

Report of the Portfolio Committee on Police on the 2017/18 Budget Vote 20, Annual Performance Plan and 2015/16-2019/20 Strategic Plan of the Independent Police Investigative Directorate (IPID), Dated 17 May 2017

The Committee examined the Budget, Annual Performance Plan (APP) for the 2017/18 financial year and the 2015/16-2019/20 Strategic Plan of the Independent Police Investigative Directorate (IPID). The Committee reports as follows:

1. INTRODUCTION

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:

- 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 closer 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 regarding the implementation of disciplinary recommendations made by the IPID upon the completion of investigations.

In terms of section 28 (1) of the Act, the Directorate is obliged to 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 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. In terms of Section 30 of the IPID Act, the National Commissioner or the appropriate Provincial Commissioner must-

- (a) within 30 days of receipt thereof, initiate disciplinary proceedings in terms of the recommendations made by the Department and inform the Minister in writing, and provide a copy thereof to the Executive Director and the Secretary;
- (b) quarterly submit a written report to the Minister on the progress regarding disciplinary matters made in terms of paragraph (a) and provide a copy thereof to the Executive;
- (c) Immediately on finalisation of any disciplinary matter referred to it by the Department, to inform the Minister in writing of the outcome thereof and provide a copy thereof to the Executive Director and the Secretary.

1.1. Structure of the report

The Report provides an overview of the 2017/18 Budget Hearings of the IPID and is divided into the following sections:

- Section 1: Introduction. This section provides an introduction to this Report as well as a summary of meetings held during the hearings.
- Section 2: Strategic Priorities of the IPID for the 2017/18 financial year. This section provides a summary of the strategic focus areas for the IPID for the year under review.
- Section 3: IPID Budget and Performance targets for 2017/18. This section provides an overall analysis of the estimates of national expenditure of the IPID for the 2017/18 financial year. This section also provides a programme analysis of the IPID.
- Section 4: Committee observations. This section highlights selected observations made by the Portfolio Committee on Police on the annual performance targets and programme specific issues during the 2017/18 budget hearings and subsequent responses by the IPID.
- Section 5: Recommendations and additional information. This section summarises the recommendations made by the Portfolio Committee on Police, as well as the additional information requested from the IPID.
- Section 6: Conclusion. This section provides a conclusion to this Report.

1.2. Meetings held

The Committee received a briefing by IPID on the Strategic Plan, Annual Performance Plan and 2016/17 Budget on 4 May 2017.

1.3 2016/17 Budget Recommendations

The following Budget Recommendations were adopted during the 2016/17 Budget Vote:

1.1. Recommendations: Budget allocation 2016/17

The Committee made the following recommendations regarding the 2016/17 budget allocation of Vote 20: IPID:

- a) Budget reductions:** The Committee recommends that the reductions to the baseline budget allocation of Vote 20: IPID over the medium-term should be reviewed and that the budgets of essential oversight bodies should be exempt from baseline reductions.
- b) Expansion strategy:** The Committee recommends that the Department should review the extent and cost of the Expansion Strategy to be resubmitted to Treasury for consideration. The Committee further recommends that the Department should inform the Committee on the progress made in this regard and provide a comprehensive report to the Committee on the reasons forwarded by Treasury for not approving the Expansion Strategy, or part thereof. The submission and response by Treasury should be submitted to the Committee within 90 days (end of July 2016).
- c) Funding for the Marikana investigations (Unfunded mandate):** The Committee recommends that the request for additional funding in the amount of R5 million from Treasury to conclude the Marikana investigation should be reviewed and allocated to the Department. However, the Committee also recommends that the Marikana investigation should not be regarded as an unfunded mandate, as this forms part of the core legislative mandate of the Department. It should rather be motivated on the scope and nature of the incident and subsequent investigation and that an incident of this nature could not have been foreseen and thus not budgeted. The Marikana investigations are placing significant fiscal constraints on the Department and should be reconsidered by Treasury.

6.2. Recommendations: Service delivery performance

The Committee made the following recommendations regarding the 2016/17 service delivery performance indicators of Vote 20: IPID:

- a) **Leadership stability:** The Committee recommends that top management positions, currently held by acting managers, should be filled by permanent incumbents as soon as possible. These positions include that of the Executive Director, Chief Financial Officer and Programme Managers. The Committee further recommends that leadership stability should be ensured despite the large proportion of acting managers within the top structure of the Department.
- b) **Budget programme restructuring:** The Committee recommends that the relocation of activities from Programme 3: Legal Services to Programme 1: Administration should be carefully considered and taken into account whether the activities do not fit better as support service to Programme 2: Investigation and Information Management Programme.
- c) **Independence:** The Committee recommends that the IPID should continuously be mindful of its legislative requirement of independence from the SAPS when conducting investigations and that the Department should make use of independent forensic, ballistic and pathology services where possible.
- d) **Training:** The Committee recommends that the Department should focus on the development of an independent qualification and curriculum for Investigators to further ensure independence from the SAPS. The Committee further recommends that the training targets of the Department should adhere to the approved and costed training plan of the Department and that specialist investigator capacity within the NSIT should be prioritised over the medium-term.
- e) **Awareness training:** The Committee recommends that the IPID should also provide awareness training to the members of the MPS and not focus only on awareness training to SAPS members.
- f) **Oversight ability:** The Committee recommends that the Department should continue to strengthen its oversight ability over the SAPS and MPS to ensure the realisation of the NDP to create a more professional police service that enjoys the full trust of the communities served by the SAPS and MPS.
- g) **Stakeholder engagements:** The Committee recommends that the Department should focus on strengthening partnerships with key stakeholders, particularly Community Policing Forums (CPFs) and the Civilian Secretariat for Police (CSP).
- h) **Consultative Forum:** The Committee recommends that a separate performance indicator for the Consultative Forum meetings to be held with the Civilian Secretariat for Police at least four times per year, as provided for in Chapter 4 of the IPID Act, 2011 (Act 1 of 2011), must be reinstated.

2. POLICY PRIORITIES

The IPID has continued to request additional funding assistance during the budgetary processes in order to fund critical success factors such as:

- The IPID Expansion Strategy which seeks to expand the footprint of IPID to increase accessibility;
- The Recommendations of the Farlam Commission on Marikana;
- The implementation of Section 23 of the IPID Act; and
- The Information Technology Infrastructure of the IPID which is no longer adequate to support operations, particularly supporting the Case Management System.

- The IPID indicates that the immediate focus of the IPID is to comply with the Constitutional Court judgement to ensure the functional and operational independence of the IPID.

3. OVERALL BUDGET ALLOCATION

The highlights of the budget allocations of the IPID Vote (Vote 20) over the medium term (2017/18 – 2019/20) include the following:

- Over the medium term, the Directorate aims to provide specialised training to investigators, through intensifying the human resource development and training programme, to allow them to focus on specialised investigations.
- The Investigation and Information Management programme has allocated R4 million over the medium term for, among other initiatives, training and developing investigators.
- The Directorate plans to conduct 108 community outreach events in each year over the medium term, and provide training to officials in 180 out of 1 140 police stations.

The highlights of the budget allocations of the IPID Vote for the 2017/18 financial year include the following:

- Overall, the budget allocation of the Directorate increases from R242.1 million in 2016/17 to R255.5 million 2017/18, which is a nominal increase of 5.52%.
- In real terms, the core service delivery programme Investigation and Information Management receives a decreased allocation in 2017/18 compared to the previous financial year, which should be a concern to the Committee, especially against the significant increases in the allocations made towards the Administration and Compliance Monitoring and Stakeholder Management Programmes that received nominal increases of 12.97% and 27.59%, respectively.

Table 1: IPID Expenditure over the medium term

Programme	Revised estimate	Main allocation	Nominal Increase/decrease	Medium term expenditure estimate	
				2018/19	2019/20
R million			2016/2017 2017/18		
Administration	77.1	87.1	1297%	92.2	98.6
Investigation and Information Management	156.3	157.2	0.58%	163.2	174.9
Compliance Monitoring and Stakeholder Management	8.7	11.1	27.59%	11.5	12.3
Total	242.1	255.5	5.53%	267.0	285.8
Economic classification					
Current Payments	241.4	254.7	5.51%	266.1	284.9
Transfers and subsidies	0.6	0.6	0.00%	0.7	0.7
Machinery and equipment	0.2	0.2	0.00%	0.2	0.2

Source: 2017

ENE

In terms of economic classification, no nominal increases were made towards Transfers and subsidies and Payments for capital assets, which means that these accounts have a real and decrease in 2017/18 compared to the previous financial year, with very slight changes over the medium term. Although the allocation towards Current payments receives a nominal increase of 5.51%, the allocation towards Goods and services decreases with 4.5% in nominal terms.

The IPID states that the key spending areas for investigators are overtime, travel and accommodation, travel and subsistence (S&T) claims, petrol claims, subsidised vehicles, maintenance of crime scene vehicles, and communication.

It seems that an impasse has been reached between IPID and Treasury regarding funding. The IPID is continuously referring to 'unfunded mandates' and stating that "without adequate financial and human resources IPID will not be able to fulfil its mandate." However, considering the spending pattern of the IPID on compensation of employees it seems that the IPID has sufficient funding, it's rather a question of adequately applying the resources at its disposal. The management of funds during the adjusted budget process is telling:

- During the 2015/16 Adjusted Budget process, a total of R10.2 million was shifted away from Compensation of employees due to an inability to fill posts within the Directorate and especially within the Investigation and Information Management programme. It is important to note that Cabinet approved overall budget reductions over the 2015/16 MTEF of the Directorate due the lack of filling of vacant posts.
- During the 2016/17 Adjusted Budget process, a total of R8.9 million was shifted away from Compensation of employees, of which R4 million is a declared as a saving in addition to R4.9 million in virements and shifts, which should be explained. The bulk of the virements and shifts (R3.9 million of a total of R4.9 million) applied to the budget for compensation of employees were from the IPID's core programme (Investigation and Information Management) to defray higher than planned traveling costs for investigators during the 2016/17 financial year.

4. PROGRAMME PERFORMANCE INDICATORS AND BUDGET ALLOCATION

4.1. Programme 1: Administration

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 budget allocation of the Administration Programme is increased from R77.1 million in 2016/17 to R87.1 million in 2017/18, which is a nominal increase of 12.97%. The budget allocation is further expected to increase by 8.5% over the medium-term period.

Table 2: Budget Allocation - Administration Programme

Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20	2016/17 - 2019/20	
R thousand					
Department Management	13,477	14,458	15,562	8.0%	15.7%
Corporate Services	37,932	39,727	42,619	10.9%	42.7%
Office Accommodation	11,768	12,450	13,148	5.5%	13.7%
Internal Audit	4,326	4,679	5,023	4.3%	5.2%
Finance Services	19,608	20,935	22,220	7.4%	22.7%
Total	87,111	92,249	98,572	8.5%	100.0%
Economic classification					
Current payments	86,313	91,428	97,705	8.5%	99.1%
Compensation of employees	54,114	58,674	63,145	10.8%	62.6%
Goods and services	32,199	32,754	34,560	4.8%	36.5%
Transfers and subsidies	604	658	695	7.8%	0.7%
Departmental agencies and accounts	604	658	695	9.0%	0.7%
Households	–	–	–	-100.0%	–
Payments for capital assets	194	163	172	10.4%	0.2%
Machinery and equipment	194	163	172	10.4%	0.2%
Payments for financial assets	–	–	–	–	–
Total	87,111	92,249	98,572	8.5%	100.0%

Source: IPID 2017/18 APP

4.1.1. Legal Services

The inclusion of a separate so-called 'Programme' together with performance indicators and targets in the APP named Legal Services is inconsistent and not aligned with the approved Treasury structure, as the budget thereof has been included in Programme 1: Administration and Programme 2: Investigation and Information Management. The performance indicators and targets should be included in the respective Budget Programmes of the IPID to enable an alignment and measurement of the budget allocation to the performance of Legal Services. The budget of the Legal Services unit (R6.2 million) is included in the Administration and Investigation and Information Management Programmes.

4.2. Programme 2: Investigation and Information Management

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 (CSP) and community stakeholders, through on-going national and provincial engagement forums.

The overall budget allocation of the Investigation and Information Management Programme increases slightly from R156.3 million in 2016/17 to R157.2 million in 2017/18. This represents a nominal increase of 0.6% and a real decrease of 5.56%. This decrease to the core service delivery budget programme of the Directorate should be seen against the real increases in the budget of the Administration (6.28%) and Compliance Monitoring and Stakeholder Management (20.57%) Programmes.

Table 2: Budget allocation: Investigation and Information Management Programme

Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20	2016/17 - 2019/20	
R thousand					
Investigation Management	12,568	12,442	13,292	-3.2%	8.1%
Investigation Services	139,967	145,270	155,721	4.3%	88.7%
Information Management	4,712	5,500	5,905	11.3%	3.1%
Total	157,247	163,212	174,918	3.8%	100.0%

Subprogramme	Medium-term expenditure estimate			Average growth rate (%)	Average: Expenditure/ Total (%)
	2017/18	2018/19	2019/20	2016/17 - 2019/20	
R thousand					
Economic classification					
Current payments	157,238	163,203	174,909	3.8%	100.0%
Compensation of employees	121,949	126,637	136,263	5.5%	76.8%
Goods and services	35,289	36,566	38,646	-1.4%	23.1%
<i>of which:</i>					
Transfers and subsidies	9	9	9	-42.4%	-
Payments for capital assets	-	-	-	-100.0%	-
Machinery and equipment	-	-	-	-100.0%	-
Payments for financial assets	-	-	-	-	-
Total	157,247	163,212	174,918	3.8%	100.0%

Source: 2017 ENE

4.3. Programme 3: Compliance Monitoring and Stakeholder Management

The purpose of the Compliance Monitoring and Stakeholder Management Programme is to safeguard the principles of cooperative governance and stakeholder management through on-going monitoring and evaluation of the quality of recommendations made to the SAPS and MPSs. In addition, also report on the police service's compliance with reporting obligations in terms of the Independent Police Investigative Directorate Act No. 1 of 2011.

The overall allocation of the Compliance and Stakeholder Management Programme increases from R8.7 million in 2016/17 to R11.1 million in 2017/18, which represents a nominal increase of 27.85% when compared to the previous financial year. The Programme shows an average growth rate of 12.3% between 2016/17 and 2019/20.

Table 3: Budget Allocation: Compliance Monitoring and Stakeholder Management

Subprogramme	Medium-term expenditure estimate		Average growth rate (%)	Average: Expenditure/ Total (%)	
	2017/18	2018/19	2019/20	2016/17 - 2019/20	
R thousand					
Compliance Monitoring	5,574	6,469	6,936	19.6%	52.8%
Stakeholder Management	5,550	5,028	5,398	5.1%	47.2%

Total	11,124	11,497	12,334	12.3%	100.0%
Economic classification					
Current payments	11,106	11,483	12,319	12.3%	99.9%
Compensation of employees	10,094	10,486	11,270	15.5%	89.7%
Goods and services	1,012	997	1,049	-9.1%	10.2%
Payments for capital assets	18	14	15	–	0.1%
Machinery and equipment	18	14	15	–	0.1%
Total	11,124	11,497	12,334	12.3%	100.0%

Source: 2017 ENE

5. COMMITTEE OBSERVATIONS

The Committee made the following observations during the 2017/18 budget hearings:

- 5.1 The Committee noted the challenges highlighted, particularly over the reduction of budget allocations and the effect this was having on the implementation of the IPID mandate. The situation at present makes it impossible for the IPID to investigate all section 28 (1) matters timeously.
- 5.2 The Committee recommends that the Executive Authority should make all attempts to find the resources (financial and human) to complete the Marikana investigation.
- 5.3 The Committee recommends that the IPID approach the Standing Committee on Appropriations with respect to the additional budget required by the IPID to complete its investigations.
- 5.4 Regarding the Farlam Commission, the Committee observed that with the current state of affairs, the full implementation and conclusion of all outstanding investigations remain a major challenge since the requested additional funding of R5 million has not been approved by the National Treasury.
- 5.5 The Committee wanted to know the outcome of investigations involving SAPS members who took part in the Marikana incident.
- 5.6 The Committee supports a stand-alone legal services programme especially in terms of the complexity of the investigations it undertakes.
- 5.7 The Committee noted with concern the slow process of giving feedback to the complainants and the PC on Police.
- 5.8 The Committee raised concerns about the budget cuts in Goods and Services sub-programme and noted that it would have negative effects on service delivery.
- 5.9 The Committee noted, with concern, that with the current budgetary constraints, it would be impossible for the IPID to put into action its expansion strategy.
- 5.10 The Committee noted the reported improved relations at leadership level between the Executive Director and the Executive Authority.
- 5.11 The Committee notes that there is a need to amend the IPID Act in order to further strengthen the Directorate's independence in line with the Constitutional Court ruling.

6. Recommendations and additional information

- 6.1 The Committee deems it critical that the Farlam Commission recommendations are fully implemented. The National Treasury must ensure that adequate funding is made available for the Directorate to speedily conclude its investigations as recommended.

- 6.2 The Committee recommends that the National Treasury must make available the additional R5 million so that IPID can conclude its investigations into the Marikana incident.
- 6.3 The Committee recommends that the IPID management engage with the Executive Authority with regards to additional budgetary support within the Justice, Crime Prevention and Security Cluster.
- 6.4 The Directorate should provide the Committee all correspondence it has sent and received from the National Treasury for additional funding.
- 6.5 The Committee recommends that further engagements with the National Treasury must take place in order to resolve the matter of legal services as a separate programme.
- 6.6 The Committee recommends that IPID ensure that investigations are undertaken into all the 15 cases of corruption reported by the SAPU in its submission to the Portfolio Committee at the Budget and APP hearings and report back within 60 days.
- 6.7 The Committee recommends that the IPID conducts and concludes investigations into all the outstanding disciplinary cases of top management of the SAPS and report back within 60 days.
- 6.8 The Committee recommends that IPID reports on the outcomes of all the disciplinary cases they refer to the SAPS.
- 6.9 The IPID must ensure that it develops its own ballistic and forensic capability and not rely on the SAPS for these services.
- 6.10 The Committee recommends that the IPID provide written feedback on the activities of the Consultative Forum.
- 6.11 The Committee recommends that the IPID develops a new system for feedback to complainants.
- 6.12 The IPID must develop an implementation plan to ensure that the provisions of section 28(1) (a-f) are fully implemented and that it does not develop a backlog with respect to these targets.
- 6.13 The Committee recommends that the IPID provide a report on how it intends to retain investigators through a staff retention strategy.

7. CONCLUSION

In conclusion, the Committee indicated that it will continue to fulfil its Constitutional mandate which is guided by the Parliamentary rules in conducting oversight over the functioning of IPID. The Committee noted that the oversight role played by IPID over the police must ensure compliance with the rules and result in police professionalism in its conduct.

The Committee supports the 2017/18 Budget Vote (Vote 20) of the Independent Police Investigative Directorate. The Democratic Alliance reserved its rights with respect to supporting or not supporting the Budget Vote.

Report to be considered.