

# NPA ANNUAL PERFORMANCE PLAN 2022/2023

## *Building a fit-for-purpose and future-proof NPA*

Briefing to the Portfolio Committee on Justice and Correctional Service



**National Prosecuting Authority**  
South Africa

10 May 2022

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# INTRODUCTION

- NPA midway with implementing 5-year strategic plan. On track to deliver on key strategic priorities, although nimble prioritisation was required
- APP tweaked to respond to emerging realities. Need to build fit-for-purpose and future-proof NPA
- Getting seminal corruption cases to court is our primary focus – guided by the evidence
- The recent Zondo report again highlighted how much damage state capture has done to SA. The NPA must ensure that justice is done and seen to be done. The future of our country depends on this
- We know we have to do better. But there has also been notable progress in the past year - progress to be proud of, including in other aspects of accountability like recovering stolen money

# SHARPENING OUR FOCUS TO RESPOND TO HIGH-LEVEL CORRUPTION

- NPA has a broad mandate and needs to prosecute many serious crimes that impact on thousands of victims each year. We remain resolute in our efforts to deliver justice to all, especially victims of SGBV.
- But high-level corruption is tearing our country apart and we need to focus on responding to it for the coming months. The time for talking is over. We are driving action through the following priority initiatives:
  - Zondo Commission reports were reviewed and a clear implementation plan crafted in line with the six-months priority strategy. The NPA is working closely with DPCI to prioritise seminal matters
  - NPA Task-Force working closely with DPCI to enhance collaboration on high-level corruption cases
  - Capacitation, expanded powers and permanence of the ID
  - Ongoing engagements to onboard Zondo Commission Digital Forensic Lab and specialised skills
  - Collaboration with international firms to trace and recover stolen monies and development of a system on Non- Prosecution Decisions
  - Conducting a skills assessment on high level corruption

## SHARPENING OUR FOCUS cont

- ▶ As committed to Portfolio Committee, the transition to the new ID leadership was swift and seamless. Adv. Andrea Johnson is a career prosecutor with an impeccable track-record, with the unwavering support from the NDPP and ExCo. The ID is indeed poised for action. In this regard:
  - ▶ ID has declared 82 investigations and enrolled 20 cases with 65 accused
  - ▶ ID has prioritised 9 corruption matters for enrolment within the next 6 months
- ▶ The NPA will continue to find bold and innovative ways of leveraging private sector support while closely protecting NPA independence and compliance with relevant regulations
- ▶ NPA ExCo adopted new monitoring and review processes to ensure implementation and accountability, i.e. organisational performance review, six months priority review and strategic initiatives review
- ▶ Focus on innovation, transformation and ethical standards throughout the organisation

# 5-YEAR STRATEGIC PLAN OUTCOMES AND INITIATIVES

## Outcomes

- ▶ Increased feelings of safety and security
- ▶ Improved investor confidence through high-impact prosecution
- ▶ Improved access to all NPA services

## Strategic Initiatives

- ▶ Building an IPAC Organisation
- ▶ Community Prosecution Initiative
- ▶ Increase footprint of Thuthuzela Care Centres
- ▶ Non-Prosecution Decisions
- ▶ Office for Ethics and Accountability
- ▶ NPA Independence
- ▶ Enhancing NPA Communication
- ▶ Innovation and Policy Support

# SUB-OUTCOME 1: INCREASED FEELINGS OF SAFETY AND SECURITY

Outputs	Output Indicators	Audited/ Actual Performance 2020/21	Estimated Performance 2021/22	Medium-term targets		
				2022/23	2023/24	2024/25
Effective prosecutions conducted	Conviction rate in High court	93.8%	87%	87%	87%	87%
	Conviction rate in Regional court	82.6%	74%	74%	74%	74%
	Conviction rate in District court	95.9%	88%	88%	88%	88%
	Conviction rate in cable theft cases	N/A	80%	80%	80%	80%
	Number of witnesses and related persons threatened, harmed or killed whilst on the witness protection program	0	0	0	0	0

## SUB-OUTCOME 2: IMPROVED INVESTOR CONFIDENCE THROUGH HIGH-IMPACT PROSECUTION

Outputs	Output Indicators	Audited/ Actual Performance 2020/21	Estimated Performance 2021/22	Medium-term targets		
				2022/23	2023/24	2024/25
Fraud and corruption dealt with	Conviction rate in complex commercial crime	90.2%	93%	90%	90%	90%
	Number of persons convicted of corruption and/or offences related to corruption	233	370	334	334	334
	Number of investigations authorised	N/A	N/A	11	16	21
	Number of state capture matters enrolled	N/A	N/A	9	18	27
	Number of cases finalised with a verdict involving money laundering	44	100	100	110	120



## SUB-OUTCOME 2: IMPROVED INVESTOR CONFIDENCE THROUGH HIGH-IMPACT PROSECUTION

<u>Outputs</u>	<u>Output Indicators</u>	Audited/ Actual Performance 2020/21	Estimated Performance 2021/22	Medium-term targets		
				2022/23	2023/24	2024/25
Freezing of money and assets that are the proceeds of crime	Value of completed forfeiture cases	R550m	R550m	R550m	R550m	R550m
	Value of freezing orders obtained for corruption or offences relating to corruption	R611m	R2.4bn	R2.4bn	R2.4bn	R2.2bn
Recovery of money and assets that are the proceeds of crime	Value of recoveries relating to corruption or related offences per year	R3m	R311m	R1.4bn	R1.4bn	R1.4bn

## SUB-OUTCOME 2: IMPROVED ACCESS TO ALL NPA SERVICES

<u>Outputs</u>	<u>Output Indicators</u>	Audited/ Actual Performance 2020/21	Estimated Performance 2021/22	Medium-term targets		
				2022/23	2023/24	2024/25
Victim-centric services enhanced	Total number of Thuthuzela care centres	55	58	62	64	66
	Conviction rate in sexual offences	75.8%	70%	70%	70%	70%
	Number of public awareness sessions conducted	293	140	300	350	350

## PRELIMINARY BUDGET VS EXPENDITURE AS AT 31 MARCH 2022

Economic classification	2021/22					
	Adjusted Appropriation	Shifting / Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation
	R'000	R'000	R'000	R'000	R'000	%
Compensation of employees	3,926,048	-2,619	3,923,429	3,923,429	0	100.00%
Goods and services	527,782	74,006	601,788	601,788	0	100.00%
Transfers & Subsidies	21,083	13,668	34,751	34,515	236	99.32%
Machinery and equipment	60,712		60,712	47,796	12,916	78.73%
Payment for financial assets	0	5,290	5,290	5,290	0	100.00%
<b>Total</b>	<b>4,535,625</b>	<b>90,345</b>	<b>4,625,970</b>	<b>4,612,818</b>	<b>13,152</b>	<b>99.72%</b>

- Overspending in G&S relates to increases in services such as library subscriptions, witness fees, fleet services, computer services and VIP Protection services
- Underspending in Machinery and Equipment relates to invoice iro laptops processed in new financial year

## ADDITIONAL ALLOCATION TO NPA DURING 2021 AENE AND 2022 MTEF

<b>NPA</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total for MTEF</b>
<b>R'000</b>				
National Prosecutions Services	184,093	110,760	115,783	410,636
Investigating Directorate	135,953	126,041	131,700	393,694
Asset Forfeiture Unit	19,515	15,000	15,700	50,215
Office for Witness Protection	22,790	20,000	20,900	63,690
Strategy, Operations and Compliance	60,323	55,507	57,922	173,752
<b>Total</b>	<b>422,674</b>	<b>327,308</b>	<b>342,005</b>	<b>1,091,987</b>

## ADDITIONAL 2022 MTEF ALLOCATION - NPA (Cont.)

The additional Compensation of Employees will be used to increase the capacity within the NPA as follows:

- ▶ NPS – 700 aspirant prosecutors
- ▶ AFU – 17 Senior State advocates
- ▶ OWP – 12 Protectors
- ▶ ID – 91 (Investigators and prosecutors)

The additional Goods and Services budget will be used as follows:

- ▶ NPS Operational cost for prosecutors – R 30m (R10m – 2022/23; R 10m – 2023/24 and R 10m – 2024/25)
- ▶ Resourcing within ID – R115,6m (R40,1m – 2022/23; R 37,4m – 2023/24 and R 38,1m – 2024/25)
- ▶ OWP Increase in witness related expenditure – R45,7m (R15m – 2022/23; R 15m – 2023/24 and R 15.7m – 2024/25)
- ▶ SOC Increase in Technology and Fleet services – R 107,3m (R35m – 2022/23; R 35,4m – 2023/24 and R36,9m – 2024/25)

## OVERALL BUDGET GROWTH PER ECONOMIC CLASSIFICATION: MTEF PERIOD

R'thousand	2022/23	2023/24	2024/25	Average % increase over MTEF
	Medium Term estimates			
Compensation of employees	4,154,154	4,101,595	4,287,306	3.02%
Goods and services	647,782	666,528	695,502	9.99%
Households	10,359	10,815	11,300	4.55%
Machinery & equipment	86,359	79,839	82,874	12.83%
Departmental agencies and accounts	11,611	12,123	12,667	4.20%
<b>Total</b>	<b>4,910,265</b>	<b>4,870,900</b>	<b>5,089,649</b>	<b>3.98%</b>

## OVERALL BUDGET GROWTH PER SUB-PROGRAMME: MTEF PERIOD

R'thousand	2022/23	2023/24	2024/25	Average % increase over MTEF
	Medium Term estimates			
National Prosecutions Services	3,706,393	3,666,650	3,831,368	2.42%
Investigating Directorate	243,558	236,062	246,663	42.56%
Asset Forfeiture Unit	212,426	210,235	219,701	4.09%
Office for Witness Protection	219,850	221,498	231,449	5.69%
Strategy, Operations and Compliance	528,038	536,455	560,468	6.38%
<b>Total</b>	<b>4,910,265</b>	<b>4,870,900</b>	<b>5,089,649</b>	<b>3.98%</b>

# ADDITIONAL FUNDING NEEDS OF THE NPA

## Funding requirement for an ideal NPA:

- ▶ NPA registered a need for additional funding to respond to the Zondo Commission reports, as well as longer term 'structural needs' funding to strengthen NPA capacity as part of the criminal justice system's response to rising crime levels.
- ▶ Added funding of R750m p.a. and R1bn p.a. is required for both these purposes from FY 2023/24 onward.
- ▶ The additional funding will mainly be used for:
  - ▶ Appointment of NPA Act Section 38 capacity
  - ▶ Modernisation of the NPA
  - ▶ Capacitating the Investigating Directorate, National Prosecutions Service (including specialised units) as well as OWP
  - ▶ Other accompanying goods & services and machinery & equipment



# CONCLUSION – THE NPA’S NEW FOUNDATION IS IN PLACE AND THE TIME FOR ACTION HAS ARRIVED

- ▶ The entire NPA knows that failure is not an option. And after three years of rebuilding, we can say with confidence that the time for ACTION has arrived. We are ready to rebuild the rule of law in our country
- ▶ Our hard work over the past 12 months is paying off. You can see it internally, and our actions are starting to speak for themselves. The ubiquitous taps of corruption are being turned off. No-one controls the NPA, and the corrupt know that the long arm of justice is catching up. But we still have a long way to go
- ▶ With our new leadership team in place, a revitalised and poised for action ID, and a committed staff, the NPA is entering a new era where justice wins again. This success will draw increased attacks against the NPA and its staff. But we are ready
- ▶ We are thankful for our recent budget growth, and we look forward to strengthening our legal framework so that we can truly deliver on our mandate to be lawyers of the people of South Africa
- ▶ Our 5-year strategy and APP provide the guidance we need to stay on course



**National Prosecuting Authority**  
South Africa

# Thank you

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