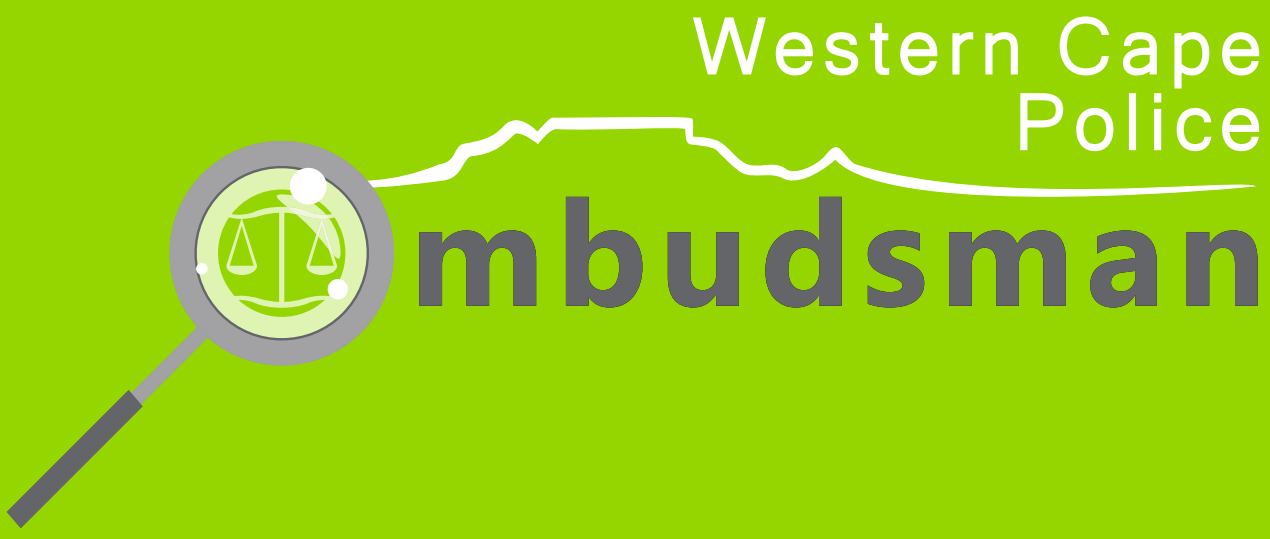


2017/2018
Annual Report

2017/2018 Annual Report:

Western Cape Police Ombudsman

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

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

TABLE OF CONTENTS

1.	Foreword		3
2.	Mission, Vision and Values		4
3.	Legislative and other Mandates		10
	3.1	Constitutional Mandates	10
	3.2	Legislative Mandates	10
	3.3	Western Cape Community Safety Act	10
4.	Organisational Environment		14
5.	Performance Environment		17
6.	Outreach and Marketing		20
7.	Expenditure		24
8.	Risk Assessment		27
9.	Complaints and Statistics		31
10.	Highlights and Challenges		56
11.	Conclusion		59
12.	Pictures		60

1. Foreword

It gives me great pleasure to submit our third annual report. Time, indeed flies, especially when engrossed in the demanding work of serving the people of the Province without fear, favour or prejudice. The past year has continued to see a steady flow of complaints from members of the public against police inefficiencies. The number of complaints seems to have dropped slightly and the type of complaints more or less being the same viz. poor or no communication with the complainant, unacceptable behavior by police officers, poor investigations and poor response time. We continue to enjoy a very good working relationship with the police, despite, during the course of the current financial year, having to issue a number of directives in terms of section 18(1) of the Western Cape Community Safety Act directing certain members of SAPS to produce certain documents and asking others to appear before me to explain their actions or omissions.

Our engagement with the standing committee on Community Safety was very robust and equally constructive in terms of ideas and suggestions from the committee, particularly on the recommendations made by our office. The chairperson of the standing committee requested our office to investigate the declining numbers of police reservists in the Western Cape and how this impacts on service delivery. A notice to this effect was published in the Government Gazette inviting comments from members of the public. It is disappointing to note that the response was very poor. We will submit our report in this regard in the next financial year. We wish to point out that in our last annual report we did point out the problem of the allocation and distribution of the resources as having an adverse impact on service delivery. The declining numbers of police reservists is part of the inadequacy of the resources that we had pointed out in our last report.

In our first report of 2015/16 we mentioned the poor understanding and implementation of the Domestic Violence Act. I am sad to report that this continues to be a serious concern despite a workshop that we had initiated in the 2016/17 financial year. The apathetic approach by SAPS to the implementation of these Acts which impacts on the most vulnerable members of our society has to be escalated to the national level. The problem seems to be poor or no inspection of dockets by the detective commanders and or station commanders. We had to deal with one case of sexual assault that was reported in 2016 and yet a docket was never opened. Through our intervention, a case docket was registered, suspect arrested, prosecuted and found guilty in the Oudtshoorn Regional court. One of the shortcomings that we identified with SAPS in the course of their investigations was that of not conducting proper verification of the personal details of suspects which often led to their untimely /premature release and not be able to trace them again when they want to re-arrest them. Through our intervention, SAPS have now put in place a register which is monitored by the Officers at the Crime Office. This has led to the re-arrest and a conviction of a person who was previously released and would have escaped prosecution.

We are also happy to report that through continuous engagement with SAPS, they have now conceded to poor record management. Now search warrants correspond with the search register for searches conducted. This has improved their record management system.

In the 2015/16 annual report we also registered our concerns relating to the relations between the Department of Health and SAPS concerning the Forensic Pathology Services. There were a large number of unidentified bodies lying in the government mortuaries that ended up being buried as paupers and whose next of kin were not notified. The Provincial Commissioner has now set up a task team to deal with the tracing of next of kin of identified bodies. This has led to some improvement since a joint project was initiated between the Western

Cape and Eastern Cape because a number of these deceased persons were from the Eastern Cape. After reporting this matter to the Eastern Cape Police Commissioner we have seen a slight improvement and with more interventions we expect an even greater improvement.

The attendance by investigating officers of post mortem examinations has seen sporadic improvements; we are now working on the sustainability of this intervention. We are happy to report a big improvement in the collection of exhibitions from bodies which include the clothes worn by the deceased at the time of death. This problem has to be monitored continuously to avoid an adverse impact on the finalisation of investigations by SAPS. This could also negatively impact the criminal court rolls causing a backlog of cases which, in turn spills over to the correctional services. This results in overcrowding of our correctional facilities and ultimately in serious challenges to rehabilitation. Our intervention has led to SAPS resuming its responsibility of taking the fingerprints of the deceased. This was done by the Department of Health (DOH) although this was not their responsibility, but because SAPS had shirked its responsibility the DOH felt obliged to do it. Now, there is an agreement between the two departments that DOH will only be involved in cases where the bodies have decomposed or are badly burnt.

In September 2017 we sent two of our investigators to a training session in Vienna, Austria which was organised by the International Ombudsman Institute (IOI). This training focused on interviewing skills and examining all dimensions. On their return they trained the other investigators in the Office and this has contributed greatly to the enhancement of our skills as investigators.

During the last financial year, we have continued to flight our radio adverts in the three official languages of the Province. To enhance our reach, we have included five additional radio stations during this period under review to ensure that we reach the outlying areas within the Western Cape Province.

Partnerships remain at the epicenter of our business, and we are proud to share that we have continued with our partnerships with the City of Cape Town Ombudsman's office, as well as others, such as the Military Ombudsman, TNK Attorneys, E-Government for Citizens, and many others, with whom we have come to work closely. We are especially proud of our outreach conducted in St George's Mall, and the Cape Town Station, as we believe that "charity begins at home" and that it is equally important to share our mandate with those who work and reside in close proximity to our office, as much as those who are further afield.

Most memorable is the outreach done at the Mitchell's Plain Magistrates Court which saw the Office speaking to approximately 600 court users – a record for this office. We acknowledge that it is during these times, that we find our work becoming more meaningful, as we engage on a one on one basis with people who so desperately need to hear about the services we render.

We acknowledge that we cannot reach all the areas in the Western Cape and for this reason we approached our advertising agency to assist us with digital banners which pop up in areas of our choice, and allow internet users to click on the link and be diverted to our website. The aim is to drive traffic to our website, and in so doing, create awareness. The new financial year will see us continuing to focus our efforts on reaching people on the outskirts of the Western Cape. We have also distributed our braille brochures to more organisations involved with braille programmes.

In addition to the specific areas that I have mentioned above, I would like to mention a few observations over the last three years in office which also require improvements if SAPS are to improve their efficiencies:

- Branch commanders/Unit commanders are not inspecting case dockets on a regular basis. This leads to dockets lying idle for a substantial period of time.
- The instructions of both the Public Prosecutors and/or Branch commanders are often not followed especially in matters relating to arrangements for the identity parades of suspects.
- There is non-adherence to brought forward dates set by Public Prosecutors and Branch commanders.
- There are members who make discouraging or disparaging remarks to complainants who want to lay charges about the prospects of a successful prosecution. It is not their duty to make those calls but the duty of a Public Prosecutor following a proper investigation by the Police.
- Corrective counselling as a sanction for misconduct or poor performance is not a sufficient sanction nor an effective deterrent, it basically amounts to impunity.
- There is a need to train SAPS presenters and presiding officers on Labour Relations Act and on the law of evidence.
- Special effort must be made to ease the workload of detectives because this often results in poor investigations and poor communication. This requires a special project team.
- SAPS needs to enter into an arrangement with the Department of Social Development for the ad hoc use of isiXhosa speaking social workers for domestic and sexual abuse cases particularly where children are involved. Currently the SAPS have only one or two isiXhosa speaking social workers; which is far from being adequate. This interim arrangement should be in place pending the creation of new and funded posts on its establishment.

Whilst I am happy with the co-operation and assistance I have received from SAPS in the year under review, I had to, for the first time in the existence of this office, issue directives in terms of section 18(1) of the Western Cape Community Safety Act directing certain police officers to appear before me or produce certain documents or information relevant for our investigations. In the process of doing so I had to draw their attention to section 30(1)(a) which makes it an offence to refuse or fail to comply with the directives of the Ombudsman issued in terms of section 18(1) and (2). This is not an ideal way of nurturing a partnership and I hope, going forward, it will not be necessary to do so again

We wish to thank all our partners and stakeholders alike as this year would not have been successful had it not been for their contribution to our work. We make special mention of the study conducted by Professor Lucas Muntingh and Ms Jean Redpath from the University of Cape Town who highlighted critical areas of our work which require attention. We envisage more studies of this nature in future as we continue to mature as an entity.

I am equally indebted to the staff in the Office whose enthusiasm, energy and innovation is a source of inspiration that moves me to wake up at 04H00 despite and often in spite of the cold long winter nights that are unique to Cape Town.



The Western Cape Police Ombudsman
Advocate Vusi Pikoli
Date: 25.04.2018

It is hereby certified that this annual report:

- was developed by the management of the Office of the WCPO;
- accurately reflects the performance targets the Office of the WCPO has endeavoured to achieve with the resources made available to it in the 2017/2018 budget.



Advocate Vusumzi Pikoli
Western Cape Police Ombudsman

1 ACRONYMS

AOMA	African Ombudsman and Mediation Association
AORC	African Ombudsman Research Centre
APP	Annual Performance Plan
CeI	Centre for e-Innovation
CPFs	Community Police Forums
DOCS	Department of Community Safety
DOH	Department of Health
DPSA	Department of Public Service and Administration
DVA	Domestic Violence Act
EG4C	E-Government for Citizens
GG	Government Garage
GMT	Government Motor Transport
HOD	Head of Department
ICT	Information Communication and Technology
IOI	International Ombudsman Institute
IPID	Independent Police Investigative Directorate
ISS	Institute for Security Studies
MEC	Member of the Executive Committee
MOAs	Memorandum of Agreements
MOU	Memorandum of Understanding
NGOs	Non-governmental Organisations
NHWs	Neighbourhood Watches
PCC	Policing Complaints Centre
PNPs	Policing Needs and Priorities
SAPS	South African Police Service
WCG	Western Cape Government
WCPO	Western Cape Police Ombudsman

2. MISSION, VISION AND VALUES

2.1 Our Mission

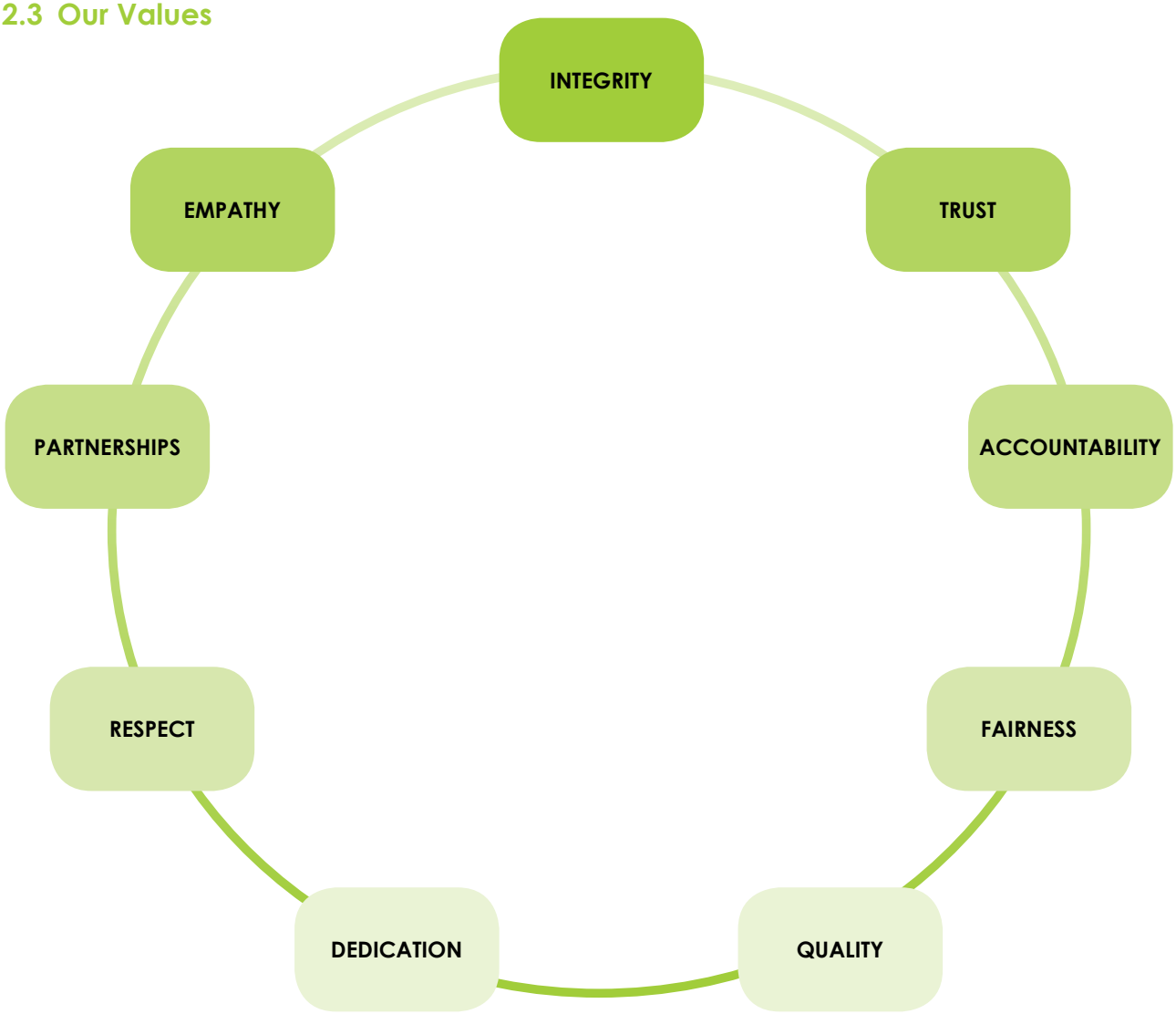
We seek to enhance the efficiency of the Police Services and improve relations between the police and communities by:

a. Investigating complaints of police inefficiency; and
b. Investigating a breakdown of relations between the police and communities.

2.2 Our Vision

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

2.3 Our Values



3. Legislative and other Mandates

3.1 Constitutional mandates

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

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

Subsection (3) provides as follows:

"Each province is entitled to:

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

Sub-section (5) provides as follows:

"In order to perform the functions set out in sub-section (3) a province:

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

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

The WCG is entitled to:

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

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

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

The Western Cape Community Safety Act provides for the carrying out and the regulation of the functions of the Province and the Department of Community Safety under Chapter 11 of the Constitution of the Republic of South Africa, 1996, and Chapter 8 of the Constitution of the Western Cape, 1997. Provision is hereby made for the support of and co-operation with the Civilian Secretariat and the Provincial Secretariat establishment in terms of the Police Act.

The Regulations were promulgated on 22 October 2015.

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

We categorise the concept of service delivery complaints as follows:

Poor communication

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

Poor investigation

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

Poor response

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

Abuse of power

- Manner in which an arrest had been carried out; and
- Threatening or intimidating a member of the public.

The Act has conferred the following powers to the WCPO:

General:

- The WCPO may institute an investigation into alleged police inefficiency and / or a breakdown in relations between the police and any community, if the complaint is not manifestly frivolous or vexatious;
- The WCPO must conduct an investigation relating to a complaint lodged by a member of the Provincial Parliament into alleged police inefficiency and / or a breakdown in relations between the police and any community, which is not manifestly frivolous or vexatious;
- The WCPO may request written representations from any person regarding investigations being conducted via a Notice in the Provincial Gazette;

- The WCPO may refer a complaint to another competent authority, if the complaint can be more appropriately dealt with by that authority;
- If the WCPO is of the opinion that a complaint is of a serious nature or that it may more appropriately be dealt with by a Commission of Inquiry, the Ombudsman may recommend to the Premier that a Commission of Inquiry to be held into the complaint; and
- Investigative powers of the Ombudsman and the designated Investigating Officers are as follows:
  - Gain reasonable access to any building, premises, vehicle, property, information or document under the control of the Organ of State concerned;
  - Direct any person to submit an affidavit, or affirmed declaration or to appear before him, or to give evidence, or to produce any documentation that is in a person's possession or under his control, and may question that person; and
  - Request an explanation from any person whom he or she reasonably suspects of having information which has a bearing on the matter being investigated or to be investigated

It is an offence for any person who:

- without just cause, refuses or fails to comply with a direction or request by the Ombudsman, or refuses to answer any question put to him or her, or gives to such question an answer which to his or her knowledge is false; or
- hinders or obstructs the Ombudsman or an investigating officer in the exercise or performance of his or her powers or functions in terms of the Act.

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

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

- before or after conclusion of an investigation where the complaint is rejected due to the fact that it does not fall within the ambit of the Act or if it is frivolous or vexatious;
- if the complaint is resolved by means of agreement, negotiation or conciliation;
- after conclusion of an investigation where it is found that:
  - there was police inefficiency or a breakdown in relations, but it could not be resolved the Ombudsman must submit a recommendation on the investigation and his or her findings to the Provincial Minister and inform the complainant that he or she has done so.
  - there was police inefficiency or a breakdown in relations and if the said police inefficiency or a breakdown in relations is remedied; or
  - there was police inefficiency or a breakdown in relations and the said police inefficiency or breakdown in relations has been reported to the Provincial Commissioner of SAPS or the Executive Head of the Municipal Police Service concerned to deal with the matter further;
- if a complaint is withdrawn by the complainant and the Ombudsman is satisfied that there are no compelling reasons to proceed with the investigation; or
- If a complainant, despite request, does not provide further information that is within his or her knowledge and which is required to finalise the investigation of the complaint.

Citizens are encouraged to lodge complaints with the office, by fax, email, telephone, and in person at our offices.

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

Furthermore, upon completion of an investigation and if the matter could not be resolved, the Ombudsman must submit a recommendation on the investigation and his or her findings to the Provincial Minister for Community Safety, and inform the complainant that he or she has done so.

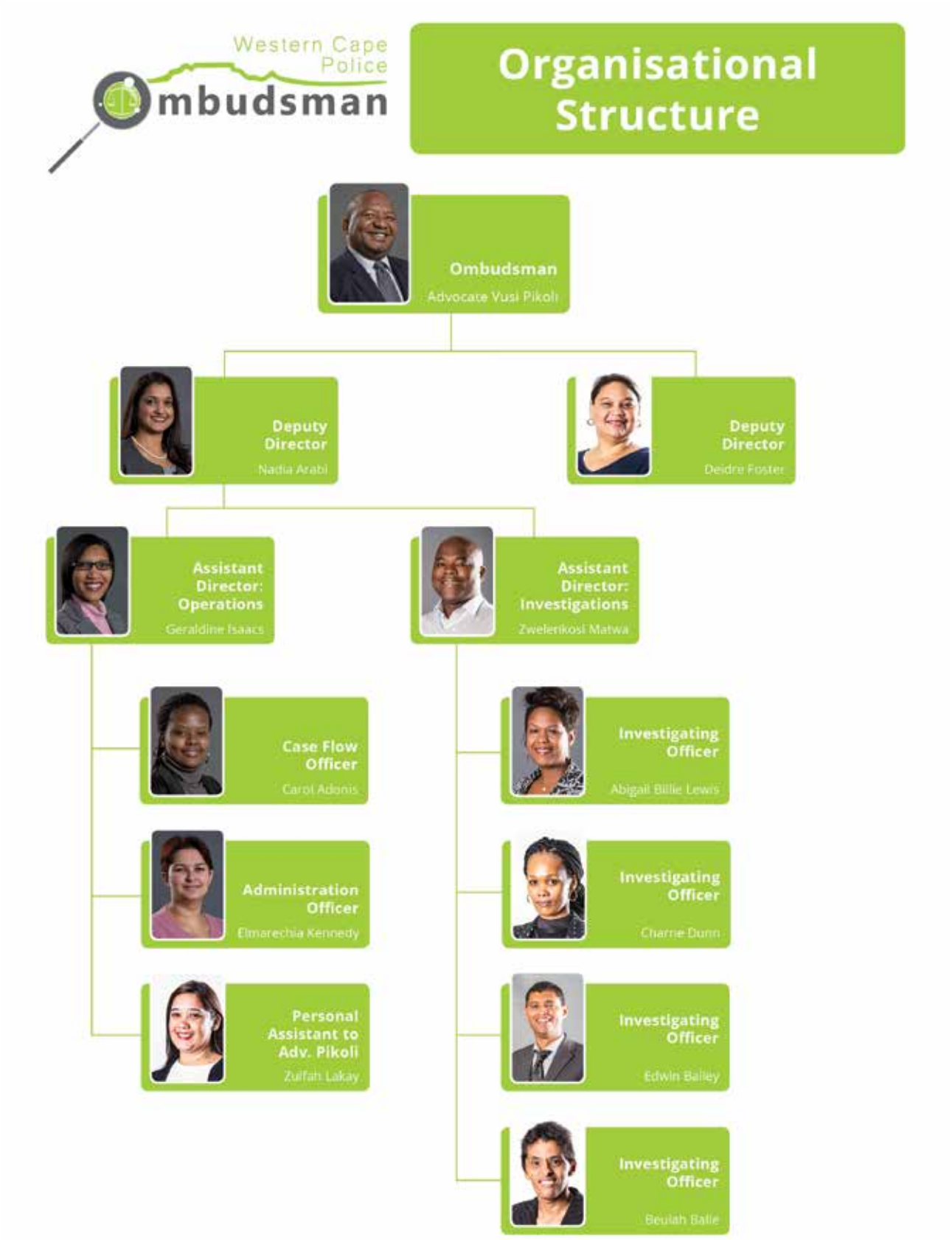
Thereafter, the Provincial Minister must make a recommendation to the Minister of SAPS on the investigated complaint that could not be resolved by the Ombudsman, and must inform the complainant of his or her recommendation made to SAPS.

In order to avoid unnecessary duplication, the Ombudsman must co-ordinate his or her functions and activities with other authorities that have jurisdiction in respect of the investigation of complaints against the police. Hence, continued stakeholder interaction is imperative.

In terms of the Act:

- The WCPO must report annually, in writing, within 30 days of the end of each financial year, to the Provincial Minister of Community Safety on the activities of the Ombudsman during the previous financial year including:
  - the number of complaints investigated;
  - the number of complaints determined to be manifestly frivolous or vexatious under Section 17(1);
  - the outcome of investigations into the complaints; and
  - the recommendations regarding the investigated complaints.
- The Ombudsman must report to the Provincial Minister on his or her activities in terms of this Act as and when requested to do so by the Provincial Minister.
- The Provincial Minister must table the report to the Provincial Parliament within 30 days of receiving the report.
- The financial year covers the period of 1 April until 31 March the following year.

4. Organisational Environment (as at March 2018)



Advocate Vusi Pikoli was appointed as the Ombudsman with effect 1 December 2014 and the organisational structure alongside illustrates the current organisational environment.

The table below indicates the assumption of duty of the officials currently on the establishment of the WCPO office

Name	Designation	Date of Assumption of Duty
Advocate Vusumzi Pikoli	Ombudsman	1 December 2014
Nadia Arabi	Deputy Director: Head of Office	19 January 2015
Deidre Foster	Deputy Director: Communication	1 June 2015
Zwelenkosi Matwa	Assistant Director: Investigations	1 December 2015
Geraldine Isaacs	Assistant Director: Operations	8 December 2014
Abigail Lewis	Investigating Officer	4 January 2016
Edwin Bailey	Investigating Officer	1 August 2016
Charne Dunn	Investigating Officer	1 August 2017
Beulah Balie	Investigating Officer	15 September 2017
Elmarechia Kennedy	Administrative Officer	1 September 2014
Carol Adonis	Case Flow Officer	1 May 2015
Zulfah Lakay	Personal Assistant	1 January 2017
Contract Staff		
Wesley Miles	Legal Intern	1 August 2017
Aaron van der Linde	Intern	1 April 2017
Nomlondolozi Dlakiya	Intern	1 April 2017

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

During this review period, the Office bid farewell to Mr. Musa Mgenge who accepted a promotion post at another department. Subsequently the office welcomed two new Investigating Officers, namely Ms Charne Dunn who assumed duty on1 August 2017, as well as and Ms Beulah Balie, who assumed duty on 15 September 2017.

As previously reported, the creation of the three additional posts adversely impacted on the planned cost of employment (COE) budget for 2016/2017. The COE budget could not be allocated to posts that had not been on the establishment when the budget for the 2016/2017 financial year was in the planning phase. In order to avoid overspending on the 2016/2017 COE budget, the Office had to place the appointment of legal interns on hold until the commencement of the 2017/2018 financial year. To this end, the Office is proud to note that we have employed Mr. Wesley Miles, and Ms Radia Petersen. Sadly, shortly after her appointment, Ms Petersen left our employ to pursue other prospects.

In its first year of existence, the Office endeavoured to ensure that the required staff members were either appointed or, if not appointed, that plans were put in place to ensure full capacitation at a later stage. With this in mind, the Office sought approval from the Head of Department (HOD) at the Department of Community Safety (DOCS) for an investigation into the WCPO's need for an additional Level 9 ASD: Investigator post. Despite the approval for the creation of the additional Level 9 Investigator post by the OD unit and the HOD, the request to DSPA for the post to be added to the establishment of the WCPO was not followed through by DOCS due to the pending modernisation process. As a result, the creation of the post has been put on hold pending the finalisation of the modernisation.

Once again, we reiterate that the delay in conducting a full OD study has had an adverse impact on our service delivery. The current organogram does not offer a career path for the development of staff members thus making it difficult to retain critical staff. This is reflected in the organogram as the next senior post following that of the Ombudsman is at the level of Deputy Director.

5. Performance Environment

During the period under review, the Office requested the Africa Criminal Justice Reform, based at the University of the Western Cape, to undertake an analysis of all available data in order to understand any trends which might inform or improve our work.

The research team consisted of Ms Jean Redpath and Professor Muntingh. The methodology was based on an analysis made, using the complete spreadsheet of complaints received by the WCPO, as at 21 November 2017. This was linked to reported crime data for police stations as kept by SAPS. In addition, reported crime data is used as a measure of the extent of interaction with police.

In relation to the coverage, the study suggests that 10 of the 150 police stations in existence in 2015 were not represented in the WCPO dataset. This implies that the coverage of the Western Cape policing areas was 93%, suggesting that most areas have some knowledge of the existence of the Office. This is an achievement given the short life of the WCPO. The areas not found among complaints are listed below, with the number of community-reported serious crimes recorded in the area in 2015 listed in brackets:

McGregor	(153 community reported crimes in 2015)
Montagu	(788)
Murraysburg	(350)
Nuwerus	(80)
Porterville	(648)
Struisbaai	(220)
Suurbraak	(109)
Thembalethu	(1898)
Touwsrivier	(496)
Uniondale	(465).

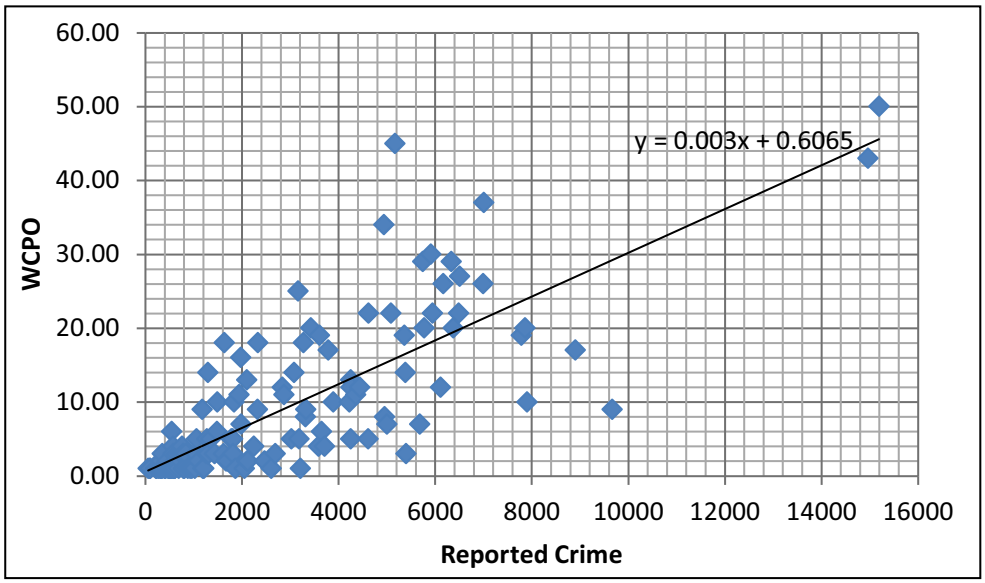
It is unlikely that the absence of these areas from the WCPO dataset is due to an absence of issues which could lead to complaints. It is more likely that residents are not aware of the WCPO in these areas.

The report recommended that further outreach must be done by the WCPO which should have a strong focus on informing people in the areas absent from the dataset, in particular Thembalethu and Montagu. For this reason the above areas have been highlighted as focal areas in the 2018/2019 Communication Strategy.

Another aspect of the report which we would like to highlight is that of the relationship between crime and the number of complaints. As reported, crime provides a measure of public interaction with the police, it is expected that areas which have more reported crime should have more complaints. If the number of complaints is disproportionate to the number of crimes, it may suggest a systemic problem in the policing area concerned.

The figure below shows the relationship between reported crime and the number of complaints (total number of complaints for all areas 1242).

Figure 1: Relationship between reported crime and number of WCPO complaints



As expected, the more reported crime (which is partly dependent on population size), the larger the number of complaints to the WCPO. Approximately every 330 crimes recorded in 2015 is associated with 1 complaint recorded by the WCPO over the time period contained in the dataset. However, the relationship is not exact, suggesting that factors other than the extent of public interaction with the SAPS influences the number of complaints. In particular, some areas have a higher number of complaints than predicted by the general trend. This could suggest that these areas have systemic problems in the way in which SAPS interacts with the public which, therefore, requires intervention.

Areas with the largest deviations upward from the expected number of complaints include:

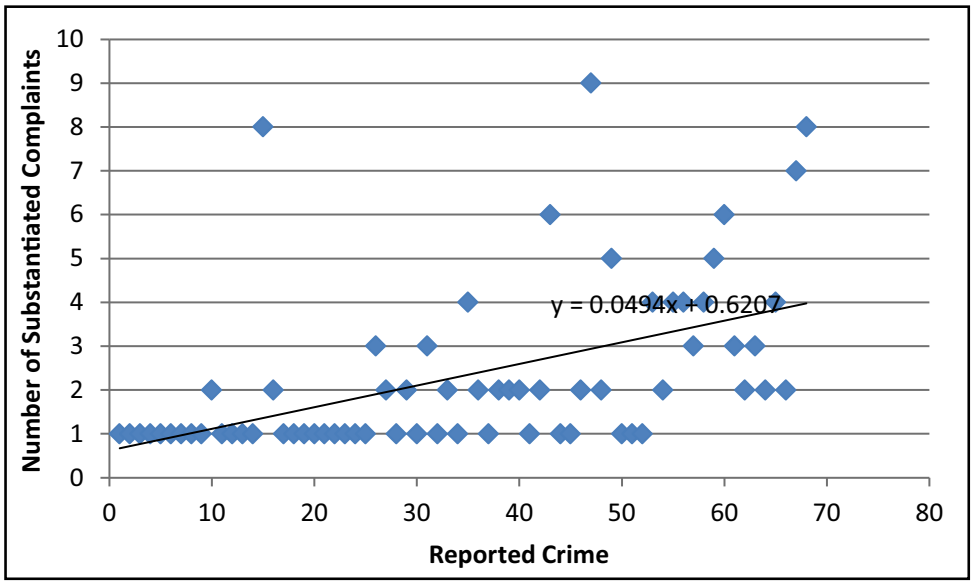
Delft	(45 complaints; expected 16)
Gugulethu	(34 complaints; expected 15)
Nyanga	(37 complaints; expected 22)
Lingelethu-West	(25 complaints; expected 10)
Mfuleni	(29 complaints; expected 18)
Ocean View	(18 complaints; expected 5).

The report further highlights the relationship between reported crime and substantiated complaints. It is notes that 678 cases were finalised at the time of data collection. Of these, only 158 were substantiated. There is also a relationship between substantiated complaints and reported crime. The general trend is that every 2500 reported crimes are associated with one substantiated complaint. Areas with markedly more substantiated complaints than predicted by reported crime include:

Ocean View	(8 substantiated; 1 expected)
Delft	(9 substantiated; 3 expected)
Gugulethu	(6 substantiated; 3 expected)
Milnerton	(6 substantiated; 4 expected)
Lentegeur	(5 substantiated; 3 expected).

Areas with greater than expected substantiated complaints may require intervention.

Figure 2: Relationship between reported crime and substantiated complaints



Recommendations:

On all three measures Delft and Ocean View are among the worst scorers i.e. have more than expected complaints and substantiated complaints given the number of reported crimes, and a higher rate of substantiation of complaints. This should be brought to the attention of the Department and SAPS for investigation of underlying causes driving these complaints.

An intervention to uncover systemic issues in the areas mentioned above should be considered. Reasons for the low rate of substantiation in high complaint areas should also be interrogated.

The report in its totality has been a positive resource in terms of its analytical breakdown of the work of the WCPO.

We are now in a better position to enhance our data records so that statistics can be recorded in a more coherent format.

In addition, the analysis of areas within the Western Cape where the WCPO has not received, or received minimal complaints despite the high crime rate in such areas, indicates to our office which areas we must target in terms of outreach and marketing of the mandate of the WCPO.

Furthermore, the high volume of case investigations allocated per Investigator supports the need for additional investigative capacity on the establishment of the WCPO.

Finally, this project has shown that there is a definite need for a full time analyst to be employed for the WCPO so that an ongoing assessment and analysis can be conducted into the systemic problems within SAPS, as well as ways in which the WCPO can improve its services to the people of the Western Cape.

6. Outreach, Marketing and Stakeholder Relations

As indicated previously, during the period under review, the Office held information sessions on request or as part of its planned communication strategy.

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

Community and Stakeholder Interaction

Drakenstein CPF Meeting	10 April 2017
Western Cape CPF Provincial Summit	22 April 2017
Human Rights Commissioner Meet and Greet	22 May 2017
Public Protector Stakeholder Dialogue Roadshow	5 May 2017
Western Cape Provincial Board: Annual General Meeting	20 May 2017
Swellendam Magistrates Court	29 May 2017
Caledon Magistrates Court	30 May 2017
Presidential Imbizo: Elsies River	30 May 2017
Youth Month Outreach	27 June 2017
Athlone Business Partnership Community Meeting	12 July 2017
Eden SAPS Cluster Visit	18 July 2017
Outreach to Kidstop	18 July 2017
Mosselbay SAPS Cluster Meeting	20 July 2017
CPF Cluster Capacity Building	5 August 2017
Military Ombudsman Meeting	5 October 2017
City Ombudsman Meet and Greet	18 October 2017
Child Protection in the Western Cape	27 October 2017
Vredenburg Police Cluster Visit	8 November 2017
Vredenburg Magistrates Court Visit	8 November 2017
Cape Town Train Station Outreach	7 December 2017
St George's Mall Outreach	8 December 2017
EG4C meeting with centre managers	5 February 2018
Blind Organisation Outreach: Athlone	20 February 2018
Blind Organisation Outreach: Worcester	22 February 2018
Westgate Mall Outreach	23 February 2018
Interview with Steven Taylor on Cape Town TV	26 February 2018
Mitchells Plain Magistrate Court Visit	5 March 2018
World Consumer Rights Day	15 March 2018
Know your Rights: Ocean View Community meeting	17 March 2018

Workshops, Symposiums and Special Events

Military Ombudsman Symposium	8-9 June 2017
SAPS Crime Stats Symposium	26-27 June 2017
SAPS Provincial Prestige Awards	4 July 2017
APCOF IPID Workshop	20 November 2017
Ratification of OPCAT and establishment of NPM	23 -24 November 2017

Seminars and Training Opportunities

SAHRC & APCOF - Dialogue on Police and Human Rights	20-21 April 2017
APCOF Invitation on Policing Assemblies	11-12 July 2017
APCOF seminar on Strengthening the Independence of the Independent Police Investigative Directorate (IPID)	13 - 14 July 2017
Interviewing and Communications skills training in Vienna, Austria training	23-28 September 2017
IOI Conference in Estonia	22-25 January 2018

Once again, the Office broadcasted radio adverts.
When we looked at the map of the Western Cape we noted that the existing radio stations, although their footprints were extensive, did not cover the areas which we felt were still lacking information. For this reason, we extended our coverage from the existing five radio stations, to cover an additional five stations. (Highlighted in orange below.) This will allow the Office to advertise in the specific regions which were not extensively covered, in previous financial years.

Radio Station	Listenership	Coverage
CAPE TALK	77 000	Broadcasts in most of the Western Cape, from Elands Bay to Gansbaai
ALGOA FM	526 000	In December 2011, Algoa FM extended its footprint to the Garden Route covering Knysna, George. and Mossel Bay
HEART FM	890 000	The greater Cape Town metropolitan area, plus Boland, Helderberg basin, Atlantis, Malmesbury, and the West Coast up to Vredenburg
GOOD HOPE FM	905 000	Metropolitan Cape Town and stretching as far as Langebaan, Malmesbury, Wellington, Paarl, Franschhoek, Stellenbosch, Gordon's Bay, and the West Coast up to Vredenburg
UMHLOBO WENENE	4 686 000	National (covering the whole of the WC)
KFM	970,000	Western Cape
NAMAKWALAND	30,000	Van Rhynsdorp, Lamberts Bay, Leipoldtville, Elands Bay, Clanwilliam
RADIO WEST COAST	50,000	Piketburg
VALLEY	127,000	Touwsrivier
GAMKALAND	113,000	Beaufort West & Murraysburg



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

Added to the above were the digital banner adverts which were flighted during the same period. The purpose of these pop up adverts was to drive traffic directly to the WCPO website, by targeting specific areas, particularly those areas previously listed.

The table below shows the communication interventions which, to date are aimed at creating awareness of the Office among Western Cape citizens.

Method	Medium	Cost	Information
Advertising Campaign	Radio and digital	R 1 300 000	Cape Talk Algoa FM Heart FM Good Hope FM Umhlobo Wenene KFM Namakwaland West Coast Radio Valley FM Gamkaland
Press Releases	Print media and radio	COE	As and when the need arises
Media Enquiries	Print media	COE	As and when the Office is required to respond to media enquiries
Website	Multi-media	COE	The website was finalised in March 2017. The launch took place on 1 April 2017
Facebook	Social Media	COE	The site is regularly updated.
Brochures and Posters	Information brochures for distribution at public engagements.	R 20 000	Stock is regularly replenished.

7

7. Expenditure 2017/2018

The budget allocation for 2017/2018 commenced with the total allocation of R11, 236,000 which comprised of:

- R6,613,000 under COE;
- R4,302,000 under Goods & Services (G&S); and
- R321, 000 under Machinery & Equipment (M&E).

Due to the OD assessment which was underway prior to the commencement of the said financial year, funds were allocated under COE for the posts which were envisaged, being:

- 1 x Level 9 ASD Investigating Officer; and
- 1 x Level 6 contract risk analysis post.

Linked to these two additional posts funding was allocated for IT equipment under M&E.

Despite the favorable OD assessment, the creation of the posts on the WCPO establishment did not materialise due to the decision taken by the HOD, Mr. Morris, to place this on hold pending the finalisation of the modernisation process which DOCS was undergoing.

As mentioned in previous Annual Reports of the WCPO, the establishment which was created for the WCPO office prior to its existence amounts to a "skeleton establishment" which fails to take into account all of the operational needs of the WCPO.

This stance remains, despite the ad hoc creation of posts over the years. The need for posts, such as a Head of Communications and support staff for communications, as well as an Analyst to conduct in-depth analysis into the trends of complaints received, the outcomes and the way forward has not yet been decided and is subject to the modernisation process.

The underspending on COE is also due to the resignation of an Investigation Officer (Level 8), as well as a Graduate Legal Intern.

Resignations have a negative effect on the COE budget allocation due to the length of time it takes to have posts filled.

Linked to the issue of resignations is the expenditure under Household / Transfers, which was not budged for. An amount of R13 028, 00 was paid as leave gratuity to the official who resigned.

In addition, funds were shifted within the budget from G&S to Household / Transfers. The WCPO contributed R22 500, 00 towards the SAPS Prestige Awards for the monetary awards to the top three SAPS Stations which gave the best co-operation to the WCPO during its investigations.

	Original budget for 2017/18	Adjustments	Budget after the Adjustment Shifts	Total Expenditure as at 31 March 2018	Overspend/ Underspend	% Spent on the Budget	Reasons for the over/ underspending
COMPENSATION OF EMPLOYEES	6,613,000	-13,000	6,600,000	6,287,909	312,091	87.50%	The COE underspent is due to the request for the ASD: Investigator post and contract level 6 post not materializing as a result of the pending modernisation of DOCS. In addition, resignations impact on the COE due to the posts remaining vacant for approximately 6 months until they are filled.
GOODS AND SERVICES	4,302,000	-1,293,000	3,009,000	2,344,772	664,228	50.18%	• The underspending for G&S is as a result of budgeting for legal costs, transcription, and witness fees, which we did not utilize due to co-operation we are receiving from SAPS there was no need to enforce S30 of the WCCS Act. • However, these categories of expenditure must be accommodated as there is a potential for any complaint to be subjected to a hearing or for potential non-compliance by any party to the Act, resulting in S30 being invoked. • In addition, we budgeted for the new website development and the enhancements on the CMS, which budget was not utilized due to EG4C and CEI also having budgeted for these developments. • Furthermore, despite requesting quotes for promotional items, we struggle to see such orders materialize due to suppliers failing to quote, quoting on different specs from what was requested, or quoting on specs which are not approved (i.e.: 100% SA products). • In addition, the planned stakeholder workshop was postponed, and the AOMA training in Malawi did not transpire due to obtaining approval after the intended travel date. • During the adjustment budget approval was given by the Ombudsman for funds to be shifted from the WCPO to Directorates within DOCS which has a link to the mandate of the WCPO, such as NHW, CPF's and Policy & Research.

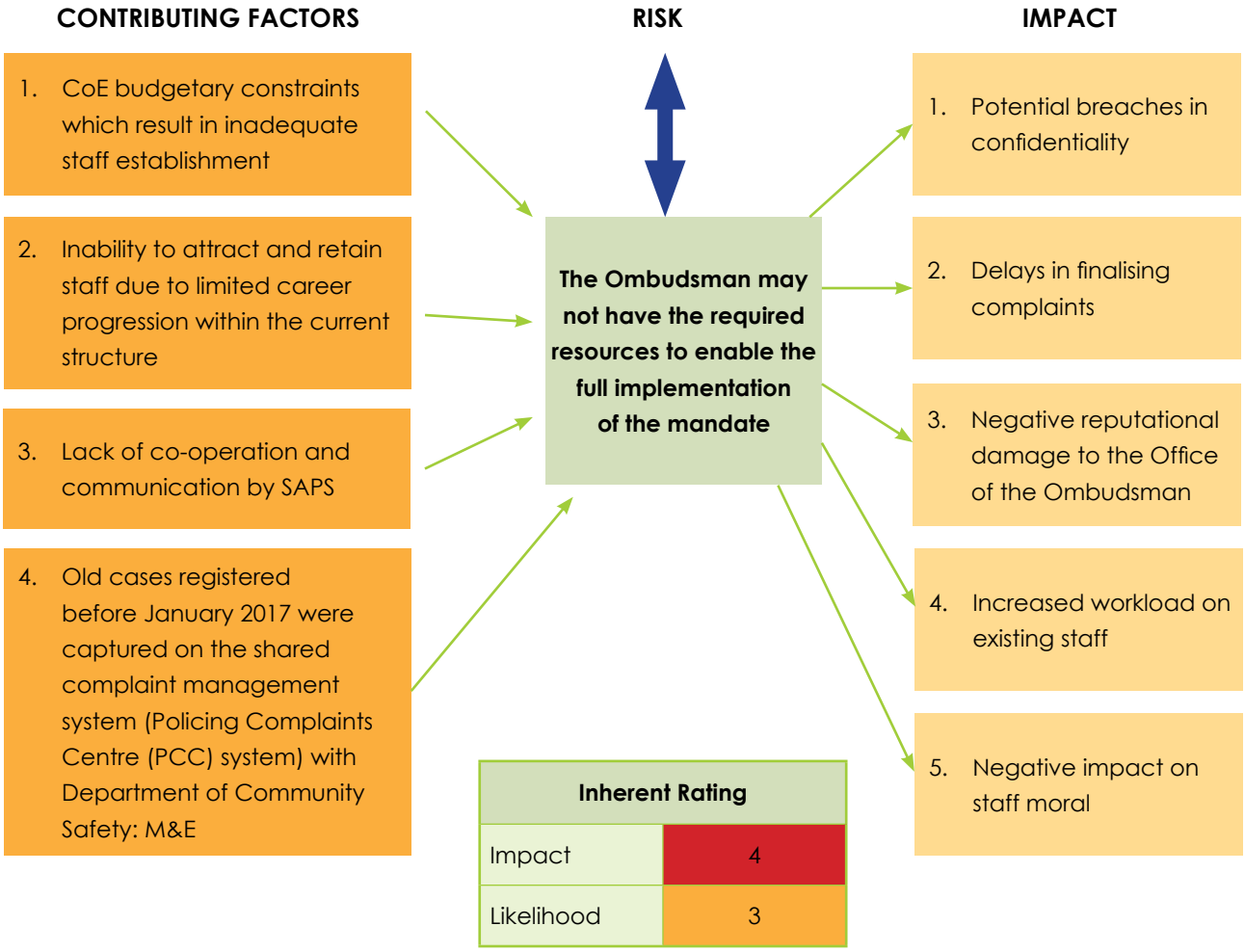
	Original budget for 2017/18	Adjustments	Budget after the Adjustment Shifts	Total Expenditure as at 31 March 2018	Overspend/ Underspend	% Spent on the Budget	Reasons for the over/ underspending
HOUSEHOLDS/ TRANSFERS	0	35,000	35,000	35,528	-528	101.51%	The overspending was due to leave pay-outs to employees that resigned, which could not have been predicted and therefore not budgeted for.
MACHINERY AND EQUIPMENT	321,000	68,000	389,000	343,835	45,165	77.33%	• IT equipment was budgeted for in respect of the Level 9 and contract Level 6 post which we envisaged filling. • However the posts were put on hold pending the modernization, which resulted in the underspending.
GRAND TOTAL	11,236,000	-1,203,000	10,033,000	9,012,045	1,020,955	75.96%	• LINEAR NORM: 16.60% • DIFFERENCE: -59.36%

8. 2017/2018 Risk Assessment

The said financial year commenced with a risk assessment of the office of the WCPO, which is categorised as "service delivery", as follows:

Strategic Objective:

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



8

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

1. CoE budgetary constraints which results in inadequate staff establishment	**ECONOMIC FACTOR**
2. Inability to attract and retain staff due to limited career progression within the current structure	**ECONOMIC FACTOR**
3. Lack of co-operation and communication by the SAPS	**POLITICAL & LEGAL FACTORS**

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

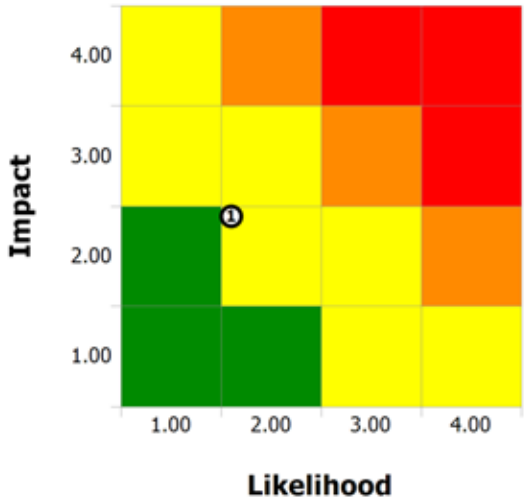
4. Old cases registered before January 2017 were captured on the shared complaint management system (Policing Complaints Centre (PCC) system) with Department of Community Safety: M&E	**SYSTEM FACTORS**

During the 2017/2018 financial year the residual risk remained unchanged as the action plans were linked to external factors:

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

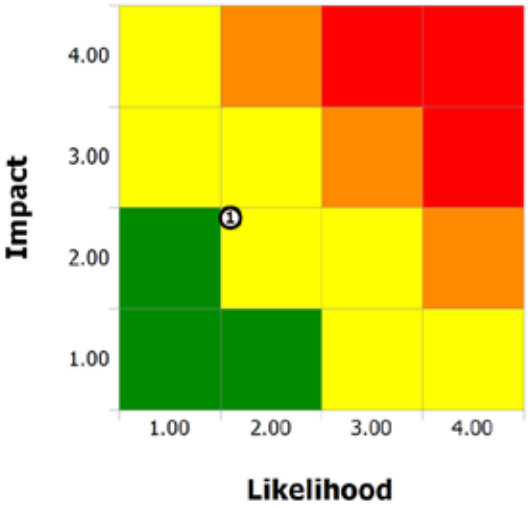
The tables below depict the stability of the risk over the said financial year:

QUARTER 1 TO QUARTER 2:



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

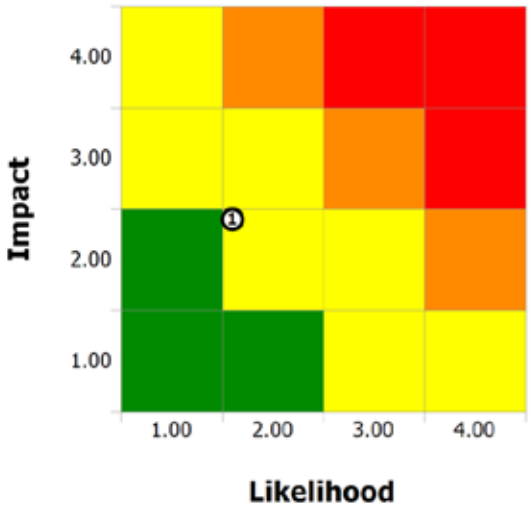
QUARTER 2 TO QUARTER 3:



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

8

QUARTER 3 TO QUARTER 4:



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

If the needs of the WCPO are addressed through the Departments modernisation process, we will see the residual risk lowering as this will address the issue of staff retention and the limited COE budget.

9. Complaints and Statistics

The Western Cape Community Safety Act of 2013 provides clear guidance on the responsibility of the Office to report complaints. The next section of this report deals with complaints and statistics as set out in the Act. Since its inception and as at 31 March 2018, the Office received a total of 1452 complaints. During the 2017/2018 financial year, the Office received a total of 513 complaints. The next few pages will show the graphic and tabular presentations of the nature of the complaints and the status thereof.

Complaints received per financial year:

Financial Year	Status			
	Finalised	Under Investigation	to be allocated	Grand Total
2014/15	83			83
2015/16	315	1		316
2016/17	380	160		540
2017/18	153	357	3	513
Grand Total	**931**	**518**	**3**	**1452**

Status of Complaints

Monthly			Status			
Financial Year	**Financial Quarter**	**Month**	**Finalised**	**Under Investigation**	**to be allocated**	**Grand Total**
2017/18	Q1	April	22	27		49
		May	10	45		55
		June	5	19		24
	Q2	July	15	22		37
		August	31	22		53
		September	20	16		36
	Q3	October	21	27		48
		November	15	34		49
		December	5	16		21
	Q4	January	1	27		28
		February	6	58		64
		March	2	44	3	49
Grand Total			**153**	**357**	**3**	**513**
			29.82%	69.6%	0.58%	

Category of each complaint and the number of complaints received in each category:

Number of Complaints			Nature of complaint								
Financial Year	**Financial Quarter**	**Month**	**Enquiry**	**General**	**Lack of Communi-cation**	**Poor Communi-cation**	**Poor Investigation**	**Poor Response**	**Un-acceptable Behaviour**	**Impact on Service Delivery**	**Grand Total**
2017/18	Q1	April	2		1	15	9	5	17		49
		May	1		2	26	9	1	16		55
		June	1	1		6	10	2	4		24
	Q2	July	2	1	1	15	6	4	8		37
		August	9		3	11	7	7	16		53
		September	5		1	14	5	5	6		36
	Q3	October	4	1	1	17	7	5	12	1	48
		November	1	1	3	18	8	5	13		49
		December	2			7	4	3	5		21
	Q4	January				7	6	4	11		28
		February	3	1		21	16	5	18		64
		March			1	22	4	11	11		49
Grand Total			**30**	**5**	**13**	**179**	**91**	**57**	**137**	**1**	**513**

Number of Complaints			Nature of complaint							
Financial Year	**Financial Quarter**	**Month**	**Enquiry**	**General**	**Lack of Communi-cation**	**Poor Communi-cation**	**Poor Investigation**	**Poor Response**	**Un-acceptable Behaviour**	**Grand Total**
2016/17	Q1	April	9	1		11	6	3	2	32
		May	12	2	1	5	8	1	4	33
		June	10	1	1	9	9	3	8	41
	Q2	July	16	2	1	20	6	8	5	58
		August	9			18	6	4	7	44
		September	7	2		15	8	3	1	36
	Q3	October	12			13	15	10	12	62
		November	6			6		1	5	18
		December	7	1		13	1	2	8	32
	Q4	January	9	2		13	4	5	13	46
		February	10		2	29	12	2	15	70
		March	13		1	21	16	5	12	68
Grand Total			**120**	**11**	**6**	**173**	**91**	**47**	**92**	**540**

Number of Complaints			Nature of complaint							
Financial Year	**Financial Quarter**	**Month**	**Enquiry**	**General**	**Lack of Communi-cation**	**Poor Communi-cation**	**Poor Investigation**	**Poor Response**	**Un-acceptable Behaviour**	**Grand Total**
2015/16	Q1	April	1					1	7	9
		May	3			4	2	3	10	22
		June	4			4	5	4	5	22
	Q2	July	9			6	5	2	7	29
		August	7			3	4	6	4	24
		September	6	1		3	2	1	3	16
	Q3	October	8			9	4	3	5	29
		November	1	1	1		1	1	3	8
		December	3				2		1	6
	Q4	January	10	1		13	5	2	7	38
		February	8	3		10	8	10	14	53
		March	13	1	1	19	10	9	7	60
Grand Total			**73**	**7**	**2**	**71**	**48**	**42**	**73**	**316**

Number of Complaints			Nature of complaint							
Financial Year	**Financial Quarter**	**Month**	**Enquiry**	**General**	**Lack of Communi-cation**	**Poor Communi-cation**	**Poor Investigation**	**Poor Response**	**Un-acceptable Behaviour**	**Grand Total**
2014/15	Q4	January	1		1	1	6		6	15
		February	1	1	2	4	6	1	24	39
		March	4		2	1	8	3	11	29
Grand Total			**6**	**1**	**5**	**6**	**20**	**4**	**41**	**83**

Complaints per Police Station:

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Albertinia				1					1
Ashton				1					1
Athlone				6	2		2		10
Atlantis	2			4	1	1	2		10
Beaufort West					1				1
Belhar	1	1		2	2	1	4		11
Bellville	2			1	2		3		8
Bellville-South							1		1
Bishop Lavis	1			5	1	4	2		13
Bothasig			1	1					2
Brackenfell				3			1		4
Bredasdorp							1		1
Camps Bay				1	1	1			3
Cape Town Central			1	10	2	4	10		27
Ceres					1		1		2
Claremont				1		3	1		5

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Cloetesville				2					2
Crime Intelligence		1							1
Da Gamaskop	2								2
De Doorns				1					1
Delft	1	1		5	4	2	5		18
Diepriver				1					1
Elsies River				3	1		3		7
Fish Hoek				1					1
Franschhoek	1				1				2
Genadendal					1				1
George				2			1		3
Goodwood				1	2	2			5
Grassy Park	1			4	2	2	6		15
Groot Drakenstein					1				1
Gugulethu	2			3		1	3		9
Harare				2	3	1	3		9
Heidelberg							1		1

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Hermanus				2	2				4
Hout Bay	3			3	1	6			13
Kensington				1	2	1	1		5
Khayelitsha				2	5	1	2		10
Kirstenhof					1	1			2
Klapmuts					1				1
Klawer							1		1
Kleinvlei	1			6	2	1	1		11
Knysna					1				1
Kraaifontein				5	5	2			12
Kuilsriver	1			1			3		5
Kwanokuthula				1	1				2
Kwanonqaba	1								1
Lambertbaai							1		1
Langa				2	2	1	5		10
Lansdowne		1		3		3	5		12
Lentegeur				2		1	3		6

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Lingelethu-West				4	3	1	4		12
Lwandle			1			1	1		3
Macassar				1	1	1	1		4
Maitland				1	3		1		5
Malmesbury	1		1	3	2		1		8
Manenberg				3	1	3	4		11
Mbekweni					1	1			2
Mfuleni			1	3	4		3		11
Milnerton			1	2	1	1	5		10
Mitchells Plain	1	1	1	5	2		5		15
Mitchells Plain FCS	1								1
Mowbray						1			1
Muizenberg	1			3			2		6
Muizenberg FCS					1				1
Nyanga	1			3	3	1	4		12
Nyanga cluster office				1					1
Ocean View				2			2		4

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Oudtshoorn				1	2				3
Paarl				1					1
Paarl-East	1			1			1		3
Parow			1	4	1		2		8
PC: HR DEV.								1	1
Philippi				3	1		1		5
Philippi - East				6			1		7
Pinelands					1		1		2
Plettenberg Bay							1		1
Prince-Albert	1		1	1			1		4
Radio Control						2	1		3
Rapid Rail Response and Emergency Services (Bellville Railway SAPS)						1	2		3
Ravensmead				3		1	2		6
Rawsonville							1		1
Riebeeck - West				3					3

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Saldanha	1				1				2
SAPS Management Intervention				9					9
Saron							1		1
Sea Point				3		1	1		5
Simonstown	1				1				2
Somerset West			1	3					4
Steenberg			1	1		1	3		6
Stellenbosch				1			1		2
Stickland VIS			1						1
Strand				3	1		4		8
Strandfontein				2					2
Swellendam				1					1
Tableview				5	3		1		9
Thembalethu				1	1				2
Touwsriver				1					1
Tulbagh						1			1

Police Station	Nature of complaint								
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Uniondale							1		1
Unknown	1								1
Vredenburg					1		1		2
WC Flash			1				1		2
WC Prov Detectives				3					3
Wellington					1		2		3
Wolseley					2		1		3
Woodstock	1			2	1				4
Worcester				1	1		1		3
Wynberg						1			1
Grand Total	30	5	13	179	91	57	137	1	513

Complaints per Cluster:

Clusters	Nature of complaint								
Police Station	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Beaufort West	1		1	1	1		1		5
Blue Downs	4	2	1	20	12	5	19		63
Cape Town Central	1		1	20	12	8	19		61
Da Gamaskop	3			2			1		6
Eden				5	5		2		12
Khayelitsha			2	15	13	5	15		50
Milnerton	3		3	18	7	2	9		42
Nyanga	4			23	6	9	17		59
Overberg				2	3		1		6
Tygerburg	2		1	14	10	4	6		37
Unknown	1								1
Vredenburg					1		1		2
Vredendal							2		2
Winelands	1			5	3	1	4		14
Worcester				4	4		5		13
Wynberg	5			11	4	11	5		36

Clusters	Nature of complaint								
Police Station	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
Mitchells Plain	3	2	2	26	7	7	25		72
Claremont						1			1
Ceres						1			1
Stellenbosch	1				1				2
George					1		1		2
Prov. Head Office		1	2	13		2	2	1	21
Saldanha	1				1				2
Rapid Rail Response and Emergency Services (Bellville Railway SAPS)						1	2		3
Grand Total	**30**	**5**	**13**	**179**	**91**	**57**	**137**	**1**	**513**

Top 10 Police Stations :

Police Station		Nature of complaint								
		Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
1.	Cape Town Central			1	10	2	4	10		27
2.	Delft	1	1		5	4	2	5		18
3.	Grassy Park	1			4	2	2	6		15
4.	Mitchells Plain	1	1	1	5	2		5		15
5.	Hout Bay	3			3	1	6			13
6.	Bishop Lavis	1			5	1	4	2		13
7.	Kraaifontein				5	5	2			12
8.	Lansdowne		1		3		3	5		12
9.	Lingelethu-West				4	3	1	4		12
10.	Nyanga	1			3	3	1	4		12
Grand Total		**8**	**3**	**2**	**47**	**23**	**25**	**41**		**149**

Top 10 Clusters :

Clusters		Nature of complaint								
Police Station		Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Impact on Service Delivery	Grand Total
1.	Mitchells Plain	3	2	2	26	7	7	25		72
2.	Blue Downs	4	2	1	20	12	5	19		63
3.	Cape Town Central	1		1	20	12	8	19		61
4.	Nyanga	4			23	6	9	17		59
5.	Khayelitsha			2	15	13	5	15		50
6.	Milnerton	3		3	18	7	2	9		42
7.	Tygerburg	2		1	14	10	4	6		37
8.	Wynberg	5			11	4	11	5		36
9.	Winelands	1			5	3	1	4		14
10.	Prov. Head Office		1	2	13		2	2	1	21
Grand Total		**23**	**5**	**12**	**165**	**74**	**54**	**121**	**1**	**455**

DVA matters received 2017/2018:

	DVA	Grand Total
Delft	2	2
Harare	1	1
Lansdowne	1	1
Lingelethu-West	1	1
Mfuleni	1	1
Nyanga	1	1
Stellenbosch	1	1
Wolseley	2	2
Grassy Park	1	1
Ocean View	1	1
Nyanga cluster office	1	1
Grand Total	**13**	**13**

The table below shows complaints received during the previous financial years which were finalised in the 2017/2018 financial year:

Fin. Year Finalised	Fin. Year Received				
	2014/15	2015/16	2016/17	2017/18	Grand Total
2014/15					
Q3					
October		1			1
Q4					
January	3				3
February	2				2
March	1				1
2015/16					
Q1					
April		6			6
May		20			20
June		14			14
Q2					
July		23			23
August		13			13
September		5			5
Q3					
October		18			18
November		1			1
December		4			4
Q4					
January	8	13			21
February	23	13			36
March	21	14			35

9

Fin. Year Finalised	Fin. Year Received				
	2014/15	2015/16	2016/17	2017/18	Grand Total
2016/17					
Q1					
April		3	16		19
May		2	18		20
June		8	15		23
Q2					
July		6	29		35
August		11	22		33
September		11	13		24
Q3					
October		10	16		26
November		7	7		14
December		2	8		10
Q4					
January	4	17	9		30
February	14	25	10		49
March	6	35	12		53

Fin. Year Finalised	Fin. Year Received				
	2014/15	2015/16	2016/17	2017/18	Grand Total
2017/18					
Q1					
April			16	22	38
May			15	10	25
June			25	5	30
Q2					
July			23	15	38
August			12	31	43
September			17	20	37
Q3					
October			25	21	46
November			10		10
December			16	5	21
November				15	15
Q4					
January		8	19	1	28
February		14	14	6	34
March	1	11	13	2	27
Grand Total	**83**	**315**	**380**	**153**	**931**

The table below shows the total number of methods finalised (Since January 2015 -30 March 2018)

Method Finalised	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Grand Total
Duplicate	29	1		2			1	33
Frivolous & Vexatious						1		1
Lack of Co-operation	1				1			2
Lack of information	11	2	1	9	3	13	22	61
No response from client						1		1
Not within our mandate	129		2	5	3	2	2	143
Prior to Existence	2			2				4
Referred	2							2
Substantiated	9	8	2	81	44	26	56	226
Unsubstantiated	25	6	8	128	91	47	105	410
Withdrawn	17			9	5	9	8	48
Grand Total	**225**	**17**	**13**	**236**	**147**	**99**	**194**	**931**

Method Finalised in previous financial years

Financial Year	2017/18						
	Enquiry	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Unacceptable Behaviour	Grand Total
Duplicate	2		1			1	4
Frivolous & Vixacious					1		1
Lack of Co-operation	1			1			2
Lack of information			1		3	3	7
No response from client					1		1
Not within our mandate	25	2	3	2		2	35
Prior to Existence	1		2				3
Substantiated			14	5	2	9	30
Unsubstantiated		2	27	12	12	12	65
Withdrawn	1		2	2			5
Grand Total	**30**	**4**	**50**	**22**	**20**	**27**	**153**

Financial Year	2016/17							
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Grand Total
Duplicate	**21**			**1**				**22**
Lack of information	2	2		2	1	4	1	12
Not within our mandate	62			2		1		65
Prior to Existence	1							1
Referred	2							2
Substantiated	4	2		37	16	11	10	80
Unsubstantiated	16	5	2	63	38	12	37	173
Withdrawn	8			4	3	5	5	25
Grand Total	**116**	**9**	**2**	**109**	**58**	**33**	**53**	**380**

Financial Year	2015/16							
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Grand Total
Duplicate	**6**	**1**						**7**
Lack of information	9		1	5	1	4	6	26
No response from client							1	1
Not within our mandate	39							39
Substantiated	4	5	1	28	13	12	24	87
Unsubstantiated	9	1		35	33	22	39	139
Withdrawn	6			3		4	3	16
Grand Total	**73**	**7**	**2**	**71**	**47**	**42**	**73**	**315**

Financial Year	2014/15							
	Enquiry	General	Lack of Communi-cation	Poor Communi-cation	Poor Investigation	Poor Response	Un-acceptable Behaviour	Grand Total
Lack of information				**1**	**1**	**2**	**12**	**16**
Not within our mandate	3				1			4
Substantiated	1	1	1	2	10	1	12	28
Unsubstantiated			4	3	8	1	16	32
Withdrawn	2						1	3
Grand Total	**6**	**1**	**5**	**6**	**20**	**4**	**41**	**83**

Complaints deemed to be frivolous and vexatious = 1 (Grassy Park Police Station)

Number of recommendations = 52

Recommendations were made in instances where the outcome of our investigation showed that there were inefficiencies on the part of SAPS resulting in us being unable to resolve the complaint through mediation or SAPS was unable to resolve the complaint through their internal processes. These recommendations vary as they are specific to the facts of each case.

10. Highlights and Challenges

As with any organisation, the WCPO has had its share of highlights and challenges. Below are a few of the highlights and challenges experienced during the 2017/2018 financial year.

In our report last year, we raised concerns in respect of the backlog at the Forensic Pathology Service (FPS) based at the Department of Health (DOH). We noted that many dockets remain open as the cause of death cannot be determined. This is directly linked to the fact that investigating officers often do not attend post mortems or collect the post mortem reports, thus adding to the backlog of cases at court. The current backlog at the FPS laboratory is now longer than 10 years.

The WCPO has made four recommendations in this regard:

- That the SAPS Provincial Commissioner should provide information on the impact of the backlog at the Forensic Chemistry Laboratory (FCL) as well as the SAPS contingency plan to remedy the situation and thus improve the service rendered to the community.

- That the SAPS Provincial Commissioner should investigate the contradictory reports on the backlog and also provide the WCPO with the current status of the backlog.

- That the Provincial Minister for Community Safety should raise this matter with the Provincial Minister for Health as the Forensic Pathology Services (FPS) resides under the Provincial Department of Health.

- That the Provincial Minister for Community Safety should discuss the findings of the report with the National Minister of Police and that the Minister of Police, in turn, should discuss this matter with the National Minister of Health as the Forensic Chemical Laboratory (FCL) resides under the National Minister of Health.

The Provincial Commissioner has since created a task team to deal with the tracing of next of kin of identified bodies (i.e.: unidentified persons whose identity have been established by forensic investigation e.g. DNA or fingerprints) This has yielded positive results as many families were located and could identify the deceased. We liaised with the Provincial Commissioner of the Eastern Cape to facilitate and expedite the process as many of the families resided in the Eastern Cape.

In addition, the exhibits which were never collected at mortuaries have been collected by SAPS and sent to the relevant stations. We are proud to report that the collection of exhibits from mortuaries by SAPS now takes place on a regular basis.

The attendance of post-mortems by the investigating officers remains a challenge. Attendance currently stands at an average of 40%. Furthermore, taking fingerprints of the deceased remains a challenge as the responsibility rests with the SAPS Investigating Officer to take the fingerprints. Since post mortems are not attended, the fingerprints are not obtained.

As previously reported, the Office is a member of the International Ombudsman Institute (IOI) as well as the African Ombudsman and Mediation Association (AOMA). During this review period, two of the WCPO investigators, had the once in a lifetime opportunity to attend training in Vienna, Austria from 23-28 September 2017. The training focused on interviewing skills and the dimensions of an interview. The training provided a rare opportunity for

staff to interact with other Ombud personnel from other countries. The Office believes this to be a worthwhile experience as it contributes greatly to enhancement of the investigator's skills.

As noted earlier in the document, the Office was invited to attend a stakeholder engagement in Pretoria from 13-14 July 2017 where the drafting of the new IPID Act was discussed. The Office attended and provided valuable input. From 20-21 November, another workshop was attended in respect of the IPID amendment Act after several provisions were declared unconstitutional by the Constitutional Court.
The participants were provided with an opportunity to make recommendations and suggestions that would allow the draft to be amended or changed. This invitation is a reflection of the positive contributions which this office has made in the broader framework of Safety in the province, and is increasingly being recognised by institutions such as IPID.

During February 2016 a complaint was received against Oudtshoorn FCS for failure to open a case docket when the victim reported a sexual assault case during April 2015. After the intervention of the WCPO, a case docket was registered and the suspect arrested and brought before court. On 5 February 2018 the suspect was found guilty in Oudtshoorn Regional Court. (Article: Die Hoorn dated 8 February 2018)

Other cases include a matter in which a suspect was charged with theft of a stolen cell phone and was issued with a warrant of arrest (number 336/2015) upon his failure to appear in court on 2 June 2015. Through the WCPO intervention on 23 November 2017 Col Damoyi indicated that the suspect was re-arrested and appeared in court on 27 October 2017 and was found guilty for failing to appear at Court and was sentenced to pay R1000 (one thousand rand) or three months imprisonment. The SAPS station involved identified their shortfall of not conducting a proper verification of the suspect and, accordingly a register, has since been put in place to overcome the problem which will be monitored by the Officers at the Crime Office. A copy of the register form was provided to the Ombudsman as an exhibit that SAPS is trying to improve its systems.

Another case which highlights the Office's work is in respect of poor record management. SAPS provided the Office with copies of the search warrants with the corresponding search register for the searches conducted during July – October 2017. This demonstrates improvement in the record management system at Ravensmead SAPS.

The WCPO was invited to attend the South African Human Rights' Commission (SAHRC) and the Association for the Prevention of Torture (APT) Stakeholder Engagement on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT) and the Establishment of a National Preventative Mechanism (NPM) in Johannesburg.

The purpose of this session was to strengthen the policy dialogue between the European Union (EU) and South Africa.

Invaluable submissions were made by all parties concerned to objectively determine whether the implementation of the National Preventative Mechanism (NPM) would be realised within the greater South African context.

Over the last reporting period, Investigators have unearthed several commonalities in respect of policing inefficiencies shared over the various police stations within the Western Cape.

These include, but are not limited to, the following:

- Branch Commanders/Unit Commanders not inspecting case dockets regularly which leads to such dockets lying idle for a substantial amount of time
- Investigating Officers not following instructions of Public Prosecutors and/or Branch Commanders especially in matters concerning arranging of identity parades of suspects
- Investigating Officers not adhering to brought forward dates set by Public Prosecutors and/or Branch Commanders
- Members tend to make rudimentary remarks to complainants on whether or not a matter will be prosecuted in a court of law. These statements are uncalled for and often presumptuous.

As mentioned, these findings are not a closed list and are of grave concern to this office.

It is for this very reason that when and where our office does encounter such issues, a recommendation is tabled and forwarded to the office of the Western Cape SAPS Provincial Commissioner.

11

11. Conclusion

We have done our best to mitigate and resolve the challenges we faced during the year under review and once again, every experience has been counted as part of a learning curve.

The Office intends continuing with its outreach activities so that all the people of the Western Cape will know how and when (under which circumstances) to contact the Office.

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

Once more, the WCPO notes with appreciation the commitment and co-operation the SAPS, the CPFs, the NPA and the DOCS have provided thus far and thanks them for the role they have played in the resolution of some of the complaints received during the reporting period.

12. Pictures



Advocate Pikoli, and Brigadier Bavuma at the Vredenburg cluster meeting in Saldanha



WCPO Members from Left: Charne Dunn, Beulah Balie, Wesley Miles, and Aaron van der Linde at the Cape Town Station outreach.



Aaron van der Linde and Elmarechia Kennedy manning an exhibition table at the Caledon Magistrate Court Outreach



City Ombudsman Mongezi Menye and Advocate Pikoli after their meeting



Advocate Pikoli, and the WCPO Team with the (George/Mosselbay)Dagamaskop Police Cluster.



Advocate Pikoli (Front) with Londi Dlakiya and Carol Adonis at the Mosselbay Magistrate Court outreach



Meeting between the WCPO and the Human Rights Commissioner Lloyd Lotz.



Investigators Zwelenkosi Matwa and Abigail Lewis at the IOI training in Vienna



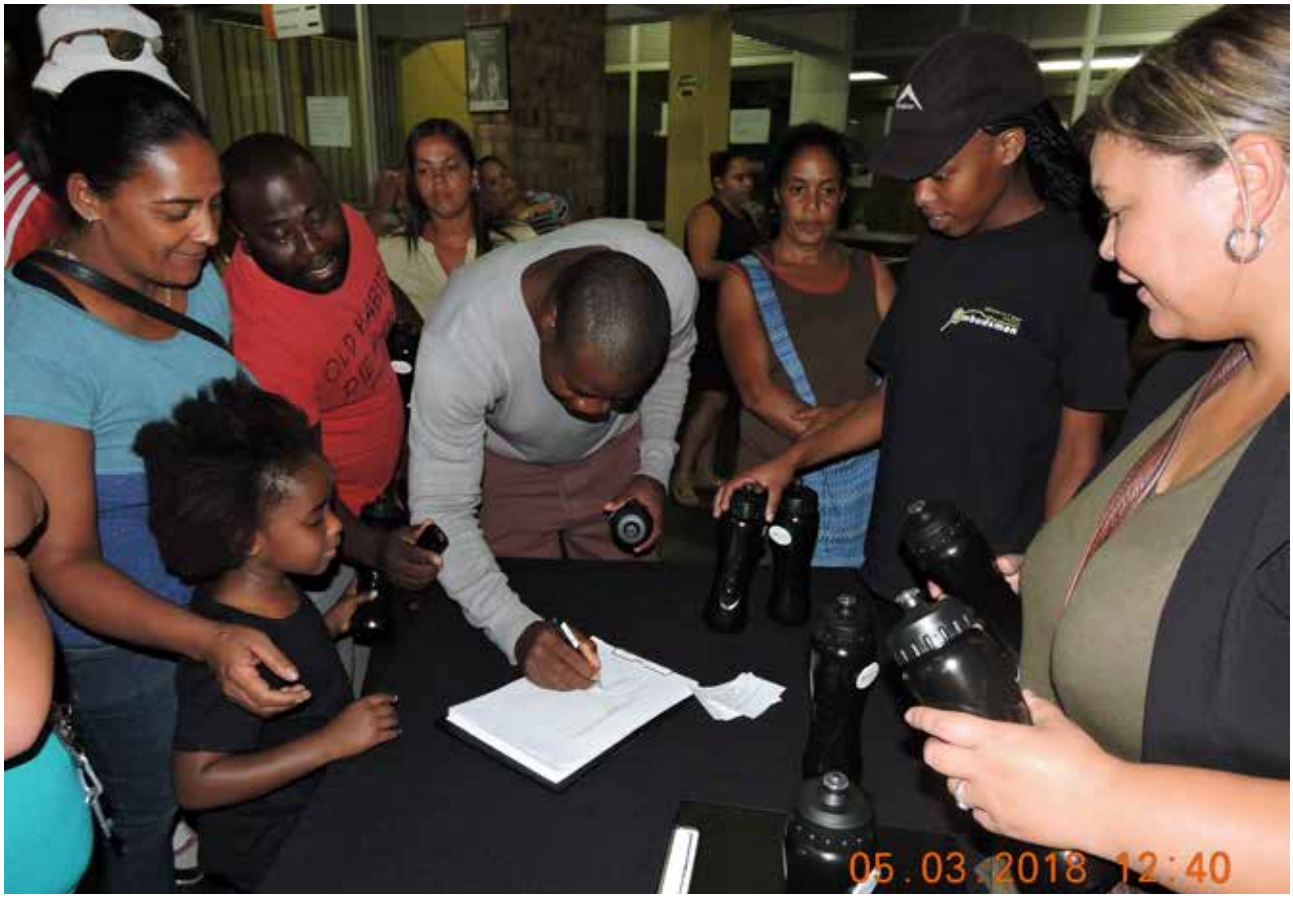
Deidre Foster and Londi Dlakiya explaining the mandate to a SAPS member at the Mitchell's Plain Magistrates Court outreach.



Staff members of the WCPO receiving their Afrikaans certificates.



Shopper's queuing to receive a free water bottle at the Westgate Mall outreach



Mitchells Plain Magistrates Court outreach



The WCO Team at the St George's Mall outreach



The Military ombudsman meet and greet.



Women from the Pioneer School for the blind in Worcester



The WCPO Team receiving their isiXosa certificates after completing their course


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