

## CHAPTER 5 OPERATION

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What do people do in the DSO and how does this translate into how the DSO operates? There are a plethora of job designations in the DSO (approximately 33) but generally speaking the job-descriptions fall into the following categories: investigators, prosecutors, analysts, administrative support, and specialist support. This section describes what various people in the DSO do, and how these various people work together to carry out DSO operations.

### Investigators

All investigators have the powers assigned to them by the DSO founding legislation. The Act provides<sup>37</sup> that a special investigator has the powers as provided for in the Criminal Procedure Act which are bestowed upon police officials, relating to:

- (a) the investigation of offences;
- (b) the ascertainment of bodily features of an accused person<sup>38</sup>;
- (c) the entry and search of premises<sup>39</sup>;
- (d) the seizure and disposal of articles<sup>40</sup>;
- (e) arrests<sup>41</sup>;
- (f) the execution of warrants<sup>42</sup>; and
- (g) the attendance of an accused person in court.<sup>43</sup>

Hence, prior to the promulgation of this legislation, special investigators of the “Scorpions” did not have these powers unless they were police officials seconded from the South African Police Service (SAPS). As a result, during that time (September 1999–January 2001) Scorpions operations had to make extensive use of SAPS members when carrying out operations, unless the operation was making use of powers under the old IDSEO legislation (see *History*).

This also implies by omission that special investigators do not in the ordinary course have the power to conduct road blocks under authorisation of the national commissioner of police,<sup>44</sup> or to cordon off the scene of an offence

and prevent people from entering or leaving the area,<sup>45</sup> as these police powers are contained in the SAPS Act and not in the Criminal Procedure Act.

However, any DSO member, including a special investigator, has powers beyond those of ordinary police once he or she is designated to investigate a matter by the investigating director, which can only happen once the investigating director has decided to conduct an investigation (the terminology used is “to declare an investigation in terms of s28”). These include somewhat expanded powers of search and seizure.<sup>46</sup> The investigating director therefore has to designate the appropriate number of members that might be needed to conduct an operation. He can only designate such members once an investigation has been declared.

No-one can be appointed as a special investigator unless they have undergone a security screening by the NIA and have been issued with a security clearance certificate by the national director, after he has considered the information contained in that screening.<sup>47</sup> Each investigator is supposed to be issued with an identity document signed by the national director, which serves as proof that the person is a special investigator.<sup>48</sup> The initial security screening is not a once-off affair, however; any special investigator may at any stage be subject to further security screening, and denied clearance and discharged if found to pose a threat to the DSO’s work.<sup>49</sup>

Investigators comprise most of the DSO (64%). There are only three types of investigators, called special investigators (SI), senior special investigators (SSI), and chief investigating officers (CIO) (or chief special investigators (CSI), as they are referred to in the *Government Gazette*). As a result, many investigators feel limited by the “flat” career trajectory available to investigators. Once a special investigator has jumped from there to become a senior special investigator, the only remaining “investigator” positions are the very few CIO positions, which would also take an investigator away from real investigating work. For the young and ambitious, as well as for those used to the many rungs of authority in the SAPS, this lack of career path is a real problem. Some investigators feel many positions at head office are only open to those with prosecuting as opposed to investigating backgrounds.

However, there were other investigators who were puzzled by these concerns and said the label of a more senior position or “rank” was less important than the reputation and esteem one could build up in the DSO by doing good work, and thereby being involved to a greater degree in more and more challenging work. They also pointed to the advantages of working in an organisa-

tion where most people are on a similar level and there are not rungs of authority to be bridged on a daily basis. Furthermore, a broad salary scale has been developed in the DSO for special investigators, so that it is possible for an ambitious SI to move up the salary notches, even while retaining the same “rank”. While the first notch of the SI salary scale was initially high in comparison to detective salaries in the SAPS, a somewhat lower notch was introduced as of July 2003.<sup>50</sup>

### ***Special investigators***

Special investigators do the bulk of the DSO’s work. Although investigators work within a group, very often the group will designate a different task within the broader project to each investigator, who might sometimes work alone in achieving that task, or more often with another investigator, and sometimes with a prosecutor. Some investigators who come from a SAPS-background initially found it difficult to work as a team, as they were used to “owning” a docket and having the freedom to pursue the investigation as they saw fit.

In the DSO, much of that freedom is lost, as the team-based formula means the group decides under leadership of the group-heads or the lead investigator (see *Prosecutors*), who does what, and each person must stick to their tasks, and share the information with the team. Some investigators also felt quite limited by the directing role of the prosecutor, and a few were not convinced that prosecutors were best placed to have a large role in directing an investigation.

### ***Senior special investigators***

As the name suggests, a SSI is simply someone who is more senior or experienced than a SI. A SSI will also be more likely to be a joint group-head in conjunction with a prosecutor (see *Prosecutors*), on more difficult projects (although SI’s can also be group heads on particular projects). Generally speaking, most, but by no means all, investigators who had previous investigating experience, particularly those who had previously been at IDOC or the SAPS special investigating units, would have been appointed as SSI’s. However, some recruits with years of experience were not appointed as SSI’s but as SI’s. Some of the new recruits taken on and trained at the inception of the DSO have also recently been appointed as SSI’s.

## ***Chief investigating officers***

Each regional office of the DSO also has a CIO. The CIO is not attached to any particular case, project or group, but oversees all the investigators and investigations. The CIO must also represent the interests of investigators at management level. The CIO is therefore a manager and deputy to the regional head, who is a deputy director of public prosecutions (a prosecutor).

The CIO's basic function is to ensure investigations are carried out properly, efficiently and swiftly and to set the standard for investigations in the region. The CIO is on the same "rank" as a deputy director; in some regions the CIO has also appointed a second-in-command.

There are also CIOs appointed at head office, at the level of the head of operations, and in specialist support divisions such as the Crime Analysis Division (see *Analysts*) and the Operational Support Division (see *Specialist Support*). The remuneration of CIOs matches the first three salary levels of deputy directors of public prosecutions.<sup>51</sup>

## **Prosecutors**

Prosecutors are the second largest category of people in the DSO (18%). Their job-designations have titles that match those of prosecutors in the NPS, and their salaries are the same as those with equivalent rank and on similar salary scales in the NPS.<sup>52</sup> Legislation provides that salary scales apply to different categories of deputy directors and prosecutors within the NPA as a whole.<sup>53</sup>

Prosecutors in the DSO may therefore be public prosecutors, senior public prosecutors, state advocates, senior state advocates, directors or deputy directors or special directors of public prosecutions. The investigating director is a deputy national director of public prosecutions, assigned by the national director.

## ***Prosecutors in the regions***

Prosecutors in the regions are generally responsible for guiding projects or cases (see *Issues*). When the DSO first began operating, the idea was that each region of the DSO would be headed by a regional head, who is a deputy director of public prosecutions. Each region would be divided into groups, and each group would be headed by a prosecutor who would ultimately be

accountable for a project or case, since the aim of a project or a case within a project is to convict a suspect in court.

Since inception, therefore, prosecutors in the DSO have been far more than just prosecutors: they must take on a managerial and investigative role too. So while a prosecutor in the DSO remains an officer of the court with the primary function of prosecuting a matter in court, much of a prosecutor's time is spent on administration, on managing a team, and on advising on the progress of an investigation. At inception, the term prosecution-lead investigation was an accurate and unequivocal description of the DSO's operation.

However, in late 2001 the Gauteng region began experimenting with a different system, in which each group has two group heads, one of whom is a prosecutor, and one of whom is an investigator. Each group in Gauteng has at least two prosecutors, either a deputy director and a senior state advocate, or a senior state advocate and a state advocate, plus a number of investigators and sometimes other prosecutors, and perhaps an analyst. Each group also has at least one SSI who is also a project manager. In other words, there are two group heads or project managers in each group, one prosecutor and one investigator.

In most groups<sup>54</sup>, prosecutors are assigned to specific projects with specific investigations. In addition, each case has a "lead investigator". The case would be the primary responsibility of the investigator, with the assigned prosecutor acting in an advisory capacity, until the matter is court-ready, after which the matter becomes the primary responsibility of the prosecutor.

In the rest of the regions, the joint prosecutor-investigator group-head system was a new introduction at the time the interviews were conducted. In the Eastern Cape region, usually a group of ten consists mostly of SI, plus a senior state advocate who is a group-head, mainly working in court, and the group-head SSI.

In the Western Cape region, although projects do generally stay within groups, each team on a particular project might consist of different members from different groups, depending on the skills required for the particular project, but each team has at least analysts, investigators, a lead investigator, and undercover agents as well as the group head prosecutor.

In the KwaZulu-Natal region, while groups are lead by a prosecutor ("a case manager"), there is also a project manager on each case who might be a SI or a SSI. This region was also the only region at the time which appeared to have a system of "standby duty" for the groups on a rotational basis. The group on

standby spends the week taking information from the public, whether in person or by telephone. Where it seems there might be a worthwhile case arising from such information, this goes to the case intake committee. The committee has weekly meetings to see whether these might fall within the mandate (see *Mandate*). The case is then allocated to a group for a pre-preparatory investigation. After this is done they report back to the committee, who will then send the matter on to head office for a decision on whether an investigation is to be declared or not.

The region was forced to adopt this standby system because of the vast number of complaints coming directly to the DSO from the public, which were not possible simply to refer back to the SAPS or another responsible agency. These matters that arise from standby and are sent to head office after a preparatory investigation, were seldom “declared”. As a result of so many non-declarations, this region began limiting these preparatory investigations to interviewing only one person, in order not to waste time and resources.

In Gauteng, a somewhat similar system is in place whereby one particular group receives all new matters (whether from the public or elsewhere), conducts a preliminary investigation, and makes a recommendation to the regional head. That is, the group makes a determination: is there a crime? Is it within the DSO’s mandate? If yes, the regional head then applies to head office for authority to investigate the matter, which will then be investigated by that group or by another group. The composition of this group changes over a certain period of time. The danger for members of this group, is frustration at always doing preparatory investigations, and seldom having a “real” case. Gauteng region also found that few such matters were declared.

The change from unequivocal “prosecution-lead” investigation, to the double-headed group structure, appeared to arise out of investigators feeling that prosecutors are not always best-placed to properly lead an investigation, and a desire for more control over investigation by investigators themselves. Some prosecutors did indeed feel uncomfortable in the lead role, feeling it compromised their duty as an officer of the court (see *Issues*) and was not one of their core competencies; they would like, for example, the administrative duties of running a group to fall to the investigator group head.

Other prosecutors felt, on the contrary, that some investigators simply refused to acknowledge that ultimately, it is the prosecutor who must stand up in court and argue and win the case. The prosecutor, ultimately bearing the burden of authority, should therefore also have ultimate authority in directing the

investigation to obtaining the evidence that will be presented in court. Others argued that this double-headed system could have been avoided if prosecutors had simply followed less unwise management techniques, and behaved less like lawyers and more like managers.

Ultimately, it seems logical that what transpires in reality in each group depends on the personalities involved, and despite the fact that there might by name be two group heads, there will in the end be one group head who holds greater sway within the group. It remains to be seen how this issue will resolve. It is by no means a bad thing that there is experimentation and evolution in the way groups work in the DSO, as long as a spirit of pragmatism prevails, such that what works and what doesn't work is honestly acknowledged and acted upon. The DSO should remain open to flexibility and experimentation.

### ***Regional heads***

All regional heads of the DSO are also prosecutors, usually deputy directors of public prosecutions. Regional heads are responsible for overall running of their regional offices, and for exerting authority over the members in the regions. However, they have far less authority than a deputy director in the NPS. They have no power alone to decide to initiate a full DSO investigation – they can only decide on “pre-preparatory” investigations (see *Mandate*), in which the members involved do not have use of the full DSO powers, as the matter has not yet been “declared” or the members “designated”. All preparatory investigations and full investigations have to be authorised by the investigating director, according to NPA policy.<sup>55</sup>

To initiate a matter, a regional head has to provide a motivation including existing evidence, as to how the matter appears to fall under the DSO's operational mandate (see *Mandate*). Regional heads can therefore only make a recommendation as to whether a matter should be taken on. Ordinarily, regional heads also cannot alone authorise applications for other aspects of investigations, such as summonses.<sup>56</sup> For an authorisation to undertake a trap or undercover operation,<sup>57</sup> the regional head may approach the local office of provincial director of public prosecutions, or the national director's office.<sup>58</sup> An application for an interception and monitoring order (“wire tap”)<sup>59</sup> has to go via the relevant operational management desk (see *Desks*).<sup>60</sup> Although an application for search warrants can be approved by the investigating director or a deputy director and therefore by the regional head,<sup>61</sup> the persons conducting the search must be designated in writing by the investigating director.

There are four regional offices of the DSO. The Cape Town office is responsible for the region covering the Western and Northern Cape. Cape Town members at the time of writing were accommodated in three different offices in central Cape Town, as these were the old IDOC, IDSEO and TRC offices; plans to find single accommodation have been unsuccessful since 1999. At the time of writing, Tommy Prins was still incumbent regional head in Cape Town, but has resigned to take up private practise.

The Durban office is responsible for the region covering KwaZulu-Natal and the Free State, and the office is located in central Durban, although plans are afoot to move the office into the suburbs. The regional head at the time of writing is Lawrence Mwrebi. The East London office is responsible for the Eastern Cape and is located in central East London. The regional head at the time of writing is Karen Geyer. This is the smallest of the DSO regional offices.

The Pretoria office is responsible for provinces in the northern part of South Africa. Their offices are located in a Pretoria suburb, not far from the offices of the NPA. At the time of writing Gerhard Nel is the regional head. This is the largest of the DSO regional offices.

## ***Desks***

Since November 2001, four “operational management desks” have been established at the DSO head office, in the office of the head of operations. All of these “desks” are deputy directors of prosecutions. The function of the desks is to assist the head of operations and the head of the DSO in processing the authorisations (see *Regional Heads*) requested from the regions. Each desk deals with a different category of crime.<sup>62</sup>

At the time of writing, the serious and economic offences desk position is filled by Sacks Maphoma; the public sector corruption desk by Sibongile Mzinyathi; the desk dealing with offences in terms of the Prevention of Organised Crime Act (such as racketeering) by Faiek Davids, although he may soon be moving to another position, while the traditional syndicate organised crime desk position had not been filled.

Some have criticised the creation of these desk heads as creating a layer of bureaucracy between the head of operations and the regions. The categories have also been criticised as being of little practicality, given that most DSO matters straddle these categories. However, the desk structure is defended on the

basis that it is impossible for the head of operations alone to peruse all authorisations thoroughly, and partitioning the work by crime type allows expertise and knowledge over time to be developed in these categories; this helps the DSO to be careful about the matters it takes on. This careful operation of the DSO is to be applauded; however, it remains true that possibly as a consequence, the DSO takes on a very small number of cases per year (see *Performance*).

### ***Head of operations***

The NPA Act provides for an investigating director to assist the head of the DSO in the execution of his functions. This position is occupied by the head of operations, who at the time of writing was Geoph Ledwaba. The office of the head of operations manages and oversees all functions relating to the operations of the DSO, in support of the head of the DSO.

The head of operations and the head of the DSO authorise all investigations launched by the DSO, whether regionally or nationally. The main functions of the head of operations, in conjunction with the head of the DSO, are to:

- Consider and authorise investigations referred by the regional heads
- Monitor progress on current priority investigations
- Report on all operational activities
- Authorise applications to court for interception and monitoring orders
- Consider all racketeering and other organised crime prosecutions.

For many months after the resignation of Percy Sonn as head of the DSO, Leonard McCarthy occupied both the position of head of operations and head of the DSO (in an acting capacity) until confirmation of his appointment as head in April 2003, and promotion of Geoph Ledwaba. This illustrates the extent to which the two roles overlap, so that the head of the DSO works closely with the head of operations.

### ***Head of the DSO***

The head of the DSO is a deputy national director of public prosecutions, who is assigned by the national director. Bulelani Ngcuka confirmed the appointment of Leonard McCarthy as head of the DSO in April 2003, ending months of uncertainty. The head of the DSO is responsible for the overall functioning of the DSO, and confers closely with the head of operations on all authorisations.

## **Analysts**

At the time of writing, analysts comprised less than 2% of the members of the DSO. Yet their importance is somewhat out of proportion to their numbers. Analysts have suffered much uncertainty as to the exact nature of their role, and the Crime Analysis Division as such of the DSO was only properly finalised in November 2002. Lack of understanding of analysts' role by other DSO members, and lack of training, may also have led to their under-utilisation in the past: many analysts might have spent time doing "fieldwork" or other investigator-type activities. The DSO employs senior and junior analysts, but the distinction is not simply one of seniority; senior and junior have a somewhat different role.

### ***Senior analysts***

The senior analyst is a strategic analyst, who will for each region analyse the broader criminal climate and trends in the region concerned, and provide strategic direction; their role revolves around the analysis of intelligence and identifying proactive investigations. However, these analysts are reliant on access to outside intelligence, as the intelligence which comes from the DSO itself is largely case-specific. Senior analysts also do research such as tracking hijackings, by for example, interviewing convicted persons to find out routes for stolen vehicle sales. The senior analyst must help management plan for the year ahead.

### ***Junior analysts***

The junior analyst has a far more technical role, and is intricately involved with actual cases through analysis of data, using computer software such as iBase or Analyst's Notebook. Those junior analysts who have been trained in the use of this software have been invaluable on some DSO cases. This software can be used, for example, to analyse reams of telephone records, thereby to identifying links between people and so help to direct an investigation.

Another example is extensive use of analyst skills on the Road Accident Fund (RAF) cases, to analyse medical records, appointments, and claims made to the RAF, so that inconsistencies and improbabilities could be picked up. For example, analysis of records showed one doctor supposedly having examined 50 people in one day, all with serious injuries. Without an analyst skilled in

such software, huge volumes of data are simply impenetrable by an ordinary investigator. The analyst therefore helps direct investigators as to whom to target for further investigation; the links and diagrams created are not necessarily “evidence” as such. In order to do their work, analysts are sometimes heavily reliant on data capturers, to convert hard copy into electronic data which can be analysed (see *Administrative Support*).

Some junior analysts received excellent training from the NIA in the use of this type of software. NIA has its own analysts, which it uses for the purposes of crime intelligence. The NIA training was highly specific to South Africa and South African legislation and therefore of great use. However, some senior analysts have not had the technical training that the junior analysts have had, and sometimes don't understand the role of junior analysts, and the use to which they could also be put in helping with strategic analysis. At the time of interviews, some analysts had not been trained and felt unsure of their role. On the other hand, analysts who had been trained and had convinced their colleagues of their usefulness on particular cases, found themselves overwhelmed by requests for assistance on projects.

### ***The Crime Analysis Division***

There has been much discussion within the DSO about the need for better intelligence in order proactively to target investigations, and as a result the Crime Analysis Division (CAD) has been established at head office. Senior and junior analysts ordinarily based at CAD, may be assigned to projects in the regions as required. CAD is run by a chief investigating officer. On a strategic level, the CAD provides support to DSO head office management through the identification of trends and tendencies on the South African and international crime scene and the production of crime threat analyses.

### ***Rapid Operational Support Centre***

Within CAD there is also being established the Rapid Operational Support Centre (ROSC), which provides a service to access information held by other government agencies as well as private institutions: it is intended to be the conduit through which all informational operational assistance to the DSO will flow. At present, the information technology support for ROSC is being finalised, as are protocols with other agencies. However, ROSC is already operational and handles more than 200 requests each year, obtaining

information from diverse sources such as the various cell phone service providers and the Department of Home Affairs.

## **Administrative Support**

This group of people comprise 14% of the DSO, only just over half of whom are located at regional level rather than head office. They are office managers, finance officers, human resources officers, administrative assistants, senior administrative clerks, senior secretaries, data capturers, typists, receptionists, switch operators and messengers.

Data capturers also play a crucial role in the work of analysts (see *Analysts*). Before volumes of data can be analysed with the appropriate software, they have to be reduced to an electronic form. The data capturers of the Crime Analysis Division either enter the data manually, or, where technically feasible, scan the information with optical scanners. About 20% of all administrative support people are data capturers.

The consensus among DSO members seems to be that the DSO has not taken to heart the maxim “a lawyer (or anyone else for that matter) is only as good as his or her secretary (or filing clerk, or messenger)”, and there are simply far too few support personnel available to all DSO members. Only regional heads in the regions have their own secretaries. While it is true that as a result of the shared services model adopted by the NPA that much administrative work is conducted by Corporate Services or Human Resources at the NPA head office, and it is also true that the modern office does not require a secretary for each prosecutor or manager, it does seem rather anomalous finding high-paid deputy directors doing their own photocopying.

Furthermore, the way in which Corporate Services operates means that much administrative paperwork has to be done in the regions anyway, and then posted to head office. An administrative assistant, for example, will be used for organising (via head office) vehicle hire, subsistence and travel allowances (S&Ts), leave, salaries, office buying, and the paying of all accounts such as telephones and car hire.<sup>63</sup> (Support staff might also, for example, be responsible for liaising with the SAPS when fingerprint identification is required.) Most payments are made from head office, with the regions having very small budgets and authorisation limits of their own – they can only make payments of up to R5000. Each region does have both a financial officer and an office manager; yet what is needed is probably more administrative assistants.

However, there is not much that can be done immediately, as the posts for administrative personnel in the NPA were frozen and had been frozen for some time at the time of writing; furthermore, there is unlikely to be a change in the shared-services model as it was adopted ostensibly to save costs via economies of scale, but probably more likely as a tight means of expenditure control. Corporate Services is thus likely to remain part of the NPA, and the DSO as part of the NPA must continue to operate through Corporate Services. Nevertheless, some improvement from head office administration can be expected, since the entire Human Resources department of the NPA was suspended for suspected corruption after a DSO investigation in June 2003 – so at the very least these corrupt and inefficient staff, which impacted negatively on the whole NPA, will be replaced.

It is worth noting that in the US Federal Bureau of Investigations (FBI), in January 2002, there were 11,000 special agents supported by 16,000 professional support personnel – a ratio of almost 1.5 support persons for each agent – so there is precedent for a higher proportion of support staff (see *International Comparison*). While it is of course good to know the DSO is a “lean” organisation consisting predominantly of operational people, it does not help if these people are kept away from their core competencies by the need to complete administrative work. Perhaps one administrative assistant per group would be a good ratio.

## **Specialist Support**

The remaining 2% of the DSO may be considered to be specialist support. Although they might be either prosecutors or investigators originally, their functions have become highly specialised.

## ***Operational Support Services***

The Operational Support Division provides operational support to projects conducted by the regions. This support includes conducting surveillance operations, assisting investigators with the interception and monitoring of suspects, performing high-risk arrests, and protecting witnesses. Operational support staff are based at head office, and must therefore do much travelling around the country to carry out their support function. There are, however, a limited number of DSO members based in the regions who have the skills to do, for example limited surveillance or photography, but the majority of this work is done by operational support.

## ***Training and Development***

The division has only five “trainers” and three information technology trainers (as well as administrative staff). The DSO also does not have its own training facility. Consequently, almost all DSO training is “bought” or “outsourced”. Most training arranged is specialist, such as training in financial investigation, or training in analysis. Some diversity management training has also occurred. The groups trained are usually small, of between five and 30 people, except for the new recruits group.

The training division was also responsible for co-ordinating the foundation training of new recruits who were South African trained (some of the trainers or lecturers themselves came from other organisations, such as the SAPS, or Technikon SA). Mixed reports were received about the South African foundation training, with many showing disdain for its “boot camp” nature, and some felt it did not prepare them adequately for work in the DSO. However, the earlier international training was also not without problems (see *People*).

The division is also responsible for conducting “certification examinations” for new recruits: they are supposed to amass certain “core skills” in their probationary first 24 months of “on-the-job” training. The division has also conducted a skills audit of the DSO, in order to extrapolate to future needs of the organisation.

Much of the early training of investigators was done by arrangement with the US FBI and the UK Metropolitan Police at Scotland Yard. While the former consisted of the usual training FBI agents receive, the focus of the latter was on conducting successful investigations in a human rights environment (see *Investigators*).

## ***Head of Strategic and Investigative Support***

The head of strategic and investigative support, Ayanda Dlodlo, oversees all those support entities of the DSO that are located at head office, that is, CAD, ROSC, Operational Support Services, Training and Development, and Administration. The planned forensic services component will also fall under the head of strategic and investigative support. This position is on the same level as the head of operations, who oversees the desks and the regions, and therefore also reports to the head of the DSO.

## **Associated NPA Services**

There are a number of entities within the NPA that are closely associated with the DSO, although they are not utilised by the DSO alone.

### ***Crime Information Collection Unit***

The Crime Information Collection Unit (CICU) is an entity within the NPA located at head office. The CICU is a rapid response unit that will carry out raids and searches and otherwise gather information, in support of envisaged prosecutions, particularly priority investigations and those with a national focus. It appears that at present the CICU works both for the NPA generally and the DSO. It consists mainly of persons with a background in investigation. The CICU is a relatively new entity and its strategic focus is not yet clear; it is also not clear whether it will remain within the NPA generally, or become part of the DSO.

### ***Corporate Services***

The NPA has chosen a shared services model to provide support to the various NPA components – the NPS, AFU, DSO and supplementary services in the NPA such as the Specialised Commercial Crime Unit (SCCU), Sexual Offences and Community Affairs Unit (SOCA) and Witness Protection Unit (WPU).

Corporate Services is responsible for Human Resource Management and Development Services, Financial Services, Information Management Services, and Administration and Logistical Services. The efficient operation of this entity is therefore essential for the efficient operation of the DSO, as well as of other NPA entities. Internal interviews indicated that Corporate Services was not operating efficiently; however, that was prior to the suspension of the entire human resources component of Corporate Services after a DSO investigation uncovered corruption in the component. Performance of this entity should improve once new staff is brought in; a shared services model is highly reliant on good implementation to be successful.

### ***Asset Forfeiture Unit***

The AFU is not part of the DSO, as is commonly assumed. It is part of the NPA, and brings forfeiture applications in support of any investigation, whether on

behalf of the SAPS or the DSO. The AFU has been careful to maintain good relations with SAPS detectives as well as DSO investigators. The AFU consists of prosecutors who have detailed understanding of the provisions of the POC Act, in particular those relating to civil and criminal forfeiture contained in Chapter 5 and 6 of the POC Act (see *Context*).<sup>64</sup> The Unit is headed by Juliana (Ouma) Rabaji, a special director of prosecutions, who was appointed after Willie Hofmeyer was promoted to the position of deputy national director. Hofmeyer was subsequently appointed to oversee the Special Investigating Unit (see *Comparative Performance*).<sup>65</sup>

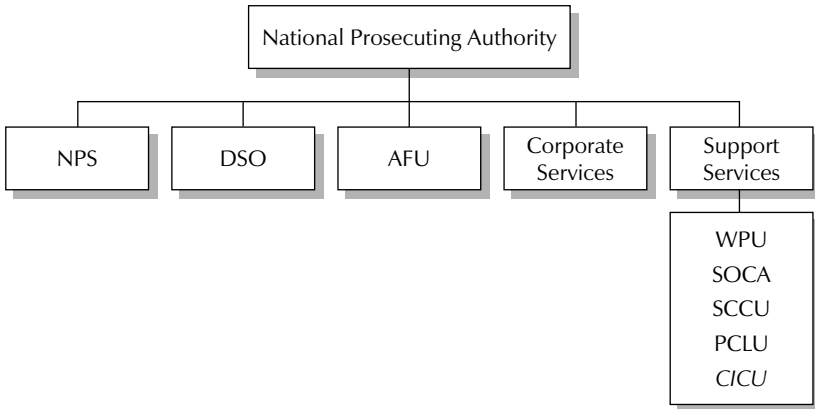
### ***Special National Projects Unit***

The Special National Projects unit, responsible for prosecutions arising out of the Truth and Reconciliation Commission (TRC) report, was initially part of the DSO and located at the NPA head office. However, in March 2003, this was restructured as the Priority Crimes Litigation Unit (PCLU) within the NPA and outside the DSO, with Anton Ackerman appointed to head the unit as a special director of public prosecutions.<sup>66</sup> This Unit is also responsible for ensuring NPA compliance with the Rome Statute<sup>67</sup>. This would include any issues incidental to the International Criminal Court.

## **Conclusion**

The DSO is inextricably part of the NPA. The DSO is also dependent on various entities outside of the DSO and within the NPA for its efficient operation. Units and people within the DSO are highly specialised, making teamwork essential. The organograms (see *Figure 1* and *Figure 2*) below summarise the various entities discussed in this chapter and show where they fit in within the DSO, and also show the position of the DSO within the NPA.

**Figure 1: National Prosecuting Authority**



**Figure 2: Directorate of Special Operations**

