**5. BUDGET REVIEW AND RECOMMENDATION REPORT OF THE PORTFOLIO COMMITTEE ON POLICE ON THE CIVILIAN SECRETARIAT FOR POLICE SERVICE (CSPS) 2017/18 ANNUAL REPORT, DATED 17 OCTOBER 2018.**

The Portfolio Committee on Police, having considered the financial and service delivery performance of the Civilian Secretariat for Police (CSPS) for the 2017/18 financial year, reports as follows:

1. **INTRODUCTION**

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009), sets out the process that allows Parliament to make recommendations to the Minister of Finance to amend the budget of a national department. As part of this process, Portfolio Committees must compile Budgetary Review and Recommendation Reports (BRRRs) in October of each year, containing recommendations relating to funding allocations for departments and other institutions that account to them. The BRRRs are also source documents for the Standing Committee on Finance when it makes recommendations to the House of Parliament on the Medium-Term Budget Policy Statement (MTBPS). The annual review and analysis of performance (entailing both financial and non-financial performance indicators) forms part of this process.

The Committee is guided by its interest to promote effectiveness, efficiency and professional policing in South Africa. The mandate of the Committee is therefore to fulfil its constitutional function through the following means:

* Pass legislation;
* Scrutinise and oversee executive action and the organs of state including the South African Police Service (SAPS), the Civilian Secretariat for Police Service (CSPS), the Independent Police Investigative Directorate (IPID) and the Private Security Industry Regulatory Authority (PSIRA);
* Facilitate public participation and involvement in the legislative and other processes; and
* Engage, participate and oversee international treaties and protocols.

The Committee has overseen the performance of the Civilian Secretariat for Police Service (CSPS) through regular oversight meetings during the 2017/18 financial year and has tracked progress during the current financial year (2018/19). The Committee has considered quarterly expenditure reports for 2017/18 and for the first quarter of the 2018/19 financial year.

The Committee was briefed on the annual performance for 2017/18 by the Department on 11 October 2018. The Committee also met with the Auditor-General of South Africa (AGSA) on the audit outcomes on 09 October 2018. Copies of the presentations are available from the committee secretary. The Committee has already considered and reported on the respective strategic plans and budget proposals of the Directorate for 2018/19. Additionally, the Committee was briefed by the National Forensic Oversight and Ethics Board on its 2017/18 Annual Report, which will form part of this BRRR.

This report is structured as follows:

* Section 1: Introduction. The sections sets out the mandate of the Committee, the purpose of this report and the process to develop this report.
* Section 2: Overview of key policy focus areas. The section includes an overview of the strategic goals of the Department, the outcomes of the Medium Term Strategic Framework (MTSF) and the Department’s contributions to the National Development Plan (NDP).
* Section 3: Report of the Auditor General of South Africa. The section provides the key audit findings made by the Office of the AGSA.
* Section 4: Governance. The section provides an overview of the governance structures of the Department.
* Section 5: Financial overview 2017/18. The section provides an overview of the Departmental expenditure, including irregular expenditure, fruitless and wasteful expenditure and contingent liabilities.
* Section 6: Performance overview 2017/18. The section provides an overview of Departmental performance on predetermined key performance indicators and targets.
* Section 7: Committee observations. The section provides a summary of the observations made by the Committee during the 2017/18 Annual Report hearings.
* Section 8: Recommendations and reporting requirements. The section contains the recommendations made by the Committee as well as written responses reports requested during the Annual Report hearings.
* Section 9: National Forensic Oversight and Ethics Board (DNA Board). The section provides an overview of the performance and expenditure of the DNA Board during the 2017/18 financial year. It also contains the observations and recommendations made by the Committee during the 2017/18 financial year.
* Section 10: Conclusion. The section contains concluding remarks of the Committee.

1. **KEY STRATEGIC PRIORITIES**

The strategic goals of the Department are:

* A well advised and supported Minister for a service delivery oriented police service that is accountable.
* Quality, timeous, evidence-based strategic research, policy advice and legislative support to the Minister
* Deepened public participation in the fight against crime.
* Enhanced accountability and transformation of the police service.

The work of the Department is guided by the following outcomes of the Medium Term Strategic Framework (MTSF):

* Outcome 3: All people are and feel safe;
* Outcome 12: An efficient, effective and development oriented public service; and
* Outcome 14: Nation building and social cohesion.

The contribution of the Department to the National Development Plan focuses on the following areas:

* Strengthening the Criminal Justice System;
* Professionalisation of the Police Service; and
* Demilitarisation of the police service.
* Building safety using an integrated approach, and
* Build community participation in safety
1. **REPORT OF THE AUDITOR GENERAL OF SA (AGSA)**

The CSPS received an unqualified opinion with no material findings (clean audit) in 2017/18. This is a significant improvement compared to previous financial years. In 2014/15 and 2015/16, the CSPS received qualified audit opinions, which improved to an unqualified audit opinion in 2016/17 with material findings. The improvement to a clean audit means that the CSPS had:

* Credible and reliable financial statements that are free of material misstatements;
* Useful and reliable performance as measured against predetermined objectives; and
* Compliance with key legislation.

In terms of matters of emphasis, the AGSA identified material underspending of the budget. As disclosed in the appropriation statement, the Secretariat has materially underspent the budget.

The AGSA made no material findings on the reliability and usefulness of reported performance. Material misstatements were identified in the reported performance information of Programme 2: Intersectoral Coordination and Strategic Partnerships, but was corrected and, as such, the AGSA did not raise a material finding thereon. This is a significant improvement from the nine material findings of the previous financial year.

The AGSA found no significant deficiencies in internal control mechanisms.

1. **GOVERNANCE**

The Department does not have a documented Service Delivery Improvement Plan in terms of the Public Service Regulations due to a lack of dedicated capacity for its development. However, the Department stated that a dedicated resource will be appointed in the current financial year (2018/19) to develop and implement a Service Delivery Plan which complies with Public Service Regulations.

The Department did not have a Logistical Information System (LOGIS) implemented during the 2017/18 financial year. The lack of implementation of LOGIS to ensure the effective control of consumables and capital equipment was raised by the external and internal auditors. The lack of the implementation of LOGIS impacted negatively on the achievement of two performance indicators:

* Implement 80% of Internal Audit recommendations (variance -20%)
* Implement 100% of external audit recommendations (variance -12%)

Due to the small size of the Department, it has incorporated the Audit and Risk Committees into one Audit and Risk Committee. This is not ideal, as the two committees perform different functions that supplement each other. However, the practice is allowed. The Audit and Risk Committee provided oversight over financial reporting, internal controls, risk management and corporate governance throughout 2017/18 financial year.

Although the Department has a well-developed risk management system in place, it needs support to be fully implemented. The Department has one official responsible for Risk Management (Deputy Director: Chief Risk Officer), which could pose a challenge for the risk management system maturing as the Department grows.

The Department does not have an Internal Control Unit, but it stated that provision for such unit will be made in the new proposed structure of the Secretariat. The absence of this unit does not suggest that the Department does not have effective internal controls in place.

1. **FINANCIAL OVERVIEW 2017/18**
	1. **Departmental expenditure**

The Secretariat received a Final Appropriation of R124.67 million in the 2017/18 financial year, of which R118.3 million expenditure was realised (94.4%). A material underspending of R6.3 million was recorded. As such, the funds will be surrendered to the revenue fund (R11 million was surrendered in the previous financial year). The overall expenditure of the Department improved when compared to the previous financial years’ 89.9% expenditure as a percentage of the Final Appropriation.

**Table 1: Appropriation statement 2017/18**

| **Programme**R’000 | **Adjusted Appropriation** | **Virement** | **Final appropriation**  | **Actual Expenditure**  | **Variance**  | **% Spent**  |
| --- | --- | --- | --- | --- | --- | --- |
| 1. Administration  | 52 243 | 445 | 52 688 | 52 010 | 678 | 98.7% |
| 2. Intersectoral Coordination and Strategic Partnerships | 24 918 | (1 667) | 23 251 | 20 945 | 2 306 | 90.1% |
| 3. Legislation and Policy Development  | 25 872 | 904 | 26 776 | 25 284 | 1 492 | 94.4% |
| 4. Civilian Oversight, Monitoring and Evaluations  | 21 640 | 318 | 21 958 | 20 106 | 1 852 | 91.6% |
| **Total**  | **124 673** | **-** | **124 673** | **118 345** | **6 328** | **94.4%** |

 Source: 2017/18 CSPS Annual Report

The under-spending was mainly on Compensation of Employees as the Department had nine vacant posts as at the end of the financial year. The underspending on Goods and Services amounts to R102 000 which is only 0.3% of the allocated budget for Goods and Services.

The Department effected several virements in the last quarter of the 2017/18 financial year. Most notably, R1.6 million was moved from the Intersectoral Cooperation and Strategic Partnerships Programme and distributed to the rest of the budget programmes, of which most were reprioritised to the Legislation and Policy DevelopmentProgramme (R904 000.00). Despite the reprioritisation of funds away from the Intersectoral Cooperation and Strategic Partnerships Programme, it realised the largest amount in underspending (R2.3 million) and is the only programme recording a decline in percentage expenditure from 92.4% in 2016/17 to 90.1% in 2017/18.

The Virement from Programme 2: Intersectoral Coordination and Strategic Partnerships of R1.667 million was mainly from Goods and Services and was to defray overspending on payment for capital assets in the other three programmes.

The Department did not incur any unauthorised expenditure during 2017/18, but has a large amount of historical unauthorised expenditure awaiting authorisation (R5.6 million) due to overspending of appropriated funds in 2015/16.

The opening balance for claims against the Department was R104 000.00, but liabilities to the amount of R623 000.00 were incurred during 2017/18, most of which related to travel agency costs. The Department settled a claim brought by *WingsNaledi Travel* out of court to the value of R610 000.00.

The Department reduced its accruals significantly from R2.9 million in 2016/17 to R833 000.00 in 2017/18. The Department had accruals of R5.684 million in the 2015/16 financial year. Accruals were the basis for two consecutive qualified audit opinions of the Department in 2013/14 and 2014/15.

Irregular expenditure incurred by the Department is concerning. The Department has historic irregular expenditure of R37.7 million that has not been condoned. In 2017/18, a further R1.5 million in irregular expenditure was incurred. Thus, the Department has R39.3 million in irregular expenditure awaiting condonation.

The Secretariat incurred R163 000.00 in fruitless and wasteful expenditure in the 2017/18 financial year. This relates to interest incurred for a delayed payment made to the South African Revenue Service (SARS) due to the unavailability of computer systems. An amount of R30 000.00 from the previous financial year for DVDs paid but not delivered is still under investigation.

* 1. **Expenditure per programme**
		1. **Administration Programme**

The Administration Programme received an Adjusted Appropriation of R52.2 million in the 2017/18 financial year. A virement of R445 000.00 was made towards the Programme in the last quarter of the financial year, bringing the Final Appropriation to R52.6 million. The Programme recorded expenditure of R52 million at year-end, thus leaving R678 000.00 unspent. The percentage expenditure increased from 94.4% in 2016/17 to 98.7% expenditure in 2017/18.

* + 1. **Intersectoral Coordination and Strategic Partnerships Programme**

The Intersectoral Coordination and Strategic Partnerships Programme received an Adjusted Appropriation of R24.9 million in 2017/18. A virement of R1.6 million was made from the budget programme. The funds were reprioritised to all of the other budget programmes in the Department. Subsequent to the virement, the Programme had a Final Appropriation of R23.25 million, of which R20.9 million was spent. A total of R2.3 million was unspent at year-end. The percentage expenditure of 90.1% recorded in 2017/18 declined from the 92.4% expenditure recorded in the previous financial year (2016/17) financial year. This is the only programme in which a decline in expenditure was recorded.

In summary, it should be kept in mind that despite the virement of R1.6 million reprioritised from the Programme, underspending of R2.3 million was recorded. In essence, the Programme did not spend R3.97 million (15.9%) of the Adjusted Appropriation made toward the Programme.

* + 1. **Legislation and Policy Development Programme**

The Legislation and Policy Development Programme received an Adjusted Appropriation of R25.8 million in 2017/18. Of the reprioritised funds from Programme 2, R904 000.00 was moved to the Legislation and Policy Development Programme to give the Programme a Final Appropriation of R26.7 million. Of the Final Appropriation, R25.2 million was spent, leaving R1.5 million to be surrendered back to Treasury. The Programme recorded expenditure of 94.4% in 2017/18, which is an improvement when compared to the 84.3% expenditure recorded in the previous financial year (2016/17).

During the last quarter of the 2017/18 financial year, a shift of R1.6 million was made from the Policy Development and Research subprogramme to the Legislation subprogramme. The Legislation subprogramme further received a R841 000.00 virement (from Programme 2). At year-end, the Legislation subprogramme recorded underspending of R1.17 million.

* + 1. **Civilian Oversight, Monitoring and Evaluation Programme**

The Civilian Oversight, Monitoring and Evaluation Programme received an Adjusted Appropriation of R21.6 million in 2017/18. During the fourth quarter, a virement of R318 000.00 was made to the Programme (from Programme 2), which gave the Programme a Final Appropriation of R21.95 million of which R20.1 million was spend, thus surrendering R1.8 million to Treasury. The 91.6% expenditure recorded in the 2017/18 financial year is an improvement on the 83.8% expenditure recorded in the previous financial year (2016/17).

# Performance overview 2017/18

* 1. **Overall performance**

The overall performance of the CSPS improved in 2017/18 when compared to the previous financial year. The CSPS met 80.5% of the identified predetermined targets in 2016/17 against an 81.2% achievement in the 2017/18 financial year. Of the 32 performance indicators, the Department met its targets on 26 indicators and underperformed on six indicators.

* 1. **Administration Programme**

The Administration Programme achieved seven of the nine predetermined targets during the 2017/18 financial year, which is an overall performance rate of 77.7%. This is a decline in performance from the 93.3% achievement rate of the previous financial year, in which one target was not achieved. While the performance on service delivery decreased, spending increased from 94.4% in 2016/17 to 98.7% in 2017/18. The 98.7% expenditure against 77.7% achievement on performance targets in the Administration Programme should be questioned.

The two targets not achieved relate to the lack of implementation of LOGIS as recommended by internal and external audit. The system is being implemented in the current financial year (2018/19).

* + 1. **Human resource management**

The Department reported that the misalignment between the approved organisation structure and the mandate of the Department pose a challenge in terms of insufficient capacity to perform the required duties. A draft organisational structure has been developed to address this.

The key challenges in the human resources environment remain: (1) the appointment of people with disabilities and (2) meeting the national target of 50% females at the Senior Management Structure (SMS) level (L13-15). The Department’s percentage of people with disabilities is 1.44%, which is 0.56% below the national average of 2%. The appointment of females at SMS level is at 35.71% which is 14.29% below the national average of 50%.

The Department spent R58.1 million on salaries, which is 70.32% of the total personnel costs. The Department further spent R177 000.00 on overtime, R1.23 million in home owners allowances (1.37% of personnel costs) and R2.6 million on medical assistance (3.15% of personnel costs). The largest portion of personnel costs relating to home owners allowance and overtime was in the skilled (levels 3-5) salary bands and that of medical assistance to lower skilled (levels 1-2) salary band employees.

The Department had an overall vacancy rate of 7.33% as at the end of the 2017/18 financial year [Note that vacancy rate figures reported on page 23 (6.7%) and 45 (7.33%) of the Annual Report differ]. The vacancies were most pronounced in the Legislation and Policy Development Programme(18.75% or six positions vacant).

In the 2017/18 financial year, eight employees left the employment of the Department, of which three employees resigned; two employees’ contracts expired; two employees were transferred to other Departments; and one employee retired. The turnover rate of the Department was 5% in the 2017/18 financial year.

The Department awarded performance rewards to 31 personnel members, of which 19 were in the highly skilled supervision (Levels 9-13) salary band, which is 34.5% of the total number of personnel in that salary band. The total cost of the rewards were R731,190.00. No performance-related rewards were awarded to the SMS within the salary bands 13-16.

During 2017/18, nine cases of misconduct were investigated, of which seven related to unauthorised absence and two cases of misrepresentation.

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* 1. **Intersectoral Coordination and Strategic Partnerships Programme**

The performance of the Intersectoral Coordination and Strategic Partnerships Programme should be interrogated thoroughly. Although there is a significant improvement in the Programme’s performance, the AGSA made a finding on the reliability of the performance information of the Programme. This was, however, corrected by the Department and no material findings were made. Furthermore, a significant virement of R1.6 million was made from the Programme and still underspending of R2.3 million was recorded. In essence, the Programme did not spend R3.97 million (or 15.9%) of the Adjusted Appropriation made toward the Programme.

The Programme achieved six of seven performance indicators, which is an 86% achievement on performance indicators. This is a significant improvement when compared to the previous financial year. In 2016/17, the Programme only achieved one of six performance targets, which is a performance rate of 16.6%.

The Department failed to complete a Community Policing Forum (CPF) training programme, due to the consultation for training the trainers with WITS University not completed timeously. In order to overcome the underperformance, a service provider to develop the CPF training manual is being sourced through a tender process. The terms of reference and skills gap analysis have been concluded for the tender to be advertised.

* 1. **Policy Development and Legislation Programme**

The Policy Development and Legislation Programme performed well overall, achieving two of three performance targets (67%). In terms of subprogrammes, the Policy Development and Research subprogramme achieved 50% of its targets, while the Legislation subprogramme achieved none of its predetermined targets. The Programme had the lowest rate of performance of all budget programmes in the Department.

The Policy Development and Research subprogramme underperformed on the performance indicator on number of policies on policing submitted to the Minister of Police annually. The one policy (of three) that was not submitted was the CPF policy, which was finalised in December 2017. The Department reported that a request was made that a task team be established to further consult on the policy towards finalisation and that consultation has been ongoing. The policy will be finalised in 2018/19.

The Department reported that savings were made in research and policy due to the use of government venues to host workshops, and savings on the outsourcing of the ‘Demilitarisation of VISPOL’ project.

The Legislation subprogramme underspent by R1.17 million at year-end. The Annual Report (page 27) stated that the saving was due to underspending on compensation of employees due to vacancies, including that of the Office of the Directorate for Priority Crime Investigation (DPCI) Judge and the National Forensic Oversight and Ethics Board (DNA Board). However, the two bodies mentioned are subprogrammes of the Civilian Oversight, Monitoring and Evaluation Programme and do not fall under the Legislation subprogramme.

* 1. **Civilian Oversight, Monitoring and Evaluation Programme**

The Civilian Oversight, Monitoring and Evaluation Programmeachieved 11 of its 13 predetermined targets, which is a performance rate of 85%. This is a decline in performance from the 92.3% achievement rate of the previous financial year.

The underachievement on two performance indicators was due to a reprioritisation by the Minister of Police. As such, two changes were made to the planned targets to accommodate these priorities, which became known to the Department after the finalisation of the 2017/18 APP.

The new indicators are: (1) The number of assessment reports on the resourcing of Forensic Science Laboratories and (2) the number of Evaluation Reports on effectiveness of the SAPS Rapid Response Services (10111). The two new indicators were achieved during the 2017/18 financial year.

1. **COMMITTEE OBSERVATIONS**

The Committee made the following observations:

**AGSA audit opinion:** The Committee expressed satisfaction that the Department attained an unqualified audit with no material findings (clean audit). The Committee acknowledge the progress made by the Department since its establishment. During the first two years (2014/15 – 2015/16) the Department had qualified audit opinions, which changed to an unqualified audit with material findings in the 2016/17 financial year to a clean audit in 2017/18. The Committee encouraged the Department to build on the success attained in the 2017/18 financial year.

**Budget:** The Committee noted the material underspending recorded at the end of the 2017/18 financial year. The Department indicated that the underspending resulted from not filling vacant posts, but that a Human Resource Management (HRM) Committee will be established to review the filling of vacancies including the compensation budget. The Committee further noted the comment from the Department that its budget allocation is comparatively small against Provincial Secretariats. An example was made of the Western Cape Provincial Secretariat that received an annual budget of approximately R300 million, which is more than that of the Department.

**Irregular expenditure:** The Committee expressed concern about the historic irregular expenditure of R37.7 million that has not yet been condoned. The Department explained that the expenditure related to the legal fees paid on the litigation against the Executive Director of IPID and travel fees paid to a Travel Agency. Regarding the latter, the Department indicated that the investigation has been handed over to the DPCI and, as the investigation will take time to be finalised, the Department has approached National Treasury to reconsider the condonation of the expenditure.

**Support model – DNA Board and DPCI Judge:** The Committee questioned whether the current model in terms of support functions to the DNA Board and Office of the Directorate for Priority Investigations (DPCI) Judge were working. Several challenges regarding the apparent lack of support provided by the Department to the two oversight bodies were identified during previous engagements.

**Office accommodation:** The Committee expressed concern about the lack of adequate office space available to the Department. The Committee further noted that staff was a critical resource and must be accommodated well. The Department indicated that the current office space was meant for 80 personnel whereas the Department currently has 139 personnel occupying the space. The Department further indicated that when it was a cost centre of the SAPS, the office accommodation was provided by the SAPS. When the Secretariat became a separate Budget Vote, the property lease and associated funds was retained by the SAPS. The budget and lease have not be relinquished by the SAPS and no allowance is made for inflationary increases. This hampers the Department from acquiring adequate office space.

**Early warning:** The Committee asked whether the Department should not act as an early warning for community concerns. The Committee noted that the Department performs several functions of community participation and liaison. The Department indicated that Provincial teams work on ground level were well aware of community dissatisfaction, but the teams were not allowed to participate in high-level forums with the SAPS in which the reports compiled by the Department could be presented. The Department further stated that a report would be sent to the National Commissioner of the SAPS to request intervention to allow the Department’s participation in discussion forums. The Department also undertook a customer satisfaction survey to gauge client satisfaction. However, it indicated that the survey focussed only on registered complainants on the complaints database of the SAPS. The Department indicated that the survey revealed largely negative perceptions. Amongst others the survey found that 76% of respondents were not satisfied in the manner in which complaints were handled.

**Logistical Information System (LOGIS):** The Committee questioned the manner in which consumables and capital equipment are controlled without LOGIS. The Department indicated that a manual system was used, but that LOGIS would be implemented during the current financial year (2018/19).

**New organisational structure:** The Committee requested the Department to elaborate on the new organisational structure of the Department. The Department indicated that the proposed structure was for 200 staff members, but due to a Cabinet directive to stem the appointment of additional staff the new structure was for 50 additional personnel. The proposal was submitted to the Minister of Police for approval after which the proposal would be submitted to the Department of Public Service and Administration (DPSA).

**Community Safety Forums (CSFs):** The Committee highlighted the important role of CSFs in crime prevention. The Committee indicated that these Forums must be strengthened to collaborate with other structures to create a holistic approach to address crime. The Committee further indicated that a permanent National Commissioner has been appointed and must be approached to effectively work with CPFs. The Minister must also be advised about the centrality of CSFs as a key structure in the fight against crime. It was further stated that the efficacy of CSFs must be measured to ensure that these structures work effectively. The Department indicated that the CSF policy has been finalised and the SAPS is currently developing the CSF strategy for implementation. The Department also indicated that the strategy deals comprehensively with safety at community level and involves all stakeholders, including the private security industry. The performance of CSFs would be measured in the 2018/19 financial year.

**Community Policing Forums (CPFs):** The Committee questioned the reason for not finalising the CPF training manual as CPFs are important and the proper training of CPF members should be prioritised to understand their role in community policing. The Department explained that the University of the Witwatersrand (WITS) developed the manual and should have been paid by the Safety and Security Sector Education and Training Authority (SASSETA). However, because the Department was not registered with the Authority the payment could not be made. The Department indicated that it was registered. The manual has been completed and would be made available once the payment has been made by SASSETA. The Committee further expressed concern about the dissolving of the National Policing Board. The Department indicated that the CPF Framework only allows for Provincial CPF Boards and not a National Board and that the new strategy would address this gap.

**Single Police Service:** The Committee noted that the policy framework for the establishment of a Single Police Service was finalised and approved in March 2018. The Department indicated that the objectives of the framework are to institute systems, structures and processes for integration and cooperation; ensure uniformity through the development of norms and standards; clarify and streamline operational command and control; and to provide a basis for the relevant legislative amendments to be made in order to fully establish a Single Police Service. The aim is to improve efficiencies in terms of law enforcement and policing in the country by maximizing available resources through coordinated planning to achieve a reduction in crime and violence over medium to long term. The Single Police Service Joint Task Team was undertaking phase 3 of the process to establish a Single Police Service, with a particular focus on integrating traffic police through norms and standards, and harmonizing processes with the National Traffic Law Enforcement Review Committee. The Department indicated that engagements with Metropolitan Police Chiefs were started countrywide.

**IPID Amendment Bill:** The Committee indicated that the Department should monitor Constitutional Court Judgements to ensure that timeframes for legislative amendments handed down are kept. This would have addressed the challenges experienced with the IPID Amendment Bill that led to the drafting of a Parliamentary Committee Bill to keep within the 24-month timeframe of the Constitutional Court. The Committee further noted that a comprehensive amendment bill was finalised in 2017 and asked why it was not tabled in Parliament. The Department acknowledged that it was a misjudgement on their part and that it should have focussed on the Constitutional Court deadline. The gaps will be closed.

**Human resource management:** The Committee questioned why leave was not captured on time and requested an explanation. The Department indicated that its policy was not in line with the DPSA, but that the gap was being addressed and leave is approved as soon as it is submitted.

The Committee further raised concern that the 2% target for the employment of persons with disabilities was missed and asked how the underperformance will be addressed. The Department indicated that cognisance was taken of the underperformance and indicated that selected administrative posts where the safety of persons with disabilities can be assured have been earmarked.

1. **COMMITTEE RECOMMENDATIONS AND REPORTING REQUIREMENTS**
	1. **Recommendations**

The Committee recommends the following:

1. The Department should continue its performance regarding the clean audit opinion of the AGSA.
2. The Department should fill vacancies in order to address and mitigate material underspending in the 2018/19 financial year.
3. The Department should clarify the supporting role rendered to the DNA Board and Office of the DPCI Judge and address the concerns raised by the two oversight bodies.
4. The Department should address the challenges regarding inadequate office space. The National Treasury should engage the SAPS to reallocate the funds for office accommodation to the Department.
5. The Department should play a prominent role in identifying community concerns regarding satisfaction with the SAPS and crime rates in order to serve as an early warning before these concerns escalate into protest action.
6. The Department should implement the new organisational structure as soon as it is approved by the DPSA. The Department should prioritise the filling of the 50 additional posts.
7. The Department should increase its focus on the establishment and efficacy of CSFs.
8. The Department should ensure that all CPFs members are adequately trained and should priories the finalisation and implementation of the CPF Training Manual.
9. The Department should monitor the implementation of the CPF Strategy developed by the SAPS and ensure that it is in-line with the CPF Policy.
10. The Department should fast-track the finalisation of the amendment to the DNA Act to allow for DNA samples to be taken from convicted schedule 8 offenders incarcerated prior to the implementation of the DNA Act.
	1. **Reporting requirements**

The Department must provide the following reports on or before 31 October 2018:

1. The locations of all CSFs countrywide, including those that must still be established and challenges experienced with the establishment thereof.
2. The Department must provide a copy of the evaluation report of the efficacy of CPFs during the 2017/18 financial year and also indicate the manner in which identified gaps will be addressed.
3. A copy of the Customer Satisfaction Survey report, together with the action steps that will be taken by the Department and those that will be recommended to the SAPS and Minister of Police to address poor satisfaction results.
4. A gender breakdown of youths employed by the Department.
5. Report on the current status of the DNA Amendment Bill together with an estimated date for finalisation.
6. **NATIONAL FORENSIC OVERSIGHT AND ETHICS BOARD (DNA BOARD)**
	1. **Performance**

The National Forensic Oversight and Ethics Board (DNA Board) is an independent statutory body established in terms of section 15V of the Criminal Law (Forensic Procedures) Amendment Act, No. 37 of 2013 (DNA Act).

The Board’s statutory obligations are defined in terms of section 15Z of the DNA Act, and include:

* providing regular, independent and effective oversight over the overall operations of the National Forensic DNA Database (NFDD);
* ensuring that ethical, legal and social implications of the use of forensic DNA in criminal investigations are considered; and
* receiving and assessing complaints from any affected person regarding any alleged violations relating to the abuse of DNA samples and forensic DNA profiles and any security breaches in the database and/or processes.

Some of the key focus areas for the 2017/18 financial year included maintaining regular engagement between the Systems Report and Gap Analysis sub-committee and the nodal point at the Forensic Science Laboratory (FSL). This proved vital for the early identification of potential challenges with respect to the administration and management of the National Forensic DNA Database (NFDD). The Transitional Arrangements sub-committee also played a central role in identifying the need for an amendment to the Criminal Law (Forensic Procedures) Amendment Act, No.37 of 2013 (DNA Act) to allow for the continuation of the convicted offender sampling programme.

During the 2017/18 financial year, the DNA Board identified five Strategic Objectives, of which one performance target was achieved (20% of targets achieved). The Strategic Objectives included:

1. To continue the training of police officers in an effort to ensure that section 36D (1) of the DNA Act is operationalised through national representation. *(Target achieved)*
2. To complete the National Forensic DNA Database software development process in conjunction with the ability to effectively perform familial searches in accordance with the DNA Act. *(Target not achieved)*
3. To activate provincial task teams in ensuring that investigative leads are followed up. *(Target not achieved)*
4. To provide support to the Civilian Secretariat for Police Service in finalising the Amendment Bill for the continuation of the convicted offender sampling programme. *(Target not achieved)*
5. To facilitate alignment and synchronisation of the Sexual Offences Register with the provisions of the DNA Act.

The underperformance was due to various challenges that were experienced during the period under review.

The DNA Board received a budget allocation of R3.14 million during the 2017/18 financial year, of which R2.04 million was spent at year-end (64.9% of the total allocation spent). The DNA Board underspent their allocation by R1.1 million as at the end of the 2017/18 financial year. The underspending is attributed to the vacant post for a specialist investigator at the level of deputy director.

* 1. **Committee observations**

The Committee made the following observations:

**Governance:** The Committee expressed concern about the governance of the DNA Board and indicated that the commitment of Board Members is of critical importance to the effective functioning thereof and thus effective oversight of the NFDD as a critical tool in the Criminal Justice System. The DNA Board indicated that attendance of Board meetings was a challenge and that non-attendance should be addressed by the Minister of Police. The DNA Act provides for members to be removed from the Board after three consecutive meetings were missed without an apology. The Committee further questioned the Board’s development of their Governance Rules. The Board explained that it was set out in the Act, but not daily operations. The governance structure would be further developed.

**Relationship with CSPS:** The Committee expressed concern about the seemingly adversarial relationship between the CSPS and the DNA Board. The Committee indicated that this has a negative impact on the efficiency of service delivery. The Board highlighted several examples of a lack of support by the Department in terms of availability of funds and office accommodation (amongst others). The Department indicated that several attempts have been made to assist the DNA Board but, due to a perception of independence, the DNA Board was reluctant to accept assistance. The Department indicated that both the DNA Board and Office of the DPCI Judge were not established as accounting authorities and that the Secretary of Police remains accountable for the expenditure of the two structures. The Department requested that the Board take cognisance of public service procurement protocols, especially in terms of office accommodation and the constraints associated thereto. The Board indicated that a strategic workshop would be held in the coming weeks to address the challenges experienced in terms of the support rendered by the Department to the DNA Board.

**Sexual Offender Register:** The Committee raised concern about the fact that the DNA Board was not able to facilitate alignment and synchronisation of the Sexual Offences Register with the provisions of the DNA Act. The Board indicated that despite numerous requests to the Registrar for Sexual Offences, the data had not been provided. The Board, along with the FSL, will continue to request an audience with the Registrar in order to find a resolution.

**DNA Amendment Bill:** The Committee expressed significant concern about the pending amendment to the DNA Act and requested both the Board and the CSPS to explain the challenges associated with the amendment. The objective is to extend the two year transitional period provided to take DNA samples of convicted offenders on schedule 8 crimes that was incarcerated prior to the coming into operation of the DNA Act. The Board indicated that the amendment was meant to be a technical and not substantive amendment, but has hit several challenges going through Cabinet. The Board indicated that several solutions have been suggested but not implemented. The Chief Director: Legislation of the CSPS explained that a Committee Bill will not be appropriate in this instance and further that the extension can also not be provided through an amendment to the Regulations as it must be enabled in the principle Act, which it is not.

It should be clearly stated that the amendment has no bearing on the taking of DNA samples of persons convicted on a schedule 8 crime after the DNA Act came into effect. These samples are taken according to the prescripts of the DNA Act.

**Shortage of DNA collection kits:** The Committee requested the DNA Board to indicate what the impact of the shortage of DNA collection kits has been on entries to the NFDD. The Board indicated that the impact has been catastrophic. The Board indicated that the Western Cape laboratory has several challenges regarding its operation. Reference samples have already run out and should be addressed as a matter of urgency. The Board indicated that a permanent solution shall be found to address the procurement challenges experienced in the FSL Division. The Board further questioned the reliance on domestic service providers and questioned why international service providers were not considered, as these companies already have the required accreditation to ensure the credibility of the forensic services such as the chain of custody, forensic examiner profiles and forensic methods followed in the processing of exhibits.

**Outstanding investigative leads:** The Committee expressed concern about the increase in outstanding investigative leads. The Board indicated that it was a concerning trend and the Board has, through regular engagement with the FSL, identified potential challenges in the effective functioning of the task teams. To address this challenge, the Board engaged directly with Provincial Nodal Points. One of the key challenges was that the DNA task-teams were appointed on an *ad hoc* basis and not permanently. The Board had communicated with the Minister of Police to address the challenge and a meeting would be scheduled within the coming weeks.

**Reporting to the Minister of Police:** The Committee asked whether monthly reports were submitted to the Minister of Police. The Board indicated that reports were not submitted to the Minister of Police but that a request has been made to meet the Minister. To date the meeting could not be scheduled due to the unavailability of the Minister.

**Training of police officers:** The Committee requested the Board to indicate whether police officers are well trained on the taking of DNA samples. The Board indicated that the training of members is implemented, but was hampered by the lack of DNA collection kits at training centres. The majority of collection kits were reprioritised to police stations because the shortage of collection kits that came about due to procurement challenges.

**Complaints regarding ethics abuses:** The Committee asked whether any complaints from the public has been submitted on ethical abuses of taking DNA samples. The Board indicated that to date no complaints have been received and that people were not yet aware of the oversight function of the Board. It was indicated that the launch of their website would possibly improve public awareness.

* 1. **Committee recommendations**

The Committee recommends the following:

1. The Minister of Police should review the composition of the DNA Board in relation to the commitment of Board Members. Where deficiencies are identified with the attendance of members, such members should be replaced.
2. The Board should make every effort to build a strong relationship with the CSPS, as the Department is a key stakeholder in the oversight architecture over the SAPS.
3. The Board should continue engagements with the Registrar of Sexual Offences to ensure alignment to the NFDD.
4. The Board should take cognisance of the procurement protocols in the public sector, especially in terms of the procurement of office accommodation.
5. The Board should assist the CSPS in every way to ensure that the amendments to the DNA Act is finalised. In instances where information is required, the Board must assist in obtaining the required information.
6. The Board must communicate with the Minister of Police on a regular basis to ensure that challenges experienced in areas that fall within the Board’s mandate are addressed.
7. The Board should engage with the SAPS to find solutions to the procurement challenges experienced regarding DNA collection kits.
8. **CONCLUSION**

The Department plays a key role in the police oversight architecture of SA. Increased efforts should be made to address community satisfaction with the SAPS, which can be accomplished by the establishment of effective CPF and CSF structures countrywide. The dissatisfaction from communities was illustrated by the results of the customer satisfaction survey conducted by the Department during the 2017/18 financial year. The Department should address the challenges of the current support model of the DNA Board and the Office of the DPCI Judge as they are critical oversight bodies over important aspects of the SAPS.

**Report to be considered.**