

ANNUAL REPORT 2008/2009



independent  
complaints directorate

Department:  
Independent Complaints Directorate  
REPUBLIC OF SOUTH AFRICA

RP234/2009

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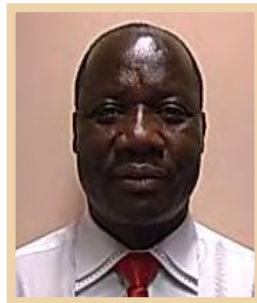
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Minister Of Police  
**Mr Nkosinathi Mthethwa, MP**



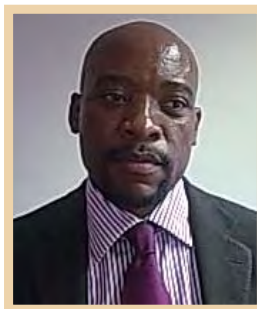
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**Mr Fikile Mbalula, MP**



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**Mr Elias Valoyi**



Chief Financial Officer  
**Ms Elise Verster**



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**Mr Tommy Tshabalala**



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**Advocate Sakhele Poswa**



Provincial Head: North West  
**Mr Matthews Sesoko**



Provincial Head: Western Cape  
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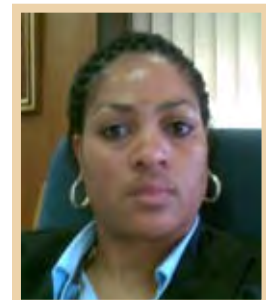
Provincial Head: Limpopo  
**Mr Innocent Khuba**



Provincial Head: Northern Cape  
**Mr Dan Morema**



Provincial Head: Free State  
**Mr Israel Kgamanyane**



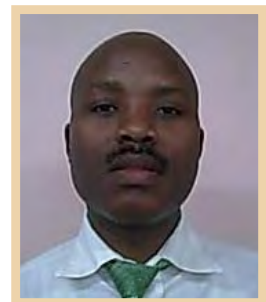
Provincial Head: KwaZulu-Natal  
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Senior Manager:  
Legal Services  
**Ms Bongwiwe Tukela**



Senior Manager:  
Information Management System  
**Mr Moses Dlamini**



Senior Manager:  
Human Resource Management  
**Mr Molefe Matsomela**



## **FOREWORD BY THE MINISTER**

In 1997 we established the Independent Complaints Directorate (ICD) as part of the effort to promote consistent proper conduct by the Police Service. In the light of the history of our country, the ICD's contribution is also transformative, functioning as part of the balancing measures to the actions of the police, as well as a reminder to the Service of the injunctions of the Constitution of our land.

Despite the challenges that still confront us fifteen years into our democracy, by and large, our collective national efforts have achieved broad successes. Nevertheless, this historical moment presents us with an opportunity to evaluate the progress that the ICD has achieved through the years of its existence. Have we succeeded in realising the full potential of this institution?

On many previous occasions the ICD has highlighted the need for improved budget allocations. However, over and above this, our view is that we need a much deeper debate.

It is clear that we need to engage in an effort of further strengthening this crucial institution. Because of the profound importance of the ICD, this process of engagement should tap on our nation's broader social wisdom.

Such a process should again create an opportunity for a national conversation on the significance of the ICD within the context of our democratic framework, its performance thus far, strengths and weaknesses, the scope of its powers, functions, as well as what needs to be done operationally to realise its full potential.

Without the participation and involvement of the people, our democracy would be devoid of all content. It is therefore critical that as we move forward, we should also consider as a matter of fundamental importance the accessibility of the ICD, both for urban and rural communities.

To address effectively the issue of accessibility, would indeed require a social contract, the involvement and participation of many important partners and stakeholders including the police, the Department of Justice and Constitutional Development, parliamentary committees, NGOs, community based organisations, local government, the media, faith base communities and others.

We must work together to ensure the ongoing evolution of an accountable police service that enjoys public confidence and continues to contribute to the realisation of peace, comfort, justice and prosperity.

Together, let us do more to give birth to a better life for all.

A handwritten signature in black ink, appearing to read 'E N Mthethwa', written in a cursive style.

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**MR E N MTHETHWA, MP**  
**MINISTER OF POLICE**



## **INTRODUCTION BY THE EXECUTIVE DIRECTOR**

It is my pleasure to present the tenth Annual Report of the Independent Complaints Directorate, in my capacity as Acting Executive Director.

My greatest desire is to have our services accessible to all the citizens of this country, especially those who are in the remote areas. This will be achieved through two initiatives. Firstly, we are in the process of restructuring one of our Programmes, viz: Complaints Registry. The restructuring will involve the translation of the posts of Monitor and Case Analyst into posts of Investigator and Assistant-Investigator, respectively. The rationale for the restructuring is to enhance our investigative capacity and streamline the complaints handling process. This means that from the time when a complaint is lodged to its investigation, the process will be handled within one programme. Such a change will ensure total accountability and will reduce delays in the process of handling complaints. These changes can only benefit our client – the complainant. I have approached the National Treasury to get funding in 2010/11 so that we can finalize the restructuring process.

The second initiative is by taking our services to the people. We are making progress with regard to increasing our accessibility, albeit at a very small scale. We have opened a number of satellite offices in some provinces where they did not exist before and aim to continue doing so until we reach our target of a number of satellite offices throughout the country, with special focus on rural areas.

The current financial year has been “business unusual” for the organisation, as per the Government’s call to all government departments. The deterioration in the global economic environment also effected the ICD’s allocation for the 2009/10 financial year and with more than 3% cut to the Departmental budget allocation - only the commitment and sacrifices from our staff members will ensure delivery on the ICD’s mandate.

As management, we stepped out of our offices to attend Izimbizo, to see and hear for ourselves if we were indeed delivering a service that we are mandated with, and if it’s improving the lives of our people. The Minister has demonstrated his support to the ICD in many ways and we commend him for involving the ICD in many of his outreach campaigns. This gives us even more courage to execute our mandate.

I therefore wish to take this opportunity to thank the Minister of Police earnestly for his continuous support ever since he took his position.

I also wish to thank the Portfolio Committee, the South African Police Service, the various Municipal Police Services and members of ICD management and staff.

A handwritten signature in black ink, appearing to read 'Eg Valoyi', written over a horizontal line.

**MR EG VALOYI**  
**ACTING EXECUTIVE DIRECTOR**

## **I. LEGISLATIVE MANDATE OF THE ICD**

Section 53(2) of the South African Police Act (Act no 68 of 1995) stipulates that the Independent Complaints Directorate:

- 1) May *mero motu* or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the Commissioner concerned;
- 2) Shall *mero motu* or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and
- 3) May investigate any matter referred to the Directorate by the Minister or member of the Executive Council.

Section 18 of the Domestic Violence Act, Act no 116 of 1998 stipulates that failure by a member of the South African Police Service to comply with an obligation imposed in terms of this Act or the National Instructions referred to in subsection (3), constitutes misconduct as contemplated in the South African Police Service Act, 1995, and the Independent Complaints Directorate, established in terms of that Act, must forthwith be informed of any such failure reported to the South African Police Service. Unless the Independent Complaints Directorate directs otherwise in any specific case, the South African Police Service must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The Independent Complaints Directorate must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4) (a), and set out the recommendations made in respect of such matters. The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the Independent Complaints Directorate.

In terms of Section 64 0 of the SAPS Act, read with Regulation 9 and Annexure 5 of the Regulations for Municipal Police Services, the ICD has been given the same civilian oversight duties in respect of Municipal Police Services that it has in respect of the South African Police Service

## **MISSION AND VISION**

### **Mission**

To promote proper police conduct.

### **Vision**

A transformed police service in line with the spirit and purport of the Constitution.

## **2. PROGRAMME PERFORMANCE**

### **SUMMARY OF PROGRAMMES**

The activities of the Independent Complaints Directorate are organized in the following programmes:

Programme 1: Administration

Programme 2: Investigation of Complaints

Programme 3: Information Management and Research

### **Overview of the service delivery environment for 2008/09**

The Independent Complaints Directorate (ICD) had to contend with a challenging service delivery environment which saw an increase in the number of complaints received, especially in the provinces where satellite offices were opened.

The deterioration in the global economic environment also affected the ICD's allocation for the 2009/10 financial year and with a more than 3% cut to the Departmental budget allocation - only the commitment and sacrifices of our staff members will ensure delivery on the ICD's mandate.

### **Overview of the organisational environment**

The second initiative is by taking our services to the people. We are making progress with regard to increasing our accessibility, albeit at a very small scale. We have opened a number of satellite offices in some provinces where they did not exist before and aim to continue doing so until we reach our target of a number of satellite offices throughout the country, with special focus on rural areas.

In November 2008, the ICD was privileged to host the Chairperson of the Police Complaints Authority (PCA) of Lesotho and her entourage, which included the Secretary for Home Affairs and two other senior officials. The PCA is a civilian oversight body established within the Ministry of Home Affairs and Public Safety, with powers to investigate the conduct of members of the Lesotho Mounted Police Service. The object of the weeklong visit was to learn about the ICD and establish working cooperation between the two organizations, taking cue from the SA – Lesotho government's bilateral agreement concluded a few years ago. The PCA requested the ICD to host an attachment of two Senior Investigators in the Free State provincial office on 9 – 21 March 2009.

### **Performance information**

The number of complaints received with by the ICD increased by 5% to 6 119 compared to the same period in 2007/08. When considering the cases carried over from the previous year, the ICD had a workload of 11 193 cases to deal with. Even though it was difficult to meet the strategic objectives, namely, finalising investigations within specified days, overall 55% of investigations were completed. Of these 50% were deaths, 43% were domestic violence non-compliance cases, 52% criminal investigations and 60% were misconduct cases.



The challenge faced by the ICD in regard to finalization of investigations must be looked at in consideration of the fact that we carried over some part of our workload from the previous financial year. Save for the Eastern Cape Province, other provinces which had satellite offices have performed far better. This could be attributed to additional staff brought about by the satellite office but also the fact that access has now improved in relation to servicing certain areas. This implies therefore that there is a strong case for setting up additional satellite offices in all provinces.

Targets relating to the attendance of crime scenes and Post Mortems were exceeded by 18% and 19% respectively.

From the 6 125 completed cases, 723 recommendations were made to the Director of Public Prosecutions (DPP) in respect of criminal conduct. Recommendations made to the SAPS management in respect of misconduct numbered 1212.

### **Major projects undertaken during 2008/09 financial year**

#### *Establishment of satellite offices*

As part of our commitment of ensuring that our services are accessible, we established three more satellite offices in Bethlehem, Free State; Rustenburg, North West and Upington, Northern Cape provinces. The latter was particularly a welcome relief also for our employees, investigators in particular, who had to travel about ±700km from the main office in Kimberly, to service the communities of Upington and further in Springbok and surrounding areas. The establishment of these satellite offices will ensure that communities in these areas can now access our services with reasonable ease. To date, the ICD has established a total of six satellite offices including in Mthatha, Eastern Cape; Thohoyandou, Limpopo and Empangeni, KwaZulu-Natal.

#### *Draft ICD Bill*

Provision for the establishment and functioning of the ICD was made in the Interim Constitution 200 of 1993, while the regulatory framework was covered in chapter 10 of the South African Police Service Act, 68 of 1995. As SAPS is the custodian of that legislation, it became a challenge for the ICD to effect any amendments that aimed at strengthening its powers. This was one of the many reasons that mitigated for the establishment of a separate ICD legislation, to inter alia, address areas that related to its powers and functions. The Portfolio Committee for Safety and Security became instrumental in and supportive in the process of the drafting the Independent Complaints Directorate Bill. A team comprising of Senior Managers from within the ICD put together a draft bill. The process is at its infancy and still requires extensive consultation and lobbying with various key stakeholders. The ICD is excited about the prospects of its own separate legislation which will go a long way in addressing the gaps that exist in the current dispensation.

### **Progress with financial management improvement**

Since April 2008 monthly meetings between the components: Finance and SCM took place and reconciliations between BAS & LOGIS reports brought forth discrepancies which were then investigated. Corrective measures are implemented monthly, prior to the closing of the next accounting month.

The Department: Public Service and Administration's assistance was sought to provide in-depth LOGIS training to all relevant staff members. National Office staff embarked on a process of verifying all assets throughout the ICD in order to update the information on the asset registers and to ensure that all assets were uniquely numbered.

### **Strategic issues facing the department that needs to be dealt with**

The restructuring exercise, which needs funding, must be completed to ensure the transfer of Monitors and Case Analysts to the investigation component. If done, this would give the investigation component the extra hands it needs so urgently. National Treasury has been approached to secure funding for such restructuring.

### **3. PROGRAMME I: ADMINISTRATION**

#### **Purpose**

To render a comprehensive support service to the line function within the parameters of good governance.

#### **Main Activities**

The main activities of this programme include the following:

The implementation of the Public Finance Management Act (PFMA) and Treasury Regulations in order to promote effective and efficient service delivery through sound financial management and administration in the department.

Managing the establishment of the department, identification of developmental and training needs of personnel and ensuring proper implementation of performance management.

Conducting internal audits to promote corporate governance and to foster fiscal discipline.

Asset and fleet management, as well as provision of logistics, cleaning and auxiliary services.

Security management in compliance with the Minimum Information Security Standard (MISS) and other national safety regulations.

Management of all Special Programmes identified by the Presidency, such as HIV/AIDS, disability, gender, and youth, in line with government strategies and initiatives.

#### **Measurable Objectives**

The objective of the Programme: Administration is to provide for the overall management and organization of the ICD.

The above-mentioned objective implies that the Programme: Administration conducts activities which provide for the strategic leadership, overall management and corporate services, including the policy-formulation responsibilities of the Executive Director and Top Management. Through the development and maintenance of effective and efficient administrative and support systems, the programme intends to enhance service delivery on the constitutional and legislative mandate of the ICD with special attention given to people-centered governance and, the provision of centralized administrative, office support, human resource management and financial management services.

Service delivery achievements:

OUTPUT	INDICATOR	TARGET	PERFORMANCE
To comply with the Employment Equity Act	Promote employment equity by having 50% women in top management	31 March 2010	Although the target has been set for a later date, equity in terms of Gender has been reached on the Senior Management level. The challenge remains at the middle management level where equity is currently 29% women
Effective implementation of the approved retention strategy	Implement the retention strategy by ensuring that 2% of staff is made up of people with disabilities	31 March 2009	The target had been met but, then the National Office lost two staff members to other departments. Attempts were made to retain them but they chose to leave for various reasons, one being lack of mobility
	Time within which vacancies should be filled	3 months	The target has been met. The vacancy rate stands at 7% as at the end of March 2009
Commence the implementation of the Government's Strategy on Asset Management	Maintain an updated Asset Register	31 July 2008	Target met. Measures were put in place to ensure proper stocktaking as well as a proper verification process, after all the assets had been captured on Logis. Redundant and/or unserviceable assets were dealt with in terms of the Asset and Disposal Policy
	Finalise the appointment of Asset Holders throughout the ICD	31 July 2008	Target met - Asset Holders appointed throughout ICD and herewith control measures for more than 10% of the identified priority risk areas have been addressed

OUTPUT	INDICATOR	TARGET	PERFORMANCE
Evaluate the effectiveness of internal controls and to ensure that the ICD complies with applicable prescripts	Execute all audit activities as per operational plan	31 March 2009	Target met. ICD's Audit Committee agreed to the component: Internal Audit's compliance
Implement a Code of ethics for Suppliers	Workshop the Code of Ethics with the suppliers that render services and goods to the ICD	April 2008	Target not met. A Code has been developed. The workshop and implementation of such is however problematic and will be benchmarked with other departments in the new year
Promotion of peace and discipline in the Department	Finalization of reported cases	70% of cases	Target met
Maintain employee wellness and special programmes	Roll-out of four health and wellness campaigns, including special programmes	Quarterly	Target met in National Office as well as most of the nine Provincial Offices
To develop ICD Security Plan	Revise ICD security policy in line with NIA	June 2008	Target not met. The policy is currently with NIA for ratification and it will only be approved thereafter
	Review and develop contingency plans	September 2008	Contingency plans have been finalized in May 2008 and are in place.
	Conduct training on revised security policy	March 2009	Still to be performed in the new year
Improvement of service delivery through the implementation of Batho Pele revitalization programme	Update service delivery improvement plan	31 March 2009	Still to be performed in the new year
Provision of quality assured training programmes	70% of training programmes to be offered by recognized service providers	31 March 2009	Target met
Policy review	Review the bursary policy, the contract and operational procedures.	31 March 2009	Target met

## Capital Investment, maintenance and asset management

### Capital Investment

The department has no capital investments.

### Maintenance

The ICD occupies rented/leased buildings and does not own any property, in view thereof we are not affected by any maintenance backlogs.

The only maintenance project that was undertaken during the period under review was the refurbishment of the KwaZulu-Natal provincial office and the Empangeni satellite office.

## 3.1 HUMAN RESOURCE MANAGEMENT

The statistics and information published in this part of the Annual Report is required in terms of Regulation III J.3 of the Public Service Regulations and have been prescribed by the Minister for the Public Service and Administration for all government departments within the Public Service.

### Objective

Managing the establishment and structure of the department, identification of developmental and training needs of personnel and ensuring proper implementation of performance management in the department.

#### 3.1.1 Service Delivery

All departments are required to develop a Service Delivery Improvement (SDI) Plan. The following tables reflect the components of the SDI plan as well as progress made in the implementation of the plans.

**Table 3.1.1 - Main services provided and standards**

Main Services	Actual customers	Potential customers	Standard of service	Actual achievements against standards
The investigation of all deaths in police custody and as a result of police action and, misconduct or offences committed by SAPS and MPS members.	Victims	Public	Family Liaison conducted immediately and on an on-going base.	Written confirmation in docket.
	Victims	Public	Production of preliminary reports within 180 days (Class 1 and Class 3).	Report captured on database within 48 hours.
	Victims	Public	Production of final recommendation reports within 14 days of receipt of technical / preliminary reports (Class 1 and Class 3).	Report captured on database within 48 hours.
	Victims	Public	Production of final report in respect of Class 4 cases within 180 days.	Final report captured on database within 48 hours.

<b>Services</b>	<b>Actual customers</b>	<b>Potential customers</b>	<b>Standard of service</b>	<b>Actual achievements against standards</b>
	Victims	Public	Quality and thorough investigation of dockets to the DPP / SAPS / MPS.	Queries attended promptly, dockets forwarded to the DPP within 30 days.
	Victims	Public	Reporting progress to stakeholders.	Further progress reported on a monthly basis.
	Victims	Public	Response to Service Delivery Complaints.	Response to query within 7 days.
Provision of effective legal advisory and liaison services.	ICD Employees	ICD Employees	Attend and respond to legal queries.	Within 5 days and on-going.
Capturing of cases on database.	Victims	Public	Within 24 hours.	50% Achieved.
Development of efficient and effective Human Resources.	ICD Employees	ICD Employees	Trained and multi-skilled human resources.	70% of staff has been trained on the basis of a skills audit.
	Youth	Youth	Empowerment of youth to be employable.	Implementation of Internships started during the year under review.
Refining/Strengthening internal business processes.	ICD Employees	ICD Employees	Improvement in service delivery.	Review the SDIP annually, ongoing.

**Table 3.1.2 - Consultation arrangements with customers**

<b>Type of arrangement</b>	<b>Actual Customers</b>	<b>Potential Customers</b>	<b>Actual achievements</b>
Personal consultation	Public	Public	Attending to clients within five minutes.
Progress report	Public	Public	Progress regarding investigations reported to clients on regular basis.
Izimbizo	Public	Public	The Minister & ED and other Senior Managers conducted over 307 community outreach activities

**Table 3.1.3 - Service delivery access strategy**

<b>Access Strategy</b>	<b>Actual Achievements</b>
Community Awareness	Participation in awareness programmes.
Media	Prompt responses.
Taking services to the people	6 Satellite Offices established.

**Table 3.1.4 - Service information tool**

<b>Types of Information Tool</b>	<b>Actual Achievements</b>
Publicity Material	Brochures and posters available in all official languages.
ICD Website	Availing information about ICD's activities.
Government Website	Availing information ICD activities.
MPCC	Availing information on ICD mandate, especially during launches.
Service Commitment Charter	Service Standards displayed in the Service Commitment Charter

**Table 3.1.5 - Complaints mechanism**

<b>Complaints Mechanism</b>	<b>Actual Achievements</b>
Consulting at ICD offices	Prompt attendance.
Telephone, Fax and Email	Acknowledgement of receipt.
Referral System	Referring complainants to relevant organizations.
Evaluation of services provided	Service evaluation forms and suggestion boxes available at the reception of all ICD offices

## 3.2. Expenditure

The following tables summarize final audited expenditure by programme (Table 3.2.1) and by salary levels (Table 3.2.2). In particular these tables provide an indication of the amount spent on personnel costs in terms of each of the programmes or salary levels within the department. The training expenditure includes the expenditure in terms of bursaries as other well as training interventions.

**Table 3.2.1 - Personnel Costs per programme: 2008/09**

Programmes	Total expenditure (R'000)	Personal expenditure (R'000)	Training expenditure (R'000)	Professional and special service (R'000)	Personnel cost as a percentage of total expenditure	Average personnel cost per employee (R'000)
Programme 1	33 525	16 286	137	70	48	232
Programme 2	54 522	36 006	217	90	66	321
Programme 3	11 250	5 725	22	16	51	81
<b>Total:</b>	<b>99 297</b>	<b>58 017</b>	<b>376</b>	<b>176</b>	<b>58</b>	<b>229</b>

**Table 3.2.2 - Personnel costs per salary levels: 2008/09**

Salary levels	Personnel expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	-	-	-
Skilled (Levels 3-5)	9 196	16	104.5
Highly skilled production (Levels 6-8)	18 284	31.5	217.6
Highly skilled supervision (Levels 9-12)	20 335	35	312.8
Senior and Top Management (Levels 13-16)	10 202	17.5	637.6
<b>Total:</b>	<b>58 017</b>	<b>100</b>	<b>229</b>



The following tables provide a summary per programme (Table 3.2.3) and salary levels (Table 3.2.4), of expenditure incurred as a result of salaries, overtime, home owner's allowances and medical aid. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

**Table 3.2.3 - Salaries, Overtime, Home Owner's Allowance and Medical Aid per programme: 2008/09**

Programme	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount (R'000)	Medical Assistance as a % of personnel cost
Programme 1	10 149	62.3	670	4.1	377	2.3	595	3.6
Programme 2	22 114	61.4	452	1.2	577	1.6	1 341	3.7
Programme 3	3 922	68.5	103	1.7	160	2.7	229	4
<b>Total:</b>	<b>36 185</b>	<b>62.3</b>	<b>1 225</b>	<b>2.1</b>	<b>1 114</b>	<b>1.9</b>	<b>2 165</b>	<b>3.7</b>

**Table 3.2.4 - Salaries, Overtime, Home Owners Allowance and Medical Aid per salary level, 2008/09**

Programme	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as a % of personnel costs	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Lower skilled (Levels 1-2)	-	-	-	-	-	-	-	-
Skilled (Levels 3-5)	5 202	56.5	178	1.9	319	3.4	589	6.4
Highly skilled production (Levels 6-8)	9 436	51.6	591	3.2	341	1.8	708	3.8
Highly skilled supervision (Levels 9-12)	13 232	65	456	2.2	400	1.9	743	3.6
Senior and Top Management (Levels 13-16)	8 315	81.5	-	-	54	0.52	125	1.2
<b>Total:</b>	<b>36 185</b>	<b>62.3</b>	<b>1 225</b>	<b>2.1</b>	<b>1 114</b>	<b>1.9</b>	<b>2 165</b>	<b>3.7</b>

### 3.3. Employment and Vacancies

The following tables summarize the number of posts on the establishment, the number of employees, the vacancy rate and whether there are any posts that are additional to the establishment. This information is presented in terms of two key variables: programme (Table 3.3.1), salary level (Table 3.3.2). The department does not have critical occupations.

**Table 3.3.1 - Employment and vacancies per programme: 31 March 2009**

Programme	Number of posts	Number of employees	Vacancy rate	Additional to the establishment
Programme 1: Administration	75	70	6.6	None
Programme 2: Investigation of complaints	117	112	4.2	None
Programme 3: Information management and research	78	71	8.9	None
<b>Total:</b>	<b>270</b>	<b>253</b>	<b>6.2</b>	<b>None</b>

**Table 3.3.2 - Employment and vacancies per salary level, 31 March 2009**

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Lower skilled	-	-	-	None
Skilled	92	88	4.3	None
Highly skilled production	89	84	5.6	None
Highly skilled supervision	72	65	9.7	None
Senior and Top management	17	16	5.8	None
<b>Total:</b>	<b>270</b>	<b>253</b>	<b>6.2</b>	<b>None</b>

### 3.4. Job Evaluation

**Table 3.4.1 - Job Evaluation: 01 April 2008 to 31 March 2009**

	Number of posts	Number of jobs evaluated	% of posts evaluated by salary bands	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled	-	-	-	-	-	-	-
Skilled	92	-	-	-	-	-	-
Highly skilled production	89	-	-	-	-	-	-
Highly skilled supervision	72	-	-	-	-	-	-
Senior Management Service Bands A	12	-	-	-	-	-	-
Senior Management Service Band B	4	-	-	-	-	-	-
Senior Management Service Band C	1	-	-	-	-	-	-
Senior Management Service Band D	-	-	-	-	-	-	-
<b>Total:</b>	<b>270</b>	-	-	-	-	-	-

### 3.5. Employment Changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the ICD's profile. The following tables provide a summary of turnover rates by salary levels (Table 3.5.1) and the reasons why staff are leaving the ICD (Table 3.5.2) as well as promotions as per salary levels (Table 3.5.3).

**Table 3.5.1 - Annual Turnover rates per salary levels for the period 1 April 2008 to 31 March 2009**

Salary level	Number of employees as per band on 1 April 2008	Appointments & transfers into the department	Terminations & transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	-	-	-	-
Skilled (Levels 3-5)	77	39	34	44.1
Highly skilled production (Levels 6-8)	74	43	21	28.3
Highly skilled supervision (Levels 9-12)	65	5	11	16.9
Senior Management Service Band A	12	-	-	-
Senior Management Service Band B	4	-	-	-
Senior Management Service Band C	-	-	-	-
Senior Management Service Band D	-	-	-	-
<b>Total:</b>	<b>232</b>	<b>87</b>	<b>66</b>	<b>28.4</b>

**Table 3.5.2 - Reasons why staff are leaving the department**

Termination type	Number	% of total
Death	1	1.5
Resignation	19	28.7
Expiry of Contract	-	-
Dismissal - operational changes	-	-
Dismissal - misconduct	3	4.5
Dismissal - inefficiency	-	-
Discharged due to ill-health	-	-
Retirement	1	1.5
Transfers to other Public Service Departments	42	63.6
Other	-	-
<b>Total:</b>		<b>66</b>
<b>Total number of employees who left as a % of the total employment</b>		<b>28.4</b>

**Table 3.5.3 - Promotions per salary levels for the period 1 April 2008 to 31 March 2009**

Salary levels	Employees 1 April 2008	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary bands
Lower skilled	-	-	-	-	-
Skilled	77	10	12.9	19	24.6
Highly skilled production	74	15	20.2	12	16.2
Highly skilled supervision	65	11	16.9	22	33.8
Senior and Top management	16	-	-	13	81.2
<b>Total:</b>	<b>232</b>	<b>36</b>	<b>15.5</b>	<b>66</b>	<b>28.4</b>

### 3.6. Employment Equity

**Table 3.6.1 - Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2009**

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	11	-	-	-	4	-	-	1	16
Professionals	34	3	3	6	13	1	-	5	65
Technicians and associate professionals	43	1	2	3	31	3	1	-	84
Clerks	32	-	-	-	46	8	1	1	88
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>120</b>	<b>4</b>	<b>5</b>	<b>9</b>	<b>94</b>	<b>12</b>	<b>2</b>	<b>7</b>	<b>253</b>
Employees with disabilities	1	-	-	-	1	-	-	-	2

**Table 3.6.2 - Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2009**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	2	-	-	-	1	-	-	1	4
Senior Management	9	-	-	-	3	-	-	-	12
Professionally qualified and experienced specialists and mid-management	34	3	3	6	13	1	-	5	65

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	43	1	2	3	31	3	1	-	84
Semi-skilled and discretionary decision making	32	-	-	-	46	8	1	1	88
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>120</b>	<b>4</b>	<b>5</b>	<b>9</b>	<b>94</b>	<b>12</b>	<b>2</b>	<b>7</b>	<b>253</b>

**Table 3.6.3 - Recruitment for the period: 1 April 2008 to 31 March 2009**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	11	-	-	-	5	-	-	-	16
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	36	-	-	-	22	-	-	-	58
Semi-skilled and discretionary decision making	17	1	-	-	28	3	-	-	49
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>64</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>55</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>123</b>

**Table 3.6.4 - Promotions for the period: 1 April 2008 to 31 March 2009**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	8	-	-	-	3	-	-	-	11
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	5	-	-	-	10	-	-	-	15
Semi-skilled and discretionary decision making	4	1	-	-	5	-	-	-	10
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>17</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>18</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>36</b>
Employees with disabilities	-	-	-	-	-	-	-	-	-

**Table 3.6.5 - Terminations for the period 1 April 2008 till 31 March 2009**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	-	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	2	-	1	-	3	-	-	1	7
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	4	-	-	1	3	-	-	-	8



Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Semi-skilled and discretionary decision making	3	1	-	-	4	1	-	-	9
Unskilled and defined decision making	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>10</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>24</b>

**Table 3.6.6 - Disciplinary Action for the period 1 April 2008 to 31 March 2009**

Occupational levels	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	5	-	-	-	-	1	-	-	6

**Table 3.6.7 - Skills Development for the period 1 April 2008 to 31 March 2009**

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	99	1	1	15	34	1	-	9	160
Professionals	63	-	-	2	44	-	-	-	109
Technicians and associate professionals	-	-	-	-	-	-	-	-	-
Clerks	91	-	-	2	113	-	-	3	209
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
<b>Total:</b>	<b>253</b>	<b>1</b>	<b>1</b>	<b>19</b>	<b>191</b>	<b>1</b>	<b>-</b>	<b>12</b>	<b>483</b>
Employees with disabilities	1	-	-	-	1	-	-	-	2

### 3.7. Performance rewards

**Table 3.7.1 - Performance rewards per race, gender and disability: 1 April 2008 to 31 March 2009**

	Beneficiary Profile			Cost (R'000)	Average cost per employee (R'000)
	Number of beneficiaries	Total number of employees in group	% of total within group		
African	28	214	13	562	19
Male	15	119	12.6	388	24
Female	13	94	13.8	174	13
Asian	-	7	-	-	-
Male	-	5	-	-	-
Female	-	2	-	-	-
Coloured	3	16	18.7	23	7
Male	1	4	25	14	14
Female	2	12	16.6	9	4
White	9	16	56.2	140	15
Male	3	9	33.3	30	10
Female	6	7	85.7	110	18
Employees with a disability	1	2	50	21	21
<b>Total:</b>	<b>41</b>	<b>253</b>	<b>16.2</b>	<b>746</b>	<b>17</b>

**Table 3.7.2 - Performance Rewards per salary levels below Senior Management Service: 1 April 2008 to 31 March 2009**

Salary Levels	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary level	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1-2)	-	-	-	-	-	-
Skilled (Levels 3-5)	9	88	10.2	50	5	0.54
Highly skilled production (Levels 6-8)	6	84	7.1	63	10	0.34
Highly skilled supervision (Levels 9-12)	17	65	26.1	295	17	1.45
<b>Total:</b>	<b>32</b>	<b>237</b>	<b>13.5</b>	<b>408</b>	<b>12</b>	<b>0.70</b>

**Table 3.7.3: Performance- related rewards (cash bonus), by salary band, for Senior Management Service.**

Salary Band	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee (R'000)	Total cost as a % of the total personnel expenditure
Band A	5	12	41.6	206	41	2
Band B	4	4	100	131	32	1.2
Band C	-	-	-	-	-	-
Band D	-	-	-	-	-	-
<b>Total:</b>	<b>9</b>	<b>16</b>	<b>56.2</b>	<b>337</b>	<b>37</b>	<b>3.3</b>

### 3.8. Foreign Workers

No foreign nationals have been employed in the Department.

### 3.9. Leave utilization for the period 1 January 2008 to 31 December 2008

The Public Service Commission identified the need to carefully monitor leave within the public service. The following tables provide an indication of the use of sick leave (Table 3.9.1).

**Table 3.9.1 - Sick leave: 1 January 2008 to 31 December 2008**

Salary level	Total days	% of days with medical certification leave	Number of employees using sick leave	% of employees using sick leave	Average days per employee	Estimated cost (R'000)	Total number of days with medical certification
Skilled (Levels 3-5)	374	85	65	33.2	6	92	319
Highly skilled production (Levels 6-8)	405	85	66	33.7	6	184	346
Highly skilled supervision (Level 9-12)	342	83	54	27.6	6	317	285
Senior management (Level 13-16)	65	89	11	5.6	6	138	58
<b>Total:</b>	<b>1 186</b>	<b>85</b>	<b>196</b>	<b>100</b>	<b>6</b>	<b>731</b>	<b>1 008</b>

**Table 3.9.2 – Disability leave: 1 January 2008 to 31 December 2008**

Salary level	Total days	% of days with medical certification leave	Number of employees using sick leave	% of employees using sick leave	Average days per employee	Estimated cost (R'000)
Skilled	128	100	2	3.3	64	33
Highly skilled production	32	100	2	3.5	16	15
Highly skilled supervision	39	100	2	4.5	19	29
Senior management	-	-	-	-	-	-
<b>Total:</b>	<b>199</b>	<b>100</b>	<b>6</b>	<b>3.5</b>	<b>33</b>	<b>77</b>

**Table 3.9.3 - Annual leave: 1 January 2008 to 31 December 2008**

Salary level	Total days taken	Number of employees	Average per employee
Lower skilled	-	-	-
Skilled	1 177	93	13
Highly skilled production	1 670	96	17
Highly skilled supervision	1 634	76	22
Senior management	365	16	23
<b>Total:</b>	<b>4 846</b>	<b>281</b>	<b>17</b>

**Table 3.9.4 – Capped leave: 1 January 2008 to 31 December 2008**

Salary level	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 Dec 2008	Number of employees as at 31 Dec 2008	Total number of capped leave available at 31 Dec 2008
Lower skilled (Levels 1-2)	-	-	-	-	-
Skilled Levels 3-5)	-	-	-	-	-
Highly skilled production (Levels 6-8)	4	4	34	1	671
Highly skilled supervision (Levels 9-12)	15	3	73	5	2 836
Senior management (Levels 13-16)	-	-	-	-	-
<b>Total:</b>	<b>19</b>	<b>3</b>	<b>59</b>	<b>6</b>	<b>3 507</b>

**Table 3.9.5 Leave payouts for the period 1 April 2008 to 31 March 2009**

The following table summarizes payments made to employees as a result of leave that was not taken

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave payout for 2008/09 due to non-utilization of leave for the previous cycle	-	-	-
Capped leave payouts on termination of service for 2008/09	-	-	-
Current leave payout on termination of service for 2008/09	14	1	14
<b>Total:</b>	<b>14</b>	<b>1</b>	<b>14</b>

### 3.10 HIV/AIDS and Health Promotion Programmes

**Table 3.10.1 - Steps taken to reduce the risk of occupational exposure**

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
Investigators, as they have to attend crime scenes and post mortems.	The wearing of protective gear that is supplied by the Department.

**Table 3.10.2 - Details of Health Promotion and HIV/AIDS Programme**

Question	Yes	No	Details, if yes
1. Have you designated a member of the SMS to implement the provisions contained in Part VI E Chapter 1 of the Public Regulations, 2001? If so, provide her/his name and position.	X		Mr JM Matsomela – Acting General Manager: Corporate Services
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and well being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	X		The sub-directorate Special Programmes and Employee Wellness has been established to deal with the well being of employees as well as the Special Programmes. The Assistant Manager and Special Programmes Officer deals on a daily basis with HIV/AIDS, related issues and the Employee Wellness Programme. The sub-directorate is currently resourced with two permanent employees and one Intern. In the provinces the Deputy Provincial Heads are tasked with these programmes. The annual budget for Special Programmes & Employee Wellness during the period 2008 / 2009 amounts to R 984 000.00 including salaries.
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/ services of this Programme.	X		On 01 February 2005 the EWP Services was implemented. The EWP services are outsourced to the Independent Counseling and Advisory Services (ICAS). The services include a full EWP service that includes a 24-hour confidential multilingual toll-free counselling

Question	Yes	No	Details, if yes
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter I of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	X		<p>and life management service, professional face-to-face counselling, managerial and retrenchment counselling and consultancy, promotional service, trauma and critical incident counselling and training.</p> <p>The Special Programmes and Employee Wellness Committee deals with HIV / AIDS, Health &amp; Wellness and Special Program-mes issues. The members are: Mr R Raburabu (Gau), Ms M Smit (Gau), Ms K Netshikulwe (Gau), Ms A Percival (WC), Ms P Mlungwana (EC), Mr G Angus (NC), Ms N Ndlovu (KZN), Mr D Mokoena (Limp), Ms B Motlhale (NW), Mr T Mmusi (FS) and Mr O Khanyi (MPU).</p> <p>The Employee Wellness Advisory Committee members are: Mr M Matsomela (Gau), Mr M Tshimane (MPU), Ms Verster (Gau), Mr M Dlamini (Gau), Mr D Morema (NC), Ms E Engelbrecht (Gau) and Ms M Smit (Gau).</p>
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	X		<p>The department has an approved internal HIV and Aids Policy since 01 March 2001 that addresses all forms of unfair discrimination relating to HIV/Aids and STI's. The policy is NSP inclusive.</p>
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of those measures.	X		<p>Allegations of misconduct relating to unfair discrimination on the basis of HIV/AIDS will be dealt with in terms of the Disciplinary Code and Procedure as well as the Grievance Procedure for the Public Service.</p>
7. Does the department encourage its employees to undergo Voluntary Counseling and Testing? If so, list the results that you have achieved.	X		<p>Management encourages employees to openly live with HIV and AIDS to develop support groups. On 06 March 2009 employees were afforded an opportunity to participate in the Health and Wellness Screening Day onsite. Voluntary Counseling and Testing was also included in the overall wellness day. The EWP service provider will ensure that HIV positive employees receive the necessary professional care and support.</p>
8. Has the department developed measures/ indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	X		<p>The Employee Wellness service provider (ICAS) submits four quarterly and one annual report to the Senior Management on the management and quality control, account management and management information to monitor and evaluate the utilisation and impact of the Employee Wellness Programme. Monitoring and evaluation of the EWP is addressed at the Employee Wellness Advisory Committee meetings.</p>

### 3.1 I. Labour Relations

**Table 3.1 I.1 Collective agreements, 1 April 2008 to 31 March 2009**

There were no collective agreements entered into with trade unions within the department.

**Table 3.1 I.2 - Misconduct and disciplinary hearings finalized: 1 April 2008 to 31 March 2009**

The following table summarizes the outcome of disciplinary hearings conducted within the department for the year under review.

Outcomes of disciplinary hearings	Number	% of total
Correctional counseling	-	-
Verbal Warning	-	-
Written Warning	-	-
Final Written Warning	3	50
Suspended without pay	-	-
Fine	-	-
Demotion	-	-
Dismissal	3	50
Not guilty	-	-
Case withdrawn	-	-
<b>Total:</b>	<b>6</b>	<b>100</b>

**Table 3.1 I.3 - Types of misconduct addressed at disciplinary hearings**

Types of misconduct	Number	% of total
Misrepresentation	2	22
Bringing the name of the Department into disrepute	2	22
Abuse of State vehicle	1	11
Operational requirements	4	44
<b>Total:</b>	<b>9</b>	<b>100</b>



**Table 3.11.4 - Grievances lodged for the period: 1 April 2008 to 31 March 2009**

	Number	% of total
Number of grievances resolved	6	75
Number of grievances not resolved	2	25
Total number of grievances lodged	8	100

**Table 3.11.5 – Disputes lodged with Councils for the period: 1 April 2008 to 31 March 2009**

	Number	% of total
Number of disputes upheld	1	100
Number of disputes dismissed	-	-
Total number of disputes lodged	1	100

**Strike actions for the period 1 April 2008 to 31 March 2009**

No employees were involved in any strike actions in the period under review.

**Table 3.11.6 - Precautionary suspensions for the period: 1 April 2008 to 31 March 2009**

Number of people suspended	4
Number of people whose suspension exceeded 30 days	3
Average number of days suspended	270
Cost	533 692.00

### 3.12. Skills development

This section highlights the efforts of the department with regard to skills development. Table 3.12.1 provides a summary of training needs identified during the period under review and Table 3.12.2 is a summary of training provided. During this period, 89% of the training needs were addressed.

**Table 3.12.1 - Training needs identified: 1 April 2008 to 31 March 2009**

Occupational categories	Gender	Number of employees as at 1 April 2008	Training needs identified as start of reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	24	-	14	-	14
	Male	38	-	11	-	11
Professionals	Female	35	1	17		18
	Male	68	1	17		18
Technicians and associate professionals	Female	-	-	-	-	-
	Male	-	-	-	-	-
Clerks	Female	59	-	28	20	48
	Male	35	-	28	20	48
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	-	-	-	-	-
	Male	-	-	-	-	-
Sub-total	Female	118	1	59	20	80
	Male	141	1	56	20	77
<b>Total:</b>	<b>259</b>	<b>1</b>	<b>2</b>	<b>115</b>	<b>40</b>	<b>157</b>

**Table 3.12.2 - Training provided | April 2008 to 31 March 2009**

Occupational categories	Gender	Number of employees as at 31 March 2008	Training provided within the reporting period			Total
			Learnerships	Skills programmes & other short courses	Other forms of training	
Legislators, senior officials and managers	Female	24	-	19	5	24
	Male	38	-	19	5	24
Professionals	Female	35	-	13	5	18
	Male	68	-	14	5	19
Technicians and associate professionals	Female		-	-	-	-
	Male		-	-	-	-
Clerks	Female	59	-	9	8	17
	Male	35	-	8	11	19
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	-	-	-	-	-
	Male	-	-	-	-	-
Sub-total	Female	118	-	41	18	59
	Male	114	-	41	21	62
<b>Total:</b>		<b>259</b>		<b>82</b>	<b>39</b>	<b>121</b>

### 3.13. Injury on duty

There were no cases of Injury on duty which were reported for the period under review.

### 3.14 Utilization of Consultants

**Table 3.14.1: Report on Consultant appointments using appropriated funds**

Project title	Total number of consultants that worked on project	Duration work days	Contract value in Rand

## 4. PROGRAMME 2: INVESTIGATIONS

Purpose: Receive, register and process complaints. Investigate deaths in police custody and as a result of police action. Investigate and/or monitor complaints of criminality and misconduct. Monitor implementation of the Domestic Violence Act (1998).

- Investigation - investigates complaints of deaths in police custody or as a result of police action, and of misconduct and criminality.
- Legal Services provides legal advice to ICD officials.

**Measurable objectives:** To maintain the integrity of independent oversight through the effective finalisation of complaints against police members received from the public.

### Service delivery objectives achievements

Measure/Indicator	Target	Performance
Complaints registered and allocated within 48 hours	100%	Target met.
Applications for exemption completed within 30 days	100%	Target met.
Investigations of deaths (Class 1) where there is no police involvement completed within 30 days	60% of notifications received from SAPS/MPS	Target not met. There was a shortfall of 4%. Only 192 out of 342 cases finalized, representing 56% of notifications received
Investigations of deaths (Class 1) where there is police involvement completed within 120 days	60% of notifications received from SAPS/MPS	Target not met. Only 330 out of 1 568 cases finalized, representing 21% of notifications received
Finalize internal ICD investigations of Class 3 (criminal offences) cases within 120 days	50% of complaints received from SAPS/MPS	Target not met. Only 1 107 (31%) out of 3 581 cases finalized.
Finalize internal ICD investigations of Class 4 (misconduct) cases within 120 days	50% of misconduct complaints	Target not met. Only 1 721 (47%) out of 3 652 cases finalized. There was a shortfall of 3%
Attendance of crime scenes	70% of death notifications	Target exceeded by 18%. 623 out of 710 scenes attended. In the case of natural deaths there were no scenes to attend. Some scenes were reported late and others not at all

## 4.1 Stakeholder Management

During the year under review we received a number of referrals from the KwaZulu-Natal Violence Monitor, Ms Mary De Haas, on cases of alleged torture by the police. In investigating these cases, some of which persons died as a result of the alleged torture, we were confronted with a challenge of getting medical practitioners to conduct examination for the identification of vital medical evidence to prove whether indeed torture had occurred as alleged. It should be noted that time is of essence in dealing with allegations of this nature. With these challenges in mind, on 4 February 2009, a meeting, facilitated by Ms De Haas, was convened at the University of KwaZulu-Natal's Medico – Legal Unit, to look at establishing a working relationship with a network of doctors specially trained in the examination of cases of torture related cases. The network currently operates in KwaZulu-Natal and is able to respond to requests made by the ICD. Expenditure for such work will be carried by either the Department of Health or the ICD. This will be determined on a case by case basis. The ICD will thus have to forge a protocol of understanding with the Department of Health since the running of state mortuaries fall within their mandate.

We have continued playing our role as partners in the National Forum for Municipal Police, a structure that was established a few years ago jointly by the ICD and SAPS to give full effect to the oversight mandate of the ICD in terms of section 64(O) of the SAPS Act. This Forum has drafted a Protocol that regulates primarily the operational relationship between the ICD, SAPS and Municipal Police Services (MPS). The recent addition to the Forum has been the Road Traffic Management Corporation, which is responsible for traffic policing in provincial roads.

## 4.2 Capacity Building

As part of our commitment to skills development within the Component: Investigations, we identified the need to refresh investigators in the area of firearm competency. The Firearms Control Act requires that persons issued with firearms should be competent in the handling of that firearm. For our purpose firearm handling is critical not only for purposes of private defense while our investigators are travelling to scenes especially during night times, but also to enable them to deal with firearm exhibits found at the crime scene. We are pleased to confirm that we had a 98% pass rate in both the theory and practical handling of firearm. The 2% which did not succeed would be taken through another phase to ensure that they are competent especially in view of the fact that they only failed in the area of handling. As the ICD we have committed ourselves to ensuring that our investigators are exposed to refreshed firearm training at least once annually.

## 4.3 SOME OF THE CASES INVESTIGATED BY THE ICD DURING THE FINANCIAL YEAR

### 4.3.1 Allegations of Torture

During the past financial year, the ICD investigated a few reported cases of allegations of torture. Although South Africa does not as yet have a specific legislation dealing with torture, it is sobering to note that this lacuna will be a thing of the past once the current Bill on Torture that is before parliament becomes enacted into law. Be that as it may, in 1998 South Africa ratified the United Nations Convention Against Torture, and Other Cruel, Inhumane or Degrading Treatment of Punishment (CAT). In 2006, South Africa signed the Optional Protocol to CAT (OPCAT), and by signing this convention, the state expresses, in principle, its intention to become a party to the Convention or Protocol referred to above. Our courts may take into cognizance these international legal instruments in instances where they are confronted with allegations of torture and it is against this background that we strongly believe that it is time that our courts demonstrate that torture will not be tolerated in the South African Police Service. The number of reported cases of alleged torture is alarming especially when perpetrated by some of the police units that are regarded as the “cream of the crop” in the SAPS.

The following cases involving allegations of torture were investigated, during the financial year:-

#### 4.3.1.1 SAPS TSAKANE (2008100389)

It is alleged that on 14 October 2008 police were caught on CCTV footage assaulting a Pub Assistant Manager in a storeroom, while other uniformed and plain-clothed policemen stood by and watched. The alleged incident occurred at the Afro Square Pub in Tsakane, Ekurhuleni. It is alleged that the police stormed into the Pub and without asking questions, handcuffed their victim and assaulted him. This incident was allegedly triggered by an alleged theft of alcohol and CD player.

The alleged assault continued for several minutes before the officers left the room. A second victim was allegedly assaulted by the same group of officers that night in almost similar circumstances.

The alleged torture continued for a much longer period. The members involved in the incident were stationed at Volsoorus Tracing Unit.

**Status:** The ICD took over the investigation and arrested 8 members who were allegedly involved in the incident. Criminal and departmental recommendations were made to both the Director of Public Prosecutions (DPP) and SAPS. The DPP preferred criminal charges against only 4 of the members and did not proceed against the other four. The case is pending in court for trial. We made recommendations against all 8 of them that they be prosecuted departmentally however only 3 were charged and found guilty and discharged from the service while the other 5 were not found guilty.

#### 4.3.1.2 SAPS PAROW (2009020280)

It is alleged that on 10 February 2009 the Organized Crime Unit (OCU), arrested the deceased in Philippi. The deceased and other suspects were sought for an alleged attack on OCU members on 18 January 2009. At the offices of the OCU, the suspect was interviewed and agreed to point out the firearm used during the attack on the police members.

The deceased was allegedly handcuffed and placed in a Run X motor vehicle from which he allegedly jumped out while it was moving.

The members noticed that the deceased was injured and bleeding when they arrived at their offices. They allegedly tried to take him to Tygerberg Hospital where he was declared dead on arrival.

The Department of Health's Forensic Pathology officials refused to accept the body as no case docket had been opened.

**Status:** The ICD went to the scene where the deceased allegedly jumped out of a moving vehicle but no blood could be found. Details later emerged from the family of the deceased that the deceased had been arrested with another suspect and that they had been allegedly assaulted. The information led our investigator to various scenes where the assaults and other details that pointed to use of torture by the OCU members. The post mortem conducted on the deceased indicated that he died of blunt trauma wounds. This clearly contradicted the OCU's version of the deceased jumping out of a moving vehicle. No arrests were made yet, however the investigation has been completed. The DPP instructed that a second opinion be sought from an independent pathologist before a decision could be made on prosecution.

#### 4.3.1.3 SAPS MAKWANE (2009020304)

It is alleged that the deceased was arrested on 2009/02/10 for an alleged armed robbery case by eleven members attached to SAPS Makwane Detectives and SAPS Puthaditjhaba Crime Intelligence Gathering Unit. It is alleged that after the initial detention, the deceased was booked out of the cells together with his three co-suspects for further investigation.

The suspects were allegedly assaulted and tortured in various ways, including the use of a plastic bag over the head, as well as suffocation. One suspect died, and the Post Mortem confirmed that the deceased had died from suffocation.

**Status:** The ICD conducted investigation and that it has finalized the case. Recommendations were made for the suspension of the members allegedly involved in the assault and torture of the deceased. A Recommendation to the DPP was made that all the members allegedly involved should be charged both criminally for murder and assault with intent to cause grievous bodily harm, and departmentally for contravention of SAPS Discipline Regulations.

#### 4.3.2 Allegations of Manipulation of Statistics

The ICD received allegations of the manipulation of crime statistics at SAPS Mountain Rise, KwaZulu-Natal. The case is discussed in detail below:-

##### 4.3.2.1 SAPS MOUNTAIN RISE (CCN200911)

The allegations were made both by informants who happened to be attached to the station and through the National Anti Corruption Hotline (NACU). The allegations were that cases were not properly registered on the Case Administration System (CAS), which then led to a situation where the information on crime in the station precinct does not paint an accurate picture on crime trends. As a result of the alleged manipulation of the crime stats the station had reported a lower case load creating an impression that the crime prevention efforts by the station were effective. It was reported further that the station had received monetary compensation (bonuses) to the amount of R 500 000, for being a top station in the province.

**Status:** The ICD conducted an unannounced operation to recover the case dockets at the station. The element of surprise was necessary to overcome any attempt of possible disposal or removal of these dockets which were necessary to prove the allegations. The team involved in the operation comprised of members from the ICD Provincial and National Office, the National Intervention Unit (SAPS) and a member from the Provincial Commissioner's office. The responsibility to seize the dockets was left exclusively in the hands of ICD investigators, while the members of the NIU were there to provide support in the control of movement in and out of the station. A total of one hundred and forty seven (147) dockets, six (6) case book registers and three (3) statistic registers were seized.

From the analysis of the seized dockets and registers, it was discovered that there were cases of fraud, theft of motor vehicle, common assault and assault with intention to cause grievous bodily harm, for example, which were not registered in Case Administration System (CAS). The findings confirmed the allegations of statistical manipulation as the station did not handle the reported crimes as directed in terms of National Instruction 1/2001.

**Status:** The ICD made recommendations to the Provincial Commissioner to take appropriate action against the Station Commander as he should take responsibility for the actions of his members.

## 5. PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH

**Purpose:** Manage all information needs and knowledge. Conduct proactive research and embark on various proactive oversight activities. Manage all communication and the marketing of activities and products to stakeholders.

**Measurable objectives:** Provide information and recommendations, including in relation to the Domestic Violence Act (1998), by analysing the complaints register, conducting research and producing reports, and conducting community awareness programmes every year.

### Service delivery achievements:

Output	Mesaure/Indicator	Target	Actual Performance
Research	Production of qualitative reports containing recommendations	Three (3) reports per annum	Target met. Three reports completed, that is, <ul style="list-style-type: none"> <li>• Custody management of persons in police custody</li> <li>• Vehicle accidents involving police vehicles</li> <li>• Cell Inspection Instrument</li> </ul>
Research	Production of workshop report	Three (3) workshops per annum	Target met. 3 workshops held during the financial year
Statistics	Produce quarterly statistical reports	1 per quarter	Target met
Information and Communication Technology	Compile an ICT contingency plan	31 March 2009	Target met. Plan under consideration by IT Committee
	Respond to 95% of requests for support within 24hours	Within 24hours	Target met. Record available for perusal
Marketing ICD	Time taken to respond to media enquiries	Within 1 hour of receipt	Out of 1 012 media enquiries received, 94% responded to within one hour, 4% within 4 hours due to the nature of request eg request needed statistics or detailed research. The other 2% responded to within 8 hours due to unavailability of other parties that could assist in formulating responses
Marketing ICD	Number of community outreach activities to be undertaken	Seven (7) community awareness programmes per quarter per province	Target exceeded. A total of 307 outreach activities were conducted nationally, against a target of 252

## 5.1 RESEARCH

The Research Component conducted two research projects, the aim of which was to make policy recommendations. The projects conducted are as follows:

- Custody management of persons in police custody
- Vehicle accidents involving police vehicles
- Cell inspection instrument

### 5.1.1 CUSTODY MANAGEMENT OF PERSONS IN POLICE CUSTODY

This research project determines the extent of custody management in police holding cells. To attain this objective, the research combined both quantitative and qualitative research methods. The quantitative component involved the analysis of ICD dockets relating to deaths in police custody as a result of suicide or injuries sustained in police custody, as well as escapes from police custody.

The study had two main objectives that it needed to achieve. Firstly, it attempted to determine the extent of police adherence to regulations as stipulated in the Standing Orders on Custody Management. Consequently, it was possible to identify potential risks that lead to suicides or deaths as a result of injuries sustained in custody. Subsequently, it is possible to make recommendations that would address areas of care and management of police custody facilities. Secondly, the study aimed to develop a cell inspection monitoring tool that the ICD monitors will use in their cell inspections. The monitoring tool would aid in evaluating the conditions of the cells and thus assist police stations in improving the conditions of their custody facilities.

The Independent Complaints Directorate (ICD) has a mandate to investigate the death of any person in police custody or as a result of police action. Also, the ICD is expected to conduct cell inspections with the purpose of producing custody management reports in order to determine the police's compliance with set standards and procedures for proper management and care of detainees. It is expected that the ICD would record any such case in their database. Statistics from the ICD Annual Reports for the financial years 2005/6 and 2006/7 show that there has been an increase in the number of deaths of persons in police custody as a result of injuries sustained in custody as well as suicides. While deaths resulting from injuries sustained in police custody increased from 28 to 31, suicides also rose significantly from 75 to 94 between the two financial years (2005/6 and 2006/7). This has raised questions about the conditions in police holding cells and the management thereof.

Triangulation research approach was employed in this study. This is an approach in which a combination of quantitative and qualitative methods is used in the same research study. The quantitative part of the study entailed perusing 22 case files in the ICD Provincial Offices. For the qualitative approach, interviews were conducted with individual Station Commissioners or Community Service

Centre Commanders as custodians of custody facilities from the following police stations: Eastern Cape – Bedford, Cradock, Maluti, Qumbu; Free State – Allanridge, Bethelhem, Bultfontein, Turflaagte (now known as Kopanong); Gauteng – Benoni, De Deur, Heidelberg, Jeppe, Orange Farm, Protea Glen, Tsakane; Limpopo – Elandsdraal, Makhado, Motetema, Senwabarwana, Tzaneen, Zaaiplaas; Western Cape – Lambertbaai, Milnerton, Stellenbosch, Strand, Tulbagh, Vredenburg, Vredendal.

#### 5.1.1.1 Quantitative findings

Of the 87 cases recorded, the researchers were able to access only 22 files in the provincial offices. Of the 22 case files, suicides accounted for 59.1%, followed by injuries sustained in police custody with 18.2%. In terms of provincial spread of cases, Limpopo and Western Cape had the highest cases, 31.8 respectively while Eastern Cape and Free State also had 18.2 respectively. Most of the suicides (27.8%) were carried out using cloths or shirt, followed by belt with 16.7%. Of surprising importance is the fact that guns were also used in committing suicides (11), even when searches are conducted. With regards to the place at which reported cases of death occurred, a significant number of death, 17 out of a total of 22 cases, happened in police cells. This amounts to 77.3% of reported death cases. This affects the adherence to a number of Standing Orders, for example, whether the detainees received medical attention as stipulated in Standing Order 349.2; whether Pocket Books are used properly as ordered in Standing Order 341; or whether Standing Order 349.4 is utilized as guidance to record medical treatment in the Occurrence Book. The majority (90.9%) of victims are males, while females only account for 9.09% of victims. Out of the 22 victims, only 2 are females. The prevalence of victims among males can be attributed to the likelihood that males have of getting arrested. Also, this can emanate from male behaviour once in custody. Blacks (5 cases) are more prone to commit suicide in police custody. Coloureds are second with 4 cases. With regards to injuries sustained in police custody, only Blacks are reported to be victims. Again if one takes into account the demographics of South Africa, the figure makes sense.

#### 5.1.1.2 Qualitative findings

In-depth interviews were conducted with respondents from selected police stations, and the following themes emerged from the interviews. It can be concluded from the interviews that police are conducting searches as stipulated in Section 23 of the Criminal Procedure Act of 1997. Although there is a shortage of resources, especially human and infrastructure (cells) in the majority of police stations, the available cells are divided according to age, gender, nature of crime and citizenship. Yet not all police stations adhere to Standing Order 361.6, which stipulates that juveniles must be detained as a last resort. The detaining procedures are also not followed consistently. Cell visits have also not been conducted consistently across police stations, while feeding detainees and cleaning cells is also not standardized. There is overcrowding, albeit seasonal in some police stations.



### 5.1.1.3 The following are some of the recommendations made in the study:

- In order for police officers to conduct searches properly and safely, police stations must have separate search halls.
- Since there is a shortage of cells, adding and upgrading of cells is recommended. It is further recommended that there be a separate entrance to the cell, rather than using the CSC. This means that administrative activities must be done in the cells.
- The SAPS leadership needs to provide a monitoring tool that can be used to ensure compliance with the relevant policies and Standing Orders, as this will ensure that standard practice in detaining procedures prevails.
- Where more resources, especially cells are added, guidelines on the usage of these resources must be provided.
- It is recommended that SAPS provides guidelines and budget for stations to use their own cleaners, while having a uniform tendering system in which service providers can get tenders for feeding detainees is also suggested.
- Liaison with the Department of Correctional Services can help reduce overcrowding in police cells.
- Individual police stations must develop and nurture relations and networks with other departments at local and regional level.

### 5.1.2 VEHICLE ACCIDENTS INVOLVING POLICE VEHICLES

Vehicle accidents or collisions involving police vehicles are a point of concern for both the South African Police Service (SAPS) and the general public. There is, however, limited research available to inform public debate and policy development regarding these vehicle accidents involving police vehicles. As a result, this study sought to provide a better understanding of this area by examining a range of vehicle accidents involving police vehicles in the 2007/2008 financial year.

There has been a noticeable increase in the number of deaths related to vehicle accidents involving police vehicles. In the 2004/5 financial year the related death figure was 23 and it increased to 30 deaths in the 2005/6 financial year. The 2006/7 financial year saw this figure increase to 44 with yet another substantial increase to 69 deaths in 2007/8. It is this consistent increase in the number of deaths associated with vehicle accidents involving police vehicles which motivated and necessitated this study.

The main objective of this research was to determine the circumstances and factors which contribute to vehicle accidents involving police vehicles. The study was aimed at describing the vehicle accidents involving police vehicles in terms of location and when they occur. The description was used to determine

the circumstances surrounding the vehicle accidents. While the characteristics of the police vehicles involved is explained, the level of driver training received by the police drivers involved is also determined. This is aimed at influencing policy on police driver training.

In this research an approach known as triangulation was used, which entails a combination of both quantitative and qualitative research techniques to examine the relevant information on vehicle accidents involving police vehicles. For the quantitative component of the study, a questionnaire was used to evaluate cases opened in the 2007/8 financial year and extract the necessary information from the ICD case dockets as well as the database. Thus the Class I case files indicating that police vehicles were involved in accidents which resulted in deaths were examined from each of the relevant provinces. The study included 5 provinces, namely the Free State, KwaZulu-Natal, Limpopo, North West, and the Western Cape, where more than 5 deaths occurred as a result of vehicle accidents involving police vehicles and a total 58 out of the 69 deaths for the 2007/8 financial year.

The qualitative component consisted of interviews with the responsible members for keeping such records at the identified stations in order to achieve the research objectives of the study. For this purpose, the following 17 stations were identified to be part of the project: Free State – Petrus Steyn, Tseseng, Deneyville; KwaZulu-Natal – Hluhluwe, Bulwer, Donny Brooke; Limpopo – Musina, Dendron, Aldays; North West – Mmabatho, Klerkskraal, Hartebeespoortdam; Western Cape – Knysna, Beaufort-Wes, Philippi-Oos, Oudtshoorn, Bothasig.

#### 5.1.2.1 Quantitative findings

The results indicate that the most vehicle accidents involving state vehicles occurred in the Western Cape (7) while the least occurred in Limpopo (2). However, the size of these two provinces should also be taken into account when considering these figures. The Western Cape covers an area of 129 462 square kilometres while Limpopo is 125 755 square kilometres in size. Despite being larger than Limpopo, the Western Cape and Limpopo are both estimated to have roughly the same population.

The study shows that most accidents occurred in the afternoon between 14h01 and 16h00 and between 20h01 and 22h00 in the evening. There is no specific trend in the times that these accidents occur: Weekends are seen to be the most prevalent time in which accidents occur. A further qualitative study may shed light on the reasons for this prevalence. A worrying observation is that 25% of the cases in this study involved the deaths of young children. The vast majority (70%) of the police drivers involved in the accidents in this study were males. In the analysis, it was also determined that 80% (16) of the police drivers were black, 5% white and 15% were coloured.

In this research, the majority (60%) of the police drivers were found to be in the rank of Constable. This may be due to the fact that Constables are mostly operational and are the members who are tasked with patrolling duties. It was found that only 25% of police drivers were tested for illegal substances following accidents in which they were involved. This then raises a question whether testing should not be mandatory following an accident. The analysis of the ICD case files concerning the vehicle accidents in question revealed that only 3 (15%) of these accidents occurred in intersections, while 17 (85%) did not. The ICD findings determined that 35% of the cases were unsubstantiated while 45% of the cases were sent to the Directorate of Public Prosecutions (DPP) and decisions were being awaited from them regarding the cases.

### 5.1.2.2 Qualitative findings

The members interviewed in this current study expressed the need for Advanced Driver Training. A need for consistency was expressed in terms of the testing of the members in the determination of their need for advanced driver training. Over-speeding has been cited as a contributing factor to some of the accidents. While some respondents state over-speeding as a concern, others mention that they are aware of general negligence on the side of the police drivers.

There is a serious concern regarding the abuse of state vehicles as well as the abuse of their status as police members by the members themselves. Some of the abuse involved the use of these state vehicles while not being authorized to do so or not having a legitimate trip authority for use of the vehicles. It was also found that members had unauthorized passengers in the state vehicle with them at the time of the accidents. In some cases, a contributory factor in vehicle accidents is the poor state of the roads. Other cases highlighted the presence of livestock and wildlife on the roads and the lack of sufficient fencing. Due to the nature of police work, some vehicles are not in good conditions, since they are always on the road patrolling.

### 5.1.2.3 The study made the following recommendations:

- Advanced Driver Training should be provided when new members are still undergoing their basic training, and should then also be provide to all existing operational members within the SAPS. This should be based on the policy governing implementation and provision thereof.
- Where police officers are found to be over-speeding, Commanders must hold their members accountable if they are indeed found to be breaking the law while driving a state vehicle. A recommendation is to consider a holistic approach and to include other stakeholders, such as the Metro Police or Traffic Department, to play a role in ensuring police members abide by the traffic regulations.

- It is recommended that all state vehicles have a tracking system installed which can monitor the location of the vehicle as well as the speed travelled in order to minimize the misuse of these state vehicles.
- Where problems with poor road conditions are experienced, it is recommended that a forum should be established in all policing areas where the SAPS, Department of Public Works and Roads, local Traffic Departments, as well as the relevant municipalities and pertinent stakeholders come together to solve these problems.
- A recommendation with regard to expanding the fleet management component is to have individuals at every station, who would be responsible for monitoring the tracking systems installed in the state vehicles.
- It was stated that collision committees currently are generally composed of all the heads of components at the specific stations. It is recommended that the collision committee should include other stakeholders, such as local traffic officials, the DPP, and members from other police stations. This composition will help to ensure impartiality when dealing with vehicle accident cases.
- It is also recommended that it be mandatory for all members involved in vehicle accidents to be tested for illegal substances following an accident.

### 5.1.3 STAKEHOLDER WORKSHOPS

The research component held two stakeholder workshops in which findings from the two research projects were discussed. These workshops were held as follows:

#### 5.1.3.1 Stakeholder workshop to present findings from the Custody Management research project

This first workshop was held on 27 February at the Protea Capital Hotel. While the aim of the workshop was to present the research findings, the secondary objective was to forge relations with key stakeholders with an aim of finding lasting solutions to policing concerns. This workshop was attended by officials from SAPS National Commissioner's office, SAPS Provincial offices, officials from the Secretariat for Safety and Security, members of the Portfolio Committees in different provinces and respondents from various police stations, especially those that were part of the research project. Of crucial importance is the attendance of the workshop by SAPS members from the leadership who are responsible for custody management programmes.

In the workshop the researchers presented the findings from the Custody Management project. The presentation was followed by valuable inputs from one of the deputy provincial commissioners, who indicated to the audience what the SAPS has already put in place to address some of the issues highlighted by the research study.

Some of the plans include, among others, the Public Works Capital Project, which is aimed at building and renovating police stations, while adding more infrastructures. There was also a mention of the existence of Compliance and Oversight with the Secretariat, which among other things deals with ensuring that there is effective compliance to policies by SAPS members. While the Department of Correctional Services is playing a role in reducing overcrowding, the planned Project Five Star police station design will solve this problem.

Questions and comments were made after the two presentations. These comments, most of which were suggestions, were aimed at finding common ground on how to best tackle the challenges SAPS experience with regards to custody management. Some of the comments supported the findings of the research project being presented. At the end of the workshop, a first step was taken to form a stakeholder committee. The aim of this committee would be to meet regularly and discuss common challenges to policing in general.

#### **5.1.3.2 Stakeholder workshop on Vehicle Accidents involving police vehicles**

This second workshop was held on 27 March at the Arcadia Hotel. While the aim of the workshop was to present the research findings, the secondary, yet most important objective was to forge relations with key stakeholders with an aim of finding lasting solutions to policing concerns. This workshop was attended by officials from SAPS National Commissioner's office, SAPS Provincial offices, officials from the Secretariat for Safety and Security, members of the Portfolio Committees in different provinces and respondents from various police stations, especially those that were part of the research project. Of crucial importance is the attendance of the workshop by SAPS leadership members from the National Accident Combating Unit. The Department of Transport was also represented, and made contributions in the workshop.

This workshop kicked off with a presentation from a senior officer from SAPS National Accident Combating Unit, who made a presentation about the findings from some of the accidents that involve police vehicles that SAPS has records of. Some of the points made in the presentation related to the police abusing their status as law enforcers, especially with regards to skipping red traffic lights. Related to this issue, the presenter also highlighted the misuse of the blue light by members of the police. Among some of the causes of escalation in accidents, the presenter mentioned fatigue, vehicle conditions, not wearing seat belts, over-speeding, and failure to get eyes checked regularly. He argued that these, and many other similar ones, have resulted in 90% of accidents being the result of human error.

Findings from the Vehicle Accidents research project were then presented to the attendees, after which there were questions, comments and suggestions. Some of the comments confirm the findings of the research study, especially those related to the road conditions. While there is an agreement that road conditions are a

major problem, there is also a consensus that road users, especially police officers need to be cautious while driving on those kinds of roads. For example, if an officer is aware of potholes on a certain road, that officer must then be alert and drive not only slowly, but also cautiously. Nonetheless, in order to address problem with road conditions, a suggestion has been to convene meetings in which road engineers are also invited to participate. At the end of the workshop, the stakeholders agreed to start a multi-disciplinary strategy which will help in finding a practical solution to problems relating to vehicle accidents involving police vehicles.

#### **5.1.4 CELL INSPECTION TOOL**

For the purposes of its intended usage, cell inspection is defined as a tool that is used to evaluate adherence to the conditions set out in the subsequent paragraphs of this document. Its intended purpose is to provide guidelines which monitors can use in their inspection of police holding cells. It is a checklist against which monitors can determine police's adherence to conditions of, amongst others, sanitation, overcrowding, and safety measures in police cells.

This tool is based on the findings from the research project: Custody Management of Persons in Police Custody, and strives to provide guidelines to Independent Complaints Directorate (ICD) monitors. While it provides some legislative basis for such guidelines, the document also indicates actions ICD monitors can take in case of failure to observe legislative and policy directives by members of the South African Police Service (SAPS).

The South African Constitution stipulates the rights of detained, arrested and accused persons. Section 35 (2)(e) clearly states that detained, arrested and accused persons have the right to be detained in conditions that are consistent with human dignity, including at least exercise, and the provision, at state expense, of adequate accommodation, nutrition and medical treatment. The Constitution also sets out the right to be visited by the detained person's spouse or partner, next of kin, chosen religious counselor, and medical practitioner (Section 35 (2)(f)).

The police's management, treatment and care of detained persons is also regulated by the Policy on the Prevention of Torture and the Treatment of Persons in Custody of the South African Police, a policy that is developed by the South African Police Service. The policy sets out a guiding framework that station commissioners and other commanders have to follow to prevent torture on detainees.

##### **5.1.4.1 Factors that the Cell Inspection tool addresses**

This cell inspection tool highlights the need for ICD monitors to evaluate the way police station deal with key issues pertaining to the detaining of arrested persons. Since the mandate of the ICD is wide, this tool is not confined to the below-listed factors. Therefore, users are reminded that the listed factors are not exhaustive, but a first step in developing a framework for conducting cell inspection.

#### **5.1.4.2 Physical conditions of custody and facilities therein**

The South African Constitution, section 35 (2) (e), in conjunction with the SAPS Standing Order 361.2 should be used as guidelines in ensuring that the conditions in which the arrested are detained show respect for human dignity. In order to observe this constitutional and standing order requirement, and ensure that the arrested are detained in conditions that are consistent with human dignity, monitors must ascertain if:

- a) All police cells have adequate light and ventilation;
- b) The number of persons who are accommodated in a police cell is reasonable in relation to the size thereof. When more persons have to be detained in a cell, the Station Commissioner must issue Station Orders on suitable alternative accommodation for additional person, such as the use of a neighbouring police station;
- c) Police cells are equipped with reasonable means of rest such as a chair or bench, and a person in custody is provided with a cell mat or mattress and blanket of reasonable standard. It is the duty of Station Commissioners to make the necessary arrangements to ensure that the cell mats or mattress and blankets are in good condition when issued and changed often to ensure cleanliness;
- d) The cells and their surroundings are at all times kept clean and sanitary, and the doors and windows of cells that are unoccupied are left wide open at all times, weather permitting;
- e) Blankets, mats and other bedding are taken out during fine weather, early each morning and be thoroughly aired. Where there are folded articles, these must be opened up and inspected closely before being returned to the cells.

#### **5.1.5 CAPACITY BUILDING IN NIGERIA**

The Senior Manager: information Management System, Mr M Dlamini, was invited by CLEEN Foundation to train staff of the Public Service Commission of Nigeria on: Setting up an Information Management System – the training covered a number of areas including:

- The role of information management in investigative work;
- Elements of an information system;
- Approaches to development of information systems;
- The ICD's information management system and business processes; and
- Data analysis

## 6. STATISTICAL INFORMATION FOR 2008/9

### 6.1 WORKLOAD FOR THE FINANCIAL YEAR 2008/9

The main objective of the ICD in 2008/9 financial was to ensure current cases received for the financial year received priority attention and that cases received prior to the financial year receive systematic attention from designated persons. Completed cases are cases in which the investigation is completed, but there may be outstanding technical reports or they may have been referred to either police management for disciplinary action or the DPP for prosecution.

- **Current cases** are complaints registered between April 2008 and March 2009
- **Previous cases** are complaints registered prior to 1st April 2008

Table 6.1 shows that during the fiscal period ending 31 March 2009, the ICD had a total workload of 11 193 cases, the majority of cases were misconduct cases with 4 479 (40%), followed by 4 263 (38%) criminal cases and 2 155 (19%) death cases.

**Table 6.1: Workload in 2008/9**

	Death	Domestic Violence	Criminal	Misconduct	Total
Cases carried over from 2007/8	1243	146	1 978	1 707	<b>5 074</b>
Cases received in 2008/9	912	150	2 285	2 772	<b>6 119</b>
<b>Total:</b>	<b>2 155</b>	<b>296</b>	<b>4 263</b>	<b>4 479</b>	<b>11 193</b>

### 6.2 CASES RECEIVED IN 2008/9

The nine (9) provincial and six (6) satellite offices of the ICD received a total of 6 119 complaints during the 2008/9 financial year, spanning 1 April 2008 to 31 March 2009. The tables that follow, give the overview of all the complaints received by ICD, per province which indicates Gauteng as the largest receiver of complaints cases 1 023 (17%), followed by Western Cape and the Free-State with 861 (14%) and 830 (14%) cases respectively. See Table 6.2 below.

**Table 6.2: Total Case Intake 2008/9 Financial Year**

Province	Death	Domestic Violence	Criminal	Misconduct	Total	Provincial Share
Eastern Cape	124	3	249	141	<b>517</b>	<b>8%</b>
Free State	52	19	256	503	<b>830</b>	<b>14%</b>
Gauteng	191	36	406	390	<b>1 023</b>	<b>17%</b>
KwaZulu-Natal	258	23	208	289	<b>778</b>	<b>13%</b>
Limpopo	67	6	219	199	<b>491</b>	<b>8%</b>
Mpumalanga	65	9	110	115	<b>299</b>	<b>5%</b>

Province	Death	Domestic Violence	Criminal	Misconduct	Total	Provincial Share
North West	59	17	222	415	<b>713</b>	<b>12%</b>
Northern Cape	14	13	259	321	<b>607</b>	<b>10%</b>
Western Cape	82	24	356	399	<b>861</b>	<b>14%</b>
<b>Grand Total:</b>	<b>912</b>	<b>150</b>	<b>2 285</b>	<b>2 772</b>	<b>6 119</b>	<b>100%</b>

\* 4 deaths are as a result of Metropolitan Police Services.

Table 6.3 shows that the ICD received more cases when comparing with the financial year 2007/8. The ICD has experienced 5% increase in 2008/9 financial year, with North West and Free State experiencing an increase of 48% and 32% respectively.

**Table 6.3: Total Case Intake 2008/9 - Yearly Change**

Province	2007/2008	2008/2009	Yearly Change
Eastern Cape	464	517	<b>11%</b>
Free State	631	830	<b>32%</b>
Gauteng	1 155	1 023	<b>-11%</b>
KwaZulu-Natal	777	778	<b>0%</b>
Limpopo	456	491	<b>8%</b>
Mpumalanga	302	299	<b>-1%</b>
North West	481	713	<b>48%</b>
Northern Cape	553	607	<b>10%</b>
Western Cape	1 011	861	<b>-15%</b>
<b>Grand Total:</b>	<b>5 830</b>	<b>6 119</b>	<b>5%</b>

Figure 1, shows an upward trend of complaints received over the last five year period from 2004/5 to 2008/9. The number of complaints received increased from 5 996 to 6 119, which works out to an increase of 2% over the five year period.

**Figure 1: Complaints received in 2004/05 to 2008/09**



Figure 2, shows the cases received by ICD per case type in the financial year 2008/9. The majority of complaints received were of alleged misconduct amounting to 45%, followed by allegations of criminal offences comprising 37%. The number of cases of deaths in police custody and as a result of police action amounted to 15%, and to a smaller extent failure to comply with Domestic Violence Act, which amounted to 2%.

**Figure 2: Intake by Case Type**

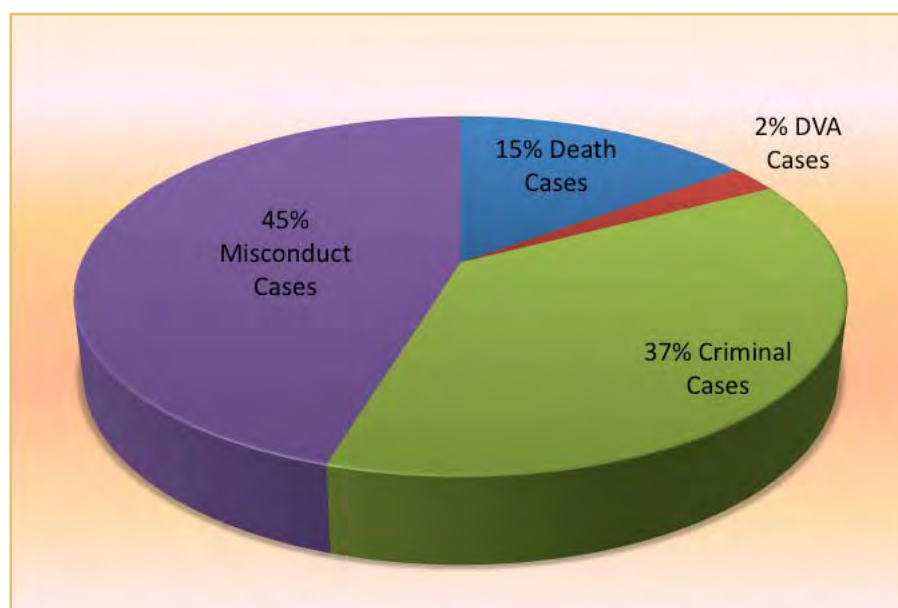




Table 6.4 shows change from 2007/8 to 2008/9 financial year in complaints received by category. The table indicates a 15% increase of deaths in the police custody and as a result of police action as well as a 9% increase of criminal cases. Domestic violence related complaints decreased by 10%.

**Table 6.4: Total Case Type - Yearly Change**

Class	2007/2008	2008/2009	Yearly Change
Death	792	912	15%
Domestic Violence	167	150	-10%
Criminal	2 101	2 285	9%
Misconduct	2 770	2 772	0%
<b>Grand Total:</b>	<b>5 830</b>	<b>6 119</b>	<b>5%</b>

### 6.2.1 DEATHS IN POLICE CUSTODY AND AS A RESULT OF POLICE ACTION

**A death in police custody** - means the death of any person which occurs during a period commencing upon the arrest of such person and ending when the person leaves police custody either legitimately or by escape. In the case of a person who is arrested by someone who is not a member of the Service, the period shall commence at the delivery of such person into police custody;

**A death as a result of police action** - means the death of any person, including a member of the service, which was caused, or is reasonably believed to have been caused, by a member of the South African Police Service or Municipal Police Service while acting in his or her capacity as a member of the Service, and shall include by way of illustration, but not limited to, those deaths which occur in connection with:

- (i) An attempt to effect an arrest or to prevent an escape;
- (ii) A member's action taken in self defence or in the defence of another person;
- (iii) A motor vehicle collision involving one or more Service vehicles;
- (iv) Mass action where police were present; and
- (v) Any action or inaction by a member which amounts to a criminal offence or misconduct as defined in South African Police Service Disciplinary Regulations.

**This portion of the report will give more details about the death cases received in the 2008/9 financial year.**



Table 6.5 reflects the total (912) number of deaths in police custody and as a result of police action reported to ICD by SAPS and Municipal Police in 2008/9 financial year. The figure shows that KwaZulu-Natal received 28%, Gauteng 21% and Eastern Cape 14% of deaths reported.

**Table 6.5: Deaths in police custody and as a result of police action**

Province	2008/2009	Percentage Share
Eastern Cape	124	14%
Free State	52	6%
Gauteng	191	21%
KwaZulu-Natal	258	28%
Limpopo	67	7%
Mpumalanga	65	7%
North West	59	6%
Northern Cape	14	2%
Western Cape	82	9%
<b>Total:</b>	<b>912*</b>	<b>100%</b>

\* 4 deaths were due to Metropolitan Police Service action (see Table 6.7).

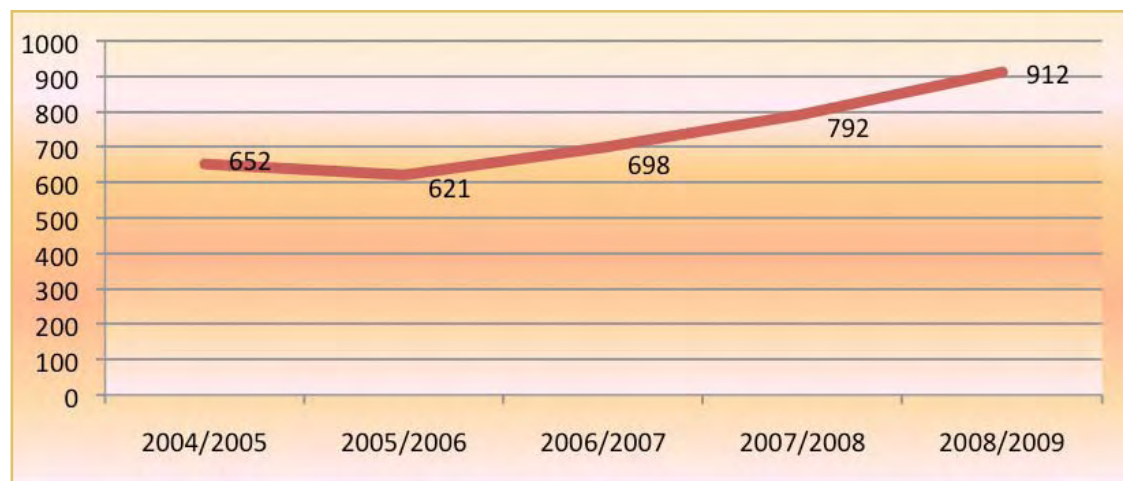
The Table 6.6 shows that ICD have received an increase of 15% cases reported of death in the police custody and as results of police action when comparing with 2007/8. The volume of cases reported increase occurred in KwaZulu-Natal 47%, Eastern Cape 33% and Gauteng 13%.

**Table 6.6: Yearly Change of Deaths**

Province	2007/2008	2008/2009	Yearly Change
Eastern Cape	93	124	33%
Free State	50	52	4%
Gauteng	169	191	13%
KwaZulu-Natal	175	258	47%
Limpopo	71	67	-6%
Mpumalanga	63	65	3%
North West	57	59	4%
Northern Cape	19	14	-26%
Western Cape	95	82	-14%
<b>Total:</b>	<b>792</b>	<b>912</b>	<b>15%</b>

Figure 3, indicate the annual change in deaths in police custody and as a result of police action from 2004/5 to 2008/9. The figure shows that the number of incidents reported have increased over the five year period. Death in police custody and as results of police action has increased by 40% over the five year period.

**Figure 3: Yearly Change of Deaths**



### 6.2.2 DEATHS AS A RESULT OF MUNICIPAL POLICE SERVICES ACTION

In the 2008/9 financial year there were 4 cases out of 912 deaths in police custody and as results of police action cases reported. The incidents took places in Gauteng and KwaZulu-Natal metropolitan areas. See Table 6.7 below.

**Table 6.7: Deaths due to Municipal Police Services**

Province	Total	Accused Member Station	2008/2009
Gauteng	2	JHB Metro Police	1
		Ekurhuleni Metro Police	1
KwaZulu-Natal	2	Durban City Police	2
<b>Total:</b>	<b>4</b>		<b>4</b>

Table 6.8 gives an indication as to the circumstances of the deaths due to Municipal Police Service action.

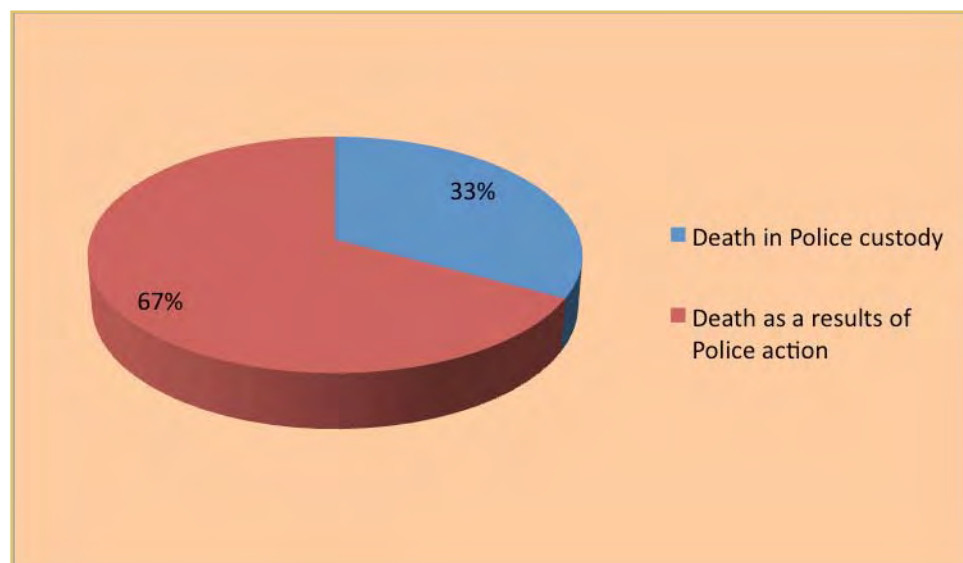
**Table 6.8: Deaths due to Municipal Police Services**

Circumstances of Death	GP	KZN	Total
A suspect died during the course of a crime	1	1	2
A suspect died during the course of arrest	1	1	2
<b>Grand Total:</b>	<b>2</b>	<b>2</b>	<b>4</b>

## 6.2.2.1 CIRCUMSTANCES OF DEATHS

Figure 4 shows that deaths in the police custody accounted for 33% (300), while deaths as result of police action accounted for 67 % (612) of all deaths.

**Figure 4: The circumstances of deaths**



Of the 612 deaths as a result of police action, 35% occurred during arrest, while 21% happened while some crime was being committed.

Table 6.9 shows the circumstances of all deaths. It can be observed that 39% of deaths in police custody were due to natural causes, while suicides accounted for 36% of all deaths in custody. Most deaths as a result of police action occurred during the course of arrest (35%) followed by suspects that died during the course of a crime (21%).

**Table 6.9: Circumstances of deaths**

Deaths in police custody	2008/2009	Percentage Share
Injuries sustained in custody	27	9%
Injuries sustained prior to custody	48	16%
Natural causes	117	39%
Suicides	108	36%
<b>Total: (Deaths in police custody)</b>	<b>300</b>	<b>100%</b>
Deaths as a result of police action	2008/2009	Percentage Share
A suspect died during the course of a crime	129	21%
A suspect died during the course of an escape	73	12%
A suspect died during the course of an investigation	53	9%
A suspect died during the course of arrest	213	35%
An innocent bystander died during commission of a crime	12	2%
An innocent bystander died during the course of an escape of another	20	3%
Domestic Violence related and off-duty deaths	39	6%
Negligent handling of a firearm leading to a death	29	5%
Negligent handling of a vehicle leading to a death	44	7%
<b>Total (Deaths as a result of police action)</b>	<b>612</b>	<b>100%</b>
<b>Grand Total:</b>	<b>912</b>	

\* referred to "other intentional shooting" in past reports.

The majority of suicides which happened in police custody, whereas 28 occurred prior to custody while Table 6.10, provides detailed information about the material used in committing suicides. Seventy five percent (75%) of the suicides were committed by hanging. There have also been instances where suspects committed suicide prior to custody by shooting themselves (15%) or in some instances they died as a result of an accidental suicide, details of the manner of their deaths are indicated in the bottom part of table 6.10.

**Table 6.10: Objects used in suicides**

<b>Suicides in custody Suicides (Circumstances)</b>	<b>2008/2009</b>	<b>Percentage Share</b>
Hanging (Belt)	7	9%
Hanging (Cleaning cloth)	1	1%
Hanging (Clothing)	4	5%
Hanging (Handkerchief)	1	1%
Hanging (Plastic Bag)	1	1%
Hanging (Rope)	5	6%
Hanging (Scarf)	1	1%
Hanging (Shirt)	3	4%
Hanging (Shoe Laces)	10	13%
Hanging (String)	2	3%
Hanging (String from Blouse)	1	1%
Hanging (String from Hooded Top)	4	5%
Hanging (String from Mattress)	3	4%
Hanging (String from Trousers)	1	1%
Hanging (String of Jacket)	3	4%
Hanging (Strips of a Sheet)	1	1%
Hanging (Strips of Blanket)	14	18%
Hanging (Trousers)	13	16%
Hanging (T-Shirt)	4	5%
Hanging (Underwear)	1	1%
<b>Total:</b>	<b>80</b>	<b>100%</b>
<b>Suicides Prior to Custody Suicides (Description)</b>	<b>2008/2009</b>	<b>Percentage Share</b>
Cut himself with a machine	1	1%
Fell in a drain hole	1	1%
Jumped from a cliff	1	1%
Jumped from moving vehicle	4	4%
Jumped from building	1	1%
Jumped in front of oncoming traffic	2	2%
Shot himself/herself	16	15%
Poison	2	2%
<b>Total:</b>	<b>28</b>	
<b>Total: (Suicides)</b>	<b>108</b>	<b>100%</b>

Overall deaths increased by 15% in 2008/9 compared to the 2007/8 financial year. Deaths in police custody remained the same, but deaths as result of police action increased by 25%. Deaths from injuries sustained in custody decreased sharply by 92%. Deaths of innocent bystanders during the commission of crime were up by a substantial 300% compared to the past financial year. See Table 6.11 below.

**Table 6.11: Circumstances of deaths yearly change**

Deaths in police custody	2007/2008	2008/2009	Percentage Change
Injuries sustained in custody	25	27	8%
Injuries sustained prior to custody	56	48	-14%
Natural causes	126	117	-7%
Suicides	94	108	15%
<b>Total: (Deaths in police custody)</b>	<b>301</b>	<b>300</b>	<b>0%</b>
Deaths as a result of police action	2007/2008	2008/2009	Percentage Change
A suspect died during the course of a crime	83	129	55%
A suspect died during the course of an escape	34	73	115%
A suspect died during the course of an investigation	43	53	23%
A suspect died during the course of arrest	191	213	12%
An innocent bystander died during commission of a crime	3	12	300%
An innocent bystander died during the course of an escape of another	0	20	100%
Domestic violence related and off-duty deaths*	60	39	-35%
Negligent handling of a firearm leading to a death	6	29	383%
Negligent handling of a vehicle leading to a death	70	44	-37%
<b>Total: (Deaths as a result of police action)</b>	<b>490</b>	<b>612</b>	<b>25%</b>
<b>Grand Total:</b>	<b>791</b>	<b>912</b>	<b>15%</b>

\* referred to "other intentional shootings" in past reports

The table 6.12 depicts the circumstances of deaths in police custody and as a result of police action per province.

**Table 6.12: Circumstances of deaths per province**

Deaths in police custody	EC	FS	GT	KZN	LP	MP	NW	NC	WC	Total
Injuries sustained in custody	4	0	1	8	5	4	2	0	3	27
Injuries sustained prior to custody	3	1	27	9	0	4	2	0	2	48
Natural causes	26	6	20	22	12	8	18	2	3	117
Suicide	14	11	16	18	11	4	6	7	21	108
<b>Total:</b>	<b>47</b>	<b>18</b>	<b>64</b>	<b>57</b>	<b>28</b>	<b>20</b>	<b>28</b>	<b>9</b>	<b>29</b>	<b>300</b>
Deaths as a result of police action	EC	FS	GT	KZN	LP	MP	NW	NC	WC	Total
A suspect died during the course of a crime	18	6	54	30	3	3	9	0	6	129
A suspect died during the course of an escape	13	0	6	45	3	0	0	1	5	73
A suspect died during the course of an investigation	7	3	17	14	2	8	2	0	0	53

Deaths as a result of police action	EC	FS	GT	KZN	LP	MP	NW	NC	WC	Total
A suspect died during the course of arrest	24	6	36	84	21	21	6	1	14	<b>213</b>
An innocent bystander died during commission of a crime	3	5	1	2	0	0	1	0	0	<b>12</b>
An innocent bystander died during the course of an escape of another	1	0	5	10	1	2	0	0	1	<b>20</b>
Domestic violence related and off-duty deaths*	4	8	2	9	7	4	4	1	0	<b>39</b>
Negligent handling of a firearm leading to a death	4	1	3	3	0	6	0	0	12	<b>29</b>
Negligent handling of a vehicle leading to a death	3	5	3	4	2	1	9	2	15	<b>44</b>
<b>Total:</b>	<b>77</b>	<b>34</b>	<b>127</b>	<b>201</b>	<b>39</b>	<b>45</b>	<b>31</b>	<b>5</b>	<b>53</b>	<b>612</b>
<b>Grand Total:</b>	<b>124</b>	<b>52</b>	<b>191</b>	<b>258</b>	<b>67</b>	<b>65</b>	<b>59</b>	<b>14</b>	<b>82</b>	<b>912</b>

\* referred to "other intentional shooting" in past reports.

### 6.2.2.2 MORE ABOUT THE VICTIMS

This section of the report gives more details about the victims in the death cases.

It can be observed in Table 6.13 that 91% of the victims who died in police custody and as a result of police action were black persons. These were followed by coloured (7%) and white (3%) persons.

**Table 6.13: Victim's race and gender**

Victim's Race	Gender of the victims		Total
	Female	Male	
Asian	0	2	<b>2</b>
Black	52	775	<b>827</b>
Coloured	10	50	<b>60</b>
White	1	22	<b>23</b>
<b>Total:</b>	<b>63</b>	<b>849</b>	<b>912</b>

A large amount of victims dying in police custody or as a result of police actions are males which accounts for 93% and females accounting for 7%. This can be observed in figure 5, this should be expected since most of the suspects and detainees are males.

**Figure 5: Gender of the Victims**

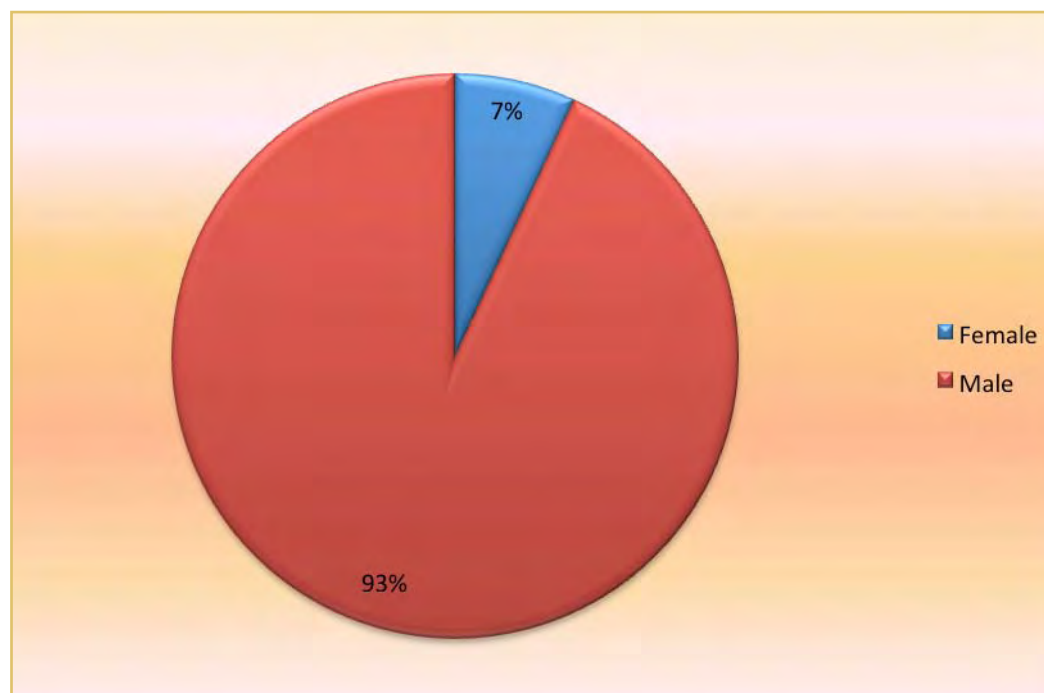


Table 6.14 indicates that in the 117 deaths from natural causes, 113 of the victims were male, whereas only 4 were female.

Furthermore, 103 males committed suicide, while only 5 females died from the same cause.

Most of females died from domestic violence related deaths which were largely caused by their spouse. Moreover, another 15 died from incidents involving police vehicles.

**Table 6.14: Circumstances of deaths per gender**

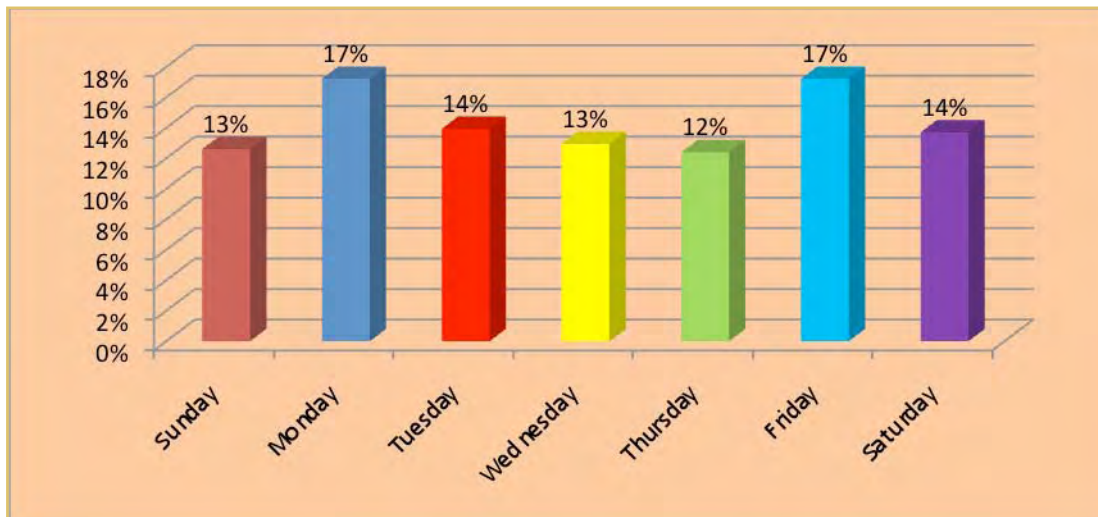
Deaths in police custody	Female	Male	2008/2009
Injuries sustained in custody	0	27	<b>27</b>
Injuries sustained prior to custody	3	45	<b>48</b>
Natural causes	4	113	<b>117</b>
Suicide	5	103	<b>108</b>
<b>Total: (Deaths in police custody)</b>	<b>12</b>	<b>288</b>	<b>300</b>
Deaths as a result of police action	Female	Male	2008/2009
A suspect died during the course of a crime	3	126	<b>129</b>
A suspect died during the course of an escape	3	70	<b>73</b>
A suspect died during the course of an investigation	0	53	<b>53</b>
A suspect died during the course of arrest	2	211	<b>213</b>
An innocent bystander died during commission of a crime	4	8	<b>12</b>

Deaths in police custody	Female	Male	2008/2009
An innocent bystander died during the course of an escape of another	2	18	20
Domestic violence related and off-duty deaths*	18	21	39
Negligent handling of a firearm leading to a death	4	25	29
Negligent handling of a vehicle leading to a death	15	29	44
<b>Total: (Deaths as a result of police action)</b>	<b>51</b>	<b>561</b>	<b>612</b>
<b>Grand Total:</b>	<b>63</b>	<b>849</b>	<b>912</b>

\* referred to "other intentional shooting" in past reports.

Figure 6 indicates that a large number of deaths occurred on Mondays and Fridays. 80 incidents occurred on Mondays in which members used their firearms during the course of arrest and during the commission of crime. 89 incidents were reported on Fridays where members used their firearms during the course of arrest and during the commission of crime and in 25 incidents victims died as a result of an assault.

**Figure 6: Incidents per days of the Week**





Out of the total of 912 deaths, 31 victims were younger than 18 years as shown in Table 6.15. Western Cape, Gauteng and the Free State registered deaths of victims younger than 18 years with 26% (8 out of 31), 19% (6 out of 31) and 16% (5 out of 31) respectively. The average age of the victims is 38 years with the maximum being 78 years. Fifty-five percent of the victims were between the ages of 20 and 36 years.

**Table 6.15: Victims younger than 18 years**

Province	Total
Eastern Cape	2
Free State	5
Gauteng	6
KwaZulu-Natal	4
Limpopo	1
Mpumalanga	3
North West	1
Northern Cape	1
Western Cape	8
<b>Total:</b>	<b>31</b>

### 6.2.2.3 MORE ABOUT THE ACCUSED OFFICERS

It is important to note that the 226 deaths in figure 7 categorized as Not Applicable refer to the deaths in police custody in which members of the police service were not directly involved. These include instances where people died as a result of suicide, natural causes, injuries sustained in custody and injuries sustained prior to detention.

In the majority 30% of deaths as a result of police action, suspect officers were of the rank of Constable, followed by Inspectors at 24%. The senior police officials were less likely to be suspects in deaths given that were less involved in police operations during which most deaths occurred.

**Figure 7: Accused's Rank**

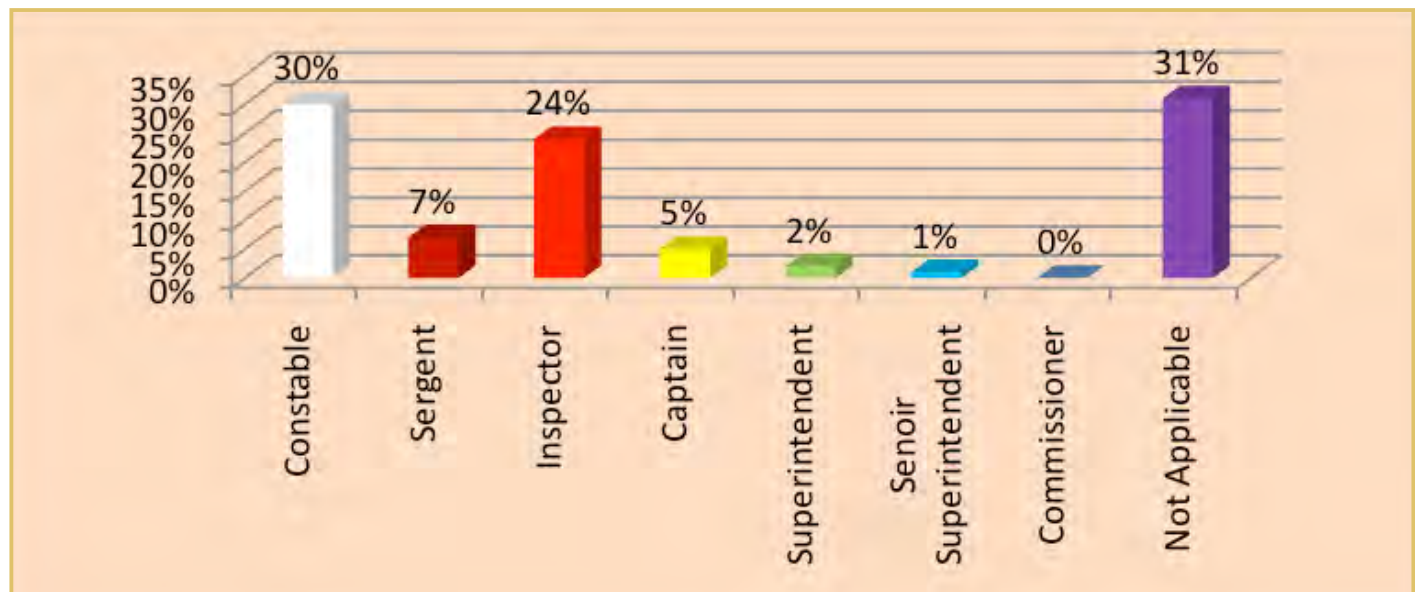
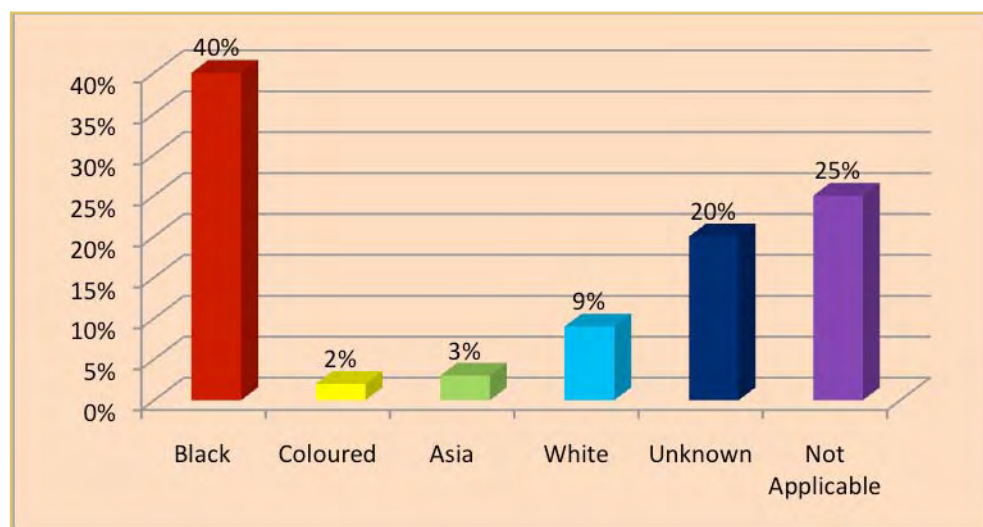


Figure 8, provides information about the race of suspects in deaths. The majority (40%) of those accused of deaths as a result of police actions cases were black persons, followed by white persons who accounted for 9%. In 20% of the incidents, the race of the accused officers was unknown.

**Figure 8: Race of the Accused**



#### 6.2.2.4 POLICE STATIONS WHERE DEATHS OCCURRED OR WHOSE MEMBERS WERE INVOLVED IN DEATHS

Table 6.16 lists all the police stations where the deaths in police custody happened and the stations whose members were involved in deaths as a result of police action.

**Table 6.16 List of all Police Stations and incidents per province**

Stations	Eastern Cape	Stations	Free State
Addo	2	Bayswater	1
Adelaide	1	Bethlehem	3
Alice	1	Botshabelo	1
Aliwal North	3	Bronville	1
Bethelsdorp	1	Clocolan	1
Bizana	4	Edenburg	1
Buffalo Flats	3	Excelsior	1
Cambridge	2	Fauresmith	1
Cookhouse	1	Ficksburg	1
Cradock	1	Harrismith	1
Duncan Village	1	Heidedal	1
East London	1	Heilbron	1

<b>Stations</b>	<b>Eastern Cape</b>	<b>Stations</b>	<b>Free State</b>
Elliot	1	Hobhouse	1
Elliotdale	2	Hoopstad	1
Engcobo	1	Jacobsdal	2
Ezibeleni	1	Kagisanong	7
Flagstaff	3	Koppies	1
Fort Beaufort	1	Makwane	3
Humansdorp	1	Mangaung	2
Humewood	1	Memel	1
Idutywa	5	Odendaalsrus	1
Jamestown	1	Parkroad	1
Jeffreys Bay	1	Petrusburg	1
Kabega Park	1	Sasolburg	2
Kei Bridge	1	Selo-Sesha	1
Keiskammahoek	3	Senekal	1
King William's Town	1	Thaba Nchu	1
Kleinbulhoek	1	Theunissen	1
Kwaaiman	4	Tseki	1
KwaDwesi	1	Tumahole	3
KwaNobuhle	2	Viljoenskroon	1
KwaZakele	2	Vioolsdrift	1
Lady Frere	1	Virginia	1
Libode	1	Welkom	2
Lusikisiki	6	Wepener	1 1
Maluti	2	Zastron	
Matatiele	2		
Mdantsane	3		
Molteno	1		
Motherwell	2		
Mount Frere	3		
Mzamba	3		

<b>Stations</b>	<b>Eastern Cape</b>
Ndevana	1
New Brighton	3
Ngangelizwe	1
Ngqeleni	2
Palmietfontein	3
Paterson	1
Pearston	1
Port Alfred	3
Port St Johns	4
Queenstown	3
Qumbu	1
Seymour	1
Somerset East	1
Sterkspruit	1
Tabankulu	1
Thornhill	1
Tsolo	3
Tsomo	1
Ugie	1
Mthatha	5
Vulindlela	4
Whittlesea	1
Willowale	1
Zwelitsha	1

<b>Stations</b>	<b>Gauteng</b>	<b>Stations</b>	<b>KwaZulu-Natal</b>
Akasia	3	Babanango	1
Alberton	1	Bayview	1
Alexandra	4	Bellair	1
Atteridgeville	3	Beria	1
Benoni	1	Bhekithemba	3
Boipatong	1	Camperdown	5
BooySENS	13	Cato Manor	5
Boschkop	1	Chatsworth	1
Brackendowns	1	Colenso	1
Brakpan	2	Dalton	1
Bramley	3	Durban Central	8
Bronkhortspruit	2	Ekombe	1
Cleveland	1	Ekuvukeni	2
Dawn Park	2	Emanguzi	1
Diepkloof	3	Empangeni	8
Dobsonville	3	Eshowe	1
Duduza	2	Esikhawini	4
Edenvale	2	Estcourt	1
Ennerdale	2	Ezakheni	2
Erasmia	1	Ezibayeni	2
Evaton	1	Ezinqoleni	3
Fairland	1	Folweni	1
Florida	2	Franklin	1
Garankuwa	1	Gingindlovu	3
Germiston	1	Greenwood Park	2
Hammanskraal	1	HammarSDale	1
Heidelberg	3	Harding	3
Hillbrow	4	Highflats	1
Honeydew	1	Hillcrest	5
Ivory Park	4	Hilton	1

<b>Stations</b>	<b>Gauteng</b>	<b>Stations</b>	<b>KwaZulu-Natal</b>
Jabulani	4	Howick	3
Jeppe	2	Impendle	1
Jhb Central	3	Inanda	5
Kagiso	3	Inchanga	1
Kameeldrift	1	Ingwavuma	1
Katlehong	3	Isipingo	3
Kempton Park	2	Ixopo	1
Krugersdorp	3	Kokstad	1
Langlaagte	2	Kranskop	3
Laudium	1	KwaDabeka	7
Lenasia	5	KwaDukuza	9
Lenasia South	1	KwaMakutha	1
Linden	1	KwaMashu	7
Loate	4	KwaMbonambi	1
Lyttelton	1	KwaMsane	3
Mabopane	1	KwaNdengezi	3
Magaliesburg	1	Ladysmith	1
Mamelodi	8	Lamontville	2
Mdantsane	1	Madadeni	3
Meadowlands	6	Magudu	1
Meyerton	1	Mahlabathini	1
Midrand	1	Malvern	3
Mondeor	1	Mandini	2
Moroka	3	Margate	2
Muldersdrift	1	Marianhill	4
Nigel	1	Maydon Wharf	1
Northam	1	Mayville	1
Norwood	1	Mbazwana	1
Olifantsfontein	1	Mehlomnyama	3
Orlando	1	Melmoth	3

<b>Stations</b>	<b>Gauteng</b>	<b>Stations</b>	<b>KwaZulu-Natal</b>
Parkview	1	Montclair	2
Pretoria Central	1	Mooi River	1
Pretoria West	4	Mpumalanga	2
Protea Glen	3	Mpungamhlophe	1
Putfontein	1	Msinga	1
Rabie Ridge	1	Mtunzini	1
Randburg	3	Ndwedwe	2
Reigerpark	1	Newcastle	1
Rietgat	3	Newlands East	3
Roodepoort	2	Nongoma	7
Sandton	3	Nqutu	2
Sebokeng	1	Nyoni	1
Silverton	1	Pietermaritzburg	3
Sophiatown	3	Phoenix	1
Soshanguve	2	Pinetown	1
Springs	1	Plessislaer	5
Temba	4	Pongola	3
Tembisa	5	Port Edward	2
Tsakane	4	Port Shepstone	3
Vanderbijlpark	2	Richards Bay	1
Vereeniging	2	Richmond	1
Villieria	1	Scottburgh	1
Vosloorus	5	Southport	1
Westonaria	1	Sowati	1
Zonkizizwe	1	St Faiths	4
		Sundumbili	2
		Sydenham	5
		Tongaat	1
		Ulundi	5
		Umbilo	14

<b>Stations</b>	<b>KwaZulu-Natal</b>
Umbumbulu	1
Umhlali	1
Umkomaas	1
Umlazi	13
Umsunduzi	1
Umzinto	2
Verulam	5
Vryheid	3
Wentworth	3
Westville	1

<b>Stations</b>	<b>Limpopo</b>	<b>Stations</b>	<b>Mpumalanga</b>
Apel	1	Acornhoek	2
Bela-Bela	2	Bethal	1
Bolobedu	2	Bushbuckridge	5
Dennilton	3	Calcutta	5
Duiwelskloof	1	Carolina	3
Gilead	1	Davel	1
Giyani	3	Elukwatini	1
Groblersdal	3	Emzinoni	4
Leboeng	1	Evander	1
Lebowakgomo	2	Fernie	1
Maake	2	Graskop	1
Mahwelereng	5	Greylingstad	1
Makhado	3	Kabokweni	3
Malamulele	1	Kanyamazane	2
Mankweng	3	Komatipoort	3
Marble Hall	1	Kriel	1
Mecklenburg	1	Kwamhlanga	2
		Lydenburg	1



<b>Stations</b>	<b>Limpopo</b>	<b>Stations</b>	<b>Mpumalanga</b>
Modimolle	1	Mametlhake	2
Mokopane	1	Masoyi	3
Mphephu	1	Matsulu	1
Namakgale	1	Mayflower	1
Nebo	2	Mhala	3
Polokwane	2	Mhluzi	1
Ritavi	1	Middelburg	1
Rooiberg	1	Nelspruit	1
Rust De Winter	1	Piet Retief	1
Sekhukhune	3	Piet Retief	2
Seshego	4	Secunda	1
Thabazimbi	1	Siyabuswa	1
Thohoyandou	6	Tonga	1
Tshilwavirusiku	2	Trichardt	1
Tshitale	1	Vaalbank	2
Tubatse	1	Volksrust	1
Tzaneen	2	Vosman	2
Witpoort	1	Witbank	3

<b>Stations</b>	<b>North West</b>	<b>Stations</b>	<b>Northern Cape</b>
Bloemhof	2	Danielskuil	1
Boitekong	1	Kakamas	1
Buffelshoek	1	Kathu	1
Christiana	1	Komaggas	1
Coligny	1	Namakwaland	1
Delareyville	1	Olifantshoek	1
Hartbeespoortdam	5	Postmasburg	1
Ikageng	1	Warrenton	1
Ipelegeng	1	Springbok	2

<b>Stations</b>	<b>North West</b>	<b>Stations</b>	<b>Northern Cape</b>
Jericho	2	Onseepkans	1
Joubertina	1	Pofadder	1
Jouberton	6	Rosedale	1
Klerksdorp	2	Upington	1
Klipgat	2		
Lethabile	2		
Lichtenburg	1		
Lomanyaneng	1		
Mafikeng	1		
Marikana	1		
Mmabatho	2		
Mogwase	3		
Motswedi	1		
Orkney	2		
Potchefstroom	5		
Rustenburg	3		
Sun City	1		
Swartruggens	1		
Taung	3		
Tlhabane	1		
Tshidilamolomo	1		
Ventersdorp	1		
Wedela	1		
Wolmaransstad	1		

<b>Stations</b>	<b>Western Cape</b>	<b>Stations</b>	<b>Western Cape</b>
Athlone	3	Montagu	1
Beaufort West	2	Moreesburg	1
Calitzdorp	1	Nyanga	6
Conville	1	Ocean View	1
De Doorns	1	Paarl	1
Durbanville	1	Parow	2
Dysselsdorp	1	Philippi	2
Eendekuil	1	Philippi East	3
Elsiesriver	1	Plettenberg Bay	1
Franschoek	2	Saldanha Bay	1
Gansbaai	1	Saron	1
Goodwood	1	Stellenbosch	2
Gugulethu	3	Strand	3
Harare	2	Table View	1
Cape Town Central	2	Uniondale	1
Khayelitsha	4	Vanrhynsdorp	1
Kirstenhof	1	Woodstock	1
Klapmuts	1	Worcester	1
Kleinvele	1	Wynberg	2
Knysna	2		
Kraaifontein	1		
Kwanonqaba	1		
Ladismith	1		
Laingsburg	1		
Lingeletu West	2		
Lwandle	1		
Maitland	1		
Malmesbury	6		
Manenberg	1		
Mfuleni	3		

The station with the most deaths reported was Umbilo in KwaZulu-Natal with 14 deaths, and then followed by Umlazi also in KwaZulu-Natal. An effort needs to be made to reduce the high number of deaths in stations with five (5) or more deaths. See Table 6.17.

**Table 6.17: Police stations with 5 or more deaths**

<b>Stations</b>	<b>Limpopo</b>	<b>Stations</b>	<b>Gauteng</b>
Thohoyandou	6	Booyens	13
Mahwelereng	5	Lenasia	5
		Mamelodi	8
<b>Station</b>	<b>Western Cape</b>	Meadowlands	6
Malmesbury	6	Tembisa	5
Nyanga	6	Vosloorus	5
<b>Station</b>	<b>Free State</b>	<b>Station</b>	<b>KwaZulu-Natal</b>
Kagisanong	7	Camperdown	5
		Cato Manor	5
<b>Station</b>	<b>Eastern Cape</b>	Durban Central	8
Lusikisiki	6	Empangeni	8
Idutywa	5	Hillcrest	5
Umtata	5	Inanda	5
		KwaDabeka	7
<b>Station</b>	<b>North West</b>	KwaDukuza	9
Jouberton	6	Kwamashu	7
Hartbeespoortdam	5	Nongoma	7
Potchefstroom	5	Plessislaer	5
		Sydenham	5
<b>Station</b>	<b>Mpumalanga</b>	Ulundi	5
Bushbuckridge	5	Umbilo	5
Calcutta	5	Umlazi	14
		Verulam	13
			5

### 6.3 CRIMINAL OFFENCES

In this section, criminal offences involving SAPS members for 2008/9 are discussed and compared to those recorded during the preceding financial year.

The ICD investigates allegations of criminal offences reported to it. Since the police are under obligation to report such offences, these are by no means a reflection of the extent of police criminality.

In the 2008/9 financial year the ICD received 2 289 allegations of criminal activities involving SAPS members, as shown in Table 6.18. The majority (18%) of those complaints were reported in Gauteng, followed by the Western Cape with 16%.

**Table 6.18: Criminal offences in 2008/9**

Province	2008/2009	Provincial %
Eastern Cape	249	11%
Free State	258	11%
Gauteng	406	18%
KwaZulu-Natal	208	9%
Limpopo	221	10%
Mpumalanga	109	5%
North West	223	10%
Northern Cape	259	11%
Western Cape	356	16%
<b>Grand Total:</b>	<b>2289</b>	<b>100%</b>

Table 6.19, depicts the yearly change in criminal offences complaints received in 2008/9 compared to 2007/8 per province. In general there was a 9% increase in 2008/9 in these offences compared to the same period in 2007/8. Increases were experienced in all provinces except Gauteng, KwaZulu-Natal and Mpumalanga, which experienced a slight decrease of 10%, 24% and 4% respectively.

The North West and the Northern Cape experienced a significant increase of 43% and 42% respectively compared to the same period in 2007/8. The significant increase in general is as a direct result of the opening of the satellite offices in 2008/9. It would appear that the closer and therefore more accessible the ICD office is, the higher the intake of complaints, and this is in fact what happened. A combination of community outreach activities and the opening of satellite offices did lead to the increase of cases reported.

**Table 6.19: Criminal offences yearly change**

Province	2007/2008	2008/2009	Provincial %
Eastern Cape	200	249	25%
Free State	212	256	21%
Gauteng	452	406	-10%
KwaZulu-Natal	274	208	-24%
Limpopo	173	219	27%
Mpumalanga	114	110	-4%
North West	155	222	43%
Northern Cape	182	259	42%
Western Cape	339	356	5%
<b>Grand Total:</b>	<b>2 101</b>	<b>2 285</b>	<b>9%</b>

Criminal offences reported to the ICD increased by 32% over the five year period from 2004/5 to 2008/9. See Figure 9 below.

**Figure 9: Criminal Cases Change by Financial Year**

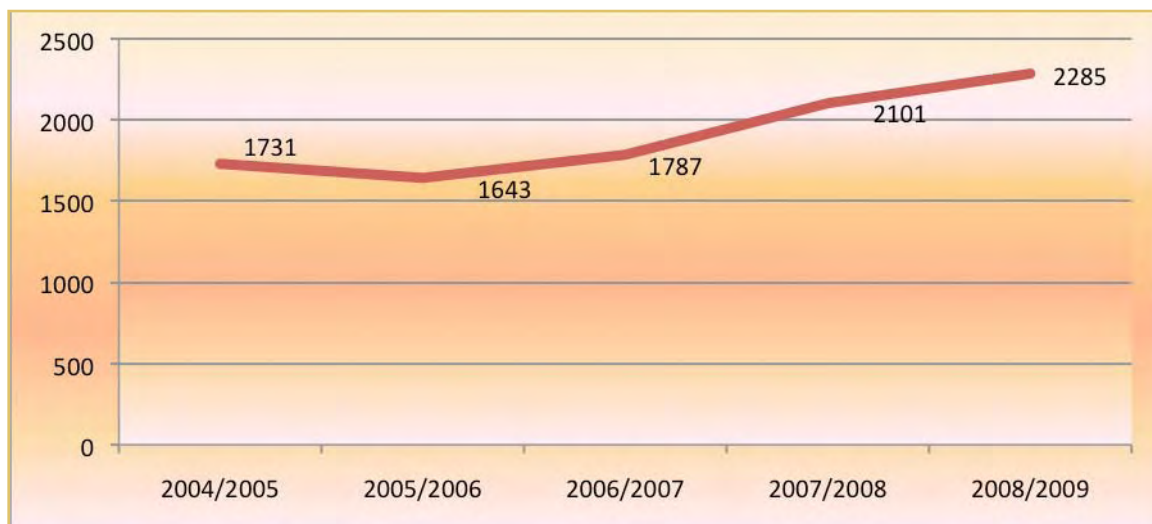


Table 6.20 indicates that 72% of complaints received have an element of aggression and that police brutality accounts for about 36% of the criminal offences reported to ICD in 2008/9. The cases of attempted murder accounted for 16%, assault accounts for 53% of all the criminal cases reported. Most of the attempted murder cases are situations where members shot the suspects but the suspect didn't die. Theft seems to be a problem at 5%. The various types of corruption collectively accounted for 6% of all criminal cases.

**Table 6.20: Criminal offences by nature of allegation**

Short description	2008/2009	Percentage share
Abuse of power	9	0%
Arson	1	0%
Assault Common	378	17%
Assault GBH	828	36%
Attempted Murder	372	16%
Breaking and entering	1	0%
Corruption - abuse of informers' fees	8	0%
Corruption - aiding escape from custody	29	1%
Corruption - issuing of fraudulent vehicle certificates	4	0%
Corruption - sale, theft and/or destruction of police dockets	51	2%
Corruption - sale, theft and/or disposal of exhibits	30	1%
Crimen Injuria	30	1%
Defeating the ends of justice	53	2%

Short description	2008/2009	Percentage share
Dog Attack	21	1%
Extortion or soliciting a bribe	45	2%
False accusation of a crime	24	1%
Fraud	25	1%
Harassment	27	1%
Indecent Assault	15	1%
Intimidation	55	2%
Kidnapping	3	0%
Malicious damage to property	48	2%
Operating a motor vehicle under the influence of intoxicating alcohol or drugs	8	0%
Pointing of a firearm	48	2%
Rape	25	1%
Reckless operation of a motor vehicle	24	1%
Robbery	15	1%
Theft	108	5%
<b>Total:</b>	<b>2285</b>	<b>100%</b>



## 6.4 MISCONDUCT

The majority of complaints received by the ICD are the cases of poor service delivery by members of the service. The ICD received 2 772 such complaints which make up 45% of all cases received in 2008/9 financial year. These largely relate to service delivery complaints such as failure or refusal to assist victims of crime. Free State took a lead by accounting for 18% of misconduct complaints, followed by North West which accounted for 15% of misconduct cases in 2008/9. See table 6.21 below.

**Table 6.21: Misconduct Cases in 2008/9**

Province	2008/2009	Provincial %
Eastern Cape	141	5%
Free State	503	18%
Gauteng	390	14%
KwaZulu-Natal	289	10%
Limpopo	199	7%
Mpumalanga	115	4%
North West	415	15%
Northern Cape	321	12%
Western Cape	399	14%
<b>Grand Total:</b>	<b>2772</b>	<b>100%</b>

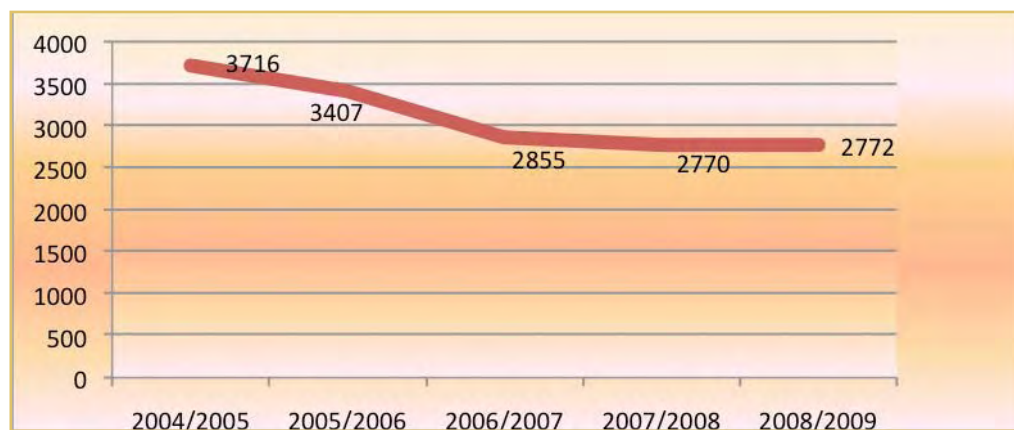
Generally there was no significant change in the number of misconduct cases received between April 2008 and March 2009 relative to the same period in 2007/8. Provinces which experienced an increase are North West and Free State, with 66% and 45% respectively in 2008/9 compared to 2007/8. See Table 6.22 below.

**Table 6.22: Misconduct Cases Yearly Change**

Province	2007/2008	2008/2009	Provincial %
Eastern Cape	159	141	-11%
Free State	348	503	45%
Gauteng	489	390	-20%
KwaZulu-Natal	313	289	-8%
Limpopo	206	199	-3%
Mpumalanga	119	115	-3%
North West	250	415	66%
Northern Cape	340	321	-6%
Western Cape	546	399	-27%
<b>Grand Total:</b>	<b>2770</b>	<b>2772</b>	<b>0%</b>

Figure 10 shows that in the past five years the ICD has experienced a substantial decrease of police misconduct cases reported since 2004/5 to 2008/9. The decrease of police misconduct cases by 25% over a five year period.

**Figure 10: Misconduct Yearly Change**



The complaints received indicated that most police members failed to perform their duties in a proper manner (56%) and other complaints were related to the neglect of duties (41%). Only in 3% of complaints did the public complain about the manner in which they were treated by police members. See table 6.23 below.

**Table 6.23: Misconduct by nature of allegation**

Short description	2008/2009	Percentage share
Gross discourtesy	63	3%
Neglects his or her duty	1 150	41%
Performs his or her function in an improper manner	1 559	56%
<b>Grand Total:</b>	<b>2 772</b>	<b>100%</b>

## 6.5 PERFORMANCE INFORMATION

The main objective of the ICD in the 2008/9 financial was to ensure that current cases received for the financial year received priority attention and that cases received prior to the financial year receive systematic attention from designated investigators. Completed cases are cases in which the investigation is completed, but there are outstanding technical reports.

- **Cases received in 2008/9** are complaints registered between April 2008 and March 2009
- **Cases carried over from 2007/8** are complaints registered prior to 1st April 2008

Table 6.24 shows that the ICD had a total workload of 11 193 cases, the majority of cases were misconduct cases with 4 479 (40%), followed by 4 263 (38%) criminal cases and 2 155 (19%) death cases.

**Table 6.24: Workload in 2008/9**

	Death	Domestic Violence	Criminal	Misconduct	Total
Cases carried over from 2007/8	1243	146	1978	1707	5074
Cases received in 2008/9	912	150	2285	2772	6119
<b>Total:</b>	<b>2 155</b>	<b>296</b>	<b>4 263</b>	<b>4 479</b>	<b>11 193</b>

Table 6.25 shows that the ICD completed investigations in 6 133 cases of which 3 764 (61%) were cases received in 2008/9 and 2 369 (39%) were cases carried over from the previous financial year.

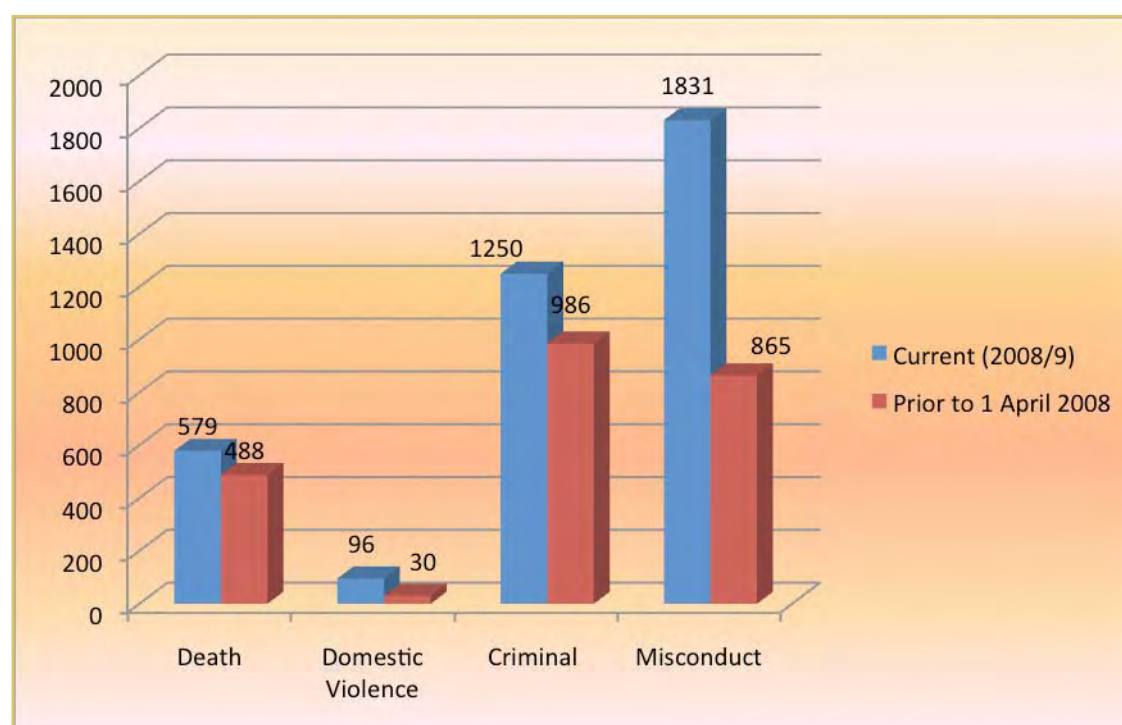
**Table 6.25: Total Number of Completed Cases**

	Death	Domestic Violence	Criminal	Misconduct	Total
Cases received in 2008/9*	580	98	1 247	1 839	3 764
Cases carried over from 2007/8	489	30	985	865	2 369
<b>Total:</b>	<b>1 069</b>	<b>128</b>	<b>2 232</b>	<b>2 704</b>	<b>6 133</b>

\*subsequently referred to as “current workload”

Figure 11 indicates that the ICD in the year 2008/9 concentrated on the current workload. The workload from previous financial years is still substantially more than the current cases received for 2008/9, except for domestic violence and misconduct cases.

**Figure 11: Completion of Cases in 2008/9**



The completion of cases must be understood within the context of strategic objectives that the ICD has set itself. These are details below:

Measure/Indicator	Target	Performance
Complaints registered and allocated within 48 hours	100%	Target met
Applications for exemption completed within 30 days	100%	Target met
Investigations of deaths (Class 1) where there is no police involvement completed within 30 days	60% of notifications received from SAPS/MPS	Target not met. There was a shortfall of 4%. Only 192 out of 342 cases finalized, representing 56% of notifications received
Investigations of deaths (Class 1) where there is police involvement completed within 120 days	60% of notifications received from SAPS/MPS	Target not met. Only 330 out of 1 568 cases finalized, representing 21% of notifications received
Finalize internal ICD investigations of Class 3 (criminal offences) cases within 120 days	50% of complaints received from SAPS/MPS	Target not met. Only 1 107 (31%) out of 3 581 cases finalized
Finalize internal ICD investigations of Class 4 (misconduct) cases within 120 days	50% of misconduct complaints	Target not met. Only 1 721 (47%) out of 3 652 cases finalized. There was a shortfall of 3%
Attendance of crime scenes	70% of death notifications	Target exceeded by 18%. 623 out of 710 scenes attended. In the case of natural deaths there were no scenes to attend. Some scenes were reported late and others not at all

In Table 6.26 one can see the workload of death cases where there is no police involvement and the number of cases that were completed within the target and outside the target of 30 days.

**Table 6.26: Completion of deaths where there is no police involvement - 30 Days - 60%**

Province	Workload for 2008/09	Completed within 30 days	Percentages completed within 30 days	Completed outside 30 days	Total
Eastern Cape	45	24	53%	20	44
Free State	25	21	84%	3	24
Gauteng	61	49	80%	6	55
KwaZulu-Natal	62	19	31%	41	60
Limpopo	29	21	72%	7	28

Province	Workload for 2008/09	Completed within 30 days	Percentages completed within 30 days	Completed outside 30 days	Total
Mpumalanga	23	6	26%	15	21
North West	32	24	75%	6	30
Northern Cape	30	8	27%	21	29
Western Cape	35	20	57%	11	31
<b>Total:</b>	<b>342</b>	<b>192</b>	<b>56%</b>	<b>130</b>	<b>322</b>

In Table 6.27 one can see the workload of death cases where there is no police involvement and the number of cases that were completed within the target and outside the target of 120 days.

**Table 6.27: Completion of deaths as result of police action - 120 Days - 60%**

Province	Workload for 2008/09	Completed within 120 days	Percentages completed within 120 days	Completed outside 120 days	Total
Eastern Cape	170	30	18%	31	61
Free State	43	26	60%	6	32
Gauteng	300	69	23%	6	75
KwaZulu-Natal	652	77	12%	41	118
Limpopo	61	29	48%	7	36
Mpumalanga	146	22	15%	15	37
North West	39	33	85%	6	39
Northern Cape	10	5	50%	1	6
Western Cape	147	39	27%	17	56
<b>Total:</b>	<b>1 568</b>	<b>330</b>	<b>21%</b>	<b>130</b>	<b>460</b>

In Table 6.28 one can see the workload of criminal cases and the number of cases that were completed within and outside the target period of 120 days.

**Table 6.28: Completion of Criminal Cases - 120 Days - 50%**

Province	Workload for 2008/09	Completed within 120 days	Percentages completed within 120 days	Completed outside 120 days	Total
Eastern Cape	398	76	19%	103	179
Free State	306	200	65%	76	276
Gauteng	690	161	23%	66	227
KwaZulu-Natal	439	17	4%	136	153
Limpopo	266	147	55%	48	195
Mpumalanga	202	36	18%	106	142
North West	278	164	59%	85	249
Northern Cape	390	189	48%	136	325
Western Cape	612	117	19%	369	486
<b>Total:</b>	<b>3 581</b>	<b>1 111</b>	<b>31%</b>	<b>1 125</b>	<b>2 236</b>

In Table 6.29 one can see the workload of misconduct cases and the number of cases that were completed within the target period of 120 days.

**Table 6.29: Completion of Misconduct Cases - 120 Days - 50%**

Province	Workload for 2008/09	Completed within 120 days	Percentages completed within 120 days	Completed outside 120 days	Total
Eastern Cape	289	62	21%	145	207
Free State	527	409	78%	68	477
Gauteng	402	191	48%	39	230
KwaZulu-Natal	422	17	4%	164	181
Limpopo	254	127	50%	46	173
Mpumalanga	239	61	26%	164	225
North West	471	394	84%	50	444
Northern Cape	339	275	81%	64	339
Western Cape	719	185	26%	235	420
<b>Total:</b>	<b>3 652</b>	<b>1 721</b>	<b>47%</b>	<b>975</b>	<b>2 696</b>

Table 6.30 gives an indication of the workload in the provincial offices for the financial year and indicates the progress made on the workload. This shows that ICD managed to complete 55% of its workload. Misconduct cases were reduced by 60% followed by criminal cases with a reduction of 52%.

**Table 6.30: Comparison between workload and the completion of cases in 2008/9**

	<b>Workload for 2008/9</b>	<b>Completion of cases in 2008/9</b>	<b>%</b>
Deaths	2 155	1 067	50%
Domestic Violence	296	126	43%
Criminal	4 263	2 236	52%
Misconduct	4 479	2 696	60%
<b>Total:</b>	<b>11 193</b>	<b>6 125</b>	<b>55%</b>

### 6.5.1 Applications for Exemption

In terms of the Domestic Violence Act the ICD is responsible for receiving applications for exemptions from the SAPS and then to determine whether there are grounds to grant exemption from disciplinary action against the said member. The ICD will do so within 30 days after the receipt of a complete application.

Table 6.31 indicates that 22 applications were received and 13 of those exemptions were granted. The other 9 cases were still under consideration by the end of the financial year, due to incomplete information of applications.

**Table 6.31: Applications for Exemption**

<b>Province</b>	<b>Received</b>	<b>Granted</b>	<b>Not Granted</b>
Eastern Cape	2	2	0
Free State	0	0	0
Gauteng	6	2	0
KwaZulu-Natal	0	0	0
Limpopo	0	0	0
Mpumalanga	0	0	0
North West	9	9	0
Northern Cape	0	0	0
Western Cape	5	0	0
<b>Total:</b>	<b>22</b>	<b>13</b>	<b>0</b>

## 6.5.2 Post Mortems and Scenes

Table 6.32 indicates post mortems attended by the ICD. The target for attending post mortems was 70% and it was exceeded in 2008/9. The ICD managed to attend 574 of the 648 post mortems that it was informed about, that is 89% of the possible post mortems exceeded the target by 19%. Some of the Post Mortems were not attended due to non-reporting or late reporting.

**Table 6.32: Post Mortems**

Province	Attended	Not	Total	% Target
Eastern Cape	57	9	<b>66</b>	86
Free State	44	8	<b>52</b>	85
Gauteng	170	1	<b>171</b>	99
KwaZulu-Natal	126	0	<b>126</b>	100
Limpopo	38	4	<b>42</b>	90
Mpumalanga	43	2	<b>45</b>	96
North West	37	20	<b>57</b>	65
Northern Cape	7	0	<b>7</b>	100
Western Cape	52	30	<b>82</b>	63
<b>Total:</b>	<b>574</b>	<b>74</b>	<b>648</b>	89

Table 6.33 indicates crime scenes attended by the ICD. The target for attending scenes was 70% and it was exceeded in 2008/9. ICD managed to attend 623 of the 710 possible scenes, which is 88% of the scenes, exceeding the target by 18%. Some of the scenes were not attended because they were reported late, or not reported to ICD at all. On other occasions there were no scenes to attend and in others reports were received late from the SAPS or not at all.

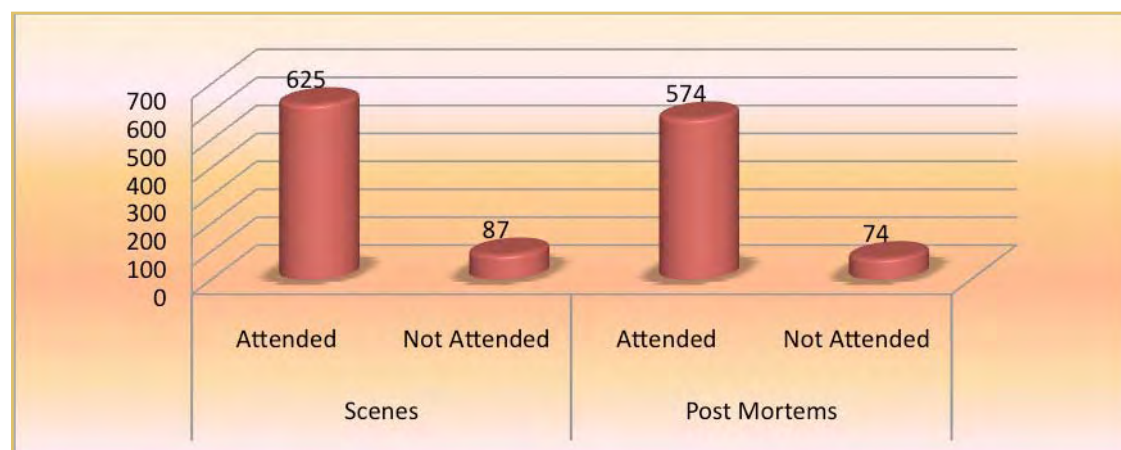
**Table 6.33: Scenes**

Province	Attended	Not	Total	% Target
Eastern Cape	47	12	<b>59</b>	80
Free State	43	9	<b>52</b>	83
Gauteng	170	0	<b>170</b>	100
KwaZulu-Natal	178	2	<b>180</b>	99
Limpopo	57	3	<b>60</b>	95
Mpumalanga	41	0	<b>41</b>	100
North West	30	29	<b>59</b>	51
Northern Cape	7	0	<b>7</b>	100
Western Cape	50	32	<b>82</b>	61
<b>Total:</b>	<b>623</b>	<b>87</b>	<b>710</b>	88



Figure 12 shows both post mortems and scenes attended and not attended.

**Figure 12: Post Mortems and Scenes attended in 2008/9**



### 6.5.3 Recommendations

In all the cases in which the allegations were substantiated, the ICD recommended prosecution to the DPP and/or to SAPS management for internal disciplinary actions.

Tables 6.34 and 6.35 indicate the number of recommendations that the ICD referred to the various Directors of Public Prosecutions (DPP) and to the SAPS Management for internal disciplinary proceedings. A total of 1935 recommendations were referred to the DPP and SAPS management. Of the total, 723 cases were recommendations to the DPP on variety of criminal issues. 173 cases were recommendations in respect of deaths in custody or as a result of police action and 550 recommendations were in respect of other criminal offences.

**Table 6.34: Recommendations to DPP / Court**

Province	Death	DVA	Criminal	Misconduct	Total	%
ACC*			28		<b>28</b>	4
Eastern Cape	50	0	63	0	<b>113</b>	16
Free State	26	0	116	0	<b>142</b>	20
Gauteng	2	0	4	0	<b>6</b>	1
KwaZulu-Natal	31	0	24	0	<b>55</b>	8
Limpopo	18	0	15	0	<b>33</b>	5
Mpumalanga	8	0	3	0	<b>11</b>	2
North West	11	0	39	0	<b>50</b>	7
Northern Cape	4	0	276	0	<b>280</b>	39
Western Cape	23	0	10	0	<b>33</b>	5
<b>Total:</b>	<b>173</b>	<b>0</b>	<b>550</b>	<b>0</b>	<b>723</b>	<b>100</b>

\*ACC- Anti-Corruption Command

Table 6.35 indicates that ICD referred 1 212 recommendations to SAPS management, of these 107 recommendations were made in respect of deaths in custody or as a result of police action, 44 recommendations made in respect of Domestic Violence Act, 489 recommendations were made in respect criminal offences and 572 recommendations were in respect of police misconduct.

**Table 6.35: Recommendations to SAPS**

Province	Death	DVA	Criminal	Misconduct	Total	%
ACC*	0	0	56	0	<b>56</b>	5
Eastern Cape	16	0	16	2	<b>34</b>	3
Free State	23	0	98	120	<b>241</b>	20
Gauteng	10	21	22	29	<b>82</b>	7
KwaZulu-Natal	12	1	43	1	<b>57</b>	5
Limpopo	1	2	1	1	<b>5</b>	0
Mpumalanga	9	3	3	0	<b>15</b>	1
North West	28	12	125	282	<b>447</b>	37
Northern Cape	1	5	122	133	<b>261</b>	22
Western Cape	7	0	3	4	<b>14</b>	1
<b>Total:</b>	<b>107</b>	<b>44</b>	<b>489</b>	<b>572</b>	<b>1 212</b>	<b>100</b>

\*ACC- Anti-Corruption Command

## 6.5.4 Court and Disciplinary Hearing Attendance

Table 6.36 indicates the days investigators spent in court and in disciplinary hearings attending either as witnesses or as observers.

**Table 6.36: Court and Disciplinary Hearing Attendance (in days)**

Province	Court Attendance	Disciplinary hearing attendance
ACC*	136	-
Eastern Cape	144	2
Free State	139	4
Gauteng	30	1
KwaZulu-Natal	151	6
Limpopo	133	2
Mpumalanga	46	5
North West	106	-
Northern Cape	10	-
Western Cape	78	2
<b>Total:</b>	<b>973</b>	<b>22</b>

\*ACC- Anti-Corruption Command

## 6.5.5 Closed cases

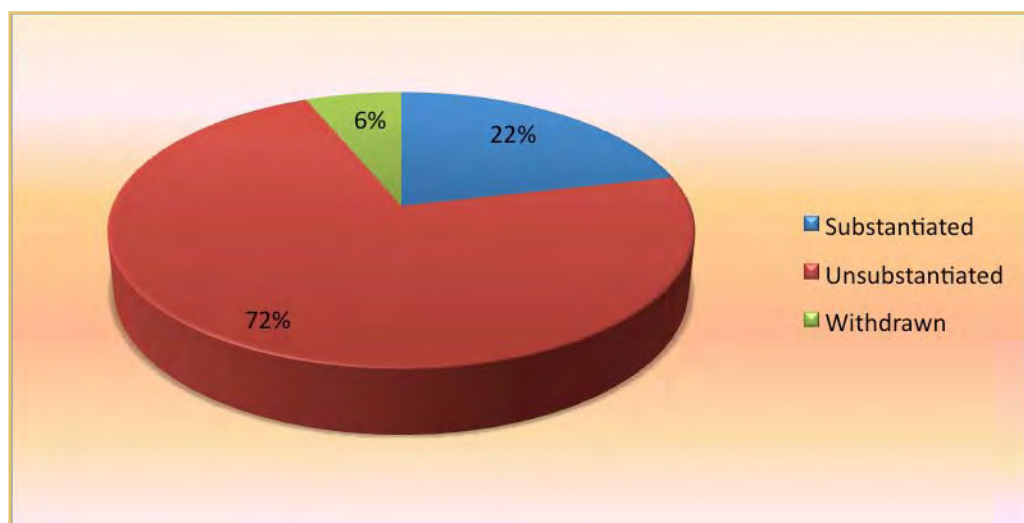
Table 6.37 provides information in respect of the number of cases closed between April 2008 and March 2009, providing the manner of closure. As can be observed in this table, the ICD closed 5 395 cases in 2008/9. The majority 2 532 (47%) of these were misconduct cases, 1 790 (33%) criminal cases, 962 (18%) deaths cases and 111 (2%) domestic violence cases. Note that Table 6.37 and figure 14 include both the current and cases carried over from the previous financial year.

**Table 6.37: Closed cases between April 2008 and March 2009**

Manner of closure	Death	DVA	Criminal	Misconduct	Total
Substantiated	270	33	373	525	<b>1 201</b>
Unsubstantiated	688	69	1 317	1 808	<b>3 882</b>
Withdrawn	4	9	100	199	<b>312</b>
<b>Total:</b>	<b>962</b>	<b>111</b>	<b>1 790</b>	<b>2 532</b>	<b>5 395</b>

It is important to note that the majority (72%) of the cases were closed as unsubstantiated, 22% were closed as substantiated and 6% were withdrawn by the complainants.

**Figure 13: Manner of Closure**



### 6.5.6 Station Audits, Cell Inspections and Community Outreach Activities

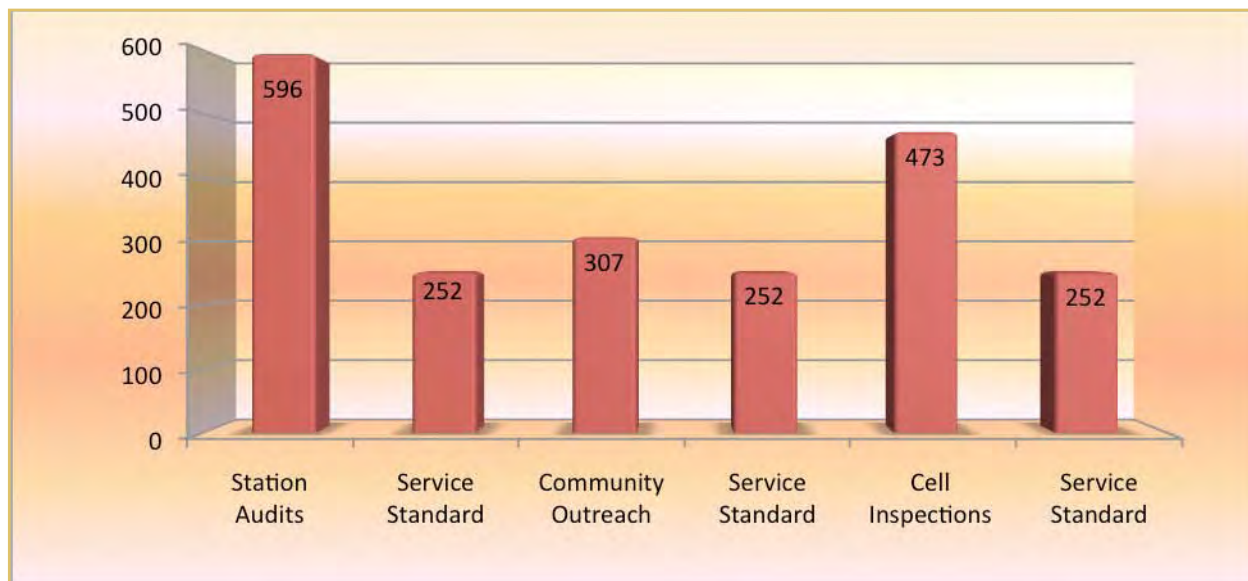
The ICD had a target to attend at least 252 station audits, each for community outreach and cell inspections in 2008/9. As can be seen in Table 6.38, the ICD attended 596 station audits and 307 community outreach activities and a further 473 cell inspections were conducted. It is clear that ICD has managed to exceed all its targets in this regard in the 2008/9 financial year.

**Table 6.38: Station Audits, Community Outreach and Cell Inspections in 2008/9**

Province	Station Audits	Community Outreach	Cell Inspections
Eastern Cape	50	23	6
Free State	119	43	116
Gauteng	42	13	32
KwaZulu-Natal	64	27	41
Limpopo	47	31	36
Mpumalanga	45	35	37
North West	72	37	57
Northern Cape	128	66	124
Western Cape	29	32	24
<b>Total:</b>	<b>596</b>	<b>307</b>	<b>473</b>

Figure 14 indicates that the ICD exceeded its target in all areas, especially with regard to the station audits conducted.

**Figure 14: Stations, Cell Inspections and Community Outreach Activities**



### 6.5.7 Convictions - Departmental Cases

Table 6.39 represents departmental convictions in cases where members were found guilty on being charged for either criminal offences or purely cases of misconduct. A sanction of reprimand appears to be commonly applied regardless of the nature of the charge a member is facing.

As can be seen from the table supra, only in 1 case was a member sanctioned with a fine with conditions was imposed while the rest of the 9 cases a sanction of reprimand or verbal warning were imposed in convictions of assault with intent to cause grievous bodily harm. This is indicative of the anomaly that exists in the inconsistent application of discipline. Therefore, this does not inspire confidence in the system and certainly does not send a message that misconduct is unacceptable in the service. The majority of convictions in cases of a purely misconduct in nature were for improper performance of duties which accounted for 61 cases and a sanction of reprimand was imposed and seems to be fair for these type of misconduct. In the three cases of rape all the members were dismissed from service in the departmental hearings however there were mixed sanctions where members were charged for murder.

**Table 6.39: Convictions in respect of departmental cases**

Number	CCN	Station	Nature of complaint	Sanction/ Sentence	Date
1	2005050340	Klerksdorp	Aiding a prisoner to escape from custody	Dismissal suspended for 12 months	27/07/2008
2	2008020398	Potchefstroom	Assault with intent to cause grievous bodily harm	Verbal warning	20/05/2008
3	2008070075	Kanana	Improper performance of duties	Reprimand	11/08/2008
4	2008040306	Taung	Improper performance of duties	Reprimand	12/08/2008

Number	CCN	Station	Nature of complaint	Sanction/Sentence	Date
5	2008070324	Nietverdiend	Improper performance of duties	Reprimand	21/08/2008
6	2008070360	Mmabatho	Improper performance of duties	Reprimand	22/08/2008
7	2008090477	Jouberton	Improper performance of duties	R200 fine suspended for 6 months on condition member doesn't commit similar offence	30/9/2008
8	2008080117	Christiana	Neglect of duties	Reprimand	17/12/2008
9	2008120320	Jouberton	Improper performance of duties	Reprimand	22/12/2008
10	2008110100	Mafikeng	Improper performance of duties	Reprimand	23/12/2008
11	2006090171	Mafikeng	Improper performance of duties	Reprimand	04/10/2008
12	2007020031	Makwasie	Assault with intent to cause grievous bodily harm	Dismissal from SAPS	08/11/2008
13	2008100525	Mmabatho	Improper performance of duties	Reprimand	11/04/2008
14	2008120122	Stilfontein	Improper performance of duties	Reprimand	18/02/2008
15	2009020002	Lichtenburg	Improper performance of duties	Reprimand	09/02/2009
16	2008110352	Morokweng	Improper performance of duties	Reprimand	11/02/2009
17	2007110263	Mafikeng	Attempted murder	Written warning	23/07/2008
18	2008120252	Mmabatho	Improper performance of duties	Reprimand	02/01/2009
19	2008120343	Mafikeng	Improper performance of duties	Reprimand	07/01/2009
20	2008080159	Orkney	Improper performance of duties	Reprimand	12/01/2009
21	2008110018	Mmabatho	Improper performance of duties	Reprimand	29/01/2009
22	2006120153	Taung	Murder	Dismissal suspended for 6 months	09/04/2008
23	2008050123	Bloemhof	Corruption	Reprimand	02/07/2008
24	2008060115	Lichtenburg	Improper performance of duties	Reprimand	07/07/2008
25	2008030315	Lehurutshe	Improper performance of duties	Reprimand	07/07/2008
26	2008030511	Biesiesvlei	Improper performance of duties	Reprimand	11/07/2008
27	2008040204	Mafikeng	Improper performance of duties	Reprimand	22/07/2008
28	2008050403	Wolmaranstad	Improper performance of duties	Reprimand	25/07/2008
29	2008070506	Mafikeng	Improper performance of duties	Reprimand	25/07/2008
30	2008070013	Itsoseng	Improper performance of duties	Reprimand	30/07/2008
31	2008060584	Mafikeng	Improper performance of duties	Reprimand	31/07/2008

Number	CCN	Station	Nature of complaint	Sanction/Sentence	Date
32	2007100201	Mafikeng	Improper performance of duties	Verbal warning	28/02/2008
33	2004100201	Mafikeng	Improper performance of duties	Verbally warned	28/02/2008
34	2005110504	Lomanyaneng	Assault with intent to cause grievous bodily harm	Verbal Warning	08/04/2008
35	2008050235	Lomanyaneng	Improper performance of duties	Reprimand	12/06/2008
36	2008050273	Lomanyaneng	Improper performance of duties	Reprimand	18/06/2008
37	2008030368	Morokweng	Improper performance of duties	Reprimand	23/06/2008
38	2008050394	Lomanyaneng	Improper performance of duties	Reprimand	24/06/2008
39	2008050353	Itsoseng	Improper performance of duties	Reprimand	24/06/2008
40	2008040377	Vryburg	Improper performance of duties	Reprimand	26/06/2008
41	2009030113	Vryburg	Improper performance of duties	Reprimand	05/03/2009
42	2009020527	Motswedi	Improper performance of duties	Reprimand	12/03/2009
43	2008110453	Lomanyaneng	Reckless and/or negligent driving	Reprimand	17/03/2009
44	2009020505	Wolmaranstad	Improper performance of duties	Reprimand	18/03/2009
45	2009030168	Mafikeng	Improper performance of duties	Reprimand	18/03/2009
46	2009020345	Mafikeng	Improper performance of duties	Reprimand	19/03/2009
47	2008050480	Ipelegeng	Assault with intent to cause grievous bodily harm	Fined R500.00 and suspended for 6 months	20/03/2009
48	2009030184	Mmabatho	Improper performance of duties	Reprimand	20/03/2009
49	2009020608	Mmabatho	Improper performance of duties	Reprimand	20/03/2009
50	2004110306	Lehurutshe	Assault with intent to cause grievous bodily harm	Not Guilty	24/03/2009
51	2009020123	Lomanyaneng	Improper performance of duties	Reprimand	26/03/2009
52	2009030294	Klerksdorp	Improper performance of duties	Reprimand	30/03/2009
53	2008120083	Klerksdorp	Improper performance of duties	Reprimand	30/03/2009
54	2008080382	Ventersdorp	Improper performance of duties	Reprimand	30/03/2009
55	2009020508	Mafikeng	Improper performance of duties	Reprimand	30/03/2009
56	2009030247	Klerksdorp	Improper performance of duties	Reprimand	31/03/2009
57	2009020206	Mmabatho	Improper performance of duties	Reprimand	31/03/2009
58	2006050488	Mooifontein	Assault with intent to cause grievous bodily harm	Written warning	18/04/2008

Number	CCN	Station	Nature of complaint	Sanction/Sentence	Date
59	2007090079	Mmabatho	Improper performance of duties	Reprimand	28/05/2008
60	2008050025	Mmabatho	Improper performance of duties	Reprimand	29/05/2008
61	2008100348	Motswedi	Improper performance of duties	Reprimand	12/11/2008
62	2008060585	Taung	Improper performance of duties	Reprimand	24/11/2008
63	2008080147	Tlhabane	Attempted murder	Reprimand	28/11/2008
65	2008110204	Klerksdorp	Improper performance of duties	Reprimand	28/11/2008
66	2008100422	Ikageng	Improper performance of duties	Reprimand	28/11/2008
67	2008090168	Mmabatho	Improper performance of duties	Reprimand	15/10/2008
68	2008100403	Bloemhof	Improper performance of duties	Reprimand	27/10/2008
69	2005100249	Ipelegeng	Attempted murder	R500 Fine, R300 of which was suspended, and member dismissed from SAPS	06/01/2009
70	2007080362	Lehurutshe	Improper performance of duties	Final Written Warning	01/08/2008
71	2007100213	Coligny	Abuse of power	Final Written Warning	25/08/2008
72	2008080089	Coligny	Improper performance of duties	Reprimand	15/09/2008
73	2008080551	Lomanyaneng	Improper performance of duties	Reprimand	15/09/2008
74	2008060424	Ikageng	Improper performance of duties	Reprimand	18/09/2008
75	2008080246	Lichtenburg	Improper performance of duties	Reprimand	18/09/2008
76	2008070099	Mafikeng	Improper performance of duties	Reprimand	19/09/2008
77	2008070489	Ventersdorp	Improper performance of duties	Reprimand	23/09/2008
78	2006030057	Ficksburg	Murder	Reprimand	25/08/2008
79	2007100447	Boithuso	Assault with intent to cause grievous bodily harm	Dismissed from SAPS	04/06/2008
80	2007110420	Heuningspruit	Murder x 2	Dismissed from SAPS	20/09/2008
81	2007110453	Bultfontein	Assault with intent to cause grievous bodily harm	Reprimand	04/03/2009
82	2004050270	Botshabelo	Assault with intent to cause grievous bodily harm	Reprimand	10/03/2009
83	2008040389	Senekal	Murder	Dismissed from SAPS	23/03/2009
84	2008090411	Kopanong	Assault with intent to cause grievous bodily harm	Reprimand	19/03/2009
85	2009010023	Navalsig	Rape	Dismissed from SAPS	28/02/2009



Number	CCN	Station	Nature of complaint	Sanction/Sentence	Date
86	2009010028	Navalsig	Rape	Dismissed from SAPS	28/02/2009
87	2009010040	Navalsig	Rape	Dismissed from SAPS	28/02/2009
88	2007070114	Durban Central	Corruption	Dismissed from SAPS	28/07/2008
89	2008080202	Greenwood Park	Corruption	Dismissed from SAPS	27/07/2008
90	2008090591	Beaufort West	Murder	Dismissed from SAPS	13/02/2009

### 6.5.8 Convictions – Criminal Cases

There were 38 convictions in individual cases finalized in courts during the financial year under review. Some of these date back a few years. These were comprised of 14 convictions for murder; 4 culpable homicide; 6 attempted murder; 6 assault with intention to cause grievous bodily harm; 6 common assault, 1 of which was an assault charge perpetrated in a domestic relationship in violation of the Domestic Violence Act. Although the court imposed a suspended sentence of 8 months, the conditions imposed by the court were encouraging. There were three instances of convictions for rape which occurred in New Castle, Melmoth and Motetema. The conviction in the last mentioned case in Motetema involved a Station Commander. The victim was raped after being offered lift in a police vehicle. In all the rape cases the sentences imposed by the different courts have been consistent ranging between 12 – 15 years direct imprisonment which also led to the dismissal of the policemen involved. There were 2 convictions on cases of crimen injuria. See Table 6.40.

**Table 6.40: Convictions in criminal cases**

Number	CCN	Station	Nature of complaint	Sanction/Sentence	Date
1	2007110453	Bultfontein	Assault with intent to cause grievous bodily harm	Fined R2 400 or 2 years imprisonment	04/03/2009
2	2004050270	Botshabelo	Assault with intent to cause grievous bodily harm	Three years imprisonment suspended for five years	10/03/2009
3	2008040389	Senekal	Murder	17 years imprisonment	23/03/2009
4	2008090411	Kopanong	Assault	Fined R500 or 6 months imprisonment	19/03/2009
5	2008020398	Potchefstroom	Assault with intent to cause grievous bodily harm	Fined a collective fine of R17 000 or 18 months imprisonment	12/08/2008
6	2006010249	Makwassie	Assault with intent to cause grievous bodily harm	Fined R3 000 or 18 months imprisonment	16/07/2008
7	2007110263	Mafikeng	Attempted murder	Fined R3 000 or 12 months imprisonment wholly suspended for 3 years	06-Jun-08

Number	CCN	Station	Nature of complaint	Sanction/ Sentence	Date
8	2005100249	Ipelegeng	Attempted murder	5 years imprisonment without an option of a fine	12/08/2008
9	2003100159	Newcastle	Rape and indecent assault	15 years imprisonment	10/09/2008
10	2003050277	Ixopo	Murder and attempted murder	12 years imprisonment only in respect of murder	16/09/2008
11	2002050301	Melmoth	Rape	15 years imprisonment	20/06/2008
12	2006110337	Bhekithemba	Murder	8 years imprisonment	20/05/2008
13	2007020190	Mayville	Attempted murder	5 years imprisonment, wholly suspended	20/10/2008
14	2007080278	Pomeroy	Murder and culpable homicide	6 years imprisonment wholly suspended for 5 years	12/09/2008
15	2005010484	Odendaalsrus	Attempted murder	10 years imprisonment	12/09/2008
16	2005010532	Himeville	Murder	20 years imprisonment	12/09/2008
17	2007050148	Mountain Rise	Assault	8 months imprisonment wholly suspended for 5 years on condition the accused is not convicted for assault or any violation of any condition or future condition of the protection order.	28/05/2008
18	2004010251	Phoenix	Murder	10 years imprisonment	05/11/2008
19	2003110167	Paarl East	Murder and possession of arms and ammunition	18 years imprisonment	21/04/2008
20	2003010499	Grassy Park	Murder	5 years imprisonment suspended for 5 years and 3 years correctional supervision. He was also declared unfit to possess a fire-arm	11/07/2008
21	2004080664	Ravensmead	Culpable homicide and negligent driving	Fined of R20 000 or 12 months imprisonment suspended for 5 years	26/08/2008
22	2003110051	Wynberg	Assault	2 years imprisonment suspended for 5 years sentence	22/10/2008
23	2004101269	Elsiesriver	Murder	5 years imprisonment	19/01/2009
24	2006120315	Katlehong	Murder	15 years imprisonment	12/03/2009
25	2008070298	Moroka	Culpable Homicide	Fined R10 000 or 5 years imprisonment suspended for 3 years	12/03/2009
26	2006090397	Moroka	Murder	18 years imprisonment	17/04/2009

Number	CCN	Station	Nature of complaint	Sanction/ Sentence	Date
27	200310137	Motetema	Rape	12 years imprisonment.	2008/11/25
28	2006110116	Polokwane	Murder	16 years imprisonment	2008/11/09
29	2008040152	Bolobedu	2 counts assault common & crimen injuria	Admission of guilt fine of R1 200	2009/03/09
30	2006030144	Mthatha	Aiding a prisoner to escape	Fined of R2 000 or six months imprisonment	20/05/2008
31	2007050405	Mt Frere	Assault with intent to cause grievous bodily harm	Fined R2 000 or 200 days imprisonment and R4 000 or 400 days imprisonment	10/09/2008
32	2008040310	Msobomvu	Assault and crimen injuria	30 days suspended for 3 years	29/09/2008
33	2006070281	East London	Murder	5 years imprisonment and suspended for 3 years	03/12/2008
34	2006010179	Maluti	Murder	12 years imprisonment without an option of a fine	04/12/2008
35	2007070541	Roosenekal	Culpable Homicide	3 years imprisonment suspended for 5 years	11/09/2008
36	2008010042	Tonga	Attempted Murder	2 years imprisonment suspended for 4 years	23/09/2008
37	2007080406	Kanyamazane	Murder	12 years Imprisonment	23/03/2009
38	2007090252	Kanyamazane	Assault with intent to cause grievous bodily harm and kidnapping	3 years Imprisonment	23/03/2009

### 6.5.9 Acquittals – Criminal Cases

There were a combined total of 21 cases for acquittals on a wide range of serious charges from murder, attempted murder, and assault with intention to cause grievous bodily harm. See Table 6.41.

**Table 6.41: Acquittals in criminal cases**

Number	CCN	Station	Nature of complaint	Sanction/ Sentence	Date
1	2007060368	Deneysville	Murder	Acquitted	19/05/2008
2	2004110300	Odendaalsrus	Murder	Acquitted	23/07/2008
3	2007100449	Botshabelo	Assault with intent to cause grievous bodily harm	Acquitted	02/10/2008

Number	CCN	Station	Nature of complaint	Sanction/Sentence	Date
4	2007060508	Bultfontein	Assault with intent to cause grievous bodily harm	Acquitted	03/03/2009
5	2007100001	Apel	Attempted murder	Acquitted	07/11/2008
6	2006070544	Tom Bourke	Murder	Acquitted	28/04/2008
7	2007020043	Bela Bela	Murder	Acquitted	17/07/2008
8	2007120007	Mahwelereng	Murder	Acquitted	10/10/2008
9	2001090116	Lansdowne	Murder	Acquitted	27/05/2008
10	2007060560	Tsolo	Attempted murder	Acquitted	01/04/2008
11	2006030347	Mtontsana	Attempted murder	Acquitted	30/04/2008
12	2007040220	Mthatha	Murder	Acquitted	01/12/2009
13	2006030433	Grahamstown	Murder	Acquitted	14/01/2009
14	2007060368	Deneysville	Murder	Acquitted	19/05/2008
15	2004110300	Odendaalsrus	Murder	Acquitted	23/07/2008
16	2007100449	Botshabelo	Assault with intent to cause grievous bodily harm	Acquitted	02/10/2008
17	200470519	Langa	Murder	Acquitted	17/10/2008
18	2008030576	Sea Point MPS	Bringing the name of the City of Cape Town into disrepute & assaulting a member of the public	Acquitted	01/09/2008
19	2007060508	Bultfontein	Assault with intent to cause grievous bodily harm	Acquitted	03/03/2009
20	2003120011	Leslie	Murder	Acquitted	09/06/2008
21	2005120411	Kabokweni	Assault with intent to cause grievous bodily harm	Acquitted	04/08/2008

## LIST OF ABBREVIATIONS

ACC – Anti-Corruption Command  
ACHPR – African Commission for Human and People’s Rights  
APCOF – African Policing Oversight Forum  
BAS – Basic Accounting System  
BEE – Black Economic Empowerment  
CBPE – Centre for Business and Professional Ethics  
CGE – Commission for Gender Equality  
CPF – Community Policing Forum  
DPP – Director of Public Prosecutions  
DVA – Domestic Violence Act  
EAP – Employment Assistance Programme  
ED – Executive Director  
EXCO – Executive Committee  
GG – Government Garage  
HDI –Historically Disadvantaged Individual  
HRM – Human Resource Management  
ICAC – International Conference on Anti Corruption  
ICD – Independent Complaints Directorate  
IMS – Information Management System  
ICT – Information and Communication Technology  
ISU – Integrity Strengthening Unit  
LOGIS- Logistical Information System  
OSF – Open Society Foundation  
MEC – Member of Executive Committee  
MISS – Minimum Information Security Standards  
MPS – Municipal Police Services  
MPCC – Multi Purpose Community Centre  
MTEC – Medium Term Expenditure Committee  
NEPAD – New Partnership for Africa’s Development  
NGO – Non Governmental Organization  
NIA – National Intelligence Agency  
NFMPS – National Forum for Municipal Police Services  
PERSAL – Personnel and Salary System  
PFMA – Public Finance Management Act  
POSLEC – Police, Security, Legal and Correctional  
POU – Proactive Oversight Unit  
PPP – Public/Private Partnership  
PSC – Public Service Commission  
PSCBC – Public Service Coordinating Bargaining Council  
SAPS – South African Police Service  
SCOPA – Special Committee on Public Accounts  
SCM – Supply Chain Management  
SDIP – Service Delivery Improvement Plan  
SETA – Sector Education Training Authority  
SMC – Senior Management Committee  
SMME – Small, Medium, and Micro Enterprises  
SMS – Senior Management Service  
SOP – Standard Operating Procedure  
SP – Special Programmes  
SPR – Special Programme Representative  
VCT – Voluntary Counseling and Testing

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**VOTE 20**  
**REPORT OF THE ACCOUNTING OFFICER**

**Report by the Accounting Officer to the Executive Authority and Parliament of the Republic of South Africa.**

**I. General review of the state of financial affairs**

**Important policy decisions and strategic issues facing the department**

Since inception the lack of capacity remained a strategic issue to the ICD and the continuous capacity constraint is its most urgent challenge. The Department: Public Service and Administration approved a staff structure of 535 posts for the ICD as early as 1998 yet, up to now, only half of the said posts have been funded.

The active investigation of all complaints received by the ICD in respect of alleged police brutality and misconduct remains problematic in view of the limited number of investigators, the limited budget available for their operational expenses and the limited resources available for alternative investigative methods. The staff structure of the ICD has not increased in relation to the increase in the number of complaints received for investigation or, the increase in the number of staff in the SAPS and the various Metro police services.

Since the last quarter of the 2007/08 financial year, the ICD has embarked on a restructuring of Programmes 2 and 3 with a view to capacitate and streamline the complaints handling process. The implementation thereof was suspended due to a lack of funds to carry the related costs. The restructuring process would increase investigative capacity whilst it would also streamline the receipt of complaints and the completion of investigations within one programme. However, funding for the proposal has not yet realized.

Management's efforts to present to the Medium Term Expenditure Committee, the poor state of service delivery and non-compliance of the ICD to its mandate and other legislative prescripts, in order to call for a satisfactory increase in the ICD's budget, has not yet borne fruit and staff morale and service delivery are slowly deteriorating.

**Spending trends**

- Reasons for overspending  
The overspending on the budget can be attributed to the fact that the SMS members received salary adjustments in September 2008 as well as January 2009. In addition, the allowances for fuel and maintenance for subsidised vehicles interfaced incorrectly against Goods & Services, which had to be corrected by journalising the expenditure to Compensation of Employees. Furthermore, the last interface from PERSAL was much higher than anticipated and projected.
- The impact on programmes and service delivery  
The expenditure incurred in terms of the fuel allowances can

directly be linked to the travelling by the Investigators to follow-up on cases reported.

**Actions taken or planned to avoid recurrence**

Additional reconciliations are to be performed monthly on the salary-related interfaces to check the monthly expenditure and to project future expenditure. In addition to the monthly Budget Control Management meetings with Top Management, quarterly meetings will be arranged where it is expected of individual Responsibility Managers to account for the expenditure incurred – including spending plans to adjust under- or over spending.

**Virement**

The shifting of funds under Programme 1: Administration as well as the under-spending on Programme 3: Information Management and Research was utilised to address some of the over spending on Programme 2: Complaints Processing, Monitoring and Investigation.

**Reason for the virement**

In terms of the Public Financial Management Act (PFMA), Act 1 of 1999 as amended by Act 29 of 1999, the Acting Accounting Officer may utilise the saving under a main division to address the shortfall in another main division within the same vote. The limitation of 8% is however applicable and therefore not all under-spending on Programme 3: Information Management and Research could be utilised to address the shortfall in Programme 2: Complaints Processing, Monitoring and Investigation.

In terms of the PFMA, the Accounting Officer has given the approval for the virement to be performed.

**Unauthorised expenditure incurred and steps taken to address and prevent a recurrence**

Monitoring procedures at year-end included the weekly monitoring of expenditure since 22 January 2009 and daily as from 24 February 2009 and, included the projection of the daily expenditure - taking into account outstanding commitments such as personnel expenditure, government vehicle expenditure, payments received but not yet finalised on BAS as well as anticipated expenditure in terms of travelling and accommodation. In terms of personnel expenditure, the average amount spent during the financial year was taken as the anticipated expenditure and provision was made for this expenditure in the middle and at the end of March 2009.

Access to the BAS and LOGIS systems was deactivated in the Provinces on 13 March 2009 and HRM was also requested not to process any further transactions with a monetary value on PERSAL. Effectively, no processing of payments took place after 20 March 2009 in National Office though the monitoring of expenditure continued after 20 March 2009, on a daily basis, even though no physical processing was done on either BAS, LOGIS or PERSAL.

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On 31 March 2009 it was found that the PERSAL interface took place at an expenditure of R1,8 million against the ICD's budget, in terms of salaries, allowances, and employers' contributions with regard to pension, medical aid and bargaining council. After several reports were drawn on BAS to check for the PERSAL interfaces it became obvious that PERSAL processed all outstanding transactions, held in suspense since the beginning of the financial year, at the end of the financial year to ensure the balancing of all control and suspense accounts. What normally occurs when a transaction is advised on PERSAL and there may have been an invalid responsibility or objective code used, the official will still receive payment, though the expenditure is booked against the suspense account of the department (the actual transaction thus does not pair-off on PERSAL). At year-end, the system (PERSAL) automatically pairs the incorrect entries to ensure that outstanding balances on the system are cleared. Although the suspense and control accounts are monitored every month, these types of transactions are not reflected in the accounts of the department.

The amount over spent is R800 053.00 and comprises less than 1% of the total budget allocated to the department. The expenditure has been classified as unauthorised expenditure and National Treasury was informed accordingly. The necessary journals will accordingly reflect the amount under the Unauthorised Expenditure account.

Further control measures will be explored to determine the interfaces from PERSAL prior to the actual expenditure being incurred and, this includes access to function 5.10 on PERSAL and other reports to be made available for monitoring purposes.

**2. Services rendered by the department**

- 2.1 Services rendered by the ICD have been discussed earlier in the Report, under the heading dealing with the legislative mandate of the ICD.
- 2.2 **Tariff policy**  
The ICD does not charge any tariff for services rendered and this issue is thus not applicable to the ICD in respect of the financial year: 2008/9.
- 2.3 **Free Services**  
All services rendered to the public fall within the mandate of the ICD and are rendered free of charge.
- 2.4 **Inventories**  
Except for the Stores in National Office (Pretoria), the ICD's other Stores are situated in KwaZulu-Natal (Durban) and Western Cape (Cape Town). The inventories at hand in these Stores reflect the total amount of R523 329.70 as follows:

Pretoria	R449 941.13
Durban	R 26 692.06
Cape Town	R 46 696.51

**3. Capacity constraints**

The ICD is gradually losing its grip of a satisfactory service delivery and compliance to administrative legislation due to the steady increase of its oversight burden.

The limited funding that the National Treasury provided to improve asset management will not improve the dire need for extra hands in the Support Services. The ICD is still making use of Interns with the relevant tertiary qualifications to aid the shortage of staff – particularly in Support Services.

The development and training of staff in Support Services remains a priority in order to develop them to become generalists – thereby also addressing staff shortages. Unfortunately the low salary levels paid to these staff members – in view of the ICD's budgetary constraint – have the effect that such members, as soon as they had gained sufficient knowledge and expertise, leave the ICD - through recruitment practices - to perform the same duties on the same performance level at other departments at a much higher compensation level. The ICD thus have to continuously appoint more unemployed youths to start afresh with the training of staff to become generalists.

**4. Utilisation of donor funds**

The ICD received minor donations in kind, during specific team building efforts.

**5. Trading entities and public entities**

No trading or public entities report to the ICD.

**6. Organisations to whom transfer payments have been made**

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy.

**7. Public private partnerships (PPP)**

The ICD has not yet commenced with any PPP's during the financial year: 2008/9.

**8. Corporate governance arrangements**

The ICD's Anti-Corruption and Fraud Prevention Strategy has been updated and, as soon as the post: Manager: Ethics and Risk Management is suitably filled, refresher training on the said strategy as well as the Conflict of Interest Policy, will be provided to every new staff member. All employees annually complete the Conflict of Interest Declaration form which is not only to be approved by the immediate supervisor of such an Employee but, is also scrutinized by the Manager: Ethics and Risk Management to ensure that no conflict of interest exists in terms of the activities performed by

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the ICD and those of its staff members. Conflict of Interest forms are also completed by all Committee members, to declare their personal interest in the applicants for appointment and/or the service providers who wish to render a service to the ICD, during the selection committee meetings and/or at the bid committee meetings.

The comprehensive Risk Management Strategy has been updated and the Ethics and Risk Management Committee has dealt with the monitoring of risk mitigation and ethical dilemmas as well as the alleged irregularities identified by the external auditors, in a holistic manner.

The Audit Committee – consisting of three external members – has met on three occasions during the year under review and has placed a high priority on the improvement of the matters identified by Internal Auditing and the Auditor-General.

During the last quarter of the year, the Component: Internal Audit has played a major role in smoothing the way for the envisaged audit of the Auditor-General and after the latter's visits, the Component once more assisted to verify some of the corrective measures which had to be implemented.

#### **9. Discontinued activities/activities to be discontinued**

No activities were discontinued during the year under review.

#### **10. New/proposed activities**

No new activities were undertaken by the ICD.

#### **11. Asset management**

Much effort has been put in during the year under review to improve on the recording and management of ICD's assets. However the limited staff numbers in the Support Services make full compliance to the prescripts almost impossible.

At the onset of the said year, the ICD commenced with the establishment of an Asset Management unit in National Office with the appointment of three staff members. With the additional posts to be provided to the component in the financial year: 2009/10, it will be possible to effectively monitor the timely procurement of assets for all the offices and, assist with the regular physical verification of assets and equipment in all sixteen offices.

Additional funding is urgently required to increase the staff numbers in the Provinces, where two staff members are expected to perform all functions relevant to Support Services. The visits of staff from National Office aided the transfer of skills but the performance levels achieved during the verification process in the various Offices could evidently not be maintained after the visit and, additional support is necessary before the ICD will be able to satisfactorily meet the targets set in the Asset Reform Strategy.

#### **12. Events after the reporting date**

No events after the reporting date.

#### **13. Performance information**

The ICD's electronic case management system makes provision for the registration of all complaints received and investigated by the ICD and allows for the monitoring of the individual complaints up to finalisation and the eventual closure of the cases. Performance of the line functionaries are measured through the updating of a monthly spreadsheet in terms of the various activities performed by the individual.

With regard to the monitoring of performance, monthly reports are submitted via the Provincial Head to the various Programme Managers in respect of the number of complaints dealt with per investigator. Similar reports in terms of the attainment of the set objectives – according to the strategic plan – are submitted per programme. In return, where necessary, the Programme Managers will propose corrective and /or rehabilitative measures to improve service delivery.

The quarterly reports compiled by the Programme Managers for the information of the Executive Director, not only update the Head of the Department in terms of performance per Responsibility Manager, but the information is also submitted to the Accounting Authority / Minister for Safety and Security (now Minister of Police) and the National Treasury.

Notwithstanding the formal reporting structure, the ICD utilizes the service of its members through various committee meetings to enhance accountability and transparency and, minutes of all official meetings are filed on the intranet for information (to all staff) and future reference.



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**14. SCOPA resolutions**

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
No SCOPA resolutions received, though the Twenty–eighth Report from SCOPA to the National Assembly on 18 November 2008 refers to findings of the Auditor-General in respect of the annual financial statements of the ICD for the financial year: 2007/08	Appropriate document management system required	An appropriate document management system has been implemented to control all source documentation and to ensure accurate reconciliation at financial year closure
	Asset not recorded and bar-coded	All assets have been recorded and uniquely bar-coded
	Minor assets separated from major asset	All assets with a value below R5 000 have been removed from the ICD's list of capital assets and are now separately listed
	Updating of HRM Plan required	The ICD's Human Resource Plan has been updated in order to ensure that the ICD complies with all human resource policies and guidelines  It needs mentioning that the limited staff numbers in Support Services cannot ensure a permanent turn around on the findings of the Auditor-General

**15. Prior modifications to audit reports**

The following mechanisms have been put in place to resolve the matters reported on by the Auditor-General in terms of the previous financial year's financial statements:

- **Commitments overstated and not accurately reflected in the AFS**

The SCOA Toning aided the clearing of the outstanding balances from the previous financial year to the commencement of the 2008/9 financial year. Since April 2008 monthly meetings between the components: Finance and SCM took place and reconciliations between BAS & LOGIS reports brought forth discrepancies which were then investigated. Corrective measures are implemented monthly, prior to the closing of the next accounting month.

- **Capital assets in terms of opening and closing balances in the AFS not sufficiently substantiated**

The reason for the poor management of assets can be attributed to the fact that staff numbers in Programme 1 are very limited and only since 1/4/2008 three posts were funded to commence with a component: Asset Management. Differences in the figures between the asset register (LOGIS) and the annual financial statements (BAS) could never be reconciled due to the fact that only three offices used the LOGIS system to capture assets consistently. The BAS reports were accepted

as the only reliable documentation to provide details of existing and additionally procured assets. A verification process of all assets was embarked on – actions detailed below.

- **An unsubstantiated amount of R17 154 000 relating to adjustments made in respect of prior year balances**

The following actions were undertaken to ensure improvement in the recording and management of ICD assets:

The Department: Public Service and Administration's assistance was sought to provide in-depth LOGIS training to all relevant staff members. National Office staff embarked on a process of verifying all assets throughout the ICD in order to update the information on the asset registers and to ensure that all assets were uniquely numbered.

The verification process revealed that incorrect Item Control Numbers (ICN) were created and it was further found that personnel shifted/removed assets from the designated offices without permission. In other cases some computer items/furniture were dispatched to other offices and merely "added" in the "new" office as "additions". To prevent incorrect activities performed on LOGIS, access to the system was further limited to National Office staff to perform the necessary balance adjustments.

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Provincial Offices were again visited – after three months (before December 2008) – to verify the existence of every asset. Training was once again provided where it became obvious that the processing on LOGIS required more attention.

In the interim staff in National Office commenced with the reconciliation between LOGIS and Vulindlela systems in order to correct ICN numbers and verify the unique numbers. On a quarterly basis the information on BAS was reconciled with the additions on the LOGIS system.

The limited staff numbers and the low salary levels paid out to most of the staff in Programme 1 does not enhance retention of staff and the ICD finds itself in the unfortunate position that staff members leave the organization within a year or eighteen months – after they have gained the knowledge and skills – to accept higher positions where they perform the same level of activities (but at a much higher salary level).

- **Disposals of R8 322 000 reflected in the AFS, but the occurrence and completeness of the amount could not be verified**

Prior to the commencement of the financial year: 2008/9, the ICD has not yet disposed of any of its assets. Disposals thus recorded on the LOGIS were once more captured incorrectly. The physical verification of all assets aided the process for the National Office staff to eventually correct the information on the system through balance adjustments.

After a third training intervention of the relevant staff members in the Provinces – expected to take place during 2009/10 – where the use of the various selections and reason codes on LOGIS is to be explained, will the staff in the Provinces be permitted to perform balance adjustments on LOGIS.

- **Non-cash additions to the amount of R4 267 000 not supported with appropriate and sufficient evidence**

Similar to the incorrect capturing of disposals on LOGIS, non-cash additions were captured on the system. The physical verification of all assets aided the process for the National Office staff to correct the said information on the system.

As mentioned above, only after a third training intervention of the relevant staff members in the Provinces have taken place during 2009/10, where the use of the various selections and reason codes on LOGIS will be explained, will National Office consider to permit the provincial staff members to perform balance adjustments on LOGIS.

**16. Exemptions and deviations received from the National Treasury**

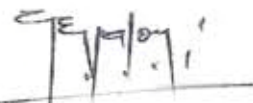
No exemptions and deviations from the PFMA or TR or in terms of financial reporting requirements have been requested or received from the National Treasury.

**17. Other**

No other material facts exist, that has not been addressed in this Report.

**18. Approval**

The Annual Financial Statements set out on pages 104 to 139 have been approved by the Accounting Officer.



.....  
**MR EG VALOYI**  
**ACTING EXECUTIVE DIRECTOR**  
28 May 2009

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE**  
**VOTE 20**  
**REPORT OF THE AUDIT COMMITTEE**

**REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2009**

We are pleased to present our report for the financial year ended 31 March 2009.

Audit committee members and attendance:

The Audit Committee consists of the members listed hereunder and met three times during the financial year ending 31 March 2009. Meetings were held on the following dates 30 May 2008, 1 August 2008 and 6 March 2009.

<b>Audit Committee Members</b>	<b>Number of meetings attended</b>
Mr. SK Motuba (Chairperson)	3
Ms. N. Galeni	2
Mr. E.Valoyi ( Ex Officio)	3

**Audit committee responsibility**

The Audit Committee reports that it has complied with its responsibilities arising from section 38(1)(a) of the PFMA and Treasury Regulation 3.1.13 and 27.1.10. The Audit Committee have also regulated their affairs and discharged their responsibilities in terms of the approved Audit Committee Charter.

**Effectiveness of internal control**

We have reviewed various reports made by the internal and external auditors and reports on the adequacy and effectiveness of internal control systems. We have also reviewed the external auditors' management report on the regulatory audit and the audit of performance information together with their verbal assurances that there are no unresolved issues. In terms of the reports there has been no significant or material non-compliance with prescribed policies, procedures and internal controls other than those included in the report of the Auditor-General.

The Committee is satisfied that internal controls and systems have been put in place and functioned effectively for the year under review and that management has taken appropriate steps to rectify weakness reported previously.

**The quality of in-year management and monthly reports**

The Audit Committee is satisfied with the content and quality of the management and quarterly reports prepared and issued by the Accounting Officer during the period under review.

**Evaluation of the annual financial statements**

The Audit Committee has:

- Reviewed and discussed with the Auditor-General and the Accounting Officer the annual financial statements to be included in the annual report.
- Reviewed the Auditor-General's interim management letter and management's responses.
- Confirmed that there were no changes in accounting policies and practices and
- Confirmed that there were no significant adjustments resulting from the audit.

The Audit Committee concurs that adoption of the going concern premises is appropriate in preparing the annual financial statements for the year under review and that they be accepted and read together with the report of the Auditor-General.



.....  
**S K Motuba**  
**Chairperson of the Audit Committee**  
**Independent Complaints Directorate**  
 31 July 2009

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**REPORT OF THE AUDITOR-GENERAL**

**REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT  
ON THE FINANCIAL STATEMENTS AND PERFORMANCE  
INFORMATION OF VOTE NO. 20: INDEPENDENT  
COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31  
MARCH 2009**

**REPORT ON THE FINANCIAL STATEMENTS**

**Introduction**

1. I have audited the accompanying financial statements of the Independent Complaints Directorate which comprise the appropriation statement, the statement of financial position as at 31 March 2009, and the statement of financial performance, the statement of changes in net assets and the cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 104 to 139.

**The accounting officer's responsibility for the financial statements**

2. The accounting officer is responsible for the preparation of these financial statements in accordance with the modified cash basis of accounting as determined by the National Treasury as set out in accounting policy note 1.1 and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA) and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

**The Auditor-General's responsibility**

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards on Auditing read with General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that

are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Basis for qualified opinion**

**Property, plant and equipment**

7. I was unable to satisfy myself regarding the existence, valuation and allocation and completeness of tangible capital assets disclosed in note 28, due to insufficient and inappropriate audit evidence to substantiate an adjustment to the amount of R544 000, disposals of R639 000 and additions of R5 826 000 as well as no evidence to substantiate the opening balance of R14 937 000. I was unable to perform any alternative procedures.

**Qualified Opinion**

8. In my opinion, except for the possible effects of the matters described in the Basis for qualified opinion paragraph, the financial statements present fairly, in all material respects, the financial position of the Independent Complaints Directorate as at 31 March 2009 and its financial performance and its cash flows for the year then ended, in accordance with the modified cash basis of accounting determined by the National Treasury as set out in accounting policy note 1.1 and in the manner required by the PFMA.

**Basis of accounting**

9. Without further qualifying my opinion, I draw attention to accounting policy note 1.1, which describes the basis of accounting on which I do not express a qualified opinion. The department's policy is to prepare financial statements on the modified cash basis of accounting determined by the National Treasury.

**Other matters**

I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

**Governance framework**

10. The governance principles that impact the auditor's opinion on the financial statements are related to the responsibilities and practices exercised by the accounting officer and executive management and are reflected in the internal control deficiencies and key governance responsibilities addressed below:

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**REPORT OF THE AUDITOR-GENERAL**

**Internal control deficiencies**

11. Section 38(1)(a)(i) of the PFMA states that the accounting officer must ensure that the department has and maintains effective, efficient and transparent systems of financial and risk management and internal control. The table below depicts the root causes that gave rise to the deficiencies in the system of internal control, which led to the qualified opinion. The root causes are categorised according to the five components of an effective system of internal control. The root causes are categorised according to the five components of an effective system of internal control. (The number listed per component can be followed with the legend below the table.) In some instances deficiencies exist in more than one internal control component.

Par no.	Basis for qualified opinion	CE	RA	CA	IC	M
7	Property, plant and equipment	5,7		4		

<b>Legend</b>	
<b>CE - Control environment</b>	
The organisational structure does not address areas of responsibility and lines of reporting to support effective control over financial reporting.	1
Management and staff are not assigned appropriate levels of authority and responsibility to facilitate control over financial reporting.	2
Human resource policies do not facilitate effective recruitment and training, disciplining and supervision of personnel.	3
Integrity and ethical values have not been developed and are not understood to set the standard for financial reporting.	4
The accounting officer/accounting authority does not exercise oversight responsibility over financial reporting and internal control.	5
Management's philosophy and operating style do not promote effective control over financial reporting.	6
The entity does not have individuals competent in financial reporting and related matters.	7
<b>RA - Risk assessment</b>	
Management has not specified financial reporting objectives to enable the identification of risks to reliable financial reporting.	1
The entity does not identify risks to the achievement of financial reporting objectives.	2

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The entity does not analyse the likelihood and impact of the risks identified.	3
The entity does not determine a risk strategy/action plan to manage identified risks.	4
The potential for material misstatement due to fraud is not considered.	5
<b>CA - Control activities</b>	
There is inadequate segregation of duties to prevent fraudulent data and asset misappropriation.	1
General information technology controls have not been designed to maintain the integrity of the information system and the security of the data.	2
Manual or automated controls are not designed to ensure that the transactions have occurred, are authorised, and are completely and accurately processed.	3
Actions are not taken to address risks to the achievement of financial reporting objectives.	4
Control activities are not selected and developed to mitigate risks over financial reporting.	5
Policies and procedures related to financial reporting are not established and communicated.	6
Realistic targets are not set for financial performance measures, which are in turn not linked to an effective reward system.	7
<b>IC - Information and communication</b>	
Pertinent information is not identified and captured in a form and time frame to support financial reporting.	1
Information required to implement internal control is not available to personnel to enable internal control responsibilities.	2
Communications do not enable and support the understanding and execution of internal control processes and responsibilities by personnel.	3
<b>M - Monitoring</b>	
Ongoing monitoring and supervision are not undertaken to enable an assessment of the effectiveness of internal control over financial reporting.	1
Neither reviews by internal audit or the audit committee nor self-assessments are evident.	2
Internal control deficiencies are not identified and communicated in a timely manner to allow for corrective action to be taken.	3

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**Key governance responsibilities**

12. The PFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of key governance responsibilities, which I have assessed as follows:

No.	Matter	Y	N
	<b>Clear trail of supporting documentation that is easily available and provided in a timely manner</b>		
1.	No significant difficulties were experienced during the audit concerning delays or the availability of requested information.		√
	<b>Quality of financial statements and related management information</b>		
2.	The financial statements were not subject to any material amendments resulting from the audit.	√	
3.	The annual report was submitted for consideration prior to the tabling of the auditor's report.	√	
	<b>Timeliness of financial statements and management information</b>		
4.	The annual financial statements were submitted for auditing as per the legislated deadlines section 40 of the PFMA	√	
	<b>Availability of key officials during audit</b>		
5.	Key officials were available throughout the audit process.		√
6.	Audit committee		
	• The department had an audit committee in operation throughout the financial year.	√	
	• The audit committee operates in accordance with approved, written terms of reference.	√	
	• The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10/27.1.8.	√	
7.	Internal audit		
	• The department had an internal audit function in operation throughout the financial year.	√	
	• The internal audit function operates in terms of an approved internal audit plan.	√	
	• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2.	√	
8.	There are no significant deficiencies in the design and implementation of internal control in respect of financial and risk management.	√	
9.	There are no significant deficiencies in the design and implementation of internal control in respect of compliance with applicable laws and regulations.	√	
10.	The information systems were appropriate to facilitate the preparation of the financial statements.	√	
11.	A risk assessment was conducted on a regular basis and a risk management strategy, which includes a fraud prevention plan, is documented and used as set out in Treasury Regulation 3.2.	√	
12.	Powers and duties have been assigned, as set out in section 44 of the PFMA.	√	

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No.	Matter	Y	N
	<b>Follow-up of audit findings</b>		
13.	The prior year audit findings have been substantially addressed.		√
14.	SCOPA resolutions have been substantially implemented.	√	
	<b>Issues relating to the reporting of performance information</b>		
15.	The information systems were appropriate to facilitate the preparation of a performance report that is accurate and complete.	√	
16.	Adequate control processes and procedures are designed and implemented to ensure the accuracy and completeness of reported performance information.		√
17.	A strategic plan was prepared and approved for the financial year under review for purposes of monitoring the performance in relation to the budget and delivery by the Independent Complaints Directorate against its mandate, predetermined objectives, outputs, indicators and targets Treasury Regulations 5.1, 5.2 and 6.1.	√	
18.	There is a functioning performance management system and performance bonuses are only paid after proper assessment and approval by those charged with governance.	√	



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Documentation to support the figures reflected on the financial statements was only provided on 2 July 2009.

During a critical stage of the audit the Manager: Finance was on compulsory leave for 3 weeks.

The prior year audit findings have not been substantially addressed, as a qualified opinion has been expressed on capital assets as in 2007/08. In future to ensure that this qualification is not repeated an action plan should be developed and implemented, with the required oversight responsibility of the process of the accounting officer.

## **REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS**

### **Report on performance information**

13. I have reviewed the performance information as set out on pages 72 to 90.

### **The accounting officer's responsibility for the performance information**

14. The accounting officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited financial statements fairly present the performance against predetermined objectives of the department.

### **The Auditor-General's responsibility**

15. I conducted my engagement in accordance with section 13 of the PAA read with General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008.

16. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.

17. I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for the findings reported below.

### **Findings (performance information)**

### **Usefulness and reliability of reported performance information**

18. The following criteria were used to assess the usefulness and reliability of the information on the department's performance with respect to the objectives in its strategic plan:

- **Reliability:** Can the reported performance information be traced back to the source data or documentation and is the reported performance information accurate and complete in relation to the source data or documentation?

The following audit findings relate to the above criteria:

### **Reported performance information not reliable**

19. The source information or evidence provided to support the reported performance information with regards to the Complaints Processing, Monitoring and Investigation Programme (Programme 2) did not adequately support the accuracy and completeness of documented performance information. This is due to the re-performance of the actual cases that were completed and recorded that could not be executed, as only the number of finalised cases in each province are reported, with no indication of cases given.

### **APPRECIATION**

20. The assistance rendered by the staff of the ICD during the audit is sincerely appreciated.

Pretoria  
30 July 2009



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE (JUSTICE AND PROTECTION SERVICES)**

**VOTE 20**

**APPROPRIATION STATEMENT**  
**For the year ended 31 March 2009**

Appropriation per programme		2008/09					2007/08		
Appropriation Statement	Adjusted Appropriation (R0'000)	Shifting of funds (R0'000)	Virement (R0'000)	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variance (R0'000)	Expenditure as % of final appropriation %	Final Appropriation (R0'000)	Actual Expenditure (R0'000)
<b>1. Administration</b>									
Current payment	34,364	-	(1,920)	32,444	32,444	-	100.0%	26,299	26,299
Transfers and subsidies	56	-	-	56	56	-	100.0%	48	48
Payment for capital assets	1,211	-	(186)	1,025	1,025	-	100.0%	1,055	1,055
<b>2. Complaints Processing, Monitoring And Investigation</b>									
Current payment	44,724	-	5,996	50,720	52,140	(1,420)	102.8%	34,289	34,289
Payment for capital assets	5,240	-	(2,858)	2,382	2,382	-	100.0%	2,308	2,308
<b>3. Information Management And Research</b>									
Current payment	11,634	-	(594)	11,040	10,420	620	94.4%	15,723	15,723
Payment for capital assets	1,268	-	(438)	830	830	-	100.0%	1,169	1,169
<b>Subtotal</b>	<b>98,497</b>	<b>-</b>	<b>-</b>	<b>98,497</b>	<b>99,297</b>	<b>(800)</b>	<b>100.8%</b>	<b>80,891</b>	<b>80,891</b>
<b>TOTAL</b>	<b>98,497</b>	<b>-</b>	<b>-</b>	<b>98,497</b>	<b>99,297</b>	<b>(800)</b>	<b>100.8%</b>	<b>80,891</b>	<b>80,891</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE (JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**APPROPRIATION STATEMENT  
For the year ended 31 March 2009**

	2008/09			2007/08	
	Final Appropriation	Actual Expenditure	Final Appropriation	Final Appropriation	Actual Expenditure
<b>TOTAL (brought forward)</b>	<b>98,497</b>			<b>80,891</b>	
<b>Reconciliation with statement of financial performance</b>					
<b>ADD</b>	69		377		
Departmental receipts	98,566		81,268		
<b>Actual amounts per statement of financial performance (total revenue)</b>					
<b>Actual amounts per statement of financial performance</b>		99,297			80,891

	2008/09						2007/08		
	Adjusted Appropriation (R0'000)	Shifting of Funds (R0'000)	Virement (R0'000)	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variants (R0'000)	Expenditure as % of Final Appropriation %	Final Appropriation (R0'000)	Actual Expenditure (R0'000)
<b>Appropriation per economic classification</b>									
<b>Current payments</b>	55,967	-	637	56,604	58,017	(1,413)	102.5%	45,695	45,695
Compensation of employees	34,755	-	2,846	37,601	36,981	620	98.4%	31,387	31,387
Goods and services	-	-	-	-	7	(7)	100.0%	9	9
Financial transactions in assets and liabilities	-	-	-	-	-	-	-	-	-
<b>Transfers and subsidies</b>	56	-	-	56	56	-	100.0%	48	48
Departmental agencies and accounts	-	-	-	-	-	-	-	-	-
<b>Payments for capital assets</b>	7,719	-	(3,483)	4,236	4,236	-	100.0%	3,752	3,752
Machinery and equipment	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>98,497</b>	<b>-</b>	<b>-</b>	<b>98,497</b>	<b>99,297</b>	<b>(800)</b>	<b>100.8%</b>	<b>80,891</b>	<b>80,891</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE (JUSTICE AND PROTECTION SERVICES)**

**VOTE 20**

**DETAIL PER PROGRAMME  
For the year ended 31 March 2009**

Detailed per sub-programme Programme 1: Administration	2008/09						2007/08		
	Adjusted Appropriation (R0'000)	Shifting of funds (R0'000)	Virement (R0'000)	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variance (R0'000)	Expenditure as % of final appropriation %	Final Appropriation (R0'000)	Actual Expenditure (R0'000)
<b>I.1 Management</b>									
Current payment	5,744	-	(274)	5,470	5,470	-	100.0%	5,145	5,145
Payment for capital assets	65	-	62	127	127	-	100.0%	174	174
<b>I.2 Corporate Services</b>									
Current payment	21,942	-	(1,646)	20,296	20,296	-	100.0%	14,964	14,964
Transfers and subsidies	56	-	-	56	56	-	100.0%	48	48
Payment for capital assets	1,146	-	(248)	898	898	-	100.0%	881	881
<b>I.3 Property Management</b>									
Current payment	6,678	-	-	6,678	6,678	-	100.0%	6,190	6,190
<b>Total</b>	<b>35,631</b>	<b>-</b>	<b>(2,106)</b>	<b>33,525</b>	<b>33,525</b>	<b>-</b>	<b>100.0%</b>	<b>27,402</b>	<b>27,402</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE (JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**DETAIL PER PROGRAMME  
For the year ended 31 March 2009**

Programme 1: Per-Economic Classification	2008/09						2007/08		
	Adjusted Appropriation (R0'000)	Shifting of funds (R0'000)	Virement (R0'000)	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variance (R0'000)	Expenditure as % of final appropriation %	Final Appropriation (R0'000)	Actual Expenditure (R0'000)
<b>Current payments</b>									
Compensation of employees	19,452	-	(3,163)	16,289	16,286	3	100.0%	13,125	13,125
Goods and services	149,12	-	1,244	16,156	16,156	-	100.0%	13,174	13,174
Financial transactions in assets and liabilities	-	-	-	-	3	(3)	-	-	-
<b>Transfers and subsidies to:</b>									
Departmental agencies and accounts	56	-	-	56	56	-	100.0%	48	48
<b>Payment for capital assets</b>									
Machinery and equipment	1,211	-	(187)	1,024	1,024	-	100.0%	1,055	1,055
<b>Total</b>	<b>35,631</b>	<b>-</b>	<b>(2,106)</b>	<b>33,525</b>	<b>33,525</b>	<b>-</b>	<b>100.0%</b>	<b>27,402</b>	<b>27,402</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE (JUSTICE AND PROTECTION SERVICES)**

**VOTE 20**

**DETAIL PER PROGRAMME**

**For the year ended 31 March 2009**

Detailed per sub-programme Programme 2: Complaints Processing, Monitoring & Investigation	2008/09						2007/08		
	Adjusted Appropriation (R0'000)	Shifting of funds (R0'000)	Virement (R0'000)	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variance (R0'000)	Expenditure as % of final appropriation %	Final Appropriation (R0'000)	Actual Expenditure (R0'000)
<b>2.1 Complaints Processing, Monitoring And Investigation</b>									
Current payment	43,907	-	5,986	49,893	51,313	(1,420)	102.8%	33,698	33,698
Payment for capital assets	5,235	-	(2,881)	2,354	2,354	-	100.0%	2,308	2,308
<b>2.2 Legal Services</b>									
Current payment	817	-	10	827	827	-	100.0%	591	591
Payment for capital assets	5	-	23	28	28	-	100.0%	-	-
<b>Total</b>	<b>49,964</b>	<b>-</b>	<b>3,138</b>	<b>53,102</b>	<b>54,522</b>	<b>(1,420)</b>	<b>102.7%</b>	<b>36,597</b>	<b>36,597</b>
Programme 2 per Economic classification									
<b>Current payments</b>									
Compensation of employees	30,715	-	3,874	34,589	36,006	(1,417)	104.1%	23,112	23,112
Goods and services	14,009	-	2,122	16,131	16,130	1	100.0%	11,170	11,170
Financial transactions in assets and liabilities	-	-	-	-	4	(4)	-	7	7
<b>Payment for capital assets</b>									
Machinery and equipment	5,240	-	(2,858)	2,382	2,382	-	100.0%	2,308	2,308
<b>Total</b>	<b>49,964</b>	<b>-</b>	<b>3,138</b>	<b>53,102</b>	<b>54,522</b>	<b>(1,420)</b>	<b>102.7%</b>	<b>36,597</b>	<b>36,597</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE (JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**DETAIL PER PROGRAMME  
For the year ended 31 March 2009**

Detail per sub-programme: Programme 2: Information Management & Research	2008/09						2007/08		
	Adjusted Appropriation (R0'000)	Shifting of funds (R0'000)	Virement (R0'000)	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variance (R0'000)	Expenditure as % of final appropriation %	Final Appropriation (R0'000)	Actual Expenditure (R0'000)
<b>3.1 Research</b>									
Current payment	1,835	-	(219)	1,616	1,615	1	99.9%	1,665	1,665
Payment for capital assets	38	-	42	80	80	-	100.0%	16	16
<b>3.2 Information Management System</b>									
Current payment	9,799	-	(375)	9,424	8,805	619	93.4%	14,058	14,058
Payment for capital assets	1,230	-	(480)	750	750	-	100.0%	1,153	1,153
<b>Total:</b>	<b>12,902</b>	<b>-</b>	<b>(1,032)</b>	<b>11,870</b>	<b>11,250</b>	<b>620</b>	<b>94.8%</b>	<b>16,892</b>	<b>16,892</b>
Programme 3 per Economic classification									
<b>Current payments</b>									
Compensation of employees	5,800	-	(74)	5,726	5,725	1	100.0%	9,458	9,458
Goods and services	5,834	-	(520)	5,314	4,695	619	88.4%	7,043	7,043
Financial transactions in assets and liabilities	-	-	-	-	-	-	-	2	2
<b>Payment for capital assets</b>									
Machinery and equipment	1,268	-	(438)	830	830	-	100.0%	389	389
<b>Total</b>	<b>12,902</b>	<b>-</b>	<b>(1,032)</b>	<b>11,870</b>	<b>11,250</b>	<b>620</b>	<b>94.8%</b>	<b>16,892</b>	<b>16,892</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**NOTES TO THE APPROPRIATION STATEMENT  
For the year ended 31 March 2009**

**1. Detail of transfers and subsidies as per Appropriation Act (after Virement):**

Detail of these transactions can be viewed in note 6 (Transfers and subsidies) and Annexure I (A) to the Annual Financial Statements.

**2. Detail of specifically and exclusively appropriated amounts voted (after Virement):**

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

**3. Detail on financial transactions in assets and liabilities**

Detail of these transactions per programme can be viewed in note 5 (Financial transactions in assets and liabilities) to the Annual Financial Statements.

**4. Explanations of material variances from Amounts Voted (after Virement):**

4.1 Per Programme	Final Appropriation (R0'000)	Actual Expenditure (R0'000)	Variance (R0'000)	Variance as a % of Final Appropriation (R0'000)
Administration	33,525	33,525	-	0%
Complaints Processing, Monitoring and Investigation	53,102	54,522	(1,420)	1%
Explanation of variance This can be attributed to the salary increases for SMS Members in September 2008 and January 2009. The allowances with regard to maintenance and fuel in respect of subsidised vehicles interfaced incorrectly to Goods & Services, which had to be rectified to reflect the expenditure under Compensation.				
Information Management and Research	11,870	11,250	620	5%
Explanation of variance: This under spending is due to the fact that relocation of offices did not take place as planned.				



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(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**NOTES TO THE APPROPRIATION STATEMENT  
For the year ended 31 March 2009**

4.2	Per Economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
		(R0'000)	(R0'000)	(R0'000)	(R0'000)
	<b>Current payments:</b>				
	Compensation of employees	56,602	57,216	(614)	1.08
	Goods and services	37,606	36,982	624	1.66
	Financial transactions in assets and liabilities	-	7	(7)	100
	<b>Transfers and subsidies:</b>				
	Departmental agencies and accounts	56	56	-	-
	<b>Payments for capital assets:</b>				
	Machinery and equipment	4,236	4,236	-	-

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**STATEMENT OF FINANCIAL PERFORMANCE  
For the year ended 31 March 2009**

<b>PERFORMANCE</b>	Note	<b>2008/09 (R'000)</b>	<b>2007/08 (R'000)</b>
<b>REVENUE</b>			
Annual appropriation	1	98,497	80,891
Departmental revenue	2	69	377
<b>TOTAL REVENUE</b>		<b>98,566</b>	<b>81,268</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	3	58,017	45,695
Goods and services	4	36,981	31,387
Financial transactions in assets and liabilities	5	7	9
<b>Total current expenditure</b>		<b>95,005</b>	<b>77,091</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	6	56	48
<b>Expenditure for capital assets</b>			
Tangible capital assets	7	4,236	3,752
<b>Total expenditure for capital assets</b>		<b>4,236</b>	<b>3,752</b>
<b>TOTAL EXPENDITURE</b>		<b>99,297</b>	<b>80,891</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>(731)</b>	<b>377</b>
<b>Reconciliation of Net Surplus/(Deficit) for the year</b>			
Voted funds		(800)	-
Departmental revenue	13	69	377
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>(731)</b>	<b>377</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**STATEMENT OF FINANCIAL POSITION  
For the year ended 31 March 2009**

<b>ASSETS</b>		<b>2008/09 (R'000)</b>	<b>2007/08 (R'000)</b>
<b>Current assets</b>		1,759	528
Unauthorised expenditure	8	891	91
Cash and cash equivalents	9	(71)	13
Prepayments and advances	10	46	48
Receivables	11	893	376
<b>TOTAL ASSETS</b>		<b>1,759</b>	<b>528</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		1,759	528
Departmental revenue to be surrendered to the Revenue Fund	13	3	(591)
Bank overdraft	14	1,756	992
Payables	15	-	127
<b>TOTAL LIABILITIES</b>		<b>1,759</b>	<b>528</b>
<b>NET ASSETS</b>		<b>-</b>	<b>-</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**CASH FLOW STATEMENT  
For the year ended 31 March 2009**

<b>CASH FLOW</b>	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts	1.1	98,566	81,268
Annual appropriated funds received	2	98,497	80,891
Departmental revenue received		69	377
Net (increase)/decrease in working capital		(1,442)	259
Surrendered to Revenue Fund		525	(1,393)
Current payments		(94,205)	(77,091)
Transfers and subsidies paid		(56)	(48)
<b>Net cash flow available from operating activities</b>	16	<b>3,388</b>	<b>2,995</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	7	(4,236)	(3,752)
<b>Net cash flows from investing activities</b>		<b>(4,236)</b>	<b>(3,752)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in non-current payables		-	(3)
<b>Net cash flows from financing activities</b>		<b>-</b>	<b>(3)</b>
Net increase/(decrease) in cash and cash equivalents		(848)	(760)
Cash and cash equivalents at the beginning of the period		(979)	(219)
<b>Cash and cash equivalents at end of period</b>	17	<b>(1,827)</b>	<b>(979)</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**ACCOUNTING POLICIES  
For the year ended 31 March 2009**

The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 2 of 2006.

## **I. Presentation of the Financial Statements**

### **I.1 Basis of preparation**

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid.

### **I.2 Presentation currency**

All amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.

### **I.3 Rounding**

Unless otherwise stated all financial figures have been rounded to the nearest one thousand Rand (R'000).

### **I.4 Comparative figures**

Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

### **I.5 Comparative figures - Appropriation Statement**

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

## **2. Revenue**

### **2.1 Appropriated funds**

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments to the appropriated funds made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

Total appropriated funds are presented in the Statement of Financial Performance.

Unexpended appropriated funds are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

### **2.2 Departmental revenue**

All departmental revenue is paid into the National Revenue Fund when received, unless otherwise stated. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

Amounts receivable at the reporting date are disclosed in the disclosure notes to the annual financial statements.

#### **2.2.1 Sales of goods and services other than capital assets**

The proceeds received from the sale of goods and/or the provision of services is recognised in the Statement of Financial Performance when the cash is received.

#### **2.2.2 Interest, dividends and rent on land**

Interest, dividends and rent on land is recognised in the Statement of Financial Performance when the cash is received.

#### **2.2.3 Financial transactions in assets and liabilities**

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the Statement of Financial Performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked is recognised as revenue in the Statement of Financial Performance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
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**ACCOUNTING POLICIES  
For the year ended 31 March 2009**

### **3. Expenditure**

#### **3.1 Compensation of employees**

##### **3.1.1 Short-term employee benefits**

Salaries and wages comprise payments to employees (including leave entitlements, thirteenth cheques and performance bonuses). Salaries and wages are recognised as an expense in the Statement of Financial Performance when final authorisation for payment is effected on the system (by no later than 31 March of each year).

All other payments are classified as current expense.

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the Statement of Financial Performance or Position.

##### **3.1.2 Post retirement benefits**

The department provides retirement benefits (pension benefits) for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions.

Employer contributions (i.e. social contributions) to the fund are expensed when the final authorisation for payment to the fund is effected on the system (by no later than 31 March of each year). No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National Revenue Fund and not in the financial statements of the employer department.

The department provides medical benefits for certain of its employees. Employer contributions to the medical funds are expensed when final authorisation for payment to the fund is effected on the system (by no later than 31 March of each year).

##### **3.1.3 Termination benefits**

Termination benefits such as severance packages are recognised as an expense in the Statement of Financial Performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

##### **3.1.4 Other long-term employee benefits**

Other long-term employee benefits (such as capped leave) are recognised as an expense in the Statement of Financial Performance as a transfer (to households) when the final authorisation for

payment is effected on the system (by no later than 31 March of each year).

Long-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the Statement of Financial Performance or Position.

#### **3.2 Goods and services**

Payments made for goods and/or services are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year). The expense is classified as capital if the goods and services were used for a capital project or an asset of R5 000 or more is purchased. All assets costing less than R5 000 will also be reflected under goods and services.

#### **3.3 Financial transactions in assets and liabilities**

**Debts are written off** when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or under-spending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but amounts are disclosed as a disclosure note.

All **other losses** are recognised when authorisation has been granted for the recognition thereof.

#### **3.4 Transfers and subsidies**

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

#### **3.5 Unauthorised expenditure**

When discovered unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the Statement of Financial Performance.

Unauthorised expenditure approved with funding is recognised in the Statement of Financial Performance when the unauthorised expenditure is approved and the related funds are received. Where the amount is approved without funding it is recognised as expenditure, subject to availability of savings, in the Statement of Financial Performance on the date of approval.

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**3.6 Fruitless and wasteful expenditure**

Fruitless and wasteful expenditure is recognised as expenditure in the Statement of Financial Performance. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the Statement of Financial Performance.

**3.7 Irregular expenditure**

Irregular expenditure is recognised as expenditure in the Statement of Financial Performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable in the Statement of Financial Performance.

**3.8 Expenditure for capital assets**

Payments made for capital assets are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

**4. Assets**

**4.1 Cash and cash equivalents**

Cash and cash equivalents are carried in the Statement of Financial Position at cost.

For the purposes of the Cash Flow Statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

**4.2 Prepayments and advances**

Amounts prepaid or advanced are recognised in the Statement of Financial Position when the payments are made.

Pre-payments and advances outstanding at the end of the year are carried in the Statement of Financial Position at cost.

**4.3 Receivables**

Receivables included in the Statement of Financial Position arise from cash payments made that are recoverable from another party.

Receivables outstanding at year-end are carried in the Statement of Financial Position at cost.

**4.4 Inventory**

Inventories purchased during the financial year are disclosed at cost in the notes.

**4.5 Capital assets**

**4.5.1 Movable assets**

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

Subsequent expenditure of a capital nature is recorded in the Statement of Financial Performance as "expenditure for capital asset" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the Statement of Financial Performance.

**4.5.2 Immovable assets**

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at R1 unless the fair value for the asset has been reliably estimated.

Work-in-progress of a capital nature is recorded in the Statement of Financial Performance as "expenditure for capital asset". On completion, the total cost of the project is included in the asset register of the department that legally owns the asset or the provincial/national Department of Public Works.

Repairs and maintenance is expensed as current "goods and services" in the Statement of Financial Performance.

**5. Liabilities**

**5.1 Voted funds to be surrendered to the Revenue Fund**

Unexpended appropriated funds are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

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**5.2 Departmental revenue to be surrendered to the Revenue Fund**

Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position at cost.

**5.3 Bank overdraft**

The bank overdraft is carried in the Statement of Financial Position at cost.

**5.4 Payables**

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are recognised at historical cost in the Statement of Financial Position.

**5.5 Contingent liabilities**

Contingent liabilities are included in the disclosure notes to the financial statements.

**5.6 Commitments**

Commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance but are included in the disclosure notes.

**5.7 Accruals**

Accruals are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance but are included in the disclosure notes.

**5.8 Employee benefits**

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the Statement of Financial Performance or the Statement of Financial Position.

**5.9 Lease commitments**

Lease commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance but are included in the disclosure notes.

Operating and finance lease commitments are expensed when the payments are made. Assets acquired in terms of finance lease agreements are disclosed in the annexures and disclosure notes to the financial statements.

**6. Receivables for departmental revenue**

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements.

**7. Key management personnel**

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.



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**I. Annual Appropriation**

**I.1 Annual Appropriation**

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds):

	Final Appropriation R'000	Actual Funds Received R'000	Funds not requested / not received R'000	Appropriation received 2007/08 R'000
Administration	33,525	33,525	-	27,402
Complaints Processing, Monitoring and Investigation	53,102	53,102	-	36,597
Information Management and Research	11,870	11,870	-	16,892
<b>Total</b>	<b>98,497</b>	<b>98,497</b>	<b>-</b>	<b>80,891</b>

**2. Departmental revenue**

	Note	2008/09 R'000	2007/08 R'000
Sales of goods and services other than capital assets	2.1	2	99
Interest, dividends and rent on land	2.2	3	21
Financial transactions in assets and liabilities	2.3	64	257
Total revenue collected		<b>69</b>	<b>377</b>
<b>Departmental revenue collected</b>		<b>69</b>	<b>377</b>

**2.1 Sales of goods and services other than capital assets**

	Note	2008/09 R'000	2007/08 R'000
Sales of goods and services produced by the department	2	2	99
Sales by market establishment		25	-
Other sales		(23)	99
<b>Total</b>		<b>2</b>	<b>99</b>

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**2.2 Interest, dividends and rent on land**

	Note	2008/09 R'000	2007/08 R'000
	2		
Interest		3	21
<b>Total</b>		<b>3</b>	<b>21</b>

**2.3 Financial transactions in assets and liabilities**

	Note	2008/09 R'000	2007/08 R'000
	2		
Receivables		32	-
Other Receipts including Recoverable Revenue		32	257
<b>Total</b>		<b>64</b>	<b>257</b>

**3. Compensation of employees**

**3.1 Salaries and Wages**

	Note	2008/09 R'000	2007/08 R'000
	3		
Receivables		36,186	30,108
Basic salary		831	723
Performance award		2,768	2,418
Service Based		4,191	1,794
Compensative/circumstantial		7,183	5,022
Other non-pensionable allowances			
<b>Total</b>		<b>51,159</b>	<b>40,065</b>

**3.2 Social contributions**

	Note	2008/09 R'000	2007/08 R'000
	3		
<b>Employer contributions</b>			
Pension		4,686	3,891
Medical		2,165	1,732
Bargaining council		7	7
<b>Total</b>		<b>6,858</b>	<b>5,630</b>
<b>Total compensation of employees</b>	3	<b>58,017</b>	<b>45,695</b>
Average number of employees		<b>270</b>	<b>248</b>

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**4. Goods and services**

	Note	2008/09 R'000	2007/08 R'000
	4		
Administrative fees		1,889	2,997
Advertising		814	1,315
Assets less than R5,000	4.1	1,424	1,059
Bursaries (employees)		180	178
Catering		241	411
Communication		2,574	1,849
Computer services	4.2	2,688	1,667
Consultants, contractors and agency/outsourced services	4.3	661	1,239
Audit cost – external	4.4	1,355	661
Government motor transport		4,425	2,704
Inventory	4.5	1,546	2,319
Maintenance, repairs and running costs		-	121
Operating leases		1,064	427
Owned and leasehold property expenditure	4.6	8,275	6,989
Travel and subsistence	4.7	8,342	6,514
Venues and facilities		202	30
Training and staff development	4.8	379	604
Other operating expenditure		922	303
<b>Total</b>		<b>36,981</b>	<b>31,387</b>

**4.1 Assets less than R5,000**

	Note	2008/09 R'000	2007/08 R'000
	4		
<b>Tangible assets</b>		1,424	1,059
Machinery and equipment		1,424	1,059
<b>Total</b>		<b>1,424</b>	<b>1,059</b>

**4.2 Computer services**

	Note	2008/09 R'000	2007/08 R'000
	4		
SITA computer services		1,075	881
External computer service providers		1,613	786
<b>Total</b>		<b>2,688</b>	<b>1,667</b>

**4.3 Consultants, contractors and agency/outsourced services**

	Note	2008/09 R'000	2007/08 R'000
	4		
Business and advisory services		175	77
Legal costs		76	35
Contractors		312	112
Agency and support/outsourced services		98	1,015
<b>Total</b>		<b>661</b>	<b>1,239</b>

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**4.4 Audit cost – External**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
	4		
Regularity audits		1,331	603
Other audits		24	58
<b>Total</b>		<b><u>1,355</u></b>	<b><u>661</u></b>

**4.5 Inventory**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
	4		
Learning and teaching support material		2	-
Other consumable materials		409	30
Stationery and printing		1,135	2,289
<b>Total</b>		<b><u>1,546</u></b>	<b><u>2,319</u></b>

**4.6 Owned and leasehold property expenditure**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
	4		
Municipal services		529	22
Property management fees		27	444
Other		7,719	6,523
<b>Total</b>		<b><u>8,275</u></b>	<b><u>6,989</u></b>

**4.7 Travel and subsistence**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
	4		
Local		8,338	6,507
Foreign		4	7
<b>Total</b>		<b><u>8,342</u></b>	<b><u>6,514</u></b>

**4.8 Other operating expenditure**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
	4		
Professional bodies, membership and subscription fees		8	19
Resettlement costs		360	153
Other		554	131
<b>Total</b>		<b><u>922</u></b>	<b><u>303</u></b>

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**5. Financial transactions in assets and liabilities**

	Note	2008/09 R'000	2007/08 R'000
	5.7		
Debts written off		7	9
<b>Total</b>		<b>7</b>	<b>9</b>

**5.1 Debts written off**

	Note	2008/09 R'000	2007/08 R'000
	5		
<b>Nature of debts written off</b>			
Transfer to debts written off		7	9
Tax debt			
<b>Total</b>		<b>7</b>	<b>9</b>

**6. Transfers and subsidies**

	Note	2008/09 R'000	2007/08 R'000
Departmental agencies and accounts	Annex 1A	56	48
<b>Total</b>		<b>56</b>	<b>48</b>

**7. Expenditure for capital assets**

	Note	2008/09 R'000	2007/08 R'000
<b>Tangible assets</b>		4,236	3,752
Machinery and equipment	28.1	4,236	3,752
<b>Total</b>		<b>4,236</b>	<b>3,752</b>

**7.1 Analysis of funds utilised to acquire capital assets – 2008/09**

	Voted Funds R'000	Aid assistance R'000	Total R'000
<b>Tangible assets</b>	4,236	-	4,236
Machinery and equipment	4,236	-	4,236
<b>Total</b>	<b>4,236</b>	<b>-</b>	<b>4,236</b>

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**7.2 Analysis of funds utilised to acquire capital assets – 2007/08**

	Voted Funds R'000	Aid assistance R'000	Total R'000
<b>Total assets acquired</b>	<u>3,752</u>	<u>-</u>	<u>3,752</u>

**8. Unauthorised expenditure**

**8.1 Reconciliation of unauthorised expenditure**

	Note	2008/09 R'000	2007/08 R'000
Opening balance		91	91
Unauthorised expenditure – discovered in current year	8.2	800	-
<b>Unauthorised expenditure awaiting authorisation</b>		<u>891</u>	<u>91</u>
<b>Analysis of awaiting authorisation per economic classification</b>			
Current		891	91
<b>Total</b>		<b>891</b>	<b>91</b>

**8.2 Details of unauthorised expenditure – current year**

Incident	Disciplinary steps taken/criminal proceedings	2008/09 R'000
Salary Interfaces from PERSAL	None	800
<b>Total</b>		<u>800</u>

**9. Cash and cash equivalents**

	Note	2008/09 R'000	2007/08 R'000
Consolidated Paymaster General Account		(100)	-
Cash on hand		29	13
<b>Total</b>		<u>(71)</u>	<u>13</u>

**10. Prepayments and advances**

	Note	2008/09 R'000	2007/08 R'000
Travel and subsistence		29	31
Advances paid to other entities		17	17
<b>Total</b>		<u>46</u>	<u>48</u>

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**11. Receivables**

	Note	R'000 Less than one year	R'000 One to three years	R'000 Older than three years	R'000 Total	R'000 Total
Claims recoverable	11.1 Annex 3	-	655	-	655	3
Recoverable expenditure	11.2	-	2	-	2	-
Staff debt	11.3	-	233	-	233	244
Other debtors	11.4	-	3	-	3	129
<b>Total</b>			<b>893</b>	<b>-</b>	<b>893</b>	<b>376</b>

**11.1 Claims recoverable**

	Note	2008/09 R'000	2007/08 R'000
National departments	11	632	-
Provincial departments		23	3
<b>Total</b>		<b>655</b>	<b>3</b>

**11.2 Recoverable expenditure (disallowance accounts)**

	Note	2008/09 R'000	2007/08 R'000
Independent Institutions	11	2	-
<b>Total</b>		<b>2</b>	<b>-</b>

**11.3 Staff debt**

	Note	2008/09 R'000	2007/08 R'000
S&T Account	11	221	193
Tax Debt		12	51
<b>Total</b>		<b>233</b>	<b>244</b>

**11.4 Other debtors**

	Note	2008/09 R'000	2007/08 R'000
Independent Institutions	11	3	129
<b>Total</b>		<b>3</b>	<b>129</b>

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**I2. Voted funds to be surrendered to the Revenue Fund**

	Note	2008/09 R'000	2007/08 R'000
Opening balance		-	635
Transfer from statement of financial performance		(800)	-
Add: Unauthorised expenditure for current year	8	800	-
Paid during the year		-	(635)
<b>Closing balance</b>		<b>-</b>	<b>-</b>

**I3. Departmental revenue to be surrendered to the Revenue Fund**

	Note	2008/09 R'000	2007/08 R'000
Opening balance		(591)	(210)
Transfer from statement of financial performance		69	377
Paid during the year		525	(758)
<b>Closing balance</b>		<b>3</b>	<b>(591)</b>

**I4. Bank Overdraft**

	Note	2008/09 R'000	2007/08 R'000
Cash with commercial banks (Local)		1,756	992
<b>Total</b>		<b>1,756</b>	<b>992</b>

**I5. Payables – current**

Description	Note	30 Days	30+ Days	2008/09 Total	2007/08 Total
Clearing accounts	15.1	-	-	-	127
<b>Total</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>127</b>

**I5.1 Clearing account**

	Note	2008/09 R'000	2007/08 R'000
Credits to be paid SARS	15	-	127
<b>Total</b>		<b>-</b>	<b>127</b>



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**16. Net cash flow available from operating activities**

	Note	2008/09 R'000	2007/08 R'000
Net surplus/(deficit) as per Statement of Financial Performance		(731)	377
Add back non cash/cash movements not deemed operating activities		4,119	2,618
(Increase)/decrease in receivables – current		(517)	196
(Increase)/decrease in prepayments and advances		2	(18)
Increase/(decrease) in payables – current		(127)	81
Expenditure on capital assets		4,236	3,752
Surrenders to Revenue Fund		525	(1,393)
<b>Net cash flow generated by operating activities</b>		<b>3,388</b>	<b>2,995</b>

**17. Reconciliation of cash and cash equivalents for cash flow purposes**

	Note	2008/09 R'000	2007/08 R'000
Consolidated Paymaster General account		(100)	-
Cash on hand		29	13
Cash with commercial banks (Local)		(1,756)	(992)
<b>Total</b>		<b>(1,827)</b>	<b>(979)</b>

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These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

**18. Contingent liabilities**

Liable to	Nature	Note	2008/09 R'000	2007/08 R'000
Motor vehicle guarantees	Employees	Annex 2A	261	331
Housing loan guarantees	Employees	Annex 2A	269	514
Claims against the department		Annex 2B	2,014	2,429
<b>Total</b>			<b>2,544</b>	<b>3,274</b>

**19. Commitments**

	Note	2008/09 R'000	2007/08 R'000
<b>Current expenditure</b>		538	638
Approved and contracted		538	638
<b>Capital expenditure</b>		103	2,111
Approved and contracted		103	2,111
<b>Total Commitments</b>		<b>641</b>	<b>2,749</b>

Reconciliations were done and the difference between BAS and LOGIS reports can be attributed to technical problems encountered. These were brought under the attention of the BAS Technical Team and the Department is awaiting the solution.

**20. Accruals**

Listed by economic classification	Note	30 Days	30+ Days	2008/09 Total	2007/08 Total
Compensation of employees		256	49	305	233
Goods and services		839	255	1,094	2,190
Machinery and equipment		39	-	39	192
<b>Total</b>		<b>1,134</b>	<b>304</b>	<b>1,438</b>	<b>2,615</b>

Listed by programme level	Note	2008/09 R'000	2007/08 R'000
P1: Administration		837	1,552
P2: Complaints Processing, Monitoring and Investigation		444	916
P3: Information Management And Research		157	147
<b>Total</b>		<b>1,438</b>	<b>2,615</b>

**21. Employee benefits**

	Note	2008/09 R'000	2007/08 R'000
Leave entitlement		2,107	1,388
Thirteenth cheque		1,565	1,106
Capped leave commitments		3,730	3,275
<b>Total</b>		<b>7,402</b>	<b>5,769</b>

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**22. Lease commitments**

**22.1 Operating leases expenditure**

<b>2008/09</b>	<b>Land</b>	<b>Buildings and other fixed structures</b>	<b>Machinery and equipment</b>	<b>Total</b>
Not later than 1 year	-	-	24	24
Later than 1 year and not later than 5 years	-	-	481	481
<b>Total lease commitments</b>	<b>-</b>	<b>-</b>	<b>505</b>	<b>505</b>

<b>2007/08</b>	<b>Land</b>	<b>Buildings and other fixed structures</b>	<b>Machinery and equipment</b>	<b>Total</b>
Not later than 1 year	-	-	316	316
Later than 1 year and not later than 5 years	-	-	356	356
<b>Total lease commitments</b>	<b>-</b>	<b>-</b>	<b>672</b>	<b>672</b>

Disclose Finance Leases: Labour saving devices (photocopiers). Allowed per directive 14/3/4/1/1 (dated 20/09/2005) from National Treasury.

**23. Receivables for departmental revenue**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
Sales of goods and services other than capital assets		53	54
Interest, dividends and rent on land		7	19
Financial transactions in assets and liabilities		9	1
Other		-	302
<b>Total</b>		<b>69</b>	<b>376</b>

**24. Irregular expenditure**

**24.1 Reconciliation of irregular expenditure**

	Note	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
Opening balance		28	-
Add: Irregular expenditure – relating to prior year		-	303
Add: Irregular expenditure – relating to current year		154	-
Less: Amounts condoned		(182)	(275)
<b>Irregular expenditure awaiting condonation</b>		<b>-</b>	<b>28</b>
<b>Analysis of awaiting condonation per age classification</b>			
Prior years		<b>-</b>	<b>28</b>
<b>Total</b>		<b>-</b>	<b>28</b>

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**24.2 Details of irregular expenditure – current year**

Incident	Disciplinary steps taken/criminal proceedings	2008/09 R'000
Production of 2007/08 Annual Report	Production Schedule compiled	72
Contravention of SCM Policies	None	82
<b>Total</b>		<b>154</b>

**24.3 Details of irregular expenditure condoned**

Incident	Condoned by (condoning authority)	2008/09 R'000
Production of 2007/08 Annual Report	Acting Executive Director	72
Contravention of SCM Policies	Acting Executive Director	110
<b>Total</b>		<b>182</b>

**25. Fruitless and wasteful expenditure**

**25.1 Reconciliation of fruitless and wasteful expenditure**

	Note	2007/08 R'000
Add: fruitless and wasteful expenditure – relating to current year		14
Less: Amounts condoned		(14)
<b>Fruitless and wasteful expenditure awaiting condonation</b>		<b>-</b>

**25.2 Analysis of current year's fruitless and wasteful expenditure**

Incident	Disciplinary steps taken/criminal proceedings	2008/09 R'000
Failed to inform employer of cancellation of request to transfer and therefore advertisement costs to be incurred	Investigation - None	14
<b>Total</b>		<b>14</b>

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**26. Key management personnel**

	No. of individuals	2008/09 R'000	2007/08 R'000
Officials:			
Level 15 to 16	1	56	216
Level 14 (incl. CFO if at a lower level)	4	3,089	2,479
<b>Total</b>		<b>3,145</b>	<b>2,695</b>

The position of the Head of the Department (ED) was vacant for the whole of the financial year and the expenditure reflects the acting allowance that was paid.

**27. Provisions**

	Note	2008/09 R'000	2007/08 R'000
<b>Potential irrecoverable debts</b>			
Other debtors		79	65
<b>Total</b>		<b>79</b>	<b>65</b>

**28. Movable Tangible Capital Assets**

**MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009**

	Opening balance	Curr Year Adjustments to prior year balances	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>14,937</b>	<b>(544)</b>	<b>5,826</b>	<b>639</b>	<b>19,580</b>
Transport assets	3,840	-	1,916	115	5,641
Computer equipment	5,885	(494)	2,714	339	7,766
Furniture and office equipment	2,887	179	1,084	96	4,054
Other machinery and equipment	2,325	(229)	112	89	2,119
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>14,937</b>	<b>(544)</b>	<b>5,826</b>	<b>639</b>	<b>19,580</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
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**28.1 Additions**

**ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009**

	Cash	Non-Cash	(Capital work in progress current costs and finance lease payments)	Recieved current, not paid (Paid current year, recieved prior year)	Total
	R'000	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>3,520</b>	<b>2,300</b>	<b>-</b>	<b>6</b>	<b>5,826</b>
Transport assets	-	1,916	-	-	1,916
Computer equipment	2,583	131	-	-	2,714
Furniture and office equipment	825	253	-	6	1,084
Other machinery and equipment	112	-	-	-	112
<b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>3,520</b>	<b>2,300</b>	<b>-</b>	<b>6</b>	<b>5,826</b>

**28.2 Disposals**

**DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009**

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash recieved actual
	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>-</b>	<b>639</b>	<b>639</b>	<b>-</b>
Transport assets	-	115	115	-
Computer equipment	-	339	339	-
Furniture and office equipment	-	96	96	-
Other machinery and equipment	-	89	89	-
<b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>-</b>	<b>639</b>	<b>639</b>	<b>-</b>

**28.3 Movement for 2007/08**

**MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008**

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>15,304</b>	<b>7,954</b>	<b>8,321</b>	<b>14,937</b>
Transport assets	2,453	2,300	913	3,840
Computer equipment	7,530	2,946	4,591	5,885
Furniture and office equipment	2,895	1,861	1,869	2,887
Other machinery and equipment	2,426	847	948	2,325
<b>TOTAL MOVABLE TANGIBLE ASSETS</b>	<b>15,304</b>	<b>7,954</b>	<b>8,321</b>	<b>14,937</b>

**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE  
(JUSTICE AND PROTECTION SERVICES)  
VOTE 20**

**DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
For the year ended 31 March 2009**

**28.4 Minor Assets**

**MINOR ASSETS OF THE DEPARTMENT FOR THE YEAR ENDED 31 MARCH 2009**

	Intangible assets	Transfer out or destroyed or scrapped	Total disposals	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000
Minor assets	-	9	7,249	-	7,258
<b>TOTAL</b>	<b>-</b>	<b>9</b>	<b>7,249</b>	<b>-</b>	<b>7,258</b>
Number of minor assets	-	12	4,717	-	4,729
<b>TOTAL</b>	<b>-</b>	<b>12</b>	<b>4,717</b>	<b>-</b>	<b>4,729</b>

**29. Intangible Capital Assets**

**MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED  
31 MARCH 2009**

	Opening balance	Current Year Adjust-ments to prior year balances	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
COMPUTER SOFTWARE	2,981	(2,981)	-	-	-
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>2,981</b>	<b>(2,981)</b>	<b>-</b>	<b>-</b>	<b>-</b>

**29.1 Movement for 2007/08**

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
COMPUTER SOFTWARE	-	2,981	-	2,981
<b>TOTAL</b>	<b>-</b>	<b>2,981</b>	<b>-</b>	<b>2,981</b>

**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**

**For the year ended 31 March 2009**

**ANNEXURE IA  
STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

DEPARTMENT / AGENCY / ACCOUNT	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available funds Transferred %	Appropriation Act R'000
SASSETA	56	-	-	56	56	100%	48
	56	-	-	56	56	100%	48

The payment to SASSETA related to the administrative contribution that was transferred by the Department.



**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
For the year ended 31 March 2009**

**ANNEXURE IB  
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED**

<b>NAME OF ORGANISATION</b>	<b>NATURE OF GIFT, DONATION OR SPONSORSHIP</b>	<b>2008/09 R'000</b>	<b>2007/08 R'000</b>
<b>Received in cash</b> TELKOM	Sponsorship towards 10th year celebrations	-	2
<b>Subtotal</b>		-	2
<b>Received in kind</b> European Union	Mobile Investigation Vehicle fitted with IT equipment to attend to complaints during Imbizo's	-	350
European Union	Aids/HIV Awareness Management and Intervention Course for two Eastern Cape Office staff members at MSC College	-	14
European Union	Project Management for two members of Eastern Cape Office at MSC College	-	7
European Union	"Touch Typing" course for a staff member of Eastern Cape Office.	-	5
European Union	Batho Pele training for staff	-	10
European Union	Training for one staff member of the Eastern Cape Office on HIV for a year	-	7
European Union	First Aid training for staff from Eastern Cape Office	-	8
Mr Clifford Lyons	Train set that was donated to the Trans-Oranje Crèche	-	1
Triple 3 Concrete and Mrs Maureen Smit	30 Blankets that were donated to the Trans-Oranje Crèche	-	1

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
For the year ended 31 March 2009

ANNEXURE IB  
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2008/09 R'000	2007/08 R'000
Connex Travel, Netstar, Triple Option, Letago Cleaning Services, Triple 3 concrete and ICD Employees	Luyvo Orphanage Home was invited to join the ICD in celebration of Youth Development Month (June 2007) and various snacks, clothing and toys were donated to the Orphanage	-	1
ABSA	Donated three gifts as prizes in the talent competition in the 16 Days of Activism and World Aids Day	-	1
ICAS Southern Africa	Donation of "stress reliever tool" as part of the Health and Wellness Strategy to all ICD staff	-	3
Delegation from DRC	Voucher from Exclusive Books for Library	1	-
Mr T Bissumbhur & Ms M Smit	Sweets bought and donated to the Trans-Oranje Crèche for Casual Day Celebration	1	-
<b>Subtotal</b>		<b>2</b>	<b>408</b>
<b>TOTAL</b>		<b>2</b>	<b>410</b>

**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
**For the year ended 31 March 2009**

**ANNEXURE 2A**  
**STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2008 – LOCAL**

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2008	Guarantees draw downs during the year	Guarantees repayments/cancelled/reduced/released during the year	Revaluations R'000	Closing balance 31 March 2009	Guaranteed interest for year ended 31 March 2009	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Stannic	Motor vehicles	331	331	-	70	-	261	-	-
		331	331	-	70	-	261	-	-
ABSA	Housing	496	246	-	158	-	88	-	-
Nedbank		130	46	-	20	-	26	-	-
Standard Bank		564	163	-	21	-	142	-	-
FNB		-	46	-	46	-	-	-	-
Free State Development Corporation		156	13	-	-	-	13	-	-
		1,346	514	-	245	-	269	-	-
<b>Total</b>		<b>1,677</b>	<b>845</b>	<b>-</b>	<b>315</b>	<b>-</b>	<b>530</b>	<b>-</b>	<b>-</b>

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
For the year ended 31 March 2009

ANNEXURE 2B  
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2009

Nature of Liability	Opening Balance 01/04/2008 R'000	Liabilities incurred during the year R'000	Liabilities cancelled/reduced during the year R'000	Liabilities paid/ recovered during the year R'000	Liabilities recoverable recovered details (Provide details hereunder) R'000	Closing Balance 31/03/2009 R'000
<b>Claims against the department</b>						
Court Settlement	415	-	-	415	-	-
Possible claims	2,014	-	-	-	-	2,014
<b>Sub Total</b>	<b>2,429</b>	<b>-</b>	<b>-</b>	<b>415</b>	<b>-</b>	<b>2,014</b>
<b>Total</b>	<b>2,429</b>	<b>-</b>	<b>-</b>	<b>415</b>	<b>-</b>	<b>2,014</b>

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
For the year ended 31 March 2009

ANNEXURE 3  
CLAIMS RECOVERABLE

Government Entity	31/03/2009 R'000	Confirmed balance outstanding 31/03/2008 R'000	Unconfirmed balance outstanding 31/03/2009 R'000	31/03/2008 R'000	31/03/2009 R'000	Total 31/03/2009 R'000	31/03/2008 R'000
<b>Department</b>							
Provincial Government - North West	-	-	1	1	1	1	1
Provincial Government - Northern Cape	-	-	-	2	-	-	2
Provincial Government - Gauteng (Sports, Arts, Cul)	-	-	10	-	10	-	-
Provincial Government – Gauteng (Shared Services)	-	-	12	-	12	-	-
National Treasury (NRF)	-	-	633	-	633	-	-
<b>TOTAL</b>	-	-	656	3	656	656	3
	-	-	656	3	656	656	3

