

BACK TO BASICS

TOWARDS A SAFER TOMORROW



FEEDBACK TO THE PORTFOLIO COMMITTEE ON POLICE

Public Allegations Against Lt Gen Phahlane - Report by CPN Forensic & Accounting Services [2012 Allegations by POPCRU]

02 FEBRUARY 2017

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* Reference to ranks - as at the time of the allegations.

Acting National Commissioner, Lt Gen J.K. Phahlane

- Section 4: Ongoing Attempts to harm the reputation & bring into disrepute the integrity of
 - Allegations
 - Audit Findings & Recommendations
 - Outcomes
- Section 3: Disciplinary Investigations: Acts of alleged misconduct – ‘whistle-blowers’
 - Allegations
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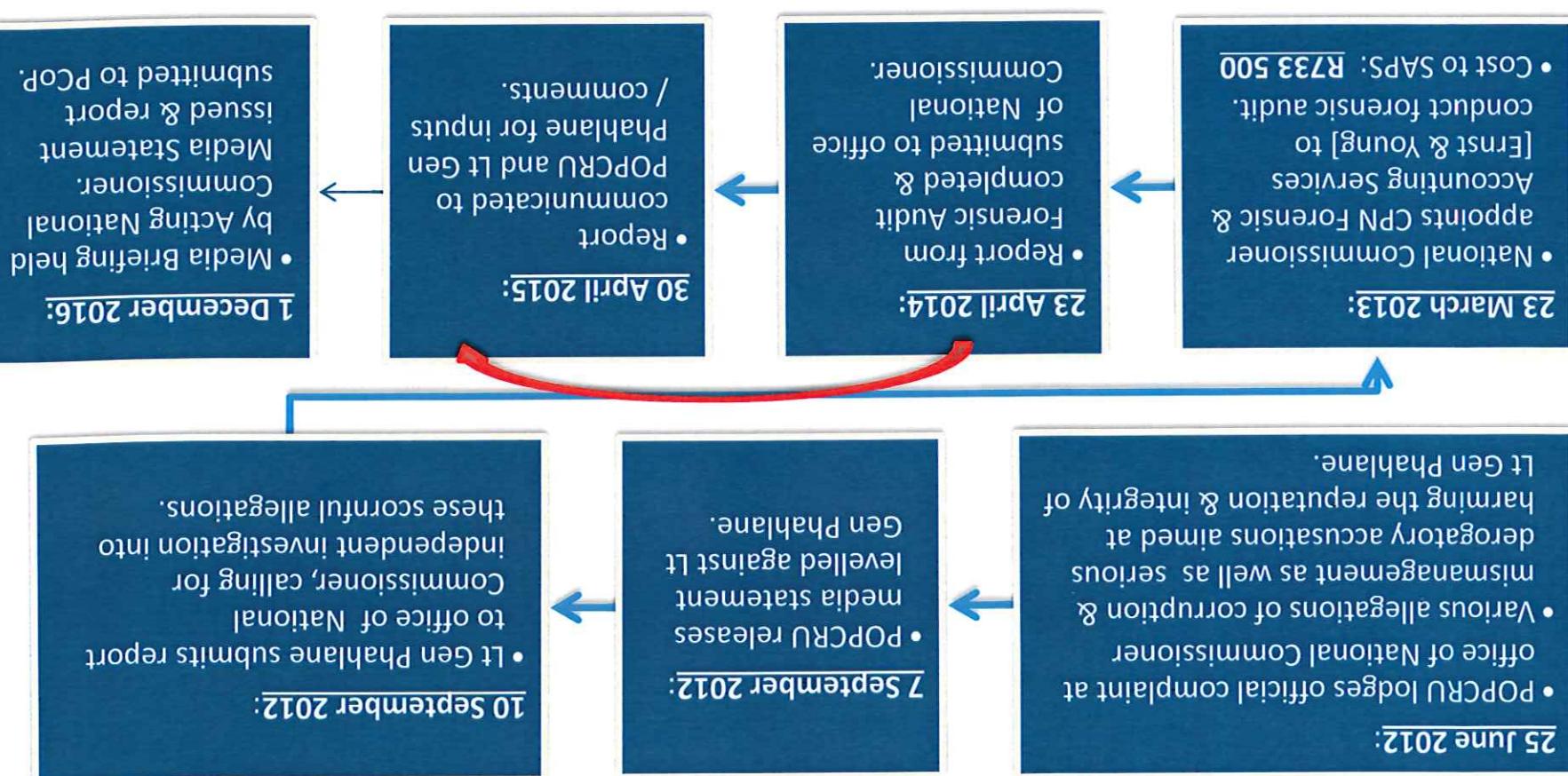
Section

1

BACKGROUND

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Investigation Timeline



- Final report appointed auditor appointed 9 months after complaint was registered.
- Allegations by Col S Moonsamy [East London] in **December 2014** - repetition of what is contained in CPN Final report only handed to Lt Gen Phahlane **1 Year** after its submission to National Commissioner.
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Scope of the CPN Investigation



- Scope determined by **POPCRU allegations** contained in letter dated 25 June 2012 iro the following “**Unlawful practices / Irregular Matters**” at the Division: Forensic Services” –
 - Backlog on Testing Exhibits
 - Unlawful Outsourcing of Services
 - Questioned Documents
 - Cash Heists & Fraudulent Notes, Investigation Reports & Exhibits;
 - Reported Cases not registered at FSL within prescribed timelines of 8 days.
- **Disciplinary Cases** against the 3 whistle-blowers
- The report details a **summary of facts** available to CPN & the **related findings**
 - Some Annexures referred to in the POPCRU letter [June 2012] are incomplete, despite several requests for further documentation

Allegation 1:	Decommissioning of Marshal [RI] Reference Index] System	Allegation 2:	Presentation to Parliamentary Committee on Backlog of Cases at FSL	Allegation 3:	Procurement irregularities - Goods not delivered at the CRC	Allegation 4:	Procurement irregularities: Eastern Cape Information	Allegation 5:	Human Resources: Fraud Case [CAS 1519/03/11]	Allegation 6:	Human Resources: Irregular Payments	Allegation 7:	Human Resources: Irregular Appointments	Allegation 8:	Theft of Narcotics and Rhino Horn from FSL	Allegation 9:	Human Resources: Disregard of Organisational Structure	Allegation 10:	Reckless Neglect of Duties [CAS 350/09/2011]
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Allegations Investigated

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Section

2

FINDINGS, RECOMMENDATIONS & OUTCOMES FORENSIC INVESTIGATION BY CPN FORENSIC & ACCOUNTING SERVICES

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ALLEGATION 1:
Decommissioning of the Marshall
Reference Index [RI] System



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BACK TO BASICS

Allegation 1:

Decommissioning of the Marshall Reference Index [RI] System



ALLEGATIONS:

1. Marshall System valued at R46m is **missing**.
2. **Parts of machine sold** to police officers & private people.
3. **Money was paid to these police officers, private people** and the recreational club of a private company to the amount of R10 000.
4. Some **parts of machine kept & used in buildings of a private company** [Vertex].
5. **Suggestion by POPCRU:** Management responded to Parliament '*as if they don't know where the System is.*'

- TESTED AGAINST ALL EVIDENCE – POPCRUs ALLEGATIONS APPEAR TO BE UNFOUNDED.
- Suggestion by POPCRU that management responded to Parliament as if they do not know where the System is, was incorrect and misleading.
- No evidence of misconduct by any serving member.
- Brigadier Joubert's arrangement with Vertex [to keep some components] may be in conflict with prescripts governing disposal processes.
- Whether conduct of FSL to negotiate with Vertex for a reduced quotation was irregular or not.
- Whether conduct of FSL to negotiate with Vertex for a reduced quotation was irregular or not.
- Remaining issues:
- Retention of parts of the System by Vertex resulted in saving of +/- R103 000 for SAPs.
- Available evidence does not indicate financial loss for the SAPs.
- No irregularity re procurement of services for dismantling found – prescribed processes followed & adhered to by SAPS members.
- Decision by Deputy Director of Public Prosecution not to prosecute anybody is sound.

FINDINGS:



continues...

Decommissioning of the Marshall Reference Index [RI] System

Decommissioning of the Marshall Reference Index [RI] System

continues...



RECOMMENDATIONS:

It would serve no purpose to pursue the matter any further, as Brigadier Joubert is no longer in the SAPS.

OFFICIAL RESPONSE / OUTCOMES:

In view of lack of evidence to substantiate allegations of misconduct against serving SAPS members, the allegations are deemed to be unfounded.

According to our assessment, this matter requires no further attention and can therefore be regarded as finalised.



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ALLEGATION 2:
Presentation to Parliamentary
Committee on Backlog
of Cases at FSL



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Allegation 2:

Presentation to Parliamentary Committee on Backlog of Cases at FSL



ALLEGATION:

Divisional Commissioner's presentation to Parliamentary Portfolio Committee during April 2012 reported backlog of 182 cases, which is '**fraudulent**'.

- Approximately 5 000 cases not captured by 23 April 2012.
- Reference made to **video footage by "Whistle Blower"** allegedly taken a week after the presentation, reflecting a **backlog in counterfeit SA banknotes to the value of R5m**, received for examination.

FINDINGS:

- Presence of the two bags during April 2012 not disputed.
- Two SBV bags unattended to for 'quite some time'.
- Statistics can be manipulated by not registering cases on the system.
- No evidence found that Divisional Commissioner's presentation to Parliamentary Portfolio Committee during April 2012 was '**fraudulent**'.
- No evidence found that the two bags were purposefully not registered to avoid poor performance.
- Possibility of manipulation of backlog statistics by not registering cases within a reasonable time not excluded.

- Measures implemented by SAPs to curb future recurrence of identified shortcomings supported quantities of exhibits are received from SBV or similar entities, is supported.
- Instruction issued by Divisional Commissioner: Forensic Services to QDU to have a bi-lateral with the banks to arrange [for SBV-cases] that evidence are submitted to FSL for analysis more frequently to ensure faster processing / analysis thereof.
- Matter regarded as finalised.

OFFICIAL RESPONSE / OUTCOMES:

System implemented during February 2013 to address instances where multiple bags with large quantities of exhibits are received from SBV or similar entities, is supported.

RECOMMENDATIONS:



at FSL continues...

Presentation to Parliamentary Committee on Backlog of Cases



ALLEGATION 3: Procurement Irregularities: Goods not delivered at CRC



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Allegation 3:

ALLEGATIONS:

1. Not all goods purchased and paid for by the SAPS were received "as expected" from the supplier.

2. Goods [chemicals] to the amount of R30m not delivered by supplier.

3. Service providers "get approval from the National Commissioner, e.g. threatening a white male Brigadier in an email with dismissal if payment to the service provider was not made".



Procurement irregularities: Goods not delivered at CRC

Procurement Irregularities: Goods not delivered at CRC

continues...



FINDINGS:

- Allegation by POPCRU that +/- R30 million worth of items were paid for but not delivered by the supplier is not substantiated by supporting documents. These **documents only indicate that at some stage an amount of R29 738 115 still had to be paid to the supplier.**
 - POPCRU's aforementioned allegation could not be substantiated by the financial investigation.
- Financial investigation substantiated the following:
 - **Double payment** that was made was **rectified**.
 - **Record of financial documents incomplete** and not conducive for proper control.
 - **Number of outstanding delivery notes is of great concern**, should reconciliation with SAP 24 registers not prove delivery, payments made should be regarded as losses and dealt with ito PFMA.
 - **Drastic escalation of expenditure** within a short period deserves further investigation, also the **increase in orders shortly before expiry of the contract**.
 - **Quality of certain chemicals and canisters supplied by supplier seems questionable.**

- The needs assessment done by Brig Dikko, recommended by Maj Gen Khunou and approved by Lt Gen Phahlane, did not comply with prescriptions of SO(S)2.
- Brig Dikko did not consult with end users prior to needs when ordering and distributing stock.
- Brig Dikko's explanation that increase in orders was to address depletion in 2010 does not seem entirely correct.
- Lt Gen Phahlane centralised delivery of chemicals to exercise better control, since the supplier's invoice system was flawed. This system did however hold certain risks for the SAPs.
- It Gen Phahlane centralised delivery of chemicals to exercise better control, since the supplier's having paid such VAT over to SARS.
- The supplier benefited from VAT inclusive prices, without being registered for VAT & without declarations of interest may be false.
- It appears that there may have been collusion between Crimetech Laboratories & Kriministik wrt contract RT 152-2011. If both bidded for RT 152-2013 there may have been collusion and declarations of interest may be false.

FINDINGS continue...



Procurement irregularities: Goods not delivered at CRC

continues...

Procurement Irregularities: Goods not delivered at CRC

continues...



RECOMMENDATIONS:

- **Detailed audit** should be done on outstanding delivery notes, invoices, comparison of orders, invoices & delivery notes, payments and SAPS 24 registers [To include a determination whether credit note issued to supplier was converted into real value].
- **Needs assessment system** in accordance with prescripts contained in SO(S) 2 should be implemented.
 - Demand Management should be implemented and **should include inputs from the provincial heads in collaboration with the various LCRCs.**
- Where losses occurred as a result of chemicals that expired because of over-stocking, investigations into PFMA & Treasury Regulations should be done.
- Proper **independent scientific testing of samples of the chemicals** at the CRC and LCRC stores should be done to ascertain whether inferior **quality** products had been supplied.
- Issue regarding the *prime facie VAT irregularities* committed by the supplier should be **reported to SARS** for further investigation and action.
- **Possible collusion between Crime Tech Laboratories & Kriminalistik** – the *prima facie* misrepresentations by them and the irregularities committed wrt VAT should be **reported to National Treasury** for consideration.

- In compliance with procurement prescriptions, Criminal Record & Crime Scene Management [CRCSM] at a central point [Logitech Store in Pretoria] and re-distributed from there to end-users as provided for in the RT-152 contract.
 - Reason for delivery at a central point: To manage the supply and distribution informed by need of end-users.
 - Upon receipt in Pretoria, stock checked to ensure it is received in good order and have not expired, thus submission of the acknowledgement of receipt & processing of payments.
- PROCUREMENT AND DELIVERY OF CHEMICALS**
- Crime scene chemicals excluded in the renewal of the RT 152-2013 contract.
 - Contract period: 1 December 2010 to 30 November 2013
 - Fingerprints for photographic purposes on evidence to the State
 - Crime Tech contracted by National Treasury [Contract RT-152-2010: Supply & delivery of photographic, microscopic reproduction material, storage devices, chemicals and powders for the development of micrographs for photographic reproduction material, storage devices, chemicals and powders for the development of microscopic chemicals from Crime Tech which, as per arrangement with supplier, were delivered environment procured from Crime Tech which, as per arrangement with supplier, were delivered at a central point [Logitech Store in Pretoria] and re-distributed from there to end-users as provided for in the RT-152 contract.

AUDIT ON OUTSTANDING DELIVERY NOTES, INVOICES:

- Audits were conducted looking at the comparison of Orders, delivery notes, invoices and payments were consolidated. The Credit Note was indeed converted to the real value.

OFFICIAL RESPONSE / OUTCOMES:



Procurement irregularities: Goods not delivered at CRC

continues...

Procurement Irregularities: Goods not delivered at CRC

continues...



OFFICIAL RESPONSE / OUTCOMES *continues*

PROCUREMENT AND DELIVERY OF CHEMICALS

- No evidence that expired chemicals were delivered & received in Pretoria [Logtech].
 - Chemicals reported as having expired would have expired whilst in the stores of the respective end-users [LCRCs / Crime Scene Laboratories] because of, amongst others, poor stock level management.
- Processing of bids for the Supply and Delivery of Fingerprint Powders, Powder Suspensions, Fingerprint Brushes, Tape Lifters and other Fingerprint Consumables to the SAPS:
 - Precautionary measures taken to make compulsory the Compliance Certificate of Analysis & MSDS [Material Safety Data Sheet], for every batch of chemicals supplied in accordance with the relevant legislative requirements.
 - Both the CSIR & SABS approached to assist in testing of expired chemicals, however the non-availability of a Certificate of Analysis and MSDS, **which was not a requirement when the RT-152 contract was awarded, rendered this exercise futile.**
 - Division: Forensic Services subsequently embarked on a study to establish the effectiveness of the expired chemicals in forensic processing, without contravening any standards.

- Testing of expired chemicals emanated from discussions during the 4th quarter Performance Review Session in April 2014.
- Concern raised wrt large quantities of expired chemicals in crime scene laboratories.
- Crime scene laboratory technicians preferred the use of expired chemicals over valid chemical reagents citing reasons of better quality results obtained.
- Subsequent to these discussions, 2 teams were established to run tests on all premixed chemical reagents in the crime scene laboratory environment.
- Two sets of chemical reagents utilized - valid & expired chemicals, focusing on the reaction, result & contrast on the given test and control samples.
- Pieternaritzburg (Group A) and Kroonstad (Group B) laboratories identified for the project.
- The chemical reagents in the crime scene laboratories had no Certificate of Analysis(COA), Material Safety Data Sheet (MSDS), Batch numbers and Manufacturing Date (these were not a requirement in the previous bid specifications supplied).
- Methodology used during testing project in line with UK Home Office Manual 2nd edition of 2005.
- Findings:
- Majority of chemical reagents produced comparable results.
- Contrast of results almost comparable - in some cases superiority of the expired ones versus the valid ones (based on observations through the naked eye).

OFFICIAL RESPONSE / OUTCOMES continues



Procurement irregularities: Goods not delivered at CRC *continues...*

Procurement Irregularities: Goods not delivered at CRC

continues...



OFFICIAL RESPONSE / OUTCOMES *continues*

- The chemical reagents were referred to SABS & CSIR for further analysis and validation, however these institutions **required the following documents** which were not available and were also not part of the specification documents supplied to National Treasury:
 - Certificate of Analysis (COA)
 - Material Safety Data Sheets (MSDS)
 - Batch Numbers and Manufacturing Dates

As a result of the above mentioned short comings the project reached a *cul-de-sac*.

- **Reported incidents associated with aero-spray canisters that exploded / leaked:**
 - A number of **incidents reported** where aero-spray canisters exploded and/or leaked while in use on crime scenes, in transit or in storage.
 - Incidents reported to Quality Management: CR&CSM & **investigated internally** [as required by the Occupational Health and Safety Act, Act No 85 of 1993] by visiting site/area where incident occurred; interviewing affected member[s] and witnesses of the incident.
 - Aero-spray canisters subjected to **laboratory tests**.
 - Conducted by experts from Forensic Science Laboratory [FSL]: Sub-section: Mechanical Engineering & FSL: Chemistry section.

- Reported incidents associated with aero-spray canisters that exploded / leaked (continues):
- Relevant literature & SHEQ documentation such as Material Safety Data Sheet [MSDS] sourced from supplier after identifying that aero-spray canisters were supplied without the necessary MSDS, including Standard Operating Procedures.
 - Factory visit arranged to inspect production and packaging process of the canisters.
 - On the 5th of June 2014, a team consisting of Crime Scene Management and Quality Management visited the factory named Spraymate in Randvaal alleged to have been involved with production & packaging of the aero-spray canisters.
 - As part of preventive measure to curb recurrence of the canister explosion, 1 092 heat resistant bags were acquired in February 2012 to aid in controlling temperature variance of the aerosol-spray canisters.

OFFICIAL RESPONSE / OUTCOMES **continues**



Procurement irregularities: Goods not delivered at CRC **continues...**

Procurement Irregularities: Goods not delivered at CRC

continues...



OFFICIAL RESPONSE / OUTCOMES *continues*

- Decision on way forward: For any chemical and reagent procurement, detailed specifications must be compiled to include chemical composition, concentration, legislative and packaging requirements to ensure 100% supplier and product compliance. No chemical shall be accepted for delivery without a compliant Material Safety Data Sheets and Certificate of Analysis per batch/lot number supplied.
- Recommendations in respect of rectifying identified **administrative shortcomings** were noted and measures implemented by FSL management to curb future recurrence.
- Recommendations regarding the reporting of the supplier to SARS and Treasury for VAT irregularities noted for implementation. **SAPS Division: SCM has been notified for the matter to be reported to the abovementioned authorities.**
- Supply Chain Management processes and prescripts are strictly adhered to without deviation – **clear instruction by Lt Gen Phahlane on all procurement applications.**
- **Provincial Task Teams established in 2012** – to conduct on-site inspections at LCRCs and Crime Scene Laboratories **to identify shortcomings and provide support** in addressing these shortcomings.
 - Includes personal visits to LCRCs by Lt Gen Phahlane.
 - Poor performing LCRC commanders were summonsed to attend quarterly Performance Review Sessions for accounting purposes.

- INCREASED PAYMENTS TO SUPPLIER [2010/11 & 2012/13]:
 - Payments increased significantly due to the increased demands for chemicals, maintenance costs and training offered in relation to use of specialised equipment / items between 2010/11 and 2011/12.
 - Increased need for consumables as a result of recorded increase in cases reported to and attended by LCRCs:
- Cases reported and attended to:
 - 18,9% (68 865 cases increase) between 2010/11 & 2011/12
 - 19,7% (84 736 cases increase) between 2011/12 & 2012/13
- Positive Rate:
 - 16,5% increase between 2010/11 & 2011/12
 - 20,8% increase between 2011/12 & 2012/13
- Identification Rate:
 - 59,6% increase between 2010/11 & 2011/12
 - 32,2% increase between 2011/12 & 2012/13

OFFICIAL RESPONSE / OUTCOMES *continues...*



Procurement irregularities: Goods not delivered at CRC *continues...*

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ALLEGATION 4: **Procurement Irregularities:** **Eastern Cape**



Allegation 4:

ALLEGATION:

That a Pretoria based official acknowledged receipt of goods received in the Eastern Cape.

RECOMMENDATION:

Due to lack of information, no further investigation was conducted.

OFFICIAL RESPONSE / OUTCOMES:

Since no information regarding the allegations was provided upon request by the Auditors, it can

be concluded that the matter requires no further attention.

Procurement irregularities: Eastern Cape Information

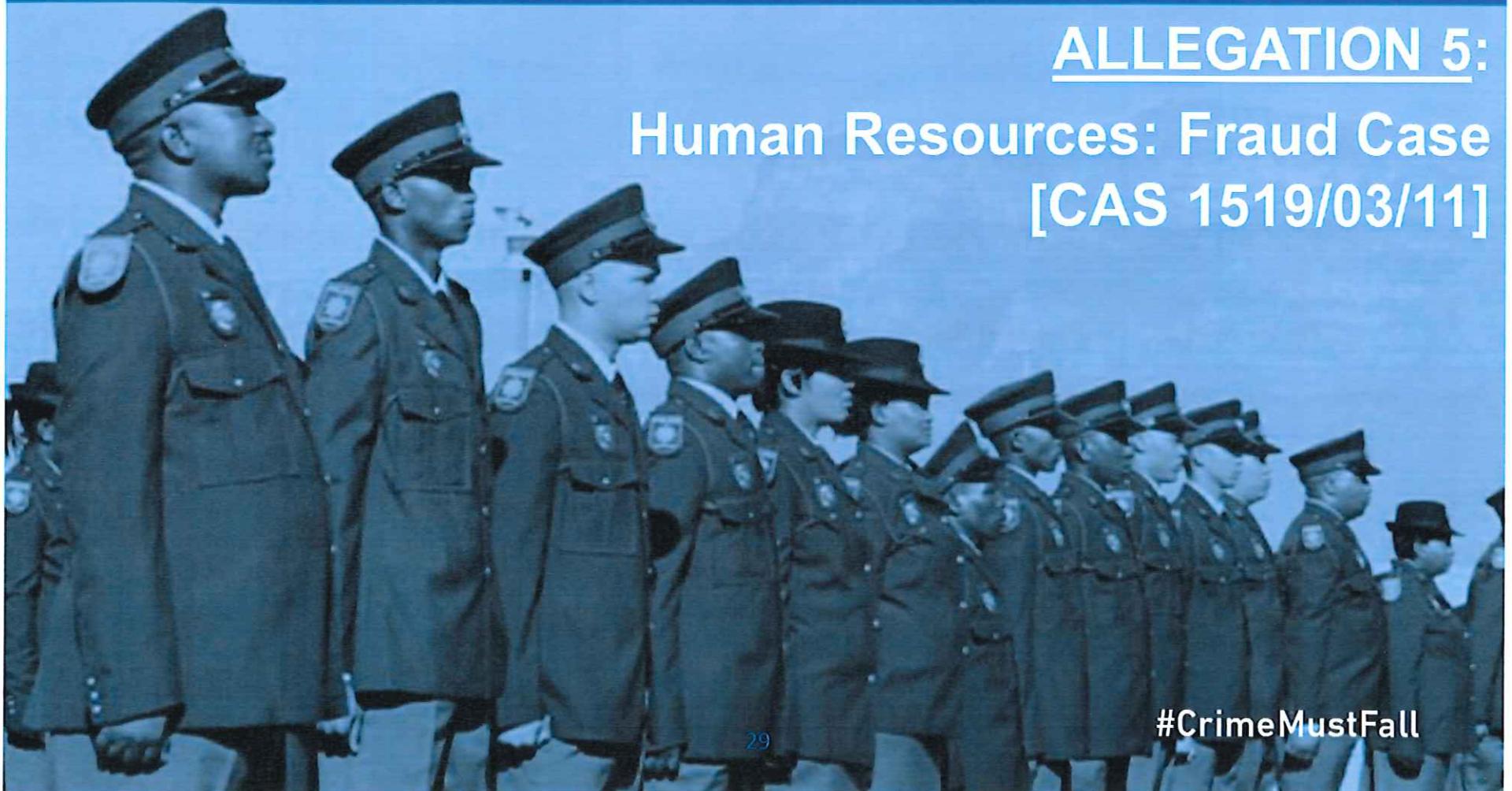


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ALLEGATION 5:

Human Resources: Fraud Case [CAS 1519/03/11]



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ALLEGATIONS:

1. That senior SAPS members attended hearing of Fraud case against Lt Col Mooroghaia-Pillay and former Brig Malebe-Thema without authorisation or having taken leave for that period.
2. No disciplinary action instituted against Lt Col Mooroghaia-Pillay for committing Fraud against the SAPS.

Human Resources: Fraud Case [CAS 1519/03/11]



Allegation 5:

Human Resources: Fraud Case [CAS 1519/03/11]

continues...



FINDINGS:

- Entire process by SAPS was tainted [complaint, opening of docket, re-taking of statements, arrest & sourcing of evidence].
- Investigating division should have been informed Section Head: Support [FS] when investigation was initiated and decision was taken to prosecute.
- Unreasonable to have expected Lt Gen Phahlane to decide on disciplinary action as he was directly involved as a potential witness.
- A higher authority such as Genl Lebeya did not bring forth a final decision to resolve the matter.
- Any further process to institute disciplinary action had become completely moot, due to –
 - Time delay since actual event
 - Resignation of one of the members involved
 - Investigation took almost 2 years to be completed
 - Judgement of criminal court already addressed merits of the case.
- Correct procurement process was followed to secure venue and pay for breakfast.
- Three senior members attended court case as office of Div Comm had official interest in outcome of criminal case.
- POPCRU allegation in this regard viewed as trivial [insignificant].

The comments and recommendations in the report are noted.
Since reasons for not taking disciplinary steps, as provided by Lt Gen Phahalane to the Auditors
were accepted, this matter requires no further attention and can be regarded as finalised.

OFFICIAL RESPONSE / OUTCOMES:

- Allegation re lack of disciplinary action against Col Moorglia-Pillay - no further action should be taken.
- No action to be taken against implicated members who attended the court case.

RECOMMENDATIONS:

continues...

Human Resources: Fraud Case [CAS 1519/03/11]



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ALLEGATION 6: **Human Resources: Irregular Payments**



1. That “*Officers...Mohalala and Nkgodi*” receive scarce skills allowances, even though they only have 3 months service. Relevant policy allegedly provides that a member must have 5 years’ service to qualify for such an allowance.
2. Maj Gen Shezi is receiving scarce skills allowance despite being in “*Support Services*” and not regarded as an expert.
3. ‘Administration clerk, *Bagana*’ [W/Officer Nhlapo] receives the allowance despite being insufficiently qualified.
4. ‘Warrant Officer Ramalepe lodged a grievance, because he did not receive the allowance.

ALLEGATIONS:

Allegation 6:

Human Resources: Irregular Payments



Human Resources: Irregular Payments

continues...



FINDINGS:

- **Mohlala:** Allegation unsubstantiated – member never received scarce skills allowance.
- **Ngodi:** If provisions regulating awarding of scarce skills allowances as it was in 2006, were applicable in 2011 when member entered into the agreement, the scarce skills allowance granted would have been irregular as the 2 criteria relating to qualifications and experience were not met.
- **Maj Gen Shezi:** If it is established that the category under which she performed service was not a recognised scarce skills category, then investigation into the possible fruitless, wasteful and irregular expenditure into the PFMA and Treasury Regulations should be done.
 - If indeed the case, cognisance must be taken that a wilful manipulation of policy may be deducted from the fact that the scarce skills allowance certificate may have been manipulated.
- **Mr Nhlapo:** Allegation unsubstantiated – member never received scarce skills allowance.

continues...

Human Resources: Irregular Payments



RECOMMENDATIONS:

- **Nkgodi:** SAPS should initiate investigation into possible fruitless, wasteful, irregular expenditure.
- **Maj Gen Shizi:** SAPS should initiate investigation into possible fruitless, wasteful, irregular expenditure.

OFFICIAL RESPONSE / OUTCOMES:

Mohala: Allegation unsubstantiated - matter is regarded as finalised.

Nkgodi: Internal verification process launched which indicated that the employee was exposed to extensive training & development prior to resumption of his duties & was provided with extensive mentorship and upon completion of the training. He then performed specialised duties for a period of 3 years, which then qualified him for receipt of the Allowance. The above action was well within the legal requirements as per directive with reference 4/2/1 dated 2016-11-13 par 8. Matter regarded as finalised.

Maj Gen Shizi: Upon assessment of the qualifications, experience as well as criteria in Scarce Skills Policy, this office is satisfied that the officer did qualify for the allowance. The policy requires that one or more of the criteria in par 6.1 be present for consideration of the allowance and Maj Gen Shizi (then Colonel) did qualify. The matter is regarded as finalised.

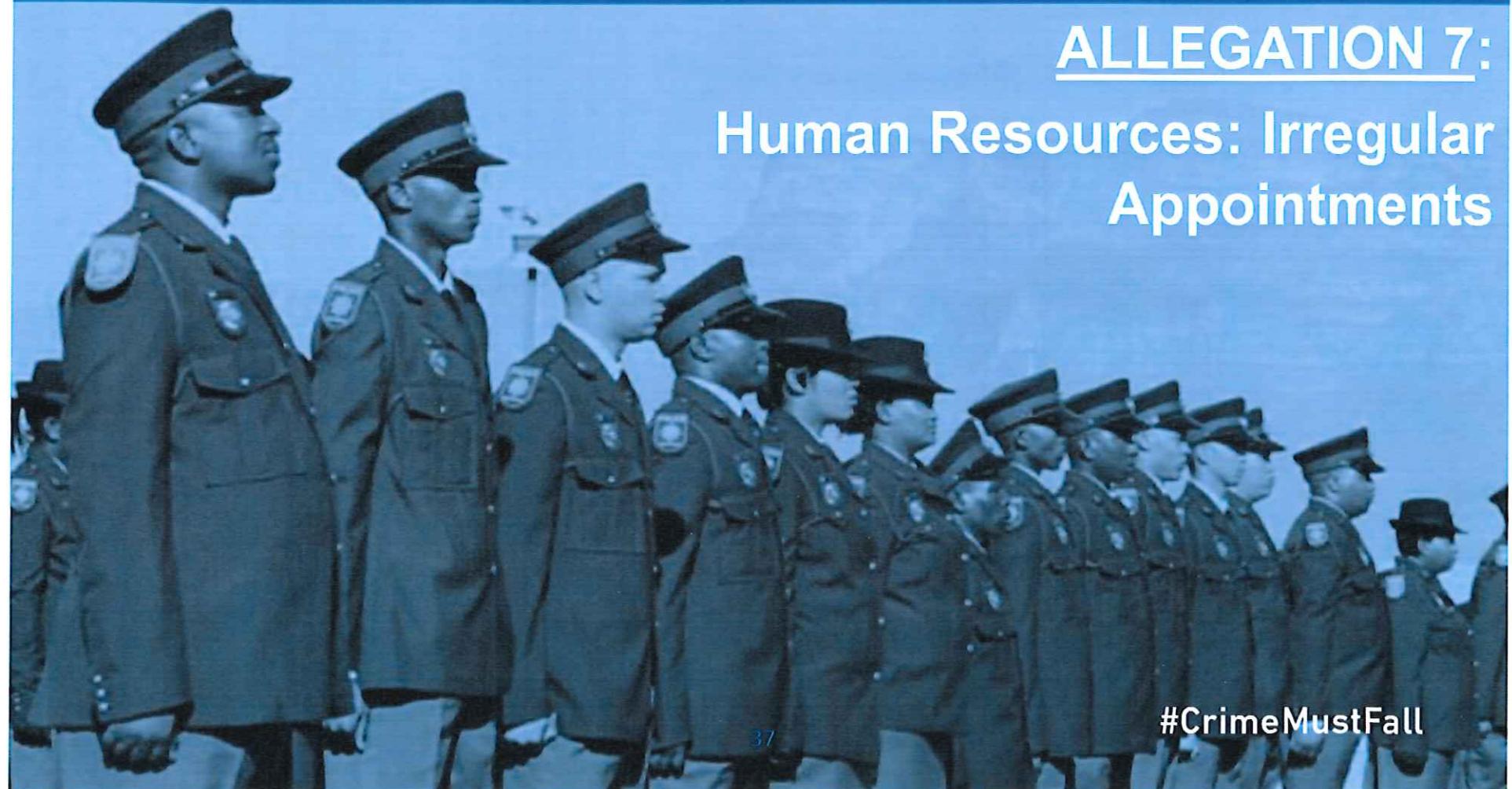
Nhlapo: Comments to the effect that POPCRUs allegations are without substance are noted and the matter is regarded as finalised.

Ramalepe: Comments to the effect that the member registered a grievance which has its own dispute resolution procedure noted and thus regarded as finalised.

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ALLEGATION 7: **Human Resources: Irregular Appointments**



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Allegation 7:

ALLEGATIONS:

Human Resources: Irregular Appointments



1. That the following members were irregularly appointed in their posts:
2. That “an African female and a white one [both are Brigadiers] employed at FSL...have been impregnated by the Acting National Commissioner [?], and that they both have kids out of this relationship”.

- W/O Bafana.
- Lt Col Mashabela
- Col van der Hammen
- Col Daku
- Brig de Wit [Kleynhans]
- Brig Mmolawa
- Brig Morapedi

Human Resources: Irregular Appointments

continues...



FINDINGS:

- **Brig Morapedi:** Appointment process irregular, based on errors relating to her qualifications, disqualification, incorrect procedure relevant to absence of panel member during procedure & provisions of NI 4/2010 incorrectly applied [experience].
- **Brig Mmolawa:**
 - Allegation re sexual relationship unsubstantiated.
 - National Commissioner approved appointment based on panel's recommendations centred around equity – technically qualified with regards to years experience & preceding rank.
- **Brig de Wit:**
 - Allegation re sexual relationship unsubstantiated.
 - Appointment in terms of section 45 of SAPS Act. Only served +/- 2 years in the rank of a Colonel, therefore she **did not qualify for the relevant promotion to the rank of Brigadier**.
- **Col Daku:** Limited procedural information. No indication that appointment was in contradiction to relevant prescripts, however dispute referral documentation may show otherwise. **Detailed interview with relevant person at Personnel Management required before finding can be made.**
- **Col van der Hammen:** Allegation without substance – lateral transfer.
- **Lt Col Mashabela:** Did not apply for the post, grievance was not related to the filling of the post but about subsistence allowance - **allegation re irregular appointment unfounded.**
- **W/O Bafana [Nhlapo]:** POPCRU's allegation is without substance.

continues...

Human Resources: Irregular Appointments



RECOMMENDATIONS:

- Brig Morapedi: Appointment to be reviewed at National Level.
- Brig Mmolaqua:
 - Allegation re sexual relationship unfounded – matter to be regarded as finalised.
- Brig de Wit:
 - Allegation re sexual relationship unfounded – matter to be regarded as finalised.
 - Matter relevant to appointment to be regarded as finalised.
- Col Daku:
 - Allegation re sexual relationship unfounded – matter to be regarded as finalised.
 - Appointiment to be reviewed at National Level.
- Col van der Hammen:
 - Allegation's findings of SSSBC be awaited and once obtained, considered.
 - Detailed interview with relevant person at Personnel Management required to clarify issue.
- Lt Col Mashabela: No recommendation.
- W/O Bafana [Nhlapo]: POPCRUs allegation unfounded – matter to be regarded as finalised.

Human Resources: Irregular Appointments

continues...



OFFICIAL RESPONSE / OUTCOMES:

Col Daku: Due to service delivery considerations, the Divisional Commissioner retained the services of the officer in Pretoria & filled the post in the Eastern Cape laterally. No further attention required. **Matter regarded as finalised.**

Col van der Hammen: POPCRU's allegations unsubstantiated. **Matter regarded as finalised.**

Brig Morapedi: Appointment file perused and it was determined that the officer met the minimum requirements of the post as advertised, proper shortlisting process was conducted according to prescripts – officer does possess the required qualifications & experience for the post. This office is satisfied that nothing was amiss in the process and the **matter is regarded as finalised.**

Lt Col Mashabela: Comments to the effect that this member was also one of the complainants who registered a grievance on the matter, was noted. The member did not apply for any post. **Matter is regarded as finalised.**

Nhlapo: POPCRU's allegations unfounded. **Matter regarded as finalised.**

Brig Mmolawa: Allegations of intimate relationship between Brig Mmolawa & Lt Gen Phahlane unfounded and the **matter is regarded as finalised.**

Brig de Wit: All issues relating to the appointment were reviewed as recommended and it can be reported that the officer was appointed in terms of the provisions of regulation 45 of the SAPS Employment Regulations, 2008. **The matter is regarded as finalised.**

Allegations of intimate relationship with Lt Gen Phahlane unfounded and the **matter is regarded as finalised.**



from FSL
Theft of Narcotics & Rhino Horn
ALLEGATION 8:



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Allegation 8:

Theft of Narcotics & Rhino Horn from FSL



ALLEGATION:

That **numerous narcotics and a rhino horn were stolen** from the FSL. It is alleged that CCTV footage has been viewed by Lt Gen Phahlane, showing the theft of narcotics by an ex-FSL employee who is currently in prison following his conviction of theft of a rhino horn.

- **No disciplinary steps were taken** against the suspect.
- **Analysts colluded** by falsely indicating that the rhino horn was that of a cow.

FINDINGS:

- From 2007 to date, 15 cases of Theft of drugs reported to SAPS Silverton for investigation
 - 6 of the 15 cases are linked to one docket.
- Not enough emphasis placed on investigating when missing exhibits were reported.
- No arrests made - In all cases negligence by members who handed the exhibits over are of concern.
- Only one case of Theft of rhino horn – member from FSL convicted & sentenced.

- Matter relating to security & storage at the FSL attended to prior to conclusion of this investigation:
- CCTV cameras installed in all Chemistry Section laboratories and drug stores. Security officers (Warrant Officers) appointed for managing the security system and ensuring effective monitoring of the CCTV cameras. The cameras are monitored from the security control room on a 24 hour basis.
- Chemistry Section laboratories as well as relevant exhibit stores at the Forensic Science Laboratory facility in Silverton equipped with biometric access control. Drug stores at SCM Block E, Silverton not yet equipped with biometric access, however CCTV cameras were installed.
- There are continuous engagement with FSL management to improve their security & optimize storage space within the limits of their budget.

OFFICIAL RESPONSE / OUTCOMES:

- Storage facilities at FSL are inadequate. The necessary high tech security requirements, including but not limited to an adequate CCTV system and restrictive fingerprint, biometric access controls to all areas should be considered to ensure safe receipt, storage and destruction of such exhibits.
- Effective crime intelligence gathering project should be run at FSL to identify suspects involved in the theft of drug exhibits. Due to time lapse it is recommended that no disciplinary action be instituted for the negligent conduct of employees.
- Storage facilities at FSL are inadequate. The necessary high tech security requirements, including but not limited to an adequate CCTV system and restrictive fingerprint, biometric access controls to all areas should be considered to ensure safe receipt, storage and destruction of such exhibits.

RECOMMENDATIONS:



Theft of Narcotics & Rhino Horn from FSL

continues...

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TOWARDS A SAFER TOMORROW



ALLEGATION 9:

Human Resources: Disregard of Organisational Structure



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Allegation 9:



Posts at CRC were filled disregarding the absence of the organisational structure.

ALLEGATION:

Due to lack of information provided by POPCRU no finding can be made.

FINDINGS:

RECOMMENDATIONS:

None

OFFICIAL RESPONSE / OUTCOMES:

The comments regarding the lack of substance in the allegations by POPCRU are noted and the matter is regarded as finalised.

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ALLEGATION 10:
RECKLESS NEGLECT OF DUTIES
[CAS 350/09/2011]



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- Processes within QDU are inadequate.
- Email by Lt Col Ramolobe copied to Lt Gen Phahlane appears to be a malicious attack.
- Mathebula had no choice but to request postponement of the court date.

both experts were in France at that time.

- Col Mathebula only came to know about the case two days prior to next court date and

FINDINGS:

of senior analysts, who were abroad.

allocate an urgent case [Soshanguve CAS 350/09/2011] for handwriting analysis due to a shortage
That Col Mathebula made a misrepresentation to court by alleging that it was not possible to

ALLEGATION:

Reckless Neglect of Duties [CAS 350/09/2011]



Allegation 10:

Reckless Neglect of Duties [CAS 350/09/2011]

continues...



RECOMMENDATIONS:

- Audit of the policies and processes within the QDU section to be conducted to identify and improve on any weakness and risks.
- Consider streamlining overlap of duties relating to case management and case allocation.

OFFICIAL RESPONSE / OUTCOMES:

As outlined in the report, the **assessment of working procedures is a continuous process**.

The assessment of working procedures was conducted and relevant procedure manuals compiled - continuous process to ensure proper service delivery to clients of QDU.

Comments regarding incorrect allegations by POPCRU in respect of the response to complaints are noted and the matter is regarded as finalised.

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DISCIPLINARY INVESTIGATIONS

3

Section



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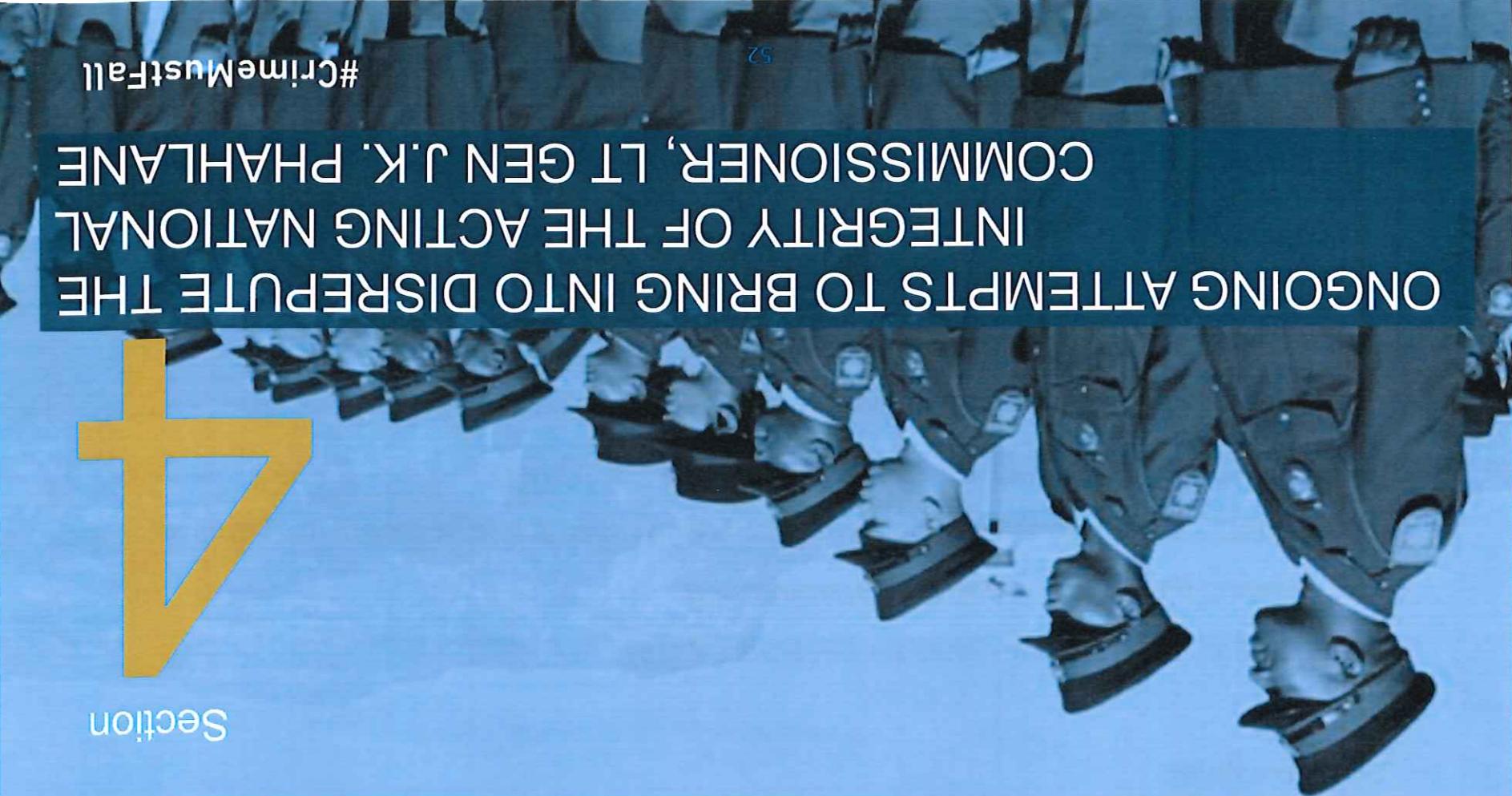
DISCIPLINARY INVESTIGATIONS: ACTS OF ALLEGED MISCONDUCT – ‘WHISTLE-BLOWERS’



So-called whistle-blowers being investigated for following acts of misconduct:

- **W/O Ramalepe, W/O Malatjie & Lt Col Ramolobe:**
 - Alleged Misconduct: Copying during assessment exams by external service provider .
 - Departmental Investigation Initiated: November 2011
 - Current Status: Pending [*Members requested investigation to be placed in abeyance pending finalization of the CPN forensic audit*].
- **W/O Ramalepe:**
 - Alleged Misconduct: Insubordination [during meetings with his commanders].
 - Departmental Investigation Initiated: September 2016
 - Status: In progress.

Acts of alleged misconduct **not related to “whistle-blowing”**.



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ONGOING ATTEMPTS TO BRING INTO DISREPUTE THE
INTEGRITY OF THE ACTING NATIONAL
COMMISSIONER, LT GEN J.K. PHALEANE



Section



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CONTINUOUS RE-SURFACING OF SAME ALLEGATIONS AGAINST LT GEN PHAHLANE



- Numerous attempts since 2012 to harm the reputation and bring into disrepute the integrity of Lt Gen Phahlane.
- Repetition of allegations made by POPCRU, as covered in the forensic audit by CPN Forensic & Accounting Services
- Some of the media headlines:
 - 7 September 2012: “Sexual harassment and sabotage at police lab – union”
 - 12 September 2012: “Corruption at forensic lab sabotages convictions”
 - 2 June 2013: “Cop vs cop in slander spat;
 - 21 August 2015: “Police question forensic supplies”
 - 15 April 2016: “SAPS suspends colonel who blew whistle on Phahlane”
 - 12 May 2016: “Forensic supply firm wins R30m SAPS contract despite contravening tax law”
 - 6 June 2016: “SA’s top cop sues union for R500K”
 - 7 September 2016: “Corruption in police lab: POPCRU”

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"WISDOM is knowing the right path to take....
INTEGRITY is taking it"



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