

23: INDEPENDENT COMPLAINTS DIRECTORATE

AIM

The aim of the Independent Complaints Directorate (ICD) is to investigate complaints of misconduct and offences allegedly committed by members of the SA Police Service (SAPS), and to propose reforms to reduce the incidence of behaviour giving rise to complaints.

Table 23.1 Expenditure by programme

R million	Expenditure outcomes	Preliminary outcome	Medium term expenditure estimates		
	1997/98	1998/99	1999/00	2000/01	2001/02
Administration	0,9	9,1	9,1	9,6	9,9
Investigation of complaints	8,7	13,9	11,4	11,9	12,3
Monitoring and development	3,8 ¹	2,9	3,5	3,7	3,8
Total	13,4	25,9	24,0	25,2	26,0

¹ Spending by programme has been reclassified where possible to correspond to the current programme structure.

Table 23.2 Economic classification of expenditure

R million	Expenditure outcomes	Preliminary outcome	Medium term expenditure estimates		
	1997/98	1998/99	1999/00	2000/01	2001/02
Current					
Personnel expenditure ¹	7,3	14,5	16,1	16,9	17,4
Other current expenditure	3,7	8,2	7,0	7,4	7,8
Capital					
Acquisition of capital assets	2,4	3,2	0,9	0,9	0,8
Total	13,4	25,9	24,0	25,2	26,0

¹ Departmental personnel expenditure includes employer's contributions to pension funds at a rate of 17 per cent of basic salary in 1998/99 and 15 per cent of basic salary in subsequent years.

The Independent Complaints Directorate took over certain functions previously performed by the South African Police Service and the relevant staff were transferred in April 1997. The ICD functions completely independently of the Department of Safety and Security and reports directly to the Minister of Safety and Security.

A programme change has been effected over the past year, with the subsequent reclassification of the expenditure in terms of the current programme structure.

The programme name of *Auxiliary and associated services* has been changed to *Monitoring and development*.

The estimated under-expenditure for the 1998/99 financial year amounts to approximately R1 million. This amount reflects savings in personnel costs (Programme 1: R30 000 and Programme 2: R991 000).

OUTPUTS AND TRENDS IN SERVICE DELIVERY

Nature of complaints

The ICD investigates complaints about police behaviour. Such complaints are classified according to the seriousness of the complaint, ranging from Class I complaints to Class V. For example, Class I complaints comprise those which allege that a death occurred while a person was in police custody or as a result of police action. Class IV complaints deal with lesser offences by members of the police force and Class V are complaints falling outside the jurisdiction of the ICD.

Staffing

Currently the total complement of the ICD's investigative personnel is made up of 37 field investigators and 28 supervisory investigators.

Activities

Up to December 1998, the ICD had dealt with 3 891 complaints and inquiries. Five per cent of these fell outside the jurisdiction of the ICD and 32 per cent of the cases (more than 200) involved police-related deaths. Twenty-one per cent of cases dealt with serious criminal offences or serious bodily harm and 39 per cent with lesser offences.

Achievements

The ICD has investigated 365 cases and referred 1 425 to the SAPS for investigation under supervision. Of 1 116 cases finalised, 147 prosecutions were recommended. Fifty-seven prosecutions and 55 inquests were ordered by the relevant directors of public prosecution. In 29 cases members of the police service were convicted and in 36 cases disciplinary steps were recommended, with 7 successfully resulting in misconduct convictions. The ICD resolved 61 cases through mediation.

Research

The ICD has commissioned research into certain aspects of police-related deaths with a view to identifying and remedying the underlying causes. This research is at an advanced stage and it is hoped that the final report will become available in the near future.

DISCUSSION OF PROGRAMMES

Programme 1: Administration

R million	Budget estimate	Adjusted appropriation 1998/99	Preliminary outcome	Medium term expenditure estimates		
				1999/00	2000/01	2001/02
1998 Budget	10,0	10,0	9,1	9,8	10,4	–
1999 Budget	–	–	–	9,1	9,6	9,9

Administration conducts the overall management of the Independent Complaints Directorate. It involves policy formulation by the Minister, Deputy Minister, Executive Director and other members of the Department's management.

Programme 2: Investigation of complaints

R million	Budget estimate	Adjusted appropriation 1998/99	Preliminary outcome	Medium term expenditure estimates		
				1999/00	2000/01	2001/02
1998 Budget	15,2	11,7	13,9	13,0	13,8	–
1999 Budget	–	–	–	11,4	11,9	12,3

This programme investigates and/or monitors investigations of specified categories of complaints lodged against members of SAPS. The programme is involved with the investigation of any death in police custody or as a result of police action, in terms of section 53(2) of Act 68 of 1995. Any misconduct or offence allegedly committed by any member of the SAPS is also investigated.

Programme 3: Monitoring and development

R million	Budget estimate	Adjusted appropriation 1998/99	Preliminary outcome	Medium term expenditure estimates		
				1999/00	2000/01	2001/02
1998 Budget	3,2	3,2	2,9	3,2	3,4	–
1999 Budget	–	–	–	3,5	3,7	3,8

Monitoring and development receives and registers complaints from the community, the Minister or provincial members of the Executive Council for Safety and Security. After investigation, recommendations are made to the Attorney-General. The programme also includes the monitoring of any matter referred by the Directorate to the SAPS, as well as the training of investigators.