# NATIONAL ASSEMBLY

# FOR WRITTEN REPLY QUESTION 115

**DATE** **OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 FEBRUARY** 2021 **(INTERNAL QUESTION PAPER NO 1-2021)**

**115. Mr A G Whitfield (DA) to ask the Minister of Police:**

What extraordinary measures have been taken by the SA Police Service to withdraw police officials who are alleged to have abused their authority in enforcing the lockdown regulations with regard to the declaration of a national disaster?

NW118E

**REPI.Y:**

The South African Police Service (SAPS) is guided by its Disciplinary Code, namely, the ?APS Discipline Regulations, 2016, sub-regulation 10, which prescribes the manner in which an employee may be temporarily removed from the environment where a misconduct has been committed, either by temporarily transferring him/her or suspending him/her as a precautionary measure, pending the outcome of the disciplinary process.

Depending on the nature of transgression and circumstances under which such a transgression was committed, the above provisions of the Discipline Regulations were applied.

It must also be noted that some of the matters might still be under investigation, by the Independent Police Investigative Directorate (IPID) and the SAPS will act upon them as soon as recommendations have been received from IPID, as provided for, in terms of Section 30 of the IPID Act.

Regulation 10 of the SAPS Discipline Regulations, 2016, stipulates as follows:

1. A suspension or temporary transfer is a precautionary measure.
2. The National-, Provincial- or Divisional Commissioner may suspend or temporarily transfer an *employee,* provided that before effecting such a suspension or transfer such an *employee* is afforded a reasonable opportunity to make written representations.
3. The *employer* may after having afforded an *employee a* reasonable opportunity to make written representations and after consideration of the representations, suspend with full remuneration, or temporarily transfer an *employee* as a precautionary measure on conditions, as may be determined.

4) After an employee is suspended with full remuneration or temporarily transferred as a precautionary measure, the employer must hold a disciplinary hearing within 60 calendar days from the commencement of the suspension. Upon the expiry of the 60 calendar *days* the *chairperson* of the hearing must decide whether the suspension or temporary transfer should continue or be terminated and if the suspension or temporary transfer continues, it should not be more than 30 *calendar days* where after, the suspension or temporary transfer is automatically uplifted.

Reply to question 115 recommended/

**GENERAL NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)
Date**: 2021-02-26

Reply to question 115 approved

**MINISTER OF POLICE
GENERAL BH CELE, MP
Date**: 03/03/2021