

Budget Review and Recommendation Report of the Portfolio Committee on Police on the 2020/21 Annual Report of the South African Police Service (Saps), Dated 01 December 2021.

The Portfolio Committee on Police, having considered the annual financial and service delivery performance of the South African Police Services (SAPS) for the 2020/21 financial year, reports as follows:

1. INTRODUCTION

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009), sets out the process that allows Parliament to make recommendations to the Minister of Finance to amend the budget of a national department. As part of this process, Portfolio Committees must compile Budgetary Review and Recommendation Reports (BRRRs) in October of each year, containing recommendations relating to funding allocations for departments and other institutions that account to them. The BRRRs are also source documents for the Standing Committee on Finance when it makes recommendations to the House on the Medium-Term Budget Policy Statement (MTBPS). The annual review and analysis of performance (entailing both financial and non-financial performance indicators) forms part of this process.

The Committee is guided by its interest to promote effectiveness, efficiency and professional policing in South Africa. It has a desire to see a reduction in crime. The mandate of the Committee therefore is to fulfil its constitutional function to:

- Process and pass legislation;
- Scrutinise and oversee executive action and the organs of state including the South African Police Service (SAPS), the Civilian Secretariat for Police Service (CSPS), the Independent Police Investigative Directorate (IPID) and the Private Security Industry Regulatory Authority (PSIRA);
- Facilitate public participation and involvement in the legislative and other processes; and
- Engage, participate and oversee international treaties and protocols.

The Committee has overseen the performance of the Department through oversight meetings during the 2020/21 financial year and has tracked progress during the current financial year. The Committee has considered quarterly expenditure reports for 2020/21 and for the first quarter of the 2021/22 financial year.

The Committee was briefed on the annual performance for 2020/21 by the Department on 09-10 November 2021. The Committee also met with the Auditor-General and SAPS Audit Committee on the audit outcomes on 09 November 2021. Due to COVID-19 pandemic and time constraints, the Committee was unable to meet with other key stakeholders such as the trade unions and academics to get their views on the SAPS Annual Report.

This report is structured as follows:

- Section 1: Mandate of the Committee. This section sets out the mandate of the Committee, the purpose of this report (Budgetary Review and Recommendation Report) and the process to develop this report.
- Section 2: Overview of key policy focus areas. This section includes the policy determinations of the National Development Plan (NDP), priorities stated by the President during his State of the Nation Address (SONA), key departmental policy areas and key priorities of the Portfolio Committee on Police for the 2020/21 financial year.
- Section 3: Report of the Auditor General of SA. This section provides the key audit findings made by the Office of the AGSA.
- Section 4: Governance. This section provides an overview of the governance structures of the Department, including risk management, fraud, corruption and consequence management, minimizing conflicts of interest, internal audit and the Audit Committee.
- Section 5: Financial overview. This section provides an overview of the Departmental expenditure, including irregular expenditure, fruitless and wasteful expenditure and contingent liabilities.
- Section 6: Performance overview. This section provides an overview of Departmental performance on predetermined key performance indicators and targets.

- Section 7: Committee observations: This section provides a summary of the observations made by the Committee during the 2020/21 Annual Report hearings.
- Section 8: Reporting requirements. This section provides a summary of the reporting requirement of the Department for written responses and feedback reports.
- Section 9: Recommendations. This section contains the recommendations made by the Committee.
- Section 10: Conclusion.

2. OVERVIEW OF THE KEY POLICY FOCUS AREAS

2.1. National Development Plan (NDP)

The SAPS in its contribution to the National Development Plan (NDP) focused on four key pillars for the implementation of the NDP. These pillars are listed in the Annual Report and Annual Performance Plan as follows:

- 1) Strengthening the Criminal Justice System;
- 2) Professionalisation of the Police;
- 3) Demilitarisation of the Police; and
- 4) Building safety using an integrated approach.

The implementation of the country's Vision for 2030 (NDP) is captured in Government's planning, budgeting and performance reporting cycle, as reflected in the Medium-Term Strategic Framework (MTSF), which extends from 2014 to 2019. The MTSF includes the following key targets towards the realisation of a South Africa in which all people are and feel safe:

- 1) A reduction in the number of reported contact crimes;
- 2) An increase in the proportion of citizens feeling safe when walking alone during the day or at night, as measured in official surveys
- 3) An increase in the proportion of households that are satisfied with police services in their area, and with the way courts deal with the perpetrators of crime;
- 4) Improvement in citizens' perceptions of levels of crime and progress in reducing crime, as measured in official surveys; and
- 5) An improvement in South Africa's ranking on the Transparency International Perception Index.

2.2. State of the Nation Address (SONA)

In his State of the Nation Address, the President noted the visceral effects of the COVID-19 pandemic on the economy of the country. The pandemic overshadowed the ability of all government departments to effectively deliver on its mandates and reduced the economy by 6%. The President highlighted corruption as a major impediment to the country's growth and development. Amongst others, he noted that the testimonies at the Zondo Commission laid bare how the Criminal Justice System was weakened. The National Anti-Corruption Strategy was put in place which lays the basis for a comprehensive and integrated society-wide response to corruption. In addition, efforts were made in turning around the leadership of the Criminal Justice System.

The government has also established a Fusion Centre which brings together key law enforcement agencies to share information and resources.

The President stated that crime and violence undermined people's sense of safety and security and that tackling crime was central to the success of economic recovery. Crimes like cable theft, railway infrastructure vandalism, land invasions, construction site disruptions and attacks on truck drivers hamper economic activity and discourage investment. The President noted that the steps was to stop those crimes and deal with those responsible in terms of the law. In addition, Task teams were set up in a number of provinces to deal with extortion and violence on sites of economic activity.

The implementation and the capacitation of the Border Management Agency was fast-tracked.

Lastly, the President noted that Gender Based Violence was a prioritised as three GBV Bills would be put before Parliament to make the criminal justice system much more effective in combatting Gender Based Violence.

2.3. Key priority areas

The key priority of the Department during 2020/21 remains the implementation of the Back-to Basics Approach across the organisation to improve service delivery and professional conduct, which is also a key requirement of the NDP.

2.3.1 SAPS Priorities

The SAPS in its 2020/21 Annual Performance Plan, provided its priorities as follows:

Enhancing community safety: The Department “has recognised community safety as integral to creating a safe and secure environment that is conducive to social and economic stability, and supporting a better life for all.” The Department will continue its focus on community participation initiative in crime prevention and focus on the effective functioning of Community Policing Forums (CPFs).

Reducing violence against women and children: The Department will target detection rates of 75 per cent and 70 per cent for crimes against women and children, respectively. According to the Department, it will enhance the detective capacity, improve forensic support and optimise the implementation of the integrated criminal justice strategy.

Targeting fraud and corruption: The Department will target fraud and corruption in the public and private sectors through “responsive investigations” that will be facilitated through specialised cybercrime investigative capabilities. The Departments aims to maintain an annual conviction rate of 70 per cent for cases relating to serious fraud and corruption.

Mitigating the impact of baseline reductions: The SAPS indicated that the Department will “explore alternatives to how it renders services in communities” in an effort to mitigate the impact of baseline reductions. This will include increasing the capacity of police stations; redirecting resources towards increasing police visibility; improving access to policing services; and enhancing frontline service delivery. This will be realised through the recruitment of entry-level officers and redeploying senior officers to stabilise areas with high levels of crime. In addition, the Department will continue to conduct virtual meetings that will reduce expenditure on related spending items to ensure that the budget is sufficient.

2.4. Key priorities of the Portfolio Committee on Police

Subsequent to the 2020/21 budget hearings, the Portfolio Committee highlighted priorities that the Minister and Deputy Minister of Police should focus on, which include:

- 1) Stabilise the Central Firearms Registry and finalise outstanding backlogs;
- 2) Stabilise the Forensic Sciences Laboratories and eradicate backlogs;
- 3) Tabling of the SAPS Amendment Bill;
- 4) Tabling of the DNA Amendment Bill;
- 5) Tabling of the Firearms Control Amendment Bill;
- 6) Tabling of the IPID Amendment Bill; and
- 7) Stabilise the SAPS leadership.

3. REPORT OF THE AUDITOR-GENERAL OF SOUTH AFRICA (AGSA)

The Audit Report of the AGSA is the most important independent assessment of the quality of financial statements, including all its disclosures.

The Department received an **unqualified audit with three matters of emphasis**. The Department had qualified audits between 2016/17 and 2019/20. The AGSA made the following material findings on the usefulness and reliability of reported performance information:

The matters of emphasis include:

- **Significant uncertainties:** The SAPS is a defendant in a number of lawsuits. The ultimate outcome of these matters cannot be determined and no provision for any liability that may result was made in the financial statements. The contingent liabilities of the SAPS are R8.240 billion at the end of the 2020/21 financial year (2019/20: R7.440 billion).
- **Underspending of the budget:** The SAPS materially underspent the 2020/21 budget by R2.665 billion on Visible Policing (Programme 2) and R997 million on Detective Services (Programme 3).

- **Irregular expenditure:** Irregular expenditure of R3.475 billion is still under assessment.

The AG evaluates the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework for the following selected programme presented in the annual performance report of the SAPS for the year ended 31 March 2021:

3.1 Programme 2: Visible Policing

The material findings in respect of the usefulness and reliability of the Visible Policing Programme are as follows:

According to the AG, the achievement in the Annual Report did not agree with the supporting evidence provided for the indicators listed below and showed material differences:

- 1) Percentage reduction in the number of contact crimes
- 2) Number of reported contact crimes at the identified 30 high crime weight station
- 3) Percentage reduction in the number of contact crimes against women (18 years and above)
- 4) Percentage reduction in the number of contact crimes against children (18 years and below)
- 5) Number of stolen or lost and illegal firearms recovered
- 6) Number of identifiable stolen or lost SAPS firearms recovered
- 7) Number of stolen/robbed vehicles recovered

3.2 Report on the audit of compliance with legislation

The material findings on compliance with specific matters in key legislation are as follows:

Procurement and contract management

- Some of the bid documentation for procurement of commodities designated for local content and production, did not stipulate the minimum threshold for local production and content as required by the 2017 Preferential Procurement Regulation 8(2).
- Tender requirements for some of the contracts above R30 million did not include a condition for mandatory subcontracting to advance designated groups, as required by the 2017 Preferential Procurement Regulation 9(1).
- In some instances, persons in service of the SAPS who had a private or business interest in contracts awarded by the SAPS failed to disclose such interest, as required by Treasury Regulation 16A8.4 and the Public Service Regulation 18.

3.3 Internal control deficiencies

The AG highlighted the following:

- The SAPS did not have sufficient monitoring controls to ensure adherence to the internal policies and procedures at a programme level and for purposes of taking corrective action.
- The SAPS developed an action plan to address internal and external audit findings. Audit action plans on pre-determined objectives did not have the desired impact as repeat findings were identified. This was due to lack of monitoring of adherence to the plan in a timely manner by the appropriate level of management.
- The SAPS did not maintain proper record keeping to safeguard records and facilitate timely retrieval. Supporting documentation relating to performance information was not always provided or was not provided within the agreed timelines.
- Non-compliance with legislation could have been prevented had compliance been properly reviewed and monitored. Despite management having included applicable checklists, these did not contain some bidding requirements.

3.4 Investigations

The AG further indicated various investigations relating to instances of transgressions of SCM legislation in previous years. These investigations have been ongoing for several years with no indicated completion date and no recommendations for implementation with regard to disciplinary and/ or criminal proceedings against transgressors.

4. GOVERNANCE

4.1 COVID-19 Impact

In general terms, overall spending performance was materially affected by COVID-19 lockdown regulations and the unforeseen and unavoidable nature of the pandemic that essentially impacted on the extent to which personnel movement were restricted, especially big cost centres such as provinces and training interventions that had to be reconsidered or terminated. In addition, procurement processes and spending on buildings and infrastructure could not realise as anticipated due to the challenges the Department had to manage during the financial year, mainly as a result of the state of emergency proclaimed.

As at 31 March 2021, there was a total number of 28 741 confirmed COVID-19 cases in the SAPS (1,86% of the total number of cases recorded in the Country (1 548 157)). Most confirmed cases were recorded at Head Office and National Divisions/Components (5 954), in the Western Cape (4 695), Gauteng (4 488), KwaZulu-Natal (3 647) and the Eastern Cape (3 223) Provinces. As at 31 March 2021, 27 998 or 97,41% recoveries were recorded. A total of 558 members succumbed to the Covid-19 virus. A total of 598 fatalities were recorded, up to 31 March 2021. Most fatalities were recorded in the Eastern Cape (116), KwaZulu-Natal (96), Gauteng (79) and the Western Cape (75) Provinces. A total number of 99 fatalities were recorded at Head Office and National Divisions/Components.

4.2 Risk Management

The Department has an Enterprise Risk Management Policy which was reviewed in the 2020/21 Financial Year. The Risk Management Policy guides the process of identifying and managing risks within SAPS. The Enterprise Risk Management Policy, was approved by the Accounting Officer, during January 2021, subsequent to the recommendation for approval by the Risk Management Committee and the reviewed Risk Management Strategy is still pending approval, for implementation, in 2021/2022.

During 2020/2021, the Department conducted strategic, operational and identified project risk assessments, including the COVID-19 Pandemic. The results of the risk assessments are formally documented in the risk register and captured on the Risk Management System. The Department further initiated a process of conducting ethics and fraud risk assessments, which are due for completion, in the 2021/2022 financial year.

The Department appointed a Risk Management Committee, which is formally constituted, in accordance with the prescripts applicable to the Public Sector Risk Management Framework. The committee comprises four external independent members and four SAPS non-independent executive members. One external member resigned from the committee, in 2020/2021. The Chairperson of the Risk Management Committee is an independent member external to the public service.

4.3 Fraud, corruption and consequence management

The SAPS Ethics Committee has a mandate to monitor the implementation of the Fraud Prevention and Ethics Management Strategy. The key pillars of the Strategy focus on prevention, response and detection. The SAPS implemented an Ethics and Anti-Corruption Strategy, during 2018, which contributed to the enhancement of initiatives to prevent and detect, investigate and resolute unethical conduct, fraud and corruption. The Strategy consists of five pillars, namely; Leadership Imperative, Prevention, Detection, Investigation and Resolution of unethical conduct and corruption. Between 1 April 2020 to 31 March 2021, the SAPS charged 459 employees (434 SAPS Act members and 25 Public Service Act members) with various offences relating to corruption and other offences.

4.4 Minimising conflict of interest

The Public Administration Management Act, 2014 (Act No 11 of 2014), read together with the Public Service Regulations, 2016 prohibits public service employees, including SAPS employees, to conduct business with any government department.

Financial disclosures, in relation to the period 1 April 2020 to 31 March 2021, were completed successfully, during the financial disclosure period. The Department obtained 100% compliance for SMS members (830), 99,70% compliance for MMS members (2 328) and 95,93% compliance for specific occupational categories (10 625 employees within the financial and supply chain management environments) and the reports were submitted to Office of the Public Service Commission. All the financial disclosures were verified. All SAPS employees were encouraged to

deregister their companies from the Central Supplier Database, to minimise the risk of employees conducting business with the State.

4.5 Internal Audit and Audit Committee

The Audit Committee comprises of the following members:

- Mr LM Mangquku (External)
- Dr C Motau (External);
- Mr AP Wakaba (External)(Chairperson);
- Mr R Tshimomola (External); and
- Mr M Karedi (External).

The findings of the Audit Committee are included deficiencies in the following areas:

- Procurement of Goods and Services
- Performance Information
- Contract and Procurement Management
- Police Safety and Infrastructure
- Firearms Earmarked for Destruction
- Fleet Management
- Asset Management
- COVID-19 Procurement of Goods and Services
- Second-Hand Goods
- Maintenance and Infrastructure of SAPS Buildings
- Management of Official Funerals
- Writs of Execution
- Ethical Culture
- Strategies Adopted to Reduce Serious Crime and Custody Management
- Collection, Safeguarding and Destruction of Firearms and Ammunition
- Policing Gender-Based Violence
- SAPS 13, Disposal of Firearms
- Case Docket Management

5. FINANCIAL OVERVIEW

5.1 Appropriation statement

The SAPS received a Main Appropriation of R101.7 billion at the start of the 2020/21 financial year. As part of the First Adjustment Appropriation, the SAPS received an additional allocation of R3.7 billion for its COVID-19 response. As part of the Second Adjustments Appropriation, the budget was reduced with R5.966 billion to an Adjusted Appropriation of R99.560 billion for 2020/21.

At the end of the 2020/21 financial year, the Department had spent R95.4 billion or 95.9% of its Final Appropriation budget of R99.5 billion, thus recording underspending of R4.07 billion at year-end. As part of the AG's audit, the material underspending was raised as a matter of emphasis. The Department recorded underspending in all budget Programmes:

- Administration: R304.7 million
- Visible Policing: R2.6 billion
- Detective Services: R996.7 million
- Crime Intelligence: R70.3 million
- Protection and Security Services: R40.8 million

Table 1: Appropriation statement for 2020/21

R' million	Main Appropriation	Adjusted Appropriation	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	COV 19 Spen
Programme							
Administration	20 912,8	19 007,0	19 007,0	18 702,3	304,7	98.4%	2,5
Visible	52 327,3	53 401,5	53 401,5	50 736,3	2 665,0	95.0%	1 74

Policing							
Detective Services	20 624,2	19 688,5	19 688,5	18 691,8	996,7	94.9% 2,5	2,5
Crime Intelligence	4 403,5 4	200,1 4	200,1 4	129,8	70,3	98.3%	0,4
PSS	3 443,3 3	263,7 3	3 263,7	3 222,8	40,8	98.7%	1,2
Total	101 711,0	99 560,9	99 560,9	95 483,1	4 077,7	95.9%	1 75
Economic Classification							
Current Payments	96 876,1	95 366,4	94 889,0	91 171,1	3 717,8	96.1%	1 78
Compensation of employees	81 112,2	76 147,0	76 147,0	75 697,2	449,7	99.4%	32,1
Goods & services	15 763,9	19 219,4	18 742,0	15 473,9	3 268,0	82.6%	1 71
Training & Development	-	27,7	27,7	2,4	25,3	8.9%	-
Transfers and subsidies	1 497,7	1 613,7	1 623,5	1 595,9	27,6	98.3%	0,0
Payment of Capital Assets	3 337,3	2 580,8	3 001,5	2 669,2	332,2	88.9%	3,1
Buildings and other fixed structures	-	497,7	511,9	327,8	184,0	64.0%	-
Payments: Financial assets	0,0	46,7	46,7	46,7	0,0	100.0%	0,0
Total	101 711,0	99 560,9	99 560,9	95 483,1	4 077,7	95.9%	1 75

SAPS 2020/21 Annual Report

At economic classification level, the following low spending should be noted in terms of percentage of the final appropriation:

- Catering: Departmental activities: 20.8%
- Laboratory services: 7.3%
- Contractors: 61.6%
- Entertainment: 43.3%
- Consumable supplies: 45.0%
- Transport provided: Departmental activity: 14.6%
- Training and development: 8.9%
- Venues and facilities: 20.7%
- Buildings: 61.7%

COVID-19 Expenditure

The table below shows that by the end of March 2021, the SAPS had spent R1.71 billion on COVID-19 related goods and services. High spending of R1.37 billion (or 80% of the total expenditure) occurred in the first quarter of the 2020/21 financial year (01 April to 30 June 2020) after which there was decreased expenditure in the subsequent three quarters.

Table 2: Quarterly spending on COVID-19 related goods and services

Economic classification R' million	Quarter 1 April to June 2020	Quarter 2 July to Sept 2020	Quarter 3 Oct to Dec 2020	Quarter 4 Jan to March 2021
Goods and services	1 371.4	1 646.3	1 661.7	1 716.2
	1 371.4	274.9	15.4	54.5

Source: National Treasury (2021)

The bulk of the spending was recorded on goods and services (R1.7 billion) under current payments, mainly on the items: minor assets (R22.7 million), consumable supplies (R1.5 billion), travel and subsistence (R79.8 million); and on payments for capital assets (R3.1 million), mainly on machinery and equipment (R3.1 million). According to National Treasury, the COVID-19 related expenditure in the SAPS was mainly for the procurement of PPE items such as digital thermometers, plastic aprons, wipes, surgical gloves, disposal overalls, sanitisers and disposal boot covers. And according to the National Treasury COVID-19 Dashboard, 56.16% of all COVID-19 related orders were for surgical masks, followed by hand sanitisers and disinfectants (32.02%).

The National Treasury highlighted the following issues for the Committee to note related to COVID-19 interventions:

In light of the preliminary underspending recorded on COVID-19 interventions by SAPS, the National Treasury provided context to the spending patterns under this item:

- During the 2020 Special Adjustment Budget, an amount of R3.7 billion was allocated to the Department for COVID-19 interventions. This funding was earmarked by the National Treasury.
- A further amount of R252.8 million was rolled over during the 2020 Second Adjustments Budget, of which R248.4 million was rolled over for PPE, which was procured in 2019/20 but could not be delivered due to the unavailability of stock domestically.
- Furthermore, the Department reprioritised R1.1 billion within its baseline towards the Department's response to the COVID-19 pandemic. As such, the overall budget for COVID-19 interventions amounts to R5.1 billion.
- During the fourth quarter of 2020/21, the Department requested approval from the National Treasury to utilise R1.1 billion to fund priorities that cannot be financed in the baseline due to cost pressures in the Department. The funds were to be utilised as a once-off arrangement for the purposes of:
 - paying software licence fees;
 - procurement of ICT systems;
 - medical expenses for POLMED members and their dependents;
 - repair and maintenance of damaged vehicles; and
 - deployment costs for policing operations.
- The main reasons for shifting funds from COVID-19 items was low spending resulting from availability of PPE stock locally; and multiple service providers selling PPE at lower and competitive rates.

5.2 Programme Expenditure

5.2.1 Programme 1: Administration.

At the end of the 2020/21 financial year, the Programme had spent R18.7 billion or 98.4% its Final Appropriation of R19.007 billion, thus underspending by R304.7 million. The underspending was recorded under the Corporate Services sub-programme, which spent 98.5% of its budget (underspent with R277.7 million) and the Ministry sub-programme which spent 57.8% of its budget (underspent with R27 million). It should be noted that the Management sub-programme was one of only two sub-programme of the Department to spend 100% of its budget (the other is the Static Protection sub-programme under Programme 5: Protection and Security Services). At economic classification level, expenditure on Compensation of employees was 99.4% of its available budget (underspent with R81.5 million) and expenditure on Buildings and other fixed structures was only 63% of the available budget, thus recording underspending amounting to R184 million.

5.2.2 Programme 2: Visible Policing

At the end of the 2020/21 financial year, the Programme had spent R50.7 billion or 96.5% of its available budget of R53.4 billion, thus recording underspending of R2.5 billion. The underspending was mainly recorded in the Crime Prevention sub-programme (R2.4 billion). At economic classification level, the bulk of the underspending was recorded on Current payments, mainly under Compensation of employees (R18.3 million) and Goods and services (R2.6 billion). Expenditure on Goods and services as a percentage of the Final Appropriation was 78.4%, which emanated from savings on various items including catering, computer services, training and transport.

5.2.3 Programme 3: Detective Services

At the end of the 2020/21 financial year, the Programme had spent R18.691 billion or 94.9% of its available budget of R19.7 billion, thus recording underspending of R996.7 million. The underspending

was mainly recorded under the Forensic Science Laboratory sub-programme, which spent R1.124 billion, or 81%, of its available budget of R1.388 billion. In terms of economic classification, the sub-programme spent only 31.2% of its available budget for Goods and services. On Machinery and equipment, the sub-programme spent only 4.4% of its available budget. The Specialised Investigations sub-programme, or DPCI, spent R1.8 billion, or 86.2%, of its available budget of R2.1 billion. The under expenditure of R297.2 million was solely recorded under Compensation of employees. At economic classification level, the bulk of the overall underspending of the Programme was recorded on Goods and service, which spent 75.5% of its available budget (underspending of R531.3 million).

5.2.4 Programme 4: Crime Intelligence

At the end of the 2020/21 financial year, the Programme had spent R4.1 billion or 98.3% of its available budget of R4.2 billion, thus recording underspending of R70.3 million. The underspending was mainly recorded in the Crime Intelligence Operations (-R42.8 million) sub-programme. At economic classification level, the bulk of the underspending was recorded on Goods and services (-R48.3 million) under current payments.

5.2.5 Programme 5: Protection and Security Services

At the end of the 2020/21 financial year, the Programme had spent R3.22 billion or 98.7 per cent of its available budget of R3.26 billion, thus recording preliminary underspending of R40.8 million. This underspending was mainly recorded in the Government Security Regulator sub-programme, which spent 92% of its available budget (-R6.1 million). It should be noted that the Static Protection sub-programme was one of only two sub-programme of the Department to spend 100% of its budget (the other was the Management sub-programme under Programme 5: Protection and Security Services). At economic classification level, the bulk of the underspending was recorded on Goods and services (-R36.4 million) under current payments.

5.3 Irregular expenditure

In 2020/21, the Department had an opening balance for irregular expenditure of R1.58 billion, which is an increase compared to that of the previous financial year (2019/20 opening balance: R1.272 billion). The Committee should note the balance has consistently increased over the past four-year period, despite the actual amount incurred decreasing in 2020/21 compared to the previous year. In terms of the balance, in 2017/18 it was R20.7 million (against the R1.58 billion in 2020/21). In 2020/21, the Department incurred irregular expenditure of R532 000.00, which is a significant decrease compared to R161.6 million in 2019/20. During the period under review, R28 000.00 was condoned/written off and the cases carried over from previous financial years amounting to R1.58 billion have been assessed and confirmed and the process of condonation by National Treasury is underway.

Incidents of irregular expenditure indicated a significant decrease of 66,67% (eight confirmed incidents, in 2020/2021, compared to 24 confirmed incidents during the same period, in 2019/2020). Despite the above, the AG stated that irregular expenditure of R3.475 billion is still under assessment and raised this as a matter of emphasis. The assessment includes 823 incidents of irregular expenditure and non-compliance to procurement prescripts. The largest amount related to these investigations stands at R1 billion for sub-contracting requirements not adhered to (12 incidents), followed by 38 incidents in which local contents requirements were not complied to amounting to R934,5 million, and 19 incidents in which bid specification requirements were not met amounting to R654,19 million. The highest number of irregular expenditure incidents under assessment was on not obtaining three quotes (214 incidents), followed by tax requirements not complied with (144 incidents). Please see note 25.7 of the 2020/21 financial statements for further details. According to the SAPS, the following activities have been undertaken decrease irregular expenditure:

- The pocket guide, which includes education relating to the prevention of irregular expenditure, was updated and was distributed to all procurement and supply chain management practitioners, on 1 October 2020.
- Irregular Expenditure Committees were rolled out to provinces and divisions, responsible for monitoring and ensuring the timeous finalisation of all irregular expenditure cases within their respective divisions and/or provinces. Registers are to be submitted on a weekly basis for monitoring purposes by the Supply Chain Management Division.
- A project plan was developed to conduct a National Intervention Road Show to all divisions and provinces, with the main objective to provide guidance to Provincial and Divisional Irregular Expenditure Committees and to finalise and prevent irregular expenditure.

- Irregular expenditure is discussed during biannual Procurement Forums, held with provinces and divisions.

5.5 Fruitless and wasteful expenditure

The Department had an opening balance of R16.2 million in fruitless and wasteful expenditure at the start of the 2020/21 financial year. During 2020/21, the Department incurred R129 000 in fruitless and wasteful expenditure, which is a decrease from the previous financial year. During 2020/21, the Department recovered R375 000 and R4.48 million was written off. Of the amount written-off, R4,129 million was on interest on claims against the State involving 91 cases. At year-end, the Department had a closing balance of R11.918 million, which is a decrease compared to the previous financial year (R16.2 million).

During 2020/21, 766 incidents of fruitless and wasteful expenditure was still under investigation (to determine whether they are in-fact fruitless and wasteful as per the PFMA) amounting to R16.724 million, of which 443 incidents relate to interest-claims against the State amounting to R10.7 million.

5.6 Contingent liabilities/ civil claims

The AG made stated significant uncertainties at a matter of emphasis in 2020/21 because the SAPS is a defendant in a number of lawsuits. The ultimate outcome of these matters cannot be determined and no provision for any liability that may result was made in the financial statements. The contingent liabilities of the SAPS are R8.240 billion at the end of the 2020/21 financial year (2019/20: R7.440 billion).

5.6 Civil claims against the State

During the 2020/2021 financial year, 10 689 new civil claims were registered amounting to R16.7 billion (R16 782 612 292.45). The number of claims decreased from 14 845 new claims that were registered to the value of R2 033 295 750 in 2019/20. A total of 52 203 claims, valued at R59.812 billion (R59 812 179 327.28) were still pending, as at 31 March 2021. These claims emanate from previous financial years, as well as the current financial year. The most civil claims were recorded in the Gauteng province (19 313 cases valued at R23.89 billion), followed by KwaZulu-Natal recording 12 885 civil claims valued at R10.256 billion). The fewest civil claims were brought in the Northern Cape with 302 claims valued at R258.1 million. In 2020/21, 9 941 claims were brought against the State for wrongful arrest and detention amounting to R8.062 billion (R8 062 629 850.16). The highest number of claims was recorded in KwaZulu-Natal at 2 906 claims valued at R1.2 billion, followed by Gauteng at 2 692 cases valued at R3.056 billion. During 2020/21, a total of 2 899 payments (court orders and settlements) were made, to the value of R367.2 million (R376 247 932.15), of which arrest and detention claims were the highest pay outs amounting to R239.2 million (R239 299 759.27).

6. SERVICE DELIVERY AND PERFORMANCE OVERVIEW 2020/21

6.1 Overall performance

Financial and service delivery performance should be read together when considering the performance of the SAPS. There should be some alignment between performance and expenditure. Due to the nature of police work, there is no direct link between budget allocations and service delivery, which challenges effective oversight. The focus of oversight should be placed on the quality of performance indicators and targets and whether these measure an improvement in service delivery. The initial 2020/21 APP was implemented in the first quarter of the 2020/21 financial year (April to June), but was revised due to the challenges posed by COVID-19 and was re-tabled in June 2020 and implemented from the second quarter of the 2020/21 financial year. The SAPS made revisions to some targets in the Administration, Visible Policing and Crime Intelligence Programmes. Although the SAPS Annual Report includes separate reporting for the first quarter and then quarters two to four, this analysis focusses on the annual targets and achievements.

At the end of the 2020/21 financial year, the Department achieved 73.68% of its performance targets (70 from 95 targets), which shows an improvement compared to the 63.36% achievement rate in the 2019/20 financial year.

Overall the SAPS achieved 70 from 95 performance targets Achievement rate of 73.68%

The Protection and Security Services Programme achieved 100% of its targets, similar to that of the previous financial year. The Crime Intelligence Programme achieved 83.3% of its targets at the end of 2020/21, which is a significant improvement compared to the 69% achievement rate of the previous financial year. The Visible Policing Programme achieved 73.1% of its targets at the end of the 2020/21 financial year, which is an improvement compared to the previous financial year during which it achieved 71% of its performance targets. The Administration Programme achieved 81% of its performance targets at the end of 2020/21, which is a significant improvement compared to the achievement rate of only 47.06% at the end of the 2019/20 financial year.

The Detective Services Programme is the only Programme that achieved a lower performance rate in 2020/21 compared to the previous financial year. At the end of 2020/21 the Detective Services Programme achieved 58.6% of its performance targets compared to an achievement rate of 63% in the 2019/20 financial year. This is largely due to the poor performance of the Forensic Science Laboratory sub-programme, which achieved none of its five performance targets during 2020/21 (achievement rate of 0%).

The 2020-2025 Strategic Plan includes several perception-based performance indicators to measure internal and external satisfaction with police services. The external indicators focus on community perceptions and the internal indicators focus on SAPS members' perception of organisational aspects of the Department. Unfortunately, the relevant research-related processes were delayed by COVID-19. This is a shame as the inclusion of perception and outcome targets (rather than just output/numerical targets) was an extremely positive step towards service delivery improvement.

6.2 Programme Performance

Administration achieved 17 from 21 performance targets which totals an achievement rate of 81%

6.2.1 Programme 1: Administration

At the end of the 2020/21 financial year, the Administration Programme achieved 17 of its 21 targets (4 targets not achieved). The following should be noted:

Table 3: Targets not achieved during the 2020/21 financial year

<p>Number of new police stations established as per the SAPS Infrastructure Development Programme</p> <ul style="list-style-type: none"> • Target: 2 • Achieved: 0 • Deviation: -2 	<p>Number of identified National Network Communication Infrastructure sites modernised and implemented</p> <ul style="list-style-type: none"> • Target: 65 WAN sites • Achieved: 15 WAN sites • Deviation: -50 WAN sites 	<p>Percentage compliance with the SAPS' Ethics and Integrity Plan - Overall target not achieved. Sub-targets not achieved:</p> <ul style="list-style-type: none"> • 99.7% of Middle Management to submit financial disclosures by 31 July 2020 (-0.30%) • 95.93% of Financial Management and Supply Chain Management financial disclosures submitted by 31 July 2020 (-4.07%) • Submission of certificates on remunerative work not submitted by 31 December 2020, but only by March 2021 (-3 months)
<p>Percentage of audits completed in terms of the Internal Audit Plan</p> <ul style="list-style-type: none"> • Target: 100% (134) • Achieved: 80.6% (108 from a total of 134) • Deviation: -19.40% 		

6.2.2 Programme 2: Visible Policing

The Visible Policing Programme achieved 19 from 26 performance targets giving an achievement rate of 58.6%

At the end of the 2020/21 financial year, the Visible Policing Programme achieved 19 from 26 performance targets (7 targets not achieved).

Table 4: Targets not achieved during the 2020/21 financial year per

Sub-programme: Crime Prevention: Achieved 9 from 16 targets (7 not achieved)		
Increase the number of stolen, lost and illegal firearms recovered • Target: Increase to 4 225 • Achieved: 2 035 • Deviation: -2 190	Increase the number of identifiable stolen, lost SAPS firearms recovered • Target: Increase to 482 • Achieved: 376 • Deviation: -106	Percentage of new firearm license applications finalised within 120 working days • Target: 90% • Achieved: 38.87% (24 133 finalised from a total of 62 082 received) • Deviation: -51.13% points
Number of stolen/robbed vehicles recovered • Target: Maintain at 36 674 • Achieved: 29 422 • Deviation: -7 252	Number of identified functional strategic partnerships • Target: 3 • Achieved: 0 • Deviation: -3	Number of provinces in which the Traditional Policing Concept has been implemented • Target: 1 province by 31 March 2021 • Achieved: 0 • Deviation: -1
Percentage reduction in the number of contact crimes against children (below 18 years) • Target: Decrease to 39 497 (6.73%) • Achieved: Reported contact crimes against children reduced by 5.8% from 42 348 in 2019/20 to 39 878 in 2020/21 • Deviation: -0,93% points		

The Border Security and Specialised Interventions sub-programmes achieved 100% of their respective performance targets at the end of the 2020/21 financial year. Compounding the decline in the performance of the Visible Policing Programme, the AG made material findings in respect of several performance targets. According to the AG, the achievements in the Annual Report did not agree with the supporting evidence provided for the indicators listed below and showed material differences. For those targets reported as not achieved by SAPS, the fact that the AG could not verify the supporting evidence, could mean that the underperformance on those targets could be even worse, which is concerning, especially regarding the management of firearms. Targets reported as achieved by SAPS, but not supported by evidence:

- 1) Percentage reduction in the number of contact crimes
 - 2) Number of reported contact crimes at the identified 30 high crime weight stations
 - 3) Percentage reduction in the number of contact crimes against women (18 years and above)
- Targets reported as not achieved by SAPS and not supported by evidence:
- 4) Percentage reduction in the number of contact crimes against children (18 years and below) (not achieved).
 - 5) Number of stolen or lost and illegal firearms recovered
 - 6) Number of identifiable stolen or lost SAPS firearms recovered
 - 7) Number of stolen/robbed vehicles recovered

Firearm amnesties

The SAPS ran two separate six-month firearm amnesties since December 2019. The first was from 01 December 2019 to 31 May 2020 and the second, from 01 August 2020 to 31 January 2021.

Collectively, the two amnesties collected 149 726 firearms and 723 959 ammunitions. According to the SAPS, they received the majority of these firearms and ammunition during the second amnesty. In

both amnesties, illegal firearms far outnumbered the voluntary surrendered legal firearms. A major challenge in both amnesties was the national COVID-19 lockdown that hampered the collection of firearms and had a significant impact on the renewal of firearm licences.

On 16 February 2021, the Portfolio Committee on Police requested monthly progress reports on the capturing of amnesty firearms. According to these reports, as of August 2021, 165 715 firearms and 723 959 ammunitions were surrendered. It is clear that the ammunition remained the same, but the number of surrendered firearms increases with 15 989. It is important to note that of the 165 715 firearms surrendered (updated August 2021 figure), 105 121 licence applications for these surrendered firearms were received (63.43% of surrendered firearms). As such, during both amnesties, only 60 594 unwanted firearms were surrendered.

6.2.3 Programme 3: Detective Services

The Detective Services Programme achieved 17 from 29 performance targets which translated to an achievement rate of 58.6%

The Detective Services Programme achieved 17 of its 29 performance targets, thus not achieving 12 targets at the end of the 2020/21 financial year. As noted above, the Programme's performance is the only to decline compared to the previous financial year, which is mainly due to the underperformance recorded in the Forensic Services Laboratory sub-programme which achieved none of its performance targets in 2020/21. The sub-programme also recorded significant deviations between the targeted and achieved performance. The following should be noted:

Table 5: Targets not achieved during the 2020/21 financial year per sub-programme

Sub-programme: Crime Investigations: Achieved 10 from 16 targets (62.5%)		
Percent increase in detection rate for contact crimes • Target: 55.47% • Achieved: 47.43% (348 355 from a total of 734 496) • Deviation: -8.04% points	Percentage increase in detection rate for contact crimes at the identified 30 high crime weight stations • Target: 56,23% • Achieved: 33.94% (37 112 from a total of 109 335) • Deviation: -22.29% points	Percentage increase in detection rate for crimes committed against women 18 years and above (murder, attempted murder, all sexual offences, common assault and assault GBH) • Target: 75,15% • Achieved: 71.29% (132 443 from a total of 185 778) • Deviation: -3.86% points
Percentage increase in detection rate for crimes committed against children under 18 years (murder, attempted murder, all sexual offences, common assault and assault GBH) • Target: 70,10% • Achieved: 64,88% (34 890 from a total of 53 776) • Deviation: -5.22%	Percentage increase in compliance with the taking of buccal samples from schedule 8 offenders • Target: 60% • Achieved: 43.59% (86 969 from a total of 199 507) • Deviation: -16.41% points	Percentage reduction in outstanding fingerprint investigative leads • Target: 5% • Achieved: 144.91% (2 575 from a total of 1 777) • Deviation: -139.91% points
Sub-programme: Criminal Record Centre: Achieved 1 from 2 targets (50%)		
Percentage of results of guilty trial verdicts updated within 20 calendar days • Target: 95% • Achieved: 93.09% (154 173 from a total of 165 613) • Deviation: -1.91% points		

Forensic Science Laboratory sub-programme

The performance of the Forensic Science Laboratory sub-programme has seen a consistent decrease over the past four financial years, with the backlog in DNA analysis rising sharply to unacceptably high levels at 84.3% of case exhibits not finalised within 90 days during 2020/21 and the finalisation of DNA Intelligence case exhibits falling sharply from 95.2% in 2017/18 to 14.6% in 2020/21.

Table 6: Targets not achieved during the 2020/21 financial year per sub-programme

Sub-programme: Forensic Science Laboratory: Achieved 0 from 5 targets (0%)		
Percentage of routine case exhibits (entries) finalised • Target: 75,00% within 35 calendar days • Achieved: 32.23% (27 983 from a total of 86 824) • Deviation: -42.77% points	Percentage of case exhibits (entries) not yet finalised exceeding the prescribed time frame • Target: Backlog not exceeding 10% of registered case exhibits (entries) • Achieved: 84.56% (300 722 from a total of 355 648) • Deviation: -74.56% points	Percentage of non-routine case exhibits (entries) finalised • Target: 70,00% within 113 calendar days • Achieved: 61.70% (1 226 from a total of 1 987) • Deviation: -8.3% points
Percentage of Ballistics Intelligence (IBIS) case exhibits (entries) finalised • Target: 95,00% within 35 calendar days • Achieved: 90.5% (33 216 from a total of 36 704) • Deviation: -4.5% points	Percentage of Biology DNA Intelligence case exhibits (entries) finalised • Target: 80,00% within 90 calendar days • Achieved: 14.59% (706 from a total of 4 838) • Deviation: -65.41%	

As at the end of 2020/2021, the Forensic Science Laboratory environment had 300 722 cases that are yet to be finalised. The backlog increased from 27,06% to 84,56% in 2020/21, which surpasses the international norm of 10%, by 74,56%.

The number of backlog cases has increased significantly over the past seven financial years from 2014/15 to 2020/21. In 2014/15, the backlog stood at 3 304 case exhibits, which increased drastically to 18 488 cases in 2015/16, but declined again to 9 849 cases in 206/17 and further to 7 164 cases in 207/18. Thereafter, the backlog started a significant increase to 10 609 cases in 2018/19 to 98 238 cases in 2019/20 and 300 722 cases in 2020/21.

According to the SAPS, the backlog had a negative impact on the Criminal Justice System (CJS), particularly with the detection and conviction rates. In 2020/21, the SAPS had not achieved any performance targets on improving detection rates for contact crimes and crimes against women and children. Furthermore, the SAPS Annual Report states, “the increased backlog has unfortunately negated the incremental investment made by the South African Government, during the period 2010/2011 to 2017/2018, to improve the efficiency of the CJS”.

According to the SAPS, the following factors led to the underperformance:

- Lower production levels, due to COVID-19.
- The evacuation of buildings, due to positive COVID-19 cases.
- Non-operational equipment and machinery, due to outstanding service.
- Outstanding maintenance, calibration and validation contracts.

Although the COVID-19 pandemic and associated changes can be blamed as one of the reasons for the decline in performance during 2020/21, the significant decline in the Forensic Science Laboratory environment started long before the outbreak of the COVID-19 pandemic. Worryingly is the latter two reasons, namely non-operational equipment and machinery due to outstanding service and outstanding contracts for maintenance, calibration and validation of the equipment.

In 2020/21, the size of the National Forensic DNA Database has decreased to 743 730 forensic DNA profiles from 1 616 535 profiles in 2018/19. This is attributed to challenges with the poor compliance rates of detectives taking buccal samples from persons arrested and charged for Schedule 8 offences, as well as the significant increase in DNA backlogs. During 2020/21, 207 840 profiles were expunged on the NFDD, while only 4 693 new profiles were loaded. The performance target for taking buccal samples from Schedule 8 offenders is in the Crime Investigations sub-programme, but relates directly to the utilisation of forensic investigative aids in the investigation of crime and the

enhancement of the DNA database. During 2020/2021, a total of 86 969 buccal samples were taken from a total number of 199 507 suspects arrested for Schedule 8 offences.

The performance target was set at, an already low, 60% of which the SAPS achieved 43.59%, thus 16.41% less than the target. According to the SAPS, the underperformance was due to the under-utilisation of, and monitoring of the taking of buccal samples. Similarly, the performance target for the reduction in outstanding fingerprint investigative leads falls in the Crime Investigations sub-programme, but also links directly to the utilisation of forensic investigative aids in the investigation of crime.

In 2020/21, the performance target was a reduction of 5%, but the backlog increased to 144.91%, thus a deviation of 139.9%. According to the SAPS, the underperformance was due to deficiencies in the monitoring of the Automated Fingerprint Identification System (AFIS) list and the purification thereof.

6.2.4 Directorate for Priority Crime Investigation (DPCI)

The Directorate for Priority Crime Investigations (DPCI) achieved 6 from 6 performance targets and recorded an achievement of 100%. The number of arrests decreased with 192 in 2020/21 (2 253 arrests compared to the previous financial year (2 445 arrests)). The number of convictions increased from 37 728 in 2019/20 to 38 411 in 2020/21. According to the SAPS, seizures with an estimated value of R657 million, including R324 million narcotics, counterfeit goods, precious metals and wildlife were realised. A total of 114 firearms and 15 159 rounds of ammunition were seized, as well as 1 862 explosives. A total number of 175 vehicles, valued at R50 755 800.00, were seized and forfeited to the State. However, it should be kept in mind that the DPCI spent R1.8 billion, or 86.2%, of its available budget of R2.1 billion. The under expenditure of R297.2 million was solely recorded under Compensation of employees.

6.2.5 Programme 4: Crime Intelligence

The Crime Intelligence Programme achieved 10 from 12 performance targets which attained an achievement rate of 83.33%.

The Crime Intelligence Programme achieved 10 of its 12 performance targets of the 2020/21 financial year. recorded large deviations between planned targets and actual performance on targets. It did not achieve 2 of its 12 performance targets.

Table 7: Targets not achieved during the 2020/21 financial year

Percentage of cross-border operations and arrests of identified transnational crime suspects facilitated, in relation to requests received from INTERPOL member countries. • Target: 100% • Achieved: 80% (4 from 5 requests facilitated)	Percentage of arrests of identified transnational crime suspects facilitated, in relation to requests received from INTERPOL member countries. • Target: 100% • Achieved: 62.5% (25 from a total of 40 arrests)
--	---

6.2.6 Programme 5: Protection and Security Services

The Protection and Security Services Programme achieved 7 from 7 performance targets attaining an achievement rate of 100%

The Protection and Security Services Programme achieved 100% of its performance targets for 2020/21. Thus, the Programme performed well in the protection provided to VIPs without security breaches, protection provided at identified government installations and identified VIP residences without security breaches, auditing of strategic installations and evaluation of National Key Points (NKPs).

6.3 Crime statistics 2020/21

The SAPS started to release quarterly crime statistics in 2020/21, based on a Cabinet decision that was taken in 2016. Although the release of quarterly statistics is a positive step, the SAPS has not

released the annual crime statistics for 2020/21, which challenges accurate yearly crime analyses. Although the figures below are contained in the Annual Report in-text, there is not a data set available.

In 2020/21, contact crimes declined by 13,9%, from 622 206 to 535 869 compared to the previous financial year. This reduction was largely due to the COVID-19 lockdown regulations, which limited opportunities for crime-related interaction and increased police visibility in high-crime areas. Serious crimes (17 community reported crimes) declined by 16,4%, from 1 635 896 in 2019/20 to 1 367 516 in 2020/21. Contact-related crimes declined by 8,8% from 112 765 in 2019/20 to 102 854 in 2020/21. Property-related crimes declined by 21,1% from 472 158 to 372 424 and other serious crimes declined by 16,9% from 428 767 to 356 369 compared to 2019/2020. Crimes committed against women decreased by 9,4% from 171 070 in 2019/2020 to 155 062 in 2020/2021. According to the SAPS, all crimes under the contact crime category against women, except for attempted murder contributed to the 9,4% decrease, with sexual offences indicating the biggest decrease of 23,6%, followed by assault Grievous Bodily Harm (GBH) (-8,2%), common assault (-5,4%) and murder (-1,5%). In respect of contact crimes against children, the SAPS recorded a decrease of 5,8% from 42 348 in 2019/2020 to 39 878 in 2020/2021.

6.4 HUMAN RESOURCE MANAGEMENT

6.4.1 Establishment and personnel changes

At the end of the 2020/21 financial year, the SAPS had 181 344 filled posts against an initially approved Human Resource Budget Plan (HRBP) annual target of 191 763 posts. However, National Treasury communicated substantial in-year reductions to the Department and an amount of R4,907 billion was removed from the budget for compensation of employees. This resulted in the Department having to reconsider all human resource priorities in process, at the time, including the revision of the establishment target, during compilation of the 2021 Estimates of National Expenditure, to 181 344. At the end of the 2020/21 financial year, 6 129 personnel left the employment of the Department, of which the majority was due to retirement (2 538), followed by resignations (1 540) and death (1 435).

Retirements increased from 1 256 in 2019/20 to 2 538 in 2020/21 due to the early retirement without penalisation of pension benefits initiative. Deaths increased significantly from 897 in 2019/20 to 1 435 in 2020/21 due to the COVID-19 pandemic. 6.2.

6.4.2 Police/Population Ratio

In 2020/21, the Department had a fixed establishment of 182 126 employees, of which 144 253 were SAPS Act employees and 37 873 were Public Service Act employees. Compared to the previous financial year's establishment of 187 358, the Department's current fixed establishment decreased (5 232 less). Over the last six years (2014/15 to 2020/21), the police/population ratio⁴ increased year-on-year. The generally accepted benchmark is one police officer to 450 people, as such, the SAPS is within the benchmark. However, the police/population ratio is highly dependent on the crime level of an individual country and one size (or ratio) does not fit all.

In 2014/15, the police/population ratio was one police member to 358 citizens (1:358) compared to a police/population ratio of one police member to 413 citizens (1:413) in 2020/21.

The table below illustrates the changes in police/pollution ratio between 2014/15 and 2020/21.

Table 8: Changes in the police/population ration over five years

Financial year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
SAPS Act Employees	150 950	151 834	151 651	150 791	150 855	147 035	144 253
Police/Population ratio	1:358	1:362	1:369	1:375	1:383	1:400	1:413

Source: SAPS Annual Reports 2014/15 – 2020/21

6.4.3 Section 35 Terminations

Similar to the previous year, the SAPS awarded two Section 35 terminations to two Lieutenant Generals. The amount paid by SAPS to the employees amounted to R6, 672,649.81 (R6.6 million).

The payment included leave-gratuity, pro-rata service bonuses, severance packages and notice periods.

6.4.4 Regulation 47 Appointments/promotions

Under section 47(n) of the 2018 SAPS Employment Regulations, the National Commissioner may upon written motivation and in consultation with the Minister, promote an employee into a post without advertising the post. In 2020/21, three such promotions were made. This section of the Employment Regulations (section 45 of the 2008 Employment Regulations) has been an area of serious contention in the past, especially between 2015/16 and 2017/18. During a previous Portfolio Committee meeting that focused on SAPS promotions, POPCRU stated that regulation 47 proportions are grossly misused and that the careers of many police members had been stifled by this misuse. The table below illustrates the point.

Table 9: Regulation 47 Appointments / Promotions from 2013/14 to 2020/21

Financial year	Number of Regulation 47 Appointments / Promotions
2020/21	3
2019/20	6
2018/19	2
2017/18	47
2016/17	83
2015/16	41
2014/15	10
2013/14	1

Source: SAPS Annual Reports

6.4.5 Training and development

Spending on the capacitation of SAPS members has shown a worrying trend of decline over the past four financial years from 2017/18 to 2020/21. The figures below illustrate that in 2017/18, the SAPS spent 100% of its budget on training and development (R77.2 million). However, this declined significantly in 2018/19, when the SAPS spent only 42% of its training and development budget (R25.04 million from R61.04 million) and in 2019/20, had spent only 62.9% of this budget (R18.8 million from R29.9 million). In 2020/21, the SAPS spent only 8.9% of the available budget (R2.4 million from R27.7 million). Although the decrease in 2020/21 is attributed to the COVID-19 lockdown restrictions, the trend has been ongoing over the past four financial years. According to the SAPS Annual Report, the National Commissioner suspended all planned training and development interventions, including the training of new recruits at the various Basic Police Development Academies, yet various training initiatives did take place during the 2020/21 financial year.

Despite the decreases in expenditure, the number of learners trained did not follow the same declining trend. In 2019/20, 92 481 learners were trained, in 2018/19 the figure was 71 815 and in 2017/18, it was 77 843. The performance target on training was changed in the 2020/21 Annual Performance Plan to only measure achievements on training in specific training in prioritised areas (crime prevention, crimes against women and children, crime investigation) and specialised capabilities (public order policing, forensic sciences, crime intelligence and cybercrime). Despite the deferment of training during 2020/21, 9 753 members were trained in these specific and specialised areas. Despite the significantly low expenditure on training and development in 2020/21, coupled with the COVID-19 restrictions, the SAPS reported that all afore mentioned targets on training (percentage of learners declared competent) were achieved.

7. COMMITTEE OBSERVATIONS

Audit Outcome

The Committee noted the briefing from the Auditor-General and welcomed the report and recommendations for the SAPS to improve its findings from an unqualified with findings audit opinion. The Committee was pleased with the fact that the Department was able to turn around its qualified audit opinion in the last financial year.

The AGSA also informed the Committee that the COVID-19 pandemic placed a strain on the SAPS and affected their performance.

However, the Committee noted that poor performance of the Detective Services, especially the Forensic Sciences Laboratories were cause for concern and agreed with the AGSA that there was lots of room for improvement.

The Committee noted that the Department incurred an amount of R1.7 million of Irregular Expenditure which related to non-compliance. Members also raised concerns about the investigations into the R3,5 billion rand of Irregular Expenditure which was still under investigation and wanted to know how the Department was going to deal with it.

In addition, members pointed out that the Department has not provided evidence and wanted to know about issues of contract management and non-compliance with legislation. Investigations in these areas have been undertaken for years with little movement. There was also the additional matter of discipline and consequence management and a reluctance on the side of the police to discipline its own members.

Of great concern to Members was the fact that irregular expenditure was skyrocketing and the Department was asked about the fact that there was compliance with the Public Finance Management Act (PFMA).

Members questioned whether the contractors used by the Department was properly registered and whether the Department was able to hire people in the correct manner and whether people were appointed properly.

SAPS Responses on Audit Opinion of the AGSA

The National Commissioner of the SAPS thanked the AGSA for compelling the Department to work towards the audit improvement. The SAPS aligned the audit system with the performance system and this will be reviewed. One of the most prominent areas outlined was unauthorised, fruitless and wasteful expenditure and that included corruption. The National Commissioner stated that the SAPS introduced an enterprise risk management strategy, a contract management strategy together with a discipline management strategy and work will continue towards a clean audit together with the AGSA. The SAPS was working with National Treasury, IPID and the Investigative Directorate (ID) in the National Prosecutions Authority to conduct investigations into maladministration and corruption.

The Deputy Minister of Police indicated that they were diligently working towards receiving and unqualified audit report with no findings. He thanked the role of the Internal Audit Committee as it was a product of a collective effort. While the SAPS was not out of the woods yet, they are diligently working towards a clean audit. The Audit Committee Charter was approved by the Minister and would be reviewed from time to time.

The Minister of Police thanked the team of AGSA for its work and indicated that it is hard work for the SAPS management team, but they were up to the task. They have put the necessary internal structures in place to enhance performance. He also thanked the Portfolio Committee for its role in holding the Department to account.

The Chairperson of the Committee indicated that the Committee was happy with the audit outcome given the fact that the Department received three consecutive qualified audit outcomes. The Committee would insist on the timeous implementation of the AGSA recommendations and if there were any failures, the Department would be held to account. The Committee would encourage the Department to move towards a clean audit.

DPCI

The Committee requested that there is a separate presentation from the DPCI together with its budget. At present it remains as a sub-programme under the Programme 3 (Detectives). The DPCI manages sensitive investigations and the Committee has on previous occasions noted the need for the DPCI to be a separate programme. This should be raised with National Treasury to facilitate the creation of a separate programme. The Committee noted that the DPCI should present separately in the Annual Report hearings in future.

Underspending of the SAPS Budget

The Committee noted that all programmes underspent their allocations of the budget resulting in an overall underspending of 4.1%. It resulted in funds amounting to R4.07 billion being surrendered to the Revenue Fund. Most concerning was the fact that the SAPS core service delivery Programme 2 (Visible Policing) underspent by R2.6 billion and the Programme 3 (Detectives) materially underspent by R996 million. Members raised serious concerns about the ability of the SAPS to protect people if it was unable to fully spend its budget of R99.5 billion. The Committee asked for an explanation of how the COVID-19 pandemic affected the spending patterns of the budget.

The Committee questioned why the SAPS did not use the adjustment period more effectively to avoid underspending. In addition, it was noted that National Treasury approved the roll-over of unspent amounts and the Committee raised its concerns about this.

SAPS Leadership

Members questioned the role and status of the National Commissioner in relation to media reports that he has been issued with a letter from the President purportedly asking for reasons why he should not be suspended. Members wanted to know what was going to happen given the fact that two senior Deputy Commissioners are also involved. The National Commissioner should act against his deputies and it appears that all the legal avenues have been exhausted. It provided the SAPS with a problem and members wanted to know how it would be addressed.

Forensic Sciences Laboratories (FSL)

The Committee was seriously concerned about the fact that the Forensic Sciences Laboratories underspent its budget by 30%. Given the dire need for DNA samples to be processed timeously for court cases, the Committee expressed its disappointment with the development as this matter has been on the Committee's radar for more than one year. It has continuously addressed the SAPS management in the matter. The FSL have not had a positive impact on the state of crime and has created problems for victims and survivors of crime by being unable to process DNA samples. Members asked for a breakdown of the areas of underspending in the FSL.

Non-compliance with Court Orders

The Committee noted that the issue of the SAPS not complying with court orders with respect to civil claims against the SAPS, is a serious matter. Members wanted an explanation as it raised the matter previously with the SAPS. In 2020/21, R367.2 million was paid out in claims and R4.129 million was written off for interest paid on late payments by the Department.

Members questioned the fact that there are over 10 689 new Civil Claims against the SAPS with contingent liabilities amounting to R8.24 billion for 2020/21 (and R7.44 billion for 2019/20). This was concerning to the Committee and SAPS was asked to explain the high figures as this matter was also previously addressed by the Committee with the SAPS management.

Members questioned the Department on their failure to re-instate members who had won their court cases. A list of members who had won their cases and who had not been re-appointed into their posts were provided to the SAPS management to investigate and report.

Arrest of Advocate Malesela Teffo

One of the Members noted that Advocate Malesela Teffo was arrested, not charged and denied proper and humane treatment. He did not appear in court and was taken to prison after the Free State Provincial Commissioner issued instructions for him to be arrested. The Member questioned whether the SAPS was going back to the apartheid era in its policing approaches and it appears that the Advocate was representing police officers and on the face of it, it appeared that his arrest was political. The SAPS was asked to provide an explanation to the Committee.

Irregular Expenditure

All members of the Committee raised concerns about the level of irregular expenditure as reported by the Auditor General. The AGSA reported that the SAPS irregular expenditure still under investigation totalled R3.475 billion. This is in addition to R1.58 billion opening balance of irregular expenditure in 2020/21. The Committee noted that the amount of irregular expenditure was R532 000 of which R28 000 was condoned.

Members raised their concerns about the fact that investigations are still taking place and questioned the Department about the fact that it required a plan to deal with irregular expenditure. The Committee requested that the SAPS provides a report with full details of where the Irregular Expenditure occurred

Supply Chain Management

The Committee pointed out that there have been serious challenges with the Supply Chain Management (SCM) Division, especially with respect to procuring goods and services for the Forensic Sciences Laboratories. The Committee agreed that the SCM Division should be strengthened and emphasised the need for the Division to be well-managed with capable appointed staff. It was pointed

out that Khayelitsha Police Station for example did not have sufficient police vehicles. The Committee asked the Department to provide a plan for the strengthening of the SCM Division.

Community Police Forums(CPFs)

Members observed that the CPFs, particularly in the Western Cape, were not being supported in the way they should and it appears that the relationships between the police, the Department of Community Safety and CPFs was deteriorating at a rapid rate. It was pointed out that there are parallel structures to CPFs that were being created. The Department was asked to address this matter.

Visible Policing Programme

The Committee noted that the underspending of the core programme of Visible Policing was of serious concern and asked the Department to provide details of what interventions they planned to minimise the fact that service delivery will be affected by the underspending. Members questioned whether the Department has a service delivery improvement plan and whether there was a plan for recruitment of personnel. In addition, the Committee wanted details of the restructuring process to be provided by the SAPS management.

Performance Management System

The Committee requested a full review of the performance management system in view of the under-performance of stations and provinces. The performance of stations and provinces must be verified and reviewed with a view of applying consequence management to those who do not perform. There are insufficient consequences for station managers who do not perform in the communities and the Committee pointed out that a review of the performance management system is overdue.

SAPS Discipline Management

The Committee noted a report in a newspaper about the SAPS disciplinary system and the sanctions imposed on Members. It appeared that the SAPS was unwilling to discipline its own members in the face of IPID reports. The Chairperson pointed out that SAPS commanders ignored requests for members to be disciplined and when they did discipline members, the sanctions were inconsistent. The fact that there were disparities in the discipline management regime of the SAPS undermined the Department and this should be addressed.

Further SAPS Responses

The National Commissioner expressed his appreciation to the Committee for its recommendations. There were steps the SAPS were retaking with respect to underspending. He pointed out that even if the Department wanted to spend funds that were underspent, they would not be allowed to do so because it was earmarked funds. The steps they were taking was that the Visible Policing Programme remained within its operational budget. Given that 75% of the SAPS members were located in the Visible Policing Programme, there were too many members affected by the underspending of the budget.

The National Commissioner reported that most irregular expenditure was historical and that the SAPS would reduce irregular expenditure including the correction of the Supply Chain Management section. They have responded adequately to the AGSA and the Department has a Service Delivery Improvement Programme. The restructuring process was a management tool that emanated from the turnaround vision and was required for a multi-functional environment.

On the matter of the arrest of Advocate Teffo, the Commissioner responded by stating that the arrest was not ordered by the Free State Provincial Commissioner, but by a Gauteng Court. He was arrested after visiting the Free State.

As far as the fired SAPS members who won their court cases were concerned, the SAPS will consider the list of names provided by a Committee Member and where there were facts, they would take it on review. Most people did not have all facts in the cases, but a report will be provided for the Committee to consider.

The SAPS reported that the DPCI budget is earmarked and ring-fenced and further engagements have taken place with National Treasury who have continued to insist that it remains a sub-programme of Programme 3 (Detectives).

While the Department applied for a roll-over of R2.712 billion, they only received approval for R1 billion and they had to reprioritise within the baseline for the COVID-19 pandemic and budget. The CFO reported that the underspending amount of 79% related to earmarked funds and it had to be surrendered to the National Revenue Fund. As far as Irregular Expenditure was concerned, the

department was working around the clock together with the SCM section to clear transactions which should still be assessed. They have embarked on a provincial road-show which will also affect the stations. Where there are clear indications of negligence, they apply discipline and consequence management. Further engagements with the National Commissioner is anticipated.

The SAPS reported that against the backdrop of the irregular expenditure, the AGSA expected the management to go back to the population of the department and deal with the historical Irregular Expenditure. The Department has secured a service provider to deal with it and have put measures and guidelines in place to educate members at station level. Only R1.7 billion was confirmed after the process and there is a need to finalise the rest. It was noted that the source of Irregular Expenditure was as a result of the irregular contracts being concluded and some of those contracts have still not stopped. The department stated that it could not approach the court until they have finalised the investigations.

As far as recruitment of staff was concerned, the SAPS noted that it did not recruit for the past three years and during the last three years, there were budgetary cuts while they tried to address the staffing situation.

Part of addressing the situation has seen the Department recruit 2500 reservists who completed training in September 2021. Another 1000 reservists are in the process of being recruited and will be attending training college in August 2022.

Members who have won their cases through the legal system after disciplinary processes have concluded. The Department pointed out that each case is different and may have different outcomes. The Forensic Sciences Laboratories has already developed a plan for getting the FSL in order and this includes re-enlisting interns who have been reappointed. They have allocated 20 posts that have advertised and is due for appointment in December 2021. The FSL was now beginning to run smoothly as a shift system was established, overtime was being paid from September and the backlog has been reduced from 84 764 to 24 441. The recovery plan is managed on a daily basis and if there is a shortage, they step up the purchase of consumables. Things are starting to change and the department has appointed designated officers to monitor the processing of buccal samples. Gender based violence cases have prioritised as part of the recovery plan.

The SAPS reported that the backlogs in the Central Firearms Registry which has also been impacted by COVID-19, is subject to an action plan which is aimed at completing the backlog. The CFR is in the process of moving from the Veritas Building to the Telkom Building.

As far as gender based violence (GBV) in Khayelitsha is concerned, the Department indicated that it prioritised 30 stations in the Western Cape and eventually all stations are earmarked. The Department has provided mobile stations and identified 30 members that will staff the mobile station in Macassar to elevate the workload of Khayelitsha.

The DPCI reported that a separate budget for the DPCI has been ring-fenced and a report was submitted in September 2016 which makes clear that there is an obligation to develop a separate Programme for the DPCI. There was an urgency to ensure that they comply.

The SAPS responded to matter of civil claims raised by the Committee and noted the figure for 2020/21 registered civil claims is R16.7 billion which represents 10 400 claims, of which 2899 has been processed and paid R365 million. If it is compared with the previous financial year, the situation remains unchanged. The SAPS reported that they are awaiting the outcome of arbitrations. A conduct committee has been established to review the outcome of disciplinary cases.

The Deputy Minister of Police reminded everyone that a fourth wave was expected and that everyone should vaccinate. The Ministry was equally concerned about the under-expenditure raised by the Committee and stood by the explanation provided by the Department, and cared about service delivery.

The SAPS was all hands on deck to deal with the goals in the Forensics environment and the matters of under-expenditure were raised with the National Commissioner. The Deputy Minister stated that it was business as usual and the SAPS were a team. He appealed to the Members to allow the President the space and time to deal with the process he has initiated with respect to the National Commissioner. The Deputy Minister indicated that that if the SAPS continue as in the past, they will succeed with content and quality and improve. The Critical Infrastructure Council was in the process of being appointed. He thanked the Committee and the AGSA for its role in holding the SAPS and the Executive to account.

8. SUMMARY OF REPORTING REQUESTS

Summary of the Department's reporting requirements

The following table provides a summary of the additional information requested from the Department during the hearings and other reporting requirements.

Table 10: Reporting Request

Reporting matter	Action required	Timeframe
Programme 1: Administration and Financial Statements		
Implementation plan for of AGSA recommendations	Written report	15 January 2022
Full report on restructuring of SAPS Management	Written report	15 December 2021
Report on all cases won and presented by Adv Teffo	Written Report	15 December 2021
Recovery Plan for Irregular Expenditure	Written Report	15 December 2021
Programme 2: Visible Policing		
Recovery plan for Programme underspending	Written report	15 December 2021
Programme 3: Detective Services		
DPCI plan for development of separate programme	Written Report and presentation	30 March 2022

9. COMMITTEE RECOMMENDATIONS

The Portfolio Committee made the following recommendations:

1. The Committee applauds and congratulates the SAPS Management for moving the audit outcome opinion from one of a qualified audit in 2019/20 to one of an unqualified audit opinion with findings in 2020/21.
2. The Committee recommends that the SAPS give urgent attention to implementing the Auditor General's recommendations and present its implementation plan to the Committee.
3. The Committee recommends that the SAPS addresses the root causes of its irregular expenditure and develop a recovery and implementation plan to reduce it together with the AGSA recommendations.
4. The Committee recommends that the SAPS puts plans in place to fix the problems in the supply chain management environment and provide the Committee with a written implementation plan.
5. The Committee recommends that the SAPS Management urgently address the root causes of the underspending in all programmes, but specifically in the Visible Policing Programme (R2.6 billion) and Detectives Programme (R996 million) and provide a report on the issues.
6. The Committee recommends that the SAPS meets with National Treasury to reopen negotiations on developing the DPCI as a separate programme within the SAPS and provide a report.
7. The Committee notes the media reports of reported suspensions, counter court threats and the matters surrounding the tenure of the National Commissioner and recommends that it will await the outcome of the process initiated by the President.

8. The Committee recommends that the SAPS management continues with the turnaround of the FSL with continual monitoring of the processes of clearing the DNA backlogs, processing of buccal samples, and purchasing of consumables to ensure the FSL is sufficiently resourced to provide optimum services to the public.
9. The Committee recommends that the SAPS immediately complies with court orders in the civil claims and firearms environments.
10. The Committee recommends that the SAPS immediately investigates the re-instatement of members who have won their court cases and provide a report to the Committee.
11. The Committee recommends that the National Commissioner investigates the allegations of Advocate Malesela Teffo and provide it with a report on the circumstances leading to his arrest to assure the Committee that it was not malicious and ill-intended.
12. The Committee recommends that the National Commissioner and the Secretary of Police meet to finalise the position of the Community Police Forums and the funding model prior to the SAPS Amendment Act being processed by Cabinet.
13. The Committee recommends that the performance management system be reviewed for station commanders and all senior managers with a view of consequence management for failure to implement their target indicators.
14. The Committee recommends that the SAPS reviews its implementation of the re-investigation of all IPID recommendations and discipline members and managers who should be disciplined, fails to implement IPID sanctions and routinely ignore recommendations for disciplining its members.

10. Conclusion

The Committee thanks the Ministry of Police, the National Commissioner, the Auditor General and the Management of SAPS for their efforts in creating the conditions for progress in the SAPS audit opinion. The Committee is under no illusion that there is still a long way to go to the ideal finding of a clean audit, but we are hopeful that this will be achieved in the foreseeable future. The Committee thanks all its members and all its staff for its work to ensure the SAPS and the Executive are held to account.

The Democratic Alliance and the Economic Freedom Fighters reserve their rights with respect to supporting the report.

Report to be considered.