



NEWSLETTER

Special Edition: Investigations against sheriffs

March 2020

Dear SASS member,

SASS addressed the Board on various occasions on inspections and investigations against our members.

At the Consultative Forum meeting of 20 February 2020 we had the opportunity to interact with the Executive Committee of the Board and we could discuss some concerns raised by our members. The Board also provided SASS with written response on the questions raised in previous communication and we attach hereto the unsigned letter by the Executive Manager dated 4 February 2020, for which we thank the Board.

It was indicated that SASS would study the letter and respond by raising any further matters for clarity.

Provinces will be requested to have a discussion on the issue of inspections and investigations at the upcoming provincial meetings and highlight any matters that need further clarity.

Apart from the responses in the letter dated 20 February 2020 we raised the following questions with the Board:

Question:

SASS indicated that investigations tend to take a long period of time to conclude, some up to 18 months.

The Board responded that 18 months appears to be too long, but requests examples of specific matters to check for undue delays in completing investigations.

Further factors impacting the time frame of investigations are:

- More questions arise along the investigation/inspection and a second or further inspection/s is necessary
- More complaints are received, after inspection but before conclusion, therefore more time is required

Question:



South African Sheriff Society (<http://www.sassoc.co.za>)

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SASS enquired on the apparent open ended nature of investigations and raised the example of a sheriff receiving complaint/s from the Board, the sheriff duly responds to the complaint/s, thereafter no further correspondence is received from the Board.

The status of the complaint is therefore unknown to the sheriff.

The Board responded that all complaints and investigations have to be completed and concluded, the matter closed and the outcome communicated to the sheriff.

SASS members are therefore urged to insist on a written response from the Board with the outcome of such investigation.

Question:

SASS enquired on the institution of charges, after lapse of a long period of time.

The Board responded that, in the event an investigation is concluded, no misconduct found and no charges raised against the sheriff, such transgressions cannot be used for future charges, unless new facts come to light.

Charges based on old transgressions that have been investigated and concluded, would essentially result in double jeopardy.

Once again, it is important for SASS members to keep record of the outcome of all complaints lodged against them, and of all investigations at their offices.

Question:

SASS requested the Board to make a list available of the most common transgressions, linked to the possible sanctions for such transgressions.

The Board responded they do indeed have a list of common transgressions, but it is impossible to prescribe specific sanctions.

The sanction will depend on various factors, for example where and when the sanction was imposed: A transgression would not attract the same sanction in the event of an admission of guilt, vs, when the sheriff is found guilty after a formal disciplinary hearing.

Question:

SASS members have reported concerns about inconsistencies in the investigation, institution of charges and sanctioning of sheriffs, saying some sheriffs are treated harsher than others.

The Board responded that it is doing its best to be consistent, but it becomes difficult when dealing with unprofessional conduct, as the degree of misconduct will influence the handling of the matter.

Conclusion:

The Board was again assured that SASS does not support any form of misappropriation of funds or fraudulent actions by any of our members and that we encourage good governance and transparency.

We trust that the above information will assist.

Best regards

Petro Roodt

President
South African Sheriff Society