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INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID) VOTE 20 2017/18 BUDGET AND ANNUAL PERFORMANCE PLAN (APP) ANALYSIS

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1. INTRODUCTION

The 2017/18 Annual Performance Plan (APP) of the Independent Police Investigative Directorate (IPID) provides measurable performance indicators and targets against which its performance and service delivery outputs will be measured at the end of the 2017/18 financial year (FY). These targets are budgeted through the Estimates of National Expenditure (ENE) (or Budget), and together these two documents provide a cohesive picture of the direction the Department is moving towards during the 2017/18 FY. In turn, these documents are informed by and based on the IPID Strategic Plan 2015 - 2020, which sets out the medium term strategic priorities of the Department. These Departmental priorities should also be aligned with the broad strategic goals and priorities of Government as stated in the Medium Term Strategic Framework (MTSF) 2014-2019.

This paper highlights the key aspects of the 2017/18 budget allocation of the IPID, together with the 2017/18 APP and Strategic Plan (2014-2019).

2. POLICY PRIORITIES

The IPID has continued to request additional funding assistance during the budgetary processes in order to fund critical success factors such as:

- The IPID Expansion Strategy which seeks to expand the footprint of IPID to increase accessibility;
- The Recommendations of the Farlam Commission on Marikana;
- The implementation of Section 23¹ of the IPID Act; and
- The Information Technology Infrastructure of the IPID which is no longer adequate to support operations, particularly supporting the Case Management System.

The IPID indicates that the immediate focus of the IPID is to comply with the Constitutional Court judgement to ensure the functional and operational independence of the IPID.²

¹ Section 23 of the IPID Act, 2011 deals with the remuneration and conditions of service of investigators, which states that the remuneration of investigators must be on par with that of SAPS Detectives.

² IPID APP 2017/18



3. LEGISLATIVE MANDATE

The 2017/18 financial year marks the fifth year that IPID will operate under the 2011 IPID Act. The IPID Act, 2011 (Act No 1 of 2011) gives effect to section 206(6) of the Constitution, which makes provision for the establishment of an independent police complaints body. The objectives of the IPID Act are to:

- Align provincial and national strategic objectives to enhance the functioning of the Directorate;
- Provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the SAPS and the Municipal Police Services;
- Make disciplinary recommendations to the SAPS resulting from investigations conducted by the Directorate;
- Provide for close cooperation between the Directorate and the Secretariat; and
- Enhance accountability and transparency of the SAPS and the Municipal Police Services in accordance with the principles of the Constitution.

The IPID Act provided the Directorate with an extended mandate which focuses on more serious crimes committed by members of the SAPS and the MPS. It further obliges the SAPS and the MPS to report on matters that must be investigated by the IPID and also regarding the implementation of disciplinary recommendations made by the IPID upon the completion of investigations.

In terms of section 28 (1) of the Act, the Directorate is obliged to investigate:

- a) Any deaths in police custody;
- b) Deaths as a result of police actions;
- c) Complaints relating to the discharge of an official firearm by any police officer;
- d) Rape by a police officer, whether the police officer is on or off duty;
- e) Rape of any person in police custody;
- f) Any complaint of torture or assault against a police officer in the execution of his or her duties;
- g) Corruption matters within the police initiated by the Executive Director, or after a complaint from a member of the public or referred to the Directorate by the Minister, a MEC or the Secretary for the Police Service; and
- h) Any other matter referred to the IPID as a result of a decision by the Executive Director or if so requested by the Minister, an MEC or the Secretary for the Police Service as the case may be.

Section 28 (2) further provides that the Directorate may investigate matters relating to systemic corruption involving the police. In terms of Section 30 of the IPID Act, the National Commissioner or the appropriate Provincial Commissioner must-

- (a) within 30 days of receipt thereof, initiate disciplinary proceedings in terms of the recommendations made by the Department and inform the Minister in writing, and provide a copy thereof to the Executive Director and the Secretary;
- (b) quarterly submit a written report to the Minister on the progress regarding disciplinary matters made in terms of paragraph (a) and provide a copy thereof to the Executive Director and the Secretary; and



- (c) immediately on finalisation of any disciplinary matter referred to it by the Department, to inform the Minister in writing of the outcome thereof and provide a copy thereof to the Executive Director and the Secretary.

Comments and questions

The review of the IPID Act, 2011 should be prioritised. On 06 May 2016, the High Court of South Africa, Gauteng Division, Pretoria³ declared that the following provisions are invalid to the extent that they authorise the Minister of Police to suspend, take any disciplinary steps pursuant to suspension, or remove from office the Executive Director of the Independent Police Investigative Directorate:

- section 6(3)(a) and 6(6) of the Independent Police Investigative Directorate Act 1 of 2011;
- sections 16A(1), 16B, 17(1) and 17(2) of the Public Service Act, Proclamation 103 of 1994;
- regulation 13 of the IPID Regulations for the Operation of the Independent Police Investigative Directorate (GN R98 of Government Gazette 35018 of 10 February 2012), (IPID Regulations).

The High Court further directed Parliament to cure the defects in the legislation within 24 months from the date of this order (September 2018).

It is vital that the entire IPID Act be reviewed by the Committee and not merely the deficiencies indicated by the High Court, especially in terms of its independence from the SAPS.

4. OVERALL BUDGET ALLOCATION

The highlights of the budget allocations of the IPID Vote (Vote 20) over the **medium term (2017/18 – 2019/20)** include the following:

- Over the medium term, the Directorate aims to provide specialised training to investigators, through intensifying the human resource development and training programme, to allow them to focus on specialised investigations.
- *The Investigation and Information Management* programme has allocated R4 million over the medium term for, among other initiatives, training and developing investigators.
- The Directorate plans to conduct 108 community outreach events in each year over the medium term, and provide training to officials in 180 out of 1 140 police stations.

The highlights of the budget allocations of the IPID Vote for the **2017/18 financial year** include the following:

- Overall, the budget allocation of the Directorate increases from R242.1 million in 2016/17 to R255.5 million 2017/18, which is a nominal increase of 5.52%.
- In real terms, the core service delivery programme *Investigation and Information Management* receives a decreased allocation in 2017/18 compared to the previous financial year, which should be a concern to the Committee, especially against the significant increases in the allocations made towards the *Administration* and *Compliance Monitoring and Stakeholder Management* Programmes that received nominal increases of 12.97% and 27.59%, respectively.

³ *McBride v Minister of Police and Another* [2016] ZACC 30



Table 1: IPID Expenditure over the medium term

Programme	Revised estimate	Main allocation	Nominal Increase/decrease 2016/17 2017/18	Medium term expenditure estimate	
				2018/19	2019/20
<i>R million</i>	2016/17	2017/18			
Administration	77.1	87.1	12.97%	92.2	98.6
Investigation and Information Management	156.3	157.2	0.58%	163.2	174.9
Compliance Monitoring and Stakeholder Management	8.7	11.1	27.59%	11.5	12.3
Total	242.1	255.5	5.53%	267.0	285.8
Economic classification					
Current Payments	241.4	254.7	5.51%	266.1	284.9
Transfers and subsidies	0.6	0.6	0.00%	0.7	0.7
Machinery and equipment	0.2	0.2	0.00%	0.2	0.2

Source: National Treasury (2017)

In terms of economic classification, no nominal increases were made towards *Transfers and subsidies* and *Payments for capital assets*, which means that these accounts have a real rand decrease in 2017/18 compared to the previous financial year, with very slight changes over the medium term. Although the allocation towards *Current payments* receives a nominal increase of 5.51%, the allocation towards *Goods and services* decreases with 4.5% in nominal terms.

The IPID states that the **key spending areas** for investigators are overtime, travel and accommodation, travel and subsistence (S&T) claims, petrol claims, subsidised vehicles, maintenance of crime scene vehicles, and communication.

It seems that an impasse has been reached between IPID and Treasury regarding funding. The IPID is continuously referring to ‘unfunded mandates’ and stating that “without adequate financial and human resources IPID will not be able to fulfil its mandate.” However, considering the spending pattern of the IPID on *compensation of employees* it seems that the IPID has sufficient funding, its rather a question of adequately applying the resources at its disposal. The management of funds during the adjusted budget process is telling:

- During the **2015/16 Adjusted Budget** process, a total of R10.2 million was shifted away from *Compensation of employees* due to an inability to fill posts within the Directorate and especially within the *Investigation and Information Management* programme. It is important to note that Cabinet approved overall budget reductions over the 2015/16 MTEF of the Directorate due the lack of filling of vacant posts.
- During the **2016/17 Adjusted Budget** process, a total of R8.9 million was shifted away from *Compensation of employees*, of which R4 million is a declared as a saving in addition to R4.9 million in virements and shifts, which should be explained. The bulk of the virements and shifts (R3.9 million of a total of R4.9 million) applied to the budget for *compensation of employees* were from the IPID’s core programme (Investigation and Information Management) to defray higher than planned traveling costs for investigators during the 2016/17 financial year.



Comments and questions

- 1) The Committee should question the real rand decrease in the allocation towards the core service delivery programme of the Directorate. The capacitation of the *Investigation and Information Management* Programme should be a key priority of the Directorate, especially in terms of proposed legislative amendments to the organisational structure of the Directorate.
- 2) The Department should explain the lack of funds allocated to the *Households* account as it contains line items including employee benefits and civil claims. The IPID has shown a significant increase in civil claims brought against them by the SAPS. The IPID should indicate whether a contingency has been identified to settle civil claims. This could form part of a contingency fund, but National Treasury states that this money should be allocated in the *Households* account. The Committee should seek clarity on this matter.
- 3) The establishment of ballistic and forensic units to allow for operational independence from the SAPS should be questioned by the Committee. The Independent Police Complaints Commission (IPCC) in the United Kingdom contracts all forensic work out to independent specialists, as the IPCC argues that they will not be able to use such specialised units effectively, because not all cases involve forensic and ballistic testing. It may not be economical to insource such capacity.
- 4) The training offered to police officers (at police stations) by the Directorate on the provisions of the IPID Act has been questioned by the Committee in the past. This is mainly due to the tight budget of the IPID and whether the training of officers is the core mandate of the IPID. The resources allocated to station training could be redirected towards investigations.
- 5) The IPID should indicate what the impact of the decreased allocation towards *Goods and services* will have on the service delivery of the Directorate during the 2017/18 financial year.
- 6) The IPID is seeking an additional funding of R5 million to complete the investigations into the 2012 Marikana incident. The question is why the IPID did not seek approval from Treasury to utilise the R4 million declared as a saving on *compensation of employees* during 2016/17 for this purpose.
- 7) The budget allocation towards *Travel and subsistence* is reduced from an adjusted appropriation of R16.8 million in 2016/17 to R10.3 million in 2017/18. The IPID investigators presumably use their own vehicles and claim petrol and mileage back from the Department. The Committee should interrogate this arrangement and whether it is not more affordable to procure vehicles.
- 8) The IPID presentation states that “without adequate financial and human resources IPID will not be able to fulfil its mandate. Thus IPID will not be able to make an impact on the reform and evolution of post- apartheid policing.”⁴ While clearly adequate resources are required, the IPID should be encouraged to do its best within the current economic climate.

5. PROGRAMME PERFORMANCE INDICATORS AND BUDGET ALLOCATION

The Technical Indicator Description (TID) document is not available. The APP states that the document is available on the Directorate’s website. To date (03 May 2017), the TID was not published on the IPID website.

⁴ IPID 2017/18 APP Presentation



5.1. Programme 1: Administration

The purpose of the Administration Programme is to provide for the overall management of the Independent Police Investigative Directorate and support services, including strategic support to the Department.

The budget allocation of the Administration Programme is increased from R77.1 million in 2016/17 to R87.1 million in 2017/18, which is a nominal increase of 12.97%. The budget allocation is further expected to increase by 8.5% over the medium-term period.

Table 2: Budget Allocation - Administration Programme

Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20		
R thousand				2016/17 - 2019/20	
Department Management	13,477	14,458	15,562	8.0%	15.7%
Corporate Services	37,932	39,727	42,619	10.9%	42.7%
Office Accommodation	11,768	12,450	13,148	5.5%	13.7%
Internal Audit	4,326	4,679	5,023	4.3%	5.2%
Finance Services	19,608	20,935	22,220	7.4%	22.7%
Total	87,111	92,249	98,572	8.5%	100.0%
Economic classification					
Current payments	86,313	91,428	97,705	8.5%	99.1%
Compensation of employees	54,114	58,674	63,145	10.8%	62.6%
Goods and services	32,199	32,754	34,560	4.8%	36.5%
Transfers and subsidies	604	658	695	7.8%	0.7%
Departmental agencies and accounts	604	658	695	9.0%	0.7%
Households	–	–	–	-100.0%	–
Payments for capital assets	194	163	172	10.4%	0.2%
Machinery and equipment	194	163	172	10.4%	0.2%
Payments for financial assets	–	–	–	–	–
Total	87,111	92,249	98,572	8.5%	100.0%

Source: ENE (2017)

The table below provides a summary of the programme performance indicators and targets of the *Administration* Programme for the 2017/18 financial year:

Table 3: Programme Performance Indicators and Targets: Administration Programme

Performance Indicator	2017/18 Target
Percentage vacancy rate per year	<10%
Percentage implementation of Annual Internal Audit Plan	100%
Number of reports on risk maturity level produced (New)	4
Number of performance reports on implementation of APP submitted to National Treasury and DPME within stipulated timeframes	4

Comments and questions

- 1) The Committee should seek clarity on the introduction of a performance indicators on the *number of reports on risk maturity level reports*.



5.1.1. Legal Services

The inclusion of a separate so-called 'Programme' together with performance indicators and targets in the APP named *Legal Services* is inconsistent and not aligned with the approved Treasury structure, as the budget thereof has been included in *Programme 1: Administration* and *Programme 2: Investigation and Information Management*. The performance indicators and targets should be included in the respective Budget Programmes of the IPID to enable an alignment and measurement of the budget allocation to the performance of Legal Services.

The budget of the Legal Services unit (R6.2 million) is included in the *Administration* and *Investigation and Information Management* Programmes. The Directorate should indicate how much in each programme and how/why split?

Comments and questions

- 1) The Committee should request the Directorate to include the performance indicators for Legal Services into the relevant budget programmes (Administration and Investigation and Information Management) and refrain from reporting it as a budget programme (which it is not).
- 2) The Legal Services unit was placed under administration during the previous financial year due to significant underperformance – has this situation been addressed?

5.2. Programme 2: Investigation and Information Management

The purpose of the Investigation and Information Management Programme is to strengthen the Department's oversight role over the police service by conducting investigations, in line with the powers granted by the Independent Police Investigative Directorate Act No. 1 of 2011. This includes making appropriate recommendations on investigations in the various investigation categories and submitting feedback to complainants. The Programme will also enhance efficiency in case management and maintain relationships with other state security agencies, such as the SAPS, the National Prosecuting Authority (NPA), Civilian Secretariat for Police (CSP) and community stakeholders, through on-going national and provincial engagement forums.

The overall budget allocation of the Investigation and Information Management Programme increases slightly from R156.3 million in 2016/17 to R157.2 million in 2017/18. This represents a nominal increase of 0.6% and a real decrease of 5.56%. This decrease to the core service delivery budget programme of the Directorate should be seen against the real increases in the budget of the Administration (6.28%) and Compliance Monitoring and Stakeholder Management (20.57%) Programmes.

Table 4: Budget Allocation – Investigation and Information Management Programme

Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20	2016/17 - 2019/20	
R thousand					
Investigation Management	12,568	12,442	13,292	-3.2%	8.1%
Investigation Services	139,967	145,270	155,721	4.3%	88.7%
Information Management	4,712	5,500	5,905	11.3%	3.1%
Total	157,247	163,212	174,918	3.8%	100.0%



Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20		
R thousand					
Economic classification					
Current payments	157,238	163,203	174,909	3.8%	100.0%
Compensation of employees	121,949	126,637	136,263	5.5%	76.8%
Goods and services	35,289	36,566	38,646	-1.4%	23.1%
<i>of which:</i>					
Transfers and subsidies	9	9	9	-42.4%	-
Payments for capital assets	-	-	-	-100.0%	-
Machinery and equipment	-	-	-	-100.0%	-
Payments for financial assets	-	-	-	-	-
Total	157,247	163,212	174,918	3.8%	100.0%

Source: ENE (2017)

The table below summarises the programme performance indicators and targets of the *Investigation and Information Management Programme*:

Table 5: Programme Performance Indicators and Targets: Investigation and Information Management Programme

Performance Indicator	2017/18 Target
Percentage of cases registered and allocated within 72 hours of written notification	78%
Number of statistical reports on investigations generated	6
Percentage of investigations of deaths in police custody that are decision ready	62%
Percentage of investigations of death as a result of police action that are decision ready	48%
Percentage of cases for investigation of the discharge of an official firearm by a police officer that are decision ready	60%
Percentage of investigations of rape by a police officer that are decision ready	65%
Percentage of investigations of rape while in police custody that are decision ready	65%
Percentage of investigations of torture that are decision ready	45%
Percentage of investigations of assault that are decision ready	51%
Percentage of investigations of corruption that are decision ready	40%
Percentage of investigations of other criminal and misconduct matters referred to the directorate in terms of s28(1)(h) and s35(1)(c) of the IPID Act that are decision ready	51%
Number of approved systemic corruption cases that are decision ready	2
Percentage of backlog decision ready cases completed (excluding cases of systemic corruption)	50%
Percentage of criminal recommendation reports referred to the NPA within 30 days of recommendation report being signed off	90%
Percentage of disciplinary recommendation reports referred to the SAPS or MPS within 30 days of recommendation report being signed	90%

Source: IPID 2017/18 APP

The following performance indicators were removed from the 2017/18 APP:

Percentage of all active decision ready investigations finalised (target of 60%)
Number of cases of systemic corruption identified and approved (target of 9 cases)

Comments and questions

- 1) The Committee should question the removal of several performance indicators regarding systemic corruption.
- 2) The Committee should request the Directorate to elaborate on the current status of the National Specialised Investigation Team (NSIT) and how the performance of this team



will be measured in light of the removal of almost all the performance indicators regarding systemic corruption.

- 3) The targets associated to the performance indicators in the core delivery programme of the IPID remains too low.

5.3. Programme 3: Compliance Monitoring and Stakeholder Management

The purpose of the Compliance Monitoring and Stakeholder Management Programme is to safeguard the principles of cooperative governance and stakeholder management through on-going monitoring and evaluation of the quality of recommendations made to the SAPS and MPSs. In addition, also report on the police service's compliance with reporting obligations in terms of the Independent Police Investigative Directorate Act No. 1 of 2011.

The overall allocation of the Compliance and Stakeholder Management Programme increases from R8.7 million in 2016/17 to R11.1 million in 2017/18, which represents a nominal increase of 27.85% when compared to the previous financial year. The Programme shows an average growth rate of 12.3% between 2016/17 and 2019/20.

Table 6: Budget Allocation –Compliance Monitoring and Stakeholder Management Programme

Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20	2016/17 - 2019/20	
R thousand					
Compliance Monitoring	5,574	6,469	6,936	19.6%	52.8%
Stakeholder Management	5,550	5,028	5,398	5.1%	47.2%
Total	11,124	11,497	12,334	12.3%	100.0%
Economic classification					
Current payments	11,106	11,483	12,319	12.3%	99.9%
Compensation of employees	10,094	10,486	11,270	15.5%	89.7%
Goods and services	1,012	997	1,049	-9.1%	10.2%
Payments for capital assets	18	14	15	–	0.1%
Machinery and equipment	18	14	15	–	0.1%
Total	11,124	11,497	12,334	12.3%	100.0%

Source: ENE (2017)

Comments and questions

- 1) The Directorate should clarify the increase in the budget allocation of compensation of employees.
- 2) The Directorate should indicate what type of capital assets will be procured during the 2017/18 financial year.
- 3) The decreased allocation towards the goods and services account is most noticeable in the computer services, consumables: stationary and travel and subsistence items – the Directorate should indicate how the reduced allocation will impact on the service delivery of the Programme.



The table below summarises the programme performance indicators and targets of the Programme:

Table 7: Programme Performance Indicators and Targets: Programme

Performance Indicator	2017/18 Target
Number of community outreach events conducted per year	108
Number of formal engagements at National level held with key stakeholders	12
Number of formal engagements at Provincial level held with key stakeholders	144

Comments and questions

- 1) The target for awareness training provided to SAPS has been removed from the APP, which should be welcomed, as this falls outside the mandate of the IPID and is highly resource intensive.
- 2) The outcomes of the performance indicators and targets for the Programme is unclear. This Programme is ideally positioned to have a meaningful impact on police conduct, yet the output-based nature of the performance measurement mechanism does not allow for gauging the impact of this programme.
- 3) The Programme received a significant increase to its budget allocation (27%) in 2017/18. How will this increased allocation translate to improved police conduct?

6. REFERENCES

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