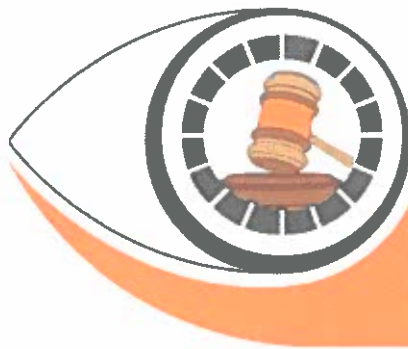


11 MAR 2021

PRETORIA

POLICE



OFFICE OF THE  
**DPCI JUDGE**

Directorate for Priority  
Crime Investigation Judge

**Zero-tolerance for the culture of impunity**

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# **Annual Performance Plan 2021/2022**

## Foreword by the Minister

The legislative mandate of the Office of the DPCI Judge is circumscribed in section 17L of the South African Police Service Act, No: 68 of 1995.

The Civilian oversight that is exercised by this office over the members of the Directorate of Priority Crime Investigation (Hawks) is key in giving effect to the rights which are entrenched in the Constitution of the Republic of South Africa, 108 of 1996, pivotally section 205(3) thereof.

The Office of the DPCI Judge is established to ensure that the rights of ordinary aggrieved members of the public and equally members of the Hawks are protected through, transparent but uncompromising investigation and adjudication of complaints.

The strategic planning process of the Office of the DPCI Judge sought to ensure that a comprehensive, integrated and consolidated strategy was developed for the Office of the DPCI Judge; and that through this process alignment in outcome and expectation is achieved for all relevant stakeholders.

The Office of the DPCI Judge is enjoined by section 17L (4)(a) of SAPS Act to receive complaints from any member of the public who can provide evidence of serious and unlawful infringement of his or her rights caused by an investigation by the Directorate (Hawks).

Section 17L(4)(b) on the other hand, enjoins the DPCI Judge to investigate complaints from any member of the Directorate (Hawks) who can provide evidence of improper influence or interference, whether from their colleagues or the colleague of a political or any other nature, exerted upon him or her regarding the conducting of an investigation.

The further role of the DPCI Judge in ensuring that members of the DPCI (Hawks) are men and women of integrity and are above reproach is sacrosanct.

As the executive authority pertaining to the Office of the DPCI Judge, I endorse and support the Strategic Plan and the Annual Performance Plan of the Office.

The importance of the legislative mandate bestowed upon the Office of the DPCI Judge cannot be overemphasized. I therefore trust that its strategic plans will succeed for the good of the public we serve.



**General BH Cele**  
**Minister of Police**

**Date:** 10/03/2021

**O/DPCI/J Annual Performance Plan 2021/22**

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## Head of Office of the DPCI Judge



The Office of the DPCI Judge as supposedly independent investigative civilian oversight body established in accordance with section 17L of the SAPS Act, 68 of 1995 is committed to ensuring that it investigates all complaints received transparently, efficiently, effectively and without fear, favour or prejudice despite capacity and resource constraints.

Spurred on by its mantra: “Zero tolerance for the culture of impunity”, the Office of the DPCI Judge continued to deliver services to society to the best of its capability on its legislative mandate. With the augmented three additional staff members during April/May 2020, the Office envisages improved efficiency by reducing the turnaround time in the finalisation of complaints.

While the Office of the DPCI Judge understands that the turnaround journey is not going to be easy, especially against the backdrop of the operational challenges that still besiege the Office, we pride ourselves with the fact that, in addition, we have significantly reduced the inherited backlog. With these initial steps already taken the Office of the DPCI Judge can only get better.

The Office of the DPCI Judge continues through its uncompromising and transparent system of adjudicating complaints to also foster and enforce compliance with the relevant and applicable legislative framework, precepts and/or prescripts by members of the Directorate of Priority Crime Investigation (Hawks), who through

their investigations unlawfully infringed the rights of the members of the public or those of their own colleagues.

Concomitantly, the Office of the DPCI Judge continues to ensure that a conducive environment is created for the investigation (by the members of the Hawks) of cases; and that complaints lodged by those members of the Hawks who can provide evidence of any improper influence or interference against their colleagues or politicians do not degenerate in reprisals or victimisation.

I wish to express my gratitude to all the employees of the Office of the DPCI Judge for their unwavering support and commitment in ensuring that they deliver on its legislative mandate.

I look forward to the Office of the DPCI Judge, with the requisite capacitation, further making a meaningful contribution and through its oversight role giving effect to the rights enshrined in the Constitution of the Republic of South Africa, 108 of 1996.



**Judge F Diale Kgomo**

**DPCI Judge**

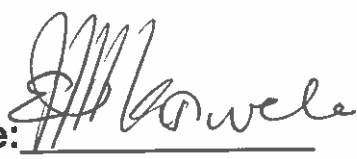
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## Official Sign Off

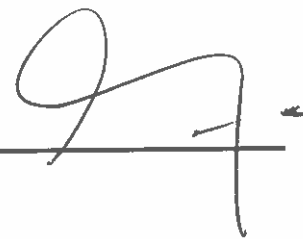
It is hereby certified that this Annual Performance Plan:

- Was developed by the management of the Office of the DPCI Judge under the guidance of the Minister of Police, General BH Cele.
- Takes into account all the relevant policies, legislation and other mandates for which the Office of the DPCI Judge is responsible.

**Mr Mlutanyi Edward Rasiwela**  
Deputy Director: Investigations

Signature: 

**Adv Tshepo Boikanyo**  
Director

Signature: 

**Judge F Diale Kgomo**  
DPCI Judge

Signature: 

**Approved by:**

**General BH Cele**  
Executive Authority

Signature: 

0/03/2021

## **PART A**

### **OUR MANDATE**

#### **1. Legislative Mandate**

The mandate of the O/DPCI/J is to investigate complaints from members of the public in respect of serious and unlawful infringement of their rights caused by an investigation conducted by the Hawks in terms of sub-section 17L(4)(a) of the South African Police Act (SAPS Act); and to investigate complaints by members of the Hawks in respect of improper influence or interference with their investigation, emanating from their colleagues or of a political nature or other kind, in terms of sub-section 17L(4)(b) of the SAPS Act. The DPCI Judge is therefore, in common parlance, a Hawks Ombud.

Our strategic outcome goal which is summarised in our Vision and Mission is to ensure a transparent and human rights oriented approach to investigations done by the Hawks and an independent, effective and competent Hawks Directorate that is capable of executing its mandate without infringing the rights of members of the public and without them (the Hawks) being subjected to any undue influence or interference in their investigations. See also in this regard **Glenister v/s President of the Republic of South Africa (Glenister II) 2011 (3) SA 347 (CC)** at para 147 (pronouncement by Ngcobo CJ) and paras 246 and 247 (the pronouncement by Moseneke DCJ and Cameron J).

#### **2. NATIONAL DEVELOPMENT PLAN (NDP)**

The O/DPCI/J is enjoined with contributing towards the realization of **Chapter 14 of NDP: Fighting Corruption**. The NDP envisages a South Africa that has a zero tolerance to corruption, a society in which citizens



do not offer bribes and have confidence and knowledge to hold the public and private officials to account and in which leaders have integrity and high ethical standards. Anti- Corruption agencies should have resources, independence from political influence and powers to investigate corruption and their investigation should be acted upon.

### **3. Updates to the SAPS Amendment Bill**

Comments in respect of SAPS Amendment Bill were submitted to Dr Phillip Jacobs on 03 December 2020. These comments if incorporated into the Act will go a long way in addressing the challenges of the Office of the DPCI Judge. There are currently no changes in relation to the legislative framework applicable to the O/DPCI/J.

### **Updates to the relevant Institutional Policies and Mandates**

None

### **4. Updates on the Relevant Court Rulings**

In the landmark Constitutional Court decision of **Sonke Gender Justice NPC and Others CCT307/19 (wherein Theron J quoted the case of New National Party of South Africa v/s Government of Republic of South Africa 1999 ZACC 5** with approval), the Court in reference to the Electoral Commission which was in a similar position to the DPCI Judge held as follows:

“[Financial independence] implies the ability to have access to funds reasonably required to enable the Commission to discharge the functions it is obliged to perform under the Constitution and the Electoral Commission Act. This does not mean that it can set its own budget. Parliament does that. What it does mean, however, is that Parliament must consider what is reasonably required by the Commission and deal

with requests for funding rationally, in the light of other national interests. It is for Parliament, and not the Executive arm of Government, to provide for funding reasonably sufficient to enable the Commission to carry out its constitutional mandate. The Commission must accordingly be afforded an adequate opportunity to defend its budgetary requirements before Parliament or its relevant committees”.

## **PART B**

### **OUR STRATEGIC FOCUS**

#### **5. Updated Situation Analysis**

##### **5.1 External Environment Analysis**

###### **Economic Environment**

The potential deteriorating economic circumstances as well as priority of government programmes resulted in a compulsory budget baseline reduction. Therefore the 2021 budget will continue to change the composition of spending that will stimulate economic growth and the achievement of greater value for the money in realising service delivery priorities, by shifting funds from non-essential items to priority items.

###### **Performance Environment**

The nature of O/DPCI/J's core business involves extensive travel and accommodation expenditure which is managed and controlled by management through the implementation of stringent cost containment measures to limit the possibility of overspending and accruals. The implementation and review of these cost containment measures is monitored in accordance with the Public Finance Management Act and Treasury Regulations and Guidelines.

The Office is making significant strides in ensuring that information on its mandate is widely accessible to all the citizens by collaborating with other

government institutions through stakeholder engagement sessions, and exhibitions.

Table 1 below depicts breakdown of case intake, workload from 2016/17 to 2020/21.

<b>Financial year</b>	<b>Total Intake</b>
2016/17	69
2017/18	58
2018/19	88
2019/20	56
2020/21	65

A total number of 111 cases have been identified as backlog cases. Some of these originate from the period before the appointment of the current DPCI Judge after the demise of the then DPCI Judge.

The level of performance can be attributed to the limited resources (human, financial and investigation capacity).

A backlog Reduction Strategy was developed to address these challenges of increasing volume of backlog cases.

**Internal Environment Analysis**

The O/DPCI/J structure consists of a national office which is based in Pretoria and one satellite office in Cape Town. The O/DPCI/J total establishment is 12 inclusive of the DPCI Judge. The total number of investigators is 3. The capacity is inadequate considering the increasing demand of the O/DPCI/J services.

## **PART C**

### **MEASURING OUR PERFORMANCE**

#### **Institutional Programme Performance Information**

To effectively and efficiently deliver on our mandate our activities and priorities are organised according to the following budget programmes:

- Programme 1: Administration
- Programme 2: Investigation

#### **Programme 1: Administration**

Purpose: is to provide strategic leadership and management and support to the DPCI Judge. Programme activities are guided by the following legislative frameworks: Public Finance Management Act, Treasury Regulations, Public Service Act (PSA), Public Service Regulations (PSR), Labour Relations Act, Skills Development Act, Basic Conditions of Employment Act, Government Immovable Asset Management Act (GIAMA), National Archives Act, Minimum Information Standards Security (MISS), Public Administration Management Act (PAMA), Promotion of Access to Information Act (PAIA) and etc.

#### **Stakeholder Management**

Stakeholder Management manages relations and liaises with key stakeholders such as the Hawks, SAPS, Psira, IPID, CSPS, NPA, Chapter nine institutions, and civil society organisations in line with the provision of section 17L(15) of SAPS Act.

**Outcomes, Outputs, Performance Indicators and Targets**

**Annual Targets**

Outcomes	Outputs	Performance Indicator's	Estimated Performance Targets	MTF period		
			2021/22	2022/23	2023/24	2024/25
Improved awareness on O/DPCI/J services	Stakeholder Engagements events	Number of stakeholder engagement per year	1	1	1	1
	Formal meetings with key stakeholders per year	Number of meetings with key stakeholders per year	1	1	1	1

The covid 19 health regulations and protocols has reluctantly forced us to put on hold all stakeholder engagement sessions.

**Explanation of planned performance over a medium-term period**

Stakeholder engagement sessions are intended to create awareness to the members of the public, members of the Hawks and the other community role players such as media in respect of the O/DPCI/J mandate and its services.

Formal engagements with stakeholders will include visits by the DPCI Judge to all provincial offices of the DPCI (Hawks) and stakeholder

sessions in specific areas to raise awareness of the role and functions of the DPCI Judge.

**Programme 2: Investigation and Information Management**

Purpose: to co-ordinate and facilitate the Office’s investigation processes through the development of policy and strategy that guide and report on the investigations.

**Three sub-programmes:**

- (a) The investigation component develops and maintains the investigation systems, procedures, norms and standards and policies in line with the provisions of section 17L of SAPS Act.
- (b) Investigation services manages and conducts investigations in line with section 17L of SAPS Act.
- (c) Information Management manages the Case Flow Management System, database, analysis and compiles statistical information.

**Outcomes, Outputs, Performance Indicators and Targets**

**Annual Targets**

<b>Outcomes</b>	<b>Outputs</b>	<b>Performance Indicator’s</b>	<b>Estimated Performance Targets</b>	<b>MTF period</b>		
			<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>

Reduce level of unlawful infringements of rights by members of the Hawks	Case Investigative Reports	Number of Investigations in terms of S17L(4)(a) of SAPS Act completed per year	<b>24</b>	<b>25</b>	<b>30</b>	<b>35</b>
	Case Investigative Reports	Number of Investigations in terms of S17L(4)(b) of SAPS Act completed per year	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>
	Referrals Reports	Number of Cases Referred to other Institutions such as SAPS, IPID and other Chapter nine institutions per year	<b>56</b>	<b>60</b>	<b>60</b>	<b>65</b>



## Indicators, Annual and Quarterly Targets

<b>Output Indicators</b>	<b>Annual Targets</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Number of investigations completed in terms of s17L(4)(a) of SAPS Act	35	10	10	10	5
Number of investigations completed in terms of s17L(4) (b) of SAPS Act	4	1	1	1	1
Number of referral Reports per year	60	15	15	15	15

### Explanation of planned performance over a medium-term period

The output indicators are in line with the O/DPCI/J legislative mandate focusing on specific identified unlawful and serious infringements of rights (misconduct) and political interference or any other nature, exerted upon him or her regarding the conducting of investigation as stipulated in terms of ss 17L(4)(a) and(b) of the SAPS Act. These outputs are clearly designed to contribute to the outcome which is to reduce the level of unlawful infringement of rights and political interference or any other nature exerted upon him or her during the conducting of an investigation by the Hawks. This will lead to the professionalization of the Directorate (Hawks) and improves service delivery.

## Updated Key Risks

Outcome	Key Risks	Risk Mitigation
Effective and efficient administrative support	Limited capacity	Officials within the Office of the DPCI Judge continue to perform dual roles. The proposed structure has been sent to the Minister.
Lack of enforcement powers	Inadequate policy and legislative framework	The DPCI Judge continues to issue investigative reports and order remedial actions within the current legislative framework (albeit inadequate). Comments were submitted on the SAPS Amendment Bill to address this.
Compromise of sensitive and confidential information	Lack of Case and document management system	Created Manual Registers and Document Management System
Reduce the level of infringement of rights	Inability to conclude the investigation of cases timeously	Reprioritisation of cases to match resources available

## **PART D: TECHNICAL DESCRIPTION**

### **List of acronyms**

APP	Annual Performance Plan
DPCI	Directorate for Priority Crime Investigation
O/DPCI/J	Office of the DPCI Judge
SAPS	South African Police Service
CSPS	Civilian Secretariat for Police Services
IPID	Independent Police Investigative Directorate
NDP	National Development Plan
NPA	National Prosecuting Authority
PFMA	Public Finance Management Act
PSA	Public Service Act
PSR	Public Service Regulations
MISS	Minimum Information Standards Security
PAIA	Promotion of Access to Information Act
PSIRA	Private Security Industry Regulatory Authority