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REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
 TABLINGS AND
 COMMITTEE REPORTS**

WEDNESDAY, 1 DECEMBER 2021

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ANNOUNCEMENTS

National Assembly

The Speaker

1. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Portfolio Committee on Communications** for consideration and report. Report of the Auditor-General on the Financial Statements and Performance Information is referred to the **Standing Committee on Public Accounts** for consideration:
 - (a) Report and Financial Statements of the State Information Technology Agency (SOC) Limited (SITA) for 2020-21, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2020-21.

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Report and Financial Statements of the Electoral Commission on the Represented Political Parties' Fund for 2020-21, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2020-21.

National Assembly

1. The Speaker

- (a) Draft Electoral Amendment Bill.

(b) Memorandum on the draft Electoral Amendment Bill

Referred to the **Portfolio Committee on Home Affairs** for consideration and report.

COMMITTEE REPORTS

National Assembly and National Council of Provinces



1. REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS ON THE COMPLAINT AGAINST HONOURABLE J. S. MALEMA, MP

The Joint Committee on Ethics and Members' Interests ("the Committee") having considered the complaint against Hon. Julius Malema, MP, reports its finding and its recommendation on penalty, in terms of item 10.7.8.1 of the Code of Ethical Conduct and Disclosure of Members; Interests ("the Code"), as follows.

INTRODUCTION

Mr. P. Naidoo (known as Lawson Naidoo), the Executive Secretary to the Council for the Advancement of the South African Constitution ("CASAC") ("the Complainant") directed a complaint to the Committee concerning conduct by Honourable J.S. Malema, MP ("the Member"). The Office of the Registrar of Members' Interests received the complaint on 19 May 2021 for an alleged breach of the Code on Ethical Conduct and Members' Interests ("the Code").

SUMMARY OF THE COMPLAINT

THE COMPLAINT CONTAINS THREE PARTS

PART 1

THE ZONDO COMMISSION

The allegation is that the Members' political party held a press conference on or about 30 March 2021 and the Member said the following;

"The rule of law in South Africa is applied selectively, and sections of the judiciary are being co-opted into this nonsensical direction.

While we respect the Commission of Inquiry into State Capture, we should state here that the direction that the Zondo Commission has assumed is aimed at satisfying certain factional agendas and programme. (sic)

We do not associate with people who have stolen government money and resources for their own benefit, and we do not associate with any faction in any political party.

We, however correctly observe that the Zondo Commission is now assuming a factional agenda and programme aimed at protecting the white capitalist establishment. Zondo is not our god; he is a human being. We are not going to be scared of a judicial dictatorship. We are not going to keep quiet because he is a judge.”

PART 2 AND 3

THE INTERVIEW OF JUDGES AT THE JUDICIAL SERVICES COMMISSION

The Complainant states that the Members’ utterances at the Judicial Service Commission (JSC) interviews of judges makes him unsuitable to represent the National Assembly (NA) on the JSC. In particular the Complainant refers to the interview of two judges, that is, Judge Pillay and Judge Matojane.

Judge Pillay was accused of being a political activist who aligned to a faction led by Minister P. Gordhan.

Judge Matojane was questioned about the judgment in which the EFF was ordered to pay damages in the amount of R500 000 (five hundred thousand rands) to Mr. T. Manuel.

SUMMARY OF RESPONSE BY THE MEMBER

The Member was given an opportunity to respond and responded as follows:

“He’s talking rubbish. That’s my official response.”

COMMITTEE DELIBERATIONS

PART 1

THE ZONDO COMMISSION

The Committee considered the fact that the Member made utterances about the Zondo Commission and starts by saying, “ While we respect the Commission of Inquiry”, this shows that the utterances made during the press conference was within the political scope of the Member and his party commenting on the work of the Commission. All political parties express differing views on various matters.

The Committee was of the view that the sentiment expressed by the Member fell within his constitutional protection of freedom of expression. Accordingly, the Committee found that the Member did not breach the Code.

THE INTERVIEW OF JUDGES AT THE JUDICIAL SERVICES COMMISSION

PART 2: INTERVIEW OF JUDGE PILLAY

The Committee noted that the comments made by the Member toward Judge Pillay was done in the context of the line of questioning. After questioning Judge Pillay on various matters such as her alleged relationship with Mr. Hanekom and Mr. Gordhan and a quotation in a judgment which omitted a reference to the African National Congress, the Member uttered words along the lines of, I put it to you that you are nothing more than a political activist. To this Judge Pillay replied and said, no. The Committee was of the view that this line of questioning was fair and within the mandate of the Member of the National Assembly on the Judicial Services Commission. Accordingly, the Committee found that the Member did not breach the Code.

PART 3: INTERVIEW OF JUDGE MATOJANE

The Committee noted that the Member entered a question to Judge Matojane that related to an award of R500 000 against the EFF in favour of Mr. Manuel in a case in which the Supreme Court of Appeal ordered oral evidence to be led.

The Committee held the view that the Member engaged in a matter that concerned him and his political party directly. The matter was before a court of law. The Committee further held the view that the Member placed himself in a position of conflict in respect of the comments that he made toward Judge Matojane as he represents the National Assembly on the Judicial Services Commission and should not have used the platform for his personal interests.

The Committee found that the Member breached the Code. This is in terms of Item 10.1.1.3 read with item 4.1 (4.1.3 and 4.1.4) of the Code which states:

“A Member breaches the Code if the Member contravenes clause 4.1

4.1 Members must –

4.1.3 act on all occasions in accordance with the public trust placed in them;

4.1.4 discharge their obligations, in terms of the Constitution, to Parliament and the public at large, by placing the public interest above their own interest;”.

FINDING

The Committee found that the Member breached item 10.1.1.3 of the Code read with item 4.1 (i.e. items 4.1.3 and 1.1.4).

SANCTION

The Member was afforded an opportunity to address written representations to the Committee on sanction. A summary of the written representations is set out below. The Member states that-

1. he cannot be sanctioned by the Committee in terms of the Code.
2. he asked the question in the context of his right to freedom of speech as a Member of Parliament.
3. the Constitutional Court holds that freedom of speech is at the heart of our democracy.
4. the Committee when deciding on sanction should take into account the fact that by imposing a sanction it could potentially criminalise and outlaw certain kinds of speech.
5. the Committee consideration of the *sub-judice* rule (that the matter was before a court of law) was misdirected. The Supreme Court of Appeal decision in the Midi Television case is quoted to indicate that the *sub-judice* rule is only operative when there is real prejudice and that the *sub-judice* rule cannot be used to limit freedom of expression.
6. from the above mentioned point, the Complainant should have showed that the line of questioning by the Member would lead to demonstrable and substantial prejudice.

7. he stopped the line of questioning and therefore could not become guilty of breaching the *sub-judice* rule.
8. as the SCA has overturned the decision of Judge Matojane, the Member did not ask the questions to advance his own personal agenda.
9. he asked the question in his capacity as a Member of the NA on the JSC about a decision of the SCA.
10. he was allowed to ask a question about a previous judgment of a judge which the SCA overturned.
11. section 58 of the Constitution guarantees the Member's right to freedom of speech as a representative of the NA.
12. he has constitutionally protected rights which the Joint Committee failed to uphold.

COMMITTEE CONSIDERATION ON REPRESENTATION ON SANCTION/ PENALTY

The Committee noted that its reference to the matter being “before a court of law” was perhaps misconstrued by the Member. The reference was not directed at the sub-judice rule. The reference was made in the context of the fact that the Member was a litigant in the matter and the matter was still active. The Committee considered this in the context of items 4.1.3 and 4.1.4 of the Code of Ethical Conduct and Disclosure of Members' Interests (“the Code”).

The Committee does not agree that the question to Judge Matojane falls within the protection of freedom of speech. Also, that the question cannot be protected under the constitutional mandate of the Member in his role as a representative of the NA on the JSC. The Member serves on the JSC as a representative of the NA and should not have entered a question that relates to a case which concerns him personally. He serves on the JSC to further the interest of the public and not his private interest.

COMMITTEE RECOMMENDATION ON SANCTION/ PENALTY

The Code determines what penalty must be applied.

Item 10.7.7.2 of the Code states:

“in the event of the Committee finding that that a Member is guilty of contravening clauses 10.1.13 ... of this Code, the Committee shall not impose any of the above mentioned sanction, but shall recommend any greater sanction it deems appropriate to the House, and the House shall decide the appropriate sanction to be imposed after consideration of the recommendation of the Committee.

The Joint Committee recommends to the House that the following penalty be imposed-

- That the Member enter an apology in the House by specifically apologising to Judge Matojane, and the Judicial Services Commission for his question to Judge Motojane during the interview process that related to the quantum of the R500 000 damages.

REPORT TO BE CONSIDERED

BEKIZWE NKOSI

LYDIA MOSHODI

CO-CHAIRPERSONS OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS

National Assembly

1. BUDGET REVIEW AND RECOMMENDATION REPORT OF THE PORTFOLIO COMMITTEE ON POLICE ON THE 2020/21 ANNUAL REPORT OF THE SOUTH AFRICAN POLICE SERVICE (SAPS), DATED 01 DECEMBER 2021.

The Portfolio Committee on Police, having considered the annual financial and service delivery performance of the South African Police Services (SAPS) for the 2020/21 financial year, reports as follows:

1. INTRODUCTION

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009), sets out the process that allows Parliament to make recommendations to the Minister of Finance to amend the budget of a national department. As part of this process, Portfolio Committees must compile Budgetary Review and Recommendation Reports (BRRRs) in October of each year, containing recommendations relating to funding allocations for departments and other institutions that account to them. The BRRRs are also source documents for the Standing Committee on Finance when it makes recommendations to the House on the Medium-Term Budget Policy Statement (MTBPS). The annual review and analysis of performance (entailing both financial and non-financial performance indicators) forms part of this process.

The Committee is guided by its interest to promote effectiveness, efficiency and professional policing in South Africa. It has a desire to see a reduction in crime. The mandate of the Committee therefore is to fulfil its constitutional function to:

- Process and pass legislation;
 - Scrutinise and oversee executive action and the organs of state including the South African Police Service (SAPS), the Civilian Secretariat for Police Service (CSPS), the Independent Police Investigative Directorate (IPID) and the Private Security Industry Regulatory Authority (PSIRA);
 - Facilitate public participation and involvement in the legislative and other processes;
- and

- Engage, participate and oversee international treaties and protocols.

The Committee has overseen the performance of the Department through oversight meetings during the 2020/21 financial year and has tracked progress during the current financial year. The Committee has considered quarterly expenditure reports for 2020/21 and for the first quarter of the 2021/22 financial year.

The Committee was briefed on the annual performance for 2020/21 by the Department on 09-10 November 2021. The Committee also met with the Auditor-General and SAPS Audit Committee on the audit outcomes on 09 November 2021. Due to COVID-19 pandemic and time constraints, the Committee was unable to meet with other key stakeholders such as the trade unions and academics to get their views on the SAPS Annual Report.

This report is structured as follows:

- Section 1: Mandate of the Committee. This sections sets out the mandate of the Committee, the purpose of this report (Budgetary Review and Recommendation Report) and the process to develop this report.
- Section 2: Overview of key policy focus areas. This section includes the policy determinations of the National Development Plan (NDP), priorities stated by the President during his State of the Nation Address (SONA), key departmental policy areas and key priorities of the Portfolio Committee on Police for the 2020/21 financial year.
- Section 3: Report of the Auditor General of SA. This section provides the key audit findings made by the Office of the AGSA.
- Section 4: Governance. This section provides an overview of the governance structures of the Department, including risk management, fraud, corruption and consequence management, minimizing conflicts of interest, internal audit and the Audit Committee.
- Section 5: Financial overview. This section provides an overview of the Departmental expenditure, including irregular expenditure, fruitless and wasteful expenditure and contingent liabilities.
- Section 6: Performance overview. This section provides an overview of Departmental performance on predetermined key performance indicators and targets.

- Section 7: Committee observations: This section provides a summary of the observations made by the Committee during the 2020/21 Annual Report hearings.
- Section 8: Reporting requirements. This section provides a summary of the reporting requirement of the Department for written responses and feedback reports.
- Section 9: Recommendations. This section contains the recommendations made by the Committee.
- Section 10: Conclusion.

2. OVERVIEW OF THE KEY POLICY FOCUS AREAS

2.1. National Development Plan (NDP)

The SAPS in its contribution to the National Development Plan (NDP) focused on four key pillars for the implementation of the NDP. These pillars are listed in the Annual Report and Annual Performance Plan as follows:

- 1) Strengthening the Criminal Justice System;
- 2) Professionalisation of the Police;
- 3) Demilitarisation of the Police; and
- 4) Building safety using an integrated approach.

The implementation of the country's Vision for 2030 (NDP) is captured in Government's planning, budgeting and performance reporting cycle, as reflected in the Medium-Term Strategic Framework (MTSF), which extends from 2014 to 2019. The MTSF includes the following key targets towards the realisation of a South Africa in which all people are and feel safe:

- 1) A reduction in the number of reported contact crimes;
- 2) An increase in the proportion of citizens feeling safe when walking alone during the day or at night, as measured in official surveys
- 3) An increase in the proportion of households that are satisfied with police services in their area, and with the way courts deal with the perpetrators of crime;
- 4) Improvement in citizens' perceptions of levels of crime and progress in reducing crime, as measured in official surveys; and

- 5) An improvement in South Africa's ranking on the Transparency International Perception Index.

2.2. State of the Nation Address (SONA)

In his State of the Nation Address, the President noted the visceral effects of the COVID-19 pandemic on the economy of the country. The pandemic overshadowed the ability of all government departments to effectively deliver on its mandates and reduced the economy by 6%. The President highlighted corruption as a major impediment to the country's growth and development. Amongst others, he noted that the testimonies at the Zondo Commission laid bare how the Criminal Justice System was weakened. The National Anti-Corruption Strategy was put in place which lays the basis for a comprehensive and integrated society-wide response to corruption. In addition, efforts were made in turning around the leadership of the Criminal Justice System.

The government has also established a Fusion Centre which brings together key law enforcement agencies to share information and resources.

The President stated that crime and violence undermined people's sense of safety and security and that tackling crime was central to the success of economic recovery. Crimes like cable theft, railway infrastructure vandalism, land invasions, construction site disruptions and attacks on truck drivers hamper economic activity and discourage investment. The President noted that the steps was to stop those crimes and deal with those responsible in terms of the law. In addition, Task teams were set up in a number of provinces to deal with extortion and violence on sites of economic activity.

The implementation and the capacitation of the Border Management Agency was fast-tracked. Lastly, the President noted that Gender Based Violence was a prioritised as three GBV Bills would be put before Parliament to make the criminal justice system much more effective in combatting Gender Based Violence.

2.3. Key priority areas

The key priority of the Department during 2020/21 remains the implementation of the Back-to-Basics Approach across the organisation to improve service delivery and professional conduct, which is also a key requirement of the NDP.

2.3.1 SAPS Priorities

The SAPS in its 2020/21 Annual Performance Plan, provided its priorities as follows:

Enhancing community safety: The Department “has recognised community safety as integral to creating a safe and secure environment that is conducive to social and economic stability, and supporting a better life for all.” The Department will continue its focus on community participation initiative in crime prevention and focus on the effective functioning of Community Policing Forums (CPFs).

Reducing violence against women and children: The Department will target detection rates of 75 per cent and 70 per cent for crimes against women and children, respectively. According to the Department, it will enhance the detective capacity, improve forensic support and optimise the implementation of the integrated criminal justice strategy.

Targeting fraud and corruption: The Department will target fraud and corruption in the public and private sectors through “responsive investigations” that will be facilitated through specialised cybercrime investigative capabilities. The Department aims to maintain an annual conviction rate of 70 per cent for cases relating to serious fraud and corruption.

Mitigating the impact of baseline reductions: The SAPS indicated that the Department will “explore alternatives to how it renders services in communities” in an effort to mitigate the impact of baseline reductions. This will include increasing the capacity of police stations; redirecting resources towards increasing police visibility; improving access to policing services; and enhancing frontline service delivery. This will be realised through the recruitment of entry-level officers and redeploying senior officers to stabilise areas with high levels of crime. In addition, the Department will continue to conduct virtual meetings that will reduce expenditure on related spending items to ensure that the budget is sufficient.

2.4. Key priorities of the Portfolio Committee on Police

Subsequent to the 2020/21 budget hearings, the Portfolio Committee highlighted priorities that the Minister and Deputy Minister of Police should focus on, which include:

- 1) Stabilise the Central Firearms Registry and finalise outstanding backlogs;
- 2) Stabilise the Forensic Sciences Laboratories and eradicate backlogs;
- 3) Tabling of the SAPS Amendment Bill;

- 4) Tabling of the DNA Amendment Bill;
- 5) Tabling of the Firearms Control Amendment Bill;
- 6) Tabling of the IPID Amendment Bill; and
- 7) Stabilise the SAPS leadership.

3. REPORT OF THE AUDITOR-GENERAL OF SOUTH AFRICA (AGSA)

The Audit Report of the AGSA is the most important independent assessment of the quality of financial statements, including all its disclosures.

The Department received an **unqualified audit with three matters of emphasis**. The Department had qualified audits between 2016/17 and 2019/20. The AGSA made the following material findings on the usefulness and reliability of reported performance information:

The matters of emphasis include:

- **Significant uncertainties:** The SAPS is a defendant in a number of lawsuits. The ultimate outcome of these matters cannot be determined and no provision for any liability that may result was made in the financial statements. The contingent liabilities of the SAPS are R8.240 billion at the end of the 2020/21 financial year (2019/20: R7.440 billion).
- **Underspending of the budget:** The SAPS materially underspent the 2020/21 budget by R2.665 billion on Visible Policing (Programme 2) and R997 million on Detective Services (Programme 3).
- **Irregular expenditure:** Irregular expenditure of R3.475 billion is still under assessment.

The AG evaluates the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework for the following selected programme presented in the annual performance report of the SAPS for the year ended 31 March 2021:

3.1 Programme 2: Visible Policing

The material findings in respect of the usefulness and reliability of the Visible Policing Programme are as follows:

According to the AG, the achievement in the Annual Report did not agree with the supporting evidence provided for the indicators listed below and showed material differences:

- 1) Percentage reduction in the number of contact crimes
- 2) Number of reported contact crimes at the identified 30 high crime weight station
- 3) Percentage reduction in the number of contact crimes against women (18 years and above)
- 4) Percentage reduction in the number of contact crimes against children (18 years and below)
- 5) Number of stolen or lost and illegal firearms recovered
- 6) Number of identifiable stolen or lost SAPS firearms recovered
- 7) Number of stolen/robbed vehicles recovered

3.2 Report on the audit of compliance with legislation

The material findings on compliance with specific matters in key legislation are as follows:

Procurement and contract management

- Some of the bid documentation for procurement of commodities designated for local content and production, did not stipulate the minimum threshold for local production and content as required by the 2017 Preferential Procurement Regulation 8(2).
- Tender requirements for some of the contracts above R30 million did not include a condition for mandatory subcontracting to advance designated groups, as required by the 2017 Preferential Procurement Regulation 9(1).
- In some instances, persons in service of the SAPS who had a private or business interest in contracts awarded by the SAPS failed to disclose such interest, as required by Treasury Regulation 16A8.4 and the Public Service Regulation 18.

3.3 Internal control deficiencies

The AG highlighted the following:

- The SAPS did not have sufficient monitoring controls to ensure adherence to the internal policies and procedures at a programme level and for purposes of taking corrective action.
- The SAPS developed an action plan to address internal and external audit findings. Audit action plans on pre-determined objectives did not have the desired impact as

repeat findings were identified. This was due to lack of monitoring of adherence to the plan in a timely manner by the appropriate level of management.

- The SAPS did not maintain proper record keeping to safeguard records and facilitate timely retrieval. Supporting documentation relating to performance information was not always provided or was not provided within the agreed timelines.
- Non-compliance with legislation could have been prevented had compliance been properly reviewed and monitored. Despite management having included applicable checklists, these did not contain some bidding requirements.

3.4 Investigations

The AG further indicated various investigations relating to instances of transgressions of SCM legislation in previous years. These investigations have been ongoing for several years with no indicated completion date and no recommendations for implementation with regard to disciplinary and/ or criminal proceedings against transgressors.

4. GOVERNANCE

4.1 COVID-19 Impact

In general terms, overall spending performance was materially affected by COVID-19 lockdown regulations and the unforeseen and unavoidable nature of the pandemic that essentially impacted on the extent to which personnel movement were restricted, especially big cost centres such as provinces and training interventions that had to be reconsidered or terminated. In addition, procurement processes and spending on buildings and infrastructure could not realise as anticipated due to the challenges the Department had to manage during the financial year, mainly as a result of the state of emergency proclaimed.

As at 31 March 2021, there was a total number of 28 741 confirmed COVID-19 cases in the SAPS (1,86% of the total number of cases recorded in the Country (1 548 157)). Most confirmed cases were recorded at Head Office and National Divisions/Components (5 954), in the Western Cape (4 695), Gauteng (4 488), KwaZulu-Natal (3 647) and the Eastern Cape (3 223) Provinces. As at 31 March 2021, 27 998 or 97,41% recoveries were recorded. A total of 558 members succumbed to the Covid-19 virus. A total of 598 fatalities were recorded, up to

31 March 2021. Most fatalities were recorded in the Eastern Cape (116), KwaZulu-Natal (96), Gauteng (79) and the Western Cape (75) Provinces. A total number of 99 fatalities were recorded at Head Office and National Divisions/Components.

4.2 Risk Management

The Department has an Enterprise Risk Management Policy which was reviewed in the 2020/21 Financial Year. The Risk Management Policy guides the process of identifying and managing risks within SAPS. The Enterprise Risk Management Policy, was approved by the Accounting Officer, during January 2021, subsequent to the recommendation for approval by the Risk Management Committee and the reviewed Risk Management Strategy is still pending approval, for implementation, in 2021/2022.

During 2020/2021, the Department conducted strategic, operational and identified project risk assessments, including the COVID-19 Pandemic. The results of the risk assessments are formally documented in the risk register and captured on the Risk Management System. The Department further initiated a process of conducting ethics and fraud risk assessments, which are due for completion, in the 2021/2022 financial year.

The Department appointed a Risk Management Committee, which is formally constituted, in accordance with the prescripts applicable to the Public Sector Risk Management Framework. The committee comprises four external independent members and four SAPS non-independent executive members. One external member resigned from the committee, in 2020/2021. The Chairperson of the Risk Management Committee is an independent member external to the public service.

4.3 Fraud, corruption and consequence management

The SAPS Ethics Committee has a mandate to monitor the implementation of the Fraud Prevention and Ethics Management Strategy. The key pillars of the Strategy focus on prevention, response and detection. The SAPS implemented an Ethics and Anti-Corruption Strategy, during 2018, which contributed to the enhancement of initiatives to prevent and detect, investigate and resolute unethical conduct, fraud and corruption. The Strategy consists of five pillars, namely; Leadership Imperative, Prevention, Detection, Investigation and Resolution of unethical conduct and corruption.

Between 1 April 2020 to 31 March 2021, the SAPS charged 459 employees (434 SAPS Act members and 25 Public Service Act members) with various offences relating to corruption and other offences.

4.4 Minimising conflict of interest

The Public Administration Management Act, 2014 (Act No 11 of 2014), read together with the Public Service Regulations, 2016 prohibits public service employees, including SAPS employees, to conduct business with any government department.

Financial disclosures, in relation to the period 1 April 2020 to 31 March 2021, were completed successfully, during the financial disclosure period. The Department obtained 100% compliance for SMS members (830), 99,70% compliance for MMS members (2 328) and 95,93% compliance for specific occupational categories (10 625 employees within the financial and supply chain management environments) and the reports were submitted to Office of the Public Service Commission. All the financial disclosures were verified. All SAPS employees were encouraged to deregister their companies from the Central Supplier Database, to minimise the risk of employees conducting business with the State.

4.5 Internal Audit and Audit Committee

The Audit Committee comprises of the following members:

- Mr LM Mangquku (External)
- Dr C Motau (External);
- Mr AP Wakaba (External)(Chairperson);
- Mr R Tshimomola (External); and
- Mr M Karedi (External).

The findings of the Audit Committee are included deficiencies in the following areas:

- Procurement of Goods and Services
- Performance Information
- Contract and Procurement Management
- Police Safety and Infrastructure

- Firearms Earmarked for Destruction
- Fleet Management
- Asset Management
- COVID-19 Procurement of Goods and Services
- Second-Hand Goods
- Maintenance and Infrastructure of SAPS Buildings
- Management of Official Funerals
- Writs of Execution
- Ethical Culture
- Strategies Adopted to Reduce Serious Crime and Custody Management
- Collection, Safeguarding and Destruction of Firearms and Ammunition
- Policing Gender-Based Violence
- SAPS 13, Disposal of Firearms
- Case Docket Management

5. FINANCIAL OVERVIEW

5.1 Appropriation statement

The SAPS received a Main Appropriation of R101.7 billion at the start of the 2020/21 financial year. As part of the First Adjustment Appropriation, the SAPS received an additional allocation of R3.7 billion for its COVID-19 response. As part of the Second Adjustments Appropriation, the budget was reduced with R5.966 billion to an Adjusted Appropriation of R99.560 billion for 2020/21.

At the end of the 2020/21 financial year, the Department had spent R95.4 billion or 95.9% of its Final Appropriation budget of R99.5 billion, thus recording underspending of R4.07 billion at year-end. As part of the AG's audit, the material underspending was raised as a matter of emphasis. The Department recorded underspending in all budget Programmes:

- Administration: R304.7 million
- Visible Policing: R2.6 billion
- Detective Services: R996.7 million
- Crime Intelligence: R70.3 million
- Protection and Security Services: R40.8 million

Table 1: Appropriation statement for 2020/21

R' million	Main Appropriation	Adjusted Appropriation	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	COVID-19 Spending
Programme							
Administration	20 912,8	19 007,0	19 007,0	18 702,3	304,7	98.4%	2,5
Visible Policing	52 327,3	53 401,5	53 401,5	50 736,3	2 665,0	95.0%	1 744,9
Detective Services	20 624,2	19 688,5	19 688,5	18 691,8	996,7	94.9%	2,5
Crime Intelligence	4 403,5 4	200,1 4	200,1 4	129,8	70,3	98.3%	0,4
PSS	3 443,3 3	263,7 3	3 263,7	3 222,8	40,8	98.7%	1,2
Total	101 711,0	99 560,9	99 560,9	95 483,1	4 077,7	95.9%	1 751,4
Economic Classification							
Current Payments	96 876,1	95 366,4	94 889,0	91 171,1	3 717,8	96.1%	1 784,3
Compensation of employees	81 112,2	76 147,0	76 147,0	75 697,2	449,7	99.4%	32,1
Goods & services	15 763,9	19 219,4	18 742,0	15 473,9	3 268,0	82.6%	1 716,2
Training & Development	-	27,7	27,7	2,4	25,3	8.9%	-
Transfers and subsidies	1 497,7	1 613,7	1 623,5	1 595,9	27,6	98.3%	0,0
Payment of Capital Assets	3 337,3	2 580,8	3 001,5	2 669,2	332,2	88.9%	3,1
Buildings and other fixed structures	-	497,7	511,9	327,8	184,0	64.0%	-
Payments: Financial assets	0,0	46,7	46,7	46,7	0,0	100.0%	0,0
Total	101 711,0	99 560,9	99 560,9	95 483,1	4 077,7	95.9%	1 751,4

SAPS 2020/21 Annual Report

At economic classification level, the following low spending should be noted in terms of percentage of the final appropriation:

- Catering: Departmental activities: 20.8%
- Laboratory services: 7.3%
- Contractors: 61.6%

- Entertainment: 43.3%
- Consumable supplies: 45.0%
- Transport provided: Departmental activity: 14.6%
- Training and development: 8.9%
- Venues and facilities: 20.7%
- Buildings: 61.7%

COVID-19 Expenditure

The table below shows that by the end of March 2021, the SAPS had spent R1.71 billion on COVID-19 related goods and services. High spending of R1.37 billion (or 80% of the total expenditure) occurred in the first quarter of the 2020/21 financial year (01 April to 30 June 2020) after which there was decreased expenditure in the subsequent three quarters.

Table 2: Quarterly spending on COVID-19 related goods and services

Economic classification R' million	Quarter 1 April to June 2020	Quarter 2 July to Sept 2020	Quarter 3 Oct to Dec 2020	Quarter 4 Jan to March 2021
Goods and services	1 371.4	1 646.3	1 661.7	1 716.2
	1 371.4	274.9	15.4	54.5

Source: National Treasury (2021)

The bulk of the spending was recorded on goods and services (R1.7 billion) under current payments, mainly on the items: minor assets (R22.7 million), consumable supplies (R1.5 billion), travel and subsistence (R79.8 million); and on payments for capital assets (R3.1 million), mainly on machinery and equipment (R3.1 million). According to National Treasury, the COVID-19 related expenditure in the SAPS was mainly for the procurement of PPE items such as digital thermometers, plastic aprons, wipes, surgical gloves, disposal overalls, sanitisers and disposal boot covers. And according to the National Treasury COVID-19 Dashboard, 56.16% of all COVID-19 related orders were for surgical masks, followed by hand sanitisers and disinfectants (32.02%).

The National Treasury highlighted the following issues for the Committee to note related to COVID-19 interventions:

In light of the preliminary underspending recorded on COVID-19 interventions by SAPS, the National Treasury provided context to the spending patterns under this item:

- During the 2020 Special Adjustment Budget, an amount of R3.7 billion was allocated to the Department for COVID-19 interventions. This funding was earmarked by the National Treasury.
- A further amount of R252.8 million was rolled over during the 2020 Second Adjustments Budget, of which R248.4 million was rolled over for PPE, which was procured in 2019/20 but could not be delivered due to the unavailability of stock domestically.
- Furthermore, the Department reprioritised R1.1 billion within its baseline towards the Department's response to the COVID-19 pandemic. As such, the overall budget for COVID-19 interventions amounts to R5.1 billion.
- During the fourth quarter of 2020/21, the Department requested approval from the National Treasury to utilise R1.1 billion to fund priorities that cannot be financed in the baseline due to cost pressures in the Department. The funds were to be utilised as a once-off arrangement for the purposes of:
 - paying software licence fees;
 - procurement of ICT systems;
 - medical expenses for POLMED members and their dependents;
 - repair and maintenance of damaged vehicles; and
 - deployment costs for policing operations.
- The main reasons for shifting funds from COVID-19 items was low spending resulting from availability of PPE stock locally; and multiple service providers selling PPE at lower and competitive rates.

5.2 Programme Expenditure

5.2.1 Programme 1: Administration.

At the end of the 2020/21 financial year, the Programme had spent R18.7 billion or 98.4% its Final Appropriation of R19.007 billion, thus underspending by R304.7 million. The underspending was recorded under the Corporate Services sub-programme, which spent 98.5% of its budget (underspent with R277.7 million) and the Ministry sub-programme which spent 57.8% of its budget (underspent with R27 million). It should be noted that the Management sub-programme was one of only two sub-programme of the Department to spend 100% of its

budget (the other is the Static Protection sub-programme under Programme 5: Protection and Security Services). At economic classification level, expenditure on Compensation of employees was 99.4% of its available budget (underspent with R81.5 million) and expenditure on Buildings and other fixed structures was only 63% of the available budget, thus recording underspending amounting to R184 million.

5.2.2 Programme 2: Visible Policing

At the end of the 2020/21 financial year, the Programme had spent R50.7 billion or 96.5% of its available budget of R53.4 billion, thus recording underspending of R2.5 billion. The underspending was mainly recorded in the Crime Prevention sub-programme (R2.4 billion). At economic classification level, the bulk of the underspending was recorded on Current payments, mainly under Compensation of employees (R18.3 million) and Goods and services (R2.6 billion). Expenditure on Goods and services as a percentage of the Final Appropriation was 78.4%, which emanated from savings on various items including catering, computer services, training and transport.

5.2.3 Programme 3: Detective Services

At the end of the 2020/21 financial year, the Programme had spent R18.691 billion or 94.9% of its available budget of R19.7 billion, thus recording underspending of R996.7 million. The underspending was mainly recorded under the Forensic Science Laboratory sub-programme, which spent R1.124 billion, or 81%, of its available budget of R1.388 billion. In terms of economic classification, the sub-programme spent only 31.2% of its available budget for Goods and services. On Machinery and equipment, the sub-programme spent only 4.4% of its available budget. The Specialised Investigations sub-programme, or DPCI, spent R1.8 billion, or 86.2%, of its available budget of R2.1 billion. The under expenditure of R297.2 million was solely recorded under Compensation of employees. At economic classification level, the bulk of the overall underspending of the Programme was recorded on Goods and service, which spent 75.5% of its available budget (underspending of R531.3 million).

5.2.4 Programme 4: Crime Intelligence

At the end of the 2020/21 financial year, the Programme had spent R4.1 billion or 98.3% of its available budget of R4.2 billion, thus recording underspending of R70.3 million. The underspending was mainly recorded in the Crime Intelligence Operations (-R42.8 million) sub-

programme. At economic classification level, the bulk of the underspending was recorded on Goods and services (-R48.3 million) under current payments.

5.2.5 Programme 5: Protection and Security Services

At the end of the 2020/21 financial year, the Programme had spent R3.22 billion or 98.7 per cent of its available budget of R3.26 billion, thus recording preliminary underspending of R40.8 million. This underspending was mainly recorded in the Government Security Regulator sub-programme, which spent 92% of its available budget (-R6.1 million). It should be noted that the Static Protection sub-programme was one of only two sub-programme of the Department to spend 100% of its budget (the other was the Management sub-programme under Programme 5: Protection and Security Services). At economic classification level, the bulk of the underspending was recorded on Goods and services (-R36.4 million) under current payments.

5.3 Irregular expenditure

In 2020/21, the Department had an opening balance for irregular expenditure of R1.58 billion, which is an increase compared to that of the previous financial year (2019/20 opening balance: R1.272 billion). The Committee should note the balance has consistently increased over the past four-year period, despite the actual amount incurred decreasing in 2020/21 compared to the previous year. In terms of the balance, in 2017/18 it was R20.7 million (against the R1.58 billion in 2020/21). In 2020/21, the Department incurred irregular expenditure of R532 000.00, which is a significant decrease compared to R161.6 million in 2019/20. During the period under review, R28 000.00 was condoned/written off and the cases carried over from previous financial years amounting to R1.58 billion have been assessed and confirmed and the process of condonation by National Treasury is underway.

Incidents of irregular expenditure indicated a significant decrease of 66,67% (eight confirmed incidents, in 2020/2021, compared to 24 confirmed incidents during the same period, in 2019/2020).

Despite the above, the AG stated that irregular expenditure of R3.475 billion is still under assessment and raised this as a matter of emphasis. The assessment includes 823 incidents of irregular expenditure and non-compliance to procurement prescripts. The largest amount related to these investigations stands at R1 billion for sub-contracting requirements not adhered to (12 incidents), followed by 38 incidents in which local contents requirements were not

complied to amounting to R934,5 million, and 19 incidents in which bid specification requirements were not met amounting to R654,19 million. The highest number of irregular expenditure incidents under assessment was on not obtaining three quotes (214 incidents), followed by tax requirements not complied with (144 incidents). Please see note 25.7 of the 2020/21 financial statements for further details. According to the SAPS, the following activities have been undertaken decrease irregular expenditure:

- The pocket guide, which includes education relating to the prevention of irregular expenditure, was updated and was distributed to all procurement and supply chain management practitioners, on 1 October 2020.
- Irregular Expenditure Committees were rolled out to provinces and divisions, responsible for monitoring and ensuring the timeous finalisation of all irregular expenditure cases within their respective divisions and/or provinces. Registers are to be submitted on a weekly basis for monitoring purposes by the Supply Chain Management Division.
- A project plan was developed to conduct a National Intervention Road Show to all divisions and provinces, with the main objective to provide guidance to Provincial and Divisional Irregular Expenditure Committees and to finalise and prevent irregular expenditure.
- Irregular expenditure is discussed during biannual Procurement Forums, held with provinces and divisions.

5.5 Fruitless and wasteful expenditure

The Department had an opening balance of R16.2 million in fruitless and wasteful expenditure at the start of the 2020/21 financial year. During 2020/21, the Department incurred R129 000 in fruitless and wasteful expenditure, which is a decrease from the previous financial year. During 2020/21, the Department recovered R375 000 and R4.48 million was written off. Of the amount written-off, R4,129 million was on interest on claims against the State involving 91 cases. At year-end, the Department had a closing balance of R11.918 million, which is a decrease compared to the previous financial year (R16.2 million).

During 2020/21, 766 incidents of fruitless and wasteful expenditure was still under investigation (to determine whether they are in-fact fruitless and wasteful as per the PFMA)

amounting to R16.724 million, of which 443 incidents relate to interest-claims against the State amounting to R10.7 million.

5.6 Contingent liabilities/ civil claims

The AG made stated significant uncertainties at a matter of emphasis in 2020/21 because the SAPS is a defendant in a number of lawsuits. The ultimate outcome of these matters cannot be determined and no provision for any liability that may result was made in the financial statements. The contingent liabilities of the SAPS are R8.240 billion at the end of the 2020/21 financial year (2019/20: R7.440 billion).

5.6 Civil claims against the State

During the 2020/2021 financial year, 10 689 new civil claims were registered amounting to R16.7 billion (R16 782 612 292.45). The number of claims decreased from 14 845 new claims that were registered to the value of R2 033 295 750 in 2019/20. A total of 52 203 claims, valued at R59.812 billion (R59 812 179 327.28) were still pending, as at 31 March 2021. These claims emanate from previous financial years, as well as the current financial year. The most civil claims were recorded in the Gauteng province (19 313 cases valued at R23.89 billion), followed by KwaZulu-Natal recording 12 885 civil claims valued at R10.256 billion). The fewest civil claims were brought in the Northern Cape with 302 claims valued at R258.1 million. In 2020/21, 9 941 claims were brought against the State for wrongful arrest and detention amounting to R8.062 billion (R8 062 629 850.16). The highest number of claims was recorded in KwaZulu-Natal at 2 906 claims valued at R1.2 billion, followed by Gauteng at 2 692 cases valued at R3.056 billion. During 2020/21, a total of 2 899 payments (court orders and settlements) were made, to the value of R367.2 million (R376 247 932.15), of which arrest and detention claims were the highest pay outs amounting to R239.2 million (R239 299 759.27).

6. SERVICE DELIVERY AND PERFORMANCE OVERVIEW 2020/21

6.1 Overall performance

Financial and service delivery performance should be read together when considering the performance of the SAPS. There should be some alignment between performance and expenditure. Due to the nature of police work, there is no direct link between budget allocations and service delivery, which challenges effective oversight. The focus of oversight should be

placed on the quality of performance indicators and targets and whether these measure an improvement in service delivery. The initial 2020/21 APP was implemented in the first quarter of the 2020/21 financial year (April to June), but was revised due to the challenges posed by COVID-19 and was re-tabled in June 2020 and implemented from the second quarter of the 2020/21 financial year. The SAPS made revisions to some targets in the Administration, Visible Policing and Crime Intelligence Programmes. Although the SAPS Annual Report includes separate reporting for the first quarter and then quarters two to four, this analysis focusses on the annual targets and achievements.

At the end of the 2020/21 financial year, the Department achieved 73.68% of its performance targets (70 from 95 targets), which shows an improvement compared to the 63.36% achievement rate in the 2019/20 financial year.

Overall the SAPS achieved 70 from 95 performance targets Achievement rate of 73.68%

The Protection and Security Services Programme achieved 100% of its targets, similar to that of the previous financial year. The Crime Intelligence Programme achieved 83.3% of its targets at the end of 2020/21, which is a significant improvement compared to the 69% achievement rate of the previous financial year. The Visible Policing Programme achieved 73.1% of its targets at the end of the 2020/21 financial year, which is an improvement compared to the previous financial year during which it achieved 71% of its performance targets. The Administration Programme achieved 81% of its performance targets at the end of 2020/21, which is a significant improvement compared to the achievement rate of only 47.06% at the end of the 2019/20 financial year.

The Detective Services Programme is the only Programme that achieved a lower performance rate in 2020/21 compared to the previous financial year. At the end of 2020/21 the Detective Services Programme achieved 58.6% of its performance targets compared to an achievement rate of 63% in the 2019/20 financial year. This is largely due to the poor performance of the Forensic Science Laboratory sub-programme, which achieved none of its five performance targets during 2020/21 (achievement rate of 0%).

The 2020-2025 Strategic Plan includes several perception-based performance indicators to measure internal and external satisfaction with police services. The external indicators focus

on community perceptions and the internal indicators focus on SAPS members' perception of organisational aspects of the Department. Unfortunately, the relevant research-related processed were delayed by COVID-19. This is a shame as the inclusion of perception and outcome targets (rather than just output/numerical targets) was an extremely positive step towards service delivery improvement.

6.2 Programme Performance

Administration achieved 17 from 21 performance targets which totals an achievement rate of 81%

6.2.1 Programme 1: Administration

At the end of the 2020/21 financial year, the Administration Programme achieved 17 of its 21 targets (4 targets not achieved). The following should be noted:

Table 3: Targets not achieved during the 2020/21 financial year

<p>Number of new police stations established as per the SAPS Infrastructure Development Programme</p> <ul style="list-style-type: none"> • Target: 2 • Achieved: 0 • Deviation: -2 	<p>Number of identified National Network Communication Infrastructure sites modernised and implemented</p> <ul style="list-style-type: none"> • Target: 65 WAN sites • Achieved: 15 WAN sites • Deviation: -50 WAN sites 	<p>Percentage compliance with the SAPS' Ethics and Integrity Plan - Overall target not achieved. Sub-targets not achieved:</p> <ul style="list-style-type: none"> • 99.7% of Middle Management to submit financial disclosures by 31 July 2020 (-0.30%) • 95.93% of Financial Management and Supply Chain Management financial disclosures submitted by 31 July 2020 (-4.07%) • Submission of certificates on remunerative work not submitted by 31 December 2020, but only by March 2021 (-3 months)
<p>Percentage of audits completed in terms of the Internal Audit Plan</p> <ul style="list-style-type: none"> • Target: 100% (134) • Achieved: 80.6% (108 from a total of 134) • Deviation: -19.40% 		

6.2.2 Programme 2: Visible Policing

The Visible Policing Programme achieved 19 from 26 performance targets giving an achievement rate of 58.6%

At the end of the 2020/21 financial year, the Visible Policing Programme achieved 19 from 26 performance targets (7 targets not achieved).

Table 4: Targets not achieved during the 2020/21 financial year per

Sub-programme: Crime Prevention: Achieved 9 from 16 targets (7 not achieved)		
Increase the number of stolen, lost and illegal firearms recovered • Target: Increase to 4 225 • Achieved: 2 035 • Deviation: -2 190	Increase the number of identifiable stolen, lost SAPS firearms recovered • Target: Increase to 482 • Achieved: 376 • Deviation: -106	Percentage of new firearm license applications finalised within 120 working days • Target: 90% • Achieved: 38.87% (24 133 finalised from a total of 62 082 received) • Deviation: -51.13% points
Number of stolen/robbed vehicles recovered • Target: Maintain at 36 674 • Achieved: 29 422 • Deviation: -7 252	Number of identified functional strategic partnerships • Target: 3 • Achieved: 0 • Deviation: -3	Number of provinces in which the Traditional Policing Concept has been implemented • Target: 1 province by 31 March 2021 • Achieved: 0 Deviation: -1
Percentage reduction in the number of contact crimes against children (below 18 years) • Target: Decrease to 39 497 (6.73%) • Achieved: Reported contact crimes against children reduced by 5.8% from 42 348 in 2019/20 to 39 878 in 2020/21 • Deviation: -0,93% points		

The Border Security and Specialised Interventions sub-programmes achieved 100% of their respective performance targets at the end of the 2020/21 financial year. Compounding the decline in the performance of the Visible Policing Programme, the AG made material findings in respect of several performance targets. According to the AG, the achievements in the Annual Report did not agree with the supporting evidence provided for the indicators listed below and showed material differences. For those targets reported as not achieved by SAPS, the fact that the AG could not verify the supporting evidence, could mean that the underperformance on those targets could be even worse, which is concerning, especially regarding the management of firearms. Targets reported as achieved by SAPS, but not supported by evidence:

- 1) Percentage reduction in the number of contact crimes
 - 2) Number of reported contact crimes at the identified 30 high crime weight stations
 - 3) Percentage reduction in the number of contact crimes against women (18 years and above)
- Targets reported as not achieved by SAPS and not supported by evidence:
- 4) Percentage reduction in the number of contact crimes against children (18 years and below) (not achieved).
 - 5) Number of stolen or lost and illegal firearms recovered
 - 6) Number of identifiable stolen or lost SAPS firearms recovered
 - 7) Number of stolen/robbed vehicles recovered

Firearm amnesties

The SAPS ran two separate six-month firearm amnesties since December 2019. The first was from 01 December 2019 to 31 May 2020 and the second, from 01 August 2020 to 31 January 2021. Collectively, the two amnesties collected 149 726 firearms and 723 959 ammunitions. According to the SAPS, they received the majority of these firearms and ammunition during the second amnesty. In both amnesties, illegal firearms far outnumbered the voluntary surrendered legal firearms. A major challenge in both amnesties was the national COVID-19 lockdown that hampered the collection of firearms and had a significant impact on the renewal of firearm licences.

On 16 February 2021, the Portfolio Committee on Police requested monthly progress reports on the capturing of amnesty firearms. According to these reports, as of August 2021, 165 715 firearms and 723 959 ammunitions were surrendered. It is clear that the ammunition remained the same, but the number of surrendered firearms increases with 15 989. It is important to note that of the 165 715 firearms surrendered (updated August 2021 figure), 105 121 licence applications for these surrendered firearms were received (63.43% of surrendered firearms). As such, during both amnesties, only 60 594 unwanted firearms were surrendered.

6.2.3 Programme 3: Detective Services

The Detective Services Programme achieved 17 from 29 performance targets which translated to an achievement rate of 58.6%

The Detective Services Programme achieved 17 of its 29 performance targets, thus not achieving 12 targets at the end of the 2020/21 financial year. As noted above, the Programme's performance is the only to decline compared to the previous financial year, which is mainly due to the underperformance recorded in the Forensic Services Laboratory sub-programme which achieved none of its performance targets in 2020/21. The sub-programme also recorded significant deviations between the targeted and achieved performance. The following should be noted:

Table 5: Targets not achieved during the 2020/21 financial year per sub-programme

Sub-programme: Crime Investigations: Achieved 10 from 16 targets (62.5%)		
Percent increase in detection rate for contact crimes <ul style="list-style-type: none"> • Target: 55.47% • Achieved: 47.43% (348 355 from a total of 734 496) • Deviation: -8.04% points 	Percentage increase in detection rate for contact crimes at the identified 30 high crime weight stations <ul style="list-style-type: none"> • Target: 56,23% • Achieved: 33.94% (37 112 from a total of 109 335) • Deviation: -22.29% points 	Percentage increase in detection rate for crimes committed against women 18 years and above (murder, attempted murder, all sexual offences, common assault and assault GBH) <ul style="list-style-type: none"> • Target: 75,15% • Achieved: 71.29% (132 443 from a total of 185 778) • Deviation: -3.86% points
Percentage increase in detection rate for crimes committed against children under 18 years (murder, attempted murder, all sexual offences, common assault and assault GBH) <ul style="list-style-type: none"> • Target: 70,10% • Achieved: 64,88% (34 890 from a total of 53 776) • Deviation: -5.22% 	Percentage increase in compliance with the taking of buccal samples from schedule 8 offenders <ul style="list-style-type: none"> • Target: 60% • Achieved: 43.59% (86 969 from a total of 199 507) • Deviation: -16.41% points 	Percentage reduction in outstanding fingerprint investigative leads <ul style="list-style-type: none"> • Target: 5% • Achieved: 144.91% (2 575 from a total of 1 777) • Deviation: -139.91% points
Sub-programme: Criminal Record Centre: Achieved 1 from 2 targets (50%)		
Percentage of results of guilty trial verdicts updated within 20 calendar days <ul style="list-style-type: none"> • Target: 95% • Achieved: 93.09% (154 173 from a total of 165 613) • Deviation: -1.91% points 		

Forensic Science Laboratory sub-programme

The performance of the Forensic Science Laboratory sub-programme has seen a consistent decrease over the past four financial years, with the backlog in DNA analysis rising sharply to unacceptably high levels at 84.3% of case exhibits not finalised within 90 days during 2020/21 and the finalisation of DNA Intelligence case exhibits falling sharply from 95.2% in 2017/18 to 14.6% in 2020/21.

Table 6: Targets not achieved during the 2020/21 financial year per sub-programme

Sub-programme: Forensic Science Laboratory: Achieved 0 from 5 targets (0%)		
Percentage of routine case exhibits (entries) finalised <ul style="list-style-type: none"> • Target: 75,00% within 35 calendar days • Achieved: 32.23% (27 983 from a total of 86 824) • Deviation: -42.77% points 	Percentage of case exhibits (entries) not yet finalised exceeding the prescribed time frame <ul style="list-style-type: none"> • Target: Backlog not exceeding 10% of registered case exhibits (entries) • Achieved: 84.56% (300 722 from a total of 355 648) • Deviation: -74.56% points 	Percentage of non-routine case exhibits (entries) finalised <ul style="list-style-type: none"> • Target: 70,00% within 113 calendar days • Achieved: 61.70% (1 226 from a total of 1 987) • Deviation: -8.3% points
Percentage of Ballistics Intelligence (IBIS) case exhibits (entries) finalised <ul style="list-style-type: none"> • Target: 95,00% within 35 calendar days • Achieved: 90.5% (33 216 from a total of 36 704) • Deviation: -4.5% points 	Percentage of Biology DNA Intelligence case exhibits (entries) finalised <ul style="list-style-type: none"> • Target: 80,00% within 90 calendar days • Achieved: 14.59% (706 from a total of 4 838) • Deviation: -65.41% 	

As at the end of 2020/2021, the Forensic Science Laboratory environment had 300 722 cases that are yet to be finalised. The backlog increased from 27,06% to 84,56% in 2020/21, which surpasses the international norm of 10%, by 74,56%.

The number of backlog cases has increased significantly over the past seven financial years from 2014/15 to 2020/21. In 2014/15, the backlog stood at 3 304 case exhibits, which increased drastically to 18 488 cases in 2015/16, but declined again to 9 849 cases in 206/17 and further to 7 164 cases in 207/18. Thereafter, the backlog started a significant increase to 10 609 cases in 2018/19 to 98 238 cases in 2019/20 and 300 722 cases in 2020/21.

According to the SAPS, the backlog had a negative impact on the Criminal Justice System (CJS), particularly with the detection and conviction rates. In 2020/21, the SAPS had not achieved any performance targets on improving detection rates for contact crimes and crimes against women and children. Furthermore, the SAPS Annual Report states, “the increased backlog has unfortunately negated the incremental investment made by the South African Government, during the period 2010/2011 to 2017/2018, to improve the efficiency of the CJS”.

According to the SAPS, the following factors led to the underperformance:

- Lower production levels, due to COVID-19.
- The evacuation of buildings, due to positive COVID-19 cases.
- Non-operational equipment and machinery, due to outstanding service.
- Outstanding maintenance, calibration and validation contracts.

Although the COVID-19 pandemic and associated changes can be blamed as one of the reasons for the decline in performance during 2020/21, the significant decline in the Forensic Science Laboratory environment started long before the outbreak of the COVID-19 pandemic. Worryingly is the latter two reasons, namely non-operational equipment and machinery due to outstanding service and outstanding contracts for maintenance, calibration and validation of the equipment.

In 2020/21, the size of the National Forensic DNA Database has decreased to 743 730 forensic DNA profiles from 1 616 535 profiles in 2018/19. This is attributed to challenges with the poor compliance rates of detectives taking buccal samples from persons arrested and charged for Schedule 8 offences, as well as the significant increase in DNA backlogs. During 2020/21, 207 840 profiles were expunged on the NFDD, while only 4 693 new profiles were loaded. The performance target for taking buccal samples from Schedule 8 offenders is in the Crime Investigations sub-programme, but relates directly to the utilisation of forensic investigative aids in the investigation of crime and the enhancement of the DNA database. During 2020/2021, a total of 86 969 buccal samples were taken from a total number of 199 507 suspects arrested for Schedule 8 offences.

The performance target was set at, an already low, 60% of which the SAPS achieved 43.59%, thus 16.41% less than the target. According to the SAPS, the underperformance was due to the under-utilisation of, and monitoring of the taking of buccal samples. Similarly, the performance target for the reduction in outstanding fingerprint investigative leads falls in the Crime Investigations sub-programme, but also links directly to the utilisation of forensic investigative aids in the investigation of crime.

In 2020/21, the performance target was a reduction of 5%, but the backlog increased to 144.91%, thus a deviation of 139.9%. According to the SAPS, the underperformance was due

to deficiencies in the monitoring of the Automated Fingerprint Identification System (AFIS) list and the purification thereof.

6.2.4 Directorate for Priority Crime Investigation (DPCI)

The Directorate for Priority Crime Investigations (DPCI) achieved 6 from 6 performance targets and recorded an achievement of 100%. The number of arrests decreased with 192 in 2020/21 (2 253 arrests compared to the previous financial year (2 445 arrests). The number of convictions increased from 37 728 in 2019/20 to 38 411 in 2020/21. According to the SAPS, seizures with an estimated value of R657 million, including R324 million narcotics, counterfeit goods, precious metals and wildlife were realised. A total of 114 firearms and 15 159 rounds of ammunition were seized, as well as 1 862 explosives. A total number of 175 vehicles, valued at R50 755 800.00, were seized and forfeited to the State. However, it should be kept in mind that the DPCI spent R1.8 billion, or 86.2%, of its available budget of R2.1 billion. The under expenditure of R297.2 million was solely recorded under Compensation of employees.

6.2.5 Programme 4: Crime Intelligence

The Crime Intelligence Programme achieved 10 from 12 performance targets which attained an achievement rate of 83.33%.

The Crime Intelligence Programme achieved 10 of its 12 performance targets of the 2020/21 financial year. recorded large deviations between planned targets and actual performance on targets. It did not achieve 2 of its 12 performance targets.

Table 7: Targets not achieved during the 2020/21 financial year

<p>Percentage of cross-border operations and arrests of identified transnational crime suspects facilitated, in relation to requests received from INTERPOL member countries.</p> <ul style="list-style-type: none"> • Target: 100% • Achieved: 80% (4 from 5 requests facilitated) 	<p>Percentage of arrests of identified transnational crime suspects facilitated, in relation to requests received from INTERPOL member countries.</p> <ul style="list-style-type: none"> • Target: 100% • Achieved: 62.5% (25 from a total of 40 arrests)
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6.2.6 Programme 5: Protection and Security Services

The Protection and Security Services Programme achieved 7 from 7 performance targets attaining an achievement rate of 100%

The Protection and Security Services Programme achieved 100% of its performance targets for 2020/21. Thus, the Programme performed well in the protection provided to VIPs without security breaches, protection provided at identified government installations and identified VIP residences without security breaches, auditing of strategic installations and evaluation of National Key Points (NKPs).

6.3 Crime statistics 2020/21

The SAPS started to release quarterly crime statistics in 2020/21, based on a Cabinet decision that was taken in 2016. Although the release of quarterly statistics is a positive step, the SAPS has not released the annual crime statistics for 2020/21, which challenges accurate yearly crime analyses. Although the figures below are contained in the Annual Report in-text, there is not a data set available.

In 2020/21, contact crimes declined by 13,9%, from 622 206 to 535 869 compared to the previous financial year. This reduction was largely due to the COVID-19 lockdown regulations, which limited opportunities for crime-related interaction and increased police visibility in high-crime areas. Serious crimes (17 community reported crimes) declined by 16,4%, from 1 635 896 in 2019/20 to 1 367 516 in 2020/21. Contact-related crimes declined by 8,8% from 112 765 in 2019/20 to 102 854 in 2020/21. Property-related crimes declined by 21,1% from 472 158 to 372 424 and other serious crimes declined by 16,9% from 428 767 to 356 369 compared to 2019/2020. Crimes committed against women decreased by 9,4% from 171 070 in 2019/2020 to 155 062 in 2020/2021. According to the SAPS, all crimes under the contact crime category against women, except for attempted murder contributed to the 9,4% decrease, with sexual offences indicating the biggest decrease of 23,6%, followed by assault Grievous Bodily Harm (GBH) (-8,2%), common assault (-5,4%) and murder (-1,5%). In respect of contact crimes against children, the SAPS recorded a decrease of 5,8% from 42 348 in 2019/2020 to 39 878 in 2020/2021.

6.4 HUMAN RESOURCE MANAGEMENT

6.4.1 Establishment and personnel changes

At the end of the 2020/21 financial year, the SAPS had 181 344 filled posts against an initially approved Human Resource Budget Plan (HRBP) annual target of 191 763 posts. However, National Treasury communicated substantial in-year reductions to the Department and an amount of R4,907 billion was removed from the budget for compensation of employees. This resulted in the Department having to reconsider all human resource priorities in process, at the time, including the revision of the establishment target, during compilation of the 2021 Estimates of National Expenditure, to 181 344. At the end of the 2020/21 financial year, 6 129 personnel left the employment of the Department, of which the majority was due to retirement (2 538), followed by resignations (1 540) and death (1 435).

Retirements increased from 1 256 in 2019/20 to 2 538 in 2020/21 due to the early retirement without penalisation of pension benefits initiative. Deaths increased significantly from 897 in 2019/20 to 1 435 in 2020/21 due to the COVID-19 pandemic. 6.2.

6.4.2 Police/Population Ratio

In 2020/21, the Department had a fixed establishment of 182 126 employees, of which 144 253 were SAPS Act employees and 37 873 were Public Service Act employees. Compared to the previous financial year's establishment of 187 358, the Department's current fixed establishment decreased (5 232 less). Over the last six years (2014/15 to 2020/21), the police/population ratio⁴ increased year-on-year. The generally accepted benchmark is one police officer to 450 people, as such, the SAPS is within the benchmark. However, the police/population ratio is highly dependent on the crime level of an individual country and one size (or ratio) does not fit all.

In 2014/15, the police/population ratio was one police member to 358 citizens (1:358) compared to a police/population ratio of one police member to 413 citizens (1:413) in 2020/21.

The table below illustrates the changes in police/pollution ratio between 2014/15 and 2020/21.

Table 8: Changes in the police/population ratio over five years

Financial year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
SAPS Act Employees	150 950	151 834	151 651	150 791	150 855	147 035	144 253
Police/Population ratio	1:358	1:362	1:369	1:375	1:383	1:400	1:413

Source: SAPS Annual Reports 2014/15 – 2020/21

6.4.3 Section 35 Terminations

Similar to the previous year, the SAPS awarded two Section 35 terminations to two Lieutenant Generals. The amount paid by SAPS to the employees amounted to R6, 672,649.81 (R6.6 million). The payment included leave-gratuity, pro-rata service bonuses, severance packages and notice periods.

6.4.4 Regulation 47 Appointments/promotions

Under section 47(n) of the 2018 SAPS Employment Regulations, the National Commissioner may upon written motivation and in consultation with the Minister, promote an employee into a post without advertising the post. In 2020/21, three such promotions were made. This section of the Employment Regulations (section 45 of the 2008 Employment Regulations) has been an area of serious contention in the past, especially between 2015/16 and 2017/18. During a previous Portfolio Committee meeting that focused on SAPS promotions, POPCRU stated that regulation 47 proportions are grossly misused and that the careers of many police members had been stifled by this misuse. The table below illustrates the point.

Table 9: Regulation 47 Appointments / Promotions from 2013/14 to 2020/21

Financial year	Number of Regulation 47 Appointments / Promotions
2020/21	3
2019/20	6
2018/19	2
2017/18	47
2016/17	83
2015/16	41
2014/15	10
2013/14	1

Source: SAPS Annual Reports

6.4.5 Training and development

Spending on the capacitation of SAPS members has shown a worrying trend of decline over the past four financial years from 2017/18 to 2020/21. The figures below illustrate that in 2017/18, the SAPS spent 100% of its budget on training and development (R77.2 million). However, this declined significantly in 2018/19, when the SAPS spent only 42% of its training

and development budget (R25.04 million from R61.04 million) and in 2019/20, had spent only 62.9% of this budget (R18.8 million from R29.9 million). In 2020/21, the SAPS spent only 8.9% of the available budget (R2.4 million from R27.7 million). Although the decrease in 2020/21 is attributed to the COVID-19 lockdown restrictions, the trend has been ongoing over the past four financial years. According to the SAPS Annual Report, the National Commissioner suspended all planned training and development interventions, including the training of new recruits at the various Basic Police Development Academies, yet various training initiatives did take place during the 2020/21 financial year.

Despite the decreases in expenditure, the number of learners trained did not follow the same declining trend. In 2019/20, 92 481 learners were trained, in 2018/19 the figure was 71 815 and in 2017/18, it was 77 843. The performance target on training was changed in the 2020/21 Annual Performance Plan to only measure achievements on training in specific training in prioritised areas (crime prevention, crimes against women and children, crime investigation) and specialised capabilities (public order policing, forensic sciences, crime intelligence and cybercrime). Despite the deferment of training during 2020/21, 9 753 members were trained in these specific and specialised areas. Despite the significantly low expenditure on training and development in 2020/21, coupled with the COVID-19 restrictions, the SAPS reported that all afore mentioned targets on training (percentage of learners declared competent) were achieved.

7. COMMITTEE OBSERVATIONS

Audit Outcome

The Committee noted the briefing from the Auditor-General and welcomed the report and recommendations for the SAPS to improve its findings from an unqualified with findings audit opinion. The Committee was pleased with the fact that the Department was able to turn around its qualified audit opinion in the last financial year.

The AGSA also informed the Committee that the COVID-19 pandemic placed a strain on the SAPS and affected their performance.

However, the Committee noted that poor performance of the Detective Services, especially the Forensic Sciences Laboratories were cause for concern and agreed with the AGSA that there was lots of room for improvement.

The Committee noted that the Department incurred an amount of R1.7 million of Irregular Expenditure which related to non-compliance. Members also raised concerns about the investigations into the R3,5 billion rand of Irregular Expenditure which was still under investigation and wanted to know how the Department was going to deal with it.

In addition, members pointed out that the Department has not provided evidence and wanted to know about issues of contract management and non-compliance with legislation. Investigations in these areas have been undertaken for years with little movement. There was also the additional matter of discipline and consequence management and a reluctance on the side of the police to discipline its own members.

Of great concern to Members was the fact that irregular expenditure was skyrocketing and the Department was asked about the fact that there was compliance with the Public Finance Management Act (PFMA).

Members questioned whether the contractors used by the Department was properly registered and whether the Department was able to hire people in the correct manner and whether people were appointed properly.

SAPS Responses on Audit Opinion of the AGSA

The National Commissioner of the SAPS thanked the AGSA for compelling the Department to work towards the audit improvement. The SAPS aligned the audit system with the performance system and this will be reviewed. One of the most prominent areas outlined was unauthorised, fruitless and wasteful expenditure and that included corruption. The National Commissioner stated that the SAPS introduced an enterprise risk management strategy, a contract management strategy together with a discipline management strategy and work will continue towards a clean audit together with the AGSA.

The SAPS was working with National Treasury, IPID and the Investigative Directorate (ID) in the National Prosecutions Authority to conduct investigations into maladministration and corruption.

The Deputy Minister of Police indicated that they were diligently working towards receiving and unqualified audit report with no findings. He thanked the role of the Internal Audit Committee as it was a product of a collective effort. While the SAPS was not out of the woods

yet, they are diligently working towards a clean audit. The Audit Committee Charter was approved by the Minister and would be reviewed from time to time.

The Minister of Police thanked the team of AGSA for its work and indicated that it is hard work for the SAPS management team, but they were up to the task. They have put the necessary internal structures in place to enhance performance. He also thanked the Portfolio Committee for its role in holding the Department to account.

The Chairperson of the Committee indicated that the Committee was happy with the audit outcome given the fact that the Department received three consecutive qualified audit outcomes. The Committee would insist on the timeous implementation of the AGSA recommendations and if there were any failures, the Department would be held to account. The Committee would encourage the Department to move towards a clean audit.

DPCI

The Committee requested that there is a separate presentation from the DPCI together with its budget. At present it remains as a sub-programme under the Programme 3 (Detectives). The DPCI manages sensitive investigations and the Committee has on previous occasions noted the need for the DPCI to be a separate programme. This should be raised with National Treasury to facilitate the creation of a separate programme. The Committee noted that the DPCI should present separately in the Annual Report hearings in future.

Underspending of the SAPS Budget

The Committee noted that all programmes underspent their allocations of the budget resulting in an overall underspending of 4.1%. It resulted in funds amounting to R4.07 billion being surrendered to the Revenue Fund. Most concerning was the fact that the SAPS core service delivery Programme 2 (Visible Policing) underspent by R2.6 billion and the Programme 3 (Detectives) materially underspent by R996 million. Members raised serious concerns about the ability of the SAPS to protect people if it was unable to fully spend its budget of R99.5 billion. The Committee asked for an explanation of how the COVID-19 pandemic affected the spending patterns of the budget.

The Committee questioned why the SAPS did not use the adjustment period more effectively to avoid underspending. In addition, it was noted that National Treasury approved the roll-over of unspent amounts and the Committee raised its concerns about this.

SAPS Leadership

Members questioned the role and status of the National Commissioner in relation to media reports that he has been issued with a letter from the President purportedly asking for reasons why he should not be suspended. Members wanted to know what was going to happen given the fact that two senior Deputy Commissioners are also involved. The National Commissioner should act against his deputies and it appears that all the legal avenues have been exhausted. It provided the SAPS with a problem and members wanted to know how it would be addressed.

Forensic Sciences Laboratories (FSL)

The Committee was seriously concerned about the fact that the Forensic Sciences Laboratories underspent its budget by 30%. Given the dire need for DNA samples to be processed timeously for court cases, the Committee expressed its disappointment with the development as this matter has been on the Committees radar for more than one year. It has continuously addressed the SAPS management in the matter. The FSL have not had a positive impact on the state of crime and has created problems for victims and survivors of crime by being unable to process DNA samples.

Members asked for a breakdown of the areas of underspending in the FSL.

Non-compliance with Court Orders

The Committee noted that the issue of the SAPS not complying with court orders with respect to civil claims against the SAPS, is a serious matter. Members wanted an explanation as it raised the matter previously with the SAPS. In 2020/21, R367.2 million was paid out in claims and R4.129 million was written off for interest paid on late payments by the Department.

Members questioned the fact that there are over 10 689 new Civil Claims against the SAPS with contingent liabilities amounting to R8.24 billion for 2020/21 (and R7.44 billion for 2019/20). This was concerning to the Committee and SAPS was asked to explain the high figures as this matter was also previously addressed by the Committee with the SAPS management.

Members questioned the Department on their failure to re-instate members who had won their court cases. A list of members who had won their cases and who had not been re-appointed into their posts were provided to the SAPS management to investigate and report.

Arrest of Advocate Malesela Teffo

One of the Members noted that Advocate Malesela Teffo was arrested, not charged and denied proper and humane treatment. He did not appear in court and was taken to prison after the Free State Provincial Commissioner issued instructions for him to be arrested. The Member questioned whether the SAPS was going back to the apartheid era in its policing approaches and it appears that the Advocate was representing police officers and on the face of it, it appeared that his arrest was political. The SAPS was asked to provide an explanation to the Committee.

Irregular Expenditure

All members of the Committee raised concerns about the level of irregular expenditure as reported by the Auditor General. The AGSA reported that the SAPS irregular expenditure still under investigation totalled R3.475 billion. This is in addition to R1.58 billion opening balance of irregular expenditure in 2020/21. The Committee noted that the amount of irregular expenditure was R532 000 of which R28 000 was condoned.

Members raised their concerns about the fact that investigations are still taking place and questioned the Department about the fact that it required a plan to deal with irregular expenditure. The Committee requested that the SAPS provides a report with full details of where the Irregular Expenditure occurred

Supply Chain Management

The Committee pointed out that there have been serious challenges with the Supply Chain Management (SCM) Division, especially with respect to procuring goods and services for the Forensic Sciences Laboratories. The Committee agreed that the SCM Division should be strengthened and emphasised the need for the Division to be well-managed with capable appointed staff. It was pointed out that Khayelitsha Police Station for example did not have sufficient police vehicles. The Committee asked the Department to provide a plan for the strengthening of the SCM Division.

Community Police Forums(CPFs)

Members observed that the CPFs, particularly in the Western Cape, were not being supported in the way they should and it appears that the relationships between the police, the Department of Community Safety and CPFs was deteriorating at a rapid rate. It was pointed out that there are parallel structures to CPFs that were being created. The Department was asked to address this matter.

Visible Policing Programme

The Committee noted that the underspending of the core programme of Visible Policing was of serious concern and asked the Department to provide details of what interventions they planned to minimise the fact that service delivery will be affected by the underspending. Members questioned whether the Department has a service delivery improvement plan and whether there was a plan for recruitment of personnel. In addition, the Committee wanted details of the restructuring process to be provided by the SAPS management.

Performance Management System

The Committee requested a full review of the performance management system in view of the under-performance of stations and provinces. The performance of stations and provinces must be verified and reviewed with a view of applying consequence management to those who do not perform. There are insufficient consequences for station managers who do not perform in the communities and the Committee pointed out that a review of the performance management system is overdue.

SAPS Discipline Management

The Committee noted a report in a newspaper about the SAPS disciplinary system and the sanctions imposed on Members. It appeared that the SAPS was unwilling to discipline its own members in the face of IPID reports. The Chairperson pointed out that SAPS commanders ignored requests for members to be disciplined and when they did discipline members, the sanctions were inconsistent. The fact that there were disparities in the discipline management regime of the SAPS undermined the Department and this should be addressed.

Further SAPS Responses

The National Commissioner expressed his appreciation to the Committee for its recommendations. There were steps the SAPS were retaking with respect to underspending. He pointed out that even if the Department wanted to spend funds that were underspent, they would not be allowed to do so because it was earmarked funds. The steps they were taking was that the Visible Policing Programme remained within its operational budget. Given that 75% of the SAPS members were located in the Visible Policing Programme, there were too many members affected by the underspending of the budget.

The National Commissioner reported that most irregular expenditure was historical and that the SAPS would reduce irregular expenditure including the correction of the Supply Chain Management section. They have responded adequately to the AGSA and the Department has a Service Delivery Improvement Programme. The restructuring process was a management tool that emanated from the turnaround vision and was required for a multi-functional environment.

On the matter of the arrest of Advocate Teffo, the Commissioner responded by stating that the arrest was not ordered by the Free State Provincial Commissioner, but by a Gauteng Court. He was arrested after visiting the Free State.

As far as the fired SAPS members who won their court cases were concerned, the SAPS will consider the list of names provided by a Committee Member and where there were facts, they would take it on review. Most people did not have all facts in the cases, but a report will be provided for the Committee to consider.

The SAPS reported that the DPCI budget is earmarked and ring-fenced and further engagements have taken place with National Treasury who have continued to insist that it remains a sub-programme of Programme 3 (Detectives).

While the Department applied for a roll-over of R2.712 billion, they only received approval for R1 billion and they had to reprioritise within the baseline for the COVID-19 pandemic and budget. The CFO reported that the underspending amount of 79% related to earmarked funds and it had to be surrendered to the National Revenue Fund. As far as Irregular Expenditure was concerned, the department was working around the clock together with the SCM section to clear transactions which should still be assessed. They have embarked on a provincial road-show which will also affect the stations. Where there are clear indications of negligence, they apply discipline and consequence management. Further engagements with the National Commissioner is anticipated.

The SAPS reported that against the backdrop of the irregular expenditure, the AGSA expected the management to go back to the population of the department and deal with the historical Irregular Expenditure. The Department has secured a service provider to deal with it and have put measures and guidelines in place at to educate members at station level. Only R1.7 billion was confirmed after the process and there is a need to finalise the rest. It was noted that the source of Irregular Expenditure was as a result of the irregular contracts being concluded and some of those contracts have still not stopped. The department stated that it could not approach the court until they have finalised the investigations.

As far as recruitment of staff was concerned, the SAPS noted that it did not recruit for the past three years and during the last three years, there were budgetary cuts while they tried to address the staffing situation.

Part of addressing the situation has seen the Department recruit 2500 reservists who completed training in September 2021. Another 1000 reservists are in the process of being recruited and will be attending training college in August 2022.

Members who have won their cases through the legal system after disciplinary processes have concluded. The Department pointed out that each case is different and may have different outcomes.

The Forensic Sciences Laboratories has already developed a plan for getting the FSL in order and this includes re-enlisting interns who have been reappointed. They have allocated 20 posts

that have advertised and is due for appointment in December 2021. The FSL was now beginning to run smoothly as a shift system was established, overtime was being paid from September and the backlog has been reduced from 84 764 to 24 441. The recovery plan is managed on a daily basis and if there is a shortage, they step up the purchase of consumables. Things are starting to change and the department has appointed designated officers to monitor the processing of buccal samples. Gender based violence cases have prioritised as part of the recovery plan.

The SAPS reported that the backlogs in the Central Firearms Registry which has also been impacted by COVID-19, is subject to an action plan which is aimed at completing the backlog. The CFR is in the process of moving from the Veritas Building to the Telkom Building.

As far as gender based violence (GBV) in Khayelitsha is concerned, the Department indicated that it prioritised 30 stations in the Western Cape and eventually all stations are earmarked. The Department has provided mobile stations and identified 30 members that will staff the mobile station in Macassar to elevate the workload of Khayelitsha.

The DPCI reported that a separate budget for the DPCI has been ring-fenced and a report was submitted in September 2016 which makes clear that there is an obligation to develop a separate Programme for the DPCI. There was an urgency to ensure that they comply.

The SAPS responded to matter of civil claims raised by the Committee and noted the figure for 2020/21 registered civil claims is R16.7 billion which represents 10 400 claims, of which 2899 has been processed and paid R365 million. If it is compared with the previous financial year, the situation remains unchanged. The SAPS reported that they are awaiting the outcome of arbitrations. A conduct committee has been established to review the outcome of disciplinary cases.

The Deputy Minister of Police reminded everyone that a fourth wave was expected and that everyone should vaccinate. The Ministry was equally concerned about the under-expenditure raised by the Committee and stood by the explanation provided by the Department, and cared about service delivery.

The SAPS was all hands on deck to deal with the goals in the Forensics environment and the matters of under-expenditure were raised with the National Commissioner. The Deputy Minister stated that it was business as usual and the SAPS were a team. He appealed to the Members to allow the President the space and time to deal with the process he has initiated

with respect to the National Commissioner. The Deputy Minister indicated that that if the SAPS continue as in the past, they will succeed with content and quality and improve. The Critical Infrastructure Council was in the process of being appointed. He thanked the Committee and the AGSA for its role in holding the SAPS and the Executive to account.

8. SUMMARY OF REPORTING REQUESTS

Summary of the Department's reporting requirements

The following table provides a summary of the additional information requested from the Department during the hearings and other reporting requirements.

Table 10: Reporting Request

Reporting matter	Action required	Timeframe
Programme 1: Administration and Financial Statements		
Implementation plan for of AGSA recommendations	Written report	15 January 2022
Full report on restructuring of SAPS Management	Written report	15 December 2021
Report on all cases won and presented by Adv Teffo	Written Report	15 December 2021
Recovery Plan for Irregular Expenditure	Written Report	15 December 2021
Programme 2: Visible Policing		
Recovery plan for Programme underspending	Written report	15 December 2021
Programme 3: Detective Services		
DPCI plan for development of separate programme	Written Report and presentation	30 March 2022

9. COMMITTEE RECOMMENDATIONS

The Portfolio Committee made the following recommendations:

1. The Committee applauds and congratulates the SAPS Management for moving the audit outcome opinion from one of a qualified audit in 2019/20 to one of an unqualified audit opinion with findings in 2020/21.

2. The Committee recommends that the SAPS give urgent attention to implementing the Auditor General's recommendations and present its implementation plan to the Committee.
3. The Committee recommends that the SAPS addresses the root causes of its irregular expenditure and develop a recovery and implementation plan to reduce it together with the AGSA recommendations.
4. The Committee recommends that the SAPS puts plans in place to fix the problems in the supply chain management environment and provide the Committee with a written implementation plan.
5. The Committee recommends that the SAPS Management urgently address the root causes of the underspending in all programmes, but specifically in the Visible Policing Programme (R2.6 billion) and Detectives Programme (R996 million) and provide a report on the issues.
6. The Committee recommends that the SAPS meets with National Treasury to reopen negotiations on developing the DPCI as a separate programme within the SAPS and provide a report.
7. The Committee notes the media reports of reported suspensions, counter court threats and the matters surrounding the tenure of the National Commissioner and recommends that it will await the outcome of the process initiated by the President.
8. The Committee recommends that the SAPS management continues with the turnaround of the FSL with continual monitoring of the processes of clearing the DNA backlogs, processing of buccal samples, and purchasing of consumables to ensure the FSL is sufficiently resourced to provide optimum services to the public.
9. The Committee recommends that the SAPS immediately complies with court orders in the civil claims and firearms environments.

10. The Committee recommends that the SAPS immediately investigates the re-instatement of members who have won their court cases and provide a report to the Committee.
11. The Committee recommends that the National Commissioner investigates the allegations of Advocate Malesela Teffo and provide it with a report on the circumstances leading to his arrest to assure the Committee that it was not malicious and ill-intended.
12. The Committee recommends that the National Commissioner and the Secretary of Police meet to finalise the position of the Community Police Forums and the funding model prior to the SAPS Amendment Act being processed by Cabinet.
13. The Committee recommends that the performance management system be reviewed for station commanders and all senior managers with a view of consequence management for failure to implement their target indicators.
14. The Committee recommends that the SAPS reviews its implementation of the re-investigation of all IPID recommendations and discipline members and managers who should be disciplined, fails to implement IPID sanctions and routinely ignore recommendations for disciplining its members.

10. Conclusion

The Committee thanks the Ministry of Police, the National Commissioner, the Auditor General and the Management of SAPS for their efforts in creating the conditions for progress in the SAPS audit opinion. The Committee is under no illusion that there is still a long way to go to the ideal finding of a clean audit, but we are hopeful that this will be achieved in the foreseeable future. The Committee thanks all its members and all its staff for its work to ensure the SAPS and the Executive are held to account.

The Democratic Alliance and the Economic Freedom Fighters reserve their rights with respect to supporting the report.

Report to be considered.

2. Budget Review and Recommendation Report of the Portfolio Committee on Police on the Private Security Industry Regulatory Authority (PSIRA) Annual Report and performance for the 2020/2021 financial year dated 1 December 2021.

1. Introduction

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009) requires that a Budget Review and Recommendation Report (BRRR) be tabled in October every year. This year was affected by municipal elections and primarily because of the effects of the COVID-19 pandemic on the business of Parliament and government, the Annual Report hearings were held later in November. The Portfolio Committee held its hearing with the PSIRA on 24 November 2021. The Portfolio Committee on Police, having considered the 2020/21 Annual Report of the Private Security Industry Regulatory Authority (PSIRA) reports as follows.

1.1 Mandate of the Committee

The mandate of the Committee therefore is to fulfil its constitutional function to:

- Pass legislation; Scrutinise and oversee executive action and the organs of state including the South African Police Service (SAPS), the Civilian Secretariat for Police Service (CSPS), the Independent Police Investigative Directorate (IPID) and the Private Security Industry Regulatory Authority (PSIRA);
- Facilitate public participation and involvement in the legislative and other processes; and
- Engage, participate and oversee international treaties and protocols.

1.2 Purpose of the Budget Review and Recommendation Report

In terms of Section 5 of the Money Bills Amendment Procedures and Related Matters Act, No. 9 of 2009 the National Assembly, through its Committees, must annually compile Budgetary

Review and Recommendations reports (BRRR) that assess service delivery and financial performance of departments and may make recommendations on forward use of resources. The BRRR is also a source document for the Committees on Appropriations when considering and making recommendations on the Medium Term.

The Money Bills Amendment Procedures and Related Matters Act, section 5 (3) highlights focus areas on the budgetary review and recommendation report as:

- Providing an assessment of the department's service delivery performance given available resources;
- Providing an assessment of the effectiveness and efficiency of the departments use and forward allocation of available resources; and
- Including recommendations on the forward use of resources.

This report is structured as follows:

Section 1: Mandate of the Committee. This sections sets out the mandate of the Committee, the purpose of this report (Budgetary Review and Recommendation Report) and the process to develop this report.

Section 2: Overview of the Private Security Industry 2020/21

Section 3: The section provides a summary of the AGSA Report for 2020/21

Section 4: Financial overview 2020/21 The section provides an overview of the financial performance of the Authority.

Section 5: Performance against predetermined targets for 2020/21. The section provides an analysis of the Authority's performance against predetermined performance indicators and targets.

Section 6: Human Resources. The section provides for an organisational development initiative.

Section 7: Role of Private Security in Crime Prevention: Eyes and Ears Initiative

Section 8: Private Security Industry Regulation Authority Amendment ACT, 2014

Section 9: Committee Observations. The section provides the key observations made by the Committee during engagements on the 2020/21 Annual Report of the Authority.

Section 10: Committee Recommendations. The section provides the recommendations made by the Committee.

2. OVERVIEW OF THE PRIVATE SECURITY INDUSTRY 2020/21

In 2020/21, PSIRA had 2 577 138 (2.5 million) registered security officers and 11 195 registered security businesses. Less than a quarter of the total number of security officers are actively registered and working (557 277 officers) and 10 830 registered security businesses are active.

Since 2014, active security businesses increased from 8 144 to 10 830 in 2021 and active security officers increased from 487 058 to 557 277 over the same period. The largest concentration of active security officers and businesses are located in Gauteng, KwaZulu-Natal and the Western Cape.

In 2021, the private security industry remained male dominated, comprising of 77.5% male officers (432 100) and 22.4% female officers (125 177). Compared to the previous year, the number of female officers decreased from 29% to 22.4% in 2020/21 and male officers increased from 71% to 77.5%. In terms of age profile, most guards are between 31 and 40 years of age (216 966 guards), followed by 41 to 50 years (166 832 guards).

3. REPORT OF THE AUDITOR-GENERAL OF SOUTH AFRICA (AGSA)

PSIRA received its third consecutive clean audit in 2020/21. This means that the Authority did not record any financial misstatements and there were no material findings on reporting on performance objectives or non-compliance with legislation. Importantly, the AG did not identify any significant deficiencies in internal control.

As in previous financial years, the AG identified two matters of emphasis that the Authority should address, both of which were previously identified. These are –

- **Material impairment:** Provision for an impairment to the amount of R16 496 789 was raised on trade debtors. Furthermore, material losses of R6 261 851 was incurred as a result of a write-off of irrecoverable trade debtors.
- **Uncertainty relating to litigation:** PSIRA is a defendant in several legal actions. The estimated liability as at the end of March 2021, is R5 390 000, which is a significant increase compared to the previous financial year (R1 050 000).

The table below show the audit outcomes for PSIRA over the past decade (2009/10 to 2020/21). PSIRA has made significant gains to clear previous material findings, especially in terms of its financial sustainability.

PSIRA Audit Outcomes

Financial year	Audit outcome
2009/10	Qualified
2010/11	Unqualified with material findings
2011/12	Unqualified with material findings
2012/13	Qualified
2013/14	Unqualified with material findings
2014/15	Unqualified with material findings
2015/16	Unqualified with material findings
2016/17	Unqualified with material findings
2017/18	Unqualified with material uncertainty relating to the entity's ability to continue as a going concern.
2018/19	Unqualified with no material misstatements and findings (Clean audit).
2019/20	Unqualified with no material misstatements and findings (Clean audit).
2020/21	Unqualified with no material misstatements and findings (Clean audit).

4. STATEMENT OF FINANCIAL PERFORMANCE 2020/21

PSIRA's financial sustainability increased in 2020/21 compared to the previous financial year. At year-end, PSIRA closed with a surplus of R33.348 million, which is a significant improvement against R3.437 million recorded in the previous financial year. (In 2017/18, PSIRA recorded a R12.4 million deficit). The significant increase in the surplus is mainly due to a significant decrease in expenditure (R28.615 million).

The table below provides a breakdown of the Authority's financial performance in 2020/21 compared to the previous financial year.

Table 1: Statement of Financial Performance

Financial year	2020/21	2019/20
Revenue		
Total revenue from exchange transactions	288 259 392	290 076 613
Revenue from non-exchange transactions	29 284 507	26 067 559
Total Revenue	317 543 899	316 144 172
Expenditure	(284 019 671)	(312 634 997)
Operating surplus (deficit)	33 524 228	3 509 175
Surplus/ (Deficit) for the year	33 348 822	3 437 727

Source: 2020/21 PSIRA Annual Report

During the year under review, the Authority's total revenue increased from R316.144 million in the previous financial year to R317.534 million. PSIRA's expenditure decreased significantly from R312.634 million in 2019/20 to R284.019 million in 2020/21, which is a decrease of R28.615 million. Expenditure on finance costs increased from R1.3 million in 2019/20 to R6.7 million in 2020/21 and debt impairments on trade debtors increased from R15.7 million in 2019/20 to R16.4 million in 2020/21. The decrease is mainly in other (general) operating expenses, like advertising, cleaning, postage, etc.

Table 2: Decreases in selected items under general expenses

Item	2020/21 (R)	2019/20 (R)	Decrease (R)
Consulting and professional fees	4 046 033	6 953 650	- 2 907 617
Council member fees	738 952	1 735 219	- 996 267
Fingerprint cost	6 454 725	10 136 835	-3 682 110
Functions and workshops	440 070	5 738 308	- 5 298 238
Legal fees	3 292 639	8 737 579	- 5 444 940
Travel (local)	1 865 109	7 777 366	- 5 912 257

Source: 2020/21 PSIRA Annual Report

At the end of 2020/21, the debt impairment was R16.49 million. PSIRA is a defendant in a number of legal actions. It is not possible at this stage to determine the actual losses that PSIRA would suffer in the event that the court found against PSIRA. Estimated liability amounts to R5 390 000 for the period ended 31 March 2021, which is a significant increase compared to that of the previous financial year (R1 050 000).

The Authority did not incur irregular expenditure during the 2020/21 financial year. This is the fourth consecutive year in which the Authority did not incur irregular expenditure.

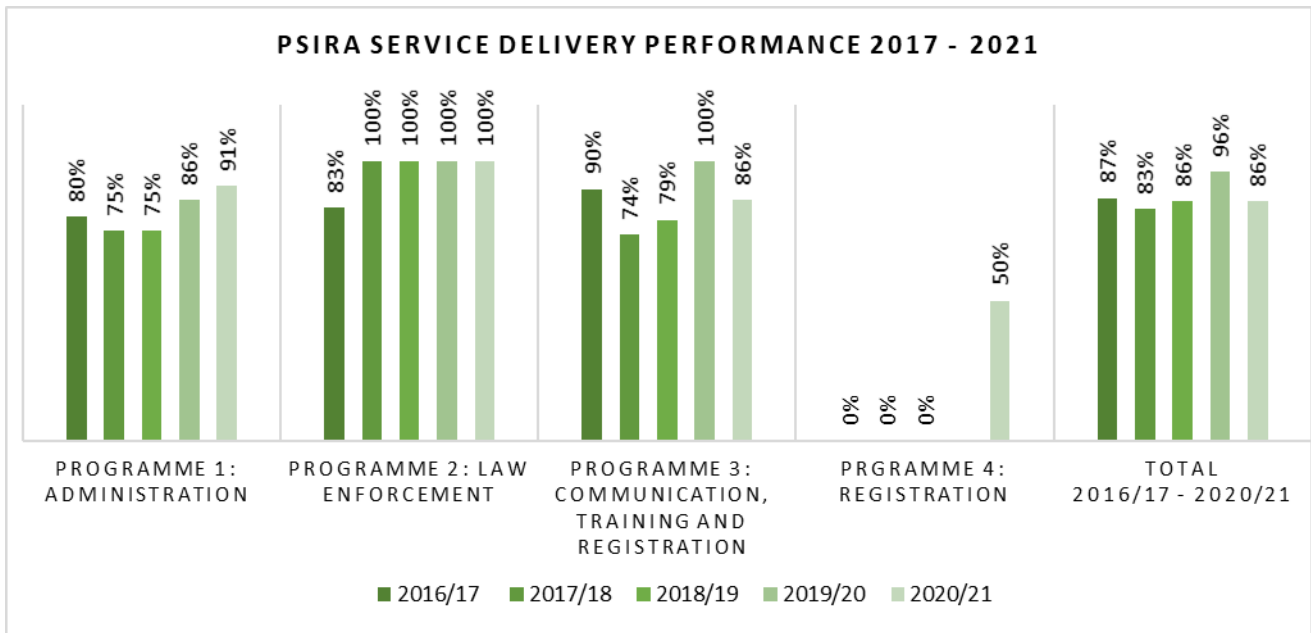
During the 2020/21 financial year, fruitless and wasteful expenditure increased significantly from R98 577 in 2019/20 to R162 178. In 2020/21, the Authority incurred fruitless and wasteful expenditure of R66 615, of which R60 000 was for failure to stop a salary.

5. PERFORMANCE AGAINST PREDETERMINED TARGETS FOR 2020/21

The Authority has achieved 86% of its predetermined performance indicator targets at the end of the 2020/21 financial year (25 targets achieved from 29), which is a decrease in performance compared to an 96% achievement rate in 2019/20. In 2020/21, the Authority split the Communication, Training and Registration Programme into two separate Programmes, namely Programme 3: Communication and Training and Programme 4: Registration.

The graph below shows a visual representation of performance between 2015 and 2020. In 2019/20, the Authority recorded its best performance in five years.

Graph 1: Comparative performance between 2016/17 and 2020/21



5.1. Administration Programme

Purpose: Provide leadership, strategic management and administrative support to the Authority.

Measurable Objectives: The programme aims to ensure effective leadership, management and administrative support to the Authority through continuous refinement of organisational strategy and structure in line with appropriate legislation and best practice.

The Administration Programme achieved 10 out of 11 performance targets, which is an achievement rate of 91%, which is an improvement compared to the previous financial year. The target missed was on the design and approval of the Guarantee Fund. The project was deferred due to a lack of funds that will only be available when the funding model is addressed.

5.2. Law Enforcement Programme

Purpose: Ensure that there are effective regulations in the security industry and enforcement of law and compliance to the regulations.

Measurable Objectives: The programme aims to ensure that Security Service Providers comply with the regulations by doing regular inspections for both security officers and security

businesses and ensure that those who are complying with the regulations are charged and prosecuted.

The Law Enforcement Programme achieved 100% of its seven predetermined performance targets at the end of the 2020/21 financial year, most of which were exceeded. It is the fourth consecutive year (2017/18 to 2020/21) in which the Programme achieved 100% of its performance targets. The following should be noted:

Targets exceeded in Programme 2: Law Enforcement

Number of security businesses inspected to enforce compliance with applicable legislation <ul style="list-style-type: none"> • Target: 6 725 • Achievement: 7 558 • Deviation: +833 	Number of security officers inspected to enforce compliance with applicable legislation <ul style="list-style-type: none"> • Target: 35 940 • Achievement: 39 805 • Deviation: +3 865 	Percentage of investigations finalised against non-compliant security service providers <ul style="list-style-type: none"> • Target: 90% • Achievement: 98% • Deviation: +8%
Number of security businesses licences for firearms inspected <ul style="list-style-type: none"> • Target: 1 500 • Achievement: 1 793 • Deviation: +293 	Percentage of criminal cases opened against non-compliant security service providers <ul style="list-style-type: none"> • Target: 95% • Achievement: 100% • Deviation: +5% 	Percentage of cases of non-compliant security service providers successfully prosecuted per year <ul style="list-style-type: none"> • Target: 92% • Achievement: 98% • Deviation: +6%

5.3. Communication, Training and Registration Programme

Purpose: Provide effective stakeholder engagement. Ensure that training standards are adhered to and the registration process is done in accordance with the PSIR Act.

Measurable Objectives: Ensure effective and meaningful stakeholder communication. Ensure that all training institutions are aligned to the required standard of training. Ensure that the registration process is effective and authentic. Continuous research to support core business initiatives and policy development.

The Communication and Training Programme achieved six out of seven performance target for 2020/21, which is an 86% achievement rate, and a decrease compared to 100% achievement rate of the previous financial year. Note: Although the percentage decrease seems high, in both financial years only one target was missed. The Authority failed to develop three new accredited courses during the 2020/21 financial year. The identified courses identified for developments included: 1) Assets in transit; 2) Special events; and 3) Armed reaction officers.

According to the Authority, there was no interest shown on the request for quotations in the first half of the financial year to develop the identified courses.

5.4. Registration Programme

Purpose: Ensure the registration of industry businesses and security officers are done in accordance with the PSIRA Act.

Measurable Objectives: The programme aims to ensure the private security industry is efficiently registered and transformed.

The Registration Programme achieved 2 out of 4 performance targets, which is an achievement rate of 50%. In 2020/21, the Programme was split from the Communication and Training Programme.

According to PSIRA, the target to turnaround applications from security officers within an average of 20 days was missed due to third party dependencies. Security guards must be South African citizens and have no criminal record. As such, applicants must be screened against the criminal record database of the SAPS. This is currently done through a third party provider (intermediary company), Afiswitch, mandated by the SAPS to conduct commercial searches against SAPS's Automated Fingerprint System (AFIS). Due to COVID-19 related down time and delays in the SAPS system being offline with Afiswitch, the company was unable to conduct the criminal record verification and thus delayed the registration turnaround time. In 2020/21, PSIRA spent R6.45 million on fingerprint costs (in 2019/20, this expense was R10.136 million).

The target to implement online registrations during 2020/21 was missed due to the broader digital strategy developed and approved towards the latter part of the financial year (quarter 3). As such, the appointment of a service provider to develop the digital registration platform could not be finalised. The tender was advertised and evaluated by the Bid Adjudication Committee (BAC). During the evaluation, the BAC made several recommendations and follow-up requests were made on the service provider's pricing.

6. HUMAN RESOURCE MANAGEMENT

At the end of March 2021, the PSIRA had 311 permanent staff members, of which most are attached to Law Enforcement (171 staff), followed by Finance and Administration (99 staff), Communication and Training (24 staff) and Registrations (17 staff). PSIRA further had 36 employees on a fixed-term contract and no interns during 2020/21. Personnel expenditure constitutes 60% (R169 322 356) of the Authority's total expenditure (R282 766 696) in 2020/21.

As at 31 March 2021, the average vacancy rate for the Authority was 4.82%, which is a significant increase compared to the 1.85% vacancy rate at the end of the previous financial year (15 vacancies). During the 2020/21 financial year, 50 personnel left the employment of PSIRA, of which one staff member retired, 13 employees resigned, three staff members were dismissed for misconduct and 33 employees' contracts expired.

7. ROLE OF PRIVATE SECURITY IN CRIME PREVENTION: EYES AND EARS INITIATIVE

In South Africa, the role of the PSI in crime prevention has been outlined in various policy documents, notably the National Development Plan (NDP) that calls for joint operations to be supported and extended. However, there is no formalised policy framework to guide the collaboration between the SAPS and the PSI. This is a major challenge to establishing successful collaborative efforts in crime prevention between the PSI and the SAPS. There is some informal collaboration between local police stations and private security companies, but such initiatives have never been formalised at a national level, until the Eyes and Ears Pilot Project that was launched in 2019. This pilot brings together the PSI, SAPS and Business against Crime South Africa (BACSA) in a formalised partnership.

“The Eyes and Ears initiative is a joint crime fighting initiative between the SAPS, Business against Crime South Africa (BACSA) and the Private Security Industry Regulatory Authority (PSIRA), aimed to enhance the situational awareness and appropriate response by the SAPS. The initiative was piloted, in Gauteng, in 2019 and was rolled out to KwaZulu-Natal, Limpopo, the Eastern Cape and the Western Cape.” SAPS 2020/21 Annual Report, page 17).

During 2020/21, the Authority produced a research paper titled “Eyes and ears: Exploring the role of neighbourhood watches in relation to security in SA”. The study is focused on the problematic nature of neighbourhood watch structures that operates outside the rules applicable to Community Policing Forums (CPFs) and conducting themselves as security service providers, yet not registered with PSIRA (because these are non-profit organisations) and thus not regulated by PSIRA. The study made several recommendations on strengthening regulations for neighbourhood watch structures and community patrollers.

8. PRIVATE SECURITY INDUSTRY REGULATION AUTHORITY AMENDMENT ACT, 2014

The President signed the Private Security Industry Regulation Amendment Bill, 2012 (B27-2012) into law on 23 September 2021 and it became the Private Security Industry Regulation Act, 2014 (No. 18 of 2014). The Amendment Bill was first introduced to the National Assembly on 05 September 2012 and had a difficult journey through Parliament. Between October 2012 and January 2014, the Portfolio Committee on Police had 17 meetings to consider the Amendment Bill and adopted it on 28 January 2014. On 25 February 2014, the National Assembly adopted the Amendment Bill and it was transmitted to the National Council of Provinces (NCOP) Select Committee on Security and Justice for concurrence. The NCOP passed the Bill on 04 March 2016 and it was sent to the President for assent. As mentioned above, the President assented to the Bill on 23 September 2021 and was published in the Government Gazette (No. 45295, Vol. 676) on 08 October 2021.

The aim of the Amendment Act is to amend the Principal Act (*Private Security Industry Regulation Act, 2001*) so as to:

amend certain definitions (*notably to include locksmiths and define the ‘Minister’ as the Minister of Police instead of the Minister of Safety and Security*);

- to provide for additional powers of the Minister (*notably in terms of strengthening the accountability of the PSIRA Council to the Minister*);
- to provide for the appointment of the Director and Deputy Directors for the Authority;
- to provide for cooperation with the Civilian Secretariat for Police;
- to provide for the finances and accountability of the Authority;
- to provide for limitation on foreign ownership;
- to provide for the establishment and functions of the Exemption Advisory Committee;

- to regulate security services rendered outside the Republic;
- to empower the Minister to make regulations for the transportation of cash and other valuables;
- to provide for offences and penalties; and
- to provide for matters connected therewith.

9. COMMITTEE OBSERVATIONS

The Committee made the following key observations during the 2020/21 Annual Report hearing:

Audit Opinion: The Committee congratulated PSIRA for obtaining a clean audit for the third consecutive year. Members of the Committee further encouraged the Authority maintain clean audit and good governance.

Appointment of Council: It was pointed out that the Private Security Industry Regulatory Authority Council was not properly appointed within the legislative framework. This joins a list of the Ministerial failures to comply with the legislative framework in appointing board members and for the appointment of the Executive Director of Independent Police Investigative Directorate as well as the National Forensics Oversight and Ethics Board (DNA Board) was highlighted as an example of such failure which raises serious oversight lapses by the Minister. The Committee would welcome an opportunity to interrogate the Minister on his reasons for failure to comply with legislative framework in so far as the appointment of this important structures are concerned. The Deputy Minister took note of the concerns raised by the Committee regarding the delay in appointing Board members and made an undertaking that they will improve their turnaround time when making such important appointments.

Private Security Industry Regulatory Authority Bill: the Committee questioned whether PSIRA received any concerns, comments, or correspondences from the members regarding the new Act. PSIRA should indicate whether it sees any potentially positive or negative aspects of the Act and its effect on the private security industry. The Deputy Minister made comments on the new act signed by the President into law and how it ushered a new era and encouraged all stakeholders to work together by finding each other in matters which required further clarity through engagements and through open channel between PSIRA its stakeholders.

He referred to an issue of ownership which is Section 22 in particular that more work needed to be done in resolving between the Authority and the department of Trade and industry in order to find an amicable solution.

The Authority stated that Section 22 of the Act which deals with ownership, will not come into effect as the section of Act still requires PSIRA and its stakeholders to go through a process of resolving the issues raised by the security companies. PSIRA confirmed that it has received comments from members of the industry wanting to know when the Act will come into operation. Members of the Security industry have enquired about the requirements and compliances with regarding the Act. Section 22 of the Act has to be reviewed by the PSIRA and all the affected stakeholders in order to find an amicable solution to outstanding issues which still needs to be resolved.

Firearms Control Amendment Bill: The PSIRA was asked whether it has submitted any comments to the Civilian Secretariat on the Bill. It was further asked whether they have any concerns on the impact of the Bill should it becomes an Act. The committee required PSIRA to further provide further clarity of those concerns if any. The PSIRA responded that it didn't assist in the drafting of the Firearm Control Amendment Bill but was invited to the webinar to make a presentation and make comments.

Central Firearm Registry: It was reported that approximately 18 000 firearms were licensed although it was not clear whether PSIRA has an agreement with the Central Firearm Registry in terms of expediting licenses within the private security industry. The PRISA stated that it does not issue licenses other than playing a role of verifying whether the companies applying are registered with them and comply prior to the issuing of licenses.

Security officers: It was pointed out that there are approximately 2,5 million registered security officers and 11 195 security business but there are only 557 277 security offers who are currently employed. PSIRA should explain what is happening with the rest of the security officers who are registered and PSIRA promised to look into the matter and report back to the committee.

Litigations: PSIRA is a defendant on a number of legal actions. The committee raised concerns about the readiness of PSIRA to meet the demands should the ruling in those cases require them to pay out large amounts of money when courts make finding against them. The PSIRA stated that they are constantly being litigated because of its inherent nature of its work that they are doing. As the regulator they are expecting to be sued because they are enforcing the law

against companies that are hesitant to comply with the law. The issuing of fines for failure to comply with the Act often leads to dissatisfaction by companies which resort to legal challenges against the Authority. PSIRA recently developed a policy as well as a framework that will allow them to make contingency liability provision for those legal matters. The policy has been analysed by the Audit and Risk Committee and it was submitted to the Auditor-General. PSIRA is confident that the assessments and assumption are quite clear and are guided by certain principles. PSIRA stated that most of the cases are emanates from frivolous litigation and that PSIRA has successfully managed to defend all the matters brought against the Authority.

Fruitless and wasteful expenditure: It was noted with concern that there was an increase in fruitless and wasteful expenditure, PSIRA stated that they recorded two incidents in their records as fruitless and wasteful expenditure. They investigated the two incidents for fruitless and wasteful expenditure and implemented consequence management in relation those matters. Two of the employees were found to be responsible for such fruitless and wasteful expenditure and both employees were charged and dismissed. The PSIRA further implemented internal control to ensure that they don't incur such fruitless and wasteful expenditure again. PSIRA is working with the Fraud Forensic Unit that is dealing and assisting them to investigate and ensure that they put internal control measures in place to eliminate and prevent fruitless and wasteful expenditure from occurring.

Relationship between PSIRA and Police: The PSIRA is dependent on the co-operation of the South African Police Service (SAPS) and it should explain the quality of its relationship with SAPS. The PSIRA is working with different departments within the SAPS and has a good working relationship on operations and activities with law enforcement department. The PSIRA is working with the Central Firearm Registry and believes that they can significantly improve their relations. An issue they have been requesting from SAPS is to gain access to the Database on firearms within the sector and also improve relationship with SAPS in the regulations.

Initiatives of Eyes and Ears: PSIRA was asked about the role that it is playing and the contribution that is made in combating crime. The PSIRA's primary role is to ensure that the private security participate in crime busting initiatives concerning security businesses. The PSIRA plays an active role in the policing of community police forums and neighbourhood

watches structures that are implemented. Their role is to ensure that security companies are legitimate and the staff that are deployed is registered and properly trained.

Complaints: It was reported that there are security companies that are assaulting people and they are in possession firearms. The PSIRA was asked if is aware of the conduct of this security companies. The PSIRA confirmed that they received complaints about security officers and companies who are beating up people. They are overstepping their boundaries on what they should or should not do. They are being investigated by Law Enforcement whether there is contravention with the laws of the Republic and such companies will be placed on suspension and their registration will be withdrawn depending on the nature of the offences after a hearing through our prosecution department chaired by an independent chairperson.

Illegal Firearms: The PSIRA was asked whether it has consulted with the security companies about their members who are foreign nationals and in possession of illegal firearms and not registered in their database. The PSIRA stated that they do identify illegal firearms from time to time throughout their activities. Their inspectors are conducting inspections from various sites and businesses in order to verify firearm licenses are licensed and whether our security officers are competent to use firearms.

Debt collectors: The Committee wanted to know if the debt collectors are managing to collect money from the companies that are owing them as it would be inappropriate to pay debt collectors if they are not getting good response from the companies in return. The debt collectors have assisted PSIRA to collect overdue debts even the ones that were prescribed. In its management account, the PSIRA has managed to collect more than what they have budgeted for, was over 100% but are still continuing with the debt collectors to assist them. In terms debt collection there is a fee model on the payment of debt collection but if the companies have not collected something they are not paid.

Payment of fingerprint background check: It was pointed out that the PSIRA paid an amount of R10,13 million during the period of 2019/20 and also paid R6,45 million in 2020/21 for criminal fingerprint background checks. The PSIRA was questioned as to why it was not a prerogative for the applicants to pay for themselves. The PSIRA admitted that they are paying a fee. There is a third party provider appointed by the SAPS through which the work in terms of doing criminal verification checks of all applicants through a process applied for registration. PSIRA is paying a fee to a third party and also added that the application fee is imposed for the nature of people applying includes costs associated with the screening fee for criminal record

verifications. PSIRA announced that they have a positive engagement with the Integrated Justice System, and they have made a formal application to be integrated in the Integrated Justice System Board for them to be recognised in their system. Authorization has been granted to the PSIRA and as soon as they have a direct access to the Integrated Justice System PSIRA won't need a third party.

Small security businesses: The PSIRA was asked about what percentage of debt is small security businesses with zero to five security officers who are employed and also struggling to get the contracts which is affecting revenue collection. The PSIRA was asked about the average amount owed by the small businesses. The total number of the security businesses that it is currently having is 11 613. The number of security companies employing 0 to 6 employees is 9476 which accounts to 82% of PSIRA debts. The current year debts owed by these category is 84 million.

Murder of security guards and civilians: The PSIRA was requested to provide a breakdown number of the security officers who were killed during the period of 2020/21 from the various provinces as well as the civilians who were killed by the private security guards during the aforementioned period. Members questioned how these guards were held accountable rather than normal prosecution. The PSIRA was unable to provide the information during the engagements and requested to provide information at a later stage. The PSIRA is engaging and obtaining the information from the Department of Labour regarding the injuries on duty. In addition, PSIRA don't have the numbers of the security guards and civilians that were killed however they have made a provision in the amendment Act. The current amendment Act will compel the private security companies to provide information particular charged firearms and fatalities.

PSIRA does not have the information on the civilians but will engage with the SAPS to assist them with that information.

Cases against Security guards: A question was raised to PSIRA regarding the number of security guards who were successfully prosecuted during the period of 2020/21, and what were the offences and sanctions imposed for such offences.

Non-compliance: It was pointed of that there were 1377 cases which were opened against non-compliance service providers which 473 cases were successfully finalised and that PSIRA should give an explanation on what happened to the remaining number of cases.

Contract workers: A question was raised about an increase on the number of fixed term contract workers because in 2019/20 there were only 12 fixed term contract workers but in 2020/21 the number increased to 36 workers. The PSIRA was requested to explain the cause of the increase on a number of contract workers. The PSIRA could not provide a response on the number of average contract workers but requested to go back and make the calculations. The PSIRA stated that most of the contract workers are Interns and normally work for a period of a year, after which they are either employed or are employed elsewhere.

10. COMMITTEE RECOMMENDATIONS

10.1 Recommendations

The Portfolio Committee on Police recommends the following:

1. The Committee recommends that the Minister of Police should comply with the legislative framework when appointing the PSIRA Council members and should explain to the Committee his delay in appointing the board members.
2. The Committee recommends that PSIRA should fast-track amendments in the new PSIRA Act. Section 22 in particular that deals with percentage of ownership and by resolving other concerns outlined by stakeholders relating to exemption on 51% ownership.
3. The Committee recommends that PSIRA should find mechanism that assist them to minimize litigations in order to curb legal costs resulting from possible judgements and findings against PSIRA.
4. The Committee recommends that PSIRA should strengthen their own internal control measures in order to avoid the reoccurring of fruitless and wasteful expenditure.
5. The Committee recommends that PSIRA should empower security companies through workshops and education awareness regarding its regulations in order to minimize violations by security offices.
6. The Committee recommends PSIRA should continue improving its working relationship with SAPS as an important stakeholder.

The Democratic Alliance and the Economic Freedom Fighters reserved their rights with respect to the report.

Report to be considered.

3. Budget Review and Recommendation Report of the Portfolio Committee on Police on the Independent Police Investigative Directorate (IPID) Annual Report and performance for the 2020/2021 financial year, dated 1 December 2021.

1. Introduction

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009) requires that a Budget Review and Recommendation Report (BRRR) be tabled in October every year. This year was affected by municipal elections and primarily because of the effects of the COVID-19 pandemic on the business of Parliament and government, the Annual Report hearings were held later in November. The Portfolio Committee the IPID BRRR hearing on 12 November 2021. The Portfolio Committee on Police, having considered the 2020/21 Annual Report of the Independent Police Investigative Directorate (IPID) reports as follows:

1.1 Mandate of the Committee

The mandate of the Committee therefore is to fulfil its constitutional function to:

- Pass legislation;
- Scrutinise and oversee executive action and the organs of state including the South African Police Service (SAPS), the Civilian Secretariat for Police Service (CSPS), the Independent Police Investigative Directorate (IPID) and the Private Security Industry Regulatory Authority (PSIRA);
- Facilitate public participation and involvement in the legislative and other processes; and
- Engage, participate and oversee international treaties and protocols.

1.2 Purpose of the Budget Review and Recommendation Report

In terms of Section 5 of the Money Bills Amendment Procedures and Related Matters Act, No. 9 of 2009 the National Assembly, through its Committees, must annually compile Budgetary Review and Recommendations reports (BRRR) that assess service delivery and financial performance of departments and may make recommendations on forward use of resources. The BRRR is also a source document for the Committees on Appropriations when considering and

making recommendations on the Medium Term.

The Money Bills Amendment Procedures and Related Matters Act, section 5 (3) highlights focus areas on the budgetary review and recommendation report as:

- Providing an assessment of the department's service delivery performance given available resources;
- Providing an assessment of the effectiveness and efficiency of the departments use and forward allocation of available resources; and
- Including recommendations on the forward use of resources.

This report is structured as follows:

Section 1: Mandate of the Committee. This sections sets out the mandate of the Committee, the purpose of this report (Budgetary Review and Recommendation Report) and the process to develop this report.

Section 2: Overview of key policy focus areas. This section includes the policy determinations of the National Development Plan (NDP), Medium Term Strategic Framework (MTSF), Annual Performance Plan (APP) and Strategic Plan (2020 -2024) priorities stated by the President during his State of the Nation Address (SONA), the Medium Term Strategic Framework and key departmental policy areas

Section 3: Report of the Auditor-General of SA (AGSA). This section provides an explanation for the non-inclusion of the AGSA Report.

Section 4: Performance overview. This section provides an overview of Departmental performance on predetermined key performance indicators and targets.

Section 5: Committee observations: This section provides a summary of the observations made by the Committee during the 2019/20 Quarterly Report hearings.

Section 6: Committee recommendations

2. OVERVIEW OF KEY FOCUS AREAS

2.1 The National Development Plan (NDP)

The National Development Plan sets out the policy for policing and the country's development agenda until 2030. Amongst the key themes for policing, the NDP is clear on the type of policing changes that are needed for policing to be effective and professional.

The NDP lists five priorities for policing in its Vision 2030 scenario:

- 1) Strengthen the Criminal Justice System
- 2) Make the Police Service Professional
- 3) Demilitarise the Police
- 4) Build Safety Using an Integrated Approach
- 5) Increase Community Participation in Safety

Strengthening the criminal justice system is an imperative requirement for the public to have confidence in the police and ensure greater safety and it speaks to the Medium Term Strategic Framework (MTSF) Outcome 3: "All people are and feel safe." Given that 2020 was the start of the MTSF for 2020-2024, the performance and delivery of the target outcomes have been adjusted. The CJS must provide swift, equitable and fair justice in criminal matters and effectively deter crime on a sustainable basis is also closely linked to the NDP and forms one of the five focus areas of the NDP.

2.2 Medium Term Strategic Framework (2019-2024)

The MTSF (2019-2024) is the implementation and monitoring framework for the NDP and is premised on three foundational pillars: a strong and inclusive economy, capable South Africans and a capable developmental state.

The MTSF proposes that the focus should be on implementation through getting all three spheres of government to work collaboratively. A district development model will be implemented to coordinate implementation at local level. The new model bridges the gap between the three spheres of government to ensure better coordination, coherence and integration of government planning and interventions.

There are seven priorities laid out in the MTSF as follows:

- Priority 1: Capable, Ethical and Developmental State
- Priority 2: Economic Transformation and Job Creation

- Priority 3: Education, Skills and Health
- Priority 4: Consolidating the Social Wage through Reliable and Quality Basic Services
- Priority 5: Spatial Integration, Human Settlements and Local Government
- Priority 6: Social Cohesion and Safer Communities
- Priority 7: A Better Africa and World

The seven priorities are further linked to 81 outcomes, 337 interventions and 561 indicators.

The IPID contributes to Priority 1 and Priority 6.

Priority 6 proposes the important deliverables of fighting corruption through holding officials of government to account; Effectively defended, protected, safeguarded and secured communities through strengthening measures to protect borders and ports of entry; Reducing organised crime through reducing drug syndicates through the implementation of the Narcotics Intervention Strategy and the revised National Drug Master Plan; Reducing the levels of serious organised crime through the successful closure of serious organised crime project investigations and the reduction of organised criminal groups and gangs (including the implementation of the National Anti-Gang Strategy); Reducing levels of contact crime through a reduction of crimes against women and children, implementing the draft integrated crime and violence prevention strategy after consultation, strengthened community partnerships, increased police visibility and increased trust in the police.

2.3 State of the Nation priorities

The President, in his State of the Nation Address (SONA) has developed seven priorities for the new administration during the MTSF period:

1. Economic transformation and job creation;
2. Education, skills and health;
3. Consolidating the social wage through reliable and quality basic services;
4. Spatial integration, human settlements and local government;
5. Social cohesion and safe communities;
6. A capable, ethical and developmental state; and
7. A better Africa and World.

During the February 2021 SONA speech, the President outlined the following priorities with respect to policing:

- **Resourcing of police stations:** As part as the SA Connect project, Government will roll out broadband to police stations.
- **Supply Chain Management:** The President noted that the Covid-19 pandemic has closed various global value chains.
- **Rural Safety:** The President committed Government’s support for black small-scale farmers and pursuing programmes to assist smallholder and emerging farmers.
- **Corruption:** The fight against corruption and strengthening the state was identified by the President as one of the four overriding priorities of 2021.
- **Crime and violence:** The President stated, “Crime and violence continues to undermine people’s sense of safety and security” and that tackling crime is central to the success of South Africa’s recovery from the Covid-19 pandemic.
- **Economic crimes:** The President stated that crimes like cable theft, railway infrastructure vandalism, land invasions, construction site disruptions and attacks on truck drivers hamper economic activity and discourage investment.
- **Border Safety:** The President indicated that Government is fast-tracking the implementation and capacitation of the Border Management Agency (BMA) to curb illegal immigration and cross-border crime.
- **Gender-based Violence:** The President repeated his focus on ending gender-based violence as a key priority. Government has introduced three key pieces of legislation in Parliament last year to realise effective change in combatting gender-based violence. The President further stated that Government is making progress in reducing the backlog of gender-based violence cases and that Government continues to provide care and support to survivors of gender-based violence.

2.4 Ministerial Priorities

The Minister of Police, Hon Bheki Cele highlighted the following policing priorities for 2020/21:

- 1) The IPID Amendment Bill will be earmarked to address identified shortcomings, such as a proposal to include other law enforcement agencies in its aegis.
- 2) The IPID must continue to execute its mandate and ensure professionalisation of police service to restore the public confidence in the police service.

- 3) The IPID must expedite and prioritise the investigations of rape and death by police officers within a reasonable time frame.
- 4) The IPID is rooting out any form of transgression of the law in the ranks of SAPS and Municipal Police Services.
- 5) The IPID must speed up its investigations to ensure that those who are under investigation are brought before the courts speedily and expeditiously.
- 6) The IPID should implement its legislative mandate of its investigation of any alleged police misconduct and corruption independently so, without fear, without favour nor prejudice.

2.5 IPID Priorities

IPID has tabled the following key priorities in the 2021/22 Annual Performance Plan:

- a) The finalisation of IPID Amendment Bill;
- b) Strengthening of investigative capacity and refining processes to improve the quality of investigations;
- c) Prioritisation of cases which will include GBV&F, rape, death, corruption and torture;
- d) Full implementation of Section 23 of the IPID Act to comply with court orders;
- e) Continuous implementation ICT key infrastructure projects;
- f) Development and implementation of new strategies in line with the department's ten-point plan;
- g) Strengthening of partnership through development and signing of an MoU with key stakeholders; and
- h) Strengthening of internal control systems to ensure compliance with applicable legislation.

3. REPORT OF THE AUDITOR –GENERAL OF SOUTH AFRICA (AGSA)

The IPID received an unqualified audit opinion with a matter of emphasis on payables not recognised of R2.5 million that exceeded the payment terms of 30 days. This is a repeat finding from the previous financial year.

3.1 Report on the audit of the Annual Performance Report

The AG was unable to obtain sufficient audit evidence for the reported achievements on three of the 13 performance indicators in the Investigation and Information Management Programme, including:

- Number of investigations of discharge of an official firearm by a police officer that are decision ready.
- Number of investigations of rape by a police officer that are decision ready.
- Number of investigations of corruption that are decision ready.

3.2 Report on compliance with legislation

In terms of internal control deficiencies, the AG found that management did not implement adequate record keeping controls to ensure that accurate, complete and relevant information is available and retrievable on a timely manner to support compliance with key legislation.

4. SERVICE DELIVERY AND PERFORMANCE OVERVIEW 2019/20

4.1 FINANCIAL OVERVIEW

4.1.1 Overall expenditure and performance

The IPID received a Main Appropriation of R355.7 million in 2020/21, which was a nominal increase of 5.6% compared to the previous financial year. National Treasury did not reduce the budget allocation due to an already constrained budget. In the Special Adjustment Budget, the Main Appropriation remained unchanged. However, during the Second Adjustments Appropriation, the budget was reduced with R14.69 million to an Adjusted Appropriation of R340.976 million. The Final Appropriation remained at R340.976 million at the end of the 2020/21 financial year, of which the Directorate had spent R340.939 million or 100 per cent of its Final Appropriation (slight underspending of R37 000.00 under Compensation of employees). The underspending on Compensation of employees was located under the Legal and Investigation Advisory Services Programme, which spent 99.4% of its Final Appropriation.

The rest of the three budget programmes spent 100% of their Final Appropriation budgets.

Table 1: Overall performance in 2020/21

Programme R'000	Adjusted Appropriation	Shifting of funds	Virement	Final appropriation	Actual Expenditure	Variance	% Spent
Administration	89 941	1227	(814)	90 354	90 354	-	100.0%
Investigation Information Management	232 450	1 050	(1236)	232 264	232 263	1	100.0%
Legal and Investigation Advisory Services	6 020	-	(349)	5 671	5 635	36	99.4%
Compliance Monitoring and Stakeholder Management	12 565	1	121	12 687	12 687	-	100.0%
Total	340 976	2 278	(2 278)	340 976	340 939	37	100.0%

Source: 2020/21 Annual Report

4.1.2 Irregular expenditure

The Department incurred irregular expenditure amounting to R712 000.00 during the 2020/21 financial year. However, the Department had a significant amount of R98.8 million brought over from previous financial years, of which R32.8 million was condoned during the 2020/21 financial year. This amount related to the lease contract for the Head Office Building (City Forum). The Department had a closing balance of R66.7 million in irregular expenditure at year end.

4.1.3 Unauthorised expenditure

The Department did not incur any unauthorised expenditure in the 2020/21 (same as the previous financial year). However, the Department has historic unauthorised expenditure of R891 000.00 related to previous financial years that is awaiting authorisation.

4.1.4 Fruitless and wasteful expenditure

During the year under review, the IPID incurred R5 000.00 in fruitless and wasteful expenditure, of which R1 000 was recovered. The Department has historic fruitless and wasteful expenditure of R125 000.00 from previous financial years. At year-end, the IPID had a closing balance of R129 000.00.

4.1.5 Claims against the Department

In 2017/18, the Department had a contingent liability of R87.9 million allowed for civil claims against the Department. During the 2018/19 financial year, the Department incurred liabilities of R9.250 million and paid R41.018 million in liabilities. This resulted in a reduction in the contingent liability to R56.200 million at year-end. The Department further reduced its contingent liability to R49.8 million in 2019/20, which increased significantly to R84.9 million in 2020/21 (with claims amounting to R35.6 million incurred in 2020/21).

4.2 PERFORMANCE AT PROGRAMME LEVEL

Overall, the performance of the Department improved during the 2020/21 financial year achieving 73% of its performance targets compared to 70% overall achievement in the previous financial year. The Administration Programme is the only one of the four programmes that recorded a decline in performance from 43% in 2019/20 to 20% in 2020/21. Both the Compliance and Stakeholder Management and Legal and Investigation Advisory Services Programmes achieved 100% of their performance targets, while the performance of the Investigation and Information Management improved from 67% in 2019/20 to 69% in 2020/21. However, it should be noted that the AG was unable to verify the performance of three performance indicators in this Programme.

4.2.1 Programme 1: Administration

The Administration Programme achieved only one from five performance indicator targets, which represents 20% of targets achieved, which a significant decline in performance from the already poor performance recorded in the previous financial year in which 43% of targets were achieved. The following targets were not achieved:

Table 2: Performance targets not achieved by the Administration Programme

Percentage implementation of the Information and Communication Technology (ICT) Strategy	Percentage implementation of the risk mitigation strategies	Percentage compliance of SMS financial interests submitted through e-disclosure per year
<ul style="list-style-type: none"> • Target: 90% • Achievement: 12% (8/65) • Deviation: -78% 	<ul style="list-style-type: none"> • Target: 60% • Achievement: 57% (13/23) • Deviation: -3% 	<ul style="list-style-type: none"> • Target: 100% • Achievement: 97% (29/30) • Deviation: -3%
Percentage vacancy rate per year		
<ul style="list-style-type: none"> • Target: <10% • Achievement: 11.5% (45/391) 		

• Deviation: -1.5%		
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The poor performance on the implementation of the ICT Strategy was due to budget cuts and projects that could not be implemented were deferred to the 2021/22 financial year. Various projects were also dependent on the relocation of the head office building. The Department of Public Works only handed over the new building on 26 March 2021.

4.2.2 Programme 2: Investigation and Information Management.

The Programme achieved 9 from 13 performance targets in the 2020/21 financial year, which represents an achievement rate of 69%. The following four targets were not achieved:

Table 3: Investigation and Information Management Programme

<p>Number of investigations of deaths as a result of police action cases that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 280 • Achievement: 259 • Deviation: -21 <p>Underperformance due to: Delays in obtaining technical reports such as ballistic, post-mortem, histology) and constant temporary closure of laboratory due to COVID-19 infections</p>	<p>Number of investigations of rape by police officer that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 130 • Achievement: 81 • Deviation: -49 <p>Underperformance due to: Delays in obtaining technical reports such as DNA and low active workload cases.</p>	<p>Number of investigations of corruption that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 85 • Achievement: 52 • Deviation: -33 <p>Underperformance due to: Investigation is complex and takes long to complete. There were also challenges with witnesses not being able to identify alleged suspects or provide information.</p>
<p>Number of approved systemic corruption cases that are decision ready per year</p> <ul style="list-style-type: none"> • Target: 3 • Achievement: 2 • Deviation: -1 <p>Underperformance due to: Due to the complex nature of systemic corruption matters,</p>		

investigation was still in progress for other active cases		
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Case Intake

During 2020/21, 6 122 cases were reported to the IPID, which is an increase of 9% compared to the previous financial year. Of the total, 5 998 cases involved the SAPS, 111 cases involved the MPS and 13 cases involved civilians. The figure below shows that while most categories recorded a decrease, five showed a significant increase, including rape in police custody (+36%), discharge of an official firearm (+21%), torture (+19%), assault (+11%) and other criminal matters and misconduct (+67%).

Table 4: Changes in annual intake of cases per category

Annual intake	2019/20	2020/21	Percentage changes
Deaths in police custody	237	217	-8%
Deaths as a result of police action	392	353	-10%
Complaint of the discharge of official firearm(s)	684	830	21%
Rape by police officer	120	80	-33%
Rape in police custody	11	15	36%
Torture	256	256	19%
Assault	3 820	4228	11%
Corruption	84	66	-21%
Other criminal matter and misconduct	18	30	67%
Systemic corruption	1	-	-100%
Non-compliance with Section 29 of IPID Act	57	47	-18%
Total	5 640	6 122	9%

Source: 2020/21 IPID Annual Report

At the end of the 2020/21 financial year, the IPID had an active case load of 15 317 and 23 187 post decision ready cases (also referred to as post decision monitoring cases, thus at year-end the IPID had a total case load of 38 501 cases. This is a significant backlog, which is increasing yearly and should be of significant concern to the Committee.

As in previous financial years, assaults remain the predominant category of cases (69% of the total cases) and has also shown a 11% increase in 2020/21 compared to the previous financial year. The highest number of cases was in the Western Cape with 1 016, followed by Gauteng

with 678 incidents and Free State with 565 incidents. In terms of assault cases according to their description, the highest number of cases received were assault common with 3 757 incidents, followed by assault with the intent to do Grievous Bodily Harm (GBH) with 415 incidents, crowd management with 42 incidents and dog attacks with four incidents. Cases of death in police custody showed a decrease of 8% in 2020/21 compared to the previous financial year. While most provinces recorded a decrease, the following provinces recorded an increase: Free State (+12%), Gauteng (+4%), KwaZulu-Natal (+38%) and the Western Cape (+10%).

The leading cause of deaths in police custody is suicide by hanging. Of the 217 cases of death in police custody recorded in 2020/21, 64 persons hung themselves in police custody. Of the 64 hangings, most were committed in the Western Cape (17 incidents and a 31% increase compared to the previous financial year), followed by Gauteng (14 incidents and a 27% increase compared to the previous financial year) and the Free State (10 incidents and a 150% increase compared to the previous financial year). Items such as clothing and blankets were the main instruments used to commit suicide. IPID has noted with concern that suicide victims used other prohibited items such as rope, shoelaces and belts.

In terms of deaths as a result of police action, 353 cases were recorded, which is a 10% decrease compared to the previous financial year. Some cases involved more than one victim (deaths) and 388 persons died in the 353 incidents. Of the 353 incidents, 109 involved the death of a suspect during the course of a crime, and 106 incidents involved the death of suspects being shot during the course of arrest. It is concerning to note that 26 suspects were killed during the course of an investigation, of which nine deaths were due to assault, 14 suspects were fatally shot and three suspects were suffocated. During 2020/21, the IPID recorded 21 domestic violence deaths involving police members, during which 2 victims died from assault, 15 victims were fatally shot and four committed suicide.

During 2020/21, 11 persons were fatally shot by police during crowd management incidents. According to Section 29 of the Act, members of the SAPS and MPS should immediately notify the Directorate of any matters referred to in Section 28 (1) (a)- (f). They should, within 24 hours submit a written report to the Directorate and must provide their full cooperation in terms of the investigation, which includes, but is not limited to, arrangement of identification parades, availing members for affidavits and any other information required. The highest number of

non-compliance cases were recorded in Mpumalanga with nineteen (19) cases, followed by Gauteng with thirteen (13) cases and Free State with four (4) cases.

The IPID made 1 887 criminal recommendations to the National Prosecuting Authority (NPA) for decision, of which 1 478 of referrals are still waiting for response, prosecution was declined for 369 cases, 34 cases were to be prosecuted and 6 cases were withdrawn. The IPID made 2 173 recommendations to SAPS during the period under review, which comprised of 686 recommendations where the IPID recommended to SAPS to discipline its member(s) and 1 487 recommendations where the IPID recommended no disciplinary action to SAPS member(s). Of the total referrals, the SAPS made 106 disciplinary convictions. The IPID made 47 recommendations to MPS during the period under review, which comprises of 16 recommendations where the IPID recommended to MPS to discipline its member(s) and 31 recommended no disciplinary action to MPS member(s). The majority of negative recommendations were to the Tshwane Metro Police Department (8 recommendations) followed by Ekurhuleni Metro Police (5 recommendations).

The following should be noted with respect to cases of assault/torture:

- 477 of 686 cases referred to SAPS were on assault/torture (65.16%)
- From the 179 finalised cases with a guilty verdict, 105 cases were on assault/torture (58.65%)
- From the 105 guilty verdicts on assault/torture, there were 2 dismissals (1.9%)
- The 2 dismissals from the total 477 assault/torture cases referred to SAPS (finalised and pending) equates to 0.42%.

Between April 2020 and March 2021, the IPID referred 477 cases of assault/torture to the SAPS for disciplinary action and by the end of this period, 0.42% of assault cases had led to a dismissal from the SAPS. The following should further be noted:

- Between April 2020 and March 2021, the IPID had an active case load of 7 820 assault cases and 665 cases on torture (combined total of 8 485 cases).
- In reporting that 105 guilty verdicts were reached on assault/torture cases at the end of this period, it represents 1.23% of the total case workload.
- The 2 dismissals represent 0.02% of the total case workload.

Thus, during the 2020/21 financial year, a police member under investigation by IPID for assault/torture had only a 1.23% chance of being found guilty of assault/torture and an 0.02% chance of being dismissed for allegations of assault/torture (2 dismissals/ 8485 cases).

Discrepancy in IPID figures: 2020/21 Annual Report vs. Presentation

On 26 May 2021, the Portfolio Committee on Police requested the SAPS and IPID to reconsolidate their statistics because the two sets differed. The table below shows that IPID amended their figures (presented on 17 August 2021 compared to May 2021) to reflect those presented by the SAPS in May 2021. According to the IPID the figures erroneously included the recommendations made to the SAPS as well as to the MPS. The figures were included in a table headed “Recommendations made to SAPS”. The mistake (or misstated figures) in reporting on 26 May 2021, is repeated in the presentation scheduled for 10 November 2021 (slide 28). As per the 2020/21 Annual Report (and the August 2021 presentation), 2 173 referrals were made to SAPS and 47 referrals to MPSs.

Table 5: Differences in data on recommendations

	Total Recommendations to SAPS	Positive Recommendations	Negative Recommendations
26 May 2021	2 220	1518	702
August 2021 and 2020/21 Annual Report	2 173	1 487	686
November 2021	2 220	1 518	702
Difference	-47	-31	16

The most significant change in the figures previously presented to the Committee is that of disciplinary recommendations made by IPID and disciplinary sanctions. These differences are shown in the table below.

Table 6: Differences in disciplinary sanctions based on IPID referrals finalised

Date of presentation	Total Guilty	Dismissal	Salary suspended	Final written warning	Written warning	Verbal warning	Corrective counselling
26 May 2021	66	6	6	13	32	5	4
17 August 2021 and 2020/21 Annual Report	179	28	13	31	71	17	19
10 November 2021	66	6	6	13	32	5	4

Difference	+113	+22	+7	+18	+39	+12	+15
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4.2.3 Programme 3: Legal and Investigation Advisory Services

At the end of the 2020/21 financial year, the Legal and Investigation Advisory Services Programme achieved 4 from 4 performance targets, giving the Programme an achievement rate of 100%. The Programme's only outcome is to ensure that the Department's legal interests are protected, mainly focussed on the coordination of civil and labour litigation, drafting and reviewing contracts and service level agreements. The Programme also provides legal advice to investigators, of which only nine such advices were given during the 2020/21 financial year.

4.2.4 Programme 4: Compliance Monitoring and Stakeholder Management

At the end of the 2020/21 financial year, the Compliance Monitoring and Stakeholder Management Programme achieved 8 from 8 performance targets giving the Programme an achievement rate of 100%. During 2020/21, two performance indicator targets were reduced during the midyear adjustments to comply with COVID-19 gathering regulations, which were: 46 station lecture awareness training sessions per year instead of the initial 56 lectures and the number of formal engagements with key stakeholders was reduced from a planned 136 engagements to 107 such engagements. One of the outcomes of the Programme is to reduce the level of police criminality and misconduct through analysis feedback. As part of the indicators for this outcome, the Programme conducted several analyses during the 2020/21 financial year, including:

- 2 173 recommendations referred to the SAPS and MPS were analysed
- 1 838 criminal referrals forwarded to the NPA were analysed
- 74% (298 from 402) of responses from the SAPS and MPS were analysed
- 68% (497 from 733) responses from the NPA were analysed

Furthermore, five case docket inspections were conducted during the 2020/21 financial year to further contribute to the reduction in the level of police criminality and misconduct.

6. HUMAN RESOURCE MANAGEMENT

At the end of the 2020/21 financial year, the Directorate had 346 filled positions against an approved establishment of 391 posts (45 vacancies), resulting in a vacancy rate of 11.5%. During 2020/21, the organisational structure was reviewed to ensure optimal utilisation of resources. The Department's baseline allocation has been reduced over the 2021 MTEF period.

The budget cut was mainly in compensation of employees. All vacant posts in the establishment were reprioritised to accommodate the reduction of the budget baseline, which resulted in the process of filling vacant posts being put on hold.

5. COMMITTEE OBSERVATIONS

The Portfolio Committee on Police made the following observations on the IPID performance:

Audit outcomes

The Committee welcomed the audit outcome of IPID receiving an unqualified audit opinion with findings. All members were in support of the progress shown and encouraged the Department to work towards a clean audit. There were however concerns with respect to unauthorised expenditure which occurred when the budget was moved around from non-core programmes to core in order to implement section 23 of the IPID Act. The Committee emphasised that the IPID should work towards addressing the findings in order to reduce the findings.

IPID Performance

The Committee raised its concerns sharply with the non-performance of the IPID with respect to certain of its programmes. The Committee emphasised that it was unacceptable for the IPID to have a 20% attainment of pre-determined objectives in Programme 1 (Administration), and 69% in Programme 2 (Investigation and Information Management). The targets were not met in these programmes and was concerning because Programme 2 is a core service delivery programme. Members felt it was very difficult to measure true performance of the Department if consequence management is not fully implemented.

IPID Independence

The Committee noted that it welcomes all efforts to exercise the independence of IPID and the fact that it is dealing with the consequences of wrongdoing by members of the police. Members wanted to know if the Executive Director has made any recommendations to the Minister of Police on how the independence of IPID can be strengthened.

Quality assurance in investigations referred to the NPA

The Committee raised its concerns about the fact that the NPA has in a number of cases declined to prosecute the cases referred to it. The Committee questioned the quality of investigations conducted by the IPID and wanted assurances that the legal quality assurers appointed by the IPID were up to the task. Members wanted details on how many legal quality assurers were appointed and in which programmes they were located.

Quality Assurance Framework for legal quality assurers

Members also wanted to know if the Executive Director has developed a quality assurance framework and how it was monitored. This was especially important in view of the fact that the SAPS does not fully respect the IPID mandate and process. The Committee noted that such a framework was important, especially since cases referred to the NPA was returned with decisions by the NPA declining to prosecute.

IPID assurance on technical reports

The Committee welcomed the IPID assurance that it is seeking other means of securing independent technical reports such as ballistics and forensics reports. This would go a long way to strengthen the IPID's independence. However, the Committee wanted to know how the IPID can assure that those reports would be independent.

Case backlogs

Members of the Committee expressed their concerns that the case backlogs appear to be growing and stands at 39 000 cases and wanted to know if the IPID was making the impact they are supposed to. The department has shown that there are a number of poor investigations and there is an increase in deaths in police custody and rapes perpetrated by police officers. The Committee noted that something drastic has to be done about the situation as it cannot continue in this way.

Colonel Kinnear matter

The Committee noted media reports that the IPID handed a 61-page report on the death of Colonel Kinnear to the Minister and according to these reports two DPCI detectives in the Free State have not done their work properly when they had prima facie evidence of a crime that was going to be committed. Members called on the IPID to make the report available.

Reopening of cases

The Committee called on the IPID to make available the findings of the cases it re-opened after having been declined to prosecute by the NPA because of poor investigations. The Committee noted that the Executive Director promised to have those cases re-opened and asked the ED for a report on their findings of the re-opened cases. These included five dockets which were taken on criminality and misconduct. The Committee wanted the IPID to make its recommendations known to it.

Progress on impact indicators

The Committee noted that the IPID was asked to develop indicators that would address the impact of its performance. The Committee has not received such indicators, and asked for a progress report and what steps have been taken to align its indicators in this direction.

Significant increase in civil claims

The Committee noted the increase in civil claims and asked the IPID to provide a response as to the reasons for the significant increase.

IPID Responses

The IPID welcomed the responses from the Committee on the audit outcome and the need for independent technical reports. The ED reported that there have been recommendations made to the Minister of Police in this regard as the failure to secure such independent technical reports threatened the independence of IPID.

The IPID has 175 investigators and require much more investigators as there are over 185 000 police officers and more capacity is needed. There are quarterly meetings held with the Civilian Secretariat of Police and the ED indicated that the IPID needs to be part of the disciplinary hearings for SAPS personnel. The IPID wants access to all disciplinary hearings in order to monitor the outcomes of such disciplinary processes, as they are unhappy with the outcomes.

The IPID has recommended that the SAPS establish an Independent Disciplinary Panel to adjudicate disciplinary cases to deal with the inconsistencies in the SAPS disciplinary outcomes.

The ED reported that she has met with Adv De Kock of the NPA to provide it with support in terms of the recommendations that are held up in the offices of the NPA. The IPID did not have the budget to appoint legal quality assurers and have approached the Department of Justice to provide them with such legal quality assurers. The Department of Justice has agreed to support

them, through training all the IPID investigators, but they have to sign a partnership agreement to this effect. This is proceeding.

The legal team from the Department of Justice is ready to assist in four hotspot provinces with backlogs and the *nolle prosequi* decisions. The IPID legal services has been asked to provide a concept document in order to deal with the backlog and the intention of the ED is to put its investigations programme on par with the Special Investigations Unit.

The IPID also reported that it has addressed the question of impact indicators and had a strategic planning session where it was discussed and they have agreed that they require to put record systems in place. A team has been nominated to attend to it and the Department is hoping that the outcomes would be implemented.

Where there are cases that is awaiting outstanding evidence, the IPID committed to making such information and evidence available for the cases to proceed. A plan has also been developed to address the backlog and the ED reported that they are seeing a spike in assault, rape in police custody and discharge of official firearm backlog cases. They have also done work on complex cases such as systemic corruption, and they are making progress with some cases being completed and others awaiting assessments.

The strategy for reducing the backlog is to prioritise death and rape cases and through this, the IPID will make significant progress, despite the acute shortage of personnel. They are also going to communities to promote the IPID.

The increase in contingent liabilities will be addressed through legal services and improving the quality of investigations. To this end, the IPID has developed a concept paper and engaged with the Justice College to train its investigators. It has also engaged the NPA and the Investigative Directorate for support. A number of interns are being trained and it was hoped that this will provide the desired results.

The Executive Director noted that there was a serious leakage of information and this compromises its investigations. The IPID will undertake a forensic investigation to determine the source of the leaks. As far as the investigation into the killing of Colonel Kinnear was concerned, the ED confirmed that there is prima facie evidence that senior members of the DPCI have not done their work, but that the investigation and report has not been completed. A preliminary report was made to the National Commissioner and the Minister and the IPID has requested another meeting with both the Minister and National Commissioner.

As far as criteria for investigators are concerned, the IPID requires prosecution-led investigations as the current quality of investigations are not so good. Some investigations have been re-opened and they have realised that they require forensic investigators. Some investigators have a matric qualification and the ED reported that she has asked forensic investigators to come on board.

The ED noted that she has refused to meet with the individual who requested to meet with her as he had insulted her and told her how useless she was. The ED felt her dignity was impaired by the accusations. The ED also confirmed that the national task team has been sent to the Free State province to start looking at some cases.

6. COMMITTEE RECOMMENDATIONS

The Portfolio Committee makes the following recommendations:

1. The Committee recommends that the IPID develop an Audit Implementation Plan and make it available to the Committee by end December 2021. The Committee further recommends that the IPID addresses and implements all the recommendations of the AGSA and the Portfolio Committee on Police.
2. The Committee recommends that the IPID Management Team reviews its under-performance in the Investigation and Information Management programme and develop a turnaround plan and make such plan available to the Portfolio Committee by December 2021.
3. The Committee recommends that the IPID report back on its plans to procure independent technical reports.
4. The Committee recommends that the National Treasury consider making funds available to enable this to happen.
5. The Committee recommends that the IPID concludes the MOU with the Department of Justice to train IPID investigators to improve the quality of investigations and welcomes the decision to approach the Justice Department to provide and train Legal Quality Assurers.

6. The Committee recommends that the IPID urgently develops a plan and provide monthly reports on the case backlogs and measures to reduce such case backlogs.
7. The Committee recommends that the IPID report on the investigation into the death of Colonel Kinnear be made available to it.
8. The Committee recommends that the IPID provide it with a report on the recommendations it made with respect to re-opened cases, the number of re-opened cases and the decisions in those cases.
9. The Committee recommends the IPID develops impact indicators and make it available by February 2022.
10. The Committee recommends that the IPID reviews the increase in civil claims.

The Democratic Alliance and the Economic Freedom Fighters reserve their rights with respect to supporting the report.

Report to be considered.

4. Budget Review and Recommendation Report of the Portfolio Committee on Police on the Civilian Secretariat for Police Services (CSPS) Annual Report and performance for the 2020/2021 financial year dated 1 December 2021.

1. Introduction

The Portfolio Committee on Police, having considered the Annual Report and financial information of the Civilian Secretariat for Police Service, reports as follows:

The Money Bills Procedures and Related Matters Amendment Act, (Act 9 of 2009) requires that the Budget Review and Recommendation Report (BRRR) for the Civilian Secretariat for Police (the Department), be tabled in October every year.

The Civilian Secretariat for Police Service as the technical adviser to the Minister of Police is ideally placed to provide the required services to assure that the South African Police Service (SAPS) implements the provisions of the National Development Plan 2030.

This report is both backward and forward looking with respect to the activities of the Civilian Secretariat for the 2020/21 financial year in terms of its attainment of both financial and performance indicators. The Committee met on 17 November 2021 to consider the Annual Report of the Civilian Secretariat for Police Services.

1.1 Purpose of the Budget Review and Recommendation Report

In terms of Section 5 of the Money Bills Amendment Procedures and Related Matters Act, No. 9 of 2009, the National Assembly, through its Committees, must annually compile Budgetary Review and Recommendations reports (BRRR) that assess service delivery and financial performance of departments and may make recommendations on forward use of resources. The BRRR is also a source document for the Committees on Appropriations when considering and making recommendations on the Medium Term Budget Policy.

The Money Bills Amendment Procedures and Related Matters Act, section 5 (3) highlights

focus areas on the budgetary review and recommendation report as:

- Providing an assessment of the department's service delivery performance given available resources;
- Providing an assessment of the effectiveness and efficiency of the departments use and forward allocation of available resources; and
- Including recommendations on the forward use of resources.

1.2 Mandate of the Committee

The mandate of the Committee therefore is to fulfil its constitutional function to:

- Pass legislation;
- Scrutinise and oversee executive action and the organs of state including the South African Police Service (SAPS), the Civilian Secretariat for Police Service (CSPS), the Independent Police Investigative Directorate (IPID) and the Private Security Industry Regulatory Authority (PSIRA);
- Facilitate public participation and involvement in the legislative and other processes; and
- Engage, participate and oversee international treaties and protocols.

1.3 Structure of the Report

This report is structured as follows:

Section 1: Mandate of the Committee. This sections sets out the mandate of the Committee, the purpose of this report (Budgetary Review and Recommendation Report) and the process to develop this report.

Section 2: Overview of key policy focus areas. This section includes the policy determinations of the National Development Plan (NDP), Medium Term Strategic Framework (MTSF), Annual Performance Plan (APP) and Strategic Plan (2020-2024) priorities stated by the President during his State of the Nation Address (SONA), the Medium Term Strategic Framework and key departmental policy areas and key priorities for the 2020/21 financial year.

Section 3: Report of the Auditor-General of SA (AGSA). This section provides an explanation for the non-inclusion of the AGSA Report.

Section 4: Performance overview. This section provides an overview of Departmental performance on predetermined key performance indicators and targets.

Section 5: Committee observations: This section provides a summary of the observations made by the Committee during the 2020/21 Quarterly Report hearings.

Section 6: Committee recommendations

The Committee held hearings with the Department on 10 November 2021 to consider its Quarterly Reports for the Fourth Quarter 2019/20 and First Quarter 2020/2021. It also used documents from its 2020/2021 Budget Report, National Development Plan (NDP), Medium Term Strategic Framework (MTSF), SONA priorities, Ministerial priorities, Departmental priorities, and Committee research documents to develop this report.

2. OVERVIEW OF KEY FOCUS AREAS

2.1 The National Development Plan (NDP)

The National Development Plan sets out the policy for policing and the country's development agenda until 2030. Amongst the key themes for policing, the NDP is clear on the type of policing changes that are needed for policing to be effective and professional.

The NDP lists five priorities for policing in its Vision 2030 scenario:

- 1) Strengthen the Criminal Justice System
- 2) Make the Police Service Professional
- 3) Demilitarise the Police
- 4) Build Safety Using an Integrated Approach
- 5) Increase Community Participation in Safety

Strengthening the criminal justice system is an imperative requirement for the public to have confidence in the police and ensure greater safety and it speaks to the Medium Term Strategic Framework (MTSF) Outcome 3: "All people are and feel safe." Given that 2020 was the start of the MTSF for 2020-2024, the performance and delivery of the target outcomes have been adjusted. The CJS must provide swift, equitable and fair justice in criminal matters and effectively deter crime on a sustainable basis is also closely linked to the NDP and forms one of the five focus areas of the NDP.

2.2 Medium Term Strategic Framework (2019-2024)

The MTSF (2019-2024) is the implementation and monitoring framework for the NDP and is premised on three foundational pillars: a strong and inclusive economy, capable South Africans and a capable developmental state.

The MTSF proposes that the focus should be on implementation through getting all three spheres of government to work collaboratively. A district development model will be implemented to coordinate implementation at local level. The new model bridges the gap between the three spheres of government to ensure better coordination, coherence and integration of government planning and interventions.

There are seven priorities laid out in the MTSF as follows:

- Priority 1: Capable, Ethical and Developmental State
- Priority 2: Economic Transformation and Job Creation
- Priority 3: Education, Skills and Health
- Priority 4: Consolidating the Social Wage through Reliable and Quality Basic Services
- Priority 5: Spatial Integration, Human Settlements and Local Government
- Priority 6: Social Cohesion and Safer Communities
- Priority 7: A Better Africa and World

The seven priorities are further linked to 81 outcomes, 337 interventions and 561 indicators.

The Civilian Secretariat plays a significant role in attaining Priority 6 outcomes with respect to Social Cohesion and the building of partnerships to fight crime. The delivery mechanism to attain social cohesion and fighting crime is through the reduction of levels of contact crime through a reduction of crimes against women and children, implementing the draft integrated crime and violence prevention strategy after consultation. It implies strengthened community partnerships, increased police visibility and increased trust in the police. The Secretariat has a direct role in building such partnerships through community police forums and community safety forums in the community to increase trust in the police.

2.3 State of the Nation priorities

The President, in his State of the Nation Address (SONA) has developed seven priorities for the new administration during the MTSF period:

1. Economic transformation and job creation;
2. Education, skills and health;
3. Consolidating the social wage through reliable and quality basic services;
4. Spatial integration, human settlements and local government;
5. Social cohesion and safe communities;
6. A capable, ethical and developmental state; and
7. A better Africa and World.

During the **SONA speech, the President outlined the following priorities** with respect to policing:

In his State of the Nation Address, the President noted the visceral effects of the COVID-19 pandemic on the economy of the country. The pandemic overshadowed the ability of all government departments to effectively deliver on its mandates and reduced the economy by 6%. The President highlighted corruption as a major impediment to the country's growth and development. Amongst others, he noted that the testimonies at the Zondo Commission laid bare how the Criminal Justice System was weakened. The National Anti-Corruption Strategy was put in place which lays the basis for a comprehensive and integrated society-wide response to corruption. In addition, efforts were made in turning around the leadership of the Criminal Justice System.

The government has also established a Fusion Centre which brings together key law enforcement agencies to share information and resources.

The President stated that crime and violence undermined people's sense of safety and security and that tackling crime was central to the success of economic recovery. Crimes like cable theft, railway infrastructure vandalism, land invasions, construction site disruptions and attacks on truck drivers hamper economic activity and discourage investment. The President noted that the steps was to stop those crimes and deal with those responsible in terms of the law. In addition, Task teams were set up in a number of provinces to deal with extortion and violence on sites of economic activity.

2.4 Ministerial Priorities

The Minister of Police, Hon Bheki Cele highlighted the following policing priorities for 2020/21 in his Annual Performance Plan (2020/21):

- Institutionalise integration, coordination and collaboration as the most effective approach to building safer communities;
- Implementation of, amongst other policy instruments, the Integrated Crime and Violence Prevention Strategy and the Integrated Model of Policing Policy Framework
- Focusing on strengthening community partnerships to improve participation in the fight against crime;
- To improve community police relations and restore trust in the police;
- To advance the agenda of a transformed and accountable police service;
- To tackle crime and corruption as barriers to economic growth,
- To deal with pertinent issues such as acts of economic sabotage and violent protest action,
- To strengthen by-law enforcement so that municipalities can effectively focus on those functional areas within their purview that promote safety and security;
- The finalisation of priority legislation that will contribute to economic recovery efforts;
- Addressing the issue of gender-based violence (GBV) and the CSPPS will leverage on its strategic partnerships with CBOs, NGOs, FBOs and the business sector to mobilise communities in the fight against the scourge of GBV; and
- The implementation of the CSPPS' Partnership Strategy and Framework.

2.5 Civilian Secretariat Priorities

The priorities for the Civilian Secretariat for the 2020/21 is listed as follows:

- The need for a localised approach to addressing crime concerns;
- Targeted implementation of the Provincial and Local Crime Prevention Frameworks and District Action Plans, in line with the District Development Model (DDM);
- The implementation of the 2016 White Paper on Safety and Security;
- Improving detective service and forensics, as well as facilitating the modernisation of the SAPS through an e-Policing Policy;
- Focus on the finalisation and implementation of an Integrated Crime and Violence Prevention Strategy (ICVPS); and

- Ensuring the implementation of a Partnership Strategy and Framework which seeks to mobilise key role-players and harness the social capital in communities by facilitating greater involvement of various community safety structures in the fight against crime.

3. REPORT OF THE AUDITOR GENERAL OF SOUTH AFRICA (AGSA)

The Department received an unqualified audit opinion with no material findings on performance, but had a matter of emphasis on the material underspending recorded of R5.625 million at year-end. The Department has recorded continuous underspending since its coming into operation in 2012. The AG made no material findings on the reliability and usefulness of reported performance, compliance with legislation or internal control deficiencies.

3.1 FINANCIAL OVERVIEW 2020/21

At the end of the 2020/21 financial year, the CSPS had spent R137.1 million or 95.9% of its Final Appropriation budget of R137.1 million, thus recording underspending of R5.6 million. The underspending was recorded in all four budget programmes of the Department:

- Programme 1: Administration - R1.695 million
- Programme 3: Legislation and Policy Development - R2.116 million
- Programme 4: Civilian Oversight, Monitoring and Evaluations - R1.809 million.

Table 1: Appropriation statement 2020/21

Programme R'000	Adjusted Appropriation	Virement	Final appropriation	Actual Expenditure	Variance	% Spent
Administration	60 947	2 685	63 632	61 937	1 695	97.3%
Intersectoral Coordination and Strategic Partnerships	23 290	(649)	22 641	22 637	4	100.0%
Legislation and Policy Development	22 202	(1 447)	20 755	18 639	2 116	89.8%
Civilian Oversight, Monitoring and Evaluations	30 729	(589)	30 140	28 331	1 809	90.7%
TOTAL	137 168	-	137 168	131 544	5 624	95.9%

Source: CSPS 2020/21 Annual Report

At economic classification level, the Department recorded underspending on current payments, specifically on compensation of employees (R5.4 million), which was mainly on salaries and wages (R4.6 million) due to the non-implementation of cost of living adjustments for staff in line with the 2018 public sector wage agreement, and vacant funded posts which were vacant for the most part of the financial year and only filled in the last quarter of the financial year. The underspending on transfers and subsidies was mainly on transfers to departmental agencies and accounts (R81 000) due to the delayed finalisation of the Memorandum of Understanding (MOU) with the Safety and Security Sector Education and Training Authority (SASSETA). The MOU was only finalised in August 2020, and as such the Department was billed for 7 months instead of 12 months as planned.

3.1 Expenditure per Programme

3.1.1 Programme 1: Administration:

The programme had an Adjusted budget of R60.9 million, which increased to a Final appropriation of R63.6 million during the Fourth Quarter of which the programme had spent R61.9 million or 97.3 per cent. Thus underspending of R1.6 million was recorded.

3.1.2 Programme 2: Intersectoral Coordination and Strategic Partnerships:

The programme had an Adjusted appropriation of R23.3 million, which was reduced during the fourth quarter to a Final appropriation of R22.6 million, of which the programme had spent 100 per cent (a slight underspending of R4 000 was recorded, which is too little to affect the percentage expenditure of the Programme).

3.1.3 Programme 3: Legislation and Policy Development:

The programme had an Adjusted appropriation of R22.2 million, which was decreased to a Final appropriation of R20.7 million during the fourth quarter of the 2020/21, of which the programme had spent 89.8 per cent of its allocation, thus underspending by R2.1 million at year-end. The underspending was mainly within the Policy Development sub-programme spending 88.9 per cent of its Final appropriation leaving R1.5 million unspent at year-end.

3.1.4 Programme 4: Civilian Oversight, Monitoring and Evaluations: The programme had an Adjusted appropriation of R30.7 million which was reduced slightly during the fourth quarter of the 2020/21 financial year to a Final appropriation of R30.1 million, of which the programme had spent 90.7 per cent, thus leaving R1.8 million unspent at year-end.

Compensation of employees: The underspending was largely from underspending on compensation of employees (COE). The table below shows that COE had contributed significantly to underspending in the Department.

Table 2: Underspending by the CSPS (Total and COE)

Financial year	Underspending on total final appropriation		Underspending on final appropriation on COE	
	Expenditure as a % of total final appropriation	Variance on total final appropriation (R'000)	Expenditure as a % of final appropriation for COE	Variance on COE (R'000)
2014/15	66.6%	17 403	87.8%	8 451
2015/16	89.8%	1 292	98.8%	814
2016/17	89.9%	11 152	83.8%	12 847
2017/18	94.4%	6 328	93.4%	5 819
2018/19	94.4%	7 355	93.9%	5 987
2019/20	96.3%	5 617	97.2%	2 829
2020/21	95.9%	5 624	94.8%	5 403

Source: CSPS Annual Reports 2014/15 to 2020/21

3.2 COVID-19 Spending

At the end of the 2020/21 financial year, the Department had spent R426 085.70 on COVID-19 related interventions, of which 24.9% was on sanitizing and disinfectant items. This expenditure was incurred in the Administration programme, specifically in the Corporate Services sub-programme. The funds were used to purchase PPE items such as: sanitisers, surgical and cloth masks, disposable gloves and digital thermometers. The highest expenditure on items related to COVID-19 interventions were:

- Overtime payment to staff assisting with transportation of frontline workers: R127 136.84
- 12-month contract with fumigation company for disinfection: R90 892.26
- Transportation provided to frontline workers: R74 001.56
- Procurement of hand sanitizers, surface disinfectant and fibre cloths for employees: R55 768.04 and R50 569.45, thus a total of R106 337.49 was spent on these items, making it the largest procurement item.

The quarterly progression in COVID-19 related expenditure is stated as follows:

- Q1: R0
- Q2: R139 000

- Q3: R0
- Q4: R287 000
- Total: R426 085.70

As such, the bulk of COVID-19 related procurement was made during the last quarter of the 2020/21 financial year.

3.3 Unauthorised expenditure

The Department did not incur any unauthorised expenditure during 2020/21, but has a large amount of historical unauthorised expenditure awaiting authorisation (R5.6 million) due to overspending of appropriated funds in 2015/16. The Department restated the amount in the current financial year. According to the Department, a letter was sent to National Treasury in March 2019 to request that the process be taken forward for authorisation of the amount by Parliament. The process is ongoing.

3.4 Irregular expenditure

The Department has not incurred additional irregular expenditure in 2020/21, but the historic irregular expenditure from previous year amounting to R39.305 million is still awaiting condonation. The bulk of the irregular expenditure originated in 2014/15 up to 2016/17 on two contracts namely Wings/Naledi Travel Management and Routledge Modise for legal fees. A request for condonation was submitted to National Treasury in March 2019 and feedback is awaited.

3.5 Fruitless and wasteful expenditure

The Department incurred R17 000 in fruitless and wasteful expenditure in the 2020/21 financial year. During the period under review, historic fruitless and wasteful expenditure amounting to R193 000 was written off. As such, the Department's closing balance was R32 000 which is a significant reduction from the R209 000 of the previous financial year.

4. PERFORMANCE OVERVIEW 2020/21

The overall performance of the Department remained at 86% achievement on predetermined targets compared to the previous financial year. Half of the budget programmes achieved 100% of their performance targets, with only the Civilian Oversight, Monitoring and Evaluation Programme performance declining compared to the previous financial year (one less target achieved).

Table 3: Achievement rate on targets for 2017/18 to 2020/21

Year	Administration	Intersectoral Coordination and Strategic Partnerships.	Policy Development and Research	Civilian Oversight, Monitoring and Evaluation.	Total
2017/18	78%	86%	67%	85%	81%
2018/19	38%	75%	100%	100%	78%
2019/20	50%	100%	100%	100%	86%
2020/21	50%	100%	100%	90%	86%

The Department's performance on annual performance targets is summarised below:

4.1 Programme 1: Administration

The Administration Programme achieved 50% of planned targets and had spent 97.3% of its budget allocation. The targets that were not achieved were missed by a small margin. The Programme failed to achieve the following performance targets:

Table 4: Administration Programme Performance Targets not achieved

Percentage implementation of the Human Capital Strategy <ul style="list-style-type: none"> • Target: 100% • Achievement: 99% • Deviation: -1% 	Percentage implementation of the Information and Communication Technology (ICT) Strategy <ul style="list-style-type: none"> • Target: 100% • Achievement: 98% • Deviation: -2% 	Percentage expenditure in relation to budget allocation <ul style="list-style-type: none"> • Target: 98% • Achievement: 96% • Deviation: -2%
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According to the Department, in terms of the implementation of the Human Capital Strategy, the Department successfully managed to develop 10 operational strategies and 14 policies, which were all approved. The 1% variance constitutes only 1 activity in the strategy implementation plan, which is the return of 80/90% of the job satisfaction survey questionnaire by employees. The activity was not fully achieved due to the unpredictable nature of surveys,

particularly in terms of the slow response rate from employees. The 2% variance on the ICT Strategy constitutes activities which could not be completed because of COVID-19.

4.2 Programme 2: Intersectoral Coordination and Strategic Partnerships.

The Intersectoral Coordination and Strategic Partnerships Programme achieved 100% of its annual performance targets and had spent 100% of its allocated budget. The Programme held one more workshop with provincial secretariats and municipalities on the establishment of Community Safety Forums (CSFs) than planned (10 from a planned 9 workshops). Similarly, the Programme held two additional provincial building workshops on crime prevention policies than planned (11 from a planned 9 workshops). The Programme also held two additional Anti-Crime Campaigns in 2020/21 than planned (5 from a planned 3 campaigns). The additional campaigns were focussed on Gender-Based Violence (GBV) and youth gangsterism.

As part of the revised APP process, the target for the number of Izimbizo/public participation programs held with communities to promote community safety per year was reduced from eight to four in the 2020/21 financial year. Despite this, the Programme managed to hold eight Izimbizo/public participation programmes during the financial year. The programmes focussed on rural safety, GBV and violence as a result of racial tension in hotspot areas (amongst others).

4.3 Programme 3: Policy Development and Research.

The Policy Development and Research Programme's performance remained at 100% compared to the previous financial year. Despite this performance, the Programme had only spent 89.8% of its allocated budget. The Department completed the following policing policies:

- 1) e- Policing Policy Framework
- 2) Draft Integrated Crime and Violence Prevention Strategy

The Department completed the following research projects:

- 1) Examining the effectiveness of SAPS Discipline Management on Policing
- 2) Examining the effectiveness of the SAPS Basic Training Programme on service delivery
- 3) Roadmap for facilitating the implementation of the 2016 White Paper on Safety and Security

The Department made significant progress on nine policing-related legislations, including:

- 1) Second Hand Goods Amendment Bill 2020
- 2) The Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill, 2020
- 3) The South African Police Service Amendment Bill 2020
- 4) The Firearms Control Amendment Bill, 2020
- 5) Controlled Animals and Animals Products Bill, 2020
- 6) The Independent Police Investigative Directorate Amendment Bill, 2020
- 7) Regulation of Gatherings Amendment Bill, 2020
- 8) The Amendment to the Firearms Control Act (60/2000) Regulations 2020
- 9) Amendments to the South African Police Service Act, 1995 (The DNA Regulations)

The Department reported the following progress made on legislation as at the end of March 2021 South African Police Service Amendment Bill, 2020:

The SAPS Amendment Bill (SAPSA) was submitted to the Office of the Chief State Law Advisers on 12 March 2021. Following previous correspondence to the National Treasury, it was resolved that a meeting should take place between National Treasury and SAPS Finance Division, in order to discuss and arrive at a solution on the financial implications and challenges posed by the Bill. The meeting took place on 15 March 2021 and guidance was sought from National Treasury on taking the Bill forward within the context of the Intergovernmental Fiscal Relations Act, 1997. The SAPS confirmed that they had no dedicated budget for the functions in respect of community policing structures and hence cannot transfer any funds to go with the transfer of the functions to the Provincial Secretariats for Police Service.

Criminal Law (Forensic Procedures) Amendment Bill: The Minister has approved the Bill for further processing to the Cabinet Committee of the JCPS Cluster. A request for approval of the Bill for introduction in Parliament shall be sought from Cabinet and a date is awaited to brief the Minister.

Firearms Control Amendment Bill: During March 2021, the drafting team briefed the Minister and the Deputy Minister on the revised version of the Bill and the Minister agreed that the Bill should be processed at the next JCPS Minister's Cluster meeting. The Bill was presented to the JCPS Minister's Cluster on 31 March 2021 for approval to process the Bill to

Cabinet for public consultation. The bill was published for public comment on 21 May 2021. The deadline for comments was extended and closed on 02 August 2021.

Independent Police Investigative Directorate Amendment Bill: The Department of Justice and Constitutional Development (DOJ&CD) was requested to consider the proposal of extending the mandate of the IPID to include oversight over traffic police of various Municipalities, Metropolitan Police Services and certain Peace Officers who render the functions contemplated in the Criminal Procedure Act 51 of 1977. The State Law Advisers were requested to advise on the same. On 19 March 2021, a status update on the progress of the Bill was provided to the CSPPS/IPID Consultative Forum.

Civilian Secretariat for Police Service Amendment Bill: In March 2021, the Chief Directorate: Legislation circulated the Civilian Secretariat for Police Service Act 2 of 2011 and the Civilian Secretariat for Police Service Act Amendment Bill, with a request to staff to provide suggested amendments to the Act and input on the Bill by the end of March 2021.

Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill, 2020: The Bill was presented to the JCPS Ministers Cluster on 31 March 2021, and was endorsed for further processing and for approval for public consultation.

4.4 Programme 4: Civilian Oversight, Monitoring and Evaluation.

The Civilian Oversight, Monitoring and Evaluation Programme achieved 90% of its annual performance targets, which is a decline from the 100% achievement rate of the previous financial year. However, this represents only one target not achieved. Due to the limited access to courts due to COVID-19, the Programme could not finalise the police oversight report on Court Watching Briefs.

4.5 HUMAN RESOURCE MANAGEMENT

At the end of 2020/21, the Department had 146 filled posts against the approved Human Resource Budget Plan (HRBP) annual target of 156 posts for 2020/21. This translated into a vacancy rate of 6.41%. These vacant posts, coupled with the non-implementation of the 2018 public sector wage agreement, translated into underspending of R5.4 million on compensation of employees. When compared with the same period in 2019/20, the vacancy rate in the

Department has decreased by 8.1 percentage points or 13 vacant posts. The vacancy rate recorded in the 2020/21 financial year was the lowest recorded by the Department since the 2018/19 financial year.

In the 2020/21 financial year, the Department had an overall turnover rate of 7.59%, which is a significant decrease compared to 11.15% turnover in the previous financial year. The turnover rate was the highest in the highly skilled production salary band (levels 6-8) with a turnover rate of 9.38%.

5. COMMITTEE OBSERVATIONS

Audit Outcome

The Chairperson congratulated the CSPA for the consistently good performance over three years with respect to attaining clean audits. The Committee encouraged the Department to continue with its good work and other Departments within the police portfolio could learn from it. The Committee requested a copy of the management letter so that the Committee could keep track on the recovery plan. All members congratulated the Civilian Secretariat for its attainment of a clean audit. (At the time of adoption of this report, the Secretariat has already submitted the requested letter).

Underspending

The Committee agreed that the underspending of the Department should be addressed as the budget could be reduced in the future and this will have consequences for the Civilian Secretariat. In addition, one key concern was the fact that it took up to six months to fill key vacancies in the Department.

Impact of Civilian Secretariat

Members questioned how effective the Civilian Secretariat was with respect to its impact for improved levels of trust and accountability in the police service. The levels of trust and accountability in the police has declined substantially over the last few years. It was very clear that the desired impact has not been achieved and it was time to review the outcomes of predetermined objectives to focus on its impact.

Disciplinary recommendations

Members questioned whether the Civilian Secretariat has made any policy recommendations on the implementation of IPID's disciplinary recommendations. The Committee wanted to know when the Secretariat would consider making recommendations or developing policy changes to community relations on discipline regime. Members also questioned whether the Civilian Secretariat conducted any research studies on discipline management in the SAPS and what the outcomes were.

Legislation schedule

The Committee again pointed out that there has been no legislation tabled in Parliament and Members questioned if there were changes to the legislative timeframe. In particular, Members wanted information on when the Criminal Law (Forensic Procedures) Amendment Bill would be brought to Parliament. Status updates were also requested on the IPID Amendment Bill. Members requested a full briefing on the Legislation schedule.

DNA Board

Members pointed out that over 100 000 convicted offenders were released without their DNA samples being added to the Convicted Offenders Database. In view of this, Members wanted to know how many meetings of the DNA Board was held during the 2020/21 financial year. The critical role played by the DNA Board was emphasised and the Committee requested that the Secretariat responds on its role in the Board to make sure that it is functioning optimally. The Committee wanted to know if there were any specific interventions made by the Civilian Secretariat with respect to arresting the decline in the Forensic Sciences Laboratories.

SAPS job satisfaction survey

The Civilian Secretariat was asked whether it had conducted any job satisfaction surveys in the SAPS to determine the level of staff motivation. In addition, Committee Members questioned whether the Civilian Secretariat has researched how the SAPS uses technology to reach the public and enhance their mandate.

Forensic Sciences Laboratories

The Committee pointed out that it has over the years made the FSL its priority given the high level of crime and wanted to know if the Secretariat has completed any research on the DNA database management. Significantly, the Committee noted that the size of the DNA database has decreased from one million to 660 000 profiles. Of the expunged profiles, only 3900 were added, while there have been significant increases in crime. Members wanted to know whether the Secretariat has picked up the decline and whether they have made recommendations to the Minister. It was noted that the Civilian Secretariat completed four reports on DNA and Members requested copies of the reports.

Contract employees

The Committee requested clarity on the appointment, contracts and conditions of employment of contract employees.

Material underspending

The Committee pointed out that there has been an emphasis on material underspending of R5 million (which was a repeat finding) in the AG report and wanted to know what steps was being taken to respond to the AGSA.

Legislation and Policy programme underspending

The Committee noted the underspending in the Legislation and Policy programme and wanted to know what the reasons for the underspending were.

MOU with South African Safety and Security Sector Training Authority (SASSSETA)

It was pointed out that there was a delay with the signing of the Memorandum of Understanding (MOU) with SASSETA. Members asked for clarity and reasons for the delay as it affected performance outcomes of the Department.

IPID Amendment Bill

Members pointed out that the amendment with respect to law enforcement officers being brought under the ambit of the Independent Police Investigative Directorate (IPID) Act was removed by the State Law Advisers and Members wanted to understand what the reasons for this was. It was the view of the Committee that the mandate and independence of the IPID must be expanded specifically by giving Parliament more oversight and authority regarding the appointment of the next Executive Director.

Secretary of Police Contract

The Committee questioned when the contract of the Secretary of Police ended and pointed out that the Committee did not expect the Secretariat to have the same delays as with the IPID Executive Director vacancy which took more than one and a half years to finalise. The Committee indicated that the Ministry must act with due regard to timeframes.

Community Police Forums (CPFs)

The Committee pointed that it was the vision of the National Development Plan to create a more professional police service and to foster stronger CPFs and Members wanted to know about the relationship between the Western Cape Department of Community Safety and CPFs, especially in view of the Committee having met with the MEC for Community Safety in the Western Cape recently. It was pointed out that some AGMs did not place and the Secretariat was asked what it's views on the matter was.

Vacancies

Members asked for a status report on the number of vacancies in the Department and an organogram of the department to see exactly what skills were needed and at what levels of the Department.

5.1 Secretariat Responses

The Secretary responded that his contract expires on 20 December 2021 and it was his last Annual Report to Committee. The AGSA management letter will be made available to the Committee as requested and the Department will follow the recommendations of the AGSA.

The Secretary agreed that it is correct that they have not reached the desired impact with the SAPS in terms of public trust and accountability. However, it was a five-year project and there are milestones that was being reported on.

The Department reported that there were recommendations on discipline measures as there are inconsistencies in the SAPS disciplinary hearing outcomes. In view of this, the Department has included a section dealing with discipline management in the SAPS Amendment Bill.

In addition, there is a shortcoming in the SAPS Regulations which allows for the SAPS to re-investigate IPID investigations. The Department has made recommendations to the Minister in this respect and it was noted that the Safety Security Sector Bargaining Council (SSSBC) should agree when dealing with discipline. Despite this, the process to amend the Act has started.

The Secretariat will table the Criminal Law (Forensic Procedures) Amendment Bill (DNA Bill) after they have finalised administrative matters. The DNA Bill will be tabled in Parliament after approval by Cabinet. A fuller report will be provided on 24 November 2021 when the Secretariat will be present its legislative schedule.

On the matter of job satisfaction in the police, the Secretary reported that the Department undertook an internal survey amongst its own employees and did not undertake such a survey amongst the police.

The Secretary also reported that the savings on travel and subsistence was between R4-5 million which was used on technology costs. The budget was moved from Good & Services to the Capital portion of the budget. A special allocation was created on their systems to account for COVID-19. During the hard lockdown some staff had to use their own transport to come into the office to clean it. As there was no available public transport, the Secretariat had to pay for such transport and this was allocated to the COVID-19 account.

As far as under-spending in the Legislation and Policy Programme was concerned, the two sub-programmes had the largest vacancies which translated to the R2 million underspending on Compensation of Employees.

6. COMMITTEE RECOMMENDATIONS

1. The Committee applauds the Department for its audit outcomes and recommends that the Audit Action Plan is made available to the Portfolio Committee.
2. The Committee recommends that an investigation be launched on the irregular expenditure incurred by the Department and consequence management applied.
3. The Committee recommends that the Civilian Secretariat fills all its vacancies before the end of the 2021/22 financial year.
4. The Committee recommends that the Civilian Secretariat source additional funds for a public education campaign aimed at SAPS members to reduce civil claims and compliance by SAPS members.
5. The Committee recommends that the Civilian Secretariat find ways and means to assist the SAPS to reduce civil claims against the police by looking at root causes for civil claims.
6. The Committee recommends that the Department develop action plans to turn around the under-performance with respect to its performance targets.
7. The Committee recommends that the Civilian Secretariat takes the necessary precautions for its staff and offices to prevent the spread of the COVID-19 pandemic.
8. The Committee recommends that the Civilian Secretariat assists the leadership of the SAPS to exercise proper command and control with respect to police conduct.
9. The Committee recommends that the Civilian Secretariat conducts an audit of all FCS units and provide a report on their capacity gaps including human and material resources, and make the report available to the Committee.

10. The Committee recommends that the Civilian Secretariat provides a detailed breakdown of all PPE suppliers, their company directors and monies spent for each PPE item.
11. The Committee recommends that the Department implements all Internal Audit Unit recommendations.
12. The Committee recommends that the Civilian Secretariat ensures that the IPID Amendment Bill ensures the greater independence for the IPID and gives the Committee more oversight and authority with the appointment of the next Executive Director.
13. The Committee recommends that the Civilian Secretariat take the Firearms Control Amendment Bill back for broader consultation and consensus.

The Democratic Alliance and the Economic Freedom Fighters reserve their rights with respect to supporting the report.

Report to be considered.