

Vote 21

Independent Complaints Directorate

R thousand	To be appropriated	2007/08	2008/09	2009/10
MTEF allocations				
Administration		29 499	31 338	34 704
Investigation of Complaints		35 663	46 427	54 093
Information Management and Research		15 729	17 602	21 866
Total	80 891		95 367	110 663
Direct charges against the National Revenue Fund	—	—	—	—
Total expenditure estimates	80 891		95 367	110 663
Economic classification				
Current payments		76 527	87 176	101 621
Transfers and subsidies		48	56	67
Payments for capital assets		4 316	8 135	8 975
Total expenditure estimates	80 891		95 367	110 663
Executive authority	Minister for Safety and Security			
Accounting officer	Executive Director of the Independent Complaints Directorate			

Aim

The aim of the Independent Complaints Directorate is to investigate complaints of misconduct, corruption and criminality allegedly committed by members of the South African Police Service and Municipal Police Services, and to make appropriate reactive and proactive recommendations to reduce the incidence of the behaviour that gives rise to such complaints.

Programme purposes

Programme 1: Administration

Provide for the overall management, policy development and organisation of the Independent Complaints Directorate, in line with government prescripts.

Programme 2: Investigation of Complaints

Investigate deaths in police custody and as a result of police action, and any complaints of misconduct, criminality and corruption allegedly committed by a police officer.

Programme 3: Information Management and Research

Receive, register and process complaints of misconduct, criminality and corruption allegedly committed by a police officer as well as notifications of police-related deaths. Monitor the implementation of the Domestic Violence Act (1998) by the South African Police Service and Municipal Police Services. Manage all information. Recommend solutions to inherent policing problems.

Strategic overview: 2003/04 – 2009/10

The legal mandate of the Independent Complaints Directorate (ICD) entails investigating all deaths in police custody and as a result of police action, as well as criminal offences allegedly committed by members of the South African Police Service (SAPS) and Municipal Police Services (MPS). From 2007/08, the ICD will also

be investigating complaints of misconduct, criminality and corruption committed by a member of the Directorate of Special Operations.

The Portfolio Committee on Safety and Security's report on the ICD's performance for 2004/05 has opened the way for a review of the ICD's strategic objectives. The huge backlog in finalising complaints has made it necessary for the ICD to review its strategy for investigating misconduct and service related complaints. There has been improved co-operation between the ICD and the National Secretariat for Safety and Security about executing their individual mandates, particularly in relation to the referral of complaints between the two organisations. This has had a positive impact on the transformation of the SAPS and the MPS. In six of the nine provinces, memorandums of understanding have been concluded. The agreement is that the ICD refers service delivery complaints to provincial secretariats, and the National Secretariat for Safety and Security refers complaints of criminality and misconduct to the ICD. The remaining three provinces will finalise their MoUs in 2006/07.

Better compliance with the Domestic Violence Act

The ICD continues to monitor the implementation of the Domestic Violence Act (1998) in an effort to reduce reported cases of both non-compliance with the act and domestic abuse by police officials.

Increased capacity for improving investigations

There is a growing emphasis on increasing the ICD's investigative capacity. Over the MTEF period, additional investigators will be appointed and new satellite offices will be established to allow the ICD to investigate all criminality and the more serious cases of police misconduct, as well as to monitor the policing of domestic violence cases.

In 2004/05, the ICD established an anti-corruption command, tasked with investigating all corruption complaints registered against the SAPS and the MPS.

The integrity strengthening unit, established towards the end of 2004/05, was instrumental in developing a values based code of ethics for internal and external stakeholders, which addresses specific risk areas and sets the standards of acceptable and unacceptable behaviour.

Due to the increased emphasis on proactive interventions to change and curb errant police behaviour, a proactive oversight unit was established in April 2005 to carry out targeted research on operations and systems, and undertake trend and case analysis.

Reducing deaths in police custody and due to police action

The ICD continues to be committed to reducing the high incidence of deaths in police custody and due to police action. To this end, senior managers of the ICD serve on the SAPS-ICD joint committee to monitor deaths. The main responsibility of the committee is to account for all deaths and recommend interventions to deal with problems such as non-reporting or late reporting of such deaths. A reduction in the number of deaths from 652 in 2004/05 to 621 in 2005/06 confirms the ICD's commitment to improving errant SAPS/MPS behaviour. The constant flow of complaints against police criminality and misconduct emphasises the public's trust and confidence in the ICD's ability to treat them with dignity and promptly attend to their complaints.

Expenditure estimates

Table 21.1 Independent Complaints Directorate

Programme	Audited outcome			Adjusted appropriation 2006/07	Revised estimate 2007/08	Medium-term expenditure estimate		
	2003/04	2004/05	2005/06			2008/09	2009/10	
R thousand								
1. Administration	16 557	17 700	21 743	22 777	20 777	29 499	31 338	34 704
2. Investigation of Complaints	16 916	19 476	21 283	29 058	29 058	35 663	46 427	54 093
3. Information Management and Research	7 807	9 808	11 480	14 071	12 071	15 729	17 602	21 866
Total	41 280	46 984	54 506	65 906	61 906	80 891	95 367	110 663
Change to 2006 Budget estimate				–	(4 000)	7 000	12 000	

Table 21.1 Independent Complaints Directorate

R thousand	Audited outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	2003/04	2004/05	2005/06			2007/08	2008/09	2009/10
Economic classification								
Current payments	35 426	42 679	50 762	63 970	59 970	76 527	87 176	101 621
Compensation of employees	20 686	24 909	30 235	39 559	35 559	47 757	56 181	66 822
Goods and services	14 724	17 764	20 513	24 411	24 411	28 770	30 995	34 799
of which:								
Communication	1 705	1 406	1 534	1 572	1 572	2 917	3 464	5 222
Computer services	1 329	2 573	1 457	1 960	1 960	2 063	2 167	2 276
Consultants, contractors and special services	508	789	1 460	1 007	1 007	1 060	1 113	1 168
Inventory	773	810	855	1 023	1 023	1 078	1 133	1 191
Maintenance, repairs and running costs	32	115	122	138	138	145	152	159
Operating leases	3 793	4 394	4 748	5 092	5 092	5 487	5 908	6 203
Travel and subsistence	3 472	4 616	5 768	5 161	5 161	5 400	5 670	5 953
Financial transactions in assets and liabilities	16	6	14	–	–	–	–	–
Transfers and subsidies	79	100	126	65	65	48	56	67
Provinces and municipalities	56	71	91	25	25	–	–	–
Departmental agencies and accounts	23	29	35	40	40	48	56	67
Payments for capital assets	5 775	4 205	3 618	1 871	1 871	4 316	8 135	8 975
Buildings and other fixed structures	–	416	575	–	–	160	336	706
Machinery and equipment	5 275	3 116	2 618	1 729	1 729	3 973	7 581	7 986
Software and other intangible assets	500	673	425	142	142	183	218	283
Total	41 280	46 984	54 506	65 906	61 906	80 891	95 367	110 663

Expenditure trends

Expenditure grows steadily over the seven-year period, increasing from R41,3 million in 2003/04 to R110,7 million in 2009/10, an average annual increase of 16,9 per cent. Compensation of employees comprises on average 59,6 per cent of the ICD's total budget over the medium term, rising from R39,6 million in 2006/07 to R66,8 million in 2009/10, at an average annual rate of 19,1 per cent. Although spending on all programmes is expected to grow over the MTEF period, spending on *Investigation of Complaints* is set to grow most strongly, at an average annual rate of 23 per cent.

The 2007 Budget provides for additional allocations of R7 million in 2007/08, R12 million in 2008/09 and R16 million in 2009/10 for setting up two new satellite offices, better remuneration for investigators, and more administrative support to ensure compliance with the Public Finance Management Act (1999).

Infrastructure spending

Expenditure leasing infrastructure is set to increase steadily over the medium term, rising from R5,1 million in 2006/07 to R6,2 million in 2009/10, because of the planned satellite offices and the relocation of the various provincial offices to provide them with more space.

Departmental receipts

Revenue generated by the ICD is mainly from parking fees, commissions on insurance deductions, bursary debt recovery and stale warrant vouchers. Due to the projected increase in personnel, a commensurate increase in revenue is anticipated between 2006/07 and 2009/10.

Table 21.2 Departmental receipts

	Audited outcome			Adjusted appropriation	Medium-term receipts estimate		
	2003/04	2004/05	2005/06		2006/07	2007/08	2008/09
R thousand							
Departmental receipts	94	28	171	42	45	50	55
Sales of goods and services produced by department	94	28	171	42	45	50	55
Total	94	28	171	42	45	50	55

Programme 1: Administration

The *Administration* programme conducts the overall management of the ICD and provides centralised support services.

Expenditure estimates

Table 21.3 Administration

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2003/04	2004/05	2005/06		2006/07	2007/08	2008/09
R thousand							
Management	2 975	3 019	4 116	5 227	5 541	6 981	7 330
Corporate Services	9 293	9 810	12 357	11 835	17 768	17 696	20 028
Property Management	4 289	4 871	5 270	5 715	6 190	6 661	7 346
Total	16 557	17 700	21 743	22 777	29 499	31 338	34 704
Change to 2006 Budget estimate				—	1 397	1 831	

Economic classification

Current payments	14 452	16 046	19 783	22 532	28 657	29 881	32 072
Compensation of employees	6 506	7 609	9 324	12 675	15 534	16 296	17 096
Goods and services	7 940	8 437	10 459	9 857	13 123	13 585	14 976
of which:							
Communication	662	423	472	407	1 684	2 169	3 002
Computer services	791	564	440	600	633	665	698
Consultants, contractors and special services	252	345	974	351	370	389	408
Inventory	194	231	244	259	273	287	302
Operating leases	3 596	4 161	4 502	4 691	5 065	5 464	5 737
Travel and subsistence	718	892	1 001	980	1 006	1 056	1 109
Financial transactions in assets and liabilities	6	—	—	—	—	—	—
Transfers and subsidies	42	51	63	48	48	56	67
Provinces and municipalities	19	22	28	8	—	—	—
Departmental agencies and accounts	23	29	35	40	48	56	67
Payments for capital assets	2 063	1 603	1 897	197	794	1 401	2 565
Buildings and other fixed structures	—	416	575	—	160	336	706
Machinery and equipment	1 926	1 164	1 280	166	595	1 024	1 816
Software and other intangible assets	137	23	42	31	39	41	43
Total	16 557	17 700	21 743	22 777	29 499	31 338	34 704

Expenditure trends

Expenditure on the *Administration* programme increases at an average annual rate of 13,1 per cent over the seven-year period, rising from R16,6 million in 2003/04 to R34,7 million in 2009/10. Expenditure increased from R22,8 million in 2006/07 to R29,5 million in 2007/08 to provide for the greater capacity in support services and to cater for support staff in the newly established satellite offices.

Expenditure on compensation of employees comprises 52,6 per cent of total expenditure in 2007/08, compared to 55,6 per cent in 2006/07. The decrease is mainly due to increased allocations under other expenditure items for the relocation and additional office space costs.

The ICD will receive R6,1 million in 2007/08, R6,6 million in 2008/09 and R7,3 million in 2009/10 for the cost of leases and accommodation charges that were devolved from the Department of Public Works in April 2006.

Programme 2: Investigation of Complaints

The *Investigation of Complaints* programme provides for investigations into all deaths in police custody and allegedly as a result of police action. It also provides for investigations of allegations of criminality, corruption and misconduct committed by members of the SAPS and the MPS, including allegations brought to the attention of the ICD by the Minister for Safety and Security or his provincial counterparts.

There are two subprogrammes:

- *Investigation of Complaints* investigates registered complaints of criminality, corruption and misconduct allegedly committed by members of the SAPS and the MPS.
- *Legal Services* provides legal advice to ICD officials.

Expenditure estimates

Table 21.4 Investigation of Complaints

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2003/04	2004/05	2005/06		2007/08	2008/09	2009/10
R thousand				2006/07			
Investigation of Complaints	16 108	18 523	20 380	27 755	34 831	45 553	53 175
Legal Services	808	953	903	1 303	832	874	918
Total	16 916	19 476	21 283	29 058	35 663	46 427	54 093
Change to 2006 Budget estimate				-	4 716	8 150	

Economic classification

Current payments	14 761	18 084	20 615	28 253	33 411	41 967	51 545
Compensation of employees	10 444	12 462	13 910	18 798	23 483	30 562	39 888
Goods and services	4 314	5 616	6 702	9 455	9 928	11 405	11 657
of which:							
Communication	658	625	653	722	758	796	836
Computer services	326	733	554	990	1 040	1 092	1 147
Consultants, contractors and special services	104	256	231	366	384	403	423
Inventory	207	268	283	354	372	391	411
Operating leases	113	137	145	181	190	200	210
Travel and subsistence	2 177	2 593	3 788	3 431	3 602	3 782	3 971
Financial transactions in assets and liabilities	3	6	3	-	-	-	-
Transfers and subsidies	27	35	41	12	-	-	-
Provinces and municipalities	27	35	41	12	-	-	-
Payments for capital assets	2 128	1 357	627	793	2 252	4 460	2 548
Machinery and equipment	1 956	1 328	574	728	2 162	4 340	2 368
Software and other intangible assets	172	29	53	65	90	120	180
Total	16 916	19 476	21 283	29 058	35 663	46 427	54 093

Expenditure trends

Expenditure on *Investigation of Complaints*, the largest programme, is expected to accelerate its already rapid growth over the MTEF period, rising from R16,9 million in 2003/04 to R29 million in 2006/07. In 2009/10, spending on the programme will reach R54 million – an average annual increase of 21,4 per cent over the seven-year period. The growth reflects the ICD's growing emphasis on increasing its investigative capacity, illustrated by the average annual growth in expenditure on compensation of employees of 28,5 per cent over the medium term. The complementary expenditure on goods and services and other items will grow at an average annual rate of 7,2 per cent over the same period.

Service delivery objectives and indicators

Recent outputs

The number of criminal offences committed by members of police decreased from 1 731 in 2004/05 to 1 643 in 2005/06, while the incidences of police misconduct fell from 3 407 to 2 855. The number of complaints registered with the ICD decreased from 5 903 in 2003/04 to 5 790 in 2004/05 and 5 119 in 2005/06.

The ICD met the 2005/06 targets of finalising 60 per cent of new cases of deaths within 180 days, and 50 per cent of cases of criminality and 60 per cent of cases of misconduct within 90 days. Preliminary investigations into all the reported cases of deaths in police custody and due to police action were completed within 14 days, instead of the 2005/06 target of 30 days. In 2005/06, 73 complaints about police officials entrapped and arrested in buy and bust operations were referred to the anti-corruption unit.

Between July and September 2006, the target for attending post mortems examinations, which was 70 per cent, was exceeded by 20,2 per cent (90,2 per cent attendance).

120 recommendations on a variety of criminal issues were made by the ICD and referred to the Directorate of Public Prosecutions between July and September 2006. For the same period, 232 recommendations on a variety of cases investigated by the ICD were made and referred to the SAPS management for further action.

The *Legal Service* subprogramme defended four cases of civil claims of unlawful arrest and detention against ICD officials. They were also instrumental in compiling a draft standard operating procedure for reporting and handling of cases of corruption and a transport policy for the ICD.

Selected medium-term output targets

Investigation of Complaints

Measurable objective: Contribute to maintaining the integrity of independent oversight. Inculcate a human rights ethic in policing through continuous investigations aimed at holding the police accountable in the exercising of their powers.

Subprogramme	Output	Measure/Indicator	Target
Investigation of Complaints	Investigation of deaths, complaints of criminality, corruption and misconduct allegedly committed by members of the SAPS and the MPS	Percentage of investigations into deaths where there is no police involvement finalised within 30 days Percentage of investigations into deaths as a result of police action finalised within 120 days Percentage of internal investigations into allegations of criminality finalised within 120 days Percentage of misconduct investigations finalised within 60 days	60% of investigations 60% of investigations 50% of internal investigations 50% of internal investigations
Legal Services	Recommendations to ICD officials	Proportion of recommendations implemented	90% of recommendations

Programme 3: Information Management and Research

The *Information Management and Research* programme receives, registers and processes complaints from the community, the Minister for Safety and Security, and the relevant provincial members of the executive councils (MECs). It also oversees the investigation of any cases it refers to the SAPS, and monitors the implementation of the Domestic Violence Act (1998) by both the SAPS and the MPS.

There are two subprogrammes:

- *Monitoring and Research* monitors cases being investigated and does proactive research.
- *Information Management System* maintains a database which serves as a register for all complaints, and manages IT.

Expenditure estimates

Table 21.5 Information Management and Research

Subprogramme	Audited outcome				Adjusted appropriation	Medium-term expenditure estimate		
	2003/04	2004/05	2005/06	2006/07		2007/08	2008/09	2009/10
R thousand								
Monitoring and Research	349	1 044	1 180	1 573	1 753	1 840	1 932	
Information Management System	7 458	8 764	10 300	12 498	13 976	15 762	19 934	
Total	7 807	9 808	11 480	14 071	15 729	17 602	21 866	
Change to 2006 Budget estimate				-	887	2 019		

Economic classification	6 213	8 549	10 364	13 185	14 459	15 328	18 004
Current payments	6 213	8 549	10 364	13 185	14 459	15 328	18 004
Compensation of employees	3 736	4 838	7 001	8 086	8 740	9 323	9 838
Goods and services	2 470	3 711	3 352	5 099	5 719	6 005	8 166
of which:							
Communication	385	358	409	443	475	499	1 384
Computer services	212	1 276	463	370	390	410	431
Consultants, contractors and special services	152	188	255	290	306	321	337
Inventory	372	311	328	410	433	455	478
Operating leases	84	96	101	220	232	244	256
Travel and subsistence	577	1 131	979	750	792	832	873
Financial transactions in assets and liabilities	7	-	11	-	-	-	-
Transfers and subsidies	10	14	22	5	-	-	-
Provinces and municipalities	10	14	22	5	-	-	-
Payments for capital assets	1 584	1 245	1 094	881	1 270	2 274	3 862
Machinery and equipment	1 393	624	764	835	1 216	2 217	3 802
Software and other intangible assets	191	621	330	46	54	57	60
Total	7 807	9 808	11 480	14 071	15 729	17 602	21 866

Expenditure trends

Expenditure on *Information Management and Research* grows steadily over the medium term, rising from R14,1 million in 2006/07 to R21,9 million in 2009/10, an average annual rate of 15,8 per cent compared to 21,7 per cent between 2003/04 and 2006/07.

Spending on goods and services is set to increase at an average of 17 per cent a year over the medium term to support more travelling for researchers and the escalating costs of printing research reports. There is also a significant increase of 65,7 per cent in spending on machinery and equipment over the medium term to support the extended monitoring of the implementation of the Domestic Violence Act (1998) by both the SAPS and the MPS.

Service delivery objectives and indicators

Recent outputs

Three research reports, which provided the basis for sound recommendations to curb errant police behaviour, were completed in 2005/06, against a target of at least six reports a year.

Independent internal audits confirmed that the registration of new cases in 2005/06 took place within 24 hours, on average.

Selected medium-term output targets

Information Management and Research

Measurable objective: Contribute to the human rights focus in policing service delivery through managing a current complaints register and continuously analysing it to produce recommendation reports, including on the Domestic Violence Act (1998).

Subprogramme	Output	Measure/indicator	Target
Monitoring and Research	Processing of applications for exemption in terms of the Domestic Violence Act (1998) Reports on custody management and recommendations in relation to non-compliance with the Domestic Violence Act	Time within which all applications for exemption are finalised Number of police station audits conducted for compliance with the act Number of qualitative reports on non-compliance with the act by the SAPS Number of cell inspections at police stations for compliance with standards for proper management of depressed, intoxicated, ill and suicidal prisoners.	Within 30 days 5 audits per quarter per province 4 reports per year to Parliament 5 cell inspections per quarter per province
Information Management System	Registration and allocation of new cases on the database Increasing community awareness of ICD	Time within which cases must be registered Time within which cases must be allocated after registration Number of community outreach programmes	Within 24 hours Within 48 hours 5 community outreach programmes per quarter per province

Additional tables

Table 21.A Summary of expenditure trends and estimates per programme and economic classification

Programme	Appropriation		Audited outcome	Appropriation			Revised estimate
	Main	Adjusted		Main	Additional	Adjusted	
R thousand	2005/06		2005/06	2006/07			2006/07
1. Administration	20 829	22 105	21 743	22 717	60	22 777	20 777
2. Investigation of Complaints	23 149	21 295	21 283	29 094	(36)	29 058	29 058
3. Information Management and Research	10 814	11 392	11 480	14 095	(24)	14 071	12 071
Total	54 792	54 792	54 506	65 906	–	65 906	61 906

Economic classification

	Appropriation		Audited outcome	Appropriation			Revised estimate
	Main	Adjusted		Main	Additional	Adjusted	
R thousand	2005/06		2005/06	2006/07			2006/07
Current payments	53 563	51 025	50 762	64 034	(64)	63 970	59 970
Compensation of employees	35 926	30 589	30 235	39 700	(141)	39 559	35 559
Goods and services	17 637	20 422	20 513	24 334	77	24 411	24 411
Financial transactions in assets and liabilities	–	14	14	–	–	–	–
Transfers and subsidies	149	149	126	72	(7)	65	65
Provinces and municipalities	113	113	91	32	(7)	25	25
Departmental agencies and accounts	36	36	35	40	–	40	40
Payments for capital assets	1 080	3 618	3 618	1 800	71	1 871	1 871
Buildings and other fixed structures	–	575	575	–	–	–	–
Machinery and equipment	955	2 618	2 618	1 658	71	1 729	1 729
Software and intangible assets	125	425	425	142	–	142	142
Total	54 792	54 792	54 506	65 906	–	65 906	61 906

Table 21.B Summary of personnel numbers and compensation of employees

	Audited outcome			Adjusted appropriation	Medium-term expenditure estimates		
	2003/04	2004/05	2005/06		2006/07	2007/08	2008/09
A. Permanent and full-time contract employees							
Compensation (R thousand)	20 636	24 849	30 161	39 479	47 673	56 093	66 732
Unit cost (R thousand)	164	150	173	171	192	219	253
Personnel numbers (head count)	126	166	174	231	248	256	264
C. Interns							
Compensation of interns	50	60	74	80	84	88	90
Unit cost (R thousand)	2	2	2	2	2	2	2
Number of interns	25	30	37	40	42	44	46
Total for department							
Compensation (R thousand)	20 686	24 909	30 235	39 559	47 757	56 181	66 822
Unit cost (R thousand)	137	127	143	146	165	187	216
Personnel numbers (head count)	151	196	211	271	290	300	310

Table 21.C Summary of expenditure on training

	Audited outcome			Adjusted appropriation 2006/07	Medium-term expenditure estimates		
	2003/04	2004/05	2005/06		2007/08	2008/09	2009/10
Training and staff development							
Expenditure (R thousand)	183	292	308	327	345	362	380
Number of employees trained (head count)	112	53	63	77	91	100	105
Bursaries (employees)							
Expenditure per programme (R thousand)	62	100	106	113	120	127	134
Number of employees (head count)	20	42	49	53	56	59	62
Total	245	392	414	440	465	489	514
Number of employees	132	95	112	130	147	159	167