

## FOREWORD BY THE MINISTER

ICD

Independent Complaints  
Directorate

5



This is the ninth Annual Report of the Independent Complaints Directorate and fourth since I was appointed as Minister for Safety and Security.

This report is tabled at a time when changes are happening in the ICD, designed to empower that structure better to deliver on its mandate to expose and root out misconduct, including bribery and corruption, within the South African Police Service.

The Annual Report contains important highlights in the work of the ICD. Crucial to the work of the ICD is the ability to collaborate with Senior Police Management to deal with all forms of misdemeanour in the country. The ICD did launch a commendable effort to achieve this.

I welcome the 9% decrease in deaths in police custody and as a result of police action, and the 8% decrease in misconduct complaints lodged against members of the SAPS. The decreases indicate that we are doing something right. I realize also that the ICD faces serious challenges in finalizing some of its investigations. I would like to repeat what I said during the Department of Safety and Security Budget Speech delivered in Parliament earlier this year that there will be a consolidation and streamlining of processes to ensure that the ICD functions efficiently.

Finally, I thank the staff of the ICD who continue to work hard and with dedication under trying circumstances.

A handwritten signature in black ink, appearing to be 'C. Nqakula'. The signature is stylized with a large, sweeping initial 'C' and a series of loops and strokes that form the rest of the name.

**MR. C. NQAKULA**  
**MINISTER FOR SAFETY AND SECURITY**

## INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints  
Directorate

6



The ICD, although succeeding to establish itself as a force to be reckoned with, is certainly contending with serious resource allocations. Lack of resources, in particular, within both the line function and corporate services is beginning to affect the ICD's capability to meet set targets. This report, inter alia, makes an indication of set targets for 2004/2005 and the respective performance output. The performance output has certainly been compromised by lack of resources and the previous year's backlog. By virtue of the fact that the backlog in respect of cases under investigation far exceeded the number of new cases received during 2004/2005, the finalization rate of new cases was bound to be adversely affected.

### Overview of intake of new cases versus performance output

The intake of the complaints falling within the mandate of the ICD, from 1 April 2004 to 31 March 2005 amounted to 5 790, a decrease of 2% compared to the same period in the financial year 2003/2004. The decrease signifies that the trend in the increase of new cases experienced during previous financial years is beginning to stabilize. However, the number of new cases is still high in comparison to existing resources. The proportionality between new cases and existing resources implies that new cases far exceed existing resources. Coupled with the backlog of existing cases, the situation is further compounded. Given this scenario, the ICD could not reach the set standard of 80% finalization of new cases within 180 days (in respect of cases of death and criminality and 90 days (in respect of misconduct cases. The finalization rate of cases for 2004/05 is briefly as follows:

- Deaths cases = 63%
- Criminal cases or offences = 41%
- Misconduct cases = 44%

The fact that our output fell below the set target is a direct consequence of limited resources, coupled with backlog cases generated from the previous financial year.

Deaths in police custody or as a result of police action

There has been a decrease of 9% in deaths in police custody or as a result of police action compared to the same period in the financial year 2003/2004. The number of deaths received during 2004/05 is 652 compared to 714 received in 2003/04. It is therefore, pleasing to note that the rate of incidents of deaths is stabilizing. I believe that with adequate resources, this number can be reduced further and significantly. What is also pleasing to note, is that the following categories of deaths experienced a huge decrease:

## INTRODUCTION BY THE EXECUTIVE DIRECTOR

### ICD

Independent Complaints  
Directorate

7

- Suicide cases decreased by 59.6%
- Cases of injuries decreased by 44.4%
- Shooting incidents decreased by 3.7%

It is however worrying on the other hand to note that there is a huge upsurge with regard to cases of vigilantism. Cases of vigilantism increased by 184%. There may be merit in the ICD embarking on a study to establish the causes leading to such a huge increase. Be that as it may, I am generally pleased with the overall decrease of cases of deaths as well as other specific categories of deaths mentioned above.

### Co-operation with the police

The level of co-operation with the police, particularly in the area of the line function has been sterling. In fact, the reduction of deaths is also partly attributed to the Joint ICD-SAPS Committee, comprising of senior ICD managers and police officers. The said Committee continued to meet on a monthly basis to jointly monitor incidents of deaths. This co-operation will certainly be extended to other focus areas.

### Fair reflection of police image

I wish to acknowledge in principle that while it is important to produce and publish statistics pertaining to the intake of new cases on an annual basis, in the same breath it is equally important to publish statistics on the outcome or findings of such cases. The rationale for publishing both intake of new cases and the outcome thereof is to avoid a situation where the public may formulate a selective perception about police image in circumstances where only intake of new cases is published. It is also fair that not only a number and type of allegations against SAPS members, or anyone for that matter is published but findings as well. In this report, I hope that the fact that we have published both scenarios, police image will be assessed fairly by the public and stakeholders. In terms of findings in respect of new cases for 2004/2005, it is evident that a high number of allegations against police were found to be unsubstantiated. To this effect, police were found not to be accountable for 85% of incidents of deaths in police custody or as a result of police action. Furthermore, police were found not to be accountable for 80% of allegations of criminality made against them. Finally, police were found not to be accountable for 80% of misconduct cases investigated against them. Therefore, it would be fair to strike a balance between these allegations and findings when interpreting the image of the South African Police Service.

### Police Oversight in Africa

Emanating from a Policing Oversight in Africa conference during 26-29 January 2004, where a resolution for the establishment of the African Policing Civilian Oversight Forum (APCOF) was adopted, an interim Steering Committee has been established. The APCOF Steering

## INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints  
Directorate

8

Committee had its first meeting in Abuja, Nigeria during 4-5 November 2004. I was selected as Chairperson of the APCOF Steering Committee during this meeting.

The Steering Committee made a presentation to the African Commission for Human and People's Rights (ACHPR) at its 36th session in Dakar, Senegal, in November 2004. The presentation to the Commission covered the following areas:

- The importance of police reform and accountability to the work of the Commission;
- The establishment of the African Policing Civilian Oversight Forum (APCOF);
- The APCOF plan of action.

The purpose of the said presentation was to explore the modalities for an ongoing relationship between the APCOF and ACHPR. The presentation proposed that a special Rapporteur be appointed or to extend the mandate of an existing special Rapporteur to include the responsibility for police accountability and policing oversight.

### **Capacitating staff in terms of skills and knowledge**

The project funded by POSLEC SETA in terms of which a consulting agency, OMNICO was engaged to conduct a skills' audit for the ICD has partially come to an end. The consulting agency has finalized the skills audit and handed its report for implementation. In terms of its report, it found most staff members to be fully equipped with technical skills and only lacking in terms of behavioural skills. I am confident that as soon as our Human Resource Management Division has finalized a programme of implementation of the said findings, all staff members will be exposed to training. The recommended behavioural skill training is certainly intended to complement the existing technical skill. We are however, building internal training capacity so that our staff could also be trained internally on issues such as policies, standard operating procedures, prescripts, ethics, etc. I hope that once the training roll-out takes place, all staff members will maximize the benefits of the said training.

### **Strategic Plan 2005-2008**

The strategic objectives of the ICD for the new financial years (three year cycle) are as follows:

- Investigation of all deaths in police custody and as a result of police action,
- Investigation of all allegations of misconduct and criminal offences by SAPS members, reported to the ICD,
- Skilling of investigators through training,
- Promotion of corporate governance practices,
- Development of efficient and effective Human Resources,
- Refining/Strengthening of internal business processes,
- Improvement of complaints processing.

## INTRODUCTION BY THE EXECUTIVE DIRECTOR

ICD

Independent Complaints  
Directorate

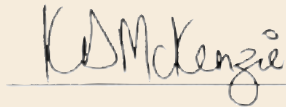
9

### Tribute to leadership and stakeholders

Once- again the continued support of the Minister for Safety and Security, the Deputy Minister for Safety and Security, the provincial MEC's for Safety and Security the South African Police Service, the Directors of Public Prosecutions, civil society and the communities we serve, is appreciated.

Tribute to ICD staff

I once-again wish to commend " Team ICD" for the commitment and dedication and for getting the work done. The valuable contribution of each and every ICD staff member is once-more appreciated.



**ADV. KD McKENZIE**  
**EXECUTIVE DIRECTOR**