

Budget Review and Recommendation Report of the Portfolio Committee on Police on the Civilian Secretariat for Police Services (CSPS) Annual Report and performance for the 2020/2021 financial year dated 1 December 2021.

1. Introduction

The Portfolio Committee on Police, having considered the Annual Report and financial information of the Civilian Secretariat for Police Service, reports as follows:

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009) requires that the Budget Review and Recommendation Report (BRRR) for the Civilian Secretariat for Police (the Department), be tabled in October every year.

The Civilian Secretariat for Police Service as the technical adviser to the Minister of Police is ideally placed to provide the required services to assure that the South African Police Service (SAPS) implements the provisions of the National Development Plan 2030.

This report is both backward and forward looking with respect to the activities of the Civilian Secretariat for the 2020/21 financial year in terms of its attainment of both financial and performance indicators. The Committee met on 17 November 2021 to consider the Annual Report of the Civilian Secretariat for Police Services.

1.1 Purpose of the Budget Review and Recommendation Report

In terms of Section 5 of the Money Bills Amendment Procedures and Related Matters Act, No. 9 of 2009, the National Assembly, through its Committees, must annually compile Budgetary Review and Recommendations reports (BRRR) that assess service delivery and financial performance of departments and may make recommendations on forward use of resources. The BRRR is also a source document for the Committees on Appropriations when considering and making recommendations on the Medium Term Budget Policy.

The Money Bills Amendment Procedures and Related Matters Act, section 5 (3) highlights focus areas on the budgetary review and recommendation report as:

- Providing an assessment of the department's service delivery performance given available resources;
- Providing an assessment of the effectiveness and efficiency of the departments use and forward allocation of available resources; and
- Including recommendations on the forward use of resources.

1.2 Mandate of the Committee

The mandate of the Committee therefore is to fulfil its constitutional function to:

- 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.

1.3 Structure of the Report

This report is structured as follows:

Section 1: Mandate of the Committee. This sections 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), Medium Term Strategic Framework (MTSF), Annual Performance Plan (APP) and Strategic Plan (2020-2024) priorities stated by the President during his State of the Nation Address (SONA), the Medium Term Strategic Framework and key departmental policy areas and key priorities for the 2020/21 financial year.

Section 3: Report of the Auditor-General of SA (AGSA). This section provides an explanation for the non-inclusion of the AGSA Report.

Section 4: Performance overview. This section provides an overview of Departmental performance on predetermined key performance indicators and targets.

Section 5: Committee observations: This section provides a summary of the observations made by the Committee during the 2020/21 Quarterly Report hearings.

Section 6: Committee recommendations

The Committee held hearings with the Department on 10 November 2021 to consider its Quarterly Reports for the Fourth Quarter 2019/20 and First Quarter 2020/2021. It also used documents from its 2020/2021 Budget Report, National Development Plan (NDP), Medium Term Strategic Framework (MTSF), SONA priorities, Ministerial priorities, Departmental priorities, and Committee research documents to develop this report.

2. OVERVIEW OF KEY FOCUS AREAS

2.1 The National Development Plan (NDP)

The National Development Plan sets out the policy for policing and the country's development agenda until 2030. Amongst the key themes for policing, the NDP is clear on the type of policing changes that are needed for policing to be effective and professional.

The NDP lists five priorities for policing in its Vision 2030 scenario:

- 1) Strengthen the Criminal Justice System
- 2) Make the Police Service Professional
- 3) Demilitarise the Police
- 4) Build Safety Using an Integrated Approach
- 5) Increase Community Participation in Safety

Strengthening the criminal justice system is an imperative requirement for the public to have confidence in the police and ensure greater safety and it speaks to the Medium Term Strategic Framework (MTSF) Outcome 3: "All people are and feel safe." Given that 2020 was the start of the MTSF for 2020-2024, the performance and delivery of the target outcomes have been adjusted. The CJS must provide swift, equitable and fair justice in criminal matters and effectively deter crime on a sustainable basis is also closely linked to the NDP and forms one of the five focus areas of the NDP.

2.2 Medium Term Strategic Framework (2019-2024)

The MTSF (2019-2024) is the implementation and monitoring framework for the NDP and is premised on three foundational pillars: a strong and inclusive economy, capable South Africans and a capable developmental state.

The MTSF proposes that the focus should be on implementation through getting all three spheres of government to work collaboratively. A district development model will be implemented to coordinate implementation at local level. The new model bridges the gap between the three spheres of government to ensure better coordination, coherence and integration of government planning and interventions.

There are seven priorities laid out in the MTSF as follows:

- Priority 1: Capable, Ethical and Developmental State
- Priority 2: Economic Transformation and Job Creation
- Priority 3: Education, Skills and Health
- Priority 4: Consolidating the Social Wage through Reliable and Quality Basic Services
- Priority 5: Spatial Integration, Human Settlements and Local Government
- Priority 6: Social Cohesion and Safer Communities
- Priority 7: A Better Africa and World

The seven priorities are further linked to 81 outcomes, 337 interventions and 561 indicators.

The Civilian Secretariat plays a significant role in attaining Priority 6 outcomes with respect to Social Cohesion and the building of partnerships to fight crime. The delivery mechanism to attain social cohesion and fighting crime is through the reduction of levels of contact crime through a reduction of crimes against women and children, implementing the draft integrated crime and violence prevention strategy after consultation. It implies strengthened community partnerships, increased police visibility

and increased trust in the police. The Secretariat has a direct role in building such partnerships through community police forums and community safety forums in the community to increase trust in the police.

2.3 State of the Nation priorities

The President, in his State of the Nation Address (SONA) has developed seven priorities for the new administration during the MTSF period:

1. Economic transformation and job creation;
2. Education, skills and health;
3. Consolidating the social wage through reliable and quality basic services;
4. Spatial integration, human settlements and local government;
5. Social cohesion and safe communities;
6. A capable, ethical and developmental state; and
7. A better Africa and World.

During the **SONA speech, the President outlined the following priorities** with respect to policing: 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.

2.4 Ministerial Priorities

The Minister of Police, Hon Bheki Cele highlighted the following policing priorities for 2020/21 in his Annual Performance Plan (2020/21):

- Institutionalise integration, coordination and collaboration as the most effective approach to building safer communities;
- Implementation of, amongst other policy instruments, the Integrated Crime and Violence Prevention Strategy and the Integrated Model of Policing Policy Framework
- Focusing on strengthening community partnerships to improve participation in the fight against crime;
- To improve community police relations and restore trust in the police;
- To advance the agenda of a transformed and accountable police service;
- To tackle crime and corruption as barriers to economic growth,
- To deal with pertinent issues such as acts of economic sabotage and violent protest action,
- To strengthen by-law enforcement so that municipalities can effectively focus on those functional areas within their purview that promote safety and security;
- The finalisation of priority legislation that will contribute to economic recovery efforts;
- Addressing the issue of gender-based violence (GBV) and the CSPS will leverage on its strategic partnerships with CBOs, NGOs, FBOs and the business sector to mobilise communities in the fight against the scourge of GBV; and
- The implementation of the CSPS' Partnership Strategy and Framework.

2.5 Civilian Secretariat Priorities

The priorities for the Civilian Secretariat for the 2020/21 is listed as follows:

- The need for a localised approach to addressing crime concerns;
- Targeted implementation of the Provincial and Local Crime Prevention Frameworks and District Action Plans, in line with the District Development Model (DDM);
- The implementation of the 2016 White Paper on Safety and Security;
- Improving detective service and forensics, as well as facilitating the modernisation of the SAPS through an e-Policing Policy;
- Focus on the finalisation and implementation of an Integrated Crime and Violence Prevention Strategy (ICVPS); and
- Ensuring the implementation of a Partnership Strategy and Framework which seeks to mobilise key role-players and harness the social capital in communities by facilitating greater involvement of various community safety structures in the fight against crime.

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

The Department received an unqualified audit opinion with no material findings on performance, but had a matter of emphasis on the material underspending recorded of R5.625 million at year-end. The Department has recorded continuous underspending since its coming into operation in 2012. The AG made no material findings on the reliability and usefulness of reported performance, compliance with legislation or internal control deficiencies.

3.1 FINANCIAL OVERVIEW 2020/21

At the end of the 2020/21 financial year, the CSPS had spent R137.1 million or 95.9% of its Final Appropriation budget of R137.1 million, thus recording underspending of R5.6 million. The underspending was recorded in all four budget programmes of the Department:

- Programme 1: Administration - R1.695 million
- Programme 3: Legislation and Policy Development - R2.116 million
- Programme 4: Civilian Oversight, Monitoring and Evaluations - R1.809 million.

Table 1: Appropriation statement 2020/21

| Programme R'000 | Adjusted Appropriation | Virement | Final appropriation | Actual Expenditure | Variance | % Spent |
|---|------------------------|----------|---------------------|--------------------|--------------|--------------|
| Administration | 60 947 | 2 685 | 63 632 | 61 937 | 1 695 | 97.3% |
| Intersectoral Coordination and Strategic Partnerships | 23 290 | (649) | 22 641 | 22 637 | 4 | 100.0% |
| Legislation and Policy Development | 22 202 | (1 447) | 20 755 | 18 639 | 2 116 | 89.8% |
| Civilian Oversight, Monitoring and Evaluations | 30 729 | (589) | 30 140 | 28 331 | 1 809 | 90.7% |
| TOTAL | 137 168 | - | 137 168 | 131 544 | 5 624 | 95.9% |

Source: CSPS 2020/21 Annual Report

At economic classification level, the Department recorded underspending on current payments, specifically on compensation of employees (R5.4 million), which was mainly on salaries and wages (R4.6 million) due to the non-implementation of cost of living adjustments for staff in line with the 2018 public sector wage agreement, and vacant funded posts which were vacant for the most part of the financial year and only filled in the last quarter of the financial year. The underspending on transfers and subsidies was mainly on transfers to departmental agencies and accounts (R81 000) due to the delayed finalisation of the Memorandum of Understanding (MOU) with the Safety and Security Sector Education and Training Authority (SASSETA). The MOU was only finalised in August 2020, and as such the Department was billed for 7 months instead of 12 months as planned.

3.1 Expenditure per Programme

3.1.1 Programme 1: Administration:

The programme had an Adjusted budget of R60.9 million, which increased to a Final appropriation of R63.6 million during the Fourth Quarter of which the programme had spent R61.9 million or 97.3 per cent. Thus underspending of R1.6 million was recorded.

3.1.2 Programme 2: Intersectoral Coordination and Strategic Partnerships:

The programme had an Adjusted appropriation of R23.3 million, which was reduced during the fourth quarter to a Final appropriation of R22.6 million, of which the programme had spent 100 per cent (a slight underspending of R4 000 was recorded, which is too little to affect the percentage expenditure of the Programme).

3.1.3 Programme 3: Legislation and Policy Development:

The programme had an Adjusted appropriation of R22.2 million, which was decreased to a Final appropriation of R20.7 million during the fourth quarter of the 2020/21, of which the programme had spent 89.8 per cent of its allocation, thus underspending by R2.1 million at year-end. The underspending was mainly within the Policy Development sub-programme spending 88.9 per cent of its Final appropriation leaving R1.5 million unspent at year-end.

3.1.4 Programme 4: Civilian Oversight, Monitoring and Evaluations: The programme had an Adjusted appropriation of R30.7 million which was reduced slightly during the fourth quarter of the 2020/21 financial year to a Final appropriation of R30.1 million, of which the programme had spent 90.7 per cent, thus leaving R1.8 million unspent at year-end. Compensation of employees: The underspending was largely from underspending on compensation of employees (COE). The table below shows that COE had contributed significantly to underspending in the Department.

Table 2: Underspending by the CSPS (Total and COE)

| Financial year | Underspending on total final appropriation | | Underspending on final appropriation on COE | |
|----------------|---|---|---|-------------------------|
| | Expenditure as a % of total final appropriation | Variance on total final appropriation (R'000) | Expenditure as a % of final appropriation for COE | Variance on COE (R'000) |
| 2014/15 | 66.6% | 17 403 | 87.8% | 8 451 |
| 2015/16 | 89.8% | 1 292 | 98.8% | 814 |
| 2016/17 | 89.9% | 11 152 | 83.8% | 12 847 |
| 2017/18 | 94.4% | 6 328 | 93.4% | 5 819 |
| 2018/19 | 94.4% | 7 355 | 93.9% | 5 987 |
| 2019/20 | 96.3% | 5 617 | 97.2% | 2 829 |
| 2020/21 | 95.9% | 5 624 | 94.8% | 5 403 |

Source: CSPS Annual Reports 2014/15 to 2020/21

3.2 COVID-19 Spending

At the end of the 2020/21 financial year, the Department had spent R426 085.70 on COVID-19 related interventions, of which 24.9% was on sanitizing and disinfectant items. This expenditure was incurred in the Administration programme, specifically in the Corporate Services sub-programme. The funds were used to purchase PPE items such as: sanitisers, surgical and cloth masks, disposable gloves and digital thermometers. The highest expenditure on items related to COVID-19 interventions were:

- Overtime payment to staff assisting with transportation of frontline workers: R127 136.84
- 12-month contract with fumigation company for disinfection: R90 892.26
- Transportation provided to frontline workers: R74 001.56
- Procurement of hand sanitizers, surface disinfectant and fibre cloths for employees: R55 768.04 and R50 569.45, thus a total of R106 337.49 was spent on these items, making it the largest procurement item.

The quarterly progression in COVID-19 related expenditure is stated as follows:

- Q1: R0
- Q2: R139 000
- Q3: R0
- Q4: R287 000

- Total: R426 085.70

As such, the bulk of COVID-19 related procurement was made during the last quarter of the 2020/21 financial year.

3.3 Unauthorised expenditure

The Department did not incur any unauthorised expenditure during 2020/21, but has a large amount of historical unauthorised expenditure awaiting authorisation (R5.6 million) due to overspending of appropriated funds in 2015/16. The Department restated the amount in the current financial year. According to the Department, a letter was sent to National Treasury in March 2019 to request that the process be taken forward for authorisation of the amount by Parliament. The process is ongoing.

3.4 Irregular expenditure

The Department has not incurred additional irregular expenditure in 2020/21, but the historic irregular expenditure from previous year amounting to R39.305 million is still awaiting condonation. The bulk of the irregular expenditure originated in 2014/15 up to 2016/17 on two contracts namely Wings/Naledi Travel Management and Routledge Modise for legal fees. A request for condonation was submitted to National Treasury in March 2019 and feedback is awaited.

3.5 Fruitless and wasteful expenditure

The Department incurred R17 000 in fruitless and wasteful expenditure in the 2020/21 financial year. During the period under review, historic fruitless and wasteful expenditure amounting to R193 000 was written off. As such, the Department's closing balance was R32 000 which is a significant reduction from the R209 000 of the previous financial year.

4. PERFORMANCE OVERVIEW 2020/21

The overall performance of the Department remained at 86% achievement on predetermined targets compared to the previous financial year. Half of the budget programmes achieved 100% of their performance targets, with only the Civilian Oversight, Monitoring and Evaluation Programme performance declining compared to the previous financial year (one less target achieved).

Table 3: Achievement rate on targets for 2017/18 to 2020/21

| Year | Administration | Intersectoral Coordination and Strategic Partnerships. | Policy Development and Research | Civilian Oversight, Monitoring and Evaluation. | Total |
|---------|----------------|--|---------------------------------|--|-------|
| 2017/18 | 78% | 86% | 67% | 85% | 81% |
| 2018/19 | 38% | 75% | 100% | 100% | 78% |
| 2019/20 | 50% | 100% | 100% | 100% | 86% |
| 2020/21 | 50% | 100% | 100% | 90% | 86% |

The Department's performance on annual performance targets is summarised below:

4.1 Programme 1: Administration

The Administration Programme achieved 50% of planned targets and had spent 97.3% of its budget allocation. The targets that were not achieved were missed by a small margin. The Programme failed to achieve the following performance targets:

Table 4: Administration Programme Performance Targets not achieved

| | | |
|---|--|--|
| Percentage implementation of the Human Capital Strategy • Target: 100% • Achievement: 99% • Deviation: -1% | Percentage implementation of the Information and Communication Technology (ICT) Strategy • Target: 100% • Achievement: 98% • Deviation: -2% | Percentage expenditure in relation to budget allocation • Target: 98% • Achievement: 96% • Deviation: -2% |
|---|--|--|

According to the Department, in terms of the implementation of the Human Capital Strategy, the Department successfully managed to develop 10 operational strategies and 14 policies, which were all approved. The 1% variance constitutes only 1 activity in the strategy implementation plan, which is the return of 80/90% of the job satisfaction survey questionnaire by employees. The activity was not fully achieved due to the unpredictable nature of surveys, particularly in terms of the slow response rate from employees. The 2% variance on the ICT Strategy constitutes activities which could not be completed because of COVID-19.

4.2 Programme 2: Intersectoral Coordination and Strategic Partnerships.

The Intersectoral Coordination and Strategic Partnerships Programme achieved 100% of its annual performance targets and had spent 100% of its allocated budget. The Programme held one more workshop with provincial secretariats and municipalities on the establishment of Community Safety Forums (CSFs) than planned (10 from a planned 9 workshops). Similarly, the Programme held two additional provincial building workshops on crime prevention policies than planned (11 from a planned 9 workshops). The Programme also held two additional Anti-Crime Campaigns in 2020/21 than planned (5 from a planned 3 campaigns). The additional campaigns were focussed on Gender-Based Violence (GBV) and youth gangsterism.

As part of the revised APP process, the target for the number of Izimbizo/public participation programs held with communities to promote community safety per year was reduced from eight to four in the 2020/21 financial year. Despite this, the Programme managed to hold eight Izimbizo/public participation programmes during the financial year. The programmes focussed on rural safety, GBV and violence as a result of racial tension in hotspot areas (amongst others).

4.3 Programme 3: Policy Development and Research.

The Policy Development and Research Programme's performance remained at 100% compared to the previous financial year. Despite this performance, the Programme had only spent 89.8% of its allocated budget. The Department completed the following policing policies: 1) e- Policing Policy Framework
2) Draft Integrated Crime and Violence Prevention Strategy

The Department completed the following research projects:

- 1) Examining the effectiveness of SAPS Discipline Management on Policing
- 2) Examining the effectiveness of the SAPS Basic Training Programme on service delivery
- 3) Roadmap for facilitating the implementation of the 2016 White Paper on Safety and Security

The Department made significant progress on nine policing-related legislations, including:

- 1) Second Hand Goods Amendment Bill 2020
- 2) The Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill, 2020
- 3) The South African Police Service Amendment Bill 2020
- 4) The Firearms Control Amendment Bill, 2020
- 5) Controlled Animals and Animals Products Bill, 2020
- 6) The Independent Police Investigative Directorate Amendment Bill, 2020
- 7) Regulation of Gatherings Amendment Bill, 2020
- 8) The Amendment to the Firearms Control Act (60/2000) Regulations 2020
- 9) Amendments to the South African Police Service Act, 1995 (The DNA Regulations)

The Department reported the following progress made on legislation as at the end of March 2021
South African Police Service Amendment Bill, 2020:

The SAPS Amendment Bill (SAPSA) was submitted to the Office of the Chief State Law Advisers on 12 March 2021. Following previous correspondence to the National Treasury, it was resolved that a meeting should take place between National Treasury and SAPS Finance Division, in order to discuss and arrive at a solution on the financial implications and challenges posed by the Bill. The meeting took place on 15 March 2021 and guidance was sought from National Treasury on taking the Bill forward within the context of the Intergovernmental Fiscal Relations Act, 1997. The SAPS confirmed

that they had no dedicated budget for the functions in respect of community policing structures and hence cannot transfer any funds to go with the transfer of the functions to the Provincial Secretariats for Police Service.

Criminal Law (Forensic Procedures) Amendment Bill: The Minister has approved the Bill for further processing to the Cabinet Committee of the JCPS Cluster. A request for approval of the Bill for introduction in Parliament shall be sought from Cabinet and a date is awaited to brief the Minister.

Firearms Control Amendment Bill: During March 2021, the drafting team briefed the Minister and the Deputy Minister on the revised version of the Bill and the Minister agreed that the Bill should be processed at the next JCPS Minister's Cluster meeting. The Bill was presented to the JCPS Minister's Cluster on 31 March 2021 for approval to process the Bill to Cabinet for public consultation. The bill was published for public comment on 21 May 2021. The deadline for comments was extended and closed on 02 August 2021.

Independent Police Investigative Directorate Amendment Bill: The Department of Justice and Constitutional Development (DOJ&CD) was requested to consider the proposal of extending the mandate of the IPID to include oversight over traffic police of various Municipalities, Metropolitan Police Services and certain Peace Officers who render the functions contemplated in the Criminal Procedure Act 51 of 1977. The State Law Advisers were requested to advise on the same. On 19 March 2021, a status update on the progress of the Bill was provided to the CSPS/IPID Consultative Forum.

Civilian Secretariat for Police Service Amendment Bill: In March 2021, the Chief Directorate: Legislation circulated the Civilian Secretariat for Police Service Act 2 of 2011 and the Civilian Secretariat for Police Service Act Amendment Bill, with a request to staff to provide suggested amendments to the Act and input on the Bill by the end of March 2021.

Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill, 2020: The Bill was presented to the JCPS Ministers Cluster on 31 March 2021, and was endorsed for further processing and for approval for public consultation.

4.4 Programme 4: Civilian Oversight, Monitoring and Evaluation.

The Civilian Oversight, Monitoring and Evaluation Programme achieved 90% of its annual performance targets, which is a decline from the 100% achievement rate of the previous financial year. However, this represents only one target not achieved. Due to the limited access to courts due to COVID-19, the Programme could not finalise the police oversight report on Court Watching Briefs.

4.5 HUMAN RESOURCE MANAGEMENT

At the end of 2020/21, the Department had 146 filled posts against the approved Human Resource Budget Plan (HRBP) annual target of 156 posts for 2020/21. This translated into a vacancy rate of 6.41%. These vacant posts, coupled with the non-implementation of the 2018 public sector wage agreement, translated into underspending of R5.4 million on compensation of employees. When compared with the same period in 2019/20, the vacancy rate in the Department has decreased by 8.1 percentage points or 13 vacant posts. The vacancy rate recorded in the 2020/21 financial year was the lowest recorded by the Department since the 2018/19 financial year.

In the 2020/21 financial year, the Department had an overall turnover rate of 7.59%, which is a significant decrease compared to 11.15% turnover in the previous financial year. The turnover rate was the highest in the highly skilled production salary band (levels 6-8) with a turnover rate of 9.38%.

5. COMMITTEE OBSERVATIONS

Audit Outcome

The Chairperson congratulated the CSPS for the consistently good performance over three years with respect to attaining clean audits. The Committee encouraged the Department to continue with its good work and other Departments within the police portfolio could learn from it. The Committee requested a copy of the management letter so that the Committee could keep track on the recovery plan. All members congratulated the Civilian Secretariat for its attainment of a clean audit. (At the time of adoption of this report, the Secretariat has already submitted the requested letter).

Underspending

The Committee agreed that the underspending of the Department should be addressed as the budget could be reduced in the future and this will have consequences for the Civilian Secretariat. In addition, one key concern was the fact that it took up to six months to fill key vacancies in the Department.

Impact of Civilian Secretariat

Members questioned how effective the Civilian Secretariat was with respect to its impact for improved levels of trust and accountability in the police service. The levels of trust and accountability in the police has declined substantially over the last few years. It was very clear that the desired impact has not been achieved and it was time to review the outcomes of predetermined objectives to focus on its impact.

Disciplinary recommendations

Members questioned whether the Civilian Secretariat has made any policy recommendations on the implementation of IPID's disciplinary recommendations. The Committee wanted to know when the Secretariat would consider making recommendations or developing policy changes to community relations on discipline regime. Members also questioned whether the Civilian Secretariat conducted any research studies on discipline management in the SAPS and what the outcomes were.

Legislation schedule

The Committee again pointed out that there has been no legislation tabled in Parliament and Members questioned if there were changes to the legislative timeframe. In particular, Members wanted information on when the Criminal Law (Forensic Procedures) Amendment Bill would be brought to Parliament. Status updates were also requested on the IPID Amendment Bill. Members requested a full briefing on the Legislation schedule.

DNA Board

Members pointed out that over 100 000 convicted offenders were released without their DNA samples being added to the Convicted Offenders Database. In view of this, Members wanted to know how many meetings of the DNA Board was held during the 2020/21 financial year. The critical role played by the DNA Board was emphasised and the Committee requested that the Secretariat responds on its role in the Board to make sure that it is functioning optimally. The Committee wanted to know if there were any specific interventions made by the Civilian Secretariat with respect to arresting the decline in the Forensic Sciences Laboratories.

SAPS job satisfaction survey

The Civilian Secretariat was asked whether it had conducted any job satisfaction surveys in the SAPS to determine the level of staff motivation. In addition, Committee Members questioned whether the Civilian Secretariat has researched how the SAPS uses technology to reach the public and enhance their mandate.

Forensic Sciences Laboratories

The Committee pointed out that it has over the years made the FSL its priority given the high level of crime and wanted to know if the Secretariat has completed any research on the DNA database management. Significantly, the Committee noted that the size of the DNA database has decreased from one million to 660 000 profiles. Of the expunged profiles, only 3900 were added, while there have been significant increases in crime. Members wanted to know whether the Secretariat has picked up the decline and whether they have made recommendations to the Minister. It was noted that the Civilian Secretariat completed four reports on DNA and Members requested copies of the reports.

Contract employees

The Committee requested clarity on the appointment, contracts and conditions of employment of contract employees.

Material underspending

The Committee pointed out that there has been an emphasis on material underspending of R5 million (which was a repeat finding) in the AG report and wanted to know what steps was being taken to respond to the AGSA.

Legislation and Policy programme underspending

The Committee noted the underspending in the Legislation and Policy programme and wanted to know what the reasons for the underspending were.

MOU with South African Safety and Security Sector Training Authority (SASSETA)

It was pointed out that there was a delay with the signing of the Memorandum of Understanding (MOU) with SASSETA. Members asked for clarity and reasons for the delay as it affected performance outcomes of the Department.

IPID Amendment Bill

Members pointed out that the amendment with respect to law enforcement officers being brought under the ambit of the Independent Police Investigative Directorate (IPID) Act was removed by the State Law Advisers and Members wanted to understand what the reasons for this was. It was the view of the Committee that the mandate and independence of the IPID must be expanded specifically by giving Parliament more oversight and authority regarding the appointment of the next Executive Director.

Secretary of Police Contract

The Committee questioned when the contract of the Secretary of Police ended and pointed out that the Committee did not expect the Secretariat to have the same delays as with the IPID Executive Director vacancy which took more than one and a half years to finalise. The Committee indicated that the Ministry must act with due regard to timeframes.

Community Police Forums (CPFs)

The Committee pointed that it was the vision of the National Development Plan to create a more professional police service and to foster stronger CPFs and Members wanted to know about the relationship between the Western Cape Department of Community Safety and CPFs, especially in view of the Committee having met with the MEC for Community Safety in the Western Cape recently. It was pointed out that some AGMs did not place and the Secretariat was asked what its views on the matter was.

Vacancies

Members asked for a status report on the number of vacancies in the Department and an organogram of the department to see exactly what skills were needed and at what levels of the Department.

5.1 Secretariat Responses

The Secretary responded that his contract expires on 20 December 2021 and it was his last Annual Report to Committee. The AGSA management letter will be made available to the Committee as requested and the Department will follow the recommendations of the AGSA.

The Secretary agreed that it is correct that they have not reached the desired impact with the SAPS in terms of public trust and accountability. However, it was a five-year project and there are milestones that was being reported on.

The Department reported that there were recommendations on discipline measures as there are inconsistencies in the SAPS disciplinary hearing outcomes. In view of this, the Department has included a section dealing with discipline management in the SAPS Amendment Bill.

In addition, there is a shortcoming in the SAPS Regulations which allows for the SAPS to re-investigate IPID investigations. The Department has made recommendations to the Minister in this respect and it was noted that the Safety Security Sector Bargaining Council (SSSBC) should agree when dealing with discipline. Despite this, the process to amend the Act has started.

The Secretariat will table the Criminal Law (Forensic Procedures) Amendment Bill (DNA Bill) after they have finalised administrative matters. The DNA Bill will be tabled in Parliament after approval by Cabinet. A fuller report will be provided on 24 November 2021 when the Secretariat will be present its legislative schedule.

On the matter of job satisfaction in the police, the Secretary reported that the Department undertook an internal survey amongst its own employees and did not undertake such a survey amongst the police.

The Secretary also reported that the savings on travel and subsistence was between R4-5 million which was used on technology costs. The budget was moved from Good & Services to the Capital portion of the budget. A special allocation was created on their systems to account for COVID-19. During the hard lockdown some staff had to use their own transport to come into the office to clean it.

As there was no available public transport, the Secretariat had to pay for such transport and this was allocated to the COVID-19 account.

As far as under-spending in the Legislation and Policy Programme was concerned, the two sub-programmes had the largest vacancies which translated to the R2 million underspending on Compensation of Employees.

6. COMMITTEE RECOMMENDATIONS

1. The Committee applauds the Department for its audit outcomes and recommends that the Audit Action Plan is made available to the Portfolio Committee.
2. The Committee recommends that an investigation be launched on the irregular expenditure incurred by the Department and consequence management applied.
3. The Committee recommends that the Civilian Secretariat fills all its vacancies before the end of the 2021/22 financial year.
4. The Committee recommends that the Civilian Secretariat source additional funds for a public education campaign aimed at SAPS members to reduce civil claims and compliance by SAPS members.
5. The Committee recommends that the Civilian Secretariat find ways and means to assist the SAPS to reduce civil claims against the police by looking at root causes for civil claims.
6. The Committee recommends that the Department develop action plans to turn around the under-performance with respect to its performance targets.
7. The Committee recommends that the Civilian Secretariat takes the necessary precautions for its staff and offices to prevent the spread of the COVID-19 pandemic.
8. The Committee recommends that the Civilian Secretariat assists the leadership of the SAPS to exercise proper command and control with respect to police conduct.
9. The Committee recommends that the Civilian Secretariat conducts an audit of all FCS units and provide a report on their capacity gaps including human and material resources, and make the report available to the Committee.
10. The Committee recommends that the Civilian Secretariat provides a detailed breakdown of all PPE suppliers, their company directors and monies spent for each PPE item.
11. The Committee recommends that the Department implements all Internal Audit Unit recommendations.
12. The Committee recommends that the Civilian Secretariat ensures that the IPID Amendment Bill ensures the greater independence for the IPID and gives the Committee more oversight and authority with the appointment of the next Executive Director.
13. The Committee recommends that the Civilian Secretariat take the Firearms Control Amendment Bill back for broader consultation and consensus.

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

Report to be considered.