



06 October 2014

## **ANALYSIS AND SUMMARY OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID) ANNUAL REPORT FOR 2013/14**

### **1. INTRODUCTION**

The Portfolio Committee on Police, through the mandate of the National Assembly, is constitutionally obligated to scrutinize and oversee executive action. In fulfilling this obligation, the Committee engages with the Independent Police Investigative Directorate (IPID) on its performance during the financial year under review (2013/14). The main source of performance measurement data (for any given year) is published in the Directorate's Annual Report, which forms the main composition of this paper. To realise the oversight function and obligation placed on the Portfolio Committee, it is required that the Annual Report contain detailed information on service delivery and financial statements, as well as the audit report as prepared by the Auditor-General. In October of each year, the Portfolio Committee must assess the service delivery performance given available resources; evaluate the effective and efficient use and forward allocation of resources; and may make recommendations on the forward use of resources.

It is important that the hearings on the Annual Report ensure that the following are assessed:

- The IPID provides high quality services, economical in nature, efficiently and effectively;
- Services are rendered in line with the IPID's Constitutional mandate, Strategic plans and Budget;
- Services rendered by the IPID contribute meaningfully to the realisation of Government's overall objectives; and
- Measures are in place to improve the Directorate's future performance.

In terms of the Budgetary Review and Recommendations process, it is important to consider the past financial and service delivery performance of the Directorate (for the year that ended in March 2014), together with the current performance (2014/15 - that will end in March 2015) in order to fulfil the Committee's mandate in terms of the Money Bills Procedures and Related Matters Amendment Act (Act 9 of 2009). The Act sets out the process that allows Parliament to make recommendations to the Minister of Finance as well as the cabinet Minister responsible for the Vote in order to ensure the effectiveness and efficiency of the use of resources to ensure optimal service delivery.

In light of the above, this analysis begins with a focus on the strategic priorities and measurable objectives of the IPID, including consideration of delivery on its Constitutional mandate, Strategic plans, and the realisation of Government's overall objectives, through the goals of the National Development Plan (NDP) and the Medium Term Strategic Framework (MTSF). The paper then considers the recommendations made by the Committee in the 2012/13 Budgetary Review and Recommendations Report (BRRR), the financial performance of the IPID during the 2013/14 financial year (FY), and the performance during the first quarter of the 2014/15 FY. It provides a snapshot of the overall service delivery and financial performance in terms of expenditure and achievement of



predetermined targets during the 2013/14 FY. This is followed by a detailed analysis of each Programme. The paper concludes with an analysis of the utilisation of Human Resources as part of the organisational structure.

## 2. STRATEGIC OVERVIEW: 2013/14

The aim of the Independent Police Investigative Directorate is to ensure independent oversight over the South African Police Service (SAPS) and the Municipal Police Services (MPS), and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS, and make appropriate recommendations.

Vision	Mission
The vision of the IPID is to promote proper police conduct in accordance with the principles of the Constitution.	The Mission of the IPID is to be an effective, independent and impartial investigating and oversight body that is committed to justice and acting in the public interest while maintaining the highest standards of integrity and excellence.
Values	
<p>The IPID aspires to adhere to the highest standards of ethical behaviour, integrity and the continuous application of their values. The following values are held at the core of the directorate from which it operates and responds:</p> <ul style="list-style-type: none"> <li>• Independence and impartiality;</li> <li>• Mutual respect and trust;</li> <li>• Integrity and honesty;</li> <li>• Transparency and openness;</li> <li>• Equity and fairness; and</li> <li>• Courtesy and commitment.</li> </ul>	

### 2.1 Organisational review

The 2013/14 FY marked the second full financial year in which the IPID operated under its new mandate as set out by the 2011 IPID Act. As such, the Directorate engaged in a review of its organisational structure in order to align it with its new mandate. This necessitated that the current four functional programmes (Programme 1: Governance and Stakeholder Management; Programme 2: Corporate Services, Programme 3: Investigation and Information Management and Programme 4: Legal Services) be reorganised into three programmes (Programme 1: Administration; Programme 2: Investigation and Information Management and Programme 3: Legal Services), and this reorganisation was implemented during the 2014/15 FY.

However, during the review process, there was a misalignment of the budget with the organisational structure and priorities. This meant that the Directorate did not have the funds to pay for all filled posts (291 as at end August 2012) or to fill vacant posts (58 as at the end of August 2012). The filling of vacant posts (especially for Investigators) was a key priority in terms of delivery on the transformed



mandate of the Directorate. In 2012/13, the budget was structured in a way that less than 50 per cent (48 per cent) of the allocated budget was directed toward Compensation of employees. This meant that a shortfall occurred to fund filled posts. In the light of misalignment of the budget to the priorities and organisational structure, the Directorate has stated that they will need to correct the MTEF baselines (shift funds from *Goods and services* to *Compensation of employees*), and also review the 13/14 proposed organisational structure to ensure alignment with the available budget. Secondly, the Directorate had an inflated *Goods and services* account. An analysis of the *Goods and services* budget clearly reflected that the allocation to *Goods and services* was too high. The allocation was too high for the needs as spending on this account were particularly low in provinces during the previous financial year. Cost cutting/control measures were put in place and funds was shifted from the *Goods and services* budget to cover the shortfall of funds for *Compensation of employees* thus allowing vacant posts to be filled.

The misalignment between the organisational structure, priorities and budget has been largely addressed across the medium term expenditure framework. In 2012/13, a total of R215,342 was to be allocated to the Directorate for the 2013/14 financial year, of which R105,750 million was allocated to Compensation of employees and R105,459 million to Goods and services. In the 2014/15 financial year, the Directorate was allocated R234.7 million of which R162.3 million was allocated to *Compensation of employees* and R68.9 million to *Goods and services*. The allocation made to *Compensation of employees* is 69.15 per cent of the Directorate's total budget for 2014/15 financial year. This is more in-line with the distribution normally found in personnel-intensive departments – the *Compensation of employees* within the SAPS also constitute about 70 per cent of its total allocated budget.

## 2.2 Government Strategic Priorities

The National Planning Commission of South Africa identified twelve measurable performance outcomes in 2010 to assess achievements made by state Departments in terms of effective service delivery. These twelve outcomes was also incorporated in the National Development Plan (NDP). The two outcomes specifically related to the IPID are:<sup>1</sup>

- Outcome 3: All people in South Africa are and feel safe and secure.
- Outcome 12: An efficient, effective and development orientated public service and an empowered, fair and inclusive citizenship.

In terms of **crime**, the NDP states the following vision:

In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the street and children play safely outside. As a result of substantially reduced levels of serious and violent crime, businesses are thriving and local and foreign investors are establishing new businesses. This in turn leads to the creation of new job opportunities and the reduction of poverty and inequality. The Criminal Justice System is well-resourced, professional and is staffed by highly skilled officials who value their work, serve the community, safeguard lives and property without discrimination, protect communities and citizens

---

<sup>1</sup> 2013/14 IPID Annual Report



against violent crime and respect people's rights to equality and justice. South Africa's borders are effectively safe guarded, secured and well-managed.<sup>2</sup>

In terms of **corruption**, the NDP states the following vision:

In 2030 the anti-corruption agencies have adequate resources and are staffed by highly skilled and experienced officials, are independent from political influence, have powers to investigate alleged cases of corruption and prosecute those suspected to be involved in corruption. Levels of corruption have been radically reduced, South Africa has zero tolerance for corruption and citizens do not offer bribes and have the confidence and acknowledge that public and private officials will be held accountable. In addition leaders have integrity and high ethical standards.<sup>3</sup>

The NDP notes that all mandated oversight bodies should monitor adherence to professional ethics and recommend appropriate sanctions where necessary, referring specifically to the IPID and the Policing Board (yet to be established).<sup>4</sup> This focuses the work of the Directorate to ensure that the police service is trusted by the community and as such it contributes to a capable state. The Directorate promotes a transparent and accountable police service through the investigation of criminal offences allegedly committed by members of the SAPS and MPS as outlined in section 28 of the IPID Act (2011).

The Medium Term Strategic Framework (MTSF 2014-2019) includes an action stating that disciplinary proceedings must be instituted by the SAPS on all IPID recommendations subsequent to investigations. The MTSF set a target of 90% implementation in 2014/15 and 100% implementation by 2018/19.

In line with the NDP, MTSF and the Minister of Police's strategic focus, the Directorate intends to achieve the following:<sup>5</sup>

- Take IPID services closer to the people;
- Enhance integrity and quality of investigations; and
- Re-prioritise the fight against corruption and systemic corruption.

The outputs (strategic objectives) of the IPID are directly linked to the following Strategic outcome-oriented goals (outcomes), as reflected in the IPID Strategic Plan for 2013-2016:

- **Outcome 3.1:** The IPID is accessible to the public
- **Outcome 3.2:** The Performance Management System operates optimally
- **Outcome 3.3:** Re-Engineering and Re-Organisation of the IPID
- **Outcome 3.4:** The IPID processes cases efficiently

---

<sup>2</sup> MTSF (2014-2019)

<sup>3</sup> MTSF (2014-2019)

<sup>4</sup> NDP, p. 390

<sup>5</sup> 2013/14 IPID Annual Report



## 2.3 Medium term priorities

The following are the medium term priorities for IPID:<sup>6</sup>

- Alignment of planning, budgeting and reporting frameworks;
- Re- engineering and reorganisation of the Directorate;
- Integration and alignment of systems and structures to enhance the capacity of IPID to deliver on its mandate;
- Continue to refocus the Directorate from complaints driven to an investigation driven institution (reactive to proactive);
- Development of performance management systems;
- Development of Reporting, Monitoring and Evaluation tools;
- Obtaining a clean audit;
- Stakeholder management;
- Review of delegation of functions (Finance and Human Resources);
- Influence / feed into policy development within SAPS/MPS; and
- Pilot investigation work on systemic corruption.

## 2.4 Legislative Mandate

The 2013/14 FY marked the first full year in which the IPID operated under the 2011 IPID Act. The IPID Act, 2011 (Act No 1 of 2011) gives 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:<sup>7</sup>

- 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 more serious crimes committed by members of the SAPS and the MPS. It further obliges the SAPS and the MPS to report on matters that must be investigated by the IPID and also on the implementation of disciplinary recommendations made by the IPID upon the completion of investigations.<sup>8</sup>

In terms of section 28 (1) of the Act, the Directorate is obliged to investigate:<sup>9</sup>

- a) Any deaths in police custody;
- b) Deaths as a result of police actions;
- c) Complaints relating to the discharge of an official firearm by any police officer;

---

<sup>6</sup> 2013/14 IPID Annual Report

<sup>7</sup> 2013/14 IPID Annual Performance Plan

<sup>8</sup> 2013/14 IPID Annual Performance Plan

<sup>9</sup> Independent Police Investigation Directorate Act, 2011 (Act No 1 of 2011), Section 28



- d) Rape by a police officer, whether the police officer is on or off duty;
- e) Rape of any person in police custody;
- f) Any complaint of torture or assault against a police officer in the execution of his or her duties;
- g) Corruption matters within the police initiated by the Executive Director, or after a complaint from a member of the public or referred to the Directorate by the Minister, a MEC or the Secretary for the Police Service; and
- h) Any other matter referred to the IPID as a result 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.

## 2.5 Challenges in the performance and organisational environments in 2013/14

The Executive Director of IPID states in the 2013/14 Annual Report that the IPID faces a serious concern regarding the dilution of the effectiveness of its investigations by the inconsequential disciplinary sanctions instituted by the SAPS management for very serious offences, and that the IPID is being “undermined” by these sanctions. As an example, the Executive Director listed offences like corruption or defeating the ends of justice that are sanctioned with a slap on the wrist like a “written warning” or “suspended dismissal”.<sup>10</sup> These sanctions undermines the fight against corruption and directly contradicts the MTSF. The IPID further faces challenges regarding the increase in violent public protest incidents, which invariably lead to an increase in the SAPS/MPS involvement in monitoring order.<sup>11</sup>

Another key challenge is the vacancies at key senior management level, which impacts on its service delivery performance. The position of the Executive Director had been vacant since September 2012 and ten Chief Director positions have been vacant since 01 April 2012. The new Executive Director has been appointed with effect from 1 March 2014 and the Directorate is in process of appointing all nine Provincial Heads. This process is expected to be finalised before the end of December 2014.

The IPID have nine provincial offices and nine satellite offices, which is not adequate for the Directorate’s needs.

The IPID faced three crucial challenges within its performance environment during the 2013/14 FY. These were:

- Vast distances which hamper swift responses to matters that must be investigated;
- Complex criminal investigations, some involving syndicates; and
- High workload.

### Comments and questions

- 1) The Executive Director should suggest possible ways in which to mitigate the above mentioned challenges, especially the inconsequential sanctions meted out by the SAPS.

---

<sup>10</sup> 2013/14 IPID Annual Report

<sup>11</sup> 2013/14 IPID Annual Report



- 2) During the last engagement with the IPID (17 September 2014), the Executive Director indicated that the nine Provincial Heads have been appointed and that the incumbents are a good mix between internal IPID members, SAPS members, and previous Department of Justice and Constitutional Development officials. The Director should further elaborate why this mix is good for the development of the Directorate and how work experience within the JCPS Cluster is important in the effective execution of duties.

### 3. FINANCIAL PERFORMANCE

The section below provides an overview of the overall financial performance of the Directorate for the past two FYs (2012/13 and 2013/14) as well as expenditure recorded during the first quarter of the current FY (2014/15).

#### 3.1 2013 Budgetary Review and Recommendations Report (BRRR)

In terms of the Budgetary Review and Recommendations process it is important to look backwards at the past performance of the Directorate. In terms of the 2013 BRRR, the Committee made a number of findings and recommendation on the service delivery and financial performance of the Directorate that required attention. These include the following:

- **Under-spending:** The Committee noted its concerns about the serious under-spending of the budget of IPID by R26 million. The IPID requested and received a 28% increase on its main appropriation, yet underspent on this amount. The Committee was of the opinion that IPID did not exercise oversight and accountability on this matter.
- **Contingent Liabilities:** The Committee questioned the contingent liabilities account and the amount of R11 million owed to K. Sons. The amount was related to the occupation of the previous building by IPID owned by that company. The Committee urged the IPID to finalise the outstanding agreement and move on with its programme as it cannot be held up and allocate monies to this account every year.
- **Irregular expenditure:** The Committee noted its concerns about the irregular expenditure, especially in the light of the under-spending of the Department and requested a full report on the irregular expenditure incurred by the IPID.
- **Vacancies:** The Committee took note of the Auditor General's remarks that the leadership of the IPID is compromised by the non-appointment of the Executive Director and the nine provincial heads. It noted its concerns about this to the management team. The Committee also urged the IPID to fill all the outstanding vacancies in all levels of the organisation.
- **Cost cutting and cost saving measures:** The Committee noted that it wanted the IPID to implement cost cutting and cost saving measures. Of concern was the increases awarded to the managers of the IPID. The Department responded that it awarded the increases to the majority of staff levels 1-12.
- **Information Technology (IT) contracts:** The Committee noted that the spending on the IT contracts of IPID amounted to fiscal dumping. The Auditor General also indicated that the performance indicators do not comply with the smart principles.



### **The Committee made the following recommendations:**

- The Committee recommended that IPID seek finalisation on its contingent liabilities;
- The Committee supported the additional funding requests for the 2014/15 financial year;
- The Committee noted that the community outreach events are consuming the time of the Department and recommended that IPID undertake an impact study on the measurement of the community outreach programmes conducted by the Department and provide a report before the end of the financial year;
- The Committee recommended that the Policy Review Committee should finalise all policies within the 2013/14 financial year;
- The Committee recommended that the IPID must make available a full corporate governance report for the Committee's scrutiny;
- The IPID must produce a full list of its stakeholders that it meets with;
- The Committee noted that there is improvement in the communication of the IPID recommendations to the SAPS. It recommended that IPID follows up on the progress of all their recommendations on the Domestic Violence Act, discipline and others, and provide quarterly reports to the Committee.
- The Committee recommended that a different reporting format be followed with respect to the previous years. The IPID must check the credibility of its statistics and provide a more strategic approach in dealing with the oversight responsibilities over SAPS.
- The Committee recommended that a full report must be provided to the Committee and reported on in the Annual Report on the outcome of all disciplinary cases. The Committee recommends that the IPID should design a reporting format for the SAPS reporting in stipulated timeframes.
- The Committee recommended that the Systemic Corruption Strategic document of the IPID should be finalised before the end of the financial year.
- The Committee recommended that the IPID must not extend the investigative response timeframes from 48-72 hours.
- The Committee recommended that a review of the role and functions of the Legal Services Programme be undertaken with a view of merging it with other programmes in the IPID.
- The Committee recommended that IPID attends SAPS disciplinary hearings and report thereon.
- The Committee recommended that IPID provides a breakdown of the salary upgrading.

### **Implementation of 2013 BRRR recommendations:**

- There is no closure on the Directorate's contingent liabilities, as the dispute regarding the lease of the City Forum Building is still ongoing;
- The IPID furnished the Committee with an expansion strategy that requires additional funding. However, the Committee needs to thoroughly interrogate the strategy before support for the additional funding (in terms of the expansion strategy) can be supported;
- It is unclear whether the IPID undertook an impact study on the measurement of the community outreach programmes;
- The Policy Review Committee did not finalise all policies within the 2013/14 financial year;



- The IPID must still make available a full corporate governance report for the Committee's scrutiny;
- The Committee is not receiving the quarterly reports on follow-ups regarding the progress of IPID recommendations on the Domestic Violence Act, discipline and others, as recommended by the Committee;
- The Committee should follow-up on whether the IPID designed a reporting format for the SAPS reporting in stipulated timeframes;
- The Committee should follow-up whether a Systemic Corruption Strategic document was finalised;
- The investigative response timeframes remained 72h in the 2014/15 Annual Performance Plan and was not set back at 48h as recommended;
- The Committee should follow-up on whether a review of the role and functions of the Legal Services Programme was undertaken with a view of merging it with other programmes in the IPID;
- The Committee should follow-up on whether the IPID is attending all the SAPS disciplinary hearings and whether the Directorate is reporting thereon; and
- The Committee should further interrogate the breakdown of the salary upgrading.

### 3.2 Appropriation statement for the 2013/14 FY

The IPID received a main appropriation of R216.9 million for the 2013/14 financial year, which represents a nominal increase of R19.1 million (9.7 per cent) and real rand increase of R7.6 million (3.8 per cent) compared to 2012/13. During the Adjustments period (October 2013), the Main Appropriation of the Directorate was not adjusted (upwards nor downwards). Thus, the total Adjusted Appropriation remained the same as the Main Appropriation for the 2013/14 financial year. However, funds were shifted between programmes and sub-programmes, mainly to address shortfalls in funding for *Goods and services* and *Machinery and equipment*. The Final Appropriation of the Directorate also stayed at R216 991 000, but shifted within Programmes.

At the end of the fourth quarter of 2013/14, the Directorate had spent R193.1 million or 89 per cent of its 2013/14 adjusted appropriation. This represents an underspending of R23.9 million for the 2013/14 financial year and a 2.4 per cent improvement in spending when compared with spending in the fourth quarter of 2012/13. Underspending is visible under all programmes at the end of the 2013/14 FY. The Administration Programme spent 96.1 per cent of its budget, while the Investigation and Information Management Programme spent 84.4 per cent of its final appropriation for the 2013/14 FY. However, underspending is most notable under the *Legal Services* programme, which spent 74.3 per cent of its R4.5 million available budget for the year.<sup>12</sup>

In terms of economic classification, underspending on current payments is most visible under compensation of employees which only spent 82.7 per cent of its R127.1 million budget. This is after a virement of R4.8 million was shifted away from this item. Transfers and subsidies were R136 000

---

<sup>12</sup> National Treasury (2014)



below the available budget. This is after the item received a virement of R183 000 from compensation of employees.<sup>13</sup>

In terms of lower level items on goods and services, several trends can be observed for the period between 2010/11 and 2013/14. Over this period, spending on *advertising, agency/support services, catering and entertainment, computer services and travel and subsistence* grew significantly at average annual rates above inflation. In contrast, spending on *communication, contractors and consultants* grew at average annual growth rates below inflation.<sup>14</sup> Items that spent above their allocated budget as at the end of March 2014 are *advertising, computer services and travel and subsistence*. This is after funds were shifted towards these items. In the same period, spending on *agency/support services, catering and entertainment, communication, contractors, consultants* fell below the allocated funds for the respective items. This is after funds were shifted away from the respective items.<sup>15</sup>

As at the end of the fourth quarter of 2013/14, the Directorate had spent R9.6 million or 100 per cent of its earmarked allocation of R9.6 million emanating from devolved funds from the Department of Public Works. This represents an improvement in spending on this line item as in the year 2012/13, the Directorate incurred an overspending of 30.1 per cent on this line item.<sup>16</sup>

### **Roll overs**

The Directorate did not apply for any roll-overs.

### **Virements**

A total of R175 thousand was shifted from Programme 1: Administration *Goods and services* as a result of the reallocation of funds from operating leases, and travel and subsistence to *Machinery and equipment* for the procurement of *Machinery and equipment* initiated in the previous financial year. A total of R304 thousand was shifted away from *Compensation of employees* because of vacant posts. Of these funds, R70 thousand was shifted to *Goods and services* to address the shortfall in funding for *Goods and services* and R234 thousand was reprioritised for the procurement of *Machinery and equipment*.

A further amount of R200 thousand was shifted away from *Goods and services* in Programme 2 in terms of operating leases and travel and subsistence to payments for *Goods and services* in Programme 3 to address the shortfall in funding for *Goods and services* in the Legal Services Programme (Programme 3). A further R259 thousand was shifted away from *Compensation of employees* due to vacancies, of which R159 thousand was reprioritised to address the shortfall for funding in *Goods and services* and R100 thousand was shifted to *Households* to address the unanticipated expenditure on items such as leave gratuities. The R200 thousand virement adjusted the Legal Services Main Appropriation of R4.25 million for the 2013/14 financial year to R4.450 million.

---

<sup>13</sup> National Treasury (2014)

<sup>14</sup> National Treasury (2014)

<sup>15</sup> National Treasury (2014)

<sup>16</sup> National Treasury (2014)



**Table 1: Appropriation statement of the IPID for the 2013/14 FY**

Appropriation per Programme									
Programme	2013/14							2012/13	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final appropriation	Final Appropriation R'000	Actual Expenditure R'000
<b>Administration</b>									
Current Payments	87 029	(1 233)	1 083	86 879	83 706	3 173	96.3%	83 086	67 008
Transfers and Subsidies	137	-	-	137	1	136	0.7%	2 026	2 026
Payments of capital assets	1 280	1 210	(479)	2 011	1 862	149	92.6%	1 412	1 222
Payments for financial assets	-	23	-	23	23	-	100.0%	2	2
	<b>88 446</b>	<b>-</b>	<b>604</b>	<b>89 050</b>	<b>85 592</b>	<b>3 458</b>	<b>96.1%</b>	<b>86 526</b>	<b>70 258</b>
<b>Investigation &amp; Information Management</b>									
Current Payments	122 222	(1 162)	-	121 060	102 074	18 986	84.3%	101 208	94 850
Transfers and Subsidies	103	183	-	286	286	-	100.0%	116	116
Payments of capital assets	1 770	973	(604)	2 139	1 877	262	87.8%	4 638	2 038
Payments for financial assets	-	6	-	6	6	-	100.0%	5	5
	<b>124 095</b>	<b>-</b>	<b>(604)</b>	<b>123 491</b>	<b>19 248</b>	<b>19 248</b>	<b>84.4%</b>	<b>105 967</b>	<b>97 009</b>
<b>Legal Services</b>									
Current Payments	4 422	(158)	-	4 264	3 120	1 144	73.2%	5 320	4 097
Payments of capital assets	28	158	-	186	186	-	100.0%	85	85
	<b>4 450</b>	<b>-</b>	<b>-</b>	<b>4 450</b>	<b>3 306</b>	<b>1 144</b>	<b>74.3%</b>	<b>5 405</b>	<b>4 182</b>
<b>Total</b>	<b>216 991</b>			<b>216 991</b>	<b>193 141</b>	<b>23 850</b>	<b>89.0%</b>	<b>197 898</b>	<b>171 449</b>



### **Unauthorised Expenditure**

The Directorate did not incur unauthorised expenditure during the 2013/14 FY. However, the financial disclosure notes does report an amount of R891 000 regarding prior over-expenditure by Programmes 2 and 3 in the 2008/09 and 2005/06 FYs respectively. The expenditure has not yet been condoned by National Treasury.

### **Irregular Expenditure**

In 2013/14, the Directorate recorded irregular expenditure to the amount of R957 000. An amount of R923 000 incurred during the 2012/13 FY was brought forward to the Directorate's account, which gave a total irregular expenditure of R1 880 000 for the 2013/14 FY. Considering only the irregular expenditure incurred in 2013/14, it was made up of a *Contravention of National Treasury Note 1 of 2013/14* to the amount of R2 000 and a *Non-submission of SBD4* (Supply Chain Management Bid Document relating to the Declaration of Interest) to the value of R 955 000.

### **Fruitless and wasteful expenditure**

An amount of R314 136.83 in three separate transactions was identified and reported due to the payments that was done for the implementation of the Team Mate audit system, which did not take place as planned. The expenditure is currently under investigation to establish the required action.

### **Comments and questions**

- 1) Even though the under-expenditure of the Directorate improved slightly (2.4 per cent) at the end of the 2013/14 FY compared to the previous FY, the 89 per cent expenditure remains unacceptable low. This will inevitably impact negatively on any motivation for additional funding to capacitate the Expansion Strategy of the Directorate. The IPID should put forward a definite plan to improve future expenditure.
- 2) While the total underspending of the Directorate is a concern, the expenditure incurred in the Investigation and Information Management Programme (84.4 per cent) is especially problematic as this Programme forms the core function of the Directorate. When considering the underspending together with the achievement of only two out of 18 predetermined performance targets for the 2013/14 FY, it is clear that the Programme has severe challenges that should be addressed as a matter of urgency. The Executive Director should be requested to indicate what the challenges are in this Programme. The response from the Director should ideally not only point towards a lack of capacity in terms of additional investigators needed as the Programme has 26 vacancies. The Director should indicate whether there is a strategy developed to attract and retain investigators and when the 26 vacant positions will be filled.
- 3) The underspending in the Legal Services Programme (73.3 per cent) is of equal concern and goes hand in hand with that of the Investigation and Information Management Programme, as these Programmes work in unison and rely on each other.
- 4) The Committee should request the Directorate to indicate the extent to which investigators make use of the legal team at IPID, as many targets in the Legal Services Programme were not achieved as a result of a lack of requests. This trend is persisting throughout the first quarter of the 2014/15 FY where many targets were not achieved due to a lack of requests for legal advice.



- 5) The expenditure on Compensation of employees (82.7 per cent) recorded at the end of the 2013/14 FY is understandable due to the high vacancy rate of the Directorate, but remains unacceptably low, especially after a virement of R4.8 million was made away from this account. If the funds were not shifted away from the account, the underspending would have been even greater. The Directorate should indicate what strategies will be deployed to mitigate this underspending in future.
- 6) The Directorate incurred no unauthorised expenditure in the 2013/14 FY, which is commendable. However, the financial statements still includes unauthorised expenditure dating from the 2008/09 FY (R891 000). This expenditure has not yet been condoned and as such needs to be reflected in the financial statements of the IPID. The Directorate should indicate why this expenditure has not yet been condoned and what steps it has taken to engage with National Treasury for the condonation of the expenditure.
- 7) The Directorate did not incur significant irregular expenditure, which is also commendable. However, the R955 000 is not insignificant and should be explained by the Directorate.

### 3.3 Findings by the Auditor-General on financial statements

The IPID received an **unqualified audit opinion** from the Auditor-General. Emphasis of matters made on the financial statements of the Directorate include: The financial statements of the Directorate submitted for auditing were not initially prepared in accordance with the prescribed financial reporting frame-work and supported by full and proper records as required by section 40(1) (a) and (b) of the Public Finance Management Act. Material misstatements of disclosure items identified by the auditors in the submitted financial statement were subsequently corrected and the supporting records were provided subsequently, resulting in the financial statements receiving an unqualified audit opinion.

Of note is the **material under-spending** of R23 850 000 (R23.8 million) of the Vote, which was due to vacancies within the Directorate. The AG also identified material misstatements in the Annual Performance Report submitted for auditing of the reported performance information for Programme 1: Governance and Stakeholder Management and Programme 3: Investigation and Information Management. These misstatements was corrected, which lead to the AG not raising material findings on the usefulness and reliability of the reported performance information.

In terms of the **Internal Audit** function of the IPID, the AG stated that the function did not submit reports, which details the performance against the annual internal audit plan, to the audit committee every quarter, as required by Treasury Regulation 3.2.7(d). (Please see separate Research document on the IPID Internal Audit function).

In terms of **procurement and contract management**, the AG could not find sufficient or appropriate audit evidence that contracts were awarded only to bidders who submitted a declaration on whether they are employed by the state or connected to any person employed by the state, which is prescribed in order to comply with Treasury regulation 16A8.3.



In terms of **human resource management and compensation**, the AG stated that funded vacant positions were not filled within 12 months as required by Public Service Regulations 1/VII/C1A2.

In terms of **expenditure management**, the AG found that effective steps were not taken to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the Public Finance Management Act and Treasury Regulation 9.1.1. 25. Contractual obligations and money owed by the Independent Police Investigative Directorate (IPID) were not settled within 30 days or an agreed period, as required by section 38(1)(f) of the Public Finance Management Act and Treasury Regulation 8.2.3.

In terms of **internal control**, the AG stated the following:

- **Leadership:** Instability in management due to vacant positions resulted in a lack of monitoring of activities within the Directorate to ensure compliance with laws and regulations.
- **Financial and performance management:** Management did not always have or implement proper approved policies and procedures.
- **Governance:** Lack of adequate oversight by internal audit due to the incapacity within the unit.

### 3.4 2014/15 Committee Budget Report

In terms of the Budgetary Review and Recommendation process it is correspondingly important to consider the current fiscal picture. The following key findings were made by the Portfolio Committee on Police during the 2014/15 FY Budget hearings with the IPID:<sup>17</sup>

- The Committee stressed the important role the IPID must play in professionalising the South African Police Service (SAPS) and the Municipal Police Services (MPS) in realising the NDP goal of a professional police service.
- The lack of a Consultative Forum meeting with the Civilian Secretariat for Police – due to the unavailability of the Secretary of Police whom must facilitate the first meeting;
- Significantly high vacancy rate and lack of appointment of key personnel, especially within the senior management structure;
- Unfunded mandates of the Directorate;
- Erratic trends in quarterly expenditure;
- The lack of the establishment of a satellite office in George;
- Questions on the reliability of financial statements;
- High turnover rate of key personnel and the lack of a Retention Policy;
- Non-compliance of SAPS to sections 29 and 33 of the IPID Act;
- Centralisation of managerial responsibilities at national level – the Committee stated that these responsibilities should be cascaded down to provincial level once all Provincial Head have been appointed; and
- Level of security clearance of key personnel.

---

<sup>17</sup> Report of the PC on Police on the 2014/15 IPID Budget, ATC No 25-2014 (2014)



### 3.5 2014/15 expenditure up to June 2014 (first quarter)

As at the end of the first quarter, the Directorate had spent R37.1 million (15.8 per cent) of its main appropriation (R234, 719 million). This represents a deviation of R13 million against approved projections (21.3%). Compared to the first quarter of the previous financial year (2013/14), the expenditure is slightly slower (19.0 per cent). In percentage terms, lower than planned spending is visible on all four Programmes of the Directorate, but is most notable under the *Legal Services* Programme, which had spent a mere 5.2 per cent of the allocated budget against a projection of 24.1 per cent. In nominal terms, the bulk of the slower than planned spending was recorded under *the Investigation and Information Management* programme, which is the core mandate of the Directorate. The variance between actual and planned spending in this regard was R5.6 million.

At economic classification level, payments for capital assets fell below approved projections by R1.2 million. Similarly, spending on compensation of employees and goods and services was behind schedule by R5.4 million and R6.4 million, respectively. However, the Directorate recorded higher than planned spending on transfers and subsidies, specifically on transfers to households which, as at the end of June 2014, had reached 100 per cent of the allocated budget for households for the 2014/15 financial year.

**Table 2: Overall departmental spending**

Independent Police Investigative Directorate	Main Appropriation	Actual Spent	% Spent	% Projected	% Variance
R'000	2014/15	Q1	Q1	Q1	Q1
<b>Programmes</b>					
Administration	73,213	12,613	17.2%	24.6%	(7.3%)
Investigation and Information Management	151,078	23,878	15.8%	19.5%	(3.7%)
Legal Services	5,712	298	5.2%	24.1%	(18.9%)
Compliance Monitoring and Stakeholder Management	4,716	325	6.9%	25.6%	(18.7%)
<b>Total</b>	<b>234,719</b>	<b>37,114</b>	<b>15.8%</b>	<b>21.3%</b>	<b>(5.5%)</b>
<b>Economic classification</b>					
<b>Current payments</b>	<b>231,205</b>	<b>36,898</b>	<b>16.0%</b>	<b>21.1%</b>	<b>(5.1%)</b>
Compensation of employees	162,263	27,309	16.8%	20.2%	(3.3%)
Goods and services	68,942	9,589	13.9%	23.3%	(9.3%)
<b>Transfers and subsidies</b>	<b>581</b>	<b>85</b>	<b>14.6%</b>	<b>0.0%</b>	<b>14.6%</b>
Departmental agencies and accounts	496	-	0.0%	0.0%	0.0%
Households	85	85	100.0%	0.0%	100.0%
<b>Payments for capital assets</b>	<b>2,933</b>	<b>131</b>	<b>4.5%</b>	<b>45.5%</b>	<b>(41.1%)</b>
Machinery and equipment	2,933	131	4.5%	45.5%	(41.1%)
<b>Payments for financial assets</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total</b>	<b>234,719</b>	<b>37,114</b>	<b>15.8%</b>	<b>21.3%</b>	<b>(5.5%)</b>

Source: National Treasury (2014)



#### 4. OVERVIEW AND ASSESSMENT OF SERVICE DELIVERY PERFORMANCE

The IPID is currently drafting a new Service Delivery Improvement Plan (SDIP) to ensure a geographical focus for the Directorate.<sup>18</sup> The current IPID satellite offices will be transformed into regional and district offices to address the Directorate's strategic outcomes. The emphasis of this strategic re-direction is to enhance reach, coverage and public access permanently. The IPID envisages that the project will be rolled-out over a period of five (5) fiscal years ending in 2019. The IPID will also establish the minimum standards for each of these offices to enhance public friendliness to promote the Batho Pele principles.

##### 4.1 Programme 1: Governance and Stakeholder Management

#### PROGRAMME 1: GOVERNANCE AND STAKEHOLDER MANAGEMENT

**Targets achieved = 4/6**  
**Success rate = 66.6%**  
**Expenditure = 96.1%**

The purpose of the Governance and Stakeholder Management Programme is to administer the overall management of the Directorate and support services, including strategic support to the Directorate. In 2014/15, this Programme was combined with the Corporate Management Programme to form the Administration Programme.

During the 2013/14 FY, the Directorate focussed on communicating with communities through the media by issuing media statements and responses to enquiries. The target of 60 statements and responses was exceeded by 799 statements and responses released in 2013/14. The IPID also ran a radio campaign to inform the public about its mandate. The campaign was broadcast on all South African Broadcasting Corporation (SABC) radio stations in all 11 official languages.<sup>19</sup> The target for the submission of financial and strategic reports was not met only in regard to the time frames, but all the reports were submitted within a day of two of the due dates. The Directorate reported that in order to improve performance on this target, systems have been put in place to track the due dates for the submission of reports within the time frames. Furthermore, the provincial offices are now required to keep records of stakeholder engagements and formalise them by ensuring that minutes are kept.

The target in regard to the review of policies was not met due to some of the policies having to be negotiated at the Bargaining Chamber. The finalisation of all policies was a clear recommendation of the Committee in the 2013 BRRR and should be interrogated further.

The Governance and Stakeholder Management Programme (currently the Administration Programme) Programme managed to achieve a 66.6% success rate on its performance targets and spent 96.1% of its budget at the end of the 2013/14 FY.

<sup>18</sup> 2013/14 IPID Annual Report

<sup>19</sup> 2013/14 IPID Annual Report



**Table 3: Performance against targets for Programme 1: Administration (Governance and Stakeholder Management)**

Programme Performance Indicator		Planned Target 2013/14	Actual Achievement 2013/14	Comment on deviation
1.	Number of media statements and responses released annually	60	Total of 859 media responses: - 59 media statements - 57 telephonic responses - 743 written media responses	Target met.  The performance was higher due to the high profile cases investigated by the IPID.
2.	Number of formal engagements with key stakeholders at national level held annually	12	12	Target met.
3.	Number of formal engagements with key stakeholders at provincial level held annually	108	118	Target met.  Some provincial offices reported more engagements with stakeholders.
4.	Percentage of identified policies reviewed annually by the department	70%	0% No policies were reviewed	Target not met.  Most policies are still being negotiated at the Bargaining Chamber.
5.	Number of performance monitoring and evaluation reports submitted	13	13	Target met.
6.	Number of Financial and strategic reports submitted within prescribed reporting dates	21 (monthly financial reports; Quarterly Performance Reports; Annual Financial Statement, Annual Performance Plan)	15	Target not met.  22 Reports were submitted, with 7 reports submitted outside the targeted time frame.

Source: 2013/14 AR, p 15-16.



### Comments and questions

- 1) The Directorate stated that it is developing a Service Delivery Improvement Plan (SDIP) in order to ensure a geographical focus for the Directorate. The Directorate should elaborate on this plan, focussing on the manner in which it will ensure a geographic focus for the Directorate.
- 2) The Committee should request the Directorate to indicate what the current status of the SDIP is and when it will be completed. The Committee should request a copy of the SDIP once completed.
- 3) The Directorate should explain the manner in which satellite offices will be transformed into regional and district offices. The Directorate should also indicate the manner in which this transformation will address the strategic outcomes of the IPID.
- 4) The IPID should provide an overview of its current geographical footprint and indicate in which Provinces it has active satellite offices. The Directorate should also indicate the current status of the George satellite office.
- 5) The Directorate should provide an overview of the envisaged minimum standards that will be imposed on each satellite (regional and district offices) – does this refer to infrastructure, personnel or service delivery?
- 6) The Directorate should consider increasing its target for media responses and statements, as it was exceeded many times over in the 2013/14 FY. As the Directorate does not know the amount of media enquiries it will receive or number of statements it will issue in any given year, it should attach a percentage target to this performance indicator. For example, *100% of media enquiries responded to and statements issued*, instead of *60 media enquiries responded to*.
- 7) The Directorate should indicate the intended completion date for all Policies. The Committee should ask how long the Policies have been at the Bargaining Chamber level and also to indicate the reasons for the lengthy time delay for the adoption of the Policies.

It is important to note that the IPID presented the budget for Programme 1 and 2 as one Budget Programme: Administration. This is according to the 2014/15 Estimates of National Expenditure (ENE) and the reviewed organisational structure of the Directorate. However, this is not entirely correct and the IPID should have reported the expenditure of Programme 1: Governance and Stakeholder Management and Programme 2: Corporate Services separate, as it was presented in the 2013/14 Annual Performance Plan of the Directorate. The combined presentation of the two Programmes into one impairs comparisons and ultimately could provide a skewed expenditure picture.

As such, the budget and expenditure of the Programme will be discussed below together with that of the Corporate Services Programme.



## PROGRAMME 2: CORPORATE SERVICES

Targets achieved = 3/7  
Success rate = 42%

The IPID exceeded its target for conducting community outreach events and the Human Resource Plan was approved. The organisational structure was reviewed and sent to the Minister of Police for approval. Even though the ICT Plan and governance framework were developed, it was not signed off due to the departure of the previous Executive Director.

**Table 4: Performance against targets for Programme 2: Corporate Services**

Programme Performance Indicator		Planned target 2013/14	Actual Achievement 2013/14	Comment on deviation
1.	Number of community outreach events conducted annually	306	337	Target met.  Some provinces did more than their planned outreach events.
2.	% vacancy rate	below 10%	12%	Target not met.
3.	% females at senior management level	50%	36%	Target not met.
4.	% staff complement consisting of people with disabilities	2%	0.86%	Target not met.
5.	Human Resources (HR) Management Plan developed and approved	Updated and implemented HR Management Plan	Approved HR Plan	Target met.
6.	Number of reviews of organisational structure	1	1	Target met.
7.	ICT plan and governance framework	ICT plan and governance framework developed and approved	Plan developed but not yet approved.	Target not met.  Draft ICT Governance framework under final review.

Source: 2013/14 AR, p 18-19.

### Comments and questions

- 1) Although the Directorate exceeded its target for Community Outreach programmes, some questions arise regarding this performance indicator. The Directorate should indicate what the nature or these community outreach programmes/events was. The Directorate should also indicate what the impact of these events was during the 2013/14 FY, for example, does the Directorate notice an increase in case uptake after such outreach programmes?



- 2) In the 2012/13 BRRR, the Committee recommended that an impact assessment should be done on community outreach events – the Directorate should indicate whether this was done? If so, what was the result? And if not, the Directorate should indicate why not.
- 3) The Directorate did not manage to achieve this target in the first quarter of the 2014/15 FY. It held 23 community outreach events out of the 76 events that was predetermined for the first quarter (2014/15). The reason given was the slow implementation of community outreach plans and a lack of quality supporting documents for these events.
- 4) The Directorate should indicate how it afforded to have additional community outreach events in some Provinces. Even though the Directorate had significant underspending, the funds for these events should be stated by the Directorate. Did the Directorate consider increasing the target for community outreach programmes in order to educate more citizens about the functions of the IPID?
- 5) The Directorate should indicate by what method it will achieve its target for the vacancy rate, female employment and employing persons with disabilities, respectively.
- 6) The Directorate should indicate the intended completion date of the ICT Governance Plan.

**Table 5: Expenditure for Programme 1: Administration (Governance and Stakeholder Management)**

Legal Services Programme	2013/14 FY				2012/13 FY		
	Adjusted appropriation	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R' 000				R' 000		
Department Management	7 282	7 056	6 365	691	8 991	8 991	-
Corporate Services	51 146	54 828	53 441	1 387	48 507	35 628	12 879
Office Accommodation	9 592	9 592	9 592	-	9 092	9 092	-
Internal Audit	3 720	2 963	2 391	572	2 816	2 794	22
Finance Administration	16 706	14 611	13 803	808	17 120	13 753	3 367
<b>Total</b>	<b>88 446</b>	<b>89 050</b>	<b>85 592</b>	<b>3 458</b>	<b>86 526</b>	<b>70 528</b>	<b>16 268</b>

Source: National Treasury (2013) & IPID 2013/14 AR.

Spending in Programme 1: Administration has increased significantly between 2012/13 and 2013/14, due to the allocation of additional funding to capacitate the Directorate's administrative support services and enhancing its internal control environment to ensure good governance.<sup>20</sup> Accordingly, the bulk of the expenditure in 2013/14 as compared to 2012/13 addressed the shortage of support staff, their working resources including IT equipment and office furniture. The growth of this programme is dependent on the increase of personnel in the core function programme due to support service activities. The position of Executive Director was only filled in March 2014, and other positions in the same Programme which are mainly SMS positions (such as Director: Executive Support,

<sup>20</sup> 2013/14 IPID Annual Report



Director Internal audit and Director Corporate Governance) are amongst the vacant positions that have not been filled. Hence the Compensation of employees and the administrative costs related to those vacancies were affected and impacted on the overall under-spending of the Programme.

The Skills Development transfer which is classified under Transfer and Subsidies was also not transferred to SASSETA following the National Treasury's instruction to hold back on the transfer until there is a resolution on the matter.

#### Comments and questions

- 1) The Directorate should explain the reason for reporting on a combined expenditure report for the Governance and Stakeholder Management (Prog.1) and Corporate Services Programmes (Prog.2), as these two programmes were still separate in the 2013/14 Annual Performance Plan.
- 2) The Directorate should elaborate on the issue regarding the transfer of SASSETA funds? Why did National Treasury request the Directorate to hold back on funds "until there is a resolution on the matter"?

#### 4.2 Programme 3: Investigation and Information Management

##### PROGRAMME 3: INVESTIGATION AND INFORMATION MANAGEMENT

**Targets achieved = 2/18**  
**Success rate = 11.1%**  
**Expenditure = 84.4%**

Taken as a whole, the Investigation and Information Management Programme underperformed on performance targets during the 2013/14 FY. The Programme managed to spend only 84.4 per cent of its allocated budget and it achieved only two of its 18 predetermined targets.

The IPID completed 56 per cent of its cases during the 2013/14 FY, which is 2 per cent higher than the previous FY.<sup>21</sup> Even though the overall completion rate seems low, most of the completion targets that were missed are measured in days, but were completed outside the 30 or 90 days target.<sup>22</sup> Most of the targets were missed due to challenges in tracing witnesses and complainants. The IPID reported that its Investigators had to rely on external experts for technical reports such as toxicology, DNA, post mortems (in most cases) and that the delays in obtaining these reports affected the IPID's ability to comply with the 90 day turn-around time.<sup>23</sup> The Executive Director Directives will be issued to set individual targets for investigators to improve performance.<sup>24</sup> The performance of this Programme is directly related to the workload that it has in comparison to the resources at the disposal of the IPID. To address this challenge, the Directorate has drafted an Expansion Strategy to

<sup>21</sup> 2013/14 IPID Annual Report

<sup>22</sup> 2013/14 IPID Annual Report

<sup>23</sup> 2013/14 IPID Annual Report

<sup>24</sup> 2013/14 IPID Annual Report



deal with capacity problems over the next Medium Term Expenditure Framework (MTEF).<sup>25</sup> The IPID will approach the National Treasury to fund it for rollout to begin in the 2015/16 financial year. If funded, this strategy will also address the accessibility and presence of the IPID closer to the communities it serves, particularly in rural areas.

The table below provides a summary of the Programme's predetermined performance targets against actual achievement for the 2013/14 FY.

**Table 6: Performance against targets for Programme 2 (3): Investigation and Information Management**

Programme Performance Indicator		Planned target 2013/14	Actual Achievement 2013/14	Comments on deviation
1.	% cases registered and allocated <b>within 72hrs</b> of receipt (previously allocated within 48 hours)	98%	87% 4 972 cases registered and allocated within 72h out of 5 745 reported	Target not met. Increased workload
2.	No. of statistical reports generated on number and type of cases investigated, recommendations made and outcomes thereof	18	18	Target met.
3.	% investigations of deaths in police custody completed in 90 days	65%	50% 168 cases were completed within 90 days out of a total workload of 339 cases.	Target not met. An overall total of 235 cases (69%) out of 339 cases were completed, of which 67 were completed after 90 days due to the unavailability of witnesses.
4.	% investigations of deaths as a result of police action completed in 90 days	65%	31% A total of 181 cases were completed within 90 days. The total workload was 593 cases.	Target not met. An overall total of 379 cases (64%) out of 593 cases were completed, of which 198 case were completed after 90 days.
5.	% investigations of discharge of an official firearm by police officer	55% of all registered cases	24%	Target not met.

<sup>25</sup> 2013/14 IPID Annual Report



Programme Performance Indicator		Planned target 2013/14	Actual Achievement 2013/14	Comments on deviation
	completed in 90 days		A total of 186 cases were completed within 90 days. Total workload was 769 cases.	An overall total of 422 cases (55%) out of 769 cases were completed, of which 236 case were completed after 90 days.
6.	% investigations of rape by a police officer completed in 90 days	55% of all registered cases	47% A total of 77 cases were completed within 90 days. Total workload was 163 cases.	Target not met. An overall total of 128 cases (79%) out of 163 cases were completed, of which 51 case were completed after 90 days.
7.	% investigations of rape while in police custody completed in 90 days	55% of all registered cases	33% A total of 9 cases were completed within 90 days. Total workload was 27 cases.	Target not met. An overall total of 12 cases (44%) out of 27 cases were completed, of which 3 case were completed after 90 days.
8.	% investigations of torture completed in 90 days	50% of all registered cases	8% A total of 8 cases were completed within 90 days. Total workload was 106 cases.	Target not met. An overall total of 30 cases (28%) out of 106 cases were completed, of which 22 case were completed after 90 days.
9.	% investigations of assault completed in 90 days	50% of all registered cases	26% A total of 1 551 cases were completed within 90 days. Total workload was 5 959 cases	Target not met. An overall total of 3 322 cases (56%) out of 5 959 cases were completed, of which 1 771 case were completed after 90 days.
10.	% investigations of corruption completed in 90 days	55% of all registered cases	19% A total of 30 cases were	Target not met. An overall total of 84



Programme Performance Indicator		Planned target 2013/14	Actual Achievement 2013/14	Comments on deviation
			completed within 90 days. Total workload was 161 cases	cases (52%) out of 161 cases were completed, of which 54 case were completed after 90 days.
11.	Number of cases of systemic corruption identified for possible investigation approval, within a financial year	18	12	Target not met.  In some provinces no systemic corruption cases were identified.
12.	% approved systemic corruption investigations completed within 12 months	20% of approved cases	8%  1 out of 12 approved cases completed.	Target not met.  The approval of systemic corruption was done on the third and fourth quarters – investigations are ongoing.
13.	% reduction of annual brought forward investigations (excluding cases of systemic corruption)	50% reduction%	52%	Target met.
14.	% annual reduction of backlog investigations (excluding cases of systemic corruption) (previously number of backlog investigations)	50% reduction	13% decrease in backlog cases from previous FY. At the end of 2013/14, the total backlog was 206	Target not met.
15.	Disciplinary recommendation reports referred to SAPS / MPS within 30 days of completion of relevant investigations	100% of relevant completed cases	88%  776 out of 884 completed cases referred within 30 days.	Target not met.  All 884 recommendations reports were forwarded to the SAPS, 108 were referred after 30 days.
16.	Criminal recommendation reports referred to NPA within 30 days of completion of relevant investigations	100% of relevant completed cases	86%  1 264 out of 1 470 completed cases	Target not met.  All 1 470 recommendations reports were forwarded to the NPA, 206 were referred after 30 days.
17.	Feedback reports regarding the outcome of investigations provided	100% of completed	99.5%	Target not met.



Programme Performance Indicator		Planned target 2013/14	Actual Achievement 2013/14	Comments on deviation
	within 30 days of completion thereof (previously contained in one below?)	investigations	5 019 reports out of 5 045 completed cases	
18.	Feedback reports regarding the outcome of investigations provided within 30 days of closure thereof	100% of closed cases	92.8% 2 105 reports out of 2 269 closed cases.	Target not met.

Source: IPID 2013/14 AR, p. 22-23

### Comments and questions

- 1) It seems that the IPID has a challenge to complete cases in a set amount of days (30 or 90 days) due to a variety of factors outside its control, like witnesses changing address without notifying the IPID, waiting for medical reports etc. The Committee should ask the Directorate what steps has been taken to address this challenge.
- 2) The Directorate should provide information on the state of its relationship with other Government Departments with which it works closely, especially those it is reliant upon for toxicology report and post-mortems. As delays in these reports affects the performance of the Directorate, it should be addressed.
- 3) The IPID stated in its Annual Report that Executive Directorate Directives will be issued to set individual targets for Investigators in order to improve performance. The Committee should ask what these directives entail and in what manner it will improve performance on targets within the Investigation and Information Management Programme.
- 4) The Committee should engage the Directorate on detailed information on the training provided for Investigators. Amongst others, the Directorate should provide a course outline for Investigators, the length of the primary course, the NQS level of the qualification, refresher courses and specialised courses. The Directorate should also indicate which academic (or otherwise) institution provides the training for IPID Investigators.
- 5) The Directorate should explain the nature of its mentorship programme.
- 6) The Directorate states that the aim of the Expansion Strategy is two-fold, firstly to capacitate investigators and secondly to expand the footprint of the IPID, especially in rural areas. The latter aim is definitely needed as the IPID is largely unknown in communities and its services needs to be brought closer to all communities. However, the IPID currently has 26 vacancies in its Investigation and Information Management Programme. It seems like the IPID needs additional Investigators and that even if the 26 positions were filled, it will still face capacity constraints. The Committee needs to engage further with the IPID on its Expansion Strategy to fully understand it.
- 7) The Directorate stated that it will approach the National Treasury for additional funds to capacitate its Expansions Strategy. The Committee should ask the Directorate whether this engagement has already happened. If yes, the Directorate should indicate what the initial reaction was from National Treasury regarding the Expansion Strategy. If not, the Directorate should indicate the date on which these engagements will happen.



- 8) The IPID fared poorly on most of its targets within this Programme and the Committee should engage with the Directorate on each of these missed targets.
- 9) The IPID fared especially poor on its achievement of the target set for the investigation of torture cases. It set a target to complete 50 per cent of all reported cases/investigations within 90 days, but only managed to complete 8 per cent of investigations within 90 days. The Committee should question the IPID on this poor performance. The Directorate should explain its challenges regarding this category of offences it must investigate.
- 10) The Committee should also ask the Directorate to explain its working method when investigating torture cases, including the definition of torture being used and the criteria for cases to be distinguished between torture and assault/assault GBH.
- 11) The IPID set a target to complete 55 per cent of corruption cases within 90 days, and achieved only 19 per cent. The IPID must explain this, as it forms a Government priority included in both the NDP and the MTSF.
- 12) Similarly, achieved performance on both targets set for the investigation of systemic corruption within the SAPS fared poorly. The IPID identified 12 cases of systemic corruption for possible investigation out of a target of 18 cases to be identified. It is further a concern that some Provinces reported no cases of systemic corruption.
- 13) The IPID also targeted that 20 per cent of identified cases will be completed within a 12 month period, but completed only 8 per cent of the identified cases. This represents the completion of one (1) out of 12 cases of systemic corruption completed within the 2013/14 FY. The Directorate should indicate the challenges experienced in this environment.

The table below indicates the financial performance of the IPID during the 2013/14 FY. It is clear that spending increased significantly between 2012/13 and 2013/14, due to the increased number of mandatory investigations that must be conducted by the IPID under the Independent Police Investigative Directorate Act (2011).<sup>26</sup> This is also due to the building of investigative support capacity required to manage the increase.<sup>27</sup>

**Table 7: Expenditure for Programme 2 (3): Investigation and Information Management**

Investigation and Information Management Programme	2013/14 FY				2012/13 FY		
	Adjusted appropriation	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R' 000				R' 000		
Investigation Management	115 113	117 129	98 207	18 922	96 640	92 880	3 760
Information Administration	6 994	4 345	4 212	133	6 640	2 283	4 357
Policy Development	2 188	2 017	1 824	193	2 687	1 846	841

<sup>26</sup> 2013/14 IPID Annual Report

<sup>27</sup> 2013/14 IPID Annual Report



and Provincial Coordinator							
<b>Total</b>	<b>124 295</b>	<b>123 491</b>	<b>104 243</b>	<b>19 248</b>	<b>105 967</b>	<b>97 009</b>	<b>8 958</b>

Source: National Treasury (2013) & IPID 2013/14 AR, p.

The Programme's expenditure on compensation of employees was affected by the delay in filling ten (10) SMS positions including nine (9) Provincial Heads and one (1) programme Manager vacant positions, however the recruitment process has since started in March 2014. The continuous delays in implementation of the planned Satellite Offices due to the slow procurement process done in conjunction with the Department of Public Works (DPW) has also affected the financial performance of this Programme.

#### Comments and questions

The Directorate should indicate what challenges it is experiencing with the DPW regarding the establishment of satellite offices.

#### Statistical report on IPID activities (2013/14 FY)

A total of 5 745 cases were reported to the IPID during the reporting period. The majority of the cases fall within Section 28(1)(a) to (h). Of these, 3 916 were assault cases, 429 cases were complaints of the discharge of official firearm(s), 390 were incidents of deaths as a result of police action, 374 were cases of other criminal matters, and 234 incidents of deaths in police custody. The majority of cases were reported in Western Cape (1 254), followed by Gauteng (908) and Free State (861).

The table below shows that there was a decrease in the number of cases reported when compared to the previous reporting period (2012/13). There was a decrease in most categories except in cases of torture. Twelve cases of systemic corruption were identified and registered during the reporting period. A substantial decrease was noted in misconduct cases (51%), non-compliance with IPID Act (49%), complaints of the discharge of official firearms (36) and corruption (30%). The IPID investigated 84 cases in which MPS were involved. In 5 661 cases the SAPS were allegedly involved in various criminal offences and misconduct. Of the 84 cases that involved the MPS, there were 47 allegations of assault, 13 other criminal matters, 11 incidents of deaths as a result of police (MPS) action and 10 complaints of the discharge of firearms.

**Table 8: Total number of cases reported in the 2013/14 FY**

Section of IPID Act	Intake of cases	2012/13	2013/14	Percent of total	Percentage change
28(1)(a)	Deaths in police custody	275	234	4%	-15%
28(1)(b)	Deaths as a result of police action	431	390	7%	-10%
28(1)(c)	Complaint of the discharge of official firearms(s)	670	429	8%	-36%



28(1)(d)	Rape by police officer (on or off duty)	146	121	2%	-17%
28(1)(e)	Rape in police custody	22	19	0%	-14%
28(1)(f)	Torture	50	78	1%	56%
<b>28(1)(f)</b>	<b>Assault</b>	<b>4 131</b>	<b>3 916</b>	<b>68%</b>	<b>-5%</b>
28(1)(g)	Corruption	120	84	1%	-30%
28(1)(h)	Other criminal matter(s)	703	374	7%	-47%
28(1)(h)	Misconduct	47	23	0%	-51%
28(2)	Systemic corruption	6	12	0%	100%
29	Non-compliance with section	127	65	1%	-49%
<b>Total</b>		<b>6 728</b>	<b>5 745</b>	<b>100%</b>	<b>-15%</b>

Source: IPID 2013/14 AR, p.

During the 2013/14 FY, incidents of deaths as a result of police action were higher compared to deaths in police custody. Out of 234 deaths in police custody, most can be attributed to deaths due to injuries sustained in custody (with 96 cases), followed by injuries sustained prior to custody (with 81 cases) and deaths from natural causes (57 cases). Of the 96 incidents of deaths during police custody, 86 deaths were as a result of suicide, of which 80 deaths were as a result of suicide by hanging.

Out of the 390 incidents of deaths as a result of police action, 150 suspects died during the course of arrest, of which 133 suspects were shot with a service firearm. During the 2013/14 FY, the IPID recorded 32 Domestic Violence related deaths, in which 27 partners were killed with a service firearm. And 21 pedestrians were struck and killed by a police vehicle that was negligently handled by a SAPS member.<sup>28</sup>

The IPID received a total of 121 cases of rape by a police officer (both on and off duty). Of these, thirty five (35) incidents occurred while police officers were on duty (29 per cent of the total). In one incident of rape where a member was on duty, he allegedly raped a mentally-ill person in the bushes. In another incident an on duty member allegedly raped a minor by taking her from her parent under the false pretence of interrogating her at the police station and in another incident a member raped a person in a police vehicle.<sup>29</sup> One incident of rape involved a metro police officer while off duty. The member involved was reported to be under the influence of drugs. Of the total incidents, 86 cases occurred while police officers were off duty (71 per cent of the total cases).<sup>30</sup>

The IPID received a total of 3 916 cases/complaints of assaults and 78 cases of torture during 2013/14. As mentioned above, assault forms 68 per cent of all cases investigated against the SAPS and MPS during the 2013/14 FY. Most of the incidents were of assault common (3 101), followed by assault GHB (772).

<sup>28</sup> 2013/14 IPID Annual Report

<sup>29</sup> 2013/14 IPID Annual Report

<sup>30</sup> 2013/14 IPID Annual Report



### 4.3 Programme 4: Legal Services

#### PROGRAMME 4: LEGAL SERVICES

Targets achieved = 1/6  
 Success rate = 16.6%  
 Expenditure = 74.3%

On the whole, the Legal Services Programme underperformed during the 2013/14 FY. The Programme recorded significant under-expenditure on its allocated budget at the end of the 2013/14 FY and spent only 74.3 per cent. It achieved only one of its six predetermined performance targets, which gives the Programme as success rate of 16.6 per cent for the 2013/14 FY.

The IPID states in its Annual Report that the programme became under-resourced due the redeployment of key staff to the core function in acting capacities. The head of Legal Services was appointed to act as the Executive Director and two Directors were appointed to act as provincial heads in Gauteng and Eastern Cape in order to fill the vacuum caused by vacancies in the core function in the provinces. Additionally, one Senior Legal Administration Officer was transferred to another department. These combined losses left the programme severely under-staffed with only one permanent member of staff.

The table below provides a summary of the IPIDs actual achievement against its planned targets for the 2013/14 FY.

**Table 9: Performance against targets for Programme 3 (4): Legal Services**

Programme Performance Indicator		Planned target 2013/14	Actual achievement 2013/14	Comments on deviation
1.	% contracts and service level agreements (SLAs) finalised within <b>30</b> working days of request (previously stated 21 days)	90% contracts and SLA's finalised	53% completed.  A total of 43 were received, of which 23 were completed within 30 days.	Target not met.  Overall 32 complaints (74%) – nine (9) completed after 30 days due to capacity constraints.
2.	% legal opinions provided to directorate within <b>21</b> working days of request (previously 10 working days)	90% of legal opinions provided	66.6% completed.  A total of 16 of the 24 received were completed in 21 working days.	Target not met.  Overall 20 complaints (83%) – four (4) completed after 21 days due to capacity constraints.
3.	% policies reviewed for legal compliance within 21 working days of request	90% of all requests	0%	Target not met.



Programme Performance Indicator		Planned target 2013/14	Actual achievement 2013/14	Comments on deviation
				No requests were received.
4	Number of practice notes and directives (bulletin) issued	4	0 No practice notes or bulletins were produced.	Target not met. Due to capacity constraints.
5.	% legal advice provided to investigators within 24h followed by written advice within 48h of request (previously in 24h stated)	90% of legal advice	30% completed. Total of 10 were received of which 3 were completed within 48 hours.	Target not met. Overall 9 completed (90%) – 6 completed after 48h.
6.	% applications for policing powers processed within 5 working days of request	100%	100% of applications for policing powers were processed.	Target met.

Source: IPID 2013/14 AR, p. 24-25

#### Comments and questions

- 1) The Committee should request the Directorate to indicate the action steps that will be taken to address the significant under-resourcing and under-performance of this Programme.
- 2) The IPID stated in its Annual Report that it has five litigation cases against it – the Directorate should provide details around these cases if possible.

**Table 10: Expenditure for Programme 3(4): Legal Services**

Legal Services Programme	2013/14 FY				2012/13 FY		
	Adjusted appropriation	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000				R'000		
Legal Support	1 411	2 488	2 182	306	1 332	1 332	-
Investigation Advisory Services	3 039	1 962	1 124	838	4 073	2 850	1 223
<b>Total</b>	<b>4 450</b>	<b>4 450</b>	<b>3 306</b>	<b>1 144</b>	<b>5 405</b>	<b>4 182</b>	<b>1 223</b>

Source: National Treasury (2013) & IPID 2013/14 AR, p.

The slight increase in Programme spending (percentage of Programme allocation) between 2012/13 and 2013/14 is mainly due to an additional allocation in the year under review to increase in capacity. The additional allocation of R200 000 made during the Adjustment period, accounts for the increase in spending on compensation of employees to build internal legal service capacity. The reported actual expenditure is less than the projected expenditure mainly due to the reported staff turnover in this Programme. Amongst the existing vacancies there are three (3) SMS positions; Chief Director:



Legal Services, Director: Litigation Advisory Services and Director: Investigation Advisory Services. The IPID stated in September 2014 that these positions have been advertised in March 2014, but suitable candidates were not identified for some of the positions. The intention was to fill the vacancies before the end of the first quarter of the 2014/15 FY. The IPID reports that the vacancies have affected the spending pattern of the Programme including the administrative costs related to all reported vacant positions.<sup>31</sup>

#### **Comments and questions**

- 1) The IPID should indicate the manner in which it will build internal capacity within this Programme.
- 2) The Directorate should indicate which positions have been filled and where challenges still remain.

## **5. HUMAN RESOURCE MANAGEMENT**

The Directorate had three hundred and eight employees (308) in its employ at the end of the 2013/14 FY (31 March 2014).<sup>32</sup> The Directorate has one hundred and sixty one (161) males and one hundred and forty seven (147) females employed at all levels, of which six (6) females are employed at senior management level in the Department versus eleven (11) males. Out of the three hundred and eight employees (308) in the Department, there are three (3) employees with disabilities - one (1) male and two (2) females (0.8% of the total establishment). In the past the Directorate indicated that the work environment, especially for investigators, are not suitable for persons with disabilities, but that it would consider initiatives to make it more accessible to persons with disabilities. The Department has also targeted the employment of people with disabilities in the newly created posts to meet the set target of 2%.<sup>33</sup>

The Directorate reported that forty four (44) new posts were introduced for the 2013/2014 financial year. The posts were distributed within the Department proportionally to its number of weighted services to give effect to legislative frameworks, segregation of duties and good governance.<sup>34</sup> The increase in capacity is also in line with the new mandate as informed by the provisions of the IPID Act 1 of 2011. Most importantly the Integrity Management Unit that will protect the integrity of the investigators.<sup>35</sup>

---

<sup>31</sup> 2013/14 IPID Annual Report

<sup>32</sup> 2013/14 IPID Annual Report, p.77

<sup>33</sup> 2013/14 IPID Annual Report, p.77

<sup>34</sup> 2013/14 IPID Annual Report, p.77

<sup>35</sup> 2013/14 IPID Annual Report, p.77



**Table 11: Personnel vacancies, 1 April 2012 to 31 March 2013**

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and special services expenditure (R'000)	Personnel expenditure as a % of total expenditure (%)	Average personnel cost per employee (R'000)
Programme 1: Administration	89 050	36 665	314	123	41.17%	96
Programme 2: Investigation & Information Management	123 491	65 650	924	-	53.16%	173
Programme 3: Legal Services	4 450	2 723	10	-	61.19%	8
<b>Total</b>	<b>216 991</b>	<b>105 038</b>	<b>1 248</b>	<b>123</b>	<b>48.41%</b>	<b>277</b>

Source: 2013/14 IPID Annual Report, p. 78

During the 2013/14 FY, R105 million, of the R216.991 total expenditure of the Directorate, was on personnel costs. Of the R105 million expenditure, only R1.248 million was spent on the training and development of personnel. This is 1.18% of the total personnel expenditure during the 2013/14 FY.

**Table 12: Personnel vacancies, 1 April 2013 to 31 March 2014**

Programme	Number of posts	Number of posts filled	Vacancy Rate (%)
Programme 1: Administration	130	120	7.6%
Programme 2: Investigation and Information Management	211	185	12.3%
Programme 3: Legal Services	8	3	62.5%
<b>Total</b>	<b>349</b>	<b>308</b>	<b>11.7%</b>

Source: IPID 2013/14 Annual Report, p. 77

During the 2013/14 FY, the Directorate made 40 appointments and transfers into the Directorate and 43 terminations and transfers out of the Directorate, which gave the Directorate a staff turnover rate of 11.5. Of the 43 terminations, three (3) were due to deaths, 12 resignations, three (3) dismissals for misconduct, and 25 transfers to other Public Service Departments. This translates to 14.1% of the total number of employees who left as a percentage of the total employment of the Directorate.<sup>36</sup>

In terms of sick leave, 254 employees out of the total 308 employees (filled positions) of the Directorate took a total of 1 931.5 days' sick leave. Of the 1 931 days that were taken, 86.6% were with medical certification. The highest ratio of sick leave fell within the *highly skilled production* (levels 6-8) salary band (40.2% of the total employees). The estimated cost of sick leave was R1.672 million for the 2013/14 FY.<sup>37</sup>

<sup>36</sup> 2013/14 IPID Annual Report, p.77

<sup>37</sup> 2013/14 IPID Annual Report, p.77



### Comments and questions

- 1) The Committee should request the Directorate to expand on the implementation of the Integrity Management Unit, especially in terms of the number of posts, salary band and qualifications of the incumbents.
- 2) The Directorate should indicate whether it is concerned about the relatively high prevalence of sick leave within the 6-8 salary band. The Directorate should indicate the main reasons for the sick leave. The Committee should establish whether staff is suffering from burnout syndrome due to the lack of capacity and staff members having to take up the slack.
- 3) The Directorate should indicate the status of the proposed upgrade of post grading to correspond to that of other Public Service Departments' salary levels and whether this will curb the high number of transfers of its personnel to other Departments.
- 4) The Directorate should provide a breakdown of the distribution of the forty-four (44) new posts across the Directorate. The Directorate should indicate in which Programmes the posts were established together with the positions and functions of the newly established positions. The Directorate should also indicate the number of these additional posts filled during the 2013/14 FY.
- 5) The material underspending of R23.8 million at the end of the 2013/14 FY (raised by the AG) was mainly as a result of vacancies within the Directorate, and should be a significant concern to the Committee.
- 6) The Committee should request the Directorate to indicate whether there is a possibility that its budget could be reduced due to the persistent failure of the Directorate to fill vacancies.
- 7) The Directorate should indicate what actions have been taken to attract and keep staff. The Retention Policy plays a large part in this respect and should be finalised as soon as possible.
- 8) The Directorate should indicate what strategies it has considered to prevent other Departments 'poaching' trained staff members.
- 9) The Directorate should indicate the reason for the low spending on the training and development of personnel. It should provide a breakdown of the training provided, including the type of training (courses) and to which positions this training was given.
- 10) The Committee should focus on the training provided to Investigators, as the lack of training is a major concern to the effectiveness of the investigations conducted by the IPID. The Directorate should also indicate what measures are taken to familiarise investigators, who are not ex-SAPS members, with the police culture and how to work within the SAPS culture.

## 6. CONCLUSION

The Directorate has been struggling with persistent underperformance and underspending since the inception of its new mandate through the IPID Act, 2011. This is largely due to the under-resourcing of the Directorate, especially in terms of human capital. The IPID was unable to fill key vacancies, which created severe managerial problems that will take some time to be corrected. The appointment of a permanent Executive Director and Provincial Heads will no doubt have a stabilising effect on the Directorate in future. The role that the IPID plays (and can play) in professionalising the SAPS and MPS should not be underestimated. It forms one of the key pieces within the oversight architecture of the SAPS and MPS.



## REFERENCES

National Treasury. 2005. Guidelines for Legislative Oversight through Annual Reports.

National Treasury (2013a). 2013 Estimates of National Expenditure. Vote 23: Independent Police Investigative Directorate.

National Treasury (2013b). Budget Highlights. Available at <http://www.treasury.gov.za/documents/national%20budget/2013/guides/2013%20Budget%20Highlights.pdf>. Accessed 14 March 2013.

National Treasury (2013c). p15. 2013 Estimates of National Expenditure (full ENE). Available at <http://www.treasury.gov.za/documents/national%20budget/2013/ene/FullENE.pdf>.

National Treasury (2014). Budget and Expenditure Status Report for the Independent Police Investigative Directorate. March 2014.

Independent Police Investigative Directorate Strategic Plan 2013-2018.

Independent Complaints Directorate (IPID) Annual Performance Plan 2013/14.

Parliament of South Africa (2012). Portfolio Committee on Police Budget Review Recommendation Report on the 2012/13 Budget Vote of the Independent Police Investigative Directorate. Announcements, Tablings, Committee Reports

Van Zyl-Gous, N (2012). Analysis of the 2013/14 Strategic Plan and Budget for the Independent Police Investigative Directorate. Research Unit. Information Services Section. Parliament of South Africa.