

Having a working relationship between the Private and Public sector - a Law enforcement perspective



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Introduction

- In seeking to meet our aim the DPCI and all other stakeholders will:
- establish a network including multiple disciplines
- Promote the exchange of necessary information and good practices to enable us to react pro-actively
- Promote co-operation
- Identify and engage on all matters of interest



Constitutional Mandate of the SAPS

- ❑ The mandate of the SAPS is derived from Section 205 of the Constitution of the Republic of South Africa Act 108 of 1996.
- ❑ The objectives of policing are:
 - Prevent, combat and investigate crime.
 - Maintain public order.
 - Protect and secure the inhabitants of the Republic and their property.
 - Uphold and enforce the law.



THE MANDATE

The Directorate for Priority Crime Investigation division derives its mandate from section 17D of the South African Police Service Act, 1995 (Act No 68 of 1995) which provides that the functions of the Directorate are to prevent, combat and investigate—

- (a) national priority offences, which in the opinion of the Head of the Directorate need to be addressed by the Directorate, subject to any policy guidelines issued by the Ministerial Committee; and
- (b) any other offence or category of offences referred to it from time to time by the National Commissioner, subject to any policy guidelines issued by the Ministerial Committee

The Directorate shall in terms of section 17B of the Act, focus on within the list of national priority offences, in particular serious organised crime, serious commercial crime and serious corruption.



FUNCTIONS OF THE DPCI

The functions of the DPCI are to prevent, combat and investigate:

- National Priority Offences in particular, serious organised crime, serious commercial crime and serious corruption;
- Any other offence or category of offences referred to it from time to time by the Head: DPCI.
- If, during the course of an investigation, evidence of any other crime is detected and the Head: DPCI considers it in the interest of justice or in the public interest, he/she may extend the investigation as to include any offence which she/he suspects to be connected with the subject.



Capacity of the SAPS

- All members of the SAPS have powers to arrest any person who may be involved in the commission of crime including those relating to fraud and corruption.
- While Visible Policing focuses on crime prevention, Crime Intelligence gathers information, turning it into intelligence and provide same to the operators.
- The Detective Service investigate general corruption.
- As indicated above, the Directorate for Priority Crime Investigation(DPCI) focuses on serious organised crime, serious corruption and serious economic offences. The Commercial Crime Unit is also a competent authority to receive suspicious reports in terms of section 34 of the Prevention of Corrupt Activities Act. From these reports, investigations are initiated. In 2009/2010, **1174** reports were received.



Commercial Crime Investigation Units

- The Commercial Crime Investigation Units work very closely with the prosecutors from the Special Commercial Crimes Court.
- In essence, a prosecutor is assigned for each case from the beginning of an investigation.
- This process assist in ensuring that cases which at times have more than ten thousands counts are not allocated to a prosecutor at the last minute.



Organised Crime Investigation Units

- The Organised Crime work closely with the Organised Crime prosecutors from the Organised Crime Division of the NPA.
- Over and above, the Asset Forfeiture Unit, Financial Intelligence Center, South African Revenue Service are part of the Organised Crime Secretariat that deals with organised criminal groups.
- Other Departments are engaged from time to time.



Priority crime management center

- We are enhancing our coordination capacity as envisaged by section 17F of the SAPS Act 68 of 1995 as amended in 2008.
- This process will expand our network of collaboration with other stakeholders.



Entities assisting in our investigations

- Specialised Commercial Crime Court(SCCC).
- Organised Crime Division of the NPA.
- Special Investigation Unit(SIU).
- Asset Forfeiture Unit(AFU).
- Auditor General(AG).
- South African Revenue Services(SARS).
- Public Service Commission(PSC).
- Department of Trade and Industry(CIPRO).
- Road Accident Fund Investigative Team.
- Forensic Investigation Section of Government Departments.
- Financial Intelligence Center(FIC).
- Public Protector



External Roll Players

- Private accounting firms
- Private investigative firms
- Private audit firms
- Business against crime
- SABRIC
- Members of ACFE



Working together on a way forward with the members of the ACFE

- We should regard crime as a priority and take ownership of this problem
- The investigators of the South African Police Service are facing a huge task that cannot be completed successfully without the involvement of
 - 1 the public and private
 - 2 businesses and
 - 3 other State Departments
- The public morality and code of ethics must be recreated
- Action should be taken against all parties involved in crime.
- Report crimes that are uncovered to the SAPS for investigation and prosecution.
- A commitment is needed from all stakeholders to combat serious crime
- Staff must be screened regularly
- Do everything possible to assist each other in legal matters
- Share our knowledge and expertise, across borders as well as across industry
- A culture of honesty and integrity must be created, not only in the public sector but in society as a whole



Conclusion

- Commitment can take three forms namely:
 - 1 Effective - involvement and identification
 - 2 Continuance - action lasts
 - 3 Normative - Feeling of obligation to remain with the organisation