

Western Cape  
Police



**ombudsman**

# **Annual Performance Report**


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**2018/2019**



2018/2019  
Annual Performance  
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 the report in the Provincial Parliament within 30 days of receiving it.

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# 1. Foreword

This report signifies my first Annual Performance Report submission as the Western Cape Police Ombudsman, and the fourth submission for the office, since its inception in 2015.

My first order of business was continuing with the investigation into the impact which the decline in the number of reservists in the Western Cape had on the efficiency of the South African Police Service. The WCPO received the request for investigation from the Chairperson of the Standing Committee on Community Safety, in October of the previous financial year. Emanating from that investigation, I wrote a report which was submitted to the Chairperson of the Standing Committee, as well as the SAPS with a few recommendations:

- That Section 9 of National Instruction 3 of 2014 is amended as this is the founding document authorising the admission of reservists within the service.
- Specific attention is given to broadening the scope of recruitment IE: unemployed members of society should be given consideration.
- Revision should further be given to the refresher courses and/or training offered to reservists to bring it in line with the inherent job requirements of the Service so as to prohibit differential treatment of SAPS members and SAPS reservists as far as reasonably possible.
- An implementation plan is provided by the National Commissioner of the SAPS in terms of paragraph 39 of National Instruction 3 of 2014. This paragraph prescribes the transitional arrangements and stipulates the following: 'The phasing out of the existing reservist system and the implementation of the new reservist system, provided for in this Instruction will be undertaken in accordance with an implementation plan determined by the National Commissioner.'

The reservist investigation was partially reported to the Standing Committee during our presentation of the previous year's annual report, in September last year. Our engagement with them was constructive in terms of ideas and suggestions from the committee, particularly in respect of the outreach. This interaction enabled us to negotiate free spots on Radio Zibonele, where my team and I had the opportunity to go in studio and speak to the people of the Khayelitsha Community and surrounds. We are thankful to Radio Zibonele for affording us the opportunity to partner with them, and we have since proceeded to include Zibonele advertising efforts for the remainder of the year in review.

Partnerships remain at the epicentre of our business, and we are proud to share that we have continued our partnerships with NGOs, the Community Policing Forums (CPFs) and the Justice, Crime Prevention and Security (JCPS) cluster, and many others. During this review period we had the pleasure of working with the African Police Civilian Oversight Forum, (APCOF) who assisted our office in producing an information booklet, which will support our outreach efforts to communities.

The Department of Community Safety have been approached regarding the amendment of the WCPO regulations. Some of the proposed amendments include the following:

- Future enhancements will see our office initiating complaints, and we have engaged with DOCS on amendments to the regulations in respect hereof.
- Other envisaged enhancements to the regulations will include the amendment of the 30-day reporting period for the compilation of our Annual Report.
- For the provision of an Acting Ombudsman.
- Quarterly reporting will be done to the Standing Committee by SAPS and Metro Police on the status of recommendations made by my office.

As we cannot reach all the areas in the Western Cape, we will continue with our radio campaign and advertising via our digital banners that will divert users to our website when they click on the link. The digital banners therefore create awareness by driving traffic to our website. We have continued with our outreach and stakeholder events. Hosted by SAPS, the launch of the Festive Season campaign in December 2018 was one of our most memorable events. Our office spoke to more than 1000 people from the different parts of the Western Cape.

Section 206 of the 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) inter alia provides that each province is entitled to promote good relations between the police and the community.

It is in the spirit of building relationships that our office will intensify its efforts to mediate complaints. In a short space of time we have had the privilege of mediating two complaints namely the Killarney Gardens and Hermanus Beach club complaints. At this point, the office is still monitoring the situation but we are confident that the interventions from our office will go a long way to enhance cohesion and collaboration across all spheres of law enforcement and government agencies in the Western Cape.

I wish to thank the SAPS for their continuous cooperation with our office. The mere fact that it was not necessary to impose section 18 of the Community Safety Act is an indication of the cooperation received from SAPS. We also acknowledge contribution of the Metro Police, as since our establishment, we have received no complaints against them.

To all our partners and stakeholders alike, we thank you, as this year would not have been successful had it not been for your contribution to our work.

I wish to thank Advocate Vusi Pikoli for his contribution and work with the commencement of our office. With absolutely no precedent, he blazed the trail for the first ever, Police Ombudsman's office in the Country. For that, we acknowledge him.

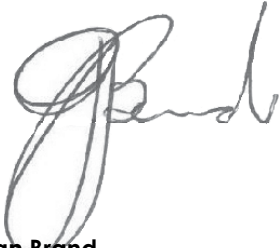
Lastly, I wish to thank my staff, for their contributions towards achieving the 2018/2019 targets. The statistics in the latter part of this report is testimony to the hard work and commitment displayed by the WCPO staff members. We managed to reduce the outstanding backlog for investigations by 44% (whilst we experienced a shortage of personnel in both the investigation and administrative sections), exceeded our targets for outreach programmes, and for the first time since the establishment of our office met the targeted spending of our annual budget as prescribed in the PFMA. We will move beyond this in future, and as our establishment grows, we will raise our standards in order to enhance our service to the communities of the Western Cape.



**Johan Brand**  
**The Western Cape Police Ombudsman**  
**Date: 25.04.2019**

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 2018/2019 budget.



**Johan Brand**  
**Western Cape Police Ombudsman**



# ACRONYMS

<b>AOMA</b>	African Ombudsman and Mediation Association
<b>AORC</b>	African Ombudsman Research Centre
<b>APP</b>	Annual Performance Plan
<b>CeI</b>	Centre for e-Innovation
<b>CPFs</b>	Community Police Forums
<b>DOCS</b>	Department of Community Safety
<b>DPASA</b>	Department of Public Service and Administration
<b>DVA</b>	Domestic Violence Act
<b>EG4C</b>	E-Government for Citizens
<b>GG</b>	Government Garage
<b>HOD</b>	Head of Department
<b>ICT</b>	Information Communication and 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>MOU</b>	Memorandum of Understanding
<b>NGOs</b>	Non-governmental Organisations
<b>NPM</b>	National Preventative Mechanism
<b>OPCAT</b>	Optional Protocol to the Convention Against Torture
<b>PFMA</b>	Public Finance Management Act
<b>NHWs</b>	Neighbourhood Watches
<b>PCC</b>	Policing Complaints Centre
<b>SAPS</b>	South African Police Service
<b>WCG</b>	Western Cape Government
<b>WCPO</b>	Western Cape Police Ombudsman

## 2. MISSION, VISION AND VALUES

### 2.1 Our Mission

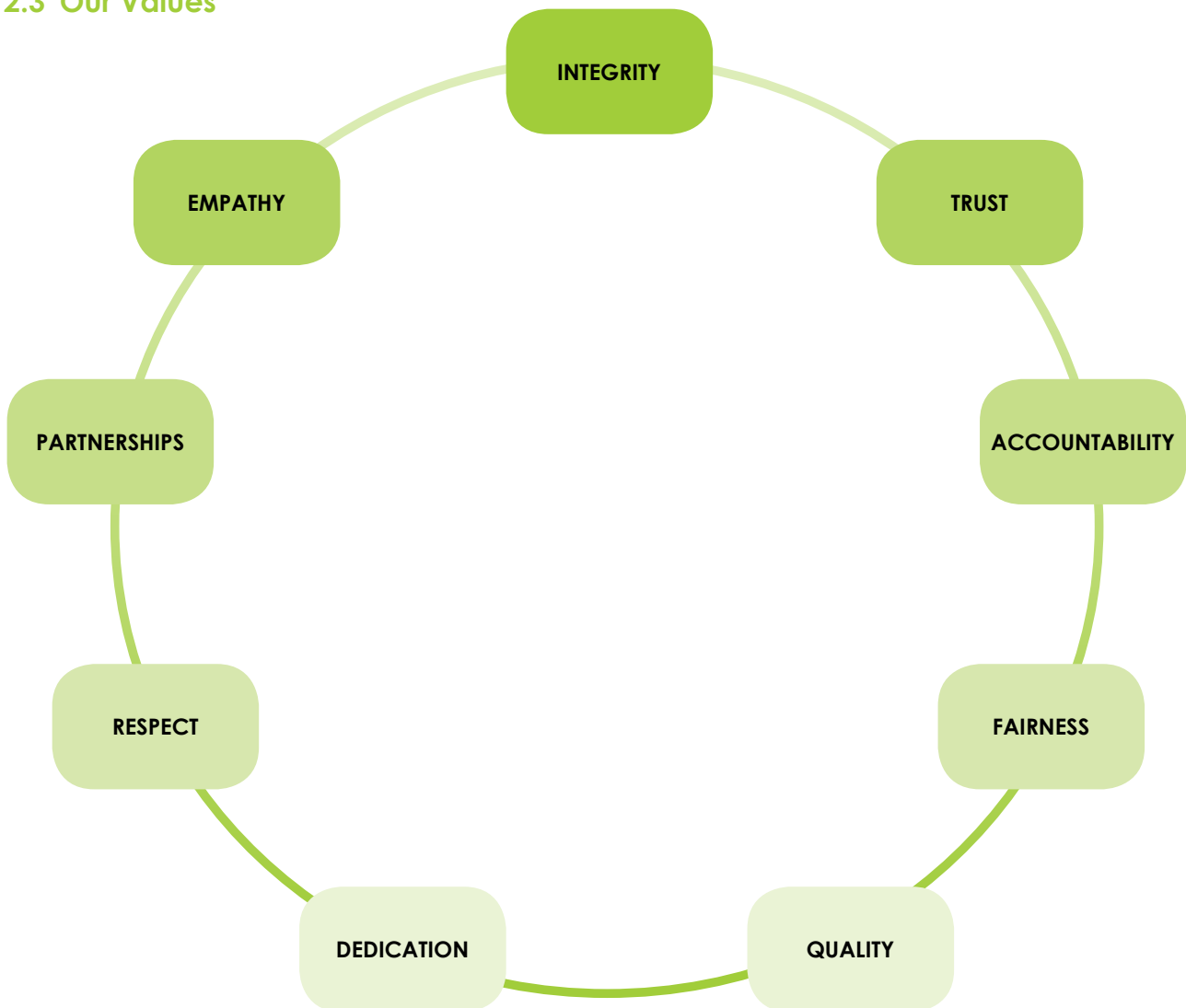
We seek to enhance the efficiency of police services and improve relations between the police and communities by:

- a. investigating complaints of police inefficiency, and/or
- b. investigating any breakdown of relations between the police and communities.

### 2.2 Our Vision

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

### 2.3 Our Values



## 3. Legislative and other Mandates

### 3.1 Constitutional mandates

#### **Section 206, Constitution of South Africa Act (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 as follows:

"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) provides as follows: "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."

### 3.2 Constitution of the Western Cape (Act 1 of 1998, Section 66, Policing functions of the Western Cape Government 66) (1)

The WCG is entitled to:

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

### 3.3 Western Cape Community Safety Act (Act 3 of 2013)

On 5 April 2013, the Premier of the Province of the Western Cape assented to the Community Safety Act, which was published in 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. Provision is hereby made 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.

The WCPO has the authority to investigate complaints relating to allegations of service delivery inefficiencies.

**We categorise the concept of service delivery complaints as follows:**

**Poor communication**

- Supply incorrect information
- Lack of telephone etiquette
- Failure to provide feedback
- Language barriers

**Poor investigation**

- Failure to obtain statements
- Failure to attend to a crime scene
- Poor crime scene management
- Failure to arrest suspects
- Failure to follow-up on information
- Failure to circulate stolen property/suspects
- Failure to submit dockets to court
- Failure to subpoena witness(es)/summon suspect(s) for court
- Failure to compile identikits
- Failure to send exhibits for analysis
- Failure to use investigation aids/experts
- Failure to properly register a missing criminal case docket

**Poor response**

- Failure to follow-up on or respond to information
- Unnecessary delays in assisting clients at the Community Service Centre (CSC)
- Failure to answer telephone
- Failure to attend to a complaint
- Lack of police visibility
- Unnecessary delays in attending to victims/complainants

**Abuse of power**

- Manner in which an arrest had been carried out
- Threatening or intimidating a member of the public
- Manner in which a search and seizure is conducted

**Unacceptable Behavior**

Refers to complaints of misconduct in terms of Regulations 20 of the South African Police Service Discipline Regulations:

- Fails to comply with, or contravenes an Act, regulation or legal obligation.
- Endangers the lives of others by disregarding safety rules or regulations.
- Misuses his/ her position in the Service.
- Fails to carry out a lawful instruction or routine instruction without just or reasonable cause.
- Without authorisation, sleeps on duty.
- Whilst on duty, is under the influence of an intoxicating, illegal, unauthorised, habit-forming drug, including alcohol.

- Whilst on duty, conducts herself or himself in an improper, disgraceful and unacceptable manner.
- Contravenes any prescribed Code of Conduct for the Service or The Public Service, whichever may be applicable to him/ her whilst on duty.
- Incites other employees to conduct themselves in a manner which is in conflict with accepted procedure.

### **The Act has conferred the following powers to the WCPO:**

#### **General**

- The WCPO may institute an investigation into alleged police inefficiency and/or a breakdown in relations between the police and any community, if the complaint is not manifestly frivolous or vexatious.
- The WCPO must conduct an investigation relating to a complaint lodged by a member of the Provincial Parliament into alleged police inefficiency and/or a breakdown in relations between the police and any community, which is not manifestly frivolous or vexatious.
- The WCPO may request written representations from any person regarding investigations being conducted via a Notice in the Provincial Gazette.
- Refer a complaint to another competent authority, if the complaint can be more appropriately dealt with by that authority.
- If the WCPO is of the opinion that a complaint is of a serious nature or that it may more appropriately be dealt with by a Commission of Inquiry, the Ombudsman may recommend to the Premier that a Commission of Inquiry should be held into the complaint.
- Investigative powers of the Ombudsman and the designated Investigating Officers are as follows:
- Gain reasonable access to any building, premises, vehicle, property, information or document under the control of the Organ of State concerned;
- Direct any person to submit an affidavit, or affirmed declaration or to appear before him, or to give evidence, or to produce any documentation that is in a person's possession or under his control, and may question that person;
- Request an explanation from any person whom he or she reasonably suspects of having information which has a bearing on the matter being investigated or to be investigated;
- It is an offence for any person who:
  - a. without just cause, refuses or fails to comply with a direction or request by the Ombudsman, or refuses to answer any question put to him or her, or gives to such question an answer which to his/ her knowledge is false; or
  - b. hinders or obstructs the Ombudsman or an investigating officer in the exercise or performance of his or her powers or functions in terms of the Act

Such person is guilty of an offence in terms of the Act and liable on conviction to pay a fine or imprisonment not exceeding three years or both.

#### **A complaint is concluded by the Ombudsman under the following circumstances:**

- before or after conclusion of an investigation where the complaint is rejected due to the fact that it does not fall within the ambit of the Act or if it is frivolous or vexatious;
- if the complaint is resolved by means of agreement, negotiation or conciliation;
- after conclusion of an investigation where it is found that:
  - there is police inefficiency or a breakdown in relations, but it could not be resolved the Ombudsman must submit a recommendation on the investigation and his/ her findings to the Provincial Minister and inform the complainant that he/ she has done so.
  - there was police inefficiency or a breakdown in relations and if the said police inefficiency or a breakdown in relations is remedied; or

- there was police inefficiency or a breakdown in relations and the said police inefficiency or breakdown in relations has been reported to the Provincial Commissioner of SAPS or the Executive Head of the Municipal Police Service concerned to deal with the matter further.
- if a complaint is withdrawn by the complainant and the Ombudsman is satisfied that there are no compelling reasons to proceed with the investigation; or
- If a complainant, despite being requested to do so, does not provide further information that is within his/ her knowledge and which is required to finalise the investigation of the complaint.

Citizens are encouraged to lodge complaints by fax, sending an email, via the website, telephone, and in person at our offices.

If the Ombudsman decides not to initiate an investigation, the Ombudsman must inform the complainant of his/ her decision and the reasons thereof.

If the investigation has been completed and the matter could not be resolved, the Ombudsman must submit a recommendation and his/ her findings to the Provincial Minister for Community Safety, and inform the complainant that this has been done.

Thereafter, the Provincial Minister must make a recommendation to the Minister of SAPS regarding the unresolved complaint and must inform the complainant of doing so.

In order to avoid duplication, the Ombudsman must coordinate his/ her functions and activities with other authorities that have jurisdiction in respect of the investigation of complaints against the police.

In terms of the Act the WCPO must report annually, in writing within 30 days of the end of each financial year, to the Provincial Minister of Community Safety on the activities of the Ombudsman during the previous financial year. This will include:

- a. the number of complaints investigated;
- b. the number of complaints determined to be manifestly frivolous or vexatious under Section 17(1);
- c. the outcome of investigations into the complaints; and
- d. the recommendations regarding the investigated complaints.

The Ombudsman must report to the Provincial Minister on his or her activities in terms of this Act as and when requested to do so by the Provincial Minister.

The Provincial Minister must table the report to the Provincial Parliament within 30 days of receiving the report.

The financial year covers the period of 1 April until 31 March the following year.

## 4. Organisational Environment

Mr Johan Brand was appointed as the Ombudsman with effect from 1 September 2018. The organisational structure below illustrates the current organisational environment:



During this financial year, the previous Ombudsman, Advocate Vusumzi Pikoli, left the employ of the WCPO Mr Johan Brand was appointed on 1 September 2018 to fill the post. The vacancy made a notable impact on the COE budget. The office also lost a permanently appointed Administrative Officer (Level 7), as she left to pursue other prospects as well as a legal intern, whose contract expired. In addition to the Ombudsman's appointment, three contract appointments were made namely: two Legal Interns, and one Administrative Assistant (Level 5).

During this financial year, the WCPO succeeded with obtaining approval for two contract posts (Level 8 Investigating Officer), to address the backlog. In relation to the additional level 9 post which was recommended by Organisational Development (OD) in 2017/1018, the Department of Community Safety (DOCS) has established a vacant unfunded post which will be seconded to the WCPO to address the establishment needs. This post, together with the Level 8 contract posts have been advertised, and interviews were conducted. These posts will be filled within the new financial year.

The office experienced a vacancy due to the termination of service of one of its employees. After an in-depth Human Resource performance management plan was carried out, the investigator's probation was terminated. The vacancy has been advertised, and it will be filled in the new financial year.

This matter and the general shortage of staff lead to the office experiencing a backlog in the finalisation of complaints. To mitigate this challenge, the office approached the HOD of the Department of Community Safety, for approval of overtime for the investigators. The overtime has assisted with alleviating the backlog, and has created a short term solution to ongoing staff challenges, pending the filling of the additional and vacant posts.

### **Summary of the Modernisation process**

For the purposes of modernisation, the WCPO forms part of the Department of Community Safety. The process has commenced with the discussion of the high level macro-structure. At the time of writing this report, staff members have been involved in the process of rewriting their respective job descriptions. The two managers have received job evaluation training and we look forward to the conclusion of the entire modernisation process, as we hope that our establishment will grow. Furthermore, we note, as in previous reports, that whilst outreach and marketing is an annual performance plan deliverable, there are no staff members reporting to the Head of Communication. In response to this challenge, a legal intern has been assigned to the communication component, for the purposes of supporting the outreach programme.

Also, as previously reported, we note that the current organogram does not offer a career path for the development of staff members thus making it difficult to retain critical staff. This concern is reflected in the risk register.





Above:

*Johan Brand with General Matanzima (Military Ombudsman of South Africa) at their meet and greet in September last year.*

## 5. Performance Environment

The next section deals with our Annual Performance Plan deliverables which are set out as follows:

- 5.1 Number of reports on SAPS service delivery complaints received and their status.
- 5.2 Number of outreach initiatives conducted.
- 5.3 Number of Annual Reports on activities of the Ombudsman.

The only output which was exceeded was under the outreach deliverables. We note that this was due to additional requests and invitations received. Please see the grid below, for a breakdown of the various performance targets.



Above, from the left:  
Sixolise Blou and Christopher Ramsay at the Festive Season Launch

Programme Performance Indicator	Target for 2018/19 as per Annual Performance Plan (APP)	1st Quarter planned output as per APP	1st Quarter actual output	2nd Quarter planned output as per APP	2nd Quarter actual output	3rd Quarter planned output as per APP	3rd Quarter actual output	4th Quarter planned output as per APP	4th Quarter output (still to be validated)	Actual output for 2018/19	Variance from planned target to actual achievement for 2018/19
Number of reports on SAPS service delivery complaints received and the status thereof (3.2.1)	4	1	1	1	1	1	1	1	1	4	0
Number of outreach initiatives conducted (3.2.2)	16	4	4	4	4	4	6	4	5	19	3
Number of Annual Reports on activities of the Ombudsman (3.2.3)	1	1	1	0	0	0	0	0	0	1	0

### 5.1 Complaints and Statistics:

During the period under review, the office received a total of 433 complaints, bringing the total number of complaints to 1885 with the main type of complaint being: Poor Communication, followed by unacceptable behaviour (See figure 5 below).

During this review period, the office finalised a total of 147 substantiated complaints. These complaints are broken down as follows:

Substantiated Complaints	
Substantiated with recommendations	93
Substantiated and resolved	54
<b>Total</b>	<b>147</b>

### Complaints received and their status as at 31 March 2019:

Financial Year	Status			Grand Total
	Finalised	Under Investigation	Intake Meeting	
2014/15	83			83
2015/16	316			316
2016/17	540			540
2017/18	511	2		513
2018/19	145	267	21	433
<b>Grand Total</b>	<b>1595</b>	<b>269</b>	<b>21</b>	<b>1885</b>

Comparative statistics of the status of complaints at the end of each financial year since the inception of the WCPO. (See figures 1 and 2)

Financial Year	Status			Grand Total
	Finalised	Under Investigation	Intake Meeting	
2014/15	72	11	0	83
2015/16	146	170	0	316
2016/17	170	366	4	540
2017/18	153	357	3	513
2018/19	145	267	21	433

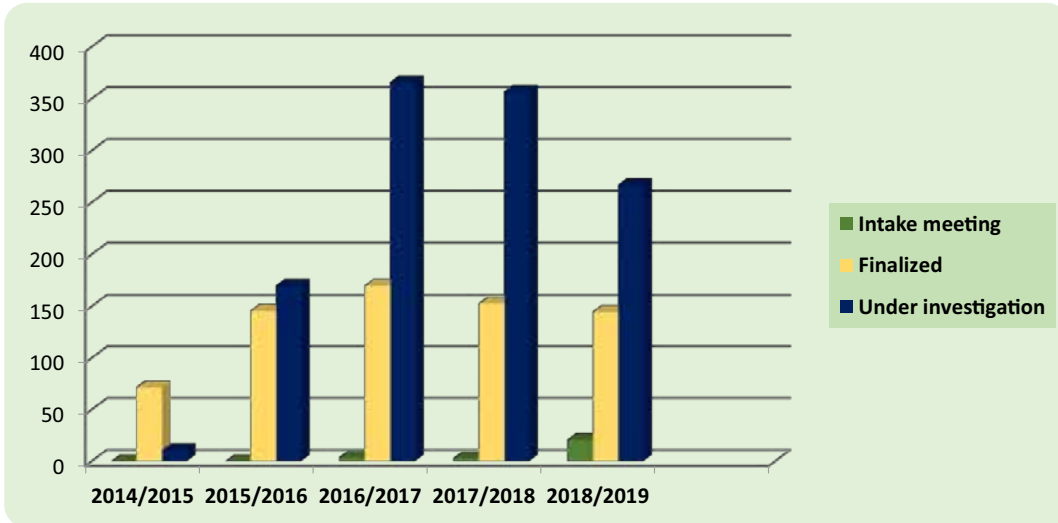


Figure 1: Comparative statistics of the status of complaints at the end of each financial year (excluding complaints for previous financial years).

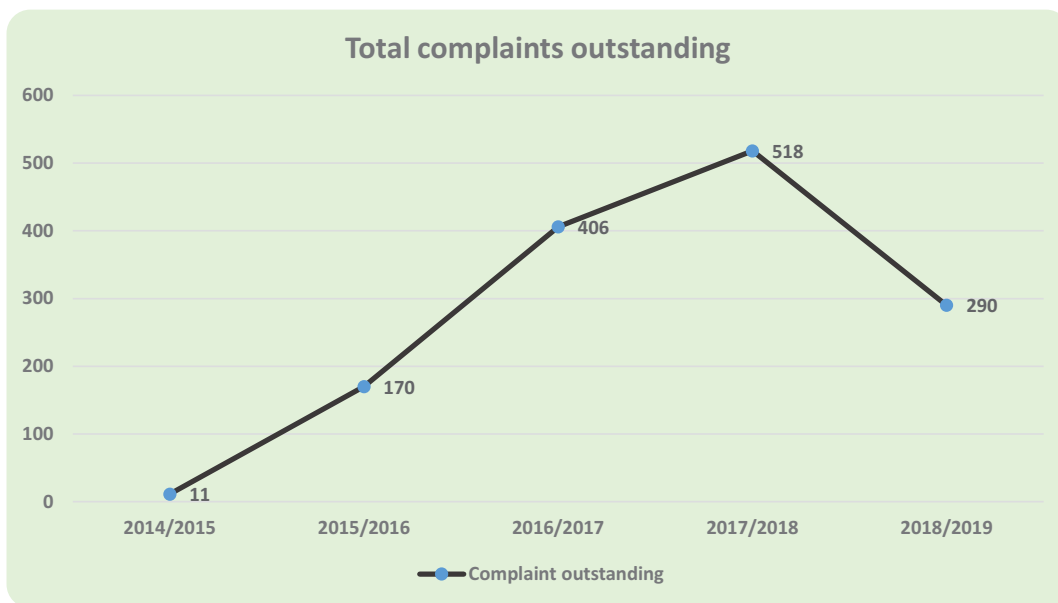


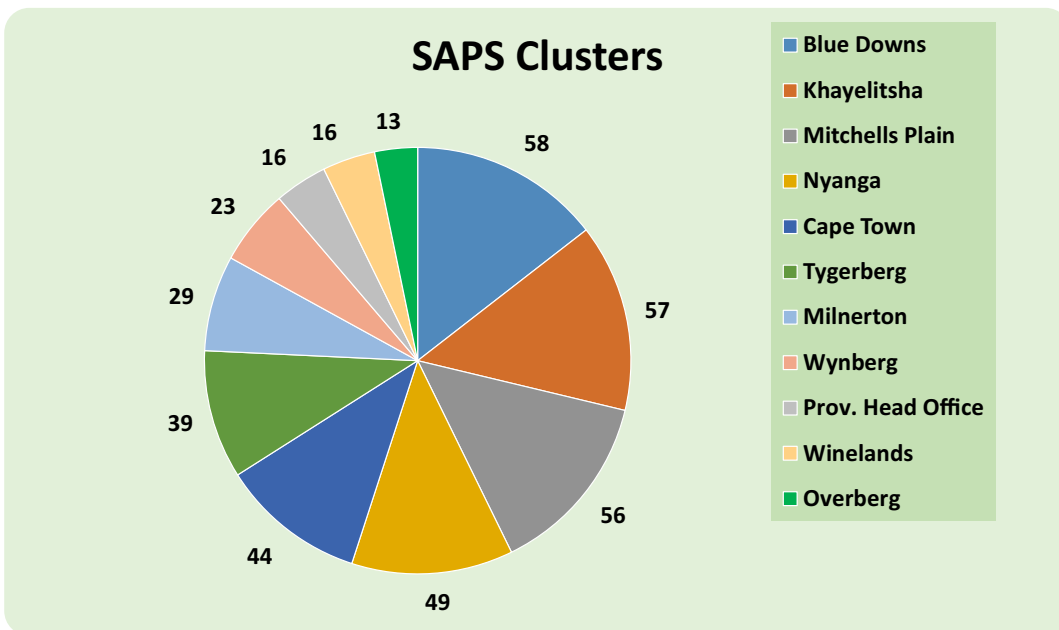
Figure 2: Total complaints outstanding at the end of each financial year (including complaints for the previous financial years).

## Complaints received per cluster for 2018/19

Clusters	Nature of Complaints							Grand Total
	Enquiry	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behavior	Intake Meeting	
Beaufort West			1			2		3
Blue Downs	7		22	6	5	14	4	58
Cape Town Central	6		15	5	6	11	1	44
Da Gamaskop	2		1	3				6
Eden	2		2	3		2	1	10
Khayelitsha	5	2	23	10	4	8	5	57
Milnerton	2		10	3	6	6	2	29
Mitchells Plain	6	3	18	7	9	10	3	56
Nyanga	4	1	17	8	8	11		49
Overberg		2	4	3	2	2		13
Prov. Head Office	1		7	1	5	1	1	16
Tygerberg	3	2	17	8		7	2	39
Vredenburg			1	2		2		5
Winelands	3		6	3		3	1	16
Worcester	2		2	3		2		9
Wynberg	2		6	2	5	7	1	23
<b>Grand Total</b>	<b>45</b>	<b>10</b>	<b>152</b>	<b>67</b>	<b>50</b>	<b>88</b>	<b>21</b>	<b>433</b>

**Top Ten Clusters: Complaints received:**

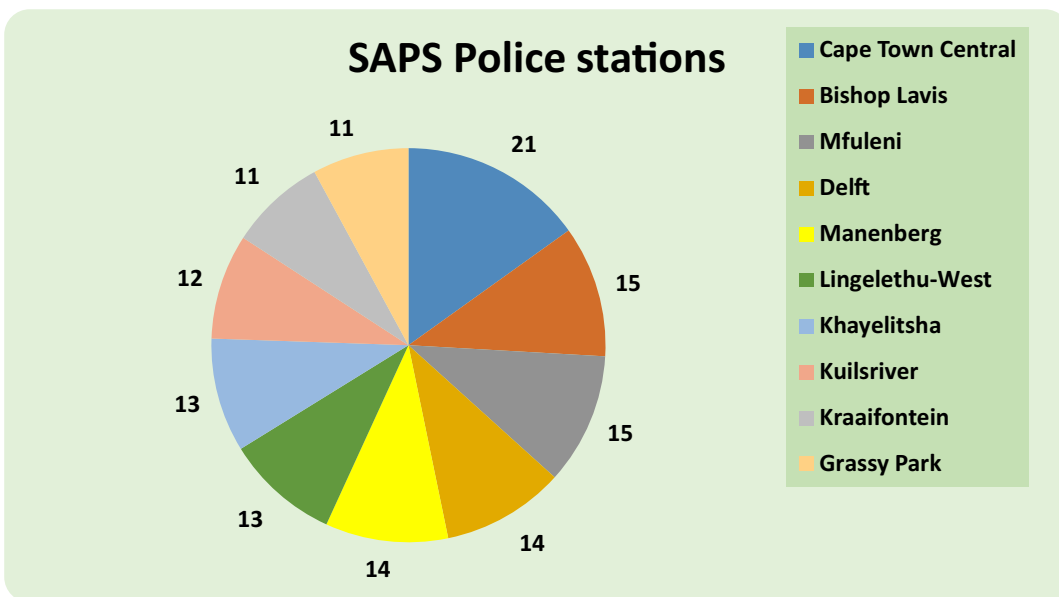
Clusters	Nature of Complaints							Grand Total
	Enquiry	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behavior	Intake Meeting	
Blue Downs	7		22	6	5	14	4	58
Khayelitsha	5	2	23	10	4	8	5	57
Mitchells Plain	6	3	18	7	9	10	3	56
Nyanga	4	1	17	8	8	11		49
Cape Town	6		15	5	6	11	1	44
Tygerberg	3	2	17	8		7	2	39
Milnerton	2		10	3	6	6	2	29
Wynberg	2		6	2	5	7	1	23
Prov. Head Office	1		7	1	5	1	1	16
Winelands	3		6	3		3	1	16
Overberg		2	4	3	2	2		13
<b>Grand Total</b>	<b>39</b>	<b>10</b>	<b>145</b>	<b>56</b>	<b>50</b>	<b>80</b>	<b>20</b>	<b>400</b>



**Figure 3: Complaints received per top 10 SAPS clusters for 2018/2019 financial year**

**Top 10 Police Stations: Complaints received:**

Clusters	Nature of Complaints							Grand Total
	Enquiry	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behavior	Intake Meeting	
Cape Town Central	2		7	3	4	5		21
Bishop Lavis	2		5	1	3	4		15
Mfuleni	2		8	1	1	2	1	15
Delft	2		5	2	1	4		14
Manenberg	2		2	2	2	6		14
Lingeletu-West	1		8	1	1	1	1	13
Khayelitsha	1	1	6	2	1	1	1	13
Kuilsriver	1		4	1	1	3	2	12
Kraaifontein	2	1	4	2		1	1	11
Grassy Park		1	2		5	3		11
<b>Grand Total</b>	<b>15</b>	<b>3</b>	<b>51</b>	<b>15</b>	<b>19</b>	<b>30</b>	<b>6</b>	<b>139</b>



**Figure 4: Complaints received per top 10 SAPS stations for 2018/2019 financial year**



### Top 10 Police Stations: Complaints received:

Clusters	Nature of Complaints									Grand Total
	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Impact on Service Delivery	Intake Meeting	
2014/15	6	1	5	6	20	4	41			83
2015/16	73	7	2	71	48	42	73			316
2016/17	120	11	6	173	91	47	92			540
2017/18	30	5	13	179	91	57	137	1		513
2018/19	45		10	152	67	50	88		21	433
<b>Grand Total</b>	<b>274</b>	<b>24</b>	<b>36</b>	<b>581</b>	<b>317</b>	<b>200</b>	<b>431</b>	<b>1</b>	<b>21</b>	<b>1885</b>

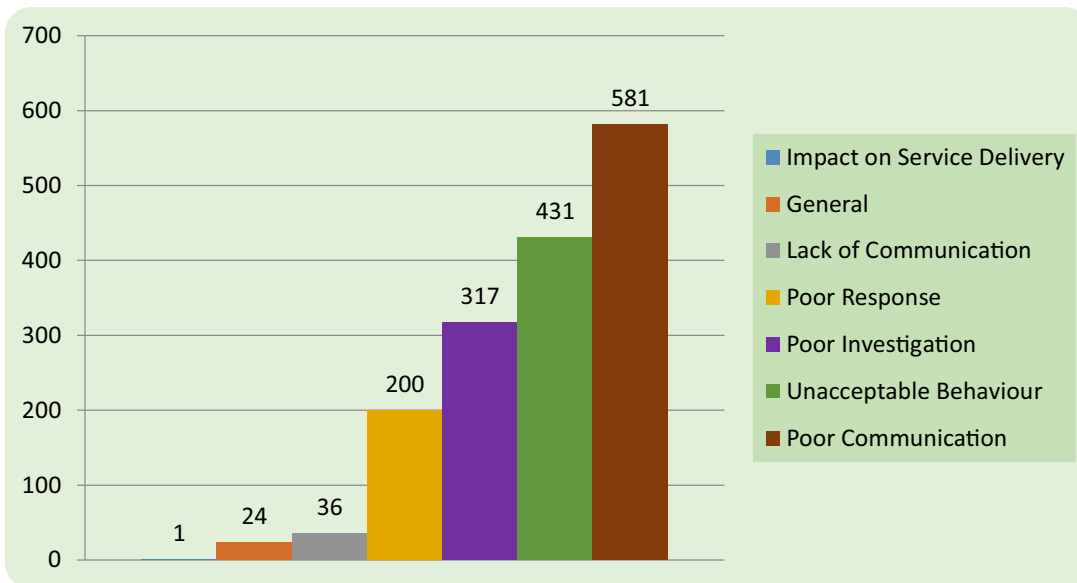


Figure 5: Categories of complaints received since inception

## Method of finalising complaints in 2018/19

Method Finalised	Nature of Complaints								Grand Total
	Enquiry	General	Lack of Communication	Poor Communication	Poor Investigation	Poor Response	Unacceptable Behaviour	Impact on Service Delivery	
Duplicate	2								2
Lack of information	1	1	1	1	6	8	9		27
Not within our mandate	30			4		2	3		39
Substantiated			2	71	19	10	44	1	147
Unsubstantiated	4	4	13	144	92	47	117		421
Withdrawn	3	1		11	2	2	7		26
Frivolous & Vexatious	1								1
Premature	2			1					3
<b>Grand Total</b>	<b>43</b>	<b>6</b>	<b>16</b>	<b>232</b>	<b>119</b>	<b>69</b>	<b>180</b>	<b>1</b>	<b>666</b>

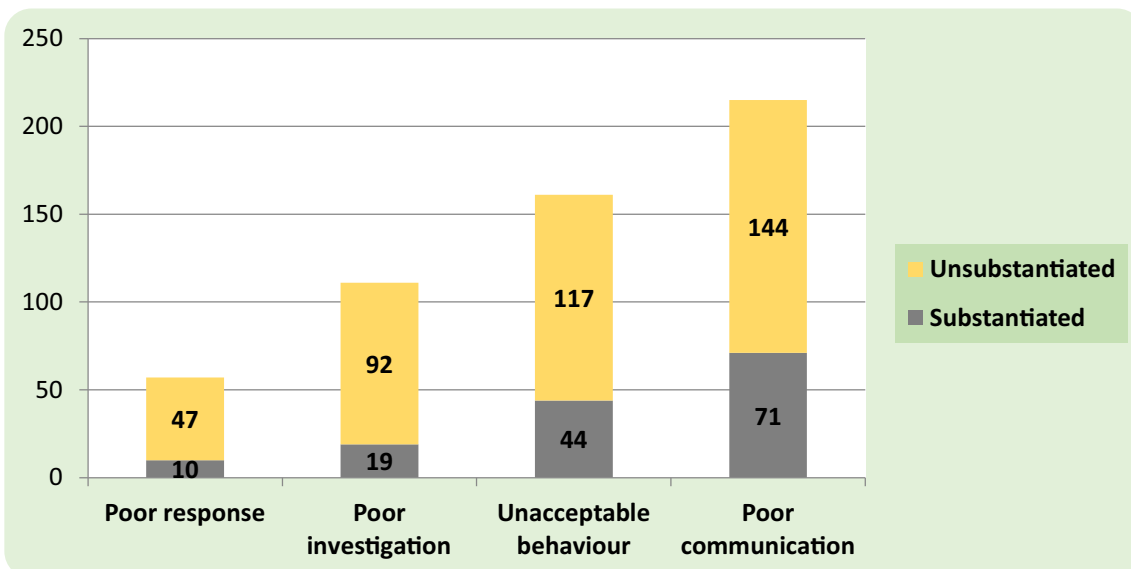


Figure 6: Substantiated versus unsubstantiated complaints finalised for top four categories of complaints in 2018/2019.

Frivolous and Vexatious complaints received and finalised in 2018/19: 1

## 5.2. Outreach, Marketing and Stakeholder Relations

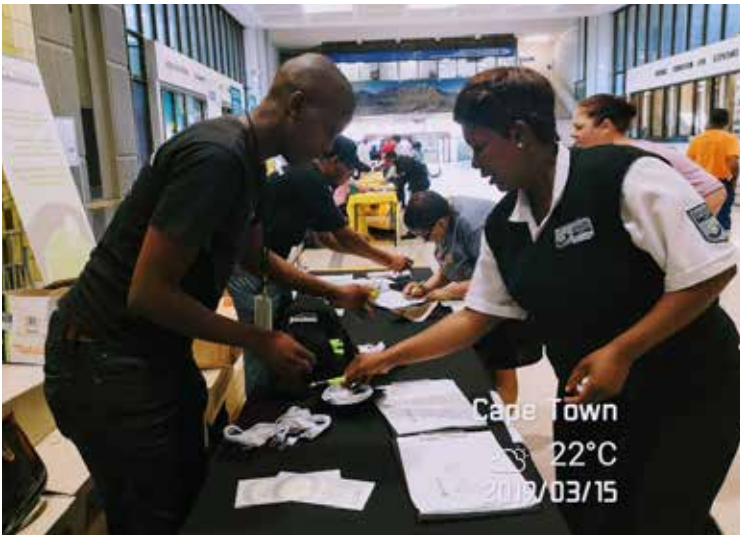
During the period under review, the office held information sessions on request or as part of its planned communication strategy.

The table below shows the community meetings and outreach programmes conducted over the last 12 months.

### Community and Stakeholder Interaction:

3 April 2018	UCT: Refugee Workshop	Outreach
8 June 2018	Grabouw Thusong centre and Home Affairs Office	Outreach
14 June 2018	Thembaletu Thusong Centre visit	Outreach
14 June 2018	Thembaletu Magistrates Court visit	Outreach
14 June 2018	George SAPS Visit	Outreach
18 July 2018	Mandela Day Pamphlet Distribution at the Grand Parade	Outreach
23 August 2018	Caledon Legal Aid Visit	Outreach
12-13 September 2018	US Consulate General Workshop	Stakeholder Engagement
20 September 2018	Swearing in Ceremony of Mr Johan Brand – High Court	Ceremony
27 September 2018	Meeting with the Military Ombudsman	Stakeholder Engagement
28 September 2018	Outreach to Homestead Children's Home	Outreach
3-5 October 2018	Outreach to Beaufort West	Outreach
6 October 2018	Consultative Workshop: Vredendal	Outreach
13 October 2018	Consultative Workshop: Khayelitsha	Outreach
20 October 2018	Consultative Workshop: Bluedowns	Outreach
27 October 2018	SAPS Prestige Awards	Stakeholder Engagement
28-31 October 2018	10th International Conference of Ombud Institutions for the Armed Forces (ICOAF)	Stakeholder Engagement
2 November 2018	Launch: Anti-Gang Unit: Hanover Park	Outreach
10 November 2018	Consultative Safety Workshop: Da Gamaskop Cluster	Outreach
13-14 November 2018	Safer Conference	Stakeholder Engagement

14 November 2018	2017/20018 Annual Report presentation to Standing Committee	
22 November 2018	SAPS Brigadier Engagement	Stakeholder Engagement
26-30 November 2018	AOMA General Assembly - Rwanda	Stakeholder Engagement
6 December 2018	Radio Zibonele	Outreach
11 December 2018	SAPS Festive Season Launch	Outreach
13 December 2018	Killarney Gardens Mediation at MilInterton SAPS	Stakeholder Engagement
13 December 2018	Radio Zibonele	Outreach
22 January 2019	Riviersonderend CPF Community Engagement	Outreach
24 January 2019	Follow up on progress: Killarney Gardens Mediation at MilInterton SAPS	Stakeholder Engagement
23 February 2019	Consultative Workshop: Cape Town Cluster	Outreach
8 March 2019	Invitation for the engagement with families of Victims of Crime	Outreach
15 March 2019	World Consumer Rights Day – City Ombudsman	Outreach
26 March 2019	ISS Seminar	Stakeholder Engagement



Above:  
Sixolise Blou speaking to a member of staff at the World Consumer Rights day exhibition.



Above:  
Mr Johan Brand presenting the WCPO Mandate at the Riviersonderend CPF Engagement.

As the new Ombudsman assumed duty on 1 September 2018, the office has tried to arrange or attend as many meet and greet opportunities as possible, to ensure that all our stakeholders are introduced to Mr Brand in order to build a rapport with him. Over and above the regular meetings with stakeholders such as DOCS, the CPFs and specific units within DOCS, the office wishes to highlight a few additional meetings:

Meet & Greet		
19 September 2018	Ombudsman meets Provincial Cabinet	Meet and Greet
20 September 2018	Meeting with PSAC	Meet and Greet
28 September 2018	Ombudsman meets Provincial HODs	Meet and Greet
11 October 2018	Meeting with WC Police Commissioner	Meet and Greet
27 October 2018	CPF Provincial Board Meeting	Meet and Greet
20 November 2018	APCOF	Meet and Greet

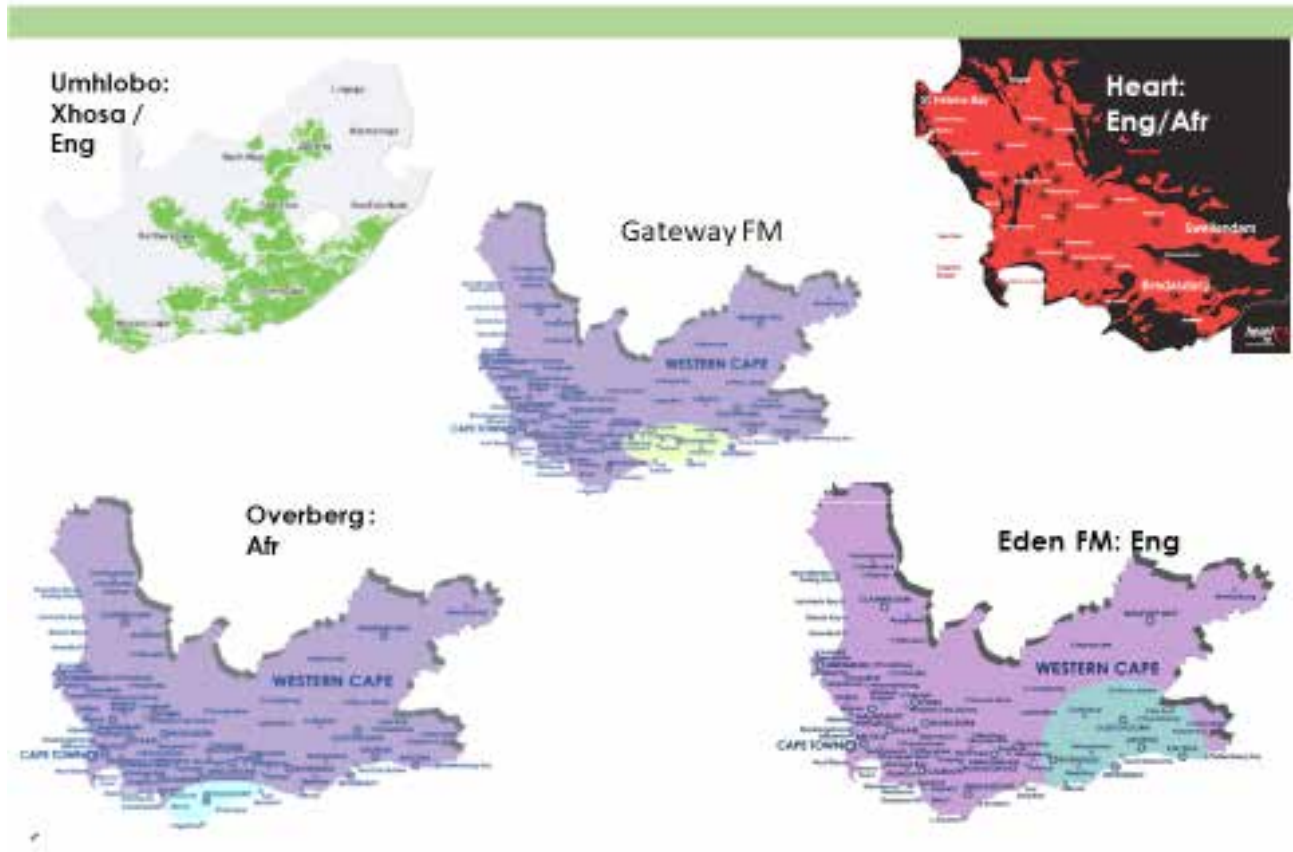
During this review period the WCPO broadcasted radio adverts. After presenting the previous Annual Report to the Standing Committee, as reported in the Forward of this document, the WCPO approached Zibonele, for free slots, after which the station was added to our list of radio advertising. Zibonele is not shown in the maps below. Please note that the image below is courtesy of our advertising agency.



Above:  
Zwelenkosi Matwa being interviewed  
in studio at Radio Zibonele

Since we are still not reaching all the areas of the Western Cape, we decided to use larger radio stations, with a wider reach. The image below will show which parts of the Western Cape we reached with our radio campaigns this past year. The image is courtesy of the advertising agency.

## OUTREACH AND MARKETING 2018/19:



We also enhanced our advertising campaign from previous years to include taxi advertising. The taxi images are courtesy of our advertising agency.



CA367604



CA434737

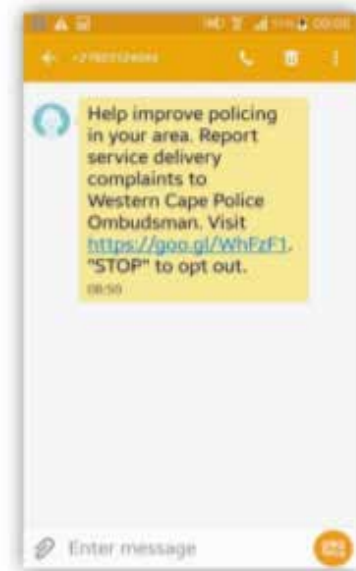




Digital banner adverts were also used during the same reporting period. The purpose of these pop up adverts were to drive traffic directly to the WCPO website, by means of targeting specific areas.



The SMS was used to promote the message of the office and the areas previously mentioned where specifically targeted.



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

We have also partnered with the Department of Transport to distribute branded licence disk holders to the public when they renew their vehicle licences. The disk contains an adhesive backing which is placed on the windscreen of the vehicle, and the licence may be interchanged.



The table inserted below shows the communication interventions which have been done to create awareness of the office among Western Cape citizens.

Method	Medium	Information
<b>Advertising Campaign</b>	Radio	Heart FM Umhlobo Wenene Overberg Eden Gateway Zibonele
	Taxi Advertising Side strip (interior)	Various areas in the Western Cape.
	Digital (Banner Ads)	Various sites to generate traffic to the website.
	SMS	Various areas in the Western Cape.
<b>Facebook</b>	Social Media	The site is regularly updated.
<b>Brochures, Posters and other promotional items</b>	Information brochures for distribution at public engagements.	Stock is regularly replenished.



Above:  
Ms Leatcha Van Coller and Wesley Miles from the WCPO flanking an officer from Thembaletu SAPS.



Above:  
The WCPO exhibition stand nestled between SAPS and Correctional Services

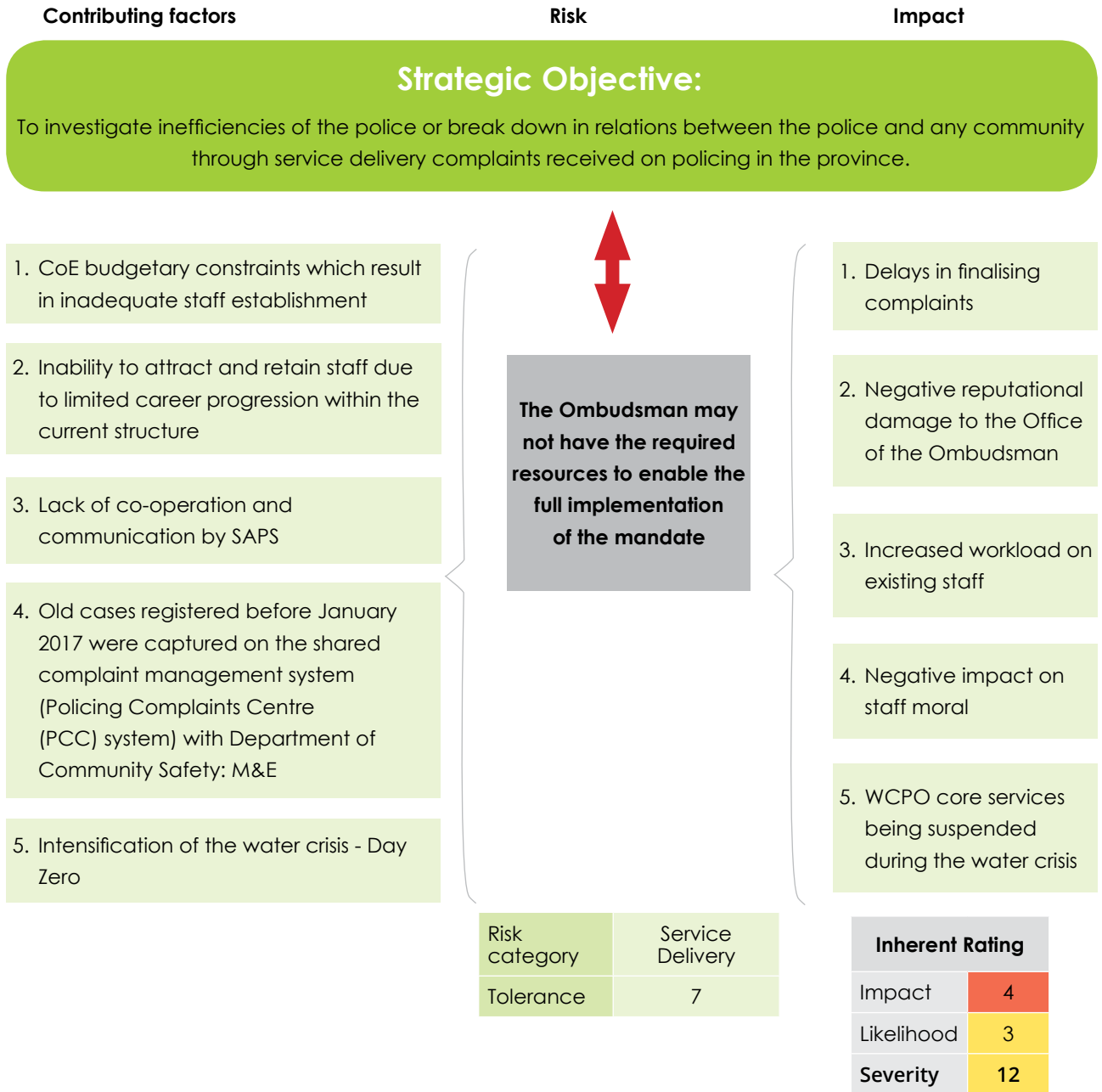


# 6. Risk Assessment

The next section of the report deals with the 2018/2019 risk assessment.

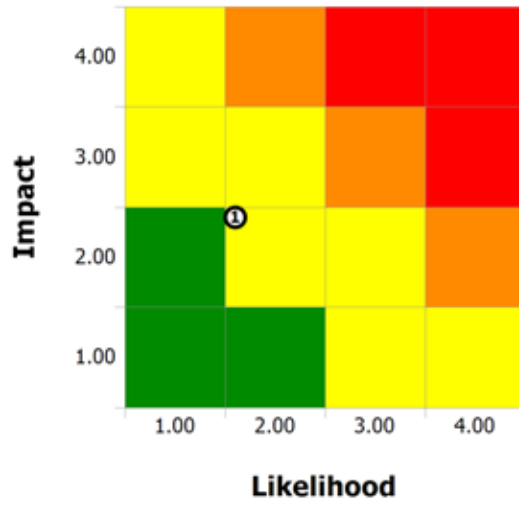
The WCPO risk falls under the category “service delivery”, as follows:

## Bow-tie analysis for Q1 and Q2



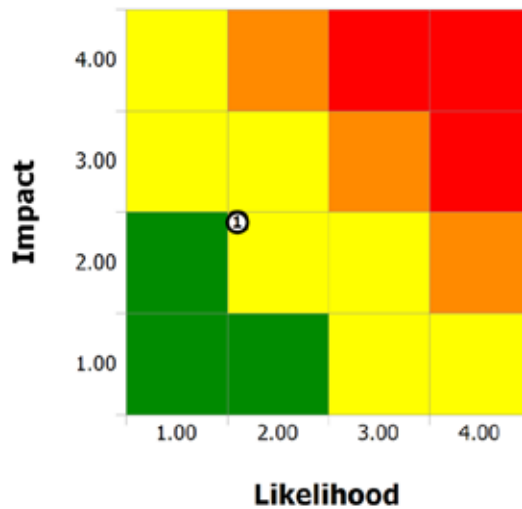
The tables below depict the stability of the risk over quarter 1 and 2 of the said financial year:

**QUARTER 1**



Number	Title	RR1	RR2
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	4.0	4.0

**QUARTER 2**



Number	Title	RR1	RR2
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	4.0	4.0

### Bow-tie analysis for Q3 and Q4


Contributing factors

Risk

Impact

**Strategic Objective:**  
To investigate inefficiencies of the Police Services and/or break down in relations between the police and any community through service delivery complaints received on policing in the Western Cape.

- 1. Delay in the finalisation of the modernisation process
- 2. Inability to attract and retain staff due to limited career progression within the current structure
- 3. Increase in complaints due to communities being aware of services rendered by the Western Cape Police Ombudsman
- 4. Low productivity due to poor performance of investigators (e.g. poor performance due to incapacity)

  
**The Ombudsman may not have the required resources to enable the full implementation of the mandate**

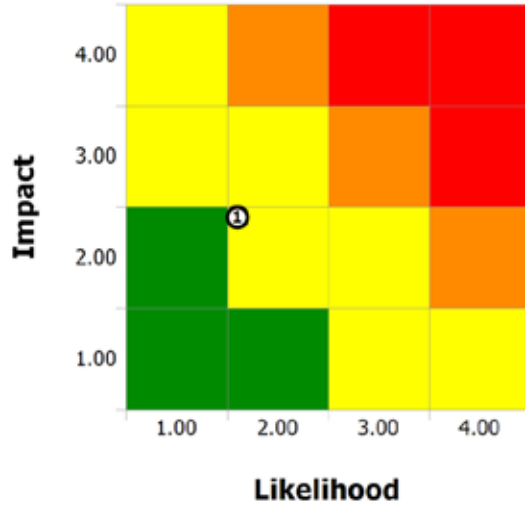
- 1. Delays in finalising complaints
- 2. Negative reputational damage to the Office of the Ombudsman
- 3. Increased workload on existing staff
- 4. Negative impact on staff moral
- 5. Limited staff establishment

Risk category	Service Delivery
Tolerance	7

Inherent Rating	
Impact	4
Likelihood	4
<b>Severity</b>	<b>16</b>

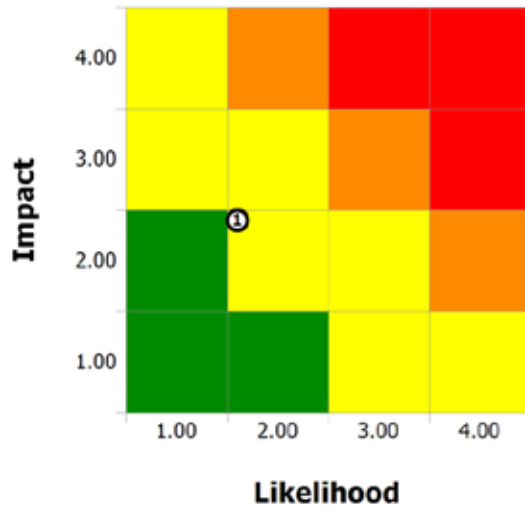


QUARTER 3



Number	Title	RR1	RR2
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	4.0	4.0

QUARTER 4



Number	Title	RR1	RR2
1	The Ombudsman may not have the required resources to enable the full implementation of the mandate	4.0	4.0

## 7. Expenditure 2017/2018

	Original budget for 2017/18	Adjustments	Budget after the Adjustment Shifts	Total Expenditure as at 31 March 2019	Overspend/ Underspend	% Spent on the Budget	Reasons for the over/ underspending
<b>COMPENSATION OF EMPLOYEES</b>	7,225,000	-656,000	6,569,000	384,927	6,184,073	94.14%	<p>The underspending of COE is due to the following factors:</p> <ul style="list-style-type: none"> <li>The resignation of Adv. V Pikoli, which resulted in the post being vacant for 5 months.</li> <li>In addition, the transfer of the Level 7 Admin Officer impacted on the COE due to the post remaining vacant for approximately 6 months of the said financial year – the post will be filled in the new financial year.</li> <li>Furthermore, a Level 8 IO post became vacant in February 2019.</li> <li>The additional posts created for the establishment are yet to be filled and thus did not add to COE expenditure.</li> </ul>
<b>GOODS AND SERVICES</b>	3,127,000	-641,000	2,486,000	-502,833	2,988,833	120.23%	<p>The overspending for G&amp;S is as a result of the additional radio broadcast of the WCPO advertisement on Radio Zibonele.</p>

	Original budget for 2017/18	Adjustments	Budget after the Adjustment Shifts	Total Expenditure as at 31 March 2019	Overspend/ Underspend	% Spent on the Budget	Reasons for the over/ underspending
HOUSEHOLDS/ TRANSFERS	0	23,000	23,000	-18,529	41,529	180.56%	The budget allocation was initially in respect of the SAPS Prestige Awards only. Thus, the overspending was due to leave pay-outs to the employee whose probation was not confirmed, which could not have been predicted and therefore not budgeted for.
MACHINERY AND EQUIPMENT	518,000	-32,000	486,000	46,941	439,059	90.34%	<ul style="list-style-type: none"> <li>IT equipment was budgeted for in respect of the Level 9 and contract Level 8 posts which will only be filled in the 2019/2020 financial year due to the lengthy HR processes.</li> <li>The posts were put on hold pending the appointment of the new Ombudsman, and the HR process thus only commenced after September 2018.</li> </ul>
<b>GRAND TOTAL</b>	<b>10,870,000</b>	<b>-1,306,000</b>	<b>9,564,000</b>	<b>-89,493</b>	<b>9,653,493</b>	<b>100.94%</b>	<b>% OF ACTUAL BUDGET SPEND: 100.9%</b>



Above:

Ms Nadia Arabi, Mr Johan Brand with Major General Mbeki and Brigadier Nkwanyana from the SAPS at the WCPO initiated Brigadiers Engagement.

Below:

WCPO staff members sharing the mandate with Cape Access Centre Staff



## 8. Conclusion

We have worked to mitigate and resolve the challenges faced during the year under review and every experience has been counted as a learning opportunity.

The Office intends continuing with its outreach activities so that all the people of the Western Cape will know how and when (under which circumstances) to contact the Office. The Office envisages ongoing engagements with communities, the SAPS and the Cape Town Metro Police Department 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 WCPO and all its stakeholders within the criminal justice value chain. Once more, 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.

The WCPO team will continue to raise the bar in the next financial year and will ensure that the backlog in outstanding investigations is resolved. We intend to ensure that all investigations are concluded within a time frame of three months after it was lodged at our office, as stipulated in the standard operational procedures developed for the WCPO.



Above:

Below: Nompumelelo Sibeko being sworn in by Mr Johan Brand





Above:  
Members of Caledon SAPS with Sixolise Blou during a WCPO visit.

Below:  
Crowds gather before an event at the WCPO exhibition table to receive a brochure and promotional item.







## To obtain additional copies of this document please contact:

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

### VRYWARING

Die Engelse gedeeltes van hierdie Jaarverslag word geag as die amptelike weergawe te wees.  
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 lenguqulelo yezinye iilwimi.

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