



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

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**ANNUAL REPORT OF THE OFFICE OF THE DPCI JUDGE
FOR THE PERIOD 1 APRIL 2015 TO 31 MARCH 2016
SUBMITTED TO THE HONOURABLE MINISTER OF POLICE,
NKOSINATHI NHLEKO
BY
JUDGE ESSA MOOSA
HEAD OF THE OFFICE OF THE DPCI JUDGE:
FOR TABLING BEFORE
THE NATIONAL ASSEMBLY AND NATIONAL COUNCIL OF PROVINCES
OF
THE SOUTH AFRICAN PARLIAMENT
(IN COMPLIANCE WITH SECTION 17L (9) OF SOUTH AFRICAN POLICE
SERVICES ACT, NO: 68 OF 1995)**



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Foreword by the Minister

The Annual Report reflects the work done by the Office of the DPCI in the financial year 2015/2016. Civilian oversight on the security offices is crucial to sustain democracy. The Office of the DPCI Judge keeps the functioning and conduct of the HAWKS in check.

Recently we have launched the office at Parliament where we informed our strategic stakeholders, role-players and partners of the existence and functioning of the Office of the DPCI Judge.

We will continue to support the Office of the DPCI Judge with all necessary resources to deliver on its legislative mandate. The Annual Report indicates the achievements and challenges facing the office in the period under review. Judge Essa Moosa has laid a solid foundation in which the next successor will build on moving forward.

I would like to convey my gratitude to the management and staff of the Office of the DPCI Judge for the hard work and commitment displayed during the difficulties.

It is my pleasure to table the Office of the DPCI Judge's Annual Report for 2015/16.

Hon.Minister NPT Nhleko

Minister of Police

Date

26/09/2016

Appointed by the Minister of Police in terms of section 17L of the South African Police Service Act, 1995, (Act No. 68 of 1995)



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PREFACE TO ANNUAL REPORT

This is the Fourth Annual Report of the Office of the DPCI Judge to Parliament in compliance to Section 17L (9) of SAPS Act, No: 68 of 1995, as amended, since its inception.

This annual report covers the period 1st April 2015 to 31st March 2016. During the period under review our main tasks were to continue with our efforts to secure permanent offices, to appoint personnel, to conduct awareness campaigns in the five remaining provinces and to officially launch the Office of the DPCI Judge.

We managed to secure permanent offices in Pretoria during the month of May 2015 and appointed additional staff to capacitate the office. The Honourable Minister Nkosinathi Nhleko also successfully launched the Office at National Parliament, in Cape Town where its existence was proclaimed as fully operational.

During the period under review, we continued with our awareness campaigns and held meetings with our key strategic stakeholders, role-players and partners which resulted in the conclusion of Memorandums of Understanding to enhance co-operations and collaborations.

The number of complaints has increased gradually compared from the previous years which indicate that the people are becoming aware of the existence of the office. The majority of complaints are from members of the public against members of the HAWKS. However, it is still our concern that complaints from members of the HAWKS are few.

Our operational budget expenditure has increased from the previous financial years and this can be attributed to the securing of permanent offices and appointment of personnel.

Appointed by the Minister of Police in terms of section 17L of the South African Police Service Act, 1995, (Act No. 68 of 1995)

I would like to convey my gratitude to the Acting Secretary of Police, Mr Alvin Rapea our Accounting Officer for the preparation of the Annual Operational Budget of the Office of the DPCI Judge under the budget of the Secretariat. I would also take this opportunity of expressing sincere thanks to Ms Pinda Ntsaluba for playing a strategic role to market the Office of the DPCI Judge in compliance with Section 17L (15) of the SAPS Act.



JUDGE ESSA MOOSA

HEAD OF OFFICE OF THE DPCI JUDGE

DATE: 22/09/2016



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THE ANNUAL REPORT FOR THE PERIOD FROM 1 APRIL 2015 TO 31 MARCH 2016

INTRODUCTION

This is the Fourth Annual Report from the Office of the DPCI Judge (Complaints Unit for the Directorate for Priority Crime Investigation (DPCI)) and covers the period 1 April 2015 to 31 March 2016. The First Annual Report was prepared by Judge B. Pillay, the previous incumbent of the Office of the DPCI Judge, who held the Office from the period 15 May 2010 to 15 May 2011, and covered the period of his tenure. The Second Annual Report which covered the period from 1 September 2013 to 31 March 2014 and the Third Annual Report which covered the period from 1 April 2014 to 31 March 2015, were prepared by the present incumbent namely, Judge Essa Moosa.

During the period under review our key priorities were the appointment of personnel, installation of internet, briefing of the Parliamentary Portfolio Committee on Police the Third Annual Report, securing permanent offices in Pretoria, installation of landlines in Pretoria office, purchase of office furniture, launch of the Office of the DPCI Judge, continue raising awareness campaigns and investigation of complaints.

MANDATE OF THE OFFICE OF THE DPCI JUDGE

Our primary function is to provide oversight over the investigations conducted by the Directorate for Priority Crime Investigation (DPCI) commonly known as 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 conducted 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 the members of the HAWKS in respect of improper influence or interference with their investigation, either political or otherwise, 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 that is 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 Directorate for Priority Crime Investigation is established in terms of Section 17C of the South African Police Service Act, No: 68 of 1995 (SAPS ACT) as amended. The function of the HAWKS is to prevent, combat and investigate national priority offences, in particular serious organised crime, serious commercial crime and serious corruption.

OUR FOUNDING CHARTER

Our founding charter is set out fully in Section 17L of the SAPS Act. The sub-section 17L (1)(a) provides that the Minister of Police shall, in consultation with the Minister of Justice and the Chief Justice, appoint a retired Judge to investigate complaints referred to in sub-section 4.

VISION, MISSION AND OBJECTIVES OF THE OFFICE

(i) Vision

The vision of the Office of the DPCI Judge is to:

- Achieve a society which is crime and corruption free through maximising the integrity of the investigations conducted by the HAWKS; and

- Ensure that the integrity of the investigations conducted by the HAWKS reflect the values enshrined in our Constitution.

(ii) Mission

The mission of the Office of the DPCI Judge is to:

- Execute an oversight role in respect of the investigations conducted by the HAWKS in an effective and efficient manner;
- Promote and protect the basic human rights of the members of the public arising from the investigations conducted by members of the HAWKS;
- Safeguard and secure members of the HAWKS against improper influence or interference, whether political or otherwise, by any person or persons; and
- Create an environment in which members of the HAWKS can conduct their investigations without fear or favour.

(iii) Objectives

- The objective of the Office of the DPCI Judge is to maximise the integrity of the investigation conducted by the HAWKS and safeguard their independence from improper influence or interference political or otherwise either political or otherwise.

(iv) Values and principles

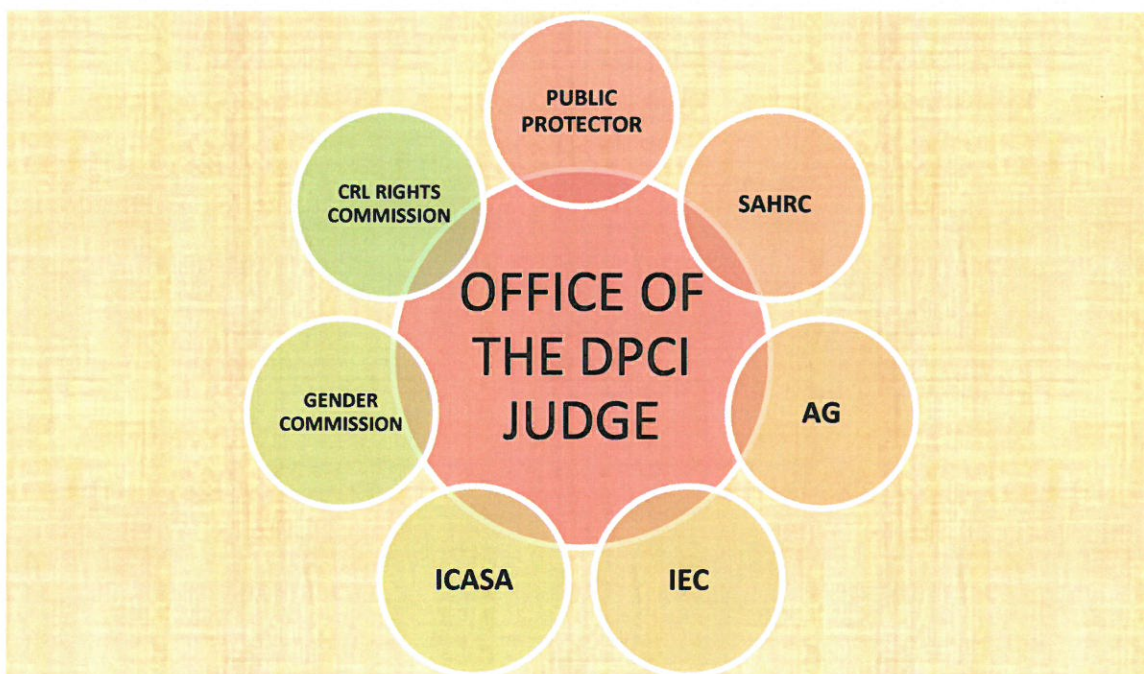
- The values and principles to which the Office of the DPCI Judge subscribes are those values that are set out in the Constitution and more particularly the values of freedom equality and Human dignity and the principles of accountability, transparency, impartiality and independence.

POWERS OF THE DPCI JUDGE

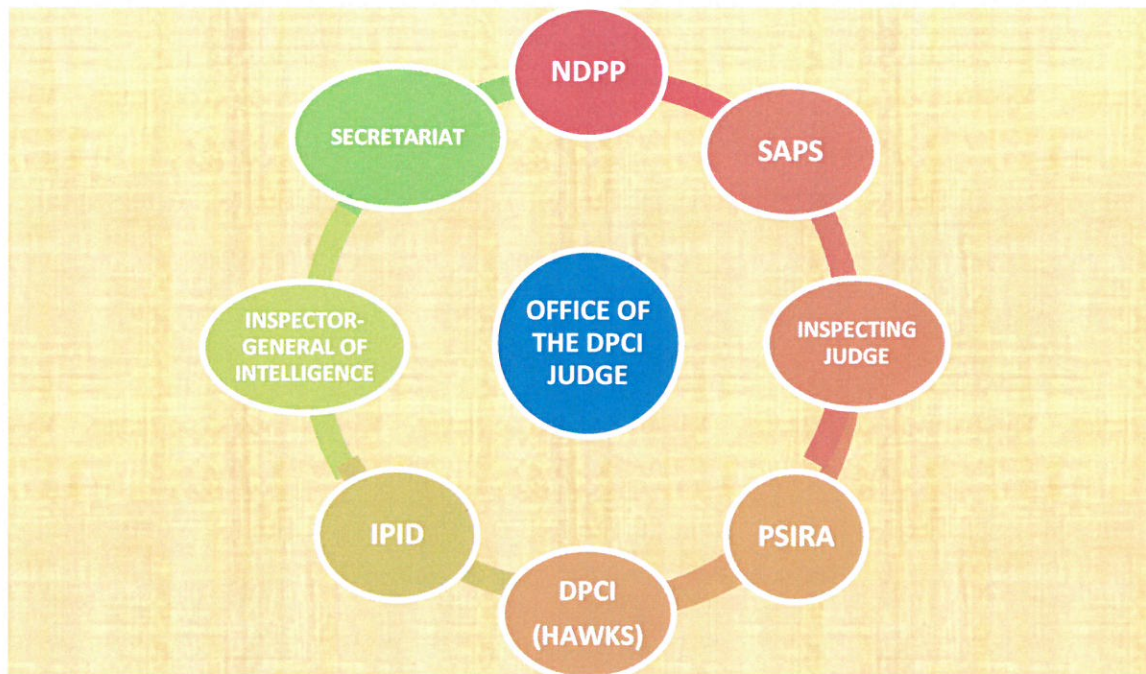
The Office of the DPCI Judge has the following powers:

- 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 the DPCI; (iv) National and Provincial Commissioners and
- any of the Chapter 9 institutions.

Graph 1: Below depicts 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 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 a fine and imprisonment of two years.

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

ADMINISTRATION

SECURING OF OFFICES

During the period under review, the Office of the DPCI Judge secured permanent offices in Pretoria with effect from the 14 May 2015. The premises are centrally situated at Protea Towers Building, 1st Floor, 246 Paul Kruger Street, Pretoria. The office is easily accessible to members of the public who make use of public transport and it is located next to the main street. The Cape Town Office was established during the previous financial year, located at Pinnacle Building, 9th Floor, cnr Burg and Strand Street, Cape Town which is easily accessible to people who make use of public transport.

PROCUREMENT OF OFFICE FURNITURE

During July and August 2015 office furniture and other equipment necessary for the operation of the office were purchased and delivered.

INSTALLATION OF LANDLINES AT PRETORIA OFFICE

The landlines were installed at Pretoria Office during the period June – August 2015, to enable the Office to operate more efficiently and to communicate with members of the public and stakeholders.

APPOINTMENT OF PERSONNEL

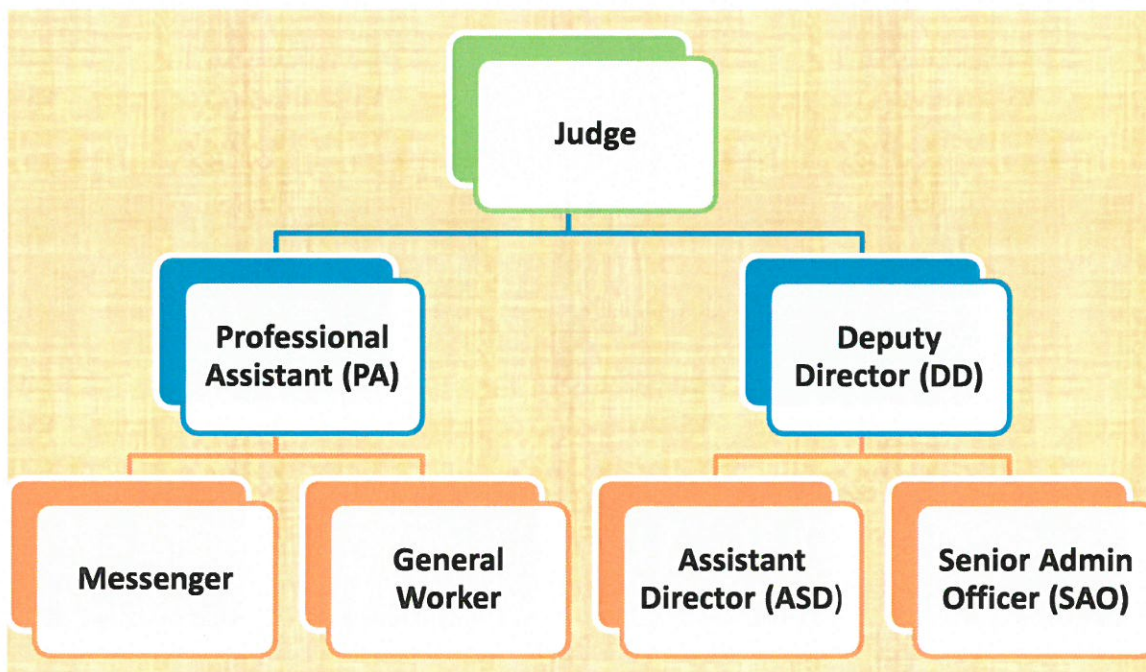
We appointed three new officials with effect from the 1 April 2015. It was the appointment of Mr Lesetja Mothibe, the Assistant Director of Investigations based in

Pretoria office, and two contract posts based in Cape Town office of Mr Peter-John Paul West as Driver/ Messenger and Ms Ntombizandile Agnes Mbenyana as a General Worker. The contract posts are linked to the tenure of office of the retired Judge.

The interviews for the post of Security Officer and General Worker for the Pretoria Office were conducted on 08th October 2015, but the appointment was put on hold due to cost cutting and saving measures implemented by the department. Pursuant to the above, we were advised to delay the appointment until the new financial year.

Organogram

Graph 3: Below depicts an organogram of 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 the other in Pretoria. The Cape Town Office is the office where the present Judge is located. It provides strategic direction for the Office of the DPCI Judge, whereas the Pretoria Office is the investigative and administrative office.

- **Cape Town Office**

The Cape Town Office houses the retired Judge which is the Head of the Office of the DPCI Judge and his Professional Assistant, Messenger and General Worker. All posts are linked to the tenure of the Office of the DPCI Judge. The Office of the retired Judge may rotate with the incumbent who may not want to relocate and prefer the Office to be relocated in the area where he or she resides.

- **Pretoria Office**

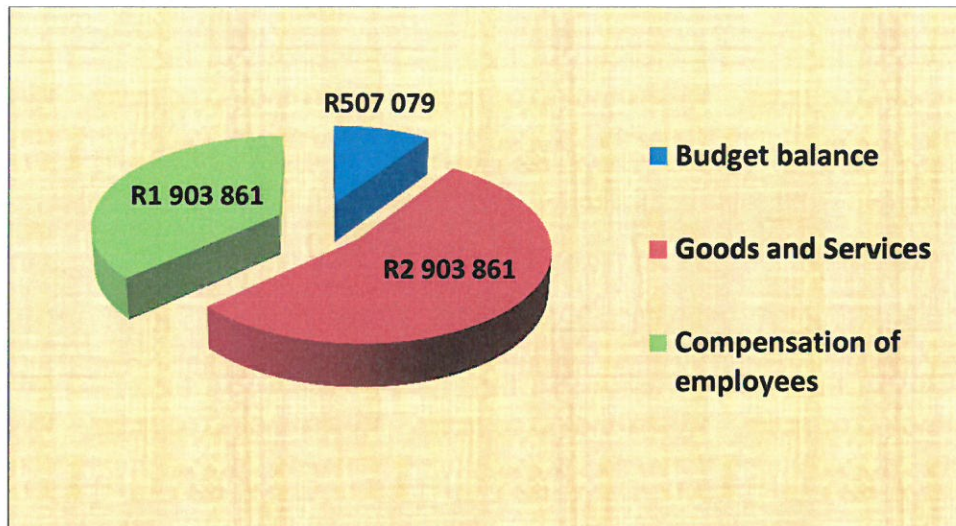
The Pretoria Office personnel are permanent employees and comprises presently of three members, namely a Deputy Director Investigations, Assistant Director Investigations and Senior Administrative Officer. The terms and conditions of their employment are governed by the Public Service Act.

ANNUAL OPERATIONAL BUDGET

The total amount budgeted for the year under review was R5, 581 000-00. The total amount spent was R5, 073 921-00. The breakdown of the expenditure is as follows: Compensation of employees: R1, 970 112-00; goods and services total is R2, 903 861-00. The balance is R507 079.

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

Graph 4: Below depicts the budget expenditure and balance



INSTALLATION OF INTERNET

The endeavours to install internet to the Pretoria Office by Telkom were continuing in order to set up the photocopy machines with scanning, faxing, e-mails and printing services.

WEBSITE

The website was created in the previous financial year and new contents are uploaded.

BRIEFING OF PORTFOLIO COMMITTEE ON POLICE OF THE THIRD ANNUAL REPORT

On 27th November 2015, the Third Annual Report was tabled and presented to the Portfolio Committee on Police. This was the Performance Report submitted to Parliament in compliance to Section 17L (9) of SAPS Act which covered the work done during the period 1 April 2014 to 31 March 2015. Judge Essa Moosa briefed the Committee on the primary function of the Office of the DPCI Judge which is to provide oversight over the investigation conducted by the HAWKS.

He indicated to the Committee that the tasks of the Office during the period under review were mainly to establish the offices, to embark on awareness campaigns to

inform members of the public and HAWKS of our role and function, brief our stakeholders and role-players, setting up administrative systems and investigate complaints.

He briefed the Committee on how the Office spent part of the budget and how it attributed the huge savings due to the fact that it was in the process of setting offices and there were no expenditure in respect of Office rental. No, office equipment and furniture could be acquired for the Pretoria Office, the full complements of the staff requirement for both Cape Town and Pretoria could be appointed. We could not print our stationary and marketing material because of the lack of permanent Offices and contacts particulars and considerable delays were occurred because we had to follow legal procurement procedures.

As far as investigation of complaints was concerned, he said that the office received a total of fourteen complaints, of which thirteen were received from members of the public and one from a member of the HAWKS.

As far as awareness campaigns are concerned, the office conducted six provincial campaigns and left with three provinces namely Northern Cape, Free State and Mpumalanga. He also briefed the Committee on the trends identified arising from the investigations conducted and recommendations made for purposes of policy considerations and service delivery.

He concluded by indicating that the Office is now fully operational, with necessary offices, staff and infrastructure. Judge also indicated to the Committee that the Office would be able to improve on the performance with regard to the investigation of complaints.

MEETINGS

During the period under review a series of meetings were held by the Office of the DPCI Judge with stakeholders as follows:

Meeting with Independent Communication Authority of South Africa (ICASA)

The first meeting was held on 2nd October 2015, in Pretoria office with ICASA. Judge Moosa briefed the representative of ICASA of the role and function of the Office of the DPCI Judge in terms of Section 17L of South African Police Service Act (SAPS Act). It was agreed to conclude a Memorandum of Understanding between the two institutions that will regulate their working relationship in terms of referral of complaints that falls within their respective mandates.

Meeting with Secretariat for Police

The second separate meeting was held on the 2nd October 2015, in Pretoria at Civilian Secretariat for Police between the Acting Secretary of Police and Judge Moosa. The purpose of the meeting was to discuss the working relationship between the staff of Civilian Secretariat for Police and the staff of the Office of the DPCI Judge. It was agreed that a workshop to harmonise relationship between the two Offices must be organised.

Meeting with Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission)

The third meeting was held on 05 October 2015, with the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities in Braamfontein, Johannesburg. The purpose of the meeting was to brief the Commission on the function of the Office of the DPCI Judge and to enter into the Memorandum of Understanding to enhance co-operation and to regulate their working relationship.

Meeting with Independent Electoral Commission (IEC)

The fourth separate meeting was held on 05 October 2015, in Pretoria Office with IEC. Judge Moosa briefed IEC of the role and functions of the Office of the DPCI Judge and the IEC did likewise. Subsequently the parties agreed to enter into a Memorandum of Understanding that would regulate their working relationship particularly on the aspect of referral of complaints to each other.

Meeting with Auditor-General of South Africa

The fifth meeting was held on 14 October 2015, at Cape Town Office between Judge Moosa and the Auditor-General of South Africa. The purpose of the meeting was to discuss complaints that fall under the mandate of each other. It was agreed that should the Auditor-General unearth any irregularity that falls under the mandate of the Office of the DPCI Judge during its auditing function, it shall refer such complaint to us, and should we receive any complaint which falls under the jurisdiction of the Auditor-General, we shall refer complaint to it.

Meeting with State Security Agency

The sixth meeting was held on 20 October 2015, at Cape Town office between Judge Moosa and the State Security Agency. The meeting discussed the vetting of officials and classification of documents.

Meeting with Secretariat for Police

The seventh separate meeting was held on 18 December 2015, at Pretoria between Judge Essa Moosa and the Acting Secretary of Police, Mr Alvin Rapea. The meeting discussed various issues namely, the renewal of lease agreement for Cape Town Office and from which budget the rental is paid, the launch of the Office of the DPCI Judge, the approved structure of the Office of the DPCI Judge and the identification cards for the investigators.

Meeting with Independent Police Investigative Directorate (IPID)

The eighth meeting was held on 15 January 2016, at Cape Town Office between Judge Essa Moosa and the Acting Executive Director of Independent Police Investigative Directorate (IPID), Mr Israel Kgamanyane. The meeting was subsequent to circular letter we sent to all oversight bodies (Complaints Structures) to provide us with statistic of complaints received by them that falls under our mandate. IPID sent us statistics of cases they investigated which involved member of the HAWKS. During the financial year 2014/2015, IPID investigated a total of sixteen cases that involved members of the HAWKS for the following offences:

murder, assaults, torture, defeating the ends of justice, pointing of firearm and misconduct. For the period 1 April 2015 to 30 September 2015 only two cases were investigated for murder and torture.

MEETINGS WITH ENTITIES REPORTING TO THE MINISTRY OF POLICE

During this period in September 2015, two meetings were held in Pretoria at the offices of the Civilian Secretariat for Police. The first meeting was held on 15 September 2015, at Pretoria between the entities reporting to the Ministry of Police namely: SAPS, DPCI, IPID, PSIRA and Civilian Secretariat for Police. The second follow up meeting was held on the 16 September 2015. The meeting was convened by the spokesperson of the Ministry of Police, Mr Musa Zondi. It was agreed in those meetings that the awareness campaigns for all entities reporting under the Ministry of Police would be handled at the Communication Office of the Ministry led by Mr Musa Zondi. The above meeting were attended by the Communications Officers of all the entities reporting to the Minister of Police. The Office of the DPCI Judge was represented by Mr Lesetja Mothibe. It was agreed in that meeting that a forum for the spokespersons of all entities reporting to the Minister of Police should be established and also that when there are awareness campaigns all entities should attend the events.

MEDIA INTERVIEW AND ARTICLES

On 13th August 2015, Judge Essa Moosa accompanied by his staff conducted an interview on *DSTV Channel ANN7*, in Midrand, Johannesburg to market the Office of the DPCI Judge. The interview was flighted on the programme called *Straight Talk*.

Furthermore, advertorials were published in August 2015 on *Leadership Business Magazine* and *SAWUBONA SSA inflight magazine* to raise awareness of the Office of the DPCI Judge.

On 16 March 2016, the Cape Times Newspaper published an article titled “*Moosa’s oversight office to keep HAWKS in check*”. The publication was subsequent to the official launch of the Office by the Honourable Minister of Police at Parliament.

On 30 March 2016, a separate article titled *“From Just Helping to Judging: He argued in favour of his clients to keep them out of jail and found himself the one making the decisions”* was published on the New Age Newspaper. The publication reported on the profile and life of Judge Essa Moosa.

PUBLICATION OF BOOKLET OF DPCI JUDGE

A booklet of the Office of the DPCI Judge was compiled in consultation with the Communication Unit of the Civilian Secretariat for Police. The booklet is to be published in English and also translated into indigenous languages namely isiXhosa, isiZulu, Sesotho and Afrikaans. The aim of publishing the booklets in various languages is to ensure that our message reaches all people in rural and urban areas. Ten thousand copies of booklets, which comprised of two thousand copies per language, were printed.

MARKETING OF THE OFFICE

PUBLIC AWARENESS CAMPAIGNS

During the period under review, as part of marketing the Office of the DPCI Judge, two separate awareness campaigns were held in Limpopo and North West Provinces.

Awareness Campaign in Limpopo

Preparatory meetings for awareness campaigns in Limpopo

A series of preparatory meetings were held in Limpopo province between the Office of the DPCI Judge, Secretariat and various stakeholders to discuss and prepare the event.

The first preparatory meetings were held during the previous financial year. During the period under review a follow up preparatory meeting was held on 28th May 2015, at Ga-Mothapo village, Limpopo with representatives from South African Police Service (SAPS), Private Security Industry Regulatory Authority (PSIRA),

Independent Police Investigative Directorate (IPID) and Faith Based Organisation (FBO). The meeting discussed issues regarding the availability of the venue, transport, catering logistical arrangement and security for the event on 02 June 2015.

Awareness Campaigns event held on 02nd June 2015 in Limpopo Province

Subsequent to the above mentioned preparatory meetings, a series of gatherings with various stakeholders to raise awareness on the role and function of the Office of the DPCI Judge was held as follows:

The first gathering with stakeholders from Limpopo Province

During the period under review, a public awareness gathering was held at Limpopo Province on 2nd June 2015, at Strong Bible Tower Church, Ga-Mothapo Village, in Limpopo. The event was well attended comprised of regional structures of Limpopo Province.

Mr Edward Rasiwela addressed the gathering on the oversight role and function of the Office of the DPCI Judge in terms of Section 17L of SAPS Act. He then gave a Power Point Presentation which explained in more detail of the role and functions of the Office DPCI Judge as follows:

- **Mandate of the Office of the DPCI Judge**

Mr Rasiwela said that the mandate of the Office of the DPCI Judge is two-fold, the first one is to investigate complaints from any member of the public of a serious and unlawful infringement of his or her rights during an investigation conducted by the HAWKS and the other is the investigation of complaints from members of the HAWKS in respect of an improper influence or interference in their investigation either political or otherwise.

- **Investigations of complaints**

He said, whenever the Office of the DPCI Judge receives a complaint, such complaint will be subjected to our internal handling complaints system to

determine if the complaint falls within or outside the scope and mandate of our office. If the complaint does not fall within our mandate, it will be referred to other complaints structures that has mandate to handle such complaints.

- **Powers of the Office of the DPCI Judge**

Mr Rasiwela explained that the Office of the DPCI Judge is empowered to do the following during the course of investigations:

- To obtain information and documents under the control of SAPS;
- To enter any building or premises of SAPS in order to obtain such information and documents;
- Entitled to all reasonable assistance by any member of SAPS;
- May request an obtain information from the Prosecutor in so far as it may be necessary for the Office of the DPCI Judge to conduct an investigation, or
- If the complaint does not fall under the scope and mandate of the Office of the DPCI Judge, to refer such complaint to other institutions that have the power to investigate such complaint.

- **Accountability**

Mr Rasiwela said that the Office of the DPCI Judge is obliged to report the outcome of an investigation to the Minister of Police or any referral made of a complaint.

We are required to report annually to Parliament on the performance of the Office with regard to administrative issues, spending of budget, marketing of the Office and investigation of complaints.

- **Lodging of Complaints**

Mr Rasiwela explained the various ways of lodging complaints to the office namely in person, telephone, fax, e-mail, post or either visit any IPID office in the province and IPID personnel will ensure that such complaint is forwarded to us immediately.

- **Offences**

Mr Rasiwela explained that Section 17L of SAPS Act, provides that it is a criminal offence should members of the SAPS refuses to comply with the request of the Office of the DPCI Judge and to interfere with the work of the Office of the DPCI Judge. The punishment on being found guilty can be fine or imprisonment of two years or both to such fine or imprisonment.

In conclusion, Mr Rasiwela said that the Office of the DPCI Judge has two offices, one in Cape Town and the other in Pretoria.



Members of the public during the awareness campaign at Ga-Mothapo village, Limpopo.



Mr Edward Rasiwela addresses the delegates on the mandate of the Office of the DPCI Judge

Awareness Campaign in North West Province

Preparatory meetings for awareness campaign in North West Province.

The first preparatory meeting was held on 22 July 2015, at Archive and Library building in Mahikeng for a stakeholder engagement to be held on 30 October 2015, with representatives from Provincial Secretariat of North West Province. The purpose of the meeting was to introduce the initiative and to discuss the preparations for the event.

The second follow up preparatory meeting was held on 27 July 2015, at Rustenburg DPCI Conference room to engage with the team of Provincial Secretariat of North West Province. The purpose of the meeting was to discuss the project plan for the event and the target number of people to attend the event. It was agreed that a total of 2500 people including 100 VIP's should attend.

The third separate preparatory meeting was held on the 4 August 2015, at Archive and Library Building in Mahikeng, North West Province to discuss progress with regard to the preparations of the event. The meeting allocated responsibilities to different role-players for the forthcoming event.

The fourth preparatory meeting was held on 5 August 2015 at James Motlatsi Stadium under Matlosana Local Municipality in North West Province to engage the Office of the Speaker, Municipality officials and to view the venue if it is suitable.

The fifth preparatory meeting was held on 12 August 2015, at the venue, James Motlatsi Stadium, North West Province to assess the state of readiness of the event.

The sixth preparatory meeting was held on 14 August 2015, at the James Motlatsi Stadium, North West Province venue to assess state of readiness for the event. The meeting agreed to postpone the event because preparations for the event were not yet completed.

The seventh preparatory meeting was held on 22 October 2015 at the offices of Provincial Secretariat of North West Province. The meeting agreed on the new date for the event to 30 October 2015 and the venue was moved from James Motlatsi Stadium to Lehurutshe Civic centre in Zeerust because the North West Provincial government had booked the venue for its "*Setsokotsang Programme*" which aim to economical develop the areas under Ngaka Modiri district Municipality. It was agreed that outstanding issues, in preparing the event, should be finalised.

The eighth follow up preparatory meeting was held on the 28 October 2015, at Mahikeng, North West with the Provincial Secretariat to assess the state of readiness of the event. The meeting agreed to reduce the number of people to attend from 2500 to 1000 because of the budget constraints facing the National Civilian Secretariat for Police. In view of the budgetary constraints, the meeting agreed that National Civilian Secretariat for Police would only procure catering (lunch) and the Provincial Secretariat would cover the costs of other services.

The second gathering with stakeholders of North West Province

During the period under review, as part of marketing the Office of the DPCI Judge, an awareness campaign was held at Lehurutshe Civic Centre, Zeerust in North West Province on 30 October 2015. Judge Essa Moosa, Head of the Office of the DPCI Judge, briefed delegates on the role and functions of the office. He briefed the meeting on his profile and gave an opportunity to Mr Edward Rasiwela to give a Power Point Presentation which explains more details of the role and functions of the Office of the DPCI Judge as follows:

- **Mandate of the Office of the DPCI Judge**

Mr Rasiwela said that the mandate of the Office of the DPCI Judge is two-fold, the one is to investigate complaints from any member of the public of a serious and unlawful infringement of his or her rights during an investigation conducted by the HAWKS and the other is to investigate complaints from members of the HAWKS in respect of an improper influence or interference in their investigation which could be either political or otherwise.

- **Investigations of complaints**

He said that whenever the Office of the DPCI Judge receives a complaint, it will be subjected to our internal handling complaints system to determine if we have jurisdiction to investigate the complaint. The Office normally conducts preliminary investigation to ascertain if the complaint falls within or outside the scope and mandate of our office. If the complaint does not fall within our mandate it will be referred to other complaints structures that has mandate to handle such complaints.

- **Powers of the Office of the DPCI Judge**

Mr Rasiwela explained that the Office of the DPCI Judge is empowered to do the following during the course of investigations:

- To obtain information and documents under the control of SAPS;
- To enter any building or premises of SAPS in order to obtain such information and documents;

- To be entitled to all reasonable assistance by any member of SAPS; and
- To request and obtain information from the Prosecutor in so far as it may be necessary for the Office of the DPCI Judge to conduct an investigation.

- **Accountability**

Mr Rasiwela said that the Office of the DPCI Judge is obliged to report the outcome of an investigation to the Minister of Police and any referral of a complaint. We are required to report annually to Parliament on the performance of the office with regard to administration issues, spending of budget, marketing of the office and investigations of complaints.

- **Lodging of Complaints**

He explained the various ways of lodging complaints to the office namely in person, telephone, fax, e-mail, post or either visit any IPID office in the Province and IPID personnel will ensure that such complaint is forwarded to us immediately.

- **Offences**

Mr Rasiwela explained that Section 17L of SAPS Act, provides that it is a criminal offence should members of the SAPS refuse to comply with the request of the Office of the DPCI Judge and to interfere with the work of the Office of the DPCI Judge. The punishment on being found guilty can be fine or imprisonment of two years or both to such fine and imprisonment.

In conclusion, Mr Rasiwela said that the Office of the DPCI Judge has two Offices, one in Cape Town and the other in Pretoria.



Judge Essa Moosa addresses the delegates



Members of the public at an awareness campaign in Zeerust, North West Province

Stakeholder Engagement Session in Mpumalanga

Preparatory Meetings

The Stakeholder Engagement Session was scheduled to take place at Nelspruit, in Mpumalanga Province on the 20th April 2016.

The first preparatory meeting was held on the 23th February 2016, at Middleburg, Mpumalanga Province between Office of the DPCI Judge, National Civilian Secretariat Office, and Provincial Civilian Secretariat for Police. The purpose of the Stakeholder Engagement Session was to market the Office of the DPCI Judge and to profile the entities that report under Ministry of Police. The Office of the DPCI Judge was represented by the Assistant Director, Mr Lesetja Mothibe, whereas the National Civilian Secretariat for Police was represented by Mr Sello Manyama.

The second preparatory meeting was held on 17th March 2016, at Nelspruit. The meeting focused on allocating responsibilities to all representatives from various stakeholders. It was further agreed that Civil Society stakeholders such as South African National Civic Organisation (SANCO), Community Police Forum, House of Traditional Leaders, Faith Based Organisations and traditional leaders should be invited to send their delegates.

The estimated budget for the Stakeholder Engagement Session to be held in Mpumalanga is around R30, 000-00, which will cover mainly catering services. The Provincial Secretariat will incur the costs of other services.

Launch of the Office of the DPCI Judge

On the 15th March 2016, at National Parliament, Cape Town, the Honourable Minister of Police Nkosinathi Nhleko officially launched the Office of the DPCI Judge. The aim of the launch was for the Honourable Minister of Police to formally inform our strategic stakeholders and other role-players of the existence of the Office of the DPCI Judge and inform them that the office is fully operational. The cost for launching the office was about R41 000, 00. The event was well attended by various stakeholders mostly from regional structures of Western Cape Province.

Welcome of Delegates

The Acting Secretary of Police, Mr Alvin Rapea, welcomed all delegates from various stakeholders, strategic partners, role-players and government departments. He said that this was one of the occasions where the Ministry of Police displayed its

commitment by launching the Office of the DPCI Judge. He stated that policing must be based on human rights culture and community oriented approach. He further said that oversight does not happen in vacuum but workable collaborative relations needs to exist between all role-players. In the main, the Office of the DPCI Judge seeks to achieve a society which is corruption and crime free through maximising the integrity of the investigations conducted by the HAWKS and to ensure that they reflects the values enshrined of the constitution, he said.



Acting Secretary of Police, Mr Alvin Rapea welcomes delegates

Purpose of the Event

Judge Essa Moosa, the Head of Office of the DPCI Judge, said the purpose of the launch is for the Honourable Minister of Police, Nkosinathi Nhleko, to officially launch the Office of the DPCI Judge. He said that his office was established in line with Section 17L of the SAPS Act, and Parliament had established it to exercise oversight on the HAWKS. He further said his Office was set up to strengthen the integrity of the investigation conducted by the HAWKS and that people were welcome to lodge complaints.

He indicated that his Office has two offices, one in Pretoria and the other in Cape Town which are fully operational.

He further said that it is why the same legislation tasks the Civilian Secretariat for Police in terms of Section 17L (15) of SAPS Act to develop and implement a plan to raise awareness amongst the public and the members of the HAWKS on the functions and role of the Office of the DPCI Judge. Hence the involvement of the Secretariat in the launch of the Office of the DPCI Judge.

He said that it was the duty of every responsible citizen to educate members of the public of this crucial function, and our partners in the media would also help us in this regard. He stated that over the next few months, there would be a lot more steps to ensure that the Office of this importance receives the kind of marketing that it deserves. He also requested the organisations represented on this occasion to correctly refer appropriate complaints to this Office.

In conclusion, he invited all representatives to be partners in ensuring the success of this Office but more importantly, ensuring that we remain true to our noble idea of ensuring that power is held to account.



Honourable Minister of Police, Mr Nkosinathi Nhleko gives a keynote address for the launch of the Office of the DPCI Judge.

Signing of Co-Operative Framework

Mr Achimand Soman of Civilian Secretariat for Police facilitated the signing of the MoU pledge between the Office of the DPCI Judge and various stakeholders. He explained the significance of the pledge which is to enhance co-operation amongst the institutions in order to discharge the constitutional and/or statutory mandate within the respective parties.

He called upon all the representatives of the various institutions individually to come forward and sign the pledge. The formal signing of Memorandum of Understanding took place at the Minister's board room with the following institutions namely: South African Police Service (SAPS), Directorate for Priority Crime Investigation (HAWKS), Independent Police Investigative Directorate (IPID), Civilian Secretariat for Police (CSP), Public Protector, South African Human Rights Commission (SAHRC), Commission on Gender Equality (CGE), Independent Electoral Commission (IEC), Inspector-General of Intelligence (IGI), Cultural Religious and Linguistic Rights Commission (CRL Commission), Auditor-General of South Africa (AGSA), Independent Communication of South Africa (ICASA), Judicial Inspectorate for Correctional Services and National Director of Public Prosecutions (NDPP).



Mr Achimand Soman of Civilian Secretariat for Police



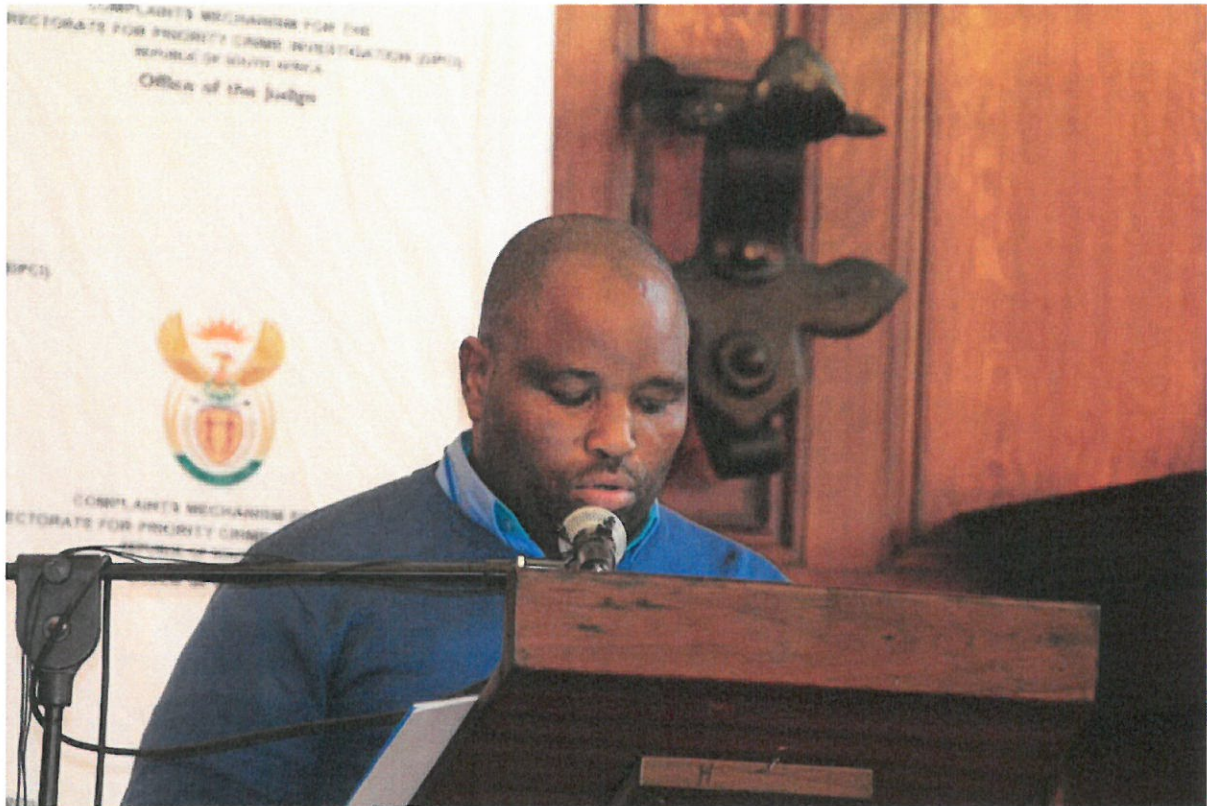
Signing of pledge by various stakeholders and role-players

Messages of support

Messages of support were delivered by the representatives from Western Cape Community Police Forum, South African National Civic Organisation and Khayelitsha Development Forum.



Ms Magdeline Moos, Western Cape Provincial Chairperson of Community Police Forum delivers message of support



Mr Sam Ndzunga, Western Cape Provincial Chairperson of SANCO delivers message of support



Mr Ndithini Tyhido of Khayelitsha Development Forum delivers a message of support

Vote of Thanks by the Chairperson of Portfolio Committee on Police

Mr Francois Beukman, the Chairperson of the Portfolio Committee on Police, thanked the Honourable Minister for launching the Office of the DPCI Judge. He further thanked Judge Moosa and all speakers on the program. He said that the Office of the DPCI Judge is an important institution that solidifies democracy in the country. He concluded by urging the public to make use of the Office and adjourned the event.



Honourable Chairperson of Portfolio Committee on Police, Mr François Beukman

INVESTIGATION OF COMPLAINTS

During the previous financial year, seventh complaints were carried over to the current financial year. The status of complaints received previously is as follows:

1. The complaint with Ref No: (ODJ) 08/04/2014 (C) relates to allegations of improper influence and interference by a senior member of the HAWKS in Gauteng with due process of law and constitutes 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 State Advocate has declined to prosecute. The investigation is completed and the Final Report was submitted to the

Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.

2. The complaint with Ref No: (ODJ) 10/06/2014 (C) relates to the alleged unlawful arrest against the 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 completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
3. The complaint with Ref No: (ODJ) 11/06/2014 (C) 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 completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
4. The complaint with Ref No: (ODJ) 13/08/2014 (C) relates to allegations of abuse of power and of unlawful arrest. On the face of it, the matter fell to be investigated in terms of Section 17L (4)(b) of SAPS Act. The NPA declined to prosecute in the matter. The investigation is completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
5. The complaint with Ref No: (ODJ) 18/12/2014 (C) relates to allegations of unlawful arrest, abuse of power and of improper use of state resources levelled against the 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 case was at Court on 01 October

2015 for trial. The case was further postponed to April 2016 for further hearing. The matter is still pending.

6. The complaint with Ref No: (ODJ) 20/02/2015 (C) relates to allegations of unlawful arrest and cover up. 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 Final Reports were submitted to the Minister of Police in compliance to Section 17L (6) of SAPS Act and accordingly the File was closed.
7. The complaint with Ref No: (ODJ) 21/03/2015 (C) relates to allegations of improper investigation. It fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation of the case is still pending.

During the period under review the following twenty-eighth (28) new complaints were received:

8. The complaint with Ref No: (ODJ) 22/05/2015 (C) relates to allegations of improper investigation. The Complainants alleges that the HAWKS investigators colluded with the suspects and disclosed confidential information to the suspect. It accordingly constituted unlawful infringement of the rights of the Complainants. The matter fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is completed and the Final Report was submitted to Judge for consideration, further direction and/or approval.
9. The complaint with Ref No: (ODJ) 23/05/2015 (C) relates to allegations of assault levelled against Cala Police Services. On the face of it, the matter fell outside the scope of our mandate on the ground that the complaint does not involve the HAWKS but before could make a definitive finding we had to obtain further information. The investigation was completed and the Report on Findings and to the Minister in compliance to Section 17L (6), was compiled and submitted to the Minister. The File was accordingly closed.
10. The complaint with Ref No: (ODJ) 24/05/2015 (C) relates to allegations of fraud. The matter appeared to fall outside the scope and mandate of the Office of the DPCI Judge. The investigation was completed and the Final Report was

submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.

11. The complaint with Ref No: (ODJ) 25/06/2015 (C) relates to allegations of improper investigation. The matter appeared to fall outside the scope and mandate of the DPCI Judge but before we could make a final decision, we had to obtain further information. The investigation was completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
12. The complaint with Ref No: (ODJ) 26/07/2015 (C) relates to allegations of unfair dismissal levelled against the Provincial Commissioner of Western Cape Province. The complaint appeared to fall outside the mandate of the DPCI Judge but before we could make a definite finding, we had to obtain further information. The investigation was completed and the Report on Findings and to the Minister in compliance to Section 17L (6), was submitted to the Minister. The file was accordingly closed.
13. The complaint with Ref No: (ODJ) 27/07/2015 (C) relates to allegations of unsatisfactory investigation levelled against the members of Goodwood SAPS. The complaint appeared to fall outside the scope and mandate of the DPCI Judge but before we could make a final decision, we requested further information. The investigation was completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
14. The complaint with Ref No: (ODJ) 28/07/2015 (C) relates to a decision by the Director of Public Prosecutions of Western Cape not to prosecute in a case of crime injuria against a suspect, a member of the public. The matter appeared to fall outside the scope and mandate of the DPCI Judge but before we could make a definite finding, we had to obtain further information. The Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
15. The complaint with Ref No: (ODJ) 29/08/2015 (C) relates to allegations against a member of the public who benefited from the tenders and contracts illegally

issued by the Nelson Mandela Metro Municipality and other various private companies. The complaint appeared to fall outside the mandate of the DPCI Judge but before we could make a definite finding, we had to obtain further information. During the course of our investigation the Complainant indicated to us that she did not lodge a complaint and knows nothing about the complaint. The investigation was completed. The Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.

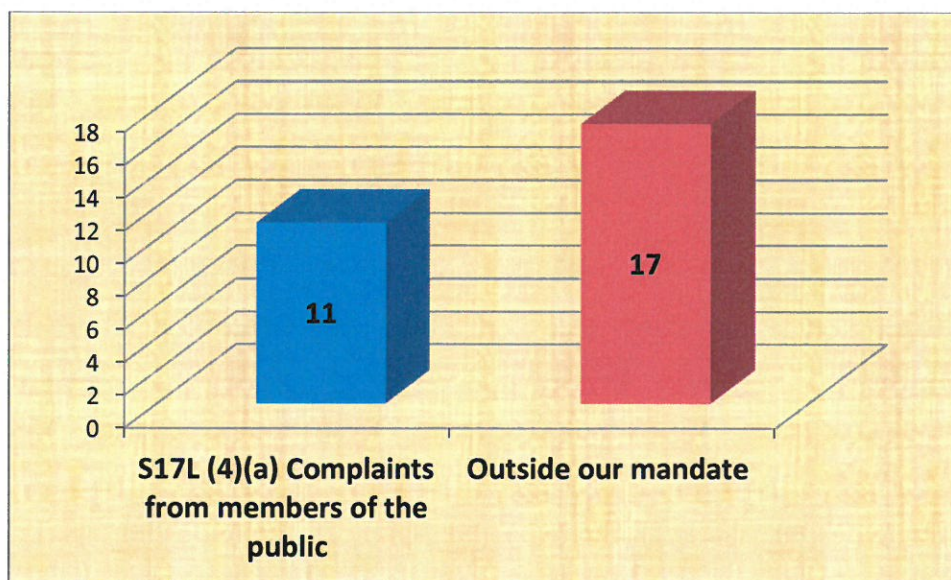
16. The complaint with Ref No: (ODJ) 30/09/2015 (C) relates to a complaint of service delivery against the members of the Brooklyn South African Police Service. The matter appeared to fall outside the jurisdiction of our mandate but before we could make a define finding, we had requested further information. The preliminary investigation was conducted in order to be certain that the matter fell outside our mandate. The investigation was completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
17. The complaint with Ref No: (ODJ) 31/09/2015 (C) relates to allegations of undue influence and interference with the investigations conducted by the HAWKS levelled against a former investigator of the HAWKS. The matter is investigated in terms of Section 17L (4)(a) of the SAPS Act. The investigation is still pending.
18. The complaint with Ref No: (ODJ) 32/11/2015 (C) relates to allegations of unfair conduct regarding an advertised post levelled against the Human Resource Manager of the HAWKS. The matter was investigated in terms of Section 17L (4)(a) of the SAPS Act. The investigation was completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.
19. The complaint with Ref No: (ODJ) 33/11/2015 (C) relates to allegations of fraud levelled against a member of the public. The complaint appeared to fall outside the scope and mandate of the DPCI Judge but before we could make a final decision, we requested further information. The investigation is still pending.

20. The complaint with Ref No: (ODJ) 34/12/2015 (C), which is dated 04 December 2015, relates to allegations of improper investigation levelled against a member 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 investigation is still pending.
21. The complaint with Ref No: (ODJ) 35/12/2015 (C) relates to allegations of fraud levelled against a member of the public. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we can make a final decision, we requested further information. The investigation is still pending.
22. The complaint with Ref No: (ODJ) 36/01/2016 (C) relates to allegations of improper investigation levelled against a member of the HAWKS. The complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is still pending.
23. The complaint with Ref No: (ODJ) 37/02/2016 (C) relates to allegations of improper investigation levelled against a member of the HAWKS. The complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is still pending.
24. The complaint with Ref No: (ODJ) 38/02/2016 received from a member of the public, which is dated 10 February 2016, relates to allegations of misconduct against a member of SAPS. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we make a final decision, we requested further information. The investigation is still pending.
25. The complaint with Ref No: (ODJ) 39/02/2016 (C) relates to allegations of unsatisfactory investigations against a member of the HAWKS. The complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is still pending
26. The complaint with Ref No: (ODJ) 40/02/2016 (C) relates to allegations of fraud levelled against a private company. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we could make a final decision, we requested further information. The investigation is still pending.

27. The complaint with Ref No: (ODJ) 41/03/2016 (C) relates to improper investigations against the HAWKS. The complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is still pending.
28. The complaint with Ref No: (ODJ) 42/03/2016 (C) relates to allegations of fraud against a member of the HAWKS. The complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is pending.
29. The complaint with Ref No: (ODJ) 43/03/2016 (C) relates to allegations of poor service delivery levelled against a member of SAPS. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we can make a final decision, we requested further information. The investigation is pending.
30. The complaint with Ref No: (ODJ) 44/03/2016 (C) relates to allegations of failure to execute a warrant of arrest levelled against a member of SAPS. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we make a final decision, we requested further information. The complaint is still pending.
31. The complaint of anonymous with Ref No: (ODJ) 45/03/2016 (C) relates allegations of poor service delivery against a member of the SAPS. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we could make a final decision, we requested further information. The complaint is still pending.
32. The complaint with Ref No: (ODJ) 46/03/2016 (C) relates to allegations of fraud and corruption levelled against four banks of South Africa. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we can make a final decision, we requested further particulars. The investigation is still pending.
33. The complaint with Ref No: (ODJ) 47/03/2016 (C) relates to allegations of poor service delivery levelled against SAPS. The complaint appears to fall outside the scope and mandate of the DPCI Judge but before we could make a final decision, we requested further information. The investigation is pending.

34. The complaint with Ref No: (ODJ) 48/03/2016 (C) relates to allegations of improper investigation levelled against the HAWKS. On the face of it, the complaint fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. The investigation is still pending.
35. The complaint with Ref No: (ODJ) 49/03/2016 (C) relates to allegations of unfair dismissal due to improper influence levelled against a member of the HAWKS. The matter fell to be investigated in terms of Section 17L (4)(a) of SAPS Act. We requested the Complainant to furnish us with supporting evidence to substantiate the allegations but the Complainant responded by stating that matter was resolved amicably. The investigation was completed and the Final Report was submitted to the Minister in compliance to Section 17L (6) of SAPS Act. The File was accordingly closed.

Graph 1: below depicts total number of complaints received during the period under review



During the period under review, twenty-eight (28) complaints were received from members of the public. From 28 complaints, 11 complaints were from the members of the public against the members of the HAWKS in terms of Section 17L (4)(a) of SAPS Act whereas 17 complaints appeared to fall outside the scope and mandate of the Office of the DPCI Judge. There were no complaints received from a member of the HAWKS in terms of Section 17L (4)(b) of SAPS.

PERFORMAMNCE INFORMATION IN TERMS OF STRATEGIC OBJECTIVES

The Office has developed two planning documents namely, the Strategic Plan and Annual Performance Plan which are in line with the legislative mandate of the Office and to ensure that the Office achieves its performance targets.

Administration

Case Management System

As far as the Case Management System is concerned, in terms of the Annual Performance Plan, the target is 100% to register complaints within 48 hours upon receipt by opening a file and allocate it to the investigator. During the period under review, a total of 28 new complaints were received. Of the 28 new complaints, 11 were received from members of the public in terms of Section 17L (4)(a) of SAPS Act against members of the HAWKS and 17 were complaints falling outside the scope and mandate of the Office of the DPCI Judge. All 28 new complaints received were registered within 48 hours in line with the Annual Performance Plan and the output was 100%.

Performance Management System

A performance measurement and reporting system support management decision-making that makes the Office of the DPCI Judge adhere and comply with the internal and external accountability reporting line with the legislative requirements. In terms thereof Performance monitoring and evaluation reports must be submitted to ensure achievement of strategic objectives.

A total of six Performance Agreements for staff employees, an operational plan, procurement demand plan, and bi-annual performance assessment report for employees were submitted to Secretariat. The twelve monthly reports, four quarterly reports, two bi-annual reports and one annual report were submitted to the Head of the Office of the DPCI Judge. The target is 100% compliance to submit the reports. The output was 100%.

Furthermore during the period under review, the office managed to achieve its key priorities, firstly to secure offices permanently in Pretoria and secondly launched the office successfully at National Parliament, Cape Town.

Public Awareness Campaigns

As far as awareness campaign and stakeholder engagement is concerned, our target in terms of the Annual Performance Plan we are required to conduct four awareness campaigns annually comprises of one awareness campaign per quarter. During the period under review we conducted two awareness campaigns in Limpopo and North West Provinces. The target in respect of awareness campaign is 70% and our output is 50%. We have already done awareness campaigns in the previous financial year in Kwa-Zulu Natal, Eastern Cape, Western Cape and Gauteng provinces. We are now left with three provinces namely Mpumalanga, Northern Cape and Free State which will be done in the next financial year.

Graph depicts awareness campaigns conducted in Limpopo and North West Provinces



Reasons why the awareness campaign target was not met:

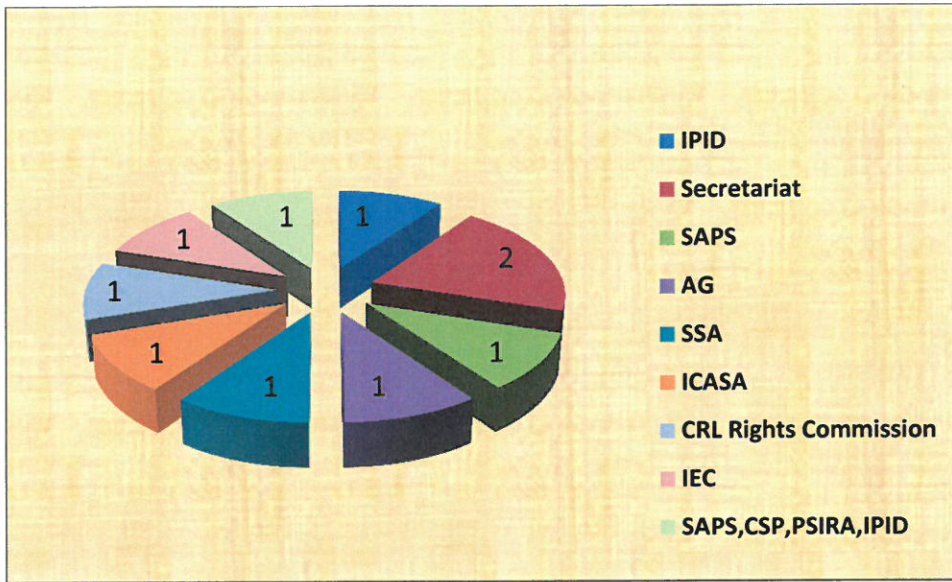
The following factors contribute to the reasons why the target was not met:

- During the period under review, the Accounting Officer issued a circular informing us that the Department of Civilian Secretariat for Police is experiencing financial constraints and as a result it has to implement cost cutting and saving measures for all the units to enable them to operate till the end of the financial year. The cost-cutting measures affected us because we had to postpone the conducting of awareness campaigns for the three remaining provinces (Northern Cape, Free State and Mpumalanga) to the next financial year.
- Section 17L of SAPS Act provides that we had to conduct awareness campaign in consultation with the Communication Unit of the Civilian Secretariat for Police. The challenge is that Communication Unit of Secretariat for Police is not marketing only our office but also other entities reporting under the Ministry of Police. We are therefore subjected to the constraints that affected the communication unit for the Secretariat for Police.

Meetings with Stakeholders

We have engaged with our key strategic stakeholders, role-players, partners and civil society organisations to raise awareness of the existence of the Office of the DPCI Judge. We are required to have six meetings with stakeholders in terms of the Annual Performance Plan and we were able to have nine meetings. During the period under review we had separate meetings with the following stakeholders namely; ICASA, two with Secretariat, IPID, IEC, Auditor-General, CRL Rights Commission, State Security Agency and one meeting with entities reporting to the Ministry of Police namely SAPS, Secretariat, HAWKS, PSIRA and IPID. The target is 70% and we exceeded the target.

Graph depicts meetings with stakeholders

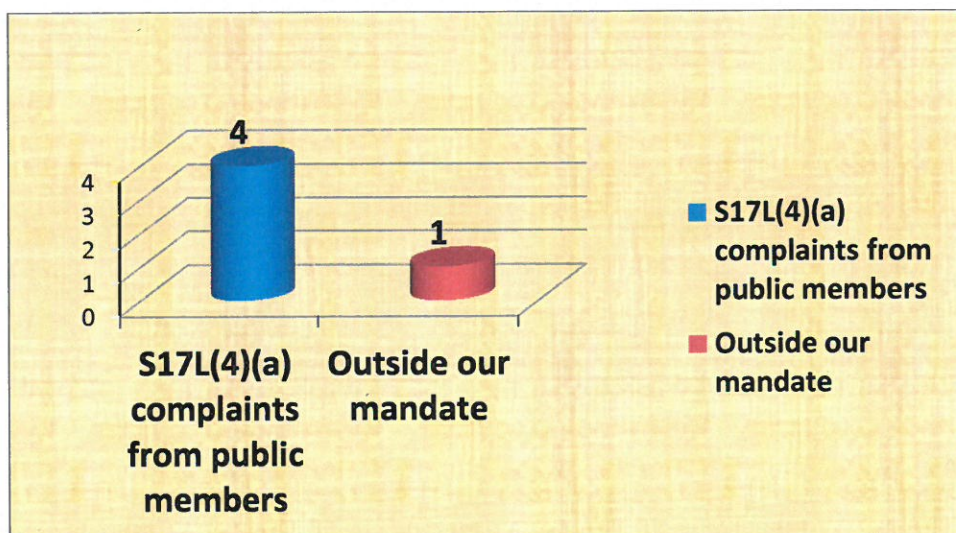


Investigation of Complaints

Completed investigations from the previous financial year (2014-2015)

During the period under review, we investigated seven complaints that were carried over from the previous financial year. Of the seven complaints investigated, we closed five complaints. In terms of the Annual Performance Plan we are required to complete 50% of previous complaints. The output was 70% exceeding the target of 50%.

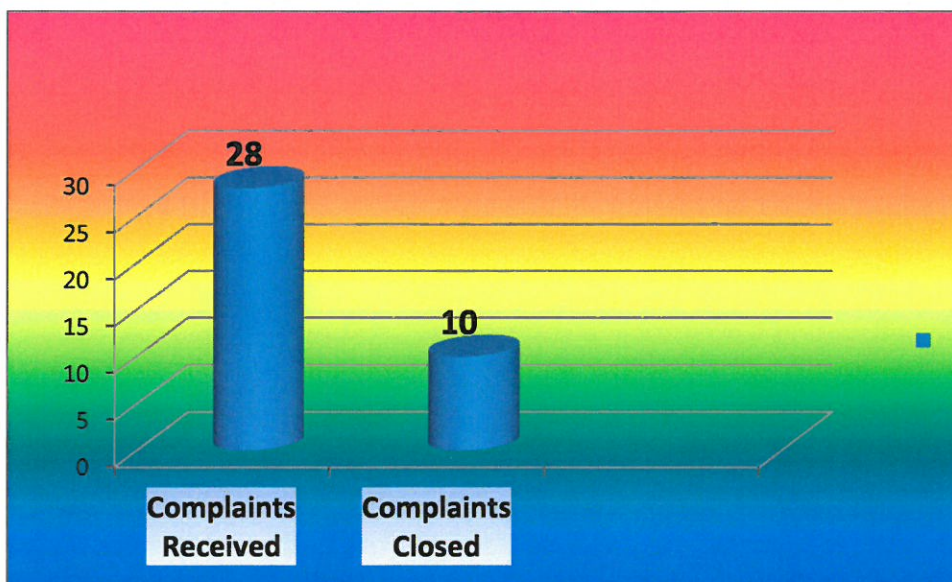
Graph depicts previous complaints investigated and closed.



Completed investigations

During the period under review, we received 28 new complaints and completed (closed) 10 complaints. In terms of Annual Performance Plan the target is to close 70% of complaints received. The output was 36% and the target was not met.

Graph depicts the complaints received and closed



Reasons why the target was not met

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

- In some of the complaints, the Complainant was charged criminally and we were obliged to wait for the outcome of court case, as we did not want to pre-empt or influence the outcome of the criminal case.
- In some of the complaints, the docket was submitted to the National Director of Public Prosecutions for a decision, and we had to wait for the decision of the Prosecutor before we could finalise the complaint.
- Most of the complaints did not fall within the scope of our mandate and in order for us to make a definite finding, we had to conduct preliminary investigations and wait for further information to make the definite findings whether it fell within or outside our mandate.

- We were pre-occupied with the campaign to raise awareness on the role and function of the Office of the DPCI Judge by engaging with the public, stakeholders and media.

Remedial measures to meet targets set for cases which do not fall under our mandate:

- We have requested other complaints units which refers complaints to us to scrutinise such complaints carefully to determine whether it falls under our jurisdiction or not and if does not fall under our jurisdiction, to refer it to the complaints unit which in fact has the mandate to deal with it.
- We have introduced a rule of practice that where a complaint on the face of it does not fall within our mandate, we write to the Complainant informing her or him firstly, what our mandate is, secondly if she or he is of the view that it does fall under our mandate then she or he has to furnish us with such evidence within 10 days of receipt of such notice, and thirdly, if the Complainant fails to provide such information timeously, we will then proceed to make an appropriate finding in respect of the Complaint.

Reports of Findings to the Minister in terms of Section 17L (6) of SAPS Act

Section 17L (6) of SAPS Act provides that the retired Judge shall report the outcome of any investigation undertaken by him or any referral to the Minister. According to the Annual Performance Plan we are required to submit such reports to the Minister within 30 days after completing the investigations. During the period under review, we submitted a total of fifteen Reports of findings, which comprised of ten complaints from the period under review and five complaints from the previous financial year.

Of the fifteen reports, five referrals to other institutions were made and the Minister of Police was informed of such referrals. Two complaints were referred to Independent Police Investigative Directorate (IPID), two complaints to the National Commissioner of SAPS and one to the National Anti-Corruption Unit of the HAWKS. The output was 100% exceeding the target of 80%.

Trends observed arising from the investigated complaints

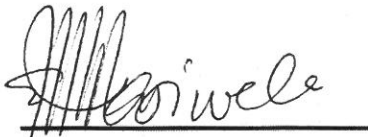
- It appears that Complaints Inspectorate of the SAPS does not screen the complaints to determine which complaints structure has jurisdictions to handle the matter. We are receiving a lot of complaints of service delivery against SAPS from the Complaints Inspectorate which do not involve members of the HAWKS.

RECOMMENDATIONS

It recommended that:

- The Complaints structures must properly screen the complaints to determine which complaints structure has authority to investigate such complaints to avoid duplication of work, and refer such complaints to the appropriate complaints structure.

Prepared by:



EDWARD RASIWELA
DEPUTY DIRECTOR INVESTIGATIONS
OFFICE OF THE DPCI JUDGE
DATE: 22/09/2016

Approved/Not approved



JUDGE ESSA MOOSA
HEAD OF OFFICE OF THE DPCI JUDGE
DATE: 22/09/2016