

Western Cape  
Police



**ombudsman**

2016/2017  
Annual Report



2016/2017  
Annual Report:

Western Cape Police  
Ombudsman

**The submission of this report to the Minister of Community Safety is in accordance with Section 13 (1) of the Western Cape Community Safety Act, 2013 (Act 3 of 2013)**

**The Minister is required by Section 13 (1) to table it in the Provincial Parliament within 30 days of receiving it.**

The report we submitted last year covered the first 15 months of our work since the establishment of the Office in December 2014 – there was thus an overlapping of financial years. The 2016/2017 Annual Report is the first annual report to reflect the normal 12 months of our financial year. The support and cooperation of the Minister of Community Safety, the Head of the Department of Community Safety, and the Provincial Commissioner of Police and his staff are on an upward trajectory. We have also improved our working relationship with the community policing forums (CPFs) through the Provincial CPF Board.

The Portfolio Committee on Community Safety invited us to present our first annual report, and we wish to thank the chairperson of the committee and all the honourable members of the committee for their productive and constructive engagement and support for our work. Last year we highlighted some areas of concern, for example the poor implementation of the Domestic Violence Act and pauper burials. We are happy to submit a progress report on these areas, particularly on the Domestic Violence Act.

Our Office has seen a marked increase in complaints not only by members of the community but also by the CPFs themselves in respect of the poor relations between the CPFs and the SAPS. The apparent tension and friction between the CPFs and the SAPS now extends to the Department of Community Safety. This Office is aware of the problem, and initiatives are in place to prevent the escalation of the tension, which is directly traceable to the 1993 Interim Constitution, the 1995 SAPS Act, and the 2001 interim regulations governing CPFs.

A matter of great concern is the increasing number of attacks on paramedics, which has led to the Provincial Minister of Health and her senior staff addressing a number of public meetings together with the Minister of Community Safety. Communities must be made to appreciate the role played by paramedics in creating a safer environment. No effort should be spared in educating the public on the value of paramedics and other emergency services.

While our Office is aware that the allocation of resources is a national function and not a provincial competence, the inadequacy of the resources to ensure efficient investigations and effective visible policing is felt at provincial level. The current level of resources puts the safety and security of residents at great risk and requires urgent intervention from the SAPS national office. The Provincial Commissioner of Police has, according to Section 12(3) of the SAPS Act, the power “to determine the distribution of the strength of the Service under his or her jurisdiction in the province among the different areas, station areas, offices and units”. This means that he has no final say on the resources allocated to his province.

It goes without saying that the problem of inadequate resources impacts negatively on the functioning of the SAPS and has the potential to damage relations between the SAPS and the communities if not dealt with effectively.



This report also covers our own increased capacity. We are happy to report that we have now moved to larger premises but are still on the same floor in the same building and therefore remain easily accessible to the public. The WCPO continues to make steady progress thanks to the commitment and dedication of all staff members.

A handwritten signature in black ink, appearing to read 'Vusi Pikoli', with a stylized flourish at the end.

**The Western Cape Police Ombudsman**  
**Advocate Vusi Pikoli**  
**Date: 19 May 2017**

**It is hereby certified that this annual report:**

- was developed by the management of the Office of the WCPO;
- accurately reflects the performance targets the Office of the WCPO has endeavoured to achieve with the resources made available to it in the 2016/2017 budget.

A handwritten signature in black ink, appearing to read 'V. Pikoli', is positioned above a horizontal line.

**Advocate Vusumzi Pikoli**  
**Western Cape Police Ombudsman**

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## ACRONYMS

<b>AOMA</b>	African Ombudsman and Mediation Association
<b>AORC</b>	African Ombudsman Research Centre
<b>CeI</b>	Centre for e-Innovation
<b>CIVOC</b>	Civilian Oversight Committees
<b>CPFs</b>	Community Police Forums
<b>DVA</b>	Domestic Violence Act
<b>EG4C</b>	E-Government for Citizens
<b>HOD</b>	Head of Department
<b>ICT</b>	Information Communication Technology
<b>IOI</b>	International Ombudsman Institute
<b>IPID</b>	Independent Police Investigative Directorate
<b>ISS</b>	Institute for Security Studies
<b>MEC</b>	Member of the Executive Committee
<b>MOAs</b>	Memorandum of Agreements
<b>NGOs</b>	Non-governmental Organisations
<b>NHWs</b>	Neighbourhood Watches
<b>PCC</b>	Policing Complaints Centre
<b>PNPs</b>	Policing Needs and Priorities
<b>SAPS</b>	South African Police Service
<b>WCG</b>	Western Cape Government
<b>WCPO</b>	Western Cape Police Ombudsman

# 1. MISSION/ VISION AND VALUES

## 1.1 Our Mission

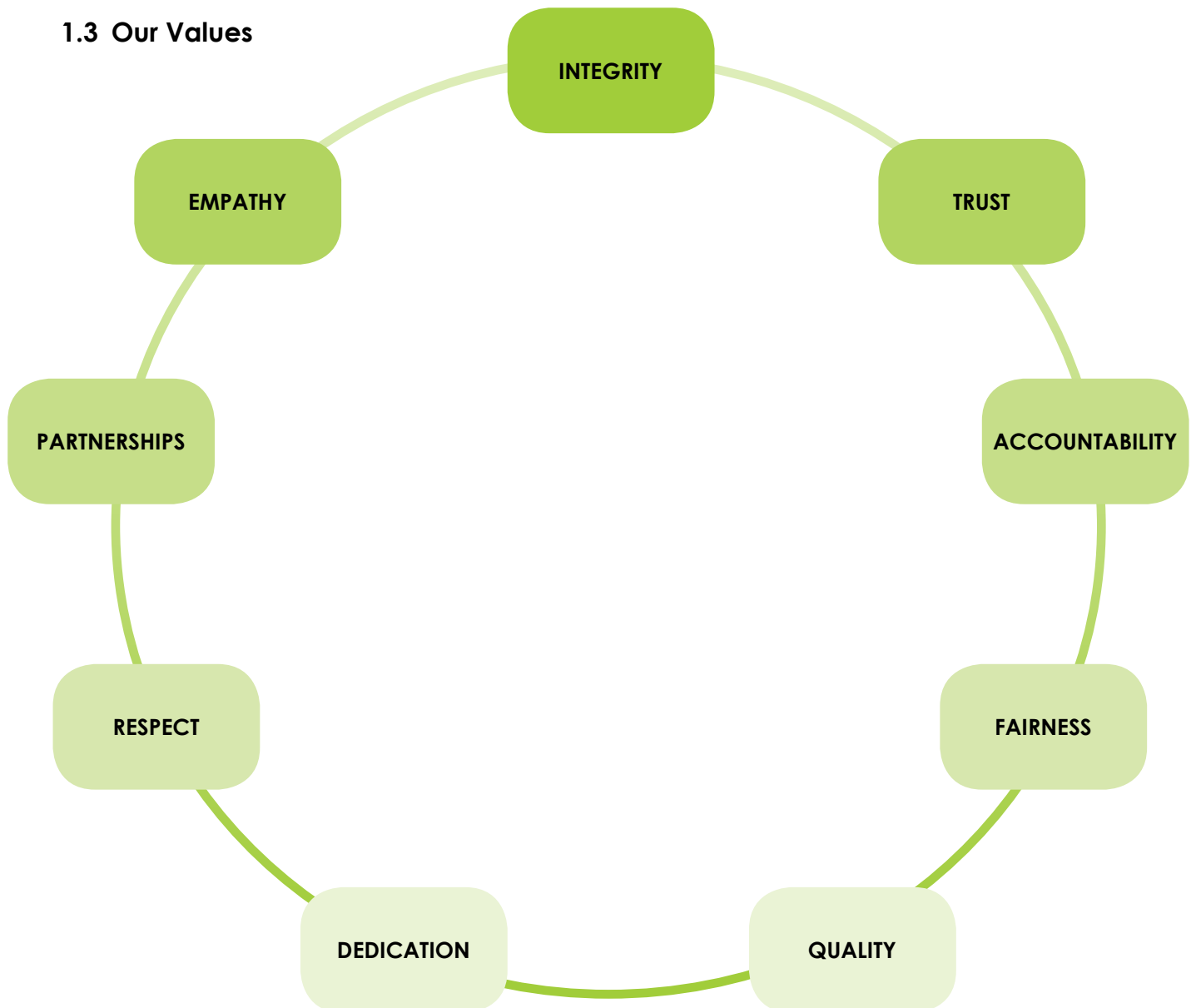
We seek to enhance the efficiency of the Police Services and improve relations between the police and communities by:

- a. Investigating complaints of police inefficiency and/or
- b. Investigating a breakdown of relations between the police and the community

## 1.2 Our Vision

A society where there is mutual respect and trust between citizens and the Police.

## 1.3 Our Values



## 2. LEGISLATIVE AND OTHER MANDATES

### 2.1 Constitutional mandates

Section 206, Constitution of South Africa Act 108, of 1996

Subsection (1) states: "A member of the Cabinet must be responsible for policing and must determine national policy after consulting the provincial governments and taking into account the policing needs and priorities of the provinces as determined by the provincial executives". Subsection (3) provides that:

"Each province is entitled:

- a. to monitor police conduct;
- b. to oversee the effectiveness and efficiency of the police service, including receiving reports on police;
- c. to promote good relations between the police and the community;
- d. to assess the effectiveness of visible policing; and
- e. to liaise with the Cabinet member responsible for policing with respect to crime and policing in the province.

Subsection (5): "In order to perform the functions set out in subsection (3) a province –

- a. may investigate, or appoint a commission of inquiry into, any complaints of police inefficiency or breakdown in relations between the police and any community; and
- b. must make recommendations to the Cabinet member responsible for policing.

### 2.2 Constitution of the Western Cape Act 1 of 1998, Section 66 Policing functions of Western Cape Government 66. (1) The WCG is entitled to —

- Monitor police conduct;
- Assess the effectiveness of visible policing;
- Oversee the effectiveness and efficiency of the police service, including receiving reports on the police service;
- Promote good relations between the police and the community; and
- Liaise with the national Cabinet member responsible for policing with respect to crime and policing in the Western Cape.

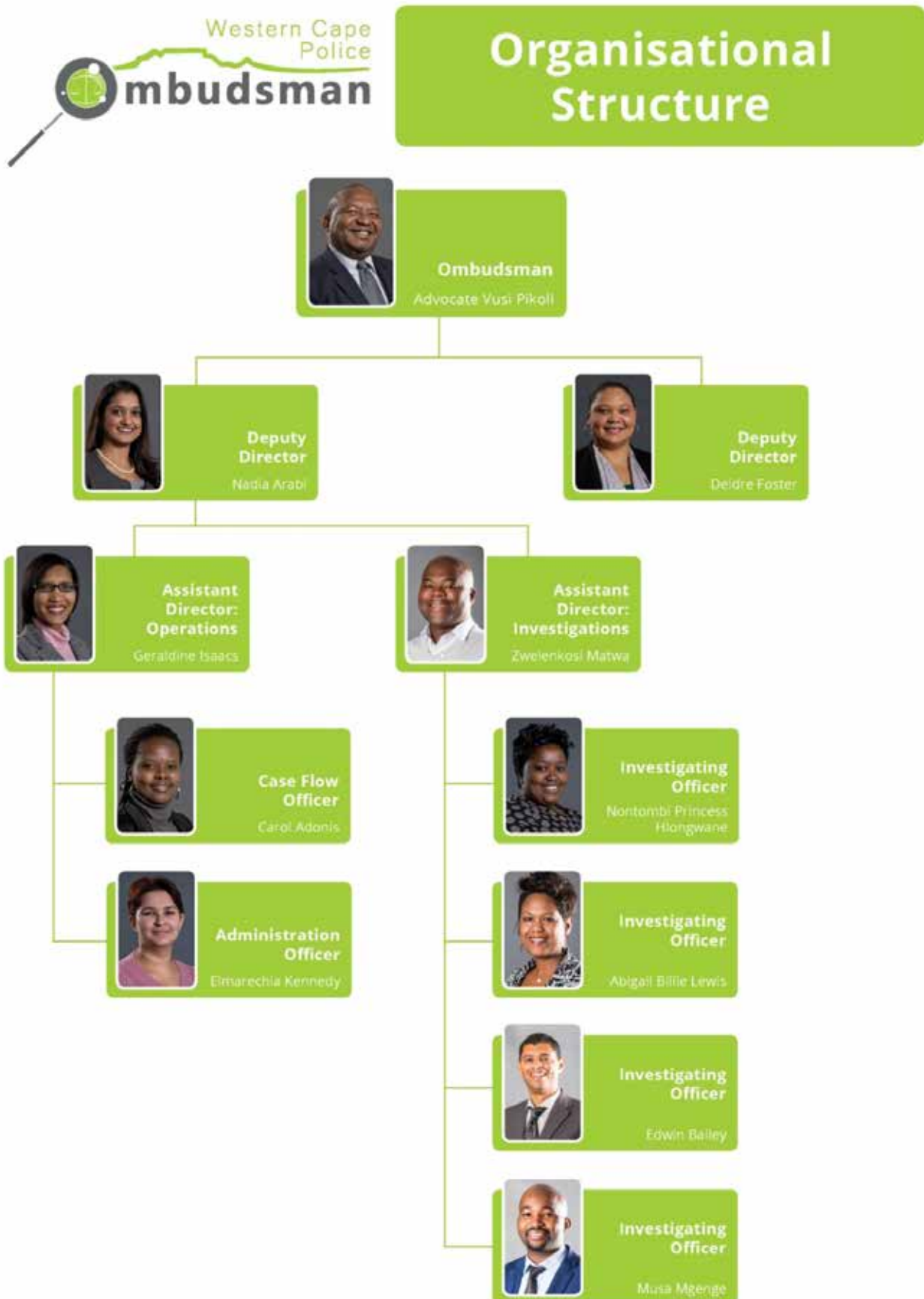
### 2.3 Cape Community Safety Act, 3 of 2013

The Premier of the Province of the Western Cape, on 5 April 2013 assented to the Community Safety Act which was published in the Provincial Gazette no. 7116 dated 5 April 2013.

The Western Cape Community Safety Act provides for the carrying out and the regulation of the functions of the Province and the Department of Community Safety under Chapter 11 of the Constitution of the Republic of South Africa, 1996 and Chapter 8 of the Constitution of the Western Cape, 1997, to provide for the support of and cooperation with the Civilian Secretariat and the Provincial Secretariat establishment in terms of the Police Act.

The Regulations were promulgated on 22 October 2015.

### 3. ORGANISATIONAL ENVIRONMENT



As noted earlier in the strategic overview section of this report, the Office of the WCPO is pleased to announce a number of changes to the WCPO's establishment in the review period. The table below indicates the assumption of duty of the officials currently on the establishment of the WCPO Office.

Name	Designation	Date of Assumption of Duty
Advocate Vusumzi Pikoli	Ombudsman	December 2014
Nadia Arabi	Head of Office	January 2015
Deidre Foster	Deputy Director: Communication	June 2015
Zwelenkosi Matwa	Assistant Director: Investigations	December 2015
Geraldine Isaacs	Assistant Director: Operations	December 2014
Abigail Lewis	Investigating Officer	January 2016
Musa Mgenge	Investigating Officer	August 2016
Edwin Bailey	Investigating Officer	August 2016
Elmarechia Kennedy	Administrative Officer	September 2014
Carol Adonis	Case Flow Officer	May 2015
Zulfah Lakay	Personal Assistant	January 2017
Devon Thomas (Intern)	Intern	April 2016 – March 2017
Nancy Ntsizakalo (Intern)	Intern	April 2016 – March 2017

As previously reported, very early in its existence, the Office identified the need for more Investigation Officer posts as well as other posts, and requested an Organisational Development (OD) study to determine the new posts required.

Although a full OD study has not yet been done, the Office has succeeded in obtaining approval for the creation of two additional Level 8 Investigating Officer posts and a Personal Assistant (Level 7) post.

On 1 August 2016, the Office welcomed the two new investigators, Mr. Musa Mgenge and Mr. Edwin Bailey. The post of the PA was advertised, and candidates were interviewed during September 2016. Ms. Zulfah Lakay was the successful candidate and assumed duty in January 2017.

Sadly, the Office had to bid farewell to Investigating Officer Ms. Nontombi Hlongwane who left the employ of the WCPO to take up a promotion post at the Department of Community Safety. The Office thanked her for her good work and wished her well in her new position.

The creation of the three additional posts adversely impacted the planned cost of employment (COE) budget for 2016/2017 as the COE could not be allocated to posts that had not been on the



establishment when the budget for the 2016/2017 financial year was in the planning phase. In order to avoid overspending on the 2016/2017 COE budget, the Office had to place the appointment of legal interns on hold until the commencement of the 2017/2018 financial year.

In its first year of existence, the Office endeavoured to ensure that the required staff members were either appointed or, if not appointed, that plans were put in place to ensure full capacitation at a later stage. To this end, the Office sought approval from the Head of Department (HOD) at the Department of Community Safety (DOCS) for an investigation into the WCPO's need for an additional Level 9 ASD: Investigator post. Approval was granted, and the post was subsequently recommended by the OD team and supported by the HOD. Once the post is finalised by the DPSA, the Office will advertise the post.

The delay in conducting a full OD study will have a negative effect on service delivery. The current organogram does not offer a career path for the development of staff members thus making it difficult to retain critical staff. This is reflected in the organogram as the next senior post following that of the Ombudsman is at the level of Deputy Director.

The effect of the shortage of staff is discussed further in the section on the budget.

## 4. PERFORMANCE ENVIRONMENT

During the period under review, the Office engaged regularly with the SAPS on all levels to ensure that our most important stakeholder fully understood our work and mandate. These engagements took the form of cluster as well as community meetings. At times the engagements were initiated by this Office (the WCPO) and at other times by the CPFs, the communities, and even the SAPS itself.

Over the course of the past 12 months, the Office has endeavoured to strengthen its links with the CPFs with a view to strategize on future partnerships and collaborations so that the CPFs can serve as channels between the Office and citizens. The Office is aware of the serious tensions between the CPFs and the SAPS in the different communities largely as a result of the lack of a memorandum of understanding (MOU) stipulating the role and function of CPFs in respect of policing in communities. Without such an MOU, discord between the CPFs, the SAPS, and the DOCS] will continue thereby undermining the safety of communities. In March 2017, the Police Ombudsman called for a task team consisting of the WCPO, the DOCS, and the SAPS to work through the issues raised by the CPFs and the SAPS and to find joint solutions.

During the review period, the community meetings were primarily been linked to the Department of Community Safety's Policing Needs and Priorities (PNPs). Advocate Pikoli gradually gave his staff members the responsibility of presenting and discussing the mandate of the Office at public gatherings. Below are some pictures showing staff members making such presentations at PNP meetings.





On various occasions, the Office was called in to assist where there is distrust between communities and the SAPS. One such occasion was the intervention sought by the Masiphumelele community following which the Office initiated a meeting between the community and the SAPS. A similar request was received to intervene in a dispute between the Grassy Park CPF and the management of Grassy Park police station. In many instances, the complaints were not related to service delivery but to police resource allocation. The Office accordingly informed communities about the parameters of its mandate and to what extent it could or could not intervene.

During the period under review, the Office attempted to conduct three outreach activities a month, but, owing to requests from the SAPS, CPFs, and different organisations, the Office postponed some of the planned outreach activities, to accommodate additional requests and invitations. The next section of the report covers the outreach and marketing initiatives in more detail.

## 5. OUTREACH AND MARKETING INITIATIVES

As indicated previously, the Office in the period under review conducted numerous information sessions on request and as part of its planned communication strategy. The following outputs were achieved in accordance with this strategy.

The table below shows some of the community meetings and outreach programmes conducted during the past 12 months.

Westgate Mall Outreach	1 April 2016
League of Friends of the Blind Outreach	11 May 2016
Masiphumelele Community Outreach	13 May 2016
Winelands PNP	13-14 May 2016
Overberg PNP	27-28 May 2016
Cape Town Society for the Blind	1 June 2016
Mitchell's Plain PNP	3-4 June 2016
Worcester PNP	10-11 June 2016
Beaufort West PNP	24-25 June 2016
Blue Downs PNP	1-2 July 2016
Eden PNP	11-12 July 2016
Da Gamaskop PNP	13-14 July 2016
Vredendal PNP	29-30 July 2016
Cape Town PNP	12-13 August 2016
Khayelitsha PNP	19-20 August 2016
Tygerberg PNP	2-3 September 2016
Milnerton PNP	16-17 September 2016
Wynberg PNP	30 September-1 October 2016
Vredenburg PNP	7-8 October 2016
Nyanga Cluster	21-22 October 2016
Vredendal PNP	28-29 October 2016
Belhar CPF Community Meeting	13 October 2016
DVA Workshop	9 November 2016
SAPS Imbizo	9 November 2016
Standing Committee Presentation	23 November 2016
16 Days of Activism	25 November 2016
Langa Community Engagement	27 October 2016
Nyanga Debate	1 December 2016
WCPO Office Launch	8 December 2016

Wynberg Magistrate's Court Visit	6 February 2017
Athlone Magistrate's Court Visit	13 February 2017
Cape Town Magistrate's Court Visit	24 February 2017
Call Centre Training	3 March 2017
Tygerberg SAPS Cluster Meeting	14 March 2017
World Consumer Rights Day: Exhibition	15 March 2017

The new financial year will see the Office moving away from the PNPs to conduct its own road shows targeting audiences in the outlying areas of the Western Cape.

The Office once again broadcasted radio adverts in November 2016 and from January to March in 2017. The following radio stations were chosen to cast the coverage net as wide as possible. In the new financial year, the Office will intensify its efforts to reach rural areas through adverts in local community newspapers.

Radio Station	Listenership	Coverage
CAPE TALK	77 000	Broadcasts in most of the Western Cape, from Elands Bay to Gansbaai
ALGOA FM	526 000	In December 2011, Algoa FM extended its footprint to the Garden Route covering Knysna, George, and Mossel Bay
HEART FM	890 000	The greater Cape Town metropolitan area, plus Boland, Helderberg basin, Atlantis, Malmesbury, and the West Coast up to Vredenburg
GOOD HOPE FM	905 000	Metropolitan Cape Town and stretching as far as Langebaan, Malmesbury, Wellington, Paarl, Franschhoek, Stellenbosch, Gordon's Bay, and the West Coast up to Vredenburg
UMHLOBO WENENE	4 686 000	National (covering the whole of the WC)

The information desks at magistrate's courts will continue to serve as a primary form of outreach along with SAPS cluster meetings and CPF and other stakeholder engagements. Magistrate's courts are generally hubs of activity, and the Office has found that one-on-one interactions with citizens go a long way towards spreading the message of its work and mandate.

The Office has not only marketed its services externally, but internally as well. The Western Cape Government has in excess of 70 000 officials in its employ. In addition to featuring in the September 2015 edition of the Better Together magazine, the Office emailed an information brochure to all public servants in the Western Cape. The Office also featured in the December 2016 edition of the magazine and used the magazines' circulation to distribute fridge magnets. The fridge magnet is an A3-sized white board that can be used to jot down important notes. Its most important feature is the contact details of the Office, which are printed on the front of the board.

The table below shows the communication interventions that have been conducted to date to create awareness of the Office among Western Cape citizens.

Method	Medium	Cost	Information
Advertising Campaign	Radio	R1 400 000.00	Cape Talk Algoa FM Heart FM Good Hope FM Umhlobo Wenene
Press Releases	Print media and radio	COE	As and when the need arises.
Media Enquiries	Print media	COE	As and when the Office is required to respond to media enquiries.
Website	Multi-media	COE	The website was finalised in March 2017. The launch took place on 1 April 2017.
Facebook	Social Media	COE	The site is regularly updated.
Brochures	Information brochures to distribute at public engagements.	R 20 000.00	Stock is regularly replenished.
Other	Vinyl lettering on vehicles/ internal signage/smaller printing outputs and branded promotional items.	Various	The Office has, in addition to the above, ensured that all promotional items are properly branded with the Office brand.



Advocate Pikoli explaining the Office's work and mandate at the Nyanga SAPS cluster meeting.



## 6. EXPENDITURE

The budget allocation for 2016/2017 involved a total allocation of R10 472 000 that comprised R4 476 000 under Cost of Employment (COE), R5 296 000 under Goods & Services, and R700 000 under Machinery & Equipment (see table below).

The concern from the outset was the limited COE allocation for the said financial year as the Office was aware that the OD Unit had already commenced its assessment of the request for two additional Investigator posts as well as a PA post for the Ombudsman, the cost of which had not been factored into the COE allocation.

This concern was brought to the attention of the HOD and the CFO at the beginning of the financial year to ensure that the actual COE budget needed for 2016/2017 would be included in the adjustment budget.

Regarding the COE problems, it is important to note that the establishment created for the WCPO Office prior to its inception in 2013/2014 was a "skeleton establishment" that failed to take all the operational needs into account.

This shortcoming was realised by the Ombudsman as early as February 2015 and immediately brought to the attention of the previous HOD, Dr. G. Lawrence.

It is this skeleton establishment that is now constraining the Office in its efforts to create more posts (either through an OD study or through assignment/secondment) as the creation of posts is dependent on the availability of COE funding.

The inadequate COE allocation is due to the OD study that was conducted in 2013/2014 without prior consultation with Advocate Pikoli regarding the requirements of the Office.

There is an urgent need for the creation of posts such as a Head of Communications, with the necessary support staff, and an Analyst to conduct in-depth analysis into the trends of complaints received, their outcomes, and the best way forward. These are just some of the WCPO personnel requirements that have been discussed with the HOD, and the Office has been assured that these requirements will be dealt with during the modernisation process of the DOCS.

The limited overtime budget under COE funding is also cause for grave concern as outreach is an important Annual Performance Plan (APP) indicator.

Because of the shortage of staff, especially the lack of support staff in regard to outreach and communications, the investigators have to attend all outreach events themselves in addition to carrying out their core function of investigating complaints. The Office is unable to give the investigators time off in lieu of overtime work as this would impact negatively on service delivery and the turnaround times of investigations.

An increase in the budget allocation for overtime is essential as the shortage of funds in this regard impacts negatively on service delivery.

The WCPO once again finds itself in the same position regarding the new 2017/2018 financial year, which is extremely concerning, especially since its workload is increasing and the Office has neither the necessary personnel to carry out all the operational functions nor the budget to fund additional posts. The following table shows the WCPO's expenditure as at March 2017.

	Original budget 2016/2017	Adjustments	Adjustment Budget	Total Expenditure	Under Expenditure as at 31 March 2017	% Spent on the Budget	Reason for under expenditure
Compensation Of Employees	4 476 000	491 000	4 967 000	4 898 968	68 032	98.63%	The creation of three additional posts during the financial year following an OD assessment resulted in over-expenditure on the COE.  This over-expenditure was remedied by shifting funds to the WCPO COE budget in the adjustment budget.
Goods and Services	5 296 000	-2 101 000	3 195 000	2 536 547	658 453	79.39%	The budget allocation for Goods & Services included funds for Legal Advice, Transcription & Translation, and Witness Fees, which were not used because none of the complaints investigated went through a hearing phase nor was there a need to enforce S30 of the WCCS Act.  However, these categories of expenditure have to be provided for as any complaint may be subject to a hearing, and non-compliance by any party with the Act may also occur, resulting in S30 being invoked.  In the adjustment budget, approval was given by the Ombudsman for funds to be shifted from the WCPO to directorates in the DOCS that have links with the mandate of the WCPO, such as NHWs, CPFs, and Policy & Research.
Machinery and Equipment	700 000	465 000	1 165 000	928 161	236 839	79.67%	Additional office equipment was needed due to the setup of and move to the new office premises in August 2016.  The GG vehicle that was approved for procurement in 2015/2016 was paid for in 2016/2017 as the GMT did not have the said GG vehicle in stock in 2015/2016.
<b>Grand Total</b>	<b>10 472 000</b>	<b>-1 145 000</b>	<b>9 327 000</b>	<b>8 363 677</b>	<b>963 323</b>	<b>89.67%</b>	



## 7. RISK ASSESSMENT

During April 2016, the Office engaged with the DOCS Enterprise Risk Management Strategy Unit to process and facilitate the risk management sessions in the Office's programme.

The aim of these sessions was to identify key risks that could prevent the WCPO from achieving its goals and objectives, to ensure that the risks were articulated in accordance with the risk management framework, and to create awareness.

At the start of the engagement, a risk had already been identified in Sub-programme 3.2., which read as follows:

**"The Ombudsman may not have the required systems and processes to assist in the prevention of inefficiencies within the police service, and breakdown in relations between the police and the communities."**

The first quarter assessment of risk (in the category of service delivery) evolved to read as follows:

**"The Ombudsman may not have the required systems and processes to enable the full implementation of the mandate."**

At the end of the first quarter, the risk ratings were as follows:

Likelihood	Impact	Inherent Rating before controls	Likelihood	Impact	Residual Rating After controls
3	4	12	3	4	12

By the end of the second quarter the risk ratings were as follows, with the identified residual risk lowering to 9:

Likelihood	Impact	Inherent Rating before controls	Likelihood	Impact	Residual Rating After controls
4	3	12	3	3	9

During the third quarter assessment, the risk was amended as follows:

The Ombudsman may not have the required resources to enable the full implementation of the mandate which could have the following impact:

- Potential breaches in confidentiality
- Delays in finalising complaints
- Reputational damage to the Office of the Ombudsman
- Increased workload on existing staff
- Negative impact on staff morale.

At the end of the third quarter, the residual risk lowered to 4 as a result of the implementation of a number of the action plans identified in Q1 & Q2:

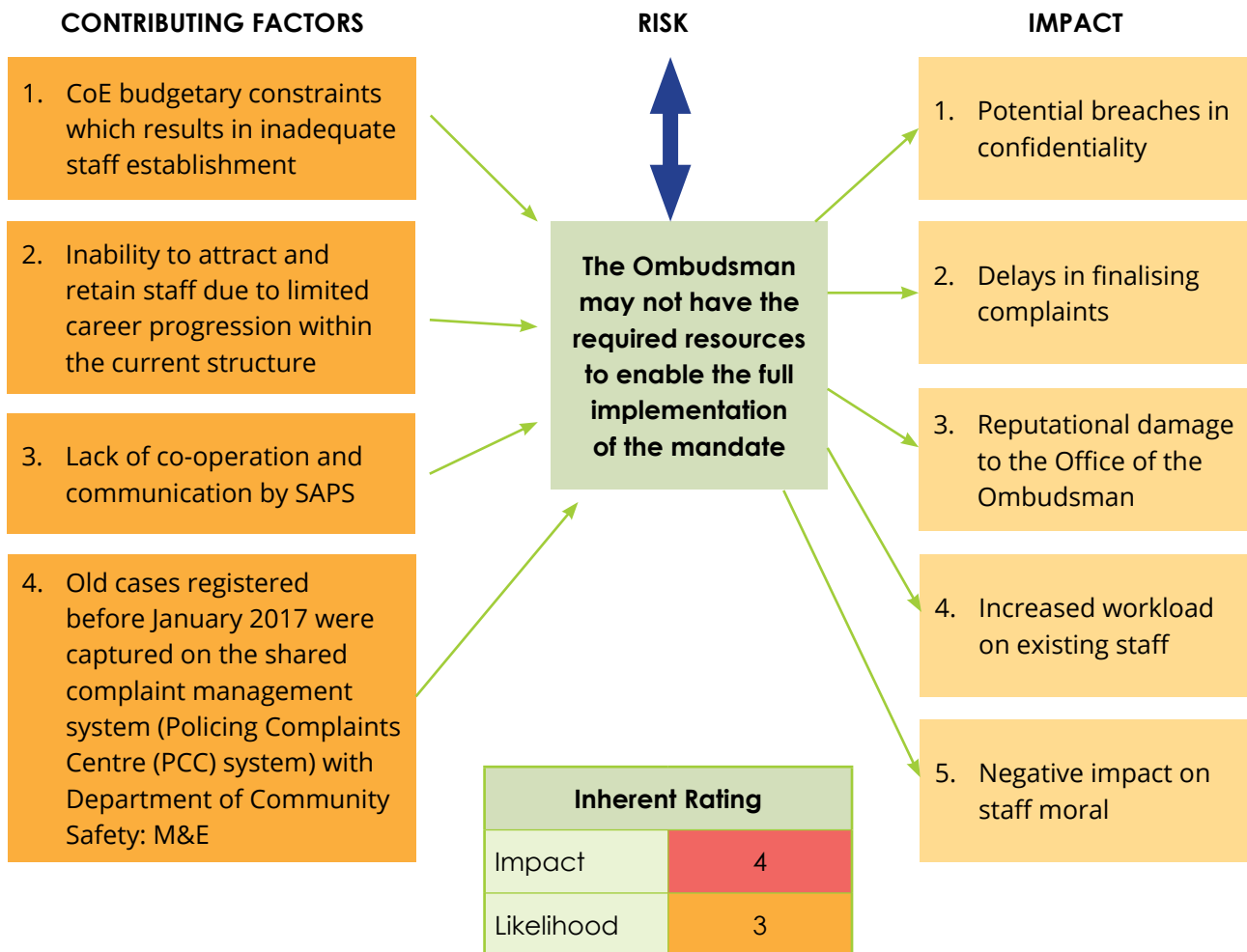
Likelihood	Impact	Inherent Rating before controls	Likelihood	Impact	Residual Rating After controls
4	3	12	2	2	4

By the close of the financial year, the residual risk remained unchanged as the action plans were linked to external factors:

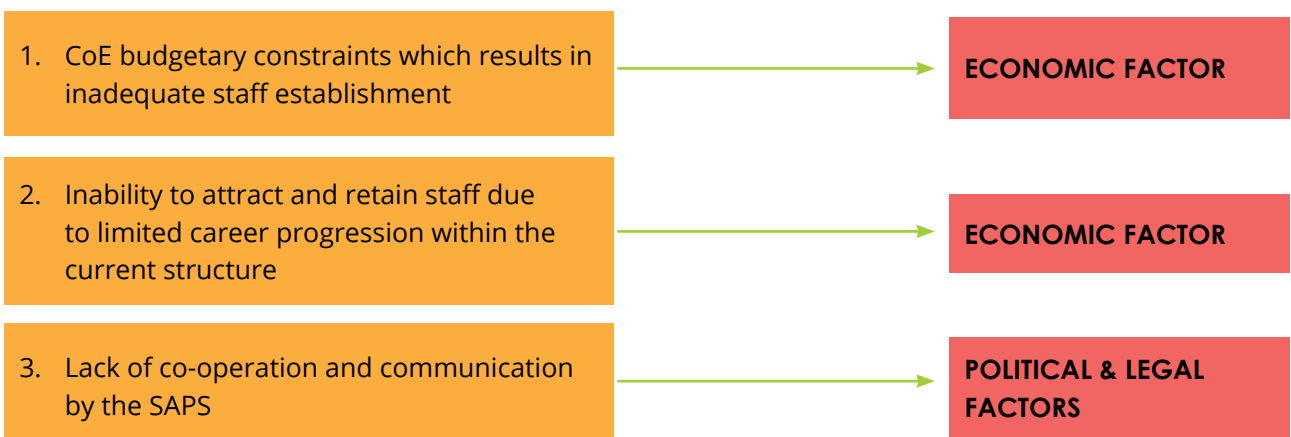
Likelihood	Impact	Inherent Rating before controls	Likelihood	Impact	Residual Rating After controls
4	3	12	2	2	4

## Strategic Objective:

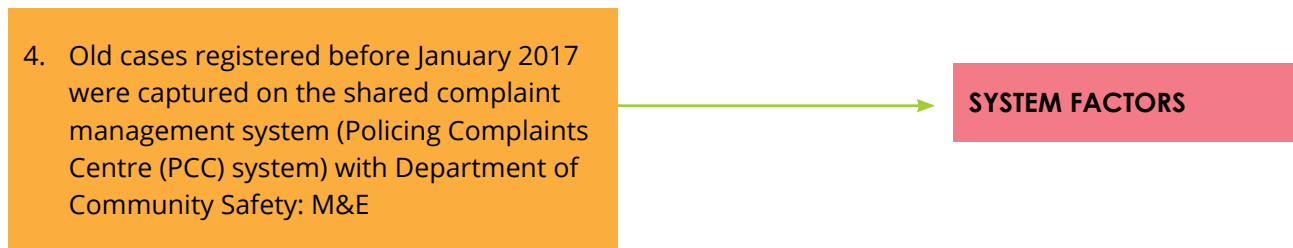
To investigate inefficiencies of the police or break down in relations between the police and any community through service delivery complaints received on policing in the province.



The following three contributing factors were categorised as EXTERNAL factors impacting on the risk with a PRIORITY rating of 3, Major: High impact on risk:

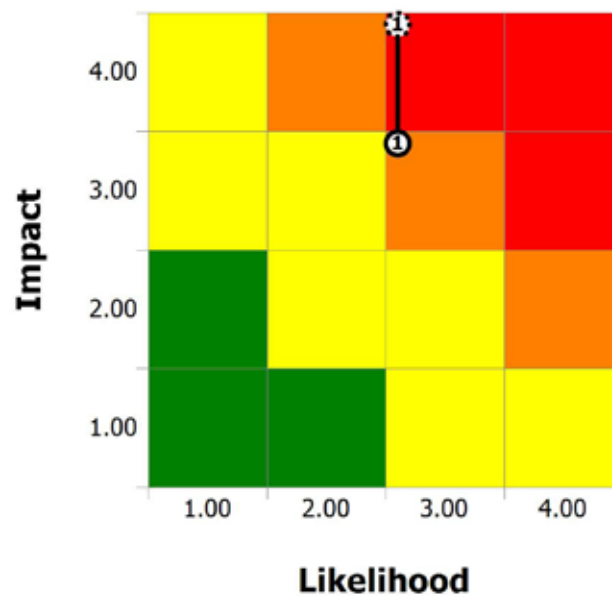


The final contributing factor was categorised as an **INTERNAL** factor impacting on the risk with a **PRIORITY** rating of 2, **Moderate: Medium impact on risk**:



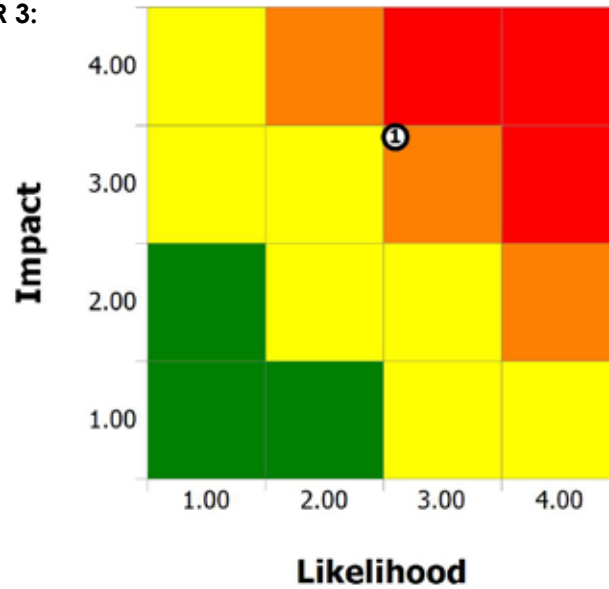
In summary, the risk progression over the course of the financial year is as follows:

**QUARTER 1 TO QUARTER 2:**



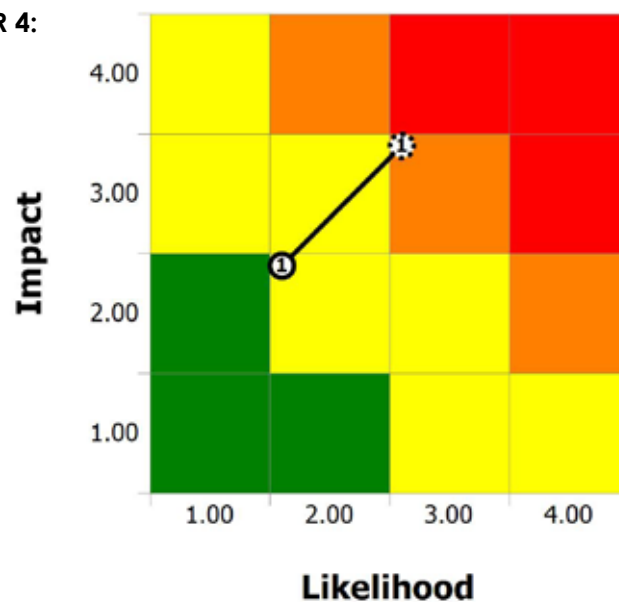
Number	Title	Q2 2016.17	Q1 2016.17
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	9.0	12.0

**QUARTER 2 TO QUARTER 3:**



Number	Title	Q3 2016.17	Q2 2016.17
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	9.0	9.0

**QUARTER 3 TO QUARTER 4:**



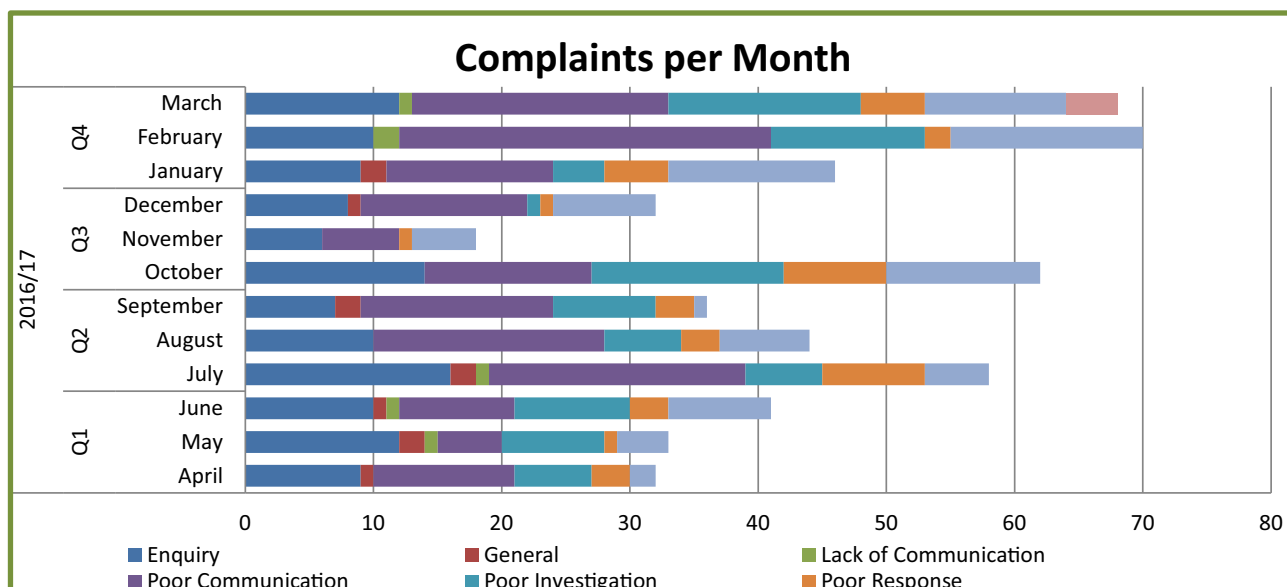
Number	Title	Q4 2016.17	Q3 2016.17
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	4.0	9.0

## 8. COMPLAINTS AND STATISTICS

The Western Cape Community Safety Act of 2013 provides clear guidance on the responsibility of the Office to report complaints. The next section of this report deals with complaints and statistics as set out in the Act. Since its inception and as at 31 March 2017, the Office received a total of 939 complaints. During the 2016/2017 financial year, the Office received a total of 540 complaints. Below are graphic and tabular presentations of the nature of the complaints and their status.

### 8.1 Number of complaints per quarter

Financial Year	Financial Quarter	Month	Nature of complaints								
			Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total
2016/17	Q1	April	9	1		11	6	3	2		32
		May	12	2	1	5	8	1	4		33
		June	10	1	1	9	9	3	8		41
	Q2	July	16	2	1	20	6	8	5		58
		August	10			18	6	3	7		44
		Sept	7	2		15	8	3	1		36
	Q3	Oct	14			13	15	8	12		62
		Nov	6			6		1	5		18
		Dec	8	1		13	1	1	8		32
	Q4	January	9	2		13	4	5	13		46
		February	10		2	29	12	2	15		70
		March	12		1	20	15	5	11	4	68
Grand Total			123	11	6	172	90	43	91	4	540



Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
10111						1			1	
Athlone	2			3	1	1			7	
Atlantis	3			2	2	1			8	
Barrydale		1							1	
Beaufort West				1					1	
Belhar				2	3	1	2		8	
Bellville				1	2				3	
Bellville Stickland		1							1	
Bellville-South	4			2					6	
Bishop Lavis	1			5	1	1	3		11	
Blue Downs				1	1				2	
Bonnievale	1								1	
Bothasig					1				1	
Botriver	1								1	
Brackenfell	2			5	1		1		9	



Financial Year 2016/2017										
	Nature of Complaints								Ready for screening	Grand Total
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour			
Caledon				1			1			2
Calitzdorp	1									1
Camps Bay				1			1			2
Cape Town Central	3			10		1	4			18
Cape Town FCS	1									1
Claremont				4	2	1	2			9
Cloetesville				1						1
Convile	1									1
Da Gamaskop	1									1
Delft	2		1	5	4	3	4			19
Diepriver				2	1					3
Durbanville							1			1
Elsies River	3			2	2	1	1			9
FCS Nyanga							1			1
Fish Hoek	2			1	1					4

Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
Franschhoek	1								1	
Gansbaai	1								1	
Genadendal					1				1	
George				1			1		2	
Goodwood				1	2		4		7	
Gordons Bay					1		1	1	3	
Grabouw				1	2				3	
Grassy Park		1		3		1			5	
Gugulethu	2	1	1	7	1	2	6		20	
Harare	3	1		2	1	2	1		10	
Hawks	1								1	
Hermanus				1					1	
Hopefield						1			1	
Hout Bay	2			2					4	
Inspectorate				1					1	
IPID	1								1	

Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
Kayamandi					1				1	
Kensington	2			1	1	1	1		6	
Khayelitsha	3			7	2	2	2		16	
Kirstenhof	2			1	2		1		6	
Klapmuts					2		1		3	
Kleinvlei	1	2		5		1	1		10	
Knysna				1					1	
Kraaifontein	2				2	1	2	1	8	
Kuilsriver	3			1	1	1	1		7	
Ladismith	1								1	
Laingsburg					1				1	
Lama (P.E)	1								1	
Langa				2	5		2		9	
Lansdowne				1	2				3	
Leeu Gamka	1						1		2	
Legal Services							1		1	

Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
Lentegeur	3	1		4	2	1	4		15	
Lentegeur FCS				1					1	
Lentegeur FCS							1		1	
Lingeletu-West	1			5	2	1	1		10	
Lwandle					1				1	
Macassar	2				2		2		6	
Maitland	1			2	1	1			5	
Malmesbury	1			3					4	
Manenberg				4	3				7	
Mbekweni	1								1	
Mbetweni					1	1			2	
Melkbosstrand				1					1	
Metro	1								1	
Mfuleni	4		1	4	5		3		17	
Milnerton	2			6	1	1			10	
Mitchells Plain	3	1		7	6	1	5		23	

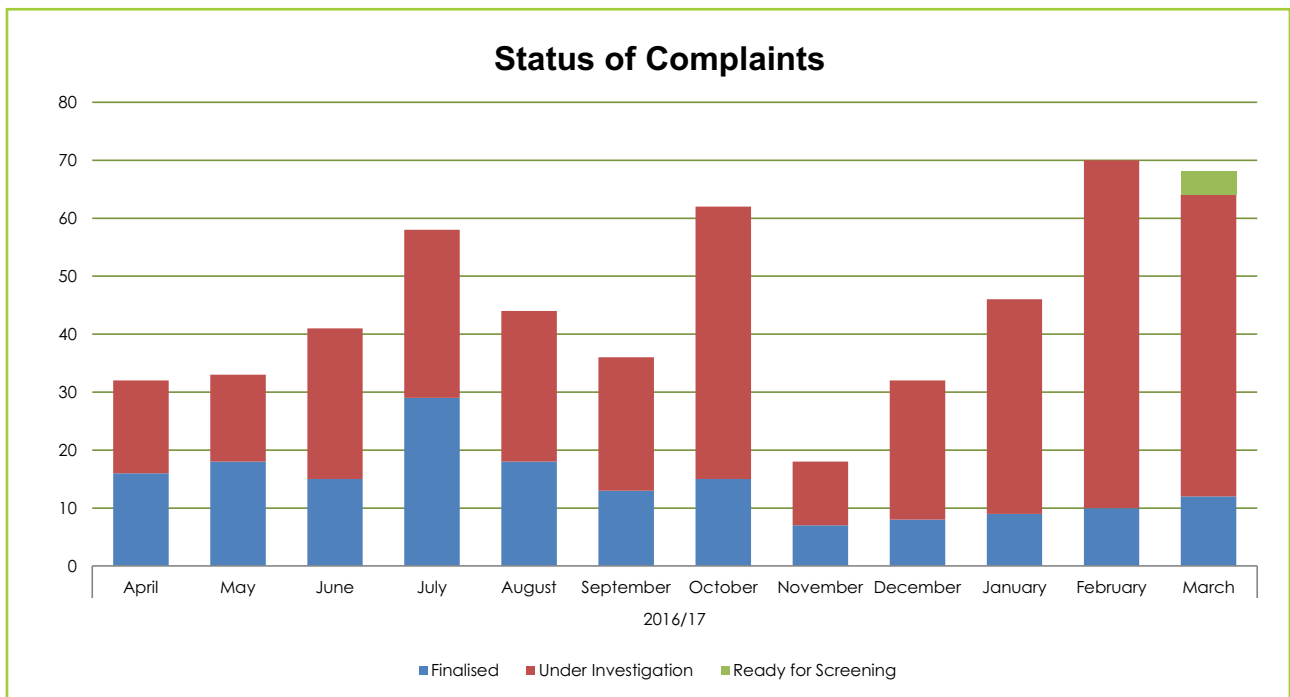
Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
Mitchells Plain FCS	1								1	
Moorreesburg	1								1	
Mowbray	3			2					5	
Muizenberg	1								1	
Nyanga	3			8	4	3	2		20	
Ocean View	2	1					1		4	
Oudtshoorn				1			1		2	
Paarl	2			1			1		4	
Paarl-East			1	1	1	1	1		5	
Pacaltsdorp	1			2			2		5	
Parow	1			4	1	1	1		8	
Philippi	4			2		2			8	
Philippi - East	1			4	2		1	1	9	
Pinelands	1				1				2	
Plettenberg Bay				1					1	
Prov. Head Office	3	1		2			1		7	

Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
Provincial FCS				1					1	
Radio Control						3	1		4	
Ravensmead	1		1		1		1		4	
Riebeeck - West				1					1	
Riversdal				1					1	
Rondebosch	1						1		2	
SAPS Forensic	1								1	
SAPS POPS Division	1								1	
Saron	1								1	
Sea Point	2			1	1			1	5	
Simons Town	1								1	
Somerset West	1			1					2	
Standfontein							1		1	
Steenberg	2		1	4		1	2		10	
Stellenbosch	2					1	2		5	

Financial Year 2016/2017										
	Nature of Complaints									
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
Strand	2			3	2				7	
Strandfontein	2			1		1			4	
Table Bay Harbour				1					1	
Tableview				1			3		4	
Tulbagh					1		1		2	
Unknown	4								4	
Van Rhysdorp					1				1	
Villiersdorp							1		1	
Vredendal				1					1	
Wellington				1			1		2	
Wolseley					1	1			2	
Woodstock	1			1			2		4	
Worcester	3				1		1		5	
Wynberg				1					1	
Zwelethemba				1					1	
Grand Total	123	11	6	172	90	43	91	4	540	

## Status of complaints: 2016 / 2017

Monthly		Status			
Financial Year	Month	Finalised	Under Investigation	Ready for Screening	Grand Total
2016/17	April	16	16		32
	May	18	15		33
	June	15	26		41
	July	29	29		58
	August	18	26		44
	September	13	23		36
	October	15	47		62
	November	7	11		18
	December	8	24		32
	January	9	37		46
	February	10	60		70
	March	12	52	4	68
<b>Grand Total</b>		<b>170</b>	<b>366</b>	<b>4</b>	<b>540</b>





The table below shows complaints received during the previous financial years which were finalised in the 2016/2017 financial year:

Complaints Finalised in financial year 2016/17		Year complaint was received		
	Month	2014/15	2015/16	2016/17
2016	April		3	16
	May		2	18
	June		8	15
	July		6	29
	August		11	18
	September		11	13
	October		10	15
	November		7	7
	December		2	8
2017	January	4	17	9
	February	14	25	10
	March	6	33	12
<b>TOTAL</b>		<b>24</b>	<b>135</b>	<b>170</b>
<b>GRAND TOTAL FINALISED DURING 2016/2017</b>				<b>329</b>

Outcomes of Finalised Matters 2016/17								
Method	Finalised	Category of Complaint						
	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Grand Total
Duplicate	21	1						22
Lack of information	3		1	6	2	7	7	26
Not within our mandate	62							62
Prior to Existence	1							1
Referred	2							2
Substantiated	4	4	1	25	13	6	14	67
Unsubstantiated	12	3	1	37	32	11	29	125
Withdrawn	7			5		7	5	24
Grand Total	112	8	3	73	47	31	55	329

**DVA matters received:**

Police Stations	DVA	Grand Total
Delft	1	1
Kraaifontein	1	1
Kuilsriver	1	1
Lingeletu-West	1	1
Malmesbury	1	1
Milnerton	1	1
Strand	1	1
<b>Grand Total</b>	<b>7</b>	<b>7</b>

**Complaints referred:**

Police Stations	Hawks Ombudsman	M&E	Grand Total
Hawks	1		1
Stellenbosch		1	1
<b>Grand Total</b>	<b>1</b>	<b>1</b>	<b>2</b>

**Complaints deemed to be frivolous and vexatious = 0****Number of matters where recommendations were made = 1**

During the year under review, the WCPO made one recommendation to the Bellville SAPS Management regarding poor communication.

The Office's investigating officer conducted interviews with all the relevant role players, and the preliminary investigation revealed that the complainant's allegations of poor communication were justified. On 12 October 2016, a recommendation was made to the SAPS that three officers be disciplined. On 14 March 2017, the Office received the SAPS response, and of the three officials implicated in the recommendation, two were given verbal warnings.

The table below shows the top ten clusters with the highest number of complaints received by the WCPO during the year under review.

	Clusters	Number of complaints
1.	Mitchells Plain	77
2.	Wynberg	33
3.	Winelands	23
4.	Provincial Head Office	15
5.	Worcester	10
6.	Claremont	5
7.	Ceres	2
8.	Muizenberg	2
9.	Vredenburg	1
10.	Stellenbosch	1
11.	Caledon	1
12.	George	1
13.	Paarl	1

The above police clusters are further disaggregated into complaints received by the actual police station.

The table below shows the top 10 police stations the Office recorded as having the highest number of complaints.

Police Station	Number of complaints
Mitchells Plain	23
Nyanga	20
Gugulethu	20
Delft	19
Cape Town Central	18
Mfuleni	17
Khayelitsha	16
Lentegeur	15
Bishop Lavis	11
Harare	10
Kleinvlei	10
Lingeletu West	10
Steenberg	10
Milnerton	10

**Total number of cases received by the Western Cape Police Ombudsman Office:**

	Financial Year									Grand Total
	2014/15	2015/16				2016/17				
MONTH	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
January	15				38				46	99
February	39				53				70	162
March	29				60				68	157
April		9				32				41
May		22				33				55
June		22				41				63
July			29				58			87
August			24				44			68
September			16				36			52
October				29				62		91
November				8				18		26
December				6				32		38
Grand Total	83	53	69	43	151	106	138	112	184	939

## Overall Statistics – Complaints Received

The Office also did a year-on-year growth analysis of the overall growth of the Office. The table below gives a breakdown of the statistics.

Quarterly Complaints		Nature of complaint									
Financial Year	Financial Quarter	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
2014/15	Q4	6	1	4	7	20	4	41		83	83
2015/16	Q1	8			8	7	8	22		53	
	Q2	22	1		12	11	9	14		69	
	Q3	12	1	1	9	7	4	9		43	
	Q4	31	5	1	42	23	21	28		151	316
2016/17	Q1	31	4	2	25	23	7	14		106	
	Q2	33	4	1	53	20	14	13		138	
	Q3	28	1		32	16	10	25		112	
	Q4	31	2	3	62	31	12	39	4	184	540
Grand Total		202	19	12	250	158	89	205	4	939	939

Number of Complaints			Nature of complaint										
Financial Year	Financial Quarter	Month	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total		
2014/15	Q4	January	1			2	6		6		15		
		February	1	1	2	4	6	1	24		39		
		March	4		2	1	8	3	11		29	83	
2015/16	Q1	April	1					1	7		9		
		May	3			4	2	3	10		22		
		June	4			4	5	4	5		22		
	Q2	July	9			6	5	2	7		29		
		August	7			3	4	6	4		24		
		September	6	1		3	2	1	3		16		
	Q3	October	8			9	4	3	5		29		
		November	1	1	1		1	1	3		8		
		December	3				2		1		6		
	Q4	January	10	1		13	5	2	7		38		
		February	8	3		10	8	10	14		53		
		March	13	1	1	19	10	9	7		60	316	



Number of Complaints			Nature of complaint									
Financial Year	Financial Quarter	Month	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Ready for screening	Grand Total	
2016/17	Q1	April	9	1		11	6	3	2		32	
		May	12	2	1	5	8	1	4		33	
		June	10	1	1	9	9	3	8		41	
	Q2	July	16	2	1	20	6	8	5		58	
		August	10			18	6	3	7		44	
		September	7	2		15	8	3	1		36	
	Q3	October	14			13	15	8	12		62	
		November	6			6		1	5		18	
		December	8	1		13	1	1	8		32	
	Q4	January	9	2		13	4	5	13		46	
		February	10		2	29	12	2	15		70	
		March	12		1	20	15	5	11	4	68	540
Grand Total			202	19	12	250	158	89	205	4	939	939

2016/2017 % growth in comparison to 2015/2016 = 70,89%

## Overall complaints received from outside Cape Metropole

Clusters	Nature of Complaints							
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Grand Total
Beaufort West	1	1		2	2		1	7
Da Gamaskop	2	1		4	1		3	11
Eden	9			7	1	4	11	32
Oudtshoorn	1							1
Overberg	7		1	4	4	1	3	20
Unknown	34	1		1	2	1	4	43
Vredenburg				1		1		2
Vredendal	1			1	3	2	2	9
Winelands	6		1	7	7	4	12	37
Worcester	5			2	4	1	2	14
Ceres					1		1	2
Stellenbosch	1							1
Caledon	1							1
George				1				1
Paarl	1							1
Grand Total	69	3	2	30	25	14	39	182

Financial year: 2014/2015

Clusters	Nature of Complaints							
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Grand Total
Beaufort West		1			1			2
Da Gamaskop				1			2	3
Eden	2						3	5
Overberg			1					1
Unknown					1		3	4
Vredendal						1		1
Winelands					2		2	4
Worcester					1		1	2
Grand Total	2	1	1	1	5	1	11	22

**Financial year: 2015/2016**

Clusters	Nature of Complaints						Grand Total
	Police Station	Enquiry	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	
Beaufort West			1				1
Da Gamaskop		1	2	1		1	5
Eden		3	2	1	4	4	14
Oudtshoorn		1					1
Overberg		6	1	1	1	1	10
Unknown		25			1	1	27
Vredenburg			1				1
Vredendal		1		2	1	2	6
Winelands		2	2	1	1	4	10
Worcester			1	1			2
Grand Total		39	10	7	8	13	77

# Financial year: 2016/2017

Clusters	Nature of Complaints							
Police Station	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Grand Total
Beaufort West	1			1	1		1	4
Da Gamaskop	1	1		1				3
Eden	4			5			4	13
Overberg	1			3	3		2	9
Unknown	9	1		1	1			12
Vredenburg						1		1
Vredendal				1	1			2
Winelands	4		1	5	4	3	6	23
Worcester	5			1	2	1	1	10
Ceres					1		1	2
Stellenbosch	1							1
Caledon	1							1
George				1				1
Paarl	1							1
Grand Total	28	2	1	19	13	5	15	83

## 9. HIGHLIGHTS AND CHALLENGES

As with any organisation, the WCPO has had its share of highlights and challenges. Below are a few of the highlights and challenges experienced during the 2016/2017 financial year.

During this financial year, the Office endeavoured to complete the new Complaints Management System (CMS). The new CMS enables the WCPO to move away from sharing the Policing Complaints Centre (PCC) system, which is the system used by the Monitoring and Evaluation Unit at the Department of Community Safety (DOCS). The PCC system does not have the functionality and capability of the new CMS system and is limited in its reporting capability. The new CMS, which went live in January 2017, allows the Office to register new complaints independently. As could be anticipated with any newly developed software, some technical glitches occurred. These glitches have been sorted out in consultation with the developers based at the E-Government for Citizens (EG4C) and the IT Department. Since the system can be enhanced, the Office will continue to work closely with the developers to ensure that optimal enhancement takes place to meet WCPO requirements.

In addition to the new CMS, the Office also launched its new and improved external website, which now allows clients to register their complaints online, without the need to complete hard copy forms. In the course of its existence, the Office has received numerous enquiries relating to the investigation of fraud cases. During its investigations, the Office has discovered that certain police stations routinely close fraud files as undetected because of a lack of skills at station level. The Police Ombudsman has taken up this matter with the Provincial Commissioner as well as the Hawks Ombudsman and was informed by the latter official that when the Hawks were established, all sufficiently trained detectives at station level were transferred to the Hawks resulting in a lack of skilled SAPS members to deal with fraud issues. Although attempts have been made to rectify this situation, the Hawks Ombudsman notes that little progress has been made over the past five years.

The implementation of the Domestic Violence Act is of great concern to the Office. Since the Act was promulgated in 1998, measures have been introduced to improve the response of the criminal justice system to victims of violence. The case of the State vs. Bennie Adams highlights some of the shortcomings in this regard. On 21 June 2016, Acting Justice Mohamed in his judgement (Judgement SS69/2015 – the State vs. Bennie Adams) said that he was compelled to comment on the conduct of the Kuilsriver police station regarding its treatment of the victim. He added that, had the police fulfilled their duties properly to the people they were meant to serve, and helped the victim in her time of need, the two-year-old child would still be alive today. Judge Mohamed further ordered his judgement to be sent to the WCPO, the IPID, and the Ministry of Community Safety to ensure that such a tragedy did not occur again. On receiving the judgement, the Office wrote to the Police Commissioner about the case. In November 2016, the WCPO and the DOCS, in partnership with UCT's Gender, Health, and Justice Research Unit, organised a roundtable workshop to discuss the reasons for the failure to protect the rights of victims of domestic violence. The workshop undertook to formulate a plan of action for relevant stakeholders.

The following key stakeholders were invited to attend the workshop: The South African Police Service, the National Prosecuting Authority, the Departments of Justice and Correctional Services, the National and Provincial Secretariat for Police, magistrates, representatives of health care services for victims of intimate partner violence, and important domestic violence support service providers.

Another complaint brought to the attention of the Office concerned a two-year-old boy found dead in a fridge as a result of the SAPS's slow response. The Office believes that although the investigation was handled correctly procedurally, it was the delayed response that resulted in the loss of life. At the time of publication of this report, the Office was still awaiting a full report from the Grabouw police station.

In addition to the case of the missing child, there was also the case of a missing teenager. The Office received a call via the Premier's Office about a girl who had already been missing for a week. The concern was that despite the family providing sufficient information to the police, they had not acted quickly on this information. The Provincial Commissioner was contacted by the Police Ombudsman, and the girl was fortunately found safely the following day. This is a bitter-sweet success story that raises the question as to why the matter had to be escalated to the Premier's Office and the WCPO before the police station concerned jumped into action. For every one instance where a child is saved or found, how many more remain lost? The Police Ombudsman brought the seriousness of the types of cases the Office deals with to the attention of the Provincial Commissioner and also informed him of the dire implications of the SAPS's failure to act quickly during times of emergency.

The backlog at the Forensic Pathology Service (FPS) based at the Department of Health is also of serious concern to the Office of the WCPO. Many dockets remain open as the cause of death cannot be determined. Directly linked to this is the fact that investigating officers often do not attend post mortems or collect the post mortem reports, thus adding to the backlog of cases at court. The current backlog at the FPS laboratory is now longer than 10 years.

The WCPO has made four recommendations in this regard:

- That the SAPS Provincial Commissioner should provide information on the impact of the backlog at the Forensic Chemistry Laboratory (FCL) as well as the SAPS contingency plan to remedy the situation and thus improve the service rendered to the community.
- That the SAPS Provincial Commissioner should investigate the contradictory reports on the backlog and also provide the WCPO with the current status of the backlog.
- That the Provincial Minister for Community Safety should raise this matter with the Provincial Minister for Health as the Forensic Pathological Services (FPS) resort under the Provincial Department of Health.
- That the Provincial Minister for Community Safety should discuss the findings of the report with the National Minister of Police and that the Minister of Police, in turn, should discuss this matter with the National Minister of Health as the Forensic Chemical Laboratory (FCL) resorts under the National Minister of Health.

It should be noted that the Office has received increasing cooperation from the SAPS in respect of its investigations and that it commends the SAPS for their commitment to improving relations between the respective offices. The Office has also received more complaints from CPFs themselves, and, as a result, the Police Ombudsman has set up a joint team consisting of the DOCS, the SAPS, and the WCPO to ensure enhanced working relations.

As previously reported, the Office is now a member of the International Ombudsman Institute (IOI) as well as the African Ombudsman and Mediation Association (AOMA), and, during this review period, the Ombudsman attended the 11th World Congress of the International Ombudsman Institute in

Thailand. The Ombudsman also attended a training workshop convened by the AOMA and the African Ombudsman Research Centre in Zambia in March 2017.

In addition to the above, the Ombudsman was invited to present a paper at the SAPS research colloquium in Pretoria in February 2017.

The year had many “firsts” for the Office. It was audited for the first time (see Annexure A of this report for the Internal Auditor’s report), it moved into its new office, and it presented its first annual report to the Standing Committee. The Office is proud to note that, although daunting, it was on a learning curve in terms of what the committee would like to see in future reports.



Ms. Mereille Wenger, chairperson of the Standing Committee, addressing the audience at the WCPO launch in December 2016.



Office members attending the consultative meeting on the development of the AOMA Strategic Plan visit the first President of the Republic of Zambia at his office in March 2017.



## 10. CORPORATE AND SOCIAL RESPONSIBILITY

### Mandela Day 2016

The Mandela Day outreach was done at the Abalimi community garden in Khayelitsha. The team donned their gum boots to assist the women involved in the Abalimi community project with gardening activities.



Above: Staff members hard at work in the garden.

### Heritage Day: A celebration of South African cultural diversity

On 29 September 2016, the Office celebrated Heritage Day. Staff members dressed themselves in the cultural attire of their choice and shared the cuisine of different South African cultures.

Right: Ms. Nadia Arabi,  
Ms. Geraldine Isaacs,  
and Ms. Hlongwane (front)  
holding a "skaapkop"



## 11. CONCLUSION

The Office did its best to mitigate and resolve the challenges it faced during the year under review. Every difficult client and each new case were seen as part of the learning curve the Office was engaged in. As and when the need arose, the Office interacted with various community groups such as those of Nyanga and Langa.

The Office intends continuing with its outreach activities so that all the people of the Western Cape will know how and when (under what circumstances) to contact the Office. The Office has also successfully launched its website and its Complaints Management System.

The Office envisages ongoing engagements with the CPFs and the SAPS to ensure that all stakeholders understand the mandate of and the work done by the WCPO. These engagements will take place against the backdrop of the symbiotic relationship between the Office and all its stakeholders within the criminal justice value chain.

The WCPO notes with appreciation the commitment and cooperation the SAPS, the CPFs, and the DOCS have provided thus far and thanks them for the role they have played in the resolution of some of the complaints received during the reporting period.



**Western Cape  
Government**

Department of the Premier

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# **Internal Audit Report on Western Cape Police Ombudsman**

**For**

**Department of Community Safety**

**July 2016**

**CONFIDENTIAL**

## DISTRIBUTION LIST

	Designation	Name	Secure & Monitor Action	Implement Action	For information & oversight monitoring
1.	Head of Department	Mr. G Morris	√		
2.	Western Cape Police Ombudsman	Mr V Pikoli	√	√	
3.	Chief Director: Management Support	Mrs. L Mouton	√		
4.	Chief Financial Officer	Mr. M Frizlar	√		
5.	Internal Control	Mr. D Prinsloo			√
6.	Chief Audit Executive	Mr. J Radebe			√
7.	Auditor-General of South Africa	Ms. J Williams			√
8.	Enterprise Risk Management	Ms. A Haq			√

This report has been distributed to key strategic officials, with a clear indication of what action is required on receipt of the report. The actions as indicated in the table mean the following:

**Secure and monitor action** – The highest level in the Entity ensuring that the findings and agreed action are given attention by the next level within the organisation; the report should also be enabling the formulation of strategic assessment of the control environment (feedback management tool).

**Implement action** – Senior Management level that should ensure that the agreed actions are implemented by the officials/ranks, whom are indicated under agreed action plan.

**For information and oversight monitoring** - Individuals assigned with the oversight monitoring to be aware about progress on how the risks are better managed. Other assurance providers who should take into account the evaluation of Internal Audit Services, in their planning of the assurance activities to limit duplication.





**Western Cape  
Government**

Department of the Premier

**CORPORATE ASSURANCE BRANCH  
CHIEF DIRECTORATE: INTERNAL AUDIT**

Pedro.Swartboo@westerncape.gov.za

Tel: +27 21 483 8294

Norton Rose House, 8 Riebeek Street, 6<sup>th</sup> Floor,  
Cape Town, 8001

[www.capegateway.gov.za](http://www.capegateway.gov.za)

Ref: 2/11/3/1/1/DOCS/IA Report/Western Cape Police Ombudsman/2016-2017

Mr G Morris

Head of Department

Department of Community Safety

35 Wale Street

Cape Town

8000

Dear Sir

**DRAFT INTERNAL AUDIT REPORT: WESTERN CAPE POLICE OMBUDSMAN**

We have pleasure in submitting a final report, presenting internal audit findings and recommendations; contributing to the maturity of the control framework to an effort to increase business efficacy.

The results of the audit presented to management are aiming at providing assurance that risk treatments covered in the audit are adequate, and effective, to contribute to the management of the risks impacting the objectives of Western Cape Police Ombudsman.

Please take note that this report has been prepared for and only for the Department of Community Safety and for no other purpose. We do not accept or assume any liability or duty of care for any other purpose or to any other person to whom this report or any part thereof are shown or into whose hands it may come save where expressly agreed by our prior consent in writing.

We would like to express our appreciation for the inputs of the organisation's staff; and would be pleased to provide you with any further assistance; and request that you do not hesitate to contact Mr. James Radebe (Chief Audit Executive) on 021 483 8299 or Mr. Pedro Swartbooi (Director Internal Audit) on 021 483 8294.

Yours sincerely



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**Mr. James Radebe**  
**Chief Audit Executive**  
**Date:**

**2016 -07- 2 9**



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**Mr. Pedro Swartbooi**  
**Director: Internal Audit**  
**Date:**

**2016 -07- 2 9**

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## **INTERNAL AUDIT MANDATE**

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the operations of the Department of Community Safety and help the Department to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of governance, risk management and control processes.

## **PRACTICE STATEMENT**

In conducting this internal audit assignment in the Department of Community Safety, within the area of WC Police Ombudsman, we discharge our responsibilities in accordance with the Institute of Internal Auditor's Code of Ethics and International Standards for the Professional Practice of Internal Auditing.

## **EXECUTIVE SUMMARY**

### **BACKGROUND INFORMATION**

The Western Cape Police Ombudsman (WCPO) office was established following the enactment of the Western Cape Community Safety Act of 2013. The powers, functions and duties of the WCPO are set-out in sections 10 to 18 of the WC Community Safety Act. The legal authority for its establishment is found in Chapter 11 of the Constitution of the Republic of South Africa particularly sections 206(3) & (5) read with schedule 4 of the Constitution on "Functional areas of concurrent national and provincial legislative competence". The WC Police Ombudsman Regulations were subsequently promulgated during October 2015.

The office is a Sub-programme: Western Cape Police Ombudsman (WCPO) under the Programme 3: Provincial Policing Functions. The 2016/17 budget for the Programme amounts to R 53 875 000.00, whilst the budget for WC Police Ombudsman is approximately R 10 700 000. The aim of Programme is to monitor police conduct, oversee the effectiveness and efficiency of the police service as well as promote good relations between the police and the community. The strategic objective of the WC Police Ombudsman is to investigate inefficiencies of the police or a breakdown in relations between the police and any community through service delivery complaints received on policing in the province.

Whilst the office of the Police Ombudsman is established in the Department of Community Safety in terms of section of 10(1), its independence and impartiality is guaranteed by section 14(1) that states: "the Ombudsman and staff members of the Ombudsman must serve independently and impartially and must perform their functions in good faith and without fear, favor, bias or



prejudice, subject to the Constitution and the law". The WCPO accounts to the Provincial Minister and submits an annual report that has to be tabled by the Provincial Minister at the Provincial Legislature within 30 days upon receipt. The financial administration and governance processes of WCPO resort under the HoD of Community Safety.

The Police Ombudsman receives, and may investigate complaints, and reports on its operations on an annual basis to the MEC. Complaints assessed to be outside of the mandate are referred to other stakeholders (i.e. the Department of Community Safety, or IPID). The complaints within the mandate are allocated to an investigating officer for preliminary investigation and resolution. In the event that the complaint cannot be resolved then a formal hearing is convened where the Ombudsman may subpoena the member of the public and or the SAPS Officer to testify.

The WCPO's marketing campaign is in the form of hosting information desks at courts and malls, as well as flighting radio advertisements, and attending community meetings as part of awareness campaigns. The complaints spike after every awareness campaigns as members of the public are invited to lodge complaints regarding police conduct at the office. Since its inception in January 2015 to date, the Western Cape Police Ombudsman has recorded 457 complaints.

#### APPLICABLE ACTS/POLICIES AND PROCEDURES

The following legislative framework will be used as a benchmark to the control environment in accordance to specific relevant sections addressing specific issues/ risks:

Legislation	Relevant Section	Synopsis
Constitution of the Republic of South Africa, 108 of 1996	Chapter 11, Section 206 (3) and (5)	These sections of the Constitutions refers to the responsibilities of the provincial government in terms of ensuring good police services, promotion and maintenance of good relations between the police service and communities as well communicating crime and policing to the cabinet member responsible. These functions are undertaken by investigating or appointing <del>ef</del> a commission of inquiry into any complaints of police inefficiency or a breakdown in relations
Constitution of the Western Cape, 1998	Chapter 8, Paragraph 66	

Legislation	Relevant Section	Synopsis
		between the police and any community and the results and recommendations of the investigations or inquiry are communicated to the relevant state organs.
Western Cape Community Safety Act No. 3 of 2013	Chapter 10 to 18	<p>These sections of the Act covers the following:</p> <ul style="list-style-type: none"><li>• Establishment of the Office of Western Cape Provincial Police Ombudsman</li><li>• Appointment of Ombudsman</li><li>• Finances of Ombudsman</li><li>• Reporting by Ombudsman</li><li>• Independence and impartiality of the Ombudsman</li><li>• Functions of Ombudsman</li><li>• Submitting complaints</li><li>• Investigations by Ombudsman</li><li>• Investigating powers and officers</li></ul>

**OVERALL MANDATE AND ROLE OF THE AUDIT AREA**

The following indicates the objectives for the relevant Programmes as documented in the 2016/2017 Annual Performance Plan:

KEY FOCUS OF THE ASSURANCE	
Strategic Objective for Sub-Programme 3.2 Western Cape Police Ombudsman	Performance Measure Indicator
To investigate inefficiencies of the police or a breakdown in relations between the police and any community through service delivery complaints received on policing in the province	Number of reports on complaints received and the status thereof.(4)
	Number of outreach programmes conducted. (12)
	Number of Annual Reports on activities of the Ombudsman. (1)



## SUMMARY OF THE ENGAGEMENT RESULTS

The table below provides the summary of the engagement results for the system of internal control evaluated during the audit:

ASSESSMENT ON THE SYSTEM OF INTERNAL CONTROL				
Risk	Pre-audit Risk Rating	Risk Treatment	Executive Summary of Findings	Rating
The Ombudsman may not have the required systems and processes to enable the full implementation of the mandate.	High	RT1 - Operational processes have been established and an electronic system is used to process, investigate, resolve and report on police complaints	<p>The WC Police Ombudsman has processes in place to process, investigate, resolve and report on police complaints however; the following control weaknesses were identified:</p> <ul style="list-style-type: none"> <li>The 2015/16 Annual Report submitted to the Provincial Minister does not contain the following as per the requirements of section 13 of the Western Cape Community Safety Act: <ul style="list-style-type: none"> <li>Number of complaints determined to be manifestly frivolous and vexatious.</li> <li>The outcome of investigations into the complaints</li> <li>The recommendations regarding the investigated complaints.</li> </ul> </li> <li>The processes that are executed on a daily basis are not documented to ensure consistent application and preservation of institutional knowledge.</li> <li>A screening committee applies a set criteria during daily meetings to select complaints that are within the mandate of the Western Cape Police Ombudsman; however decisions by the screening committee are not appropriately documented.</li> <li>The standard 90 day turn-around timeframe to resolve complaints are not consistently complied with as instances were identified where complaints took</li> </ul>	







ASSESSMENT ON THE SYSTEM OF INTERNAL CONTROL				
Risk	Pre-audit Risk Rating	Risk Treatment	Executive Summary of Findings	Rating
			<p>between 105 and 345 days to conclude. The delays were caused by insufficient capacity and lack of cooperation from the South African Police Service.</p> <ul style="list-style-type: none"> <li>The current Police Complaints Centre (PCC) system does not support and enables the process (meaning the process is not automated such that controls are built into the system). The key controls to mitigate risks within the process are manual in nature and the following areas of concerns were identified: <ul style="list-style-type: none"> <li>The system belongs to and is managed by the Department of Community Safety and not the Ombudsman hence it was designed around the department's processes and not the Ombudsman's.</li> <li>The system is utilised as a journal or diary entry system to keep record and progress of complaints.</li> <li>The system cannot generate reports therefore reports are manually created in the process.</li> <li>The system does not enable the review and approval of captured information to ensure validity, accuracy and completeness.</li> </ul> </li> <li>The WC Police Ombudsman is in the process of developing its own system, in which automated controls are specifically designed in line with the process.</li> </ul>	

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ASSESSMENT ON THE SYSTEM OF INTERNAL CONTROL				
Risk	Pre-audit Risk Rating	Risk Treatment	Executive Summary of Findings	Rating
		<p>RT2 – Outreach programmes are planned and conducted to inform the broader community of the Ombudsman's purpose and processes.</p>	<p>The outreach programmes implemented enhanced communities and other stakeholders' understanding of the WC Police Ombudsman's mandate and purpose. The following was noted:</p> <ul style="list-style-type: none"> <li>• An annual approved Communication Plan containing deliverables, key message, identified stakeholders, frequency of programme, and medium of communication as well as cost and timeframes are in place.</li> <li>• The Plan incorporates a comprehensive list of communication methods to create awareness about the WC Police Ombudsman's purpose and processes.</li> <li>• Outreach programmes were rolled out as per the approved Communication Plan.</li> <li>• Measures exist to assess and report on the impact of the outreach programmes.</li> <li>• An increase was experienced in the number of complaints prioritised for investigation since the roll out of the outreach programmes.</li> </ul>	



Legend Rating	Classification
	Key Controls work as intended and yield results
	Key Controls require improvement
	Key Controls not yielding result or not implemented
	Key Controls not existing or requires re-design
<b>Pre-auditing risk rating</b>	The pre-audit risk rating is a rating prior to auditing based on management's self-assessment of controls without an independent review or evaluation of the controls. The rating assigned in the table below is based on results of the evaluation of controls.

**KEY RECOMMENDATIONS, OVERALL MANAGEMENT COMMENTS AND ACTION PLANS**

Key Recommendations	Overall Management Comments and Action Plans	Action implementation Date	Internal Audit Follow-Up Date
<b>Risk:</b> The Ombudsman may not have the required systems and processes to enable the full implementation of the mandate.			
Management must ensure that the Annual Report includes details of frivolous and vexatious complaints, outcomes and recommendations of formal investigations. In the event that no such complaints were dealt with, the Annual Report must include a nil return.	An addendum to the 2015/16 Annual Report will be completed confirming that the WCPO did not encounter complaints assessed as being frivolous and vexatious, as well as outcomes and recommendations of formal investigations.	30 September 2016	30 October 2016
	All future Annual Reports will include details regarding complaints assessed as being frivolous and vexatious, as well as outcomes and recommendations of formal investigations, including nil returns.	30 April 2017	30 April 2017
<ul style="list-style-type: none"> <li>Management must develop a Standard Operation Procedure (SOP) that provide detailed guidance on the following key processes: <ul style="list-style-type: none"> <li>Submitting complaints</li> <li>Screening and capturing of complaints</li> <li>Investigation, resolution and communication of results</li> </ul> </li> </ul>	Management is already in the process of developing a standard operating procedure document for the WC Police Ombudsman, incorporating the recommendations from internal audit. Assistance will be requested from Organisational Design unit within the Department of the Premier.	30 April 2017	30 April 2017
	The standard operating procedure document will be	30 April 2017	30 April 2017

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## Department of Community Safety

### Internal Audit Report: Western Cape Police Ombudsman

July 2016

Key Recommendations	Overall Management Comments and Action Plans	Action Implementation Date	Internal Audit Follow-Up Date
<ul style="list-style-type: none"> <li>Monthly, quarterly and annual reporting by Ombudsman</li> <li>The SOP must be approved by the Western Cape Police Ombudsman, reviewed on an annual basis and communicated to all WC Police Ombudsman staff.</li> </ul>	<p>approved by the WC Police Ombudsman once finalised and will be circulated to all WC Police Ombudsman staff.</p>		
<ul style="list-style-type: none"> <li>The existing excel Complaints Database must be amended to include the following columns for completion; screening meeting date, complaints selected/not selected/redirected, motivation for inclusion and exclusion. As the WC Police Ombudsman is in the process of developing a new electronic complaints system, management must ensure that it enables capturing of the afore-mentioned information.</li> <li>The Head of Office should not form part of the screening committee but review the assessments of the screening committee on a daily basis to ensure consistent application of the criteria and timely processing of complaints received.</li> <li>The Head of Office must draft a monthly report to the WC Police Ombudsman, utilising the amended</li> </ul>	<p>In the interim, whilst the new electronic complaints system is under development, the existing excel Complaints Database will be amended to include the following columns for completion; screening meeting date, complaints selected/not selected/redirected, motivation for inclusion and exclusion.</p> <p>The Head of Office will no longer form part of the screening committee but will review the assessments of the screening committee on a daily basis to ensure consistent application of the criteria and timely processing of complaints received.</p> <p>A monthly status report indicating the number of complaints assessed by the screening committee and the outcome of the assessment will be compiled and</p>	<p>31 August 2016</p>	<p>30 October 2016</p>
		31 August 2016	30 October 2016
		31 August 2016	30 October 2016

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**Department of Community Safety**  
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Key Recommendations	Overall Management Comments and Action Plans	Action Implementation Date	Internal Audit Follow-Up Date
<p>Complaints Database, on the complaints selected and those not selected, including motivation for exclusion as a result of the Screening Meeting, and certify the reliability and integrity thereof.</p> <ul style="list-style-type: none"> <li>Management must expedite the filling of the two vacant Investigating Officer positions.</li> <li>A formal request must be made to Organisational Design to perform an evaluation on the WCPO's existing structure with the view of increasing its capacity.</li> <li>The WC Police Ombudsman must have regular engagements with SAPS management to discuss matter pertaining to improved cooperation.</li> <li>Management must implement an electronic system that provides for the following functionalities: <ul style="list-style-type: none"> <li>Tracking progress of cases and alert management of lengthy investigations;</li> <li>Drawing of statistical data for reporting purposes (e.g. complaints reported per police station).</li> </ul> </li> <li>Management must ensure that the electronic system</li> </ul>	<p>submitted to the WC Police Ombudsman. This report will be discussed at the monthly management meetings held with the WC Police Ombudsman.</p> <p>Successful candidates for the two vacant Investigating Officers were nominated and management will ensure that the appointment process will be finalised as soon as possible.</p> <p>Management will liaise with Organisational Design to ensure that the job evaluation process requested for the WCPO is concluded as soon as possible.</p> <p>The WC Police Ombudsman will continue to have ad hoc engagements with SAPS management to address challenges experienced with regards to cooperation.</p> <p>Management will ensure that the electronic system that is</p>	<p>30 September 2016</p> <p>28 February 2017</p> <p>28 February 2017</p> <p>28 February</p>	<p>30 October 2016</p> <p>30 April 2017</p> <p>30 April 2017</p> <p>30 April 2017</p>

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Department of Community Safety  
Internal Audit Report: Western Cape Police Ombudsman  
July 2016

Key Recommendations	Overall Management Comments and Action Plans	Action Implementation Date	Internal Audit Follow-Up Date
<p>that is being developed has a functionality that enables review of the captured information through segregation of duties.</p> <ul style="list-style-type: none"> <li>The system must enable the Investigating Officer to capture the information, and first-level review must be performed by the Senior Investigating Officer and final review must be performed by the WCPO Head of Office.</li> <li>The Head of Office must monitor whether reviews are performed on the electronic system as per above.</li> </ul>	<p>being developed has a functionality that enables the Investigating Officer to capture, the Senior Investigating Officer to review and the Head of Office to perform a final review.</p> <p>The Head of Office will monitor whether reviews are performed on the electronic system as per above.</p>	<p>2017</p> <p>28 February 2017</p>	<p>30 April 2017</p>



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**ENGAGEMENT OBJECTIVE AND SCOPE OF THE INTERNAL AUDIT**

The overall objective of internal audit is to give the department's management assurance on whether risk treatments are adequate and effective to manage the risks to an acceptable level, resulting in attainment of the strategic goals and objectives. The table below outlines the specific engagement objectives, audit approach and extent of coverage:

No.	Risk Treatment (RT)	Audit Approach	Engagement Objective	Extent of RT coverage
<b>Risk:</b> The WC Police Ombudsman may not have the required systems and processes to enable the full implementation of the mandate. <b>Risk Source:</b> Risk Register				
RT1	Operational processes have been established and an electronic system is used to process, investigate, resolve and report on police complaints received in accordance with the Western Cape Community Safety Act and the Western Cape Provincial Police Ombudsman	Evaluate the operational processes and electronic systems that enable the WC Police Ombudsman to achieve its mandate.	Provide assurance on: <ul style="list-style-type: none"> <li>Compliance to the relevant provisions of the Western Cape Community Safety Act 3 of 2013 and the Western Cape Police Ombudsman Regulations of 2015 as it relates to the establishment, appointment and functions of the Ombudsman.</li> <li>Reliability and integrity of information utilised in the processing, investigation, resolution and reporting of complaints against the police.</li> <li>Effectiveness and efficiency of processes to monitor that complaints against police are effectively processed, investigated, resolved and reported on.</li> <li>Appropriate record is kept of information used and this</li> </ul>	The evaluation of the risk treatments focussed on the design and implementation of controls within the aligned business processes.

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No.	Risk Treatment (RT)	Audit Approach	Engagement Objective	Extent of RT coverage
RT2	<p>Regulations.</p> <p>Outreach programmes are planned and conducted to inform the broader community of the Ombudsman's purpose and processes.</p>	<p>Assess the measures in place at the Ombudsman to appropriately plan, implement and monitor outreach programmes.</p>	<p>is safeguarded and access is restricted to authorised users.</p> <p>Provide assurance on:</p> <ul style="list-style-type: none"> <li>Reliability and integrity of information used during planning to identify the outreach programmes, its content and implementation of the planned outreach programmes.</li> <li>Effectiveness and efficiency of operations as it relates to monitoring whether the objectives of the planned outreach programmes are achieved.</li> </ul>	

## DETAILED AUDIT FINDINGS

### 1. WC Police Ombudsman Annual Reporting

#### Criteria

Chapter 13 of the Western Cape Community Safety Act No.3 of 2013 provides that the WC Ombudsman must:

- 1) Report annually to the Provincial Minister on the activities of the Ombudsman during the previous financial year including;
  - a) Number of complaints investigated.
  - b) Number of complaints determined to be manifestly frivolous and vexatious.
  - c) The outcome of investigations into the complaints
  - d) The recommendations regarding the investigated complaints.

#### Condition

The Western Cape Police Ombudsman 2015/16 Annual Report does not contain the following, as required by the Act:

- Number of complaints determined to be manifestly frivolous and vexatious.
- The outcome of investigations into the complaints
- The recommendations regarding the investigated complaints.

#### Root Cause

This information was not included in the Annual Report as no complaints were assessed to be frivolous and vexatious. In addition the WCPO did not have any formal hearings which are regarded as investigations.

#### Effect

The Western Cape Police Ombudsman may not be in compliance with the Act.

#### Recommendations

Management must ensure that the Annual Report template is updated to include details of frivolous and vexatious complaints, outcomes and recommendations of formal investigations. In the event that no such complaints were dealt with, this information should be indicated in the report.



Management Action Plan	Responsibility Level	Management Implementation Due Date	Internal Audit Follow-Up Date
An addendum to the 2015/16 Annual Report will be completed confirming that the WCPO did not encounter complaints assessed as being frivolous and vexatious, as well as outcomes and recommendations of formal investigations.	WC Police Ombudsman	30 September 2016	30 October 2016
All future Annual Reports will include details regarding complaints assessed as being frivolous and vexatious, as well as outcomes and recommendations of formal investigations, including nil returns.	WC Police Ombudsman	30 April 2017	30 April 2017

## 2. Western Cape Police Ombudsman Standard Operating Procedures

### Criteria

- The Internal Control Integrated Framework (2013), published by the Committee of Sponsoring Organizations of the Treadway Commission (COSO), is recognized as leading practice in relation to internal control and is designed to assist organizations in designing and implementing their systems of internal control. The COSO Internal Control Integrated Framework recommends the following benchmarking principle with regards to internal control:
- *"The organisation deploys control activities through policies that establish what is expected, and procedures that put policies into action."*
  - One of the key focus areas of this principle is that management establishes control activities that are built into business processes and employees' day-to-day activities through policies establishing what is expected and relevant procedures specifying the actions that the employees are required to execute. A further focus area of this principle is that management periodically reassesses policies and procedures, by reviewing control activities to determine their continued relevance, and refreshes them when necessary.
- Standard Operating Procedures (SOPs) provides a detailed explanation of how legislation, management directive and policies are to be implemented within the organisation or organisational unit. An effective SOP provides the step-by-step instructions that enable anyone within an organisation or unit to perform a task in a consistent manner. It communicates the following:
  - Who will perform the task;
  - What resources are necessary;
  - Where the task will take place;
  - When the task will be performed; and
  - How the person will execute the task.

### Condition

The Western Cape Police Ombudsman Office does not have documented policies and procedures in place that guide officials in the execution of the daily functions. Although the Act and Regulations stipulate what functions to perform, no guidance is provided as to how these functions should be executed.

### Root Cause

The Western Cape Police Ombudsman was newly established during December 2014 and is the first of its kind in the country hence the unit did not have a reference point to document their processes.



### Effect

In the absence of documented processes, the Western Cape Police Ombudsman office staff may not have the necessary guidance to comply with prescribed norms and standards, impacting on quality of investigations and causing delays, as well as creating uncertainty and inconsistency of workflow.

### Recommendations

- Management must develop a Standard Operation Procedure (SOP).
- The SOP must provide for the following per process:
  - Who will perform the task;
  - What resources are necessary;
  - Where the task will take place;
  - When the task will be performed; and
  - How the person will execute the task.
- All the following processes must be addressed within the SOP regarding Western Cape Police Ombudsman services and detailed guidance:
  - Submitting complaints
  - Screening and capturing of complaints
  - Investigation, resolution and communication of results
  - Monthly, quarterly and annual reporting by Ombudsman
- The SOP must be approved by the Western Cape Police Ombudsman, reviewed on an annual basis and communicated to all WC Police Ombudsman staff.

Management Action Plan	Responsibility Level	Management Implementation Due Date	Internal Audit Follow-Up Date
Management is already in the process of developing a standard operating procedure document for the WC Police Ombudsman, incorporating the recommendations from internal audit. Assistance will be requested from Organisational Design unit within the Department of the Premier.	WCPO Head of Office	30 April 2017	30 April 2017

Management Action Plan	Responsibility Level	Management Implementation Due Date	Internal Audit Follow-Up Date
The Standard Operating Procedure will be approved by the WC Police Ombudsman and circulated to all WCPO staff.	WCPO Head of Office	30 April 2017	30 April 2017

### 3. Complaints Screening Meetings

#### Criteria

- The Internal Control Integrated Framework (2013), published by the Committee of Sponsoring Organizations of the Treadway Commission (COSO), is recognized as leading practice in relation to internal control and is designed to assist organizations in designing and implementing their systems of internal control. The COSO Internal Control Integrated Framework recommends the following benchmarking principle with regards to internal control:
- *"The organisation obtains or generates and uses relevant, quality information to support the functioning of other components of internal control."*
  - Information is necessary for the organisation to carry out their internal control responsibilities in support of the achievement of objectives
- A screening committee applies set criteria during daily Complaints Screening Meetings, to select complaints that are within the mandate of the Western Cape Police Ombudsman, or reject complaints seen as not falling within the mandate for referral to other stakeholders.

#### Condition

The screening committee applies a set criteria during daily meetings to select complaints that are within the mandate of the Western Cape Police Ombudsman, and maintains hand written notes in a notebook which are regarded as minutes of the meeting; however decisions by the screening committee are not appropriately documented as the handwritten meeting notes do not demonstrate the committee's motivation for assessing individual complaints.

#### Root Cause

- No review is performed of the decisions taken during the Complaints Screening Meetings.
- Reliance is placed on handwritten notes made during the Complaints Screening Meeting and the captured complaints on the PCC system by the Case Flow Officer subsequent to the Screening Meetings.

#### Effect

The Screening Committee may not apply the criteria to select complaints for investigation correctly, resulting in the Western Cape Police Ombudsman not fulfilling its mandate and reputational damage.

#### Recommendations

- The existing excel Complaints Database must be amended to include the following columns for completion; screening meeting date, complaints selected/not selected/redirected, motivation



for inclusion and exclusion. As the WC Police Ombudsman is in the process of developing a new electronic complaints system, management must ensure that it enables capturing of the aforementioned information.

- The Head of Office should not form part of the screening committee but review the assessments of the screening committee on a daily basis to ensure consistent application of the criteria and timely processing of complaints received.
- The Head of Office must draft a monthly report to the WC Police Ombudsman, utilising the amended Complaints Database, on the complaints selected and those not selected, including motivation for exclusion as a result of the Screening Meeting, and certify the reliability and integrity thereof.

Management Action Plan	Responsibility Level	Management Implementation Due Date	Internal Audit Follow-Up Date
In the interim, whilst the new electronic complaints system is under development, the existing excel Complaints Database will be amended to include the following columns for completion; screening meeting date, complaints selected/not selected/redirected, motivation for inclusion and exclusion.	WCPO Head of Office	31 August 2016	30 October 2016
The Head of Office will no longer form part of the screening committee but will review the assessments of the screening committee on a daily basis to ensure consistent application of the criteria and timely processing of complaints received.	WCPO Head of Office	31 August 2016	30 October 2016
A monthly status report indicating the number of complaints assessed by the screening committee and the outcome of the assessment will be compiled and submitted to the WC Police Ombudsman. This report will be discussed at the monthly management meetings held with the WC Police Ombudsman.	WCPO Head of Office	31 August 2016	30 October 2016

#### 4. Processing of Complaints

##### Criteria

The WCPO is using a standard turnaround time of 90 days from date of receipt for complaints to be concluded.

##### Condition

The standard 90 day turn-around timeframe to resolve complaints are not consistently complied with as instances were identified where complaints took between 105 and 345 days to conclude. The following refers:

No.	Complaint Reference Number	Investigating Officer	Date received as per Complaints database	Date report signed by the Head of Office	Complaint Category	Days from receipt to signing the report
1	COM070520150002	J. Norris	21/04/2015	31/03/2016	C: Poor Investigation	345
2	COM270520150000	J. Norris	25/05/2015	10/12/2015	D: Poor Response	199
3	COM040620150001	N. Hlongwane	03/06/2015	31/03/2016	B: Poor Communication	302
4	COM180620150000	J. Norris	12/06/2015	21/04/2016	B: Poor Communication D: Poor Response	314
5	COM020720150000	J. Norris	29/06/2015	31/03/2016	B: Poor Communication C: Poor Investigation F: Unacceptable Behaviour	276
6	COM140720150002	N. Hlongwane	13/07/2015	31/03/2016	B: Poor Communication	262
7.	COM110820150002	J. Norris	11/08/2015	10/12/2015	F: Unacceptable Behaviour	121



No.	Complaint Reference Number	Investigating Officer	Date received as per Complaints database	Date report signed by the Head of Office	Complaint Category	Days from receipt to signing the report
8.	COM170820150000	N. Hlongwane	12/08/2015	25/11/2015	D: Poor Response	105
9.	COM300920150000	N. Hlongwane	15/09/2015	31/03/2016	C: Poor Investigation	198
10.	COM300920150001	N. Hlongwane	28/09/2015	31/03/2016	F: Unacceptable Behaviour	185
11.	COM221020150003	J. Norris	22/10/2015	31/03/2016	F: Unacceptable Behaviour	161
12.	COM051120150005	N. Hlongwane	23/10/2015	31/03/2016	B: Poor Communication C: Poor Investigation	160
13.	COM131120150004	J. Norris	12/11/2015	11/05/2016	D: Poor Response	181
14.	COM010220160003	Z. Matwa	01/02/2016	20/05/2016	B: Poor Communication	109

#### Root Cause

- The WC Police Ombudsman does not have sufficient capacity to conclude complaints within the set turnaround times due to vacancies and inadequate structure.
- Lack of cooperation from SAPS during investigations contributed to the delays.

#### Effect

- The WC Police Ombudsman may not fulfil its mandate as complaints remain unresolved.
- Complaints that are delayed constitute a reputational risk to the Office of WCPO as the public may lose confidence in the ability of the WCPO.

#### Recommendations

- Management must expedite the filling of the two vacant Investigating Officer positions.
- A formal request must be made to Organisational Design to perform an evaluation on the WCPO's existing structure with the view of increasing its capacity.

- The WC Police Ombudsman must have regular engagements with SAPS management to discuss matter pertaining to improved cooperation.
- Management must implement an electronic system which provides for the following functionalities:
  - Tracking progress of cases and alert management to lengthy investigations;
  - Drawing of statistical data for reporting purposes (e.g. complaints reported per police station).

Management Action Plan	Responsibility Level	Management Implementation Due Date	Internal Audit Follow-Up Date
Successful candidates for the two vacant Investigating Officers were nominated and management will ensure that the appointment process will be finalised as soon as possible.	WCPO Head of Office	30 September 2016	30 October 2016
Management will liaise with Organisational Design to ensure that the job evaluation process requested for the WCPO is concluded as soon as possible.	WCPO Head of Office	28 February 2017	30 April 2017
The WC Police Ombudsman will continue to have ad hoc engagements with SAPS management to address challenges experienced with regards to cooperation.	WC Police Ombudsman	28 February 2017	30 April 2017



## 5. The Police Complaints Centre (PCC) system and Complaints Database

### Criteria

The Integrated Internal Control Framework (2013), published by the Committee of Sponsoring Organisations of the Treadway Commission (COSO), is recognised as leading practice in relation to internal control and is designed to assist organisations in designing and implementing their system of internal control. The COSO Integrated Internal Control Framework recommends the following benchmarking standards with regards to internal control:

- The organisation obtains or generates and uses relevant, quality information to support the functioning of other components of internal control.
- The organization selects and develops general control activities over technology to support the achievement of objectives.

An organization should obtain or generate and use relevant, quality information to support the functioning of internal control.

- Identifies Information Requirements — a process is in place to identify the information required and expected to support the functioning of the other components of internal control and the achievement of the entity's objectives.
- Captures Internal and External Sources of Data — Information systems capture internal and external sources of data.
- Processes Relevant Data into Information — Information systems process and transform relevant data into information.
- Maintains Quality throughout Processing — Information systems produce information that is timely, current, accurate, complete, accessible, protected, and verifiable and retained. Information is reviewed to assess its relevance in supporting the internal control components.
- Considers Costs and Benefits — the nature, quantity, and precision of information communicated are commensurate with and support the achievement of objectives.

### Condition

The Police Complaints Centre (PCC) system and the excel Complaints Database used to capture complaints are not effective as the captured information is not reviewed for accuracy and completeness.

### Root Cause

- The WC Police Ombudsman was established during December 2014 and the PCC system, with all its limitations, was the only system available for use.
- The design of the PCC system and the Complaints Database does not make provision for review.



### Effect

- In the absence of review of information captured on the system, the WC Police Ombudsman may investigate complaints that are not within its mandate.
- Complaints incorrectly captured may contribute towards delays in investigations.

### Recommendations

- Management must ensure that the electronic system that is being developed has a functionality that enables review of the captured information through segregation of duties.
- The system must enable the Investigating Officer to capture the information, and first-level review must be performed by the Senior Investigating Officer and final review must be performed by the WCPO Head of Office.
- The Head of Office must monitor whether reviews are performed on the electronic system as per above.

Management Action Plan	Responsibility Level	Management Implementation Due Date	Internal Audit Follow-Up Date
Management will ensure that the electronic system that is being developed has a functionality that enables the Investigating Officer to capture, the Senior Investigating Officer to review and the Head of Office to perform a final review.	WCPO Head of Office	28 February 2017	30 April 2017
The Head of Office will monitor whether reviews are performed on the electronic system as per above.	WCPO Head of Office	28 February 2017	30 April 2017



To obtain additional copies of this document please contact:

The Head of Communications  
Western Cape Police Ombudsman  
80 Burg Street, Cape Town, 8000, South Africa  
Tel: +27-21 483 0669 Fax: +27-21 483 0660  
Ombudsman@wcpo.gov.za  
Website: [www.westerncape.gov.za/police-ombudsman](http://www.westerncape.gov.za/police-ombudsman)

#### DISCLAIMER

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The Department cannot be held liable for any misinterpretations that may have occurred during the translation process.

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Die Departement aanvaar geen verantwoordelikheid vir moontlike wanvertolkings gedurende die vertalingsproses nie.

#### INKCAZO

Inguqulelo yesiNgesi yale ngxelo yonyaka itathwa njengeyona esebenza ngokusesikweni.  
Isebe alinakubekwa tyala, ngazo naziphi na iziphoso ezengathi zibe khona ngxesha linguqulelo yezinye iilwimi.

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