



**Presentation to the Portfolio Committee on Police on the Annual Report 2018/2019 for the Directorate for Priority Crime Investigation (DPCI)**

*Presented by the National Head: Lt Gen (Dr/Adv) SG Lebeya*



# Presentation overview

1. Introduction
2. Mandate of the DPCI
3. Overview of the Workforce Profile
  - Attrition of Personnel
  - Progress with regards to the National Bureau for Illegal Firearms Control and Priority Violent Crime (NBIFCPVC) and the South African Enforcement Bureau (SANEB)
4. Progress regarding accommodation: DPCI
5. Areas of Performance Measurement for the 2018/2019 financial year.
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  - Arrests, Convictions and Seizures
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8. Revitalising of the Operational Committee
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**The purpose of the presentation is to apprise members of the Portfolio Committee with the following:**

- Mandate of the DPCI
- Overview of the Workforce Profile
- Progress on the status of accommodation
- An overview of the 2018/2019 performance of the DPCI
- The timeline of an investigation and sensational stories of success
- Functioning of the Operational Committee



# Introduction

Section **17A** of the Police Act defines “national priority offence” as:

- Organised crime;
- Crime that requires national prevention or investigation;
- Crime that **requires specialised skills** in the prevention or investigation thereof, as referred to in section 16(1) of the SAPS Act.

The DPCI, through a **multidisciplinary approach**, conducts major case and project driven investigations that are based on threat assessments in the following three strategic focus areas:



## Mandate of the DPCI

In terms of Section 17D of the SAPS Act, 1995 (Act No 68 of 1995), the mandate of the DPCI are as follows:

- (1) The functions of the Directorate are to prevent, combat and investigate —
  - (a) **National Priority Offences**, which in the opinion of the National Head of the Directorate need to be addressed by the Directorate;
  - (Aa) offences referred to in Chapter 2 and Section 34 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004); and
- (2) If, during the course of an investigation by the Directorate, evidence of any other crime is detected and the National Head of the Directorate considers it in the interests of justice or in the public interest, he or she may extend the investigation so as to include any offence which he or she suspects to be connected with the subject of the investigation.

# Overview of the Workforce Profile

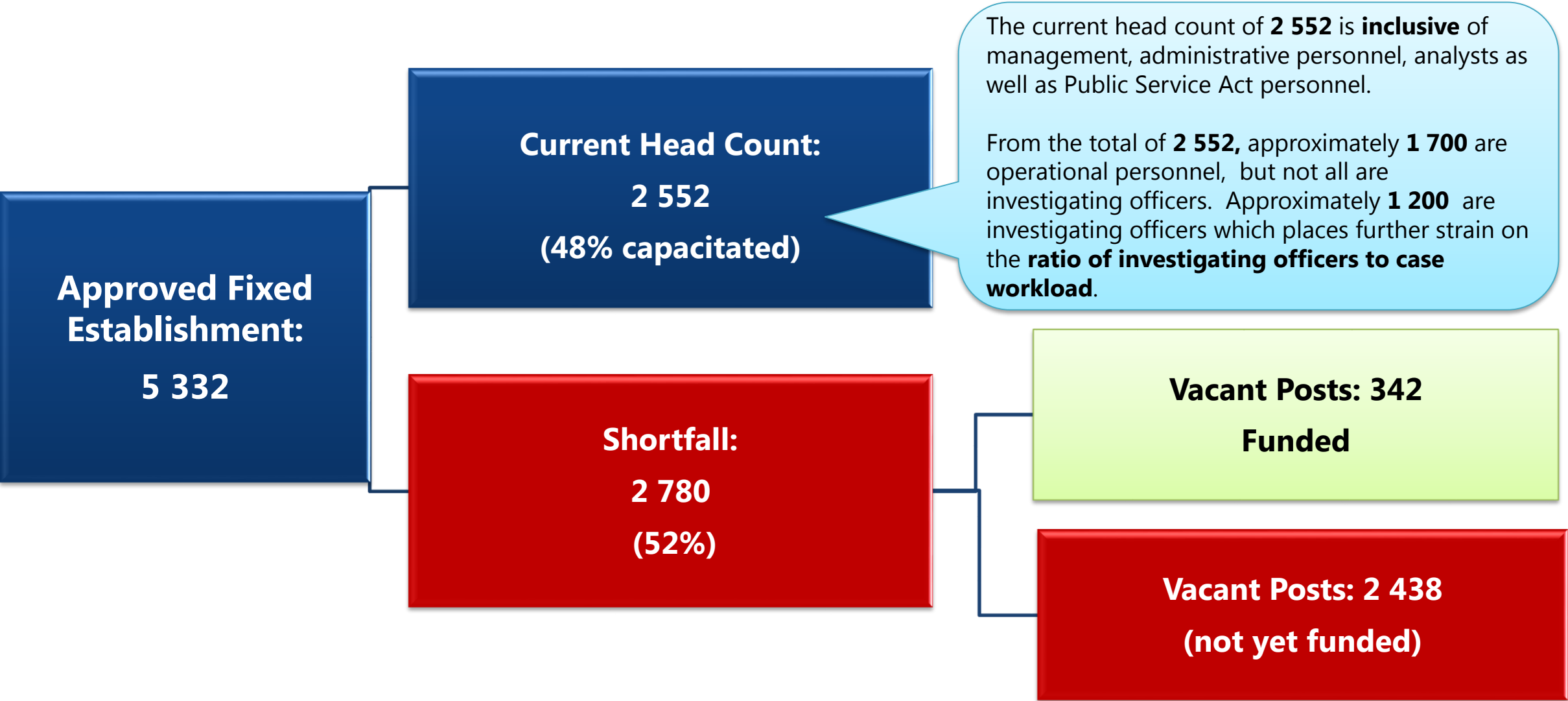


# Overview of the workforce profile (1)

- Since its inception, the DPCI has **regressed** in its attainment of Human Resource capacity targets.
- This has **adversely impacted on the performance** of the Directorate since critical posts remained vacant for some time.
- The **attrition of skilled personnel continues** to further compromise the speed and quality of investigations. Despite having recently appointed personnel, the **replacing of one skilled detective is a skill that is acquired over time.**
- Post an evaluation, by the National Head and Organisational Development (SAPS), the **structure was reviewed** and it was determined that a fixed establishment of 5 332 is required, in order to meet the current expectations of the Directorate.
- **Consultations** were conducted with the **Honourable Ministers of Police, and Public Service and Administration** on the 22<sup>nd</sup> May 2019 and 26 September 2019, respectively. The aforementioned structure has subsequently been **approved as at 01 October 2019.**



# Overview of the workforce profile (2)





# Attrition of Personnel

Not only is the DPCI facing an **ageing workforce**, The last period has seen the appointments **offset by the attrition of 156** members due to various factors. The following table provides the reasons for the attrition of personnel and *excludes the loss of a further 22 members who have exited through transfers. This is but one example that supports the comment by the Honourable Minister, General BH Cele*” **...the organisation is experiencing a serious exodus of seasoned detectives...**”

Category	Finalised	Pending
Resignation	34	13
Early Retirement	10	3
Retirement	28	6
Dismissal	3	5
Dishonourable discharge	5	0
Ill health	9	1
Death	3	10 pending finalisation of files
Inter-Dept-Transfer	4	0
<b>TOTAL</b>	<b>96</b>	<b>38</b>

***'Extract from PMG Report dated 27 November 2018, page 6***

***"Have the illegal firearms and narcotics specialised units within the DPCI been signed-off by the SAPS Human Resources, or were they still in the form of task teams? The former Chairperson asked for confirmation that the **two specialised units, as announced by the former President three years ago, would be up and running by the end of January 2019**"***

The **National Bureau for Illegal Firearms Control and Priority Violent Crime** (NBIFCPVC) and the **South African Enforcement Bureau (SANEB)**, are still operating in a form of **Task Teams**.

This presentation will further outline the developments regarding the implementation of the structure and the operational performance by the respective units.

The structure as signed on the 01<sup>st</sup> October 2019 makes provision for the capacitating of these units, **pending the provisioning of funding**.



## Current and Proposed Fixed Establishment for the National Bureau for Illegal Firearms Control and Priority Violent Crime (NBIFCPVC)

DESIGNATED OFFICE	CURRENT CAPACITY	ENVISIONED CAPACITY
Head Office	17	47
Eastern Cape	35	99
Free State	17	85
Gauteng	55	185
KwaZulu-Natal	38	143
Limpopo	16	73
Mpumalanga	9	73
Northern Cape	6	30
North West	16	85
Western Cape	23	106
<b>TOTAL</b>	<b>232</b>	<b>926</b>

# Current and Proposed Fixed Establishment for the South African Narcotics Enforcement Bureau (SANEB)

<b>DESIGNATED OFFICE</b>	<b>CURRENT CAPACITY</b>	<b>ENVISIONED CAPACITY</b>
<b>Head Office</b>	<b>11</b>	<b>38</b>
<b>Eastern Cape</b>	<b>20</b>	<b>147</b>
<b>Free State</b>	<b>12</b>	<b>60</b>
<b>Gauteng</b>	<b>21</b>	<b>163</b>
<b>KwaZulu-Natal</b>	<b>35</b>	<b>164</b>
<b>Limpopo</b>	<b>7</b>	<b>75</b>
<b>Mpumalanga</b>	<b>8</b>	<b>64</b>
<b>Northern Cape</b>	<b>8</b>	<b>72</b>
<b>North West</b>	<b>11</b>	<b>71</b>
<b>Western Cape</b>	<b>10</b>	<b>123</b>
<b>TOTAL</b>	<b>143</b>	<b>977</b>



**Progress regarding accommodation: DPCI**



## Progress regarding accommodation: DPCI

- **ALLIED BUILDING** (East London)-  
The landlord is currently repairing the building, the process for the procurement of alternative accommodation is in progress.
- **PORT ELIZABETH** - Process for the procurement of alternative accommodation is in progress.  
*Awaiting for communication from the Division SCM and DPWI for the identification of possible state-owned buildings for DPCI.*
- **GAUTENG** (Promat building)- the issue of additional office accommodation is still not yet addressed.  
*Awaiting the response from the Division SCM regarding the allocation of **park homes** for interim accommodation and the outcome of the **feasibility study** requested from Division SCM.*
- **KWAZULU-NATAL** - Process for the procurement of alternative accommodation is in progress for all the DPCI buildings in KZN.
  - *A feedback meeting will be held on **2019-10-18** at Regional DPWI with the relevant stake holders,*
  - *Maintenance challenges as previously reported have not yet been resolved.*

## Progress regarding accommodation: DPCI



- **LIMPOPO** (Van Riebeeck building)-
  - The maintenance issues at this building have not yet been resolved and the lift is still not working for **almost two years**.
  - Awaiting the procurement of alternative accommodation for all **3 buildings** in Polokwane.
  
- **NORTHERN CAPE**
  - The maintenance issues at all the DPCI buildings have not yet been resolved.
  - Requests have been submitted to Division SCM for the registration of Capital Works Projects for the fencing, supply of the standby generator as well as upgrading and refurbishment of the Old Court building in Upington.
  - A follow up meeting regarding the progress will be held during October 2019.

# Progress regarding accommodation: DPCI



- **NORTH WEST- (West End building and the Mmabatho Revenue House)**
  - Maintenance issues have not yet been resolved. The challenge of **power cuts** by the landlords due to **non-payment of utility accounts by the DPWI** is still experienced every month, the most recent incident was on the 3<sup>rd</sup> October 2019.
  - Awaiting the Procurement Instructions from DPWI for alternative accommodation.
  
- **WESTERN CAPE**
  - The DPWI is currently in the process of the repairs to the fire detection and suppression system.
  - The registration of a Capital Works Project for the upgrading and refurbishment of the building is underway.
  
- **DPCI GEORGE**
  - Awaiting the Procurement Instructions from the DPWI for a new lease contract for the JAN MEYER BU





# Areas of Performance Measurement: 2018/2019

## **Programme 3: Detective Services**

### **Specialised Investigations**

**To contribute to the successful prosecution of offenders by investigating, gathering and analysing evidence.**

# Areas of Performance Measurement: 2018/19



During 2018/19 the DPCI was measured on the following performance indicators:

 Percentage of identified clandestine laboratories dismantled.

 Percentage of registered serious organised crime project investigations successfully closed.

 Detection rate for serious commercial crime-related charges.

 Percentage of trial-ready case dockets for serious commercial crime-related charges.

 Percentage of trial-ready case dockets for fraud and corruption by individuals within the JCPS Cluster.

 Number of serious corruption related trial-ready case dockets where officials are involved including procurement fraud and corruption.

 Percentage of cybercrime-related crime case files successfully investigated.

## Discrepancies identified in areas of performance measurement: 2018/19

- During the assessment of the Directorate, **discrepancies** were identified in the areas of performance measurement, such as the setting of targets , the method of calculation and data integrity.
- Examples of such discrepancies where noted in the following:
  - **Percentage of trial ready case dockets for fraud and corruption within the JCPS Cluster**, where a target of 60% was set, whilst the actual audited performance for the past three years reflects an average achievement of 77,82%,
  - **Detection rate for serious commercial crime-related charges**, a target of 80% was set, whilst the actual audited performance for the past three years reflects an average achievement of 93,93%.
- As a result of the Annual Performance Plan 2018/2019, already being tabled in Parliament on 22 March 2018, changes could not be effected.
- However, these were addressed in the 2019/2020 Annual Performance Plan.
- In addition, management was directed to correct performance information and have statistics restated, where applicable.

# **Performance Summary for the financial period 2018/2019**

## **Arrests, Seizures & Convictions**

# Summary of Arrests and Convictions: 2018/19

## Serious Organised Crime Investigation

**Arrests**  
**3 283**

**Convictions**  
**791**

## Serious Commercial Crime Investigation

**Arrests**  
**1 306**

**Convictions**  
**1 083**

## Serious Corruption Investigation

**Arrests**  
**413**

**Convictions**  
**265**

## TOTAL

**Arrests**  
**5 002**

**Convictions**  
**2 139**

➤ A total of 5 002 arrests were effected, compared to 2 833, in 2017/2018, noting an increase of 2 169, arrests.

➤ A total of 2 139 convictions were secured, compared to 1 589, in 2017/2018, noting an increase of 550 more convictions.

# **Performance overview:**

## Serious Organised Crime Investigation

**Objective Statement:** Specialised investigation of serious organised crime

Performance indicator	Annual target	Actual achievement	Deviation
Percentage of identified clandestine laboratories dismantled	100%	100% (58 from a total of 58)	-

**Comments**

- During the financial period, five more laboratories were dismantled in comparison to 2017/2018, with 91 arrests being effected.
- In **other drug-related cases**, a total of **443 arrests** were effected and **87 convictions**, secured..
- Various drug types such as **heroin, cocaine, mandrax, nyaope, steroids, ephedrin, etc**, including chemicals, pressing machines, and other equipment were seized with an estimated value of **R5.7 billion**.
- The performance indicator has been revised, in the 2019/2020 Annual Performance Plan, **to include an element of arrests** during the dismantling of clandestine laboratories.



**Objective Statement:** Specialised investigation of serious organised crime

Performance indicator	Annual target	Actual achievement	Deviation
Percentage of registered serious organised crime project investigations successfully closed	43%	44.83% (13 from a total of 29)	1.83% points

**Comments**

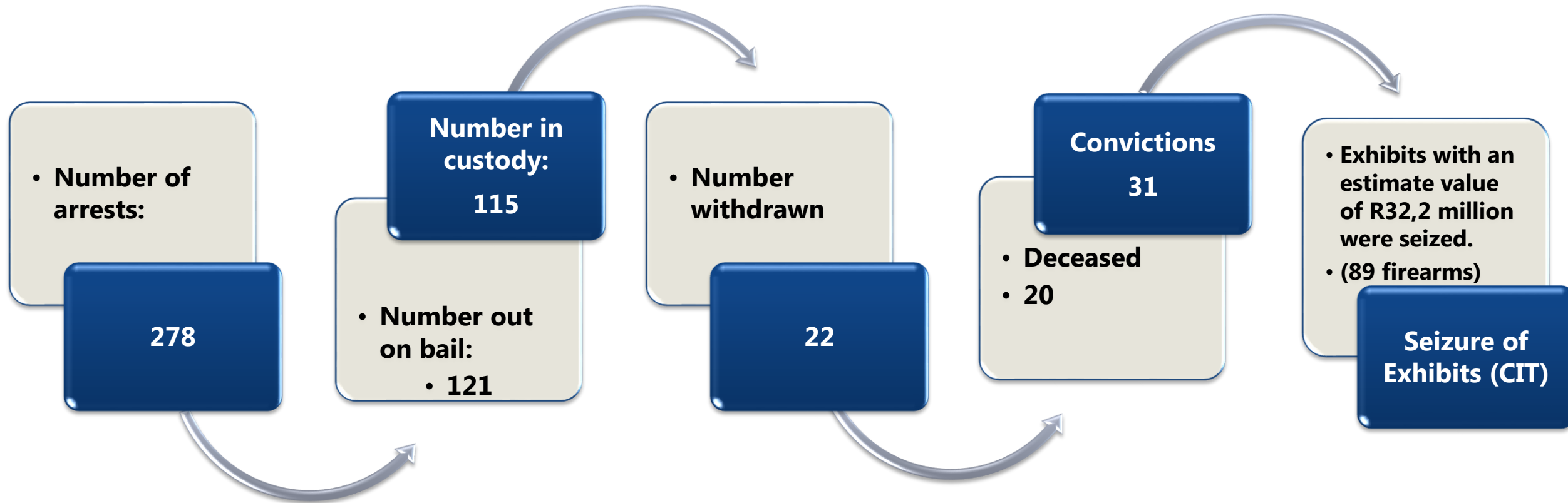
Although 44,83% of registered serious organised crime project investigations were successfully closed, a decrease of 1,84%, from the 46,67%, reported in 2017/2018, was noted.

# Overview of successes within the Serious Organised Crime Units

## SUMMARY OF ARRESTS AND CONVICTIONS

<b>Serious Organised Crime Investigation (SOCI)</b>	<b>Arrests</b>	<b>Convictions</b>
<b>South African Narcotics National Enforcement Bureau (SANEB)</b>	443	87
<b>National Bureau for Illegal Firearms Control and Priority Violent Crime (NBIFCPVC) (CIT Robberies included)</b>	811	242
<b>Precious Metals</b>	1 686	400
<b>Non-Ferrous Metals</b>	223	23
<b>Trafficking in persons</b>	45	29
<b>Wild life Trafficking</b>	35	4
<b>Crimes against the State</b>	40	6
<b>TOTAL</b>	<b>3 283</b>	<b>791</b>

With regards to CITs, the following transpired during the financial period 2018/19:



# **Timeline of an investigation and Sensational Stories of Success**

## Serious Organised Crime Investigation

**Linden CAS 458/07/2013 and 10 other**

From **early 2013**, the **banking industry** suffered a spate of robberies and **by the end of 2013** the number of bank robberies nationally had **increased from 9 incidents in 2012 to 14 incidents in 2013**.

During **2014** bank robbery incidents even escalated further with **25 bank robberies** being reported.

**2014 marks the year**, since 2012, when the **most bank robberies were reported** and likewise, also the year in which the highest **cash loss** was recorded for this crime type.

Through **analyses of CCTV footage** recorded during bank robberies, it soon became clear that members of the same group were **repeatedly involved** in bank robberies committed throughout Gauteng and its neighbouring provinces.

A DPCI led Bank Robbery task team was established **resulting in the arrest** of a group of suspects for a business-related robbery in Empangeni.

Upon circulation of the photos of the mentioned arrestees, at least four of them could sufficiently be linked to the spate of bank robberies to justify their arrest. This led to the arrests of other suspects.

## Timeline of an investigation and Sensational Stories of Success Gang Sentenced to Life Imprisonment (2)



### Linden CAS 458/07/2013 and 10 other cases - cont

Notwithstanding these arrests, the **remaining members of the group continued to commit bank robberies until mid-September 2014** when **10 suspects were arrested** for an attempted bank robbery in Klerksdorp.

Based on their **striking resemblance to facial images obtained from CCTV footage**, at least 3 of these suspects were believed to have been part of the group of bank robbers. The Task Team registered a **formal project** to coordinate the investigation into and prosecution of these cases.

Due to **excellent cooperation and coordination** between the relevant **banks and the SAPS**, a mass **identification parade** was conducted on **2014-12-06** at Johannesburg Central Police Station. Transport and accommodation arrangements were made for bank staff of **17 different bank branches from 3 provinces** to attend the mentioned identification parade.

Following the ID parade and weeks of follow-up investigation, consultation and deliberations between the SAPS, the NPA and other role players, the **accused were charged**, for their alleged involvement in **20 different bank robbery cases**.

**Linden CAS 458/07/2013 and 10 other cases - cont**

- **Ten accuseds were joined in one trial** to be tried on 11 different bank robberies and related charges.
- The first six accuseds were Zimbabweans while the last two are South Africans making the Organised criminal group a **multinational one**.
- Authority was obtained to prosecute all the accused on two separate charges on a **pattern of racketeering activities** in terms of the **Prevention of Organised Crime Act 121 of 1998**.
- Following a long trial, the **diligent investigation and prosecution team** succeeded in having **eight of the ten accused convicted** in the Gauteng Local Division of the High Court whilst two of the accused were earlier acquitted on all charges and sentenced on **2019/01/24**.



**Linden CAS 458/07/2013 and 10 other cases – cont...**

In what is believed to be the **first in the country**, the Gauteng Local Division of the High Court had written an **epitaph** to the **eight aforementioned accused's criminal careers**, finding them guilty of **11 bank robberies** and a **pattern of racketeering** activities and other 20 serious related charges.

The accuseds were **sentenced to life imprisonment prison** for robberies with aggravating circumstances, attempted murder, possession of unlicensed firearms, and malicious damage to property on the **25 January 2019**, as follows:

**The accused were sentenced as follows :**

- |            |   |
|------------|---|
| Accused 1  | Accused sentenced to <b>2 Life sentences</b> and <b>152 years imprisonment</b> , <b><u>100 years</u></b> to be served effectively   |
| Accused 4  | Accused sentenced to <b>2 Life sentences</b> and <b>34 years imprisonment</b> , <b><u>30 years</u></b> to be served effectively     |
| Accused 5  | Accused sentenced to <b>2 Life sentences</b> and <b>37 years imprisonment</b> , <b><u>30 years</u></b> to be served effectively     |
| Accused 6  | Accused was sentenced to <b>2 Life sentences</b> and <b>85 years imprisonment</b> , <b><u>60 years</u></b> to be served effectively |
| Accused 7  | Accused was sentenced to <b>2 Life sentences</b> and <b>88 years imprisonment</b> , <b><u>60 years</u></b> to be served effectively |
| Accused 8  | Accused sentenced to <b>2 Life sentences</b> and <b>142 years imprisonment</b> , <b><u>90 years</u></b> to be served effectively    |
| Accused 9  | Accused was sentenced to <b>2 Life sentences</b> and <b>88 years imprisonment</b> , <b><u>60 years</u></b> to be served effectively |
| Accused 10 | Accused was sentenced to <b>2 Life sentences</b> and <b>54 years imprisonment</b> , <b><u>45 years</u></b> to be served effectively |

## Conviction of Cash-in Transit Syndicate: Virginia CAS 179/08/2014

- Following a long trial since 2014, the diligent investigation and prosecution, the team succeeded in having **13 accused convicted** on **3<sup>rd</sup> May 2018** in the Free State High Court Division, sitting at Kroonstad.
- Sentences were handed down as follows on the same day:
  - Chesley Mlawuza Mnisi: **164 years imprisonment.**
  - The remaining 12 accused were all **sentenced to four life sentences and an additional 87 years imprisonment**

## Timeline of an Investigation and Sensational Stories of Success

### *“Cop Killers Slapped with Life Sentences”*

- a. Five accuseds were **sentenced on the 1st March 2019 to life imprisonment** for the murder of Constable JV Gungqa, on the **17<sup>th</sup> June 2016** when a group of seven armed men stormed into Spar in Cala. Two alleged suspects were also shot and killed at the scene during a shootout between Spar’s security guards and the criminals.
  - The suspects were arrested through an intelligence driven operation which was conducted by members of the Hawks in conjunction with the Queenstown Public Order Policing (POP) and the Cradock K9 units.
- b. During **October 2016**, the accused while being escorted to the court holding cells by the late Captain Malesa Alfred Lamola overpowered him and fatally wounded him. He proceeded to the main cells where he **held three police officials hostage and robbed them of their firearms and escaped**.
  - The accused was arrested and on the **28 February 2019**, sentenced **to life imprisonment**.
- c. On **24 April 2015**, Cst DR Vincent, was proceeding home, when he was shot at five times by an unknown assailant.
  - Three accused were arrested for the murder. On **31 October 2018**, all three accused were each **sentenced to life imprisonment**.

# **Performance overview:**

## Serious Commercial Crime Investigation

**Objective Statement:** Specialised investigation of serious commercial crime related charges

Performance indicator	Annual target	Actual achievement	Deviation
Detection rate for serious commercial crime-related charges	80%	98.93% (688 967 from a total of 696 419)	18.93%

**Comments**

- During an assessment of the 2018/2019 Annual Performance Plan, it was noted that the target was not aligned to the actual audited results of past performance. In addition the performance is subject to the provisions of Article 19(1)(a) of the Counterfeit Goods Act, 1997 (Act No 37 of 1997) for which a suspect is charged separately, for each individual counterfeit product found in possession.
- The performance indicator has subsequently been removed from the 2019/2020 APP to the AOP of the DPCI in order to review the formula utilised, given the provisions of the aforesaid Act.

## Serious Commercial Crime Investigation: 2018/19

**Objective Statement:** Specialised investigation of serious commercial crime related charges

Performance indicator	Annual target	Actual achievement	Deviation
Percentage of trial-ready case dockets for serious commercial crime-related charges	53%	74.37% (2 107 from a total of 2 833)	21.37%

### Comments

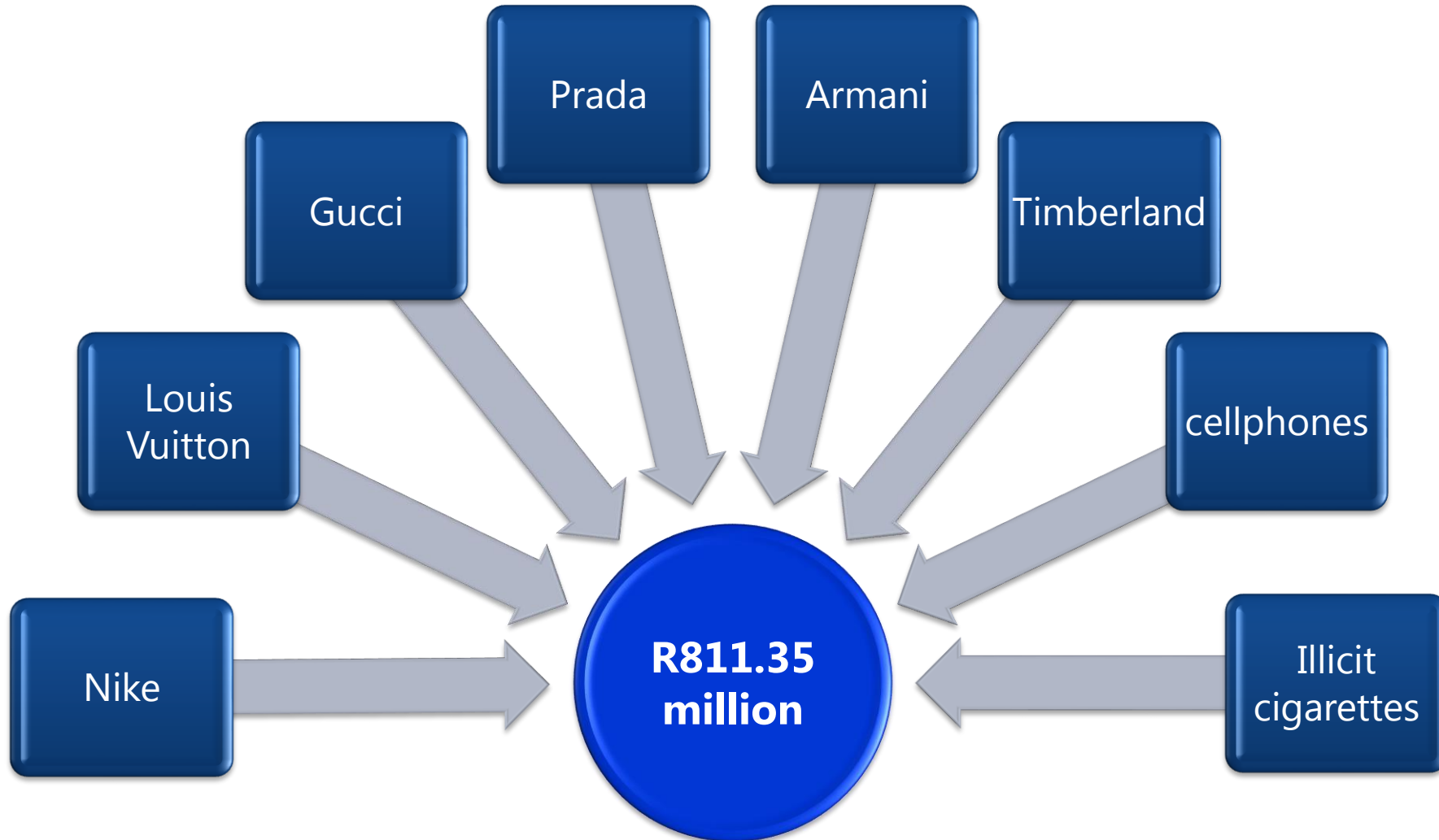
- During an assessment of the 2018/2019 Annual Performance Plan, it was noted that the target was not aligned to the actual audited results of past performance. This has been corrected in the 2019/2020 APP.
- The percentage of trial-ready case dockets for serious commercial crime-related charges increased, from 70,04% (2 270 from a total of 3 241) in 2017/2018, to 74,37% (2 107 from a total of 2 833), in 2018/2019, **an increase of 4,33%.**

# Serious Commercial Crime Investigation



## Sensational Stories of Success

The Serious Commercial Crime units **seized counterfeit goods** with an estimated value of **R811.35 million**.





## Arrest of Private Individuals Contravening the Customs and Excise Act:

### OR Tambo Cas 117/09/2018 –

- On 2018-09-11 the accused was travelling from **South Africa to Hong Kong** when she was caught by customs official at OR Tambo International Airport carrying a sports bag containing **US\$ 6 307 000.00** equivalent to **R86.90 million**.
- The suspect had already boarded the flight when she was arrested but was however requested to alight from the flight by SARS officials.
- The money was seized and a preservation order for the amount was made.
- The accused was sentenced with a **fine of R200 000 or 24 months imprisonment and further 24 months imprisonment suspended for 3 years conditionally**.



## Sensational Stories of Success

### CONVICTION OF PONZI SCHEME OPERATORS - KWAZULU-NATAL: LADYSMITH CAS 297/07/2014

- The suspects, **Msawenkosi Wilson Gazu and Fakazile Sweetness Mazibuko operated a Ponzi Scheme** under the name of Trade for Life. They would accept deposits from the general public acting as a Bank. Once the monies were no longer being generated they changed the company to TVI (Trade Venture Investments) and continued accepting deposits from the public.
- There were a total of **6 024 such deposits** with an estimate value of **R64 million**. Most investors lost all their investments.
- Both the accused were found **guilty on all 6 024 counts** and **sentenced to fifteen (15) years imprisonment plus an additional fifteen (15) years** to run concurrently on all other counts.



## Sensational Stories of Success

### **Arrest of Private Individual for Fraud, Forgery and Uttering: Parow CAS 421/12/2017**

The Serious Commercial Crime units **seized counterfeit goods** ranging from Gucci, Louis Vuitton apparel, cash and Samsung equipment to the value of **R47.5 million**.

- Between 2009-05-20 and 2009-05-22 the accused **manipulated the debit order system of Nedbank** to issue debit orders on the Edcon account to the value of **R12 million**. She also tried with the same system to **defraud Foschini** to the value of **R21 million** that was stopped before it could happen.
- On 2016-02-04 the suspect was arrested and appeared in court and was granted bail.
- On 2018-11-16 **the accused was arrested again** for trying to purchase an OK Mini Market **to the value of R2 million**. She **produced a false electronic document** to say that the money had been transferred to their account.
- The case is currently on the court roll.

# **Performance overview:** Serious Corruption Investigation



# Serious Corruption Investigation: Financial period 2018/19

**Objective Statement:** Address serious corruption where officials are involved in procurement fraud and corruption-related cases

Performance indicator	Annual target	Actual achievement	Deviation
Percentage of trial-ready case dockets for fraud and corruption by individuals within the JCPS Cluster	60%	82.37% (416 from a total of 505)	22.37% points

**Comments**

- It was noted that the target was not aligned to the actual audited results of past performance. This has been corrected in the 2019/20 Annual Performance Plan.
- The trial-ready case dockets for fraud and corruption by individuals within the JCPS Cluster, increased from 74,15% (436 from a total of 588), in 2017/2018 to 82,37% (416 from a total of 505), in 2018/2019 against the planned target of 60%, **an increase of 8,22%.**

**Objective Statement:** Address serious corruption in the private and public sector

Performance indicator	Annual target	Actual achievement	Deviation
Number of serious corruption-related trial-ready case dockets, where officials within the private and public sector, are involved, in procurement fraud and corruption	18	32	14

### Comments

- The performance indicator and target has been reviewed and corrected in the 2019/2020 APP.
- Against a set target of 18, a total number of 32 serious corruption-related trial-ready case dockets, where officials within the private and public sector, are involved, in procurement fraud and corruption was achieved, compared to 29 trial-ready case dockets, in 2017/2018, **an increase by three trial-ready case dockets.**

# Serious Corruption Investigation





## Sensational Stories of Success

### Conviction of Public and Private Individuals (Agri-BEE Fund)

- A grant of **R6 million** was paid to an entity on the verbal instruction of the CEO of the Land bank, and the correct procedures were not followed in approving this grant.
- **Three men were arrested during October 2012.** This followed relentless investigations that revealed that they had formed a common purpose to **defraud the Agri-BEE Fund/Land Bank Government** project of R6-million.
- The BEE agriculture project was meant to **benefit emerging farmers and assist previously disadvantaged farmers, women and youth** in Agriculture to acquire land and to establish farming enterprises.
- This was made possible after one of the accused instructed the fund manager to transfer the funds, after he made it seem like it was **an urgent ministerial instruction for a ministerial project.**

### All three accused were found guilty and sentenced on the 14<sup>th</sup> February 2019, as follows:

- Former Land Bank CEO Philemon Mohlahlane : Seven years jail term
- Ruben Mohlaloga, a former Member of Parliament : Twenty years jail term
- Dinga Rammy Nkhwashu an attorney : Twenty-four years.





# Sensational Stories of Success

## CONVICTION

On **20 April 2018** the accused person (**a Magistrate**) was found guilty on a charge of corruption for demanding and receiving R150 000.00 during the execution of his duties.

- |  |                                 |  |
|--|---------------------------------|--|
| <ul style="list-style-type: none"> <li>• Contravening section 8(1)a read with sections 1,2,8(2),21,24(2) of Prevention and Combatting of Corrupt Activities Act, Act 12 of 2004 and further read with section 51(2) of Act 105 of 1997</li> </ul>      | Amount involved<br>R 90 000,00  | Sentence: <b>15 years imprisonment</b> |
| <ul style="list-style-type: none"> <li>• Contravening section 3(a) read with sections 1,2,21,24(2), 25 and 26 of Prevention and Combatting of Corrupt Activities Act, Act 12 of 2004 and further read with section 51(2) of Act 105 of 1997</li> </ul> | Amount involved<br>R 150 000,00 | Sentence: <b>15 years imprisonment</b> |

Both counts run concurrently and his leave to appeal was dismissed on both conviction and sentence.



# Sensational Stories of Success

## Arrest of Corrupt Officials

- During November 2013, the accused submitted fraudulent documents for different transactions which resulted in payment by the Finance Section for services not rendered.
- Use was made of a Financial Authority which was meant for procurement of furniture for the **funeral of the late President, Nelson Mandela**.
- There are no expenditure files for these transactions as well as the end-users are fictitious individuals who according to the submitted documents are **employees of the South African Police Service** and have signed the invoices to say that they received the procured goods.
- The **accused** was sentenced as follows:
  - Count 1: Fraud - **15years imprisonment** of which 2yrs is suspended for 5yrs
  - Count 2: Fraud - **15years imprisonment** of which 2yrs is suspended for 5yrs
  - Count 3: Fraud - **10years imprisonment** of which 3yrs is suspended for 5yrs
  - Count 4: Fraud - **13years imprisonment** of which 2yrs is suspended for 5yrs.
  - Count 14: Money Laundering - **10 years imprisonment** of which 3yrs is suspended for 5years

# **Performance overview:**

## Priority Crime Specialised Investigation



# The Role of Priority Crime Specialised Investigations

Priority Crime Specialised Investigations (PCSI), provides specialised investigative support, with regards to the following:

- Financial Investigations,
- Asset Forfeiture,
- Cyber-related Crime, and
- Digital Forensic Investigations.



# Cybercrime

- In anticipation of the eminent **promulgation of the Cybercrimes Act**, Cybercrime Investigation within the South African Police Service is evolving into a distinctive investigative discipline.
- **Development of investigative disciplines** within the South African Police Service, such as digital forensic investigation, online investigation, unauthorised access and intrusion investigation, and **open source social media investigation**, are entrenched in investigative methodologies **aligned to international benchmarking standards**.
- These developments are **aimed at addressing the cybercrime threat** within the geographical boundaries of the Republic of South Africa.
- The Cybercrime Unit of the DPCI is assisted by the provisions of the Electronic Communications Transaction Act, 2002 (Act No 25 of 2002).
- The **Electronic Communications Transactions Act (25 of 2002)** is the current legislation covering offences relating to unlawful activities relating to technological devices.

## Objective Statement: Specialised investigation of cyber-related crime

### Performance indicator

Percentage of cyber-related crime case files successfully investigated

### Annual target

40%

### Actual achievement

80% (104 from a total of 130)

### Deviation

40% points

### Comments

- The performance indicator has been reviewed in the 2019/20 APP.

# **Sensational Stories of Success**

## Priority Crime Specialised Investigation

## Asset Forfeiture Successes

For the financial period 2018/19, the PCSI within the DPCI contributed towards the issuing of the following orders for assets to the amount of **R227.02 million**

Freezing Orders		
Description	Number	Value
Restraint Orders	136	<b>R90.24 million</b>
Preservation Orders		
Forfeiture Orders		
Description	Number	Value
Confiscation Orders	165	<b>R136.78 million</b>
Forfeiture Orders		
<b>Total Orders</b>	<b>301</b>	<b>R227.02 million</b>





# Sensational Stories of Success

The PCSI through their specialisation contributed to the following successes:

## Van Breda Murder Trial – Stellenbosch Cas 645/01/2015 (Ctd...)

- The investigating officer from PCSI provided the High Court with a Section 212 statement in respect of the **time zone and how it affected the download at the time.**
- The timeline evidence given by PCSI was crucial as it indicated how the accused acted and conducted himself after the murder.
- The accused searched for an emergency number on the internet **but only called the number two hours after he did the search.** He phoned this number from the landline.
- The accused pinned himself on google earth from his cell phone and this gave an **exact GPS co-ordinate of him in the kitchen of the crime scene.**
- During cross examination the **defence argued** that emergency services could not find the address. They placed it on record that the address cannot be found if you typed it into Google earth and that the GPS co-ordinates relates to Aleman Street.
- The investigating officer **was able to disprove this submission of the defence** and **proved** to the court that the **GPS co-ordinates placed the accused in the kitchen of the crime scene.**
- The defence then **conceded** to the **correctness of cell phone downloads and timeline analysis** during their cross examination of the investigating officer from PCSI.

Ctd...

### **VAN BREDA MURDER TRIAL** – STELLENBOSCH CAS 645/01/2015

- The evidence of the **timeline analysis** was accepted by the court.

### **IMPACT:**

- The accused was sentenced on 21 January 2018 to **three life sentences** for the murder of his Mother, Father and Brother **and a further fifteen (15) years** for the attempted murder of his sister Marli Van Breda. He was given **an additional 12 months** for defeating the ends of Justice.

As an operational support capability, the **Asset Forfeiture Unit** contributed to the following successes in the operational environments on the following cases:

### **ORTIA CAS 117/09/2018 - Failure to Declare Foreign Currency at OR Tambo Airport**

- The suspect was arrested at O R Tambo International Airport for failing to declare the amount of **US\$ 6 307 000.00** in cash in his possession. A preservation order for the amount was made.

### **ORTIA CAS 5/02/2018 - Failure to Declare Foreign Currency at OR Tambo Airport**

- The suspect was arrested at O R Tambo International Airport for failing to declare the amount of **US\$1 257 560.00** and **£4 520.00** in cash in his possession. The estimate value of the money is **R18.1 million**.
- A preservation order for the amount was made.



## Sensational Stories of Success

### CONVICTION OF A PRIVATE INDIVIDUAL: FREE STATE VIRGINIA CAS 73/06/2017

- The PCSI through digital forensic evidence provided assistance to the investigating officer dealing with the **assault of a two year old boy.**
- Without the information from WhatsApp and the photographs extracted from the digital exhibits **the suspects would not have been convicted.**
- The accuseds were sentenced on 28 June 2018, as follows:
  - Count 1: Assault with the intention to cause grievous bodily harm to a child under the age of 16 read with section 51 of Act 105/1997 Part III as amended - **10 years imprisonment.** Suspect will not be released on parole before two thirds of sentence is served.
  - Count 2: **Child abuse or Deliberate neglect of a child** (Section 305 (3)(A) of Act 35/2005 - 5 years imprisonment.



## Sensational Stories of Success

### CONVICTION OF MURDER SUSPECT –

**Jason Thomas Rohde** was found guilty of the murder of his wife Susan at the Spier Hotel Stellenbosch July 2018.

**Count 1:** Murder

**Count 2:** Defeating or obstructing the administration of justice

The cell phones of the deceased, accused and Jason's girlfriend was **downloaded by PCSI**

During the trial, Judge Hlophe, Western Cape High Court mentioned the following relating to the testimony of the investigator from DFI:

"I 4.31 DFI INVESTIGATOR:

*The **testimony of this witness** was essentially on cell phone data and how it works, the methodology and the sequence of cell phone activity."*

"16.3 (x2) DFI INVESTIGATORS :

*These witnesses provided the Court with an understanding of the cellphone extractions and other electronic communication evidence. They impressed me as **credible witnesses**, whose evidence can be safely relied upon."*

# Revitalising of the Operational Committee and the Anti-Corruption Task Team (ACTT) <sup>62</sup>

- The Directorate is required, as per Section 17B and 17F of the SAPS Act, 1995 (Act No 68 of 1995), to implement, where appropriate, a **multidisciplinary approach** and an integrated methodology involving the cooperation of all relevant government departments and institutions.
- In adherence to the prescripts, the **Operational Committee**, as per Section 17J of the Act, was **revitalised in July 2018**.
- The committee comprises of stakeholders from various government departments.
- The purpose of the committee, is to **review, monitor and facilitate the support and assistance** of the respective government departments or institutions **to the Directorate**, as well as the co-opting of other persons to the Operational Committee as they deem necessary and to further address problems with regards to support and assistance.
- In terms of Section 17J (2) (a), of the SAPS Act, 1995 (Act No 68 of 1995), the Operational Committee is required to meet regularly, but not less than four times per annum.
- During the reporting period, **eight meetings** were convened.



*Thank You*