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Civilian Secretariat for Police & Independent Police Investigative Directorate on their 2015/16 Annual Reports

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Police

13 October 2016

Chairperson: Mr F Beukman (ANC)

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Meeting Summary

The Civilian Secretariat for Police (CSP) told the Portfolio Committee on Police that it had faced many challenges since it had been established. Among these were vacant posts and financial restrictions, which were hindering its ability to operate effectively.

Critical posts which it had been unable to fill included the Secretary of Police, the Chief Financial Officer, the Chief Director: Monitoring and Evaluation, and the Director of Information Technology (IT). Employees were leaving for other departments due more attractive packages, and for various other reasons. The Department's financial difficulties had led to it imposing financial restrictions on its expenditure, which had resulted in it not being able to achieve some of its targets. One of the largest hurdles it faced was the Legislation Unit, which could not meet its deliverables and targets as several Bills had been deferred.

A highlight was that the Department had managed to embark on provincial visits to all the nine provinces between November 2015 and January 2016 to monitor the implementation of Independent Police Investigative Directorate (IPID) recommendations by SAPS, and to determine the challenges that hampered SAPS's compliance to the IPID Act. The Department had a total allocated budget of R113 184 million for the 2015/16 financial year and had spent 98.9% of this amount, which was an improvement of 16.3% over the previous financial year. Some of the key findings by the Auditor General (AG) included suppliers not being paid within 30 days, the misstatement of accruals, and leave not captured on a regular basis, among others.

Members were generally dissatisfied with the performance of the CSP, saying it was not making progress or responding timeously to recommendations to assist in improving its performance, which resulted in it having to deal with the same challenges year after year. They raised concerns about performance indicators, deficits and the financial performance of the Department, and made specific mention of the need for greater stability within the entity at the leadership level. The Department was advised to come forward with a turnaround plan to deal with the major critical issues.

The Independent Police Investigative Directorate (IPID) briefed the Committee on its 2015/16 Annual Report beginning with an overview on the financial, non-financial and core business performance particularly in relation to investigations. IPID's annual financial statements were then presented where the presentation spoke to reported spending trends, key Auditor-General observations and key disclosure areas.

Key highlights, non-financial performance information (achievement of targets and indicators) and strategies to overcome areas of underperformance were then outlined for IPID's programmes, namely,

-Programme One: Administration

-Programme Two: Investigations and Information Management

-Programme Three: Legal Services

-Programme Four: Compliance Monitoring and Stakeholder Management

The Committee then engaged in discussion on the need to create stability in senior management/leadership given the number of officials in acting positions, reasons for the decreases in cases registered by SAPS, acknowledgement of debt between IPID and the CSP and progress on matters relating to the Marikana investigation. Members were pleased that the financial statements of IPID were in good shape and improvement had been made since the audit of the previous financial year. Further questions were asked about the steps taken against officials involved in irregular, fruitless and wasteful expenditure and officials not complying with performance

contracts, how to meet the target for the employment of people with disabilities, how the target of media enquiries responded to was measured when the target was dependent on the number of media enquiries received and why the target to deal with Promotion of Access to Information Act (PAIA) requests within 30 days was not met.

Members discussed reference made to investigative equipment, why the majority of cases against SAPS were for misconduct but this was not matched by the majority of cases on the court roll, details on the cases where the outcome was “no disciplinary steps taken” and if there were debriefing sessions for IPID investigators attending criminal scenes. The Committee was concerned by some inconsistencies with the sanctions meted out for serious crimes, major increases in civil claims against SAPS in relation to misconduct and the plans of IPID in the long-term to positively impact on police behaviour. Members also wanted to know if the consultative meetings between the CSP, IPID and SAPS were taking place and if these meetings were attended by officials of the appropriate level, focus on systemic corruption including at the municipal police environment and if IPID was responding proactively to the current Fees Must Fall protests. In summary the Committee noted that its focus would be on the audit outcomes and findings and crucial action plans to follow up on addressing audit findings – in this regard the Committee would be meeting with the audit committees for further assurance and oversight that areas of underperformance were receiving the necessary attention and that everything was under control to ensure improvement was seen in the audit next year.

Meeting report

Chairperson's introduction

The Chairperson said the focus of the meeting would be on the annual reports of the Civilian Secretariat for Police (CSP) and the Independent Police Investigative Directorate (IPID). As discussed at the previous day's meeting with the South African Police Service (SAPS), the main issues discussed had focused on the recommendations of the Auditor General (AG). In terms of Programme 1, it had been reported that there was a lack of refined indicators in the annual report, and the performance targets were not well-defined. The performance targets were to be revisited, as the non-attainment of targets was not acceptable. The slow implementation of the AG's resolutions by SAPS was unacceptable, and SAPS was advised to set a clear time frame for their implementation and appoint a champion or mandate, ensuring a timely implementation. If not they were achieved, there should be strict consequence management for the non-attainment of the recommendations. Failure to comply with legislation in respect of strategic planning and performance management would require the Department to be put under efficient internal controls.

Challenges with procurement, contract management, leadership, and ineffective monitoring had resulted in action plans being put in place to address the deficits and financial performance management. The building management programme must ensure that there were clear targets and that they were measurable when it came to station building, considering the example of the Nyanga and Delta stations. In terms of the organisational environment and discipline management, the reports should contain disaggregated data of police station units by provinces. The Portfolio Committee (PC) must be addressed on strategy and provincial action taken. More detail and disaggregated information should be provided on the outcome of disciplinary cases, as well as the nature of corruption incidents by members. The reports and investigation were indicators, and not outcomes.

An issue not reflected on the previous day was that the appointment of a National Deputy Commissioner must be urgently addressed, as well as the appointment of senior level managers, including crime intelligence. In the field of public order policing training, SAPS members completed the professional training, but few completed the crowd management training. The short training should be rolled out as a matter of urgency. In looking at the Firearm Control System (FCS) units, these must be strengthened and special attention must be given to the relationship between the officers and successful prosecutions. SAPS's forensic social workers had a key skill in effectively policing gender-based violence. SAPS management should embark on a cost analysis, and provide a plan on how they planned to roll out forensic social work at various stations.

The indicators for the detective force should be stabilised and should be linked to compliance and international standards of human rights. Indicators linked through operational Community Police Forums (CPFs) in terms of providing integrated approaches to crime prevention, should be recorded on intersectoral initiatives under the Department's structures. SAPS should make available the agenda of the new research division. It should consider new regulations with regard to 45 appointments, in advertising urgent senior management posts. Policy directives regarding the use of firearms included the establishment of independent mechanisms and a review of the processes to encourage the safe storage of firearms. There should be competency requirements for police officers carrying firing arms, and the removal of firearms due to negligence would result in disciplinary action. Capacitated training and on-going training was required of the police.

The non-attainment of targets was unacceptable, especially with reference to violent crimes, so targets and indicators needed to be considered in this regard. SAPS needed to regard safety at schools as a priority, and should give more to attention to complaints about domestic violence. Station commanders should be rotated. All stations must have facilities for pregnant women. SAPS must deal with inconsistency with regard to firearm licences and new applications.

Cluster commanders and station commanders should be able to rotate, and the effectiveness of some station commanders should be addressed by management. Management at the cluster level must be capacitated in terms of training and resources. Management at this level should be able to prevent poor performances and monitor the implementation of the deputy cluster commanders. SAPS should ensure that these positions had a measurable value. It should improve its monitoring and record keeping management, and use such a tool to improve its service delivery. An intervention plan should be developed to improve challenges arising from SAPS's dependence on other government departments.

It had become too easy to shift the blame for under-performance. This was seen with the issue of the Chief Finance Officer (CFO) and the audit cycle. SAPS should ensure the sensibility of its interventions. In the crime intelligence programme, network operations and performance were not up to standard, and the security and performance programmes should be improved.

Civilian Secretariat for Police: Annual report

Mr Alvin Rapea, Acting Secretary, Civilian Secretariat for Police (CSP) said the department's commitments for 2015/16 were to deliver on the following strategic objectives:

- Enhanced corporate governance for the achievement of the CSP's mandate;
- Liaise, communicate and mobilise stakeholders through public participation programmes to strengthen service delivery;
- Enhance stakeholder and community participation in safety and crime prevention programmes through the establishment of izimbizos and working groups, and Community Police Forum (CPF) functionality;
- Provide evidence-based research and evidence-led policies for policing and safety;
- Produce legislation for effective policing and provide legal advice and support to the Secretariat and the Minister;
- Conduct effective oversight, monitoring and evaluation that contributes towards an accountable and transformed police service;
- Improve police performance, compliance, and police conduct;
- Evaluate the effectiveness, efficiency and impact of programmes implemented by SAPS;
- Provide reliable, accurate and timely oversight, monitoring and evaluation information that would inform decision-making processes.

The Department had achieved 65% of the targets it had committed to.

Departmental issues identified during the period under review included:

- Instability due to constant changes of leadership at the top;
- Lack of funding for critical vacant posts;
- Unfunded mandates, such as the "We are One Humanity" campaign, which was a contributor to the issue of a lack of funding for the posts;
- Performance indicators that were not clearly defined;
- The accommodation of the DNA Board had to be funded from the departmental baseline budget;
- Self-imposed financial austerity measures, over and above the National Treasury curbing of expenditure, because the Department had realised that it was in trouble and possibly could end up not being able to pay employees, hence austerity measures had been implemented.

Programme 1 (Administration)

The department had achieved 71% of its targets. The key achievements were:

- The strategic plan, annual performance plan, annual report and quarterly reports were submitted on time;
- There was participation in the Justice, Crime Prevention and Security (JCPS) Directors General (DGs) cluster meetings;
- A functional Occupational Health and Safety (OHS) committee; and an integrated human resource management (HRM) and development plan;
- In year monitoring reports, interim and annual financial reports, and demand management plans;
- Internal audit's operational plan, and delivery of the internal audit report;
- Strategic risk assessment reports;
- Operational risk assessment reports and risk register; and
- Four audit committee meetings held.

The reasons for the 29% non-achievement were that the vacancies in critical management posts prevented the Department from achieving some targets; the inherited management systems from SAPS were not aligned to the newly established systems of the CSP, because SAPS used a different system and the CSP thus had to adjust; and the reports had been finalised later than planned, although the work had been done. Restrictions on spending had been imposed in the Department.

The employment equity (EE) profile was described. Senior officials had one position at level 15, and the position was occupied by an African male, although in the first half of the financial year, a woman had occupied the position. At level 14, there were two African males, one Coloured female and one Indian female. In senior management level 13, there were nine African males and six African females, three Coloured males, two Indian males, and two white males. The total percentage for senior management service (SMS) positions was 32% for females and 68% for males. Middle management (levels 11-12) had 38% African males, and 59% were females. There were no employees with disabilities. The overall total was 46% for males, and 54% for females. The challenge in terms of employment equity was at the SMS level. The number of funded posts was 107, of which 95 were filled. Critical posts not filled were those of the Secretary of Police, Chief Financial Officer, Chief Director: Civilian Oversight and Monitoring and Evaluation, and Director of Information Technology (IT).

The skills development intervention showed that members of staff had been 92 trained in the skills programmes, of whom 46 were females and 48 males. In other specialised programmes, seven females and eight males had benefited.

Four people had left due to resignations, and six had been transferred to other departments. Exit interviews were under way so that the Department could come up with a proper analysis of the issue.

Programme 2 (Inter-sectoral Coordination and Strategic Partnerships)

Overall, 64% of targets were achieved. The key achievements in Programme 2 were:

- Continued engagement with established working groups arising from agreements with stakeholders on crime prevention initiatives;
- Rural safety priority committee meetings were held with SAPS and the provincial departments of Community Safety and stakeholders concerned with rural safety;
- The Secretariat continued to engage with stakeholders on the Urban Safety and Violence Prevention programme, including participating in the safer cities network reference group in partnership with municipalities, government departments and the Gesellschaft für Internationale Zusammenarbeit (GIZ).
- Community safety and police forums were assessed via the provincial departments of Safety/Secretariats, and a report was compiled;
- A series of izimbizos were held in various parts of the country, and reports were completed;
- Various police stations were engaged to determine whether the school safety protocol was being implemented or not, and a report was compiled.

Reasons for non-achievement of targets included the reassignment of the Chief Director to the Office of the Minister, creating a leadership vacuum; the channelling of resources to the “We are One Humanity” campaign; and the imposed financial restrictions and holding back on expenditure.

Programme 3 (Legislation and Policy Development)

The overall performance showed that 44% of targets set were achieved, the key achievements being:

- - The White Papers on safety and security and policing were finalised in the year under review;
- - Research on firearms management in South Africa, with a view to supporting the amendments to existing legislation, was finalised and submitted to the Minister for consideration;
- - A concept paper on the professionalisation of the South African Police Service, which provided a valuable starting point for exploration of the understanding and application of the concept, was finalised;
- - A government-wide inventory of safety programmes and projects report was finalised, and would be used during the process of drafting the implementation plan of the White Paper on safety and security;
- - Research on the demilitarisation of the South African Police Service, limited to the Public Order Policing Units (POP) and Tactical Response Teams (TRTs) was conducted, which culminated in a concept paper on the demilitarisation of the police service;
- - A report on policing needs and priorities was finalised;
- - The National Dialogue on Crime & Violence Prevention took place in Johannesburg on 20-21 November 2015. The objective of the Dialogue was to develop a programme of action to prevent violence and crime in society;
- - The second Russia-Africa Anti-Drug Dialogue took place in Durban on 9 March 2016 with the aim of countering the world drug problem, with a particular focus on Africa and Russian cooperation. The CSP and SAPS played a key role in making sure the report and the final declaration were of a very high standard.

The reasons for the non-achievement of targets set were provided. The Policy Development and Research Unit had met six of the seven planned deliverables and targets, as well as one additional target for the period under review which was not planned, because the White Paper on police was an *ad hoc* issue.

The scope of the firearms management project had had to change from focusing on the South African Development Community (SADC) to include further research in South Africa, to accommodate the Minister's concern regarding firearms management in South Africa.

The Legislation Unit could not meet its deliverables and targets, as the Bills were deferred due to the following reasons:

- Firearms Control Amendment Bill: The Firearms Control Amendment Bill 2015 was put on hold in July 2015 pending the further research on firearms that had been requested by the Ministry. The research would address firearms control in a holistic manner. A joint task team was established to conduct the research and report to the Minister. The task team completed its research in February 2016.
- Critical Infrastructure Protection Bill: The consultation process within the JCPS cluster was prolonged. For example, the Cabinet Committee in August 2015 had recommended that an Inter-Ministerial Committee should be established to refine certain aspects of the Bill. This Committee met only in December 2015.
- Protection of Constitutional Democracy Against Terrorist Related Activities Bill: There was a court challenge on the principal Act by convicted terrorist Henry Okah, which resulted in putting further drafting of the bill in abeyance;
- The South African Police Service Amendment Bill: Drafting was delayed pending the finalisation of the White Paper on Policing and related policies. The White Paper on Policing was adopted by Cabinet in April 2016;
- Animal Movement and Produce Bill: The bill was deferred to the 2016/2017 financial year

The regulations were said to be dependent on the bills becoming Acts

Programme 4: (Civilian Oversight, Monitoring and Evaluation)

The key achievements for Programme 4, in which 61% of targets were achieved, were:

- The National Police Station Service Delivery Trend Analysis (NPSSDTA) report and Frontline Service Delivery (FSD) report were compiled and approved;
- The Department hosted the National Monitoring Tool (NMT) "train-the-trainer" workshop in order to transfer the data gathering, quality control and capturing of skills to employees at the provincial Secretariats;
- The Budget and Programme Performance Information Analysis Report was also completed and approved as part of monitoring the utilisation of the SAPS budget;
- Monthly IPID recommendations meetings were successfully held with the Metro Police, the Secretariat for Police, IPID and SAPS.
- The Secretariat, IPID and SAPS attended quarterly National Metropolitan Police Forum meetings with the aim of addressing common crime fighting strategies and police conduct initiatives. The Secretariat had successfully used these platforms to create awareness and partnerships on police conduct matters;
- A complaints business process mapping (BPM) was conducted with key stakeholders. The aim of the BPM was to enhance understanding of various police-related complaints management systems, and how to improve their effectiveness;
- The Department embarked on provincial visits to all nine provinces between November 2015 and January 2016 to monitor the implementation of IPID recommendations by SAPS, and to determine the challenges that hampered SAPS compliance with the IPID Act;
- The public order policing study finally reached completion after numerous delays due to capacity constraints. The report was presented to parliament as part of a "Risks to Policing" workshop;
- A report that assessed the implementation of all legislation administered by the Minister of Police was compiled. The report aims to assess the extent of implementation of the 16 pieces of legislation by the SAPS.

The reasons for the variance against the targets set, were that some projects could not take place, as the oversight visits budget was reduced due to financial constraints in relation to the "We are One Humanity" campaign, and the intended Information Management System was not implemented due to financial restrictions, as well as because of the little knowledge that CSP had on IT, which meant it could have been sold concepts that it did not use, making the expenditure fruitless

CSP financial performance

Mr Emmanuel Ramaru, Chief Financial Officer: CSP, said expenditure for 2015/16 had been almost 98.9% against budget. The breakdown by programme was: Programme 1, 99.3% spent; Programme 2, 99.4%, Programme 3, 99.6% and Programme 4, 96%.

The Department had a total allocated budget of R113.184 million for the 2015/16 financial year. This included roll-over funds of R8.090 million for State Information Technology Agency (SITA) services.

R111.892 million was spent, and the department was left with a balance of R1.292 million unspent for the financial year. This

represented spending of 98,9% which was an improvement of 16,3% over the 2014/15 financial year's spending of 82,6%.

The Department had received a qualified opinion on two matters:

- Accruals, which were as a result of old invoices received late from the previous travel agent WingsNaledi) that had been used by the department;
- The balance in the claims recoverable account, relating to recovering money paid on behalf of IPID.

The Chairperson interrupted to say that the PC would hear the Department's financial report and then make the necessary resolutions. It had planned to invite all the audit committees for consultations in October and November, to talk about their role to ensure that there was compliance. The corrective measures were very generic – wide, not specific and with no timeline either. That was part of the problem the PC had with the corrective measures, so it was advisable for the CFO not to go through the corrective measures in the presentation, as the root causes would have to be analysed in a few weeks' time.

Mr Ramaru said the key audit findings were as follows:

- Misstatement of accruals amounted to R14.9 million;
- Receivables amounted to R5.7 million overstated, accord to the AG;
- Irregular expenditure (procurement and contract management):
 - Procuring goods and services below without obtaining the required number of quotations:
 - * Transactions above R500 000 without inviting competitive bids;
 - * Quotations awarded to suppliers whose tax matters were not declared by SARS to be in order, as required by Treasury;
 - * Quotations awarded to bidders not scoring the highest points in the evaluation process as required by the Preferential Procurement Framework Act (PPFA) and the Preferential Procurement Regulations (PPR)
 - Suppliers were not paid within 30 days;
 - Effective steps were not taken to prevent irregular expenditure amounted to R22.2 million;
 - Ineffective review and monitoring controls in place to ensure accurate and valid financial and performance information reported;
 - Ineffective monitoring of the performance of the system of internal controls regarding procurement and contract management, to prevent irregular expenditure;
 - Actions were not taken in a timely manner to address the risk relating to the achievement of complete and accurate financial management and performance reporting, as well as compliance with laws and regulations;
- Misstatements identified in accrual disclosures noted for both the current and prior year;
- Misclassification between receivables and expenditure;
- Expenditure incurred without following the procurement process:
 - * Splitting of orders to avoid the prescribed procurement process;
 - * Amount as per the quotation did not agree with the invoiced amount;
 - * Quotation awarded to a supplier without an original tax clearance certificate;
 - * Supplier with the lowest points selected for procurement of the service;
 - * Three quotations not obtained, and reasons for deviation not approved by the Accounting Officer or delegated official;
 - * Deficiencies identified in the tender and quotation register;
- Understatement of irregular expenditure disclosed in annual financial statements;
- Irregular expenditure not reported to Treasury;
- No declaration of interest by suppliers doing business with the Department;
- Payroll certificate signed after payment was made;
- Verifications on appointment of employee were not carried out;

- Pre-payment incorrectly classified as an operating lease;
- No system in place to monitor performance targets set;
- No evidence of quarterly reports being submitted to the executive authority;
- Annual performance plan did not cover the medium term expenditure framework (MTEF) period;
- Targets planned but not achieved;
- Utilisation of savings (virement) not submitted to the Accounting Officer and the relevant Treasury official within seven days
- Prior period errors not disclosed in the Annual Financial Statements (AFS);
- Fixed asset register balance did not agree with the amount disclosed in the AFS;
- Bidder incorrectly awarded Broad-based Black Employment Equity (B-BBEE) points;
- Leave not captured on a regular basis;
- Overtime policy not in accordance with requirements of public service regulations;
- Performance reviews not completed within the specified time;
- Job descriptions not reviewed within three years;
- During the review, a business continuity and IT disaster recovery plan were not documented;
- The Department did not have an approved documented user accounts management procedure;
- The activities of system controllers and users on the Basic Accounting System (BAS) and the Personnel Salary System (PERSAL), as well as network administrators, were not reviewed.

Discussion

The Chairperson raised an issue with regard to the root causes of performances that had been indicated by the AG, and said that the Acting Secretary must acknowledge the issues at hand in order to come to a solution by the end of the meeting. The CSP Act had been enacted in 2011, which meant that there had been a three year transition period to prepare for the new department. The Department had now been on its own for two years, but if one was to look at the AG's report, it had been stagnant and regressing in certain areas. The question was, how was this to be addressed? The reality was that the Department was not as big as SAPS or Correctional Services. Instead, the Department had approximately 110 people, all based at the head office.

The first issue was the instability resulting from vacant positions. The problem did not lie with the Acting Secretariat with regard to appointing a permanent accounting officer, but from the PC's side, they wanted to urge the executive authority to ensure that the post was permanently filled, as this was one of the core issues. A permanent accounting officer was critical for dealing with the issues currently faced by the Department. The Minister would have to ensure that the appointment was done in terms of the Act. In looking at the other vacancies, attention should be focused on the filling of senior positions.

The other issue raised was the concern over the Department's slow response to addressing the audit findings from the previous years in respect of the key controls and addressing risk areas. The internal audit function was also not resourced properly. It was already six months into the financial year -- what was being done to address those issues? The currently proposed action plans by the department were generic, with no timelines or consequences. The AG had raised concerns about insufficient controls over financial performance information, where the indicators were not well defined and were ambiguous, with unclear definitions. The performance targets were not specific and measurable. The AG and the Committee had agreed that the Department would have to strengthen its strategic management outfit as a matter of priority, because it had to define the issues and be able to assist the Department.

Ms M Molebatsi (ANC) asked whether everyone in the Department was vetted, especially at the top level of management. How had the Department reached the point where they had realised that they may not be able to pay their staff? Was the Secretarial post now filled? She asked for further clarity on the debt owed to the department by IPID. Why were suppliers not paid within a 30-day period?

Ms M Mmola (ANC) asked for a timeframe for when all critical posts would be filled. This was raised as a concern, because the work of the organisation was not going to go smoothly if they were not filled. Who was responsible for defining the performance indicators? Were all tenders published on the Secretariat's website or not? She referred to leave not being captured on a regular basis, and asked who was responsible for this function, and what steps were taken with regard to employees not doing their jobs. How could leave days not be captured on the system?

Ms L Mabija (ANC) said that the CSP had always had major issues. She was uncertain how the Committee would be able to resolve the

issues raised by the Department. She asked the Acting Secretary to tell the Committee where the CSP was competent in implementing its functions and what would be the way forward to overcome the current challenges, and how the Committee could be of assistance.

Mr L Ramatlakane (ANC) highlighted issues with regard to the financials, particularly the findings of the AG. Seeing that this was not the first year the CSP had received a qualified opinion, the key question was whether it had the necessary capacity and skills to deal with the issues identified by the AG for two years in a row. If the capacity was adequate, why had the issues not been resolved? It appeared from the presentation as if there was no department – that it did not exist. The Department had been around long enough to know the key things that needed to be done. Why, then, were all the issues not solved, including the non-compliance with the Treasury regulations, despite everyone knowing that there had to be compliance? Was the non-compliance a matter of not having the requisite skills to do so?

The corrective measures put in place were not enough to provide a turnaround plan within the Department. The corrective measures had been put up in the presentation so the Committee could at least see that the Department was doing something, but he was not convinced by what had already been done. Moving forward, what was the Department going to do to fix its issues? If the Committee were to say that it should come forward in 90 days with a turnaround plan to be rolled out in an attempt to fix the Department, would it be able to do so? Would this require sub-contracting people in order to help?

Mr Ramatlakane said he had many questions to ask, but he was not sure whether asking them would be of any use or value. There had to be a total overall strategic plan to turnaround the Department. The issue was how the Department would ensure its competency. It was not justifiable for the department to state that targets were not met because someone had moved. Targets were linked to the resources in the Department. Given the responsibility carried by the CSP in respect of the police, the Department should not be where it was. The issue of meeting targets was a major problem.

Mr J Maake (ANC) asked whether, if a person was acting in a key position, like a CFO, the mandate of the position remained. It would be inaccurate to say that the person might not be competent, given that that was his/her position, but having said that, what should be expected from a person, who might not be qualified academically -- what would happen in such a situation? Was the Committee in a position to blame anyone in such a situation? If one was to check the AG's report and was not familiar with the CSP, one might have thought that the AG hated the Department, but surely that was not the case.

He asked what was to be expected if the staff complement was cut. What was to be expected if funds were being reduced, and if the department had to impose restrictions on itself? The key positions needed to be filled, and if they were not, then the Committee was not in a position to say whether the Department had performed well or not. There was an audit committee in place, but it was external. Also, the Department was not very old. Those were the issues that needed to be sorted out. He asked how the internal audit functioned with only external people. How were people paid? How did the Department go about doing that?

Demilitarisation was limited to the public police units and the tactical response teams. What would the reason be, besides lack of funds, for limiting it to those parties? What about the whole police service, and not only the two units?

He sought an explanation for the misstatement of accruals amounting to R15 million, because this was a lot of money in terms of the CSP's budget.

Mr Z Mbhele (DA) commented that it was quite clear how severe the adverse picture of the Department was, having looked at the review. The big factor that loomed large was the issue of the "We are One Humanity" campaign, which came up over and over again. It was a wrecking ball to the effectiveness of the Department. Was the state of the Department an episodic one -- that if it were not for the primary factor of the campaign and how resources were structured, then the picture would have looked a lot better? Alternatively, was it a systematic one in that regardless of that factor, there would still have been the same challenges? If it was systematic, then that would put a lot of work on the Department's hands, but if it was episodic then it would mean that next year the Department would be able to bounce back and look a lot better. Why was the burden placed on the CSP instead of it being an inter-departmental effort -- for example, Arts and Culture's role around social cohesion promotion and anti-xenophobia, and possibly other departments as well. At the very least, it did seem unfair that all the work was put on to the CSP, because its core mandate was reportedly being compromised as a result of the burden

Looking at the CSP report, the vacancy issue was attributed to the impact of the "We are One Humanity" campaign. There was a need for clarity on the number of posts in each the programme which had been filled additional to the establishment. His understanding was that it meant some kind of surplus, but then there could not be a surplus because there were vacancies. He asked for clarity.

In the presentation, there was a mention in the delay with the Firearms Control Amendment Bill, with the research having been completed only in February 2016. What was the estimated time frame for the bill to be completed and taken to Cabinet?

He referred to the statement in the presentation, that "the information analysis report on the budget and performance of SAPS was completed", and asked how was it completed, and how the Department could do an effective performance analysis when it had its

own budget, management and financial difficulties. If it could not do it for itself, then it could not do it for others.

There had been mention of provincial visits to monitor the implementation of IPID recommendations and to determine challenges. What were the challenges identified in the implementation of the IPID recommendations? There had been uncertainty expressed with regard to whether the implementation was weakening IPID's accountability or not.

Mr Mbhele asked whether there were contracts that went out to tender, or if it was done by an external agency. The Department said it implemented contracts directly, so then it should be reflected in its internal financial statements. There was no indication of an increase in some spending categories as a counter reflection of everything going down, so where was the visual representation of the "We are One Humanity" campaign in the line graphs presented?

CSP response

Ms Bilkis Omar, Chief Director: Policy and Research, CPS, responded on the issue of demilitarisation. The initial plan was to look at demilitarisation within the whole of SAPS, but as had been pointed out, there was limited funding. At some point, it was decided that it would be confined to the public order police and the tactical response team. For the new financial year, because of the relevance of the topic, the CSP proposed that it would look at the whole of SAPS in terms of demilitarisation.

On performance indicators, regarding who defined the indicators, when the AGSA had found that the unit indicators for Policy and Research in 2014/15 were not SMART, they had been reviewed and discussed with the DPME. The CPS was under the impression that their 2015/16 indicators were fine, because the DPME were happy with them. However, subsequently the AGSA were not happy with the indicators, and thus the Secretary had invited the AGSA to speak on the indicators and identify the problems, which then had to be rectified by the unit.

Adv Dawn Bell, Chief Director: Legislation, referred to the questions related to the Firearms Control Amendment Bill and the timelines, given that the recommendations were finalised in February 2016. The CSP had decided that once the recommendations were approved by the Minister, the recommendations would inform further processing of the drafting of the bill. A team had been put together to continue with the drafting of the bill and it was hoped that by the end of November, the team would be able to meet with Cabinet.

Mr Hendrik Robbertze, Acting Chief Director: Finance, tackled the finance questions. Responding to how the Department had reached a point where it was unable to pay its staff, the issue was around the firearms appeal board situated in the Department. After consultation with SAPS and legal opinion, the appeal board was transferred to SAPS, together with the expenditure that had been incurred on SAPS's behalf. This had made money available again in the CSP's account, thus allowing it to pay for its own expenses.

With regards to the IPID, and the money owed to the CSP, there was the issue of the case of Mr McBride vs the Minister, where the CSP was involved with the original obtaining of lawyers, as the Department had paid on IPID's behalf. The Department was at a stage where it was trying to get the money back from IPID, but there were differences of opinion on who was supposed to pay. The Treasury and Minister had been brought into the case, as the CSP believed that it should not pay for the case, even though they could originally do it on behalf of IPID.

Regarding the non-payment of suppliers with 30 days, the AGSA had come to that conclusion mainly because of the old WingsNaledi invoices received late in the 2015/16 financial year, applicable in the previous financial years. The invoices had been received only after the closure of the financial and annual reports for 2014/15, so they were not included in the 2014/15 annual report, and therefore the AG had indicated that suppliers had not been paid within 30 days. All the other suppliers had been paid within 30 days or less.

Ms Molebatsi said she did not accept the explanations given. There was leadership in the entity to ensure that the issues raised did not happen. The Department had seen the time for paying suppliers was being exceeded, so what had it done before if found it was going to end up in that situation?

Ms Mabija repeated her request for the CSP to advise the Committee of the causes of the challenges it faced, so that the Committee could help it to become functional. The Committee had raised concerns about not the CSP moving forward, but its answers to the questions were not assisting it in any way. The root causes of failure should be identified in order to get the Department running.

The Chairperson commented that in terms of the constitution, the CSP had a formal constitutional oversight role. Although they may not be equal to Chapter Nine institutions, they were of high importance in their role. The CSP must oversee the role of the SAPS and in related areas, and the reality was that if CSP was not able to manage its own affairs, then how could it be expected to do that for SAPS. That was the fundamental matter, because issues currently being dealt with, related to research and other issues, had not been tackled yet. At the basic level, it was important to understand whether, as an entity, the CSP had the knowledge and were able to do it. If it was not able to perform its own functions effectively, then it could not oversee another department.

What he proposed was a 30-day plan. There would be a meeting on 10/11 November with the audit committee to deal with the turnaround strategy, as well as the issues raised by the AG. There was assurance needed on the lead time. The Committee was already beyond the fifth term of Parliament, and this had signaled a concern to the AG. The Committee wanted assurances, and that was why the second process in November was to take place. He agreed with the seriousness of Ms Mabija's input on the matter.

Mr Robbertze continued his response, and referred to the issue of the misstatement. In the previous year, there had been accruals of R5.5 million, and when this was restated, it had been for R14.9 million. Even if the AG had found a mistake of R1 million, then they would use the full amount of the accruals as a misstatement.

Mr Maake asked for clarity on whether a misstatement was purely a matter of writing down the wrong figure.

Mr Robbertze replied that when errors were picked up in accruals, for instance, it would be noted that this process was done manually. If there was a restatement, then the AG would look at the full amount again, and even if there was a small mistake they would still regard the whole amount restated as incorrect. The Department did not necessarily agree with the AGSA methodology, but that was the procedure that was followed by auditors.

In looking at the line graph for the goods and services, the expenditure for the "We are One Humanity" campaign was in the first two quarters of the financial year, and following that, the cost saving measures were implemented, which was why the third quarter showed very low expenditure levels. When corrections were made between SAPS and the CSP on the firearms appeal board, the Department was able to spend money on goods and services, hence the increase in the last quarter, as shown in the line graph.

Mr A Mudau (ANC) commented on the the issue of instability from the government's point of view, and said that once instability had reached a level, whatever happened below that level was a consequence of the lack of stability at the top level. At the time when the new Secretary joined around September, an observation based on what had been done, was that a lot of damage had already occurred and cost containment measures had been introduced. If it were not for those measures, then there would have been even more serious talks on finances and unauthorised expenditure, etc. At the time, serious damage had already been done. As an oversight body, the CSP was expected to be running from Thursday, especially when taking into account its responsibility to oversee an organisation with approximately 200 000 employees, and that it needed to lead by example in terms of governance principles. For management in the current financial year, it was important in to improve and address the recommendations of the AG.

Mr Mudau recounted how the CSP had been assisted since receiving the AG's report for 2014/15. In the first meeting of the current financial year, a meeting was held to address the findings. A template was then developed and each manager affected was asked to indicate the root cause, and not the perceived root cause, of key challenges. If there were risks around accruals, then under normal circumstances the Department would have to update an accruals register on a monthly basis, not on a quarterly or annual basis. Managers were then asked what the root cause for no monthly updates on the system was. If people were honest and highlighted the root causes, then it would be easier to address the problem. The observation by the Committee Member was correct, in that most of the action plans were generic as they did not state directly how problems would be addressed.

There had been a meeting with the Secretary, and he was advised that management must work harder to put a practical action plan in place on how to move the Department forward. The Department had sent an internal audit report to Mr Mudau, but it was still not adequate and would not be of assistance in improving the programme. For example, if there was a finding that had said that accruals were not correctly stated, and the unit's plan was to say that they would develop a system to address the issue, then that action plan could be applicable to all findings across the board. Currently, the obvious was being stated and that meant that people were not applying their minds to finding solutions which addressed the issues raised going forward.

The Chairperson asked Mr Mudau if, based on his response, he agreed with the Committee's verdict on the action plans.

Mr Mudau responded that he was aware of the action plans that needed to be implemented. There needed to be improvement. He said that the team was not happy with the report either. The Secretary was regarded as very good with administration, and there was no doubt about his leadership. If management were to take advice and recommendations from him, there was no way that next year the Department would still be faced with the same issues and challenges. Over and above the developed strategy, on 30 October all departments were required to submit their interim report for September 2016. Mr Mudau had had a one on one meeting with him, where the CFO had been called so that he too could commit himself so that an interim high level audit analysis could be conducted. On 21 October, there would be an interim financial statement with a high level analysis submitted, and within four days other outstanding documentation required would have to be submitted. If accruals were given for September, then they would be asked for a list of subsequent payments made until 21 October. These would be traced backwards. If it was found that payments had been made, for example, on 15 October, then the transaction was not accruals, and then the Department would not check for another accrual, and instead it would be stated that the financials were misstated, following the AG's methodology.

The accounting office had extended an invitation for a special audit committee meeting, where all audit committee members would be present to offer advice on financial statements five days before, as opposed to in the past, where statements were given to the

committee a day or two before the meeting. This disadvantaged the auditors, as they did not have time to provide a proper analysis and advise the Department accordingly.

The Chairperson interjected, saying that the steps mentioned by Mr Mudau were fine, and suggested that they be repeated at the meeting to be held on 10/11 November.

Ms Molebatsi said that what the Committee did not want to hear was constant mention of "instability," because it was not helping the Committee. Instead, what it wanted to hear was how the instability was to be stabilised by its leadership.

Mr Patrick Mashibini, Chief Director: Corporate Services, CSP, responded that the main concern from Committee Members was the general issues of critical posts and of vacancies. The presentation had been a reflection of the year under review, which ended at the end of March 2016. In the presentation, it was indicated that the critical posts of Secretary, CFO, Chief Director: Monitoring and Evaluation, and the IT Director, were not filled by then. However, they have since been filled, with the exception of the Secretary of Police. The IT Director would be assuming his duties in November. The status in terms of the Secretary of Police was that the shortlist had already been completed since mid-September by the Minister, and a panel comprising of other Ministers from other departments had been established. The identified candidates had already been taken into technical assessments, which were completed on 22 September. A date had been proposed by the Office of the Ministry for mid-October in order to finalise the appointment of the Secretary of Police.

With regards to other vacancies, at last year's presentation it was said that dealing with vacancies was similar to filling a leaking bucket in that as much as one tried to fill it with water, because it had holes that water would continue leaking, and therefore there would be a continuous chase. 60% of the terminations were people who left to go other departments because the incumbents had left to go to other departments, and 40% were resignations. The Secretary had indicated earlier that the Department was working on an exit strategy, where interviews had taken place and questions were asked on what made people resign. Most people had cited personal reasons, which led to the Department thinking that this was tied to the tax legislation, as it had been rumoured that legislation would constraint people from benefiting from public services. The majority of the cases of people leaving were because people were getting offers from elsewhere. The Department would continue to monitor the situation and put action plans and general strategies into place to ensure that once a post was vacant, the post should be filled within six months.

The second major concern raised by the Committee was around the vetting of top management. It was indicated late last year that almost 100% of senior members had been vetted. He thanked the Committee for its intervention, as this had led to progress and in the Department approaching State Security to assist, as the matter needed to be reported to Parliament. State Security was under-capacitated, but they had done their best to assist. Currently almost all top managers had been vetted.

The next issue was around the additional posts in the establishment. As also highlighted last year, the reason behind adding the column in the annual report was to make provision for posts which were not part of the approved establishment. For example, in the establishment there were 107 posts which were funded and approved posts on the establishment, other positions including people working under the judge, the firearms appeal board, the DNA board and people employed on contract who were not necessarily part of the post establishment board, and hence the need to identify the posts additional to the establishment.

The issue of leave was a concern, and immediately after the finding was reported, a leave intervention management strategy was developed to ensure that leave was captured on a regular basis. Initially, workers did not send their weekly attendance reports and their attendance could not be confirmed, but now every week on Friday, attendance reports had to be submitted and where leave was taken, workers would have to give a Z1 leave form explaining whether the person was on sick or study leave, maternity leave, family responsibility etc. The delay in the capturing of leave was because a person would, for example, take sick leave and come back from sick leave on a Monday and instead of completing the Z1 form or the leave application immediately on their arrival, they would complete the form only after five days to two weeks, and submit it thereafter. When captured on the system, the system only showed the date when the leave was captured, and as a result of this, forms have been sent back to people and they have been asked to provide motivation and explanations as to why they had not submitted their leave forms on time. Since the implementation of the intervention, things had been working well.

Mr Ramaru addressed the issue of why recommendations were not implemented. The main challenges were that some of the matters raised would take longer than what had been anticipated. Two things were identified as the main causes of this; first was the issue around the sharing of documents with SAPS and IPID; then there was also a delay at times in terms of the clarification of issues. Secondly, some matters were related to disciplinary issues, in that if they were to go through a disciplinary procedure then they the process would take longer as they would have to follow departmental regulations. What had been put in place in an attempt to alleviate the challenges was that all provinces had set up IPID recommendations committees. The committees met on a monthly basis, and the people who attended were the members of the Secretariat, members of IPID and SAPS representatives. In these meetings, the recommendations and clarifications were discussed, therefore allowing for the set recommendations to be adequately implemented.

Mr Molate Moremi, Stakeholder Relations Manager: Office of the Minister, responded on the question related to performance

information and to indicators being unmeasurable and not specific. As other colleagues had indicated, the Department had tried to look into the matter. Looking at performance indicators for 2014/15, 2015/16 and 2016/17, the Department had tried over the years to improve its performance indicators. They have been changing each and every financial year because it had strived to make sure that they were measurable and SMART. In the current financial year, a planning session was to be arranged between Planning, Monitoring and Evaluation, Treasury and the AG to work around ensuring that performance indicators were measurable and achievable, such that everyone could agree on one yardstick. The current challenge was that in the previous financial year, after a meeting with the DPME, there was an agreement that the indicators looked better, but still the AG had commented that they were not as SMART as they were supposed to be. The approach now was an all-inclusive approach that stated that all parties, including the AG, Treasury, DPME and the CSP had to sit and agree, based on the assessment, that the indicators in Programmes 2,3 and 4 were tested and thus the SMART principle would apply to all of them.

Mr S Motuba, Deputy Chairperson: CSP, provided clarity on issues relating to the relationship of the audit committee and the internal audit. The members were external and independent, as they also reported to an executive authority. Their role was to assist management in running the organisation and to be the eyes and ears of the Minister in making sure that each and every aspect within the department not adhered to could be reported to the Minister independently. Most questions raised referred to quarterly meetings being held, but there was a mention that when suppliers were not paid within a 30 day period, then small businesses were being killed. As a result, a compliance checklist had been introduced where invoices not paid, or invoices exceeding 30 days, needed to be monitored on a monthly basis. Those issues were already being addressed.

When it came to positions not being filled, this was also a concern to the Department because if there were too many vacant posts, there would be no confidence shown in the leadership. In the audit report at the end of the year, issues of internal controls and the review of financial statements were mentioned, and these were discussed with the AG. Issues on accruals not being accounted for had been picked up and discussed with the AG. Most of the concerns raised were being addressed by the Department. The department was on the right path in addressing issues. The audit committee had gone to the extent of reviewing policy and procedures and introducing a checklist for compliance relating to legislation, to make sure that there was compliance and that it was in line with the mandate.

Mr Rapea said that the Department was busy revisiting its strategic plan, which would include the turnaround plan. The Department was confident in that it would be able to come back to the Committee in 90 days with a strategy. The team was comprised of dedicated and competent people who could take the organisation forward. In looking at the institution in the second half of the financial year, the most important thing to do, when one finds that the organisation was not stable, was to ask for stability. The Secretary had succeeded in stabilising the organisation and its finances, and was making sure that all critical posts were filled. Regarding the issue of the CFO and accountability, one of the challenges faced by the CFO was that a financial manager was supposed to be the one to prepare and check statements, and without someone checking up on those things, the CFO had had to step in. It was realised that finances were a problem, and unfortunately they had someone who could not come. However, it was affirmed that the institution had been stabilised.

Regarding advertising tenders on the website, the Department said tenders were not being advertised, but this would be looked into, to make sure they were advertised. The website gave reports on who had been awarded tenders, but the Department would look into advertising tenders on the website going forward.

Mr Ramathlakane suggested that another conversation would be ideal, including the audit committee. Going forward, what would be needed in the turnaround plan would be to address the whole financial management aspect, and the plan should speak to the 43 issues listed, as emphasised by the AG. It was important to deal with what would happen on particular aspects on a regular basis, such as dealing with accruals, management, the late submission of invoices, and a skills inventory of what the Department had and what it did not have. The area that dealt with the measurability and reliability of targets should be part of the plan, as it was always going to present itself as an issue.

The Chairperson called for a close of the meeting. The Committee and the audit committee had agreed to meet on 11 November. There would be a clear resolution in terms of the Budget Review and Recommendation Reports, and there should be a clear response to the BRRR. It was important for the CSP to be stabilised, and the qualified audit needed to be addressed. The executive authority at the top must act and do the necessary work to ensure stability at the top.

There had been no discussion of the core business at the meeting. Instead, it was back to basics (B2B). However in the second discussion, the core functions of the institution must be discussed, as well as the Department's oversight over SAPS, the issue of demilitarisation and issues of monitoring SAPS, as these had not yet been discussed. Unless these basic issues were dealt with then success was unlikely. A call was made to the Acting Secretary and his leadership to ensure that those issues were dealt with effectively. When looking at the 2015 BRRR recommendations, only four of the 13 had been attended to effectively, and that was unacceptable. SAPS had done very well and they had managed to execute all of them. They had complied with every BRRR recommendation, compared to the CSP's four out of 13.

The Chairperson said it was a pleasure having Mr Motuba's presence in the audit committee, as he was very experienced and strict. It was good that the audit committee had experienced people, but it also needed to ensure that implementation was set under way speedily, as the AG had raised issues of slow implementation of the recommendations. There needed to be urgency, because if that was not addressed then it would not be possible for the Department to oversee SAPS, as they would be running in a different lane and this was a huge risk in terms of civilian oversight of security forces. If the CSP was unable to fulfil its role, this was a huge risk in terms of good governance, so improvement was needed. If there were recommendation issues, then those would be addressed at the meeting to be held in November.

The first part of the meeting was concluded.

Briefing on IPID's Annual Report (2015/16)

Mr Israel Kgamanyane, IPID Acting Executive Director, noting that in terms of an overview of financial performance, IPID had maintained an unqualified Audit Opinion and there were no significant findings identified in the Annual Financial Statements for the year ended 31 March 2016. The Directorate acknowledged the matters emphasised in the Audit Report as well as a significant improvement reported by Office of the Auditor - General. The AG opinion confirmed that the Directorate's efforts to address the previously reported audit findings had improved. In terms of the non-financial performance, compared to the reports that were tabled in the previous financial years, the 2015/16 report of IPID demonstrated good performance that was above satisfactory levels in terms of achievement of overall planned targets and the core business. There had been significant improvements in overall achievement of the planned annual targets, from 27% (10/37) in 2013/14 and 42% (19/45) in 2014/15 to 74% (35/47) in 2015/16. There had also been improvements in the internal control environment as evident in the reduction in the number of audit findings from 53 in 2014/15 to 28 in 2015/16.) Key highlights in relation to the core business (investigations) included:

- n increase in the total number of planned targets achieved, from 11% (2/18) in 2013/14 and 13% (2/16) in 2014/15 to 95% (18/19) in 2015/16.

- Of particular to note was the increase in the finalisation of decision ready cases from 56% (5 045/9 055) in 2013/14 and 48% (5 137/10 657) in 2014/15 to 69% (7 407/10 695) in 2015/16.

- With regard to disciplinary recommendations referred to SAPS, a total of 1 297 recommendations were referred, thus amounting to 22% increase compared to referrals in 2014/15 (1004) and 38% increase compared to referrals in 2013/14 (884).

- There had been an increase in disciplinary convictions in which 16% (39/243) of SAPS members were dismissed compared to 14% (27/200) in 2014/15 and 13% (18/135) in 2013/14.

- Regarding the criminal recommendations referred to the NPA, there had been a 3% decline in the number of recommendations forwarded, with 957 referrals in 2015/16 compared to 983 in 2014/15, and a 34% decline compared to referrals in 2013/14 (1 470).

- However, the Directorate was happy to report 84% increase in the number of cases the NPA decided to prosecute, from 16 in 2013/14 to 84 in 2015/16, thus reflecting an increase the number of IPID decisions ready cases that were considered by the NPA. This translated into a decrease of 27% for the cases the NPA declined to prosecute (from 162 in 2014/15 to 118 in 2015/16).

- Although there had been a slight decrease in the number of court cases placed on a court roll by 14 % (from 950 in 2013/14 to 814 in 2015/16), there had been an increase of 39% in the number of criminal convictions secured in 2015/16 (97) compared to 58 that were secured in 2014/15 and 17% increase compared to 83 convictions that were secured in 2013/14.

Mr P Setshedi, IPID Acting Chief Financial Officer, then took the Committee through IPID's annual financial statements for 2015/16 noting that the Directorate received an unqualified audit opinion with the reliability of information presented. In terms of reported spending trends, The spending in Programme 1: Administration was 99.5% for the period under review as compared to 99.9% that was reported in 2014/15, the incurred expenditure was mainly on the support service functions such as resolving of labour relation matters, internal audit, monitoring and compliance, auxiliary services on office accommodation, transport management, computer, security and cleaning services amongst others. During the period under review, 99.9% of the Investigation and Information Management budget allocation was incurred as compared to 100% expenditure in the previous financial year, 2014/15. The expenditure in this programme was mainly in compensation of employees for Investigators' salaries including the overtime worked during the abnormal hours when attending the crime scenes as well as in goods and services for travel and accommodation and skills development. Legal Services used 99.5% of its allocation and 61.0% in the previous financial year. The Programme absorbed the expenditure related to the legal costs invoices particularly those outstanding from the previous financial year. In addition, expenditure growth was experienced in travel and accommodation mainly due to consultations conducted with various Provincial Offices to provide the investigation legal advisory service. The spending in Compliance Monitoring and Stakeholder Management was 99.2% for the period under review as compared to 95.8% in the previous financial year. The spending was mainly on facilitation of the stakeholder engagement and community outreach events in order to inform the public members on what the Directorate stood for and did, and how to report alleged police misconduct.

In terms of key disclosure areas, particularly viraments, the Directorate had in the year under review prepared and implemented a

virement for an amount of R2, 3 million that was approved by the Acting Executive Director to address the possible shortfall reported in Programme 2: Investigations and Information Management and Programme 3: Legal Services mainly in travel and accommodation and personnel costs items respectively. The virement amount which was made of R2. 081 000 and R200 000 was reallocated from Programme 1: Administration and Programme 4: Compliance Monitoring and Stakeholder Management respectively due to non-filling of some funded vacancies as a result of delays in vetting the recommended candidates by State Security Agent (SSA). However, that challenge had since been addressed by using the newly established IPID Vetting Unit. With roll overs, IPID did not apply for roll over in the financial year under review. Looking at unauthorised expenditure, the Directorate did not incur unauthorised expenditure in the year under audit. The reported amount in books was made of two prior years over expenditure incurred by the then programmes 2 and 3 in the financial year 2008/09 and 2005/06 respectively. The submission and follow-ups requesting the authorisation had since been made with National Treasury for their consideration and presentation to SCOPA, however by the reporting date (31 March 2016) the approval for authorisation was not yet granted. The Directorate had in the year under review incurred, registered and disclosed the expenditure amounting to R2 060 000.00 due to the appointment of two legal firms for assistance with the disciplinary hearings, legal advices on various legal matters and registration of the proposed IPID logo. Preliminary investigations were conducted on two reported cases and the Acting Executive Director had commenced with the implementation of the recommended actions. The Directorate had in the financial year under review incurred an amount of R2 400.00 in various standard bank monthly payment transactions for maintenance of government Fleet due delays were caused by insufficient funds. The identified expenditure was reported in the Directorate's 'fruitless and wasteful expenditure register for further internal investigation to determine the cause as well as the required action, and the expenditure was subsequently written off considering the recommendations.

Mr Setshedi outlined key AG observations were made with regard to:

-Reliability of reported performance information (predetermined objectives): the AG did not identify any material findings on the usefulness and reliability of the reported performance information

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Mr M Matsomela: IPID Chief Director: Corporate Services, outlined key highlights in the programme included:

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-Although there had been a slow progress in appointment of female SMS members, progress at as 31 March 2016 was reported at 47% (17/36) against the 45% (11/25) reported in 2014/15.

-In terms of representativity, the Directorate employed 375 employees of which 52% (195) were males and 48% (180) were females.

-Improvements in the coordination and monitoring of the implementation of the audit findings action plans which resulted into positive audit opinion.

-Improvements in functioning of all statutory requirements functions and structures in support of core business.

Targets not achieved in the programme included:

-Percentage of females employed by the Directorate at senior management level

-Percentage of staff complement consisting of people with disabilities

-Percentage of trained officials

Strategies to overcome areas of underperformance included:

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Mr T Kgomo, IPID Acting Chief Director: Investigations and Information Management, took Members through the programme beginning with key highlights:

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-Of particular to note was the increase in the finalisation of decision ready cases from 56% (5 045/9 055) in 2013/14 and 48% (5 137/10 657) in 2014/15 to 69% (7 407/10 695) in 2015/16.

-With regard to disciplinary recommendations referred to SAPS, a total of 1 297 recommendations were referred, thus amounting to 22% increase compared to referrals in 2014/15 (1004) and 38% increase compared to referrals in 2013/14 (884).

-There had been an increase in disciplinary convictions in which 16% (39/243) of SAPS members were dismissed compared to 14% (27/200) in 2014/15 and 13% (18/135) in 2013/14.

Mr Kgomo pointed out that the target not achieved in the programme included the percentage increase of disciplinary recommendations where disciplinary processes were initiated. Strategies to overcome areas of underperformance included:

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Statistical information on the programme showed that:

-Although the case intake increased by 2% in 2014/15 compared to 2013/14, IPID registered a decrease by 6% in case intake compared to 2014/15

- Although the global figure demonstrated a decrease particularly in EC, GP, FS, NC and WC, the WC continued to receive a high number of complaints, followed by GP, KZN, FS and EC.
- Mpumalanga, Limpopo and North West received relatively fewer cases compared to the provinces mentioned above, however, their case intake registered the highest increase of over 20% compared to the 2014/15 intake.

-"assault" cases constituted a majority of cases received by IPID since 2013/14 followed by "discharge of an official firearm", "death as a result of police action" and "death in police custody:

Mr L Leholo, IPID Acting Chief Director: Legal Services, took the Committee through the programme where key highlights included:

-The programme was able to provide instant legal advice to investigators within the prescribed "24 hours" period.

- Legal workshops were conducted to improve the quality of investigations conducted.

-Significant improvements in the processing of policing powers for investigators, with 88% (32 of 38) investigators granted compared to 57% in 2014/15

-Deployment of an intervention team to assist in improving the performance of the programme resulted in improvements in the achievement of some of the indicators.

Targets not achieved in the programme included:

-Percentage of contracts and service level agreements finalised within 30 working days of request

-Percentage of written legal opinions provided to the Directorate within 21 working days of request

-Percentage of written legal advice provided within 48 hours of request

-Percentage of applications for policing powers processed within five working days of request

-Number of practice notes and directives (bulletin) produced and issued per year

-Percentage of Promotion and Access to Information (PAIA) requests processed and finalised within 30 days

-Number of legal workshops conducted

Mr Lehlo outlined strategies to overcome areas of underperformance included:

-Decentralisation of Legal Services support in provinces and the secondment of the intervention team to Legal Services will assist in alleviating the performance challenges

-The programme had also ensured an adequate definition of performance indicators that had statutory requirements and their workflow processes thereof

Ms M Geerdts, IPID Acting Chief Director: Compliance, Monitoring and Stakeholder Management, informed Members of the highlights of the programme which included:

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Targets not achieved in the programme included:

-Number of reports on the evaluation of the quality of IPID recommendations per year

-Number of reports on the responsiveness of SAPS/MPS/NPA on IPID recommendations per year

-Number of responses to media enquiries released annually

Strategies to overcome areas of underperformance included:

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In conclusion, Mr Kgamanyane outlined IPID had performed at above satisfactory levels as compared to previous financial years however, there was still room for improvements. Performance improvement mechanisms or interventions will continuously be implemented to sustain the above satisfactory levels, particularly with regard to the core business. Capacitation of investigators remained the priority. Efforts will continuously be intensified to reduce the audit findings and the internal environment of the Directorate. Lastly, efforts will continuously be intensified to increase awareness about its mandate while at the same time promote the professionalisation of station lectures.

Discussion

The Chairperson noted that the focus of the Committee would be to concentrate on the Auditor-General (AG) of SA report and he was pleased that the financial statements of IPID were in fairly good shape. He asked however if there was an improvement with compliance with legislation and what was being done to ensure more stability was created regarding the many senior managers in acting positions. He was struck by the decrease in cases registered by SAPS and asked what the reasons were for this – was this that reporting levels were lower or the occurrence of cases were fewer and there was real change in police behaviour?

Mr Kgamanyane outlined the two vacant posts for Chief Directors were filled while the post for Head of programme two: Investigations and Information Management was advertised – interviews were being held next week. Disciplinary processes had begun for suspended senior managers.

Ms Molebatsi thanked the entity for a job well done – some areas still required more attention but she commended the Directorate. She noted the IPID spokesperson had been in the position for a while in an acting capacity and she asked what developments were occurring with this post. She wanted to know more about IPID not wanting to acknowledge debt to the CSP. In terms of consequence management, which procedures were not fully documented to the AG?

Mr Kgamanyane explained the CSP borrowed funds from IPID – IPID never borrowed from the Secretariat. This involved the CSP contracting legal attorneys – a meeting was held with the Minister to deal with this particular matter and subsequently he, the Acting Secretariat and Acting National Commissioner for Police met and it was resolved. Treasury was also engaged because if IPID paid for the contract on behalf of the Secretariat it would amount to irregular expenditure. The proposal was that whoever initiated the contract should pay the invoice and at a later stage claim it from the relevant department. This proposal was being honoured. He had heard that the CSP had since paid the amount. In terms of consequence management relating to the AG finding, this concerned two matters which were deliberated at length in the audit committee meeting towards the finalisation of the Annual Report. The first matter was irregular, wasteful and fruitless expenditure and IPID had since recovered the amount from the relevant people but the AG said the recovery alone was not enough – departmental steps should be taken against the individuals and a committee had since been established to deal with that and the consequence management was being implemented. The other matter dealt with management

failing to take departmental steps against a senior manager – this was disagreement around a definition of the relevant prescripts. The individual involved was given a final written warning and disciplinary steps were followed.

Ms Mmola asked why appropriate disciplinary steps had not been taken against the officials responsible for fruitless and wasteful expenditure. With the target not being achieved for the employment of people with disabilities, she asked if the job advertisements included “people with disabilities welcome to apply”. She was pleased that the planned targets for IPID were high although there was room for improvement.

Mr Kgamanyane said that with the target for people with disabilities, some posts had been ring fenced in the Directorate where each province had to make an effort to appoint people with a disability. There was a post in the Eastern Cape recently occupied by an individual with a disability where in fact all of the submissions for the post were people with disabilities so some progress was being made in IPID as far as this particular target was concerned.

Mr Ramatlakane complimented the Directorate on a good Report although he agreed that much more needed to be done. He questioned what had been done in terms of irregular expenditure to regularise those irregularities. On the fruitless and wasteful expenditure, he was curious to know if the investigation into it revealed anything as to the causes and to inform what action would then be taken. What caused the target for PAIA requests processed in 30 days not being met? Compliance with PAIA was important for obtaining information. Was it due to capacity challenges? He wanted to know what was causing problems in terms of the money owed to the CSP. The Secretariat was an independent body and so he asked if any study had been done on compliance with the Act in terms of IPID operating fully independently and being less reliant on SAPS.

Mr Kgamanyane reiterated that departmental processes were underway for the irregular expenditure linked to the legal contract and one individual had been dismissed due to abscondment. Payment of the legal firm could not be delayed however but the matter was being investigated for the responsible person to be held accountable. With full compliance with the Act, a study was conducted by the Department of Public Service and Administration even before the Independent Complaints Directorate (IPID’s predecessor) was established. IPID did a researched and costed expansion study to address challenges in the entity and ensure there was a footprint in all district municipalities.

Mr Lehlo added that with PAIA, the challenges were that the period in which the request was supposed to be attended to was exceeded i.e. after the 30 days had expired. Legal Services were now in a position to attend to those matters within the prescribed period. In complex matters, an extension beyond the 30 days could be applied for but generally with the given capacity the matters could be dealt with in the prescribed period. Challenges in the environment would be attended to.

Mr Maake commended IPID for having some of their members on bursaries. He noted the increase in disciplinary recommendations referred to SAPS and an increase in disciplinary convictions and he wondered if this was something to be pleased about or if these rates were expected to have decreased. What was meant by the reference to investigative equipment? What kind of equipment was this? He asked why assault cases were the majority of cases received by IPID but this did not correlate with majority of matters on the court roll – did this mean most of the assault cases did not go to court and went instead the disciplinary route? He did not understand how the target on “number of responses to media enquiries released annually” was set if the target was dependent on the number of media enquiries received.

Mr Kgamanyane responded that the 13 staff members on bursaries were doing their degrees, national diplomas in policing, LLBs, Honours, B. Tech, postgraduate diplomas and Masters Degrees – contracts were signed and progress was being made with the studies. With the disciplinary recommendations vs. disciplinary convictions, he would consider IPID making a difference on police behaviour when the amount of disciplinary cases decreased so decreases would be celebrated as IPID winning the war against bad police behaviour. Media enquiries were sent to IPID on a daily basis and the response time of IPID to enquiries was what was being targeted – it was not necessarily the number of media enquiries received but how long IPID took to respond to them.

Mr Kgomo added that investigative equipment referred to cameras etc. to assist the investigators. There was not much equipment as yet but it was being built on.

Mr Mbhele echoed the sentiments of the Committee that IPID certainly seemed to be in better shape since the parliamentary term began and he noted appreciation for the level of detail included in the statistical report found in the Annual Report which made for interesting analysis. He asked if “no disciplinary steps taken” meant there was no disciplinary committee or process initiated by SAPS or that this did happen but the outcome was not guilty. He found that cases where no disciplinary steps were taken did not match the number of cases where the outcome was not guilty which suggested the two matters were not the same. No disciplinary steps taken sounded like SAPS receiving IPID recommendations but nothing happened thereafter which was a problem – clarity was needed on this. He found some inconsistencies between the sanctions meted out for categories where there were some serious crimes like murder only receiving a warning sanction or a rape conviction only having a R500 fine etc. When IPID handed over recommendations to SAPS, was a recommended sanction also made? He wanted to get a sense of whether the inconsistencies came from the side of IPID or SAPS? He was concerned to see in the Annual Report that section 33 offences were not referred to the NPA as it involved criminal

offences because he saw zero criminal convictions for non-compliance with the NPA Act – why were these cases not taken to the NPA?

Mr Kgamanyane stated that most assault cases were that of common assault – when these cases were investigated they were sent to the Director for Public Prosecutions (DPP) but then it would be found to be unsubstantiated because there was no prima facie case hence the number of these cases on the court roll being low while the initial intake was high. In some cases the police used minimum force with individuals resisting arrest and the aggrieved would then open a case of assault against the police. However in some cases, the complaint was justifiable. In all cases investigated IPID made recommendations to the DPP so no cases would actually be closed, withdrawn or dismissed at the IPID offices – all cases were sent to the DPP irrespective of the recommendation made as a formality. With the consistency of sanctions, IPID did not make recommendations in respect of sanctions but rather whether steps should be taken against the police member/s in question - it was then up to the courts or SAPS to pronounce on the sanction as and when the matter was processed departmentally or criminally. With the section 33/non-compliance with section 33 matters, cases were taken to the NPA after being investigated by IPID where criminal charges were recommended against the SAPS member – departmental recommendations would then also be sent to SAPS. The challenge was that often there was no follow up even when workshops were run by IPID to inform SAPS about the importance of compliance with the legislation. IPID would however not stop investigating these matters and opening cases against SAPS members when there was non-compliance. There was not much IPID could do should the DPPs in the provinces not follow up, ignore or choose not to prosecute in these cases – IPID had records to prove its accountability in investigating these cases.

Ms Geerds added that in cases where “no disciplinary steps were taken” this was a SAPS decision and if SAPS did not agree with IPID recommendations the process was to write to IPID notifying it of the disagreement, state reasons why and then revert the case back to IPID. The Directorate would then re-look at its recommendation based on evidence SAPS recovered – this could change the outcome. If not, SAPS was still to go forward and implement the initial recommendation made by IPID. Such matters would appear under “unresolved matters” in the Annual Report.

Ms Mabija thanked IPID management for the good performance achieved. She questioned the provision of IPID being independent from SAPS.

The Chairperson raised the issue of investigation of systemic corruption in SAPS – he recently read a media report on tracking the movement of SAPS Visible Policing (VISPOL) member where it was found that they were involved in the selling of drugs – did IPID have any action planned to deal with this? The issue of rapes in police cells still continued – was IPID looking at what could be done to improve police conduct particularly in the long term to make substantial recommendations that SAPS could address? The major increase in civil claims against the police was concerning in relation to police misconduct.

Mr Kgomo outlined the systemic corruption target was fairly new but there were cases in all the provinces particularly in Gauteng, KZN and some in Limpopo. Most cases of systemic corruption were investigated by the Directorate for Priority Crimes (DPCI) and IPID was communicating with those members. There were many cases of corruption involving SAPS members at ports of entry.

The Chairperson said the Committee found the municipal policing environment to also be quite critical. A lot of illegal syndicates were also linked to police stations where cases were seen for example, selling of dockets so it would be important to focus on that environment.

Ms Molebatsi noted that two senior management officials did not comply with the performance agreements and she asked what had happened with these officials. Seeing as IPID investigators did at times attend crime scenes, were debriefing sessions in place? Were the matters relating to the Farlam Commission still being attended to?

Mr Kgomo said with Marikana an investigative team was established under his leadership and the team was travelling all over interviewing witnesses and taking statements so work was moving in this space.

Mr Matsomela, answering the question on not complying with performance agreements, said that actions were taken against those two individuals. IPID was in the final processes of appointing a service provider to address the issue of debriefing of investigators because more often than not they were faced with situations where debriefing was required. Such a service provider would be able to provide advice and counselling for those IPID members also involved in post mortems.

Ms Mmola asked if the consultative meetings between IPID, the CSP and SAPS/Metropolitan Police Services were occurring.

The Chairperson also asked if these meetings were being attended by SAPS members of the appropriate level.

Mr Kgamanyane said from IPID a Director attended and from the CSP the Chief Director for Civilian Oversight attended while from SAPS, Major Generals and Brigadiers attended from within the discipline units.

Ms Geerds added the monthly meetings were taking place and there was no problem anymore with the level of SAPS members who

attended these meetings on both national and provincial level. The terms of reference were recently reconsidered and it appeared as if everyone was taking their obligations in this regard seriously.

Mr Maake followed up on his earlier question on the media enquiries responded to and suggested the indicator be amended to better point to the intention. He was interested in the Northern Cape being the second highest province for total disciplinary convictions as outlined in the Annual Report – was there a specific reason this province had some many cases?

Mr Kgamanyane took note of the suggestion regarding the media enquiries indicator. In the Northern Cape, one case was received a month and it was also finalised in a month so this was 100% – this was starkly compared to the Western Cape, for example, where over 200 cases were received in a month where almost half of the cases were completed in a month equating to 50%. This gave the perception that the Northern Cape was outperforming other provinces.

Mr Mbhele asked if there was any particular province or category of offence that was problematic where the outcome of the case was “no disciplinary steps taken”. He was interested in having more detail in this particular stonewalling by SAPS with follow through on IPID recommendations which in itself was a violation of the legislation. He also wanted explanation on the civil cases brought against IPID which represented an increase from the previous financial year – what were these claims about? What was the reason for the increase?

Mr Matsomela replied that with the civil claims, 24 cases were reported – of these, 17 were repeat cases and only seven cases were new.

Mr Lehlo added the cases were regarded as contingent liabilities – the amounts stated were those of potential claims. It did not mean that all cases received had merits – recurring and new cases were being reviewed in terms of whether they met the test to institute civil action against the state. Majority of the cases were potential claims by SAPS members after prosecution. At times, members were prosecuted, because there was merit to the case, but then acquitted and civil claims were then lodged against the state or the Minister in particular. Such claims would need to be recorded and capital defended. Some cases were just notices and there was no further action beyond that so one first had to wait for the legal notice to expire and engage state attorneys. As time went on, those cases where there was no further action would be removed from the list of contingent liability. In summary these cases were potential for liability while others were just notices and summons which were being defended where it was warranted.

Ms Geerdts explained with the “no disciplinary steps taken”, North West had the highest number of such case outcomes followed by Western Cape, Gauteng and then the Eastern Cape but there were such cases registered in each and every province. Most of these cases involved assault followed by discharge of an official firearm, corruption, death in police custody, non-compliance with the Act, other criminal cases and rape by a police officer. Most of the assault cases could have involved what was considered excessive force when instituting an arrest. This detail could not be found in the Annual Report.

The Chairperson reiterated his interest in the long term plans of the Directorate to impact police behaviour positively because there must be a decrease in claims against SAPS. Going forward would IPID also be looking at having discussions at the consultative forum on how to deal with serious challenges as such as rape by police officers and impact behaviour to prevent liabilities?

Mr Kgamanyane said this would be taken up at the next consultative forum between IPID, SAPS and the CSP.

Mr Mbhele was concerned about the downstream stakeholders in the Annual Report involving the work of IPID such as the many cases which had gone for disciplinary processes but where responses were still awaited considering the need for SAPS to report quarterly – this pointed to bottlenecks. He was concerned about the weakening effect this had on accountability which IPID was playing its part in enforcing but the challenge was with the downstream. This was something for the Committee to address such as perhaps through a joint meeting to ensure there was sound transversal governance so that matters did not fall through the cracks.

The Chairperson suggested more attention needed be paid to the editing of reports provided to Members. How were complaints by the public regarding service delivery addressed and in which amount of time? The Committee was pleased with the reaction of SAPS so far to the Fees Must Fall protests but it was unclear when resolve would be found – how was IPID handling complaints by students? Were there proactive responses on the side of IPID for example to deploy IPID members as observers when there was a particular flare-up in light of lessons learnt from Marikana?

Mr Kgamanyane responded that any service delivery complaints against IPID would be received by the office of the Executive Director – these complaints were received on a daily basis but there was an individual dealing with these complaints in the office of the Executive Director and they were sent to relevant provincial heads to deal with the matters in the stipulated timeframe before a final report was drafted. The complainant would be sent an acknowledgement letter and the complainant would be sent updates on the matter until it was finalised. If warranted, disciplinary steps would be taken against the IPID officials who had failed to render a satisfactory service. With Fees Must Fall, IPID was not acting proactively – previously the Directorate had been informed that legally they were not supposed to be at the scenes. IPID would be taking the comments of the Committee into consideration in this regard.

Update reports were being requested by the provinces on a weekly basis to the Head of the Investigations programme so that IPID was aware of matters against the police. Newspaper clippings and media reports would also be collected for further information on particular incidents. The rape of case at the University of KZN (UKZN) was also under investigation and it had already been found that it was sexual assault not rape. In the near future the Committee could be provided with a briefing on these matters.

Mr Kgomo added that so far IPID had received 14 cases in respect of Fees Must Fall where the majority was from KZN.

The Chairperson said this was an important area that IPID continue to monitor and investigate complaints against the police.

Mr Kgamanyane conveyed his appreciation to the Committee and the Chairperson for support and guidance provided to IPID throughout the 2015/16 financial year. The Committee really held the entity to account – IPID would ensure the clean audit and above average performance was maintained despite budget cuts faced.

The Chairperson said the Committee noted the real improvement made by IPID - the only one to do so in the police portfolio. It was important to focus on systemic corruption in SAPS to ensure there was compliance with conduct. It would also be crucial to follow up on the actions plans to address the audit findings and for this the Committee had called all four audit committees in the police portfolio to account to it in November – assurance was needed that those areas where performance was still not adequate were being paid special attention in the current financial year. Assurance was needed that everything was under control so that there were no surprises with the following audit period and the Committee would be monitoring this carefully.

The meeting was adjourned.

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