

**Draft Portfolio Committee on Police: Legacy Report 2018/19**



**Report of the Portfolio Committee on Police on its activities undertaken during the 5th Parliament (May 2014 – November 2018)**

**Key highlights**

1. **Reflection on committee programme per year and on whether the objectives of such programmes were achieved**

The Committee programmes were developed based on strategic plans and all the activities and objectives were achieved by the Committee. Since its inception and development of the strategic plan of the Committee, the implementation of the National Development Plan ran like a golden thread through all the work of the Committee for every year of its existence. Each department was measured on the recommendations of the NDP and its implementation.

1. **Committee’s focus areas during the 5th Parliament**
* Processing of legislation:
* Independent Police Investigative Directorate Amendment Bill [B 25 – 2018]
* Critical Infrastructure Protection Amendment Bill, [B 22B – 2017]
* Firearms Control Amendment Bill [B 40—2018]
* Firearms Summit to develop policy proposals on the management of firearms
* Facilitate Public participation and involvement in the legislative and other processes
* Public hearings
* Held a Rule 201 investigation into the Board of Commissioners
* Held briefings and processed requests for a proposed Firearms Amnesty
* Received briefings from the department and entities and holding them to account
* Oversight visits to police stations, specialised units, IPID and PSIRA
* Study Tour to the United Kingdom on police oversight institutions, organised crime and specialised units.
* Study tour to the People’s Republic of China to share ideas on best practices and innovation in areas of Police Training, Municipal Policing, Technology, trans-national crime and the involvement of citizens in curbing crime.
* Consideration of the Police, Civilian Secretariat for Police, IPID and PSIRA Annual Reports, Strategic Plans and Annual Performance Plan hearings
* Police, IPID, Civilian Secretariat and PSIRA budget reviews, review of annual performance and strategic plans and annual report hearings
1. **Key areas for future work**

Processing legislation in terms of the SAPS Amendment Bill, the Animal and Animal Products Bill, the DNA Amendment Bill, IPID Amendment Bill and the Firearms Control Amendment Bill.

Following up on policies and structures of the SAPS, PSIRA, CSPS and IPID Audit Committees and implementation of AGSA resolutions

Leadership and management of all three departments and the Entity

Vetting and lifestyle audits

1. **Key challenges emerging**

Leadership and management capacity in all departments

Corruption is a major concern for the governance of departments

Ability of the departments to achieve performance targets with reducing budgets

Professionalism

Implementation of AGSA recommendations

1. **Recommendations**

SAPS: The National Commissioner must meet with the Audit Committee on a quarterly basis. This responsibility should not be delegated to Deputy National Commissioners.

 The Audit Committee meetings must be attended by both the National Commissioner and the Chief Financial Officer (CFO) of the Department.

 The Executive Authority and Audit Committee should meet annually to discuss adverse audit findings.

IPID: The Audit Action Plan must be strengthened and implemented as a matter of priority in order to ensure that the Department improve on its audit outcomes in the 2018/19 financial year. It is further recommended that improvements should not extend over the MTEF period, but prioritised within the next two financial years.

 The Directorate must develop an action plan to improve its financial health, specifically related to the net liability, management of budgetary controls and cash flow position to ensure that suppliers are paid within 30 days.

 The Directorate must review its annual performance indicators and targets to ensure they reflect performance and encourage service delivery.

CSPS: The Minister of Police should review the composition of the DNA Board in relation to the commitment of Board Members. Where deficiencies are identified with the attendance of members, such members should be replaced.

 The Board should make every effort to build a strong relationship with the CSPS, as the Department is a key stakeholder in the oversight architecture over the SAPS.

PSIRA: The Council should put mechanisms in place to strengthen all aspects of internal control and governance.

1. **Introduction**

Section 55 (2) of the Constitution provides for Parliament and its committees to have oversight over the executive and any state organ. Parliament’s committees are the engine room that gives effect to that constitutional imperative and section 56 (a) provides for the National Assembly or any of its committees to summon any person to appear before it to give evidence on oath or affirmation, or to produce documents. Section 56 (b) provides for any person or institution to report to it.

During the 5th Parliament (2014-2019), the Portfolio Committee on Police gave effect to those provisions through its role in legislating, oversight and hearing public submissions on the role of the Department of Police (SAPS), Civilian Secretariat for Police Service, Independent Police Investigative Directorate (IPID), the DNA Board, the DPCI Judge and the and the Private Security Industry Regulatory Authority (PSIRA). As part of its oversight role, the Portfolio Committee visited police stations, specialised units, forensic science laboratories, IPID provincial offices and received submissions on legislation and service delivery. It also convened hearings on the annual budgets, performance plans, strategic plans and annual reports of the IPID, SAPS, Civilian Secretariat for Policeand PSIRA.

* 1. **Department/s and Entities falling within the Committee’s portfolio**

Narrative on the department(s) and entities falling within the Committee’s portfolio and if there were any changes during the term. Example of new entities being established and/or shifted from or to the Department; department being split and/or newly established.

1. **South African Police Service (SAPS)**

**Core mandate/strategic objectives**

The SAPS derives its mandate from Section 205 of the Constitution of the Republic of South Africa, 1996

(Act No 108 of 1996). The objectives of policing are to -

● prevent, combat and investigate crime;

● maintain public order;

● protect and secure the inhabitants of the Republic and their property; and

● uphold and enforce the law.

1. **Civilian Secretariat for Police Service (CSPS)**

**Core mandate/strategic objectives**

The mandate of the Civilian Secretariat for Police Service is derived from the Civilian Secretariat for Police Service Act (No. 2 of 2011) Section 208 of the Constitution of the Republic of South Africa, 1996:

* Provide the Minister with policy advice and research support;
* Develop policy through qualitative and evidence based research;
* Provide civilian oversight of the Police Service through monitoring and evaluating overall police performance;
* Mobilise role-players, stakeholders and partners outside the department through engagements on crime prevention and other policing matters; and
* Provide other support services to the Minister in pursuit of achieving his/her mandate.
1. **Independent Police Investigative Directorate (IPID)**

**Core mandate/strategic objectives**

The IPID Act No. 1 of 2011 gives effect to the provision of section 206(6) of the Constitution, ensuring independent oversight of

the SAPS and Municipal Police Services. The IPID resides under the Ministry of Police and functions independently of the SAPS.

The objectives of the Act include, amongst others:

a. Align provincial and national strategic objectives to enhance the functioning of the Directorate;

b. Provide for independent and impartial investigation of identified criminal offences allegedly committed by members of

the SAPS and the Municipal Police Services;

c. Make disciplinary recommendations to the SAPS resulting from investigations conducted by the Directorate;

d. Provide for close cooperation between the Directorate and the Secretariat; and

e. Enhance accountability and transparency of the SAPS and the Municipal Police Services in accordance with the principles

 of the Constitution.

1. **Entities:**

| **Name of Entity** | **Role of Entity** |
| --- | --- |
| Private Security Industry Regulatory Authority (PSIRA) | The Mandate of the PSIRA is derived from the PSIRA Act (No 56 of 2001). The primary objectives of PSIRA are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and in the interest of the private security industry itself. |

* 1. **Functions of the Committee:**

Parliamentary committees are mandated to:

* Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met;
* Process and pass legislation; and
* Facilitate public participation in Parliament relating to issues of oversight and legislation.
	1. **Method of work of the committee**

The Portfolio Committee on Police has over the term of the 5th Parliament established its working relationship with departments and entity and has established the principle of inquisitorial oversight through accountability. The Committee has used a number of methods including the station monitoring tool, to complete its oversight work over departments. It has engaged in oversight visits in six of the nine provinces during its term. The Committee has been able to involve many partners in civil society and academics to present evidence prior to engaging the departments and entity in its hearings on the budget and annual reports. It has also been able to examine documents and conduct its own research to examine departmental annual reports and strategic plans. The Committee also called special hearings and briefings when required to, looked into different aspects of departmental units and budgets and has jealously guarded its right to receive the necessary answers from the departments and entity. Its members have been completely committed to sharpening the transformation and service delivery ethos of the departments that it has oversight over.

The research component of the Committee has proactively prepared the Committee for its work and engagement with the departments and entity by providing proactive research at briefing sessions with the Committee. The Committee has conducted oversight without fear or favour. The Committee has also been able to work in a joint manner with other portfolio Committees of Parliament, especially during the last two years of the 5th Parliament. These included the Portfolio Committees on Women in the Presidency, Justice and Correctional Services, Public Works, Higher Education, Mineral Resources, Agriculture, Forestry and Fisheries and the standing Committee on Finance.

* 1. **Purpose of the report**

The purpose of this report is to provide an account of the Portfolio Committee on Police’s work during the 5th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of Police, Independent Police Investigative Directorate, Civilian Secretariat for Police Service and the Private Security Industry Regulatory Authority (Entity).

This report provides an overview of the activities the committee undertook during the 5th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 6th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the Committee’s oversight and legislative roles in future.

1. **Key statistics**

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 5th Parliament:

| **Activity** | **2014/15** | **2015/16** | **2016/17** | **2017/18** | **2018/19** | **Total** |
| --- | --- | --- | --- | --- | --- | --- |
| Meetings held | **24** | **45** | **47** | **49** | **59** | **224** |
| Legislation processed | **0** | **0** | **0** | **0** | **2** | **2** |
| Oversight trips undertaken | **1** | **1** | **1** | **1** | **1** | **5** |
| Study tours undertaken | **0** | **0** | **0** | **2** | **0** | **2** |
| International agreements processed | **0** | **0** | **0** | **0** | **0** | **0** |
| Statutory appointments made | **1** | **0** | **0** | **0** | **0** | **1** |
| Interventions considered | **0** | **1** | **0** | **0** | **0** | **1** |
| Petitions considered  | **0** | **0** | **0** | **5** | **1** | **6** |

1. **Stakeholders:**

|  |  |  |
| --- | --- | --- |
| Gautrain Management Agency  | COSATU | Gun Owners of South Africa (GOSA) |
| National Energy Regulatory of South Africa | POPCRU | Legal Resource Centre (LRC) |
| The Banking Association South Africa | SAPU | National Arms and Ammunition Collectors Confederation of South Africa (NAACCSA) |
| Western Cape Government Ministry of Community Safety | Institute for Security Studies | Professional Firearms Training Council (PFTC ETQA) |
| Legal Services Department | Centre of Criminology , University of Cape Town  | Red Cross Children’s War Memorial Hospital  |
| Greenpeace Environmental Organisation NPC | Law Faculty, University of the Western Cape | Security Industry Alliance (SIA) |
| Ndifuna Nkwazi | Human Rights Commission | South African Arms and Ammunition Dealers Association (SAAADA) |
| Commission for Gender Equality | CRL Rights Commission | South African Defensive Pistol Association (SADPA) |
| Social Justice Coalition | Gun Free South Africa | South African Football Association (SAFA) |
| Daniel Bothma | South African Hunters and Game Conservation Association (SAHGCA) | South African Gun Owners Association (SAGA) |
| Right 2 Know campaign | Gun Free South Africa (GFSA)Hunters Forum | South African Hunters and Game Conservation Association (SAHGCA) |
| South Durban Community Environmental Alliance | Agriculture South Africa (Agri-SA) | South African Violence Initiative (SaVI) |
| African Policing Civilian Oversight Forum | Business Against Crime (BAC) | South African Practical Shooting Association (SAPSA) |
| South African Catholic Bishops Conference ( Parliamentary Liaison Office) | Community Action towards a Safer Environment (CASE) | Trauma Centre for Survivors of Violence and Torture |
| Sports Shooting Forum | University of the Witwatersrand School of Governance | African Farmers Association of South Africa |

1. **Briefings and/or public hearings**

The Committee had a number of hearings into critical matters during its term which included a matters of national importance. In respect the Committee endeavoured to appraise itself of the facts through relevant research prior to calling the departments and external role-players and stakeholders such as civil society and experts to present its views. Included in its briefings and hearings are the following:

**National Development Plan**

The Committee made the National Development Plan the centrepiece of its term and held all departments accountable to the recommendations contained in the NDP. The SAPS especially were encouraged to implement provisions of de-militarisation in its approach to policing and the rank structure. The Committee also held the Civilian Secretariat for Police Services (CSPS) and the Independent Police Investigative Directorate (IPID) accountable for the implementation of policies and recommendations of the NDP. The ongoing monitoring of the recommendations was a regular agenda item in all the five years of the term of the 5th Parliament. The implementation of recommendations of the NDP, especially with respect to the professionalization of policing and the establishment of the Police Board should be something that is carried into the term of the 6th Parliament.

**Firearms Summit**

The Committee held a Firearms Summit on 24-25 March 2015 with the view of to embark on a dialogue on the kind of society we wish to live in and enjoy within the context of gun control. The Summit was also an opportunity to foster mutual understanding, common agreements and build broad consensus on the kind of society we want and the role that firearms play in it. The Summit assisted in bridging the perceived divide of *us and them* that was believed to exist between the gun owners’ fraternity and the government departments tasked with regulating gun ownership and use. One deficiency of the Summit was that the role of training was underplayed although it must be a continuous process and is of critical importance to the successful control and management of firearms in South Africa.

The Summit made recommendations relating to the need for evidence based research on firearms; the implementation of the Firearms Control Act, 2000 especially in terms of the Central Firearms Registry and its role and function; community and stakeholder partnerships; the role and function private security industry; leadership of the SAPS and possible amendments to the FCA.

**Leadership**

One of the greatest challenges faced by the 5th Parliament was the leadership challenges of the SAPS and the Committee drove the question of leadership stability. During the term of the 5th Parliament the police had four National Commissioners and four Ministers. General Riah Phiyega (2012), acting National Commissioner Lt. General Phahlane (2014); acting National Commissioner Lt. General Mothiba (2017) and General Sitole (2018) were all appointed as acting / National Commissioners during this term.

|  |  |  |  |
| --- | --- | --- | --- |
| **National Commissioner** | **Date Appointed** | **Minister of Police** | **Date Appointed** |
| General Riah Phiyega | 12 June 2012 | Mr Nathi Mthethwa | 10 May 2009 |
| General Riah Phiyega |  | Mt Nathi Nhleko | 25 May 2014 |
| Lt. General Khomotso Phahlane (Acting)  | October 2015 | Mr Nathi NhlekoMr Fikile Mbalula | 25 May 201431 March 2017 |
| Lt. General Lesetja Mothiba (Acting)  | 1 June 2017 | Mr Fikile Mbalula  | 31 March 2017 |
| General Khehla Sitole  | 22 November 2017 | General Bheki Cele | 9 March 2018 |

The impact of leadership instability affected the ability of the National Management of the SAPS in executing critical tasks when it came to dealing effectively with crime. Many posts in the senior management echelon remained vacant and the post of the Divisional Commissioner for Crime Intelligence remained vacant for 6 years. The Committee emphasised the need to fill the vacancy of Divisional Commissioner and eventually after a phalanx of acting managers, a new Divisional Commissioner for Crime Intelligence was appointed on 29 March 2018.

The Committee, at every meeting emphasised the need for stable leadership in the top echelons of the SAPS.

Other leadership issues related to the IPID Executive Director who was suspended by the Minister of Police, Mr Nathi Nhleko. The Executive Director successfully appealed the suspension after one year in the Constitutional Court and his appeal was upheld. This provided the need for the Constitutional Court amendments to the IPID Act in order to insulate the Department from political interference.

**IPID/SAPS Conflict**

The IPID launched an investigation into the SAPS Acting National Commissioner, Lt. General Phahlane and other senior Generals for corruption during 2017 and this resulted in some counter investigations by the SAPS into members of the IPID investigation team. A team was assembled in the North West who started investigating the IPID leadership and investigators. The Portfolio Committee requested for adherence of professional conduct between IPID and the SAPS. At the centre of the SAPS allegations was the fact that IPID was using the services of private forensic investigator, Paul O’ Sullivan. The matter culminated with the former acting National Commissioner being charged with corruption. A court order was obtained by IPID which forbids the SAPS to investigate IPID investigators. The court also asked the SAPS to stop its investigations of the IPID investigation team. The Committee impressed upon the SAPS and IPID to clear the air of differences in public as it was undermining the morale of police officers and public confidence in the police.

**Recommendations of the Auditor-General of South Africa(AGSA)**

The Committee was during the last two years, of the view that the SAPS was not implementing the recommendations of the AGSA. The Committee impressed upon the SAPS leadership, including the National Commissioner, to develop plans to monitor and implement all recommendations of the AGSA with respect to its spending plans, recording reaction times for Alpha, Bravo and Charlie complaints. The result was the fact that during the 2017/18 and 2018/19 financial years, the SAPS received qualified audit opinions which was strongly condemned by the Committee.

This was the first time in many years that the SAPS did not achieve a clean audit and the Committee expressed its serious concerns and unhappiness with the responses of the SAPS Management. The Committee in the 2018/19 BRRR hearings, the Committee focussed almost exclusively on the implementation of the AGSA recommendations.

**Chief Financial Officer (SAPS)**

The SAPS did not appoint a Chief Financial Officer (CFO) for two years’ after the previous CFO, Lt General S Schutte was promoted to Deputy National Commissioner of Police responsible for Management Interventions. A new CFO, Lt General P Ramikosi was appointed in September 2015 and the National Commissioner indicated to the Portfolio Committee that he suspended the CFO in June 2018.

The suspension of the CFO has serious consequences for the management of the finances and budget of the SAPS which totals over R91 billion and the Committee impressed upon the Accounting Officer to appoint a new CFO as soon as possible.

**SAPS Staff Establishment**

The capacity of the SAPS in terms of service delivery and staff establishment has been a recurring theme for the Committee as several communities have corresponded with the Committee to complain about the lack of service delivery and shortages in personnel. The staff establishment of the SAPS consists of the fixed establishment which places the staff of the SAPS for 2018/19 at 193 297 members. The SAPS staff establishment has been reduced as a result of the Medium Term Expenditure Framework from 194 000 to 193 297 in 2018/19. There will be further reductions to the staff establishment as a result of natural attrition and retirements. Of this number, 150 791 are operational personnel and are administered under the SAPS Act while 42 506 staff members are administered under the Public Service Act, bring the total personnel establishment to a total of 42 506. The national ratio of police to civilian population stands at 1: 375.

The Committee has asked the SAPS to recruit more reservists to augment numbers of operational staff lost through natural attrition. The lack of police reservists has been a concern for many communities and impacted on the SAPS ability to effectively deliver on their mandate, leading to service delivery protests and attacks on police members in certain locations.

**Community Policing Forums (CPFs)**

The Committee highlighted the necessity of CPFs as a crucial element in a holistic approach to crime prevention. The reactive nature of policing was highlighted during the recent protest action, namely “Operation Shutdown”, where communities took to the streets, blocking major roads to protests against gang violence. Effective CPF structures could have assisted in a proactive role in the early identification of community dissatisfaction. The Department indicated that CPFs were established before the CPF Strategy was developed and implemented. This resulted in a lack of emphasis on community-orientated policing and the role of CPFs. The Department indicated that engagements are being held and that the Civilian Secretariat for Police Service (CSPS) has developed the CPF Policy and that the Strategy will build on the policy direction given by the CSPS. The Committee urged the CSPS to finalise the policy and implementation plans on CPFs which is highlighted in the White Paper on Policing.

**Availability of forensic science consumables (DNA kits)**

The Committee raised significant concern about the unavailability of DNA testing kits at police stations countrywide. The Committee had several meetings during the years to address concerns, specifically related to procurement challenges in the Forensic Sciences Division. The Department indicated that the situation has received attention and that DNA kits have been reprioritised to police stations that had run out of kits. The Department confirmed that all police stations have an adequate number of kits currently available. The Department further stated that police station commanders and provincial commanders are now required to submit a needs request, as all police stations do not have an equal demand for DNA testing kits.

The Committee expressed concern in view of the fact that the Divisional Commissioner for Forensic Division was suspended as a result of alleged fraud and corruption charges in the FSL environment, and that stations were running out of DNA kits.

**SAPS Act Review**

The SAPS Act review is overdue and should be brought to the Committee during the 6th Parliament. There are constitutional deficiencies in the current Act which impedes policing with respect to powers, functions and aspects of police management and administration. These deficiencies create challenges to the SAPS management in implementing its mandate in terms of the Constitution. While the White Paper on Policing and the White Paper on Safety and Security has been tabled before the Committee, it remains to be seen when the Civilian Secretariat will table the full review of the SAPS Act. The Committee is of the opinion that the new SAPS Act should include the structure and procedures for changes to the structure, promotions and disciplinary policies. The incoming Committee will have to take up this matter as a priority in the sixth Parliament and request the Civilian Secretariat to include the said matters in the review process and provide Parliament with the draft legislation.

**Firearms Control Act Review**

The proposed amendment to the Firearm’s Control Act (2000) is overdue and there have been numerous vocal and very critical challenges to the Ministry of Police with respect to regulations and National Instructions issued in respect of the Act. The organised firearm’s industry has been up in arms at the problems besetting the Central Firearms Registry (CFR). The two proposed amnesty attempts had not materialised. The first proposed amnesty was declared on 11 December 2017 (ATC 184-2017) and the second, on 19 July 2018 (ATC 96-2018). Both proposed amnesty dates never took effect because the SAPS did not follow the conditions set by the Portfolio Committee the first time and the Court Order by GOSA prevented the second amnesty from being implemented. In addition, the firearms industry was granted a court order which prevented the SAPS from receiving firearms at police stations as a result of the inadequate measures in the CFR. This has now led to a stalemate between the Gun Owners of South Africa and the SAPS. The Committee has expressed its disappointment in the non-implementation in terms of the Firearm’s Amnesty. The Committee also clearly expressed its concerns with respect to the management of the CFR and the non-implementation of the Firearms Control system as a solution to dealing with registration of firearms, renewals of licences and competency certificates. The Committee also facilitated a meeting with the industry and asked for a meeting between the stakeholders and the SAPS management of the CFR. This appears not to have materialised.

1. **Legislation**

The following pieces of legislation were referred to the committee and processed during the 5th Parliament:

| **Year** | **Name of Legislation** | **Tagging** | **Objectives** | **Completed/Not Completed** |
| --- | --- | --- | --- | --- |
| **2014/15** | Nil |  |  |  |
| **2015/16** | Nil |  |  |  |
| **2016/17** | Nil |  |  |  |
| **2017/18** | Nil |  |  |  |
| **2018/19** | Critical Infrastructure Protection Bill [B 22 – 2017] | Sec 75 | The objects of the Bills are to : provide for the identification and declaration of infrastructure as critical infrastructure; to provide for guidelines and factors to be taken into account to ensure transparent identification and declaration of critical infrastructure; to provide for measures to be put in place for the protection, safeguarding and resilience of critical infrastructure; to provide for the establishment of the Critical Infrastructure Council and its functions; to provide for the administration of the Act under the control of the National Commissioner as well as the functions of the National Commissioner in relation to the Act; to provide for the establishment of committees and their functions; to provide for the designation and functions of inspectors; to provide for the powers and duties of persons in control of critical infrastructure; to provide for reporting obligations; to provide for transitional arrangements; to provide for the repeal of the National Key Points Act, 1980, and related laws; and to provide for matters connected therewith. | Completed |
|  | IPID Amendment Bill [B 25—2018] | Sec 75 | The purpose of the Bill is to amend the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), in order to provide for parliamentary oversight in relation to the suspension, discipline or removal of the Executive Director. | Completed |
|  | Private Member’s BillFirearms Control Amendment Bill [B 40—2018] | Sec 75 | To amend the Firearms Control Act, 2000, so as to provide for additional opportunities to apply for the renewal of a licence for a firearm or to surrender ordispose of a firearm; to provide for an administrative fine to be imposed where an application for the renewal of a licence for a firearm was made later than the 90-day period for application provided by the Act; to provide for an administrative fine to be imposed where surrender or disposal of a firearm was made after expiry of the licence for that firearm; to provide for a deemed validity of a licence for a firearm; to provide for notification by the Registrar where an application for renewal was declined or where a licence for a firearm has expired; to provide forproof of an application for renewal of a licence for a firearm to be produced in the event of an inspection or request of a police official or authorised person; to providefor the application of the additional opportunities for renewal of licenses for firearms, to licenses issued before the commencement of the Firearms Control Amendment Act, 2018, and to provide for transitional provisions in that regard; and to provide for matters connected therewith. | Not completed |

1. **Challenges emerging**

The following challenges emerged during the processing of legislation:

* Technical/operational challenges that may have delayed legislation and/or complicated the processing thereof

The IPID Amendment Bill was the subject of a Constitutional Court deadline which placed the Committee under time-pressure due to the deadline as the Bill was not forthcoming from the Civilian Secretariat for Police Services. The Portfolio Committee on Police received a letter from the Secretary of Police on 7 December 2018, indicating the process for the finalisation of the IPID Amendment Bill. In the letter the Secretary outlined the process which needed to be undertaken. The Portfolio Committee noted that the Civilian Secretariat proceeded to draft a Bill which required substantial consultation processes with respect to processing and this has taken time. The process which was started by the Civilian Secretariat for Police would not allow for Parliament to proceed and comply with the deadline determined by the Constitutional Court. The Committee took the initiative to develop a Committee Bill and passed the Constitutional Court Amendments in August 2018, necessitating an application to the Constitutional Court for an extension of the deadline of 6 September 2018. This was to give the National Council of Provinces time to pass the Bill.

* Content-related challenges

The submissions to the Committee on the Critical Infrastructure Amendment Bill included an input by Amabhungane who tabled a legal opinion which challenged the Committee to include a public interest defence clause within the Bill. The Committee took its own legal opinion from Adv. Wim Trengrove S.C. and implemented most of the concerns relating to the submissions received. The Committee was of the opinion, after considering the legal opinion from Adv. Trengrove, that there was sufficient protection in other pieces of legislation to address the concerns of Amabhungane.

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* The Committee should monitor the implementation of the Critical Infrastructure Council which will be established in terms of the Critical Infrastructure Protection Bill. The Committee should also prepare for other pieces of legislation which will be brought to the Committee during 2019 such as the Controlled Animal and Animal Products Bill, the SAPS Amendment Bill and the IPID Amendment Bill.

**The following Proclamations were referred to the committee and processed during the 5th Parliament**

| **Year** | **Proclamations** | **Tagging** | **Objectives** | **Completed/Not Completed** |
| --- | --- | --- | --- | --- |
| **2013/14** | Proclamation No 38, published in the Government GazetteNo 36846, dated 18 September 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 51, published in the Government GazetteNo 37024, dated 14 November 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 53, published in the Government GazetteNo 37024, dated 14 November 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 50, published in the Government GazetteNo 37024, dated 14 November 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 52, published in the Government GazetteNo 37024, dated 14 November 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 54, published in the Government GazetteNo 37114, dated 10 December 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 55, published in the Government GazetteNo 37114, dated 10 December 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 56, published in the Government GazetteNo 37114, dated 10 December 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 58, published in the Government GazetteNo 37152, dated 18 December 2013 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 16, published in the Government GazetteNo 37410, dated 6 March 2014 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
| **2014/15** | Proclamation No 36, published in the Government GazetteNo 37709, dated 11 June 2014. |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 39, published in the Government GazetteNo 37758, dated 20 June 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 64, published in the Government GazetteNo 38011, dated 22 September 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 74, published in the Government GazetteNo 38220, dated 18 November 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 75, published in the Government GazetteNo 38220, dated 18 November 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 81, published in the Government GazetteNo 38286, dated 5 December 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 82, published in the Government GazetteNo 38286, dated 5 December 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 85, published in the Government GazetteNo 38287, dated 5 December 2014 |  | Made in terms of Section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) | Completed |
|  | Proclamation No 24, published in the Government GazetteNo 37540, dated 8 April 2014 |  | President of entities identified by the United Nations Security Council as being involved in terrorist and related activities, tabled in terms of section 26 of the Protection of Constitutional Democracy against Terrorism and Related Activities , 2004, (Act No 33 of 2004 | Completed |
|  | Proclamation No 17, published in the Government GazetteNo 37410, dated 6 March 2014 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 22, published in the Government GazetteNo 37540, dated 8 April 2014 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
|  | Proclamation No 23, published in the Government GazetteNo 37540, dated 8 April 2014 |  | Proclamations made in terms of section 25 of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No.33 of 2004) | Completed |
| **2015/16** | Proclamation No 6, published in the Government GazetteNo 38473, dated 18 February 2015 |  | President of entities identified by the United Nations Security Council as being involved in terrorist and related activities, tabled in terms of section 26 of the Protection of Constitutional Democracy against Terrorism and Related Activities , 2004, (Act No 33 of 2004) | Completed |
|  | Proclamation No 22, published in the Government GazetteNo 38795, dated 15 May 2015 |  | President of entities identified by the United Nations Security Council as being involved in terrorist and related activities, tabled in terms of section 26 of the Protection of Constitutional Democracy against Terrorism and Related Activities , 2004, (Act No 33 of 2004 | Completed |
|  | Proclamation No 23, published in the Government GazetteNo 38795, dated 15 May 2015 |  | President of entities identified by the United Nations Security Council as being involved in terrorist and related activities, tabled in terms of section 26 of the Protection of Constitutional Democracy against Terrorism and Related Activities , 2004, (Act No 33 of 2004 | Completed |

1. **Oversight trips undertaken**

The following oversight trips were undertaken:

| **Date** | **Area Visited** | **Objective** | **Recommendations** | **Responses to Recommendations** | **Follow-up Issues** | **Status of Report** |
| --- | --- | --- | --- | --- | --- | --- |
| 2014 | Police stations in and around Gauteng Province and the Central Firearms Registry | The purpose of the oversight visit was to make sure that the South AfricanPolice Service (SAPS) were compliant with all the legislation, regulations andstanding orders applicable to SAPS. Another objective was to assess the levels of service delivery that the police were providing to the community.The Committee also wanted to assure itself that following a hearing on theCentral Firearms Registry, the steps on a turnaround strategy were beingimplemented. Lastly the Committee wanted a briefing from the AuditorGeneral of South Africa (AGSA) on the departments that it oversees. | Recommendations were made in respect of staffing at the CFR; a revised action plan for the CFR; vacancies to be filled as soon as possible; a clean and comprehensive database of all firearms was required, even if it meant a legislative review; and clear timelines for the implementation of the database. | All recommendations were implemented  | The monitoring remains ongoing | Adopted:ATCNo 84-2015 |
| 2015 | Police stations in and around Free state Province | The purpose of visiting the Maseru Bridge Border posts was to observed the SAPS efforts to maintain border safety and security (and also to be briefed on the challenges) experienced in this regard.The Committee visit at Botshabelo police station was aimed at ascertaining progress made in relation to the implementation of policies and legislation. Co-operation between the departments and the level of service delivery to the public. The Committee wanted to know the challenges experienced by the Public Order Policing Unit in Thaba Ncu (Selosesha) and the VIP Protection Unit.To ascertain what was happening in the communities as press reports indicated that over 14 people had died within two weeks as a result of gang violence. | The Committee made recommendations on the purchasing of scanners at border posts, unused drug testing equipment purchased, recruitment of female members to the Selosesha POP unit, the development of short term plan for the replacement of Nyala vehicles, deployment of reservists, the Free State Protection Services Building, cases closed as undetected, stock theft units, FLASH units and its functioning, and the increase of IPID investigators.  | Most of the recommendations have been implemented | Deployment of second generation Nyala vehicles | Report AdoptedATC 18 February 2016 |
| 2015 | Police stations in and around Mpumalanga Province | The objectives were toassess:The capacity and capability of specialised SAPS units in the province, including border control, anti-poaching and public orderpolicing units;• service delivery at ground level;• the implementation of the budget approved by Parliament;• the implementation of the policy and legislation passed by Parliament; and• the capacity and capability of the IPID. | Recommendations were made with respect a special hearing on SAPS garaging and a turnaround strategy on 18 February 2015; Supply Chain Management Policy on the resourcing of Provinces, especially in terms of vehicles and equipment; special measures must be put in place to curb and reduce corruption in the KNP by the SAPS and the IPID; the drastic improvement of SAPS crime intelligence capacity and capability in and around the KNPcommunities; calling the Department of Public to account for the infrastructure and state of police buildings in the province of Mpumalanga and the state of the Lebombo LPOE; the procurement of bulk cargo scanners; polygraph testing for SAPS members; a MOU between theDepartment of Health and the SAPS regarding toxicology test results and meetings between the IPID and the Provincial Secretariat | The procurement of scanners remains a problem and has not been implemented. This remains an area where the 6th Parliament should follow up. | Procurement of bulk cargo scanners at all border posts and ports of entry must be followed up  | Adopted:ATC No. 84-2015 |
| 2016 | Police stations in and around the Western Cape Province | To ascertain what was happening in the communities as press reports indicated that over 14 people had died within two weeks as a result of gang violence. | Recommendations were made with respect to more human resources being deployed at the stations; all vacancies be finalised and filled; the Station Commander’s post be advertised and filled; addressing the concerns of the Community Police Forum by the station management; relations and co-operation with the the Departments of Social Development, Human Settlements and the City of Cape Town | The SAPS implemented all the recommendations. | Following up with the Social Cluster in Parliament | ATC 94-201624 August 2016 |
| 2016 | Police stations in and around Port Elizabeth, in the Eastern Cape Province | To ascertain the capacity and capability of the SAPS specialised units, police stations in the province, including the SAPS garage services, TETRA and the Private Security Industry Regulatory Authority; •service delivery at ground level in New Brighton and Kwazakhele police stations; the implementation of the budget approved by Parliament; the implementation of the policy and legislation passed by Parliament; andthe establishment, capacity and capability of the Nelson Mandela Bay Metro Police. | The Committee made recommendations with respect to registration , membership of the Security Officers Provident Fund for PSIRA; AVL on police vehicles; SAPS garages; electronic docket systems; maintenance of police stations; Operation Lockdown; and the TETRA communication system. | The SAPS has responded to most of the recommendations and continue to work on the implementation of informers, witness protection. The Committee is yet to receive a briefing on the management of the PSIRA Security Officers Provident Fund  | Building maintenance of police stations remain a problem that should be monitored as well as fleet and garage management. | Reported adopted.ATC No 139—20167 November 2016 |
| 2017 | Police stations and specialised units inand around the province of KwaZulu-Natal | The purpose was for the Committee to evaluate the compliance of specialised police units and police stations in and around the Richards Bay, Nongoma, Pietermaritzburg, Umlazi and Durban during the period 31 July - 4 August 2017. | The Committee made recommendations with respect to the appointment of management staff at Hlabisa station; telecommunications at the station; SAPS garages; filling of vacancies; reducing killings at the Glebelands hostel; filling of vacancies at specialised units; the appointment of a permanent provincial commissioner for the province; training and support for all station commanders in the province; IPID presentations to the Moerane Commission of Inquiry. | The SAPS garaging plan still have to be presented to the Committee; the SAPS have put together a task team that have arrested hitmen in the Glebelands hostel; a permanent Provincial Commissioner must be appointed and IPID presented to the Moerane Commission of Inquiry. | The monitoring of the SAPS garages and vehicle fleet management should be a priority. | Reported adopted. ATC No 126—201718 September 2017 |

1. **Challenges emerging**

The following challenges emerged during the oversight visit:

* Technical/operational challenges

Given the vastness of the provinces visited, the Committee was always challenged with respect to travelling vast areas, especially in the bigger provinces which impacted on the time of the Committee to be spent at police stations and specialised units. Most police stations prepare well when there are announced visits and it sometimes defeats the purpose of the oversight visit as areas of oversight are brushed up on. The unannounced visits in this respect are more productive to check up on service delivery, because the police are unaware of the visit. It is a matter that should be considered by the new incoming Committee in the 6th Parliament.

* Content-related challenges

The Committee agreed that the station questionnaire should be revised as it was also being used by the Civilian Secretariat for Police Service in their monitoring and evaluation exercise with the SAPS. Although the focus on specialised units was part of the focus areas of the 5th Parliament, we did not have sufficient time to deal with all Specialised units and we found the FCS units and in the Free State in disarray. The Provincial Firearms, Liquor and Second Hand Goods Unit (FLASH) in the Free State was also in disarray and the Firearm Control Officers (FCOs) at station level are utilised to do other non – core duties.

The vehicle and fleet management of the SAPS in all the oversight visits appeared on the radar of the Committee and special attention should be given to the urban/ rural vehicle capabilities, especially vehicles procured in rural areas. The SAPS garages require greater attention from Parliament in terms of procurement, distribution and maintenance of vehicles.

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

The continuous monitoring of the progress of specialised units by considering the leadership, command and resourcing of specialised units should be undertaken by the 6th Parliament as service delivery is affected at local level. The management of stations and the distribution of resources such as vehicles should be prioritised by the 6th Parliament.

1. **Study tours undertaken**

The following study tours were undertaken:

| **Date** | **Places Visited** | **Objective** | **Lessons Learned** | **Status of Report** |
| --- | --- | --- | --- | --- |
| 18-31 March 2017 | United Kingdom | To study internal management structures of police services in theselected countries so as to identify innovative policy approaches of dealing with police misconduct and of harnessing efforts aimed atprofessionalising the police;To explore the range of police oversight operations and identify those most conducive in facilitating and harnessing improved,demilitarised and professional policing envisioned in the NDP. | A number of lessons were learned with respect to resources made available to organised crime fighting agencies; the investment in ICT technology in crime fighting as a 21st century requirement for policing; the independence of police oversight agencies; dealing with police misconduct through innovative methodologies and training approaches for members of specialised units | Report adopted.ATC No 126—2017, 17 September 2017. |
| 8 – 15 October 2017 | People’s Republic of China | The aim of the visit was to provide the delegation with a first-hand opportunity to interact with their counterparts of the NPC as well as other relevant institutions and organisations, and share ideas on best practices and innovation in areas of Police Training, Municipal Policing, Technology, trans-national crime and the involvement of citizens in curbing crime. | The Committee learnt a great deal particularly how its Chinese counterpart conducts oversight over the Police service of China. Both Committees committed to interact and share ideas on policing matters. | Report adopted. ATC No 78-2018, 8 June 2018 |

1. **Challenges emerging**

The following challenges emerged during the study tour:

* Technical/operational challenges

Due a terrorist attack, the Westminster visit to the House of Commons Home Affairs Committee was cancelled. Other technical challenges related to the cancellation of appointments on the programme which had to be changed due to such cancellations.

* Content-related challenges

The level of independence for police oversight agencies was far better managed than the relationship between the IPID and the SAPS. There is no question about the complete respect for the findings of the Independent Oversight agencies from police agencies. There is not the same responsiveness from the SAPS and this remains something that the Committee should monitor.

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

The Committee is of the opinion that professionalism and the effectiveness of the police must directly relate to the greater investment in ICT as a method to deal with crimes. This is the international trend and the Committee proposes that the new Police Portfolio Committee follow up on this matter. The SAPS should become much more reliant on ICT solutions with respect to policing certain crimes.

1. **International Agreements:**

The following international agreements were processed and reported on:

| **Date referred** | **Name of International Agreement** | **Objective** | **Status of Report** | **Date of enforcement** |
| --- | --- | --- | --- | --- |
|  | **None** |  |  |  |
|  |  |  |  |  |

1. **Challenges emerging**

The following challenges emerged during the processing of international agreements:

* Technical/operational challenges
* Content-related challenges
1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

1. **Statutory appointments**

The following appointment processes were referred to the committee and the resultant statutory appointments were made:

| **Date** | **Type of appointment** | **Period of appointment** | **Status of Report** |
| --- | --- | --- | --- |
|  | The Committee made no statutory appointments during its term, although the appointment of the IPID Executive Director will be processed in 2019.  |  |  |
|  |  |  |  |

1. **Challenges emerging**

The following challenges emerged during the statutory appointments:

* Technical/operational challenges

The Speaker referred letters from the Minister of Police with regard to the Executive Director of the IPID at various times during the term of the 5th Parliament. The Committee elected not to proceed with such hearing as it did not receive a resolution from the House which provided for the Committee to process such requests.

* Content-related challenges

The Committee is bound by a Constitutional Court judgement which sets out the parameters with respect to powers and independence of the Executive Director of the IPID. This judgement gave rise to a Committee Bill on the IPID to comply with the Constitutional Court judgement. The Committee introduced the Independent Police Investigative Directorate Amendment Bill [B25-2018] which aims to give effect to the Constitutional Court judgement. The Committee report was adopted in the Committee on 4 July 2018 and the House on 30 July 2018 (ATC NO 8—2018).

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* The IPID suggested a full review of the IPID Act and the Civilian Secretariat will table amendments to strengthen the IPID.
1. **Interventions**

The following interventions were referred to and processed by the Committee:

| **Title** | **Date referred** | **Current status** |
| --- | --- | --- |
| Rule 201 Enquiry Report of the Portfolio Committee on Policein terms of the National Assembly Rules (8th edition, February2014) dated 11 November 2015 | The report was initiated by the Portfolio Committee on Police | The Report was adopted in the House (ATC No 49—2015), 12 November 2015 |
|  |  |  |

1. **Challenges emerging**

The following challenges were experienced during the processing of interventions:

* Technical/operational challenges

The SAPS initially refused to provide co-operation with the instructions of the Portfolio Committee with respect to withdrawing a press statement attributed to the Board of Commissioners which pledged support to the National Commissioner in the face of the Farlam Commission report. The outcome of the Rule 201 investigation had to go to the length of getting a ITC expert to make a copy of hard drives of a computer which contained information relating to the Board of Commissioners. The Committee spent quite a lot of time on the investigation and this had consequences for the Committee programme.

* Content-related challenges

The Committee was quite alarmed about the manner in which the Police Board of Commissioners defied the instructions of the Committee with respect to the press statements it released. The point was made during the hearings that the SAPS remains under civilian control and the Executive is accountable to Parliament. The Committee impressed on Executive Authority that consequence management was necessary for the errant Commissioner. The Rule 201 hearings reinforced the very important constitutional principle of civilian control over the police and policy making.

1. **Issues for follow-up**

Parliament should consider following up on the following concern that arose:

* The Portfolio Committee on Police should be vigilant to ensure the Police management provide the Committee the correct information in its responses to the Committee requests and recommendations. The 6th Parliament should endeavour to make sure that the SAPS implements all the recommendations made by the Committee.
1. **Petitions**

The following petitions were referred to and considered by the committee:

| **Title** | **Date referred** | **Current status** |
| --- | --- | --- |
| Petition from Wards 65, 66 and 67 of the Ekurhuleni Metro, calling on the National Assembly to investigate the spiralling crime rate in Etwatwa, ensure more visible policing and to investigate the alleged complicity between the South African Police Service and crime syndicates (tabled by Hon. M Waters). | 22 November 2016, ATC No 150—2016 | The Committee met on 7 July 2017 with the SAPS to consider the petitions and responses from the SAPS and petitioners. The SAPS reported that additional deployments have been initiated which include the Cluster Public Order Policing (POP), Task Teams and Crime Intelligence. These deployments would remain in place until the area was stabilised. In addition, sector policing was intensified, crime hotspots were identified and a community safety intervention was initiated which included the following community projects:• Sport-against-Crime;• Rehabilitation of known drug addicts; and• Policing of drug outlets.The SAPS reported that crime in the area has decreased during the period October 2016 to June 2017. |
| Petition from residents of Soshanguve South calling for establishment of a satellite police station (tabled by Hon. D Bergman). | 18 March 2015 | The Committee met on 7 July 2017 with the SAPS to consider the petitions and responses from the SAPS and petitioners. The SAPS reported a satellite police station will be recommended for Soshanguve South. The SAPS noted that a work study investigation into the establishment of a satellite police station is in the final stages of completion. It was pointed out that a proposed site/land for the service point has not yet been identified. |
| Petition from the Unity Fellowship Church in Chiawelo, Soweto, calling for relief after the withdrawal of its operating licence by the City of Johannesburg and harassment of worshippers by the Johannesburg City Metro Police during church services (tabled by Hon. R W T Chance). | 6 August 2010 | The petition was dealt with by the Portfolio Committee on Cooperative Governance and Traditional Affairs Committee. |
| Petition from residents of Edenvale, Gauteng, calling on the Assembly to follow-up a Carte Blanche exposé – prompted by Case No 331/05/2015 – on police brutality, bribery and corruption at the Edenvale Police Station (tabled by Hon. M Waters). | 28 February 2017 | The Committee met on 7 July 2017 with the SAPS to consider the petitions and responses from the SAPS and petitioners. Departmental action was initiated against the SAPS member (DR13/2015) and investigated by Captain Bakker from the Provincial Head Office. The member was suspended during the investigation, but reinstated due to the complainant not testifying at the trial. The departmental investigation was finalised as “withdrawn” on 29 June 2016, as the complainant (Mr Gareth Williams) relocated to the United Kingdom. The complainant was contacted in England, but he refused to testify. |
| Petition from residents of Birch Acres, Kempton Park, calling for increased resources to be provided to the Norkem Park Police Station in order to ensure effective and visible policing (tabled by Hon. M Waters). | 28 February 2017 | The Committee met on 7 July 2017 with the SAPS to consider the petitions and responses from the SAPS and petitioners. In terms of the new Fixed Establishment for 2016-2019, the number of members at the station will be increased to 156, within the mentioned period.As far as personnel was concerned, the actual number of members at the police station was 143 and there was a shortage of 13 members. Four (4) captain posts have been prioritised for promotion and 13 entry-level Police Act post have been allocated for 2017/2018. One person was re-enlisted to the SAPS and posted at the station. The Norkem Park police station had a surplus of four vehicles and despite the surplus, the station received one vehicle for detectives and one for the Visible Policing section during the 2016/2017 financial year. |
| Petition by ex-members of the South African Police Force to be incorporated into the South African Police Service  | 27 June 2018 | The Committee heard the petitioners and the response from SAPS in November 2018. The parties agreed to continue with their dialogue. |

1. **Challenges emerging**

The following challenges were experienced during the processing of petitions:

* Technical/operational challenges

Petitioners were not always available to the Committee and had challenges attending the hearings. Members of Parliament represented the petitioners in the hearings on the petitions. In addition, the referral of petitions to two or three committees also created challenges with respect to which committee initiates the process of hearing the petition first.

* Content-related challenges

The responses of the police to petitioners is not adequate and in some cases, the input of petitioners are not on the list of priorities for the Department. This should be addressed as once a matter raised in a petition is processed by Parliament, it should receive urgency and priority from the Department. Some of the petitions do not directly affect policy and is not the mandate of the police.

1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* The issues raised by former members of the former Homeland (Transkei and Ciskei) police agencies for incorporation into the SAPS. Not all the applicants have a legitimate claim and the SAPS have promised to investigate those ones that had merit.
1. **Obligations conferred on committee by legislation:**

The Committee has a constitutional responsibility to:

• Pass legislation

• Scrutinise and oversee executive action and organs of state such as the Department of Police, Civilian Secretariat for Police, Independent Police Investigative Directorate, and the Private Security Industry Regulatory Authority

• Facilitate public participation and involvement in the legislative and other processes

• Engaging, participating in and overseeing international treaties and protocols.

• Oversight over the Executive

• Review annual budgets, annual performance plans, strategic plans together with annual report information

• Monitoring the effects of the implementation of legislation

In addition, Section 5 of the Money Bills Amendment Procedures and Related Matters Act, No. 9 of 2009, states that:

(1) The National Assembly, through its committees, must annually assess the performance of each national department, with reference to the following:

a) the medium-term estimates of expenditure of each national department, its strategic priorities and measurable objectives, as

 tabled in the National Assembly with the national budget;

b) prevailing strategic plans;

c) the expenditure reports relating to such department published by the National Treasury in terms of section 32 of the Public Finance

 Management Act;

d) the financial statements and annual report of such department;

e) the reports of the Committee on Public Accounts relating to a department; and

f) any other information requested by or presented to a House or Parliament.

1. **Challenges emerging**

The following challenges emerged during the statutory appointments:

* Technical/operational challenges
* Content-related challenges
1. **Issues for follow-up**

The 6th Parliament should consider following up on the following concerns that arose:

* There needs to be quarterly reports on the firearms processing and legislative requirements
1. **Summary of outstanding issues relating to the department/entities that the committee has been grappling with**

The following key issues are outstanding from the committee’s activities during the 5th Parliament:

| **Responsibility** | **Issue(s)** |
| --- | --- |
| SAPS | Remuneration of the Head of the DPCI, appointment of CFO, AGSA Recommendations, Moerane Commission of Inquiry Recommendations, Finalisation of investigations on ICT contract fraud; Appointment of the CFO, Claassen Board of Inquiry (report); Remuneration Scales for National Head, Deputy National Head and Provincial Heads of the Directorate for Priority Crime Investigation (DPCI), submitted in terms of section 17CA (9) of the South African Police Service Act, 1995 (Act No.68 of 1995). |
| Civilian Secretariat for Police | Outstanding Legislation: SAPS Amendment Bill; Animal Movement and Animal Products Bill; IPID Amendment Bill; Firearms Control Amendment Bill, Review of Public Service Commission report |
| IPID | Appointment of the Executive Director  |
| PSIRA | Finalisation of the PSIRA Amendment Bill; Implementation of Audit Action Plan; PSIRA Funding Model prioritisation; Agreement with PRASA on Railway Safety  |

1. **Recommendations**

**LEGACY REPORT RECOMMENDATIONS**

**SAPS**

1. The Committee recommends that the NDP recommendations be considered and implemented by the SAPS management.The implementation of the recommendations must be monitored by the SAPS.
2. The Committee recommends that the 6th Parliament scrutinises the financial performance of the SAPS to turn around the regression with respect to its Audit outcomes.
3. The Committee recommends that all the recommendations of the High Level Panel for the SAPS be implemented and monitored by the Committee.
4. The Committee recommends that all the Auditor General of South Africa (AGSA) recommendations with respect to the SAPS be implemented and that a regular quarterly report be developed on all the recommendations.
5. The Committee recommends that the Audit outcomes be closely tracked by the 6th Parliament.
6. The Committee recommends that the leadership of the SAPS be subjected to regular vetting and lifestyle audits.
7. The Committee recommends that al critical leadership and senior management posts be filled, especially that of the Chief Finance Officer.
8. The Committee recommends that the SAPS implements the principle of rotation of station and cluster commanders as well as staff at key Border Points and Ports of Entry.
9. The Committee recommends that the Detectives Division implements training and retraining for all its detectives, including how to keep complainants informed of the progress of their cases.
10. The Committee recommends that the 6th Parliament prioritises and monitors how the Detectives Programme prioritises crimes against women and children.
11. The Committee recommends that all Crime Intelligence and VIP Protection staff must undergo mandatory vetting and lifestyle audits.
12. The Committee recommends that the 6th Parliament continuously monitors the SAPS Building maintenance and Building programmes, budgets, tenders and spending.
13. The Committee recommends that all Regulation 45 appointments be subject to approval by the 6th Parliament prior to it coming into effect.
14. The Committee recommends that a new firearm safety regime be considered by the 6th Parliament to protect all police officers and their families.
15. The Committee recommends that all procurement and supply chain management processes in the SAPS be monitored on a regular basis by the 6th Parliament.
16. The Committee recommends that the new DPCI firearms and Narcotics units be implemented and monitored on a regular basis in Parliament.
17. The Committee recommends that the Integrated Justice System (IJS) Revamp budget and programme implementation be closely monitored by the 6th Parliament.
18. The Committee recommends that the DPCI focus on corruption be intensified.
19. The Committee recommends that the SAPS fast-track resourcing and firearms management systems of the Firearms Registry.
20. The Committee recommends that the material and human resources of police stations as the basic unit of crime fighting be increased in high crime areas.
21. The Committee recommends the SAPS speeds up the implementation of specialised units such as the Anti-Gang Unit.

**CSPS**

1. The Committee recommends that all the recommendations of the AGSA be implemented, tracked and monitored.
2. The Committee recommends that the Civilian Secretariat finalises its dependencies on the SAPS financial management system and implements its own financial management regime. The Committee proposes that this is closely monitored by the 6th Parliament.
3. The Committee recommends that all senior staff vacancies in the Civilian Secretariat be filled with immediate effect.
4. The Committee recommends that Civilian Secretariat, as the technical adviser to the Minister of Police fast tracks and prioritises the review of the SAPS Amendment Bill and all other legislation during the 6th Parliament.
5. The Committee recommends that the composition of the DNA Board be reviewed and deficiencies be replaced.
6. The Committee recommends that sufficient resources are made available to the DNA Board and the Office of the DPCI Judge by the Civilian Secretariat.
7. The Committee recommends that the Civilian Secretariat finalises the funding model for community police forums (CPFs).
8. The Committee recommends that the Civilian Secretariat sharpens it performance indicators with a view to service delivery.
9. The Committee recommends that the Civilian Secretariat enters into a Memorandum of Understanding (MOU) to sharpen its research and monitoring and evaluation focus.
10. The Committee recommends that the 6th Parliament closely monitors the budgeting, spending patterns and financial management systems of the Civilian Secretariat.
11. The Committee recommends that the Civilian Secretariat finalises all outstanding policies and legislation which must come to Parliament.

**IPID**

1. The Committee recommend that the 6th Parliament supports the growth of the staff establishment of the IPID by filling all vacancies in view of its growing portfolio of cases within the SAPS.
2. The Committee recommends that the funding model of the IPID be reviewed and additional sources of funding be sourced for its operations.
3. The Committee recommends that the IPID clears the source of its material misstatements and implements all the recommendations of the AGSA.
4. The Committee recommends that the IPID develops a comprehensive approach and response to the outcomes of the Audit through an Audit Action Plan.
5. The Committee recommends that the IPID under-performance be subjected to consequence management.
6. The Committee recommends that irregular expenditure within IPID be addressed by the senior management and monitored on a regular basis.
7. The Committee recommends that the IPID institutes a new regime for performance management.
8. The Committee recommends that all investigators of the IPID are vetted and trained.
9. The Committee recommends that City Forum building contract be finalised with respect to the IPID finding a new headquarters.
10. The Committee recommends that the IPID finalises all outstanding investigations with respect to the Farlam recommendations.
11. The Committee recommends that the 6th Parliament tracks and monitors the backlogs with respect to the NPA decisions on IPID investigations.
12. **Committee strategic plan**
13. **Master attendance list**