

## **CRIMINAL RECORD CHECKS AND POLICE CLEARANCE CERTIFICATES IN SOUTH AFRICA**

In South Africa potential employers will often do a criminal background check on a candidate for a permanent, contract or volunteer position. It is the most common background check done in South Africa despite the South African Police Service's (SAPS) records not always being up to date and that the check does not provide information unless the candidate has been convicted of a crime in South Africa.

Criminal checks are often used by potential employers to understand the candidate's history, character and job fit OR to manage risk in an organization.

A criminal record check is not a police clearance certificate and is not accepted by embassies / consulates for visa applications or immigration purposes and the regulations around this police clearance certificate have recently changed.

### **CRIMINAL RECORD CHECKS**

These checks are done through an Automated Fingerprint Identification Service (AFIS) which is the database that is searched/scrutinized during the AFIS criminal check.

If fingerprints are obtained they are manually scanned in and processed in the same manner. This will be done on a hard copy SAPS91A form at a local Police Station.

In the event of a no-hit result (positive) AFISwitch returns a report indicating "no illicit activity identified". This will indicate that the candidate has no criminal record.

If there is a match found on the AFISwitch system, SAPS processes an AFISwitch hard copy report (SAPS69) for return to the applicant. The SAPS69 is automatically generated and can take 6-8 weeks.

Results will include the full name, South African identity number (or passport number if they are non-South African), the charge, the case number, the date of the offence, the town in which the offence occurred, the sentence handed down and the date of the sentencing. The report also includes pending cases – with all abovementioned information.

AFISwitch has a *premium* and a *standard* service: Premium = 4-6 hour turnaround time, and Standard = 24-48 hours.

Only a SAP69 will indicate if the candidate was found guilty of the offence or if there is a pending case against the individual. There have however been cases where the SAPS has not updated their records.

## **POLICE CLEARANCE CERTIFICATE**

This is a document generally used for work permits, residency documents and often requested by embassies or consulates. Allegedly to mitigate identity fraud, SAPS has introduced a new process for obtaining a police clearance certificate.

Previously people could use a company to process the certificate or could deliver their documentation directly to the Criminal Record Centre in Pretoria, but the SAPS is now wanting the documentation to be processed at the local police stations or the embassies in the various countries.

The candidate will be required to have their fingerprints taken at the relevant location and these will be taken on a SAPS91a form for the relevant SAPS fee. The candidate will need to have the original South African identity document or passport with them and it is suggested that a copy be taken as not all police stations have the facility to copy the document and certify it. The certified copy will be attached to the application form which will include a statement regarding previous convictions and an indemnity which indemnifies the SAPS against any liability which may result from furnishing information in this regard.

The finalized police clearance certificate will be returned to the police where the request was made, and the candidate will be contacted to collect the document. Upon collection the candidate will be required to produce the identity document or passport produced upon application. The changes to the system are recent and the turnaround times for this are not yet confirmed.

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Jenny Reid is the CEO of iFacts, one of the leading people screening and background checking services providers in South Africa today. Based on the premise that removing the people risk will ultimately help organisations to prosper, iFacts ensures that companies thrive with honest, ethical and productive employees and services providers.

Jenny is an outspoken advocate on ethics and integrity, which has made her a highly sought after conference speaker and media commentator. She is also the co-founder of the Adventures for Love charity organisation.