



**OFFICE OF THE DPCI JUDGE
REPUBLIC OF SOUTH AFRICA**

**OFFICE OF THE DPCI JUDGE
ANNUAL REPORT 2014-2015**



**OFFICE OF THE DPCI JUDGE
COMPLAINTS UNIT FOR THE
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION (DPCI)
REPUBLIC OF SOUTH AFRICA**

Private Bag X 102 Pretoria, 0001, 246 Paul Kruger Street, 1st Floor Protea Towers
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Foreword by the Minister of Police

The establishment of the Office of the DPCI Judge Complaints Unit for the Directorate for Priority Crime Investigation derived from Section 17L of South African Police Service Act, (SAPS Act).

Its primary function is to oversee and monitor the investigations conducted by the HAWKS. The Office of the DPCI Judge has to ensure that there is an element of transparency and human rights oriented investigations by the HAWKS and also have an independent, efficient and effective HAWKS capable of executing its mandate without infringing the rights of the members of the public and without undue influence or interference with investigations.

As government we support oversight done by the Office of DPCI Judge to ensure that the rights of the citizens are not unlawfully violated and safeguard the independence of the HAWKS.

The Office of the DPCI Judge has made considerable progress last year in terms of setting up the structure in place and marketing itself despite facing many difficulties such as securing its own offices . The office in consultation with the Secretary of Police has developed a marketing strategy to raise awareness of the work of the DPCI Judge. Judge Moosa, the head of office has conducted roadshows to the DPCI members informing them of his function and role. He further travelled length and breadth of the country informing the stakeholders, Chapter 9 institutions and members of the public the work done by his office.

Now the Office of the DPCI Judge has got off the ground, it is important that the message of its existence should be intensified to the furthest parts of the country and be capacitated to be able to deliver on its mandate.

I have noted the matters dealt by the Office of the DPCI Judge during this period. I expect the Office of the DPCI Judge to continue to work with all stakeholders to make its work known in the most rural parts of the country.

I commend Judge Moosa and his staff for the hard work done so far within a short space of time with the limited resources. However a lot of work still needs to be done and as government it will continue giving its full support for this office to achieve its objectives.

It is my pleasure to table the Annual Report of the Office of the DPCI Judge Complaints Unit for the Directorate for Priority Crime Investigation for the period 2014/2015



Mr N. Nhleko

Minister of Police

Date: 09 SEPTEMBER 2015



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PREFACE TO ANNUAL REPORT

We have pleasure in attaching hereto the Third Annual Report of the Office of the DPCI Judge to Parliament on its performance in compliance of subsection 9 of Section 17L of SAPS Act, No.68 of 1995 as amended. This report covers the period 1st April 2014 to 31st March 2015. The key priorities of the Office of the DPCI Judge during the period under review were to secure permanent offices and to appoint personnel. It was not an easy task to execute our mandate in terms of subsection 17L in the absence of permanent offices and permanent staff.

Apart from the above challenge, we had to carry out our core functions of investigating complaints in terms of subsection 17L (4) and conducting awareness campaigns to inform the public and stakeholders of the work of the Office of the DPCI Judge, in terms of subsection 17L (15).

During the period under review we embarked on intensive awareness campaign to inform members of the HAWKS, members of the public and stakeholders of the role and function of the Office of the DPCI Judge.

In our view, a strong foundation has been laid for the Office to grow bigger and to improve its performance in the next cycle. To achieve this, we need to collaborate with stakeholders and continue raising awareness to market the Office.

During the period under review, we also went through a process of establishing a brand for the Office in order to identify and distinguish ourselves from the Judges of the Department of Justice. In order to eliminate any confusion in the eyes of the public, we branded ourselves as a corporate entity under name and style of the "*Office of the DPCI Judge*".

We wish to express our sincere gratitude to the Secretary of Police, Ms Reneva Fourie our Accounting Officer and the Director of Communication Unit, Ms Pinda Ntsaluba, for developing the marketing strategy and organizing the awareness campaigns to promote our role and function.

I also wish to take the opportunity of thanking my staff for their contribution to establish the Office and to make the Report possible.



JUDGE ESSA MOOSA

HEAD OF OFFICE OF THE DPCI JUDGE

DATE: 07/09/2015-



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**THE ANNUAL REPORT FOR THE PERIOD 01 APRIL 2014 TO 31 MARCH
2015**

INTRODUCTION

This is the Third Annual Report from the Office of the DPCI Judge Complaints Unit for the Directorates for Priority Crime Investigation (DPCI) and covers the period 1 April 2014 to 31 March 2015. The First Annual Report was prepared by Judge B. Pillay, the previous incumbent of the Office of the DPCI Judge, who held office for the period 15 May 2010 to 15 May 2011, and covered the period of his tenure. The Second Annual Report which covered the period 1 September 2013 to 31 March 2014, was prepared by the present incumbent namely, Judge Essa Moosa, who was appointed from 1 September 2013. One of other factors that our Report will focus on is securing offices, appointment of personnel, public awareness campaigns and investigations of complaints.

MANDATE OF THE OFFICE OF THE DPCI JUDGE

Our primary function is to provide oversight over the investigations conducted by the HAWKS. The mandate of the Office of the DPCI Judge is two-fold: the one is to investigate complaints from members of the public in respect of a serious and unlawful infringement of their rights caused by an investigation by the HAWKS in terms of sub-section 17L (4) (a) of the South African Police Service Act (SAPS Act) and the other is to investigate complaints by members of the HAWKS in respect of improper influence or interference with their investigation in terms of sub-section 17L (4)(b) of SAPS Act.

Our strategic outcome goals are to ensure a transparent and human rights oriented approach to investigations done by the HAWKS, and an independent, effective and competent HAWKS capable of executing its mandate without infringing the rights of a member of the public and without them being subjected to any undue influence or interference with their investigations.

FUNCTIONS OF THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION (HAWKS)

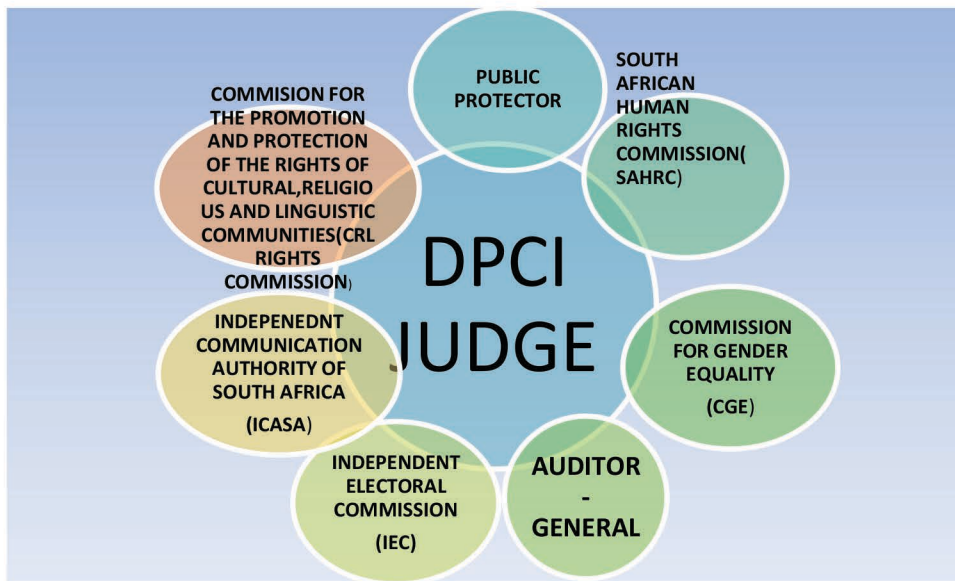
The Hawks are established in terms of Section 17C of the South African Police Service Act, No: 68 of 1995 (SAPS ACT) as amended. The functions of the Hawks are to prevent, combat and investigate national priority offences, in particular serious organised crime, serious commercial crime and serious corruption.

THE POWERS OF THE DPCI JUDGE

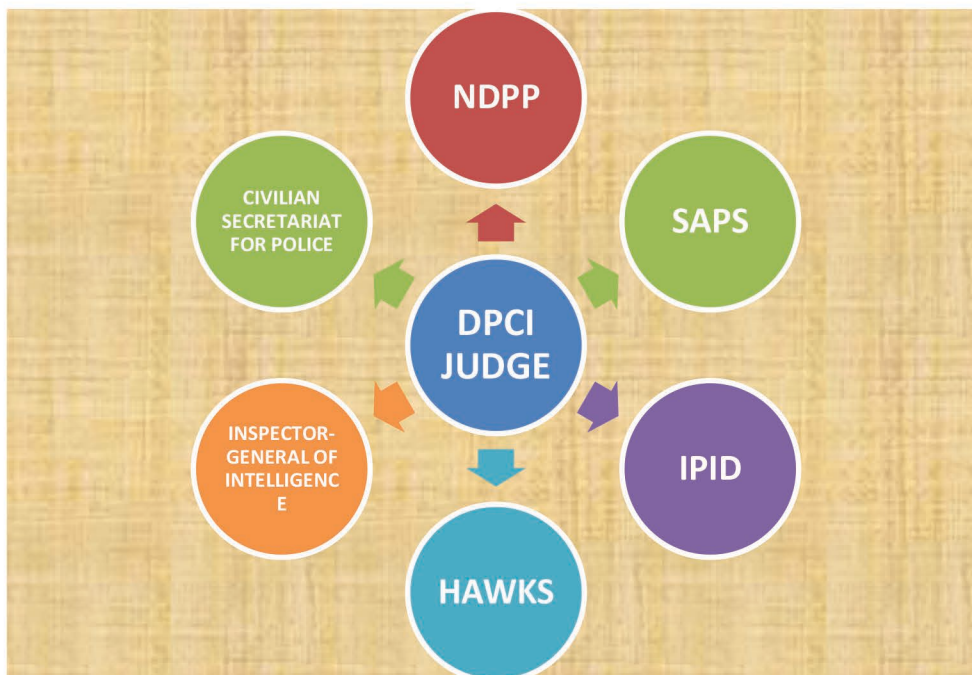
The Office of the DPCI Judge has the following powers:

- to obtain information and documents under the control of the South African Police Services (SAPS);
- to enter any building or premises under the control of the SAPS;
- to be entitled to all reasonable assistance by a member of SAPS;
- to request and obtain information from the National Director of Public Prosecutions;
- to investigate a complaint falling within the scope of its mandate or refer it to be dealt with, amongst others, by the (i) Civilian Secretariat for Police; (ii) Independent Police Investigative Directorate (IPID); (iii) Head of DPCI; (iv) National and Provincial Commissioners and any of the Chapter 9 institutions.

Graph 1: Below shows the list of Chapter 9 Institutions



Graph 2: Below depicts our key Stakeholders



SANCTIONS

- The refusal to comply with a request for information from any member of SAPS shall be a criminal offence for which a person upon conviction, may be sentenced to a fine or imprisonment or to both a fine and imprisonment of two years; and

- Any interference with the Office of the DPCI Judge in the performance of its functions and duties shall be a criminal offence for which a person upon conviction may be sentenced to a fine or imprisonment of two years or to both such fine and imprisonment.

CAPACITY OF THE OFFICE OF THE DPCI JUDGE

- The Minister of Police shall ensure that the Office of the DPCI Judge has sufficient personnel and resources to fulfil its functions;
- The Secretary of Police shall, in consultation with the Office of the DPCI Judge, prepare an annual operational budget plan which shall be for the specific and exclusive use of the official duties of the Office of the DPCI Judge and may not be used for any other purpose; and



Accounting Officer

Ms Reneva Fourie (Acting Secretary of Police)

- The Secretary of Police shall be the accounting officer of the Office of the DPCI Judge.

Office of the DPCI Judge staff



**Mr Edward M.
Rasiwela**
**Deputy Director
Investigations**



Ms Ruth K. Majozi
**Senior
Administrative
Officer**



**Ms Bongiwe Y.
Maselana**
**Professional
Assistant to
Judge**

REPORTING

- The Office of the DPCI Judge shall report the outcome of any investigation undertaken by it or any referral to the Minister; and
- The Office of the DPCI Judge shall annually report to Parliament on the performance of its functions.

IMPLEMENTATION OF THE OFFICE OF THE DPCI JUDGE

During the period under review, the Office of the DPCI Judge operated from the Ministry of Police, 120 Plein Street, Cape Town with effect from December 2013 as the process of procuring permanent offices was a long drawn out process. The Judge worked closely with the members of the Secretariat for Police to put in place the administration of the Office of the DPCI Judge, and the appointment of the investigative and the administrative personnel.

SECURING OF OFFICES

During this period under review the Office of the DPCI Judge continued its endeavours to secure permanent offices both in Cape Town and Pretoria. Mr D.

Govender from the Department of Public Works who was appointed as an outside consultant to assist the Department in fast-tracking the procurement of offices for various departments and institutions. It was agreed that the offices both in Cape Town and Pretoria were going to be sourced from the private sector as no suitable offices to cater for our needs could be identified from the Department's existing available office space.

On 30 May 2014, we viewed a number of offices in Cape Town including offices situated in the Pinnacle Building at the corner of Burg and Strand Streets, in the company of a local representative of the Department of Public Works, namely Mr Rollo van der Spuy.

We identified the offices at Pinnacle Building as the most suitable for the following reasons, firstly, the offices were already partitioned; secondly, it was centrally located for the public access; and thirdly, it was very near the central railway station, the bus and taxi terminus in Cape Town. Although the size of the premises was slightly more than our immediate requirements, it did have additional square space of 14 square metres for future expansion. Mr van der Spuy undertook to motivate the choice of the offices to Department of Public Works. It also had to be approved by SAPS and the Secretariat of Police.

The lease agreement was signed for Cape Town offices and the keys were handed over to us to occupy the premises during September 2014. Pursuance to the signing of the lease agreement, we started obtaining quotations from various suppliers to order furniture. We queried the rental payable with effect as from July 2014 as we only received beneficial occupation during September 2014. We indicated that the Auditor General could raise the issue as wasteful expenditure. The Department of Public Works undertook to take up the matter with the landlord.

With regard to Pretoria offices, the Department of Public Works, the Agent representing the landlord and the representatives from the Office of the DPCI Judge viewed five potential vacant premises in Pretoria. We identified Protea Towers offices as it mostly complies with our requirements. The premises are centrally situated near Church Square with all necessary facilities; it is easily

accessible to members of the public who make use of public transport; the premises are located next to main street which is a bus route, it is in a good condition to occupy immediately without making structural changes; and has adequate security and backup generator when there is power failure.

We were informed by the Department of Public Works that the Director-General has signed the lease agreement. On 12 March 2015 we were invited to a meeting by the Department of Public Works and the agent for the improvements to be made on the premises at the landlord's costs before we occupy the premises.

APPOINTMENT OF PERSONNEL

During the period under review, Ms Ruth Majozi was appointed as Senior Administrative Officer at Pretoria Office, with effect from 1 June 2014 and Mr Edward Rasiwela was appointed as a Deputy Director Investigations, based in Pretoria, with effect from 1 July 2014. Both officials were inducted by Judge Essa Moosa at Cape Town for their respective duties and responsibilities.

On 20 January 2015, in consultation with the Secretariat, a panel was constituted to conduct interviews for the position of Assistant Director Investigations to be based in Pretoria office. The panel recommended three candidates in order of preference. The position was offered to the first candidate, Mr Lesetja Cedric Mothibe, who accepted the offer and his appointment was effective as from 1 April 2015. These appointments were of a permanent nature and subject to the terms and conditions of the Public Service Act.

On 17 February 2015, in consultation with the Secretariat a panel was constituted to do short listing for the two positions of a General Worker and Driver/Messenger to be based in the Cape Town office. The interview was conducted in Cape Town by the panel on the 3rd and 4th March 2015 respectively. The panel chose three candidates for each post who were going to be offered positions in order of preference. The positions were offered to the first candidate namely Mr Peter-John Paul West as a Driver/Messenger and Ms Ntombizandile Agnes Mbenyana as a General Worker. Both accepted the offers

and their appointments were effective as from 1 April 2015. Their contracts of services were linked to the tenure of the DPCI Judge.

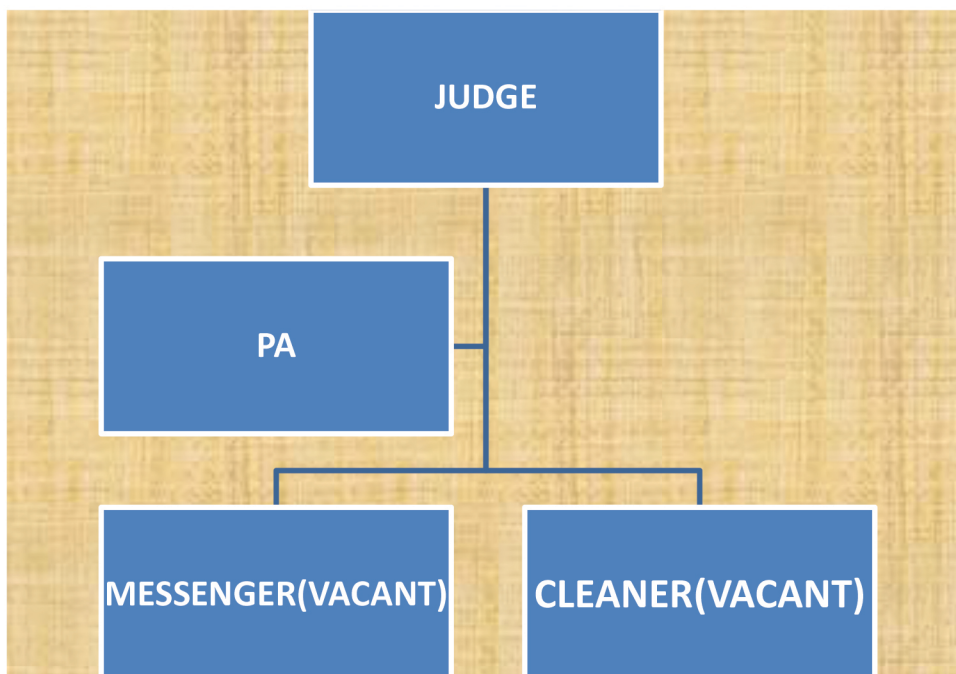
ORGANOGRAM FOR THE OFFICE OF THE DPCI JUDGE

The Office of the DPCI Judge's approved structure is designed to have two offices one in Cape Town and one Pretoria. The Cape Town office is the office where the Judge is located. It provides strategic direction for the Office of the DPCI Judge whereas Pretoria office is the investigative and administrative office.

- **Cape Town Office**

The Cape Town Office houses the Judge which is the Head of the Office of the DPCI Judge and his Professional Assistant (PA). The post of the PA is linked to the tenure of the Judge. The office of the retired judge may rotate with the incumbent who may not want to relocate and prefer the office to be located in the area where he or she resides.

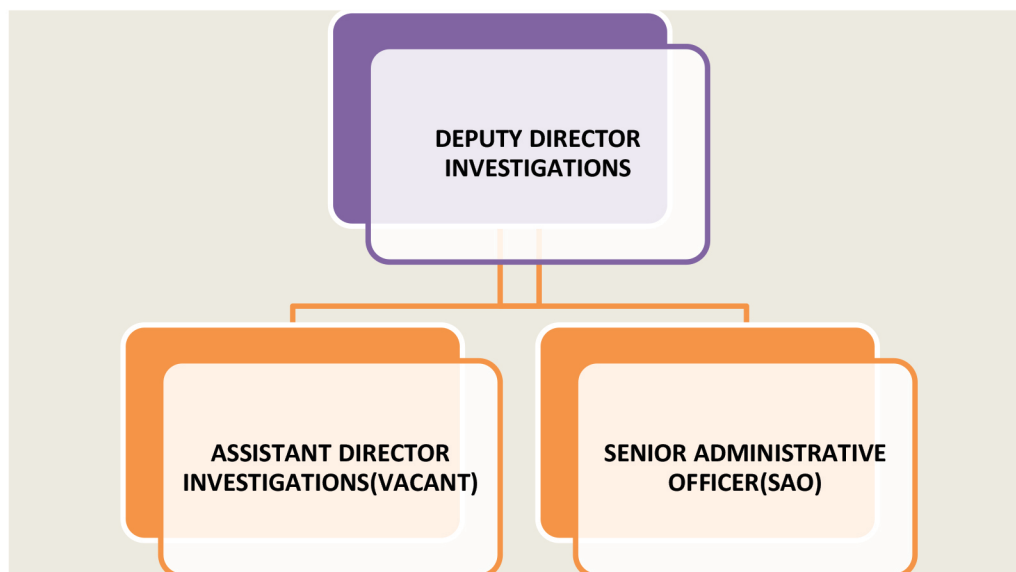
Graph 3 below depicts Cape Town office organogram



- **Pretoria Office**

The Pretoria Office personnel are permanent employees and comprise presently of two members; namely a Deputy Director Investigations and Senior Administrative Officer. The terms and conditions of their employment are governed by the Public Service Act.

Graph 4 below depicts Pretoria office organogram

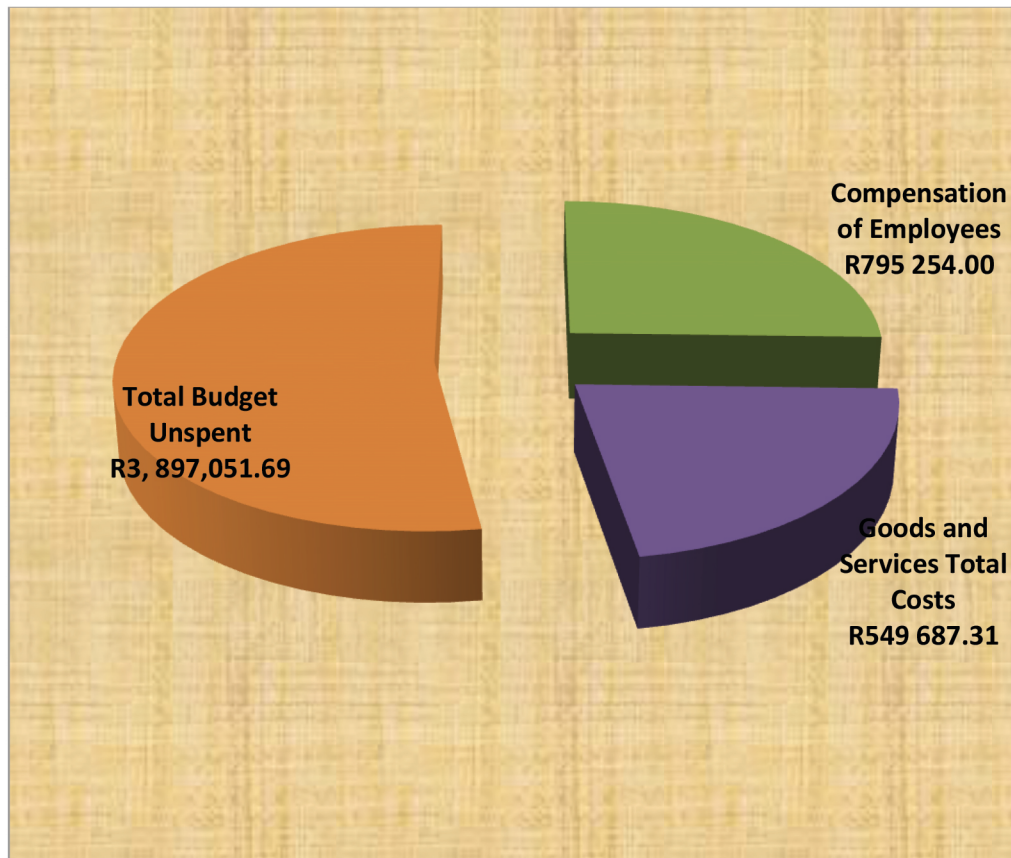


THE ANNUAL OPERATIONAL BUDGET

The total amount budgeted for the year under review was R5, 278,000-00. The total amount spent was R1, 380,948.3. The breakdown of the expenditure report is as follows: Compensation of employees cost R795 254.00, goods and services total cost was R549 687.31 which was spent.

The above-mentioned expenditure was necessary for the office to put systems in place and to comply with statutory obligations in terms of subsection 17L of SAPS Act and to achieve the strategic goals set out in the Annual Performance Plan.

Graph 5 below depicts budget expenditure and savings 2014/2015



The amount of the budget unspent for the period under review is R3, 897,051.69. The reason why there were huge savings was due to the following circumstances:

- We did not have our permanent offices to operate from in Cape Town and we were temporarily accommodated in the premises of the Ministry of Police at 120 Plain Street, Cape Town. The permanent Cape Town premises were occupied in the middle of the financial year.
- The Pretoria office was temporarily located in the premises of the Civilian Secretariat for Police and the personnel continue to be temporarily housed there. We accordingly had a small disbursement for rental in respect of the Cape Town office and no disbursements for rental in respect of the Pretoria office.
- We could not acquire office equipment and furniture due to the fact that we did not have permanent offices in Pretoria and we could therefore not disburse the money budgeted for such equipment and furniture

- The Office of the DPCI Judge had not appointed all its personnel for both the Cape Town and Pretoria offices due to the lack of accommodation and infrastructure which contributed to big savings.
- Because of the delay in acquiring permanent offices for both Cape Town and Pretoria for the period under review, we were not able to print our stationary and marketing material. This also resulted in a substantial savings.
- As the Office of the DPCI Judge was a new structure which had to be set up from scratch, the budget was estimated as we did not have a precedent to guide us for the preparation of the annual budget.
- Because of the laborious tender and procurement procedures, considerable delays were experienced in appointing our personnel, acquiring and setting up our permanent offices, and acquiring office furniture and equipment.

PROCUREMENT OF TWO OFFICE CARS

The Secretariat acquired two cars for the Office of the DPCI Judge. The one is to be based at the Office of the DPCI Judge in Cape Town which is earmarked for the exclusive use of the Judge and the other at the Office of the DPCI Judge in Pretoria. On 6th May 2014, the Office of the DPCI Judge acquired the 2014 KIA CERATO, 2.01 with registration number CA 301848(SAPS BTG 811B) and responsibility code: 8763 National Secretariat. The other car which is based at Office of the DPCI Judge in Pretoria is a Ford Focus, with registration number DB 16 FV GP (SAPS BTH 707B). This car is available for use by the investigators. A standard Bank Fleet Management and Oil Credit Card were issued in respect of the said cars.

WEBSITE DEVELOPMENT AND DOCUMENT MANAGEMENT SYSTEM

We identified the need for the development of a website where members of the public could access information regarding the Office of the DPCI Judge as well as lodge complaints. We also identified the need for a document management system for the Office of the DPCI Judge to manage and control the inflow and outflow of documents and correspondence.

We started engaging with the State Information Technology Agency (SITA) to develop a website. Subsequently on 13 November 2014 our new website started

working. We have presently put the development of a document management system on hold as the volume of work presently does not warrant the outlay of the amount quoted by SITA for the development and maintenance of such a system. We are presently operating a manual document system and will upgrade such system if the volume of work increases to justify such a system.

MEETINGS

During the period under review, a series of meetings were held by the Office of the DPCI Judge. They are as follows:

Formal Meetings

Meetings with the Secretariat

1. On 12 May 2014 a formal meeting was held in Cape Town with the Secretary of Police Ms Jenni Irish-Qhobosheane and the Accounting Officer of the Office of the DPCI Judge. Judge Moosa briefed her on the progress made with the establishment of the Office of the DPCI Judge, roll-out of the Awareness Campaign and the various complaints received and progress made with regard to the investigations of such complaints.
2. On 29 May 2014 a further meeting was held between Judge Moosa and Ms Irish-Qhobosheane discussing procurement of permanent offices both in Cape Town and Pretoria, appointment of investigators and general administrative and financial matters.
3. On 17 September 2014 a separate meeting was held in Pretoria with the Chief Financial Officer, Mr Kibiti Lepphoto and the Director of Finance, Mr Hendrick Robbertze, in connection with the operational budget, expenditure and surplus for the 2013/2014 financial year. We also discussed a variety of issues such as procurement processes, shifting of funds and monitoring our spending patterns of our budget.
4. On 18 September 2014 a separate meeting was held with the newly appointed Acting Secretary of the Police, Ms Reneva Fourie, to brief her, as the new Accounting Officer of the role and function of the Office of the DPCI Judge. We discussed various issues such as the operational budget and procurement of office spaces and the roll out of the awareness campaign.

5. On 18 September 2014 a separate meeting was held with Ms Phinda Ntsaluba, Director Communications to start developing the Communication Strategy to raise awareness for the role and functions of Office of the DPCI Judge. It was agreed that Ms Ntsaluba will present the marketing plan to Judge for his approval.
6. On 3 October 2014 a further meeting was held in Pretoria between Ms Ntsaluba and Mr Edward Rasiwela, Deputy Director Investigations, discussing the marketing plan for the Office of the DPCI Judge and its implementation thereof.
7. On 14 October 2014 a workshop was held in Pretoria which was hosted by Secretariat including other stakeholders that deals with complaints against the police under the theme “Complaints Dialogue” to discuss and develop a Common Complaints Handling System that is efficient and effective.
8. On 16 October 2014 a further meeting was held in Cape Town with Ms Ntsaluba, to brief Judge Moosa of the proposed implementation plan for the public awareness campaign.

Meeting with Judicial Inspectorate for Correctional Services

- 9 On 2 September 2014 a separate meeting was held in Cape Town with the staff of Judicial Inspectorate for Correctional Services, to share knowledge and experiences of oversight role and Document Management System.

Meeting with the Head of DPCI

10. On 17 September 2014 a meeting was held with Lt.General Anwa Dramat and Colonel Zama Basi of the DPCI, to discuss various reported complaints and clarify which cases were referred to the Office of the DPCI Judge. We also discussed the status of investigations of other cases and agreed to share information to avoid duplication and waste of resources. It was agreed that Col Basi will furnish such reports directly to Mr Edward Rasiwela.

Meeting with Mr Molate Moremi of Ministry of Police

11. On 18 September 2014 a meeting was held with Mr Molate Moremi to brief him on the Annual Report to be presented in Parliament and to get inputs from

the Minister of Police. We discussed factors to be taken into account when compiling the Annual Report and to develop a common reporting template for quarterly and annual reports.

PUBLIC AWARENESS CAMPAIGNS

On 2 April 2014 a meeting was held with Ms Pinda Ntsaluba to discuss the roll-out and implementation of the awareness campaign amongst the various structures of the DPCI in the country first and secondly with various other stakeholders and the members of the public. Further meetings in pursuance of the Awareness Campaigns were held as follows:

Meetings with the DPCI Provincial Offices

The first and second introductory meetings were covered in the previous annual report.

The third meeting with the DPCI of Western Cape Province

12. The third meeting was held with members of the Western Cape branch of the DPCI on 4 April 2014 at the Sanlam Auditorium in Bellville. There were approximately 180 members present. The meeting was chaired by Brigadier Oliver, the Acting Head of the DPCI in the Western Cape in the absence of the Head who was on leave. Judge Moosa addressed the meeting and Ms Pinda Ntsaluba conducted the Power Point Presentation.

The fourth meeting with the DPCI of Limpopo Province

13. The fourth meeting was held in Polokwane on 8th April 2014. There were approximately 50 persons present and the meeting was chaired by General DM Molatjana. Judge Moosa addressed the meeting in the same vein as the previous meeting and gave an overview of the oversight role of the Office of the DPCI Judge Complaints Unit. This was followed by a Power Point Presentation by Ms Pinda Ntsaluba.

The fifth meeting with the DPCI of Mpumalanga Province

14. The fifth meeting was held with the Mpumalanga DPCI in Nelspruit, on 9 April 2014, at the Mbombela Stadium Auditorium. The meeting was attended by approximately 66 members, who represented the following components: Organised Crime Investigation Unit, Commercial Crime Investigation Unit, Anti-Corruption Unit, PCMS, Finance and Assets Forfeiture Investigation (FAFI) and Support Staff. Judge Moosa addressed the gathering and gave a broad overview of his role and function. This was followed by a Power Point Presentation done by Ms Pinda Ntsaluba.

The sixth meeting with the DPCI office in Pretoria

15. The sixth meeting was held with the personnel of the Head Office of the DPCI in Pretoria on 10 April 2014. The meeting took place at the local Golf Club and was chaired by Brigadier Bokaba. The total attendees were approximately 150 which comprised in addition to the administrative staff, representatives of various investigative units, which included: Organised Crime, Commercial Crime, Anti-Corruption and Integrity Unit. The presentation followed the same patterns as other presentations.

The seventh meeting with the DPCI of Eastern Cape Province

16. The seventh meeting was held with members of the DPCI-Eastern Cape on 11 April 2014 in East London. The meeting was chaired by Colonel T. Njikelana and attended by approximately 39 members from the DPCI offices in East London, Port Elizabeth and Mthatha. Judge Moosa addressed the gathering and gave the overview of his role and functions. The Power Point Presentation followed by Ms Pinda Ntsaluba.

The eighth meeting with the DPCI of North West Province

17. The eighth meeting was held with the DPCI of North West Province on 15 April 2014 at Potchefstroom Country Club in Potchefstroom. The meeting was chaired by Major General Mabula, the Provincial Head of the DPCI, North West. There were approximately 104 members present. They represented the

Provincial DPCI Office, Organised Crime Investigative Unit, Commercial Crime Investigative Unit, Priority Crime Management Centre (PCMC), Anti-Corruption Investigative Unit, Klerksdorp, Mahikeng and Tlhabane Organised Crime Investigation Units, and Klerksdorp and Mahikeng Commercial Crime Investigative Units. The presentation followed the same pattern as before.

The ninth meeting with the DPCI of Gauteng Province

18. On 15 April 2014 a ninth meeting was held with the DPCI of the Gauteng Province in Midrand. It is estimated that there were approximately 100 attendees, which comprised both administrative and investigative personnel. The meeting was chaired by Major General Shadrack Sibiya. Judge Moosa addressed the meeting and gave the overview of his role and function. The Power Point Presentation followed by Ms Pinda Ntsaluba.

The tenth meeting with DPCI of Northern Cape Province

19. The tenth meeting was held with the DPCI of Northern Cape in Kimberley on 23 April 2014. The meeting was attended by approximately 55 officers and staff members. Judge Moosa briefly explained the role and function of his office and his background. Ms Pinda Ntsaluba gave a Power Point Presentation which outlined more details of the role and function of the DPCI Judge.

The eleventh meeting with the DPCI of Free State Province

20. The eleventh meeting was held with the DPCI of the Free State at the Bobbies Park in Bloemfontein on 24 April 2014. The meeting was attended by approximately 86 officers and staff. They represented different Units of the DPCI and from different regions of the Free State. The meeting was chaired by Colonel Oliphant on behalf of General Mosipi, the Provincial Head of Free State DPCI. Judge Moosa addressed the gathering on his functions and then Ms Pinda Ntsaluba gave a Power Point Presentation on the role and functions of the DPCI Judge.

The twelfth meeting with the DPCI of Kwa-Zulu-Natal (KZN) Province

21. The twelfth meeting took place with the DPCI KZN in Durban on 30 April 2014. The meeting was attended by approximately 74 members. Present in the meeting were the different units and most of the regions of KZN. Brigadier DP Mbotho, the Acting Provincial Head, chaired the meeting. Judge Moosa was given an opportunity to address the meeting and gave his background and the purpose of the visit. His address was followed by the Power Point Presentation by Ms Pinda Ntsaluba on the role and function of the DPCI Judge.

STAKEHOLDER ENGAGEMENT MEETINGS

During the period under review, the following further meetings were held with stakeholders in order to clarify the role, functions and powers of the DPCI Judge and to develop a working relationship:

Meeting with the National Director of Public Prosecutions (NDPP)

22. On 10 April 2014 consultation was held with the National Director of Public Prosecutions (NDPP) and his management staff in Pretoria as role-player and stakeholder. We informed them of the role and function of the Office of the DPCI Judge. We also briefed them on the powers in terms of Section 17L of the SAPS Act as amended to obtain information and documents from, amongst others, the NDPP. We were introduced to each member of his management team who briefly described his or her function as part of the team. Both parties committed themselves to work and co-operate with each other to carry out their respective constitutional and/or legislative mandate. It was agreed to conclude a Memorandum of Understanding (MOU) to regulate the relationship between the parties.

Meeting with Independent Police Investigative Directorate (IPID)

23. On 20 May 2014 we had consultation with the management team of the Independent Police Investigative Directorate (IPID). We briefed them on the role, function and powers of the Office of the DPCI Judge and the

management team in turn briefed us on their role, function and powers of the IPID. The Head of the IPID and the Head of the Office of the DPCI Judge committed the support and co-operation of their respective units to each other in order to carry out their respective constitutional and/or legislative mandate. The parties also agreed to conclude a Memorandum of Understanding (MOU) to regulate the relationship between the two parties.

Meeting with the Portfolio Committee of Police

24. On 3 September 2014 Judge Moosa addressed the Portfolio Committee of Police, to brief them of the role and function of the Office of the DPCI Judge. Judge Moosa introduced himself and his staff. Judge gave a comprehensive Power Point presentation outlining the role, function and powers of his office. The presentation was well received despite the challenges of setting up the offices.

Meeting with South African Police Service Management

25. On 9 October 2014 a meeting was held in Pretoria between Judge Moosa and the SAPS Management to brief them of the role and function of the Office of the DPCI Judge. A Power Point presentation was done which outlined in more details of the functions of the Office of the DPCI Judge.

Meeting with the Deputy Directors of Public Prosecutions Management

28. On 30 September 2014 we had meeting with the management team of the National Director of Public Prosecutions in Pretoria. The meeting was attended by approximately nine (9) Deputy Directors of Public Prosecutions from all provinces. Judge Moosa addressed the gathering and gave an overview of the role and function of the Office of the DPCI Judge as set out in terms of Section 17L of the South African Police Service Act (SAPS Act). This was followed by a detailed Power Point presentation by Mr Rasiwela. The meeting was then opened for questions and comments. Judge Moosa responded to the questions and the meeting was closed with a common

undertaking to conclude a Memorandum of Understanding that will regulate our respective constitutional and/or statutory mandates.

IMPLEMENTATION OF THE MARKETING PLAN FOR PUBLIC AWARENESS CAMPAIGN

Public Awareness Campaign Preparatory Meetings

A series of preparatory meetings were held throughout the provinces between Judge, Director Communications, Ms Pinda Ntsaluba, the Premier of Provinces and relevant regional stakeholders, to discuss and prepare for the actual event of raising awareness.

The first preparatory meeting with the Premier of Kwa-Zulu Natal (KZN)

29. The first pre-visit meeting with the Premier, the MEC of Community Safety and Liaison, SAPS, IPID, Faith based organisation, Traditional Leadership and Community Police Forum was held on 24 October 2014. Judge Moosa addressed the meeting and explained briefly of his role and functions. This was followed by a Power Point Presentation which gives more details of the role and functions of the Office of the DPCI Judge.

The second preparatory meeting with the Premier of Eastern Cape

30. The second preparatory meeting was held in Bisho with the Deputy-Director General on behalf of the Premier. The meeting was attended by Provincial representatives from SAPS, DPCI, IPID, Traditional leadership and Community Police Forum. Judge Moosa addressed the meeting on oversight role of his office and Power Point Presentation followed which gave much details of the role and functions of the Office of DPCI Judge.

The third preparatory meeting with the MEC of Community Safety on behalf of the Premier of Western Cape

31. The third preparatory meeting was held in Cape Town with Mr Dan Plato, MEC of Community Safety who stood in for the Premier of Western Cape Province. The same pattern of the previous meeting was followed.

The fourth preparatory meeting with stakeholders of Limpopo

32. The fourth preparatory meeting was held on 21 January 2015 with various role-players in Polokwane, Limpopo namely, the Provincial Commissioner of SAPS, The Directorate of Priority Crime Investigation (DPCI), Provincial Traditional Leadership, the representatives of Faith based Organisations and the Head of Department from Office of the MEC of Community Safety to organise the actual event.

Public Awareness Campaigns events conducted

Subsequent to the above mentioned preparatory meetings, a series of gatherings with representatives of stakeholders to raise awareness on the role and functions of the Office of the DPCI Judge were held. They were as follows:

The first gathering with Stakeholders from KZN

33. The first gathering was held at KZN on 11 November 2014 in Olive Convention Centre. Judge Moosa addressed the gathering on the oversight role of his function and powers he has in terms of Section 17L of SAPS ACT. The Minister of Police, the honourable Nkosinathi Nhleko gave a keynote address, wherein he emphasised that oversight bodies should be empowered and strengthened. He further stated that the role of oversight must be extended to the Community Police Forum. He also indicated that the citizens should fully exercise the power given to them by democracy and there should be a need for appropriate response by police to enhance service delivery.

Photo 1 depicts members of during public awareness campaign in Durban,KZN



The second gathering with Stakeholders from Eastern Cape Province

33. The second gathering was held on 24 November 2014 in Mdantsane Sport Complex, East London. The meeting was chaired by Mr Molate Moremi from the Office of the Minister of Police. Judge Moosa addressed the meeting in the same vein of previous meeting and a Power Point Presentation on the role and functions of the Office of the DPCI Judge followed.

Photo 2 below shows Judge Moosa addressing the meeting in Mdantsane Sport Complex: East London, Eastern Cape



Photo 3 below shows members of the public attending awareness campaign at Mdantsane Sport Complex: East London, Eastern Cape



Photo 4 below shows Ms Bongiwe Maselana, PA of Judge updating attendance registers in East London



The third gathering with Stakeholders of Western Cape Province

34. The third meeting was held on 27 November 2014 at George, Honlee, Knysna. The meeting was provincial event organised by MEC of Community Safety, Mr Dan Plato. Judge Moosa was given an opportunity to address the meeting and gave Power Point Presentation on the overview of the role, function and powers of the Office of the DPCI Judge. The MEC of Community Safety gave a keynote address.

The fourth separate gathering with stakeholders of Western Cape

35. The fourth meeting was held on 08 December 2014 in Langa Civic Hall. Judge Moosa addressed the meeting in the same vein of the previous meeting. The honourable Deputy Minister of Police, Ms M Sotyu gave the keynote address. The Deputy Minister emphasized that she wants to create an environment in which the public trust the Police. She further indicated that the public must know where to go when they face challenges from the police for remedial

actions. She acknowledged the role played by community oversight bodies and wants them to work in uniform.

Photo 5 below show a member of during question and answer sessions at Langa, Cape Town



The fifth separate gathering with the Provincial Government of Western Cape

36. The fifth separate meeting was held on 09 December 2014 in Gugulethu Civic Hall. The event was organised by the Provincial Government of Western Cape. Mr Rasiwela Edward representing Judge Moosa addressed the meeting and gave a Power Point Presentation on the role, functions and powers of the Office of the DPCI Judge. The MEC of Community Safety, Mr Dan Plato gave a keynote address.

Photo 6 below shows Mr Edward Rasiwela addressing the meeting on the role and function of the DPCI Judge



The sixth gathering with stakeholders of Gauteng

37. The sixth gathering was held in Germiston Civic hall. Present in the gathering were different units from Ekurhuleni region. Judge Moosa addressed the meeting on the oversight role of the Office of the DPCI Judge followed by the Power Point Presentation done by Mr Rasiwela which outlined the role, function and powers of the Office of the DPCI Judge.

Photo 7 below depicts members of the public in Germiston, Gauteng



INVESTIGATION OF COMPLAINTS

The status of complaints received previously is as follows:

1. The fifth complaint with Ref: 05/10/2013 relates to allegations of intimidation and harassment levelled against a senior member of the HAWKS in the Western Cape, was completed and the Final Report of the outcome of the investigations was finalized on 4 April 2014 and submitted to the Minister of Police on 12 May 2014 in compliance with Section 17L (6) of the SAPS Act. The file was accordingly closed.
2. The sixth complaint with Ref: 06/07/2014 relates to an alleged abuse of power against a senior member of HAWKS North West and senior politician of North West Province, was completed and the Final Report of the outcome of the investigation was compiled. Such report was finalized on 15 July 2014 and submitted to the Minister of Police on 18

July 2014 in compliance with Section 17L (6) of the SAPS Act. The file was accordingly closed.

3. The seventh complaint with Ref: 07/04/2015 from a member of the HAWKS against a senior official of Buffalo City Municipality, which is dated 14 March 2014 related to intimidation. It was investigated during the period under review and the Final Report of the outcome of the investigation was compiled. The Report was finalized on 15 July 2014 and submitted to the Minister of Police on 18 July 2014 in compliance with Section 17L (6) of the SAPS Act. The file was accordingly closed.

During the period under review the following new complaints were received:

4. The eighth complaint with Ref: 08/04/2014, which is dated 2 April 2014 relates to allegations of improper influence and interference by a senior member of the HAWKS in Gauteng with due process of law and constitute an alleged unlawful infringement of rights of the complainant. It fell to be investigated in terms of Section 17L (4) (a) of SAPS Act. The investigation is pending.
5. The ninth complaint with Ref: 09/05/2014, which is dated 21 May 2014 relates to allegations of service delivery against senior member of the HAWKS in Eastern Cape. On the face of it, the matter fell outside the scope of our mandate but before we could make a definitive finding, we had to obtain further information. The investigation was completed and Final Report of the outcome of investigations was finalized on 15 July 2014 and submitted to the Minister of Police on 18 July 2014 in compliance with Section 17L(6) of SAPS Act. The file was accordingly closed.
6. The tenth complaint with Ref: 10/06/2014, which is dated 9 June 2014, relates to the alleged unlawful arrest against members of the HAWKS in Gauteng and various other complaints including what is in the best

interests of their children at the hands of the same members of the Hawks following the arrest of their parents. On the face of it, the matter fell to be investigated under Section 17L (4) (a) of SAPS Act. The investigation is pending.

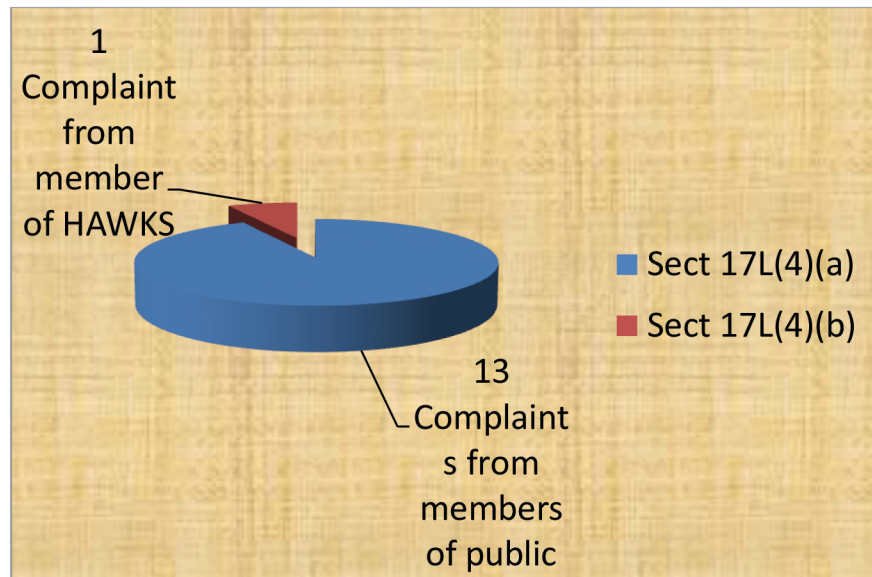
7. The eleventh complaint with Ref: 11/06/2014, against senior member of HAWKS in Gauteng, which is dated 29 May 2014, relates to allegations of the potential arrest of a lawyer who was acting for the complainant against certain accused persons, who were charged by the HAWKS but the charges were provisionally withdrawn by the National Director of Public Prosecutions (NDPP). On the face of it the matter fell to be investigated under Section 17L (4) (a) of SAPS Act. The investigation is pending.
8. The twelfth complaint with Ref: 12/08/2014, from a senior member of HAWKS against senior member of National Investigation Unit of the SAPS, which is dated 5 August 2014 relates to scramble for dockets between Hawks in Gauteng and unauthorised transfer of dockets from HAWKS to the National Investigation Unit. The matter fell to be investigated in terms of Section 17L (4) (b) of SAPS Act. The investigation is pending.
9. The thirteenth complaint with Ref: 13/08/2014 against senior members of the HAWKS and a member of South African Police Service, which is dated 11 August 2014, relates to allegations of abuse of power and unlawful arrest. On the face of it the matter fell to be investigated in terms of Section 17L (4)(b) of SAPS Act. The investigation is pending.
10. The fourteenth complaint with Ref: 14/10/2014, against a senior member of the HAWKS in the Western Cape. The complaint is dated 24 October 2014 and relates to allegations of unprofessional and irregular conduct. The investigation is still pending.

11. The fifteenth complaint with Ref: 15/10/2014 from a member of the public which is dated 26 October 2014, relates to allegations of corruption against DPCI members at New Brighton area, Port Elizabeth. On the face of it the complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation was completed during this period. The Office of the DPCI Judge could not be provided with evidence as required by Section 17L (4)(a) of SAPS Act nor could the violation of the rights of the complainant be established during the course of our investigation. The file was accordingly closed.
12. The sixteenth complaint with Ref: 16/11/2014 from anonymous complainant against senior members of the HAWKS in Kwa-Zulu Natal, which is dated 12 November 2014 relates to allegations of improper investigations. The complainant alleged that the kingpins of syndicate defrauding SARS money through tax returns were not arrested and his constitutional right to give a warning statement was unlawfully infringed by members of the HAWKS. On the face of it, the complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The complaint was referred; in terms of section 17L (5), to the National Head of the HAWKS for attention, consideration and for further action, if necessary. The matter is still pending.
13. The seventieth complaint with Ref: 17/12/2014, which is dated 10 December 2014 relates to allegations of illegal fronting and abuse of power levelled against a private entity and a para-statal body. On the face of it the matter fell outside the scope of our mandate but before we could make a definite finding, we had to obtain further information. The investigation was completed and the matter was formally referred to the Public Protector for her attention, consideration and for further action in terms of Section 17L (5) of SAPS Act. The Final Report was submitted to the Minister of Police in compliance with Section 17L (6) of SAPS Act. The file was accordingly closed.

14. The eighteenth complaint with Ref: 18/12/2014, which is dated 13 December 2014 relates to allegations of unlawful arrest, abuse of power and improper use of state resources levelled against a senior members of the HAWKS in Gauteng. It fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The complainant has been charged and the matter is pending before Court. On the finalisation of the court case, we will be able to complete our investigation. The matter therefore is still pending.
15. The nineteenth complaint with Ref: 19/01/2015, which is dated 5 January 2015, relates to allegations of illegal eviction levelled against a member of the family and access to his biological children levelled against the foster parents. On the face of it the matter fell outside the scope of our mandate but before we could make a definite finding we had to obtain further information. The investigation was completed and we submitted a Final Report to the Minister of Police in March 2015 in compliance with Section 17L (6) of SAPS Act. The question of access to the children was formally referred to the Foster Parents Unit of the Department of Social Development in Gauteng. The complainant was informed of our findings and the file was accordingly closed.
16. The twentieth complaint with Ref: 20/02/2015, which is dated 2 February 2015, relates to allegations of unlawful arrest and cover up levelled against the members of Hazyview Police Service. On the face of it the matter fell outside the scope of our mandate but before we could make a definite finding we had to obtain further information. The investigation is in progress.
17. The twenty-first complaint with Ref: 21/03/2015, which is dated 3 March 2015, relates to allegations of service delivery levelled against members of the HAWKS in Nelspruit. It fell to be investigated in terms of Section 17L (4) (a) of SAPS Act. Our investigation revealed that members of the HAWKS had completed their investigation and the

case was submitted to the Prosecutor for a decision whether to prosecute or not. The Final Report to be submitted to the Minister of Police will be compiled.

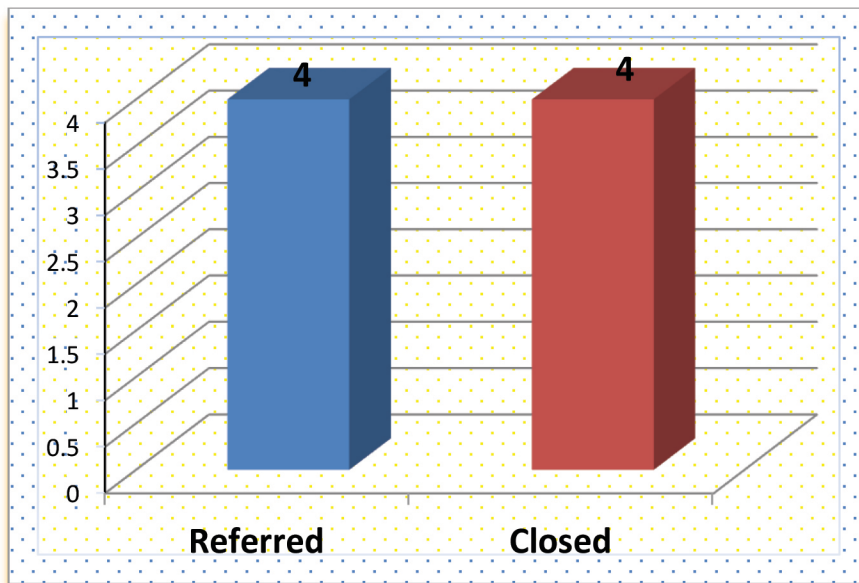
Graph 6 below depict number of complaints received



During the period under review, fourteen complaints were received, registered and allocated to investigators for further investigations. From the fourteen complaints received, thirteen were from members of the public to be investigated in terms of Section 17L(4)(a) of SAPS Act, and one complaint from a member of the HAWKS to be investigated in terms of Section 17L(4)(b) of SAPS Act.

Disposal of Complaints

Graph 7 below depicts referred and closed of complaints



During this period of the fourteen complaints received, four were formally referred in terms of Section 17L (5) of South African Police Services Act (SAPS ACT) to other institutions that have mandate to investigate such complaints. All four complaints referred were closed.

PERFORMANCE INFORMATION IN TERMS OF STRATEGIC OBJECTIVES OF 2014/2015

During the period, the office developed an Annual Performance Plan which is linked to the Strategic Plan to guide our performances and to enable employees to meet the targets as set out in terms of the Strategic Objectives.

- **Case Management System**

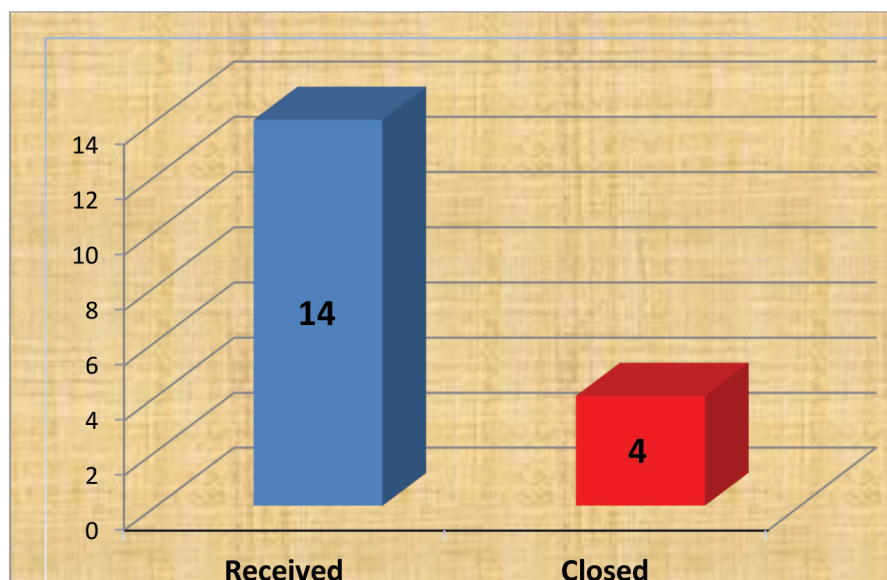
A reliable system was introduced for registration, allocation, tracking, management and reporting of investigations, generation of statistical information and analysis. During the period under review, we received fourteen new complaints from the complainants for our attention and consideration. All complaints were subjected to our internal process which is in line with our strategic objective. For all fourteen complaints, files were opened, registered in the Complaints Register and allocated to the

investigator within 48 hours in compliance to the strategic objective of the Office of the DPCI Judge. The output was 100% exceeding the target of 80%.

- **Completed Investigations**

Completed investigations of complaints must be in line with the provisions of Section 17L of SAPS Act. Four (4) investigations were completed from a total of fourteen (14) complaints received during this financial year. The output is 28, 6%, and the target was not met as set out in the strategic objective.

Graph 8 below depicts number of complaints received and closed



Furthermore three backlog complaints which were carried over from the previous financial year of 2013/2014 to the current financial year of 2014/15 were completed during the period under review. According to the strategic objective; we are required to complete 50% of backlog complaints/cases. In this financial year all three backlog complaints were completed and the target met was 100%.

Reasons why target was not met

The following factors contribute to the reasons why the target was not met:

- During this period under review, we were busy establishing ourselves as a new structure and focused mainly on setting up the offices, appointing

personnel and systems.

- We were on the extensive campaign to raise awareness of the role and functions of the Office of the DPCI Judge by engaging with the public, members of the HAWKS, stakeholders, media and different role-players.
- Most of complaints were received towards the end of the financial year.
- Most of the complaints, complainants were charged criminally and we have to wait for the finalization of the criminal cases at court. In order for us to make a definite finding in our investigation, we were obliged to wait for the finalization of the court case.
- Some of the complaints did not fall within the scope of our mandate.
- In some of the complaints we did not get full cooperation from both complainants and respondents.
- The Office of the DPCI Judge was short staffed and has to prioritize the employment of additional staff members in particular the investigators and Administrative Officer to enable it to execute its mandate.

Reports to the Minister of outcome of investigations in terms of Section 17L (6) of SAPS Act.

Reports are submitted to the Minister in terms of Section 17L (6) of SAPS Act, informing him of the outcome of the investigations conducted. According to the strategic objective, we are required to submit recommendation reports to the Minister of the outcome of our findings within 30 days after completing the investigations. During this period four reports of new complaints and three reports from backlog complaints were submitted to the Minister within 30 days after completing the investigations in terms of Section 17L (6) of SAPS Act. The output was 100% exceeding the target of 80%.

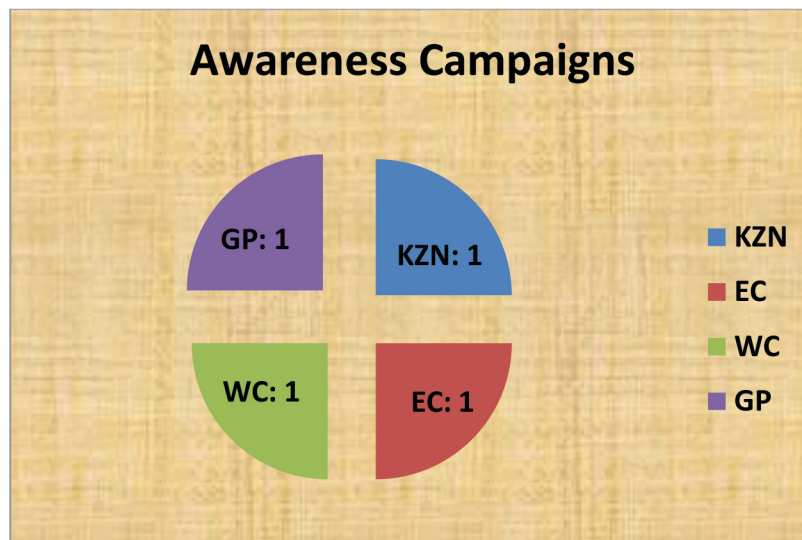
Graph 9 below depicts number of Reports submitted to the Minister in compliance to subsection 17L (6) of SAPS Act



- **Public awareness campaigns**

Campaigns are aimed to increase awareness of the role and functions of the Office of the DPCI Judge. A total of four public awareness events were conducted at four provinces namely, (1) Kwa-zulu-Natal, (1) Eastern Cape, (1) Western Cape and (1) Gauteng aimed to promote the role and functions of the Office of the DPCI Judge. We were also invited to two (2) provincial events organised by the Western Cape Province. Two (2) Media articles about the role of the DPCI Judge were published in the Mercury Newspaper, PSM and media briefing was done in Kwazulu Natal on 11 November 2014. We were able to conduct four (4) awareness campaigns nationally and the target achieved was 67%. We were not able to cover all the provinces due to the fact that some of the key stakeholders were not available and others had prior commitments. However the remaining provinces would be done in the next financial year.

Graph 10 below depicts provinces which awareness campaigns were conducted



- **Stakeholder Engagement**

Engagement with major stakeholders and the community based organisations received focus during the period under review and the DPCI Judge was able to conduct more than 30 meetings with various stakeholders and different role-players aimed to clarify and promote the functions and role of the DPCI Judge. In terms of strategic objective we are required to have six meetings with stakeholders but we exceeded the target of 6 meetings and the output is 100%.

Graph 11 below shows number of meetings held with various stakeholders



- **Performance Management System**

A performance measurement and reporting system that support management decision making and that makes the Office of the DPCI Judge to comply with the internal and external accountability reporting in line with legislative requirements.

Total of four Quarterly Reports, two Bi-Annual Reports for each official, operational plan, and Annual Report composed of the four Quarterly Reports were submitted to Secretariat as required and the output of 100% was achieved.

Trends observed arising from investigated complaints

- From the complaint with Ref: 10/06/2014 in this matter it was observed firstly, that the police are being used by Financial Institutions in order to execute functions by the police which are essentially civil matters in nature and falls outside the functions and duties of SAPS; and. secondly, that proper protocols and procedures need to be established to regulate under what circumstances and authority members of SAPS are permitted to investigate cross-border complaints in another sovereign country.
- From the complaint with Ref: 15/10/2014, in this matter it appears that the member of the public has stumbled on the allegations of misconduct on the part of the members of the HAWKS. He was not prepared to disclose the source of his information to enable us to investigate the matter as the allegations are serious. It appears that he was protecting his source or on fishing expedition to ascertain whether any such case or cases was/were reported to and investigated by IPID. On being requested by the Office of the DPCI Judge to whom the matter was referred to by IPID to substantiate the allegations, there was complete silence and no response. One needs to guard against media personnel and reporters going on a fishing expedition hoping to get information from unsuspected oversight bodies.
- It was observed from the complaints with Ref: 17/12/2014 and Ref: 19/01/2015, it appears that members of the public are somewhat ignorant of the roles played by the various oversight bodies including the Chapter 9 institutions. The oversight bodies together with the Chapter 9 institutions with the assistance of the Department of Communications must undertake and embark on collective drive to create awareness of their respective mandates, roles and functions. This will to a large extent obviate complaints being sent to an oversight body that does not have jurisdiction to investigate such complaints.
- From the complaint with Ref: 08/04/2014, which is linked to complaints with Ref: 11/06/2014 and Ref: 13/08/2014, it was observed that the members of the HAWKS are being used by business people in order to fight their civil disputes which can cause the HAWKS to be side-tracked waste valuable resources and divert their time and energies to matters which fall outside their area of competency.

- Arising from the complaint with Ref: 12/08/2014, it was observed that there is friction and unhealthy competition between the members of the HAWKS and the detectives from the National Investigative Unit, which compromised service delivery in fighting crimes and corruption. There should be co-operation between the two units to avoid waste of resources and remove an element of competition.

RECOMMENDATIONS

It is recommended that:

- Section 17L of SAPS Act; be amended to provide Office of the DPCI Judge with wider powers, besides those pertaining to SAPS, the following additional powers:
 - (i) obtaining information and documents under the control of individuals, public and private entities and institutions;
 - (ii) entering any building or premises under the control of members of the public and public and private entities and institutions in order to obtain such information and documents and the power to search for and seize such information and documents;
 - (iii) shall be entitled to all reasonable assistance by members of the public and members of public and private entities and institutions in the performance and execution of their functions and duties;
 - (iv) sanctions to be imposed in the event of the refusal by any person, entity or institution to comply with the reasonable request of the Office of the DPCI Judge and/or obstructing an authorised member of the Office of DPCI Judge in the performance and execution of his or her duties or functions;
- The Regulations promulgated under Section 17L of the SAPS Act be extended to regulate firstly, the conduct arising from the additional powers given in line with (i), (ii), (iii) and (iv) of the first bullet above; and secondly, to make the scope and operation of the Office of the DPCI Judge with regard to its oversight and investigative role more effective and efficient;

- There should be synergy and clear defined mandates between the members of Hawks and National Investigation Unit (detective branch) of SAPS to avoid unnecessary friction and competition.
- There should be clear authority and protocols within the South African Police Service to transfer cases from one unit to the other.
- Proper protocols and procedures to be established under what authority, circumstances and procedures cross-border investigations are to be conducted by members of SAPS in sovereign countries.
- Financial institutions and other private entities are abusing members of SAPS in using them to illegally repossess vehicles which have been sold in terms of the Credit Sales Agreement or which have been leased in terms of a Lease Agreement. Criminal charges are laid ostensibly on the basis of fraud and/or theft and once the vehicles are recovered by the Police, the charges are withdrawn. This causes considerable waste of SAPS resources and man-hour losses. There are obviously genuine cases of fraud and/theft of vehicles but many cases do not justify criminal investigation and repossession of vehicles should recovered by means of civil procedure and not criminal procedure. That the National Commissioner introduces protocol to avoid the undesirable practice of civil matters being treated as criminal matters.

