

Independent Complaints Directorate

Aim

The aim of the Independent Complaints Directorate (ICD) is to investigate complaints of misconduct and criminality allegedly committed by members of the South African Police Service (SAPS) and to propose reforms to reduce the incidence of the behaviour that gives rise to complaints.

Policy developments

The mandate of the Independent Complaints Directorate is to investigate complaints against the SAPS and all incidents in which individuals die in police custody or as a result of police action. This has recently been expanded by the requirement that the Independent Complaints Directorate monitor the performance of the police in terms of the Domestic Violence Act of 1998.

The Independent Complaints Directorate was established in April 1997. It has been inundated with complaints of police misconduct, which magnified the burden created by the relatively high number of deaths through police action or in police custody, which it is legally obliged to investigate. As a result, the Directorate has initiated a process to redefine its mandate and working procedures to cope with the workload. A review of policy is in progress, which may lead to an amendment of the legislation governing the Directorate.

Expenditure estimates

Table 21.1 Expenditure by programme

R million	Expenditure outcome			Revised outcome 1999/00	Medium-term expenditure estimate		
	1996/97	1997/98	1998/99		2000/01	2001/02	2002/03
Administration	–	0,9	11,4	9,0	9,9	10,3	10,8
Investigation of complaints	–	8,7	8,4	10,8	11,1	11,4	11,9
Monitoring and development	–	3,8	1,4	2,3	4,1	4,2	4,4
Departmental vote							
Public Works ¹							
Total	–	13,4	21,2	22,1	25,1	26,0	27,1
Change to 1999 Budget estimate	–	–	–	(1,9)	(0,1)	–	–

¹ Appropriated on Vote 26: Public Works.

- *Administration* comprises the activities of senior management
- *Investigation of complaints* comprises the investigation of all complaints
- *Monitoring and development* comprises the complaints registry and the monitoring of investigations into complaints that are handed to the Police for further investigation.

Table 21.2 Economic classification of expenditure

R million	Expenditure outcome			Revised outcome 1999/00	Medium-term expenditure estimate		
	1996/97	1997/98	1998/99		2000/01	2001/02	2002/03
Current							
Personnel	–	7,3	12,3	15,6	17,9	18,5	19,6
Transfer payments	–	–	–	–	–	–	–
Other	–	3,7	5,1	5,7	6,7	7,1	7,1
Capital	–	–	–	–	–	–	–
Transfer payments	–	–	3,8	–	–	–	–
Acquisition of capital assets	–	2,4	–	0,8	0,5	0,4	0,4
Total	–	13,4	21,2	22,1	25,1	26,0	27,1

The work of the Directorate is highly personnel intensive as shown by the high percentage of personnel expenditure of total expenditure.

Programme 1: Administration

Table 21.3 Programme expenditure

R million	Budget estimate	Adjusted appropriation 1999/00	Revised estimate	Medium-term expenditure estimate		
				2000/01	2001/02	2002/03
1999 Budget	9,1	9,0	9,0	9,6	9,9	–
2000 Budget	–	–	–	9,9	10,3	10,8
Change to 1999 Budget estimates	–	(0,1)	(0,1)	0,3	0,4	–

The *Administration* programme includes senior management activities, as well as the administration and management of logistical, human and financial resources.

The increases in the budget estimates are to fund offices in the two provinces in which there is currently no presence – Mpumalanga and Free State.

Policy developments

In 1999 the Directorate commissioned research to inform its planning through analysis of both the nature of complaints and the strategic priorities that it should pursue.

Programme 2: Investigation of complaints

Table 21.4 Programme expenditure

R million	Budget estimate	Adjusted appropriation 1999/00	Revised estimate	Medium-term expenditure estimate		
				2000/01	2001/02	2002/03
1999 Budget	11,4	11,4	10,8	11,9	12,3	–
2000 Budget	–	–	–	11,1	11,4	11,9
Change to 1999 Budget estimates	–	–	(0,6)	(0,8)	(0,9)	–

Complaints are either investigated by the Directorate or are referred to other institutions – including the SAPS – for investigation. This programme includes investigations handled directly, while responsibility for the supervision and monitoring of referred cases falls under the *Monitoring and development* programme.

Outputs and service delivery trends

Table 21.5 Investigation of complaints: Key activities and outputs

Key activities	Outputs
Investigating deaths in custody or as a result of police action	Completed investigations
Investigating complaints against the police	Completed investigations

Complaints against members of the police are classified according to the seriousness of the complaint, ranging from Class I to Class V. Class I complaints include those alleging that a death had occurred while a person was in police custody or as a result of police action.

Between April and October 1999, the Directorate received 2 359 complaints, including 389 related to deaths. Of the 2 359 cases, 1 610 were investigated or were referred to another institution (such as the public protector or SAPS) for investigation.

Over the same period, 37 criminal trials were instituted and judgements were handed down in 16, with nine convictions. In addition, 83 disciplinary hearings commenced and four others were finalised. One resulted in the upholding of the charge.

Policy developments

The Directorate is exploring ways in which complaints regarding service delivery problems or misconduct by members of the SAPS may be resolved through alternative dispute resolution procedures.

Programme 3: Monitoring and development

Table 21.6 Programme expenditure

R million	Budget estimate	Adjusted appropriation 1999/00	Revised estimate	Medium-term expenditure estimate		
				2000/01	2001/02	2002/03
1999 Budget	3,5	3,5	2,3	3,7	3,8	–
2000 Budget	–	–	–	4,1	4,2	4,4
Change to 1999 Budget estimates	–	–	(1,2)	0,4	0,4	–

The *Monitoring and development* programme consists of two subprogrammes:

- The complaints registry receives, analyses, processes and registers complaints from the public, the Minister for Safety and Security or an MEC. It maintains a database that is used to identify trends and patterns in complaints.
- Monitoring and development oversees the SAPS's investigation of any matter referred to it, as well as monitoring the implementation of recommendations to the SAPS. It also analyses the causes and patterns of police misconduct and criminality, and develops recommendations to combat these.

The increase in the budget for *Monitoring and development* reflects the Directorate's commitment to expand its role beyond a purely investigative one.

Between April and October 1999, the Directorate monitored 310 complaints referred to the SAPS.

Outputs and service delivery trends

Table 21.7 Monitoring and development: Key activities and outputs

Key activities	Outputs
Maintaining the complaints registry	A coherent and accurate set of statistics
Monitoring/supervising SAPS investigations	Expeditiously completed investigations
Making recommendations regarding police policies and procedures	Recommendations on policy and procedures

Policy developments

Monitoring and development will be the primary agent for monitoring police compliance with the Domestic Violence Act of 1998 and for assessing the extent of assistance to victims of domestic violence. This will improve the safety and security of victims and help to ensure better police practice in empowering victims of crime.

In an attempt to reduce operational costs and to simultaneously optimise the use of existing resources, the ICD conducts a preliminary investigation in all cases of deaths in custody or as a result of Police action, after which the docket will be returned to the SAPS if there is no *prima facie* evidence of police culpability to cover-up.