

WESTERN CAPE
POLICE
OMBUDSMAN

YOUR GUIDE TO THE COMPLAINTS PROCESS

U gids tot die Klagteproses

Indlela yokufaka izikhalazo





Your guide to the complaints process



ISBN 978-1-928332-50-3

This publication was made possible through the support of the Open Society Foundation for South Africa.



OPEN SOCIETY FOUNDATION
FOR SOUTH AFRICA

Published by African Policing Civilian Oversight Forum (APCOF) and
Western Cape Ombudsman

Conceptualised, designed and produced by
COMPRESS.dsl | www.compressdsl.com

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1

Introduction

This booklet, prepared by the Western Cape Police Ombudsman (WCPO) and the African Policing Civilian Oversight Forum (APCOF), is about police oversight in South Africa. It explains the role of the Western Cape Police Ombudsman in dealing with complaints about service delivery from the South African Police Service (SAPS) in the Western Cape and the Cape Town Metro Police Department (CTMPD).

The booklet explains the important role that oversight organisations like the Western Cape Police Ombudsman play to ensure that the police perform their duties in a lawful and professional manner. It also provides information about how to use the office of the Western Cape Police Ombudsman to make a complaint against the Police Service or the Metro Police.

For more information about the Western Cape Police Ombudsman

Website: www.westerncape.gov.za/police-ombudsman

Tel: 021 483 0669

Fax: 021 483 0660

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About the South African Police Service (SAPS)

The South African Police Service was established in 1995. The power of the SAPS is contained in the Constitution of South Africa and the 1995 South African Police Services Act. When read together, they give the police the power to:

- prevent, combat and investigate crime;
- maintain public order;
- protect and secure people who live in South Africa, and protect and secure their property; and
- uphold and enforce the law.

Importantly, the police are required to uphold and enforce the law. This means that all police actions must be lawful and not discriminate against any person for any reason. If the police break the law, they should be subject to disciplinary action or criminal charges.

The vision and mission of the SAPS speak to its function, not only to detect and investigate crime, but to play a role in crime prevention and community safety. The service strives to:

- create a safe and secure environment for all people in South Africa;
- prevent and investigate anything that may threaten the safety or security of any community;

- ensure that criminals are brought to justice; and
- participate in efforts to address the causes of crime.

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About the Cape Town Metro Police Department (CTMPD)

Some municipalities, including the major metros of Johannesburg, Tshwane, Cape Town and Durban, have police services which operate separately to the SAPS. These Metro Police Departments (MPDs) are responsible for the following types of policing:

- traffic policing;
- enforcing municipal by-laws and regulations; and
- preventing crime.

The CTMPD does not investigate crime. If a CTMPD officer arrests a person, that officer is required to transfer the suspect into the custody of the SAPS as soon as possible. In this way, the CTMPD is required to work in cooperation with the SAPS.

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The importance of police oversight

What is police oversight? Police officers are not above the law. They work and live by the same laws that they are required to uphold.

The police have an important role to play in detecting and investigating crime. Officers are given special powers to stop and search people, to arrest and detain suspects, and to use force. However, South African law puts limits on the circumstances in which the police have the authority to use these powers. These limits protect the rights of suspects, the community and the police. Limitations placed on the authority of the police include that:

- force is only used when strictly necessary;
- lethal force is only used in self-defence or in the defence of others; and
- decisions to stop, search, arrest and detain are only made when consistent with the law and not based on discrimination of any kind.

The police are also prohibited from using torture, engaging in acts of corruption, and abusing power. They have a duty to treat suspects, witnesses and victims with dignity and respect.

Who keeps a check on the actions of the police?

South Africa has several agencies to receive complaints and make investigations if police officers act unlawfully or unreasonably.

Some agencies – like the Western Cape Police Ombudsman, the Independent Police Investigative Directorate (IPID), the South African Human Rights Commission (SAHRC), the Civilian Secretariat of Police (the Civilian Secretariat), the Public Protector, and the Public Service Commission – have the power to receive complaints and investigate police misconduct. Others, such as the Parliamentary Police Portfolio Committee, can deal with recurring concerns about police performance in their regular reviews of police annual reports and budgets.

This booklet provides information about the Western Cape Police Ombudsman and other agencies with the power to receive and investigate complaints against the police.

Together, these oversight agencies work to ensure that police officers do not take advantage of their position of power by breaking the law, acting unreasonably, or discriminating against any person for any reason. If the police are accountable, and illegal or unreasonable activities by the police are detected, punished and corrected by these agencies, it will promote community confidence in the police.

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Making a complaint against the police

Complaining directly to the police

If a person wants to lay a complaint about police conduct, and that person feels confident and safe in approaching the police directly with that complaint, both the SAPS and the CTMPD have internal accountability structures to receive and investigate complaints from the public.

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5.1 South African Police Service (SAPS)

The SAPS have its own internal accountability mechanism that can deal with complaints against police misconduct, including police crime, abuse or corruption. Complaints can be made to the Station Commander in charge of the police station at which the officer against whom you want to make a complaint is stationed. To open a docket against an officer for a criminal case, complainants can also approach the Station Commander at a neighbouring police station. If no cooperation is received from the Station Commander, the complaint may be escalated to the Provincial Commissioner of the SAPS in the Western Cape.

Complaints can also be made to a representative from the Community Policing Forum at the relevant police station.

One of the roles of the Community Policing Forum is to follow up on complaints with the Station Commander and to provide complainants with assistance and support.

Contact details for all the SAPS stations are available at:

Website: www.saps.gov.za

Tel: 021 417 7100

*Address: The SAPS Western Cape Provincial Office,
25 Alfred Street, Greenpoint, Cape Town*

5.2 Metro Police Department (MPD)

As with the SAPS, the MPD has its own internal accountability mechanism that can deal with complaints against officer misconduct, including police crime, abuse or corruption. Individuals can lodge a complaint against an officer to the Chief of the Cape Town Metro Police Department. If the complaint involves opening a criminal case against an official (as the MPD do not conduct criminal investigations), the matter should be reported to the nearest police station.

The Western Cape has only one metropolitan municipality, the Cape Town Metro Police Department:

Website: www.capetown.gov.za

Tel: 021 480 7700

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Complaining to an oversight agency

When a complaint reported to the police station, or the Provincial Commissioner, has not resulted in any action, then complaints can be made to one of the external accountability agencies.

For complaints about serious police misconduct and criminality, including deaths in police custody or because of police action, discharge of an official firearm by an officer, rape, torture and assault (while in the execution of their duties), please refer to the details below.

Independent Police Investigative Directorate:

Website: www.ipid.gov.za

Email: WesternCape@ipid.gov.za

Tel: 021 941 4800

Complaints against human rights violations:

South African Human Rights Commission

Email: ssalie@sahrc.org.za

Tel: 021 426 2277

Fax: 021 426 2875

Complaints about police corruption:

Public Service Commission

Website: www.psc.gov.za

National Anti-Corruption Hotline

Tel: 0800 701 701

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About the Western Cape Police Ombudsman (WCPO)

7.1 About the Western Cape Police Ombudsman

The Western Cape Police Ombudsman (WCPO) seeks to enhance the effectiveness and efficiency of the police services and to improve relations between the police and the communities by investigating complaints of police inefficiency and/or a breakdown of relations between the police and any community. The Western Cape Police Ombudsman is an impartial and independent body created in terms of Section 206 of the Constitution of the Republic of South Africa (Act 108 of 1996). The Ombudsman and staff members of the Ombudsman provide their service independently and impartially, and perform their functions in good faith and without fear, favour, bias or prejudice, subject to the Constitution and the law. The Ombudsman and staff members of the Ombudsman always preserve confidentiality in respect of any information acquired.

7.2 The mandate of the Western Cape Ombudsman

The legal mandate of the Ombudsman is derived from Section 206 (3) of the Constitution. This section provides that each province is entitled to monitor police conduct; to oversee the effectiveness and efficiency of the police service, including receiving reports on the police service; to promote

good relations between the police and the community; to assess the effectiveness of visible policing; and to liaise with the cabinet member responsible for policing with respect to crime and policing in the province.

Chapter 8 of the Constitution of the Western Cape sets out the policing functions of the Western Cape government. Section 66 (1) of the Constitution of the Western Cape provides that the Western Cape government is entitled to monitor police conduct; to assess the effectiveness of visible policing; to oversee the effectiveness and efficiency of the police service, including receiving reports on the police service; to promote good relations between the police and the community; and to liaise with the national cabinet member responsible for policing with respect to crime and policing in the Western Cape.

The functions of the Ombudsman are set out in Section 15 of the Western Cape Community Safety Act. In terms of this section, the Ombudsman must:

- receive and may investigate complaints regarding inefficiency of the police or a breakdown in relations between the police and any community; and
- perform the other functions assigned to him or her under the Western Cape Community Safety Act.

7.3 Vision of the Western Cape Ombudsman

A Western Cape society where there is mutual respect and trust between the people and the police.

7.4 Mission of the Western Cape Ombudsman

To impartially and independently investigate and seek to resolve complaints against police inefficiencies and/or a breakdown in relations between the police and any community.

7.5 Values of the Western Cape Ombudsman

- Integrity
- Trust
- Accountability
- Fairness
- Quality
- Dedication
- Partnerships
- Empathy

7.6 Types of complaints the Ombudsman accepts

Complaints against administrative actions, procedures and practices against the SAPS in the Western Cape and the CTMPD, such as:

- lack of communication with the complainant/victim;
- poor service delivery;
- poor communication;
- poor investigation;
- unacceptable conduct;
- failure to conduct themselves in a proper or fair manner;

- failure to follow correct procedures;
- disregard for the principles of Batho Pele; and
- failure to respond to an enquiry, complaint or other correspondence.

The Ombudsman does not receive complaints against municipal law enforcement and traffic services.

7.7 Who can register a complaint?

- Members of the public, including foreign nationals and tourists visiting the Western Cape who are dissatisfied with the service received from the South African Police Services or the Municipal Police Services;
- any member of the Western Cape Provincial Parliament;
- civil society organisations; and
- any other department or organisation.

7.8 Can a person or organisation outside the Western Cape Province register a complaint with the Western Cape Police Ombudsman?

The Western Cape Ombudsman investigates complaints within the Western Cape Province. A person visiting the province may register a complaint against the police to the Ombudsman for an incident that affects one of the police stations in the Western Cape.

7.9 Can a resident of Western Cape register a complaint against the police for an incident that occurred in another province?

No. The mandate of the Ombudsman is only in respect of police working in the Western Cape Province.

7.10 How can a person register a complaint?

Complaints can be lodged via:

- telephone: 021 483 0669;
- fax: 021 483 0660;
- e-mail: ombudsman@wcpo.gov.za;
- registered post: the complainant must keep proof that the complaint has been posted to:
Private Bag X9043
Cape Town
8000
- online: on the Western Cape Police Ombudsman website www.westerncape.gov.za/police-ombudsman/lodge-complaint (complete Annexure A Form 1 which is available in English, Afrikaans and IsiXhosa [see page 16]); or
- visit to the Ombudsman offices: 80 St Georges Mall, 6th Floor, Waldorf Building, Cape Town (our entrance is opposite Edgars); office hours: Monday to Friday 07:00–16:00 (excluding public holidays).

A complaint must specify:

- The name, identity or passport number and contact details of the complainant, if available;
- the nature of the complaint;
- the date and place of the incident;
- a description of the incident and the grounds on which the complainant believes that the complaint should be investigated;
- the name of any police official involved in the incident or matter, if known to the complainant;
- the name of the police station, if applicable;
- the names and addresses, if available, of any person who can provide information relevant to the complaint;
- information regarding other mechanisms that the complainant has used in an attempt to resolve the complaint;
- particulars of any person who was involved in an attempt to resolve the complaint; and
- any other relevant information or documents that can be used during the investigation.

Complainants must ensure that they provide sufficient information in the complaint such as the names of people they have dealt with.

COMPLAINT FORM

Details of Complainant			
Surname			
Full First Names			
Identity / Passport Number			
Residential Address			
Postal Address			
Home Tel No		Work	
Cell		Fax	
Email			
How do we contact You? (Please tick one)			
Telephone	Email	Fax	Letter

Details of the service delivery complaint (Attach further pages if more space is required.)

1. Please state the date and time of the incident.

Date: _____ **Time:** _____

2. Please state at which police station the incident occurred? Please include a case number if available.

3. Please provide a short explanation of the complaint and why you believe the complaint should be investigated.

4. Provide the names and addresses of any other person who can provide information relevant to the complaint.

5. Have you tried to resolve your complaint with any of the organisations listed herein below:
Please select all the relevant options from the list below:

- SAPS Investigating Officer
 Station Commander
 SAPS Management Intervention
 SAPS Provincial Office
 The Public Prosecutor
 IPID
 Any other mechanism? _____

6. What was the outcome of your engagement with your answer to Question 5?

7. Please share your expectations from this office?

I, the complainant whose details are provided above, confirm that the information provided by me is to the best of my knowledge true and correct.

Signature:

Date:

For official use: Method of Receipt: (Please tick one)

Walk In	Telephone	E-Mail	Fax	Written Correspondence
Assigned to				
Referred by				

7.11 What does a person/complainant need to submit for a complaint on behalf of an organisation?

Submit written proof that you are an authorised and delegated person to lodge a complaint on behalf of another person, an organisation, department or civil society organisation or association.

7.12 What happens when a complaint is lodged?

- The WCPO must acknowledge receipt of a complaint submitted to the Office of the Ombudsman.
- The WCPO must upon receipt of a complaint determine whether the complaint falls within the ambit of Section 16(1) or (2) of the Western Cape Community Safety Act.
- Any complaint or aspect thereof may be referred in writing by the WCPO to an appropriate authority or institution that is competent to deal with the complaint.
- The complainant must be informed in writing by the WCPO of the referral of a complaint to an appropriate authority or institution.
- If a complaint is investigated by the WCPO, the complainant must be informed in writing by the WCPO that his or her complaint is being investigated by an identified investigating officer and of the name and contact details of the investigating officer.
- The WCPO must give written notice to the executive head of the CTMPD concerned or the Provincial Commissioner of the SAPS, as the case may be, of an investigation in terms of Section 17 of the Western

Cape Community Safety Act and invite the police service concerned to submit written comment on the complaint to the WCPO within the period stated in the notice.

7.13 How long does the Ombudsman take to investigate?

The Ombudsman resolves complaints at the earliest possible opportunity.

7.14 What action does the Ombudsman take after the investigation?

- The complainant is notified of the outcome.
- A recommendation is sent to the Provincial Commissioner or the executive head of the relevant police department.
- A quarterly report is issued to the Standing Committee on Community Safety concerning the recommendations made.
- If the Ombudsman is of the opinion that the complaint is of a serious nature or that it should be dealt with by a commission of inquiry, then the Ombudsman may recommend to the premier that a commission of inquiry be appointed.

Other institutions where complaints against the police can be lodged

8.1 Independent Police Investigative Directorate (IPID)

Who is the IPID?

The IPID was established in 2012 to replace the Independent Complaints Directorate (ICD). The IPID is an organisation that works independently of the South African Police Services and Metro Police Department to promote proper police conduct and to conduct effective, independent and impartial investigations into allegations of police criminality.

What is the difference between the Ombudsman and the IPID?

The Ombudsman seeks to enhance the effectiveness and efficiency of the police services and to improve relations between the police and the communities by investigating complaints of police inefficiency and/or a breakdown of relations between the police and any community. The IPID investigates allegations of police criminality.

What kind of complaints can the IPID receive?

The IPID can receive complaints about the most serious cases of police misconduct and criminality. This includes:

- any deaths in police custody;
- deaths because of police actions;

- any complaint relating to the discharge of an official firearm by any officer;
- rape of any person while that person is in police custody; and
- any complaint of torture or assault against a police officer in the execution of his or her duties.

Who can make a complaint to the IPID?

Any person, either as a victim, witness or representative, can make a complaint directly to the IPID. Non-governmental organisations and community-based organisations can also lodge complaints with the IPID.

E-mail: WesternCape@ipid.gov.za

Tel: 021 941 4800

8.2 Civilian Secretariat of Police (CSP)

Who is the Civilian Secretariat of Police?

Every province has a Civilian Secretariat of Police (CSP). The secretariats are responsible for providing oversight over the SAPS and support to the Minister of Police.

What type of complaints can the Civilian Secretariat of Police receive?

The Western Cape Civilian Secretariat of Police is located in the Western Cape Department of Community Safety can receive complaints about: police service delivery, which includes complaints about police failing to provide feedback on a case; police non-compliance with the requirements of the Domestic Violence Act; or inappropriate conduct.

Website: www.policesecretariat.gov.za

Tel: 012 393 2500/2/3

Fax: 012 393 2536/8

8.3 Western Cape Department of Community Safety (DOCS)

The Western Cape Department of Community Safety has a Policing Complaints Unit. The unit deals with service delivery complaints lodged by members of the public against policing agency members, such as the SAPS and the CTMPD officers.

E-mail: Policing.Complaints@westerncape.gov.za

Tel: 021 483 4332

Address: 35 Wale Street, 2nd Floor, Cape Town

8.4 South African Human Rights Commission (SAHRC)

Who is the SAHRC?

The SAHRC was established in 1995 to support South African democracy by promoting respect for, observance of, and protection of human rights of every person and community in South Africa. The SAHRC has the power to monitor and assess the observance of human rights, including in relation to the SAPS and the MPD, and can investigate, report, and take appropriate action where human rights have been violated.

What kind of complaints can the SAHRC receive?

Complaints about police violations of human rights can be made to the SAHRC. Complaints can be made on issues such as discrimination by the police on any grounds (including race, gender, social status and nationality), or conduct of the police that is against the law or discriminatory and has an impact on the human rights that are protected by the South African Constitution. Key protected rights include:

- **Equality:** Everyone has the right to equal protection and benefit of the law, and the SAPS and the MPD are not permitted to discriminate against a person on any grounds or for any reason, including race, gender, sex, pregnancy, marital status, ethnicity or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
- **Human dignity:** To be treated in a dignified manner, including by the SAPS and the MPD.
- **Life:** Not to be unlawfully deprived of life. Unlawful police conduct (such as an unlawful police shooting or the unlawful death of a person in custody) that results in a death, may be a violation of the right to life. However, the IPID has the power to investigate deaths because of police contact, and complaints about violations of the right to life should be made to the IPID in the first instance.
- **Freedom and security of the person:** The right not to be arrested or detained for a reason that is unlawful or discriminatory, and the right to be free from police violence, detention without trial, torture, or punishment by the police that is cruel, inhuman or degrading.

- **Privacy:** The police must have a lawful reason for searching a home or property, seizing property, or infringing on the privacy of a person's communications.
- **Assembly, demonstration, picket and petition:** Everyone has the right to peaceful and unarmed assembly, demonstration, picketing and petitioning, and there are restrictions on the use of force by the SAPS and the MPD against peaceful and unarmed demonstrators.

Website: www.sahrc.org.za

Email: ssalie@sahrc.org.za (Shafeeqah Salie, Intake Officer)

Tel: 021 426 2277

Fax: 021 426 2875

*Address: 7th Floor ABSA Building, 132 Adderley Street,
Cape Town*

8.5 Public Service Commission (PSC)

Who is the PSC?

The PSC was established in 1996 to investigate and monitor all public services, including the SAPS and the MPD, for corruption. The PSC has an obligation to promote measures that would ensure effective and efficient performance within the public service, and to promote values and principles of public administration as set out in the Constitution, throughout the public service.

What type of complaints can the PSC receive?

Complaints about police corruption can be made to the PSC. Police corruption is a form of police misconduct whereby

the police ask for, or receive, a gift or favour (usually known as a 'bribe') for any number of reasons associated with their special position of power and influence. This can include activities such as acting in relation to an investigation or arrest (or agreeing not to act in relation to a criminal offence), releasing a person from custody, adding or planting evidence on an accused person, or protecting illegal business or activities.

*Website: www.psc.gov.za
Anti-corruption hotline: 0800 701 701*

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8.6 Public Protector

The Public Protector is an independent Chapter 9 institution. The mandate of the Public Protector is to support and strengthen constitutional democracy in South Africa. The Public Protector has the power to receive complaints, to investigate, report and remedy improper conduct in state affairs.

*E-mail: suneg@pprotect.org
Tel: 021 423 8644
Fax: 021 423 8708
Address: 4th Floor, 51 Wale Street, Cape Town*



U gids tot die Klagteproses



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Inleiding

Hierdie gids, wat deur die Wes-Kaapse Polisie-ombud en die Burgerlike Oorsigforum oor Polisiëring in Afrika (BOPA) saamgestel is, handel oor polisie-oorsig in Suid-Afrika. Dit verduidelik die rol van die Wes-Kaapse Polisie-ombud om klagtes te hanteer oor dienslewering in die Wes-Kaap deur die Suid-Afrikaanse Polisie (SAPD) en die Kaapstadse Metro Polisie Departement (KMPD).

Die gids verduidelik die belangrike rol wat oorsiginstellings soos die Wes-Kaapse Polisie-ombud speel om te verseker dat die polisie hul pligte op wettige en professionele wyse uitvoer. Dit verskaf ook inligting oor hoe om die kantoor van die Wes-Kaapse Polisie-ombud te gebruik om 'n klagte teen die Wes-Kaapse Polisie of die Metro Polisie te lê.

Vir meer inligting oor die Wes-Kaapse Polisie-ombud:

Webwerf: www.westerncape.gov.za/police-ombudsman

Tel: 021 483 0669

Fax: 021 483 0660

2

Oor die Suid-Afrikaanse Polisie (SAPD)

Die Suid-Afrikaanse Polisie is in 1995 daargestel. Die magte van die SAPD is vervat in die Grondwet van Suid-Afrika en die Wet op die Suid-Afrikaanse Polisie (1995). Saam gelees, gee dit die polisie die verantwoordelikheid om:

- misdaad te voorkom, teen te werk en te ondersoek;
- openbare orde te handhaaf;
- die mense wat in Suid-Afrika woon, te beskerm en te beveilig, en hul eiendom, en
- die Wet te handhaaf en toe te pas.

Dit is belangrik dat die polisie die Wet moet handhaaf en toepas. Dit beteken dat alle polisie-optrede wettig moet wees en nie teen enigiemand, om watter rede ook al, mag diskrimineer nie. Indien die polisie die Wet oortree, moet dissiplinêre optrede of 'n strafsak teen hulle ingestel word.

Die visie en missie van die SAPD dui op sy funksie, nie net om misdaad te bekamp en te ondersoek nie, maar ook om 'n rol te speel in misdaadvoorkoming; en gemeenskapsveiligheid. Die diens streef daarna om:

- 'n veilige en beveiligde omgewing vir alle mense in Suid-Afrika te skep;
- enigiets te voorkom en te ondersoek wat die veiligheid of sekuriteit van enige gemeenskap kan bedreig;

- seker te maak dat misdadigers voor die gereg gebring word; en
- deel te neem aan pogings om die oorsake van misdaad aan te spreek.

3

Oor die Kaapstadse Metro Polisie Departement (KMPD)

Sommige munisipaliteite, insluitend die groot metro's van Johannesburg, Tshwane, Kaapstad en Durban, het polisie-dienste wat onafhanklik van die SAPD optree. Hierdie metro-polisiedepartemente (MPD's) is vir die volgende soorte polisiëring verantwoordelik:

- verkeerspolisiëring;
- die afdwing van munisipale verordenings en regulasies; en
- misdaadvoorkoming.

Die KMPD ondersoek nie misdaad nie. Indien 'n KMPD-beampte 'n persoon arresteer, moet die beampte die verdagte so gou moontlik aan die SAPD vir aanhouding oorhandig. Op hierdie manier word daar van die KMPD verwag om saam met die SAPD te werk.

4

Die belangrikheid van polisie-oorsig

Wat is polisie-oorsig? Polisiebeamptes is nie verhewe bo die wet nie. Hulle is onderhewig aan dieselfde wette wat deur hulle gehandhaaf moet word.

Die polisie speel 'n belangrike rol om misdaad te bekamp en te ondersoek. Beamptes het spesiale magte om mense te stop en te deursoek, om verdagtes te arresteer en aan te hou en om geweld te gebruik. Suid-Afrikaanse wetgewing beperk egter die omstandighede waaronder die polisie die gesag het om hierdie magte te gebruik indien nodig. Hierdie beperkings beskerm die regte van verdagtes, die gemeenskap en die polisie. Beperkings op die gesag van die polisie sluit in:

- geweld mag slegs gebruik word as dit onvermydelik is;
- dodelike geweld mag slegs vir selfverdediging of in die verdediging van ander gebruik word; en
- besluite om mense te stop, te deursoek, te arresteer of aan te hou mag slegs geneem word wanneer dit met die Wet strook en mag nie op diskriminasie van enige aard gebaseer wees nie.

Die polisie word ook verbied om enige vorm van marteling te gebruik, in korrupsie betrokke te raak of hul mag te misbruik. Hulle het 'n plig om verdagtes, getuies en slagoffers met waardigheid en respek te behandel.

Wat hou die optrede van die polisie in toom?

Suid-Afrika het verskeie agentskappe om klagtes te ontvang en ondersoek te loods indien polisiebeamptes onregmatig of onredelik optree.

Sommige agentskappe – soos die Wes-Kaapse Polisie-ombud, die Onafhanklike Polisie-onderzoekdirektoraat (OPOD), die Suid-Afrikaanse Menseregtekommissie (SAMRK), die Burgerlike Polisiesekretariaat (die Burgerlike Sekretariaat), die Openbare Beskermer en die Staatsdienskommissie – het die mag om klagtes te aanvaar en polisiewangedrag te ondersoek. Ander, soos die Parlement se Polisieportefeuljekomitee, kan in hul gereelde oorsig van polisie-jaarverslae en -begrotings aan herhaalde kommer oor polisieprestasie aandag gee.

Hierdie gids verskaf inligting oor die Wes-Kaapse Polisie-ombud en ander agentskappe met die mag om klagtes teen die polisie te aanvaar en te ondersoek.

Hierdie oorsigagentskappe werk saam om te verseker dat polisiebeamptes nie hul magspesie misbruik deur die Wet te oortree, onredelik op te tree of om enige rede teen enige persoon te diskrimineer nie. Indien die polisie aanspreeklik gehou word, en hul onregmatige of onredelike optrede uitgewys, gestraf en reggestel word deur hierdie agentskappe, sal dit gemeenskappe se vertrouwe in die polisie verbeter.

5

Die lê van 'n klagte teen die polisie

Kla direk by die polisie

Indien 'n persoon 'n klagte oor polisie-optrede wil indien en die persoon het die vertroue en voel veilig genoeg om die polisie direk met die klagte te nader, dan het sowel die SAPD as die KMPD interne aanspreeklikheidsstrukture om klagtes van die publiek te aanvaar en te ondersoek.

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5.1 Suid-Afrikaanse Polisie diens (SAPD)

Die SAPD het sy eie interne aanspreeklikheidsmeganisme wat klagtes teen polisie-wangedrag, insluitend misdaad, misbruik of korrupsie kan hanteer. Klagtes kan by die stasiebevelvoerder ingedien word wat in beheer is van die polisie stasie waar die beampte teen wie jy 'n klagte wil lê, gestasioneer is. Om 'n strafsakdossier teen 'n beampte te rapporteer, kan klaers ook die stasiebevelvoerder nader. Indien geen samewerking van die stasiebevelvoerder verkry word nie, kan die klagte aan die Provinsiale Kommissaris van die SAPD in die Wes-Kaap gerig word.

Klagtes kan ook gelê word by 'n verteenwoordiger van die Gemeenskapspolisiëringforum by die betrokke polisie stasie. Een van die rolle van die Gemeenskapspolisiëringforum is om klagtes met die

stasiebevelvoerder op te volg en klaers van hulp en bystand te voorsien.

Kontakbesonderhede van alle SAPD-stasies is beskikbaar by:

Webwerf: www.saps.gov.za

Tel: 021 417 7100

*Adres: Die SAPD Wes-Kaapse Provinsiale Kantoer,
Alfredstraat 25, Groenpunt, Kaapstad*

5.2 Metro Polisie Departement (MPD)

Soos die SAPD, het die KMPD sy eie interne aanspreeklikheidsmeganisme wat klagtes rakende beamptes se wangedrag kan hanteer, insluitend polisiemisdaad, -misbruik of -korrupsie. Individue kan 'n klagte teen 'n beampte aan die hoof van Kaapstad se Metro Polisie Departement rapporteer. Indien die klagte behels dat 'n strafsak teen 'n beampte ingestel word (aangesien die MPD nie kriminele ondersoeke doen nie), moet die saak aan die naaste polisiestasie gerapporteer word.

Die Wes-Kaap het slegs een metropolitaanse munisipaliteit, die Kaapstadse Metro Polisie Departement:

Webwerf: www.capetown.gov.za

Tel: 021 480 7700

6

Lê 'n klagte by 'n oorsigagentskap

Wanneer 'n klagte by 'n polisiestase of die Provinsiale Kommissaris geen optrede teweeggebring het nie, kan klagtes by een van die eksterne aanspreeklikheidsagentskappe gelê word.

Vir klagtes oor **ernstige polisiegedrag en kriminaliteit**, insluitend sterftes in polisieaanhouding of weens polisieoptrede, die afvuur van 'n amptelike vuurwapen deur 'n beampte, verkragting, marteling en aanranding (in die uitvoer van hul pligte):

Onafhanklike Polisie-ondersoekdirektoraat:

Webwerf: www.ipid.gov.za

E-pos: WesternCape@ipid.gov.za

Tel: 021 941 4800

Vir klagtes teen menseregteskendings:

Suid-Afrikaanse Menseregtekommissie

E-pos: ssalie@sahrc.org.za

Tel: 021 426 2277

Faks: 021 426 2875

Vir klagtes oor polisiekorruptsie:

Staatsdienskommissie

Webwerf: www.psc.gov.za

Nasionale antikorrupsie-lyn

Tel: 0800 701 701

Die Wes-Kaapse Polisie-ombud

7.1 Oor die Wes-Kaapse Polisie-ombud

Die Wes-Kaapse Polisie-ombud streef daarna om die effektiwiteit en doeltreffendheid van die polisediens te bevorder en om verhoudinge tussen die polisie en gemeenskappe te verbeter deur klagtes oor polisie-ondoeltreffendheid en/of 'n steuring van verhoudinge tussen die polisie en enige gemeenskap te ondersoek. Die Wes-Kaapse Polisie-ombud is 'n onpartydige en onafhanklike liggaam wat ingevolge Artikel 206 van die Grondwet van die Republiek van Suid-Afrika (Wet 108 van 1996) geskep is. Die Ombud en personeellede van die Ombud lewer hul diens onafhanklik en onpartydig, en voer hul funksies uit in goeie trou en sonder vrees, voorkeur, partydigheid of vooroordeel, onderhewig aan die Grondwet en die Wet. Die Ombud en personeellede van die Ombud hou inligting wat hulle bekom, te alle tye konfidensieel.

7.2 Die mandaat van die Wes-Kaapse Ombud

Die wetlike mandaat van die Ombud spruit uit Artikel 206 (3) van die Grondwet. Hierdie Artikel bepaal dat elke provinsie geregtig is om polisie-optrede te monitor; oorsig te hou oor die effektiwiteit en doeltreffendheid van die polisediens, insluitend om verslae oor die polisediens te ontvang; om goeie verhoudinge tussen die polisie en die gemeenskap te bevorder; om die effektiwiteit van

sigbare polisiëring te beoordeel; en om met die kabinetslid verantwoordelik vir polisiëring te skakel rakende misdaad en polisiëring in die provinsie.

Artikel 8 van die Wes-Kaap se Grondwet beskryf die polisiëringfunksies van die Wes-Kaapse regering. Artikel 66 (1) van die Wes-Kaapse Grondwet bepaal dat die Wes-Kaapse regering geregtig is om polisie-optrede te monitor; om die effektiwiteit van sigbare polisiëring te beoordeel; om oorsig te hou oor die effektiwiteit en doeltreffendheid van die polisdienste, insluitend om verslae oor die polisdienste te ontvang; om goeie verhoudinge tussen die polisie en die gemeenskap te bevorder; en om met die kabinetslid verantwoordelik vir polisiëring te skakel rakende misdaad en polisiëring in die Wes-Kaap.

Die funksies van die Ombud word in Artikel 15 van die Wes-Kaapse Wet op Gemeenskapsveiligheid uiteengesit. Ingevolge hierdie Artikel, moet die Ombud:

- klagtes aanvaar en ondersoek in verband met polisie-ondoeltreffendheid of 'n verbrokkeling in verhoudinge tussen die polisie en enige gemeenskap; en
- die ander funksies uitvoer wat kragtens die Wes-Kaapse Wet op Gemeenskapsveiligheid aan hom of haar opgedra word.

7.3 Visie van die Wes-Kaapse Ombud

’n Wes-Kaapse samelewing met wedersydse respek en vertroue tussen die mense en die polisie.

7.4 Missie van die Wes-Kaapse Ombud

Om onpartydig en onafhanklik klagtes oor polisieoondoeleltreffendheid en/of ’n verbrokkeling in verhoudinge tussen die polisie en enige gemeenskap te ondersoek en te probeer bylê.

7.5 Waardes van die Wes-Kaapse Ombud

- Integriteit
- Vertroue
- Aanspreeklikheid
- Regverdigheid
- Gehalte
- Toewyding
- Vennootskappe
- Empatie

7.6 Soorte klagtes wat die Ombud aanvaar

Klagtes teen die SAPD in die Wes-Kaap en die KMPD oor administratiewe optredes, prosedures en praktyke, soos:

- gebrek aan kommunikasie met die klaer/slagoffer;
- swak dienslewering;
- swak kommunikasie;
- swak ondersoek;

- onaanvaarbare optrede;
- versuim om hulle op 'n behoorlike of regverdige wyse te gedra;
- versuim om korrekte prosedures te volg;
- miskenning van die beginsels van Batho Pele; en
- versuim om op 'n navraag, klagte of ander korrespondensie te reageer.

Die Ombud aanvaar nie klagtes oor munisipale wetstoepassing en verkeersdienste nie.

7.7 Wie kan 'n klagte registreer?

- Lede van die publiek, insluitend buitelanders en toeriste in die Wes-Kaap, wat ontevrede is met die diens wat hulle van die Suid-Afrikaanse Polisie diens of Kaapstad se Metro Polisie Departement ontvang het;
- enige lid van die Wes-Kaapse Provinsiale Parlement;
- burgerlike gemeenskapsinstellings; en
- enige ander departement of instelling.

7.8 Kan 'n persoon of instelling buite die Wes-Kaap Provinsie 'n klagte by die Wes-Kaapse Polisie-ombud indien?

Die Wes-Kaapse Ombud ondersoek klagtes binne die Wes-Kaap Provinsie. 'n Persoon wat die provinsie besoek, mag 'n klagte teen die polisie by die Ombud indien oor 'n insident wat een van die polisiestasies in die Wes-Kaap raak.

7.9 Kan 'n inwoner van die Wes-Kaap 'n klagte indien teen die polisie vir 'n insident wat in 'n ander provinsie plaasgevind het?

Nee. Die mandaat van die Ombud geld slegs vir polisie wat in die Wes-Kaapprovinsie werk.

7.10 Hoe kan 'n persoon 'n klagte indien?

Klagtes kan ingedien word by wyse van:

- telefoon: 021 483 0669;
- faks: 021 483 0660;
- e-pos: ombudsman@wcpo.gov.za;
- geregistreerde pos: die klaer moet die bewys bewaar dat die klagte gepos is;
Privaatsak X9043
Kaapstad
8000
- aanlyn: op die webwerf van die Wes-Kaapse Polisie-ombud www.westerncape.gov.za/police-ombudsman/lodge-complaint (vul Aanhangsel A Vorm 1 in, wat in Engels, Afrikaans en isiXhosa beskikbaar is [sien bladsy 44]); of
- besoek die Ombud se kantoor: St Georges Mall 80, 6de Vloer, Waldorfgebou, Kaapstad (ons ingang is oorkant Edgars); kantoorure: Maandag tot Vrydag 07:00–16:00 (openbare vakansiedae uitgesluit).

'n Klagte moet vermeld:

- Die naam, identiteit- of paspoortnommer en kontakbesonderhede van die klaer;
- die aard van die klagte;
- die datum en plek van die insident;
- 'n beskrywing van die insident en die redes waarom die klaer glo dat die klagte ondersoek moet word;
- die naam van enige polisiebeampte wat by die insident of saak betrokke was, indien dit aan die klaer bekend is;
- die naam van die polisiestase, indien toepaslik;
- die name en adresse, indien beskikbaar, van enige persone wat relevante inligting oor die klagte kan verskaf;
- inligting oor ander meganismes wat die klaer gebruik het in 'n poging om die klagte by te lê;
- besonderhede van enige persoon wat betrokke was by 'n poging om die klagte by te lê; en
- enige ander tersaaklike inligting of dokumente wat in die ondersoek gebruik kan word.

Klaers moet sorg dat hulle voldoende inligting in die klagte vorm verskaf, soos die name van mense met wie hulle te doen gehad het.

COMPLAINT FORM

Details of Complainant			
Surname			
Full First Names			
Identity / Passport Number			
Residential Address			
Postal Address			
Home Tel No		Work	
Cell		Fax	
Email			
How do we contact You? (Please tick one)			
Telephone	Email	Fax	Letter

Details of the service delivery complaint (Attach further pages if more space is required.)

1. Please state the date and time of the incident.

Date: _____ **Time:** _____

2. Please state at which police station the incident occurred? Please include a case number if available.

3. Please provide a short explanation of the complaint and why you believe the complaint should be investigated.

4. Provide the names and addresses of any other person who can provide information relevant to the complaint.

5. Have you tried to resolve your complaint with any of the organisations listed herein below:
Please select all the relevant options from the list below:

- SAPS Investigating Officer
 Station Commander
 SAPS Management Intervention
 SAPS Provincial Office
 The Public Prosecutor
 IPID
 Any other mechanism? _____

6. What was the outcome of your engagement with your answer to Question 5?

7. Please share your expectations from this office?

I, the complainant whose details are provided above, confirm that the information provided by me is to the best of my knowledge true and correct.

Signature:

Date:

For official use: Method of Receipt: (Please tick one)

Walk In	Telephone	E-Mail	Fax	Written Correspondence
Assigned to				
Referred by				

7.11 Wat het 'n persoon/klaer nodig om 'n klagte ter wille van 'n onderneming in te dien?

Lê skriftelike bewys voor dat jy 'n gemagtigde en afgevaardigde persoon is om 'n klagte namens die onderneming, departement, burgerlike gemeenskapsinstelling of vereniging in te dien.

7.12 Wat gebeur wanneer 'n klagte ingedien word?

- Die WKO moet ontvangs erken van 'n klagte wat by die Kantoor van die Ombud ingedien is.
- Wanneer 'n klagte ontvang word, moet die WKO vasstel of die klagte binne die raamwerk van Artikel 16 (1) of (2) van die Wes-Kaapse Wet op Gemeenskaps-veiligheid val.
- Enige klagte of aspek daarvan mag skriftelik deur die WKO verwys word na 'n ander toepaslike gesag of instelling wat bevoeg is om die klagte te hanteer.
- Die klaer moet op skrif deur die WKO ingelig word indien 'n klagte na 'n ander toepaslike gesag of instelling verwys is.
- Indien 'n klagte deur die WKO ondersoek word, moet die klaer op skrif deur die WKO ingelig word dat sy of haar klagte ondersoek word deur 'n geïdentifiseerde ondersoekbeampte en voorsien word van die naam en kontakbesonderhede van die ondersoekbeampte.
- Die WKO moet op skrif kennis gee aan die betrokke uitvoerende hoof van die KMPD of die Provinsiale Kommissaris van die SAPD, wat ook al die geval is, oor 'n ondersoek ingevolge Artikel 17 van die Wes-Kaapse Wet op Gemeenskapsveiligheid, en die

betrokke polisie diens nooi om skriftelike kommentaar te lewer oor die klagte aan die WKO, binne die tydperk wat die kennisgewing bepaal.

7.13 Hoe lank duur die Ombud se ondersoek?

Die Ombud los klagtes so vinnig op as wat enigsins moontlik is.

7.14 Watter stappe doen die Ombud na die ondersoek?

- Die klaer word oor die resultaat in kennis gestel.
- 'n Aanbeveling word aan die Provinsiale Kommissaris of die uitvoerende hoof van die Metro Polisie Departement gestuur.
- 'n Kwartaalverslag word aan die Staande Komitee oor Gemeenskapsveiligheid bevorder oor die aanbevelings wat gemaak is.
- Indien die Ombud van mening is dat die klagte ernstig is, of dat dit deur 'n kommissie van ondersoek hanteer moet word, mag die Ombud aan die Premier aanbeveel dat 'n kommissie van ondersoek aangestel moet word.

8

Ander instellings waar klagtes teen die polisie ingedien kan word

8.1 Onafhanklike Polisie-ondersoekdirektoraat (OPOD)

Wat is die OPOD?

Die OPOD is in 2012 daargestel om die Onafhanklike Klagtesdirektoraat (OKD) te vervang. Die OPOD is 'n instelling wat onafhanklik van die Suid-Afrikaanse Polisie diens en Metro Polisie Departement werk om behoorlike polisie-optrede te bevorder en om effektiewe, onafhanklike en onpartydige ondersoeke na aantygings van polisie-kriminaliteit in te stel.

Wat is die verskil tussen die Ombud en die OPOD?

Die Ombud streef daarna om die effektiwiteit en doeltreffendheid van die polisie diens te bevorder en om verhoudinge tussen die polisie en die gemeenskappe te verbeter deur klagtes, rakende dienslewering, oor polisie-ondoeltreffendheid en/of 'n verbroekeling van verhoudinge tussen die polisie en enige gemeenskap te ondersoek. Die OPOD ondersoek aantygings van polisie-kriminaliteit.

Watter soort klagtes kan die OPOD aanvaar?

Die OPOD kan klagtes aanvaar oor die ernstigste gevalle van polisie-wangedrag en -kriminaliteit. Dit sluit in:

- enige sterftes in polisieaanhouding;
- sterftes weens polisie-optrede;

- enige klagte oor die afvuur van 'n amptelike vuurwapen deur enige beampte;
- verkragting van enige persoon terwyl daardie persoon in polisieaanhouding is; en
- enige klagte van marteling of verkragting deur 'n polisiebeampte.

Wie kan 'n klagte by die OPOD indien?

Enige persoon, hetsy as 'n slagoffer, getuie of verteenwoordiger, kan 'n klagte direk by die OPOD indien. Nie-regeringsondernemings en gemeenskapsgebaseerde ondernemings kan ook klagtes by die OPOD indien.

E-pos: WesternCape@ipid.gov.za

Tel: 021 941 4800

8.2 Burgerlike Polisie-sekretariaat

Wat is die Burgerlike Polisie-sekretariaat?

Elke provinsie het 'n Burgerlike Polisie-sekretariaat. Die sekretariate is daarvoor verantwoordelik om oorsig oor die SAPD te doen en die Minister van Polisie te steun.

Watter soort klagtes kan die Burgerlike Polisie-sekretariaat aanvaar?

Die Wes-Kaapse Burgerlike Polisie-sekretariaat vorm deel van die Wes-Kaapse Departement van Gemeenskapveiligheid en kan klagtes aanvaar oor: polisdienlewering, met inbegrip van klagtes oor die polisie wat nie terugvoer oor 'n saak gee nie; die polisie wat nie aan die eise van die Wet op Gesinsgeweld voldoen nie; of die polisie wat onbehoorlik optree.

Webwerf: www.policesecretariat.gov.za

Tel: 012 393 2500/2/3

Faks: 012 393 2536/8

8.3 Wes-Kaapse Departement van Gemeenskapveiligheid

Die Wes-Kaapse Departement van Gemeenskapveiligheid het 'n Eenheid vir Polisiërings-klagtes. Die eenheid hanteer dienslewering-klagtes wat deur lede van die publiek teen polisie-agentskappe, soos SAPD- en KMPD-beamptes, ingedien is.

E-pos: Policing.Complaints@westerncape.gov.za

Tel: 021 483 4332

Adres: Walestraat 35, 2de Vloer, Kaapstad

8.4 Suid-Afrikaanse Menseregtekommissie (SAMRK)

Wat is die SAMRK?

Die SAMRK is in 1995 daargestel om die Suid-Afrikaanse demokrasie te steun deur respek vir en huldiging en beskerming van die menseregte van elke persoon en gemeenskap in Suid-Afrika te bevorder. Die SAMRK het die mag om die handhawing van menseregte te monitor en te beoordeel, insluitend in verband met die SAPD en die MPD, en kan ondersoek instel, rapporteer en toepaslike stappe doen as menseregte geskend is.

Watter soort klagtes kan die SAMRK aanvaar?

Klagtes oor polisie-skendings van menseregte kan by die SAMRK ingedien word. Klagtes kan handel oor kwessies soos diskriminasie deur die polisie van enige aard (insluitend ras, geslag, sosiale status en nasionaliteit), of optrede deur die polisie wat teen die Wet of diskriminerend is en die menseregte skend wat deur die Suid-Afrikaanse Grondwet beskerm word. Sleutelregte wat beskerm word, sluit in:

- **Gelykheid:** Elkeen het die reg op gelyke beskerming en voordeel van die Wet, en die SAPD en MPD mag nie op enige gronde of om enige rede teen 'n persoon diskrimineer nie, insluitend ras, geslag, swangerskap, huwelikstatus, etnisiteit of sosiale oorsprong, velkleur, seksuele oriëntasie, ouderdom, gestremdheid, geloof, gewete, oortuigings, kultuur, taal of geboorte.
- **Menslike respek:** Om met respek behandel te word, insluitend deur die SAPD en MPD.
- **Lewe:** Om nie onregmatig van die lewe ontnem te word nie. Onregmatige polisie-optrede (soos 'n onregmatige polisie-skietery of die onregmatig dood van 'n persoon in aanhouding) wat tot die dood lei, kan 'n skending van die reg op lewe wees. Die OPOD het egter die mag om sterftes weens polisiekontak te ondersoek, en klagtes oor skendings van die reg op lewe moet in die eerste instansie by die OPOD ingedien word.
- **Vryheid en veiligheid van die persoon:** Die reg om nie vir 'n onregmatige of diskriminerende rede gearresteer of aangehou te word nie, en die reg op vryheid van polisiegeweld, aanhouding sonder verhoor, marteling of polisie-straf wat wreed, onmenslik of vernederend is.

- **Privaatheid:** Die polisie moet 'n wettige rede hê om 'n huis of eiendom te deursoek, op eiendom beslag te lê, of die privaatheid van 'n persoon se kommunikasie te skend.
- **Vergadering, betoging, linie-vorming en petisie:** Elkeen het die reg om vreedsaam en ongewapen te vergader, te betoog, 'n betoog linie te vorm en petisies te oorhandig, en daar is beperkings op die gebruik van geweld deur die SAPD en die MPD teen vreedsame en ongewapende betogers.

Webwerf: www.sahrc.org.za

E-pos: ssalie@sahrc.org.za

(Shafeeqah Salie, Opneembeampte)

Tel: 021 426 2277

Faks: 021 426 2875

Adres: 7de Vloer, ABSA-gebou, Adderleystraat 132, Kaapstad

8.5 Staatsdienskommissie (SDK)

Wat is die SDK?

Die SDK is in 1996 ingestel om alle staatsinstellings, insluitend die SAPD en MPD, vir korrupsie te ondersoek en te monitor. Die SDK het 'n verpligting om stappe te implementeer wat effektiewe en doeltreffende prestasie in die staatsdiens sal verseker, en om die waardes en beginsels van staatsadministrasie, soos in die Grondwet uiteengesit, deur die hele staatsdiens heen te bevorder.

Watter soort klagtes kan die SDK aanvaar?

Klagtes oor polisie-korrupsie kan by die SDK ingedien word. Polisie-korrupsie is 'n vorm van polisie-wangedrag waar die polisie vra vir 'n geskenk of guns, of dit ontvang (algemeen as 'omkoop' bekend) om verskeie redes wat uit hul spesiale posisie van mag en invloed spruit. Dit kan aktiwiteite insluit soos optrede in verband met 'n ondersoek of arres (of instemming om nie in verband met 'n misdryf op te tree nie), vrylating 'n persoon in aanhouding, die byvoeg of versteek van bewyse aan 'n aangeklaagde persoon, of beskerming van onwettige besigheid of aktiwiteite.

Webwerf: www.psc.gov.za

Antikorrupsie-lyn: 0800 701 701

8.6 Openbare Beskermer

Die Openbare Beskermer is 'n onafhanklike Hoofstuk 9-instelling. Die mandaat van die Openbare Beskermer is om grondwetlike demokrasie in Suid-Afrika te steun en te versterk. Die Openbare Beskermer het die mag om klagtes te aanvaar en om onbehoorlike optrede in staatsake te ondersoek, te rapporteer en reg te stel.

E-pos: suneg@pprotect.org

Tel: 021 423 8644

Faks: 021 423 8708

Adres: 4de Vloer, Walestraat 51, Kaapstad



Indlela yokufaka izikhalazo



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Intshayelelo

Le ncwadana, ilungiselelwe yi-Ombudsman yaseNtshona Koloni kunye ne-African Police Policing Forum (APCOF), malunga nokujongwa kwamapolisa eMzantsi Afrika. Ichaza indima ye-Ombudsman yaseNtshona Koloni ekujonganeni nezikhalazo ezimalunga nokunikezelwa kweenkonzo evela kwiNkonzo yamaPolisa aseMzantsi Afrika eNtshona Koloni kunye neSebe lesiPolisa laseKapa leMetro (i-Cape Town Metro Police Department).

Le ncwadana ichaza indima ebalulekileyo nenxaxheba yemibutho yokujongana ne-Ombudsman yeNtshona Koloni eyidlalayo ukuqinisekisa ukuba amapolisa enza imisebenzi yawo ngokusemthethweni nangobungcali. Ikwabonelela ngolwazi malunga nendlela yokusebenzisa iiofisi ze-Ombudsman zaseNtshona Koloni ukuba wenze isikhalazo malunga neNkonzo yamaPolisa okanye iPolisa likaMetro.

Ukufumana ulwazi olungakumbi malunga ne-Ombudsman yaseNtshona Koloni:

Iwebhusayithi: www.westerncape.gov.za/police-ombudsman

Inombolo: 021 483 0669

Ifeksi: 021 483 0660

2

Malunga neNkonzo yamaPolisa aseMzantsi Afrika

Inkonzo yamaPolisa aseMzantsi Afrika yasungulwa ngo-1995. Amagunya e-SAPS aqulethwe kuMgaqo-siseko woMzantsi Afrika kunye noMthetho weNkonzo yamaPolisa aseMzantsi Afrika ka-1995. Xa kufundwa kunye, zinika amapolisa amagunya oku:

- ukuthintela, ukulwa nokuphanda ulwaphulo-mthetho;
- ukugcina uluntu lukhuselekile;
- ukukhusela abantu abahlala eMzantsi Afrika, nokukhusela impahla yabo; kwaye
- ukuxhasa nokunyanzelisa umthetho.

Okubaluleke kakhulu, kukuba amapolisa kufuneka axhase kwaye agxininise umthetho. Oku kuthetha ukuba zonke izenzo zamapolisa kufuneka zivumeleke kwaye zingacalucaluli nawuphi na umntu nangasiphi isizathu. Ukuba amapolisa aphula umthetho, kufuneka alawulwe ngamanyathelo amatyala okanye abekwe ityala.

Umbono kunye nomsebenzi we-SAPS uthetha kumsebenzi wayo, kungekhona nje ukufumanisa nokuphanda ulwaphulo-mthetho, kodwa ukudlala indima ekukhuselweni kolwaphulo-mthetho nakukhuseleko loluntu. Inkonzo iyazama uku:

3

Ngokuphathelele kwiSebe lesiPolisa laseKapa leMetro)

Abanye oomasipala, kuquka ooMasipala amambaxa, owaseRhawutini, eTshwane, eKapa naseThekwini, baneenkono zamapolisa ezisebenza ngokwahlukil eyo kwi-SAPS. Amasebe amapolisa aseMetro (ii-MPDs) anembopheleleko yeendlela ezilandelayo zobupolisa:

- ukujonga imithetho yezendlela;
- ukunyanzelisa imithetho kamasipala nemimiselo; kwaye
- ukuthintela ulwaphulo-mthetho.

I-CTMPD ayiyi kuphanda ulwaphulo-mthetho. Ukuba igosa leCTMPD libamba umntu, elo gosa kufuneka ukuba lidlulisele umangalelwa eluvalelweni lwe-SAPS ngokukhawuleza. Ngale ndlela, i-CTMPD kufuneka ukuba isebenzisane ne-SAPS.

4

Ukubaluleka kokonganyelwa kwamapolisa

Yintoni ukonganyelwa kwamapolisa? Amagosa asebupoliseni awakho ngaphezu komthetho. Asebenza kwaye aphile ngemithetho efanayo ekufunekayixhase.

Amapolisa anendima ebalulekileyo yokudlala ekufumaneni nasekuphandweni kolwaphulo-mthetho. Amagosa anikwe amagunya akhethekileyo ukuba amise abantu aze abakhangele, aze abambe abarhanelwa, kwaye basebenzise amandla. Nangona kunjalo, umthetho waseMzantsi Afrika ubeka umda kwiimeko apho amapolisa anelungelo lokusebenzisa la magunya. Le miqathango ikhusela amalungelo abarhanelwa, uluntu kunye namapolisa. Imida ebekwe kwigunya lomgaqo-nkqubo ibandakanya ukuba:

- Amandla asetyenziswa kuphela xa kufuneka;
- Amandla abulalayo asetyenziswa kuphela ekuzikhuseleni okanye ekukhuseleni abanye; kwaye
- izigqibo zokumisa, ukugqogqa, ukubanjwa kunye nokugcinwa zenziwe kuphela xa zihambelana nomthetho kwaye zingasekelwanga kucalucalulo nokuba lololupho na uhlobo.

Amapolisa awavumelekanga ukuba athuthumbise abarhanelwa, abandakanyeke kwiizenzo zorhwaphilizo kunye nokusebenzisa kakubi igunya lawo.

Anembopheleleko yokuphatha abarhanelwa, amangqina kunye namaxhoba ngesidima nangentlonipho.

Ngubani obeke iliso kwizenzo zamapolisa?

UMzantsi Afrika unee-arhente eziliqela zokufumana izikhalazo kwaye zenze uphando ukuba ngaba amapolisa asebenza ngokungekho mthethweni okanye ngokungenangqiqo.

Ezinye i-arhente - njenge-Ombudsman yamaPolisa aseNtshona Koloni, Icandelo Elizimeleyo loPhando lwamaPolisa (IPID), iKhomishoni yamaLungelo oLuntu eMzantsi Afrika (i-SAHRC), i-Ofisi yoLuntu ngokuLawulwa kwamaPolisa, uMkhuseli woLuntu kunye neKomishoni yeNkonzo kaRhulumente-zinamandla okufumana izikhalazo nokuphanda ukuziphatha kakubi kwamapolisa. Ezinye, njengeKomiti yamaPolisa ePalamente, zijongana nenkxalabo eqhubekayo malunga nokusebenza kwamapolisa ngokuphononongwa rhoqo kwiingxelo zamapolisa yonyaka kunye nohlahlo lwabiwo mali.

Le ncwadana inikezela ngenkcazelo malunga ne-Ombudsman yeNtshona Koloni kunye nezinye ii-arhente ezinegunya lokufumana nokuphanda izikhalazo ezibhekiselele kumapolisa.

Ngokubambisana, ezi arhente zolawulo ziqinisekisa ukuba amagosa asebupoliseni awazenzeli inzuzo engekho mthethweni ngokusebenzisa isigxina sawo ukuze ophule umthetho, abambe ngokungenangqiqo okanye ukucalucalula nawuphi na umntu nangasiphi isizathu. Ukuba amapolisa 'ayaphendula,' kwaye imisebenzi engekho

mthethweni okanye engenangqiqo ngamapolisa iyafunyanwa, kuhlawuliswe abanetyala kwaye ilungiswe zezi arhente, iya kukhuthaza ukuthenjwa kwamapolisa ngabantu basekuhlaleni.

5

Ukwenza isikhalazo kumapolisa

Ukubethelela ngqo kumapolisa:

Ukuba umntu ufuna ukubeka isikhalazo malunga nokuziphatha kwamapolisa, kwaye loo mntu uzive eqinisekile kwaye ekhuselekileyo ekuxeleleni amapolisa ngokuthe ngqo ngeso sikhalazo, i-SAPS kunye neCTMPD zombini zimele zibe namaqonga angaphakathi okufumana nokuphanda izikhalazo ezivela kuluntu.

5.1 INkonzo yamaPolisa aseMzantsi Afrika (SAPS)

I-SAPS inamaqonga ayo angaphakathi okujongana nezikhalazo malunga nokungaziphathi kakuhle kwamapolisa, kubandakanya ulwaphulo-mthetho ngamapolisa, ukuxhaphaza okanye urhwaphilizo. Izikhalazo zingenziwa kumphathi wesitishi ophethe isikhululo samapolisa apho lisebenza khona igosa ofuna ukwenza isikhalazo nxamnye nalo lisebenza khona. Ungaya nakwisikhululo samapolisa esikwingingqi enye ukuze uvule ityala nxamnye namapolisa. Ukuba akukho ntsebenziswano, isikhalazo singanyuselwa kuMkomishala weSAPS eNtshona Koloni.

Izikhhalazo zingenziwa kwakhona kummeli weQonga loLuntu namaPolisa kwisikhululo samapolisa esifanelekileyo. Enye yeendima zeQonga loLuntu namaPolisa kukulandela izikhhalazo kumlawuli wesitishi kunye nokubonelela abanezikhhalazo ngoncedo nenkxaso.

linkcukacha zoqhagamshelwano kuzo zonke izikhululo zeSAPS ziyafumaneka kwi:

Iwebhusayithi: www.saps.gov.za

Inombolo: 021 417 7100

*Idilesi: ISebe lePhondo leNtshona Koloni le-SAPS,
25 Alfred Street, Greenpoint, eKapa*

5.2 Isebe laMapolisa eMetro (MPD)

I-Ngokufanayo neSAPS, iCTMPD nayo inamaqonga angaphakathi okujongana nezikhhalazo ezimayela nokungaziphathi kakuhle kwamapolisa kuquka izezo zolwaphulo mthetho ngamapolisa, ukuxhaphaza okanye urhwaphilizo.. Abantu banokufaka isikhhalazo malunga negosa kumphathi weSebe lesiPolisa laseKapa. Ukuba isikhhalazo siquka ukuvula ityala lolwaphulo-mthetho (njengokuba i-MPD ingenzi uphando ngolwaphulo-mthetho), umcimbi kufuneka uxelelwe kwisikhululo samapolisa esikufutshane.

INtshona Koloni inomasisipala oyintloko kuphela, iSebe lamaPolisa eMetro yaseKapa:

Iwebhusayithi: www.capetown.gov.za

Inombolo: 021 480 7700

Ukukhalaza kwi-arhente yolawulo

Ukuba isikhalazo esixelwe kwisikhululo samapolisa okanye kumkomishala wamapolisa wephondo, khangе kubekho nto yenziwayo ngaso, abakhalazi bamele baye kwii-arhente zangaphandle.

Izikhhalazo malunga **nokuziphatha kakubi okunzulu kwamapolisa kunye nezenzo zolwaphulo-mthetho**, zibandakanywa nokufa eluvalelweni lwamapolisa okanye ngenxa yezenzo zamapolisa, ukudubula umpu osemthethweni ligosa, ukudlwengula, ukuthuthunjiswa nokubethwa (ngexesha esenza imisebenzi yabo):

Icandelo Elizimeleyo loPhando amaPolisa

Iwebhusayithi: www.ipid.gov.za

Imeyile: WesternCape@ipid.gov.za

Inombolo: 021 941 4800

Izikhhalazo ezimayela nokophulwa kwamalungelo oluntu:

IKomishoni yamaLungelo Oluntu eMzantsi Afrika

Imeyile: ssalie@sahrc.org.za

Inombolo: 021 426 2277

Ifeksi: 021 426 2875

Izikhhalazo malunga norhwaphilizo lwamapolisa:

IKomishoni yeNkonzo kaRhulumente

Iwebhusayithi: www.psc.gov.za

Ifowni yeLizwe eLwa Norhwaphilizo

Inombolo: 0800 701 701

I-Ombudsman yaseNtshona Koloni

7.1 Ngokumalunga ne-Ombudsman yaseNtshona Koloni

I-Ombudsman yaseNtshona Koloni ifuna ukuphucula ukusebenza kakuhle kweenkonzo zamapolisa kunye nokuphucula ubudlelwane phakathi kwamapolisa noluntu ngokuphanda izikhalazo zokungasebenzi kakuhle kweenkonzo zamapolisa/okanye ukuqhawuka kobudlelwane phakathi kwamapolisa kunye noluntu. I-Ombudsman yaseNtshona Koloni liqumrhu elingakhethiyo kwaye elizimeleyo elimiselwe ngokweCandelo 206 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika (uMthetho 108 ka-1996). I-Ombudsman kunye nabasebenzi be-Ombudsman banikezela inkonzo yabo ngokuzimeleyo nangokungakhethi, kwaye benza imisebenzi yabo ngentembelo, ngaphandle kokweyika, ukukhetha, ukunyanzelisa okanye ukubandlulula, ngokusekelwe kuMgaqo-siseko kunye nomthetho. I-Ombudsman kunye nabasebenzi be-Ombudsman bahlala begcina imfihlo malunga naluphina ulwazi olufunyenweyo.

7.2 Igunya le-Ombudsman leNtshona Koloni

Igunya elisemthethweni le-Ombudsman lithathwe kwiCandelo 206 (3) loMgaqo-siseko. Eli candelo libonelela ukuba iphondo ngalinye linelungelo lokubeka iliso ukuziphatha kwamapolisa; ukujongana nokusebenza kakuhle nokusebenza ngokufanelekileyo kweenkonzo zamapolisa, kuquka ukufumana iingxelo ngeenkonzo

zamapolisa; ukukhuthaza ubudlelwane obuhle phakathi kwamapolisa noluntu; ukuvavanya ukusebenza kobupolisa obubonakalayo; kunye nokuqhagamshelana nelungu leKhabhinethi elinoxanduva lobupolisa ngokubhekiselele kulwaphulo-mthetho kunye nezobupolisa kwiphondo.

Isahluko 8 somGaqo-siseko weNtshona Koloni sichaza imisebenzi yobupolisa baseNtshona Koloni. Icandelo 66 (1) loMgaqo-siseko weNtshona Koloni linikezela ukuba urhulumente waseNtshona Koloni unelungelo lokubeka iliso ukuziphatha kwamapolisa; ukuvavanya ukusebenza kobupolisa obubonakalayo; ukujongana nokusebenza kakuhle nokusebenza ngokufanelekileyo kweenkonzo zamapolisa, kuquka ukufumana iingxelo ngenkonzo zamapolisa; ukukhuthaza ubudlelwane obuhle phakathi kwamapolisa noluntu; kunye nokuqhagamshelana nelungu leKhabhinethi elijongene nokuphathwa kwamapolisa ngokubhekiselele kulwaphulo-mthetho kunye nezobupolisa eNtshona Koloni.

Imisebenzi ye-Ombudsman ichazwe kwiCandelo 15 loMthetho woKhuseleko loLuntu lwaseNtshona Koloni. Ngokweli candelo, i-Ombudsman kufuneka:

- yamkele kwaye inokuphanda izikhalazo malunga nokungaphumeleli kwamapolisa okanye ukuphazamiseka kobudlelwane phakathi kwamapolisa kunye namalungu oluntu; kwaye
- enze enye imisebenzi eyabelwe yona phantsi koMthetho woKhuseleko loLuntu lwaseNtshona Koloni.

7.3 7.3 Umbono we-Ombudsman weNtshona Koloni

Uluntu lwaseNtshona Koloni apho kukho intlonipho kunye nentembelo phakathi kwabantu kunye namapolisa.

7.4 7.4 Injongo ye-Ombudsman yaseNtshona Koloni

Ukungakhethi nokuphanda ngokuzimeleyo ize izame ukucombulula izikhalazo nxamnye nokungasebenzi kakuhle kwamapolisa/ukuqhawuka kolwalamano lwamapolisa kunye noluntu nokuba lolweyiphi indawo.

7.5 Imilinganiselo ye-Ombudsman yeNtshona Koloni

- Ingqibelelo
- Ukuthenjwa
- Ukuphendula
- Ukulingana
- Umgamgatho
- Uzinikelo
- Intsebenziswano
- Uvelwano

7.6 Iintlobo zezikhalazo ezamkelwa yi-Ombudsman

Izikhalazo malunga nezenzo zolawulo, iinkqubo kunye nezenzo ezibhekiselele kwi-SAPS eNtshona Koloni kunye neCTMPD, njengale:

- ukungabikho koqhagamshelwano kunye nommangali/ixhoba;
- ukuhanjiswa kakubi kweenkonzo;

- unxibelelwano olubi;
- uphando olungekho mgangathweni;
- ukuziphatha okungamkelekanga;
- ukusilela ukuziphatha ngendlela efanelekileyo okanye enobulungisa;
- ukungaphumeleli ukulandela iinkqubo ezichanekileyo;
- ukungananzwa kwemigaqo yeBatho Pele; kwaye
- ukungaphumeleli ukuphendula kumbuzo, isikhalazo okanye enye incwadi.

I-Ombudsman ayifumani izikhalazo malunga nokunyanzeliswa komthetho kamasipala kunye neenkondo zezendlela.

7.7 Ngubani ongabhalisa isikhalazo?

- Amalungu oluntu, kuquka nabantu bangaphandle kwelizwe kunye nabakhenkethi abatyelele iNtshona Koloni abangenelisekanga ngenkonzo efunyenwe kwiNkonzo yamaPolisa aseMzantsi Afrika okanye iiNkonzo zamaPolisa kaMasipala;
- naliphi na ilungu lePalamente yePhondo leNtshona Koloni;
- imibutho yoluntu; kunye
- naliphi na isebe okanye intlangano.

7.8 Ngaba umntu okanye intlangano engaphandle kwePhondo leNtshona Koloni ingabhalisa isikhalazo kwi-Ombudsman yaseNtshona Koloni?

I-Ombudsman yeNtshona Koloni iphanda izikhalazo zangaphakathi kwePhondo leNtshona Koloni. Umntu otyelela iphondo angabhalisa isikhalazo nxamnye

namapolisa kwi-Ombudsman ngesiganeko esichaphazela esinye sezikhululo zamapolisa eNtshona Koloni.

7.9 Ngaba umntu ohlala eNtshona Koloni angabhalisa isikhalazo kumapolisa ngesiganeko esenzeke kwelinye iphondo?

Hayi. Igunya le-Ombudsman libhekiselele kuphela kumapolisa asebenza kwiPhondo leNtshona Koloni.

7.10 Umntu angasibhalisa njani isikhalazo?

Izikhhalazo zingeniswa nge:

- umnxeba: 021 483 0669;
- Ifeksi: 021 483 0660;
- i-imeyile: ombudsman@wcpo.gov.za;
- iposi ebhalisiweyo: ummangali kufuneka agcine ubungqina bokuba isikhalazo sithunyelwe;
- kwi-Intanethi: kwiwebsite ye-Western Cape Police Ombudsman www.westerncape.gov.za/police-ombudsman/lodge-complaint (Gcwalisa isiHlomelo A ifomu 1 efumaneka ngesiNgesi, isiBhulu nesiXhosa); okanye
- ukutyelela kwiiofisi ze-Ombudsman: 80 St Georges Mall, kumgangatho wesi-6, kwisakhiwo saseWaldorf, eKapa (umnyango wethu ungaphesheya kwa-Edgars); iiyure zeofisi: ngoMvulo ukuya ngoLwesihlanu 07: 00–16: 00 (ngaphandle kweeholide zikawonkewonke).

Isikhalazo kufuneka sichaze:

- Igama, isazisi okanye inombolo yepaspoti kunye neenkukacha zoqhagamshelwano zokhalazayo, ukuba ziyafumaneka;
- uhlobo lwesikhalazo;
- umhla kunye nendawo yeso siganeko;
- inkcazelo yesiganeko kunye nezizathu apho ummangali ekholelwa ukuba isikhalazo kufuneka siphandwe;
- igama lalo nawuphi na umphathi wamapolisa ochaphazelekayo kwimeko okanye umba, ukuba uyaziwa ngummangali;
- igama lesikhululo samapolisa, ukuba kuyimfuneko;
- amagama kunye nedilesi, ukuba zikhona, nawuphi na umntu onokunika ulwazi olufanelekileyo kwisikhalazo;
- inkcazelo ngezinye iindlela ummangali azisebenzisileyo kwisigqibo sokusombulula isikhalazo;
- iinkcukacha zomntu obandakanyekayo kwiinzame zokusombulula isikhalazo; kunye
- naziphi na iinkcukacha ezifanelekileyo okanye amaxwebhu angasetyenziswa ngexesha lophando.

Abakhalazi mabaqinisekise ukuba banikela ngolwazi olwaneleyo kwisikhalazo njengamagama abantu abaye bajongana nabo.

COMPLAINT FORM

Details of Complainant			
Surname			
Full First Names			
Identity / Passport Number			
Residential Address			
Postal Address			
Home Tel No		Work	
Cell		Fax	
Email			
How do we contact You? (Please tick one)			
Telephone	Email	Fax	Letter

Details of the service delivery complaint (Attach further pages if more space is required.)

1. Please state the date and time of the incident.

Date: _____ **Time:** _____

2. Please state at which police station the incident occurred? Please include a case number if available.

3. Please provide a short explanation of the complaint and why you believe the complaint should be investigated.

4. Provide the names and addresses of any other person who can provide information relevant to the complaint.

5. Have you tried to resolve your complaint with any of the organisations listed herein below:
Please select all the relevant options from the list below:

- SAPS Investigating Officer
- Station Commander
- SAPS Management Intervention
- SAPS Provincial Office
- The Public Prosecutor
- IPID
- Any other mechanism? _____

6. What was the outcome of your engagement with your answer to Question 5?

7. Please share your expectations from this office?

I, the complainant whose details are provided above, confirm that the information provided by me is to the best of my knowledge true and correct.

Signature:

Date:

For official use: Method of Receipt: (Please tick one)

Walk In	Telephone	E-Mail	Fax	Written Correspondence
Assigned to				
Referred by				

7.11 Yintoni umntu/ummangali ofaka isikhalazo egameni lentlangano amele ayizise?

Dlulisa ubungqina obubhaliweyo bokuba ungumntu ogunyazisiweyo kunye nokuthunyelwa ukuba ufake isikhalazo egameni lentlangano, isebe, intlangano yoluntu okanye umbutho.

7.12 Kwenzeka ntoni xa isikhalazo sifakwa?

- I-Ombudsman kufuneka ivume ukuba isifumene isikhalazo esithunyelwe kwi-Ofisi ye-Ombudsman.
- Xa ifumene isikhalazo, i-Ombudsman kufuneka iqwalasele enoba isikhalazo siwa phantsi kweSigaba 16 (1) okanye (2) soMthetho woKhuseleko loLuntu lwaseNtshona Koloni.
- Nasiphi isikhalazo okanye umbandela walo ungathunyelwa ngokubhaliweyo yi-Ombudsman kwigunya elifanelekileyo okanye iqumrhu enokukwazi ukujongana nesikhalazo.
- Ummangali kufuneka aziswe ngokubhaliweyo nyi-Ombudsman ngokudluliselwa kwesikhalazo kwigunya elifanelekileyo okanye iziko.
- Ukuba isikhalazo siphandwa yi-Ombudsman, ummangali kufuneka aziswe ngokubhaliweyo yi-Ombudsman ukuba isikhalazo sakhe siphando ngophasiphandwa ngumphandi aze anikezele ngegama kunye neenkukacha zoqhagamshelwano zegosa eliphanda.
- I-Ombudsman imele ithumele isaziso esibhaliweyo kwintloko ye-CTMPD ebandakanyekileyo okanye kumkomishinala wamapolisa e-SAPS ephondweni,

ukuba kuyimfuneko, emazisa ngophando njengoko lcelandelo 17 loMthetho Wokhuseleko Woluntu eNtshona Koloni usitho, aze ameme inkonzo yamapolisa ebandakanyekileyo ukuba ichazele i-Ombudsman ngezimvo zayo ezibhaliweyo mayela nesikhalazo ngaphambi kokuphela kwexesha lokwazisa elichaziweyo.

7.13 I-Ombudsman ithatha ixesha elingakanani ukuphanda?

I-Ombudsman isombulula izikhalazo ngokukhawuleza okunokwenzeka.

7.14 Yintoni eyenziwa yi-Ombudsman emva kophando?

- Ummangali uyaziswa ngesiphumo.
- Ingcebiso ithunyelwa kumkomishinala wephondo okanye kwintloko yecandelo lamapolisa elifanelekileyo.
- Ingxelo yekota ikhutshwe kwiKomiti ePhezulu yoKhuseleko loLuntu malunga neengcebiso ezenziweyo.
- Ukuba ngokoluvo lwe-Ombudsman isikhalazo sinzulu kakhulu okanye simele sijongwe yikomiti yophando, i-Ombudsman ingacebisa ukuba inkulumbuso imisele ikomiti yophando.

Amanye amaziko apho izikhalazo malunga namapolisa zingeniswa khona

8.1 Icandelo Elizimeleyo loPhando lwamaPolisa

Yintoni i-IPID?

I-IPID yasungulwa ngo-2012 ukuba ithathe indawo yeCandelo eliPhezulu leZikhalazo (ICD). I-IPID yintlangano esebenza ngokuzimeleyo kwiNkonzo yamaPolisa aseMzantsi Afrika kunye neSebe lamapolisa eMetro ukukhuthaza ukuziphatha kakuhle kwamapolisa nokuqhuba uphando olusebenzayo, oluzimeleyo nolungakhethiyo malunga nezityholo zolwaphulo-mthetho ngamapolisa.

Yintoni umahluko phakathi kwe-Ombudsman kunye ne-IPID?

I-Ombudsman yaseNtshona Koloni ifuna ukuphucula ukusebenza kakuhle nokusebenza ngokufanelekileyo kweenkonzo zamapolisa kunye nokuphucula ubudlelwane phakathi kwamapolisa noluntu ngokuphanda izikhalazo zamapolisa angasebenzi ngokufanelekileyo/okanye ukuqhawuka kobudlelwane phakathi kwamapolisa kunye baphi na abantu. I-IPID iphanda izityholo zolwaphulo-mthetho ngamapolisa.

Ziziphi na izikhalazo ezingayifumana i-IPID?

I-IPID inokufumana izikhalazo malunga neemeko ezinzulu kakhulu zokuphatha kakubi kwamapolisa kunye nezenzo zolwaphulo-mthetho. Oku kubandakanya:

- nakuphi ukufa eluvalelweni lwamapolisa;
- ukufa ngenxa yezenzo zamapolisa;
- nasiphi isikhalazo esiphathelene nokudutyulwa kompu osemthethweni ligosa lamapolisa;
- ukudlwengulwa kwakhe nawuphi umntu ngelixa evalelwe ngamapolisa; kwaye
- nasiphi isikhalazo sokubethwa okanye ukuthuthunjiswa ngamapolisa ngethuba ephumeza imisebenzi yawo.

Ngubani ongenza isikhalazo kwi-IPID?

Nabani na, njengalowo ulixhoba, ingqina okanye ummeli, unokukwenza isikhalazo ngqo kwi-IPID. Imibutho engekho ngaphantsi kukarhulumente kunye nemibutho yasekuhlaleni ingafaka izikhalazo kwi-IPID.

I-imeyile: WesternCape@ipid.gov.za

Inombolo: 021 941 4800

8.2 I-Ofisi yoLuntu ngokuLawulwa kwamaPolisa

Yintoni i-Ofisi yoLuntu ngokuLawulwa kwamaPolisa?

Kwiphondo ngalinye kukho i-Ofisi yoLuntu ngokuLawulwa kwamaPolisa. Ezi ofisi zinoxanduva lokuvelela i-SAPS kunye nenkxaso kuMphathiswa wamaPolisa.

Ziziphi izikhalazo ezinokufunyanwa yi-Secretariat of Police?

I-Ofisi yoLuntu ngokuLawulwa kwamaPolisa ikwiSebe lezoKhuseleko loLuntu kurhulumente weNtshona Koloni, iyakwazi ukufumana izikhalazo malunga: ukuhanjiswa

kweenkonzo zamapolisa, ezibandakanya izikhalazo malunga namapolisa oyisakala kukunika ingxelo kwityala; Amapolisa angahambisani neemfuno zoMthetho woLwaphulo Mthetho lwasekhaya; okanye ukuziphatha okungalunganga. Unobhala unokuphanda izikhalazo kwaye, ukuba igosa lepolisa lifunyaniswa linetyala lokungaziphathi kakuhle, loo ngxelo ingathunyelwa uKhomishinala wePhondo okanye i-SAPS.

Iwebhusayithi: www.policesecretariat.gov.za

Inombolo: 012 393 2500/2/3

Ifeksi: 012 393 2536/8

8.3 Isebe lezoKhuseleko loLuntu eNtshona Koloni

ISebe lezoKhuseleko loLuntu eNtshona Koloni lineCandelo lezoKhalazo ngamaPolisa. Eli candelo lijongene nezikhalazo zonikezelo lwenkonzo ezifakwe ngamalungu oluntu kumalungu e-arhente yamapolisa, njengama-SAPS kunye namagosa e-CTMPD.

I-imeyile: Policing.Complaints@westerncape.gov.za

Inombolo: 021 483 4332

Idilesi: 35 Street Wale, Floor 2, eKapa

8.4 IKomishoni yamaLungelo Oluntu eMzantsi Afrika

Yintoni iSAHRC?

I-SAHRC yasungulwa ngo-1995 ukuxhasa intando yesininzi yaseMzantsi Afrika ngokukhuthaza ukuhlonitshwa,

ukugcinwa, nokukhuselwa kwamalungelo abantu bonke kunye noluntu eMzantsi Afrika. I-SAHRC inegunya lokubeka iliso nokuvavanya ukugcinwa kwamalungelo oluntu, kubandakanywa ne-SAPS kunye ne-MPD, kwaye iyakwazi ukuphanda, ixele, ize ithathe amanyathelo afanelekileyo apho amalungelo abantu aphulwa khona.

Ziziphi izikhalazo ezingafunyanwa yiSAHRC?

Izikhalazo malunga nokuphulwa kwamalungelo oluntu ngamapolisa zinokwenziwa kwi-SAHRC. Izikhalazo zingenziwa kwimibandela enjengokucalulwa ngamapolisa nokuba kungasiphi isizathu (kubandakanya ubuhlanga, isini, isimo sokuhlala nobuzwe), okanye ukuziphatha kwamapolisa okuchasene nomthetho okanye okucalucalulayo kwaye unempembelelo kumalungelo oluntu akhuselekile siseko siseko waseMzantsi Afrika. Amalungelo akhuselweyo angundoqo aquka:

- **Ukulingana:** Wonke umntu unelungelo lokukhuselwa ngokulinganayo kunye nenzuzo yomthetho, kwaye i-SAPS kunye ne-MPD azivunyelwanga ukucalucalula umntu ngangasiphi isizathu okanye nayiphi imeko, kubandakanya ubuhlanga, isini, isondo, ukukhulelwa, isimo somtshato, ubuhlanga okanye imvelaphi yentlalo, umbala, indlela yokuthandana, ubudala, ukukhubazeka, unqulo, isazela, inkolelo, inkcubeko, ulwimi okanye ukuzalwa.
- **Isidima sabantu:** Ukuphathwa ngendlela ehloniphekileyo, kuquka i-SAPS kunye ne-MPD.
- **Ubomi:** Ukuziphatha kwamapolisa okungekho mthethweni (okufana namapolisa adubula umntu ngokungekho mthethweni okanye ukufa kontu

eluvalelweni ngokungekho mthethweni) okuphumela ekufeni, kungakukunyhasha ilungelo lobomi. Sekunjalo, i-IPID inegunya lokuphanda ukufa okubangelwa ngamapolisa, yaye izikhalazo malunga nokunyhashwa kwelungelo lokuphila zimele ziqale zenziwe kwi-IPID.

- **Inkululeko nokhuseleko lomntu:** Ilungelo lokungabanjwa okanye uvalelwe ngesizathu esingekho mthethweni okanye socalucalulo, namalungelo okukhululeka kubundlobongela bamapolisa, ukugcinwa eluvalelweni ngaphandle kokuthethwa kwetyala, ukungcungcuthekiswa, okanye ukohlwaywa ngamapolisa ngendlela yenkohlakalo, engabafanelanga abantu okanye ehlazisayo.
- **Ubumfihlo:** Amapolisa kufuneka abe nesizathu esisemthethweni sokugqogqa ikhaya okanye impahla, ukubamba ipropati okanye ukuphulaphula ubumfihlo bezonxibelelwano zomntu.
- **INDIBANO:** uqhankqalazo kunye nesicelo: Wonke umntu unelungelo lokuhlangana kunye noxolo kwindibano engenazixhobo, ukuqhankqalaza, kunye nokucenga, kwaye kuthintelwe ukusebenzisa amandla yi-SAPS kunye ne-MPD malunga nabaqhankqalazi abanoxolo nabangenakho ukulwa.

Iwebhusayithi: www.sahrc.org.za

Imeyile: ssalie@sahrc.org.za (Shafeeqah Salie, iGosa leZikhalazo Ezingenayo)

Inombolo: 021 426 2277

Ifeksi: 021 426 2875

Idilesi: Umgangatho we-7 kwi-ABSA Building,
132 I-Adderley Street, eKapa

8.5 IKomishini yeNkonzo kaRhulumente

Ngubani i-PSC?

I-PSC yasungulwa ngo-1996 ukuphanda nokubeka iliso zonke iinkonzo zikawonke-wonke, kubandakanya ii-SAPS kunye ne-MPD, ngorhwaphilizo. I-PSC inembopheleleko yokukhuthaza amanyathelo azakuqinisekisa ukusebenza kakuhle nokusebenza ngokufanelekileyo ngaphakathi kumasebe karhulumente, nokukhuthaza ukusetyenziswa kwemigangatho nemigaqo yoluntu njengoko kuchaziwe kuMgaqo-siseko, kuzo zonke iinkonzo yoluntu.

Ziziphi izikhalazo ezingena kwi-PSC?

Izikhalazo malunga norhwaphilizo lwamapolisa zinokufakwa kwi-PSC. Urhwaphilizo lwamapolisa luhlobo lokungaziphathi kakuhle kwamapolisa apho amapolisa afuna, okanye afumana isipho okanye isaphulelo (ngokuqhelekileyo eyaziwa ngokuthi 'isinyobo') ngazo naziphi na izizathu ezimayela nesigxina sawo segunya nokukwazi ukuphemelela. Oku kungaquka izinto ezifana nesenzo mayela nophando okanye ukubamba umntu (ukuvuma ukungenzi nto xa kwaphulwe umthetho), ukukhulula umntu eluvalelweni, ukongeza okanye ukufaka ubungqina ngakumranelwa okanye ukukhusela ishishini nezenzo ezingekho mthethweni.

Iwebhusayithi:

www.psc.gov.za

Umnxeba onxamnye norhwaphilizo: 0800 701 701

8.6 uMkhuseli woLuntu

Umkhuseli Woluntu liziko Elizimeleyo elimiselwe ngokweSahluko 9 soMgaqo Siseko. Umsebenzi Womkhuseli Woluntu, kukuxhasa nokomeleza intando yesininzi eMzantsi Afrika. Umkhuseli Woluntu unamagunya okufumana izikhalazo, ukuphanda, ukunika ingxelo nokulungisa ukuziphatha okungafanelekanga kwimiba yaseburhulumenteni.

I-imeyile: suneg@pprotect.org

Inombolo: 021 423 8644

Ifekisi: 021 423 8708

Idilesi: Umgangatho wesine, 51 Street Wale, Kapa

Western Cape
Police



ombudsman

ISBN: 9781928332503



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