



16 October 2013

SUMMARY AND ANALYSIS OF THE 2012/13 ANNUAL REPORT OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)

PREPARED FOR THE PORTFOLIO COMMITTEE ON POLICE

1. INTRODUCTION

The Independent Police Investigative Directorate (IPID) formerly known as the Independent Complaints Directorate (ICD) was established in terms of the Constitution and the South African Police Services Act. Its establishment was in line with Section 206 (6) of the Constitution of the Republic of South Africa, which makes provision for the creation of an independent police complaints body¹.

The Independent Police Investigative Directorate Act No.1 of 2011 realigned the focus of this Directorate from complaints to investigations. Pursuant to its legislative mandate, IPID seeks to:

- Ensure independent oversight over SAPS and the MPS.
- Conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS, and make appropriate recommendations².
- Promote proper police conduct in accordance with the principles of the Constitution.

In particular, in terms of Section 28 of the IPID Act, the Directorate is mandated to focus on the following seven serious crimes committed by members of the SAPS and MPS: a) any death in police custody; b) death as a result of police action; c) the discharging of official firearms; d) rape; e) torture; f) assault and; g) corruption.

IPID operates at both national and provincial level and must exercise its functions in accordance with its establishing Act. The Directorate is financed from money that is appropriated by Parliament. The Annual Report (AR) prepared by the Directorate and tabled before Parliament each year is the main reporting instrument for the Directorate to report on its achievements, predetermined targets and on how funds were utilised to ensure the achievement of these targets as outlined in its Annual Performance Plan (APP). It is important to note that this is the first AR since its renaming and the transformed mandate came into effect in April 2012.

To this end, this paper is aimed at providing the Portfolio Committee (PC) on Police with a brief overview of programme performance of the IPID in the reporting period (2012/13). The paper will focus on the following aspects of the 2012/13 AR:

¹ See 1996 Constitution of the Republic of South Africa

² See <http://www.ipid.gov.za/> (accessed 03 October 2013)



- Overview of strategic priorities and measurable objectives;
- Overview of the Directorate's key strategic achievements
- Overview of the Directorate's financial performance against predetermined targets
- Analysis of the Directorate's Programme performance on predetermined targets against actual achievement thereof
- Findings made by the Auditor-General of South Africa (AGSA);
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2. STRATEGIC PRIORTIES AND MEASURABLE OBJECTIVES

According to the National Treasury's Framework for Strategic and Annual Performance Plans, an institution's strategic plan should show the components of other medium- to long-term policies and plans to be implemented over a five-year period. Informed by that framework, the Directorate developed its Strategic Plan covering the period 2012–2017. That Strategic Plan had since been revised and the goal-oriented objectives and outcomes of the Directorate as contained in the revised 2013-2018 Strategic Plan are now focused on the new legislative mandate of the IPID as propounded in the IPID Act No.1 of 2011.³

The following are the 10 strategic objectives of the Directorate as identified in the 2012-2017 Strategic Plan⁴:

- Campaigns that increase public awareness of the provisions of the IPID Act, the Directorate's functions and the utilisation of its services.
- Regular engagements with and reports to key stakeholders, including the SAPS, MPS, Civilian Secretariat for Police Services and other relevant Government and Civil Society Organizations.
- Policies and guidelines that inform the standard operating procedures in support of the IPID mandate; and ensure compliance with regulatory and legislative prescripts.
- A performance measurement and reporting system supports management decision making and that enables the IPID to comply with internal and external accountability reporting.
- A system for the registration, allocation, tracking, management and reporting of investigations, the generation of reliable statistical information and the provision of general business intelligence.
- Completed investigations of cases in line with the provisions of the IPID Act, Regulations and Executive Director's Guidelines.
- Recommendation reports to the SAPS regarding possible disciplinary steps and to the Prosecuting Authorities regarding possible criminal prosecution.
- Regular feedback reports to complainants, victims and referral authorities regarding the progress and outcomes of investigations.

³ See Independent Police Investigative Directorate. 2012. Strategic Plan 2012-2017. Pretoria, South Africa

⁴ Also see IPID 2012/13 Annual Performance Plan



- Management of the Directorate's legal obligations, civil and labour litigation matters and the granting of policing powers to investigators.
- Legal advice and guidance to investigators during and after the completion of investigations.

In addition to the above listed strategic objectives, the following priority areas were identified in the Directorate's 2012-2013 APP:

- Strengthening of national and provincial management;
- Improve reporting and management accountability;
- Develop policy, reporting frameworks and standard operating procedures to regulate investigations;
- Report and monitor recommendations that are made in respect of members of the SAPS and MPS and;
- Expand corporate governance, performance monitoring and evaluation and internal auditing.

It is important to note that, the current strategic objectives and outcomes of the Directorate were linked to the achievement of two broad outcomes (outcome 3 and 12), as identified by the Department of Performance Monitoring and Evaluation in the Presidency and as encompassed in the National Development Plan (NDP). Outcome 3 states that, "All people in South Africa are and feel safe and secure". Outcome 12 states, "An efficient, effective and development-oriented public service and an empowered, fair and inclusive citizenship".

2.1. Key policy developments and legislative changes

There were no new policy developments and legislative changes during the period under review. The IPID Act No.1 of 2011 was fully implemented. The IPID Act grants the Directorate an extended mandate which focuses on more serious and priority crimes committed by members of the SAPS and the MPS.⁵ It places stringent obligations on the SAPS and the Municipal Police Services regarding reporting on matters that must be investigated by the IPID and the implementation of disciplinary recommendations.⁶

3. IPID's NOTEWORTHY ACHIEVEMENTS REPORTED IN THE 2012-13 ANNUAL REPORT

In line with the strategic priorities and measurable outcomes, the following are some of the milestones stated as achieved by the Directorate in the current reporting period:

- **Audit Report:** Unqualified audit opinion

⁵ See the IPID 2013-2018 Strategic Plan. Pretoria, South Africa

⁶ Ibid



- **New legislation:** Full implementation of the IPID Act with extended mandate and new systems in place
- **Investigations:** Successful investigation of high profile cases such as the Cato Manor and Marikana. More so, 3 963 investigations were completed (which translates into 54% of total workload).
- **Cases:** The Directorate managed to have 538 cases on various court rolls around the country.
- **Case backlog:** Reduced case backlog (from over a 1000 at the beginning of the financial year to just 236 at the end of the financial year).
- **Arrests:** IPID arrested 125 police officers in 68 cases for different offences all over the country (9 officers were arrested by the IPID for the death of the Mozambican Taxi Driver, Mido Maca).
- **Criminal convictions:** 57 convictions in criminal cases for various offences and 84 disciplinary convictions-all emanating from IPID investigations
- **Recommendations:** IPID managed to make 1040 disciplinary recommendations to SAPS and 1080 recommendations to the Director of Public Prosecutions (DPP).
- **Training:** Development of training manual for investigators, training of investigators and development of standard operating procedures.
- **Stakeholder Partnerships:** Memorandum of Understanding (MOU) with SAPS.

An attempt to create linkages and harmonize IPID's strategic outcomes/goals with the NDP might not only contribute to the attainment of national priorities and strategic goals as espoused in the NDP, but might also contribute to improved organizational performance in the near future. But only if there is a strong leadership, sufficient resource allocation, skilled and/or capable labour force with "know how" expertise.

4. FINANCIAL PERFORMANCE

The IPID is a national department listed in Schedule 1 of the Public Service Act (1994), and listed as Vote 23 in the Estimates of National Expenditure 2012. The Directorate is financed from money that is appropriated to it by Parliament. To this end, Vote 23 gives financial effect to IPID's duty to service the public interest by acting with integrity and in accordance with its legislative mandate to investigate, among others, any misconduct or offences committed by members of the SAPS and MPS.

4.1. Total Voted Funds and expenditure

Vote: The Table below illustrates that the Directorate received a Main Appropriation of R196 961 000 million for the 2012/13 financial year (FY), an increase of 28% (R43 million) compared to the previous FY (2011/12).



Adjusted Appropriation: The Directorate's Main Appropriation was adjusted to R197 898 000 million during the Adjustments period - reflecting an increase of R9.37 million. The increase was provided for higher personnel remuneration increases.

Under expenditure: The Table below further shows that the Directorate utilised a total of R171 449 000 million (86.6% against 99% in 2011/12 FY) of its total budget at the end of the FY. An amount of R26 449 000 million remained unspent at year-end. This shows a decrease in financial expenditure performance when compared to 2011/12 FY, wherein only R2 000 of the total budget allocation was reported as under spending. The under-spending at the end of 2012/13 was mainly due to unfilled vacant posts, and consequential under spending in goods and services.

Table 1: IPID's Vote and Final Spending

Main Appropriation R'000	Adjusted Appropriation R'000	Actual Amount Spent R'000	Over/Under Expenditure R'000
R196 961 000	R197 898 000	R171 449 000 million	R26 449 000

Source: IPID 2012/13 Annual Report

Virement (2012/13): No virement was implemented after the Adjustment period in October 2012/13. However, an amount of R6.681 million was shifted from Programme 1: Administration (Goods and services) to Programme 2: Investigation and Information Management (Compensation of employees) in the 2012 Adjusted Estimates of National Expenditure. It should be noted that this virement was 7.2% (just under the 8% benchmark as defined by legislation and National Treasury Regulations). The Acting Executive Director had informed the Portfolio Committee that they would approach National Treasury for this virement in the Adjustment period and this was supported by the Committee in the 2012/13 BRR Report.

Shifting of funds: Some shifting of funds occurred in the 4th quarter (within Programmes) mainly from:

- Goods and services to Transfers and subsidies (Households) in Programme 1: Administration (over R2 million)
- Goods and services to Compensation of employees in Programme 2: Investigation and Information Management (about R1.2 million)
- Compensation of employees to Goods and services in Programme 3: Legal Services (about R300 thousand)

4.2. Spending per Programme

Table 2: Directorate Expenditure in the 2012/13 FY



Programmes	Final Appropriation R'000	Actual Expenditure R'000	% Spent at March 2013	Variance %
Programme 1: Administration	R86 526 000	R70 258 000	81%	19%
Programme 2: Investigation and Information Management	R105 967 000	R97 009 000	92%	8%
Programme 3: Legal Services	R5 405 000	R4 182 000	77%	23%
Total	R197 898 000	R171 449 000	86.6%	13.4%

Source: IPID 2012/13 Annual Report

The Table above illustrates the Directorate expenditure per Programme at the end of the 2012/13 FY. All three Programmes (Administration, Investigation and Information Management and Legal Services) recorded high under-spending at the end of the FY.

The actual spending of the allocated R86 526 00 for Programme 1 (Administration) was 81% or R70 258 000 in monetary terms- resulting to 19% under-spending or R16 268 000. The main reason for the under-spending in this Programme was attributed to delays in filling and replacement of the vacancies that have been vacated in the year under review.⁷

For Programme 2 (Investigation and Information Management), the actual spending of the allocated budget of R105 967 000 was 92% or R97 009 000 in monetary value- resulting to 8% or R8 958 000 under-spending.⁸ Failure to fill nine Provincial Heads and Programme Managers at Senior Management level posts together with an inability to realise planned procurement of IT equipment and furniture in Goods and services were also cited as contributing factors for under-expenditure recorded in this Programme.

For Programme 3 (Legal Services), the actual spending of the allocated budget of R5 405 000 was 77% or R4 182 000 in monetary terms- resulting in 23% or R1 223 000 under-spending.⁹ The issue of two Senior Managers of the Programme acting in other Programmes of the Directorate

⁷ Ibid

⁸ See IPID 2012/13 Annual Report

⁹ Ibid



affected the expenditure of the Programme since their administrative costs relating to their acting capacities were carried by the Programmes where they were acting.

3.3. Spending by Economic Classification

Spending on Compensation of employee: An amount to the value of R103.4 million was appropriated for this economic classification during the adjustment period. An amount of R880 thousand was shifted to this Programme after the adjustment period again, resulting in a Final Appropriation of R104.3 million..

Only 92% of this Final Appropriation was spent (R95.993 million) resulting in a under expenditure amount of R8.293 million.

In terms of a breakdowns of spending on Compensation of employees (which includes Salaries and Wages; and Social Contributions) the following can be noted:

- Payment for Basic salaries increased from R50.877 million in 2011/12 to R61.853 million in 2012/13.
- Service Based awards increased from R15 thousand in 2011/12 to R337 thousand in 2012/13.
- Compensative/circumstantial payments increased from R3.877 million in 2012/13 to R6.354 in 2012/13

Spending under Goods and Services: Only 82% of the Final Appropriation for Goods and services was spent at the end of the 2012/13 financial year. Spending on Goods and services even decreased slightly from R70 990 million in 2011/12 to R69 962 million in 2012/13. This decrease was attributed, in part, to delays in filling nine Provincial Heads and Programme Managers vacant posts- which in turn affected procurement of office IT equipment and furniture.

In terms of notable line item increases in Goods and services the following can be noted:

- Advertising: R1.626 million spent in 2012/13 (compared to R789 thousand in 2011/12)
- Fleet services: R7.203 million spent in 2012/13 (compared to R5.586 million spent in 2011/12)
- Travel and subsistence: R20.619 million spent on 2012/13 (compared to R15.723 million in 2011/12)
- Computer services: R7.358 million spent in 2012/13 (compared to R7 011 in 2011/12.

A particular decrease is noted in Operating leases from R22.792 million in 2011/12 to R13.175 million in 2012/13. An investigation by the Special Investigation Unit (SIU) is currently taking place on the lease arrangement of the City Forum Building currently used by the IPID national office. The investigation pertains to procurement irregularities involving the Department of Public Works.



While expenditure on Consultants, contractors and agency/outsources services remained relatively stable at R1.8 million in comparison to 2011/12 it should be noted that:

- Spending on Legal costs (within this category) increased in 2012/13 to R715 thousand in comparison to R193 thousand in 2011/12.

Spending on Machinery and equipment: Only 54.5% of the Final Appropriation for Machinery and equipment was spent by the end of the 2012/13 financial year. This final expenditure for 2012/13 of R3.345 million was also less than the R4.351 million spent in 2011/12.

R2.446 million was spent on Computer equipment in 2012/13 and R857 thousand on Furniture and equipment. No money was spent on Vehicles.

4.3. Unauthorised, irregular and fruitless and wasteful expenditure

The Table below depicts Irregular; fruitless and wasteful expenditure; and unauthorised expenditure incurred by the ICD for a three year period (2010/11-2011/12- 2012/13):

Table 3: Irregular, fruitless and wasteful expenditure over time

Year Incurred	Irregular Expenditure	Fruitless and wasteful expenditure	Unauthorised expenditure
2010/11	R 0	R 3 000	R 0
2011/12	R 83 000	R 1 000	R 0
2012/13	R923 000	R 2 000	R 0

Unauthorised expenditure: No unauthorised financial expenditure was incurred for 2012/13 FY.

Irregular expenditure: Three transactions were reported as irregular in 2012/13 to the value of R676 thousand (which is an increase of the R83 thousand incurred in the 2011/12 financial year). These irregular expenditures (which are reported as currently under investigation) were for:

- Exceeding the financial delegation limit (2 cases) to the value of R274 and R398 thousand each
- Leave without approval (1 case) to the value of R4 thousand

A total of R923 thousand is still awaiting condonation (this includes amounts of R247 thousand from previous years).



Fruitless and wasteful expenditure: An amount of R2 thousand was identified and reported as fruitless and wasteful expenditure in 2012/13 due to traffic fines that were issued to officials using rented vehicles. These funds will be recovered from the affected officials.

4.4. Receivables and Contingent liabilities

Receivables: Annexure 4 show that unconfirmed claims recoverable for 2012/13 was R997 000 and this was the same as in 2011/12. The largest unconfirmed amount claim outstanding was from the National Treasury (R407 000). The second largest amount was from Gauteng Provincial Government (R394 000). This information provided here is the same with the information provided during the last reporting period (2011/12).

Contingent liabilities: A possible claim of R1.279 million against the Department was incurred during 2012/13 (Claim by KE Sons Investments CC). It should be noted that this same claimant has a number of other claims against IPID to the value of R8.527 million (which in fact makes up the vast majority of the total contingent liability of the Department which stood at R10.186 million at the end of the 2012/13 financial year).

- **Comments and question: Under spending:** The significant under-spending during the 2012/13 FY should be treated by the Committee as a matter of serious concern since it resembles a relatively strong divergence from the pattern of slight under-spending and recorded improvements in the last three FYs (R2 000 or 1% under-spending in 2011/12 FY; R2 991 or 2.3% in 2010/11 FY and; R 10 221 or 8.8% in 2009/10 FY).
- Which immediate and medium term strategies have been put in place to address under-spending in identified selected areas (especially recruitment and filling of managerial posts at senior level).
- It is clear that over the years the allocation of budget for Goods and Services has been problematic. There has not been a good alignment between the Department's core business and its budget allocation as reflected by the movements of funds from Administration and Legal Services programmes to the Investigation and Information Management programme. How has this been addressed in 2013/14 and the 2014/15 MTEF?
- There seems to be a persisting misalignment, misallocation and misclassification of the budget- the Committee should ask clarity seeking questions around corrective measures that have been put in place to address this.
- Funds were shifted from Goods and services to Compensation of employees in the adjustment period to cover concerns that there were not enough funds for allocated posts and to fill vacant posts particularly for investigative capacity and to fill vacant senior management posts in the Directorate. However, R8 million of these funds were not spent. Why was R880 thousand shifted to Compensation of employees after the adjustment period by which time it should have been known that posts would not be filled and that sufficient funds (in fact excessive funds) were available?



- **Compensation of employees:** Explain the increases in payments for Basic salaries from R50.877 million in 2011/12 to R61.853 million in 2012/13 considering that the average number of staff actually remained static (according to the Annual Report)- 303 staff in 2011/12 and 304 staff in 2012/13.
- Explain the increase in payments for Service based (From R15 thousand to R337 thousand) and Compensative/circumstantial components of Salaries and wages (from R3.8 million to R6.35 million) in comparison to 2011/12.
- **Goods and services:** Explain the high increases in Advertising (despite the average staff establishment remaining static); Travel and subsistence; and Fleet services.
- Explain the Fleet services increases in the light of information given to the Portfolio Committee on Police during last year's BRRR process where it was stated that measures would be taken to reduce spending on Fleet services. What is the current status of those initiatives?
- What were the costs incurred for Marikana in 2012/13 and to date?
- Why did spending on Legal costs (in the item of Consultants) increase from R193 thousand in 2011/12 to R715 thousand in 2012/13, especially in relation to restructuring of IPID with a dedicated Legal Services programme?
- Why there was an increase in expenditure for SITA computer services and for external computer service providers. Explain the role of SITA who is getting approximately R1.3 million per year from IPID- what is SITA doing for IPID in terms of computer services?
 - **Machinery and equipment:** Explain the spending of R2.4 million on Computer equipment and the R857 thousand on Furniture and office equipment in 2012/13.
 - **Irregular expenditure:** Explain the increase in irregular expenditure for 2013/14 in comparison to previous years?
 - Why were financial delegation limits exceeded? How could these transactions have been approved if the responsible person did not have sufficient authority to approve these transactions? What checking mechanisms are there for these transactions?
 - Have these three cases been finalised in terms of investigations and if so what has been the outcome?
 - Explain why outstanding amounts from previous years (especially a long outstanding amount of R184 thousand) have not been condoned yet?
 - **Unauthorised expenditure:** What is the status of the unauthorised expenditure incurred in previous years (R891 thousand relating to overspending in the Vote)?
 - **Fruitless and wasteful:** The Committee should ask whether the reported fruitless and wasteful expenditure has been recovered from the concerned officials. What disciplinary steps taken? And from which office (National or provincial was the expenditure incurred)?
 - **Contingent liabilities:** Explain the potential claims against IPID by KE Sons Investments CC which total over R9.5 million. Why is this company suing the Directorate?



5. ANALYSIS OF PROGRAMME PERFORMANCE

The activities of the IPID are currently organised into the following programmes, which are aligned with the strategic objectives identified in the previous strategic plan for 2012–2017:

- Administration (Programme 1)
- Investigation and information management (Programme 2)
- Legal services (Programme 3)

However, according to the 2013-2018 Strategic Plan, the IPID is currently involved in a process of organizational review to ensure alignment of its functions and/or activities, priorities and programmes to the provisions of the IPID Act.¹⁰ The re-engineering and re-organization of the Directorate will mean organizing its activities into the following four (4) functional programmes:¹¹

- Programme 1: Governance and Stakeholder Management
- Programme 2: Corporate Services
- Programme 3: Investigation and Information Management
- Programme 4: Legal Services

Table 4: IPID Programmes as per the 2012/13 reporting period

Key Departmental Programme and Sub-programmes	Outputs (Strategic objectives)
<p>Programme 1: Administration</p> <p>Executive Support</p> <p>Corporate Governance</p> <p>Internal Audit</p> <p>Finance</p> <p>Corporate management services</p>	<p>Public Awareness Campaigns: Campaigns that increase public awareness of the provisions of the IPID Act, the directorate's functions and the utilisation of its services.</p> <p>Stakeholder Management: Regular engagements with and reports to key stakeholders, including the SAPS, MPS, Civilian Secretariat for Police Services and other relevant Government and Civil Society Organisations.</p> <p>Policies and Guidelines: That informs the</p>

¹⁰ Ibid

¹¹ Ibid



	<p>standard operating procedures in support of the IPID mandate; and ensures compliance with regulatory and legislative prescripts.</p> <p>Performance Management System: a performance measurement and reporting system that supports management decision making and that enables the IPID to comply with internal and external accountability reporting in line with legislative requirements.</p>
<p>Programme 2: Investigation and Information Management</p> <p>Investigations</p> <p>Information management</p> <p>Policy development and provincial coordination</p>	<p>Case Management System: a system for the registration, allocation, tracking, management and reporting of investigations, the generation of reliable statistical information and the provision of general business intelligence.</p> <p>Completed Investigations: completed investigations of cases in line with the provisions of the IPID Act, Regulations and Executive Director Guidelines and Standard Planning Procedures.</p> <p>Recommendation reports: recommendation reports to the SAPS regarding possible disciplinary steps; and recommendation reports to the Prosecuting Authorities regarding possible criminal prosecution.</p> <p>Feedback reports on investigation: feedback letters to complainants, victims and referral authorities regarding the outcome of investigations.</p>
<p>Programme 3: Legal Services</p>	<p>Legal and litigation advisory services: management of the directorate’s legal</p>



<p>Legal and litigation advisory services</p> <p>Investigation advisory services</p>	<p>obligations, civil and labour litigation matters and the granting of policing powers to investigators.</p> <p>Investigation advisory services: legal advice and guidance to investigators during and after the completion of investigations.</p>
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5.1 Programme 1: Administration

Performance in summary	
Total targets set: 10	
Targets achieved: 6	6/10 =60%
Success rate: 60%	
Targets not achieved: 4	

The Table below indicates the performance of the IPID in predetermined targets set for Programme 1: Administration.

Table 5: Programme 1 overall performance

OUTPUT (STRATEGIC OBJECTIVE)	INDICATORS	TARGETS 2012/13	ACTUAL PERFORMANCE	REASONS FOR VARIANCE
3.1.1 PUBLIC AWARENESS CAMPAIGNS	1 Number of community outreach events conducted annually	306	306 outreach events conducted nationally	Target met
	2 Number of formal media statements and responses released annually	50	87 media statements issued and 5 media briefings held. 924 media responses released	Target met
3.1.2 STAKEHOLDER MANAGEMENT	3 Number of formal engagements with key stakeholders held annually	4	5 engagements with stakeholders held	Target met
3.2.1 UP TO DATE POLICIES AND GUIDELINES	4 Percentage of policies reviewed by departmental Policy Review Committee annually	100%	31% of policies reviewed (15 out of 49 policies were reviewed).	Target not met Some policies were not reviewed due to capacity constraints
3.2.2 PERFORMANCE MANAGEMENT SYSTEM	5 Number of performance monitoring and evaluation reports submitted	Established Corporate Governance Component and set annual and quarterly targets	Component established and 9 monitoring and evaluation reports submitted to the Accounting Officer	Target met
	6 Number of financial expenditure reports submitted	16	16 expenditure reports submitted	Target met
	7 Number of asset verifications and updates of asset register completed	4	65 asset verifications and updates of asset register done in each IPID office	Target met



OUTPUT (STRATEGIC OBJECTIVE)	INDICATORS	TARGETS 2012/13	ACTUAL PERFORMANCE	REASONS FOR VARIANCE
32.2 PERFORMANCE MANAGEMENT SYSTEM (continued)	8 % vacancy rate	Below 10%	45 posts out of 349 were vacant, resulting in a vacancy rate of 12.9%	Target not met: Non-filling of 10 Chief Director posts that have been vacant since 01 April 2012 and Executive Director post that is still vacant increased the vacancy rate
	9 % females at senior – and top management level	50%	40% of senior positions occupied by females (8 out of 20 senior positions are filled by women)	Target not met: Non-filling of 10 Chief Director posts that have been vacant since 01 April 2012 and Executive Director post that is still vacant contributed to failure to meet this target
	10 % of staff complement consisting of people with disabilities	2%	4 out of 349 posts filled by people with disabilities, amounting to 1% of staff	Target not met: The Directorate receives limited applications from people with disabilities

Source: IPID 2012/13 Annual Report

As shown in the above Table, Programme 1: Administration identified a total of 10 predetermined targets for 2012/13. Of the 10 targets, 6 were achieved, which represents a success rate of 60 per cent of its predetermined targets. Thus, 4 out of the total of 10 predetermined targets were not achieved. The targets not achieved were:

- **Up to date policies and guidelines:** 100% of Policies reviewed by departmental Policy Review Committee. The Directorate only managed to complete 31% of policy reviews (15 out of 49 policies were reviewed). This is a deviation of 69 per cent from the planned target.
- **Performance Management System:** Below 10% vacancy rate. 45 posts out of 349 were vacant, resulting in a vacancy rate of 12.9%. There was non-filling of 10 Chief Director posts that have been vacant since 01 April 2012 and the Executive Director post that is still vacant increased the vacancy rate. The target of 50% females at senior and top management level was also not met. Only 40% of senior positions were occupied by females during the reporting period (8 out of 20 senior positions are filled by women). The target of ensuring that 2% of staff complement consists of people with disabilities was also not met. Four out of 349 posts were filled by people with disabilities, amounting to 1% of staff.

In addition to the targets that were not met, the Directorate underspent its allocated budget, which represented a step backward when compared to 2011/12 FY as shown in the table below.



Table 6: Programme 1 Budget performance

Programme	2011/12				2012/13			
	Final Appropriation	Actual Expenditure	Variance	Expenditure	Final Appropriation	Actual Expenditure	Variance	Expenditure
Administration	R60 873	R60 872	1	100%	86 526	70 258	16 268	81%

Human Resources

Vacancies:

The total approved staff establishment for 2012/13 was 349 posts of which 304 were filled resulting in 45 vacant posts and a vacancy rate of 12.9%. Per Programme, vacancies were manifested as follows:

- Administration: 12.2% vacancy rate (17 vacant posts)
- Investigations and Information management: 13.9% vacancy rate (28 vacant posts)
- Legal Services: No vacant posts

The highest vacancy rate of 42.4% is in Senior Management (14 out of 33 SMS posts vacant) and the second highest vacancy rate of 12.8% is in Highly skilled supervision (12 out of 94 posts vacant).

The highest turnover rates were in SMS levels. The majority of the 33 staff members that left IPID in 2012/13 were transferred to other public service departments (19) and 13 resigned. One person died.



Promotions: A total of 42 staff members received promotions in 2012/13.

Disciplinary Cases: Six (6) disciplinary cases against officials were initiated in 2012/13. These cases were finalised and resulted in 2 written warnings; 1 suspension without pay; and 3 dismissals. Table 27 of the Report refers to 3 cases identifying 2 of these as cases for Misrepresentation and 1 as a case of insubordination. However, 3 of the other 6 cases are not identified in the Report.

Grievances: A total of 13 grievances were lodged during this period of which only 5 were resolved.

Disputes: A total of 3 disputes were lodged of which one (1) was upheld.

Suspensions: A total of 2 persons were suspended and have on average been suspended for 150 days. The total cost of these suspensions to IPID was R386 thousand.



Comments and questions:

- **Targets:** In its Annual Report, IPID reported that Standard Operating Procedures and other relevant policies were reviewed. The Committee should ask the Directorate to be specific and mention the other relevant policies that were reviewed. Why were so many policies targeted for review in 2012/13 (49) and why could this target not be achieved?
- **Vacancies:** The main reason for under-spending in this Programme was caused by delays in filling and replacement of the vacancies that have been free or vacated in the year under review. The fact that vacancy rate was not reduced in the reporting period even though funds were allocated for that budget line raises concerns. Why could the 45 vacant posts not be filled? Even if one removes the Chief Director posts and the Executive Director post out of the equation there were still over 30 additional posts that were not filled. What steps have and will be taken to address this problem in 2013/14 and the 2014/14 MTEF? It is a concern that the First quarter expenditure Report for 2013/14 shows a similar trend.
- Provide a status report of the filling of vacant posts to date for: 1 x Executive Director; 10 x Chief Director's posts; 1 x Director ICT and 1x Director Investigations (Mpumalanga)?
- According to the Committee's previous BRRR Report, in response to questions the Directorate acknowledged that vacancies are in fact a serious problem, and that they do not have a retention policy in place. The Directorate said that this policy is planned to be adopted by the end of the 3rd quarter of the 2012/13 financial year. The Committee should ask the Directorate whether this was achieved and why it was not reflected on the 2012/13 Annual Report.
- Since some of the vacancies in the core business of the Directorate (Investigations) were not filled- the Directorate should explain to the Committee the impact that had on its operational performance and service delivery.
- It was reported in the previous BRRR Report of the PC on Police that, as a result of the low number of female applicants for senior management posts and the low number of applicants with disabilities received, the Directorate was engaging with role-players in the sector to head hunt for disabled applicants. The Committee should ask the Directorate how far it is in that process and whether there is any women empowerment and gender policy in place.

-Human resource issues

HR development and Training: The MPAT score for human resource development planning was a very low 1 (red) indicating non-compliance. The Auditor-General has also raised concerns about the unchanged human resource management situation at the Directorate. IPID should explain to the Committee what the problem is and what steps have been taken to address this problem.

Disciplinary processes: Three (3) out of the six (6) disciplinary cases finalised in 2012/13 resulted in dismissal and one in suspension without pay. Provide some details on these cases which had serious implications to the employees concerned.



What was the nature of the other 3 disciplinary cases?

Grievances and disputes: Explain the nature of the grievances and disputes lodged during 2012/13.

5.2 Programme 2: Investigation and Information Management

Performance in summary	
Total targets set: 7	
Targets achieved: 5	5/7 = 71.42%
Success rate: 71.42%	
Targets not achieved: 2	

The Table below indicates the performance of the IPID in predetermined targets set for Programme 2: Investigations and Information Management.

Table 7: Programme 2 overall performance

Output (Strategic Objective)		Indicators		Targets 2012/13	Actual Performance	Reasons for Variance
3.3.1	Case Management System	1	Percentage of cases allocated within 48 hours of registration	95% (5 995)	86% (5 779 cases registered and allocated within 48 hours out of 6 728)	Target not met due to increase workload and due to the reporting obligation by SAPS
		2	Number of statistical reports generated on the number and type of cases investigated, recommendations made and the outcomes thereof	19	18 reports generated	Target not met. Due to management decision on the interpretation of IPID legislation, that only one half yearly report is required



3.3.2	Completed Investigations	3	Percentage of all investigations completed within the financial year	Determine baseline and set targets for the outer years	54% (3 963) completed out of a total workload of 7277	Target met. Baseline determined in outer years
		4	Number of backlog investigations (excluding cases of systemic corruption)	656	236	Target met. Backlog cases are less than the target thus the target has been exceeded
	Recommendation Reports	5	Disciplinary recommendation reports generated within 30 days of completion of investigations	All completed cases	1040 recommendation reports out of 1040 completed cases	Target met. Disciplinary recommendations generated within 30 days on all relevant completed cases
		6	Criminal recommendation reports generated within 30 days of completion of investigations	All completed cases	1088 out of 1088 completed cases	Target met. Criminal recommendation reports generated within 30 days on all relevant completed cases
	Feedback reports on investigations	7	Feedback reports regarding the outcome of investigations provided within 30 days of closure thereof	All closed cases	1 267 reports out of 1 267 closes cases	Target met. Feedback reports done on all closed cases

As shown in the above Table, Programme 2 identified a total of 7 predetermined targets for 2012/13. Of the 7 targets, 5 were achieved, which represents a success rate of 71.42 per cent of



its predetermined targets. Thus, 2 out of the total of 7 predetermined targets were not achieved. The targets not achieved were:

- **Case Management System:** 95% (5 995) of cases allocated within 48 hours of registration. IPID only managed to register 86% (5 779 cases) and allocated them within 48 hours out of 6 728. With regard to a number of statistical reports generated and the number and type of cases investigated, recommendations made and the outcomes thereof, 18 out of 19 were generated.

It should however, be noted that even though the Target for Percentage of Investigations completed within the financial year was assessed by IPID as Target Met, the fact is that the target for 2012/13 was merely to determine a **baseline** to be used going forward in the outer years. IPID only achieved the performance of 54% of investigations completed in the financial year (only 3 963 cases were completed out of a case load of 7 277 cases).

In addition to the targets that were not met, the Directorate underspent its allocated budget in this Programme, which represented a step backward when compared to 2011/12 FY as shown in the table below.

Table 8: Programme 2 Budget Performance

Programme	2011/12				2012/13			
	Final Appropriation	Actual Expenditure	Variance	Expenditure	Final Appropriation	Actual Expenditure	Variance	Expenditure
Investigation and Information Management	R73 246 000	R R73 245	1	100%	R105 967 000	R92 009 000	R 8 958 00	92%

Brief Summary of Statistics:



Caseload and completion rate:

- IPID received 6 728 cases and carried over 549 cases, resulting in a workload of 7 277 cases. A total of 165 of the 6 728 cases involved members of the Municipal Police Services.
- Of these 7 277 cases 3963 or 54% were completed during 2012/13.
- Only 86% of the 6 728 cases received were allocated within 48 hours (against a target of 95%).

Provincial breakdown of cases:

- Most cases and notifications were received from Western Cape (1640) followed by Gauteng (1139) Free State (1010), Eastern Cape (708) and KZN (772).



- Increased caseloads were marked in Eastern Cape (102% increase in cases); Western Cape (91% increase in cases); Free State (80% increase in cases) and KZN (60% increase in cases).
- Decreased case loads were notable in Gauteng and Northern Cape (both 21% decrease in cases) and Mpumalanga and North West (17% decrease in cases).
- The highest number of cases NOT allocated within 48 hours was in Western Cape (596 not allocated and 1044 allocated).
- The provinces with the LOWEST number of completed cases as percentage of total workload were Western Cape (35%) followed by KZN (36%) and Gauteng (42%).
- The majority of the cases received in 2012/13 were Torture/assault cases (4181); 750 were other criminal matters; 670 were complaints of discharge of official firearms; 431 cases were deaths as a result of police action and 275 cases were deaths in police custody.
- Completion rates for all criminal offences (excluding death cases) was 53% in total. Lowest completion rates were in KZN (31%), followed by Western Cape (32%) and Gauteng (42%)

Deaths in police custody and as a result of police action:

- 431 cases of deaths as a result of police action were received. The two provinces with high number of reported cases of deaths as result of police action were Gauteng (118 cases) and KwaZulu Natal (102cases).
- The highest increase in the number of deaths as a result of police action occurred in the Northern Cape (60%). In total, the number of incidents of deaths as a result of police action decreased by 12% in comparison to 2011/12.
- 275 cases of deaths in police custody were received. High number of deaths in police custody was recorded in Gauteng (52) and KwaZulu Natal (44).
- The highest increase in deaths in police custody occurred in North West (156% increase) and Limpopo (89% increase). Deaths in police custody increased by 19% in comparison to 2011/12.
- 62% of all deaths in police custody and as a result of police action cases were completed in 2012/13. Lowest completion rates were in Gauteng (39%) and KZN (55%).

Rape by police officials and rape in police custody:

- 146 cases of rape by police officials were received in 2012/13. The province with the highest number of cases was Western Cape (37) followed by Gauteng (27). Of these 146 cases, 91 occurred off duty and 55 on duty. The vast majority of on duty rape by police officer cases occurred in Gauteng (24) and the majority of off duty cases occurred in Western Cape (30 cases).
- 22 cases of rape in police custody were received. The vast majority of these (10 cases) were reported in Gauteng. All these 10 cases were rape in police custody by a police officer (s). In total 13 out of the 22 cases were rape in police custody by a police officer.



- Out of 10 reported cases only 2 were completed at the end of 2012/13 FY.

Discharge of firearm:

- 670 complaints of discharge of firearm were received, of which 41% (277) were in the Western Cape.

Torture/assault:

- 4 181 torture/assault cases were received of which 50 were Torture cases and 4131 were Assault cases. The majority of Torture cases (35) were in the Eastern Cape. The majority of assault cases were in Western Cape (1142) followed by the Free State (730).
- Most of the Torture cases were torture by beating (37 cases) followed by 6 cases each for torture by suffocation (bag) and suffocation (tube). One case of torture by electrocution was received.

Corruption:

- 120 cases of Corruption were reported of which the vast majority (56 cases) occurred in KZN. 90 (75%) of the corruption cases involved extortion of soliciting a bribe.

Systemic corruption:

- Six cases of systemic corruption were received and investigated during 2012/13. Three cases were in Eastern Cape, two in Free State and 1 in Gauteng.

Non –compliance with IPID Act:

- 127 cases of non-compliance with IPID Act were registered. 29% of these cases were registered in Free State and 20% in Western Cape.

Attendance of post mortems and crime scenes:

- IPID attended 66% of all crimes scenes for deaths in custody or as a result of police action. Lowest attendance of crime scenes was in North West (52%) and Limpopo (55%).
- 72% of post mortems for death cases were attended. Lowest attendance was in Limpopo (56%).

Backlogs:



- IPID reduced case backlogs (from over a 1000 at the beginning of the financial year to just 236 at the end of the financial year).

Arrests:

- IPID arrested 125 police officers in 68 cases for different offences all over the country (9 officers were arrested by the IPID for the death of the Mozambican Taxi Driver , Mido Maca)

Criminal Recommendations to the NPA:

- A total of 1 088 criminal recommendations were generated to the NPA. The highest number of criminal recommendations were generated by Eastern Cape (215), followed by Mpumalanga (164) and Free State (161). The lowest number of criminal recommendations were generated by Gauteng (only 27) and KZN (only 20). Western Cape generated 131 recommendations.
- Of these 1088 recommendations, 545 were referred to the NPA- the remainder were not due to the fact that the 'allegations were unsubstantiated and did not warrant a recommendations to be forwarded to the NPA'. The highest number of recommendations were referred by the Western Cape (118 out of 131), followed by Free State (102 out of 161), Limpopo (96 out of 139) and North West (95 out of 106). Despite generating 164 recommendation reports, Mpumalanga only referred 43 of these report to the NPA. Out of the 27 reports generated by Gauteng only 10 were referred to the NPA.
- At the end of 2012/13 a total of 538 cases were on the court rolls. On average most cases spent just over 2 years on the court roll.

Criminal convictions and acquittals:

- 57 criminal convictions were received. Most of these were for Death as a result of police action (27). The highest number of these convictions were in Gauteng (10), KZN (10) and Eastern Cape (9).
- 21 acquittals were received, of which the highest number was in Eastern Cape (7).

Disciplinary recommendations

- IPID generated 1040 disciplinary recommendations. The highest number of disciplinary recommendations were made by Eastern Cape (214), followed by Western Cape (189), Mpumalanga (150) and Free State (127). The lowest number of recommendation were made by KZN (only 30).
- Of these 1040 recommendations only 788 were referred to SAPS by the time of writing the Report. The rest of the recommendation (252) had not yet been sent to the SAPS. The highest number of recommendations sent off to SAPs were from Western Cape (175 out of 189), followed by Eastern Cape (170 out of 214).



Just a cursory glance at the statistics reflects that Gauteng has the highest percentage of reports not yet sent off to the SAPS (30 out of 89- which is just under 1/3rd of all reports).

Disciplinary convictions and acquittals:

- Of the 788 disciplinary recommendations referred to SAPS only 84 disciplinary convictions were received during 2013/14. Twenty of these 84 cases resulted in dismissal.
- Of the 788 disciplinary recommendations referred to SAPS, 48 resulted in acquittal. Of these 48 acquittals, 2 were for Rape; 4 were for Corruption, and 2 were for Murder.

Comments and questions:

Human resources:

- Nine Provincial Heads and Programme Managers vacancies were not filled and that has affected Compensation of Employees' spending. Planned procurement of IT equipment and furniture in both Goods and Services and Machinery and Equipment for Provincial Heads was also affected by non-filling of some vacancies.
- The Directorate reported in its Annual Performance Plan (APP) that investigative capacity will be strengthened in 2012/13 but there was no indication of that in the Annual Report (AR) where the total numbers were reported as remained constant.
- The Directorate should provide a breakdown of provincial staff especially of investigators of each province. Is better performance provincially related to adequate staff numbers and poor performance related to inadequate staff numbers? What steps have been taken to address?
- IPID should explain how it manages investigative capacity in the provinces in relation to (1) workload (2) the nature of the complaints/notifications etc. How has this impacted on performance in the provinces?

Targets:

- IPID states that it achieved its target of disciplinary recommendation reports generated within 30 days. However, when one looks at the statistics later on in the Annual Report it is clear that while 1040 reports were generated by the end of the financial year only 788 of these were referred to SAPS. The point of the target is not to generate the reports but to ensure that they are timeously sent to SAPS for action. This target should be amended to ensure that this is achieved.
- Explain the fact that the target was not met to allocate 95% of cases within 49 hours? IPID attributes this to increase in workload but the fact is that it should be a simple administrative process to at least allocate within this time period. Is there a shortage of



staff to do this. In which offices. How many more are needed? Is it a system problem? What steps have been taken to address?

- The target for percentage of investigations completed within one financial year and the performance of 54% cannot be listed as an achievement as this was merely the setting of a baseline figure for the outer years. A 54% completion rate does not seem particularly high. What are some of the key barrier to improving this completion rate and what steps have been taken to achieve these? Can this completion rate be broken down into individual criminal categories e.g. rape, death as a result of police action etc, as will be required for reporting in the current 92013/14) financial year.
- The Directorate reported that there was a 37% increase in case intake during 2012/13 when compared to 2011/12 FY. The Committee should ask the factors that accounted for that increase besides new reporting obligations?
- IPID Annual Report reported that there were situations where people reported cases that fall outside the mandate of the IPID. The Committee should ask the Directorate whether in such situations, people were directed to the relevant state crime and corruption fighting institutions.

Statistics:

- IPID should report on completion rates for all the different criminal offences (not just deaths) per province. Page 44 provides only a general table on provincial rates for all these other categories combined.
- IPID should include a percentage breakdown of the percentage of total cases allocated within 48 hours per province. While it is possible to work this out from the figures provided a percentage column would be useful.
- While Gauteng and KZN provinces have one of the highest case loads, they have by far the lowest number of criminal recommendations generated to the NPA. Thus in Gauteng with a case load of 1139 cases received in 2012/13 only 27 recommendations for criminal prosecution were made to the NPA. Similarly, KZN received 772 cases but only made 20 recommendations for criminal prosecution to the NPA. Why did this occur and what has been done to address this serious problem?
- Out of the 1088 recommendations 'generated' to the NPA, the Report states that only 545 were 'referred' to the NPA. The Report states that the remainder 'were not referred due to the fact that the allegations were unsubstantiated and did not warrant a recommendation to be forwarded to the NPA'. (Pages 50 and 51). Please explain the difference between 'generated to the NPA' and 'referred to the NPA'.
- IPID should explain whether it is satisfied with the number of recommendation reports sent to the NPA (545 for the year) and the number of disciplinary recommendations made to SAPS (1040). Certain provinces with high case loads such as KZN and Gauteng in particular have a very low level of reports generated. What is the explanation and what has been done to resolve this?
- A problem has been noted that the NDPP does not uniformly state whether there are sufficient grounds for disciplinary cases (even in those cases where it declines a criminal prosecution). IPID should request in all cases that where the NDPP believes



that there are sufficient grounds for disciplinary processes, that these are specifically stated in the report. Follow up of recommendations around disciplinary cases is apparently not working. What steps are IPID, the Secretariat and SAPs taking to ensure that this tracking of disciplinary cases occurs effectively and efficiently?

- Explain No 45 and 46 on page 57 where it is noted that an officer in Bredasdorp accused of Murder and an officer in Caledon accused of Rape in disciplinary proceedings, both received a written warning. Explain No 76. Pg 59 where an officer in Dordrecht accused of corruption received a dismissal suspended for 6 months and fined R500.
- 48 acquittals and 84 convictions for disciplinary cases were reported for 2012/13, yet the Report states that 788 disciplinary recommendations reports were referred to SAPS. This is the first reporting year which should show major improvements in terms of the role of the Secretariat in ensuring that disciplinary processes within SAPS are fast tracked, and the recommendations of IPID taken seriously by the SAPS. What is IPID's impression in terms of whether this has improved or not?
- Performance in terms of Case completion in Western Cape, Gauteng and KwaZulu Natal was of a poor standard and this seems to be a recurrent trend in these provinces (they were the worst performers during the 2011/12 FY). What measures were taken to address the situation and what has been put in place in 2012/13 to improve performance in these offices? The Committee should ask for the explanatory or contributing factors to this trend. Is it because of the size of these two provinces? And if that is the case, is that taken into consideration during resource allocation period?

Alignment with the 2012 APP:

- The Committee should ask the Directorate why under this programme, tables in the APP and AR are not corresponding (for instance in the APP there is a Stakeholder Management Strategic Objective but it does not reflect in the AR, instead, completed investigation is stated as an Output in its place)

5.3 Programme 3: Legal Services

Performance in summary

Total targets set: 4

Targets achieved: 4

4/4 = 100%

Success rate: 100%

Targets not achieved: 0



The Table below indicates the performance of the IPID in predetermined targets set for Programme 3: Legal Services.

Table 9: Programme 3 Overall Performance

Output (Strategic Objective)		Indicators	Targets 2012/13	Actual Performance	Reasons for Variance	
	Legal and litigation advisory services	1.	Percentage of contracts and service level agreements finalized within 21 working days of request	Determine base line	44% completed within 21 working days (18 out of 41 SLA's were finalised within the required timeframe)	Target met. Some service level agreements were returned by the Accounting Officer due to a misunderstanding regarding powers of the Bid Committee regarding approval.
		2.	Percentage of legal opinions provided to the directorate within 10 working days of request	Determine base line	60% completed within 10 working days (58 out of 97 legal opinions were finalised within the required time frame)	Target met. Further particulars were requested in some cases and at times the requestors respond after a long time and that caused delay
3.3.2	Investigation advisory service	3.	Percentage of investigations in which legal advice was requested	Determine base line	100% completed (100 out of 105 requests finalised within required time frame)	Target met. This includes the processing of all PAIA matters, policing powers application, queries and advice
		4.	Percentage of legal opinions provided to investigators	Determine base line	100% completed (4 out of 4 legal opinions finalised within required	Target met. All legal opinions to investigators were given within the required time



			within 24 hours of request		time frame)	frame)
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As shown in the above Table, Programme 3 identified a total of 4 predetermined targets for 2012/13. Of the 4 targets, 4 were reported as achieved, which represents a success rate of 100 per cent of its predetermined targets.

It must be noted, that despite the Annual Report reporting these four targets as Target met, in fact all the four targets were merely to determine baseline performance levels for the year in order to set these levels for the 'outer' or following years. Therefore, in fact, one cannot ascertain performance in this Programme without interrogating the baseline performance achieved.

Relatively **poor** performance (low baseline levels achieved are noted for 2 out of the 4 targets:

- Achievement of 44% for percentage of contracts and service level agreements finalised within 21 working days of request.
- Achievement of 60% for percentage of legal opinions provided to the Directorate within 10 working days of request.

The Directorate underspent its allocated budget in this Programme, during 2012/13 FY as shown in the table below.

Table 10: Programme 3 Budget Performance

Programme	2012/13			
Legal Services	Final Appropriation	Actual Expenditure	Variance	Expenditure
	R5 405 000	R4 182 000	R 1 233 00	77%

Comments and questions:

Human Resources:



- The issue of two Senior Managers of the Programme acting in other Programmes of the Directorate affected the expenditure of the Programme since their administrative costs relating to their acting capacities were carried by the Programmes where they were acting. Who, beside the Acting Executive Director, was acting in other Programmes and in what capacity?
- How did the acting posts affect performance in this Programme?
- Only 8 posts are funded and filled in this Programme. Provide a breakdown of the staff complement in this Programme.
- The AG has noted as a concern the long time taken to fill vacant positions and the extended period of time in which person are placed in acting positions.

Targets:

- The Committee should ask the Directorate to explain targets vs. actual performance. In the APP, under targets IPID said that it will determine the base line. A question then is, how can you claim that targets were achieved there were no benchmarks or set targets to measure the output? If the performance in the current reporting period (2012/13) will be used as targets for the 2013/14 FY, this means that the targets will be very low (.e.g. 44% of completed contacts and service level agreements finalised within 21 working days of request; and 60% of legal opinions within 10 working days)

6. AUDITOR GENERAL'S REPORT

The Directorate received an unqualified report from Auditor-General (AG) for 2012/13 with one emphasis of matter.¹² This emphasis of matter referred to material under spending of the budget. For the financial year 2012/13 the Directorate had a material under spending amounting to R26 000 000 of the vote.¹³

The AG also made the following findings:¹⁴

- A. Predetermined objectives:** performance targets were not specific. A total of 29% of the targets selected for audit purposes were not specific in clearly identifying the nature and the required level of performance. In addition, performance targets were not measurable. The required performance could not be measured for 29% of the targets.
- B. Compliance with laws and regulations:** there was a lack of compliance. The financial statements submitted for auditing were not prepared in accordance with the

¹² See Auditor General's Report on IPID for the year ended 31 March 2013

¹³ Ibid

¹⁴ This was extracted from the IPID's 2012/13 Annual Report AG's section



prescribed financial reporting framework as required by section 40 (1) (b) of the PFMA

- C. Expenditure management:** sufficient appropriate audit evidence could not be obtained that contractual obligations and money owed by the Department were settled within 30 days or an agreed period
- D. Human resource management and compensation:** funded vacant posts were not filled within 12 months as required by Public Service Regulations. More so, employees acted in higher vacant posts for more than 12 months in contravention of Public Service regulation I/VII/B.5.3
- E. Leadership:** the accounting officer did not always exercise oversight responsibility in regard to proper processes in place to ensure compliance with laws and regulations. Developed action plans to remedy control deficiencies reported were not fully implemented and monitored
- F. Financial and performance management:** management did not adequately review and monitor compliance with applicable laws and regulations to prevent non-compliance

Comments and questions

- Which are the 29% of targets which the AG has said are not specific or measurable? How have these been rectified?
- Explain measures that have been and will be taken to ensure that vacant posts are filled timeously. What is the current status of the persons who were in acting positions?

7. CONCLUSION AND RECOMMENDATIONS

The Directorate should be commended for its successful implementation of the IPID Act and for receiving an unqualified audit opinion. More so, it should also be applauded for successfully investigating high profile cases such as the Cato Manor and Marikana, for reducing case backlog and for the disciplinary recommendations (1040) it made to SAPS. However, it should be acknowledged that challenges still abound. It remains a concern that the Directorate performed badly in terms of MPAT Scores and that the National Victims of Crime Survey still shows a number of South Africans who do not have confidence on the ability of the country's police service to execute its mandate well. It remains a concern that the trend of under-expenditure or poor spending by the Directorate continues unabated.

Furthermore, in the report of the AG, the Directorate is stagnating and not showing any commitment to improve and progress on its human resource management, and financial systems. For instance, the AG raised concerns about the quality of financial statements at IPID caused by, amongst others, lack of skills. The AG also raised concerns about the fact that IPID's predetermined objectives and/or strategic targets remain unsatisfactory due to ineffective leadership, resulting in objectives not being specific and measurable.

In the last BRRR Report, the Committee questioned whether the budget of the Directorate has been correctly allocated to ensure achievement of key performance priorities of the Directorate,



i.e. investigations.¹⁵ According to the Committee, the skewed allocation of the budget to the National Office, and the increased centralisation of functions at National Office has been an on-going concern.

If the Directorate stands any chance of improving on its service delivery mandate and in contributing to a realization of a safer South Africa for all, it should really put its house in order. The following should be done:

- Take a serious note and act on the PC on Police recommendations
- Prioritize the core business of the Directorate (investigations).
- Strengthen investigative capacity as indicated on APP and Strategic Plans (2012-17 and 2013-2018).
- Fill with immediate effect funded vacant posts at senior management level.
- Pay a particular attention to targets that were not met in the 2012/13 reporting period such as reducing vacancy rate, having 50% women at senior management level and employing more people with disabilities).
- Tighten up and ensure a smooth, efficient and effective roll-out/implementation of the HR, IT and Supply chain management systems. As demonstrated by the MPAT scores- the Directorate should commit itself in improving Governance and Accountability, HR and Systems Management.
- Ensure uniform improved and good performance at all ten provincial IPID offices in terms of quality of investigations.

- Ensure that in the next reporting period there is a good alignment between the department's core business and its budget allocation and this should be reflected in the movements of funds across programmes.
- Put measures in place to improve financial planning and address persistent misalignment, misallocation and misclassification of the budget.

¹⁵ See 2011/12 PC on Police BRRR Report



Annexure 1:

1. Outcomes relevant to IPID

These Outcomes, developed by the Presidency together with the Justice Crime Prevention and Security (JCPS) Cluster are as follows:

Outcome 3:

All People in South Africa are and feel safe and secure

Outcome 12:

An efficient, effective and development-oriented public service and empowered, fair and inclusive citizenship

The activities of the IPID during the reporting period will specifically focused on output 3 (of outcome 3) to combat police corruption and thereby enhance its effectiveness and its ability to serve as a crime deterrent. Pursuant to attainment of the Strategic Outcome-Oriented Goals identified for the 2013/18 strategic period, the IPID sought to contribute towards the achievement of the following three high level outcomes shown in the table below.

Table 1: High Level Outcomes

ULTIMATE OUTCOME	
High level strategic outcome-oriented goal 1	A Police Service that is Trusted by the community and operates in line with the spirit of the constitution (ultimate outcome)
Goal Statement	The public trusts the police services to be honest, to ensure their safety and to treat all citizens with respect and dignity. All police officials at all times recognises and ensures the fundamental of rights of human dignity, life, freedom and security, as stipulated in the Bill of Rights and the Constitution as a whole.
INTERMEDIATE OUTCOMES	
High level strategic outcome-oriented goal 2.1	The IPID is a strong, independent oversight body (intermediate outcome)
Goal Statement	The IPID is an independent oversight body that conducts investigations without fear or favour; and makes recommendations that are acted upon and have a lasting impact on police conduct



High level strategic outcome-oriented goal 2.2	The Police Service is responsive to IPID recommendations (intermediate outcome)
Goal Statement	The Police Service ensures that IPID's recommendations are implemented, action taken as a result thereof is monitored and progress is reported to the IPID.
IMMEDIATE OUTCOMES¹⁶	
Strategic outcome-oriented goal 3.1	The IPID is accessible to the public
Goal statement	Development of public awareness of the IPID and its functions through community awareness programmes, media campaigns, and the establishment of satellite offices to increase public accessibility.
Strategic outcome-oriented goal 3.2	The performance management system operates optimally
Goal statement	The IPID has an effective performance management system, including internal controls and external performance reporting procedures, to ensure accountability.
Strategic outcome-oriented goal 3.3	Re-engineering and re-organization
Goal statement	The IPID's structure and functions are fully aligned to the IPID Act and allow the IPID to meet its strategic imperatives.
Strategic outcome-oriented goal 3.4	The IPID processes cases efficiently
Goal statement	The IPID operates an efficient case management system that ensures the effective completion of cases and the generation of recommendation and feedback reports within appropriate time frames.

Source: IPID Strategic Plan 2013/18

2. Victims of Crime Survey

2011 Victims of Crime Survey conducted by Statistics South Africa (Statssa) revealed that:

Though most households were satisfied by the work of the police and the courts based on a number of factors such as crime response time, visible policing, improving conviction rates and sentencing of perpetrators of crime- crime reporting was observed to be affected by, amongst

¹⁶ In order to contribute to the achievement of the above outcomes, the following four strategic outcome oriented goals will determine the focus of the IPID's activities and the implementation of resources during the 2013 to 2018 period:



others, the fact that households believe that police would fail to solve the crime or that sometimes police behavior was inappropriate.

3. Management Performance Assessment Tool (MPAT) Scores

Management Performance Assessment Tool (MPAT) Scores (Governance and Accountability and Human Resource and Systems Management- were very low ranging from 1 and 2.3)¹⁷ As indicated by the MPAT Scores (as shown in a table below), the Directorate performed badly in:

- **Governance and Accountability:** average score of 1.3 (non-compliant) with very low scores of 1 (non compliant) for:
 - Functionality of Management Structures
 - Audit Committee
 - Assessment of policies and systems to ensure professional ethics
 - Assessment of internal audit arrangements
 - Assessment of risk management arrangements
 - Approved HOD delegations in terms of the PFMA

Other areas of non-compliance (scores of 1) were in:

- Integration of monitoring and evaluation in performance and strategic management (under Strategic Management – which received an overall score of 2.5- partially compliant).
- Human Resource Planning; Management of diversity and Management of disciplinary cases (under Human Resource and Systems Management- which received an overall score of 2.2- partially compliant).

On the other hand, IPID scored relatively well in:

- Financial Management (overall score of 3- fully compliant), with the exception of Payment of suppliers (where it scored 2- partially compliant).
- Strategic Management (overall score of 2.5-partially compliant with high scores of 4 for Strategic Plans and APP).

Table 2: Selected MPAT Scores for IPID

¹⁷ The Presidency: Department of Performance Monitoring and Evaluation. Management Performance Assessment Tool (MPAT). National Department Scores Version 2, 2012/13



2. Governance and Accountability					1.8	2.2	1.3
Performance Area	Justice, Crime Prevention and Security: Sector	ND: Average	My Dept score	Standard	Justice, Crime Prevention and Security: Sector	ND: Average	My Dept score
2.1 Service Delivery Improvement	1.6	1.5	2.0	2.1.1 Service delivery improvement mechanisms	1.6	1.5	2
2.2 Management structure	1.9	2.4	1.0	2.2.1 Functionality of management structures	1.9	2.4	1
2.3 Accountability	2.1	2.7	1.0	2.3.2 Assessment of accountability mechanisms (Audit Committee)	2.1	2.7	1
2.4 Ethics	1.6	2.0	1.5	2.4.1 Assessment of policies and systems to ensure professional ethics	1.1	1.7	1
				2.4.2 Fraud prevention	2.0	2.3	2
2.5 Internal Audit	1.6	2.3	1.0	2.5.1 Assessment of internal audit arrangements	1.6	2.3	1
2.6 Risk Management	1.6	2.0	1.0	2.6.1 Assessment of risk management arrangements	1.6	2.0	1
2.7 Delegations	2.1	2.2	1.5	2.7.1 Approved EA and HOD delegations for public administration in terms of the PS Act and PS Regulations	2.1	2.2	2
				2.7.2 Approved HOD delegations for financial administration in terms of the PFMA	2.1	2.2	1

3. Human Resource and Systems Management					1.8	2.0	2.2
Performance Area	Justice, Crime Prevention and Security: Sector	ND: Average	My Dept score	Standard	Justice, Crime Prevention and Security: Sector	ND: Average	My Dept score
3.1 HR Strategy and Planning	1.8	2.1	2.3	3.1.1 Human Resource Planning	1.6	2.1	1
				3.1.2 Organisational Design and Implementation	2.0	2.2	3
				3.1.3 Human Resources Development Planning	1.9	1.9	3
3.2 Human Resource Practices and Administration	1.8	2.0	2.3	3.2.1 Pay sheet certification	2.1	2.3	3
				3.2.2 Application of recruitment and retention practices	2.0	2.4	3
				3.2.4 Management of diversity	1.3	1.2	1
3.3 Management of Performance	2.1	2.4	3.0	3.3.1 Implementation of Level 1-12 Performance Management System	2.3	2.7	3
				3.3.2 Implementation of SMS Performance Management System (excluding HODs)	1.9	2.0	3
				3.3.3 Implementation of Performance Management System for HOD	2.1	2.5	3
3.4 Employee Relations	1.3	1.5	1.0	3.4.2 Management of disciplinary cases	1.3	1.5	1

Comments and Questions:

Realisation of the Outcomes must be assessed in the light of internal departmental tools of performance measurement (such as extent to which APP targets have been met and performance as identified in the Annual Reports) but also in terms of external measures which include for example, the Victim Surveys and the MPAT scores. In the light of all the information available it is unclear whether Goals:

- 1,2.1,2.2 or 4 are been effectively addressed (all of which relate to the ability of IPID to effectively and efficiently directly influence the development to a police service that is trusted by all)



Questions can be asked as to; firstly, how can South Africa have improved Police-Society relations and overwhelming public support for Police while “criminality within the police has shown no signs of abating in the last financial year”?¹⁸

In the near future (2013/14 FY), is there a likelihood that a majority of South Africans will become and feel safe and secure while violence committed by police officers, especially assaults, is on an upward trajectory?¹⁹

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¹⁸ Ibid

¹⁹ Ibid