**Report of the Portfolio Committee on Police on the 2023/24 Budget Vote 21 and Annual Performance Plan (APP) of the Civilian Secretariat for Police Service (CSPS), dated 17 May 2023.**

The Portfolio Committee on Police examined the Budget Vote of the Civilian Secretariat for Police Service (Vote 21) for the 2023/24 financial year, as well as the projections of the Medium-Term Expenditure Framework (MTEF) for 2020-2024, which were included in the Estimates of National Expenditure (ENE) 2023. The budget was examined in conjunction with the Annual Performance Plan (APP) for 2023/24 and the Strategic Plan (2020-2025). The Committee reports as follows:

# Introduction

## Structure

The Report provides an overview of the 2023/24 Budget Hearings of the CSPS. The Report is structured as follows:

* Section 1: Introduction. This section provides an introduction to this Report as well as a summary of meetings held during the hearings.
* Section 2: Strategic overview. This section provides an overview of the strategic priorities of the Department during the 2023/24 financial year, as well as the medium-term.
* Section 3: Progress on drafting legislation. This section provides an overview of the progress made on the drafting of legislation by the Department during 2022/23 and over the medium-term.
* Section 4: Relevant court rulings. The section summarises relevant court rulings that have a direct impact on legislation under the administration of the Minister of Police and must be taken into account by the Department when drafting legislation.
* Section 5: Budget allocation for 2023/24. This section provides an analysis of the budget allocations per programme of the CSPS for the 2023/24 financial year.
* Section 6: Programme performance indicators for 2023/24. This section provides a summary of the Department’s performance indicators per programme for the 2023/24 financial year.
* Section 7: Committee observations. This section provides a summary of observations made by the Portfolio Committee on Police during the 2023/24 budget hearings and subsequent responses by the Department.
* Section 8: Recommendations and additional information. This section summarises the recommendations made by the Portfolio Committee on Police, as well as the additional information requested from the Department.
* Section 9: Conclusion. This section provides concluding remarks.

## Meetings held

The Committee met on 19 April 2023 to consider the 2023/24 budget and APP of the CSPS. The meeting was held on a virtual platform. A follow-up meeting was held on 03 May 2023 to address selected concerns that were raised on 19 April 2023.

# Strategic Focus for 2023/24and medium-term

The Department’s strategic focus for 2023/24 and over the medium term includes the following:

1. Encouraging community participation in the fight against crime through facilitating events such as imbizos and public participation programmes;
2. Developing policies and legislation for the police sector; and
3. Assessing and monitoring the performance of the police service, for example, its implementation of recommendations from the Independent Police Investigative Directorate and monitoring its compliance with the legal prescripts effecting its work.

As part of the 2020 – 2025 planning cycle, the CSPS adopted a five-year strategy centred around *improving levels of trust in the police through effective civilian oversight* as the desired impact. The Department identified four institutional outcomes towards the achievement of its envisaged impact, including:

* Improving community participation in the fight against crime;
* Improving community-police relations;
* Facilitating collaboration, coordination and integration on safety, crime and violence prevention within the three spheres of government; and
* Ensuring a transformed and accountable police service.

# Progress on drafting of Legislation

The CSPS plans to finalise six bills over the medium-term, including the:

1. South African Police Service Amendment Bill
2. Independent Police Investigative Directorate Amendment Bill
3. Stock Theft Amendment Bill
4. Firearms Control Amendment Bill
5. Second‐hand Goods Amendment Bill
6. Civilian Secretariat for Police Service Amendment Bill

The Criminal Law (Forensic Procedures) Amendment Bill and the Protection of Constitutional Democracy Against Terrorist and Related Activities Amendment Bill, were finalised in 2022.

During 2022/23 (past financial year), the following progress was made in terms of key legislation affecting the policing portfolio:

**South African Police Service Amendment Bill**

* Public comments received in 2021 were considered and incorporated into the Bill.
* The introduction of the Bill in Parliament for consideration is envisaged in the new financial year (2023/24). *Note: The Bill should stand over to the new Administration for processing.*

**Firearms Control Amendment Bill**

* The Bill was published for public comments in May 2021.
* A series of consultation meetings with stakeholders took place from February to August 2022.

**Independent Police Investigative Directorate Amendment Bill**

* The Bill was approved by Cabinet for publication in the Gazette for public comments in October 2022.
* All comments will be considered and, where necessary, incorporated into the Bill for further consideration by the JCPS Cluster with the goal of obtaining approval for introduction of the Bill in Parliament.

**Review of CSPS Act**

In its 2022/23 APP, the Department stated the need for an urgent review of the CSPS Act, 2011. It stated that although the *“CSPS legislation is good, clear and succinct in terms of our oversight role, is also somewhat vague in terms of empowering the Department to actively pursue some of the bold choices in its organisational strategy by making allowances for enforcement in instances of non-adherence to its provisions by SAPS. The need for a review of the Act has thus become pertinent, particularly taking into account the fact that both the SAPS and IPID Acts have also been reviewed.”*

# Relevant Court Rulings

The following court rulings have a direct impact on legislation under the administration of the Minister of Police, many of which indicate the constitutional invalidity of various sections of Act currently in operation. These defects must be addressed through legislative amendments to the following Act:

* SAPS Act, 1995 (No 68 of 1995)
* Regulation of Gatherings Act, 1993 (No 205 of 1993)
* Intimidation Act, 1982 (No 72 of 1982)
* Firearms Control Act, 2000 (No 60 of 2000)

1. **CCT 32/18: *Mlungwana and Others v the State and Others.*** The Constitutional Court declared section 12 (1) (a) of the *Regulation of Gatherings Act 205 of 1993* unconstitutional and invalid to the extent that it makes the failure to give notice or the giving of inadequate notice by any person who convened a gathering a criminal offence. Not receiving prior notice of a planned gathering has the effect that the police cannot do the necessary planning in respect of law enforcement relating to the gathering. This will be remedied through amendments to the SAPS Act.
2. **CCT 174/18: *Moyo and Another v Minister of Police and Others* (Case CCT 174/18) and *Sonti and Another v. Minister of Police and Others.*** The Constitutional Court declared section 1(2) of the *Intimidation Act 72 of 1982* unconstitutional and invalid.
3. **CCT 07/14 and CCT 09/14 *Helen Suzmann Foundation v President of the Republic of South Africa and Others Case CCT 07/14, Glenister v President of the Republic of South Africa and Others Case No. CCT 09/14.*** The Constitutional Court declared various section of the SAPS Act relating to the Directorate for Priority Crime Investigation (DPCI) summarily unconstitutional, invalid and struck it from the Act. The SAPS Amendment Bill, 2020, proposes to repeal all the provisions affected by the judgement.
4. **CCT 255/15: *McBride v Minister of Police and Another Case No. CCT 255/15 [2016] ZACC 30; 2016 (2) SACR 585 (CC); 2016 (11) BCLR 1398 (CC).*** The Constitutional Court declared various sections of the IPID Act, 2011 unconstitutional and invalid. Parliament had 24 months to cure the defects (before 6 September 2016). Due to time delays, the Portfolio Committee on Police drafted a Committee Bill. Parliament finalised the Bill, which was signed into law by the President on 26 May 2020, as the IPID Amendment Act 27 of 2019.
5. **CCT 195/21: *Minister of Police and Others v Fidelity Security Services (Pty) Limited (CCT195/21 [2022} ZACC 16.*** According to the CSPS: “The Constitutional Court ruled that there is a distinction between ownership and possession and that it is through the limitation of possession that the Act potentially qualifies or limits ownership in the public interest. Once a possession licence has expired without renewal, continued possession results in unlawfulness in terms of the Act which does not necessarily impact on a person’s ownership. The general scheme of the Firearms Control Act No 60 of 2000, particularly sections 3, 20, 24 and 28, concern possession, not ownership and that the Act does not purport to regulate or remove ownership.

In fact, section 149(2)(b) of the Act confirms ownership of even a forfeited firearm, as it stipulates that “*the firearm remains the property of the owner until destruction*”. Possession of a firearm without a valid licence or other authorisation to possess constitutes an offence. The fact that a firearm’s licence has previously expired does not make it a prohibited firearm. Fidelity would be entitled to apply for new licences in respect of the firearms in question based on this aspect. Any person who has an expired possession licence would be allowed to apply for a new licence and this is not limited to a licence in terms of section 20 for business purposes. The Registrar must accept and consider the application for new licences, however it is not obliged to grant those. The outcome will depend on the merits of each application. The SAPS have been issued with guidelines on how to implement the judgement.”

1. **Case 18205/2018: *The Residents of: Industry House, 5 Davies Street, New Doornfontein, Johannesburg and Others v The Minister of Police and Others.*** The High Court found section 13(7) of the South African Police Service Act, 1995, unconstitutional in respect of the manner in which warrantless searches are possible in terms of the Act. The Court ordered wording to be inserted into the Act to align the SAPS Act, 1995, in respect of warrantless searches with the Criminal Procedure Act, 1977. The judgement still needs to be confirmed by the Constitutional Court.
2. **Case 56/2019*: National Commissioner of Police v Gun Owners of South Africa Case No 561/19.*** According to the CSPS: “The Supreme Court of Appeal held that the interim interdict granted against the appellants is constitutionally inappropriate, it violates the principle of separation of powers, it guarantees the unlawful possession of firearms, and therefore it must be set aside.

The appellants appeal against an urgent interim interdict issued by Prinsloo J in the Gauteng Division of the High Court, Pretoria, which prevents the South African Police Service (the SAPS) from applying, implementing, and enforcing various provisions of the Firearms Control Act 60 of 2000 (the Act). Practically, the interdict disabled the scheme of renewal and termination of firearm licenses under the Act by prohibiting the SAPS from demanding or accepting the surrender of firearms by license-holders whose firearm licenses expired because they failed to renew them within the timeframe prescribed by the Act.”

# Budget allocation 2023/24

## Overall budget allocation

The CSPS received a Main Appropriation of R154.2 million in 2023/24, which is a nominal decrease of R1.8 million or 1.1 per cent compared to the previous financial year. In real terms (inflation considered), the Department’s allocation decreased with R9 million, or 5.75 per cent.

***Table 1: Comparative changes in expenditure estimates by programme: 2022/23 to 2023/24***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | | **Nominal Increase/ Decrease 2023/24** | **Real Increase/ Decrease 2023/24** | **Nominal Percent change in 2023/24** | **Real Percent change in 2023/24** |
| **R million** | **2022/23** | **2023/24** |  |  |  |  |
| Programme 1: Administration | 71,3 | 70,7 | - 0,6 | - 3,9 | -0,88 per cent | -5,51 per cent |
| Programme 2: Intersectoral Coordination and Strategic Partnerships | 27,2 | 26,6 | - 0,6 | - 1,8 | -2,09 per cent | -6,66 per cent |
| Programme 3: Legislation and Policy Development | 23,6 | 23,5 | - 0,1 | - 1,2 | -0,56 per cent | -5,20 per cent |
| Programme 4: Civilian Oversight, Monitoring and Evaluation | 33,8 | 33,4 | - 0,4 | - 2,0 | -1,30 per cent | -5,91 per cent |
| **TOTAL** | **155,9** | **154,2** | **- 1,8** | **- 9,0** | **-1,1 per cent** | **-5,75 per cent** |

*Source: National Treasury (2023)*

The Administration Programme received a Main Appropriation of R70.7 million in 2023/24, which is a nominal decrease of 0.8 per cent (considering inflation, it is a real decrease of 5.51 per cent) compared to the previous financial year. The Intersectoral Coordination and Strategic Partnerships Programme received a Main Appropriation of R26.6 million in 2023/24, which is a nominal decrease of 2.09 per cent compared to the previous financial year. However, considering inflation, the Programme received a real decrease of 6.66 per cent. The Legislation and Policy Development Programme received a Main Appropriation of R23.5 million which is a nominal decrease of R100 000.00 or 0.56 per cent. In real terms, the Programme’s allocation decreased by 5.2 per cent. The Civilian Oversight, Monitoring and Evaluation Programme received a Main Appropriation of R33.4 million, which is a nominal decrease of 1.3 per cent. In real terms, the allocation decreased by 5.91 per cent.

***Table 2: Percent of total Department’s budget per subprogramme***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Programme | Budget | Percent of total budget per programme | Budget | Percent of total budget per programme | Change in percent allocation |
| **R million** | **2022/23** | | **2023/24** | |  |
| Programme 1: Administration | 71,3 | 45,75 per cent | 70,7 | 45,87 per cent | 0,12 per cent |
| Programme 2: Intersectoral Coordination and Strategic Partnerships | 27,2 | 17,42 per cent | 26,6 | 17,25 per cent | -0,17 per cent |
| Programme 3: Legislation and Policy Development | 23,6 | 15,13 per cent | 23,5 | 15,21 per cent | 0,09 per cent |
| Programme 4: Civilian Oversight, Monitoring and Evaluation | 33,8 | 21,70 per cent | 33,4 | 21,67 per cent | -0,04 per cent |
| **TOTAL** | **155,9** | **100,00 per cent** | **154,2** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

In 2023/24, the percentages of the total Departmental budget remained similar compared to the previous financial year. The Administration Programme continues to receive the bulk of the Department’s total budget allocation at 45.87 per cent, which is a proportional increase of 0.12 per cent compared to the previous financial year. The Civilian Oversight, Monitoring and Evaluations Programme continues to receive the second largest proportional allocation from the total Departmental budget at 21.68 per cent. Compared to the previous financial year, the Programme’s proportional allocation decreased slightly by 0.04 per cent.

The Intersectoral Coordination and Strategic Partnerships Programme continues to receive the third largest proportional allocation of the total Departmental budget at 17.25 per cent. This is a decrease of 0.17 per cent compared to the previous financial year. The Legislation and Policy Development Programme continues to receive the smallest proportional allocation at 15.21 per cent. The Programme’s proportional allocation increased with 0.09 per cent in 2023/24 compared to the previous financial year.

## Budget allocation per economic classification

In terms of economic classification, the bulk of the Department’s budget is located in *Current payments*, of which 70.61 per cent (R108.9 million) goes towards *Compensation of Employees*. The allocation towards *Compensation of Employees* decreased nominally by 1.79 per cent compared to the previous financial year. In 2023/24, R39.8 million is allocated to *Goods and services*, which is a nominal decrease of 3.0 per cent compared to the previous financial year.

In 2023/24, the allocation towards *Payments for Capital Assets* is R5.3 million which is a nominal increase of 45.65 per cent compared to the previous financial year. *Machinery and equipment* received a Main Appropriation of R5 million, which is a nominal increase of 38.4 per cent compared to the R3.6 million allocation received in the 2022/23 financial year. The allocation towards *Software and other intangible assets* is R400 000 in 2023/24, which is a nominal increase of 405.56 per cent or R300 000.00.

***Table 3: CSPS 2023/24 Budget summary per economic classification***

| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 2023/24** | **Real Increase/ Decrease in 2023/24** | **Nominal Percent change in 2023/24** | **Real Percent change in 2023/24** |
| --- | --- | --- | --- | --- | --- | --- |
| **R million** | **2022/23** | **2023/24** |
| **Current payments** | **151,9** | **148,7** | **- 3,2** | **- 10,2** | **-2,11 per cent** | **-6,69 per cent** |
| Compensation of employees | 110,8 | 108,9 | - 2,0 | - 7,1 | -1,79 per cent | -6,37 per cent |
| Goods and services | 41,1 | 39,8 | - 1,2 | - 3,1 | -3,00 per cent | -7,53 per cent |
| **Transfers and subsidies** | **0,4** | **0,1** | **- 0,2** | **- 0,2** | **-60,98 per cent** | **-62,80 per cent** |
| Provinces and municipalities | 0,0 | 0,0 | 0,0 | 0,0 | 26,32 per cent | 20,42 per cent |
| Departmental agencies and accounts | 0,1 | 0,1 | 0,0 | 0,0 | 9,09 per cent | 4,00 per cent |
| Households | 0,2 | 0,0 | - 0,2 | - 0,2 | -100,00 per cent | -100,00 per cent |
| **Payments for capital assets** | **3,7** | **5,3** | **1,7** | **1,4** | **45,65 per cent** | **38,85 per cent** |
| Machinery and equipment | 3,6 | 5,0 | 1,4 | 1,1 | 38,41 per cent | 31,95 per cent |
| Software and other intangible assets | 0,1 | 0,4 | 0,3 | 0,3 | 405,56 per cent | 381,94 per cent |
| **TOTAL** | **155,9** | **154,2** | **- 1,8** | **- 9,0** | **-1,1 per cent** | **-5,75 per cent** |

*Source: National Treasury (2023)*

## Programme 1: Administration

The Administration Programme’s budget allocation decreased from R71.3 million in 2022/23 to R70.7 million in 2023/24, which is a nominal decrease of 0.9 per cent (or R600 000). Considering inflation, the Programme’s allocation decreased by 5.51 per cent compared to the previous financial year.

The *Department Management* subprogramme received a Main Allocation of R13.2 million in 2023/24, which is a nominal decrease of 1.15 per cent and real decrease of 5.77 per cent compared to the previous financial year.

The *Corporate Services* subprogramme’s allocation decreased slightly from R25.2 million in 2022/23 to R24.7 million in 2023/24, which is a nominal decrease of 2.26 per cent. However, considering inflation, the allocation showed a real decrease of 6.83 per cent. The *Finance Administration* subprogramme received a slight nominal decrease of 3.37 per cent, which is a real decrease of 7.88 per cent.

The Department relocated to their new offices in 2022. The budget allocation of the *Office Accommodation* subprogramme increases from R9.1 million in 2022/23 to R9.9 million in 2023/24, which is a nominal increase of 8.76 per cent.

***Table 4: Budget allocation: Administration Programme***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 2023/24** | **Real Increase/ Decrease in 2023/24** | **Nominal Percent change in 2023/24** | **Real Percent change in 2023/24** |
| **R million** | **2022/23** | **2023/24** |  |  |  |  |
| Sub-programme 1: Department Management | 13,3 | 13,2 | - 0,2 | - 0,8 | -1,15 per cent | -5,77 per cent |
| Sub-programme 2: Corporate Services | 25,2 | 24,7 | - 0,6 | - 1,7 | -2,26 per cent | -6,83 per cent |
| Sub-programme 3: Finance Administration | 18,8 | 18,1 | - 0,6 | - 1,5 | -3,37 per cent | -7,88 per cent |
| Sub-programme 4: Office Accommodation | 9,1 | 9,9 | 0,8 | 0,3 | 8,76 per cent | 3,68 per cent |
| Sub-programme 5: Internal Audit | 4,9 | 4,8 | - 0,1 | - 0,3 | -1,54 per cent | -6,14 per cent |
| **TOTAL** | **71,3** | **70,7** | **- 0,6** | **- 3,9** | **-0,9 per cent** | **-5,51 per cent** |

*Source: National Treasury (2023)*

The *Internal Audit* subprogramme received a Main Appropriation of R4.8 million in 2023/24, which is a slight decrease compared to the previous financial year.

***Table 5: Percent of total Administration Programme budget***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Programme | Budget | Percent of total budget per programme | Budget | Percent of total budget per programme | Change in percent allocation |
| **R million** | 2022/23 | | 2023/24 | |  |
| Sub-programme 1: Department Management | 13,3 | 18,67 per cent | 13,2 | 18,62 per cent | -0,05 per cent |
| Sub-programme 2: Corporate Services | 25,2 | 35,36 per cent | 24,7 | 34,86 per cent | -0,49 per cent |
| Sub-programme 3: Finance Administration | 18,8 | 26,31 per cent | 18,1 | 25,65 per cent | -0,66 per cent |
| Sub-programme 4: Office Accommodation | 9,1 | 12,82 per cent | 9,9 | 14,07 per cent | 1,25 per cent |
| Sub-programme 5: Internal Audit | 4,9 | 6,84 per cent | 4,8 | 6,80 per cent | -0,05 per cent |
| **TOTAL** | **71,3** | **100,00 per cent** | **70,7** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

The increase in the Office Accommodation subprogramme’s budget allocation affected the proportional allocations of the subprogrammes of the Administration Programme. The Corporate services subprogramme continues to receive the bulk of the Programme’s budget allocation at 34.86 per cent. The proportional allocations of the Departmental Management, the Financial Management and the Internal Audit subprogrammes decreased with 0.05 per cent, 0.49 per cent and 0.05 per cent, respectively. The Office Accommodation subprogramme receives 14.07 per cent of the Programme’s total budget allocation.

## Programme 2: Intersectoral Coordination and Strategic Partnerships

The Intersectoral Coordination and Strategic Partnerships Programme received a Main Appropriation of R26.6 million in 2023/24, which is a nominal decrease of 2.1 per cent. Considering inflation, the Programme received a real decrease of 6.66 per cent (or R1.8 million). The *Intergovernmental, Civil Society and Public-Private Partnerships* subprogramme received a Main Appropriation of R22.5 million in 2023/24, which is a nominal decrease of 2.15 per cent compared to the previous financial year. Considering inflation, the subprogramme’s allocation decreased with 6.72 per cent compared to the previous financial year.

***Table 6: Budget allocation: Intersectoral Coordination and Strategic Partnerships Programme***

| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 2023/24** | **Real Increase/ Decrease in 2023/24** | **Nominal Percent change in 2023/24** | **Real Percent change in 2023/24** |
| --- | --- | --- | --- | --- | --- | --- |
| **R million** | **2022/23** | **2023/24** |
| Sub-programme 1: Intergovernmental, Civil Society and Public-Private Partnerships | 23,0 | 22,5 | - 0,5 | - 1,5 | -2,15 per cent | -6,72 per cent |
| Sub-programme 2: Community Outreach | 4,1 | 4,1 | - 0,1 | - 0,3 | -1,76 per cent | -6,35 per cent |
| **TOTAL** | **27,2** | **26,6** | **- 0,6** | **- 1,8** | **-2,1 per cent** | **-6,66 per cent** |

*Source: National Treasury (2023)*

The *Community Outreach* subprogramme received a Main Appropriation of R4.1 million in 2023/24, which is the same as the previous financial year. Considering inflation, the subprogramme’s allocation decreased by 6.35 per cent compared to the previous financial year.

Proportionally, the *Intergovernmental, Civil Society and Public-Private Partnerships* subprogramme receives 84.71 per cent of the Programme’s total budget allocation, while the *Community Outreach* subprogramme receives 15.29 per cent of the total.

***Table 7: Percent of total Intersectoral Coordination and Strategic Partnerships Programme budget per subprogramme***

| **Programme** | **Budget** | **Percent of total budget per programme** | **Budget** | **Percent of total budget per programme** | **Change in percent allocation** |
| --- | --- | --- | --- | --- | --- |
| **R million** | **2022/23** | | **2023/24** | |  |
| Sub-programme 1: Intergovernmental, Civil Society and Public-Private Partnerships | 23,0 | 84,76 per cent | 22,5 | 84,71 per cent | -0,05 per cent |
| Sub-programme 2: Community Outreach | 4,1 | 15,24 per cent | 4,1 | 15,29 per cent | 0,05 per cent |
| **TOTAL** | **27,2** | **100,00 per cent** | **26,6** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

## Programme 3: Legislation and Policy Development

The Legislation and Policy Development Programme received a Main Appropriation of R23.5 million in 2023/24, which is a nominal decrease of 0.6 per cent compared to the previous financial year. Considering inflation, the Programme’s allocation shows a real decrease of 5.2 per cent.

***Table 8: Budget allocation: Legislation and Police Development Programme***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | | **Nominal Increase/ Decrease 2023/24** | **Real Increase/ Decrease 2023/24** | **Nominal Percent change in 2023/24** | **Real Percent change in 2023/24** |
| **R million** | **2022/23** | **2023/24** |  |  |  |  |
| Sub-programme 1: Policy Development and Research | 16,1 | 15,7 | - 0,4 | - 1,1 | -2,32 per cent | -6,88 per cent |
| Sub-programme 2: Legislation | 7,5 | 7,7 | 0,2 | - 0,1 | 3,24 per cent | -1,58 per cent |
| **TOTAL** | **23,6** | **23,5** | **- 0,1** | **- 1,2** | **-0,6 per cent** | **-5,20 per cent** |

*Source: National Treasury (2023)*

The *Policy Development and Research* subprogramme received a Main Appropriation of R15.7 million, which is a nominal decrease of R400 000.00 or 2.32 per cent in 2023/24. Considering inflation, the subprogramme’s allocation decreased with 6.88 per cent.

The *Legislation* subprogramme received a Main Appropriation of R7.7 million in 2023/24, which is a nominal increase of 3.24 per cent. However, considering inflation, the allocation decreased by 1.58 per cent compared to the previous financial year.

The proportional allocations towards subprogrammes changed in 2023/24 compared to the previous financial year. The *Policy Development and Research* subprogramme continues to receive the bulk of the Programme’s allocation at 67.12 per cent, which decreased by 1.21 per cent. The *Legislation* subprogramme receives 32.9 per cent of the Programme’s total appropriation for 2023/24. The subprogramme’s proportional allocation increased by 1.21 per cent in 2023/24 compared to the previous financial year.

***Table 9: Percent of total Legislation and Police Development Programme***

| **Programme** | **Budget** | **Percent of total budget per programme** | **Budget** | **Percent of total budget per programme** | **Change in percent allocation** |
| --- | --- | --- | --- | --- | --- |
| **R million** | **2022/23** | | **2023/24** | |  |
| Sub-programme 1: Policy Development and Research | 16,1 | 68,31 per cent | 15,7 | 67,10 per cent | -1,21 per cent |
| Sub-programme 2: Legislation | 7,5 | 31,69 per cent | 7,7 | 32,90 per cent | 1,21 per cent |
| **TOTAL** | **23,6** | **100,00 per cent** | **23,5** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

## Programme 4: Civilian Oversight, Monitoring and Evaluation

The Civilian Oversight, Monitoring and Evaluation Programme received a Main Appropriation of R33.4 million in 2023/24, which is a nominal decrease of 1.3 per cent and a real decrease of 5.91 per cent. The *Police Performance, Conduct and Compliance* subprogramme received a Main Appropriation of R15.6 million in 2023/24, which is a slight nominal increase of 0.42 per cent. However, considering inflation, the allocation decreased by 4.27 per cent.

The *Policy and Programme Evaluations* subprogramme received a Main Appropriation of R7.2 million in 2023/24, which remained unchanged compared to the previous financial year. Considering inflation, the subprogramme’s allocation decreased by 4.47 per cent.

***Table 10: Budget allocation: Civilian Oversight, Monitoring and Evaluation Programme***

| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 2023/24** | **Real Increase/ Decrease in 2023/24** | **Nominal Percent change in 2023/24** | **Real Percent change in 2023/24** |
| --- | --- | --- | --- | --- | --- | --- |
| **R million** | **2022/23** | **2023/24** |
| Sub-programme 1: Police Performance, Conduct and Compliance | 15,5 | 15,6 | 0,1 | - 0,7 | 0,42 per cent | -4,27 per cent |
| Sub-programme 2: Policy and Programme Evaluations | 7,2 | 7,2 | 0,0 | - 0,3 | 0,21 per cent | -4,47 per cent |
| Sub-programme 3: Office of the Directorate for Priority Crime Investigation Judge | 7,4 | 6,9 | - 0,4 | - 0,8 | -6,08 per cent | -10,47 per cent |
| Sub-programme 4: National Forensic Oversight and Ethics Board | 3,8 | 3,7 | - 0,1 | - 0,2 | -1,88 per cent | -6,46 per cent |
| **TOTAL** | **33,8** | **33,4** | **- 0,4** | **- 2,0** | **-1,3 per cent** | **-5,91 per cent** |

*Source: National Treasury (2023)*

The *Office of the Directorate for Priority Crime Investigation Judge* subprogramme received a Main Appropriation of R6.9 million in 2023/24, which is a nominal decrease of 6.08 per cent, which is a real decrease of 10.47 per cent. The *National Forensic Oversight and Ethics Board* subprogramme received a Main Appropriation of R3.7 million in 2023/24, which is a nominal decrease of 1.88 per cent and real decrease of 6.46 per cent compared to the previous financial year.

The proportional allocations towards the subprogrammes shifted slightly in 2023/24 compared to the previous financial year. The decreased allocation of the Directorate for Priority Crime Investigation Judge subprogramme resulted in a 1.06 per cent decrease of its proportional allocation in 2023/24.

***Table 11: Percent of total Civilian Oversight, Monitoring and Evaluation Programme budget***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | **Percent of total budget per programme** | **Budget** | **Percent of total budget per programme** | **Change in percent allocation** |
| **R million** | **2022/23** | | **2023/24** | |  |
| Sub-programme 1: Police Performance, Conduct and Compliance | 15,5 | 45,92 per cent | 15,6 | 46,72 per cent | 0,80 per cent |
| Sub-programme 2: Policy and Programme Evaluations | 7,2 | 21,14 per cent | 7,2 | 21,47 per cent | 0,32 per cent |
| Sub-programme 3: Office of the Directorate for Priority Crime Investigation Judge | 7,4 | 21,77 per cent | 6,9 | 20,71 per cent | -1,06 per cent |
| Sub-programme 4: National Forensic Oversight and Ethics Board | 3,8 | 11,17 per cent | 3,7 | 11,10 per cent | -0,07 per cent |
| **TOTAL** | **33,8** | **100,00 per cent** | **33,4** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

## Expenditure on personnel/compensation of employees

Compensation of employees remains the Department’s largest cost driver, accounting for 70.61 per cent (R108.9 million) of the Department’s total 2023/24 budget allocation. This allocation decreased nominally by 1.79 per cent compared to the previous financial year.

When the Secretariat became a designated Department in 2012, the personnel establishment consisted of a total of 107 posts, which has grown to156 posts, indicating a growth rate of approximately 46%. Additional posts were created over the years to capacitate the Department to deliver on its mandate. The number of personnel in the Secretariat is expected to increase from 162 in 2023/24 to 166 in 2025/26. According to National Treasury, new staff members will be employed at lower salary notches than their predecessors to save costs. The Secretariat has 28 posts additional to the establishment, mainly due to the appointment of cleaning and security personnel on a contract basis following the relocation to a new and bigger office building in April 2022.

# Performance analysis 2023/24

This section provides a summary of the performance indicators and targets of the Department’s budget programmes. The section further highlights key concerns for consideration of Parliament during the 2023/24 budget hearings of the Department.

In 2023/24, the Department identified 30 performance indicators, of which most targets remained unchanged from the previous financial year. The Department introduced two new targets in 2023/24.

According to the Department, the effectiveness of their civilian oversight mandate, including the provision of strategic and policy advice to the Minister of Police, rests on adequate and reasonable access to SAPS systems and information by the CSPS and ultimately on the willingness to implement CSPS policy proposals and recommendations. As such, the working relationship and effective functioning of cooperative governance structures between the SAPS and CSPS must be continuously strengthened.

## Programme 1: Administration

**Programme purpose:** The purpose of the Administration Programme is to provide strategic leadership, management and support services to the Department.

For the 2023/24 financial year, the Administration programme has 7 performance indicators, of which two targets are new compared to the previous financial year.

**Subprogramme: Department Management**

1. One database developed on CSPS recommendations implemented by SAPS
2. Two reports on the role of CSPS in facilitating the implementation of the ICVPS

**Subprogramme: Corporate Services**

1. Vacancy rate of not more than 10% of the total post establishment: Target increased from 7% in 2022/23.
2. Percentage of implementation of the Human Capital Strategy: Target remains unchanged at 100% implementation.
3. Percentage implementation of the Information and Communication Technology (ICT) Strategy: Target remains unchanged at 100%.

**Subprogramme: Finance Administration**

1. Percentage of payments made to creditors within 30 days: Target remains unchanged at 100%.
2. Percentage of expenditure in relation to the allocated budget: Target remains unchanged at 98%.

## Programme 2: Intersectoral Coordination and Strategic Partnerships

**Programme purpose:** The purpose of the *Intersectoral Coordination and Strategic Partnerships* Programme is to manage and encourage national dialogue on community safety and crime prevention.

For the 2023/24 financial year, the Programme identified nine performance indicators.

**Sub programme: Intergovernmental, Civil Society and Public-Private Partnerships**

1. Number of memoranda of understanding (MoUs) signed with stakeholders in order to build safer communities: Target remains unchanged at two MOUs for 2023/24.
2. Number of MoUs implemented to build safer communities. The target is reduced from three MoUs to two MOUs in 2023/24.
3. Number of assessments conducted to determine the functionality of established Community Safety Forums (CSFs): Target remains unchanged at nine workshops.
4. Number of provincial capacity-building sessions held on crime prevention policies per year: Target remains unchanged at nine sessions.
5. Number of anti-crime campaigns conducted per year: Target remains unchanged at three campaigns in 2023/24.
6. Number of assessment reports conducted to determine the functionality of established Community Policing Forums (CPFs). Target remains unchanged at two reports.
7. Number of provincial CPF training workshops facilitated on the civilian oversight role of CPFs. The target for 2023/24 remains unchanged at nine workshops.

**Sub programme: Community Outreach**

1. Number of izimbizo/public participation programmes held with communities to promote community safety: Target remains unchanged at eight in 2023/24.
2. Number of response plans on the Izimbizo / public participation programmes held to promote community safety (feedback to communities). The target for 2023/24 is increased from four response plans (in 2022/23) to eight response plans.

## Programme 3: Legislation and Policy Development

**Programme purpose:** The purpose of the *Legislation and Policy Development* Programme is to develop policy and legislation for the police sector and to conduct research on policing and crime.

For the 2022/23 financial year, the Programme identified four performance indicators.

**Sub programme: Policy Development and Research**

1. Number of draft national policing polices submitted to the Secretary for approval per year: Target remains unchanged at one policy.
   * As in 2022/23, the focus for 2023/24 is on conducting in-depth consultations on the draft **National Policing Policy (NPP)** with stakeholders, specifically the SAPS, the MECs and the provincial Departments of Community Safety.
2. Number of research reports on policing approved by the Secretary per year: Target decreased from two research reports to one research report.
3. Percentage implementation of Knowledge and Information Management Strategy. The 2023/24 target is 100% implementation.

**Sub programme: Legislation**

1. Number of Bills submitted to the Minister for Cabinet approval per year: Target remains unchanged at two Bills.

Although only two Bills will be submitted to the Minister for Cabinet approval, work will continue on the following Bills:

* South African Police Service Amendment Bill
* Independent Police Investigative Directorate Amendment Bill
* Firearms Control Amendment Bill
* Second Hand Goods Amendment Bill
* Stock Theft Amendment Bill

## Programme 4: Civilian Oversight, Monitoring and Evaluation

**Programme purpose:** The purpose of the *Civilian Oversight, Monitoring and Evaluation* Programme is to oversee, monitor and report on the performance of the SAPS.

For the 2023/24 financial year, the Programme identified 10 performance indicators, of which most targets remain unchanged compared to the previous financial year.

**Sub programme: Police Performance, Conduct and Compliance Monitoring**

1. Number of Police Oversight Reports approved by the Secretary: Target reduced from three to two reports in 2023/24.
2. Number of SAPS Budget and Programme Performance Assessment Reports approved by the Secretary for Police Service per year: Target remains unchanged at one report.
3. Number of Assessments Reports on SAPS Complaints Management conducted: Target remains unchanged at two reports.
4. Number reports on SAPS Implementation of IPID Recommendations: Target remains unchanged at two reports.
5. Number of assessments on police conduct and integrity undertaken: Target remains unchanged at one assessment.
6. Number of Compliance Monitoring Reports on the implementation of the Domestic Violence Act, 1998 by SAPS: Target remains unchanged at two reports.
7. Number of reports on the implementation and compliance to legislation and policies: Target remains unchanged at two reports.
8. Number of reports on the functioning of the National Forensic DNA Database assessed per year: Target remains unchanged at four reports.

**Sub programme: Policy and Programme Evaluations**

1. Number of assessment reports on SAPS programmes: Target remains unchanged at one report.
2. Number of evaluation reports on legislation and policies: Target remains unchanged at one report.

# Committee Observations

The Committee made the following observations during the 2023/24 budget hearings:

**Vacancies:** The Committee raised concern about the high number of vacancies in the Department, especially the position of the Secretary for Police. The Committee noted that instability is caused when the accounting officer of a Department is acting for prolonged periods. The Committee questioned when the positions will be filled and the reason for the delay. Additionally, the Committee raised concern about the vacancies in the positions of the DPCI Judge and the DNA Board Chairperson. The Department indicated that the recruitment process is ongoing and that various factors, beyond their control, impacted negatively on the appointment of these individuals.

**Community Police Forums (CPFs):** The Committee raised significant concern about the status of CPFs and the fact that the delay in amending the South African Police Service Act had a significant adverse effect on the resourcing of CPFs. The draft amendments to the SAPS Act clarifies the position, functioning and resourcing of CPFs. The CPFs are currently straddled between the SAPS, the CSPS and Provincial Secretariats over which the CSPS has no oversight mandate. The concerns regarding CPFs were also sharply raised with the SAPS during its budget hearing.

**Impact of the Department:** The Committee raised concern about the manner in which the Department’s impact is measured at ground level, and whether izimbizo’s has the desired effect. In addition, the Committee noted that many theories and strategies are being developed to address this concern, but asked whether its impact is measurable. The Department indicated that their Strategic Plan was reviewed based on questions regarding their impact on ground level and on increasing the professionalism of the SAPS.

**Mandate:** The Committee questioned the effective execution of the Department’s mandate in terms of exercising transversal civilian oversight on matters relating to, amongst others, the governance, service delivery, performance and resourcing of the SAPS, because the SAPS is continuously experiencing challenges in all areas of oversight. The Department noted that they submit regular reports to the SAPS and the Minister of Police with specific recommendations that must be implemented.

**Delay in drafting legislation:** The delay in finalising, and submitting, draft legislation to Parliament was raised as a key concern. The Committee noted that several high impact Bills have been outstanding for more than a decade, among which is the SAPS Amendment Bill. The Committee expressed its dissatisfaction at the confirmation that the SAPS Amendment Bill will not be brought to Parliament in the 6th Parliamentary term, due to the fact that the timeframe is too short to process the Bill and that the Leader of Government Business (Deputy President) has issued a directive that only legislation with Constitutional Court deadlines, and those already on the legislative schedule of Cabinet, will be processed through Cabinet for submission to Parliament. The Committee noted that this directive should not be used as an excuse for not finalising the SAPS Amendment Bill, as the Bill has been outstanding for almost 25 years and still predates the 1996 Constitution. The failure is laid at the feet of the Department for not allowing adequate time to process the Bill. The Committee noted that only the IPID Amendment Bill will be targeted for completion within the remainder of the 6th Parliamentary term. In light thereof, the Committee questioned whether the Department’s APP should not be amended to indicate that only one Bill (instead of two) is planned for finalisation in the 2023/24 financial year.

**Relevant court rulings:** The Committee noted with concern the number of court rulings that impact on legislation within the policing environment and note that these judgements must be taken into account when drafting the affected Acts. The Committee further noted that several of the judgements declared specific parts of the SAPS Act, IPID Act and Regulation of Gatherings Act unconstitutional and that these must be remedied as a matter of urgency.

# Committee recommendations

## Recommendations

The Committee made the following recommendations:

1. The Committee recommends that the Department should further analyse the impact that their programmes and performance indicators have on the professionalisation of the SAPS.
2. The Committee recommends that the Department should intensify efforts to submit legislation to the Minister for tabling in Parliament. The Department’s legislative drafting capacity should be increased significantly to reduce the backlog in drafting legislation, further noting that this is a specialised and scarce skill.
3. The Committee recommends that the Department should seize the opportunity when amending its guiding legislation to clarify and strengthen its mandate to give effect to its Constitutional mandate and intensify its role in professionalising the South African Police Service.

# Conclusion

The CSPS must prioritise its role to reduce violent crime through the promotion of a more active citizenry and the establishment of a new social compact. A key aspect thereof is the effective implementation of the 2016 White Paper on Safety and Security, which focuses on realising the Vision 2030 and creating an integrated and holistic approach to safety and security across all Government departments and civil society.

The Portfolio Committee on Police supports the budget of the Civilian Secretariat for Police Service (CSPS) for 2023/24 and recommends that the Budget Vote 21 be adopted.

The Democratic Alliance (DA) and Economic Freedom Fighters (EFF) reserve their rights.

**Report to be considered.**