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- A. ALL PROVINCIAL COMMISSIONERS
- B. ALL DIVISIONAL COMMISSIONERS
- C. ALL HEADS: HEAD OFFICE
- D. ALL COMMANDERS: SAPS COLLEGES AND TRAINING CENTRES
- E. ALL SECTION HEADS: HEAD OFFICE
- F. ALL DEPUTY NATIONAL COMMISSIONERS
- G. THE CHIEF OF STAFF: MINISTRY FOR POLICE
- H. THE SECRETARY: NATIONAL SECRETARIAT FOR POLICE

THE COMING INTO OPERATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ACT, 2011 (ACT NO. 1 OF 2011)

- A-E1. The Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011) (hereinafter referred to as "the Act") came into operation on **1 April 2012**. Please find attached hereto a copy of the Act (as Annexure "A") and Regulations in terms of the Act (as Annexure "B").
2. The Independent Police Investigative Directorate (hereinafter referred to as "IPID") replaces the Independent Complaints Directorate (ICD) and provides a mandate to IPID to investigate the conduct of members of the Service.

**THE COMING INTO OPERATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE
ACT, 2011 (ACT NO. 1 OF 2011)**

3. In terms of section 28 of the Act, IPID must investigate —
- (a) any death in police custody;
 - (b) deaths as a result of police actions;
 - (c) any complaint relating to the discharge of an official firearm by any police officer;
 - (d) rape by a police officer, whether the police officer is on or off duty;
 - (e) rape of any person while that person is in police custody;
 - (f) any complaint of torture or assault against a police officer in the execution of his or her duties;
 - (g) corruption matters within the police initiated by the Executive Director of IPID on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Civilian Secretary for Police, as the case may be; and
 - (h) any other matter referred to it as a result of a decision by the Executive Director of IPID, or if so requested by the Minister, an MEC or the Civilian Secretary for Police as the case may be.

According to section 28(2) of the Act, IPID may also investigate matters relating to systemic corruption involving the police.

4. Every Provincial Commissioner must establish in his or her office a nodal point at which all communication between the Service and IPID must be coordinated. Information regarding the nodal point (including fax number, email address, telephone numbers, etc.) must be distributed throughout the province. The relevant provincial nodal point must also distribute the telephone and fax numbers of the provincial office of IPID to all offices of the Service in the province.
5. The station commander or any member of the Service must, immediately after becoming aware of any matter referred to in section 28(1)(a) to (f) (above), notify IPID and the provincial nodal point thereof. A station commander or any other member notifying IPID must obtain a reference number from IPID. Such station commander or member must, thereafter, immediately notify the nodal point of the reference number obtained from IPID. The provincial nodal point must prepare a report for the provincial commissioner to inform him of the event and the reference number of IPID. The member or station commander concerned must, within 24 hours thereafter, follow up the telephonic notification with a written report (by fax or

**THE COMING INTO OPERATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE
ACT, 2011 (ACT NO. 1 OF 2011)**

email) to the relevant provincial office of IPID in the form attached hereto as Annexure C (Annexure C is equivalent to Form 1 referred to in the Regulations. It contains all the information referred to in Form 1). The member or station commander concerned must, after submission of the form to IPID, retain proof of the submission including the manner in which it was transmitted.

6. Members must provide their full co-operation to IPID, including but not limited to —
 - (a) the arrangement of an identification parade within 48 hours of the request being made by IPID,
 - (b) avail members to take an affidavit or an affirmed declaration or to give evidence or produce any document in that member's possession or under his or her control which has a bearing on the matter being investigated; and
 - (c) any other information or documentation required for investigation purposes.
7. It is imperative that all members comply with their obligations in terms of the Act and co-operate fully with any investigation conducted by IPID. In terms of section 33 of the Act, any person or private entity, who interferes, hinders or obstructs the Executive Director of IPID or a member of IPID in the exercise or performance of his or her powers or functions, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years. Furthermore, any member who fails to comply with section 29 of the Act (as set out in paragraphs 5 and 6 above), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.
8. The Service is in the process of negotiating a memorandum of agreement with IPID in order to ensure the smooth implementation of the Act. Members will, in due course be informed of the outcome of the negotiations.

G-H 1. Copy for your information.


**LIEUTENANT GENERAL
ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
NS MKHWANAZI**

Date: 2012-04-17

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 425

16 May 2011

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 1 of 2011: Independent Police Investigative Directorate Act, 2011.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
-
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(English text signed by the President)
(Assented to 12 May 2011)

ACT

To make provision for the establishment of an Independent Police Investigative Directorate and to regulate the functions of the Directorate, to provide for the establishment of a Management Committee and Consultative Forum and their respective functions; to provide for the appointment and powers of investigators; to provide for reporting obligations and cooperation by members of the South African Police Service and Municipal Police Services; to provide for transitional arrangements; to provide for the repeal and amendment of certain laws; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 206(6) of the Constitution provides that, on receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province;

AND WHEREAS there is a need to ensure effective independent oversight of the South African Police Service and Municipal Police Services;

AND WHEREAS Chapter 2 of the Constitution provides for the upholding and safeguarding of fundamental rights of every person,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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CHAPTER 1

**DEFINITIONS, OBJECTS OF ACT, ESTABLISHMENT,
INDEPENDENCE AND IMPARTIALITY**

Definitions

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- 1. In this Act, unless the context indicates otherwise—
 - “Committee” means the Management Committee established under section 11;
 - “Constitution” means the Constitution of the Republic of South Africa, 1996;
 - “Directorate” means the Independent Police Investigative Directorate established in terms of section 3;
 - “Executive Director” means the Executive Director appointed in terms of section 6(1);
 - “financial year” means the period from 1 April in any year to 31 March in the ensuing year;
 - “fixed date” means the date of commencement of this Act;
 - “forum” means the Consultative Forum established under section 15;
 - “investigator” means a person appointed under section 22;
 - “MEC” means the Member of the Executive Council of a province who is responsible for policing in that province;
 - “Minister” means the Minister of Police;
 - “municipal police service” means a municipal police service established under section 64A of the South African Police Service Act;
 - “organ of state” means an organ of state as defined in section 239 of the Constitution;
 - “provincial head” means a person appointed under section 20;
 - “Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);
 - “Public Service Act” means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“**Secretariat**” means the Civilian Secretariat for Police Service established in terms of section 4(1) of the Civilian Secretariat for Police Service Act, 2011;
“**Secretary**” means the Secretary for the Police Service appointed in terms of section 7(1) of the Civilian Secretariat for Police Service Act, 2011;
“**security clearance certificate**” means an official document issued by the Executive Director indicating the degree of security competence of a person;
“**South African Police Service Act**” means the South African Police Service Act, 1995 (Act No. 68 of 1995); and
“**this Act**” includes the Schedule and regulations. 5

Objects of Act 10

2. The objects of this Act are—
- (a) to give effect to the provision of section 206(6) of the Constitution establishing and assigning functions to the Directorate on national and provincial level;
 - (b) to ensure independent oversight of the South African Police Service and Municipal Police Services; 15
 - (c) to align provincial strategic objectives with that of the national office to enhance the functioning of the Directorate;
 - (d) to provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the South African Police Service and Municipal Police Services; 20
 - (e) to make disciplinary recommendations in respect of members of the South African Police Service and Municipal Police Services resulting from investigations conducted by the Directorate;
 - (f) to provide for close co-operation between the Directorate and the Secretariat; and 25
 - (g) to enhance accountability and transparency by the South African Police Service and Municipal Police Services in accordance with the principles of the Constitution.

Establishment 30

3. (1) The Independent Police Investigative Directorate, to be structured at national level, with provincial offices, is hereby established.
(2) The Directorate must exercise its functions in accordance with this Act and any other relevant law.
(3) The Directorate is financed from money that is appropriated by Parliament. 35

Independence and impartiality

4. (1) The Directorate functions independently from the South African Police Service.
(2) Each organ of state must assist the Directorate to maintain its impartiality and to perform its functions effectively.

CHAPTER 2 40

NATIONAL OFFICE

National office

5. The national office is hereby established and is headed by the Executive Director.

Appointment of Executive Director

6. (1) The Minister must nominate a suitably qualified person for appointment to the office of Executive Director to head the Directorate in accordance with a procedure to be determined by the Minister.
- (2) The relevant Parliamentary Committee must, within a period of 30 parliamentary working days of the nomination in terms of subsection (1), confirm or reject such nomination. 5
- (3) In the event of an appointment being confirmed—
- (a) the successful candidate is appointed to the office of Executive Director subject to the laws governing the public service with effect from a date agreed upon by such person and the Minister; and 10
- (b) such appointment is for a term of five years, which is renewable for one additional term only.
- (4) When the Executive Director is unable to perform the functions of office, or during a vacancy in the Directorate, the Minister may designate another person to act as Executive Director until the Executive Director returns to perform the functions of office or the vacancy is filled. 15
- (5) In the case of a vacancy, the Minister must fill the vacancy within a reasonable period of time, which period must not exceed one year.
- (6) The Minister may, remove the Executive Director from office on account of— 20
- (a) misconduct;
- (b) ill health; or
- (c) inability to perform the duties of that office effectively.

Responsibilities of Executive Director

7. (1) The Executive Director is the accounting officer of the Directorate and must ensure that— 25
- (a) proper records of all financial transactions, assets and liabilities of the Directorate are kept;
- (b) the financial affairs of the Directorate comply with the Public Finance Management Act; and 30
- (c) an annual report is prepared in the manner contemplated in section 32.
- (2) The Executive Director is responsible for the appointment of the provincial heads of each province as contemplated in section 22(1).
- (3)(a) The Executive Director must appoint such staff as may be necessary to enable the Directorate to perform its functions in terms of this Act. 35
- (b) The staff component must be established in accordance with the Public Service Act.
- (c) The conditions of service, including remuneration and allowances of such staff, are regulated in terms of the Public Service Act.
- (d) The Executive Director must direct that a register of declaration of interest by managers and investigators be kept in the prescribed form and manner. 40
- (e) The Executive Director must give guidelines with regard to—
- (i) the investigation and management of cases by officials within the respective provincial offices;
- (ii) administration of the national and provincial offices; and 45
- (iii) training of staff at national and provincial level.
- (4) The Executive Director must refer criminal offences revealed as a result of an investigation, to the National Prosecuting Authority for criminal prosecution and notify the Minister of such referral.
- (5) The National Prosecuting Authority must notify the Executive Director of its intention to prosecute, whereafter the Executive Director must notify the Minister thereof and provide a copy thereof to the Secretary. 50
- (6) The Executive Director must ensure that complaints regarding disciplinary matters are referred to the National Commissioner and where appropriate, the relevant Provincial Commissioner. 55
- (7) Once a month the Executive Director must submit to the Minister a summary of the disciplinary matters and provide a copy thereof to the Secretary.

(8) All recommendations which are not of a criminal or disciplinary nature must be referred to the Minister and provide a copy thereof to the Secretary.

(9) The Executive Director may upon receipt of a complaint, cause to investigate any offence allegedly committed by any member of the South African Police Service or Municipal Police Services, and may, where appropriate, refer such investigation to the National or Provincial Commissioner concerned. 5

(10) The Executive Director must refer criminal matters which fall outside the scope of the Directorate, to the appropriate authority for further investigation in terms of applicable legislation.

(11) The Executive Director must provide strategic leadership to the Directorate. 10

(12) The Executive Director must at any time when requested to do so by the Minister or Parliament, report on the activities of the Directorate to the Minister or Parliament.

Composition of national office

8. (1) The national office consists of—

- (a) the Executive Director who controls the office; 15
- (b) the Corporate Services Unit;
- (c) the Investigation and Information Management Unit;
- (d) the Legal Services Unit; and
- (e) any other unit established, subject to the approval of the Minister and Parliament. 20

(2) The Executive Director must appoint members at the national office.

(3) A person may not be appointed as a member of the national office unless information with respect to that member has been gathered in an appropriate security screening investigation as prescribed by the Minister.

(4) The security screening investigation contemplated in subsection (3), must be done in conjunction with the National Intelligence Agency, as referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002). 25

(5) The Executive Director must issue a security clearance certificate in respect of such person wherein it is certified that such person has successfully undergone a security clearance and is appointed as an employee of the Directorate. 30

(6) Any member of the national directorate may from time to time, or at such regular intervals as the Executive Director may determine, be subjected to a further security screening as contemplated in subsection (3).

(7) The Executive Director, after consultation with the National Intelligence Agency, must withdraw a security clearance certificate referred to in subsection (5) if he or she obtains information which, after evaluation by him or her, causes him or her to believe that the person in question could be a security risk or acted in any manner prejudicial to the objects of this Act. 35

(8) If the security clearance certificate referred to in subsection (7) is withdrawn, the person concerned is unfit to continue to hold such office and the Executive Director must discharge him or her from the Directorate. 40

Functions of national office

9. The functions of the national office are to—

- (a) give strategic leadership to the Directorate;
- (b) develop and implement policy for the Directorate; 45
- (c) oversee and monitor performance at provincial level and intervene to rectify challenges where necessary;
- (d) gather, keep and analyse information in relation to investigations;
- (e) identify and review legislative needs and report on such matters to the Secretariat; 50
- (f) do internal auditing of the Directorate;
- (g) provide administrative support to the Directorate;
- (h) strengthen the co-operative relationship between the Directorate and the Secretariat;

- (i) report to the relevant MEC on matters referred to the Executive Director by the MEC;
- (j) submit an annual report to the Minister and to Parliament;
- (k) implement information measures to develop public awareness of the provisions of this Act; 5
- (l) deal with any other matter referred to it by the Minister;
- (m) make recommendations to the South African Police Service resulting from investigations done by the Directorate; and
- (n) report twice a year to Parliament on the number and type of cases investigated, the recommendations, the detail and outcome of those recommendations. 10

Delegations

10. (1) Subject to subsections (2) and (3), the Executive Director may delegate functions entrusted to the Executive Director under this Act to any other person with appropriate knowledge and experience who is under the control of the Executive Director. 15

(2) A delegation under subsection (1) must be in writing and—

- (a) may be subject to any conditions or restrictions determined by the Executive Director;
- (b) does not prevent the exercise of any power of the Executive Director; and
- (c) may be withdrawn or amended by the Executive Director. 20

(3) The Executive Director may not delegate any of the powers, functions or duties referred to in sections 7(1), (2), (3), (5), (6), (7), (8), (9) and (10), 8, 20, 22, 31(2), 32(1) and (2), and 34 of this Act.

CHAPTER 3

MANAGEMENT COMMITTEE 25

Establishment of Management Committee

11. There is hereby established a Management Committee.

Composition of Committee

12. (1) The Committee established in terms of section 11 consists of— 30

- (a) the Executive Director; and
- (b) the provincial head for each province.

(2) The Executive Director is the chairperson of the Committee.

(3) The Executive Director may invite any person not mentioned in subsection (1) to a meeting of the Committee.

Functions of Committee 35

13. (1) The Committee is responsible for the following functions:

- (a) To ensure co-ordination and alignment within each province regarding— 40
 - (i) strategic and performance plans;
 - (ii) priorities, objectives and strategies across national and provincial levels;
 - (iii) adherence to financial requirements prescribed in terms of the Public Finance Management Act; and
 - (iv) interaction between the various provincial directorates;
- (b) to identify any other matter of strategic importance to the functioning of the Directorate within each province;
- (c) to discuss performance in the provision of services in order to detect failures and to initiate preventative or corrective action when necessary; 45
- (d) to raise national management issues within the Directorate; and
- (e) to ensure regular reporting on matters specific to the performance of the functions of the respective provincial directorates.

Meetings of Committee

14. (1) The Committee meets as often as circumstances require, but at least four times every year, at such time and place as the Executive Director may determine.
(2) The Committee may determine its own procedure for its meetings.

CHAPTER 4

5

CONSULTATIVE FORUM

Establishment of Consultative Forum

15. There is hereby established a Consultative Forum.

Composition of forum

16. (1) The forum established in terms of section 15 consists of— 10
(a) the Executive Director; and
(b) the Secretary.
(2) The Executive Director or Secretary, in consultation with one another, may invite any person not mentioned in subsection (1) to a meeting of the forum.

Functions of forum

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17. The functions of the forum are to—
(a) facilitate closer cooperation between the Secretary and the Executive Director; and
(b) discuss, amongst other, issues relating to trends, recommendations and implementation of such recommendations. 20

Meetings of forum

18. (1) The Secretary must convene the first meeting of the forum and preside at that meeting.
(2) The Secretary and the Executive Director must alternate as chairperson at meetings. 25
(3) The forum determines its own procedure and agenda for its meetings.
(4) The forum must meet at least four times a year on issues of common interest.

CHAPTER 5

PROVINCIAL OFFICES

Provincial offices

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19. Each provincial office is headed by a provincial head who is appointed—
(a) at the level of Chief Director; and
(b) on a permanent basis in terms of section 20(1).

Appointment of provincial heads

20. (1) The Executive Director appoints the provincial head for each province in accordance with the laws governing the public service. 35
(2) The provincial head must conclude a written performance agreement with the Executive Director—
(a) within a reasonable time after the appointment of the provincial head; and
(b) thereafter, annually within one month of the commencement of each financial year. 40
(3) The performance agreement referred to in subsection (2) must include—
(a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met; 45

(b) standards and procedures for evaluating performance and intervals for evaluation; and

(c) the consequences of substandard performance.

(4) When the provincial head is unable to perform the functions of office, or during a vacancy in the provincial office, the Executive Director may designate another person to act as provincial head until the provincial head returns to perform the functions of office or the vacancy is filled. 5

(5) In the case of a vacancy, the Executive Director must fill the vacancy within a reasonable period of time, which period shall not exceed six months.

Responsibilities of provincial head 10

21. (1) A provincial head is responsible for the following:

(a) Appointment and performance management of staff at provincial level;

(b) to facilitate investigation of cases and to perform any other function incidental to such investigations;

(c) to control and monitor active cases; 15

(d) to refer matters investigated by the provincial office under this Act to the National or relevant provincial prosecuting authority for criminal prosecution;

(e) to report to the Executive Director on matters investigated;

(f) to refer disciplinary matters to the Provincial Commissioner;

(g) to facilitate cooperation between the provincial head and the provincial police secretariat; 20

(h) to report to the Executive Director on recommendations and finalisation of cases;

(i) to report to the Executive Director on the management of provincial offices and their finances; 25

(j) to report to the relevant MEC on matters referred to the Provincial Head by that MEC;

(k) to ensure adherence to guidelines issued by the national office relating to the investigation and management of cases by officials within the respective provincial offices; 30

(l) to keep proper financial records in accordance with the prescribed norms and standards;

(m) to prepare financial statements for submission to the Executive Director within two months after the end of the financial year;

(n) to ensure compliance with administrative guidelines issued by the Executive Director; and 35

(o) to manage the provincial office.

CHAPTER 6

APPOINTMENT, REMUNERATION, FUNCTIONS AND POWERS OF INVESTIGATORS 40

Appointment of investigators

22. (1) The Executive Director, in consultation with the relevant provincial head, must appoint a fit and proper person as an investigator of the Directorate, subject to subsections (2), (3) and (4).

(2) A person appointed as an investigator— 45

(a) must have at least a grade 12 certificate or a relevant diploma or degree; and

(b) must have—

(i) knowledge and relevant experience of criminal investigation; or

(ii) any other relevant experience.

(3) A person may not be appointed as an investigator unless information with respect to that person has been gathered in an appropriate security screening investigation as prescribed by the Minister. 50

(4) The security screening investigation contemplated in subsection (3), must be done in conjunction with the National Intelligence Agency, as referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002).

(5) The Executive Director or official so delegated by him or her must issue a security screening certificate in respect of such person wherein it is certified that such person has successfully undergone a security clearance and is appointed as an investigator in terms of this Act. 5

(6) Any investigator may from time to time, or at such regular intervals as the Executive Director may determine, be subjected to a further security screening as contemplated in subsection (3). 10

(7) A person must be discharged from his or her position as an investigator if he or she fails to conform to the security clearance prescripts.

(8) An investigator is given policing powers contemplated in section 24(2) by the Minister, within three months after his or her appointment.

(9) The Executive Director must issue a document in the prescribed form, which shall serve as proof to certify that an investigator has been duly authorised to exercise the powers and perform the functions as contemplated in section 24. 15

Remuneration and conditions of service of investigators

23. The conditions of service, including the salary and allowances payable to an investigator appointed under this Act, must be on par with members appointed as detectives in terms of the South African Police Service Act. 20

Functions and investigative powers

24. (1) An investigator may, subject to the control and direction of the Executive Director or the relevant provincial head, exercise such powers and must perform such duties as are conferred or imposed upon him or her by or under this Act or any other law, and must obey all lawful directions which he or she may from time to time receive from a person having the authority to give such directions under this Act. 25

(2) An investigator has the powers as provided for in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which are bestowed upon a peace officer or a police official, relating to— 30

- (a) the investigation of offences;
- (b) the ascertainment of bodily features of an accused person;
- (c) the entry and search of premises;
- (d) the seizure and disposal of articles;
- (e) arrests; 35
- (f) the execution of warrants; and
- (g) the attendance of an accused person in court.

(3) (a) For the purposes of conducting an investigation, an investigator may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in that person's possession or under his or her control which has a bearing on the matter being investigated, and may question such person thereon. 40

(b) An investigator or any person duly authorised thereto by him or her may request an explanation from any person whom he or she reasonably suspects of having information which has a bearing on a matter being or to be investigated. 45

(4) A person questioned by an investigator conducting an investigation must answer each question truthfully and to the best of that person's ability, but—

- (a) a person is not obliged to answer any question if the answer is self-incriminating; and
- (b) the person asking the questions must inform that person of the right set out in paragraph (a). 50

(5) No self-incriminating answer given or statement made by any person to an investigator exercising powers in terms of this Act will be admissible as evidence against that person in criminal proceedings instituted against that person in any court, except in criminal proceedings for perjury. 55

Conflict of interest and disclosure of interest

25. (1) No member of the Directorate may conduct an investigation, or render assistance with an investigation, in respect of a matter in which he or she has a financial or any other interest which might preclude him or her from exercising or performing his or her powers, duties and functions in an objective manner. 5

(2) If, during an investigation, it appears to a member of the Directorate that a matter concerns a financial or other interest of that member as referred to in subsection (1), that member must—

- (a) immediately and fully disclose the fact and nature of that interest to the Executive Director; and 10
- (b) withdraw from any further involvement in that investigation.

Integrity measures

26. (1) The Minister may prescribe measures for integrity testing of members of the Directorate, which may include random entrapment, testing for the abuse of alcohol or drugs, or the use of a polygraph or similar instrument to ascertain, confirm or examine in a scientific manner the truthfulness of a statement made by a person. 15

(2) The necessary samples required for any test referred to in subsection (1) may be taken, but any sample taken from the body of a member may only be taken by a registered medical practitioner or a registered nurse.

(3) The Minister shall prescribe measures to ensure the confidentiality of information obtained through integrity testing, if such measures are prescribed in terms of subsection (1). 20

Limitation of liability

27. An investigator is not liable in respect of any act or omission in good faith and without gross negligence in performing a function in terms of this Act. 25

Type of matters to be investigated

28. (1) The Directorate must investigate—

- (a) any deaths in police custody;
- (b) deaths as a result of police actions;
- (c) any complaint relating to the discharge of an official firearm by any police officer; 30
- (d) rape by a police officer, whether the police officer is on or off duty;
- (e) rape of any person while that person is in police custody;
- (f) any complaint of torture or assault against a police officer in the execution of his or her duties; 35
- (g) corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be; and
- (h) any other matter referred to it as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or the Secretary as the case may be, 40

in the prescribed manner.

(2) The Directorate may investigate matters relating to systemic corruption involving the police. 45

CHAPTER 7

REPORTING OBLIGATIONS AND COOPERATION BY MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE AND MUNICIPAL POLICE SERVICE AND DISCIPLINARY RECOMMENDATIONS

Reporting obligations and cooperation by members 5

29. (1) The Station Commander, or any member of the South African Police Service or Municipal Police Service must—

- (a) immediately after becoming aware, notify the Directorate of any matters referred to in section 28(1)(a) to (f); and
- (b) within 24 hours thereafter, submit a written report to the Directorate in the prescribed form and manner of any matter as contemplated in paragraph (a). 10

(2) The members of the South African Police Service or Municipal Police Services must provide their full cooperation to the Directorate, including but not limited to—

- (a) the arrangement of an identification parade within 48 hours of the request made by the Directorate; 15
- (b) the availability of members for the taking of an affidavit or an affirmed declaration or to give evidence or produce any document in that member's possession or under his or her control which has a bearing on the matter being investigated; and
- (c) any other information or documentation required for investigation purposes. 20

Disciplinary recommendations

30. The National Commissioner or the appropriate Provincial Commissioner to whom recommendations regarding disciplinary matters were referred, as contemplated in section 7(6) and (7), must—

- (a) within 30 days of receipt thereof, initiate disciplinary proceedings in terms of the recommendations made by the Directorate and inform the Minister in writing, and provide a copy thereof to the Executive Director and the Secretary; 25
- (b) quarterly submit a written report to the Minister on the progress regarding disciplinary matters made in terms of paragraph (a) and provide a copy thereof to the Executive Director and the Secretary; and 30
- (c) immediately on finalisation of any disciplinary matter referred to it by the Directorate, to inform the Minister in writing of the outcome thereof and provide a copy thereof to the Executive Director and the Secretary. 35

CHAPTER 8 35

FINANCES AND ACCOUNTABILITY AND ANNUAL REPORT

Finances and accountability

31. (1) The Executive Director—

- (a) must, subject to the Public Finance Management Act— 40
 - (i) be charged with the responsibility of accounting for money received or paid out for or on account of the office of the Directorate;
 - (ii) cause the necessary accounting and other related records to be kept; and
- (b) may exercise such powers and perform such duties as may from time to time be conferred upon or assigned to him or her, and in respect thereof be accountable to the Minister. 45

(2) The records referred to in subsection (1)(a) must be audited by the Auditor-General.

Annual report

32. (1) The Executive Director must prepare and submit to the Minister an annual report in the form prescribed by the Minister within five months after the end of the financial year.

(2) The annual report referred to in subsection (1) must include the following documents:

- (a) The audited financial statements prepared in terms of this Act;
- (b) the Auditor-General's report prepared in terms of this Act; and
- (c) a detailed report on the activities of the Directorate undertaken during the year to which the audit relates.

(3) The Minister must table in Parliament a copy of the annual report and financial statements, and the audit report on those statements, within one month after receipt thereof if Parliament is then in session or, if Parliament is not then in session, within one month after the commencement of its next ensuing session.

(4) The Executive Director must publish the annual report, financial statements and the audit report on those statements.

CHAPTER 9

OFFENCES AND PENALTIES

Offences and penalties

33. (1) Any person or private entity, who interferes, hinders or obstructs the Executive Director or a member of the Directorate in the exercise or performance of his or her powers or functions, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

(2) Any member of the Directorate who wilfully discloses information in circumstances in which he or she knows, or could reasonably be expected to know, that such a disclosure will or may prejudicially affect the exercise or the performance by the Directorate of the powers and functions, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(3) Any police officer who fails to comply with section 29 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(4) Any member who fails to make disclosure in accordance with section 25(2)(a), or fails to withdraw in terms of section 25(2)(b), as the case may be, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(5) Any person who pretends to be an investigator in terms of this Act, is guilty of an offence and liable on conviction to a fine or to imprisonment for period not exceeding two years.

CHAPTER 10

REGULATIONS, TRANSITIONAL ARRANGEMENTS, REPEAL AND SHORT TITLE AND COMMENCEMENT

Regulations

34. (1) The Minister may, after consultation with the Executive Director, make regulations regarding—

- (a) access and control of confidential information and records pertaining to investigations instituted in terms of this Act;
- (b) the procedure to be followed when investigating matters referred to in section 28(1)(a) to (h);
- (c) the procedure to be followed when reporting on cases dealt with under this Act;

- (d) the procedure to be followed for referring, receiving, registering, processing and disposing of complaints;
 - (e) the procedure to be followed when investigating criminal matters;
 - (f) the procedure to be followed for initiating special investigations;
 - (g) the measures for integrity testing of members of the Directorate as contemplated in section 26(1);
 - (h) the measures to ensure the confidentiality of information obtained as contemplated in section 26(3);
 - (i) any issues to be contained in the annual report contemplated in section 32;
 - (j) the procedure and format to be followed regarding reporting to the Directorate as contemplated in section 29(1);
 - (k) the procedure to be followed for the arrangement and the holding of identification parades, as contemplated in section 29(2)(a);
 - (l) the procedure to be followed for the taking of an affidavit or an affirmed declaration or to give evidence or produce any document in that member's possession or under his or her control which has a bearing on the matter being investigated, as contemplated in section 29(2)(b);
 - (m) the procedure to be followed for the submission of any other information or documentation required for investigation purposes, as contemplated in section 29(2)(c);
 - (n) the procedure to be followed in respect of disciplinary recommendations as contemplated in section 30;
 - (o) the manner and procedure to secure a crime scene to be investigated by the Directorate; and
 - (p) in general, any ancillary or incidental matter that it is necessary to prescribe for the proper implementation or administration of this Act.
- (2) The regulations referred to in subsection (1)(a) to (o) must be submitted to Parliament for scrutiny at least one month before promulgation—
- (a) while it is in session; or
 - (b) after the next session starts.
- (3) Regulations with regard to the implementation of this Act must be submitted to the Minister by the Executive Director within three months of the commencement of this Act.

Transitional arrangements

35. (1) As from the fixed date—
- (a) all powers exercised and functions performed by investigators immediately before the fixed date, must be exercised and performed by the Directorate;
 - (b) any investigation instituted in terms of the previous Act which was pending must be disposed of as if this Act had not been passed; and
 - (c) the allocated budget, assets and liabilities of the Directorate as agreed upon between the accounting officers of the Independent Complaints Directorate and the Directorate, must be transferred to the Directorate in accordance of section 42 of the Public Finance Management Act.
- (2) The Registrar of Deeds must make the necessary entries and endorsements for the transfer of any property in terms of this section.
- (3) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of the employer must be regarded as having taken place when the investigators and administrative and support personnel are transferred to take up employment with the Directorate.
- (4) For as long as remuneration, allowances and other conditions of service under the South African Police Service Act are more favourable than those determined under this Act, the remuneration, allowances and other conditions of service under the South African Police Service Act prevails.
- (5) A security clearance issued before the fixed date, remains valid until such time it is reissued in terms of this Act.

(6) (a) This Act does not affect the validity of any investigation or prosecution conducted, pending or under investigation by the Independent Complaints Directorate on or before the fixed date.

(b) All matters which relate to service complaints of the South African Police Service will be transferred to the South African Police Service and where appropriate, the Secretariat.

Amendment and repeal of laws

36. (1) The laws mentioned in Schedule 1 are hereby amended to the extent set out in the third column of that Schedule.

(2) The laws set out in Schedule 2 are hereby repealed to the extent set out in the third column of that Schedule.

Short title and commencement

37. This Act is called the Independent Police Investigative Directorate Act, 2011, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

SCHEDULE 1
LAWS AMENDED

Number and year of law	Short title	Extent of repeal or amendment
Act 68 of 1995	South African Police Service Act	<p data-bbox="783 501 1222 618">Amendment of section 1 of Act 68 of 1995, as amended by section 1 of Act 41 of 1997 and section 1 of Act 83 of 1998</p> <p data-bbox="783 651 1222 741">1. Section 1 of the South African Police Service Act, 1995 is hereby amended—</p> <p data-bbox="783 741 1222 954">(a) by the substitution for the definition of “secretariat” of the following definition: “secretariat” means the Secretariat for [Safety and Security] <u>Police</u> established under section 2(1);”;</p> <p data-bbox="783 954 1222 1167">(b) by the substitution for the definition of “Secretary” of the following definition: “Secretary” means the Secretary [for Safety and Security] of <u>Police</u> appointed under section 2(2);”.</p> <p data-bbox="783 1193 1222 1252">Amendment of section 2 of Act 68 of 1995</p> <p data-bbox="783 1283 1222 1400">1. Section 2 of the South African Police Service Act, 1995, is hereby amended by the substitution for subsection (1) of the following subsection: “(1) (a) The Minister shall establish a secretariat to be called the Secretariat for [Safety and Security] <u>Police</u>.</p> <p data-bbox="783 1525 1222 1794">(b) A provincial government may establish a provincial secretariat to be called the Provincial Secretariat for [Safety and Security] <u>Police</u>: Provided that the date on which a provincial secretariat will come into operation shall be determined by a provincial government in consultation with the Minister.”.</p>

Number and year of law	Short title	Extent of repeal or amendment
Act 112 of 1998	Witness Protection Act	<p>Amendment of section 1 of Act 112 of 1998</p> <p>1. Section 1 of the Witness Protection Act, 1998, is hereby amended by the substitution for the definition of “Complaints Directorate” of the following definition:</p> <p>“Complaints Directorate” means the Independent [Complaints] <u>Police Investigative Directorate</u>, established under section [50] 2 of the [South African Police Service Act, 1995 (Act No. 68 of 1995)] <u>Independent Police Investigative Directorate Act, 2010;</u>”.</p> <p>2. The substitution for the words “Complaints Directorate”, wherever they occur in the Act, of the word “Directorate”.</p>
Act 116 of 1998	Domestic Violence Act, 1998	<p>Amendment of section 18 of Act 116 of 1998</p> <p>1. Section 18 of the Domestic Violence Act, 1998, is hereby amended—</p> <p>(a) by the substitution in subsection (4) for the following subsection:</p> <p>“(4) (a) Failure by a member of the South African Police Service to comply with an obligation imposed in terms of this Act or the national instructions referred to in subsection (3), constitutes misconduct as contemplated in the South African Police Service Act, 1995, and the [Independent Complaints Directorate] <u>Secretariat</u>, established in terms of [that Act] <u>section 4(1) of the Civilian Secretariat for Police Service Act, 2010</u>, must forthwith be informed of any such failure reported to the South African Police Service.</p>

Number and year of law	Short title	Extent of repeal or amendment
		<p>(b) Unless the [Independent Complaints Directorate] <u>Secretariat</u> directs otherwise in any specific case, the South African Police Service must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation referred to in paragraph (a).”;</p> <p>(b) by the substitution in subsection (5) for paragraphs (c) and (d) of the following paragraphs respectively:</p> <p>“(5) (c) The [Independent Complaints Directorate] <u>Secretariat</u> must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a), and setting out the recommendations made in respect of such matters.</p> <p>(d) The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding—</p> <p>(iii) steps taken as a result of recommendations made by the [Independent Complaints Directorate] <u>Secretariat</u>.”.</p>

Number and year of law	Short title	Extent of repeal or amendment	
Act 70 of 2002	Regulation of Interception of Communications and Provision of Communication-Related Information Act	<p data-bbox="788 338 1222 456">Amendment of section 1 of Act 70 of 2002, as amended by the schedule of Act 36 of 2005 and section 1 of Act 48 of 2008</p> <p data-bbox="788 495 1222 636">1. Section 1 of the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002, is hereby amended—</p> <p data-bbox="788 645 1222 904">(a) by the substitution for the definition of “Executive Director” of the following definition: “Executive Director” means the Executive Director appointed in terms of section [51] 5(1) of the [South African Police service Act] Independent Police Investigative Directorate Act, 2010;”;</p> <p data-bbox="788 913 1222 1263">(b) by the substitution for the definition of “Independent Complaints Directorate” of the following definition: “Independent Complaints Directorate” means the Independent [Complaints] Police Investigative Directorate established by section [50(1)] 2 of the [South African Police Service Act] Independent Police Investigative Directorate Act, 2010;”.</p> <p data-bbox="788 1301 1222 1422">2. The substitution for the words “Independent Complaints Directorate”, wherever they occur in the Act, of the word “Directorate”.</p>	<p data-bbox="1232 367 1264 396">10</p> <p data-bbox="1232 398 1264 427">5</p> <p data-bbox="1232 524 1264 553">15</p> <p data-bbox="1232 674 1264 703">20</p> <p data-bbox="1232 824 1264 853">25</p> <p data-bbox="1232 974 1264 1003">30</p> <p data-bbox="1232 1124 1264 1153">35</p> <p data-bbox="1232 1274 1264 1303">40</p>

SCHEDULE 2**LAWS REPEALED**

No. and year of law	Short Title	Extent of repeal
Act 68 of 1995	South African Police Service Act, 1995	Chapter 10

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No. 9678

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Pretoria, 10 February 2012
Februarie 2012

No. 35018

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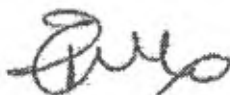
PROCLAMATION*by the**President of the Republic of South Africa***No. R. 3, 2012****COMIANCEMENT OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ACT,
2011 (ACT NO. 1 OF 2011)**

Under section 37 of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), I hereby fix 1 April 2012 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Durban
this 28th day of December two thousand and eleven.

**PRESIDENT**

By order of the President in Cabinet

**MINISTER OF THE CABINET**

ISAZISO ESIVELA**KUMONGAMELI WERIPHABLIKHI YASENINGIZIMU AFRIKA**

No. R. 3, 2012

**UKUQALA UKUSEBENZA KOMTHETHO WOPHIKO OLUZIMELE OLUPHENYA
AMAPHOYISA, 2011 (UMTHETHO WOKU-1 WE - 2011)**

Ngaphansi kweSahluko sama-37 soMthetho Wophiko Oluzimele Oluphenya Amaphoyisa we-2011 (uMthetho woku-1 we-2011), mina ngalesaziso, ngibeka usuku lomhla zi-1 Apreli 2012 njengosuku lapho uMthetho oshiwo uzoqala ukusebenza.

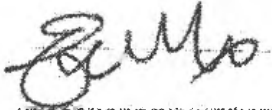
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wenzinkulungwane ezimbili neshumi nambili.



UMONGAMELI

NgoMyalo kaMongameeli okukhabinethi



UNGQONGQOSHE WEKHABINETHI

GOVERNMENT NOTICE

DEPARTMENT OF POLICE

No. R. 98

10 February 2012

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ACT, 2011**REGULATIONS FOR THE OPERATION OF THE INDEPENDENT POLICE
INVESTIGATIVE DIRECTORATE**

The Minister of Police has, under section 34(1) of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), made the regulations set out in the Schedule hereto.

SCHEDULE**Definitions and interpretation**

1. In these regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and unless the context indicates otherwise—

“**complainant**” means a person who has submitted or lodged a written report or a complaint, as the case may be, with the Directorate in terms of regulation 2;

“**complaint**” includes a written report contemplated in regulation 2(1);

“**member of the Directorate**” means a person appointed to the Directorate on a full-time or contractual basis, either in the national office or in any provincial office;

“**Public Service Disciplinary Code**” means the Disciplinary Code and Procedures for the Public Service as contained in Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 2 of 1999, as amended;

“**Station Commander**” means a member of the South African Police Service in charge of a police station; and

“the Act” means the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011).

Reporting of matters to be investigated to Directorate

2. (1) A Station Commander or any member of the South African Police Service or the Municipal Police Services must, within the period referred to in section 29(1)(b) of the Act, submit a written report to the Directorate regarding any matter listed in section 28(1)(a) to (f) of the Act in a format substantially similar to **Form 1**.

(2) The report contemplated in sub-regulation (1) must be submitted to a provincial office by fax or electronic mail, and the relevant provincial head must ensure that the Executive Director is notified of such report.

(3) A person contemplated in sub-regulation (1) must, after the submission of the report referred to in sub-regulation (2), keep or retain proof of the submission, including the method of transmission.

(4) (a) The provisions of this regulation do not preclude a member of the public from lodging a complaint, in a format substantially similar to **Form 2**, with the person contemplated in sub-regulation (1) or the Directorate, either at the national or provincial office, regarding any matter listed in section 28(1)(a) to (g) of the Act.

(b) A person who lodges a complaint in terms of this sub-regulation must do so in writing, by fax or electronic mail and the provisions of sub-regulation (3) apply with such changes as may be required by the context.

(c) A complaint lodged in terms of this sub-regulation may not be rejected merely as a result of the complainant’s inability to furnish all of the information required in terms of **Form 2**.

(5) A complaint lodged with the Directorate at the national office in terms of sub-regulation (4) may be referred by the Executive Director to a relevant provincial office for investigation.

Receiving, registering, processing, referral and disposing of complaints

3. (1) A member of the Directorate designated for such purpose must, upon receipt of a complaint contemplated in regulation 2, determine whether or not the complaint falls within the ambit of the provisions of section 28(1)(a) to (g) of the Act.

(2) (a) A complaint which falls outside the ambit of the said provisions must, within seven days of receipt or referral, as the case may be, be referred, in writing, to an appropriate authority or institution that is capable of dealing with such complaint.

(b) The complainant must, within seven days, be informed in writing and, if practicable, telephonically, of such referral.

(3) A complaint which falls within the ambit of the said provisions must, within seven days of the receipt or referral, be registered in a computer-based register designed for this purpose and the complainant must, within the same period, be informed in writing and, if practicable, telephonically, that his or her complaint has been received and that his or her complaint is being investigated by an identified investigator, including the name and contact details of such investigator.

(4) A complaint which has been registered in terms of sub-regulation (3) must be disposed of within the time periods contemplated in regulations 4(6), 5(4) or 6(3) and (5), whichever is applicable in the circumstances.

Investigation of deaths in police custody or as result of police action

4. (1) The investigation of the death of a person in police custody or the death of a person as a result of police action or omission or both must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate the death of a person—

- (a) in police custody, irrespective of whether or not such death has occurred as a result of the alleged involvement of a member of the South African Police Service or the Municipal Police Services; or
- (b) who has died as a result of any action or omission or both on the part of a member of the South African Police Service or the Municipal Police Services.

(3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable, but within 24 hours of designation—

- (a) attend the scene where the death occurred, ensure that the scene is secured in terms of regulation 8, oversee the scene and conduct a preliminary investigation;
- (b) record the details of the deceased, including his or her name and surname, age and gender;
- (c) identify and record particulars of all potential witnesses for purposes of interviewing them, and in the case of a death in police custody, record the particulars of the persons who had been on duty in the facility at the time when the death occurred;
- (d) authorise the removal of the corpse, in consultation with a pathologist if a pathologist is available;
- (e) collect, or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory and ensure the proper registration, handling, transportation and disposal of exhibits;
- (f) visit the deceased's next-of-kin to inform them of the death and to obtain statements that may assist in the investigation;
- (g) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation;

- (h) attend the *post mortem* and advise the person conducting the *post mortem* of observations made at the scene of death as well as areas that should be concentrated on; and
- (i) after collecting all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the death containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Services or criminal prosecution of such member, to the Executive Director or the relevant provincial head, as the case may be.

(4) In the event of a death in police custody that has occurred as a result of the alleged involvement of a member or members of the South African Police Service or the Municipal Police Services, as the case may be, or a death which is the result of the action or omission or both of such member or members, the investigator, when visiting the scene of death, must, in consultation with the Executive Director or the relevant provincial head, as the case may be, make a determination as to whether such member or members must be arrested.

(5) When effecting an arrest, the investigator must have due regard to the constitutional rights of the person who is arrested and the provisions of sections 39 to 53 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) relating to the arrest of persons.

(6) An investigation into the death of a person in police custody and the investigation of the death of a person who has died as a result of police action or omission or both must be finalised within a reasonable period, which period may not exceed 90 days after designation, failing which the investigator must give reasons for failure to comply with this period in the report contemplated in sub-regulation (3)(i).

(7) An investigator designated to investigate a death in terms of this regulation must inform the complainant, and the next-of-kin, if the complainant is not a member of the deceased's next-of-kin, in writing of the progress made with the investigation at least once per calendar month.

(8) In the event of a late notification of a death in police custody or as a result of police action or omission or both, the investigator must, within a reasonable period, which period may not exceed 30 days of designation—

- (a) conduct a preliminary investigation or proceed with a full investigation;
- (b) attend the *post mortem* if it has not yet been conducted;
- (c) interview witnesses and obtain statements that may assist in the investigation;
- (d) consider the desirability of reconstructing the scene of death; and
- (e) submit a report on the investigation containing recommendations to the Executive Director or relevant provincial head.

(9) For purposes of sub-regulation (8), the investigator must—

- (a) peruse the police docket;
- (b) take the police docket over for further investigation;
- (c) finalise and submit the police docket to the relevant Director of Public Prosecutions together with recommendations relating to further actions by the National Prosecuting Authority; and
- (d) submit a report on the investigation containing recommendations to the Executive Director or relevant provincial head.

Investigation of criminal matters

5. (1) An investigation of a matter contemplated in sub-regulation (2) must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a complaint that—

- (a) a person has been raped while that person was in police custody;
 - (b) a member of the South African Police Service or the Municipal Police Services has raped a person, irrespective of whether such member had been on official duty at the time of the alleged rape or not;
 - (c) a member of the South African Police Service or the Municipal Police Services has in the execution of his or her duties tortured or assaulted a person; or
 - (d) a member of the South African Police Service or the Municipal Police Services is involved in corruption.
- (3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable, but within 24 hours of designation—
- (a) if a police docket has been opened, take over the docket and conduct all outstanding investigations, and if such docket has not been opened, ensure that it is opened for purposes of the investigation;
 - (b) interview and record the details of the victim of the offence concerned, including his or her name and surname, age and gender, if this had not yet been done;
 - (c) identify and record particulars of all potential witnesses for purposes of interviewing them, and in the case of an offence contemplated in paragraph (a) of sub-regulation (2), record the particulars of the persons who had been on duty in the facility at the time when the offence had been committed, if this had not yet been done;
 - (d) collect, or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory or other appropriate institution and ensure the proper registration, handling,

- transportation and disposal of exhibits, if this had not yet been done;
- (e) in the case of an offence contemplated in paragraph (a) or (b) of sub-regulation 2, ensure, if this had not yet been done, that—
- (i) the victim is examined by a medical practitioner without delay;
 - (ii) a sexual assault crime kit is obtained, properly sealed and submitted to the Forensic Science Laboratory; and
 - (iii) the provisions of sections 28(3), 31(5), 32(1) and (5), 33(1), 34, 36 and 37 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), and any South African Police Service National Instructions relating to the crime of rape are complied with;
- (f) in the case of an offence contemplated in sub-regulation (2)(d) or any offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), involving an amount of R100 000 or more, ensure that a report contemplated in section 34(1) of that Act has been taken down in the manner contemplated in section 34(3)(a) of the said Act;
- (g) in the case of an offence contemplated in paragraph (c) of sub-regulation (2), if this had not yet been done—
- (i) attend and secure the scene where the alleged torture occurred in terms of regulation 8; and
 - (ii) ensure that the victim is taken to a medical practitioner for examination, including the taking of bodily specimens relating to torture;

- (h) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and
- (i) after collecting all evidence, statements and technical or expert reports, if applicable, submit a report on the investigation of the offence to the Executive Director or the relevant provincial head, as the case may be, containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Service or criminal prosecution of such member.

(4) An investigation contemplated in this regulation must be finalised within a reasonable period, which period may not exceed 90 days after designation, failing which the investigator must include reasons for failure to comply with this period in the report contemplated in paragraph (i) of sub-regulation (3).

(5) An investigator designated to investigate an offence in terms of this regulation must inform the complainant, and if the complainant is not the victim of the offence, the victim, in writing of the progress made with the investigation at least once per calendar month.

(6) Regulation 4(4) and (5) applies with such changes as may be required by the context to the arrest of a person in terms of this regulation.

Investigation of discharge of official firearm

6. (1) The discharge of an official firearm by a member of the South African Police Service or the Municipal Police Services, as the case may be, must be investigated in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a complaint that a member of the South African Police Service or the Municipal Police Services has discharged an official firearm, irrespective of whether such member had been on or off duty and whether any injury has been sustained as a result of such discharge or not.

(3) An investigator designated in terms of sub-regulation (2) must conduct a preliminary investigation, to be finalised within a reasonable period, which period may not exceed 30 days after designation, into the discharge of an official firearm to enable the Executive Director or the relevant provincial head, as the case may be, to determine whether a full investigation is warranted or not.

(4) If the Executive Director or relevant provincial head, as the case may be, determines that a full investigation is warranted, the investigator must as soon as is practicable, but within 24 hours after determination—

- (a) if a police docket has been opened, take over the docket and conduct all outstanding investigations, and if such docket has not been opened, ensure that it is opened during any stage of the investigation;
- (b) identify and record particulars of all potential witnesses for purposes of interviewing them;
- (c) collect or ensure the collection, by forensic experts, of exhibits for processing by the Forensic Science Laboratory or other appropriate institution and ensure the proper registration, handling, transportation and disposal of exhibits, if this had not yet been done;
- (d) visit all identified witnesses for purposes of obtaining statements that may assist in the investigation; and
- (e) after collecting all evidence, statements, technical and expert reports, if applicable, submit a final report on the investigation to the Executive Director or the relevant provincial head, as the case may be, containing recommendations regarding further action, which may include disciplinary measures to be taken against a member of the South African Police Service or the Municipal Police Services or criminal prosecution of such member.

(5) A full investigation contemplated in this regulation must be finalised within a reasonable period, which period may not exceed 90 days after designation, failing

which the investigator must include reasons for failure to comply with this period in the report contemplated in paragraph (e) of sub-regulation (4).

(6) An investigator designated to do an investigation in terms of this regulation must inform the complainant in writing of the progress made with the investigation at least once per calendar month.

(7) Regulation 4(4) and (5) applies with such changes as may be required by the context to the arrest of a person in terms of this regulation.

Investigation of referred matters

7. (1) The investigation of matters referred to the Directorate as contemplated in section 28(1)(h) of the Act must be done in accordance with this regulation.

(2) The Executive Director or the relevant provincial head, as the case may be, must designate an investigator to investigate a matter contemplated in section 28(1)(h) of the Act which had been referred to the Directorate for investigation.

(3) An investigator designated in terms of sub-regulation (2) must, as soon as is practicable, determine whether the referred matter relates to—

- (a) a matter contemplated in regulation 4, in which case the provisions of that regulation apply with such changes as may be required by the context;
- (b) a criminal matter, in which case the provisions of regulation 5 apply with such changes as may be required by the context, notwithstanding the fact that the criminal matter to be investigated may not be listed in sub-regulation (2) of that regulation; or
- (c) a matter not dealt with in regulation 4 or 5, in which case the Executive Director or relevant provincial head, as the case may be, must give directions regarding the investigation, the period within which the investigation must be completed and the manner of disposal of the referred matter.

(4) An investigator designated to do an investigation in terms of this regulation must inform the person who referred the matter for investigation in writing of the progress made with the investigation at least once per calendar month.

Securing of crime scene

8. An investigator designated to investigate a criminal matter must secure the scene of the crime, if still intact, or take over the securing of such scene from a member or members of the South African Police Service who may already be present at such scene, by—

- (a) establishing an inner cordon around the perimeter of the crime scene, as well as an outer cordon around the inner cordon to enable persons to perform their tasks within the inner cordon;
- (b) protecting obvious exhibits from contamination and the elements;
- (c) making a note of each exhibit to protect its integrity and location if it has to be moved;
- (d) regarding a corpse as a source of evidence and handling it as such;
- (e) identifying other scenes that might have a direct connection with the primary crime scene, and also protecting such scenes;
- (f) exercising control over the persons who may gain access to the crime scene and co-ordinating all investigation support resources;
- (g) requesting potential witnesses to wait at a designated area outside the outer cordon for the obtaining of statements, ensuring their safety and encouraging witnesses not to discuss the incident amongst themselves;
- (h) protecting the routes of access and departure by the person or persons suspected of having committed the crime, if known;
- (i) determining access and departure routes for use by emergency services and other persons authorised to enter the crime scene;

- (j) controlling any representatives of the media who may be in the vicinity of the crime scene; and
- (k) refraining from releasing information about the crime or the crime scene to any unauthorised person, including representatives of the media.

Procedures relating to identification parades, taking of affidavits, giving of evidence, production of documents and submission of information and co-operation by Police

9. (1) The procedures relating to—
- (a) the arrangement and holding of identification parades, as contemplated in section 29(2)(a) of the Act;
 - (b) the taking of affidavits or affirmed declarations or the giving of evidence or the production of documents in the possession or under the control of a member of the South African Police Service or the Municipal Police Services which have a bearing on the matter to be investigated, as contemplated in section 29(2)(b) of the Act; and
 - (c) the submission of any other information or documentation required for investigation purposes, contemplated in section 29(2)(c) of the Act,

must be conducted in accordance with the relevant procedures applicable to members of the South African Police Service.

(2) A member of the Directorate may require written reasons for failure by a member of the South African Service or the Municipal Police Service to comply with a request for co-operation regarding any matter contemplated in sub-regulation (1), and may make recommendations to the Executive Director or relevant provincial head, as the case may be, regarding disciplinary measures to be taken against such member.

Access and control of confidential information and records

10. (1) All information, whether verbal or in writing, and all documentation acquired during the course of an investigation conducted in terms of the Act and all records pertaining to any such investigation are to be treated as confidential and may not be divulged to any person outside of the Directorate unless authorised to be divulged, in the interests of justice, by –

- (a) the Executive Director or relevant provincial head, as the case may be, in writing; or
- (b) an Act of Parliament.

(2) All information, documentation and records pertaining to an investigation must be secured at all times in a manner that would effectively prevent access to such information, documentation and records by an unauthorised person.

(3) A member of the Directorate may insist on, and must be granted, access to such confidential information, documentation and records as are reasonably necessary to enable such member to conduct an investigation in terms of the Act, excluding confidential information, documentation and records protected under professional privilege.

(4) Subject to the provisions of section 33(2) of the Act, a member of the Directorate who divulges information, documentation or records or causes such information, documentation or records to be divulged in contravention of sub-regulation (1) or (2) is guilty of misconduct and is subject to the disciplinary measures contemplated in regulation 13.

Integrity testing and confidentiality of information relating to integrity testing

11. (1) The Executive Director may conduct, or authorise any member of the Directorate or any other person to conduct, a procedure to test the integrity of any particular member of the Directorate.

(2) The procedure referred to in sub-regulation (1) may involve–

- (a) the employment of an act or omission, by the person who conducts the procedure, which offers the member of the Directorate whose integrity is being tested the opportunity to engage in behaviour in contravention of any law, any code of conduct which is binding on such member or any disciplinary regulations;
- (b) the testing of a member of the Directorate for the abuse of alcohol or drugs; or
- (c) the use of a polygraph or any similar instrument.

(3) A procedure involving a measure contemplated in paragraph (a) of sub-regulation (2) may only be performed—

- (a) after approval by the Director of Public Prosecutions having jurisdiction in the area in which the integrity testing will take place, or by his or her delegate; and
- (b) in consonance with such instructions or guidelines as may be laid down by the National Director of Public Prosecutions or by the Director of Public Prosecutions having jurisdiction in the area in which the integrity testing will take place, or by his or her delegate, in accordance with section 252A(2)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(4) A procedure involving measures contemplated in paragraphs (b) and (c) of sub-regulation (2) may only be performed with the written approval of the Executive Director, in which case the member of the Directorate whose integrity is being tested must submit to such measures.

(5) A member of the Directorate may not, at any time when reporting for duty, while on duty or while on call for duty, have any evidence of—

- (a) alcohol; or
- (b) a drug as defined in section 1 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) which may not lawfully be taken or has been taken in a manner which is contrary to the prescription of

a registered medical practitioner or the recommendation of the manufacturer of the substance,

in his or her breath, blood or urine, as the case may be.

(6) Despite paragraph (b) of sub-regulation (5), a member of the Directorate who lawfully takes or has taken a drug prescribed by a registered medical practitioner may not perform duties involving operational capacity if the substance may impair such member's capacity to perform the duties without danger to himself or herself or any other person.

(7) In the event of an alcohol test—

- (a) the member of the Directorate whose integrity is being tested must provide a specimen of breath or blood, if requested to do so, and if such member fails or refuses to provide such specimen, he or she may be charged with disobeying a lawful order, command or instruction under regulation 13; and
- (b) the test, in the case of a specimen of breath, must be performed by using equipment prescribed in regulation 332 of the regulations made under the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(8) In the event of a drugs test —

- (a) the member of the Directorate whose integrity is being tested must provide a specimen of blood or urine to a registered medical practitioner or registered nurse at a place and time specified by the Executive Director, if requested to do so, and if such member fails, unless failure is attributable to a medical condition, or refuses to provide such specimen, he or she may be charged with disobeying a lawful order, command or instruction under regulation 13; and
- (b) the registered medical practitioner or registered nurse may give such directions as may be reasonably necessary to the member of

the Directorate whose integrity is being tested regarding the manner in which the specimen is to be provided.

(9) If a member of the Directorate refuses to submit to a polygraph examination or other similar test, when requested to do so, or if the polygraph or similar test indicates possible deception, the Executive Director may instruct such member to subject himself or herself to a security screening in accordance with section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), failing which he or she may be charged with disobeying a lawful order, command or instruction under regulation 13.

(10) The Executive Director, in the event of a result that impacts adversely on the integrity of a member of the Directorate after employment of a measure contemplated in paragraph (a) of sub-regulation (2), may—

- (a) require such member to undergo such counselling, rehabilitation or retraining as directed by the Executive Director or relevant provincial head;
- (b) require such member to subject himself or herself to a security screening in accordance with section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994); or
- (b) if appropriate in the circumstances, take disciplinary or other action against such member under regulation 13.

(11) The Executive Director, in the event of a finding that a member of the Directorate has evidence of alcohol or drugs in his or her breath, blood or urine respectively, may—

- (a) suspend such member from duty until he or she is free from such evidence;
- (b) require such member to undergo such counselling or rehabilitation as directed by the Executive Director;

- (c) refer such member to an identified registered medical practitioner for a medical examination and report of the member's fitness to proceed with his or her duties;
- (d) after considering a report referred to in paragraph (c), instruct such member to perform other duties for such time as the Executive Director considers necessary; or
- (e) if appropriate in the circumstances, take disciplinary or other action against such member under regulation 13.

(12) The measures contemplated in this regulation must be applied with due regard to decency and the right of a member of the Directorate to dignity and privacy.

(13) No person may disclose any information which he or she has obtained in the application of the measures contemplated in sub-regulation (2), unless such information is--

- (a) required by a person who of necessity needs the information for the performance of his or her functions in terms of these regulations;
- (b) supplied in the performance of functions in terms of these regulations; or
- (c) required in terms of any law or as evidence in any court of law or formal disciplinary process.

(14) Any contravention of sub-regulation (13) is to be regarded as serious misconduct for purposes of regulation 13.

Disciplinary referrals

12. (1) A complaint of a disciplinary nature or recommendations by the Directorate involving the discipline of a member or members of the South African Police Service or the Municipal Police Services must be contained in a report substantially similar to **Form 3**.

(2) The Executive Director or relevant provincial head must, in accordance with section 7(6) of the Act, read with sections 9(m) and 21(1)(f), ensure that the form contemplated in sub-regulation (1) is correctly completed and submitted to the National Commissioner or relevant Provincial Commissioner of Police, as the case may be.

(3) The Executive Director or relevant provincial head must interact and liaise with the National Commissioner or Provincial Commissioner of Police regarding progress relating to disciplinary proceedings initiated by the National Commissioner or Provincial Commissioner of Police, as the case may be, in accordance with section 30 of the Act.

(4) The duty imposed upon the Executive Director or the relevant provincial head in terms of sub-regulation (2) or (3) may be delegated, in writing, by the Executive Director or relevant provincial head, as the case may be, to a suitable member of the Directorate.

Disciplinary measures in relation to members of the Directorate

13. The Public Service Disciplinary Code applies in the case of disciplinary proceedings initiated against a member of the Directorate as a result of the alleged misconduct of such member or failure to comply with a lawful command, order or instruction.

Security screening investigations

14. The security screening investigation of a member of the Directorate or investigator contemplated in sections 8(3) and 22(3) of the Act, respectively, must be done in accordance with the provisions of section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994).

Reporting

15. (1) In addition to the provisions of section 32 of the Act, the Executive Director must submit an annual report to the Minister and Parliament in accordance with section 9(j) of the Act.

(2) The report contemplated in sub-regulation (1) must include an overview of—

- (a) the administration of the Directorate relating to its overall management and organisation;
- (b) the processing, monitoring and investigation of complaints lodged with the Directorate in terms of section 28(1) of the Act;
- (c) the management of information and research conducted during the financial year under review; and
- (d) statistics of cases dealt with by the Directorate on both national and provincial level, including information on the number and nature of cases carried over to the next financial year,

and may include recommendations relating to the manner in which deficiencies in practices employed by members of the South African Police Service or Municipal Police Services could be addressed.

(3) Despite sub-regulation (1), the Executive Director must, in accordance with section 7(12) of the Act, at any time when requested to do so by the Minister and Parliament, report on the activities of the Directorate.

General

16. These Regulations may be supplemented by—

- (a) the guidelines issued by the Executive Director in terms of section 7(3)(e) of the Act; and

- (b) any protocol on co-operation entered into by and between the Directorate, the South African Police Service and the Municipal Police Service pursuant to section 29(2) of the Act.

Short title and commencement

17. These regulations are called as the Independent Police Investigative Directorate Regulations, 2012, and come into effect on 1 April 2012.

ANNEXURE

FORMS

- Form 1: Reporting of matter by Station Commander, Member of the South African Police Service or the Municipal Police Services
- Form 2: Complaint reporting form by member of public
- Form 3: Disciplinary referrals to National Commissioner or Provincial Commissioner

FORM 1
REPORTING OF MATTER BY STATION COMMANDER, MEMBER OF THE SOUTH
AFRICAN POLICE SERVICE OR MUNICIPAL POLICE SERVICES
(Regulation 2(1))

Complaint Details			
CAS/CR No/Inquest No		Province	
Date of Incident		Time of Incident	
Reported to SAPS	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Reported to SAPS	
Incident relates to :			
<input type="checkbox"/> Death in police custody			
<input type="checkbox"/> Death as a result of police action			
<input type="checkbox"/> Discharge of firearm by police officer			
<input type="checkbox"/> Rape by police officer			
On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/>			
<input type="checkbox"/> Rape of person in police custody			
<input type="checkbox"/> Torture/assault by police officer			
Complaint Description (Use additional folios if necessary)			

Complainant Details			
Role in the case	<input type="checkbox"/> Complainant <input type="checkbox"/> Third party		
ID Number		Passport Number	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Fax		Email	
Nationality		Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Disabled status	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Address (if complainant is willing to disclose this)			
Country		City	
Suburb		Postal Code	
Preferred contact Method (e.g. Email, SMS, Fax)			

Police Details (Reporting Station/Unit/MPS)			
Policing Unit		Policing Entity (E.g. SAPS, MPS)	
Police Station			
Investigating Officer First Name		Investigating Officer Middle Name	
Investigating Officer Surname		Investigating Officer Rank	
ID Parade Held	<input type="checkbox"/> Yes <input type="checkbox"/> No		
IPID Telephonically Informed	<input type="checkbox"/> Yes <input type="checkbox"/> No		
IPID Official incident reported to		Date of Call	
		Time of Call	
Title of Person Reporting Incident			
First Name of Person Reporting Incident		Middle Name of Person Reporting Incident	
Surname of Person Reporting Incident			
District Surgeon Notified	<input type="checkbox"/> Yes <input type="checkbox"/> No		
District Surgeon First Name		District Surgeon Middle Name	
District Surgeon Surname		District Surgeon Tel	
Victim Details			
Nationality		ID Number	
Passport Number			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female		Race
Age			
Next of Kin Notified	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Location of Body			
Responsible Person for death / injury	<input type="checkbox"/> Himself/Herself <input type="checkbox"/> SAPS/MPS Member(s) <input type="checkbox"/> Inmates <input type="checkbox"/> Vigilantes / Members of the public <input type="checkbox"/> Other		
Responsible Person (Other)			
Cause of Death	<input type="checkbox"/> Suicide <input type="checkbox"/> During Apprehension <input type="checkbox"/> In transit with SAPS vehicle <input type="checkbox"/> Natural Causes <input type="checkbox"/> Self-defense <input type="checkbox"/> During escape <input type="checkbox"/> Due to motor vehicle accident <input type="checkbox"/> Unknown <input type="checkbox"/> Other		

Classify Deceased	<input type="checkbox"/> Suspect <input type="checkbox"/> Sentenced <input type="checkbox"/> Witness Protection <input type="checkbox"/> Awaiting trial <input type="checkbox"/> Mental patient		
Detainee	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Reason for Detention			
Place where Death Occurred			
Instrument / Object Causing Death			
Service Member's Details			
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Contact Number			
Vehicle Registration Number			
Description of vehicle:			

Station Commissioner's Rank:
Station Commissioner's Full names:
Station Commissioner's Signature:

FORM 2**COMPLAINT REPORTING FORM BY MEMBER OF PUBLIC
(Regulation 2(4))**

Complaint Details			
CAS/CR No/ Inquest No		Province	
Date of Incident		Time of Incident	
Reported to SAPS?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Reported to SAPS	
Name of SAPS station			
Protection Order issued?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Protection Order type	Interim <input type="checkbox"/> Final <input type="checkbox"/>
Date Issued			
Incident relates to :			
<input type="checkbox"/> Death in police custody			
<input type="checkbox"/> Death as a result of police action			
<input type="checkbox"/> Discharge of firearm by police officer			
<input type="checkbox"/> Rape by police officer			
On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/>			
<input type="checkbox"/> Rape of person in police custody			
<input type="checkbox"/> Torture/assault by police officer			
<input type="checkbox"/> Corruption within the police			
Complaint description (use additional folios if necessary):			

Complainant Details (includes third party complaints)			
Role in the case	<input type="checkbox"/> Complainant <input type="checkbox"/> Third Party		
ID Number		Passport Number	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Fax		Email	
Nationality		Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Disabled status			
Address			
Country		City	
Suburb		Postal Code	
Preferred contact Method (E.g. E-mail, SMS, Post)			
Victim Details			
Passport Number			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Age			
Service Member's Details			
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	
Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
Identified	<input type="checkbox"/> Yes <input type="checkbox"/> No	Rank	
Persal Number		ID Number	

Initials			
First Name		Middle Name	
Surname			
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	
Duty Station		Duty Station Unit	
Contact Number			
On Duty	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Vehicle Registration Number			
Details of Witnesses to Incident			
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Title		First Name	
Middle Name		Last Name	
Landline		Mobile	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	
Title		First Name	
Middle Name		Surname	
Landline		Mobile	

COMPLAINANT'S FULL NAMES:

COMPLAINANT'S SIGNATURE:

DATE:

FORM 3
DISCIPLINARY REFERRALS TO NATIONAL COMMISSIONER / PROVINCIAL
COMMISSIONER
(Regulation 12(1))
CASE INVESTIGATIVE REPORT

Complaint Details			
CCN		Incident description code	
Type of report		Report date	
Date of last report		Complaint class	
Complainant		Date of complaint	
SAPS CR/CAS number		Suspect identification	
Investigator		Assignment	
Reporting staff member			
Source of complaint			
Summary of complaint			
Evidence giving rise to disciplinary recommendations			
Analysis and findings			

Recommendations regarding disciplinary action to be taken in terms of applicable disciplinary regulations or code

Signature of investigator: _____

Recommended / not recommended

Full names of supervisor: _____

Signature of supervisor: _____

Full names of IPID Provincial head: _____

Signature of IPID Provincial head: _____

Full names of IPID Executive Director / member acting in terms of regulation 12(4):

Signature of IPID Executive Director / member acting in terms of regulation 12(4):

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REPORTING OF MATTER FOR INVESTIGATION BY IPID

(Section 29(1) of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011))

Particulars of incident

CAS/CR/ Inquest No: _____ Date of incident: _____
 Time of incident: _____ Date reported to SAPS: _____

Indicate the nature of the incident or complaint with an "X":

Death in police custody	<input type="checkbox"/>	Alleged rape by police official (while on or off duty)	<input type="checkbox"/>
Death as a result of police action	<input type="checkbox"/>	Alleged rape of person in police custody	<input type="checkbox"/>
Discharge of firearm by police official	<input type="checkbox"/>	Alleged torture / assault by police official	<input type="checkbox"/>

Describe the incident: _____

(Use additional folio pages if necessary)

Particulars of complainant

Full names and surname: _____
 ID number: _____ MALE / FEMALE
 Nationality: _____ Passport number: _____
 Residential address: _____
 _____ Postal code: _____
 Contact numbers: (Cell) _____ (H) _____
 (W) _____ (Fax) _____
 Email address: _____

Particulars of victim

Full names and surname: _____
 ID number: _____ Age: _____
 Race: _____ MALE / FEMALE
 Nationality: _____ Passport number: _____
 Residential address: _____
 _____ Postal code: _____
 Contact numbers: (Cell) _____ (H) _____
 (W) _____ (Fax) _____

IN THE CASE OF DEATH, has the next-of-kin been notified: YES / NO

Location of body: _____

Indicate with an "X" who was responsible for the death:

The deceased him/herself		Member of the Police		Inmates	
Vigilantes / Members of the public		Other: (Explain)			

Indicate with an "X" the cause of death:

Suicide		Private defence		Natural causes	
During apprehension		While escaping		Other: (Explain)	
While in transit in SAPS vehicle		Due to motor vehicle accident		Unknown	

Indicate with an "X" the classification of the deceased:

Suspect		Witness in witness protection		Mental patient	
Sentenced prisoner		Awaiting trial			

Detainee: YES / NO Reason for detention: _____

Place where death occurred: _____

Instrument / object causing death: _____

Particulars of member(s) involved in the incident

Has the member been identified: YES / NO (Proceed only if answered "YES")

Rank: _____ Persal number: _____ MALE / FEMALE

Full names and Surname: _____

ID number: _____ Race: _____

Stationed at: _____ Incident occurred while ON DUTY/ OFF DUTY

Contact numbers: (Cell) _____ (H) _____

(W) _____ (Fax) _____

(If more than one member were involved in the incident, attach the information as set out above pertaining to every other member on a separate folio page)

Particulars of reporting station or unit

Rank of investigating officer: _____ Stationed at: _____

Full names and surname of investigating officer: _____

ID Parade held: YES/NO IPID telephonically informed YES/NO

Particulars of IPID official to whom report was made: _____

Date of call: _____ Time of call: _____

Health care practitioner notified: YES / NO

Full name and surname of health care practitioner: _____

Contact number of health care practitioner: _____

Rank: _____

Full names and surname: _____

**SIGNATURE OF STATION COMMANDER/
MEMBER REPORTING TO IPID**

Stationed at: _____ Contact particulars: _____

