techniques as may be appropriate, including –
 - desk top or physical inspections at premises under the control of the police service;
 - conducting face to face interviews;
 - receiving briefings by the police service;
 - questionnaires;
 - conducting exit interviews; and
 - consulting with members of the police service.

MONITORING & EVALUATION (contd.)

- The Secretary must ensure that a draft monitoring and review report on the police service with findings and recommendations is compiled and submitted to the Minister. A copy may be submitted to the National Commissioner and the relevant Head of Division of the police service for comment before the report is submitted to the Minister or the Portfolio Committee.
- The police service must, within 10 working days after receiving the report, submit its comments to the Secretary.
- Upon completion of the final report, the Secretary must submit such report to the Minister for consideration and any directives that may be issued to the National Commissioner.



REPORTING : STANDARDS & PROCEDURES AND REFERENCE GROUPS

Reporting Standards and Procedures:

- The Regulations provide for reports on the main service units of the Civilian Secretariat, i.e. Monitoring and Evaluation, Partnerships, Policy and Research and Legislation, what the reports must contain and the consolidation of reports for submission to Parliament.

Reference Groups:

- The Regulations provide that Civil Society Reference Groups contemplated in section 6(2) of the Act must be established by the Civilian Secretariat in the following focus areas –
 - monitoring and evaluation;
 - partnerships;
 - policy and research; and
 - implementation of the Domestic Violence Act, 1998.
- The objectives of a reference group are to –
 - play an advisory role to the Secretariat with regard to policy formulation, implementation and compliance;
 - identify policy gaps on policing and safety and security issues;
 - provide a forum for debate on these policing and safety and security issues;
 - identify remedial measures to improve policing;
 - advise on good practices with regard to policing;
 - recommend innovative methodologies to monitor, assess and evaluate the police service as far as compliance with policing policy is concerned; and
 - contribute to policy development within the safety and security cluster
- Provinces may be invited to become *ex officio* members of a particular reference group.

CONSULTATIVE FORUM

Cooperative Framework:

- The Secretary and Heads of Provincial Department of Safety and Security Consultative Forum are to provide technical support to the Police MinMec.
- The functions of the Consultative Forum are outlined.
- In the main, the objectives of the Consultative Forum are to –
 - generally enhance civilian oversight over the police service;
 - provide technical support to MinMec;
 - promote the alignment of the Civilian and Provincial Secretariats' strategic and Annual Performance Plans;
 - provide a liaison mechanism between the Civilian Secretariat and the Provincial departments of Safety.



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CONSULTATIVE FORUM (contd.)

The functions of the Consultative Forum are to –

- ensure the implementation of any matter referred to it by the Minister or a Member of the Executive Council or the Police MinMec;
- refer any items to the Police MinMec for discussion and decision;
- raise matters of national interest impacting on safety and security with relevant provincial departments and to hear their views on those matters;
- consult relevant provincial departments on –
 - the development of national policy;
 - matters affecting policing and safety and security;
 - the implementation of national policy with respect to policing and safety and security;
 - the coordination and alignment of safety and security strategic and performance plans and priorities, objectives and strategies across national, provincial and local governments;
 - performance in the provision of policing services in order to detect failures and to initiate preventive or corrective action when necessary; and
 - any other matters of strategic importance that affect the interests of the Secretariats,
 - perform any other function necessary to give effect to its objectives and mandate.



SENIOR MANAGEMENT FORUM

- The Regulations further provide for a Senior Management Forum in terms of section 24 of the Act, which comprises –
 - the Secretary of Police;
 - the Heads of the Provincial Secretariats; and
 - senior management staff from the Civilian Secretariat and senior management staff from the Provincial Secretariats.
- The Forum is to enhance civilian oversight over the police service by performing the functions that are listed in clause 43 of the Regulations.
- The Regulations also provide for administrative support and related matters to the Forum.

Q & A



THANK YOU