

## PMG MINUTES

### SAPS, DPCI & IPID 2021/22 Annual Performance Plans; with Minister and Deputy

05 May 2021

Chairperson: Ms T Joemat-Pettersson (ANC)

Video: [Portfolio Committee on Police](#)

#### [Annual Performance Plans](#)

In a virtual meeting, the Committee met to be briefed on the 2021/22 Annual Performance Plans of the Directorate for Priority Crime Investigation (DPCI) and Independent Police Investigative Directorate (IPID).

The Minister said the Hawks are doing very well, especially the team that deals with extortion matters. 107 people have been arrested for extortion in the Western Cape. Reference was made to the high-profile extortion case on Modack, Morgan and Cronje. Minister Cele expected extra charges on the alleged underworld boss Nafiz Modack. It seems that the police are beginning to link very well the murder of Lt Colonel Kinnear with the underworld of the Western Cape.

The DPCI presented its workforce profile, where the DPCI functions with a 48% workforce. It was highlighted that the continuous attrition of personnel impacts on the workload and quality of investigations. A notable inhibiting factor to the attrition of personnel is the absence of a retention strategy and the non-implementation of Section 17 G of the SAPS Act No 68 of 1995, since 2009, where implementation thereof would support the Directorate in retaining its personnel. The Committee stressed the urgency of finalising the retention strategy, and asked about the cause of the delay in the retention strategy.

The DPCI's compensation of employees is its largest cost driver of its total budget for 2021/22, which constitutes 83.9% of its budget. The discussion acknowledged that while the compensation percentage of the budget seriously needs to be relooked, it should also not be at the detriment of the employees and the labor-intensive work that they do.

The discussion highlighted the importance of the Fusion Centre, that was established in 2019 to deal with money laundering and corruption related activities, in respect of Covid-19 relief funds. The Committee supported the importance of the rollout of the Fusion Centre in the provinces to deal with high levels of corruption. The DPCI have committed to have the rollout of Fusion Centre's in each province by the end of this month.

IPID presented that a key priority is the finalisation of the IPID Bill, which will result in IPID playing an oversight role in other law enforcement agencies that are currently not embedded in the IPID Act.

The bulk of IPID's expenditure was for the compensation for its employees, which is to capacitate the Directorate to be in order to do their investigations in line with their mandate.

IPID emphasised its efforts to engage with other stakeholders (e.g. Department of Health and Forensics) to fast-track the technical reports that will assist in the completion of investigations, although there is compliance, there are also unavoidable challenges that result in the delay of those technical reports.

IPID proudly announced their involvement in launching a Youth Development Strategy which is a 12-month learnership programme, targeted at 66 learners who will gain experience to the functions within IPID. The Deputy Minister expressed his concern that although learners would gain working experience within the cluster, that this was not a permanent arrangement and that further engagements would urge for necessary arrangements so that these young people would not be lost after the programme, this is an opportunity to learn and this learning can be off-handed within the broader security establishment.

#### Meeting report

#### **Opening remarks**

The Chairperson confirmed that the meeting would begin with the presentation from the Directorate for Priority Crime Investigation (DPCI) and thereafter the presentation from the Independent Police Investigative Directorate (IPID). Apologies were acknowledged from the head of DPCI, and therefore Lt Gen T Mosikili (DPCI National Commissioner) will lead that presentation. Apologies were also acknowledged from the Executive Director of IPID, but Mr Patrick Setshedi (Acting Executive Director) will stand in as a representative. The Chairperson congratulated the Minister and his team on the Charl Kinnear case, and the manner in which he has dealt with that matter. It really shows that the team is on top of its game and the Committee respects the work it does under difficult circumstances.

#### **Input by the Minister**

Mr Bheki Cele, Minister of Police, thanked the Chairperson for sharing the good news about the department. The team in the Western Cape has been doing very well, yet is always blamed for dealing with sardines and letting sharks swim alone. They are really beginning to deal with the guys that they are supposed to be dealing with in a very top way; hopefully this will help begin to stabilise the Western Cape.

He said that the working relationships of all levels of governance in the Western Cape have been going quite well. The local, provincial and national government and the team that was formed to look at extortion matters have been working well together. Relating to extortion cases on Modack, Morgan and Cronje, there are about 107 people that have been arrested for extortion in the province. Extortion has extended; it was once some sort of elite crime within the city centres but it has moved to the townships, especially in Khayelitsha and Nyanga - a big number of people have been arrested there for extortion. This includes extortion of persons - for instance, they will go to those who have a backyard and earn rent of (for example) R300, they will go to such persons and demand 10% of that R300. This has been really bad and the police have put together a team that is doing very good. The team that was put together on the question of Modack will come back on Friday and present extra charges and more people. It looks as if the police are beginning to link very well the murder of Lt Colonel Kinnear with the underworld of the Western Cape.

Minster Cele said that unfortunately, our own people get consumed in that underworld crime. One of the top members, Ashley Tabisher, a specialist in the Tactical Response Team, attached to the Anti-Gang Unit, has been arrested. It is painful but there will be no hesitation to arrest those members that get out of the way. Minster Cele added that a few days ago he went to Worcester hospital after a member was shot when responding to a cash heist last week. The team did very well, and arrested about four out of nine suspects. They found five firearms, including three AK-47 rifles and four stolen cars. One car was found burned, and a person and

gun were found burned in that car, it is suspected that it is one of the criminals that was involved in the cash heist in Macassar. The community of Macassar is thanked for helping the police with the cash heist matter. The recent events, especially in the Western Cape over the few days, emphasises the good working relationships of all levels of government.

**Directorate for Priority Crime Investigation (DPCI) Budget and Annual Performance Plan (APP) 2021/2021 presentation**

Gen Khehla Sitole, National Police Commissioner, said that the DPCI presentation is currently part and parcel of programme 3, which is the detective services programme. As DPCI carries on with the presentation, there are some areas of support that are done from all angles of the organisation. DPCI remains in existence in terms of the latest development with regard to the DPCI Act. There will still be full implementation of this Act, working together, until DPCI exists exactly in terms of that Act.

The presentation would be led by Lt Gen Tebello Mosikili, Deputy National Head: DPCI

Lt Gen Mosikili said that majority of the issues were addressed yesterday by both Lt Gen Dimphe and Maj Gen Rabie during their presentation. She said that her presentation will follow the scope as per slide 2 (see attached presentation).

*Workforce Profile as at 31 December 2020 (slide 7)*

Lt Gen Mosikili said that a lot has happened since the beginning of the financial year but what is relevant to this presentation is the breakdown of what is lying within the Directorate, which marks the 48% workforce of the total allocation of 5 332. The headcount in December ended up with 2 584, remaining with a deficit of 52% (i.e. 2 748) warm bodies.

The 48% workforce might be higher now since the realisation of some of the recruitment processes that were undertaken. The continuous attrition of personnel impacts on the workload and quality of investigations. A further inhibiting factor to the attrition of personnel is the absence of a retention strategy and implementation of Section 17 G of the SAPS Act No 68 of 1995, since 2009. The implementation of Section 17 G will support the Directorate in retaining its personnel.

Lt Gen Mosikili added that the DPCI is currently in the process of being capacitated with human resources. She thanks all of the role-players that have assisted, such as the Committee, the National Commissioner and the Ministry, for assisting with the separate allocation that realise the current process of capacitating the Directorate in terms of the human capital and physical resources. Late last year was the launching of quite a number of vehicles that were bought and finalised for the Directorate. There is continuous appointing of members, in this financial year, the DPCI is in the process of gaining or advertising the post of at least 274 individuals that will be at the operational level.

*Overview of the Performance Indicators measured in the APP 2021/2022 (slide 9-14)*

The Chairperson said that the parts of the presentation that was discussed yesterday is accepted and does not need further detail.

Lt Gen Mosikili said that slide 11-14 was covered in yesterday's presentation. She will proceed with slide 16.

*Emerging Priorities for 2021/2022 (slide 16)*

To respond to the continued investigation of Covid-19 related cases, the Fusion Centre was established in 2019 to deal with money laundering and related activities. The Fusion Centre was assigned another responsibility of coordinating the law enforcement agencies' response to allegations of corruption, or related activities, including maladministration of funds in respect of the SA's government's relief and containment interventions which are intended to counter the detrimental economic and social impact of the Covid-19 pandemic. The Fusion Centre is focused on detection, investigation, prosecution and recovery of assets, through a multi-disciplinary approach and in collaboration with other entities.

*The mandate of the Fusion Centre as assigned by the Anti-Corruption Task Team (ACTT) (Slide 18)*

Lt Gen Mosikili said that the operational hub in the Fusion Centre is intended to be rolled out to the entire country. From late last month to earlier this month, it has been rolled out into three provinces. There were initial meetings with all role-players to ensure synergy in the implementation of the fusion hub.

*Maladministration and Corruption (slide 20)*

Covid-19 corruption related incidents and cases investigated as well as recoveries of the proceeds by Law Enforcement Agencies at the Fusion Centre were 144 with 116 under investigation and 28 closed. A total of 132 cases were registered with 91 under investigation, 19 were closed and 22 to court with 39 accused persons

*Overall analysis: DPCI Estimated budget (slide 21-22)*

In determining the 2021 MTEF budget proposals, a total of R327 million in the 2020 MTEF was prioritised for the DPCI over the medium term to strengthen its capacity to deal with backlog cases in line with the Integrated Criminal Justice Strategy. The funding has since been reduced to R306 million. The funding was not utilised as anticipated due to the COVID-19 pandemic which affected the entire recruitment process.

Lt Gen Mosikili further added that the Directorate and SAPS have worked tirelessly to ensure that the capacity is realised within the Directorate amid the anticipated Covid-19 pandemic.

*Expenditure Trends and Estimates Year on Year (slide 23-24)*

*Summary (Slide 25)*

The compensation of employees is and will remain the largest cost driver, constituting 83.9% and amounts to R1.7 billion of the total budget for 2021/22.

The importance of cost containment measures has been emphasised, to reduce spending levels.

During the 2021/22 financial year, DPCI will focus on the capacitation of some of the units.

## **Discussion**

The Chairperson said that if any Committee Member would still like to comment on Programme Three to Programme Five of the SAPS presentations they should indicate, but the focus of the discussion would be on the DPCI presentation.

Dr P Groenewald (FF+) referred to the percentage of compensation on the budget, where it is shown to be higher in the DPCI at 83.9%, and yesterday with the SAPS presentation it was mentioned that 78% of the budget was for compensation. He reiterates that he does not want employees to receive lower salaries, but the compensation percentage of the budget seriously needs to be relooked. It is really too high. What is the DPCI going to do to see how it can lower the percentage of compensation of the budget?

On slide 22, it states that the Fusion Centre is also looking at the **Truth and Reconciliation Commission (TRC)** cases. What and which of those **TRC** cases are being looked at? Will these cases include that of the 90s? Why do we have those specific cases now? Former President Mbeki also did not ask for any indemnity for anything like that so what is the criteria regarding **TRC** cases to be investigated?

He expressed concern that the DPCI must focus on corruption, which is a specialised field where competent people are needed to investigate. It was previously said that the DPCI must actually receive its own and separate budget, a sort of ring-fenced budget for the DPCI, but that is not happening. Looking at the number of investigating officers from a total of 2 584 headcount, 1 832 is operational personnel and it is said that not all of them are investigating officers. He therefore wanted to know how many investigating officers there are. There will not be progress without investigating officers.

How many cases are being talked about when referring to the backlog? Because if one looks at the 144 incidents (see slide 20), only 22 cases went to court, where 39 were accused.

Mr O Terblanche (DA) referred to the performance and progress mentioned by the Minister, and congratulated the police with what they have been doing. The proof of the pudding will be in how many people will be convicted and hopefully that will bring down the gang-related crime statistics in the Western Cape. He said that as public representatives, Members are representing the people. He thinks that the first question that people would want answered is: what in-roads is being made in the corruption cases that is heard about on a daily basis? There is a bit of frustration amongst the public - if one listens to the Zondo Commission, one does not see similar sorts of progress with the investigation and prosecution of people that committed such crimes. He wanted a response on that comment.

The Department should indicate what progress it is making in its discussions with National Treasury to get the specific budget for the HAWKS. Do they still need things in terms of their capacity? For instance, infrastructure, buildings etc. What is it that they need to do their work properly? On the personnel strength, and the 48% workforce, the DPCI have indicated it is advertising for interviews etc. but what is the cause of the delay in the retention strategy? What happened that the workforce went down to 48%? There was a similar budget in the previous financial year - what stopped it from recruiting people earlier?

On the seven performance indicators that are measured in the APP, there is no mention of their successes. What is the target for conviction rates? We do not know what happens after people get arrested.

He said that the Fusion Centre is a good initiative but not much is seen on the results stemming from it. He requested some briefing on that. The presenter said that the Fusion Centre's mandate is to ensure a "swift and effective response" - what is the result of that?

Mr H Shembeni (EFF) referred to the backlog of cases. He asked if the Covid-19 pandemic had any impact on the investigation of corruption cases by DPCI. He asked for clarity on the reported cases - where 39 were accused, are those cases for the whole country or can they be broken down into provinces? How many of those cases were finalised with convictions?

He asked if the Directorate is attending to the whistleblowers and if those people are protected when they give out information. He referred to a whistleblower in Mpumalanga who went as far as reporting on corruption on live television. How far is the Directorate with those investigations? Many people have been implicated and killed due to corruption in that province. How many members, per province, of the Directorate have been arrested and charged for corruption? How many cases of senior members of SAPS have been involved and investigated for corruption by DPCI?

Mr K Maphatsoe (ANC) welcomed the remarks of successes made by our men in blue and making sure that they bring back the confidence of our people. Police are performing well and breaking the backbone of these organised gangsters of extortion. The fact that extortion has extended to our poorest people is really dangerous - this does not only need the police but also requires the constituency work of Members of Parliament to provide support and mobilise the society to join hands and support the police in exposing extortion. It cannot be business as usual. This is not Mexico or another country. There must be a rule of law here. He expressed appreciation to the Minister and the work done by the police.

He said that there are challenges that were raised by the security cluster, that the cutting of the budget has affected the performance of the department - these men and women are expected to perform better when the budget does not meet the requirements. These people are trying hard, with limited resources to do their work. The NPA (National Prosecuting Authority) has more lucrative remuneration, which depletes the DPCI and as a result they end up like an agent that is recruiting for NPA. Moving forward, it is important that skilled men and women are recruited. They should match the NPA remuneration to prevent job poaching because obviously if one is posed with a better remuneration, one will go there. There might be some negotiations within these Justice Crime Prevention and Security Cluster (JCPS) institutions. If they transfer and recruit people while they are still in the process of investigating a case this might make investigations more difficult, and that is why it takes so much time.

He said that the **TRC** cases are very important and should be investigated. There are families that are still trying to find closure because of what had happened to their loved ones who fought for this country. One case is that of Nokuthula Simelane, where the people who have killed her still never requested amnesty from the **TRC**. He said that he supports the work of the **TRC** to continue investigating people who have never come out to declare their involvement of such murders, so that families can find remains and closure.

The Fusion Centre is a good initiative by government because the country is faced with corruption. Never have we seen such corruption happening in our countries - that is why the Fusion Centre was supported when it was established, and it has performed well. Slide 20 indicates that by working together, we can do better. The Special Investigating Unit (SIU) has not been used for a long time, but immediately it was allowed to do its work. Its recovery of R289.1 million is over and above the other departments, which means that it is performing well in dealing with corruption and they need to be supported.

In terms of the R1.7 billion of the total budgets for 2021/22, which is paid by National Head Office (SAPS), he asked if the proposed separate budget for the DPCI will take into consideration the contribution made by SAPS. While making sure that it does not weaken the HAWKS, they are doing a good job and they are needed.

On the Zondo Commission, it is not to say that that there is no progress, there is some progress. This is a commission that is still going to make recommendations. One should not expect a lot from them. Although it is agreed that some allegations are clear that it is corruption and the police needs to act, most allegations will be dealt with in the recommendations and some still need to go to court.

The DPCI needs support and filling of those posts. As long as it does not meet its counterparts, it will come at a lower scale, members will be recruited by the NPA and will be working backwards. When the DPCI recruits its people, those people gain experience and are then poached by NPA. These entities should recruit their own people and not poach jobs.

Ms P Faku (ANC) thanked the HAWKS for the presentation and the work it does for the country. In terms of the budget, and the current engagement between National Treasury and SAPS with regards to the proposed separation of budget, how far is that process? She asked about the DPCI's current capacity within its specialised units, such as the cyber security unit etc. SA has many cyber security cases that are currently ongoing. She asked if those specialised units have capacity, and if not, is it because of the budget constraints? Lastly, on the crimes project investigation, the targets have remained unchanged, what are the reasons for this?

Mr Terblanche asked what the three provinces are that had the Fusion Centres rolled out. What is the strategy and timeframe for the rollout plan for the other provinces? This unit is also responsible for conducting security assessments, including the vetting of members. It is one of the most basic defensive measures in the protection of classified and confidential information and counter-intelligence, however, the target for the 2021/2022 performance indicators were reduced significantly - what is the reason for that? The HAWKS are responsible for the investigation for very serious crime. It has increased its target from 50% to 65% but is encouraged to improve those performance targets to a better percentage.

The Chairperson reiterated that the Committee needs answers on the investigations of state capture cases. She asked why this was not on the list of priorities. On the budget of the DPCI, what additional resources were required? This should be included in the budget report.

## **Responses**

Minister Cele said that he fully agreed with Dr Groenewald's comments on the percentage of compensation of employees. He said that it is a question that they ask themselves all the time. It is an across-the-board problem that government had. Unfortunately the work of the police was labour-intensive. It does not matter what the DPCI does - without these warm-bodies the organisation would not work. It is agreed that the percentage of compensation needs to be relooked at, but not at the detriment of doing the work. It is a matter of striking that balance. It will be impossible to say that the warm bodies can be reduced - that is the personal touch on the work that is done. It does not matter how much machines or technology there is as it will never be able to knock and arrest those people and investigate and make sure that people are taken to court. He assured the Committee that it is a matter that is being looked at with the hope of finding the answer.

On the **TRC** cases, the **TRC** recommended that the cases must be pursued. If the cases have not been pursued after so long, it does not mean that these cases must not be pursued. Capacity must be created to pursue these cases.

On the question of capacity and the finances, this is a problem. He did not know if Treasury would be able to find areas to cut within the security cluster and all the entities that deal with crime. Maybe more support is needed on that. These meetings and issues are raised repeatedly suggesting that it needs to be fixed. If the budget and resources are cut, it reduces capacity.

In response to Mr Terblanche's question on what happened that the workforce went down to 48%, he said that there has been a problem in incurring the capacity of these structures. He referred to slide 8, and agreed that the DPCI has been struggling to retain its personnel due to the NPA being a more attractive package. It is agreed that the retention strategy needs to be signed.

Minister Cele added that he is sure that everyone has seen Mr Leo Prinsloo on social media where everyone is calling him a hero but what people do not know is that he is a member produced by the South African Police Service Special Task Force. The lack of retention strategy and resources to hold onto such individuals demonstrate how the best assets get depleted.

In response to Mr Terblanche's comment on "the proof is in the pudding", in terms of how many people actually get convicted, he said that in the North West there is a case that has been postponed 12 times - police are ready and it is a serious case but the case has been postponed 12 times because the system argues that they do not have prosecutors. The police suffer the problem of other segments of the security cluster.

The alleged underworld boss Nafiz Modack is out on four bails - he has five withdrawn cases and he has been found guilty three times. He is on four bails, and the people that get blamed are the police. Minister Cele added that they are all holding their breath that he may not get bail again. He expressed that the police do get frustrated when there is a high-profile person such as Modack but he is out on four bails for serious cases. What is the police expected to do? He urged the Committee to ask such questions on behalf of the police. This is an issue that he urges the leadership in the legislature and National Assembly to ask and help the police on such matters.

In response to Mr Shembeni's question on the whistleblower from Mpumalanga, he said that the gentleman has been engaged with and the matter has been taken by the police in Mpumalanga. Minister Cele said that he is not sure if the HAWKS had looked at the matter, but he knows that the matter has been raised and it has been taken up by the police.

Gen. Sitole said that the police support the DPCI with the compensation of the budget as it has reviewed the whole personnel plan of the organisation which overlaps with the DPCI as well. SAPS is working together with the DPCI and Treasury on the separate budget for the DPCI. On the HR process, the DPCI is presently working towards getting its own independent HR process, but the HR strategies that are currently within the SAPS have also been implemented within the DPCI.

Lt Gen Mosikili said that she appreciates the comments made by the Committee and the Minister, as well as the responses that were provided by both the Minister and National Commissioner. To comment on the Mpumalanga case, she confirmed that the case has been finalised and it was presented to the National Prosecutor on 16 April 2021 - the issues



surrounding the witness is a joint responsibility between the investigation and the NPA witness protection. On this specific case there were issues with the witness protection service that were to be addressed, hence the current status quo, but the matter is solely the responsibility of the NPA to approve what is presented to it and for the witness to be put in the witness protection. In this particular case that has happened but because of some of the challenges they have ended up in the situation that they have found themselves in.

In response to Dr Groenewald on the matters relating to the Fusion Centre, Maj Gen Mosipi will elaborate further in respect of the Fusion Centre's rollout strategy to different provinces. Maj Gen Khana will elaborate further on the issues of the **TRC** cases. Lt Gen Mosikili reiterated that the **TRC** matters are not part of the Fusion Centre investigations but are part of the DPCI's emerging priorities. The DPCI gets recommendations from the court that must still be finalised. As indicated in slide 22, part and parcel of why the DPCI has recruited the 104 contract workers is to deal with the backlog of those **TRC** and Steinhoff cases and to focus on the capacity and expertise that the DPCI is looking for. Lt Gen Dimpane will elaborate further on the issues of the separate budget for DPCI, but this relates to the full implementation of the Act that has battled to realise Section (K) of the SAPS Act 68 of 1995 that makes provision for a separate and exclusive programme, and concerns the amendment of the Act that directs the establishment or re-establishment of the Directorate. When this is fully established, this is part and parcel of those sections of the Act that must address that issue.

Maj Gen Senaba Mosipi, DPCI, said that, yes, there is indeed a timeframe and strategy for the rollout of the Fusion Centre. The rollout of the Fusion Centre was motivated by what was happening within the Fusion Hub that is based at national in dealing with Covid-19 matters. As a result, the Anti-Corruption Task Team (ACTT) principals saw it necessary that this work be duplicated in the provinces so that there can be good collaboration with all the law enforcement agencies that deal with all cases of corruption in the country. The rollout started with three provinces, namely, Eastern Cape, Western Cape and KwaZulu-Natal. That process was dealt with this week on Monday 3 May and the other six provinces will all be dealt with by 18 May 2021. By the end of this month there will be Fusion Centres in all the provinces, where all participants will converge and deal with their cases so as to fast-track and deal with the challenges that they face.

In response to the breakdown of these cases in the provinces, although there are cases that have been investigated nationally, there are cases that are registered in the provinces. There are no exact numbers now, only a summary, but at the level of the DPCI there are dedicated teams in all of the provinces that are looking at Covid-19 corruption related cases. There has been confusion on the number of incidents and cases - slide 20 refers to some matters that are 'incidents' and others are 'cases'. There were 144 incidents. An incident refers to anything ranging from media reports and/or anonymous complaints that are received. All of these incidents go into the hub for analysis. Once it is established that there is an incident that must be pursued, they are then brought into the space of cases. A case docket will be registered and it will then be counted as a case. As such there are a total of 132 cases that were registered, 91 of which is under investigation, 22 are court cases and then there are 39 persons that will appear in court. In response to the question of conviction, the answer is no, there have not been any convictions in those cases but it is safe to say that the DPCI has done what it is supposed to do, which is to do investigations and present complete cases to the court of law to adjudicate. As police, the DPCI is depended on the courts to further what it has done. He hoped that there will soon be convictions but that is in the hands of the courts.

On the state capture cases and its absence in the report, the Committee would know that the ID in the NPA, that was established to deal with state capture cases, does not necessarily mean that the DPCI does not deal with those cases. When the Commission started, there were already cases that the DPCI was investigating, especially cases that were in the media, for example high-profile cases relating to Eskom, Prasa, Transnet, all of those cases would have been investigated by the DPCI and some of which are still investigated by the DPCI, although the prosecution is dealt with by the ID. Any case that is recommended by the Commission is to be dealt with by the DPCI in conjunction with the ID. Some of the matters have been under investigation for some time now, and that is why there may have not yet been results.

Maj Gen Alfred Khana, Head: Commercial Crime Unit, DPCI, referred to the question of what **TRC** cases are being investigated. There have been 112 matters referred to the DPCI from the NPA, and those matters were referred to the NPA from the **TRC**. Those matters will be looked at in conjunction with the NPA. The 112 matters do not just refer to 112 deaths. A matter is registered preliminarily as an enquiry, but in some cases, there are about four, three or two persons who died under particular circumstances that are currently being investigated. In addition to the 112 matters, there are 46 matters which are currently sitting with the NPA that must still be referred to the DPC but has not yet been received. There are also ten **TRC** matters with the NPA where they are still in the process of trying to establish jurisdiction. There are three additional matters that are referred to as foreign cases, and these matters are assumed to be where an incident may have happened on foreign soil. The matters that the DPCI looks at are the matters that have happened in South Africa within the different provinces.

Responding to the question of what criteria is going to be used to identify cases that will be investigated – all cases that are referred to the DPCI are being investigated. Priority will be given to cases involving death in police custody.

The Chairperson said that she would like the Members to finish the DPCI discussion by 11am, which would allow two hours for IPID.

Lt Gen Mosikili said that she has requested Lt Gen Dimpane to respond to questions relating to the budget and thereafter, they will respond to remaining questions briefly. In the instance that DPCI officials are not able to provide responses, she asked if those questions may be responded by written submission.

Mr Terblanche agreed that they need to move on, but that there are questions that must still be responded to.

Mr Maphatsoe agreed that some of the answers can be received in writing.

The Chairperson said that any member whose questions have not been adequately responded to can request the Chairperson to have those responses clarified in writing. She urged that if Members are unhappy with the written responses, they are encouraged to ask for clarity.

Lt Gen Mosikili said that some of the questions by Mr Terblanche were responded to by Maj Gen Mosipi, who indicated that the Investigating Directorate (ID), in its establishment, was mandated to deal with the cases stemming from the commission. She reiterated that, within the team, there are investigators from the DPCI and SAPS that are with the ID for those matters that require or are mandatory to the SAPS which includes arrests, or preparation of case dockets to court. Up to date, the ID has already recruited nine of DPCI's best investigators to assist with the cases.

In terms of the need for infrastructure, she said that she will be in the Northern Cape next week to address the issue of accommodation. The team recently went to Limpopo and to Mpumalanga where such issues of infrastructure were discussed. She agreed that there are needs regarding infrastructure, especially where the DPCI head office is sitting. There were requests to improve the infrastructure and to erect more office space as they embark on the process of recruitment, especially the recruitment of contract workers who will be there for the next three years. Surely more office space is needed, including other resources such as computers and vehicles.

On the personnel strength and capacity of the cyber security unit, this is part of the recruitment process. The 274 posts that are advertised are divided amongst the most critical components to deal with, which includes the cyber response team.

On the performance indicators in slide 10, those are successes and the DPCI are in the process of packaging the annual report which will include how the DPCI has dealt with the previous percentages in the indicators. This will be submitted in writing.

On slide 20, it must be further indicated that this is a multi-disciplinary corroboration, meaning that all cases that will be referred to court is because of all of the law enforcement agencies that refer cases to court for further processing. Slide 20 is an overall performance as at the end of December 2020 as to what the Fusion Centre has achieved. The DPCI will continue to do that, meaning that in the past few months there may have been more developments that can also be included in the next response.

Responding to Mr Shembeni's question on whether Covid-19 had impacted the DPCI investigations on corruption cases, there were challenges experienced in relation to the referral of cases to courts, the closure of the buildings and members that needed to be sent home from time to time. Some of the cases that were referred by the DPCI and scheduled for court could not be finalised due to closure of buildings; cases could not be finalised timeously. Other challenges included lack of engagement with the witnesses due to constraints in travelling. The DPCI will submit the breakdown per province, including the conviction of all the Fusion Centre cases. In addition, the number of officials who have been investigated for corruption by the Directorate will also be submitted in writing.

On the issues of recruitment raised by Mr Maphatsoe, she agreed that already nine members have jumped ship to the ID. There are challenges where SAPS' invests in training of recruits but then those recruits are then recruited outside of the Directorate or outside of the SAPS.

On the question of the project investigations, the DPCI will provide a breakdown, per province, on how the DPCI responded to those project investigations.

The state capture investigations have not been included in the presentation, because it is a multi-disciplinary corroboration. But the DPCI will indicate the cases that it was previously investigating prior to the establishment of the ID; these include cases that the DPCI is still working on.

The Chairperson asked Mr Terblanche to briefly list the questions that still need responses.

Mr Terblanche said that he will wait on the responses that were still coming, because all of the questions were referred to but the feedback was not comprehensive.

The Chairperson asked the Minister to introduce the IPID presentation. She thanked the DPCI team, and acknowledged their attempt to respond to the intensive questions. She requested that Gen Sitole's management would provide further detail where it is required. She said that the Minister and Gen Sitole may release their DPCI team.

Gen Sitole, said that that the DPCI team will be released as they are needed out there.

### **Independent Police Investigative Directorate (IPID) Budget Hearing 2021/2022 presentation**

Minister Cele said that Mr Patrick Setshedi will be the Acting Executive Director for IPID and lead the presentation. He expressed how necessary the work of IPID is. While there will be tension now and again between IPID and the structures that they work with, it is their duty to express its necessity so that everybody falls in line and to try to avoid any interference with their work. He said that they work really hard to ensure that IPID are supported to do their work and in cleaning those that are not supposed to be doing things that they do. If this is properly done it enhances their work, the integrity and the ethics of the organization.

#### *Key Priorities for the 2021/22 financial year (see slide 5)*

Mr Patrick Setshedi, Acting Executive Director: IPID, added that one of the key priorities is the finalisation of the IPID Bill, which will result in IPID playing an oversight role in other law enforcement agencies that are currently not embedded in the IPID Act.

He further added that the strengthening of internal control systems to ensure compliance with applicable legislation will assist IPID to obtain a clean audit.

#### *IPID 2021 MTEF Budget (slide 6- 10)*

Budget allocation and spending for 2018/19, 2019/20 and 2020/21 shows that for all of the three financial years, IPID has demonstrated the capacity to spend up to 100%.

The demonstration of how the limited budget has been allocated, per economic classification from the 2018/19 to 2021/22 financial years, shows that the bulk of allocation is for the compensation of employees. IPID is trying by all means to capacitate the Directorate in order to do their investigations in line with their mandate.

#### *Adjustments to the Strategic Plan 2020-2025 (slide 11-12)*

Ms Suzan Letlape, Director: Strategy and Performance, IPID, continued with the presentation.

The adjustments were in respect of Programme One and Programme Four.

For Programme One (Administration), the outcome indicator was the percentage increase in ICT systems availability. The indicator has been discontinued, because the five-year target is already achieved and exceeded.

For Programme Four (Compliance Monitoring & Stakeholder Management), the outcome indicator was the number of people reached out through awareness campaigns nationally. The indicator was discontinued to ensure that an inclusive approach is undertaken to strengthen relations within Department's key stakeholders. This will be realised by implementing the new indicator which is the percentage implementation of communications and stakeholder management strategy, and contributes to the new outcome which is strengthened stakeholder relations.

## *Conclusion*

Mr Setshedi added that the amendment of the IPID Act is expected to be finalised in the current financial year. However, there might be challenges to accommodate the expansion of the mandate within the current limited resources.

IPID has engaged with the Department of Health and Forensic Science Laboratory to fast track technical reports which will assist in completion of investigations.

The Department will continue relations with key stakeholders such as the National Youth Development Agency (NYDA), Community Safety, Investigating Directorate (ID), and others on sharing of resources. On 3 May 2021 the Deputy Minister, the Executive Director and the Chief Executive Officer for the NYDA launched a Youth Development Strategy by receiving 66 learners that will be allocated to all functions within IPID with majority in investigation.

## **Discussion**

Mr Cassel Mathale, Deputy Minister of Police, commented on the launching of the Youth Development Strategy learnership programme. The programme is on course and the launching of this learnership programme will expose young people to work within the security cluster through IPID. This is an opportunity for them to gain experience for the next 12 months, and the programme will have reached its finality. The issue is what will be done with these young people who will have gained some working experience within this cluster. This is a matter that the Executive Director will want to engage with the SAPS on, through the National Commissioner, as such necessary arrangements shall be made so that going forward these young people will not be lost. This is not a permanent arrangement but it is an opportunity to learn and this learning can be off-handed within the cluster, not necessarily for the SAPS but the broad security establishment.

He said that generally, learnerships are meant to expose young people to work experience, which is the understanding in government but circumstances must dictate how to deal with it broadly. The Executive Director, in her absence, should be commended for committing to do this when she came in and she is now living through that commitment.

Ms Faku commented on the remarks by Deputy Minister Mathale - she said that sometimes when a woman is appointed in a position, people are sometimes scared if she is a person of capacity or not. From the presentation, it must be said that one is very much impressed with the work that IPID has done thus far. She said that one even sees IPID on social media with its developments, especially that of the NYDA. IPID is more accessible and one can really see that there is a great improvement from where it was before.

She asked that IPID give more detail on the gender-based violence strategy and an indication of how this will focus on the internal and external environment.

She asked if IPID has already moved to their new offices or is that still in progress.

She added that IPID needs additional funds as indicated before, because the work that they do is a lot. The capacity building in terms of their staff should also be appreciated, because these are the things that must be achieved.

Mr Terblanche said that the decreased budget allocation, coupled with the significant decreases in performance targets, is a very serious concern. More clarity is needed on that.

The administrative programme was increased by 2.6%, whereas that of the investigation and information management programme decreased by 2.86% - an explanation is needed on where the emphasis is and why is that the causation.

With the key priorities for 2021/22, it said that IPID will ensure the “strengthening of internal control systems to ensure compliance with applicable legislation” - does this imply that there is not always compliance with applicable legislation? Clarity is needed on that.

The consistent expenditure of the budget allocation at 100% is good.

On slide 15, he asked if the “percentage implementation of annual internal audit plan per year” meant that the annual audit findings in the plan will not be implemented moving forward.

Mr Shembeni asked for an explanation on the significant shifts in the budget allocations of the sub-programmes. What is the status of the case flow management system that the system had significant challenges in recent years? Have these challenges been addressed?

On the backlog, what number of cases are awaiting technical reports? Such as postmortems, DNA, ballistics, histology and toxicology reports.

Why did the Department remove the performance indicators for community outreach events and station lectures? Was this caused by the Covid-19 restrictions or are there other reasons?

## **Responses**

Mr Setshedi confirmed that IPID had already moved to their new office building, situated in Benstra, Pretoria Arcadia. They started moving from 1 April and have completed the move. On the concern of the budget pressure, he said that they appreciate all of the efforts by the Members to assist and support IPID in ensuring that IPID receives additional funds in future.

On the question of the budget reduction of programme two and an increase on programme one, this was as a result of the relocation. The bulk of the expenditure is sitting in programme one, which is administration for security management as well as ICT infrastructure. The budget was reprioritised to ensure that funds were available for relocation expenditure.

In terms of the strengthening of internal control, and the question if IPID is complying, IPID is complying. It just means that IPID is now planning for a clean audit and therefore IPID must tighten all the areas of internal control, so that there is not any matter of emphasis from the audit opinion. It is therefore a commitment to strengthen internal control.

Ms Letlape referred to the implementation of the gender-based violence strategy. There is an implementation plan where some of the deliverables are focused more internally, and some of the deliverables speaks to the training of some of the investigators on how to deal with the gender-based violence and femicide (GBVF) matters, especially matters related to rape, so that investigators can be sensitive in how they address such matters. Mass dialogues will also be implemented internally as per the deliverables in the implementation plan. Some of the deliverables is to review the internal policies, for example the Supply Chain Management policy, which will ensure that the policy agenda is responsive in terms of procurement issues. For the external environment, the most key deliverable is the prioritisation of cases on GBVF, which is not to say that those are the only matters that will be investigated but there will be a certain percentage that IPID will ensure it will achieve within the financial year to ensure the prioritisation of such cases.

On the outstanding technical reports, by the end of February or beginning of March 2021, there was a total of 337 cases with outstanding technical reports. The specific classifications are death in police custody, with 27 cases; death as a result of police action, this was at 215 which is higher than the rest; discharge of an official firearm, at 76 cases with outstanding technical reports; rape by police officer with 13 cases and assault six cases.

Mr Matthews Sesoko, Chief Director: Investigation and Information Management, IPID, said that in the strategic planning sessions, IPID looked at what has been allocated to them as a department. IPID considers what would be achievable based on the allocation received from Treasury. This also includes looking at variables that specifically affect investigation issues like the Covid-19 pandemic that has impacted how investigations are conducted, as well as technical reports because these are dependencies from outside stakeholders. As long as institutions like the health departments and the forensic SAPS, who are responsible for providing IPID with technical reports, have challenges in the speedy output of those reports, IPID will continue to have challenges. IPID has engaged with the divisional commissioner in the SAPS and the Director-General at the Department of Health to try and get such issues resolved - they have committed to try and prioritise those matters. However, they did indicate their own challenges in terms of speeding up those reports.

Ms Letlape referred to the community outreach events for the current financial year - there is not a standalone indicator for community outreach but the indicator under programme four, which is the number of engagements held with key stakeholders per year. It also incorporates community outreach events in addition to station lectures and meetings with stakeholders. At an operational level, there is a breakdown of the 166 which is a total contribution of the three categories under this indicator.

Mr Setshedi said that on the case management system, the department has decided that currently the existing case management system would need to look at how best it can be improved, while the department is also busy with the feasibility studies on a new case management system, and what would be the cost implications thereof and how the department would be able to fund that. He said that with the processes that they have engaged in, they are confident that in the short-term it would assist in the case management system.

### **Further Discussion**

The Chairperson allowed for another round of questions.

Mr Terblanche asked what is meant by the “percentage implementation of access and awareness of rural strategy per year”. He also asked about the number of engagements held with key stakeholders - what are these engagements about?

Mr Shembeni said that he did not get the answer to the backlog of cases. He questioned whether those cases are at the disposal of the Directorate? He mentioned the numbers of eight cases and said that it is very important that the Committee find out what is happening with those cases.

Mr Sesoko responded and said that the access and awareness strategy was developed by IPID and the percentage that talks to the level to which they intend to implement that strategy really talks to the awareness of the work of IPID and access of IPID in those rural communities. In terms of this strategy, the department is trying to engage with other sister departments that have presence in rural communities, where people can also be deployed to be present there, so

that the department is accessible to rural communities. This will also make the communities aware of the work of IPID, and will enable IPID to serve those rural communities.

On the specific cases that were questioned by Mr Shembeni, he asked that IPID be allowed to respond to Mr Shembeni in writing to allow IPID to check on those specific cases.

Mr Setshedi responded to Mr Terblanche's question on the number of engagements of key stakeholders and said that these key stakeholders refer to SAPS, the NPA and the other entities with the JCPS cluster. This also includes members of the community through various structures, such as the community policing forums and traditional authorities.

The Chairperson asked if there are any further questions.

Mr Terblanche said that the answers that he got on the last two questions were very vague, and that he is no more informed than before asking those questions. He asked if IPID could send a more comprehensive response in writing because they did not answer his questions at all.

The Chairperson agreed that the written responses should be explained in more detail. She thanked the Minister, Deputy Minister, Gen Sitole, DPCI and IPID presenters and those that responded.

The Committee will reconvene on Friday, which will be the third meeting in the week. This will enable the staff to prepare their reports, to adopt those reports well in time and to receive the budget reports well in time. She thanked everyone for their participation and attendance.

The meeting was adjourned.