

Vote 21

Independent Complaints Directorate

To be appropriated by Vote	R26 715 000
Statutory appropriations	-
Responsible Minister	Minister for Safety and Security
Administering Department	Independent Complaints Directorate
Accounting Officer	Executive Director of Independent Complaints Directorate

Aim

The aim of the Independent Complaints Directorate 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.

Key objectives and programmes

The establishment of the Independent Complaints Directorate follows international best practice of independent institutions specialising in civilian complaints against police officers, to address the tension between community members and the police. The Directorate plays an important role in the fight against crime, ensuring that police conduct is judicious and lawful.

The core mandate of the Directorate is to investigate all cases in which a person in police custody dies or a life is lost as a result of police action. In addition, it investigates a variety of complaints laid against members of the SAPS for criminal or disciplinary infractions, as well as complaints relating to poor service delivery. The Directorate's mandate is derived from the Constitution and the South African Police Service Act of 1995. These functions have recently been expanded by the statutory requirement that the Directorate monitor the performance of the police in terms of the Domestic Violence Act of 1998. The activities of the Directorate are organised into three programmes:

- *Administration* provides for the management and organisation of the Directorate.
- *Investigation of complaints* provides for the investigation of any death in police custody or as a result of police action, or of any allegation of misconduct or offence committed by any member of the SAPS.
- *Monitoring and development* receives and registers complaints and, following investigation, makes recommendations to the Director of Public Prosecutions. It also monitors the investigations of complaints received by the Directorate but referred to other agencies, including the SAPS, for further investigation.

Strategic overview and key policy developments: 1997/98 – 2003/04

The Directorate was established in April 1997. Since its inception, it has received numerous complaints of police misconduct, increasing the burden created by the relatively high number of investigations relating to deaths resulting from 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 in order to cope with its workload. Its current review of policy may lead to the development of a White Paper and, possibly, the amendment of the legislation governing the Directorate.

The Directorate has also sought to become more proactive in improving police performance in the use of force. It is exploring how the monitoring of incidents and the analysis of patterns of complaints and incidents might lead to the identification of early warning indicators. The Directorate has also sought to assist the SAPS and its members in developing training programmes and management systems that may contribute to compliance with the Bill of Rights.

Expenditure estimates

Table 21.1: Independent Complaints Directorate

Programme	Expenditure outcome			Adjusted appropriation 2000/01	Revised estimate	Medium-term expenditure estimate		
	Audited 1997/98	Audited 1998/99	Preliminary outcome 1999/00			2001/02	2002/03	2003/04
R thousand								
Administration	4 775	11 357	10 376	11 216	11 216	12 677	13 389	14 097
Investigation of complaints	7 374	8 448	11 361	10 784	10 784	10 118	10 686	11 251
Monitoring and development	1 356	1 365	1 923	3 512	3 512	3 920	4 141	4 360
Total	13 505	21 170	23 660	25 512	25 512	26 715	28 216	29 708
Change to 2000 Budget Estimate				414	414	743	1 081	

Economic classification

Current	11 057	17 118	22 331	24 367	24 367	25 620	27 137	28 530
Personnel	7 303	12 285	15 746	18 248	18 248	18 583	19 627	20 665
Transfer payments	–	–	–	9	9	240	254	267
Other current	3 754	4 833	6 585	6 110	6 110	6 797	7 256	7 598
Capital	2 448	4 052	1 329	1 145	1 145	1 095	1 079	1 178
Transfer payments	–	–	–	–	–	–	–	–
Acquisition of capital assets	2 448	4 052	1 329	1 145	1 145	1 095	1 079	1 178
Total	13 505	21 170	23 660	25 512	25 512	26 715	28 216	29 708

Standard items of expenditure

Personnel	7 303	12 285	15 746	18 248	18 248	18 583	19 627	20 665
Administrative	3 098	3 806	4 958	4 159	4 159	4 855	5 127	5 398
Inventories	322	355	691	785	785	796	840	885
Equipment	2 448	3 887	1 329	1 145	1 145	1 038	1 097	1 154
Land and buildings	–	168	1	–	–	140	148	156
Professional and special services	266	457	686	882	882	1 063	1 123	1 183
Transfer payments	–	–	–	9	9	240	254	267
Miscellaneous	68	212	249	284	284	–	–	–
Total	13 505	21 170	23 660	25 512	25 512	26 715	28 216	29 708

Expenditure trends

As the Directorate was only established in April 1997, its first full financial year was 1998/99. Expenditure on the Vote grows by an average of 7 per cent a year between 1998/99 and 2003/04. The *Monitoring and development* programme grows much faster than the total, at an average of 26,2 per cent a year. Reprioritisation towards this programme reflects the importance that the Directorate attaches to monitoring and supervising investigations referred to other agencies.

In 1997/98 and 1998/99, the Directorate spent an average of 18,7 per cent on start-up capital expenditure. This is projected to fall to an average of 4,4 per cent of the total over the medium term. The fall in the proportion of the Directorate's budget devoted to capital expenditure is reflected in increased expenditure on operational costs. However, personnel spending growth is

projected to taper off from an average of 21,9 per cent between 1998/99 and 2000/01 to 4,2 per cent over the medium term as the Directorate is no longer recruiting more staff.

The 2001 Budget increases the Directorate's medium-term allocations by R743 000 in 2001/02, R1 million in 2002/03 and R1,4 million in 2003/04. These additional allocations will assist it in building its operational capacity and allow it to create the posts necessary for the appointment of a chief financial officer.

Departmental receipts

It is expected that the amounts of R10 000, R44 000, R46 000 and R48 000 will be paid into the National Revenue Fund for 2000/01 to 2003/04 respectively. The increase of 340 per cent between 2000/01 and 2001/02 is attributed to the increased participation in the rationalised vehicle scheme and warrant vouchers.

Programme 1: Administration

The *Administration* programme provides for the overall management of the Directorate, including the policy formulation responsibilities of the Executive Director and other members of the Directorate's management. Other functions include the proper organisation of the Directorate; the provision of centralised administrative, legal and office support services; human resources and financial management and administration; as well as determining working methods and procedures, and exercising overall managerial control.

Table 21.2: Administration

Subprogramme	Expenditure outcome			Adjusted appropriation 2000/01	Medium-term expenditure estimate		
	Audited 1997/98	Audited 1998/99	Preliminary outcome 1999/00		Total		
R thousand	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Minister ¹	-	-	-	-	-	-	-
Deputy Minister ²	-	-	-	-	-	-	-
Management	935	1 093	1 329	1 911	1 502	1 586	1 670
Corporate services	3 840	10 264	9 047	9 305	11 175	11 803	12 427
Total	4 775	11 357	10 376	11 216	12 677	13 389	14 097
Change to 2000 Budget Estimate				1 336	2 344	2 564	

¹ Minister for Safety and Security provided for on the Department of Safety and Security Vote

² Deputy Minister for Safety and Security provided for on the Department of Safety and Security Vote

Economic classification

	4 481	8 349	9 461	10 651	12 077	12 804	13 431
Current	4 481	8 349	9 461	10 651	12 077	12 804	13 431
Personnel	2 499	5 084	6 379	7 183	8 304	8 770	9 234
Transfer payments	-	-	-	9	240	254	267
Other	1 982	3 265	3 082	3 459	3 533	3 780	3 930
Capital	294	3 008	915	565	600	585	666
Transfer payments	-	-	-	-	-	-	-
Acquisition of capital assets	294	3 008	915	565	600	585	666
Total	4 775	11 357	10 376	11 216	12 677	13 389	14 097

Standard items of expenditure								
Personnel	2 499	5 084	6 379	7 183	8 304	8 770	9 234	
Administrative	1 478	2 426	1 732	2 060	1 973	2 083	2 193	
Inventories	236	313	577	412	506	534	563	
Equipment	294	2 843	915	565	491	520	547	
Land and buildings	-	165	-	-	140	148	156	
Professional and special services	241	434	662	874	1 023	1 080	1 137	
Transfer payments	-	-	-	9	240	254	267	
Miscellaneous								
Civil Pensions Stabilisation Fund	27	92	111	113	-	-	-	
Total	4 775	11 357	10 376	11 216	12 677	13 389	14 097	

Policy developments

In 1999, the Directorate commissioned research on the nature of complaints to inform its strategic prioritisation over the medium term. The research focused on:

- The nature of complaints received
- Key variables associated with reported incidents
- Distribution of complaints across the country

The analysis shed light on the circumstances around deaths in custody or as a result of police action, providing a basis for a set of strategic priorities for the Directorate. It also considered the SAPS's management of investigations in these incidents, helping the Directorate to formulate recommendations to improve the relevant systems.

Expenditure trends

Spending on *Administration* is expected to consume 47,5 per cent of the total over the medium term. Personnel expenditure is the main item of expenditure, growing by 18,9 per cent between 1998/99 and 2000/01 due to the recruitment of staff.

Programme 2: Investigation of complaints

The aim of the *Investigation of complaints* programme is to investigate deaths in custody or as a result of police action, as well as other complaints lodged with the Directorate, effectively and efficiently with a view to establishing whether or not there was any wrongdoing on the part of a police officer. The programme consists of a single subprogramme: Investigation of complaints, which provides for the investigation of any such deaths – a function prescribed in terms of the South African Police Service Act of 1995. In addition, the programme provides for the investigation of any matter referred to the Directorate by the Minister or member of the Executive Council, as well as for the investigation of any allegation of misconduct or offence committed by any member of the SAPS.

Table 21.3: Investigation of complaints

Subprogramme	Expenditure outcome			Adjusted appropriation 2000/01	Medium-term expenditure estimate		
	Audited 1997/98	Audited 1998/99	Preliminary outcome 1999/00		Total		
R thousand	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Investigation of complaints	7 374	8 448	11 361	10 784	10 118	10 686	11 251
Total	7 374	8 448	11 361	10 784	10 118	10 686	11 251
Change to 2000 Budget Estimate				(303)	(1 277)	(1 176)	

Economic classification							
Current	5 220	7 406	10 960	10 204	9 664	10 239	10 784
Personnel	3 595	5 938	7 704	8 063	7 229	7 635	8 039
Transfer payments	-	-	-	-	-	-	-
Other	1 625	1 468	3 256	2 141	2 435	2 604	2 745
Capital	2 154	1 042	401	580	454	447	467
Transfer payments	-	-	-	-	-	-	-
Acquisition of capital assets	2 154	1 042	401	580	454	447	467
Total	7 374	8 448	11 361	10 784	10 118	10 686	11 251

Standard items of expenditure							
Personnel	3 595	5 938	7 704	8 063	7 229	7 635	8 039
Administrative	1 479	1 299	3 023	1 817	2 188	2 311	2 433
Inventories	86	42	98	201	185	195	205
Equipment	2 154	1 042	401	580	486	513	540
Land and buildings	-	3	1	-	-	-	-
Professional and special services	25	23	20	-	30	32	34
Transfer payments	-	-	-	-	-	-	-
Miscellaneous							
Civil Pensions Stabilisation Fund	35	101	114	123	-	-	-
Total	7 374	8 448	11 361	10 784	10 118	10 686	11 251

Policy developments

In general, capacity constraints have meant that the Directorate has not been able to investigate all complaints itself. It has therefore sought ways to ensure that, after a preliminary investigation, it investigates only those cases that cannot be investigated by the SAPS or other agencies.

In addition to the statutory requirements, the Directorate has also prioritised the investigation of complaints relating to:

- Police corruption, including the alleged sale and destruction of dockets, the issuing of fraudulent vehicle clearances, the abuse of informers' fees, the theft of evidence and the alleged involvement of members of the SAPS in escapes from police custody
- Incidents of family violence alleged against members of the SAPS, especially femicide

The Directorate is also exploring alternative dispute resolution procedures for complaints regarding service delivery problems or misconduct by members of the SAPS.

Expenditure trends

Spending on *Investigation of complaints* increases by an average of 7,3 per cent a year between 1998/99 and 2003/04. The bulk of this growth occurred between 1998/99 and 2000/01, when spending increased by an average of 13,5 per cent a year. Slower growth over the medium term reflects the Directorate's prioritisation of the monitoring and supervision of investigations to improve the efficiency and effectiveness of its expenditure on investigations.

Personnel expenditure dominates the programme, and is expected to consume an average of 71,5 per cent of the total over the medium term. Personnel expenditure grew rapidly at an average of 16,5 per cent a year between 1998/99 and 2000/01 as staff were recruited and deployed. Growth is expected to slow to 6,3 per cent over the medium term.

Outputs and service delivery trends

Table 21.4: Investigation of complaints: Key outputs and indicators

Subprogramme	Outputs	Service delivery indicators
Investigation of complaints	Investigation of all cases of death in police custody or death as a result of police action	Complaints against members of the SAPS finalised
	Investigation of misconduct or offence allegedly committed by any member of the SAPS	Number of cases tried

Of the 3 283 complaints finalised during 1999/00, 414 were fully investigated to completion by the Directorate, with the remainder being handed to other agencies (including the SAPS) for investigation, dismissed as unfounded or withdrawn, or finalised through a process of mediation. Currently, 1 200 open investigations are being taken forward by the Directorate's 45 investigators. In 1999/00, the Directors of Public Prosecutions agreed to prosecute in 50 cases, while 201 are still awaiting their decision. Of these, 29 resulted in convictions and eight in acquittals. In a further 84 cases, inquests were ordered.

Programme 3: Monitoring and development

The *Monitoring and development* programme aims to receive and register complaints from the community, Minister or any member of the Executive Council. Following investigation, the programme makes recommendations to the Director of Public Prosecutions, and monitors the investigations of complaints received by the Directorate but referred to other agencies, including the SAPS, for further investigation. The programme comprises two subprogrammes:

- Complaints registry receives, analyses, processes and registers complaints from the public, the Minister of Safety and Security, and members of the Executive Council responsible for safety and security. 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, and monitors 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.

Table 21.5: Monitoring and development

Subprogramme	Expenditure outcome			Adjusted appropriation 2000/01	Medium-term expenditure estimate		
	Audited 1997/98	Audited 1998/99	Preliminary outcome 1999/00		2001/02	2002/03	2003/04
R thousand							
Monitoring and development	754	101	43	1 352	895	946	996
Complaints registry	602	1 264	1 880	2 160	3 025	3 195	3 364
Total	1 356	1 365	1 923	3 512	3 920	4 141	4 360
Change to 2000 Budget Estimate				(619)	(324)	(307)	
Economic classification							
Current	1 356	1 363	1 910	3 512	3 879	4 094	4 315
Personnel	1 209	1 263	1 663	3 002	3 050	3 222	3 392
Transfer payments	-	-	-	-	-	-	-
Other	147	100	247	510	829	872	923
Capital	-	2	13	-	41	47	45
Transfer payments	-	-	-	-	-	-	-
Acquisition of capital assets	-	2	13	-	41	47	45
Total	1 356	1 365	1 923	3 512	3 920	4 141	4 360

Standard items of expenditure							
Personnel	1 209	1 263	1 663	3 002	3 050	3 222	3 392
Administrative	141	81	203	282	694	733	772
Inventories	-	-	16	172	105	111	117
Equipment	-	2	13	-	61	64	67
Land and buildings	-	-	-	-	-	-	-
Professional and special services	-	-	4	8	10	11	12
Transfer payments	-	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	-	-
Civil Pensions Stabilisation Fund	6	19	24	48	-	-	-
Total	1 356	1 365	1 923	3 512	3 920	4 141	4 360

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. The Directorate is becoming more involved in the development of police training programmes focusing on the human rights of citizens, suspects and arrestees. A programme of visits to police holding cells is also being extended.

The Directorate has begun preliminary internal and external consultations on the possibility of drafting a White Paper to clarify its policies, programmes and objectives.

Expenditure trends

Spending on *Monitoring and development* increases by an average of 21,5 per cent a year from 1998/99 to 2003/04, reflecting the Directorate's prioritisation of this function. Personnel expenditure increases rapidly by an average of 21,9 per cent a year over the period. Similarly, spending on programme administration rises significantly, by an average of 57 per cent over the period. These trends point to the Directorate's subcontracting of its work to other agencies and managing those investigations conducted on its behalf.

Outputs and service delivery trends

Table 21.6: Monitoring and development: Key outputs and indicators

Subprogramme	Outputs	Service delivery indicators
Monitoring and development	Monitoring the investigation of any matter referred to other agencies	4 380 complaints received in 1999/00
	Analysis of the causes and patterns of police misconduct and criminality	757 complaints monitored/supervised by the Directorate
Complaints registry	Registering new complaints and recommending further action	406 complaints referred to the SAPS 409 complaints referred to other bodies

The number of complaints received by the Directorate has risen dramatically over the past three years from 2 874 in 1998/99 to 4 380 in 1999/00, an increase of 52 per cent. In view of this rapid growth, the Directorate has sought to refer more cases to other agencies and to improve the impact of monitoring of the investigations conducted by those agencies.

Annexure: Vote 21: Independent Complaints Directorate

Table 21.7: Summary of expenditure trends and estimates per programme

Table 21.8: Summary of expenditure trends and estimates per economic classification

Table 21.9: Summary of expenditure trends and estimates per standard item

Table 21.10: Summary of transfers and subsidies per programme

Table 21.11: Summary of personnel numbers and costs

Table 21.12: Summary of expenditure on training

Table 21.7: Summary of expenditure trends and estimates per programme

	Expenditure outcome			Main appropriation	Adjustments appropriation			Revised estimate	Medium-term expenditure estimate				
	Audited	Audited	Preliminary outcome		Rollovers from 1999/00	Other adjustments	Adjusted appropriation		Current	Capital	Total	2002/03	2003/04
	1997/98	1998/99	1999/00										
R thousand													
Administration	4 775	11 357	10 376	9 885	-	1 331	11 216	11 216	12 077	600	12 677	13 389	14 097
Investigation of complaints	7 374	8 448	11 361	11 083	-	(299)	10 784	10 784	9 664	454	10 118	10 686	11 251
Monitoring and development	1 356	1 365	1 923	4 130	-	(618)	3 512	3 512	3 879	41	3 920	4 141	4 360
Total	13 505	21 170	23 660	25 098	-	414	25 512	25 512	25 620	1 095	26 715	28 216	29 708
Change to 2000 Budget Estimate							414	414			743	1 081	

Table 21.8: Summary of expenditure trends and estimates per economic classification

R thousand	Expenditure outcome			Main appropriation	Adjustments appropriation			Revised estimate	Medium-term expenditure estimate				
	Audited	Audited	Preliminary outcome	Rollovers from 1999/00	Other adjustments 2000/01	Adjusted appropriation		Current	Capital	Total	2002/03	2003/04	
	1997/98	1998/99	1999/00					2001/02	2001/02	2001/02			
Current	11 057	17 118	22 331	24 453	–	(86)	24 367	24 367	25 620	–	25 620	27 137	28 530
Personnel	7 303	12 285	15 746	17 945	–	303	18 248	18 248	18 583	–	18 583	19 627	20 665
Salaries and wages	5 418	7 702	10 454	14 033	–	303	14 336	14 336	13 306	–	13 306	14 054	14 797
Other	1 885	4 583	5 292	3 912	–	–	3 912	3 912	5 277	–	5 277	5 573	5 868
Transfer payments				9	–	–	9	9	240	–	240	254	267
Other levels of Government	–	–	–	–	–	–	–	–	–	–	–	–	–
Households and non-profit institutions	–	–	–	–	–	–	–	–	–	–	–	–	–
Foreign countries and international credit institutions	–	–	–	–	–	–	–	–	–	–	–	–	–
Other current transfers	–	–	–	9	–	–	9	9	240	–	240	254	267
Other current expenditure	3 754	4 833	6 585	6 499	–	(389)	6 110	6 110	6 797	–	6 797	7 256	7 598
Capital	2 448	4 052	1 329	645	–	500	1 145	1 145	–	1 095	1 095	1 079	1 178
Capital transfers	–	–	–	–	–	–	–	–	–	–	–	–	–
Other levels of Government	–	–	–	–	–	–	–	–	–	–	–	–	–
Other capital transfers	–	–	–	–	–	–	–	–	–	–	–	–	–
Movable capital	2 448	3 887	1 329	645	–	500	1 145	1 145	–	955	955	931	1 022
Motor vehicles	946	429	(3)	132	–	–	132	132	–	–	–	–	120
Equipment	–	–	–	–	–	–	–	–	–	–	–	–	–
Computers	532	1 754	232	54	–	500	554	554	–	440	440	474	592
Other office equipment	970	1 704	1 100	459	–	–	459	459	–	515	515	457	310
Fixed capital	–	165	–	–	–	–	–	–	–	140	140	148	156
Land	–	–	–	–	–	–	–	–	–	–	–	–	–
Buildings	–	–	–	–	–	–	–	–	–	–	–	–	–
Infrastructure	–	–	–	–	–	–	–	–	–	–	–	–	–
Other	–	165	–	–	–	–	–	–	–	140	140	148	156
Total	13 505	21 170	23 660	25 098	–	414	25 512	25 512	25 620	1 095	26 715	28 216	29 708

Table 21.9: Summary of expenditure trends and estimates per standard item

R thousand	Expenditure outcome			Main appropriation	Adjustments appropriation			Revised estimate	Medium-term expenditure estimate				
	Audited	Audited	Preliminary outcome		Rollovers for 1999/00	Other adjustments 2000/01	Adjusted appropriation		Current	Capital	Total	2002/03	2003/04
	1997/98	1998/99	1999/00										
Personnel	7 303	12 285	15 746	17 945	-	303	18 248	18 248	18 583	-	18 583	19 627	20 665
Administrative expenditure	3 098	3 806	4 958	4 491	-	(332)	4 159	4 159	4 855	-	4 855	5 127	5 398
Inventories	322	355	691	825	-	(40)	785	785	796	-	796	840	885
Equipment	2 448	3 887	1 329	645	-	500	1 145	1 145	83	955	1 038	1 097	1 154
Land and buildings	-	168	1	-	-	-	-	-	-	140	140	148	156
Professional and special services	266	457	686	899	-	(17)	882	882	1 063	-	1 063	1 123	1 183
Transfer payments	-	-	-	9	-	-	9	9	240	-	240	254	267
Miscellaneous	68	212	249	284	-	-	284	284	-	-	-	-	-
Total	13 505	21 170	23 660	25 098	-	414	25 512	25 512	25 620	1 095	26 715	28 216	29 708

Table 21.10: Summary of transfers and subsidies per programme

R thousand	Expenditure outcome			Adjustments estimate 2000/01	Medium-term expenditure estimate				
	Audited	Audited	Preliminary outcome		Current transfers	Capital transfers	Total	2002/03	2003/04
	1997/98	1998/99	1999/00						
Administration	-	-	-	-	-	-	-	-	-
Corporate services transfer to PSETA	-	-	-	9	240	-	240	254	267
Total	-	-	-	9	240	-	240	254	267

Table 21.11: Summary of personnel numbers and costs¹

Personnel numbers	1997/98	1998/99	1999/00	2000/01	2001/02
Administration	46	53	67	77	77
Investigation of complaints	36	41	49	63	63
Monitoring and development	20	32	17	12	12
Total	102	126	133	152	152
Total personnel cost (R thousand)	7 303	12 285	15 746	18 248	18 583
Unit cost (R thousand)	71,6	97,5	118,4	120,1	122,3

¹ Full-time equivalent

Table 21.12: Summary of expenditure on training

R thousand	Preliminary outcome	Revised estimate	Medium-term expenditure estimate		
	1999/00	2000/01	2001/02	2002/03	2003/04
Administration	36	151	158	167	176
Investigation of complaints	21	131	137	145	153
Monitoring and development	7	53	55	58	61
Total	164	335	350	370	390