



15 October 2015

ANALYSIS AND SUMMARY OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID) ANNUAL REPORT FOR 2014/15

1. INTRODUCTION

The Portfolio Committee (PC) 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 (2014/15). 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 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 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 rendered are 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 2013/14 FY), together with the current performance (2014/15 FY- 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 2014 Budgetary Review and Recommendations Report (BRRR), the financial performance of the IPID during the 2014/15 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 2014/15 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: 2014/15

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.

Table 1: IPID Strategic Overview 2014/15

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"> • Independence and impartiality; • Mutual respect and trust; • Integrity and honesty; • Transparency and openness; • Equity and fairness; and • Courtesy and commitment. 	

Source: IPIS 2014/15 AR

2.1 Organisational review

The 2014/15 FY marked the third full financial year in which the IPID operated under its new mandate as set out by the 2011 IPID Act. As such, during the reporting period, the Directorate was still engaged in re-alignment of its systems and processes to the new mandate. This is so partly because, previously, there was a misalignment of the budget with the organisational structure and priorities. This meant that the Directorate's available budget did not talk to the demands of the job the Directorate is mandated to carry and the need of filling all vacant positions. At the inception of the former Independent Complaints Directorate (ICD), the Department of Public Service and Administration (DPSA) determined that the ideal human capacity of ICD should be 535 posts. Today, even though the directly investigates considerably more cases than its predecessor did, the human capacity is currently at 393 posts, far below the envisaged 535 posts. This really put pressure on the small pool of investigators who have to deal with the heavy workload.



The misalignment between the organisational structure, priorities and capacity has been largely addressed through dedicated and focused budgeting through the medium term expenditure framework. In 2014/15 FY, a total of R234, 719 was to be allocated to the Directorate, of which R121, 587 million was allocated to Compensation of employees. The allocation made to *Compensation of employees* was 51.8 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.

More so, during the previous financial year there was a leadership vacuum for most of the year until nine Provincial Heads, three Programme Managers and the Chief Director for Investigations and Information Management were appointed. The Chief Director Legal Services and the Chief Director Compliance Monitoring and Stakeholder Management were appointed during the reporting period and they accepted employment, however, they only assumed duty on 01 April 2015 and 01 May 2015 respectively. Other key senior management posts have been filled, including those of Directors Internal Audit and Corporate Governance. These appointments went a long way in returning a semblance of leadership and stability in the organization.

In order to capacitate and strengthen the oversight functions of the Directorate and ensures that it meets the expectations and delivers on its legislative mandate, the National Specialised Investigative Team was established during the reporting period and it assumed duty in June 2015. Nonetheless, notwithstanding these commendable strides to imbued increased efficiency and effectiveness to the operations of the Directorate and to transform it from a complaints driven organisation to a highly specialised investigation driven organisation, as seen in the performance of the core function which did not meet some of its targets, capacity remains a challenge for the IPID.

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:¹

- 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

¹ 2014/15 IPID Annual Report



community, safeguard lives and property without discrimination, protect communities and citizens against violent crime and respect people's rights to equality and justice. South Africa's borders are effectively safe guarded, secured and well-managed.²

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.³

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.⁴ 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:⁵

- 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 2014-2019.

Table 2: IPID Strategic Outcome Oriented Goals

Strategic Outcome-Oriented Goals		Goal Statement
3.1	The IPID is accessible to the public	Development of public awareness of the IPID and its functions through community awareness programmes, media campaigns and the establishment of satellite offices to increase public accessibility

² MTSF (2014-2019)

³ MTSF (2014-2019)

⁴ NDP, p. 390

⁵ 2014/15 IPID APP



3.2	The Performance Management System operates optimally	The IPID has an effective performance management system, including internal controls and external performance reporting procedures, to ensure accountability
3.3	Re-Engineering and Re-Organisation of the IPID	The IPID's structure and functions are fully aligned to the IPID Act and allow the IPID to meet its strategic imperatives
3.4	The IPID processes cases efficiently	The IPID operates an efficient case management system that ensures the effective completion of cases and the generation of recommendation reports within appropriate time frames

Source: IPID 2014/15 AR

2.3 Medium term priorities

The following are the strategic priorities identified as the areas of focus 2014/15, which will also remain priorities in the MTEF period:⁶

- Filling of all senior management positions;
- Establishment of a consultative forum
- Establishment of the integrity management and protection unit;
- Continue to refocus the Directorate from a complaints driven institution to an investigation driven institution;
- Training capacity building of investigators;
- Development of personnel performance management systems;
- Obtain an unqualified audit;
- Establishment of a consultative forum to conduct public education;
- Review of the delegation of functions in terms of human resources and finance;
- Influence/feed into policy development within SAPS/MPS through recommendations; and
- Identification and investigation of systemic corruption cases

2.4 Legislative Mandate

The 2014/15 FY marked the third 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:⁷

- Align provincial and national strategic objectives to enhance the functioning of the Directorate;

⁶ 2014/15 IPID Annual Report

⁷ 2014/15 IPID Annual Performance Plan



- 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.⁸

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

- 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;
- 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 2014/15

The following are some of the key challenges identified in the 2014/15 Annual Report:

- **Human Capacity Deficiencies and huge work load:** both the Deputy Minister and the Executive Director of IPID acknowledge in the 2014/15 Annual Report that capacity remains a challenge for the IPID and in some instances, this has resulted to some performance targets not to be met in some core functional areas. The current number of posts (393) in the Directorate is far lesser than the number (535) envisaged at the establishment of the organization. This in turn puts a considerable pressure on the few human resources who have to deal with the heavy workload.
- **Vacancy Rate:** the vacancy at key and strategic level was high during the reporting period. The high vacancy rate had a negative impact on performance.

⁸ 2014/15 IPID Annual Performance Plan

⁹ Independent Police Investigation Directorate Act, 2011 (Act No 1 of 2011), Section 28



- **Lack of resources and Investigative Equipment:** to implement its mandate of independence, the IPID should ideally have developed its own capacity to fully investigate cases, including the technical, forensic and ballistic side of its investigations. However, due to limited resources, the IPID relies on the SAPS for this expertise. This may impact on the integrity of the investigations and IPID's independence. The annual report highlights unavailability of investigative equipment as a serious challenge. But it was reported that bulk procurements were planned mainly to address that challenge and the lack of resources.
- **Supply Chain Challenges:** although the Supply Chain Management (SCM) Unit was capacitated during the reporting period, lack of skills was identified as a challenge that requires urgent attention. It was identified that the majority of SCM officials were not trained on various SCM processes and that affected the Directorate's procurement processes.
- **Limited Funding:** due to the limited funding, the Directorate was unable to implement some of its planned projects such as, Information Communication Technology (ICT) Plan, which was intended to improve the ICT infrastructure. More so, targets in investigations as well as community outreach and stakeholder management activities were reduced, in line with limited resources for the MTEF period
- **District offices and distance:** the IPID have nine provincial offices and smaller district offices, which is not adequate for the Directorate's needs. This situation makes it difficult to reach all complainants and scenes of alleged police criminality. Vast distances make it difficult to respond swiftly to crime scenes. In some provinces, it is near impossible to preserve the integrity of crime scenes due to the long distances travelled by IPID investigators to reach those crime scenes. The situation affects the effectiveness of investigations negatively.

Comments and questions

- 1) The Executive Director should suggest possible innovative ways in which to mitigate the above mentioned challenges, more especially the challenges around vast distance and difficulties in reaching some complainants.
- 2) The Directorate should explain the strategies it has devised to address high vacancy rate
- 3) The Directorate should explain when SCM officials will be fully trained on all SCM processes and systems

3. FINANCIAL PERFORMANCE

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

3.1 2014 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 2014 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 of the budget:** The Committee noted serious concerns about the under-spending of the Department's budget by R23.9 million. A great concern was the fact that the financial health of the IPID did not seem to be improving and the Committee wanted to know what the root cause of the under-spending was.
- **Skills Gaps:** The Committee noted the fact that there were material omissions from the Annual Financial Statements which showed that there were skills gaps in IPID and this was picked up by the AG who recommended that staff should be held accountable. The lack of capacity within the financial management section has contributed to the underspending and there has been a lack of consequence management. The Committee wanted assurances that these gaps would be filled urgently.
- **Contingent Liabilities:** The lease agreement between K.E. Sons Investment Company and the IPID has still not been resolved and the Committee noted that the matter has dragged on for a second year and wanted assurances that the matter would be resolved as a matter of urgency.
- **Irregular Expenditure:** The Committee noted its concerns about the irregular expenditure, especially in view of the fact that a large portion it is related to unpaid traffic fines of staff members. This was also picked up and noted by the AG and the Committee expressed its unhappiness with the state of affairs and wanted an investigation into the irregular expenditure.
- **Vacancies:** The Committee welcomed the fact that some of the Senior Management Service (SMS) vacancies such as the Executive Director and the nine provincial heads were filled. This will provide much needed stability within the management of the Department. However, there remained outstanding management vacancies that the Committee noted should be filled as a matter of priority. This was a matter of emphasis by the AG, as it affected the financial well-being of the department.
- **Capacity of Internal Audit Unit:** The Committee stated that there should be a strong internal audit unit within the IPID. The lack of internal controls and oversight was mainly due to some challenges existing around the capacity of the unit. The Committee also noted that the senior management position in this unit has not been filled. It was pointed out that the IPID's own Audit Committee has raised the issues of financial management and the Committee wanted assurances that it would not be a recurring issue.
- **Memorandum of Understanding (MOU) with Department of Public Works:** The Committee expressed its unhappiness with the internal arrangements and MOU with the Department of Public Works (DPW) with respect to current assets of IPID. Neither was there an indicator that speaks to the relationship with the DPW and this delays payments and eventually affects the ability of the department to spend its budget within set timelines.
- **Community Interactions:** The Committee noted that there was clear progress with respect to community interactions and the fact that complaints are increasingly registered at public events. The Committee wanted to know if there was a pro-forma complaints form for these events much in the same way that the Department of Home Affairs handles identity book applications at public events. The Committee wanted to know if there are any impact assessments done on the public events conducted by the IPID. It was confirmed by the IPID that there was such a form.



- **The relationship with the Police Inspectorate:** The Committee noted that the IPID must have a better working relationship with the Police Inspectorate to assist with their cases through referrals. In view of both departments doing oversight work over the police it would be natural for greater levels of cooperation.
- **Service Delivery improvement Plan:** The Committee noted that the IPID is developing its expansion plan and its service delivery improvement plan. It requested that the IPID makes further details available to the Committee.
- **Information Communication Plan:** The Committee was concerned about the finalisation of the information and communication technology plan. The delays have financial consequences and it was pointed out that ICT governance was a priority for government. Predetermined objectives: The Committee noted its disappointment that the IPID was not able to deliver on its targets in two key programmes, namely the Investigations and Legal Services Programmes. The Committee was of the opinion that the shifting of targets for investigators and the 90-day limit for investigators should be re-visited together with the new provincial heads. The Committee was also concerned that the Legal Services Programme did not achieve its targets as a result of the lack of capacity in the unit.
- **Implementation of IPID recommendations:** The Committee noted that SAPS have claimed that it has implemented 84% of IPID recommendations. The picture presented by the IPID showed that of 884 cases referred to the SAPS, there were only 135 disciplinary convictions. This was concerning to the Committee as the IPID members do not as a practice attend the SAPS disciplinary hearings. The Committee was concerned that SAPS was redoing the IPID investigations and wanted assurances that they were implementing the recommendations.
- **Systemic Corruption:** The Committee wanted more information on the investigation of systemic corruption and noted that the IPID did not develop a policy document on what constituted systemic corruption. The Committee wanted to know what types of cases would qualify as cases of systemic corruption and that IPID must draft such policy.
- **Baseline cuts:** The Committee was informed of Treasury baseline budget cuts by the Executive Director and noted the resolve to focus on the depth of investigations as a result.

The Committee made the following recommendations:

Financial Recommendations

- The IPID must provide a copy of the financial turnaround strategy of the Department by end of November 2014. The strategy must include measures for IPID to spend its budget effectively and efficiently.
- The IPID must fill the necessary vacancies relating to the internal audit and financial environment without delay and report before the end of the financial year.

Administrative Recommendations

- The Committee 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 IPID should fill all vacancies within the organisation as soon as possible and that the IPID should aim to have its vacancy rate below 10%. The IPID must provide a written report before the end of the financial year to explain the manner in which appropriate candidates will be attracted to the Directorate and also the Strategy to fill key vacancies.
- The Committee recommended that the Consultative Forum between IPID and the Civilian Secretariat must be held before the end of November 2014 and that a full report be made available to the Committee about the outcomes of such meeting.
- The Committee recommended that the Head of Internal Audit must be appointed without further delay and that a report is made available before the end of the financial year.
- The Committee encouraged the Directorate to improve the gender equity within its Senior Management Structure (SMS) and bring it to 50 % improved gender parity in line with government priorities 2014/15 financial year. The Committee recommended that the Directorate should finalise the Information and Communication Plan as a matter of urgency.

Investigations and Information Management Recommendations

- The Committee recommended that the IPID tracks all recommendations to SAPS and follows up on all such recommendations and make available the responses in quarterly reports to the Committee.
- The Committee recommended that the IPID must improve its performance on predetermined performance targets, especially within the Investigation and Information Management Programme. The delivery on predetermined targets should be optimised to ensure effective and efficient delivery on Government Priorities. A report is to be made to the Committee on how the IPID intends to improve on its predetermined objectives by end of November 2014.
- The Committee welcomed the resolve of the Directorate to focus on the depth of its investigations, in light of baseline cuts to the Directorate's budget over the MTEF, which halts the implementation of the Directorate's Expansion Strategy.
- The Committee offered its full support to all efforts made by the Directorate to improve its achievement of performance targets, including the revision of the 90 days target for the conclusion of all investigations
- The Committee recommended that the Directorate should make a copy of its Service Delivery Improvement Plan (SDIP) available to the Committee by the end of November 2014.
- The Committee encouraged the IPID to improve its cooperation with the Police Inspectorate and the Civilian Secretariat of Police, especially in terms of the monitoring of the implementation of disciplinary recommendations by the South African Police Service (SAPS) and Municipal Police Service (MPS). To this end the Committee will call a special hearing to discuss these challenges with IPID and the Police Inspectorate on 19 November 2014.
- The Committee recommended that the Systemic Corruption Strategic document of the IPID should be finalised before the end of the financial year.



Legal Recommendations

- The Committee recommended that all outstanding appointments to the Legal Services programme be made without delay. The IPID must report on such appointments before the end of the financial year in March 2015.
- The Committee recommended that IPID attends SAPS disciplinary hearings and report thereon.

3.2 Appropriation statement for the 2014/15 FY

The IPID received a final appropriation of R234.7 million in 2014/15 FY compared to R216.9 million for the 2013/14 FY. During the adjustments period (October 2014), the main Appropriation of the Directorate was not adjusted (upwards nor downwards). Thus, the total Adjusted Appropriation remained the same as the final/main appropriation for the 2014/15 FY. However, the Directorate made a virement for an amount of R32 000 that was approved by the Acting Executive Director from Programme 3: Legal Services compensation of employees to Programme 4: Compliance Monitoring and Stakeholder Management in the same economic classification to address the reported shortfall as a result of correction of personnel linking codes.

As at the end of the **third quarter** of 2014/15 FY, spending in the Directorate was R135 million (57.5 per cent) of the available budget of R234.7 million.¹⁰ The Directorate had projected to spend R152.7 million thus resulting in a deviation of R17.7 million between planned and actual spending.¹¹ Expenditure in the Directorate increased by 56.4 per cent between the second and the third quarter of 2014/15, which was significantly lower than the expenditure increase (132.6 per cent) that was reported between the first and the second quarter of 2014/15. In percentage terms, at the end of the third quarter, lower than planned spending was visible on all four programmes but was mostly notable under the *Legal Services* programme, which had spent 21.8 per cent of the available budget against a projection of 70.7 per cent. In nominal terms, the bulk of the lower than planned spending was recorded under *the Investigation and Information Management* programme.

However, two main concerns can be highlighted at the end of the third quarter. These are:

- **Lowest spending:** Overall lower than projected expenditure across all four programmes. Under-spending was most notable in the Directorate's Programme 2: (Investigation and Information Management); the Directorate's Programme 4: (Compliance Monitoring and Stakeholder Management) and within the Legal Support Sub-Programme (Programme 3: Legal Support);
- **High Vacancy Rate:** High vacancies within the Investigation and Information Management Programme, especially for investigators (performing the core mandate of the Directorate); and high vacancy rate within the Senior Management level.

¹⁰ National Treasury. Budget and Expenditure Status Report for the Independent Police Investigative Directorate December 2014. Pretoria

¹¹ National Treasury. Budget and Expenditure Status Report for the Independent Police Investigative Directorate December 2014. Pretoria



Roll overs

The Directorate did not apply for any roll-overs in the financial year under review.

Virements

The Directorate made a virement for an amount of R32 000 that was approved by the Acting Executive Director from Programme 3: Legal Services compensation of employees to Programme 4: Compliance Monitoring and Stakeholder Management.

Unauthorised Expenditure

According to the Annual Report, the Directorate did not incur unauthorised expenditure during the 2014/15 FY. The reported amount in the Directorate's books is made of a prior's over expenditure by programme 2 and 3 in the financial year 2008/09 and 2005/06 respectively. It was reported that the submission to request the authorisation has since been submitted to National Treasury for their consideration and by the reporting date (31 March 2015) the approval for authorisation was not yet granted.



Table 3: Appropriation statement of the IPID for the 2014/15 FY

Appropriation per Programme									
Programme	2014/15							2013/14	
	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
Administration									
Current Payments	76 868	(1 336)	-	75 532	75 581	(49)	100.1%	86 879	83 705
Transfers and Subsidies	507	6	-	513	383	130	74.7%	137	1
Payments of capital assets	963	1 324	-	2 287	2 287	-	100%	2 011	1 863
Payments for financial assets	-	6	-	6	6	-	100.0%	23	23
	78 338	-	-	78 338	78 257	81	99.9%	89 050	85 592
Investigation & Information Management									
Current Payments	144 618	(10 154)	-	134 464	134 458	6	100.0%	118 936	99 949
Transfers and Subsidies	124	125	-	249	245	4	98.4%	286	286
Payments of capital assets	2 731	973	(604)	249	1	262	100.0%	2 014	1 753
Payments for financial assets	-	3	-	3	3	-	100.0%	6	6
	147 473	-	-	147 473	147 467	6	100.0%	121 242	101 994
Legal Services									
Current Payments	5 266	(158)	-	4 264	3 120	1 144	73.2%	4 264	3 120
Transfers and Subsidies	76	158	-	186	186	-	100.0%	-	-
Payments of capital assets	13	-	-	4 450	3 306	1 144	74.3%	186	186
	5 355	-	(32)	5 323	3 247	2 076	61.0%	4 450	3 306
Compliance Monitoring and Stakeholder									
Current Payments	3 334	(101)	32	3 265	3 113	152	95.3%	2 125	2 125
Payments of capital assets	219	101	-	320	320	-	100%	2 249	2 249
	3 553	-	32	3 585	3 433	152	95.8%	2 249	2 249
Total	234 719	-	-	234 719	232 404	2 315	99.0%	216 991	193 141



Irregular Expenditure

There was an amount of R4 293.24 raised in the current financial year related to the use of prohibited service providers. The referred service providers have since been removed from the Directorate's Supplier's database to avoid recurrence.

Fruitless and wasteful expenditure

During the reporting period, the Directorate incurred an amount of R2 836.53 interest in various Telkom monthly payment transactions. There was also an over payment identified due to miscalculation of VAT on a supplier invoice. The identified amounts were reported in the Directorate's 'fruitless and wasteful expenditure register' for further internal investigation to determine the cause and the required action.

Comments and questions

- 1) Even though the under-expenditure of the Directorate improved slightly at the end of the 2014/15 FY compared to the previous FY, the R2 315 under-expenditure remains unacceptable. The IPID should put forward a definite plan to improve future expenditure.
- 2) The expenditure incurred in both the Legal Services (61.0%) and Compliance Monitoring and Stakeholder Management programmes is not satisfactory and the Directorate should explain measures taken to rectify that.
- 3) The Committee should request the Directorate to explain the trend of under expenditure under Transfers and Subsidies economic classification
- 4) The 98.3% expenditure on Compensation of employees for 2014/15 FY is an improvement when compared to 82.7 per cent recorded at the end of the 2013/14 FY. This is understandable due to the number of posts that were filled. However, high vacancy rate of the Directorate remains worrisome. The Directorate should explain why it shifted R15 420 from compensation of employees.
- 5) The Directorate incurred no unauthorised expenditure in the 2013/14 FY, which is commendable. However, the financial statements include unauthorised expenditure of about R891 000. This expenditure was also reflected on the financial states during the 2013/14 FY. The Directorate should indicate why this expenditure has not yet been cleared.
- 6) The Directorate did not incur significant irregular expenditure, which is also commendable. However, the amount of R4 293.24 reported in the current financial year related to the use of prohibited service providers is worrying.

3.3 Findings by the Auditor-General on financial statements

The IPID received an **unqualified audit opinion** from the Auditor-General. The AG's report also highlights the following:

- 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.
- In terms of the **Internal Audit** function of the IPID, the AG states that the function did not evaluate the reliability and integrity of financial and operational information, as required by Treasury Regulation 3.2.11(b).
- In terms of **leadership**: the report states that lack of effective oversight by management with regards to processes that ensure compliance with laws and accuracy and completeness of financial and information reported
- **In terms of financial and performance management**: the reported indicates that the management did not have adequate processes in place to ensure the accuracy of financial information reported.
- **In terms of investigation**: the matter regarding the lease contract of the City Forum Building from the prior year is still under investigation by the Special Investigative Unit.

3.4 2014/15 expenditure up to December 2014 (third quarter)

As at the end of the **third quarter** of 2014/15, spending in the Directorate was R135 million (57.5 per cent) of the available budget of R234.7 million.¹² The Directorate had projected to spend R152.7 million thus resulting in a deviation of R17.7 million between planned and actual spending.¹³

Expenditure in the Directorate increased by *56.4 per cent* between the second and the third quarter of 2014/15, which was significantly lower than the expenditure increase (132.6 per cent) that was reported between the first and the second quarter of 2014/15. In percentage terms, at the end of the third quarter, lower than planned spending was visible on all four programmes but was mostly notable under the *Legal Services* programme, which had spent 21.8 per cent of the available budget against a projection of 70.7 per cent. In nominal terms, the bulk of the lower than planned spending was recorded under *the Investigation and Information Management* programme.

However, two main concerns can be highlighted at the end of the third quarter. These are:

- **Lowest spending**: Overall lower than projected expenditure across all four programmes. Under-spending was most notable in the Directorate's Programme 2: (Investigation and Information Management); the Directorate's Programme 4: (Compliance Monitoring and Stakeholder Management) and within the Legal Support Sub-Programme (Programme 3: Legal Support);
- **High Vacancy Rate**: High vacancies within the Investigation and Information Management Programme, especially for investigators (performing the core mandate of the Directorate); and high vacancy rate within the Senior Management level.

¹² National Treasury. Budget and Expenditure Status Report for the Independent Police Investigative Directorate December 2014. Pretoria

¹³ Ibid



As shown below, as at the end of the third quarter, the Directorate had spent R135. 000 million (57.5 per cent) of its main budget allocation for the 2014/15..

Table 4: Overall departmental spending

Independent Police Investigative Directorate	Available Budget	Actual Spent	% Spent	% Projected	% Variance
R'000	2014/15	Q3	Q3	Q3	Q3
Programmes					
Administration	78 338	47 151	60.2%	62.8%	(2.7%)
Investigation and Information Management	147 473	84 623	57.4%	65.4%	(8.0%)
Legal Services	5 355	1 167	21.8%	70.7%	(48.9%)
Compliance Monitoring and Stakeholder Management	3 553	2 064	58.1%	89.1%	(31.0%)
Total	234 719	135 005	57.5%	65.0%	(7.5%)
Economic classification					
Current payments	230 043	132 397	57.6%	65.4%	(7.8%)
Compensation of employees	136 964	84 633	61.8%	76.4%	(14.6%)
Goods and services	93 079	47 764	51.3%	49.1%	2.2%
Transfers and subsidies	750	337	44.9%	0.7%	44.3%
Departmental agencies and accounts	495	1	0.2%	1.0%	(0.8%)
Households	255	336	131.8%	0.0%	131.8%
Payments for capital assets	3 926	2 268	57.8%	59.4%	(1.7%)
Machinery and equipment	3 926	2 268	57.8%	59.4%	(1.7%)
Payments for financial assets	-	3	0.0%	0.0%	0.0%
Total	234 719	135 005	57.5%	65.0%	(7.5%)

Source: December 2014 IYM

At economic classification level, spending on *compensation of employees* fell below projections by R20 million or 14.6 percentage points. Similarly, *payments for capital assets* deviated from planned spending by R65 000. However, higher than planned spending was recorded under *goods and services* as well as *transfers and subsidies*, which incurred a deviation of R2.1 million and R332 000, respectively.

4. OVERVIEW AND ASSESSMENT OF SERVICE DELIVERY PERFORMANCE

During the period under review, the Directorate established a Batho Pele Committee. The main objective of the Committee was to evaluate and analyse service delivery levels and standard of IPID. The Committee also identified performance targets that were not met in the previous financial year in order to develop the Service Delivery Improvement Plan for the reporting period of three years and the Service Commitment Charter for the IPID. Both documents were adopted and approved by the Minister during the 2014/2015 FY for implementation in 2015/16 FY.



4.1 Programme 1: Administration

PROGRAMME 1: Administration

Targets achieved = 9/12

Success rate = 75%

Expenditure = 99.9%

In 2014/15, Governance and Stakeholder Management Programme was combined with the Corporate Management Programme to form the Administration Programme. The purpose of the Administration Programme is to provide management support to the IPID. It provides policy and strategic leadership to the Directorate. It also enhances IPID'S ability to deliver on government priorities and objectives.

During the 2014/15 FY, the Directorate focussed on the following strategic objectives (outputs):

- Public Awareness campaigns
- Performance Management System
- Capacity Building; Human resource Management Plan
- ICT and Governance Framework
- Realignment of organizational functions and structure

In terms of performance, the Administration Programme (previously the Governance and Stakeholder Management Programme) managed to achieve 9 out of 12 planned targets. In other words, the Programme achieved 75% success rate on its performance targets and spent 99.9% of its budget at the end of the 2014/15 FY.

When linking performance with the budget, what is discernible is that, the Programme's spending patterns reflect the Directorate's effort to increase various sub-programmes' ability to support core service delivery programmes in the delivery of the Directorate's mandate. The majority of vacancies including senior management positions were filled in the current reporting period to strengthen good governance in the organization. More so, the targets for media statements and responses released annually were exceeded. Retention Strategy/policy has been approved, aimed at attracting the talented potential candidates so that they see the IPID as the employer of choice. The Directorate also focused on performance monitoring and evaluation resulting in 14 reports being produced. On the other side, the high vacancy rate at senior management level affected the overall vacancy rate of the IPID; however, by the end of financial year most key positions had been filled. Even though the Directorate did not reach the targeted 50% females at senior management level, there was a significant improvement from the previous financial year. A significant improvement was also achieved with regards to employment of people with disabilities.



Table 5: Performance against targets for Programme 1: Administration

Programme Performance Indicator		Planned Target 2014/15	Actual Achievement 2014/15	Comment on deviation
1.	Number of media statements released annually	40 media statements	42	Target met and exceeded. More cases finalised in the courts needed outcomes to be communicated to the media.
2.	Number of responses to the media enquiries released annually	120 media responses	353	Target met and exceeded. There were more media enquiries than expected that needed responses but there were fewer high profile cases than the previous reporting period
3.	Number of performance monitoring and evaluation reports submitted to ensure attainment of strategic objectives	13	14	Target met. A consolidated report was done to give an overview on evaluation of case files that was done in all 9 provincial offices
4.	Financial and strategic reports submitted for reporting	22	22	Target met.
5.	% vacancy rate	Below 10%	18%	Target not met. The high vacancy rate at senior management level affected the overall vacancy rate of the IPID. Most key positions were only filled towards the end of the financial year. This would generally have negative impact on performance
6.	% females at senior	50%	45.4%	Target not met. Most key positions were filled towards the end of the financial year. Representation of females at senior management level



Programme Performance Indicator		Planned Target 2014/15	Actual Achievement 2014/15	Comment on deviation
				will be addressed through the implementation of the Employment Equity Plan in 2015/16 FY
7.	% of staff complement consisting of people with disabilities	2%	1.5%	Target not met. Efforts are being made to recruit people with disabilities, which saw improvement from previous financial year. However, representation of people with disabilities will be addressed with the implementation of the Employment Equity Plan in 2015/16 FY
8.	Approved retention policy	1	1	Target achieved
9.	Develop ICT Plan	LAN Refresh & upgrade project done at Head Office	LAN Refresh & upgrade project done at Head Office	Target achieved
10.	Produce ICT governance quarterly reports	4 ICT governance quarterly reports produced	4	Target achieved
11.	Number of reviews of organizational structure	1	1	Target achieved
12.	Number of environmental assessments conducted	10	10	Target achieved

Source: 2014/15 AR

The following changes occurred in terms of performance indicators during the 2014/15 FY:

New Changes and/or inclusions:

- In 2013/14 FY, number of media statements and responses released annually were combined together. But during the 2014/15 FY they were divided into separate performance indicators
- Percentage of vacancy rate was included as the new performance indicator
- Percentage of females at senior management level was included as the new performance indicator



- Percentage of staff complement consisting of people with disabilities was included as the new performance indicator
- Approved retention policy was included as the new performance indicator
- Production of ICT governance quarterly reports was included as a new performance indicator
- Number of environmental assessments conducted was included as the new performance indicator

Omissions:

- Number of formal engagements with key stakeholders at national level held annually was omitted as a performance indicator
- Number of formal engagements with key stakeholders at provincial level held annually was omitted as a performance indicator
- Target on percentage of identified policies reviewed annually by the department was not included as an indicator

Table 6: Sub-programme expenditure for Administration Programme

Legal Services Programme	2014/15 FY			2013/4 FY		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000			R'000		
Department Management	7 360	7 360	-	7 056	6 365	691
Corporate Services	41 489	41 409	80	54 828	53 441	1 387
Office Accommodation	10 168	10 168	-	9 592	9 592	-
Internal Audit	2 830	2 829	1	2 963	2 391	572
Finance Administration	16 491	16 491	-	14 611	13 803	808
Total	78 338	78 256	81	89 050	85 592	3 458

Source: 2014/15 IPID AR

Although the programme's overall budget allocation of R78 338 million for the 2014/15 FY declined when compared with the R89 050 million allocation for 2013/14 FY, the majority of performance targets were met with the acceptable spending target of 99.9%. Accordingly, large allocation of R41 489 million for the 2014/15 FY went to Corporate Services sub-programme and as such, the bulk allocation of expenditure was also reported in the same sub-programme, more especially under Goods and Services due to the centralised Information Communication Technology (ICT) related activities such as data-lines, mainframe services, internet services and software licences. The office accommodation expenditure under devolution of rates was also accommodated and has reported 100% expenditure.



Comments and questions

- 1) The Directorate should be commended for spending 99.9% of its allocated budget and for attaining 75% of its performance targets. However, a lot still needs to be done to ensure sound financial and performance management in the Directorate.
- 2) The Directorate acknowledge that the high vacancy rate at senior management level affected the overall vacancy rate of the organization. The below 10% target was not met. The Committee should ask the Directorate which steps it's going to take to address that challenge.
- 3) The Committee should request the Directorate to explain whether the target of 2% of staff complement consisting of people with disabilities is not too low.
- 4) The Directorate should consider increasing its target for media responses and statements, as it was exceeded many times before and again in the 2014/15 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.*
- 5) The Committee should ask the Directorate to provide a copy of the approved retention policy and contents thereof
- 6) The Committee should ask the Directorate to share outcomes/findings of the organizational structure review and findings of the environmental assessments conducted

PROGRAMME 2: INVESTIGATION AND INFORMATION MANAGEMENT

Targets achieved = 2/16

Success rate = 12.5%

Expenditure = 100%

The purpose of the Investigation and Information Management Programme is to strengthen the Directorate's oversight role over the police service by conducting investigations, in line with the powers granted by the IPID Act No.1 of 2011. Making appropriate recommendations on investigations in the various investigation categories and submitting feedback to complaints.

During the 2014/15 FY, on this Programme, the Directorate focussed on the following strategic objectives (outputs):

- Case Management system
- Completed investigations
- Recommendation reports
- Disciplinary recommendations
- Criminal recommendations



In terms of performance, the Investigation and Information Management managed to achieve only 2 out of 16 planned targets. In other words, the Programme achieved 12.5% success rate on its performance targets and spent 100% of its budget at the end of the 2014/15 FY. This is not an improvement when compared to the previous reporting period (2013/14FY) wherein the Directorate achieved only 2 targets or 11.1%, with 84.4% budget expenditure. Taken as a whole, the Investigation and Information Management Programme underperformed on performance targets during the 2014/15 FY

The table below provides a summary of the Programme's predetermined performance targets against actual achievement for the 2014/15 FY.

Table 7: Performance against targets for Programme 2: Investigation and Information Management

Programme Performance Indicator		Planned target 2014/15	Actual Achievement 2014/15	Comments on deviation
1.	% cases registered and allocated within 72hrs of receipt (previously allocated within 48 hours)	98%	73% (4 298 of 5 879)	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% of cases completed within 90 days	40% (162 of 403 cases)	Target not met. Capacity constraints and vast travel distance
4.	% investigations of deaths as a result of police action completed in 90 days	65%	22% (164 of 740)	Target not met. Capacity constraints and vast travel distance
5.	% investigations of discharge of an official firearm by police officer completed in 90 days	55% of cases completed within 90 days	25% (408 of 1 617)	Target not met. Capacity constraints and vast travel distance



Programme Performance Indicator		Planned target 2014/15	Actual Achievement 2014/15	Comments on deviation
6.	% investigations of rape by a police officer completed in 90 days	60% of cases completed within 90 days	36% (67 of 185)	Target not met. Capacity constraints and vast travel distance
7.	% investigations of rape while in police custody completed in 90 days	60% of all cases completed within 90 days	65% (22 of 34)	Target met.
8.	% investigations of torture completed in 90 days	50% of cases completed within 90 days	18% (26 of 145)	Target not met. Capacity constraints and vast travel distance
9.	% investigations of assault completed in 90 days	50% of cases completed within 90 days	20% (1 364 of 6 801)	Target not met. Capacity constraints and vast travel distance
10.	% investigations of corruption completed in 90 days	55% of cases completed within 90 days	16% (32 of 201)	Target not met. Capacity constraints and vast travel distance
11.	% investigations of other criminal and misconduct matters referred to in section 28(1)(h) and 35(1)(b) of the IPID Act completed within 90 days	55% of cases completed within 90 days	12% (47 of 402)	Target not met. Capacity constraints and vast travel distance



Programme Performance Indicator		Planned target 2014/15	Actual Achievement 2014/15	Comments on deviation
12	Number of cases of systemic corruption identified for possible investigation approval, within a financial year	18	3	Target not met. Identification of systematic corruption cases is time consuming and may result in cases only being registered long after the original incident was reported
13.	% approved systemic corruption investigations completed within 12 months	20% of approved cases	14% (2 out of 14)	Target not met. In total 29% (4 of 14) cases were completed within the period under review but only 2 were completed within 12 months
14.	% annual reduction of backlog investigations (excluding cases of systemic corruption)	50% reduction%	16% Increase of backlog cases from 2013/14 was 2 456 and at the end of 2014/15 was 2 853	Target not met. Capacity constraints and vast travel distance
15.	Disciplinary recommendation reports referred to SAPS / MPS within 30 days of completion of relevant investigations	100% of relevant completed cases	87% (877 of 1004)	Target not met. Capacity constraint and weakness in internal controls.
16.	Criminal recommendation reports referred to NPA within 30 days of completion of relevant investigations	100% of relevant completed cases	92% (904 of 983)	Target not met. Capacity constraint and weakness in internal controls.

Source: IPID 2014/15 AR,



The following changes occurred in terms of performance indicators during the 2014/15 FY:

New Changes and/or inclusions:

- % investigations of other criminal and misconduct matters referred to in section 28(1)(h) and 35(1)(b) of the IPID Act completed within 90 days

Omissions:

- Feedback reports regarding the outcome of investigations provided within 30 days of completion thereof (previously contained in one below?) was omitted as performance indicator
- Feedback reports regarding the outcome of investigations provided within 30 days of closure thereof

Programme 2 completed 2 targets out of 16 targets and this translated to 12.5% success rate, which is slightly different from 11.1%, recorded previously. However, it should be noted that, even during the previous reporting period, the Programme underperformed and only achieved 2 of its target out of 18 planned targets. In essence, this means that the programme's performance during the reporting period is the same with the one recorded during the previous reporting period.

Most of the targets were not met due to, amongst others, capacity constraints, vast travel distance and weaknesses in internal controls. According to the Annual report, the Directorate is of the view that "the Programme's performance should be understood within the context of a wider workload in addition to cases received during the reporting period".¹⁴ According to the Directorate, "the reality is that, when factoring the cases carried over from the previous reporting period, the organisation had a workload of 10 657 cases".¹⁵

In as far as performance and/or delivery on planned targets is concerned, the 2014/15 Annual Report also highlights the following:

- Nine hundred and fifty (950) matters were put on the court rolls in 2013/14, as a result, investigators spent more time attending trials in the courts. This situation resulted in less time being available for completion of investigations during the reporting period
- Of the matters that were finalised in the courts, there were fifty-eight (58) convictions in criminal matters.
- Two hundred (200) disciplinary matters were finalised by the SAPS. The sentences ranged from verbal warnings to dismissals from services
- The Directorate in the current reporting period achieved a completion rate of 48% while in the previous financial year it achieved 56% completion rate. This means that there was 8% decrease on the completion of cases

¹⁴ 2014/15 IPID Annual Report

¹⁵ Ibid



The table below indicates the financial performance of the IPID during the 2014/15 FY. It is clear that spending increased significantly between 2013/14 and 2014/15, due to the increased number of mandatory investigations that must be conducted by the IPID under the Independent Police Investigative Directorate Act (2011).¹⁶ This is also due to the building of investigative support capacity required to manage the increase.¹⁷

Table 8: Expenditure for Programme 2: Investigation and Information Management

Investigation and Information Management Programme	2014/15 FY			2013/14 FY		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000			R'000		
Investigation Management	20 039	20 043	(4)	1 638	1 638	-
Investigation Services	121 976	121 972	4	114 960	95 712	19 248
Information Management	5 458	5 452	6	4 644	4 644	-
Total	147 473	147 467	6	121 242	101 994	19 248

Source: National Treasury (2014) & IPID 2014/15 AR,

The Programme's spending continued to increase significantly between 2013/14 and 2014/15, particularly in the sub-programme Investigation Services. According to the Directorate, this was as a result of the increased number of mandatory investigations conducted by various provincial offices and the building of the investigative support capacity.¹⁸ Due to the nature of IPID's labour intensive work, the programme registered significant expenditure in compensation of employees.¹⁹ The bulk procurement for investigative equipment was done under the leadership of the programme manager, in the sub-programme Investigative Management, hence the sub-programme's allocation and spending increased significantly as compared to the previous financial year.²⁰

More so, it was reported that the bulk of expenditure in the sub-programme Information Management represents the amount incurred on the Case Management system. All sub-programmes continued to account for the increased expenditure in travel and subsistence, skills development for investigators and ICT related services.²¹

¹⁶ Ibid

¹⁷ Ibid

¹⁸ IPID 2014/15 Annual Report

¹⁹ IPID 2014/15 Annual Report

²⁰ IPID 2014/15 Annual Report

²¹ Ibid



Comments and questions

- 1) The Programme achieved 12.5% success rate on its performance targets and spent 100% of its budget at the end of the 2014/15 FY. This is not an improvement when compared to the previous reporting period (2013/14FY) wherein the Directorate achieved only 2 targets or 11.1%, with 84.4% budget expenditure. Taken as a whole, the Investigation and Information Management Programme underperformed on performance targets during the 2014/15 FY. Therefore, the Committee should ask the Directorate to come up with a turn-around strategy to address under-performance in Programme 2
- 2) 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.
- 3) 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 18% 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.
- 4) 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.
- 5) The IPID set a target to complete 55 per cent of corruption cases within 90 days, and achieved only 16 per cent (a reduction from 19% achieved previously). The IPID must explain this, as it forms a Government priority included in both the NDP and the MTSF.
- 6) Similarly, achieved performance on both targets set for the investigation of systemic corruption within the SAPS fared poorly. The IPID only identified 3 cases of systemic corruption for possible investigation out of a target of 18 cases to be identified. This is very worrisome. It is further a concern that some Provinces reported no cases of systemic corruption.
- 7) The IPID also targeted that 20 per cent of identified cases will be completed within a 12 month period, but completed only 14 per cent of the identified cases. The Directorate should indicate the challenges experienced in this environment.
- 8) The Directorate spent 100% of its allocated budget on this Programme and that expenditure did not correspond to the reported performance. The Committee should ask the Directorate to explain this disjuncture. Does this talk to poor financial planning within the Directorate
- 9) The Committee should ask the Directorate the reason for reduction in performance indicators from 18 in the previous financial year to 16 in the current reporting period.
- 10) The Committee should ask the Directorate whether inability to meet targets in the investigative environment in Programme 2 is related to skills deficiencies and poor training of members. As such, 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.



Statistical report on IPID activities (2014/15 FY)

A total of 5 879 cases (compared to 5 745 cases reported previously) were reported to the IPID during the 2014/15 FY. The majority of the cases fall within Section 28(1)(a) to (h). Of these, 3 711 were assault cases, 940 cases were complaints of the discharge of official firearm(s), 396 were incidents of deaths as a result of police action, 90 were cases of other criminal matters, and 244 were incidents of deaths in police custody. The majority of cases were reported in Western Cape (1 455), followed by KwaZulu Natal (882) and Gauteng (824).

The table below shows that there was 2% increase in the number of cases reported when compared to the previous reporting period (2013/14). There was an increase in most categories except in cases of Assault, systematic corruption, other criminal matters and non-compliance. A substantial increase was noted in complaints of the discharge of official firearms(s) (119%), torture (86%) and rape in police custody (79%). The IPID investigated 15 cases in which MPS members were involved. In 5 844 cases the SAPS members were allegedly involved in various criminal offences and misconduct. Of the 15 cases that involved the MPS, there were 3 allegations of assault and 10 incidents of deaths as a result of police (MPS) action and 1 complaint of corruption.

Table 9: Total number of cases reported in the 2014/15 FY

Section of IPID Act	Intake of cases	2013/14	2014/15	Percentage change
28(1)(a)	Deaths in police custody	234	244	4%
28(1)(b)	Deaths as a result of police action	390	396	2%
28(1)(c)	Complaint of the discharge of official firearms(s)	429	940	119%
28(1)(d)	Rape by police officer (on or off duty)	121	124	2%
28(1)(e)	Rape in police custody	19	34	79%
28(1)(f)	Torture	78	145	86%
28(1)(f)	Assault	3 916	3711	-5%
28(1)(g)	Corruption	84	93	11%
28(1)(h)	Other criminal matter(s)	374	90	-76%
28(1)(h)	Misconduct	23	39	70%
28(2)	Systemic corruption	12	3	-75%
29	Non-compliance with section	65	60	-8%
Total		5 745	5 879	2%

Source: IPID 2014/15 AR



During the 2014/15 FY, incidents of deaths as a result of police action were higher compared to deaths in police custody. Out of 244 deaths in police custody, most can be attributed to deaths due to injuries sustained prior to custody (vigilantism) with a number of 66 cases, followed by suicide hanging with 65 cases, natural causes with 60 cases, injuries sustained in custody (inmates/suicide) with 23 cases and injuries sustained prior to custody (civilians) with 14 cases.

Out of the 396 incidents of deaths as a result of police action, 106 suspects died during the course of arrest, of which 101 suspects were shot with a service firearm. During the 2014/15 FY, the IPID recorded 33 Domestic Violence related deaths, in which 28 partners were killed with a service firearm. And 24 pedestrians were struck and killed by a police vehicle that was negligently handled by a SAPS member.²²

The IPID received a total of 124 cases of rape by a police officer (both on and off duty). Of these, 42 incidents (34%) occurred while police officers were on duty and 82 incidents (66%) occurred while police were off duty.

The IPID received a total of 145 cases/complaints of torture and 3 711 cases of assault during 2014/15. As mentioned above, assault forms more than 60 per cent of all cases investigated against the SAPS and MPS during the 2014/15 FY. Most of the incidents were of assault common (3 121), followed by assault GHB (545).

4.2 Programme 3: Legal Services

PROGRAMME 3: LEGAL SERVICES

Targets achieved = 3/10
Success rate = 30%
Expenditure = 61.0%

The purpose of the Legal Service Programme is to ensure that investigations are conducted efficiently and within the ambit of the law by providing investigators with adequate legal advice and guidance on an ongoing basis, during and after completion of investigations.

During the 2014/15 FY, on this Programme, the Directorate focussed on the following strategic objectives (outputs):

- Legal support and Administration
- Investigation Advisory Services
- Legal and Litigation Services

²² 2013/14 IPID Annual Report



In terms of performance, the Legal Service programme managed to achieve only 3 out of 10 planned targets. In other words, the Programme achieved 30% success rate on its performance targets and spent 61.0% of its budget at the end of the 2014/15 FY. This not an improvement when compared to the previous reporting period (2013/14 FY) wherein the Directorate spent only 74.3% of allocated budget and achieved only one (16.6%) of its six predetermined performance targets. At first, the performance in the current reporting period might seem to resemble a semblance of improvement. But, taken as a whole, the Legal Services Programme underperformed on performance targets during the 2014/15 FY.

The table below provides a summary of the Programme's predetermined performance targets against actual achievement for the 2014/15 FY.

Table 10: 2014/15 Performance against targets for Programme 3: Legal Services

Programme Performance Indicator		Planned target 2014/15	Actual achievement 2014/15	Comments on deviation
1.	% contracts and service level agreements (SLAs) finalised within 30 working days of request (previously stated 21 days)	90% contracts and SLA's finalised	56% completed	Target not met. Lack of capacity
2.	% legal opinions provided to directorate within 21 working days of request (previously 10 working days)	90% of legal opinions provided	62% completed	Target not met. Lack of capacity
3.	% policies reviewed for legal compliance within 21 working days of request	90% of policies reviewed within 21 days	0%	Target not met.
4	Number of practice notes and directives (bulletin) produced and issued per year	4	0 No practice notes or bulletins were produced.	Target not met. Due to capacity constraints.
5.	% legal advice provided to investigators within 24h	90% of legal advice provided within set time	100%	Target met and exceeded
6.	% of written advice within 48h of request	90% of written legal advice provided within set time	0%	Target not met. Due to lack of capacity
7.	% applications for policing powers processed within 5 working days of request	100%	57%	Target not met. Due to lack of capacity



Programme Performance Indicator		Planned target 2014/15	Actual achievement 2014/15	Comments on deviation
8.	% of Promotion of Access to Information Act (PAIA) requests processed and finalised within 30 days	100% of PAIA applications finalised	63%	Target not met Due to lack of capacity
9.	% of legal and civil litigation matters attended to	90% of matters	100%	Target achieved
10.	% of legal and labour litigation matters attended to	100% of matters	100%	Target achieved

Source: IPID 2014/15 AR

The following changes occurred in terms of performance indicators during the 2014/15 FY:

Changes

- % of written advice within 48h of request was broken down from another performance indicator and became a stand-alone indicator

New Inclusions:

- % of Promotion of Access to Information Act (PAIA) requests processed and finalised within 30 days
- % of legal and civil litigation matters attended to
- % of legal and labour litigation matters attended to

The IPID states in its 2014/15 Annual Report that the Programme experienced capacity constraints due to high staff turnover, but despite being severely under staffed, it was able to achieve some of its targets as indicated above. In particular, the Programme was able to meet two new targets and the target of furnishing investigators with legal opinions within the required 24 hours. In addition, the annual report notes that all civil litigation matters received were also attended to within the set turnaround times. The Directorate pointed out that the challenges in this legal service environment were addressed by the appointment of the Programme Manager who assumed duty towards the end of the financial year. Furthermore, four other vacant positions were filled after the financial year.

Comments and questions

- 1) The Committee should request the Directorate to indicate the action steps that will be taken to address recurrent under-expenditure and under-performance of this Programme.
- 2) The Directorate set a target of four practice notes and directives (bulletin) produced and issued per year but none was produced. The Directorate should explain the underperformance in this key competence of the Programme.
- 3) It is equally concerning that the target of 90% of written legal advice provided within set time was not achieved, despite being the key competence of the Programme
- 4) The IPID stated in its Annual Report that is attended to all civil litigation cases received against it in 2014/15FY– the Directorate should provide details around these cases if possible.



5) The Directorate should list/name four other vacant positions that were filled after the financial year.

Table 11: Expenditure for Programme 3: Legal Services

Legal Services Programme	2014/15 FY			2013/14 FY		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000			R'000		
Legal Support and Administration	1 933	1 933	-	1 481	1 481	-
Litigation Advisory Services	1 286	770	516	1 007	701	306
Investigation Advisory Services	2 104	544	1 560	1 962	1 124	838
Total	5 323	3 247	2 076	4 450	3 306	1 144

Source: National Treasury (2014) & IPID 2014/15 AR, p.

According to the 2014/15 Annual report, the Programme received an additional allocation in the year under review, 2014/15 to increase the legal service capacity, however, the reported actual expenditure is less than the projected expenditure mainly due to the reported staff turnover in all sub-programmes.²³ The Chief Director: Legal Service position was filled towards the end of the financial year, whilst other four vacant positions were filled after the financial year.²⁴ According to the Directorate, the increased expenditure in goods and services, specifically on travel and subsistence, was mainly due to consultations with various stakeholders, including the state attorney and state law advisors, on legal service matters relating to the investigation of cases.

Comments and questions

- 1) The IPID should indicate the manner in which it will address the trend of under-expenditure in the 2015/16 FY
- 2) The Directorate should indicate whether the budget allocations for the 2015/16 are enough to address capacity issues
- 3) The Directorate should indicate why there was a huge under-expenditure under Investigation Advisory Services sub-programme.
- 4) The Directorate should provide the Committee with the breakdown of litigation costs incurred during the 2014/15 FY together with a narrative report explaining the cases concerned

²³ 2014/15 IPID Annual Report,

²⁴ Ibid



4.3 Programme 4: Compliance Monitoring and Stakeholder Management

PROGRAMME 4: COMPLIANCE MONITORING AND STAKEHOLDER MANAGEMENT

Targets achieved = 5/7
 Success rate = 71.4%
 Expenditure = 95.8%

The purpose of the Compliance Monitoring and Stakeholder Management Programme is safeguard the principles of cooperative governance and stakeholder management through ongoing monitoring and evaluation of the quality of recommendations made to the SAPS and MPS and also reporting on the police services' compliance with reporting obligations in terms of the IPID Act (2011).

During the 2014/15 FY, on this Programme, the Directorate focussed on the following strategic objectives (outputs):

- Public Awareness Campaigns
- Stakeholder Management
- Recommendation reports
- Compliance Monitoring

In terms of performance, the Compliance Monitoring and Stakeholder Management programme managed to achieve 5 out of 7 planned targets. In other words, the Programme achieved 71.4% success rate on its performance targets and spent 95.8% of its budget at the end of the 2014/15 FY. This far better than the performance recorded in other programmes.

The table below provides a summary of the Programme's predetermined performance targets against actual achievement for the 2014/15 FY.

Table 12: 2014/15 Performance against targets for Programme 4: Compliance Monitoring and Stakeholder Management Programme

Programme Performance Indicator		Planned target 2014/15	Actual achievement 2014/15	Comments on deviation
1.	Number of community outreach events conducted per year	306	232	Target not met. Prioritisation of resources and focusing on investigations; since the events are conducted by investigations, as



Programme Performance Indicator		Planned target 2014/15	Actual achievement 2014/15	Comments on deviation
				provinces to not have a dedicated component dealing with this function .
2.	Number of community policing forum meetings attended per year	40	19	Target not met. Few meetings could be secured due to restructuring process of the policing community policing forum board .
3.	Number of formal engagements with key stakeholders held annually	12	41	Target met.
4	Number of formal engagements conducted at provincial level with key stakeholders annually	108	146	Target met.
5.	Number of reports on the evaluation of quality of IPID recommendations per year	4	4	Target met
6.	Number of reports on the implementation of the IPID recommendations produced per year	4	4	Target met.
7.	Number of reports on the evaluation of SAPS/MPS compliance with reporting obligations in terms of the IPID Act	4	4	Target met

Source: IPID 2014/15 AR

The following changes occurred in terms of performance indicators during the 2014/15 FY:

New Inclusions:

- Number of reports on the evaluation of quality of IPID recommendations per year
- Number of reports on the implementation of the IPID recommendations produced per year
- Number of reports on the evaluation of SAPS/MPS compliance with reporting obligations in terms of the IPID Act



The IPID states in its 2014/15 Annual Report that during the reporting period, the Programme focused on public awareness within communities, by engaging with stakeholders and communities²⁵. In terms of Stakeholder Management, the Directorate engaged with the Community Policing Forums, SAPS, MPS, NPA, Parliament and other stakeholders.²⁶ In total, 206 stakeholder events were attended and the target of 160 was exceeded by 46 events.²⁷ In terms of the target set for meetings with the CPFs, it was found that the target was not going to be met as more meetings with the SAPS and MPS took place as the Directorate concentrated on educating these stakeholders on the processes of complying fully with the IPID Act. More so, the number of public awareness campaigns decreased and the target was not met. A total of 232 events took place as compared to 306 events.²⁸

Comments and questions

1. The Committee should commend the Directorate for far much better performance under the Programme. However, failure to meet important performance targets remain a serious concern.
2. The Directorate should explain the reasons for not meeting the target on public awareness campaign.
3. The Directorate should explain how it is planning to measure the impact of the awareness campaigns organised.

The table below indicates the financial performance of the IPID during the 2014/15 FY. It is clear that spending increased significantly between 2013/14 and 2014/15, due to the increased number of mandatory investigations that must be conducted by the IPID under the Independent Police Investigative Directorate Act (2011).²⁹ This is also due to the building of investigative support capacity required to manage the increase.³⁰

Table 13: Expenditure for Programme Compliance Monitoring and Stakeholder Management:

Sub-Programme	2014/15 FY			2013/14 FY		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000			R'000		
Compliance Monitoring	2 546	2 538	8	1 824	1 824	-
Stakeholder Management	1 039	895	144	425	425	-
Total	3 585	3 433	152	2 249	2 249	-

²⁵ 2014/15 IPID Annual Report,

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid



Source: National Treasury (2014) & IPID 2014/15 AR

The bulk of spending in this programme was reported in compensation of employees mainly to capacitate the support that ensured increased community participation in crime prevention and safety initiatives and organize campaigns that increase public awareness of the provisions of the IPID Act, the directorate's functions and the utilisation of services.³¹

The 2014/15 Annual report also indicates that the Programme also conducted regular monitoring of responsiveness of the SAPS, MPS and NPA to the IPID recommendations as well as reporting on SAPS/MPS compliance with reporting obligations in terms of the IPID Act. More importantly, it was pointed out that the Programme spending trend particularly in travel and subsistence was mainly affected by delay in appointment of the programme manager since some of the planned activities were delayed.³²

Comments and questions

1. The Committee should ask the Directorate whether increased budget allocation and expenditure in this programme has resulted to performance improvements and the desirable impact on the safety of communities and compliance by the SAPS, MPS and NPA on the obligations of the IPID Act.
2. The Directorate should explain the implications for delaying planned activities.
3. The Directorate should provide the Committee with the provincial background of the public awareness campaigns and associated costs.

5. HUMAN RESOURCE MANAGEMENT

The Directorate had three hundred and ninety three employees (393) in its employ at the end of the 2014/15 FY (31 March 2015).³³ The Directorate has one hundred and seventy (170) males and one hundred and fifty two (152) females employed at all levels, of which twelve (12) females are employed at senior management level in the Directorate versus fourteen (14) males. Out of the three hundred and ninety three (393) employees in the Directorate, there are four (4) employees with disabilities - one (1) male and three (3) females (less than 1% 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%.³⁴

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ 2014/15 IPID Annual Report,



Table 14: Personnel vacancies, 1 April 2014 to 31 March 2015

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	78 257	32 928	338	796	42.08%	350
Programme 2: Investigation & Information Management	147 467	82 906	1 618	152	56.22%	375
Programme 3: Legal Services	3 247	1 197	8	51	36.86%	399
Programme 4: Compliance Monitoring and Stakeholder Management	3 433	2 488	13	-	72.47%	622
Total	232 404	119 519	1 977	999	51.43%	371

Source: 2014/15 IPID Annual Report,

During the 2013/14 FY, R119 519 million, of the R232.404 million total expenditure of the Directorate, was on personnel costs. Of the R119, 519 million expenditure, only R1.977 million was spent on the training and development of personnel. This is 1.65% of the total personnel expenditure during the 2014/15 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	110	94	14.5%
Programme 2: Investigation and Information Management	268	221	17.5%
Programme 3: Legal Services	8	3	62.5%
Programme 4: Compliance Monitoring and Stakeholder Management	7	4	42.8%
Total	393	322	18%

Source: IPID 2014/15 Annual Report,

During the 2014/15 FY, the Directorate made 50 appointments and transfers into the Directorate and 33 terminations and transfers out of the Directorate. Of the 33 terminations, two (2) were due to deaths, twelve (12) resignations, one (1) dismissals for misconduct, and eighteen (18) transfers to other Public Service Departments. This translates to 10.2% of the total number of employees who left as a percentage of the total employment of the Directorate.³⁵

In terms of sick leave, 253 employees out of the total 393 employees (filled positions) of the Directorate took a total of 1 807 days' sick leave. Of the 1 807 days that were taken, 87.1% were with

³⁵ 2014/15 IPID Annual Report,



medical certification. The highest ratio of sick leave fell within the *highly skilled production* (levels 6-8) salary band (41.9% of the total employees). The estimated cost of sick leave was R2 202 million for the 2014/15 FY.³⁶

Comments and questions

- 1) The vacancy rate of 18% is very high.
- 2) The Directorate should explain to the Committee how it plans to address this.
- 3) Training expenditure costs for Programme 3 and 4 are too low. The Directorate should explain why it's not effectively and efficiently utilising its training budget. It should provide a breakdown of the training provided, including the type of training (courses) and to which positions this training was given.
- 4) The number of four people with disabilities working for the Directorate is too low. The Directorate should change its target on people with disabilities.

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 Acting 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.

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³⁶ 2014/15 IPID Annual Report, p.77



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