

ANNUAL REPORT 2022/2023



Annual Report to Parliament as at 1 April 2022 – 31 March 2023



Zero-tolerance for the culture of impunity

Private Bag X102 PRETORIA 0001, 68 Lilian Ngoyi Street, 8th Floor, Fedsure Forum Building, PRETORIA.
Tel: (012) 493 1274, Website: www.dpcijudge.gov.za,
Email address: Complaints@dpcijudge.gov.za

Submitted to the Honourable Mr. Bheki Cele

Minister of Police

By

Ms Charmaine Marshall, Director: Office of the DPCI Judge

on behalf of the DPCI Judge for tabling before

the National Assembly and National Council of Provinces

In compliance with Section 17L (9) of South African Police Service Act, No: 68 of 1995



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LIST OF ABBREVIATIONS AND ACRONYMS

AG	: The Auditor General
APP	: Annual Performance Plan
CAPT	: Captain
CGE	: The Commission for Gender Equality
CJ	: Chief Justice
CMS	: Case Management System
Col	: Colonel
CSPS	: Civilian Secretariat for Police Services
CST	: Constable
CT	: Cape Town
DPCI	: Directorate for Priority Crime Investigation (the Hawks)
DPP	: Director of Public Prosecutions
HR	: Human Resource
IEC	: The Independent Electoral Commission
IPID	: Independent Police Investigative Directorate
Lt Gen	: Lieutenant General
Maj Gen	: Major General
O/DPCI/J Ombud)	: Office of the Directorate for Priority Crime Investigation (Hawks Ombud)
PFMA	: Public Finance Management Act
PMDS	: Performance Management Development System
PP	: Public Protector
PSIRA	: Private Security Industry Regulatory Authority
PTA	: Pretoria

SAHRC : The South African Human Rights Commission
SAPS : South African Police Service
SCM : Supply Chain Management
SGT : Sergeant
W/O : Warrant Officer



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Foreword by the Minister

The Annual Report for the 2022/2023 financial year reflects the performance of the Office of the DPCI Judge (O/DPCI/J or the Hawks Ombud) in accordance with its legislative mandate which is circumscribed in section 17L of the South African Police Service Act, 68 of 1995.


The civilian oversight that is exercised by this Office over the Hawks is key in giving effect to the rights which are entrenched in the Constitution of the Republic of South Africa, 108 of 1996. The Office of the DPCI Judge has ensured that the rights of aggrieved ordinary members of the public and equally members of the Hawks are protected through fair, transparent but uncompromising investigation and adjudication processes of complaints.

The Ministry of Police is enjoined by the South African Police Service Act (section 17L (12)) to ensure that the DPCI Judge has adequate personnel and resources to perform his or her functions. The Minister will continue to support the Office. This Report reflects some of the challenges that the Office experienced in pursuit of its legislative mandate but they are by no means insurmountable.

The resources allocated to the DPCI Judge, although inadequate, were fruitfully utilised in accordance with the Public Finance Management Act (PFMA) in conjunction with the Civilian Secretariat for Police Service which joint effort contributed to the attainment of an unqualified audit. There is still room for improvement in expediting the procurement process of goods and the payment aspect for services duly rendered to the Office of the DPCI Judge.

I would like to express my sincere gratitude to the Office of the DPCI Judge and his functionaries for their gallant effort in serving the people of South Africa, particularly the less privileged, in the spirit of Batho Pele.

It is my pleasure to table the Office of the DPCI Judge's Annual Report for 2022/2023.



GENERAL BH CELE

MINISTER OF POLICE

DATE 03/15/2023



Zero-tolerance for the culture of impunity

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DPCI Judge Report: 2022/2023

1. This is the Eleventh Annual Report of the Office of the Directorate for Priority Crime Investigation Judge (DPCI Judge or Hawks Ombud covering the period from 01 April 2022 to 31 March 2023.
2. Its purpose is to give an account of the performance of the DPCI Judge's Office in compliance with section 17L (9) of the South African Police Service Act, 68 of 1995, (SAPS Act) which stipulates that:
“(9) The Judge shall annually report to Parliament on the performance of his or her functions.”
3. This Report is an affirmation of commitment and dedication of the Office of the DPCI Judge to deliver on the legislative mandate to exercise civilian oversight over the investigations undertaken by members of the Directorate for Priority Crime Investigation (DPCI) or the Hawks not to infringe the rights of members of the public and to address any interference or undue influence by the Hawks against each other or where same is perpetrated by politicians.
4. The year under review presented a number of challenges such as the departure of Judge F Diale Kgomo on 6 October 2022 due to the end of his contract term. There has not been a replacement Judge appointed as yet. Regardless, the O/DOCI/J has uniquely taken significant actions to enhance service delivery irrespective of the challenges it is faced with.

5. Section 17L (9) stipulates as follows:

“(9) The Judge shall annually report to Parliament on the performance of his or her functions.”

This legislative mandate needs to be fulfilled and as the Office is currently awaiting the appointment of a Judge, the Director in the Office will report before the honourable Portfolio Committee in the absence of the DPCI Judge.

6. The Director, Ms. C Marshall, has been appointed in August 2023 and will be delivering this report. An additional investigator has also recently been appointed and these appointments in the Office of the DPCI Judge will enhance the performance of the Office, improve service delivery and realise the set targets.



C Marshall

Director

Date: 26/09/2023



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Statement of responsibility and accuracy

To the best of our knowledge and belief we confirm the following:

The Annual Report is complete, accurate and free from any omissions.

The Office of the DPCI Judge is responsible for the preparation of information and for the judgements made in this information.

The Office is further responsible for establishing, implementation and monitoring a system of internal controls which provides assurance as to the integrity and reliability of the performance information and financial information contained in this report.

Mr ME Rasiwela

Deputy Director: Investigations

Date: 27/09/2023

Ms C Marshall

Director

Date: 27/09/2023



ANNUAL REPORT FOR THE PERIOD 01 APRIL 2022 TO 31 MARCH 2023

1. INTRODUCTION

1.1 This is the eleventh Annual Report of the Office of the Directorate for Priority Crime Investigation Judge (DPCI Judge or Hawks Ombud), covering the period 01 April 2022 to 31 March 2023.

1.2 The Annual Report covers the following areas of performance of the O/DPCI/J: Administration; Finance; Marketing of the office (Public Awareness Campaigns) and the investigation of complaints.

1.3 The honourable Portfolio Committee on Police is reminded that the five-year tenure of the former Judge F Diale Kgomo expired on 06 October 2022. The office is currently awaiting the appointment of the new Judge.

2. LEGISLATIVE MANDATE OF O/DPCI/J

2.1 The mandate of the Office of the DPCI Judge is derived from section 17L (4)(a) and (b) of the South African Police Act, 68 of 1995, which reads as follows:

“The retired Judge may receive complaints in the prescribed form and manner from

- (a) any member of the public who can provide evidence of a serious and unlawful infringement of his or her rights caused by an investigation by the Directorate (Hawks); or

(b) any member of the Directorate (Hawks) who can provide evidence of any improper influence or interference, whether of a political or any other nature, exerted upon him or her regarding the conducting of an investigation.”

3. THE FOUNDING CHARTER AND POWERS OF THE DPCI JUDGE

3.1 Section 17L (8)(a) – (c) provides that to the extent that it is reasonably necessary for the performance of the functions of the DPCI Judge/Hawks Ombud he/she:
(8)(a) May obtain information and documents under the control of the Service.

The “Service” is a reference to the South African Police Service (SAPS) in general. This is therefore not only confined to the DPCI/Hawks. **In terms of section 17L (7A) the DPCI Judge “may request information from any member of the Service for purposes of any investigation by that judge and the refusal to comply with such a request shall be a criminal offence for which a person, upon conviction, may be sentenced to a fine or imprisonment or both a fine and imprisonment of two years.”**

3.2 In terms of section 17L (7) of the SAPS Act the DPCI Judge “may request and obtain information from the National Director of Public Prosecution in so far as it may be necessary for the Judge to conduct an investigation”. Without going into detail or specifics on this aspect, the NDPP has cooperated without any demur.

3.3 Somehow allied to s 17L (7A) quoted in para 8 above is s 17L (16) which stipulates that:

“(16) Any interference with the retired judge in the performance of his or her functions and duties shall be a criminal offence for which a person upon conviction may be sentence to a fine or imprisonment of two years or both such fine or imprisonment.”

The DPCI Judge has not experienced “Any overt interferences with the retired Judge in the performance of his functions and duties”.

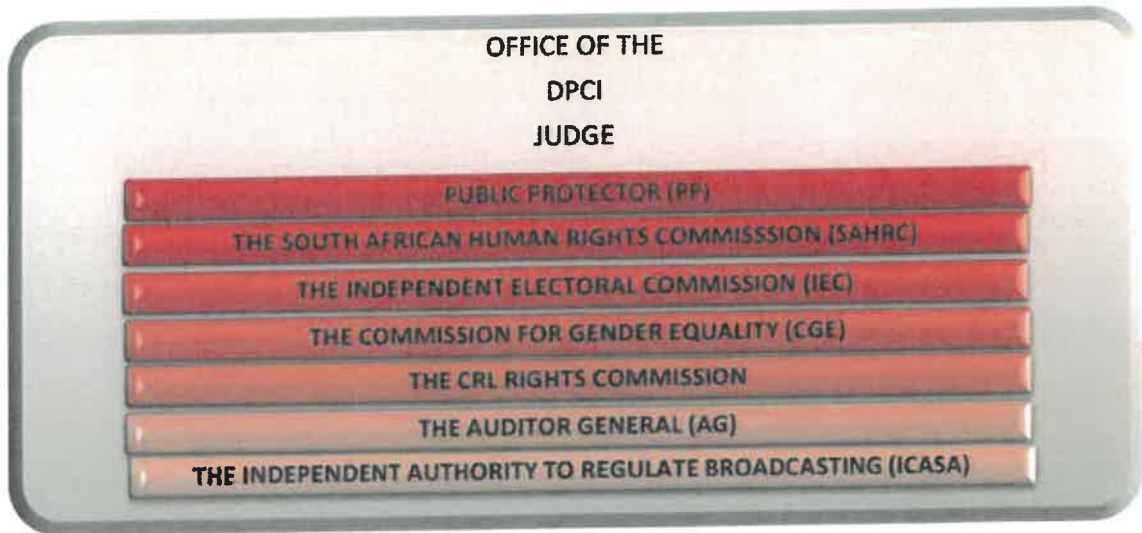
3.4 By virtue of s 17L (10) THE National Head of the Hawks “**may request the retired judge to investigate complaints or allegations relating to investigations by the Directorate or alleged interference with such investigations.**”

Our records show that Lt Gen Lebeza has invoked this provision on at least one occasion.

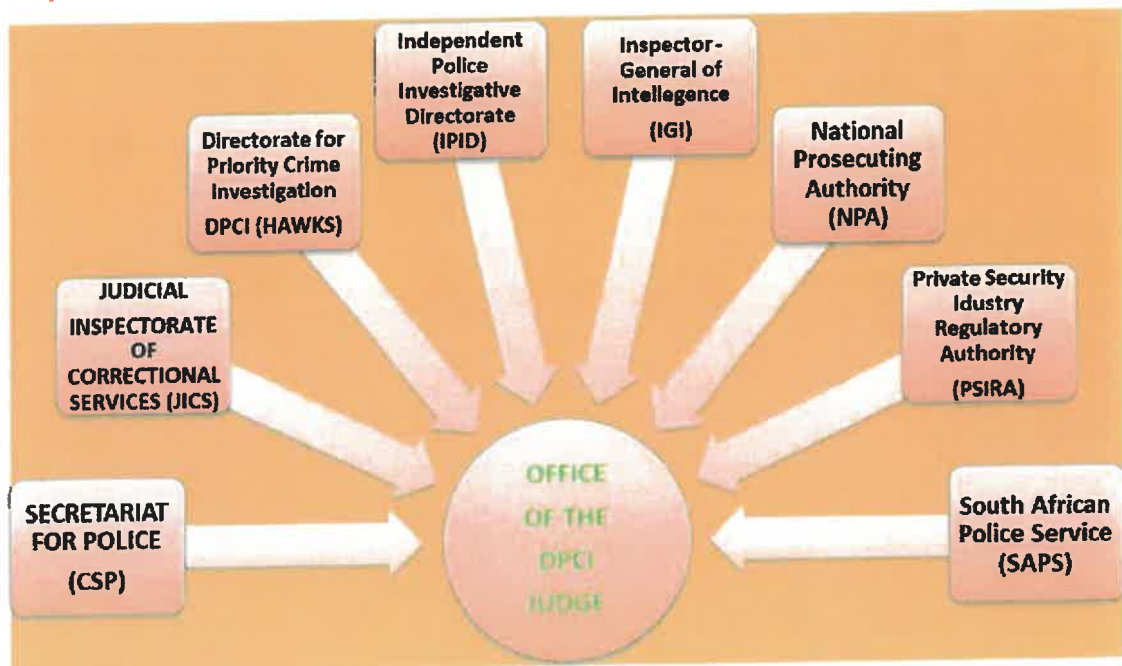
- 3.5 In accordance with s 17L (5) the DPCI Judge “may upon receipt of a complaint investigate such complaint or refer it to be dealt with by, among others, the Directorate for Priority Crime Investigation [the DPCI or the Hawks], the Independent Police Investigative Directorate [IPID], the National Director of Public Prosecutions [NDPP], the Inspector-General of Intelligence [IGI], or any institution mentioned in Chapter 9 of the Constitution of the Republic of South Africa, 1996.”
- 3.6 These complaints are ordinarily classified as “Referral” matters. It must be noted that the said provision does not ipso facto (per se) oust the jurisdiction of the DPCI Judge. It says the DPCI Judge “may upon receipt of a **complaint investigate such complaint** or refer it to be dealt with by, among others,
- 3.7 It contemplates or implicates that another institution may be better placed or equipped to deal with such matter. However, if s 17L (4)(a) or (b) is not implicated a referral must be made in that the Hawks would not have been involved in the investigation of the case. This nature of complaints (the referrals) are by far the overwhelming majority of cases dealt with as the statistics below reflect.
- 3.8 In rare instances the DPCI Judge would request (it cannot demand or direct, where it is not legislatively authorised) an institution to furnish the Office of the DPCI Judge with outcomes of a referral for its records and/or report to Parliament.

4. CHAPTER 9 INSTITUTIONS AND KEY STAKEHOLDERS

Graph 1: Below is depicted a list of Chapter 9 institutions



Graph 2: Below depicts key stakeholders



5. The Oversight function and why the need

5.1 Following the dissolution of the Directorate for Special Operations (the Scorpions), Parliament substituted it with the Directorate for Priority Crime Investigation (the DPCI or the Hawks) in terms of s17C of the SAPS Act. It bears reminding that the ConCourt in **Glenister v/s President of the Republic of South Africa (Glenister II) 2011 (3) SA 347 (CC)** per Moseneke DCJ and Cameron J at para 210 made these insightful findings:

“(210) First, it [the kind of entity newly created] impacts on the public perception of independence. A reasonable and informed member of the public may have misgivings about the DPCI’s independence, given that the features protecting it are so markedly more tenuous than those of the DSO.

5.2 Second, we find it hard to conclude that the creation of an entity that is markedly less independent than the DSO can fulfil the state’s duty to respect, protect, promote and fulfil the rights in the Bill of Rights. This is because, as we now show, independence is assessed for accountability and oversight. These factors must be analysed to determine whether, on the whole, the body satisfies the threshold of adequate independence. **The now-defunct DSO was independent. While it does not represent an inviolable standard, comparison with it shows how markedly short of independence the DPCI falls”.**

(DPCI Judge’s emphasis)

5.3 Still on the theme of “why the need for oversight”: In the same case at para 147 Ngcobo CJ described the functions of the DPCI Judge in these terms:

“(147) Finally, there is judicial oversight to prevent undue interference, which may result in criminal sanctions. In order to address any undue political influence with the functioning of the DPCI, section 17L (1) makes provision for the appointment of a retired judge to investigate complaints. These complaints include complaints of any improper influence or interference, whether of a political or any other nature, exerted upon [a member of the Directorate or the Hawks] regarding the conducting of an investigation.

5.4 In addition, the head of the Directorate may, of his or her own accord, request the retired judge to investigate complaints or allegations relating to investigations by the Directorate or alleged interference with such investigations. This is an important legal mechanism to address undue political interference in the investigation.”

5.5 Moseneke DCJ and Cameron J at paras 246 and 247 whilst not taking issue with the definition of the function of the DPCI Judge pronounced by Ngcobo CJ they determined that the better guarantee of rendering the DPCI (Hawks) free from political or other interference was to upgrade them, at the very least, to the level of where the Scorpions were.

6. It bears further reminding that:

In **Helen Suzman Foundation v President of the Republic of South Africa & Others 2015 (2) SA 1 (CC) (Glenister III)** the ConCourt “read-in” certain words or phrases where it deemed Parliament fell short. At para 95 (which need not be regurgitated) the Court demonstrated the enormous powers vesting in the Hawks. The warning for the need of civilian judicial oversight comes early, at para 46 of the judgment, to curb any abuse of power by the Hawks. Chief Justice Mogoeng pronounced:

“(46) Members of the DPCI [the Hawks] must always prove to be above reproach—men and women. And this underscores the need for integrity-testing to obviate the abuse of power and victimisation of innocent citizens by members of the DPCI. While it is quite fitting to be on high alert about the possible manipulation and abuse of the system by anybody, including political executives, it is equally important that the public and even senior politicians themselves be protected from the possible abuse, blackmailing and victimisation by or through the DPCI or its individual members”.

7. OFFICE ACCOMODATION

7.1 During the period under review, the Office of the DPCI Judge secured offices within the same premises as the Civilian Secretariat for the Police Service (CSPS) from 01 March 2023. The premises are centrally located at Fedsure Forum Building, 8th Floor, 258 Lilian Ngoyi Street, Pretoria, sharing with the Civilian Secretariat for the Police Service. The offices are easily accessible to members of the public who make use of public transport.

7.2 However, the shared office space creates security concerns with regards to safety of investigators and access to information as the offices are easily accessible and information is not secured due to office layout and absence of safe storage.

8. THE DPCI JUDGE'S ANNUAL OPERATIONAL BUDGET

8.1 Section 17L (13) of the SAPS Act provides:

“(13) An annual operational budget shall be prepared by the Secretary in consultation with the retired Judge and provided for under the budget for the Secretariat for the specific and exclusive use of the official duties of the retired Judge and may not be used for any other purpose”.

8.2 The total budget allocation of the Office of the DPCI Judge is **R7, 418,000.00**. The budget was split into salaries and wages: **R5, 239,000.00** and goods and services at **R1, 925,000.00**.

8.3 The operational budget expenditure is as follows: compensation of employees is **R4,407,333.01** with savings of **R831,666.99**; goods and services expenditure was **R1,644,284.09** with saving of **R280,715.91**, (Machinery and equipment) is **R127,000.00** with a saving of **R75,493.53**.

8.4 The main cost drivers of the operational budget were as follows: Travel & Subsistence: **R348,734.70**; payment for fleet services: **R272,708.00**; payment for legal services : **R242,815.75**; Sita Information Services: **R241,332.78**, Communication services : **R204,793.70**; Venues and facilities: **R121,931.85**; audit fees : **R93,506.00**; Buildings & other fix structure: **R69,272.00** Machinery & sundry equipment: **R51,506.47**; employee social benefits (leave gratuity): **R52,030.51**; printing and office equipment: **R26,823.27**;

8.5 The total operational expenditure budget was **R6,226,229.08** (from the original budget allocation of **R7,418,000.00**). The saving budget was by **R1,191,770.9**

8.6 The expenditure was vital and necessary for the Office to deliver on its mandate and in compliance with the statutory obligations in terms of section 17L of the SAPS Act and the achievement of performance targets set out in the Annual Performance Plan.

9. POST ESTABLISHMENT

9.1 The O/DPCI/J comprises of 12 approved and funded posts on its fixed establishment.

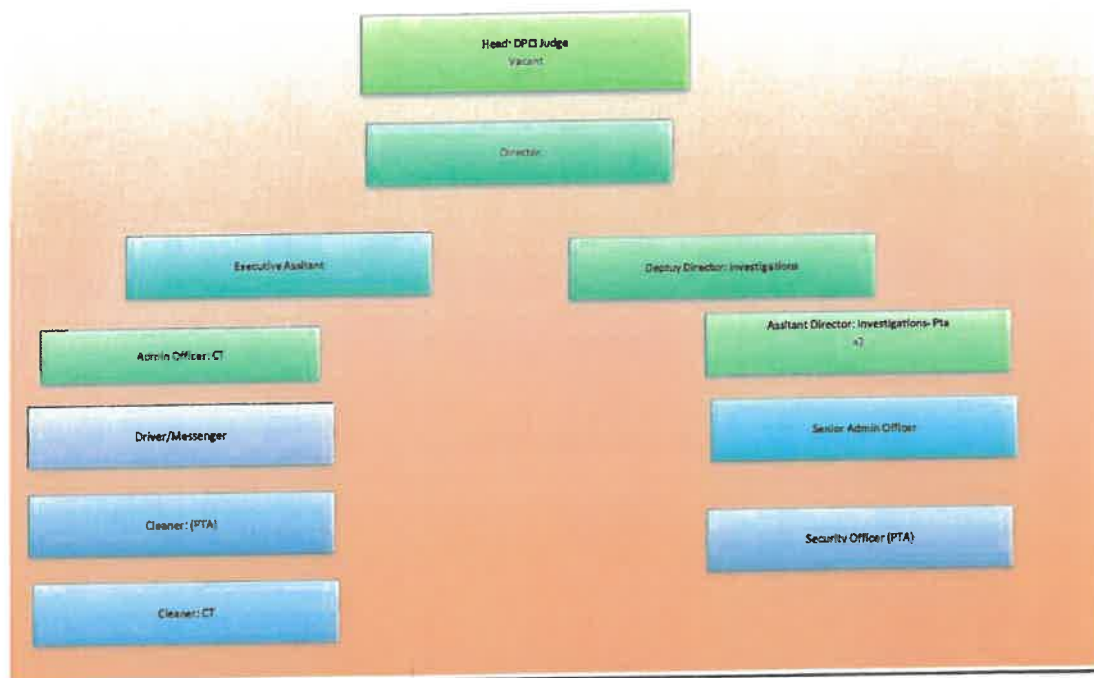
The Head Office is located in Pretoria and the subsidiary in Cape Town. The latter was staffed by an Investigator (Assistant Director) who has resigned and an Administrative officer and a cleaner.

9.2 The rest, as depicted on the “Overview of Post Establishment”, below on Table 1 are based in Pretoria. Except for the Judge, the terms and conditions of their employment are governed by the Public Service Act, No 103 of 1994, as amended.

9.3 **Table 1: Overview of post establishment of the O/DPCI/J**

Post	No of posts	Salary level
DPCI Judge	Vacant	Judge
Director	1	13
Deputy Director Investigations	1	11
Assistant Directors Investigations	2	10
Executive Assistant	1	9
Senior Administrative Officer	1	8
Administrative Officer – Cape Town	1	7
Security Officer	1	4
Driver/Messenger	1	4
Cleaners 1 Pta 1 Cape Town	2	3
	12	

9.4 Table 2: Office of the DPCI Judge Organogram (existing)



10. THE PUBLIC AWARENESS CAMPAIGNS (STAKEHOLDER ENGAGEMENT SESSIONS) AS WELL AS THE CORPORATE IDENTITY OF THE OFFICE OF THE DPCI JUDGE

10.1 Section 17L (15) of the SAPS Act contemplates that the Secretary in consultation with the retired Judge, shall develop and implement a plan to promote awareness amongst the public and members of the Directorate (the Hawks) on the functions and the role of the complaints mechanism carried out by the DPCI Judge.

10.2 The O/DPCI/J has over the past years embarked on intensive marketing campaigns during which we visited all provinces to raise awareness of its mandate amongst members of the Hawks only at the initial stage. The second leg thereof had to do with outreach campaigns, programmes and engagements amongst and with members of the public, who are always the chief focus of the O/DPCI/J, as well as our stakeholders and other relevant organs of state who in the main report to the Ministry of Police. We also invited local civic formations and members of the media of that particular province or area whenever we have these campaigns and promotions.

10.3 During the period under review, public awareness campaigns were held as follows;

- a) Kimberly, Northern Cape, on 06 April 2022
- b) Polokwane, Limpopo, on 31 May 2022
- c) Tembisa, Gauteng on 29 September 2022.

10.4 The Communication Division of the Secretariat is really helpful to the DPCI Judge.

It assists with the marketing of the Office in terms of section 17L(15) of the SAPS Act. We must be upfront to admit that we, consequently, did well to meet our own targets set, although the contract of employment of the DPCI Judge came to end in October 2022 before the end of the financial year.

10.5 As previously reported, still pertinent to the marketing endeavour, the O/DPCI/J developed and designed its logo for corporate identity more than three years back. The office's motto is "**Zero tolerance for the culture of impunity**". This is the guiding principle to members of the Hawks that they must be women and men of integrity; that their conduct should be beyond reproach and must demonstrate ethical behaviour and leadership.

10.6 These qualities apply with even more resonance to the DPCI Judge and his functionaries. The logo is integral to our letterhead (above at the Preface and Cover Page). It is the O/DPCI/J's corporate identity and brand which has by now become well established and distinctively identifiable and associated with our Institution.

11. PERFORMANCE OVERVIEW OF THE OFFICE IN TERMS OF THE ANNUAL PERFORMANCE PLAN TARGETS: IRREGULARLY ACCOUNTING TO CSPS SECRETARY ON HUMAN RESOURCES (HR) MATTERS

11.1 Programme 1: Administration

11.1.1. Sub-Programme 1.1: Office Management

(i) A performance measurement and reporting system supports management decision-making and enables the O/DPCI/J to adhere to and comply with internal and external accountability reporting prerequisites and legislative requirements. In terms thereof Performance Monitoring and Evaluation Reports were compiled with to ensure the achievement of strategic objectives.

(ii) Performance Agreements of all staff were signed and submitted to the Human Resource (HR) of the Secretariat as well as the Annual Procurement Demand Plan which was broken down into four Demand Management Plans per quarter, and bi-annual Performance Assessment Reports in compliance with internal prescripts. Apart from the 2022/2023 financial year, the Annual Reports have been timeously tabled in Parliament in compliance with s 17L (9) of the SAPS Act. The compliance rate with internal prescripts is close to 100 % in accordance with the target set in the Annual Performance Plan (APP).

11.1.2 Sub-programme 1.2: Finance

The financial expenditure of the Office: The Office has spent its budget in compliance with the Public Finance Management Act (PFMA) and adhered to the procurement processes set out in the Supply Chain Management rules. During the period under review the Office utilised its full (100%) budget on goods and services in accordance with its planned targets. The operational budget allocation for the office was **R7,418,000.00** and the operational expenditure was **R6, 226,229.08**. The savings was **R1,191,770.92** which was unavoidably caused by the vacant posts, as explained. There was no fruitless, wasteful or irregular expenditure. The output in terms of the operational financial expenditure is 99%.

11.1.3 Sub-programme 1.3: Marketing of the Office (Public Awareness Campaigns)

Section 17L (15) of SAPS Act obliges the O/DPCI/J in consultation with the Civilian Secretariat for Police Services to develop and implement a plan to promote awareness amongst the public, members of the Hawks and other Chapter nine institutions on the functions and role of the complaints mechanism. The office had scaled down on the number of awareness campaigns because of limited capacity. The O/DPCI/J managed to conduct three awareness campaigns at Kimberley in Northern Cape; Polokwane in Limpopo and at Tembisa in Gauteng.

11.2 Programme 2: Investigation

Sub-programme 1.1: Case Management System

11.2.1 Complaints Received

- (i) Before the period under review, the office had a total of 87 cases in hand which comprises of 58 within mandate and 29 outside mandate. During the period under review (1 April 2022-31 March 2023) the office received a total of 48 complaints compared to 63 received during the previous financial year: Fifteen (15) less complaints. The statistics indicate that the Office would have grown even more had it not been for the lack of personnel capacity to raise more awareness campaigns and financial constraints.
- (ii) Of the 48 complaints so received 20 fell within the scope of our mandate in terms of s 17L (4) of the SAPS Act. The figure received in this category/sub-head during the previous financial year is 22, a decrease by two (2) complaints.
- (iii) Of the 20 complaints falling within our mandate all 20 were received from members of the public in terms of s 17L(4)(a) of the SAPS Act while there were no complaints received from members of the Hawks in terms of s 17(4)(b) of the SAPS Act as compared to two (2) complaints received from the previous during the previous financial year.
- (iv) A total of 28 complaints received fell outside the mandate of the O/DPCI/J during the current financial year in comparison to 41 during the previous financial period. There has been a decrease by eleven (11) complaints.
- (v) It is essential to emphasise the importance of always conducting a preliminary investigation in all cases received by the DPCI Judge. It is not always possible to discern or establish whether a complaint falls within the purview of cases that the DPCI Judge is enjoined to adjudicate on the merits.
- (vi) The exercise is undertaken to determine the appropriate institution or state organ to which the complaint should be referred. The statements of complaint are in a number of instances drafted in a manner that demonstrates that the ordinary man/woman in the street cannot always draw a distinction between members of the SAPS and those of the DPCI (the Hawks).
- (vii) The DPCI Judge does referrals on their behalf and furnish them with a copy of the Report. This eliminates the necessity for them being sent from pillar to post or even having to utilise their own resources to establish the body/institution

5.5 Moseneke DCJ and Cameron J at paras 246 and 247 whilst not taking issue with the definition of the function of the DPCI Judge pronounced by Ngcobo CJ they determined that the better guarantee of rendering the DPCI (Hawks) free from political or other interference was to upgrade them, at the very least, to the level of where the Scorpions were.

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8. THE DPCI JUDGE'S ANNUAL OPERATIONAL BUDGET

8.1 Section 17L (13) of the SAPS Act provides:

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9. POST ESTABLISHMENT

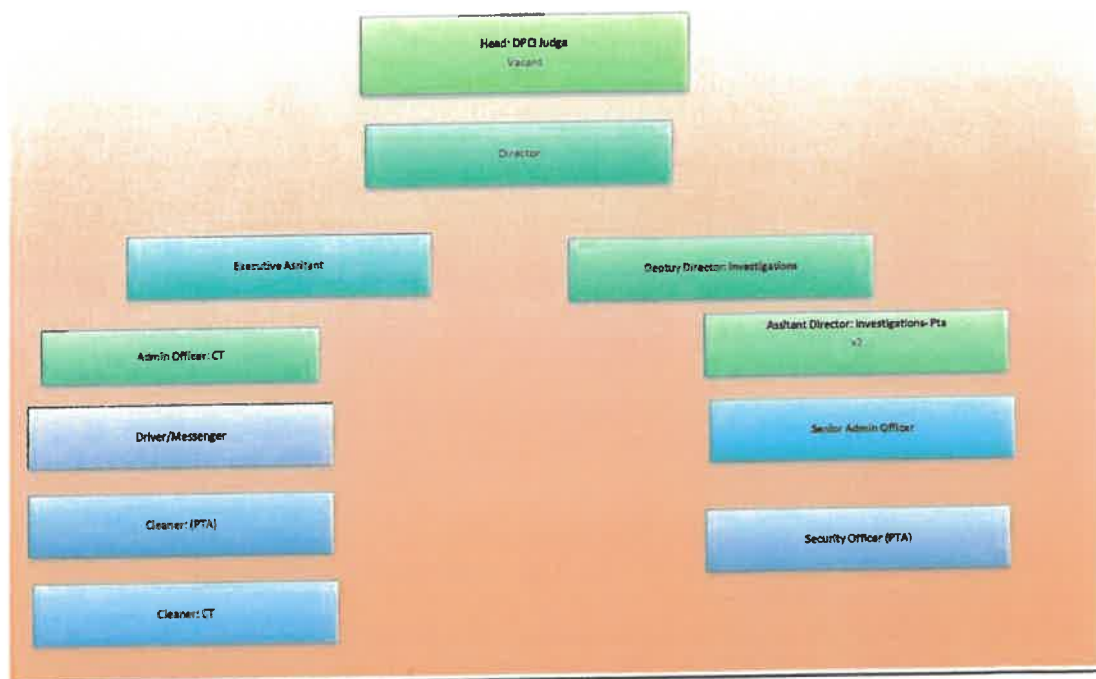
9.1 The O/DPCI/J comprises of 12 approved and funded posts on its fixed establishment. The Head Office is located in Pretoria and the subsidiary in Cape Town. The latter was staffed by an Investigator (Assistant Director) who has resigned and an Administrative officer and a cleaner.

9.2 The rest, as depicted on the “Overview of Post Establishment”, below on Table 1 are based in Pretoria. Except for the Judge, the terms and conditions of their employment are governed by the Public Service Act, No 103 of 1994, as amended.

9.3 **Table 1: Overview of post establishment of the O/DPCI/J**

Post	No of posts	Salary level
DPCI Judge	Vacant	Judge
Director	1	13
Deputy Director Investigations	1	11
Assistant Directors Investigations	2	10
Executive Assistant	1	9
Senior Administrative Officer	1	8
Administrative Officer – Cape Town	1	7
Security Officer	1	4
Driver/Messenger	1	4
Cleaners 1 Pta 1 Cape Town	2	3
	12	

9.4 Table 2: Office of the DPCI Judge Organogram (existing)



10. THE PUBLIC AWARENESS CAMPAIGNS (STAKEHOLDER ENGAGEMENT SESSIONS) AS WELL AS THE CORPORATE IDENTITY OF THE OFFICE OF THE DPCI JUDGE

10.1 Section 17L (15) of the SAPS Act contemplates that the Secretary in consultation with the retired Judge, shall develop and implement a plan to promote awareness amongst the public and members of the Directorate (the Hawks) on the functions and the role of the complaints mechanism carried out by the DPCI Judge.

10.2 The O/DPCI/J has over the past years embarked on intensive marketing campaigns during which we visited all provinces to raise awareness of its mandate amongst members of the Hawks only at the initial stage. The second leg thereof had to do with outreach campaigns, programmes and engagements amongst and with members of the public, who are always the chief focus of the O/DPCI/J, as well as our stakeholders and other relevant organs of state who in the main report to the Ministry of Police. We also invited local civic formations and members of the media of that particular province or area whenever we have these campaigns and promotions.

10.3 During the period under review, public awareness campaigns were held as follows;

- a) Kimberly, Northern Cape, on 06 April 2022
- b) Polokwane, Limpopo, on 31 May 2022
- c) Tembisa, Gauteng on 29 September 2022.

10.4 The Communication Division of the Secretariat is really helpful to the DPCI Judge. It assists with the marketing of the Office in terms of section 17L(15) of the SAPS Act. We must be upfront to admit that we, consequently, did well to meet our own targets set, although the contract of employment of the DPCI Judge came to end in October 2022 before the end of the financial year.

10.5 As previously reported, still pertinent to the marketing endeavour, the O/DPCI/J developed and designed its logo for corporate identity more than three years back. The office's motto is "**Zero tolerance for the culture of impunity**". This is the guiding principle to members of the Hawks that they must be women and men of integrity; that their conduct should be beyond reproach and must demonstrate ethical behaviour and leadership.

10.6 These qualities apply with even more resonance to the DPCI Judge and his functionaries. The logo is integral to our letterhead (above at the Preface and Cover Page). It is the O/DPCI/J's corporate identity and brand which has by now become well established and distinctively identifiable and associated with our Institution.

11. PERFORMANCE OVERVIEW OF THE OFFICE IN TERMS OF THE ANNUAL PERFORMANCE PLAN TARGETS: IRREGULARLY ACCOUNTING TO CSPS SECRETARY ON HUMAN RESOURCES (HR) MATTERS

11.1 Programme 1: Administration

11.1.1. Sub-Programme 1.1: Office Management

(i) A performance measurement and reporting system supports management decision-making and enables the O/DPCI/J to adhere to and comply with internal and external accountability reporting prerequisites and legislative requirements. In terms thereof Performance Monitoring and Evaluation Reports were compiled with to ensure the achievement of strategic objectives.

(ii) Performance Agreements of all staff were signed and submitted to the Human Resource (HR) of the Secretariat as well as the Annual Procurement Demand Plan which was broken down into four Demand Management Plans per quarter, and bi-annual Performance Assessment Reports in compliance with internal prescripts. Apart from the 2022/2023 financial year, the Annual Reports have been timeously tabled in Parliament in compliance with s 17L (9) of the SAPS Act. The compliance rate with internal prescripts is close to 100 % in accordance with the target set in the Annual Performance Plan (APP).

11.1.2 Sub-programme 1.2: Finance

The financial expenditure of the Office: The Office has spent its budget in compliance with the Public Finance Management Act (PFMA) and adhered to the procurement processes set out in the Supply Chain Management rules. During the period under review the Office utilised its full (100%) budget on goods and services in accordance with its planned targets. The operational budget allocation for the office was **R7,418,000.00** and the operational expenditure was **R6, 226,229.08**. The savings was **R1,191,770.92** which was unavoidably caused by the vacant posts, as explained. There was no fruitless, wasteful or irregular expenditure. The output in terms of the operational financial expenditure is 99%.

11.1.3 Sub-programme 1.3: Marketing of the Office (Public Awareness Campaigns)

Section 17L (15) of SAPS Act obliges the O/DPCI/J in consultation with the Civilian Secretariat for Police Services to develop and implement a plan to promote awareness amongst the public, members of the Hawks and other Chapter nine institutions on the functions and role of the complaints mechanism. The office had scaled down on the number of awareness campaigns because of limited capacity. The O/DPCI/J managed to conduct three awareness campaigns at Kimberley in Northern Cape; Polokwane in Limpopo and at Tembisa in Gauteng.

11.2 Programme 2: Investigation

Sub-programme 1.1: Case Management System

11.2.1 Complaints Received

- (i) Before the period under review, the office had a total of 87 cases in hand which comprises of 58 within mandate and 29 outside mandate. During the period under review (1 April 2022-31 March 2023) the office received a total of 48 complaints compared to 63 received during the previous financial year: Fifteen (15) less complaints. The statistics indicate that the Office would have grown even more had it not been for the lack of personnel capacity to raise more awareness campaigns and financial constraints.
- (ii) Of the 48 complaints so received 20 fell within the scope of our mandate in terms of s 17L (4) of the SAPS Act. The figure received in this category/sub-head during the previous financial year is 22, a decrease by two (2) complaints.
- (iii) Of the 20 complaints falling within our mandate all 20 were received from members of the public in terms of s 17L(4)(a) of the SAPS Act while there were no complaints received from members of the Hawks in terms of s 17(4)(b) of the SAPS Act as compared to two (2) complaints received from the previous during the previous financial year.
- (iv) A total of 28 complaints received fell outside the mandate of the O/DPCI/J during the current financial year in comparison to 41 during the previous financial period. There has been a decrease by eleven (11) complaints.
- (v) It is essential to emphasise the importance of always conducting a preliminary investigation in all cases received by the DPCI Judge. It is not always possible to discern or establish whether a complaint falls within the purview of cases that the DPCI Judge is enjoined to adjudicate on the merits.
- (vi) The exercise is undertaken to determine the appropriate institution or state organ to which the complaint should be referred. The statements of complaint are in a number of instances drafted in a manner that demonstrates that the ordinary man/woman in the street cannot always draw a distinction between members of the SAPS and those of the DPCI (the Hawks).
- (vii) The DPCI Judge does referrals on their behalf and furnish them with a copy of the Report. This eliminates the necessity for them being sent from pillar to post or even having to utilise their own resources to establish the body/institution

having jurisdiction(mandate) in respect of their complaints as contemplated in s17L (5) of the SAPS Act quoted in para 12 of this Report.

Table 3 depicts categories of complaints received

S17L(4)(a) of SAPS Act	of	S17L(4)(b) of SAPS Act	of	Outside mandate	Total complaints
20		0		28	48

- (viii) All 48 complaints were registered upon receipt and therefore within the 72-hour period prescribed in the Annual Performance Plan. They were also classified according to the relevant categories in terms of s 17L (4) of the SAPS Act. The cases are then allocated to the investigators for investigation. Acknowledgement letters of receipt of the complaints were sent to complainants or interested parties within 48 hours of registration. The output was 100% in compliance with the target set out in Annual Performance Plan.

Table 4: Breakdown of complaints received per province

Provinces	Within mandate	Outside mandate	Total
Gauteng	9	12	21
Western Cape	4	3	7
Kwa-zulu Natal	2	3	5
Eastern Cape	0	4	4
Limpopo	1	2	3
North West	1	2	3
Free State	1	2	3
Mpumalanga	1	0	1
Northern Cape	1	0	1
Grand Total	20	28	48

Table 5: Categories of complaints received from members of the public and members of the Hawks

Complaints	Received	Type of complaints
S17L (4)(a) SAPS Act (members of public)	20	Complaints from the public relating to unlawful infringement of their rights and prejudices suffered emanating from investigations conducted by Hawks
S17L (4)(b) SAPS Act (members of Hawks)	0	Complaint of improper influence or interference with the investigations
Total	20	

(ix) Trend Analysis of complaints received per province

The trend analysis conducted by the Office of the DPCI Judge for the cases received in accordance with s 17L (4) of the SAPS Act per province is as follows:

(See table 6 below):

Province	Nature of Offences	Number of cases
Gauteng	Unlawful search and seizure of goods by the Hawks	1
	Improper investigation of the case	1
	Undue delay to conclude investigation by the Hawks	1
	Abuse of powers and undue delay to conclude investigation and to prosecute suspects	1
	Failure to investigate the corruption case by the Hawks	1
	Unlawful arrest and failure to clear criminal record	1
	Alleged threats and insults by the Hawks investigators	1

	Abuse of powers by Hawks member	1
	Unlawful publishing of pictures to the media by a Hawks.	1

Western Cape	Harassment by the Hawks	1
	Failure to provide feedback by the Hawks	2
	Failure to arrest Ponzi scheme suspect by the Hawks	1

Kwa-Zulu Natal	Undue delay to conclude fraud investigation by the Hawks	1
	Unsatisfactory investigation by the Hawks	1

Limpopo	Failure to provide feedback	1
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North West	Failure to assist complainant to open a case by Hawks members	1
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Free State	Undue delay to conclude investigation by the Hawks	1
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Mpumalanga	Failure to investigate corruption by the Hawks	1
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Northern Cape	Harassment by the Hawks	1
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(x) **Trend analysis of complaints received outside mandate per province**

The trend analysis conducted by the Office of the DPCI Judge for the complaints falling outside mandate and scope of the DPCI Judge is as follows:

(See table 7 below):

Province	Nature of complaints	Number of cases
Gauteng	Unsatisfactory investigation by SAPS	1
	Rude and unwillingly to help by SAPS	1
	Pension query	1
	Corruption	1
	Fraud	1
	Corruption against traffic officer	1
	Unprofessional conduct by SAPS member	1
	Corruption by judge at Johannesburg High Court	1
	Failure to investigate criminal complaint	1
	Abuse by ex-boyfriend	1
	Poor service delivery by SAPS	2

Eastern Cape	Falsely accused of rape	1
	Domestic violence	1
	Failure to provide feedback by SAPS	1
	Poor service delivery against SAPS	1
	Unsatisfactory investigation of theft of livestock by police.	1
	Failure to investigate case of assault by police.	1

Western Cape	Failure to provide feed by SAPS	1
	Poor service delivery by SAPS	1
	Abuse of powers by SAPS	1

KZN	Poor service delivery by SAPS	1
	Alleged fraud against lawyer	1
	Poor service delivery by SAPS	1

Limpopo	Failure to shortlist for post by Hawks	1
	Corruption at Eskom in Burgersfort	1
Free State	Unfair process of recruitment by SAPS	1
	Poor service delivery by SAPS	1
North West	Failure to return money (R1.4 m)	1

11.2.2 COMPLAINTS RECEIVED DURING THE CURRENT PERIOD FALLING WITHIN SCOPE AND MANDATE

During the period under review we received a total of twenty [20] complaints falling within the scope of our mandate. Of the 20 new complaints, only one (1) was finalised whereas 20 are pending due a variety of reasons, such as the matter pending before court, which compel us to suspend our investigations; the dockets are with the NPA for decision and others awaiting the finalisation of investigation conducted by the Hawks and older backlog cases receiving priority.

(i) **Case finalised within mandate during the period under review.**

See table 8 below:

Ref No	Complainant	Nature of complaint	Status of the cases
1. O/DPCI/J 08/05/2022	Anonymous	Failure to investigate fraud and corruption by the Hawks at Eskom, Burgersfort .	Referred to National Head of the Hawks, Lt Gen Godfrey Lebeya

(ii) The O/DPCI/J has investigated and finalised the following Backlog Cases which fall within the mandate during the period under review:

(see table 09 below):

Ref No	Complainant	Nature of complaint	Manner of disposal	Referred to
1. O/DPCI/J 85/07/2016	Paul O'Sullivan	Abuse of power by members of the Hawks	Substantiated. I	Referral to NPA to consider criminal charges
2. O/DPCI/J 192/05/2018	Eliot Groenewald	Intimidation and alleged fraudulent warning statement by Hawks	Unsubstantiated.	No referral
3. O/DPCI/J 105/12/2016	Zarnnah Isaacs	Failure to arrest the suspect by Hawks	Recommended that Hawks boss monitor the investigation of the case	Referred to National Head of the Hawks ,Lt Gen Godfrey Lebeya
4. O/DPCI/J 264/03/2019	Zoniselo Richard Magawu	Corruption, fabrication of evidence, political interference and unlawful arrest by the Hawks	Unsubstantiated.	No referral.
5. O/DPCI/J 37/02/2016	Kgosi Selabe	Improper investigation of fraud and theft case docket by the Hawks	Unsubstantiated.	No referral.
6. O/DPCI/J 43/11/2020	Anderson Padayachee	Unlawful search and seizure of firearms by the Hawks	The Matter is at court and the court processes is beyond the purview of the O/DPCI//J.	Referred to PSIRA
7. O/DPCI/J 143/09/2017	Chad Thomas	Alleged bribery by Hawks member	Dismissed as complainant not made out a prima facie case	No referral.

8.O/DPCI/J 135/07/2017	Hettie Laas	Unlawful seizure of cellphone by the Hawks	The matter is at court	No referral.
9.O/DPCI/J 157/12/2017	Brenda Wardle	Perjury against Hawks member	Unsubstantiated.	No referral.
10.O/DPCI/J 158/12/2017	Princess Mazamelela	Malicious damage to property by the Hawks	Substantiated and remedial action issued to compensate the complainant by the Hawks	Referred to the National Head of the Hawks, Lt Gen Godfrey Lebeya to implement the remedial action
11. O/DPCI/J 155/11/2017	Capt Luphumlo Victor Lwana	Interference and/or improper influence with investigation done by the Hawks	Unsubstantiated as the complainant failed to substantiate a case of criminality or malfeasance against the respondents	Referred to NPA to consider whether or not to prosecute Lt Gen Berning Nitemeza and Capt Luphumlo Victor Lwana
12. O/DPCI/J 61/04/2016	John Mano	Failure to investigate a complaint by the Hawks	Referred to NPA Head to consider directing an inquest to be conducted	Referred to NPA Head

- (iii) **Cases investigated and finalised during the period under review falling within mandate but were not signed off by the DPCI Judge because there was no Judge.**

See table below

No	Ref No	Complainant	Nature of complaint	Finalised as	Recommendation
1	O/DPCI/J 86/07/2016	Chris Makhale	Fraud by DPCI Member and declined to prosecute by NPA	To be closed	Member received verbal warning by the employer(Hawks)
2	O/DPCI/J 96/09/2016	Trevor Blench	Poor investigation by the Hawks	To be closed	Unsubstantiated
3	O/DPCI/J 41/03/2016	Theron Wessels attorneys	Poor investigation by the Hawks	To be closed	Unsubstantiated
4	O/DPCI/J 132/05/2017	L Flies	Abuse of powers by Hawks member	To be closed	Unsubstantiated
5	O/DPCI/J 140/08/2017	Magdalene Vos	Abuse of powers and assault by Hawks member	To be closed	Respondent passed on
6	O/DPCI/J 164/12/2017	Henrie Stofberg	Failure to provide feedback by the Hawks	To be closed	Unsubstantiated
7	O/DPCI/J 165/12/2017	Amandine Bridget	Failure to submit SAP69 to criminal record centre	To be closed	No steps recommended
8	O/DPCI/J 167/01/2018	Dr A Jeewa	Unlawful search and seizure of items by the Hawks	To be closed	Matter at court
9	O/DPCI/J 171/03/2018	Godfrey Sithole	Improper investigation by the Hawks	To be closed	Unsubstantiated
10	O/DPCI/J 175/03/2018	Anthony Broadway	Failure to investigate serious systematic corruption	To be closed	Unsubstantiated
11	O/DPCI/J 198/07/2018	Capt Mokoena	Failure to co-operate with investigation by senior members of the Hawks	To be closed	Unsubstantiated

12	O/DPCI/J 223/08/2018	Dr Samuel Ngoma	Unlawful search and seizure of properties and medication by the Hawks	To be closed	Unsubstantiated
13	O/DPCI/J 239/11/2018	Aubrey Langa	Poor investigation by the Hawks	To be closed	Unsubstantiated
14	O/DPCI/J 181/12/2018	Adv Vincent Mayisela	Failure to investigate cases by the Hawks	To be closed	No steps recommended against the Hawks
15	O/DPCI/J 30/08/2020	Chaile Seretse	Failure to investigate misconduct against Hawks members	To be closed	No steps to be recommended
16	O/DPCI/J 31/09/2020	Maj Gen Thutho Phefo	Trump up charges, unlawful arrest and entrapment by Hawks	To be closed	Matter at court
17	O/DPCI/J 33/10/2020	Piet Brummer	Failure to provide feedback by the Hawks	To be closed	Unsubstantiated
18	O/DPCI/J 314/02/2020	Jonas Mfolo Sebatana	Undue delay to conclude investigation	To be closed	No steps recommended against Hawks member
19	O/DPCI/J 08/05/2020	Jan Venter	Hawks failed to protect him	To be closed	No steps recommended
20	O/DPCI/J 30/01/2021	Ndileka Mfunda	Improper investigation of fraud case by the Hawks	To be closed	Unsubstantiated
21	O/DPCI/J 18/05/2021	Cst Thabo Selby Thipa	Forgery by Hawks members	To be closed	Matter at court
22	O/DPCI/J 21/06/2021	Piere Theron	Failure to investigate and cover ups by the Hawks	To be closed	Complainant passed on
23	O/DPCI/J 23/06/2021	Informer	Failure to pay informer's fees by the Hawks	To be closed	Unsubstantiated
24	O/DPCI/J 27/06/2021	Mr Andre Minaar	Failure to investigate	To be closed	Unsubstantiated

			fraudulent Court Orders		
25	O/DPCI/J 56/03/2022	Adv Brenda Madumise-Pajibo	Abuse of powers by the Hawks	To be closed	Employer(Hawks) took no action against the respondents
26	O/DPCI/J 10/05/2022	Mfanelo Njabulo Mbanjwa	Unreasonable delay to conclude investigation	To be closed	Unsubstantiated
27	O/DPCI/J 63/02/2022	Yashoda Kathrada	Extortion and harassment by Hawks	To be closed	Complainant withdrew the case
28	O/DPCI/J 16/05/2022	Rachad Sameul	Unreasonable delay to conclude investigation by the Hawks	To be closed	Steps recommended against members of the Hawks
29	O/DPCI/J 25/07/2022	Leticia Jacobs	Failure to arrest suspect	To be closed	Unsubstantiated
30	O/DPCI/J 38/09/2022	Arnitus Forbes	Unprofessional conduct by Hawks member	To be closed	Resolved
31	O/DPCI/J 50/01/2022	Daries Naidoo	Unlawful disclosure of suspect names to media	To be closed	Unsubstantiated
32	O/DPCI/J 45/01/2023	Peters Peters	Harassment by Hawks members	To be closed	Unsubstantiated
33	O/DPCI/J 49/03/2023	Arnand Thilakchand	Poor investigation by the Hawks	To be closed	Unsubstantiated

(iv) The cases falling within mandate which are still outstanding for investigations.

See table 11 below

No	Ref No	Complainant	Nature of complaint	Status of the complaint
1	O/DPCI/J 21/03/2015	Ms Margaret Botha	Failure to investigate case by the Hawks	To compile final report
2	O/DPCI/J 109/01/2017	Thabitha Sibanyoni	Failure to investigate case by the Hawks	Still under investigation
3	O/DPCI/J 112/01/2017	Justice Lewis	Court captured by banks	Still under investigation
4	O/DPCI/J 129/04/2017	Mr Du Plessis	Failure to arrest one of the suspect by the Hawks	Matter at court
5	O/DPCI/J 131/04/2017	Herman Mashaba	Failure to investigate cases by the Hawks	Still under investigation
6	O/DPCI/J 145/09/2017	John Mort	Corrupt settlement between NPA and the former NDDP	Still under investigation
7	O/DPCI/J 147/09/2017	Chaile Seretse	Failure to investigate case by the Hawks	To compile final report
8	O/DPCI/J 138/07/2018	Phillip van Heerden	Failure to provide feedback by the Hawks	To compile final report
9	O/DPCI/J 152/11/2017	R M Paulin	Violation of privacy by the Hawks and abuse of powers by the Hawks	Still under investigation
10	O/DPCI/J 173/03/2018	Mduduzi Khumalo	Poor investigation by the Hawks	To compile final report
11	O/DPCI/J 193/05/2018	OUTA	Failure to investigate cases by the Hawks	To compile final report

12	O/DPCI/J 196/06/2018	Mdumiseni Dladla	Failure to investigate murder case by the Hawks	To compile final report
13	O/DPCI/J 186/04/2018	Ursula Herfurth	Poor service delivery by the Hawks	To compile final report
14	O/DPCI/J 218/07/2018	Prophet Bushiri	Corruption and poor investigation	Still under investigation
15	O/DPCI/J 262/03/2019	Busa Molatseli	Intimidation and unlawful arrest by Hawks member	Still under investigation
16	O/DPCI/J 284/07/2019	Phuti Keetse	Unlawful arrest by Hawks	To compile final report
17	O/DPCI/J 27/08/2020	Fred Daniel	Failure to investigate corruption case by the Hawks	Still under investigation
18	O/DPCI/J 39/10/2020	Masiteng	Unlawful arrest and abuse of power by the Hawks	Still under investigation
19	O/DPCI/J 35/11/2021	Minister of Police	Failure to perform legal duties by the National Head of the Hawks	Still under investigation
20	O/DPCI/J 55/02/2021	Walter Robert Meine and Michelle Maartens	Illegal search and seizure by the Hawks	Still under investigation
21	O/DPCI/J 57/02/2021	Simon Peter Oosthuizen	Collusion and conspiracy and illegal search and seizure by the Hawks	To compile final report
22	O/DPCI/J 47/12/2021	Lt Col Phumla Mrwebu	Interference with investigation	Still under investigation

			conducted by the Hawks	
23	O/DPCI/J 36/11/2011	Mokgagabe Kgomotso	Poor investigation by the Hawks	Still under investigation
24	O/DPCI/J 34/11/2021	Silas Simon	Unlawful search and seizure of items by the Hawks	Still under investigation
25	O/DPCI/J 60/03/2022	Ondine Schrick	Stripped parts of motor vehicle	Still under investigation
26	O/DPCI/J 28/07/2022	Gilbert Mosena	Abuse of powers and undue delay to conclude investigation by the Hawks	Still under investigation
27	O/DPCI/J 32/09/2022	Raphiri Monwabisi	Failure to provide feedback	To compile investigation
28	O/DPCI/J 51/02/2022	Henk van Aswegen and Susan van Aswegen	Abuse of powers and improper investigation by the Hawks	Still under investigation
29	O/DPCI/J 48/01/2022	Amos Mphelo	Failure to pay informer's fees	To compile final report
30	O/DPCI/J 54/02/2022	Siboniso Miya	Conspiracy by SAPS members and Hawks	To compile final report
31	O/DPCI/J 21/07/2022	Trevor Langenvon	Failure to provide feedback	Still under investigation
32	O/DPCI/J 41/01/2023	Hilda MCGOVAN	Improper investigation by the Hawks	Still under investigation

11.2.3 Cases received and finalised falling outside the mandate of the O/DPCI/J during the period under review.

Table 12 depicts the finalised complaints outside mandate

No	Ref No	Complainant	Nature of complaint	Referred to/Status
1.	O/DPCI/J 05/05/2022	Prof Chaudry Masood Khalique	Alleged fraud by attorneys	No referral as docket is at DPP for decision
2.	O/DPCI/J 29/07/2022	Mpapi Morare	Corruption by the Judge at Johannesburg High Court	Referred to Judicial Service Commission
3.	O/DPCI/J 20/06/2022	Thabiso Mapamela	Loss of docket by Sasolburg SAPS members	No referral, the matter is resolved
4.	O/DPCI/J 12/05/2022	Ezekiel Zake Baba	Underpayment of pension	Referred to Pension Fund Adjudicator

- (i) The O/DPCI/J finalised the following Backlog Cases which fell outside scope and mandate of the O/DPCI/J during the current year.

Table 13 depicts complaints finalised falling outside mandate

No	Ref No	Complainant	Nature of complaint	Referred to/Status
1.	O/DPCI/J 177/04/2018	Maj Gen Prince Mokotedi	Intimidation and obstruction or defeat the ends of justice	National Commissioner of SAPS and National Head of the Hawks
2.	O/DPCI/J 07/04/2021	Terrence John Theunissen	Fraud, corruption, extortion, money- laundering and violation of regulations of PSIRA	National Head of the Hawks, South African Human Rights Commission, Director of PSIRA, Department of Social Development and Provincial Comm of SAPS: Western Cape
3.	O/DPCI/J 37/10/2020	Simla Singh	Unprofessional conduct by SAPS member	Referred to Provincial Comm of SAPS:KZN

4.	O/DPCI/J 82/07/2016	Legalwise on behalf of RS Walker	Failure to provide feedback by Ennerdale SAPS member	The matter was referred to the Provincial Commissioner of SAPS: Gauteng
5.	O/DPCI/J 103/11/2016	Z Futshane	Gems medical aid failed to fund programm	No referral
6.	O/DPCI/J 236/09/2018	Tebogo Michael Phiri	Poor investigation of murder case	Referred to Provincial Commissioner of SAPS:Gauteng
7.	O/DPCI/J 53/02/2022	JP Du Toit of Otto Krause attorneys	Refusal by W/O Freddy Groep to handover passports	No referral
8.	O/DPCI/J 52/02/2022	Derick Jonker	Unlawful arrest, detention and assault by Robertson SAPS	No referral because the matter is investigated by IPID
9.	O/DPCI/J 45/04/2021	Luyolo Rumbu	Poor service delivery by Fort Beaufort SAPS members	Referred to Provincial Commissioner of SAPS: Eastern Cape
10.	O/DPCI/J 49/01/2022	Alridge Domingo	Failure to investigate cases	The matter was referred to the Provincial Commissioner of SAPS: Eastern Cape

(ii) **Cases falling outside mandate which were finalised and not signed off by the DPCI Judge during the period under review.**

See table below

No	Ref No	Complainant	Nature of complaint	To be referred to/ manner of disposal
1	O/DPCI/J 107/12/2016	Wendy Christine Wilhelmina	Transfer of house to ex-husband	To be closed
2	O/DPCI/J 117/03/2018	Maureen Louw	Police harassment	To be closed
3	O/DPCI/J 176/03/2018	Erica Malotane	Police harassment and eviction from the house	To be closed
4	O/DPCI/J 243/12/2018	Sgt MJ Phahoi	Unfair treatment by police	To be closed
5	O/DPCI/J 01/05/2022	Lesetja Wilfred Leso	Failure to short list him by the Hawks	To be closed
6	O/DPCI/J 06/05/2020	Ntombela Siphiwe	Poor service delivery by police	To be referred to Provincial Commissioner of SAPS
7	O/DPCI/J 14/05/2022	Nonjabulo Mbatha	Poor service delivery by police	To be referred to Provincial Commissioner of SAPS
8	O/DPCI/J 17/06/2022	Jandi Newall	Poor service delivery by SAPS	To be referred to Provincial Commissioner of SAPS
9	O/DPCI/J 22/07/2022	David Vusi Tapuka	Misconduct and misinformation by police	To be referred to Provincial Commissioner of SAPS
10	O/DPCI/J 26/07/2022	Dr Johan Oliver	Allege corrupt metro police officer attached to Tshwane municipality	To be referred to IPID
11	O/DPCI/J 31/09/2022	Veli Nkosi	Failure to investigate criminal case by police	To be closed

12	O/DPCI/J 33/09/2022	Nonjabulo Mbatha	Abuse by girlfriend	To be closed
13	O/DPCI/J 35/09/2022	Sgt Zamikhaya Zogiba	Allegation of false rape by IPID investigator	To be referred to IPID
14	O/DPCI/J 36/09/2022	Chuene Actovus Maphosa	Poor service delivery by police	To be referred to Provincial Commissioner of SAPS
15	O/DPCI/J 46/01/2023	Takatso Molekoa	Failure to arrest suspect by police	To be referred to Provincial Commissioner of SAPS
16	O/DPCI/J 47/03/2023	Base Basson	Failure to provide feedback to complainant	To be closed

(iii) Referrals of complaints to other institutions:

Section 17L (5) of the SAPS Act provides that notwithstanding the fact that a complaint falls within the scope and mandate of the O/DPCI/J the DPCI Judge has a discretion to refer it to an institution that also has a mandate to deal with therewith, evidently if the interest of justice will be better served. However, in the following instances a total of six (6) (pure referral complaints that fell outside the mandate of this Office) were directed to the relevant institutions that were so considered. The referrals are classified as follows:

- a) Five [5] complaints related to alleged Poor Service Delivery (PSD) like poor investigation, failure to investigate, failure to conclude investigation (long delays) failure to provide feedback or updates to complainants etc and misconduct accusations against SAPS members were referred to relevant Provincial Commissioners. One (1) complaint was jointly referred to the National Commissioner of SAPS and the National Head of the Hawks which concerned the intimidation and defeating the ends of justice.
- b) One (1) complaint was referred to the Judicial Service Commission the relating to corruption by the Judge.

- c) One (1) complaint was referred to Pension Adjudicator Fund relating to underpayment of pension.
- d) One (1) complaint relating to fraud, extortion, money laundering and violation of PSIRA regulations was referred to National Head of the Hawks, South African Human Rights Commission, PSRIA, and Department of Social Development.
- e) In respect of five (5) complaints no referrals were made due to a variety of reasons. Table 15 depicts referral of complaints to other institutions in terms of section 17L (5) of the SAPS Act

No	Ref No	Complainant	Nature of complaint	Respondents	Referred to/Status
1.	O/DPCI/J 177/04/2018	Maj Gen Prince Mokotedi	Intimidation and/or defeating the ends of justice	Paul O'Sullivan	National Commissioned of SAPS and National Head of the Hawks, Lt Gen Godfrey Lebeya.
2.	O/DPCI/J 07/04/2021	Terrence John Theunissen	Criminal activities, fraud, corruption, extortion and money laundering, violation of regulation of PSIRA	Mr Greg Bez & Others	Provincial Commissioner of SAPS: Western Cape; Executive Director of PSIRA, National Head of the Hawks; South African Human Rights Commission of South Africa
3.	O/DPCI/J 15/05/202	Ezekiel Zake Baba	Underpayment of his pension terminal benefits	SAPS	Pension Fund Adjudicator
4	O/DPCI/J 37/10/2020	Simla Singh	Unprofessional conduct by W/O Joubert of SAPS	W/O Joubert	Provincial Commissioner of SAPS:KZN

5	O/DPCI/J 236/09/2018	Tebogo Michael Phiri	Poor investigation of murder case	Sgt Even Butso Mongwe & others	Provincial Commissioner of SAPS: Gauteng
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11.3 Summary of all complaints finalised during the period under review

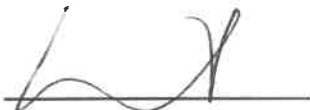
11.3.1 A total of 26 (twenty-six) complaints were finalised which comprise complaints within and outside the DPCI Judge's mandate. The finalisation rate of the complaints went down mainly due to the fact that there was no Judge to sign off the finalised reports.

11.3.2 Remedial actions

During the period under review there were no remedial action issued.

12. RECOMMENDATION:

Pertaining to the process of amending S17L of the SAPS Act to remedy certain defects or inadequacies in the legislation concerning the DPCI Judge's mandate:



CHARMAINE MARSHALL

DIRECTOR: O/DPCI/J

DATE: 27/09/2023