

Budget Review and Recommendation Report of the Portfolio Committee on Police on the Independent Police Investigative Directorate (IPID) Performance for the 2021/2022 Financial year Dated 19 October 2022.

The Portfolio Committee on Police, having considered the Annual Report and financial information of the Independent Police Investigative Directorate (IPID) for the 2021/22 financial year on 14 October 2022, reports as follows:

1. INTRODUCTION

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 to the Minister of Finance to amend the budget of a National Department.

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

- 1) Assess service delivery performance of departments given available resources;
- 2) Evaluate the effective and efficient use and forward allocation of resources (value for money in services delivered); and
- 3) May include recommendations on the forward use of resources.

The BRRR forms a source documents for the Standing/Select Committees on Appropriations/Finance when they make recommendations to the Houses of Parliament on the Medium-Term Budget Policy Statement (MTBPS). BRRRs must be submitted for tabling in the National Assembly after the adoption of the Appropriation Bill and prior to the adoption of the reports on the Medium Term Budget Policy Statement (MTBPS), which is scheduled for 26 October 2022.

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.

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), the legislative mandate and key policies of the IPID.
- **Section 3: Report of the AG.** This section provides a summary of the report of the Auditor General of South Africa.
- **Section 4: Financial overview.** This section provides an overview of the financial statements of the Department for 2021/22 financial year.
- **Section 5: Performance overview.** This section provides an overview of Departmental performance on predetermined key performance indicators and targets during the 2021/22 financial year.
- **Section 6: Committee observations.** This section provides a summary of observations made by Members of the Committee during the 2021/22 IPID Budget hearing.
- **Section 7: Committee recommendations.** This section provides the recommendations made by the Committee.

- **Section 8: Conclusion.** This section provides a conclusion of the 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

2.3. Legislation and key policies

The IPID Act, 2011 (Act No. 1 of 2011) ("the Act") came into operation on 01 April 2012 to give effect to section 206(6) of the Constitution, which makes provision for the establishment of an independent police complaints body. The objectives of the IPID Act are to:

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

The IPID Act provided the Directorate with an extended mandate, which focuses on serious crimes committed by members of the SAPS and the MPS. It further obliges the SAPS and the MPS to report on matters for investigation by the IPID and the status of implementation of disciplinary recommendations made by the IPID upon the completion of investigations.

In terms of section 28(1) of the Act, the Directorate must investigate:

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

Section 28 (2) further provides that the Directorate may investigate matters relating to systemic corruption involving the police.

The Directorate had developed various new strategies for implementation during the 2021/22 financial year (and over the medium-term), including:

- **GBVF Strategy:** The objective of the GBVF Strategy is to broaden access to justice for victims and survivors of violence; change social norms and behaviour through awareness raising and prevention campaigns; strengthen and promote accountability; and possibly create more economic opportunities for women who are vulnerable to abuse due to poverty.
- **Communications and Stakeholder Management Strategy:** The objective of the Strategy is to strengthen relations with various critical stakeholders; educate the public on the Department's mandate; ensure marketing of the Department's mandate; manage perceptions about IPID; restore public trust and confidence on IPID's services and reassure the Department's commitment to promote respect for the rule of law and human dignity.
- **Youth Development Strategy:** The Strategy aims to provide unemployed graduates and students with necessary workplace experience and skills that would contribute positively to their employment opportunities; create a pool of appropriately skilled and experienced prospective employees; create a platform for transfer of knowledge and skills to young people; and contribute towards the national agenda of youth development and creation of work opportunities to alleviate poverty.
- **Access and Rural Awareness Strategy:** The aim of the Strategy is to establish and strengthen relations with rural communities; create awareness on the IPID's legislative mandate; and ensure active participation in the planning and the implementation of initiatives aimed at creating accessibility of IPID services.

According to the Directorate, the implementation of the above-mentioned strategies will amongst others ensure that attention is given to alleged police brutality, rape, torture, assaults, corruption as well as GBVF.

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

The IPID received an **unqualified audit opinion** with a material non-compliance identified relating to the procurement of goods and services for designated sector. The requirement relating to the stipulation of the minimum threshold on the invitation of bids was not implemented in all (100%) local production and content procurement.

The AG made **no material finding in the usefulness and reliability** of the reported performance information for the scoped Programme 2: Investigation and Information Management.

In terms of **internal control deficiencies**, the AG found that Management did not have adequate communication of Supply Chain Management (SCM) legislation relating to local content and production. Furthermore, there was a lack of appropriate oversight due to key vacancies within the SCM division.

4. FINANCIAL OVERVIEW

4.1. Overall expenditure

The IPID had a Final Appropriation of R353.7 million in 2021/22, of which R347.9 million was spent at year-end, which is 98.3% of the Final Appropriation (underspent with R5.8 million). The main contributing factor for the recorded underspending was the high rate of vacancies experienced since the beginning of the financial year due to the delays in the approval of **organisational structural changes**.

Table 1: Appropriation statement 2021/22

Programme R'000	Adjusted Appropriation	Virement	Final appropriation	Actual Expenditure	Variance	% Spent
Administration	102 370	(2 740)	99 630	94 664	4 966	95.0%
Investigation Information Management	231 334	3 693	235 027	235 027	-	100.0%
Legal and Investigation Advisory Services	6 465	(31)	6 434	6 315	119	98.2%
Compliance Monitoring and Stakeholder Management	13 609	(922)	12 687	11 902	785	93.8%
Total	353 778	-	353 778	347 908	5 870	98.3%

Source: 2021/22 IPID Annual Report

4.2. Expenditure per programme

Administration Programme: The Programme had actual expenditure of R94.6 million against the Final Appropriation of R99.6 million, which translated to 95.02% at the end of March 2022, which is a deviation of 4.98% (or R4.9 million). This resulted mainly due to underspending under Compensation of employees.

Programme 2: Investigation and Information Management: The Programme had actual expenditure of R235.0 million against the Final Appropriation of R 235.0 million which translates to 100.00% at the end of March 2022. Compensation of employees registered underspending due to the delays in filling some of the vacant positions.

Programme 3: Legal and Investigation Advisory Services: The Programme had actual expenditure of R6.3 million against a Final Appropriation of R6,4 million, which translates to 98.15% expenditure at the end of March 2022. The actual expenditure resulted in a deviation of 1.85% (or R119 000). Underspending was mainly under Compensation of employees following the resignation of the Head of the Programme towards the end of the 2021/22 financial year.

Programme 4: Compliance Monitoring and Stakeholder Management: The Programme had actual expenditure of R11.9 million against a Final Appropriation of R12.6 million, which resulted in 93.81% expenditure at the end of March 2022. This is a deviation of 6.19% or R785 000.00. The underspending was primarily due to delays in filling two vacant positions, of which one was only filled near the end of the fiscal year.

4.3. Irregular expenditure

The Department incurred irregular expenditure amounting to R94 000.00 during the 2021/22 financial year. However, the Department had a significant historic amount of R66.7 million brought over from previous financial years. This amount related to the lease contract for the Head Office Building (City Forum). The Department had a closing balance of R66.8 million in irregular expenditure at year end.

4.4. Unauthorised expenditure

The Department did not incur any unauthorised expenditure in the 2021/22 (same as the two previous financial year). However, the Department has historic unauthorised expenditure of R891 000.00 related to previous financial years (2008/09 and 2005/06) that is awaiting authorisation.

4.5. Fruitless and wasteful expenditure

During the year under review, the IPID incurred R60 000.00 in fruitless and wasteful expenditure, of which no funds were recovered. The Department has historic fruitless and wasteful expenditure of R129 000.00 from previous financial years. At year-end, the IPID had a closing balance of R295 000.00.

4.6. Claims against the Department

In 2017/18, the Department had a contingent liability of R87.9 million allowed for civil claims against the Department. During the 2018/19 financial year, the Department incurred liabilities of R9.250 million and paid R41.018 million in liabilities. This resulted in a reduction in the contingent liability to R56.200 million at year-end. The Department further reduced its contingent liability to R49.8 million in 2019/20, which increased significantly to R84.9 million in 2020/21 (with claims amounting to R35.6 million incurred in 2020/21).

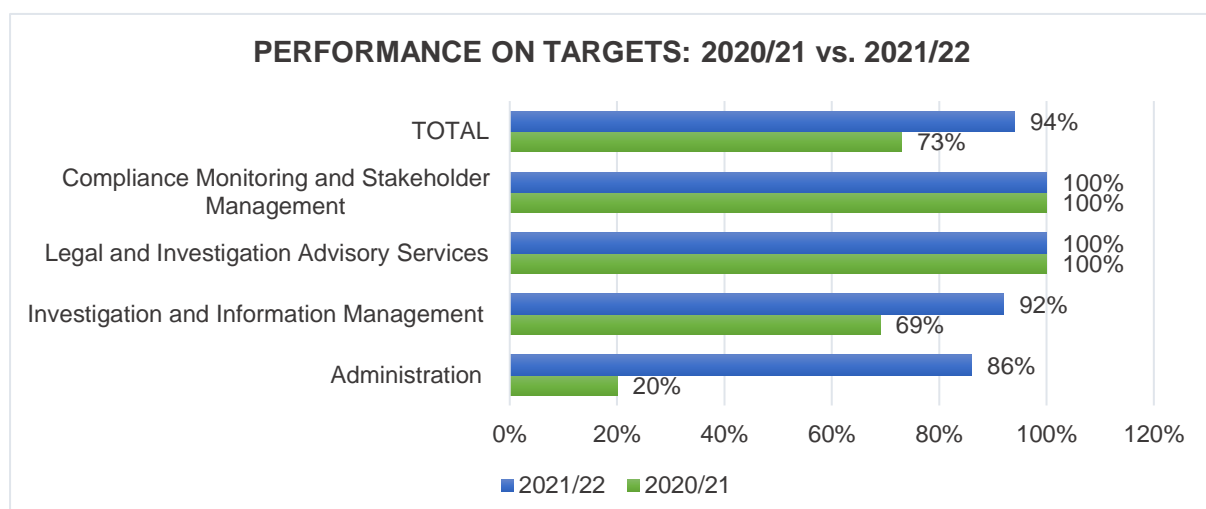
During 2021/22, new claims to the amount of R26.3 million was registered. At year-end, the IPID had 41 claims against it and a closing balance of R110.5 million in claims.

5. PERFORMANCE OVERVIEW

5.1. Overall performance

Overall, the performance of the Department improved during the 2021/22 financial year achieving 93.75% of its performance targets compared to 73% overall achievement in the previous financial year. Both the Compliance and Stakeholder Management, and Legal and Investigation Advisory Services Programmes achieved 100% of their performance targets. The performance of the Administration, and Investigation and Information Management Programmes both improved significantly compared to the previous financial year.

It should be noted that, of the 30 targets achieved, performance on 28 of these targets was exceeded. Although achievements must be commended, exceeding the targets of 93% of performance indicators might point to targets being set too low and must be increased.



The AG made no material findings on the usefulness and reliability on the performance information contained in the 2021/22 Annual Report.

5.2. Programme 1: Administration

Administration Programme

Achieved 6 from 7 performance targets

85.7% Achievement rate

The Administration Programme achieved six from seven performance indicator targets, which represents 85.7% of targets achieved, which a significant improvement in performance from the performance recorded in the previous financial year in which 20% of targets were achieved in the Administration Programme.

Table 2: Achievement on Performance targets by the Administration Programme

Percentage implementation of the Information and Communication Technology (ICT) Strategy <ul style="list-style-type: none"> • Target: 70% • Achievement: 78% (29/37) • Deviation: +8% 	Percentage implementation of the risk mitigation strategies <ul style="list-style-type: none"> • Target: 60% • Achievement: 63% (15) • Deviation: +3% 	Percentage compliance of SMS financial interests submitted through e-disclosure per year <ul style="list-style-type: none"> • Target: 100% • Achievement: 100% (31/31) • Deviation: N/A
Percentage vacancy rate per year <ul style="list-style-type: none"> • Target: <10% • Achievement: 8.69% (34/391) • Deviation: 1.31% 	Percentage implementation of annual Internal Audit Plan per year <ul style="list-style-type: none"> • Target: 90% • Achievement: 91% (30/33) • Deviation: +1% 	Percentage implementation of Gender-Based Violence and Femicide Strategy <ul style="list-style-type: none"> • Target: 70% • Achievement: 82% (14/17) • Deviation: +12%
Percentage implementation of Youth Development Strategy <ul style="list-style-type: none"> • Target: 80% • Achievement: 42% (13/33) • Deviation: -38% <p>Note: The commencement of the internship programme was delayed due to high volume of applications that were received and the lengthy selection process was also exacerbated by the COVID-19 lockdown restrictions. As a result of some of the activities were dependent on the commencement of the programme.</p>		

The poor performance on the implementation of the ICT Strategy was due to budget cuts and projects that could not be implemented were deferred to the 2021/22 financial year. Various projects were also dependent on the relocation of the head office building. The Department of Public Works only handed over the new building on 26 March 2021.

5.3. Programme 2: Investigation and Information Management

Investigation and Information Management Programme

Achieved 12 from 13 performance targets

92.3% Achievement rate

The Programme achieved 12 from 13 performance targets in the 2021/22 financial year, which represents an achievement rate of 92.3%. This is an improvement compared to the achievement rate of 69% achieved in the previous financial year.

Table 2: Achievements on targets: Investigation and Information Management Programme

<p>Number of investigations of deaths in police custody cases that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 120 • Achievement: 205 • Deviation: +85 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, regular engagement with the stakeholders on outstanding Technical Reports, weekly monitoring of catch-up plans and re-prioritisation of resources.</p>	<p>Number of investigations of death as a result of police action that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 220 • Achievement: 286 • Deviation: +66 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, regular engagement with the SAPS on outstanding Technical Reports, weekly monitoring of catch-up plans and re-prioritisation of resources.</p>	<p>Number of investigations of discharge of an official firearm by a police officer that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 370 • Achievement: 507 • Deviation: +137 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, regular engagement with stakeholders on outstanding Technical Reports, weekly monitoring of catch-up plans and re-prioritisation of resources.</p>
<p>Number of investigations of rape by police officer that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 70 • Achievement: 86 • Deviation: +16 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, regular engagement with stakeholders on outstanding Technical Reports, weekly monitoring of catch-up plans and re-prioritisation of resources.</p>	<p>Number of investigations of rape while in police custody that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 6 • Achievement: 3 • Deviation: -3 <p>Reason for deviation: Target not achieved due to low volume of intake. There were only three (03) active cases; one (1) backlog and (02) new cases. All three (03) active cases were completed.</p>	<p>Number of investigations of torture that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 80 • Achievement: 139 • Deviation: +59 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, weekly monitoring of catch-up plans and re-prioritisation of resources.</p>
<p>Number of investigations of assault that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 2 000 • Achievement: 2 569 • Deviation: +569 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, weekly monitoring of catch-up plans and re-prioritisation of</p>	<p>Number of investigations of corruption that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 70 • Achievement: 90 • Deviation: +20 <p>Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy, weekly monitoring of catch-up plans and re-prioritisation of</p>	<p>Number of investigations of other criminal and misconduct matters referred to in section 28 (1)(h) of IPID Act that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 10 • Achievement: 99 • Deviation: +89 <p>Reason for deviation: Target is exceeded due to prioritisation of GBV related</p>

resources.	resources.	cases.
Number of approved systemic corruption cases that are decision ready per year <ul style="list-style-type: none"> • Target: 2 • Achievement: 3 • Deviation: +1 	Number of investigations of offences referred to in section 33 of the IPID Act that are decision ready per year <ul style="list-style-type: none"> • Target: 5 • Achievement: 28 • Deviation: +23 Reason for deviation: Target is exceeded due to implementation of backlog reduction strategy and reprioritisation of resources.	Percentage of dockets referred to the National Prosecuting Authority within 30 days of being signed off per year <ul style="list-style-type: none"> • Target:90% • Achievement: 92% (2 237/2 427) • Deviation: +2% Reason for deviation: Target exceeded due to effective monitoring processed
Percentage of recommendation reports referred to the South African Police Service and Municipal Police Services within 30 days of being signed off per year <ul style="list-style-type: none"> • Target: 90% • Achievement: 90% (2 308/2 556) • Deviation: N/A 		

5.4. Case intake: 2021/22

During 2021/22, 5 295 cases were reported to the IPID, which is a decrease of 14% compared to the previous financial year. Of the total case intake, 5 234 cases involved the SAPS, 59 cases involved the MPS and two cases involved civilians. The figure below shows that while most categories recorded a decrease, four showed an increase, including death in police custody (+3%), death as a result of police action (+16%), rape by a police officer (+24%), and other criminal matters and misconduct (+313%).

Table 3: Changes in annual intake of cases per category

Annual intake	2020/21	2021/22	Percentage changes
Deaths in police custody	217	223	+ 3%
Deaths as a result of police action	353	410	+ 16%
Complaint of the discharge of official firearm(s)	830	744	- 10%
Rape by police officer	80	99	+ 24%
Rape in police custody	15	2	- 87%
Torture	256	192	- 25%
Assault	4 228	3 407	- 19%
Corruption	66	59	- 11%
Other criminal matter and misconduct	30	124	+ 313%
Systemic corruption	-	-	-
Non-compliance with Section 29 of IPID Act	47	35	- 26%
Total	6 122	5 295	- 14%

Source: IPID 2021/22 Annual Report

As in previous financial years, **assaults** remain the predominant category of cases (3 407/5 295), despite the number of cases decreasing by 19%. The highest number of cases was in the Western Cape with 785, followed by Gauteng with 550 incidents and Free State with 405 incidents.

In 2021/22, there were two cases of **rape in police custody**, which is a decrease of 87% (15 cases were reported in previous financial year). The 2021/22 performance target to investigate three cases of rape in police custody could not be achieved, because only two cases were reported.

Cases of **death in police custody** showed a decrease of 3% in 2021/22 compared to the previous financial year. While some provinces recorded a decrease, the following provinces recorded increases: Free State (+32%), Limpopo (+32%), Mpumalanga (+44%), North West (+67%) and the Northern Cape (+250%). Most deaths in police custody was a result of natural causes with 71 cases, followed by suicide hanging with 62 cases and injuries sustained prior to custody (Vigilantism) with 53 cases.

In terms of **deaths as a result of police action**, 410 cases were recorded, which is an increase of 16% compared to the previous financial year. Only the Free State and Western Cape Provinces recorded a decrease. The North West Province recorded a significant increase of 267%. Some cases involved more than one victim (deaths), as such, the 410 cases involved 466 deceased persons.

Of the 410 incidents, 141 involved the death of a suspect during the course of a crime, and 21 incidents involved the death of a suspect during the course of arrest. In terms of the latter, eight suspects died as a result of assault, and 124 were shot with a service firearm. It is concerning to note that 21 suspects were killed during the course of an investigation, of which two died due to suffocation. During 2021/22, 21 people were killed during crowd management incidents, which is a significant increase compared to the 11 persons fatally shot by police during crowd management incidents in the previous financial year.

The number of cases relating to **other criminal matters and misconduct** (not stipulated in the IPID Act) increased from 30 cases to 124 cases in 2021/22 compared to the previous financial year, which is an increase of 313%. The majority of these cases included off duty assault (49 cases), followed by defeating the ends of justice (18 cases) and harassment (16 cases).

5.5. Criminal referrals to the NPA

The IPID made 2 427 criminal referrals to the National Prosecuting Authority (NPA) for decision, of which 1 401 of referrals are still waiting for response, prosecution was declined for 964 cases, 48 cases were approved for prosecution and 14 cases were withdrawn.

At the end of March 2022, the IPID was awaiting response from the NPA on 57.7% of cases referred for criminal prosecution. The NPA took a decision on 1 026, of which they declined to prosecute in 94% of cases. Only 4.6% of cases on which the NPA took a decision were to prosecute.

5.6. Disciplinary reconditions to SAPS and MPS

The IPID made 2 514 recommendations to **SAPS** during the period under review, which comprised of 756 recommendations where the IPID recommended to SAPS to discipline its member(s) and 1 758 recommendations where the IPID recommended no disciplinary action to SAPS member(s). Thus, in 70% of cases, no action was recommended to be taken against SAPS members and in 30% of cases, disciplinary actions were recommended

Of the total referrals (576), 477 disciplinary cases were finalised of which 190 led to a guilty verdict, 99 led to a not-guilty verdict, in 155 cases no steps were taken and 33 cases were withdrawn.

The IPID made 42 recommendations to **MPS** during the period under review, which comprises of 16 recommendations where the IPID recommended to MPS to discipline its member(s) and 26 recommended no disciplinary action to MPS member(s). The majority of negative recommendations were to the Tshwane Metro Police Department (19/42), followed by the Johannesburg Metro Police Department (13/42) and the Ekurhuleni Metro Police Department (5/42). Of these recommendations, none has been finalised or initiated and the IPID is awaiting feedback on 16 cases/recommendations.

During 2021/22, 239 disciplinary convictions were secured on 772 cases referred to the SAPS and MPS for disciplinary action (30.9%). Of the 239 disciplinary convictions (involving 311 police offices), the majority led to a written warning (77 or 32.2%), followed by dismissal (53 or 22.1%), final written

warning (46 or 19.2%), corrective counselling (23 or 9.6%), verbal warning (21 or 8.7%) and salary suspension (19 or 7.9%).

The finalisation of cases often run over financial year, as such it is not completely accurate to measure disciplinary convictions against the case intake of a single financial year. But as a crude calculation, it can be indicated that of the case intake of 5 295 in 2021/22, a total of 239 disciplinary convictions were secured (4.5%), which led to 53 dismissals (1%). IPID investigates serious cases of alleged misconduct and criminality as per their mandate. It is worrying that only about 1% of such cases has the possibility of leading to a dismissal from service.

5.7. Total workload of the IPID

At the end of the 2021/22 financial year, the IPID had an active case load of 16 878, which is an increase compared to the active caseload of the previous financial year (15 317) and 23 187 post decision ready cases (also referred to as post decision monitoring cases¹), thus at year-end the IPID had a total case load of 40 065 cases, which is an increase compare the previous year's total workload of 38 501 cases. This is a significant backlog, which is increasing yearly and should be of significant concern to the Committee. The highest workload based on category are assault cases (24 251), followed by complaint of discharge of official firearm (5 231) and death as a result of police action (3 517). The highest workload based on provinces were located in Gauteng (9 706), followed by Western Cape (8 168) and KwaZulu-Natal (5 868).

5.8. Programme 3: Legal and Investigation Advisory Services

Legal and Investigation Advisory Services

Achieved 4 from 4 performance targets

100% Achievement rate

At the end of the 2021/22 financial year, the Legal and Investigation Advisory Services Programme achieved 4 from 4 performance targets, giving the Programme an achievement rate of 100%. The Programme also achieved 100% of its targets in the previous financial year.

<p>Percentage of legal advice provided to investigators within 2 working days of receipt per year</p> <ul style="list-style-type: none"> • Target: 95% • Achievement: 100% (12/12) • Deviation: +5% <p>Reasons for deviation: Target is exceeded due to effective monitoring Processes</p>	<p>Percentage of legal advice provided to the Department within 30 working days of receipt per year</p> <ul style="list-style-type: none"> • Target: 70% • Achievement: 100% (12/12) • Deviation: +30% <p>Reasons for deviation: Target is exceeded due to effective monitoring Processes</p>
<p>Percentage of litigation matters referred with instructions to the state attorney within 10 working days of receipt per year</p> <ul style="list-style-type: none"> • Target: 100% • Achievement: 100% (6/6) • Deviation: N/A <p>Reasons for deviation: N/A</p>	<p>Percentage of contracts and service level agreements finalised within 30 working days of request per year</p> <ul style="list-style-type: none"> • Target: 90% • Achievement: 91% (21/23) • Deviation: +1% <p>Reasons for deviation: N/A</p>

5.9. Programme 4: Compliance Monitoring and Stakeholder Management

¹ Post decision monitoring refers to the continuous evaluation and monitoring of completed cases of which feedback and the outcome is still outstanding which would allow the closure of a case. Cases falling under this status should be reviewed every 60 days for feedback from the stakeholder.

Compliance Monitoring and Stakeholder Management Programme

Achieved 8 from 8 performance targets

100% Achievement rate

At the end of the 2021/22 financial year, the Compliance Monitoring and Stakeholder Management Programme achieved 8 from 8 performance targets giving the Programme an achievement rate of 100%. The Programme also achieved 100% of its targets in the previous financial year.

<p>Number of formal engagements held with key stakeholders per year</p> <ul style="list-style-type: none">• Target: 166• Achievement: 185• Deviation: +19 <p>Reasons for deviation: Target is exceeded due to integration of stakeholder management into SMS deployment programme.</p>	<p>Number of media programmes held per year</p> <ul style="list-style-type: none">• Target: 4• Achievement: 7• Deviation: +3 <p>Reasons for deviation: Target is exceeded due to increased media interest on IPID cases</p>
<p>Percentage of recommendations referred to the SAPS and MPS that are analysed per year</p> <ul style="list-style-type: none">• Target: 80%• Achievement: 99% (2 553)• Deviation: +19% <p>Reasons for deviation: Target is exceeded due to regular performance monitoring</p>	<p>Percentage of criminal referrals forwarded to the NPA that are analysed per year</p> <ul style="list-style-type: none">• Target: 80%• Achievement: 100% (2 427)• Deviation: +20% <p>Reasons for deviation: Target is exceeded due to regular performance monitoring</p>
<p>Percentage of responses from the SAPS and MPS that are analysed within 30 days of receipt per year</p> <ul style="list-style-type: none">• Target: 60%• Achievement: 97% (594)• Deviation: +37% <p>Reasons for deviation: Target is exceeded due to regular performance monitoring</p>	<p>Percentage of responses from the NPA that are analysed within 30 days of receipt per year</p> <ul style="list-style-type: none">• Target: 60%• Achievement: 98% (1 290)• Deviation: +37% <p>Reasons for deviation: Target is exceeded due to regular performance monitoring</p>
<p>Number of case docket inspections conducted per year</p> <ul style="list-style-type: none">• Target: 5• Achievement: 7• Deviation: +2 <p>Reasons for deviation: Target is exceeded due to collaboration with other components to strengthen internal controls</p>	<p>Percentage implementation of Access and Awareness Rural Strategy per year</p> <ul style="list-style-type: none">• Target: 60%• Achievement: 60%• Deviation: N/A <p>Reasons for deviation: N/A</p>

5.10. Human Resource Management

As at 31 March 2022, the Department had a total of 357 filled positions, which is an increase compared to 346 filled positions in 2020/21. Personnel expenditure accounted for 61% of the Department's total expenditure in 2021/22. At the end of March 2022, the Department has a vacancy rate of 8.5%, which is below the accepted standard of 10% in the Public Service. The Department had a turnover rate of 6.5% in 2021/22 (23 employees left the employment of the Department). The highest contributing factor was resignations (13), followed by the expiry of contract (2) and discharge due to ill-health (2). Disciplinary action was taken against 20 employees during 2021/22. A total of six

misconduct and disciplinary hearings were finalised at the end of March 2022, of which the sanctions included three final written warnings, two written warnings and one corrective counselling. The Department reported no injuries on duty during 2021/22.

6. COMMITTEE OBSERVATIONS

The Committee made the following observations:

- 1) The Committee requested clarity on the framework for screening and prioritisation of cases that was developed in collaboration with the African Policing Civilian Oversight Forum (APCOF). The Department indicated that the framework is based on the seriousness, impact and solvability of cases. The Department indicated that the best resources are allocated to these cases. The Department further noted that a national instruction was issued to Provinces to explain the framework to identify priority cases and that several quality assurers were appointed to monitor the quality of investigations.
- 2) The Committee requested the Department to provide details on the nature of misconduct cases and to identify the ranks of police members investigated for misconduct (and specifically dismissed) as well as the leading provinces in these cases. The Committee further requested that the Department should indicate what are the leading causes for misconduct in these identified provinces and indicate what interventions are made to reduce the number of misconduct cases. The Department indicated that the ranks of officers investigated for misconduct are mainly operational ranks such as Constables and Warrant Officers and that sporadic cases are reported involving higher ranking officers.

The Department further indicated that they, in collaboration with the Human Rights Commission, had presented over 86 special lectures at police stations throughout the 2021/22 financial year to further educate police members on Human Rights as enshrined in the Constitution. These station lectures also focus on educating police members on the IPIDs mandate and implications of the IPID Act.

- 3) The Committee welcomed the unqualified audit opinion of IPID but expressed concern about the performance of the Department in general. Specific concern was expressed about the significant backlog in cases and the Committee requested the Department to indicate the manner in which the backlog will be addressed and resolved. The Department indicated that the majority of backlog cases are those classified as post-decision ready cases of which investigations have been finalised and ready to be closed. The Department further indicated that the majority of backlog-cases are less serious cases of assault common. In order to reduce the backlog, the Department has appointed and trained interns to close cases identified as ready for closure. Assistance will be specifically provided to provincial offices.
- 4) The Committee expressed concerns about the turnaround time on decisions by the NPA on criminal recommendations referred for prosecution as well as the low conviction rate on criminal recommendations. The Department acknowledged that convictions pose a challenge and that continuous engagements are done with the NPA and other stakeholders to address challenges. The Department is also continuously analysing dockets that are declined for prosecution to identify areas for improvement. The Department further indicated that they are using all resources at their disposal to improve performance and to make an impact felt by both the public as well as police members. In closing, the Department remarked that the COVID-19 lockdown had a significant impact on the investigation and prosecution of cases.
- 5) The Committee requested the Department to provide more detail on the incidences of rape in police custody and rape by police officers. The Committee highlighted media reports stating that police officer committing crime of rape only get warnings which is a slap on the wrist for such serious crimes. The Committee further requested the Department to indicate the places where rapes were committed by police officers.

The Department indicated that rape in police custody is classified as being committed by civilians (not police members) and rape by a police officer is then classified as such. The Department indicated that from the total of 99 cases involving rape by a police officer, 49

rapes were committed by police officers that were on duty and 50 rapes were committed by police officers that were off-duty. Rape cases are identified as priority cases in terms of the framework to prioritise and screen cases.

The Committee raised significant concern about police officers committing sexual offences, such as rape, when the police is expected, and mandated. to combat gender-based violence and femicide, specifically sexual offences (including rape).

- 6) The Committee raised concern about the lack of resourcing of the Department, both in terms of financial resources and human resources. The Department acknowledged that their resources are limited and that this has a negative impact on fulfilling its mandate. However, the Department indicated that various strategies have been put in place to expand the reach of the IPID through collaborations with other Government Departments. The Department indicated that they are sharing office space with the National Youth Development Agency (NYDA) and Provincial Departments of Community Safety which enabled them to increase their geographic footprint significantly. Further engagement and MOUs were made with the Safety and Security Sector Education and Training Authority (SASSETA) to provide training and with the NPA to augment the capacity of the IPID.
- 7) The Committee raised concerns about the principal legislation of the Department in that the IPID Act, 2011 does not capacitate the IPID fully to fulfil its mandate and make a meaning impact on improving the professionalism of the police service. The Department indicated that the biggest challenge is faced with disciplinary recommendations referred to the SAPS for disciplinary steps not being implemented. The Department suggested that they should form part of the SAPS disciplinary hearing on cases investigated by the IPID. This will allow greater transparency in the disciplinary processes of the SAPS and will ensure greater adherence to recommendations made by the IPID. The Department stated that this challenge is specifically illustrated in cases where police members are found guilty criminally but exonerated in departmental disciplinary proceedings.
- 8) The Committee raised concern about the quality of investigation and noted that these might not be of high quality, or sufficient quality, to secure successful convictions. The Committee indicated that before cases are referred to the NPA for criminal prosecution, there must be a strong prima facie case, in other word, sufficient evidence to establish wrongdoing unless disproved. The Committee noted that the Directorate does not seem to achieve its core mandate as an institution to build public trust in the police, to ensure accountability and serve as a deterrent to other police officers not conducting themselves professionally and outside the ambit of the law.
- 9) The Committee raised concern about the quality of responses provided by the Department during the hearing and stated that the responses are vague and in futuristic terms. The Committee indicated that it seems that most of the strategies intended to address performance concerns are yet to be implemented and questioned the reason for these not already implemented.

7. COMMITTEE RECOMMENDATIONS

Note: Recommendations must adhere to the SMART principle in being specific, measurable, achievable, relevant and time-bound. This enables the Committee to track progress and identify missed milestones.

7.1. Recommendations to National Treasury

The Committee recommends the following:

- 1) **The Committee recommends that National Treasury consider an increase to the IPIDs budget allocation for the 2022/23 financial year and that this should be taken into account during the budget adjustment period. Fund should be specifically made available for the appointment of IPID Investigators to improve the ratio between police officers and IPID Investigators.**

7.2. Recommendations on service delivery performance

The Committee recommends the following:

- 1) The Committee recommends that the Department should increase consultations with the NPA to secure a higher conviction rate on criminal referrals.
- 2) The Committee recommends that the Department should improve the quality of investigations to ensure higher conviction rates in terms of criminal referrals to the NPA. The Department **should submit a report to the Committee by 20 November 2022 highlighting the main deficiencies highlighted during quality assurance checks on case dockets/investigations that were declined for prosecution.**
- 3) The Committee recommends that the Minister and Deputy Ministers of Police must fast-track the submission of the Draft IPID Amendment Bill to Parliament before the end of the 2022 calendar year and further that the Bill must give the IPID a greater mandate to influence the disciplinary outcomes in cases which were investigated by the IPID.

7.3. Reporting requirements

The Committee requests the following information to be submitted:

- 1) The Department should submit a report on misconduct cases reported and investigated during 2021/22 and should include, specifically, the ranks of police officers investigated, the leading provinces and causative factors. The report should further provide the outcome of these investigations and a provincial breakdown of cases.
- 2) The Department is requested to submit a high-level explanation of the framework adopted on the prioritisation and screening of cases. As the framework will be finalised in November 2022, the requested report should be submitted by 02 December 2022.

8. CONCLUSION

The Committee expressed its appreciation to the Minister of Police, Deputy Minister of Police, Executive Director of IPID and the staff of IPID for their services and commitment during the 2021/22 financial year. The Committee encouraged the Department to improve its performance during the 2022/23 financial year (and going forward) to have a greater impact on the improvement of the professionalism of the police services (SAPS and MPS) and building public trust that criminality and misconduct in the police services will be rooted out.

Report to be considered.