



23 April 2021

## VOTE 24

### ANALYSIS OF THE 2021/22 BUDGET AND ANNUAL PERFORMANCE PLAN (APP) OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)

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#### PURPOSE OF THE VOTE

*Ensure independent oversight of the South African Police Service (SAPS) and the Municipal Police Services (MPS). Conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS; and make appropriate recommendations.*

#### MANDATE

*The Independent Police Investigative Directorate (IPID) exercises its functions in accordance with the Independent Police Investigative Directorate Act (2011). The Act gives effect to the provisions of section 206(6) of the Constitution, which provides for the establishment of an independent police complaints body that must investigate any alleged misconduct of, or offence committed by, a member of the police service. The thrust of the Directorate's work is to investigate serious and priority crimes allegedly committed by members of the South African Police Service and the Municipal Police Services.*



## 1. INTRODUCTION

The 2021/22 Annual Performance Plan (APP) of the Independent Police Investigative Directorate (IPID) provides measurable performance indicators and targets against which its performance and service delivery outputs will be measured at the end of the 2021/22 financial year. These targets are budgeted through the Estimates of National Expenditure (ENE) (or Budget), and together these two documents provide a cohesive picture of the direction the Department is moving towards during 2021/22. In turn, these documents are informed by and based on the IPID Strategic Plan 2020-2025, which identifies the medium term strategic priorities of the Department. These Departmental priorities are aligned with the broad strategic goals and priorities of Government as stated in the Medium Term Strategic Framework (MTSF) 2019-2024. Over the medium-term, the IPID continues to contribute in the realisation of Priority 1 of ensuring a capable, ethical and developmental state as well as Priority 6 of ensuring social cohesion and safe communities.

This paper provides a summary and analysis of the 2021/22 Budget and APP of the IPID in preparation for Parliamentary oversight by the Portfolio Committee on Police during deliberations on 06 May 2021.

## 2. IMPACT OF COVID-19 PANDEMIC

On 15 March 2020, President Ramaphosa declared the COVID-19 pandemic a national disaster and on 23 March 2020, announced a national lockdown that started from midnight on 26 March 2020 and would run for 21 days ending on 16 April 2020. Since then, Government has implemented an Adjusted Risk Strategy and South Africa has been under various levels of restriction since the initial lockdown. The SAPS, together with the South African Defence Force (SANDF) and the Metro Police Services, were tasked to enforce these restrictions.<sup>1</sup> This has been accompanied by various challenges, especially police brutality.

According to the Directorate, COVID-19 and the subsequent lockdown restrictions, presented several limitations in conducting and finalising investigations amid an increase in the number of reported cases. The effects of these limitations are likely to continue over the medium-term period, as reflected in the decrease in most performance targets. To mitigate these, the Directorate aims to prioritise its backlogs and investigate cases of alleged police brutality, rape, torture and assault.

According to National Treasury, the Directorate had spent R1.4 million on COVID-19 related interventions at the end of the third quarter of 2020/21 (31 December 2020). This expenditure was mainly in the *Investigation and Information Management* programme. At economic classification level, the expenditure was mainly on *goods and services for clothing material and accessories* (R194 000); *consumable supplies* (R810 000) and *property payments* (R380 000). Compared to the second quarter of 2020/21 (30 September 2020), the expenditure on COVID-19 related interventions increased by R53 000, from R1.381 million to R1.434 million as at the end of December 2020.

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<sup>1</sup> On 25 March 2020, the President submitted a letter to Parliament noting the deployment of 2820 Members of the SANDF to assist the Police in maintaining law and order at a cost of R641.2 million. In addition, on 17 March 2020, the SANDF called up members of the Reserve Force to assist the regular force where required.



### **3. APPOINTMENT OF EXECUTIVE DIRECTOR OF IPID**

The position of the Executive Director of IPID became vacant from 01 March 2019. Since then, the IPID had two acting Executive Directors. After several engagements on the appointment of the Executive Director, the Portfolio Committee adopted its report supporting the nomination of the new Executive Director by the Minister of Police on 22 July 2020. On 05 August 2020, the Minister of Police appointed Ms Jennifer Ntlatseng as the permanent Executive Director of the IPID. The 2021/22 financial year marks the first in year in which the Directorate has a permanent head in three years.

### **4. LEGISLATION AND KEY POLICIES**

The IPID Act, 2011 (Act No. 1 of 2011) ("the Act") came into operation on 01 April 2012 to give effect to section 206(6) of the Constitution, which makes provision for the establishment of an independent police complaints body. The objectives of the IPID Act are to:

- Align provincial and national strategic objectives to enhance the functioning of the Directorate;
- Provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the SAPS and the Municipal Police Services;
- Make disciplinary recommendations to the SAPS resulting from investigations conducted by the Directorate;
- Provide for close cooperation between the Directorate and the Secretariat; and
- Enhance accountability and transparency of the SAPS and the Municipal Police Services in accordance with the principles of the Constitution.

The IPID Act provided the Directorate with an extended mandate, which focuses on serious crimes committed by members of the SAPS and the MPS. It further obliges the SAPS and the MPS to report on matters for investigation by the IPID and the status of implementation of disciplinary recommendations made by the IPID upon the completion of investigations.

In terms of section 28(1) of the Act, the Directorate must investigate:

- 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 because of a decision by the Executive Director or if so requested by the Minister, an MEC or the Secretary for the Police Service as the case may be.

Section 28 (2) further provides that the Directorate may investigate matters relating to systemic corruption involving the police.

The Directorate had developed various new strategies for implementation during the 2021/22 financial year (and over the medium-term), including:



- **GBVF Strategy:** The objective of the GBVF Strategy is to broaden access to justice for victims and survivors of violence; change social norms and behaviour through awareness raising and prevention campaigns; strengthen and promote accountability; and possibly create more economic opportunities for women who are vulnerable to abuse due to poverty.
- **Communications and Stakeholder Management Strategy:** The objective of the Strategy is to strengthen relations with various critical stakeholders; educate the public on the Department's mandate; ensure marketing of the Department's mandate; manage perceptions about IPID; restore public trust and confidence on IPID's services and reassure the Department's commitment to promote respect for the rule of law and human dignity.
- **Youth Development Strategy:** The Strategy aims to provide unemployed graduates and students with necessary workplace experience and skills that would contribute positively to their employment opportunities; create a pool of appropriately skilled and experienced prospective employees; create a platform for transfer of knowledge and skills to young people; and contribute towards the national agenda of youth development and creation of work opportunities to alleviate poverty.
- **Access and Rural Awareness Strategy:** The aim of the Strategy is to establish and strengthen relations with rural communities; create awareness on the IPID's legislative mandate; and ensure active participation in the planning and the implementation of initiatives aimed at creating accessibility of IPID services.

According to the Directorate, the implementation of the above-mentioned strategies will amongst others ensure that attention is given to alleged police brutality, rape, torture, assaults, corruption as well as GBVF.

## 5. 2021/22 BUDGET ALLOCATION

### 5.1. Overall budget allocation

The IPID received a Main Appropriation of R348.3 million in 2021/22, which is a nominal increase of 2.1 per cent. However, taking into account inflation, the Directorate's allocation decreased by 1.98 per cent. The Administration Programme received an allocation of R101 million in 2021/22, which is a nominal increase of 12.35 per cent, or real increase of 7.82 per cent compared to the previous financial year. The Investigation and Information Management Programme received a Main Appropriation of R227.5 million, which is a nominal decrease of 2.15 per cent compared to the previous financial year. However when considering inflation, the Programme's allocation decreased with 6.09 per cent. The Programme performs the core service delivery mandate, and as such, the decrease is concerning.

**Table 1: Comparative changes in expenditure estimates by programme: 2020/21 to 2021/22**

Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
	2020/21	2021/22				
<b>R million</b>						
Administration	89.9	101.0	11.1	7.0	12.35 per cent	7.82 per cent
Investigation and Information Management	232.5	227.5	- 5.0	- 14.2	-2.15 per cent	-6.09 per cent



Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
	2020/21	2021/22				
<b>R million</b>						
Legal and Investigation Advisory Services	6.0	6.4	0.4	0.1	6.67 per cent	2.37 per cent
Compliance Monitoring and Stakeholder Management	12.6	13.4	0.8	0.3	6.35 per cent	2.06 per cent
<b>TOTAL</b>	<b>341.0</b>	<b>348.3</b>	<b>7.3</b>	<b>- 6.7</b>	<b>2.1 per cent</b>	<b>-1.98 per cent</b>

Source: National Treasury (2021)

The Legal and Investigation Advisory Services Programme received a Main Appropriation of R6.4 million in 2021/22, which is a nominal increase of 6.67 per cent and real increase of 2.37 per cent compared to the previous financial year. The Compliance Monitoring and Stakeholder Management Programme received a Main Appropriation of R13.4 million in 2021/22, which is a nominal increase of 6.35 per cent and a real increase of 2.06 per cent compared to the previous financial year.

The Department's proportional allocation to Programmes changed in 2021/22 compared to the previous financial year. The most substantial change was an increased proportional allocation to the Administration Programme, which led to a decreased proportional decrease to the Investigation and Information Management Programme. The proportional allocation to the Administration Programme increased with 2.63 per cent, while that of the Investigation and Information Management Programme decreased with 2.86 per cent. Despite the decrease in its proportional allocation, the Investigation and Information Management Programme continues to receive the bulk of the Department's total allocation at 65.32 per cent thereof.

**Table 2: Percent of total Department's budget per subprogramme**

Programme	Budget	Percent of total budget per programme	Budget	Percent of total budget per programme	Change in percent allocation
<b>R million</b>					
Administration	89.9	26.36 per cent	101.0	29.00 per cent	2.63 per cent
Investigation and Information Management	232.5	68.18 per cent	227.5	65.32 per cent	-2.86 per cent
Legal and Investigation Advisory Services	6.0	1.76 per cent	6.4	1.84 per cent	0.08 per cent
Compliance Monitoring and Stakeholder Management	12.6	3.70 per cent	13.4	3.85 per cent	0.15 per cent
<b>TOTAL</b>	<b>341.0</b>	<b>100.00 per cent</b>	<b>348.3</b>	<b>100.00 per cent</b>	<b>0.00 per cent</b>

Source: National Treasury (2021)

The proportional allocation of the Legal and Investigation Advisory Services Programme increased slightly with 0.08 per cent and that of the Compliance Monitoring and Stakeholder Management Programme increased slightly with 0.15 per cent.

In terms of economic classification, the largest portion of funds is allocated to *Current Payments* at R342.4 million or 98.3 per cent of the Department's total budget allocation for 2021/22. Of the total allocation to *Current payments*, R233.8 million goes towards *Compensation of employees* (68.2 per cent) and R108.6 million to *Goods and services* (31.7 per cent). The allocation for *Payments to capital*



assets (*Machinery and equipment*) decreased from R5.5 million to R5.2 million in 2021/22. The allocation is expected to decrease with 3.6 per cent over the medium-term.

In 2021/22, R704 000 is allocated to *Transfers and subsidies*, of which R701 000 was allocated to the *Safety and Security Sector Education and Training Authority (SASSETA)*. The allocation to *Transfers and subsidies* is expected to decrease with 4.2 per cent over the medium-term.

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

R million	2020/21			
	Total	Current payments	Transfers and subsidies	Payments for capital assets
Administration	101.0	97.6	0.7	2.7
Investigation and Information Management	227.5	224.9	0.1	2.5
Legal and Investigation Advisory Services	6.4	6.4	-	-
Compliance Monitoring and Stakeholder Management	13.4	13.4	-	-
<b>Total expenditure estimates</b>	<b>348.3</b>	<b>342.4</b>	<b>0.8</b>	<b>5.2</b>

Source: National Treasury (2020)

At the end of December 2020, spending on *payments for capital assets* was below projections by R841 000. This low spending was mainly recorded on *machinery and equipment*, due to the delayed implementation of the ICT Infrastructure Plan experienced in the first half of 2020/21 as a result of lockdown restrictions. Spending related to the ICT infrastructure plan, which entails modernising the current ICT infrastructure to improve security and minimise the risk of cyber infiltration as well as the procurement of ICT equipment, was envisaged to improve in October 2020, but this did not materialise as the process to appoint the service provider was only finalised in January 2021. Therefore, given the late appointment of the service provider, spending in this regard is anticipated to improve in the fourth quarter of 2020/21.

## 5.2. Budget allocation per budget programme

### 5.2.1. Administration Programme

The Administration Programme received a Main Appropriation of R101 million in 2021/22, which is a nominal increase of 12.3 per cent and a real increase of 7.82 per cent compared to the previous financial year. The Department Management subprogramme received a Main Appropriation of R18.6 million in 2021/22, which is a nominal increase of 16.98 per cent. Considering inflation, the allocation increased by 12.27 per cent compared to the previous financial year.

**Table 4: Budget allocation per subprogramme of the Administration Programme**

Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
	2020/21	2021/22				
Sub-programme 1: Department Management	15.9	18.6	2.7	2.0	16.98 per cent	12.27 per cent
Sub-programme 2: Corporate Services	34.7	39.3	4.6	3.0	13.26 per cent	8.69 per cent





Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
R million	2020/21	2021/22				
Sub-programme 3: Office Accommodation	13.9	14.6	0.7	0.1	5.04 per cent	0.80 per cent
Sub-programme 4: Internal Audit	4.9	5.7	0.8	0.6	16.33 per cent	11.64 per cent
Sub-programme 5: Finance Services	20.5	22.7	2.2	1.3	10.73 per cent	6.27 per cent
TOTAL	89.9	101.0	11.1	7.0	12.3 per cent	7.82 per cent

Source: National Treasury (2021)

The Corporate Services subprogramme received a Main Appropriation of R39.3 million in 2021/22, which is a nominal increase of 13.26 per cent and real increase of 8.69 per cent compared to the previous financial year. The Office Accommodation subprogramme received a Main Appropriation of R14.6 million in 2021/22, which is a nominal increase of 5.04 per cent, which is a slight real increase of 0.80 per cent. The Internal Audit subprogramme received a Main Appropriation of R5.7 million in 2021/22, which is a substantial nominal increase of 16.33 per cent compared to the previous financial year. Considering inflation, the subprogramme's budget allocation increased by 11.64 per cent. The Finance Services subprogramme received a Main Appropriation of R22.7 million in 2021/22, which is a nominal increase of 10.73 per cent and a real increase of 6.27 per cent.

The table below shows only slight changes in the proportional allocation towards subprogrammes. The Corporate Services subprogramme continues to receive the bulk of the Programme's allocation (38.91 per cent), followed by the Finance Services subprogramme (22.48 per cent).

**Table 5: Percent of total Administration Programme budget per subprogramme**

Programme	Budget	Percent of total budget per programme	Budget	Percent of total budget per programme	Change in percent allocation
	R million	2020/21	2021/22		
Sub-programme 1: Department Management	15.9	17.69 per cent	18.6	18.42 per cent	0.73 per cent
Sub-programme 2: Corporate Services	34.7	38.60 per cent	39.3	38.91 per cent	0.31 per cent
Sub-programme 3: Office Accommodation	13.9	15.46 per cent	14.6	14.46 per cent	-1.01 per cent
Sub-programme 4: Internal Audit	4.9	5.45 per cent	5.7	5.64 per cent	0.19 per cent
Sub-programme 5: Finance Services	20.5	22.80 per cent	22.7	22.48 per cent	-0.33 per cent
<b>TOTAL</b>	<b>89.9</b>	<b>100.00 per cent</b>	<b>101.0</b>	<b>100.00 per cent</b>	<b>0.00 per cent</b>

Source: National Treasury (2021)

### Comments and questions

The IPID committed to relocate to its newly refurbished offices by the end of March 2021 – did the Directorate relocate?



### 5.2.2. Investigation and Information Management Programme

The Investigation and Information Management Programme received a Main Appropriation of R227.5 million in 2021/22, which is a nominal decrease of 2.2 per cent compared to the previous financial year. Considering inflation, the Programme's allocation decreased with 6.09 per cent. The Investigation Management subprogramme received a Main Appropriation of R12.7 million in 2021/22, which is a substantial nominal decrease of 32.45 per cent and a real decrease of 35.17 per cent compared to the previous financial year. The subprogramme's allocation is expected to decrease, on average, with 15.6 per cent over the medium-term. The Investigation subprogramme received a Main Appropriation of R205.5 million in 2021/22, which is a nominal decrease of 1.44 per cent and considering inflation, the allocation decreased with 5.41 per cent.

The Information Management subprogramme received a Main Appropriation of R9.3 in 2021/22, which is a substantial nominal increase of 82.36 per cent and a real increase of 75 per cent. Over the medium-term, the subprogramme's allocation is expected to increase, on average, with 22.3 per cent.

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

Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
	2020/21	2021/22				
<b>R million</b>						
Sub-programme 1: Investigation Management	18.8	12.7	- 6.1	- 6.6	-32.45 per cent	-35.17 per cent
Sub-programme 2: Investigation Services	208.5	205.5	- 3.0	- 11.3	-1.44 per cent	-5.41 per cent
Sub-programme 3: Information Management	5.1	9.3	4.2	3.8	82.35 per cent	75.00 per cent
<b>TOTAL</b>	<b>232.5</b>	<b>227.5</b>	<b>- 5.0</b>	<b>- 14.2</b>	<b>-2.2 per cent</b>	<b>-6.09 per cent</b>

Source: National Treasury (2021)

The substantial decrease in the Investigation Management subprogramme's allocation led to changes in the proportional allocation of subprogrammes.

**Table 7: Percent of total Investigation and Information Management Programme budget per subprogramme**

Programme	Budget	Percent of total budget per programme	Budget	Percent of total budget per programme	Change in percent allocation
	2020/21		2021/22		
<b>R million</b>					
Sub-programme 1: Investigation Management	18.8	8.09 per cent	12.7	5.58 per cent	-2.50 per cent
Sub-programme 2: Investigation Services	208.5	89.68 per cent	205.5	90.33 per cent	0.65 per cent
Sub-programme 3: Information Management	5.1	2.19 per cent	9.3	4.09 per cent	1.89 per cent
<b>TOTAL</b>	<b>232.5</b>	<b>100.00 per cent</b>	<b>227.5</b>	<b>100.00 per cent</b>	<b>0.00 per cent</b>

Source: National Treasury (2021)





The Investigation Management subprogramme's proportional allocation decreased with 2.5 per cent compared to the previous financial year. Although the allocation of the Investigation subprogramme decreased, the subprogramme continues to receive 90.33 per cent of the Programme's total budget allocation.

#### Comments and questions

- 1) The decreased budget allocation for this programme, coupled with significant decreases in performance targets, should be a serious concern for the Committee.
- 2) The Directorate should explain the significant shifts in the budget allocations of the subprogrammes.
- 3) The purpose of the Information Management subprogramme is to manage the information and the knowledge-management services through the development and maintenance of a Case Flow Management System and database. What necessitated the significant increase in the subprogramme's budget allocation?
- 4) What is the status of the Case Flow Management System? The system has had significant challenges in recent years, have these challenges been addressed?

#### 5.2.3. Legal and Investigation Advisory Services Programme

The Legal and Investigation Advisory Services Programme received a Main Appropriation of R6.4 million in 2021/22, which is a nominal increase of 6.7 per cent and a real increase of 2.37 per cent compared to the previous financial year. The Legal Support and Administration subprogramme received a Main Appropriation of R2.2 million, which is a substantial nominal increase of 22.22 per cent. Considering inflation, the subprogramme's allocation had a real increase of 17.3 per cent. The Litigation Advisory Services subprogramme received a Main Appropriation of R1.8 million in 2021/22, which is a nominal decrease of 5.26 per cent and a real decrease of 9.08 per cent. The Investigation Advisory subprogramme received a Main Appropriation of R2.4 million in 2021/22, which is nominally unchanged compared to the previous financial year. However, considering inflation, the subprogramme's allocation decreases with 4.03 per cent.

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

Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
	2020/21	2021/22				
<b>R million</b>						
Sub-programme 1: Legal Support and Administration	1.8	2.2	0.4	0.3	22.22 per cent	17.30 per cent
Sub-programme 2: Litigation Advisory Services	1.9	1.8	- 0.1	- 0.2	-5.26 per cent	-9.08 per cent
Sub-programme 3: Investigation Advisory Services	2.4	2.4	0.0	- 0.1	0.00 per cent	-4.03 per cent
<b>TOTAL</b>	<b>6.0</b>	<b>6.4</b>	<b>0.4</b>	<b>0.1</b>	<b>6.7 per cent</b>	<b>2.37 per cent</b>

Source: National Treasury (2021)



The changes in the allocations to subprogrammes led to substantial changes in their proportional allocations. The proportional allocation of the Legal Support and Administration subprogramme increased with 4.38 per cent compared to the previous financial year. In turn, this led to a decrease in the proportional allocation of the Litigation Advisory Services and Investigation Advisory Services subprogrammes of 3.54 per cent and 2.5 per cent, respectively.

**Table 9: Percent of total Legal and Advisory Services Programme budget per subprogramme**

Programme	Budget	Percent of total budget per programme	Budget	Percent of total budget per programme	Change in percent allocation
R million	2020/21		2021/22		
Sub-programme 1: Legal Support and Administration	1.8	30.00 per cent	2.2	34.38 per cent	4.38 per cent
Sub-programme 2: Litigation Advisory Services	1.9	31.67 per cent	1.8	28.13 per cent	-3.54 per cent
Sub-programme 3: Investigation Advisory Services	2.4	40.00 per cent	2.4	37.50 per cent	-2.50 per cent
<b>TOTAL</b>	<b>6.0</b>	<b>100.00 per cent</b>	<b>6.4</b>	<b>100.00 per cent</b>	<b>0.00 per cent</b>

Source: National Treasury (2021)

#### **5.2.4. Compliance Monitoring and Stakeholder Management Programme**

The Compliance Monitoring and Stakeholder Management Programme received a Main Appropriation of R13.4 million in 2021/22, which is a nominal increase of 6.3 per cent compared to the previous financial year. Considering inflation, the Programme's allocation increased with 2.06 per cent. The Compliance Monitoring subprogramme received a Main Appropriation of R7.9 million in 2021/22, which is a nominal decrease of 3.66 per cent. Considering inflation, the subprogramme's allocation decrease with 7.54 per cent. The Stakeholder Management subprogramme received a Main Appropriation of R5.5 million in 2021/22, which is a substantial nominal increase of 25 per cent compared to the previous financial year.

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

Programme	Budget		Nominal Increase / Decrease in 2021/22	Real Increase / Decrease in 2021/22	Nominal Percent change in 2021/22	Real Percent change in 2021/22
R million	2020/21	2021/22				
Sub-programme 1: Compliance Monitoring	8.2	7.9	- 0.3	- 0.6	-3.66 per cent	-7.54 per cent
Sub-programme 2: Stakeholder Management	4.4	5.5	1.1	0.9	25.00 per cent	19.96 per cent
<b>TOTAL</b>	<b>12.6</b>	<b>13.4</b>	<b>0.8</b>	<b>0.3</b>	<b>6.3 per cent</b>	<b>2.06 per cent</b>

Source: National Treasury (2021)

The changes in the Main Appropriations of the subprogrammes influenced their proportional allocations in 2021/22 compared to the previous financial year. The proportional allocation of the Compliance Monitoring subprogramme decreased with 6.12 per cent, but continued to receive the bulk of the



Programme's funding (58.96 per cent). In turn, the Stakeholder Management subprogramme's proportional allocation increased with 6.12 per cent.

**Table 11: Percent of total Compliance and Stakeholder Management Programme budget per subprogramme**

Programme	Budget	Percent of total budget per programme	Budget	Percent of total budget per programme	Change in percent allocation
R million	2020/21		2021/22		
Sub-programme 1: Compliance Monitoring	8.2	65.08 per cent	7.9	58.96 per cent	-6.12 per cent
Sub-programme 2: Stakeholder Management	4.4	34.92 per cent	5.5	41.04 per cent	6.12 per cent
<b>TOTAL</b>	<b>12.6</b>	<b>100.00 per cent</b>	<b>13.4</b>	<b>100.00 per cent</b>	<b>0.00 per cent</b>

Source: National Treasury (2021)

### 5.3. Insufficient resourcing

The Portfolio Committee on Police has continuously raised the inadequate resourcing of the IPID as a major concern. The lack of resources have had a significant impact on the effectiveness of the IPID and has led, amongst others, to a significant reduction in its geographic footprint, forcing the closure of various satellite offices countrywide.

In recent years, other role-players have echoed concerns related to inadequate resourcing, notably -

#### Marikana Commission of Inquiry

Recommendation G4: The staffing and resourcing of IPID should be reviewed to ensure that it is able to carry out its functions effectively.

#### Panel of Experts Report on Policing and Crowd Management

Recommendation 33: IPID's budget should be increased in order for it to fulfil its mandate of investigating SAPS and MPS crime and misconduct complaints. This is a decision that must be taken by the **Parliamentary Portfolio Committee of Police** in consultation with IPID and presented to the Minister of Police for implementation.

#### High Court Judgement Case 21512/2020 "Khosa Judgement"

The judgement handed down on 15 May 2020 dealt with the inadequacy of IPID. Judge Fabricius stated, "I agree with applicants' council that there is no existing mechanism capable of conducting prompt, impartial and effective investigations of lockdown brutality and that I have the duty and power to order the Defence Minister and Police Minister to establish one urgently". The Judge further stated, "Defects in IPID can be gleaned from its own Annual Performance Plan doe 2019/20. **It has simply been provided with insufficient financial and other resources**".

**The Committee should engage the Minister of Police, IPID and National Treasury to ensure that the Directorate is sufficiently resourced.**



#### 5.4. Personnel and expenditure on compensation of employees

Spending on compensation of employees accounts for 67.9 per cent (R233.8 million) of the total budget allocation. As part of Cabinet's decision to stabilise debt, the Department's budget for compensation of employees is reduced by R75.7 million over the MTEF period. To accommodate these reductions and remain within the revised allocated budget, the Department conducted an extensive reprioritisation exercise that includes a review of the establishment to ensure optimal utilisation of the available personnel.

**Table 12: Personnel numbers and cost by programme**

	Number of funded posts	Actual		Revised estimate		Medium-term expenditure estimate						Average growth rate (%)	Average: Salary level/ Total (%)
		2019/20		2020/21		2021/22		2022/23		2023/24		2020/21 - 2023/24	
Independent Police Investigative Directorate		Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost		
Programme	398	366	248.1	376	243.1	391	233.8	390	234.1	389	239.6	1.2%	100.0%
Programme 1	114	102	50.3	85	50.2	114	56.2	114	56.8	114	57.8	10.4%	27.6%
Programme 2	262	242	183.4	269	176.6	254	160.5	254	159.9	253	163.8	-2.0%	66.7%
Programme 3	7	7	4.9	7	5.5	7	6.1	7	6.1	7	6.6	1.6%	1.8%
Programme 4	15	15	9.6	15	10.8	15	11.0	15	11.2	15	11.5	-0.8%	3.9%

*Source: National Treasury (2021)*

The total staff establishment is 391, which comprises of 200 support staff and 191 investigators. The personnel is expected to decrease over the medium-term.

## 6. PROGRAMME PERFORMANCE

In 2021/22, the Directorate has 32 performance indicators, of which six are new indicators. The majority of the 2021/22 performance targets remained unchanged compared to the previous financial year. The majority of the Investigation and Information Management Programme's performance targets decreased compared to the previous financial year, which is concerning as this is the Department's core service delivery programme. For instance, the target for the investigations of rape by a police officer decreased from 130 in 2020/21 to 70 in 2021/22, which is a decrease of 53.8 per cent. Similarly, the target for investigations of deaths in police custody decreased from 180 to 120 in 2021/22 and investigations of death as a result of police action decreased from 280 to 220.

These decreases are especially concerning in the context of increased instances of police brutality in the enforcement of lockdown restrictions. According to the Department, despite the decrease of performance targets, the Department has begun an organisational realignment process to prioritise frontline services and convert vacant posts in non-core areas into the appointment of 13 additional investigators over the medium-term. This additional capacity is expected to enable the Department to ensure that backlog cases are prioritised and that service delivery improves, particularly in "hotspot" provinces (Eastern Cape, Gauteng, KwaZulu-Natal and Western Cape) that have seen a large number of police misconduct cases reported in recent months.



## 6.1. Administration Programme

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

The table below provides a summary of the programme performance indicators and targets of the *Administration* Programme for the 2019/20 financial year:

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

Performance indicators	2020/21 Target	2021/22 Target	Comments
1) Percentage vacancy rate per year	<10%	10%	Unchanged
2) Percentage implementation of Annual Internal Audit Plan	90%	90%	Unchanged
3) Percentage implementation of risk mitigating strategies	60%	60%	Unchanged
4) Percentage of compliance of SMS financial interests submitted through e-disclosures	100%	100%	Unchanged
5) Percentage implementation of ICT Infrastructure Plan	90%	70%	Decreased
6) Percentage implementation of Youth Development Strategy per year	New	80%	New indicator
7) Percentage implementation of Gender Based Violence and Femicide Strategy per year	New	70%	New Indicator

*Source: 2021/22 IPID APP*

The Programme has two new performance indicators, namely the implementation of the Youth Development Strategy and the Gender Based Violence and Femicide Strategy.

### **The Committee could consider the following concerns during deliberations:**

- 1) The Committee should ask whether the Internal Audit function has unhindered access to all information needed in the performance of its audits.
- 2) The Committee should request the Directorate to elaborate on the current capacity status of the Internal Audit Subprogramme in terms of funding and personnel. Is the capacity sufficient to address deficiencies in internal control?
- 3) The Department should provide details on the GBVF Strategy and indicate how this will focus on the internal and the external environment.
- 4) The implementation of the GBVF Strategy and Youth Development Strategy are dependent on the implementation plans of these strategies. Have these plans been finalised?
- 5) The Department should provide details on the implementation of its ICT Plan. What number of computers have been replaced to date? Earlier this year, the Directorate indicated that the project is on-hold due to budgetary constraints – has the project restarted?
- 6) According to National Treasury, the lockdown restrictions prevented the Directorate from appointing a service provider to implement the ICT Plan, as such expenditure was behind schedule



with R841 000 at the end of December 2020. The service provider was only appointed in January 2021, which will influence the implementation of the ICT Plan – how will the Directorate mitigate the impact thereof on the 2020/21 budget and will the Department apply for a roll-over?

## 6.2. Investigation and Information Management Programme

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

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

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

The table below summarises the programme performance indicators and targets of the *Investigation and Information Management* Programme. In 2021/22, the majority of targets were decreased or remained unchanged. No targets were increased.

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

Performance indicators	Targets		Comments
	2020/21	2021/22	
1) Number of investigations of deaths in police custody that are decision ready	180	120	Decreased
2) Number of investigations of death as a result of police action that are decision ready	280	220	Decreased
3) Number of cases for investigation of the discharge of an official firearm by a police officer that are decision ready	370	370	Unchanged
4) Number of investigations of rape by a police officer that are decision ready	130	70	Decreased
5) Number of investigations of rape while in police custody that are decision ready	15	6	Decreased
6) Number of investigations of torture that are decision ready	80	80	Decreased





Performance indicators	Targets		Comments
	2020/21	2021/22	
7) Number of investigations of assault that are decision ready	2 000	2 000	Unchanged
8) Number of investigations of corruption that are decision ready	85	70	Decreased
9) Number of investigations of other criminal and misconduct matters referred to the Directorate in terms of s28(1)(h) and s35(1)(c) of the IPID Act that are decision read	10	10	Unchanged
10) Number of investigations of offences referred to in section 33 of the IPID Act that are decision ready	25	5	Decreased
11) Number of approved systemic corruption cases that are decision ready	3	2	Decreased
12) Percentage of criminal recommendation reports referred to the NPA within 30 days of recommendation report being signed off	90%	90%	Unchanged
13) Percentage of disciplinary recommendation reports referred to the SAPS or MPS within 30 days of recommendation report being signed	90%	90%	Unchanged

Source: IPID 2021/22 APP

According to the Department, the Programme will also be contributing towards implementation of the GBVF Strategy by prioritising crimes committed against vulnerable groups such as women, children and people living with disability i.e., death related cases, rape, assault and torture.

In 2015, the Markikana Commission of Inquiry recommended (G5) that the forms used by IPID for recording statements from members of the SAPS should be amended so as to draw the attention of the members concerned to the provisions of section 24 (5)<sup>2</sup> of the IPID Act No. 1 of 2011, and thereby encourage them to give full information about the events forming the subject of an IPID investigation without fear that they might incriminate themselves. The recently released *Panel of Experts Report on Policing and Crowd Control* recommended (recommendation 24) that the IPID should implement Marikana Commission Recommendation G5. The provision should be understood as referring to 'police or other persons interviewed by IPID' and not just to 'the members concerned'.

### Comments and questions

- 1) The Department should elaborate on the current case backlog and focus on the efforts underway to address the backlog.
- 2) Of the backlog, what number of cases are awaiting technical reports, such as post-mortem, DNA, ballistic, histology and toxicology reports?
- 3) The Department should explain why the targets were decreased and the impact thereof on backlog cases.

<sup>2</sup> Section 24 (5) of the IPID Act deals with self-incriminating answer given or statement made by any person to an investigator exercising powers in terms of the IPID Act.



- 4) What engagement has the Department had with Universities to seek interventions that can be implemented to unblock these delays in obtaining technical reports?
- 5) The Directorate indicated that they will further establish a database of service providers who possess the required skills to deliver technical reports – the Directorate should indicate to what end this database will be established as the Directorate presumably does not have sufficient funds to contract external service providers to conduct post-mortems, DNA analysis etc.
- 6) What will be the budgetary effect of the proposal to expand the IPID's mandate to include other Law Enforcement agencies, such as Provincial Traffic, Road Traffic Management Corporation, Western Cape Law Enforcement and Regional/Local Municipal Police? Such expansion should be costed to establish realistic resource requirements to enable the expanded mandate.
- 7) As at the start of the 2021/22 financial year, the Directorate had 22 734 so-called post decision monitoring (PDM) cases. These are completed cases that were referred to the SAPS/MPS/NPA of which the progress status could be awaiting either outcomes, court roll matters or DPP queries. How will the Directorate dispose of these cases?
- 8) The Directorate should explain why the 2015 recommendation by the Farlam Commission of Inquiry regarding the forms used by the IPID, had not yet been implemented.
- 9) The Directorate should indicate whether they will advocate for the upcoming amendments to the IPID Act to make the implementation/acceptance of disciplinary recommendations mandatory. This will eliminate the challenge with SAPS internal disciplinary investigations contradicting the findings/recommendations by the IPID.

### 6.3. Legal and Investigation Advisory Services Programme

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

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

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

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

Performance Indicator	2020/21 Target	2021/22 Target	Comments
1) Percentage of written legal advice provided to the Department within 30 working days of the request	70%	70%	Unchanged



Performance Indicator	2020/21 Target	2021/22 Target	Comments
2) Percentage of written legal advice provided to investigators within 2 working days of request	95%	95%	Unchanged
3) Percentage of contracts/service level agreements finalised within 30 working days of the request per year.	90%	90%	Unchanged
4) Percentage of litigation matters referred with instructions to the State Attorney within 10 working days of receipt per year	100%	100%	Unchanged

Source: IPID 2021/22 APP

The Programme's performance targets remained unchanged in 2021/22 compared to the previous financial year.

#### Comments and questions

- 1) The Department states that quality legal service will minimise queries from the prosecuting authority – can the Department provide examples of such queries and how often do these queries occur.

#### 6.4. Compliance Monitoring and Stakeholder Management Programme

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

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

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

The table below summarises the programme performance indicators and targets of the Programme:

**Table 16: Programme Performance Indicators and Targets**

Performance Indicator	2020/21 Target	2021/22 Target	Comments
1) Number of formal engagements held with key stakeholders	136	166	Target increased with 30 engagements.



Performance Indicator	2020/21 Target	2021/22 Target	Comments
2) Number of media programmes held per year	New	4	New indicator
3) Percentage of recommendations referred to the SAPS and MPS that are analysed per year	New	80%	Changed from number to percentage
4) Percentage of criminal referrals forwarded to the NPA that are analysed per year	New	80%	Changed from number to percentage
5) Percentage of responses from SAPS and MPS that are analysed	60%	60%	Unchanged
6) Percentage of responses from NPA that are analysed	50%	60%	Unchanged
7) Number of case docket inspections conducted per year	5	5	Unchanged
8) Percentage implementation of Access and Awareness Rural Strategy per year	New	60%	New indicator

Source: IPID 2021/22 APP

The Department removed two performance indicators, namely the number of community outreach events conducted per year (40) and the number of station lecture awareness trainings per year. The indicator for station lectures was only included in the 2020/21 APP.

#### Comments and questions

- 1) The Department should explain why it removed the performance indicators for community outreach events and stations lectures. Does this relate to the COVID-19 restrictions?
- 2) The Department should provide details of the Access and Awareness Rural Strategy.
- 3) The Department should explain the inclusion of the new performance target to conduct four media programmes annually.

## 7. CONCLUSION

The capacity constraints faced the IPID, both in terms of insufficient funding and personnel, has affected the ability of the Directorate to fulfil its mandate. In order to contribute to the realisation of the Vision 2030 in professionalising the police services (SAPS and MPS), the Directorate must be capacitated to have a measurable impact on police conduct.

## 8. REFERENCES

- National Treasury. (2021) Estimates of National Expenditure 2021.  
 National Treasury. (2021a) Vote 24: Independent Police Investigative Directorate (IPID).  
 IPID (2021). Annual Performance Plan 2021/22.  
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