
MANDATE OF THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
IMPLEMENTATION DATE: 01 APRIL 2022



HAWKS

DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

A handwritten signature in black ink, appearing to read 'S. Lebeya'.

LIEUTENANT GENERAL
(DR/ADV) SESWANTSHO GODFREY LEBEYA (SOEG)
DATE: 01 APRIL 2022

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ABBREVIATIONS

CIT	Cash-in-Transit
Constitution	Constitution of the Republic of South Africa, 1996
DPCI	Directorate for Priority Crime Investigation
ECTA	Electronic Communications and Transactions Act, 2002 (Act No 25 of 2002)
FCA	Firearms Control Act, 2000 (Act No 60 of 2000)
MFMA	(Local Government): Municipal Finance Management Act, 2003 (Act No 56 of 2003)
NEMBA	National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004)
NPVC	National Priority Violent Crimes
PCSI	Priority Crime Specialised Investigation
PFMA	Public Finance Management Act, 1999 (Act No 1 of 1999)
POCA	Prevention of Organised Crime Act, 1998 (Act No 121 of 1998)
POCDATARAA	Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No 33 of 2004)
PRECCAA	Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004)
SANEB	South African Narcotics Enforcement Bureau
SAPS	South African Police Service
SCCI	Serious Commercial Crime Investigation
SCI	Serious Corruption Investigation
SOCI	Serious Organised Crime Investigation
TRC	Truth and Reconciliation Commission

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DEFINITION OF KEY TERMS

The terms in this document take the legislative definition and if there is no definition in the Act and Common Law, the ordinary dictionary meaning applies. Some of the terms may reflect descriptions instead of definitions.

Complex cases	A case in which the legal or factual issues are unusual; therefore, requires more time, skills, and effort than would be required in the average case, to investigate and solve.
Organised fashion	The planned, ongoing, continuous or repeated participation, involvement or engagement in at least two incidents of criminal or unlawful conduct that has the same or similar intent, results, accomplices, victims or methods of commission, or otherwise are related by distinguishing characteristics.
Smuggling of people	Smuggling of people is the illegal movement of people across international borders for a fee. On arrival, the smuggled person is free.
Trafficking in persons	The trafficker moves a person for exploitation. There is no need to cross an international border. Trafficking can occur at international level, national level and even within one community.

1. INTRODUCTION

The aim and objective of this document is to outline the exclusive mandate of the Directorate for Priority Crime Investigation (**DPCI**) and provide clarity in respect of the cases of National Priority Offences that are investigated by the DPCI.

It should be noted that section 17AA of the South African Police Service Act, 1995 (Act No 68 of 1995)(**Police Act**) states that the provisions of Chapter 6A of the Police Act as amended, apply to the exclusion of any section within this Act, in respect of the mandate of the Directorate.

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- 1.1. The mandate of the DPCI is enshrined in section 17D of the Police Act since 14 September 2012 and insulated by section 17E (11) of the Police Act.
- 1.2. Section 17D(1) of the Police Act provides 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 34 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004).
 - (2) Section 17D (2) of the Police Act provides that if during the course of an investigation by the Directorate, evidence of any 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.
 - (3) Section 17D(3) of the Police Act provides that the National Head of the Directorate may, if he or she has reason to suspect that a national priority offence has or is being committed, request the National Director of Public Prosecutions to exercise the powers of section 28 of the National Prosecuting Authority Act, 1998 (Act No 32 of 1998).
- 1.3. The provisions of section 17B(a) of the Police Act provides that the need to establish a Directorate within the SAPS is to prevent, combat and investigate **national priority offences**, in particular, serious organised crime, serious commercial crime and serious corruption.
- 1.4. Section 17A of the Police Act defines **national priority offence** as meaning organised crime, crime that requires national prevention or investigation, or crime which requires specialised skills in the prevention and investigation thereof, as referred to in section 16(1) of the Act.
- 1.5. Section 16(1) of the Police Act provides that circumstances amounting to **criminal conduct or an endeavour thereto** as set out in section 16(2) of the Act, shall be regarded as organised crime, crime which requires national prevention or investigation or crime which requires specialised skills in the prevention and investigation thereof.

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- 1.6. Section 16(2) as referred to in section 16(1) of the Police Act, provides as follows: Circumstances contemplated in subsection (1) comprise **criminal conduct or an endeavour thereto**-
- (a) by a person, group of persons or syndicate acting in (i) an organised fashion; or (ii) a manner which could result in **substantial financial gain** for the person, group of persons or syndicate involved;
 - (b) (i) by a person or persons in a position of trust and making use of specialised or exclusive knowledge; (ii) in respect of the revenue or expenditure of the national government; or (iii) in respect of the national economy or the integrity of currencies;
 - (c) which takes on such proportions or is of such a nature that the prevention or investigation thereof at national level would be in the national interest;
 - (d) in respect of unwrought precious metals or unpolished diamonds;
 - (e) in respect of the hunting, importation, exportation, possession, buying and selling of endangered species or any products thereof as may be prescribed;
 - (f) in more than one province or outside the borders of the RSA by the same perpetrator or perpetrators, and in respect of which the prevention or investigation at national level would be in the national interest;
 - (g) in respect of which the prevention or investigation requires the application of specialised skills and where expedience requires that it be prevented or investigated at national level;
 - (h) which a Provincial Commissioner requests the National Head of the Directorate for Priority Crime Investigation, referred to in section 17C(2), to prevent or investigate by employing expertise and making resources available at national level and to which request the National Head of the Directorate for Priority Crime Investigation accedes;
 - (i) in respect of which the investigation in the RSA by the SAPS is requested by an international police agency or the police service of a foreign country;
 - (iA) in respect of the commission of any alleged offence indicated in the **Schedule**;
 - (j) in respect of which the prevention or investigation by members under the command of the Provincial Commissioner will detrimentally affect or hamper the prevention or investigation of circumstances referred to in paragraphs (a) to (iA).
- 1.7. The **Schedule** referred to in terms of section 16(2)(iA) of the Police Act, is as follows:
- (1) High treason.

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- (2) Any offence referred to in paragraph (a) of the definition of '**specified offence**' of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No 33 of 2004).
 - (3) Sedition.
 - (4) Any offence referred to in Schedule 1 to the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No 27 of 2002).
 - (5) Any offence referred to in Chapter 2, 3 and 4 of the Prevention of Organised Crime Act, 1998 (Act No 121 of 1998).
 - (6) Any offence referred to in section 13(f) of the Drugs and Drug Trafficking Act, 1992 (Act No 140 of 1992).
 - (7) Any offence referred to in the Non-proliferation of Weapons of Mass Destruction Act, 1993 (Act No 87 of 1993).
 - (8) Any offence relating to the dealing in or smuggling of ammunition, firearms, explosives or armament and the unlawful possession of such firearms, explosives or armament.
 - (9) Any offence contemplated in **Chapter 2 and section 34** of the Prevention and Combating of Corrupt Activities Act, 1994 (Act No 12 of 2004).
 - (10) Any offence referred to in the Regulation of Foreign Military Assistance Act, 1998 (Act No 15 of 1998).
 - (11) Any offence referred to in the National Conventional Arms Control Act, 2002 (Act No 41 of 2002).
 - (12) **Any offence** for which the punishment may be imprisonment for life.
- 1.8. Section 16(3) of the Police Act provides that, **in the event of a dispute** between the National Head of the Directorate and the National Commissioner or the Provincial Commissioner regarding the question of whether criminal conduct or an endeavour thereto falls within the mandate of the Directorate, the determination of the National Head shall prevail.
- 1.9. Sections 16(4)(a) read with 16(4)(b) recognises that the Provincial Commissioner is responsible for the prevention and investigation of all crimes or alleged crimes committed in the province concerned, and places an obligation on him/her to report as soon as possible circumstances referred to in section 16(2) to the National Head when such circumstances are revealed to him/ her during the investigation of a crime or alleged crime.
- 1.10. Section 16(4)(c) provides that, once the Provincial Commissioner has reported the

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criminal conduct or endeavour thereto to the National Head, the latter may **direct** that the investigation or any part thereof, be conducted by the former.

2. MATTERS TO BE INVESTIGATED BY THE DPCI

2.1 SERIOUS COMMERCIAL CRIME INVESTIGATION COMPONENT

In line with the functions of the DPCI, an investigation with a monetary value where the cumulative loss suffered is more than five hundred thousand rands (**R500 000, 00**) shall be investigated by the Serious Commercial Crime Investigation Component. In selecting cases for serious commercial crime investigation under Part 1, public interest and expectation; the urgency of the investigation; the complexity of the investigation; the nature and extent of the investigation; organised fashion; harm or threat to the economy or community and human resources and skills required to complete the investigation, shall be taken into consideration.

PART 1: COMMON LAW OFFENCES

Common law offences of fraud and theft (subject to the mandate) where the cumulative value of the loss suffered, is five hundred thousand rands (**R500 000.00**) and over, **including** all fraud and theft committed under the following circumstances:

2.1.1. Theft

- (a) Theft of trust monies by any person who is legally obliged to keep a separate trust account.
- (b) Theft by trustees or liquidators of the funds or assets of insolvent estates or estates under curatorship.
- (c) Theft by executors of the funds or assets from the estates of deceased persons.
- (d) Theft by persons employed in a fiduciary capacity committed over a period by manipulating the accounting records of banks, mutual banks, insurance companies and businesses.

2.1.2. Fraud

- (a) Fraud arising from inter-company or close corporation transactions.
- (b) Fraud by the double discounting of instalment sale agreements.
- (c) Vehicle finance fraud that is committed in an organised fashion.

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- (d) Fraud by factoring – where fictitious debtors are created and/or the sale of debtors to multiple institutions on discount in exchange for immediate money with which to finance continued business.
- (e) Fraud arising from transactions on the stock exchange.
- (f) Fraud committed with stolen cards or the data from stolen cards (stolen debit cards, stolen petrol cards and stolen credit cards) where cards and data are reported by the Forensic Card Division of the banks.
- (g) Fraud committed where Government institutions are prejudiced.
- (h) Fraud by persons employed in a fiduciary capacity committed over a period of time by manipulating the accounting records of e.g. banks, mutual banks, insurance companies and businesses.
- (i) Online fraudulent schemes including advance fee fraud (419 letter scams)
- (j) Fraudulent court orders relating to matters that fall within the mandate of the DPCI.
- (k) Tax-related offences.
- (l) Fraud relating to investment scams.
- (m) Tender Fraud.

PART 2: STATUTORY OFFENCES:

In dealing with statutory offences, the DPCI shall focus only on complex cases where the statutory offence is the main charge and not as an additional charge.

ACT	SECTION
Administration of Estates Act, 1965 (Act No 66 of 1965)	Sections 13: Deceased estate liquidated or distributed without letters of executorship or direction by Master. Sections 35: Liquidators and distribution accounts. Sections 47: Sales by executor.
Auditing Profession Act, 2005 (Act No 26 of 2005)	Section 52: Reportable irregularities and false statements in connection with audits.
Banks Act, 1990 (Act No 94 of 1990)	Sections 11: Conducting business of deposit-taking institution while not registered as a public company and provisionally or finally

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ACT	SECTION
	<p>registered as a deposit-taking institution in terms of the Act.</p> <p>Section 17 (5) & (6): Institution provisionally registered for the first time as a deposit-taking institution commencing doing business before furnishing proof to the Registrar that it complies with the provisions of section 70.</p> <p>Section 18A: Establishment of branches of foreign institutions in South Africa.</p> <p>Section 21: Untrue information in connection with applications for registration.</p> <p>Section 22: Use of name of deposit-taking institution.</p>
Close Corporations Act, 1984 (Act No 69 of 1984)	Section 64: Liability for reckless carrying-on of business of corporation.
Companies Act, 2008 (Act No 71 of 2008)	Section 214: False statements, reckless conduct and non-compliance.
Competition Act, 1998 (Act No 89 of 1998)	Section 73A: Causing or permitting firm to engage in prohibited practice.
Copyright Act, 1978 (Act No 98 of 1978)	Section 27: Infringement of Copyright and remedies.
Counterfeit Goods Act, 1997 (Act No 37 of 1997)	Sections 2(1)(b), 2(1)(e) and 2(1)(f): Dealing in counterfeit goods is prohibited and an offence.
Customs and Excise Act, 1964 (Act No 91 of 1964)	<p>Section 15: Any person entering or leaving the Republic shall unreservedly declare all goods in his possession which he brought with him into the Republic or proposes taking with him beyond the borders of the Republic and shall, if required by an officer to do so, produce and open such goods for inspection by the officer.</p> <p>Section 20(4) bis No person shall, without the written permission of the Controller, divert any goods entered for removal from or delivery to a</p>

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ACT	SECTION
	<p>customs and excise warehouse, except goods entered for payment of the duty due thereon, to a destination other than the destination declared on entry of such goods or deliver or cause such goods to be delivered in the Republic except in accordance with the provisions of this Act. [Sub-s. (4)bis] inserted by s. 4 (d) of Act No. 95 of 1965 and substituted by s. 14 (b) of Act No. 45 of 1995.]</p> <p>Section 80(1) Any person who-</p> <p>(a) has upon his premises or in his custody or under his control, or purchases, sells or otherwise disposes of any illicit goods knowing the same to be illicit goods;</p> <p>(b) not being a licensed manufacturer or dealer, without lawful authority, has in his possession or custody or under his control any partly manufactured excisable goods or fuel levy goods or excisable goods or fuel levy goods upon which duty has not been paid; [Para. (b)] substituted by s. 27 of Act No. 105 of 1969, by s. 27 (a) of Act No. 84 of 1987 and by s. 32 of Act No. 59 of 1990.]</p> <p>(c) removes or assists in or permits the removal of goods in contravention of any provision of this Act;</p> <p>(h) without lawful excuse (the proof of which shall lie upon him), brings into the Republic, produces or has in his possession any blank or incomplete invoice or any billhead or other similar document capable of being completed and used as an invoice for goods from outside the Republic; [Para. (h)] substituted by s. 12 (a) of Act No. 52 of 1986 and by s. 68 (a) of Act No. 30 of 1998.]</p>

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ACT	SECTION
	<p>(i) makes improper use of a licence, permit or other document issued in respect of goods to which this Act relates;</p> <p>(j) claims or receives any rebate, drawback, refund or payment or sets off any amount in terms of the provisions of section 77 (a) to which he knows he is not entitled under this Act; [Para. (j) substituted by s. 22 of Act No. 86 of 1982 and by s. 8 (a) of Act No. 98 of 1993.]</p> <p>(k) not being authorized to do so, gives or promises to give, directly or indirectly, any reward to an officer or any person employed by the Government, in respect of the performance or non-performance by any such officer or person of his duty or employment under this Act or agrees with or proposes to any such officer or person to do or permit anything in contravention or evasion of this Act;</p> <p>(l) being an officer or a person employed by the Government, demands or receives, except from or through the Government, any reward in respect of the performance or non-performance of his duty or employment under this Act or by any wilful act, neglect or default does or permits or agrees to do or permit anything in contravention or evasion of this Act;</p> <p>(m) attempts to commit or assists in committing any offence mentioned in this section;</p> <p>shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or treble the value of the goods in respect of which such offence was committed, whichever is the greater, or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.</p> <p>Section 81: Any person who contravenes or fails to comply with the provisions of section 15, shall be guilty of an offence and liable on conviction</p>

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ACT	SECTION
	<p>to a fine not exceeding R8 000 or treble the value of the goods in question, whichever is the greater, or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and the goods in question and any other goods contained in the same package as well as the package itself shall be liable to forfeiture. [S. 81 substituted by s. 9 of Act No. 93 of 1978, amended by s. 13 of Act No. 52 of 1986, substituted by s. 33 of Act No. 59 of 1990 and amended by s. 9 of Act No. 105 of 1992.]</p> <p>Section 82(1): Any person who without lawful excuse (the onus of proof of which shall be upon him) uses, or has under his control or in his possession, any stamp or makes available to another person any stamp-</p> <p>(a) which is used under the authority of the Commissioner; [Para. (a) substituted by s. 34 (1) of Act No. 34 of 1997.]</p> <p>(b) the imprint of which is identical to or resembles the imprint of a stamp referred to in paragraph (a) or of any stamp used by a governmental authority in a foreign country under any law of such country relating to customs or excise or to the import or export of goods, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.</p> <p>(2) Any person who without lawful excuse (the onus of proof of which shall be upon him) manufactures or has in his possession or under his control any stamp the imprint of which depicts the name of a company, firm or other business entity in a foreign country, or any signs or letters which could be reasonably understood to be a reference to such company,</p>

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ACT	SECTION
	<p>firm or business entity, shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding five years, or to both such fine and such imprisonment. [S. 82 repealed by s. 8 of Act No. 89 of 1984 and inserted by s. 9 of Act No. 98 of 1993.]</p> <p>Section 83: Irregular dealing with or in goods.- Any person who-</p> <ul style="list-style-type: none"> (a) deals or assists in dealing with any goods contrary to the provisions of this Act; or (b) knowingly has in his possession any goods liable to forfeiture under this Act; or (c) makes or attempts to make any arrangement with a supplier, manufacturer, exporter or seller of goods imported or to be imported into or manufactured or to be manufactured in the Republic or with any agent of any such supplier, manufacturer, exporter or seller, regarding any matter to which this Act relates, with the object of defeating or evading the provisions of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or treble the value of the goods in respect of which such offence was committed, whichever is the greater, or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment, and the goods in respect of which such offence was committed shall be liable to forfeiture. [S. 83 amended by s. 14 of Act No. 52 of 1986 and by s. 10 of Act No. 105 of 1992.] <p>Section 84(1): Any person who makes a false statement in connection with any matter dealt with in this Act, or who makes use for the purposes of this Act of a declaration or document containing any such statement shall,</p>

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ACT	SECTION
	<p>unless he proves that he was ignorant of the falsity of such statement and that such ignorance was not due to negligence on his part, be guilty of an offence and liable on conviction to a fine not exceeding R40 000 or treble the value of the goods to which such statement, declaration or document relates, whichever is the greater, or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment, and the goods in respect of which such false statement was made or such false declaration or document was used shall be liable to forfeiture. [Sub-s. (1) amended by s. 15 of Act No. 52 of 1986 and by s. 11 of Act No. 105 of 1992.]</p> <p>(2) For the purposes of subsection (1), any invoice or other document relating to any denomination, description, class, grade or quantity of goods shall be deemed to contain a false statement if the price charged by the exporter or any value, price, commission, discount, cost, charge, expense, royalty, freight, duty, tax, drawback, refund, rebate, remission or other information whatever declared therein which has a bearing on value for the purposes of payment of any duty or on classification in terms of any Schedule to this Act or on anti-dumping duty, countervailing duty or safeguard duty or on extent of rebate, refund or drawback of duty-</p> <p>(a) is not, except in so far as may be otherwise specified, exclusively related to goods of the denomination, description, class, grade or quantity declared in such invoice or document;</p> <p>(b) is influenced, adjusted or amended as a result of any separate transaction, arrangement, agreement or other consideration of any nature</p>

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ACT	SECTION
	<p>whatever particulars of which are not specified in such invoice or document;</p> <p>(c) represents any average or adjustment or amendment, particulars of which are not disclosed in such invoice or document, of such values, prices, commissions, discounts, costs, charges, expenses, royalties, freight, duties, taxes, drawbacks, refunds, rebates, remissions or other information in respect of goods of the same or of different denominations, descriptions, classes, grades or quantities supplied by the same supplier.</p> <p>[Sub-s. (2) added by s. 11 of Act No. 57 of 1966, amended by s. 28 of Act No. 105 of 1969 and by s. 29 of Act No. 112 of 1977 and substituted by s. 14 of Act No. 61 of 1992.]</p> <p>Section 86: -Any person who-</p> <p>(a) fails to advise the Controller of the receipt of any amended prescribed invoice or any credit note or debit note or of any change in the circumstances or particulars of whatever nature as declared in any prescribed invoice or in any other document or of any refund of money or deferred or secret discount, commission or other credit or debit which relates to any goods and which would increase the duty on such goods or exclude them from any rebate or refund or other privilege under this Act;</p> <p>(b) fails to declare in or omits from any prescribed invoice any particulars (including value and origin) in respect of the goods to which such invoice relates and which would increase the duty on such goods or exclude them from any rebate or refund or other privilege under this Act;</p> <p>(c) applies any money or credit received by or due to him as a commission in such a manner as to avoid or evade any duty or obligation or</p>

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ACT	SECTION
	<p>to obtain any rebate or other privilege in respect of any goods under this Act;</p> <p>(d) issues two or more different prescribed invoices or certificates in respect of the same goods or fails to issue an amended prescribed invoice or certificate where any particulars declared in any prescribed invoice or certificate in respect of any goods have changed in any manner whatever;</p> <p>(e) makes or attempts to make or assists in making or attempting to make any arrangement of whatever nature with any person inside or outside the Republic in connection with any goods imported or to be imported into the Republic with the object of or having the effect of defeating or evading the provisions of any agreement entered into between the Republic and any exporting territory which provides for the restriction of or control over the exportation to the Republic of any goods in any manner or any restriction of or control over the exportation of any goods to the Republic imposed by any exporting territory in any manner by arrangement with or at the instance or suggestion of or with the approval of the Republic;</p> <p>(f) produces to the Controller, for the purposes of section 39 (1) (d), any sample which is not a sample of the goods of which it purports to be a sample or who so produces any copy of any invoice or other document or of any blueprint, illustration, drawing, plan or illustrated and descriptive literature which does not relate to the goods to which it purports to relate or which is incorrect or incomplete or misleading in any respect;</p> <p>(g) allocates the same identification number, code, description, character or other mark referred to in section 41 (2) to goods of different</p>

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ACT	SECTION
	<p>classes or kinds or allocates more than one such identification number, code, description, character or other mark to goods of the same class or kind or who quotes or reproduces any such identification number, code, description, character or other mark in any invoice or document relating to goods to which such number, code, description, character or other mark has not been allocated; or</p> <p>(h) contravenes or fails to comply with the provisions of section 101 or of any rule made in terms of section 73 or 101,</p> <p>[Para. (h) substituted by s. 58 of Act No. 45 of 1995.] shall be guilty of an offence and liable on conviction to a fine not exceeding R40 000 or treble the value of the goods in respect of which such offence was committed, whichever is the greater, or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment, and the goods in respect of which such offence was committed shall be liable to forfeiture.</p> <p>[S. 86 substituted by s. 11 of Act No. 85 of 1968 and amended by s. 17 of Act No. 52 of 1986 and by s. 13 of Act No. 105 of 1992.]</p>
<p>Cybercrimes Act 19 of 2020</p>	<p>Section 3(1): Unlawful and intentional interception of data.</p> <p>Section 3(2): Unlawful and intentional possession of data or output of data with the knowledge that such data was unlawfully and intentionally intercepted.</p> <p>Section 3(3): Unlawful and intentional possession of data or output of data, in regard to which there is a reasonable suspicion that such data was intercepted unlawfully.</p>

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ACT	SECTION
	<p>Section 4(1): Any person who unlawfully and intentionally uses, or possesses any software or hardware tool for purposes of contravening an offence described in the Act.</p> <p>Section 5(1): Unlawful interference with data or computer program.</p> <p>Section 6(1): Unlawful interference with computer data storage medium or computer system.</p> <p>Section 7(1) & (2): Unlawful acquisition, provision, receipt or use of password, access code or similar data or device.</p> <p>Section 8: Cyber fraud where the cumulative value of the loss suffered, is R500 000 and over.</p> <p>Section 9: Cyber forgery and uttering where the cumulative value of the loss suffered, is R500 000 and over.</p> <p>Section 10: Cyber extortion where the cumulative value of the loss suffered, is R500 000 and over.</p> <p>Section 11(1) & (2): All aggravated offences.</p> <p>Section 12: Theft of incorporeal property where the cumulative value of the loss suffered, is R500 000 and over.</p> <p>Section 17: Attempting, conspiring, aiding, abetting, inciting, instigating, instructing, commanding, procuring, another to commit an offence dealt with by the DPCI.</p>

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ACT	SECTION
Electronic Communications and Transactions Act, 2002 (Act No 25 of 2002)	<p>Section 86: Unauthorised access to, interception of or interference with data.</p> <p>Section 87: Computer-related extortion, fraud and forgery.</p> <p>Section 88: Attempt, aiding and abetting.</p>
Exchange Control Regulations, 1961	<p>Regulation 2: Restriction on purchase, sale and loan of foreign currency and gold.</p> <p>Regulation 3: Restriction on the export of currency, gold, securities and the import of South African bank notes.</p> <p>Regulation 10: Restriction on export of capital.</p> <p>Regulation 19: Failure to furnish information on request by the Treasury or by any person authorised by the Treasury.</p>
Financial Advisory and Intermediary Services Act, 2002 (Act No 37 of 2002)	<p>Section 36: Any person who</p> <ul style="list-style-type: none"> (a) contravenes or fails to comply with a provision of section 7 (1) or (3), 8 (8), 8(10)(a), 13(1) or (2), 14(1), 17(4), 18, 19(2), 19(4) or 34(4) or (6); or (b) in any application in terms of this Act, deliberately makes a misleading, false or deceptive statement, or conceals any material fact, or (c) In the execution of duties imposed by this Act gives an appointed auditor or compliance officer information which is false, misleading or conceals any material fact; or (d) Is not a representative appointed or mandated by an authorised financial services provider in accordance with the provisions of this Act, and who in any way declares, pretends, gives out, maintains or professes to be a person who is authorised to render financial services to clients on the basis that the person is appointed or

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ACT	SECTION
	<p>mandated as a representative by another representative,</p> <p>Is guilty of an offence and is on conviction liable to a fine not exceeding R10 Million or imprisonment for a period not exceeding 10 years, or both such fine and imprisonment</p>
Financial Institutions (Protection of Funds) Act, 2001 (Act No 28 of 2001)	Section 10: Failure to comply with the provisions of the Act.
Financial Intelligence Centre Act, 2001 (Act No 38 of 2001)	<p>Sections 29: Suspicious and unusual transactions.</p> <p>Section 48: Destroying or tampering with records.</p> <p>Section 49: Failure to give assistance.</p> <p>Section 50: Failure to advise centre of client.</p> <p>Section 51: Failure to report cash transaction.</p> <p>Section 52: Failure to report suspicious or unusual transaction.</p> <p>Section 53: Unauthorised disclosure.</p> <p>Section 54: Failure to report conveyance of cash into or out of Republic.</p> <p>Section 55: Failure to send report to Centre.</p> <p>Section 56: Failure to report electronic transfers.</p> <p>Section 57: Failure to comply with request.</p> <p>Section 58: Failure to comply with direction of the Centre.</p> <p>Section 59: Failure to comply with monitoring order.</p>

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ACT	SECTION
	<p>Section 60: Misuse of information.</p> <p>Section 61: Failure to formulate and implement internal rules.</p> <p>Section 62: Failure to provide training or appoint compliance officer.</p> <p>Section 63: Obstructing of official in performance of functions.</p> <p>Section 64: Conducting transactions to avoid reporting duties.</p>
Financial Markets Act, 2012 (Act No 19 of 2012)	<p>Sections 66: Appointment of members of controlling body.</p> <p>Section 78: Insider Trading.</p> <p>Section 80: Prohibited trading practices.</p> <p>Section 81: False, misleading or deceptive statements, promises and forecasts.</p>
Financial Sector Regulation Act, 2017 (Act No 9 of 2017)	<p>Section 265: A person who contravenes section 46(1) or (2), 52, 69(1) or (2) or 74 commits an offence and is liable on conviction to a fine not exceeding R5 000 000 or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.</p> <p>Sections 46: Duties of members of Prudential Committee and members of subcommittees.</p> <p>Section 52: Duties of staff members (Prudential Authority).</p> <p>Section 69: Duties of Commissioner, Deputy Commissioner and other subcommittees.</p>

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ACT	SECTION
	Section 74: Duties of staff members (Financial Sector Conduct Authority)
Insolvency Act, 1936 (Act No 24 of 1936)	<p>Section 132: Concealing or destroying books or assets.</p> <p>Section 133: Concealment of liabilities or pretext to existence of assets.</p> <p>Section 134: Failure to keep proper records.</p> <p>Section 135: Undue preference, contracting debts without expectation of ability to pay.</p> <p>Section 136: Failure to give information or to deliver assets, books, etc.</p> <p>Section 137: Obtaining credit during insolvency, offering inducements, etc.</p> <p>Section 138: Failure to attend meetings of creditors or give certain information.</p> <p>Section 139: Failure to appear or to give evidence or giving false evidence.</p> <p>Section 140: Failure of insolvent or spouse to appear to give evidence.</p> <p>Section 141: Acceptance of consideration for certain illegal acts or omissions.</p> <p>Section 142: Removing or concealing property to defeat an attachment or failure to disclose property.</p> <p>Section 143: Criminal liability of partners, administrators, servants or agents</p>

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ACT	SECTION
	<p>Section 144: Criminal liability of trustee for neglect of certain duties.</p> <p>Section 145: Obstructing trustee.</p>
<p>Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003)</p>	<p>Section 173(1) and (2): Offences relating to the accounting officer in a Municipality.</p> <p>Section 173(3): Offences relating to a senior manager in a Municipality.</p> <p>Section 173(4): Offences relating to a councillor in a Municipality.</p> <p>Section 173(5): Offences relating to a councillor, an official of a municipality or municipal entity or a member of the board of directors of a municipal entity.</p>
<p>Long Term Insurance Act, 1998 (Act No 52 of 1998)</p>	<p>Sections 66: Offences by persons other than long-term insures.</p> <p>Section 67: Offences by long-term insures.</p>
<p>Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004)</p>	<p>Chapter 2: Offences in respect of corrupt activities. (Only charges relating to cases investigated by Serious Commercial Crime Investigation).</p>
<p>Prevention of Organised Crime Act, 1998 (Act No 121 of 1998)</p>	<p>Sections 2: Offences relating to racketeering activities.</p> <p>Section 4: Money laundering.</p> <p>Section 5: Assisting another to benefit from proceeds of unlawful activities.</p> <p>Section 6: Acquisition, possession or use of proceeds of unlawful activities.</p> <p>(Only charges relating to cases investigated by Serious Commercial Crime Investigation)</p>

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ACT	SECTION
Public Audit Act, 2004 (Act No 25 of 2004)	Section 5(1)(A): the Auditor General may, as prescribed, refer any suspected material irregularity identified during an audit performed under this Act to a relevant public body for an investigation and the relevant public body must keep the Auditor General informed of the progress and the final outcome of the investigation. [Matters referred to the DPCI].
Public Finance Management Act, 1999 (Act No. 1 of 1999)	<p>Section 38: General responsibilities of accounting officers.</p> <p>Section 39: Accounting officers' responsibilities relating to budgetary control.</p> <p>Section 40: Accounting officers' reporting responsibilities.</p> <p>Section 50: Fiduciary duties of accounting officers.</p> <p>Section 51: General responsibilities of accounting authorities.</p> <p>Section 55: Annual report and financial statements.</p> <p>Section 86(3): Person other than person mentioned in section 66 (2) or (3) purporting to borrow money or enters into a contract which purports to bind a department, public entity or constitutional institution to a future financial commitment.</p>
Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No 70 of 2002)	Section 54: Unlawful Acts in respect of telecommunication and other equipment.

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ACT	SECTION
Short-term Insurance Act, 1998 (Act No 53 of 1998)	Sections 64: Offences by persons other than short-term insurers Section 65: Offences by short term- insurers
Tax Administration Act, 2011 (Act No 28 of 2011)	Section 234: Criminal offences relating to non-compliance with tax Acts. Section 235: Criminal offences relating to evasion of tax. Section 236: Criminal offences relating to secrecy provision. Section 237: Criminal offences relating to filing return without authority. (Only charges relating to cases investigated by Serious Commercial Crime Investigation)
The National Credit Act, 2005 (Act No 34 of 2005)	Section 160(1): Offences relating to regulator and Tribunal.
Tobacco Products Control Act, 1993 (Act No 83 of 1993)	Section 4A: Distribution of tobacco products for free or at a reduced price, other than a normal trade discount.
Trust Property Control Act, 1988 (Act No 57 of 1988)	Section 15: Report of irregularities. Section 16: Complaints from the master relating to Trust property.

2.2 SERIOUS ORGANISED CRIME INVESTIGATION COMPONENT

The responsibilities of the Serious Organised Crime Investigation (SOCl) Component must be read with Annexure A, which details the different criminal levels and further outlines the levels for which the DPCI is responsible. Both National and International dimensional thresholds of the DPCI mandate are depicted in levels 3-5. This encompasses the risk levels of the organised criminal group or target from the middle level to the highest level as well as the degree of sophistication and complexity in addressing the organised criminal group/ criminal syndicate or target for SOCl.

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2.2.1 NATIONAL PRIORITY VIOLENT CRIMES (NPVC)

- (a) Priority violent crime where linkages are established through forensic practice in more than one province.
- (b) Illegal manufacturing, national or international trafficking in firearms, ammunition and explosives including importation and exportation by an organised criminal group.
- (c) Criminality in the control of legal firearm stocks by the legal owners of those stocks.
- (d) Theft and/or robbery of firearms and/or explosives from State-controlled armouries/storage facilities.
- (e) Murder of police officials, which are members of the SAPS, Metro Police, Independent Police Investigative Directorate, and Traffic officials.
- (f) All cash-in-transit robberies (vehicle-on-road attacks, static armoured vehicle attacks, cross-pavement robberies, merchant premises (retail), CITs directed at the banking industry and own premises attacks), as well as bank robberies and vault attacks at banks.
- (g) Illegal trafficking in firearms and/or explosives both transnationally and nationally by organised crime networks.
- (h) Illegal importing and/or exporting of firearms and/or ammunition, as well as explosives by entities or individuals.
- (i) Illegal manufacturing of firearms and/or explosives.
- (j) The investigation of stolen and recovered caches of firearms and/or explosives.
- (k) Criminality in the Control of Legal Firearm Stocks. (Refers to the investigation of vulnerabilities in the control of legal firearm stocks being criminally exploited by the legal owners of those stocks e.g. firearms dealers, gunsmiths, transporters, official institutions and security companies, as well as fraud and corruption in the firearms control processes e.g. the licencing/permitting system, armouries, ports of entry etc.).
- (l) Criminal Abuse and Vulnerability of Firearms in State Control. (Refers to the theft and/or robbery of firearms and/or explosives from State-controlled armouries/storage facilities, including the SAPS 13).

2.2.2 SOUTH AFRICAN NARCOTICS ENFORCEMENT BUREAU (SANEB)

- (a) Theft or robbery of precursor chemicals associated with illegal drug production.
- (b) National and international controlled deliveries relating to suspected illegal drug consignments and human couriers by land, sea and air.

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- (c) The detection and dismantling of all clandestine drug laboratories (including hydroponic cannabis facilities).
- (d) All national and transnational drug trafficking offences.
- (e) Drug trafficking cases that have been referred to the DPCI by international law enforcement agencies for investigation and cooperation.
- (f) Investigation of illegal cannabis dispensaries and online dealing in drugs.

2.2.3 ECONOMIC PROTECTED RESOURCES (EPR)

2.2.3.1 NON-FERROUS METALS AND ESSENTIAL INFRASTRUCTURE

- (a) Offences relating to transnational importing of non-ferrous metals and tampering with essential infrastructure in organised, complex and sophisticated cases.
- (b) Offences relating to non-ferrous recyclers and bulk traders where stolen or robbed copper, non-ferrous metals and essential infrastructure are discovered (R500 000).
- (c) Any theft of petroleum products by tampering or damaging the petroleum pipelines.

2.2.3.2 PRECIOUS METALS, DIAMONDS AND CHROME

- (a) Offences relating to **transnational** importing and exporting of precious metals, diamonds and chrome.
- (b) Offences involving any precious metals refineries requiring controlled deliveries of unwrought precious metals and uncut diamonds at a national and transnational level.
- (c) Offences of theft, robbery, housebreaking related to unpolished diamonds and unwrought precious metals.
- (d) Offences of illegal mining committed in an organised fashion.
- (e) Offences requiring the conducting of unconventional investigations relating to the selling or buying of unpolished diamonds and unwrought precious metals.
- (f) The Diamond Act, 1986 (Act No 56 of 1986).
- (g) The Precious Metals Act, 2005 (Act No 37 of 2005).

2.2.3.3 WILDLIFE TRAFFICKING

- (a) National or International wildlife trafficking cases that relate to the illegal possession, selling, buying, transporting, processing, exporting, importing of rhino, elephant,

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pangolin, cycads, abalone, lion bones, flora, fauna and their derivatives in an organised fashion nationally by land, sea and air.

- (b) Wildlife trafficking cases that have been referred to the DPCI by international law enforcement agencies for investigation and cooperation.
- (c) National and transnational investigations related to cases of stolen works of art and cultural heritage.
- (d) National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act No 10 of 2004)

2.2.3.4 TRAFFICKING IN PERSONS

- (a) Cases of trafficking and smuggling in persons which are linked to organised criminal groups or committed in an organised fashion by land, sea and air.
- (b) Conducting investigations on the online and cyber domain relating to trafficking in persons and the smuggling of people, and related matters
- (c) Kidnapping for ransom committed in an organised fashion, including where it is national or international in nature.

2.2.4 CRIMES AGAINST THE STATE (CATS)

- (a) High treason.
- (b) Sedition.
- (c) Contravention of any offence referred to in Schedule 1 to the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No 27 of 2002).
- (d) The contravention of Schedule 1,2,5 and Articles 3, 75, 76, 77 of the Geneva Conventions Act, 2012 (Act No 8 of 2012).
- (e) Contravention of Sections 6 and 7 of the Prevention and Combating of Torture of Persons Act, 2013 (Act No 13 of 2013) regarding extraterritorial (offshore) torture including expulsion, return or extradition of the victims.
- (f) Contravention of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No 87 of 1993).
- (g) Contravention of any offence stipulated in the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No 33 of 2004) (POCDATARAA) including unlawful organising and equipping military and

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paramilitary structures and individuals, as well as unlawfully undergoing or providing military and paramilitary training as well as terror financing.

- (h) Contraventions of Section 15 read with Section 13 of the Criminal Law Second Amendment Act 1992 (Act 126 of 1992).
- (i) Contravention of any offence referred to in the Regulation of Foreign Military Assistance Act, 1998 (Act No 15 of 1998).
- (j) Contravention of Sections 2, 3,5,6,7 and 8 of the Prohibition or Restriction of Certain Conventional Weapons Act, 2008 (Act No 18 of 2008).
- (k) Contraventions of Section 22 of the Explosives Act, 1956 (Act No 26 of 1956) relating to explosives used or intended to be used for terror activities.
- (l) Possession of prohibited firearms in contravention of sections 4 and 90 of the Firearms Control Act, 2000 (Act No 60 of 2000) committed in an organised fashion.
- (m) Serious contravention of the Hazardous Substances Act, 1973 (Act No 15 of 1973) as relating to radioactive material.
- (n) Contravention of the National Conventional Arms Control Act, 2002 (Act No 41 of 2002).
- (o) Contravention of Sections 20 and 52 of the Nuclear Energy Act, 1999 (Act No 46 of 1999) to address criminal activities in respect of Trigger List items.
- (p) Criminal offences emanating from the Truth and Reconciliation Commission (TRC) of South Africa.
- (q) Contraventions of Sections 33 and 24 of the Civil Aviation Act, 2009 (Act No 13 of 2009).
- (r) Contraventions of Section 10 of the National Key Points Act, 1980 (Act No 102 of 1980).

2.3 SERIOUS CORRUPTION INVESTIGATION COMPONENT

- 2.3.1 The Serious Corruption Investigation (SCI) Component of the DPCI is responsible for the prevention, combating and investigation of national priority offences of serious corrupt activities and related offences within the Public and Private Sectors to the value above **R100 000.00** such as any offence, selected according to the criteria indicated in paragraphs 2.3.3 and 2.3.5 below, contemplated in Chapter 2 of the Prevention and Combating of Corrupt Activities Act (PRECCAA) 12 of 2004 which are as follows:

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- (a) Contravention of section 3 of PRECCAA for corrupt activities relating to the general offence of corruption.
- (b) Contravention of section 4 of PRECCAA for corrupt activities relating to public officers.
- (c) Contravention of section 5 of PRECCAA for corrupt activities relating to foreign public officials (generally called 'foreign bribery').
- (d) Contravention of section 6 of PRECCAA for corrupt activities relating to agents.
- (e) Contravention of section 7 of PRECCAA for corrupt activities relating to members of legislative authority.
- (f) Contravention of section 8 of PRECCAA for corrupt activities relating to judicial officers.
- (g) Contravention of section 9 of PRECCAA for corrupt activities relating to members of the prosecuting authority.
- (h) Contravention of section 10 of PRECCAA for corrupt activities relating to a party to employment relationship.
- (i) Contravention of section 11 of PRECCAA for corrupt activities relating to witnesses and evidential material during certain proceedings.
- (j) Contravention of section 12 of PRECCAA for corrupt activities relating to contracts.
- (k) Contravention of section 13 of PRECCAA for corrupt activities relating to procuring and withdrawal of tenders.
- (l) Contravention of section 14 of PRECCAA for corrupt activities relating to auctions.
- (m) Contravention of section 15 of PRECCAA for corrupt activities relating to sporting events.
- (n) Contravention of section 16 of PRECCAA for corrupt activities relating to gambling games or games of chance.
- (o) Contravention of section 17 of PRECCAA for unacceptable conduct relating to acquisition of private interest in a contract, agreement or investment by a public body.
- (p) Contravention of section 18 of PRECCAA for unacceptable conduct relating to witnesses.
- (q) Contravention of section 19 of PRECCAA for intentional interference with, hindering or obstruction of the investigation of an offence.
- (r) Contravention of section 20 of PRECCAA for being an accessory to or after offences.
- (s) Contravention of section 21 of PRECCAA for attempt, conspiracy and inducing another person to commit an offence.

2.3.2. Contraventions of section 34(2) of the PRECCAA for failing to report the commission of an offence under parts 1,2,3 or 4 or section 20 or 21 of PRECCAA or offence of theft, fraud,

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extortion, forgery or uttering a forged document involving an amount of R100 000,00 or more.

- 2.3.3. Investigation of individuals, organised criminal groups and/or enterprises involved in serious corruption and related charges as identified by means of a Crime Threat Assessment and/or other prescribed techniques.
- 2.3.4. Investigation of offences that are linked to and/or emanate from serious corruption investigations, including fraud, theft, defeating the ends of justice, perjury (common law), contravention of section 9 (making false statements in an affidavit) of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No 16 of 1963) (statutory perjury), and incitement and conspiracy in terms of section 18(2) and 18(2)(a) of the Riotous Assemblies Act, 1956 (Act No 17 of 1956).
- 2.3.5. In selecting cases for serious corruption, public interest and expectation; the urgency of the investigation; the complexity of the investigation; the monetary value involved; organised fashion; harm or threat to the economy or community; and human resources and skills required to complete the investigation, shall be taken into consideration.

3. CONCLUSION

This mandate is evolving; it is subject to changes based on the prevalence of crime at national level and the prerogative of the National Head.

Where Annexures regarding any change are necessary, they shall be read in conjunction with the signed DPCI mandate.

Further information or comments may be directed to the office of the National Head of the DPCI at the email address: dpcihead@saps.gov.za.

GENERIC LEVELS – CRIMINAL VALUE CHAIN ACROSS COMMODITIES

