



**Presentation dated 13 JUNE 2024: by CAPT S T KOLOBE: DPCI : Serious Corruption  
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**Summary of the presentation:**

- **Establishment of the Directorate**
- **Mandate of Serious Corruption Investigation**
- **Selection criteria**
- **Investigative methods**
- **How to lodge a complain to Serious Corruption Investigation**
- **What is Corruption**
- **Legal principles applicable**
- **Life style audit**

## **Establishment of the Directorate**

- It has been established as an Independent Directorate within the SAPS in terms of Section 17C of the South African Police Act, 1995 as amended by the South African Police Service Amendment Act 57 of 2008
- The functions of the DPCI are to prevent, combat and investigate National priority crimes in particular, serious commercial crime, serious organised crime and serious corruption crime as mandated in terms of section 17B and 17D of the South African Police Service 68 of 1995

## **Mandate of Serious Corruption Investigation (SCI)**

- SCI is responsible for the prevention, combating and investigation of national priority offences of serious corrupt activities and related offences within the Public sector, Private sector and JCPS cluster as contemplated in the Prevention and Combatting of Corrupt Activities Act(PRECCA) 12 of 2004.
- Public officers , foreign public officials, to agents , members of legislative authority , judicial officers ,members of prosecution authority , party to employment relationship, witnesses and evidential material during certain proceedings , contracts , procuring and withdrawal of tender, to auctions, to sporting events , to gambling games or games of chance

## Selection Criteria

Cases which are investigated by Serious Corruption will amongst others include:

- Public Interest and Expectation
- Urgency of the investigation
- Complexity of the investigation
- Organised fashion
- Harm or threat to the economy or community
- Human resources and skills required to complete the investigation

e.g. PPE's, Priority cases, SIU referrals, SARS, SOES's, Government



## Investigative Methods

- Prosecutor guided investigation
- Stakeholders engagement
- Network Communication
- Fusion centre information sharing
- Prioritisation of identified investigations
- PCSI,PCMC and Forensic accountant

## How to lodge a complain to Serious Corruption Investigation

- ❖ Anti-Corruption Hotline 0800 204 098
- ❖ Informers
- ❖ Whistle-blowers
- ❖ Anonymous sources
- ❖ Register the case to the nearest police station
- ❖ People can directly come to the DPCI offices

## What is Corruption

### Section 3: Any person who directly or indirectly

- Accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person or gives or agrees or
- Offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person in order to act, personally or by influencing another person to act, in a manner- that amounts to the –:
- Illegal, dishonest, unauthorised, incomplete, or biased: or
- Misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional statutory, contractual or any other legal obligation



that amounts to -

- The abuse of a position of authority
- a breach of trust : or
- designed to achieve an unjustified result: or
- that amounts to any other unauthorised or improper inducement to do or not to do anything is guilty of the offence of corruption



**GRATIFICATION” INCLUDES –**

- (a) money, whether in cash or otherwise
- (b) any donation, gift, loan, fee, reward, valuable security , property or interest in property of any description , whether movable or immovable or any other similar advantage
- (c) the avoidance of a loss, liability , penalty , forfeiture , punishment or other disadvantage
- (d) any office, status, honour, employment, contract of employment or services, any agreement to employment or render services in any capacity and residential or holiday accommodation
- (e) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;

- (f) any forbearance to demand any money or money's worth or valuable thing
- (g) any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty
- (h) any right or privilege:-
  - (i) any real or pretended aid, vote, consent, influence or abstention from voting; or
  - (ii) any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage "Induce" includes to persuade, encourage, coerce, intimidate or threaten or cause a person

## **LIFE STYLE AUDIT : Section 23 of PRECCA**

- Application for, and issuing of investigation direction in respect of possession of property disproportionate to a person's present or past known sources of income or assets:  
National director or any person authorised, in writing may do application to a judge in chambers ,application to investigate any person who maintain a standard of living above his/her present or past unknown sources of income or assets; is in control of resources or property, which is above to his or her present or past source income or assets, maintain a standard of living through corrupt activities or processed of unlawful activities and such investigation is likely to reveal information, document or things which may afford prof of possession. Investigation officer has certain privilege, such as summon, questions, enter premises, examine, incriminating...etc

## DUTY TO REPORT CORRUPT TRANSACTIONS

Section 34 State that “1. Any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed -

(a) an offence under Part 1,2,3,or 4 or Section 20 or 21 ( in so far it relates to the afore mention offences) of Chapter 2; or

(b) the offence of theft , fraud, extortion, forgery or uttering a forged document , involving an amount of R100 000 or more ,must report such knowledge or suspicious or cause such knowledge or suspicion to be reported to any police official

(2) Subject to the provisions of section 37 (2) any person who fails to comply with subsection(1) , is guilty of an offence

**Example of some who hold possession of authority :** Director General, head of National or Provincial Department ; Municipal Manager, any public officer in the Senior Management Service of a public body; any head , rector or principal of a tertiary institution , manager, secretary or director of a company as defined in the Companies Act, bank manager and the rest

## Legal Principles Applicable

- The Constitution of the Republic of Republic, 1996
- South African Police Service Act 68 of 1995
- Public Finance Management Act 1 of 1999
- Municipal Finance Management Act 56 of 2003
- Prevention of Organised crime Act 121 of 1998
- Prevention of Corrupt Activities Act 12 of 2004
- Criminal Procedure Act 51 of 1977
- Financial Intelligence Centre Act 38 of 2001

**The Directorate For Priority Crime Investigation “HAWKS” offices are situated at: MIDDELBURG, SECUNDA AND NELSPRUIT**

**Provincial Head: Major General GERBER: 0823739440**

**Provincial Commander: BRIGADIER HALL: 0714813281**

**Middelburg OFFICE: CAPTAIN KOLOBE : 071 481 3126**

**Nelspruit OFFICE: LT Col Dzhauzhau: 071 481 3267**

**Secunda OFFICE: LT Colonel Mashaba :082 780 6414**



Don't forget: Locard Exchange Principle( Whatever one touch a mark is left behind)

Most of the cases are being reported when one is on retirement or left the job

PLEASE LET US NOT FALL ON THE TRAP/ABSTAIN  
AND NOT BE ATTRACTED BY CORRUPTOR OR  
CORRUPTEE'S

**I THANK YOU**

