**Report of the Portfolio Committee on Police on the 2023/24 Budget Vote 24 and Annual Performance Plan (APP) of the Independent Police Investigative Directorate (IPID), dated 17 May 2023.**

The Portfolio Committee on Police examined the Budget Vote of the Independent Police Investigative Directorate (Vote 24) 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 2023 Estimates of National Expenditure (ENE). 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 IPID. 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: Legislative mandate. This section provides a summary of the IPIDs legislative mandate as per the IPID Act, 2011 and the Constitution.
* Section 3: Budget allocation for 2023/24. This section provides an analysis of the budget allocations per programme of the IPID for the 2023/24 financial year.
* Section 4: Programme performance indicators for 2023/24. This section provides a summary of the IPIDs performance indicators per programme for the 2023/24 financial year.
* Section 5: Committee observations. This section provides selected observations made by the Portfolio Committee on Police in general, on the annual performance targets and programme specific issues during the 2023/24 budget hearings and subsequent responses by the IPID.
* Section 6: 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 IPID.
* Section 7: Conclusion. This section provides concluding remarks.

## Meetings held

The Committee met on 12 May 2023 to consider the IPID 2023/24 APP and Budget. The meeting was held on a virtual platform.

# Legislative mandate

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:

1. Any deaths in police custody;
2. Deaths as a result of police actions;
3. Complaints relating to the discharge of an official firearm by any police officer;
4. Rape by a police officer, whether the police officer is on or off duty;
5. Rape of any person in police custody;
6. Any complaint of torture or assault against a police officer in the execution of his or her duties;
7. 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
8. 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.

# Budget allocation for 2023/24

## Overall budget allocation

The IPID received a Main Appropriation of R364.4 million in 2023/24, which is a slight nominal increase of 0.2 per cent. However, taking into account inflation, the Directorate’s allocation decreased by 4.45 per cent. Note should be taken of the response from the Minister of Finance on the Committee’s BRRR recommendation that the IPID’s budget allocation be increased as noted above. The Minister indicated that IPID has recorded continued underspending and thus has not demonstrated that it has the capacity to fully spend its allocated budget.

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

| **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** |  | |  |  |  |
| Programme 1: Administration | 116,0 | 109,2 | - 6,8 | | - 11,9 | -5,82 per cent | -10,22 per cent |
| Programme 2: Investigation and Information Management | 227,1 | 236,9 | 9,9 | | - 1,2 | 4,35 per cent | -0,53 per cent |
| Programme 3: Legal and Investigation Advisory Services | 6,2 | 6,8 | 0,6 | | 0,3 | 9,71 per cent | 4,58 per cent |
| Programme 4: Compliance Monitoring and Stakeholder Management | 14,3 | 11,4 | - 2,9 | | - 3,4 | -20,08 per cent | -23,82 per cent |
| **TOTAL** | **363,5** | **364,4** | **0,9** | | **- 16,2** | **0,2 per cent** | **-4,45 per cent** |

*Source: National Treasury (2023)*

The Administration Programme received an allocation of R109.2 million in 2023/24, which is a nominal decrease of R6.8 million or 5.82 per cent. In real terms, the allocation decreased with 10.22 per cent compared to the previous financial year. The Investigation and Information Management Programme received a Main Appropriation of R236.9 million, which is a nominal increase of 4.35 per cent compared to the previous financial year. However, when considering inflation, the Programme’s allocation decreased by 0.53 per cent.

The Legal and Investigation Advisory Services Programme received a Main Appropriation of R6.8 million in 2023/24, which is a nominal increase of 9.71 per cent (or R600 000) and real increase of 4.58 per cent compared to the previous financial year. The Compliance Monitoring and Stakeholder Management Programme received a Main Appropriation of R11.4 million in 2023/24, which is a nominal decrease of 20.08 per cent (-R2.9 million), and a real decrease of 23.82 per cent compared to the previous financial year.

The Department’s proportional allocation to Programmes changed slightly in 2023/24 compared to the previous financial year. The Administration Programme receives 29.98 per cent of the Department’s total budget allocation. The proportional allocation decreased by 1.93 per cent in 2023/24 compared to the previous financial year. The Investigation and Information Management Programme continues to receive the bulk of the Department’s total allocation at 65.02 per cent thereof. In 2023/24, the Programme’s proportional allocation increased by 2.56 per cent. The proportional allocation of the Legal and Investigation Advisory Services Programme increased slightly with 0.16 per cent and that of the Compliance Monitoring and Stakeholder Management Programme decreased with 0.8 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 | 116,0 | 31,90 per cent | 109,2 | 29,98 per cent | -1,93 per cent |
| Programme 2: Investigation and Information Management | 227,1 | 62,46 per cent | 236,9 | 65,02 per cent | 2,56 per cent |
| Programme 3: Legal and Investigation Advisory Services | 6,2 | 1,71 per cent | 6,8 | 1,87 per cent | 0,16 per cent |
| Programme 4: Compliance Monitoring and Stakeholder Management | 14,3 | 3,93 per cent | 11,4 | 3,13 per cent | -0,80 per cent |
| **TOTAL** | **363,5** | **100,00 per cent** | **364,4** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

In terms of economic classification, the largest portion of funds is allocated to *Current Payments.* In 2023/24, the Main Appropriation of *Current Payments* was R356.8 million which is a nominal increase of 2.06 per cent (97.92 per cent of the IPIDs total allocation). Under this item, the allocation towards *Compensation of Employees*, forms 67.51 per cent of the Department’s total budget allocation in 2023/24. The allocation increased from R233.9 million in 2022/23 to R246.0 million in 2023/24, which is a nominal increase of R12.1 million or 5.18 per cent.

The total allocation towards *Goods and Service* decreased from R115.7 million in 2022/23 to R110.8 million in 2023/24, which is a nominal decrease of R4.9 million or 4.25 per cent. Under *Goods and services,* the allocation towards *Communication* increased nominally from R6.5 million in 2022/23 to R7.5 million in 2023/24, which is a nominal increase of R900 000 or 14.4 per cent.

***Table 3: IPID Budget Summary per programme and economic classification***

| **Programme** | **Budget** | | **Nominal Increase/ Decrease 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** | **349,6** | **356,8** | **7,2** | **- 9,5** | **2,06 per cent** | **-2,71 per cent** |
| Compensation of employees | 233,9 | 246,0 | 12,1 | 0,6 | 5,18 per cent | 0,26 per cent |
| Goods and services | 115,7 | 110,8 | - 4,9 | - 10,1 | -4,25 per cent | -8,72 per cent |
| *of which:* |  |  |  |  |  |  |
| *Communication* | *6,5* | *7,5* | *0,9* | *0,6* | *14,40 per cent* | *9,06 per cent* |
| *Computer services* | *12,7* | *11,4* | *- 1,2* | *- 1,8* | *-9,85 per cent* | *-14,06 per cent* |
| *Fleet services (including government motor transport)* | *8,4* | *9,1* | *0,7* | *0,3* | *8,64 per cent* | *3,57 per cent* |
| *Operating leases* | *26,9* | *25,0* | *- 1,9* | *- 3,1* | *-7,06 per cent* | *-11,40 per cent* |
| *Property payments* | *24,3* | *26,0* | *1,7* | *0,5* | *6,96 per cent* | *1,96 per cent* |
| *Travel and subsistence* | *14,7* | *15,7* | *1,1* | *0,3* | *7,17 per cent* | *2,16 per cent* |
| **Transfers and subsidies** | **1,3** | **1,0** | **- 0,2** | **- 0,3** | **-19,33 per cent** | **-23,10 per cent** |
| Provinces and municipalities | 0,1 | 0,1 | 0,0 | 0,0 | 4,76 per cent | -0,13 per cent |
| Departmental agencies and accounts | 0,7 | 0,7 | 0,0 | 0,0 | 0,00 per cent | -4,67 per cent |
| Households | 0,5 | 0,2 | - 0,3 | - 0,3 | -55,75 per cent | -57,82 per cent |
| **Payments for capital assets** | **12,6** | **6,5** | **- 6,1** | **- 6,4** | **-48,23 per cent** | **-50,64 per cent** |
| Machinery and equipment | 12,6 | 6,5 | - 6,1 | - 6,4 | -48,23 per cent | -50,64 per cent |
| **TOTAL** | **363,5** | **364,4** | **0,9** | **- 16,2** | **0,2 per cent** | **-4,45 per cent** |

*Source: National Treasury (2023)*

The continued decrease in budget allocation towards *Payments for Capital Assets (Machinery and equipment*) is concerning. In 2022/23, the allocation had a significant nominal decrease of 48.75 per cent, which is repeated with a decrease of 48.23 per cent (or R6.1 million) in 2023/24. The table below shows the variances in the allocation towards *Machinery and equipment* over the past four years and over the medium-term.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Audited outcome** | | | **Adjusted appropriation** | **Medium-term expenditure estimate** | | |
| **R million** | | | | | | |
| **2019/20** | **2020/21** | **2021/22** | **2022/23** | **2023/24** | **2024/25** | **2025/26** |
| 2.4 | 5.6 | 14.5 | 12.6 | 6.5 | 6.8 | 7.1 |

## Budget allocation per budget programme

### Administration Programme

The Administration Programme received a Main Appropriation of R109.2 million in 2023/24, which is a nominal decrease of 5.8 per cent (-R6.8 million), which is a real decrease of 10.22 per cent compared to the previous financial year. The *Department Management subprogramme* received a Main Appropriation of R11.1 million in 2023/24, which is a significant nominal decrease of 48.99 per cent (-R10.7 million). Considering inflation, the allocation decreased by 51.37 per cent compared to the previous financial year.

***Table 4: Budget allocation per subprogramme of the 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 | 21,8 | 11,1 | - 10,7 | - 11,2 | -48,99 per cent | -51,37 per cent |
| Sub-programme 2: Corporate Services | 51,2 | 50,2 | - 1,1 | - 3,4 | -2,08 per cent | -6,65 per cent |
| Sub-programme 3: Office Accommodation | 15,2 | 15,8 | 0,7 | - 0,1 | 4,41 per cent | -0,47 per cent |
| Sub-programme 4: Internal Audit | 5,7 | 6,1 | 0,5 | 0,2 | 8,35 per cent | 3,29 per cent |
| Sub-programme 5: Finance Services | 22,1 | 25,9 | 3,9 | 2,6 | 17,46 per cent | 11,97 per cent |
| **TOTAL** | **116,0** | **109,2** | **- 6,8** | **- 11,9** | **-5,8 per cent** | **-10,22 per cent** |

*Source: National Treasury (2023)*

The *Corporate Services subprogramme* received a Main Appropriation of R50.2 million in 2023/24, which is a nominal decrease of 2.08 per cent and real decrease of 6.65 per cent compared to the previous financial year. The *Office Accommodation subprogramme* received a Main Appropriation of R15.8 million in 2023/24, which is a nominal increase of 4.41 per cent, and a real decrease of 0.47 per cent. The *Internal Audit subprogramme* received a Main Appropriation of R6.1 million in 2023/24, which is a nominal increase of 8.35 per cent compared to the previous financial year. Considering inflation, the subprogramme’s budget allocation increased by 3.29 per cent. The *Finance Services subprogramme* received a Main Appropriation of R25.9 million in 2023/24, which is a significant nominal increase of 17.46 per cent (+R3.9 million) and a real increase of 11.97 per cent. For the second year, the subprogramme received the largest budget increase in 2023/24 of the Administration Programme.

The table below shows the changes in the proportional allocation towards subprogrammes. The Corporate Services subprogramme continues to receive the bulk of the Programme’s allocation (45.94 per cent), followed by the Finance Services subprogramme (23.75 per cent). Due to the significant budget decrease in the *Departmental Management subprogramme*, its proportional allocation decreased by 8.62 per cent in 2023/24 compared to the previous financial year.

***Table 5: Percent of total Administration 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: Department Management | 21,8 | 18,80 per cent | 11,1 | 10,18 per cent | -8,62 per cent |
| Sub-programme 2: Corporate Services | 51,2 | 44,18 per cent | 50,2 | 45,94 per cent | 1,75 per cent |
| Sub-programme 3: Office Accommodation | 15,2 | 13,08 per cent | 15,8 | 14,50 per cent | 1,42 per cent |
| Sub-programme 4: Internal Audit | 5,7 | 4,89 per cent | 6,1 | 5,62 per cent | 0,74 per cent |
| Sub-programme 5: Finance Services | 22,1 | 19,04 per cent | 25,9 | 23,75 per cent | 4,71 per cent |
| **TOTAL** | **116,0** | **100,00 per cent** | **109,2** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

### Investigation and Information Management Programme

The Investigation and Information Management Programme received a Main Appropriation of R236.9 million in 2023/24, which is a nominal increase of 4.3 per cent (R9.9 million) compared to the previous financial year. Considering inflation, the Programme’s allocation decreased slightly by 0.53 per cent.

The *Investigation Management subprogramme* received a Main Appropriation of R9.7 million in 2023/24, which is a substantial nominal increase of 50.05 per cent (+R3.2 million) and a real increase of 43.05 per cent compared to the previous financial year. The *Investigation Services subprogramme* received a Main Appropriation of R222.0 million in 2023/24, which is a nominal increase of 2.87 per cent and considering inflation, the allocation decreased by 1.94 per cent. The *Information Management subprogramme* received a Main Appropriation of R5.2 million in 2023/24, which is a nominal increase of 9.65 per cent and a real increase of 4.54 per cent.

***Table 6: Budget allocation of the Investigation and Information Management Programme***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 2023/24** | **Real Increase/ Decrease 2023/24** | **Nominal Percent change 2023/24** | **Real Percent change in 2023/24** |
| **R million** | **2022/23** | **2023/24** |
| Sub-programme 1: Investigation Management | 6,4 | 9,7 | 3,2 | 2,8 | 50,05 per cent | 43,05 per cent |
| Sub-programme 2: Investigation Services | 215,9 | 222,0 | 6,2 | - 4,2 | 2,87 per cent | -1,94 per cent |
| Sub-programme 3: Information Management | 4,8 | 5,2 | 0,5 | 0,2 | 9,65 per cent | 4,53 per cent |
| **TOTAL** | **227,1** | **236,9** | **9,9** | **- 1,2** | **4,3 per cent** | **-0,53 per cent** |

*Source: National Treasury (2023)*

The *Investigation Management subprogramme’s* proportional allocation increased by 1.24 per cent compared to the previous financial year. The Investigation Services subprogramme continues to receive the bulk of the Programme’s allocation (93.72 per cent). However, the subprogramme’s proportional allocation decreased by 1.35 per cent in 2023/24 compared to the previous financial year.

***Table 7: Percent of total Investigation and Information Management 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: Investigation Management | 6,4 | 2,83 per cent | 9,7 | 4,07 per cent | 1,24 per cent |
| Sub-programme 2: Investigation Services | 215,9 | 95,07 per cent | 222,0 | 93,72 per cent | -1,35 per cent |
| Sub-programme 3: Information Management | 4,8 | 2,10 per cent | 5,2 | 2,21 per cent | 0,11 per cent |
| **TOTAL** | **227,1** | **100,00 per cent** | **236,9** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

### Legal and Investigation Advisory Services Programme

The Legal and Investigation Advisory Services Programme received a Main Appropriation of R6.8 million in 2023/24, which is a nominal increase of 9.7 per cent and a real increase of 4.58 per cent compared to the previous financial year.

The *Legal Support and Administration subprogramme* received a Main Appropriation of R2.1 million, which is a substantial nominal increase of 63.49 per cent (+R800 000). Considering inflation, the subprogramme’s allocation had a real increase of 55.85 per cent. The *Litigation Advisory Services subprogramme* received a Main Appropriation of R2.3 million in 2023/24, which is a nominal decrease of 7.14 per cent and a real decrease of 11.47 per cent. The *Investigation Advisory Services subprogramme* received a Main Appropriation of R2.5 million in 2023/24, which is a nominal decrease of 1.15 per cent and a real decrease of 5.77 per cent.

***Table 8: Budget allocation of the Legal and Investigation Advisory Services Programme***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 2023/24** | **Real Increase/ Decrease 2023/24** | **Nominal Percent change 2023/24** | **Real Percent change in 2023/24** |
| **R million** | **2022/23** | **2023/24** |  |  |  |  |
| Sub-programme 1: Legal Support and Administration | 1,3 | 2,1 | 0,8 | 0,7 | 63,49 per cent | 55,85 per cent |
| Sub-programme 2: Litigation Advisory Services | 2,4 | 2,3 | - 0,2 | - 0,3 | -7,14 per cent | -11,47 per cent |
| Sub-programme 3: Investigation Advisory Services | 2,5 | 2,5 | 0,0 | - 0,1 | -1,15 per cent | -5,77 per cent |
| **TOTAL** | **6,2** | **6,8** | **0,6** | **0,3** | **9,7 per cent** | **4,58 per cent** |

*Source: National Treasury (2023)*

Proportionally the subprogrammes have a relatively equal allocation. This was largely brought about by the substantial increase in the budget of the *Legal Support and Administration subprogramme*, which increased proportionally by 10.01 per cent in 2023/24 compared to the previous financial year. This proportional increase resulted in proportional decreases in both the *Litigation Advisory Services* and *Investigation Advisory Services* subprogrammes. The *Investigation Advisory Services subprogramme* continues to receive the bulk of the programme’s total allocation at 36.55 per cent.

***Table 9: Percent of total Legal and Advisory Services 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: Legal Support and Administration | 1,3 | 20,41 per cent | 2,1 | 30,42 per cent | 10,01 per cent |
| Sub-programme 2: Litigation Advisory Services | 2,4 | 39,02 per cent | 2,3 | 33,03 per cent | -5,99 per cent |
| Sub-programme 3: Investigation Advisory Services | 2,5 | 40,57 per cent | 2,5 | 36,55 per cent | -4,01 per cent |
| **TOTAL** | **6,2** | **100,00 per cent** | **6,8** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

### Compliance Monitoring and Stakeholder Management Programme

The Compliance Monitoring and Stakeholder Management Programme received a Main Appropriation of R11.4 million in 2023/24, which is a substantial nominal decrease of 20.1 per cent compared to the previous financial year. Considering inflation, the Programme’s allocation decreased by 23.82 per cent.

The *Compliance Monitoring subprogramme* received a Main Appropriation of R5.4 million in 2023/24, which is a substantial nominal decrease of 28.31 per cent (-R2.1 million). Considering inflation, the subprogramme’s allocation decreased by 31.66 per cent (-R2.4 million). The *Stakeholder Management subprogramme* received a Main Appropriation of R6.0 million in 2023/24, which is a nominal decrease of 10.82 per cent compared to the previous financial year. Considering inflation, the allocation decreased in real terms by 14.98 per cent.

***Table 10: Budget allocation of the Compliance and Stakeholder Management Programme***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Programme** | **Budget** | | **Nominal Increase/ Decrease in 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: Compliance Monitoring | 7,6 | 5,4 | - 2,1 | - 2,4 | -28,31 per cent | -31,66 per cent |
| Sub-programme 2: Stakeholder Management | 6,7 | 6,0 | - 0,7 | - 1,0 | -10,82 per cent | -14,98 per cent |
| **TOTAL** | **14,3** | **11,4** | **- 2,9** | **- 3,4** | **-20,1 per cent** | **-23,82 per cent** |

*Source: National Treasury (2023)*

The changes in the Main Appropriations of the subprogrammes influenced their proportional allocations in 2023/24 compared to the previous financial year. The proportional allocation of the *Compliance Monitoring subprogramme* decreased by 5.45 per cent, while that of the *Stakeholder Management subprogramme* increased by 5.45 per cent.

***Table 11: Percent of total Compliance and Stakeholder Management 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: Compliance Monitoring | 7,6 | 52,96 per cent | 5,4 | 47,51 per cent | -5,45 per cent |
| Sub-programme 2: Stakeholder Management | 6,7 | 47,04 per cent | 6,0 | 52,49 per cent | 5,45 per cent |
| **TOTAL** | **14,3** | **100,00 per cent** | **11,4** | **100,00 per cent** | **0,00 per cent** |

*Source: National Treasury (2023)*

## Personnel and expenditure on compensation of employees

Compensation of employees is the Department’s largest spending area, accounting for 67.51 per cent of its total budget in 2023/24. The allocation increased from R233.9 million in 2022/23 to R246.0 million in 2023/24, which is a nominal increase of R12.1 million or 5.18 per cent.

The number of personnel in the Directorate is expected to increase from 393 in 2022/23 to 430 in 2025/26, mainly due to the appointment of interns.

As previously stated, the Committee should remain mindful of the **Minister of Finance’s response to the Committee’s 2022 BRRR recommendation** that the IPID’s budget be increased, specifically for the appointment of IPID investigators to improve the ratio between police officers and IPID investigators. In response, the Minister stated that: “The IPID has not demonstrated that it has the capacity to fully spend its allocated budget. Generally, the Department underspends its budget for compensation of employees due to vacant funded posts. ***Accordingly, the IPID will need to demonstrate improved capacity to fill its vacant funded posts and reduce its underspending on compensation of employees before additional funding is considered.”***

The table below shows the actual expenditure of IPID on *Compensation of employees* against the Final Appropriation, as well as the Department’s vacancy rate, over a five-year period from 2017/18 to 2021/22.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2021/22** | **2020/21** | **2019/20** | **2018/19** | **2017/18** |
| *R’000* | | | | | |
| **Final Appropriation** | 239 224 | R250 456 | 228 759 | 197 373 | 176 882 |
| **Actual Expenditure** | 214 914 | 250 420 | 248 123 | 187 579 | 168 761 |
| **Variance** | 24 310 | 36 | (19 364) | 9 794 | 8 121 |
| **Expenditure as % of total appropriation** | 89.8% | 100% | 108.5% | 95% | 95.4% |
|  |  |  |  |  |  |
| **Vacancy Rate** | 8.69% | 11.5% | 9.97% | 13.49% | 7% |

*Source: IPID Annual Reports, Appropriation Statements*

# programme Performance indicators for 2023/24

In 2023/24, the Directorate has 38 performance indicators, of which four are new indicators. The majority of the 2023/24 performance targets remained unchanged compared to the previous financial year. Many of the performance targets in the Investigation and Information Management Programme’s were increased, but the targets still remain low.

## Administration Programme

The purpose of the Administration Programme is to provide for the overall management of the Independent Police Investigative Directorate and support services, including strategic support to the Department.

The Administration Programme has 10 performance indicators in 2023/24 as depicted in the table below:

***Table 12: Programme Performance Indicators and Targets***

| **Performance indicators** | **2023/24 Target** |
| --- | --- |
| 1. Percentage vacancy rate per year | 10% |
| 1. Percentage implementation of Annual Internal Audit Plan | 90% |
| 1. Percentage implementation of risk mitigating strategies | 70% |
| 1. Percentage implementation of ICT Infrastructure Plan | 70% |
| 1. Number of ICT Governance Policies approved (***New indicator)*** | 4 |
| 1. Percentage implementation of Youth Development Strategy per year | 80% |
| 1. Percentage representation of youth in the Department | 19% |
| 1. Percentage representation of women at senior management service (SMS) per year | 50% |
| 1. Percentage Representation of persons living with disabilities in the Department per year | 3% |
| 1. Percentage Procurement of goods and services from women-owned enterprises per year | 40% |

*Source: 2023/24 IPID APP*

## Investigation and Information Management Programme

The purpose of the Investigation and Information Management Programme is to strengthen the Department’s oversight role over the police service by conducting investigations, in line with the powers granted by the Independent Police Investigative Directorate Act No. 1 of 2011. This includes making appropriate recommendations on investigations in the various investigation categories and submitting feedback to complainants. The Programme will also enhance efficiency in case management and maintain relationships with other state security agencies, such as the SAPS, the National Prosecuting Authority (NPA), Civilian Secretariat for Police Service (CSPS) and community stakeholders, through on-going national and provincial engagement forums.

According to the APP, the Programme coordinates and facilitates the Department’s investigation processes through the development of policy and strategic frameworks that guide and report on investigations. The programme consists of the following three subprogrammes:

* Investigation Management develops and maintains investigation systems, procedures, norms, standards and policies in line with the IPID Act (2011) and other relevant prescripts.
* Investigation Services manages and conducts investigations in line with provisions in the IPID Act (2011).
* Information Management manages information and knowledge-management services through the development and maintenance of a Case Flow Management System and database, analyses and compiles.

In 2023/24, the Programme has 14 performance indicators, of which some have increased targets. The addition of a performance indicator for cell inspections at police stations should be welcomed, however this does not fall within the core mandate of the IPID.

***Table 13: Programme Performance Indicators and Targets***

| **Performance indicators** | **Audited performance** | **Estimated performance** | **Targets** |
| --- | --- | --- | --- |
| **2021/22** | **2022/23** | **2023/24** |
| 1. Number of investigations of deaths in police custody that are decision ready | 205 | 80 | 150 |
| 1. Number of investigations of death as a result of police action that are decision ready | 286 | 240 | 240 |
| 1. Number of cases for investigation of the discharge of an official firearm by a police officer that are decision ready | 507 | 370 | 450 |
| 1. Number of investigations of rape by a police officer that are decision ready | 86 | 30 | 86 |
| 1. **Number of investigations of rape while in police custody that are decision ready** | **3** | **1** | **1** |
| 1. Number of investigations of torture that are decision ready | 139 | 80 | 139 |
| 1. Number of investigations of assault that are decision ready | 2 569 | 2 000 | 2 500 |
| 1. Number of investigations of corruption that are decision ready | 90 | 70 | 70 |
| 1. Number of investigations of other criminal and misconduct matters referred to the Directorate in terms of s28(1)(h) and s35(1)(c) of the IPID Act that are decision read | 99 | 30 | 100 |
| 1. Number of investigations of offences referred to in section 33 of the IPID Act that are decision ready | 28 | 15 | 30 |
| 1. Number of approved systemic corruption cases that are decision ready | 3 | 1 | 1 |
| 1. Number of cell inspections conducted at police stations per year ***(New indicator)*** | N/A | N/A | 108 |
| 1. Percentage of criminal recommendation reports referred to the NPA within 30 days of recommendation report being signed off | 92%  (2 237) | 90% | 90% |
| 1. Percentage of disciplinary recommendation reports referred to the SAPS or MPS within 30 days of recommendation report being signed | 90%  (2 308) | 90% | 90% |

*Source: IPID 2023/24 APP*

The IPID appointed Quality Assurers and Contract workers as part of its Backlog Strategy to reduce the IPIDs increasing backlog in the finalisation of cases. During the 2022/2023 financial year, by 14 February 2023, the IPID had a total of 14 063 active cases. Of these, 3 212 are cases that were registered between 01 April 2022 to 14 February 2023; and 10 851 (77%) are backlog cases.

## Case Management System (CMS)

The IPIDs current Case Management System is outdated and requires costly updates and the payment of licensing fees. Over the medium-term, the IPID plans to develop a new CMS to integrate with similar systems used by other law enforcement agencies in the Justice Cluster improve information sharing and collaboration on investigations. The new CMS holds many advantages such as the capability to record and classify cases according to specific categories of importance, such as gender‐based violence, to ensure easier tracking and reporting. The new system is also expected to address inconsistencies in performance reporting. The new system is expected to be developed at a cost of R15 million in the *Investigation and Information Management* programme, which has a total budget of R741.8 million over the medium term. The Directorate will own the system upon completion, and updates to its specifications will be developed in-house.

## Legal and Investigation Advisory Services Programme

The purpose of the Programme is to manage and facilitate the provision of investigation advisory services and to provide legal, civil and labour litigation services. The programme consists of the following three sub-programmes:

* Legal Support and Administration: The sub-programme manages the Directorate’s legal obligations by developing and maintaining systems, procedures and standards to assist, guide and direct legal support within the Directorate.
* Litigation Advisory Services: The sub-programme coordinates civil and labour litigation, and grants policing powers. Other key activities and outputs include finalising contracts and service level agreements.

The table below summarises the four programme performance indicators and targets of the *Legal and Advisory Services* Programme:

***Table 14: Programme Performance Indicators and Targets: Legal Services***

| **Performance Indicator** | **Audited performance 2021/22** | **Estimated performance 2022/23** | **Target 2023/24** |
| --- | --- | --- | --- |
| 1. Percentage of written legal advice provided to the Department within 30 working days of the request | 100%  (12/12) | 70% | 80% |
| 1. Percentage of written legal advice provided to investigators within 2 working days of request | 100%  (12/12) | 95% | 95% |
| 1. Percentage of contracts/service level agreements finalised within 30 working days of the request per year. | 91%  (21/23) | 90% | 90% |
| 1. Percentage of litigation matters referred with instructions to the State Attorney within 10 working days of receipt per year | 100%  (6/6) | 100% | 100% |

*Source: IPID 2023/24 APP*

The Programme’s performance targets remained unchanged in 2022/23 compared to the previous financial year.

## Compliance Monitoring and Stakeholder Management Programme

The purpose of the Compliance Monitoring and Stakeholder Management Programme is to safeguard the principles of cooperative governance and stakeholder relations and to monitor and evaluate the relevance and appropriateness of recommendations made to the South African Police Service and Municipal Police Services in terms of the Independent Police Investigative Directorate Act, 2011. The programme consists of the following two sub-programmes:

**Compliance Monitoring:** The Sub-programme monitors and evaluates the quality of recommendations made and responses received from on such recommendations from the South African Police Service, Municipal Police Services and National Prosecuting Authority in compliance with the reporting obligations in terms of the IPID Act, 2011.

**Stakeholder Management:** The Sub-programme manages relations and liaises with the Directorate’s key stakeholders such as the South African Police Service, Municipal Police Services, Civilian Secretariat for Police, National Prosecuting Authority, the Special Investigating Unit, the Public Protector of South Africa, the State Security Agency and civil society organisations, in line with the requirements of the IPID Act.

In 2023/24, the Compliance Monitoring and Stakeholder Management Programme has 10 performance indicators as listed below:

***Table 15: Programme Performance Indicators and Targets***

| **Performance Indicator** | **Audited performance 2021/22** | **Estimated performance 2022/23** | **Target 2023/24** |
| --- | --- | --- | --- |
| 1. Number of formal engagements held with key stakeholders | 185 | 166 | 180 |
| 1. Number of media programmes held per year | 7 | 6 | 6 |
| 1. Number of station lecture awareness training conducted per year | - | 40 | 40 |
| 1. Percentage of recommendations referred to the SAPS and MPS that are analysed per year | 99%  (2 552) | 80% | 90% |
| 1. Percentage of responses from SAPS and MPS that are analysed | 93%  (563) | 70% | 80% |
| 1. Percentage of SAPS disciplinary outcomes taken on review with 60 days of analysis per year   ***(New indicator)*** | N/A | N/A | 90% |
| 1. Percentage of criminal referrals forwarded to the NPA that are analysed per year | 100%  (2 414) | 80% | 90% |
| 1. Percentage of responses from NPA that are analysed | 98%  (1 257) | 70% | 80% |
| 1. Percentage of NPA prosecution decisions taken on review with 60 days of analysis per year   ***(New indicator)*** | N/A | N/A | 90% |
| 1. Percentage implementation of Access and Awareness Rural Strategy per year | 60%  (6) | 60% | 60% |

*Source: IPID 2023/24 APP*

# Committee observations

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

**Backlog cases:** The Committee raised serious concern about the significant backlog in cases (approximately 14 000 cases) that have been accumulated over time. The Committee further noted that this points towards serious challenges within the Department and questioned the impact of the IPID on police behaviour. The Committee feared that the Department has become a sinking ship. The Committee stated that if the trend continues, IPID will make no difference to police behaviour, and indicated that the situation must be turned around. The Department indicated that contract workers will be employed to address the backlog cases and these workers are seasoned retired investigators. This will also have a positive impact on the prosecution rate and will reduce the case load of IPID Investigators. The Department further elaborated on the dire situation of the Directorate in that the current backlog is 13 929 cases and it has 33 138 cases that are decision-ready. In total, adding the current and backlog cases, the IPID has 17 989 cases under investigation and indicated that the intake is growing. Together with the decision-ready cases, the IPID has 51 127 cases that needs attention.

**Collaboration with provincial Community Safety Departments:** The Committee requested clarity on the collaboration with provincial Community Safety Departments and whether this includes collaboration on the investigation of cases. The Department clarified that the provincial departments only provide office space for Investigators and do not assist with investigations. The collaboration allows a greater geographic spread of Investigators, allowing improved service delivery to citizens. The Committee requested an indication of the number of cases that are awaiting technical reports, such as post-mortem, forensic DNA, histology and toxicology reports. The Department will provide the information in writing.

**Budget allocation and personnel expenditure:** The Committee welcomed the employment of interns which will assist to reduce the unemployment rate in SA, provide these individuals valuable skills going forward and will further alleviate the level of poverty in households. The Committee requested clarity on the responses by Minister of Finance, in terms of expenditure on compensation of employees, and asked whether the employment of interns will assist in this regard. The Committee further requested the Department to indicate the current shortfall in its budget allocation. The Department indicated that their resources are limited due to the insufficient budget allocation, which is stretching the Department’s capacity. The Department further stated that it has only 175 investigators responsible for approximately 190 000 police members and an additional number of metro police officers. The Department indicated that an Expansion Strategy has been developed in the 2017/18 financial year and was costed at R275 million, but the Department needs additional funds to realise the implementation of the strategy. The Department requested an opportunity to present the expansion strategy to the Committee at a future date. The IPID indicated that the responses from the Minister and National Treasury were noted. The Committee noted that the responses from the Minister of Finance regarding the IPID’s budget have remained similar since 2015 and indicated that this aspect must be further unpacked to understand the reasons given by National Treasury for not acceding to requests for additional funding to the Departments budget.

**Target for NPA Prosecutions:** The Committee raised significant concern about the new target for the percentage of cases prosecuted by the NPA with a target of 7%, and stated that it means that police officers committing a criminal offence have a 93% chance of getting away without being charged. The Committee questioned what informed such a low target? The Department indicated that historic performance on targets are considered when setting targets. The audited performance on NPA prosecutions was 4.6% in the previous financial year. The Department only received a response from the NPA on 42% of cases referred and from this, the NPA decided to prosecute only 4.6%. The audited performance is used as a baseline for target setting. The appointment of quality assurers will address historic issues and increase the prosecution rate. The Department further indicated that its performance is not limited to 7% and that it will endeavour to exceed the target.

**Performance indicators:** The Committee raised concern about the low targets set in the Department’s core service delivery programme, *Investigation and Information Management,* and noted that all cases should be investigated and not just a limited number. Specific concern was raised about the Department’s target to only investigate one case of rape in police custody.

**Complaints that fall outside the mandate of the IPID:** The Committee requested the Department to indicate the number of cases received that fall outside the mandate of the Department, and the manner in which these cases are dealt with. The Department did not state the number of cases, but indicated that it has established mechanisms to refer such cases to the SAPS Inspectorate and/or the CSPS. However, the Department indicated that they want to strengthen these processes.

**Komatipoort shooting incident:** The Committee requested clarity and progress on investigations on a 2022 shooting incident that occurred during a community protest in the Komatipoort-area in which the SAPS used live ammunition to shoot at protestors. The Department requested an opportunity to respond in writing to provide details of the incident.

**Discontinuation of target on disclosures:** The Committee asked why the performance indicator to report on the compliance of the Senior Management Structure (SMS) financial interests submitted through e-disclosures was removed from the 2023/24 APP. The Department indicated that the removal was recommended by the Department of Monitoring and Evaluation (DPME) as the target was deemed to be operational in nature, and the Department has not experienced any challenges with SMS members not submitting financial disclosures.

**Satellite offices:** The Committee requested that the Department consider the establishment of a satellite office in Namaqualand (Springbok) in the Northern Cape province as distances are vast. It seemed that funds were unnecessarily spent on traveling costs rather that service delivery. The Department will assess the situation and will consider the establishment of a satellite office in Namaqualand.

**State Attorney’s Office:** The Committee requested the Department to indicate the number of cases that are referred to the Office of the State Attorney for litigation annually. The Department did not indicate the number of cases, but stated that approximately R2.5 million is spent annually on cases sent to the State Attorney.

**Morale:** The Committee questioned the current morale of IPID employees and asked how low morale is addressed by, and in, the Department. It was stated that the police have lost the respect of communities because of various issues, amongst others, videos circulating on social media depicting an intoxicated police officer (in uniform) driving a police van. Citizens see that these police officers get away with such behaviour. If police are not respected there cannot be control over crime. The Department acknowledged that the morale in IPID is very low. The Department held an Investigator Indaba in March 2023 to discuss measures to improve morale to enhance the Department’s performance. Stemming from the Indaba, a task-team was established to address the issues identified during the Indaba. The Department indicated that a survey was completed by its Human Resources Division through exit interviews, which showed that the majority of personnel that left the Department was administrative personnel, and that a limited number (only two) Investigators are leaving the employment of the Department. The Department further indicated that IPID Investigators are handling approximately 200 to 250 cases, which is demoralising when results are not forthcoming. The Department stated that it must form part and parcel of SAPS Disciplinary Hearings, to enable them to understand the manner in which SAPS arrive at some conclusions. In some serious cases, the IPID would recommend that a particular individual be dismissed from the Service, only to find that a lenient sanction was imposed. This is demoralising to IPID Investigators and the Department as a collective.

While videos of drunk police officers are unacceptable, the Department focusses on its core mandate under the IPID Act. Other service delivery complaints (such as police members being intoxicated while on duty) are referred to other Departments such as the CSPS for investigation. The IPID indicated that they are having station lectures to educate members about conduct and the IPIDs mandate.

**Capacity of the IPID:** The Committee noted that the Department requires additional Investigators, but questioned what the ideal number of Investigators would be in terms of police to investigator ratio. The Committee stated that the discipline of police officers remains the responsibility of SAPS and cannot be shifted to IPID. The Committee further stated that, where the ratio is pinned, would be indicative of the perception on the level of misconduct by police members.

**IPID Amendment Bill:** The Committee questioned whether the Department was consulted (by the Civilian Secretariat for Police Service) during the drafting process of the IPID Amendment Bill and whether the Department’s views are adequately captured in the Bill. The Department indicated that proper engagements were held with the Secretariat and they are confident that their concerns are addressed. The Department confirmed that the Bill was approved by the JCPS Cluster and that it will serve before the Cabinet during the following week (15 to 19 May 2023).

# Committee recommendations and request for information

The Committee makes the following recommendations:

* 1. The IPID must demonstrate improved capacity to fill its vacant funded posts and reduce its underspending on compensation of employees to enable the Committee to support recommendations to National Treasury for additional funding. This demonstration will allow the Department to appoint more investigators, resulting in increased performance, especially in the Department’s core service delivery programme, *Investigation and Information Management*. It is futile to recommend that performance targets must be increased, when there is no capacity to investigate cases reported to the IPID.
  2. The development and implementation of the Department’s new Case Management System should be prioritised. The new system will enable information sharing and collaboration on investigations with other law enforcement agencies.
  3. Investigations related to recommendations emanating from the Judicial Commission of Enquiry into allegations of State Capture must be prioritised and finalised.
  4. Efforts to decrease the accumulated case backlog should be intensified, including outstanding toxicology reports.
  5. The IPID Amendment Bill should provide for IPID Investigators to attend disciplinary hearings on cases in which negative recommendations were made to the SAPS.
  6. Consultations with the NPA should be increased to secure a higher prosecution rate on criminal referrals.

The Committee resolved to further unpack the responses from the Minister of Finance and National Treasury on the need for IPID to demonstration an increased capacity to fill vacant positions and spend their Compensation of Employees budget allocation. As this response has been reiterated since 2015, the matter needs urgent attention. The Committee will engage with IPID and National Treasury on this matter.

The written response on clarity and progress on investigations on a 2022 shooting incident that occurred during a community protest in the Komatipoort-area should be submitted before 23 May 2023.

# Conclusion

The Committee notes that there are serious capacity challenges with respect to IPID’s budget. The Committee will support all efforts by the IPID to find the necessary resources to implement its mandate. While the Committee was critical of the Department’s performance, appreciation was expressed towards the hard working personnel of the IPID.

The Portfolio Committee on Police supports the budget of the Independent Police Investigative Directorate (IPID) for 2023/24 and recommends that the Budget Vote 24 be adopted.

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

**Report to be considered.**