

STANDING ORDER (GENERAL) 101

THE MANAGEMENT OF COMPLAINTS AGAINST THE SOUTH AFRICAN POLICE SERVICE

1. Background

The purpose of this order is to regulate the management of *complaints* against the Service.

This order regulates the management processes and practices relating to *complaints* against the Service or any of its employees.

2. Definitions

In this Instruction, unless the context otherwise indicates, –

- (a) “*business unit*” refers to the division, province, component, section, cluster station, police station or unit and includes any other organizational structure in the Service;
- (b) “*complaint*” means a complaint by a person who is dissatisfied or disappointed as a result of the action or inaction by a member or employee of the Service;
- (c) “*complainant*” means any person, organization or institution who is dissatisfied or disappointed as a result of the action or inaction by a member or employee of the Service;
- (d) “*complaint file*” means a Z 20 file used to file all documents relating to a *complaint* which is registered on the SAPS Registry Management and Crime Administration Systems;
- (e) “*investigator*” means a member of the Service designated to investigate the *complaint*;
- (f) “*place of origin*” refers to the a *business unit* within the structure of the Service where the *complaint* originated (where the service which is the basis of the *complaint* was provided or not provided).

3. Database

An electronic database must be kept at the *business unit* which keeps record of the registration, assignment and closure of all *complaints* lodged against the Service at the *business unit*. The database must be utilized to analyse *complaints*. The database must at least reflect the following elements:

- (a) date on which the *complaint* was received;
- (b) name of the *complainant*;
- (c) contact details of the *complainant*;
- (d) nature and classification of the *complaint*;

- (e) name and contact details of the *investigator*, and
- (f) the outcome of the investigation.

4. Categories of complaints

Complaints need to be categorized to facilitate the analysis thereof. The following are the categories of *complaints* managed in the Service:

- (a) service delivery *complaints* from members of the community;
- (b) service delivery *complaints* from employees of the Service and
- (c) internal employment relations *complaints* from employees of the Service which cannot be dealt with through the applicable grievance procedure.

5. Complaints Management Process

(1) Registration of a *complaint*

- (a) If a *complaint* is lodged, the member receiving the *complaint* must ensure that the *complaint* is immediately registered. If a *complaint* is about another *business unit*, the commander of the *business unit* who received it must ensure that it is forwarded to the relevant *business unit*. The member receiving the *complaint* must ensure that a written acknowledgement of receipt of the *complaint* is provided to the *complainant*.
- (b) The *complaint* must be recorded in a register or *database* kept for this purpose.
- (c) The reference number of the *complaint* must clearly identify the *complaint* in terms of its nature, classification, *station* of origin and province.
- (d) After registration, the commander of the *business unit* who received the *complaint* must ensure that the *complaint* is, within at least two working days of its receipt, referred to the *place of origin* for investigation and to be remedied as necessary.

(2) Assignment for investigation

- (a) The commander of the *station* of origin must ensure that an *investigator* is designated to investigate the *complaint*.
- (b) The *investigator* must provide a written acknowledgement of receipt for the *complaint* to the commander, which must clearly reflect —
 - (i) his or her signature;
 - (ii) rank, persal number, initials and surname;
 - (iii) name of his or her *business unit*;
 - (iv) telephone number; and
 - (v) the date and time on which he/she received the *complaint*.

(3) Investigation

- (a) The *investigator* must —
- (i) peruse the *complaint file* to determine the basis of the *complaint*;
 - (ii) arrange and conduct an interview with the *complainant*;
 - (iii) verify the *complaint* with the *complainant*;
 - (iv) determine the cause of the *complaint* and the desired outcome;
 - (v) determine relevant measures to redress the *complaint*;
 - (vi) confirm with the *complainant* whether he or she is satisfied with the proposed corrective measures;
 - (vii) ensure that the *complainant* sign a certificate (as per Annexure A) after finalization of the *investigation*, to confirm the satisfaction or dissatisfaction of the *complainant* with the outcome; and
 - (viii) compile and submit a detailed report of the *investigation* to the commander.
- (b) The report referred to in subparagraph (3)(a)(viii) must contain the following:
- (i) Date on which the *complaint* was received;
 - (ii) name of the *complainant*;
 - (iii) contact details of the *complainant*;
 - (iv) nature, classification and *place of origin* of the *complaint*;
 - (v) name and contact details of the *investigator*;
 - (vi) summary of the facts relating to the *complaint*;
 - (vii) whether the *complaint* was founded or unfounded;
 - (viii) whether any misconduct is suspected and, if so, a recommendation regarding such misconduct;
 - (ix) any other proposed corrective measures (other than that referred to in paragraph 6(3)(b)(viii)); and
 - (x) a recommendation as to what measures may be taken to avoid similar *complaints* in future.

(4) Finalization of the investigation

- (a) The commander must on receipt of the investigation report, satisfy himself or herself that the *investigation* has been conducted properly and that the report is acceptable.
- (b) If the commander is not satisfied with the report from the *investigator*, he or she must within two (2) working days, refer the report back to the *investigator*, with instructions on how to properly complete the investigation.
- (c) If the commander is satisfied with the report, he or she must sign the report and, within two (2) working days submit it to the *business unit*.

- (d) On receipt of the final report, the *business unit* commander must ensure that the *complaint* has been properly investigated, if not, the report must be sent back with instructions on how to properly complete the investigation.
- (e) If the head of the *business unit* commander finds the report acceptable, the commander thereof must officially inform the *complainant* of the outcome of his or her *complaint*.

6. Time frames

Unless the nature of the *complaint* suggests otherwise, the normal time frame of dealing with *complaints* must be as follows:

- (a) The registration, acknowledgement and forwarding of the *complaint* to the *place of origin* must be done within a period, not exceeding (5) five working days from the date of receipt of the *complaint*.
- (b) The receipt, recording and assignment of the *complaint* to the *investigator* at the *place of origin* must be done within a period, not exceeding two (2) working days.
- (c) The investigating officer must, notwithstanding subparagraph(a) complete the *investigation* within a period not exceeding nineteen (19) working days from the date he or she has been assigned the investigation of the *complaint* unless the commander deems otherwise provided that it does not exceed nineteen working days (19) and notwithstanding subparagraph (d).
- (d) In the event that an investigation of a particular *complaint* is so complex that it cannot be finalized within a period of nineteen (19) working days, the commander must provide the *investigator* reasonable extension until the finalisation thereof, and communicate such extension in writing to the *business unit*.
- (e) The commander of the *place of origin* must on receipt of the investigation report, either refer it back to the *investigator* if the complaint is not satisfactorily addressed or, if he or she is of the opinion that is satisfactorily addressed, to the *business unit* within a period not exceeding two (2) working days.
- (f) The *business unit* commander must, on receipt of the final investigation report, refer it back to the *place of origin* for correction or inform the *complainant* of the status or outcome of the investigation within a period not exceeding two (2) working days.

7. Closing of complaint files

- (1) Notwithstanding the right of the *complainant* to seek other remedies outside the Service to have his or her *complaint* addressed, a *complaint file* will be regarded as closed if the commander of the *business unit* is

satisfied with the outcome of the *investigation* and the remedial steps taken to address the *complaint*, where applicable.

- (2) The referral of the *complaint* by the *Service* to any relevant institution for necessary attention shall be regarded as a form of closure of the *complaint*.

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Annexure A

CONFIRMATION OF ATTENDANCE TO A COMPLAINT

I (full names and surname), ID number, residing at
.....
telephone number (home)
(work)....., cell number, hereby confirm that the complaint I have lodged with the South African Police Service has been resolved to my satisfaction* / dissatisfaction*.

In case of dissatisfaction, the following constitute the basis of my dissatisfaction:

.....
.....
.....
.....
.....
.....

Signed on day of 20.....
at (place)

Witnesses:

.....
(Initials and surname and signature)
Signature of complainant

.....
(Initials and surname and signature)

* Delete which are not applicable