



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

# THE CRIMINAL JUSTICE SYSTEM REVAMP

Progress and challenges to date



RESEARCH UNIT



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

# **THE CRIMINAL JUSTICE SYSTEM REVAMP: PROGRESS AND CHALLENGES TO DATE**

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## LIST OF ABBREVIATIONS

ADRM:	Alternative Dispute Resolution Mechanism
AFIS:	Automated Fingerprint Identification System
AG:	Auditor General
APP:	Annual Performance Plan
AVL:	Automated Vehicle Location (system)
BRRR:	Budgetary Review and Recommendation Report
CAS:	Crime Administration System
CJS:	Criminal Justice System
CPF:	Community Police Forum
CPR:	Child Protection Register
CSF:	Community Safety Forum
CSIR:	Council for Scientific and Industrial Research
CSPB:	Correctional and Supervision Parole Board
DC:	District Court
DCS:	Department of Correctional Services
DCCO:	Detective Court Case Officer
DG:	Director General
DHA:	Department of Home Affairs
DOH:	Department of Health
DOJ&CD:	Department of Justice and Constitutional Development
DSD:	Department of Social Development
ECMS:	Electronic Case Management System
EM:	Electronic Monitoring
FSL:	Forensic Science Laboratory (SAPS)
HANIS:	(Home Affairs) National Identification System
HC:	High Court
ICDM:	Integrated Case Docket Management system
ICMS:	Integrated Case Management System
IEA:	Information Exchange Agreement
IIMS:	Integrated Inmate Management System
IJS:	Integrated Justice System
IJS BI/GIS	Integrated Justice System Business Intelligence and Geographic Information System
IPID:	Independent Police Investigative Directorate
IT:	Information Technology
JCPS:	Justice, Crime Prevention and Security Cluster

JHB:	Johannesburg
KPI:	Key Performance Indicators
LASA:	Legal Aid South Africa
MOU:	Memorandum of Understanding
MPS:	Municipal Police Service
MTEF:	Medium Term Expenditure Framework
MTSF:	Medium Term Strategic Framework
NCPS:	National Crime Prevention Strategy
NDOH:	National Department of Health
NDP:	National Development Plan
NEEC:	National Efficiency Enhancement Committee
NGO:	Non-Governmental Organisation
NPA:	National Prosecuting Authority
NRSO:	National Register of Sex Offenders
OCJ:	Office of the Chief Justice
OCJSR:	Office of the Criminal Justice System Review
OPAM:	Operational Planning and Monitoring System
OPAR:	Older Persons Abuse Register
PCEM:	Property Control and Exhibit Management
PEEC:	Provincial Efficiency Enhancement Committee
PIVA:	Person Identification Verification Application
PMO:	Project Management Office (IJS)
PFMA:	Public Finance Management Act
QA:	Quality Assurance
RC:	Regional Court
RD:	Remand Detainee
SAPS:	South African Police Service
SITA:	State Information Technology Agency
SOA:	Service Orientated Architecture
SONA:	State of the Nation Address
SOP:	Standard Operating Procedures
SSA:	State Security Agency
STO:	Short Term Offender
TCC:	Thuthuzela Care Centre
TMS:	Technology Management Services
URN:	Unique Reference Number
WAN:	Wide Area Network

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## Section A | INTRODUCTION AND SUMMARY OF KEY POINTS

### 1.1 BACKGROUND

The existence of serious problems within the criminal justice system (CJS) is accepted. Difficulties relating to co-ordination and the flow of current and robust information between the various role-players contributes significantly to these problems. As early as 1995, the Office of the President instructed the relevant departments to develop immediate, as well as long-term strategies to tackle the growing problem of crime.

At the same time, work began on a National Crime Prevention Strategy (NCPS) that Cabinet approved in 1996. An objective of the NCPS was to improve the impact of the CJS in so far as punishing offenders and deterring those who were contemplating criminal acts were concerned. The NCPS consist of four pillars, the first of which aimed at streamlining the criminal justice system. Extensive work was done by a joint Government and Business Team that resulted in a recommendation to Cabinet that an Integrated Justice System (IJS) Board be established to re-engineer criminal justice system processes and associated information technology systems. This led to the establishment of the Integrated Justice System (IJS) Programme.

The Criminal Justice System Review (sometimes referred to as the Criminal Justice System Revamp) is the latest of these initiatives. It is an intervention that consolidates all previous approaches and interventions. In November 2007, Cabinet approved the Criminal Justice System Review Seven-Point Plan to transform the criminal justice system. Overall, the intention is to establish a modernised, efficient and transformed criminal justice system.

More recently, in 2012, Cabinet adopted the National Development Plan 2030 (NDP), which is the strategic framework for future government planning. The NDP highlights that, in order to prevent crime and increase public safety, an efficient and effective criminal justice system is necessary. This requires cooperation between all departments in the Justice, Crime Prevention and Security (JCPS) Cluster. The NDP states that the full implementation of the recommendations in the CJS Review will go a long way in addressing the weaknesses in the criminal justice system.

This paper aims to:

- Provide a context for the Criminal Justice System Revamp and Seven-Point Plan within the ambit of Government attempts to reform the criminal justice system.
- Gather together reported information on the Plan to provide a consolidated account of progress made to date.
- Analyse the information available, highlighting questions and concerns.
- In the light of the above, suggest possible measures that may assist Parliament in performing more effective oversight of the Criminal Justice System Revamp and Seven-Point Plan in line with its prioritisation in the NDP.

The paper is divided into three broad sections:

<b>Section A</b>	This section provides an introduction to the paper and contextualises the Seven-Point Plan within the ambit of the NDP and the outcomes-based approach (with a specific focus on
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	the 2014-2019 Medium-term Strategic Framework). Section A highlights key concerns with implementation of the Seven-Point Plan as well as key recommendations.
<b>Section B</b>	Section B provides a summary and analysis of progress on the seven interventions of the Seven-Point Plan and highlights related budgetary and spending issues.
<b>Section C</b>	Section C provides information on the performance of the criminal justice system over the past few years, in terms of selective indicators and targets.
<b>Section D</b>	Section D summarises Parliamentary oversight of the implementation on the Seven-Point Plan and provides more detailed information on the status of protocols.
<b>Appendix</b>	List of current Information Technology projects with a focus on the SAPS

## 1.2. HISTORICAL PROBLEMS

Historically, the South African criminal justice system has been beset with challenges. Departments operated in ‘silos’ with little or no interaction between themselves. Information was managed by way of manual systems, often resulting in ‘lost’ information, including dockets. It was impossible to effectively track individuals through the criminal justice system process. Since 1996 various interventions have sought to improve integration across the CJS.

In June 2005, Cabinet approved the scope and terms of reference of the Review of the CJS. The initial process was to establish an understanding of the challenges. An inter-departmental team, assisted by researchers, embarked upon the CJS Review Research Project. This was a research study supported by interviews and meetings with stakeholders, particularly to identify challenges and make proposals as to how these challenges could be resolved.

The work of the Criminal Justice Research Review was supplemented in 2007 by a more operational and pragmatic review of the CJS. The intervention was sponsored by the Government/Big Business Working Group that was established by the President in August 2007. It involved extensive and intensive consultations, on-site visits and discussions with many and varied stakeholders. Four working groups considered the following themes: the review of the Criminal Justice System (CJS); reducing violent organised crime; mobilising society in the fight against crime; and enhancing performance across the system. Certain recommendations were made after analysis of departmental performance and capacity:<sup>1</sup>

DEPARTMENT	PERFORMANCE EVALUATION	RECOMMENDATIONS
<b>SAPS</b> (Investigation)	<ul style="list-style-type: none"> <li>• A large proportion of reported crime remained undetected.</li> <li>• Many cases closed because of poor collection of evidence/investigation.</li> <li>• The number of charges referred to court was low when compared to the number of crimes reported.</li> <li>• Capacity problems contributed to poor performance: insufficient</li> </ul>	There needed to be greater focus on policy and resource allocation to promote capacity to gather credible evidence and investigate crimes more effectively to reduce the number of cases withdrawn.

<sup>1</sup> Department of on Justice and Constitutional Development (2008).

DEPARTMENT	PERFORMANCE EVALUATION	RECOMMENDATIONS
	number of crime scene experts/forensic experts/detectives and poor crime intelligence. <ul style="list-style-type: none"> <li>Poor choices were made in respect of policy and resource allocation.</li> </ul>	
<b>Justice and Constitutional Development</b> (Adjudication)	<ul style="list-style-type: none"> <li>Many cases were withdrawn/struck from the court roll. Number of finalised cases was low compared to number of cases enrolled.</li> <li>35% backlog of cases in the Regional Courts.</li> <li>Low court hours were a problem (less than 3h30 at Regional Courts and 6 cases per month).</li> </ul>	Low number of reported crime and poor evidence collection meant that cases were not getting to court and, of those that did, a large number were removed from the court roll.
<b>Correctional Services</b> (Incarceration)	<ul style="list-style-type: none"> <li>Total number of Awaiting Trial Detainees was more than capacity available.</li> <li>Correctional supervision and parole/probation options were limited and rehabilitation impaired.</li> <li>There were too few correctional services facilities.</li> </ul>	Overcrowding at prisons must be addressed with greater opportunities for rehabilitation and better conditions for Awaiting Trial Detainees.

Overall, the review identified a fragmented and dysfunctional criminal justice system with high levels of unaccountability and many systems weaknesses, including:<sup>2</sup>

- Different legislative and policy frameworks and mandates.
- Gaps in policies and legislation.
- An absence of an integrated system and formal co-ordination structures.
- A lack of congruent objectives, measurements and performance indicators.
- Instances of inadequate capacity and/or incorrect resource allocation.

### 1.3. POLICY AND STRATEGY

#### 1.3.1. THE SEVEN-POINT PLAN

On 7 November 2007 Cabinet approved the Seven-Point Plan to revamp the CJS. The Deputy Minister of Justice and Constitutional Development at the time, Adv. J De Lange, was appointed as co-ordinator. The Plan's focus was on how to improve and streamline the overall impact, effectiveness and efficiency of the CJS, with reference to budgets, procedures, practices and laws governing the system, and with a specific focus on the co-ordination and co-operation between role-players (specifically, the National Prosecuting Authority (NPA), Department of Correctional Services (DCS), Department of Justice and Constitutional Development (DOJ&CD), and the South African Police Service (SAPS)). This

<sup>2</sup> Department of on Justice and Constitutional Development (2008).

would involve large scale improvements to the criminal justice system. The intended outcome of this process of a modernised and transformed CJS was:

- The delivery of quality and professional services in an integrated, coordinated, effective and efficient criminal justice system;
- The provision of swift, equitable and fair justice in criminal matters; and
- An effective deterrent to crime on a sustainable basis.<sup>3</sup>

The Seven-Point Plan, therefore, provided as follows:

<b>SEVEN-POINT PLAN</b>	
<b>1</b>	Adopt a single Vision and Mission leading to a single set of objectives, priorities and performance measurement targets for the Criminal Justice System (CJS).
<b>2</b>	Establish through legislation or by protocol a new and realigned single CJS coordinating and management structure.
<b>3</b>	Develop practical, short and medium term proposals to improve the performance of courts, initially focusing on Regional Courts.
<b>4</b>	Identify key areas within the component parts of the CJS that contribute negatively to the overall systems performance and put measures in place to correct shortcomings and remove constraints, inhibitors and dependencies, especially relating to policies dealing with capacity, and bring all component parts to a point where they function together harmoniously.
<b>5</b>	Establish an integrated and seamless National CJS IT database/system containing all information relevant to the CJS, including the review; and harmonise the template for gathering information relating to the CJS.
<b>6</b>	Modernise, in an integrated and holistic manner, all aspects of the systems and equipment of the CJS, including the fast-tracking of the implementation of present projects and modernisation initiatives.
<b>7</b>	Involve the population at large in the fight against crime, by introducing changes to the Community Police Forum/Community Safety Forum regimes, (which is being dealt with by SAPS), including expanding their roles to deal with all matters relating to CJS (thus fulfilling the role of Community Justice or Safety Forums).

The terms of reference for the CJS notes that the success of the Plan ‘depends on the total support of all Ministers (and Deputy Ministers), Directors General and Heads of the relevant departments and agencies, and the availability and participation of the most appropriate and experienced personnel in each department or agency’.<sup>4</sup>

The implementation of the Seven Point Plan is co-ordinated by the Office for the Criminal Justice System Review (OCJSR) which is located within the Department of Justice and Constitutional Development. The OCJSR operates under the supervision of an intersectoral secretariat and liaises with the Integrated Justice System Board (IJS Board) which deals with systems development and integration.

<sup>3</sup> Department of Justice and Constitutional Development (2014c)

<sup>4</sup> Department of Justice and Constitutional Development (2014c)

### 1.3.2. THE NATIONAL DEVELOPMENT PLAN

The NDP was adopted by Cabinet in 2012. The NDP highlights that, in order to prevent crime and increase public safety, an efficient and effective criminal justice system is necessary. The NDP states that in order for the Seven-Point Plan to succeed:

*'it must be well coordinated, with dedicated budgets and an implementation plan involving all departments in the cluster. Its aspects must be implemented in tandem with stipulated time frames and evaluated against intended outcomes. Without coherence, the seven-point plan's purpose will be defeated and resources wasted. Most important citizen safety will be compromised and confidence in the capability of the state jeopardised'.<sup>5</sup>*

The NDP states that although government departments in the JCPS Cluster are reporting on the implementation of the Seven-Point Plan, implementation and reporting is haphazard and insufficiently coordinated.

The NDP recommends more coherent implementation and reporting of the Seven-Point Plan. Specific actions should include:

NATIONAL DEVELOPMENT PLAN	
<b>1</b>	Immediate alignment of all strategic plans in the JCPS Cluster with the Seven-Point Plan.
<b>2</b>	The project manager appointed to the Office for the Criminal Justice System Reform to coordinate the Seven-Point Plan's activities and programmes to ensure that the JCPS departments implement the Seven-Point Plan in sync.
<b>3</b>	Dedicated budgets for each relevant department be established and outcomes reported in relation to the Seven-Point Plan.
<b>4</b>	Continuous monitoring by the JCPS Cluster and regular reporting of implementation to Cabinet must be institutionalised.
<b>5</b>	Annual evaluation of implementation of the Seven-Point Plan with assessment against overarching objectives.

### 1.3.3. MONITORING IMPLEMENTATION

**DELIVERY AGREEMENTS:** In the 2010 State of the Nation Address (SONA), the President declared 2010 as the 'year of action', with a focus on implementation and performance outputs. This was part of an outcomes-based approach to performance that sought to improve inter-departmental collaboration and increase the accountability of Ministers to the President. Each Minister was required to sign a performance agreement as well as a Cluster Delivery Agreement. The focus of the JCPS Cluster is on Outcome 3 – All People in South Africa are and feel safe.

The first Delivery Agreement was signed by the JCPS Cluster in October 2010. Specific outputs and measures are set out in the Refined Delivery Agreement:<sup>6</sup>

#### Outcome 3 - All People in SA are and feel safe

Outputs
1. Reduced overall levels of crime, in particular contact and trio crimes.
2. <b>A more effective criminal justice system.</b>

<sup>5</sup> National Planning Commission (2012).

<sup>6</sup> Presidency (2010).

3. Reduced corruption.
4. Managed and improved perceptions of crime among the population.
5. South Africa's borders effectively safe guarded and secured.
6. Integrity of identity and status of citizens and residents secured.
7. Secure cyber-space.

Each of the seven outputs has a number of targets and key measures, which are subject to quarterly review and reporting. Output 2 contained targets and activities directed at realising 'a more effective criminal justice system' including:

OUTPUT 2: KEY TARGETS, ACTIVITIES AND RISKS		
KEY TARGETS	ACTIVITIES	RISKS
<ul style="list-style-type: none"> <li>• By 2014, increasing the contact-crime detection rate from 52.5% to 60%, serious crimes from 42.82% to 59% and increasing the trial-ready docket rate from 31.3% to 34%.</li> <li>• Increasing the number of finalised criminal cases by 2% per annum by 2014 (to 351 308).</li> <li>• Reducing case backlogs of all cases by 10% by 2014 (to 33 504).</li> <li>• Increasing cases finalised by ADRM by 20% by 2014 (142 357).</li> <li>• Reducing average length of time in remand detention from 189 (in January 2012) to 165 days by 2014.</li> <li>• Increasing the percentage of parolees without violations to 79.6% by 2014 (from 76.2% in 2011/12).</li> </ul>	<ul style="list-style-type: none"> <li>• Improve investigation (crime scene detectives, detectives and prosecutors) and intelligence capacity and efficiency.</li> <li>• Strengthen the management and timely provision of forensic and fingerprint services.</li> <li>• Implement the CJS Review Seven-Point Plan approved by Cabinet.</li> <li>• Implement integrated case flow management in all courts.</li> <li>• Expand the case backlog project.</li> <li>• Increase the use of Alternative Dispute Resolution including restorative justice.</li> <li>• Conduct interventions on long outstanding remand detainee cases.</li> <li>• Test electronic monitoring system for parolees.</li> <li>• Strengthen the parole system.</li> <li>• Develop Correctional Sentence Plans for all sentenced offenders.</li> <li>• Profiling of offenders.</li> <li>• Develop framework on repeat offending by 2013.</li> <li>• Provision of additional Secure Care facilities.</li> <li>• Develop and implement Unique Person Identifiers across the Cluster by 2013/14.</li> <li>• Develop and implement Case Management integration across the system by end of 2012/13.</li> <li>• Develop and implement the Transversal Hub and exchange and analyse agreed upon Key</li> </ul>	<ul style="list-style-type: none"> <li>• The budgets within CJS departments are not aligned and should be aligned and balanced.</li> <li>• There is an inadequate number of experienced investigators and prosecutors and insufficient control over docket flow and certification processes.</li> <li>• Effective court utilisation and optimum use of court hours though effective case flow management is critical to finalising more cases.</li> </ul>

<b>OUTPUT 2: KEY TARGETS, ACTIVITIES AND RISKS</b>		
<b>KEY TARGETS</b>	<b>ACTIVITIES</b>	<b>RISKS</b>
	Performance Indicators (KPI) and Business Intelligence information for statistical and management purposes by end of 2012/13. <ul style="list-style-type: none"> <li>• Develop and implement criminal justice system Person Management and related integrated system and complete integration with Home Affairs National Identification System (HANIS) as well as integration of Child Justice and Sexual Offences Registers by end of 2013/14.</li> </ul>	

**2014-2019 MEDIUM TERM STRATEGIC FRAMEWORK:** Governments' plan for implementation of the NDP is encapsulated in the 2014-2019 MTSF released on 7 August 2014.<sup>7</sup>

The MTSF continues with the outcomes approach adopted for the 2009-2014 period but has been expanded to enable more effective monitoring of progress on implementation of the NDP. Outcome 3 has been slightly modified to read:

**Outcome 3 - All People in SA are and feel safe**

<b>Sub-outcomes</b>
1. Reduced levels of contact crime 2. <b>An efficient and effective Criminal Justice System</b> 3. South Africa's borders effectively defended, protected, secured and well-managed 4. Secure cyber-space 5. Domestic stability ensured 6. Secure identity of all persons in South Africa

The following are some of the key indicators and targets, relevant to this paper, with a focus on Sub-Outcome 2:

<b>SUB-OUTCOME 2: The CJS must deliver quality and professional services in an integrated, coordinated, effective and efficient manner. It must also provide swift, equitable and fair justice in criminal matters and effectively deter crime on a sustainable basis.</b>			
<b>Action</b>	<b>Indicator</b>	<b>Baseline</b>	<b>Target</b>
<b>Implement integrated activities in terms of the CJS Seven-Point Plan to make the CJS more efficient and effective</b>	<b>A CJS Business Plan (2014-2019) aligned with Departmental Strategic Plans and Annual Performance Plans (APPs)</b>	<b>None</b>	<b>Developed and approved by December 2014 Implemented by all Departments by April 2015</b>

<sup>7</sup> Republic of South Africa (2014).

Section A

## INTRODUCTION AND SUMMARY OF KEY POINTS

SUB-OUTCOME 2: The CJS must deliver quality and professional services in an integrated, coordinated, effective and efficient manner. It must also provide swift, equitable and fair justice in criminal matters and effectively deter crime on a sustainable basis.			
Action	Indicator	Baseline	Target
Implement practical, short and medium terms measures to address backlogs and improve the all-round performance of courts	Number of criminal backlog cases in court	27 582	26 650 (2014/15) 21 788 (2018/19)
	District Courts (DCs): Number of cases in the DCs that are on the roll for more than 6 months: 13 381 backlog cases (31/01/2014) i.e. 9.1% of the outstanding roll	12 896	12 578 (2014/15) 9 819 (2018/19)
	Regional Courts (RCs): Number of cases in the RCs that are on the roll for more than 9 months: 14 327 backlog cases (31/01/2014) i.e. 32.5% of the outstanding roll	14 399	13 754 (2014/15) 11 679 (2018/19)
	High Courts (HCs): Number of cases in the HCs that are on the roll for more than 12 months: 324 cases (31/01/2014) i.e. 45.6% of the outstanding roll	287	281 (2014/15) 257 (2018/19)
	Number of criminal court cases finalised with verdict	323 800	324 276 (2014/15) 337 443 (2018/19)
	Number of criminal court cases finalised: Alternative Dispute Resolution Mechanism (ADRM)	142 357	149 204 (2014/15) 161 503 (2018/19)
	Establish an integrated electronic CJS system to provide accurate and timely management of information	Integrated Case Management system	Being developed
Integrated Person-related Information system		Being developed	Fully established and functional by 2017
Key Performance Indicators Measurement System for the CJS		Being developed	13 of 28 KPIs approved by Cabinet by 2015 28 of 28 KPIs approved by Cabinet by 2018/19
Improve SAPS investigations	Interviews conducted with complainants by the investigation officer	New Indicator	Within 24 hours after a case docket is registered
	Computer-generated investigation progress report to complainants and victims of crime established	New Indicator	Developed by 2015/16

SUB-OUTCOME 2: The CJS must deliver quality and professional services in an integrated, coordinated, effective and efficient manner. It must also provide swift, equitable and fair justice in criminal matters and effectively deter crime on a sustainable basis.			
Action	Indicator	Baseline	Target
	Detection rate for serious crimes (contact crime, contact related crime, property related crime, other serious crime)	53.35%	56% by 2014/15 and maintain at that level
Improve pre-trial processes	Percentage of trial ready case dockets for serious crimes (contact crime, contact related crime, property related crime, other serious crime, crime detected as a result of police action)	68.61%	73.6% by 2014/15 Increase by 5% per annum by 2018/19
Improve independent and impartial investigations and crimes allegedly committed by SAPS and MPS	Percentage of investigations completed	50% completed cases	55% completed cases by 2014/15 60% (2018/19)
Institute disciplinary proceedings based on IPID recommendations	Percentage of IPID recommendations implemented	84.4% (645 out of 764 cases)	90% (2014/15) 100% (2018/19)

#### 1.4. KEY CONCERNS AND QUESTIONS

Question 1
<b>How effectively has Parliament overseen transformation of the CJS and implementation of the Seven-Point Plan to date?</b>
A key problem has been the lack of intersectoral oversight by parliamentary committees. In the past two years various individual Parliamentary Committees have been briefed on developments in their respective sectors. The 2014-2019 MTSF requires the development of a CJS Business Plan which will stipulate measures and targets for implementation of the Seven-Point Plan. On finalisation, this can be used by Parliamentary Committees as a basis for oversight over implementation of the CJS Revamp, as required by the NDP.
Question 2
<b>Has departmental intersectoral collaboration in the transformation of the CJS improved?</b>
Various structures have been established to improve departmental collaboration in the transformation of the CJS. These include for example, the IJS Board (and its supplementary governance structures) and the Office of the Criminal Justice System Review. Historically, these coordinating structures have experienced major challenges. However, it seems as if these challenges are beginning to be addressed. More recently, the Office of the Chief Justice has established National and Provincial Efficiency Enhancement Committees involving all the relevant stakeholders which would play an important role.

## INTRODUCTION AND SUMMARY OF KEY POINTS

## Question 3

**Has the Seven-Point Plan impacted positively on the performance of the CJS?**

It is difficult to evaluate the impact of the various interventions on performance of the CJS. However, a number of initiatives are in place or are being developed now to ensure that this can occur in the near future. These include the presence of JCPS Cluster performance targets in the 2014-2019 MTSF with clear responsibilities for each department. There is a clear directive that these MTSF targets must be included in all individual departmental planning documents (strategic plans and annual performance plans), thus ensuring that the revamp of the CJS is prioritised for implementation and effectively monitored at both departmental and Cluster level. Most importantly, the IJS modernisation project includes the development of 28 Key Performance Indicators (KPIs), agreed upon at Cluster level and uniform across the Cluster, to measure performance. The target date for finalisation of these KPIs is 2018/19 and at that point consistent reporting and monitoring will be possible. The information gathered by these indicators will allow for targeted and timeous interventions when problems arise, thus ensuring the desired impact. A total of 14 of these KPIs have been developed to date.

## Question 4

**How much has the CJS Revamp cost to date, and was this money well spent?**

The CJS Revamp began more than 10 years ago, and has spanned different administrations. The project itself is complex and ambitious. It covers a range of areas including governance and accountability structures, increases to human resources and capacitation, departmental and integrated information technology systems, protocols and specific targeted projects, amongst others. While some of the funds for the CJS Revamp have been ring-fenced (and are therefore moderately easier to account for and monitor), much of the funding for interventions within the Revamp lies masked within broad departmental budgets. Even monitoring of the ring-fenced funds has been difficult (and a number of problems in expenditure of these funds have been apparent). It is only recently that National Treasury has required departments to provide plans for spending of these ring-fenced funds (without which the monies will not be released).

The CJS Revamp has cost billions to date. The SAPS alone has spent at least R6.6 billion since 2003 (and this is solely on information technology projects).<sup>8</sup> There is little information regarding spending in other departments, though it has been recently reported that about R2.3 billion has been spent by eight departments on IJS projects since 2008/09.<sup>9</sup> Again, this only reflects spending by the eight departments on information technology projects (and in this case excludes so called CJS Revamp information technology projects, which are included in the SAPS figures).

## Question 5

**What are the key outstanding issues for 2015/16 and beyond that should be monitored?**

The following are identified as key issues for monitoring by Parliament for implementation during 2015/16:

<sup>8</sup> Van Zyl-Gous (2015).

<sup>9</sup> Minister of Justice and Correctional Services (2015b). Includes IJS spending by the South African Police Service, the National Prosecuting Authority, the Department of Justice and Constitutional Development, the Department of Correctional Services, the Department of Social Development, the Department of Home Affairs, Legal Aid SA, the Programme Management Office (of the IJS Board) and Transversal projects.

- The development of the CJS Business Plan that is outstanding (as stipulated in the 2014-2019 MTSF and that was meant to be developed by December 2014).
- Improved capacity to the Office of the Criminal Justice System Review including project managers to allow this office in the DOJ&CD to fulfil its coordinating function effectively.

In terms of the components of the Seven-Point Plan, issues that require ongoing monitoring by Parliament include progress toward:

- The development of accurate management information based on integrated data across the CJS to allow for effective decision-making.
- The need for sufficient human resource capacity to develop, monitor and implement interventions.
- Ensuring that all components of the CJS especially in critical areas have professional and skilled staff and that measures are put in place to attract and retain skilled staff including specialists.
- The development and effective implementation of protocols and other initiatives to optimise processes in the CJS.
- The development and implementation of effective and ongoing performance monitoring and measurement system for the CJS with specific indicators and targets (for the CJS and individual departments).
- The development of the additional 14 IJS KPIs (out of the total of 28 KPIs that are to be developed).
- The development and implementation of departmental specific as well as integrated information technology and communication systems.
- Optimisation of structures that have been initiated to ensure community involvement (including CPFs, CSFs, Parole Boards etc.)

Some key questions that could be used for continuous monitoring may include:

- Are all role-players in the CJS working towards a united vision and mission and is this mirrored in their planning and budget documents?
- How effective are the coordinating structures in the CJS?
- Have policies, protocols, operating procedures and guidelines been implemented to ensure effective coordination? What is the impact so far?
- Are there sufficient skilled and professional staff especially in key areas in the CJS and are these staff adequately resourced and motivated?
- Are the internal departmental ICT systems implemented and effective?
- Are the integrated and collaborative ICT systems implemented and effective?
- Is performance of the CJS been properly measured and are there visible improvements?
- Is the community actively involved in the CJS and is this measurable in terms of improvements?

## 1.5. RECOMMENDATIONS AND WAY FORWARD

### **RECOMMENDATION 1: UPDATE ON PROGRESS WITH THE SEVEN-POINT PLAN TO DATE**

Parliament should consider holding a comprehensive briefing from role-players to update it on implementation of all components of the Seven-Point Plan to date. The main aim of the meeting

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would be to inform the relevant Committees of the historical trajectory of implementation of the Plan, progress to date, the stumbling blocks to implementation of the Plan, and the steps that have been taken to address these problems to ensure smoother progress in the future.

Given the lead role that the Department of Justice and Constitutional Development has in this project, it is suggested that the Portfolio Committee on Justice and Correctional Services initiate the briefing by Office of the Criminal Justice System Review (supported by the Chairperson of the Integrated Justice System Board, and departmental representatives from the relevant structures including the National Prosecuting Authority, the Legal Aid SA, the Department of Police, the Department of Correctional Services and State Information Technology Agency ). In addition the Department of Social Development, Department of Home Affairs, Office of the Chief Justice, the Auditor General and National Treasury should be invited.

The Portfolio Committee on Police and the Select Committee on Justice and Security should be invited to and encouraged to attend this meeting.

### RECOMMENDATION 2: ANNUAL INTERSECTORAL OVERSIGHT

The Portfolio Committee on Justice and Correctional Services should consider hosting an intersectoral meeting annually on implementation of the Seven-Point Plan. This meeting should include an annual briefing by the Office of the Criminal Justice System Review (supported by the Chairperson of the Integrated Justice System Board, and departmental representatives from the relevant structures including the National Prosecuting Authority, the Legal Aid Board, the Department of Police, the Department of Correctional Services and State Information Technology Agency). In addition the Department of Social Development, Department of Home Affairs, Office of the Chief Justice, the Auditor General and National Treasury should be invited.

The Portfolio Committee on Police and the Select Committee on Justice and Security should be invited to and encouraged to attend this annual meeting.

### RECOMMENDATION 3: SCRUTINY OF THE MTSF 2014-2019 AND THE CJS BUSINESS PLAN

The relevant Committees should ensure that the outputs, indicators and targets contained in the 2014-2019 Medium Term Strategic Framework are reflected in and aligned with the departmental Strategic Plans and Annual Performance Plans for all subsequent years going forward.

In addition, it is noted that the CJS Business Plan (which is a key output highlighted in the MTSF 2014-2019) has been delayed. According to the MTSF 2014-2019 it was targeted for finalisation in December 2014. As soon as this Business Plan is completed the relevant Committees should ensure that the relevant outputs, indicators and targets are reflected in the departmental Strategic Plans and Annual Performance Plans and that they regularly monitor departmental delivery in terms of these outputs, indicators and targets.

### RECOMMENDATION 4: MONITORING BUDGETS AND SPENDING

National Treasury's decision that future allocations of ring-fenced funds for 'Criminal Justice Sector Revamp and Modernisation Programme: Projects to promote effective functioning of the criminal justice sector' must be based on detailed project plans for each project and concomitant funding

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for stages of implementation is supported. National Treasury should monitor expenditure of these funds in terms of implementation. Funds should be withheld if these plans are not forthcoming.

Parliament must ensure that National Treasury continues with this commitment (which was made particularly in terms of ring-fenced funds for the South African Police Service) even though these fund allocations have been shifted to reside in the past year within the DOJ&CD budget.

Committees should monitor allocations and expenditure of earmarked funds and other funds during their oversight over departmental quarterly performance and expenditure reports. Problems in spending of these funds and delays in projects should be highlighted to the relevant Committees during these meetings.

**RECOMMENDATION 5: REQUEST REPORT ON IJS AUDIT FROM AUDITOR GENERAL**

In October 2012 the Auditor-General was requested by the Portfolio Committee on Justice and Constitutional Development (now the Portfolio Committee on Justice and Correctional Services) to audit IJS and CJS projects across all JCPS Cluster departments for the past ten years.<sup>10</sup> To date the AG has not reported on this audit although it did indicate that it would undertake a two phase approach. Phase one would examine the IJS governance framework and phase two would focus on IJS expenditure. However, no timeframes were provided for this process. The AG should be requested to provide a briefing detailing progress with the audit and findings to date.

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<sup>10</sup> Portfolio Committee on Justice and Constitutional Development (2012).

## Section B| **PROGRESS IN KEY AREAS OF INTERVENTION**

This section provides a progress report on selective key areas of intervention in terms of the Seven-Point Plan and highlights challenges identified.

### 2.1. **WORKING TOWARDS A SINGLE VISION AND MISSION (INTERVENTION 1) AND ENSURING COORDINATED GOVERNANCE AND REPORTING (INTERVENTION 2)**

**Table 1: Interventions to improve coordination**

	<b>Status</b>	<b>Comments</b>
<b>Joint vision, mission and objective statement across the JCPS Cluster</b>	Developed	In February 2014 it was reported that the vision and mission was recently reviewed. An updated version was to be submitted to JCPS Director Generals and Minister for review and approval. <sup>11</sup>
<b>Strategic interventions</b>	Include interventions for: <ul style="list-style-type: none"> <li>• Strategic alignment</li> <li>• Development of 28 Key Performance Indicators (KPI) to measure delivery in terms of implementation of the Seven-Point Plan</li> <li>• Data integration</li> </ul>	<ul style="list-style-type: none"> <li>• Parliament needs to monitor continued alignment of departmental strategic and annual performance plans with the 2014-2019 MTSF, Delivery Agreements and the proposed CJS Business Plan (2014-2019) when it is completed.</li> <li>• Not all the KPIs for delivery against the Seven-Point Plan have been developed (14 of the 28 KPIs in the IJS have been developed) (see subsection 2.4).</li> <li>• Data integration across departments in the JCPS is in progress but still problematic (see subsection 2.4)</li> </ul>
<b>Operational interventions</b>	Development of coordinated and integrated strategies and policy frameworks and integrated Registers. Successes in operational interventions have been reported to include improvement in forensic capabilities at crime scenes and forensic laboratories, improvements to AFIS and staffing and technology at local criminal record centres and improvements in case finalization and reduction of court backlogs. <sup>12</sup>	Various policies and strategies have been drafted including the Restorative Justice Strategy, Diversion Policy Framework, National Policy Framework for the Management of Sexual Offences and the Social Crime Prevention Strategy.  Implementation of the Social Crime Prevention Strategy and various measures around the Cybercrime Policy are included in the 2014-2019 MTSF and require monitoring.

<sup>11</sup> Department of Justice and Constitutional Development (2014b).

<sup>12</sup> Department of Justice and Constitutional Development (2015).

	Status	Comments
<b>Establishment of coordinating structures</b>	Various structures established at national, provincial and local level (includes national and provincial Efficiency Enhancement Committees established by the Office of the Chief Justice; and national, provincial and local JCPS committees). The Office of the Criminal Justice System Review (OCJSR) is responsible for coordination of implementation of the Seven-Point Plan. In addition, the IJS Programme is coordinated by the IJS Programme Management Office (PMO) on behalf of the IJS Board, under the auspices of the DOJ&CD.	<ul style="list-style-type: none"> <li>• Absence of a high level coordinating and management function (including a Cabinet Minister, as envisaged in the original plan) and delays in effectively capacitating the Office of the Criminal Justice System Review (situated in the DOJ&amp;CD) may have resulted in delays in effective progress with the Seven-Point Plan.</li> <li>• Effectiveness of the current structures should be monitored.</li> <li>• The extent to which the OCJ is included as a stakeholder in implementing the CJS Review is unclear?</li> </ul>

**Targets:** The 2009-2014 Delivery Agreement states that the CJS Review Seven-Point Plan approved by Cabinet must be implemented.

The 2014-2019 MTSF states that integrated activities in terms of the CJS Seven-Point Plan to make the CJS more efficient and effective must be implemented. By December 2014 a CJS Business Plan (2014-2019) must be developed and be implemented by all departments by April 2015/16 (i.e. the business plan must be aligned with departmental strategic plans and annual performance plans).

## COMMENT

### **Achievements?**

*While much progress has been made toward implementation of the Seven-Point Plan this progress seems to be ad hoc and until recently has not been systematically monitored. Reporting on progress with the Seven-Point Plan has been sparse. The requirement for a CJS Business Plan as stipulated in the MTSF 2014-2019 is a key output that will improve the ability to oversee implementation of the Seven-Point Plan. Delay in the development of this CJS Business Plan is a concern. Another concern is the length of time that it is taking to develop the 28 Key Performance Indicators which are integral to effective monitoring.*

*Co-ordination across the JCPS Cluster of the implementation of the Seven-Point Plan is also critical to its success. The fact that the OCJSR still lacks a fulltime secretariat and permanent staffing is a concern.<sup>13</sup>*

*The latest report on implementation of the Seven-Point Plan notes the following in summary of progress in Interventions 1 and 2:<sup>14</sup>*

<i>Sustained efficiency and effectiveness through improved coordination and management of the system</i>	<i>Addressed in part</i>
<i>A single vision and mission</i>	<i>Completed (need further buy-in)</i>

<sup>13</sup> Department of Justice and Constitutional Development (2015).

<sup>14</sup> Department of Justice and Constitutional Development (2015).

<i>Coordinated strategies, plans and budgets with improved cross-departmental cooperation and accountability</i>	<i>To be addressed in CJS Business Plan</i>
<i>Appropriate, integrated and focused structures to manage and coordinate CJS activities</i>	<i>OCJ and NEEC/PEEC structures added</i>
<i>Balanced input and outcomes of component parts with effective coordination and management of inter-departmental and intra-departmental inputs and deliverables</i>	<i>To be addressed by departments as part of CJS Business Plan</i>
<i>Ongoing performance monitoring and measurement of the system with specific indicators and targets for the system as a whole and for each department/agency</i>	<i>Not yet fully addressed</i>

### **Questions?**

- *What is the updated vision and mission and how does it differ from the 2009/10 vision and mission? Why is it stated that ‘further buy-in’ is needed?<sup>15</sup>*
- *What are the reasons for the delay in the development of the CJS Business Plan which will be a key tool for monitoring the implementation of the Seven-Point Plan? This Plan was meant to be finalised in December 2014 but is now reported to be finalised for ‘the MTSF cycle’.<sup>16</sup>*
- *Who is responsible for developing the CJS Business Plan?*
- *What are the 28 KPIs for measurement of performance across the CJS?*
- *What are the 14 KPIs for measurement of performance across the CJS that have been developed to date? Which of these are contained in the 2014-2019 MTSF?*
- *What challenges were experienced in developing the KPIs to date, and what are the lessons learnt in order to speed up the process going forward?*
- *What is the full mandate of the OCJSR situated in the DOJ&CD and is this office fully capacitated to perform a key coordinating function in line with the recommendations contained in the NDP? How does this office relate to the IJS Board? When will a full-time Secretariat for the OCJSR be established and be permanently staffed? How many permanent staff members will be appointed and what will their responsibilities be?*
- *Are the coordinating structures currently effective in ensuring coordination across the JCPS Cluster? A status report on all structures involved in the coordination, management and implementation of the CJS Revamp should be submitted. This report should include objectives/purpose of each of these structures, the challenges faced by the structures, and steps taken to address these challenges. Relationships with all relevant structures such as the IJS Board and IJS PMO should be clearly identified.*
- *The NDP recommends that dedicated budgets for each department be established for implementation of the Seven-Point Plan. What are departments’ plans in this regard?*

<sup>15</sup> Department of Justice and Constitutional Development (2015).

<sup>16</sup> Department of Justice and Constitutional Development (2015).

## 2.2. STATUS OF PROTOCOLS (INTERVENTION 3: TO IMPROVE THE PERFORMANCE OF COURTS)

The main aim of Intervention 3 is to focus on trial and pre-trial interventions that will ensure trial readiness to reduce delays. Intersectoral interventions have included:<sup>17</sup>

- Development of Judicial standards and norms
- Measures to ensure that the courts focus on trials and that administrative and other procedures are channelled elsewhere
- Measures to improve the timeliness of previous conviction reports
- The Case Backlog Reduction Project to reduce backlogs in courts
- Adoption of intersectoral protocols and interventions relating to directives and guidelines
- Implementation of an improved Remand Detention System
- Tracking of remand detainees with long outstanding cases
- Implementation of the Detective Court Case Officers (DCCOs) to improve docket quality
- Increasing the coverage of Legal Aid South Africa

**Table 2: Status of Protocols as at February 2014<sup>18</sup>**

Protocol	Status	Comments
Revised Bail Protocol	+	Approved, signed and implemented.
Regional Court Screening Protocol	-	Not approved (fallen away) though various proposals in the draft protocol were implemented including the appointment of Detective Court Case Officers (DCCO).
Court Protocol for Legal Aid Cases	+	Approved, signed and implemented by Legal Aid SA and NPA.
Mental Observation Protocol	-	Approved but under review awaiting outcome of Constitutional Court case. <sup>19</sup>
CJS Blood Analysis Protocol	+	Approved, signed and implementation date from October 2013.
JCPS NDOH Toxicology Protocol	-	Not yet signed. Was to be submitted for approval to the Cluster DGs in July 2013 for implementation in 4 <sup>th</sup> quarter 2013/14. Status unclear.
Protocol on referral of terminally ill or server incapacitated remand detainees to court	+	Approved and signed and implemented in July 2012.
Protocol on maximum incarceration of remand detainees	+	Approved and signed in July 2012 and implemented from July 2013.

<sup>17</sup> Department of Justice and Constitutional Development (2015).

<sup>18</sup> Information contained in Department of Justice and Constitutional Development (2014a).

<sup>19</sup> This may be delayed because of the case of De Vos N.O. and Others v Minister of Justice and Constitutional Development and Others. This case is currently before the Constitutional Court. Sections 77(6)(a)(i) and (ii) of the Criminal Procedure Act provide for the compulsory incarceration or institutionalisation of an accused person who is found to be mentally unfit to stand trial and who has been found to have committed the offence with which he was charged. The constitutionality of this provision has been challenged.

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## PROGRESS IN KEY AREAS OF INTERVENTION

Protocol	Status	Comments
<b>Protocol on procedures to be followed with regard to obtaining access to RDs for consultation purposes by LASA</b>	+ <sup>20</sup>	Signed off in March 2014.
<b>JCPS Protocol in respect of fingerprint databases for comparative searches performed by Division: Forensic Services, SAPS</b>	-	Still waiting signature from SSA (it was submitted to them in February 2014). Will be implemented 90 days after signing. Renamed the JCPS Fingerprint and Photographic Images Database Protocol and is 'being developed'. <sup>21</sup>
<b>JCPS Cluster Interdepartmental MOU in respect of taking buccal samples from certain categories of person</b>	+ <sup>22</sup>	To be signed by SAPS, IPID and NDOH but not signed by February 2014. Reported by DCS as developed and approved in June 2015.
<b>Audio Visual Remand Protocol</b>	-	Not approved or signed. Draft is being circulated for comment and rollout is expected in 2015. A pilot has been implemented in the Western Cape. <sup>23</sup>
<b>Protocol on procedures to be followed when DCS temporarily releases RDs to the SAPS for further investigation and early arrival in court</b>	+ <sup>24</sup>	As at February 2014, draft protocol reported as not approved. Amended to include the role of Legal Aid SA. As at June 2015, reported as implemented with positive practical results.
<b>Intergovernmental protocol for management and involuntary mental health care users and state patients</b>	-	As at June 2015 it was reported that the Cluster agreed that this category should not be detained in correctional centres. <sup>25</sup>
<b>Protocol for procedure to be followed with regard to the release of appellants serving terms of imprisonment whose convictions are set aside on appeal</b>	-	Consultation initiated with DOJ&CD, DCS and Legal Aid SA and draft protocol should be developed in 2014. Reported that ready for signature. <sup>26</sup>
<b>Case Flow Management protocol</b>	-	A draft developed in the 3 <sup>rd</sup> quarter of 2013/14 is in the consultation process.
<b>Protocol on foreign national remand detainees and persons detained for deportation</b>	-	DCS executive is to discuss whether the protocol is needed or whether it should just be monitored. Discussions with SAPS and DHA is required.

<sup>20</sup> Department of Justice and Constitutional Development (2015).

<sup>21</sup> Department of Justice and Constitutional Development (2015).

<sup>22</sup> Department of Justice and Constitutional Development (2015).

<sup>23</sup> Department of Justice and Constitutional Development (2015).

<sup>24</sup> Department of Justice and Constitutional Development (2015).

<sup>25</sup> Department of Justice and Constitutional Development (2015).

<sup>26</sup> Department of Justice and Constitutional Development (2015).

Protocol	Status	Comments
Protocol on tagging of remand detainees	-	A draft protocol was developed and presented to the judiciary in April 2015. <sup>27</sup>

## COMMENT

**Achievements?** Other interventions to improve the performance of courts have included the development of Judicial Standards and Norms, attempts to ensure that courts focus on trials rather than ancillary proceedings, and timeous availability of previous conviction reports.<sup>28</sup>

As at June 2015 it was reported that 8 of these were signed and implemented.

The reasons for long delays in the signing of protocols which assist in coordinated implementation of Acts should be ascertained.

The latest report on implementation of the Seven-Point Plan notes the following in summary of progress in Intervention 3:<sup>29</sup>

Optimised processes within individual contributing departments/agencies and across the CJS	Addressed in part by protocols but implementation at all levels requires ongoing monitoring and intervention
Early detection of blockages, issues and problems and facilitation of immediate action, including the courts	Not yet fully addressed - awaiting further IJS 28 KPIs

### Questions?

- An update on the status of all the Protocols should be requested including reasons for delays.
- Where Protocols have been implemented, the impact and implementation challenges need to be ascertained.
- The recent Supreme Court of Appeal case of *Rahim v The Minister of Home Affairs* (965/2013) [2015] ZASCA 92 (29 May 2015) found the Department of Home Affairs liable for failing to properly designate holding facilities for illegal foreigners around the country. What is the JCPS Cluster response to the need for the Protocol on foreign national remand detainees and persons detained for deportation in light of this judgement and Operation Fiela which has led to a large number of foreign nationals in detention?

<sup>27</sup> Department of Justice and Constitutional Development (2015).

<sup>28</sup> Department of Justice and Constitutional Development (2015).

<sup>29</sup> Department of Justice and Constitutional Development (2015).

### 2.3. HUMAN RESOURCE CAPACITY (INTERVENTION 4: COMPONENT PARTS WITH A NEED FOR CRITICAL INTERVENTION)

Capacity (both in terms of increased human resource capacity and in terms of skills and expertise) in specific areas within the CJS required urgent intervention as their lack negatively impacted on the performance of the CJS. These included:<sup>30</sup>

- Forensic Services in SAPS and the NDOH
- Investigation and detective capacity in SAPS including crime scene investigators
- Prosecution services capacity and training by the NPA
- Legal representation capacity by Legal Aid South Africa
- Management of the remand detainees by DCS

**Table 3: Human Resource capacity**

	<b>Numbers</b>
<b>SAPS Detectives</b>	In 2012/13 there were 23 701 detectives (11.8% of police population) <sup>31</sup> increasing from 9 721 (7.4% of police population) <sup>32</sup> in 2002.  As at 31 March 2013 there were 25 844 SAPS Act members within the Detective Service Division of which 20 388 carry dockets (investigators). <sup>33</sup> Currently, detectives comprise approximately 19% of operational SAPS members.
<b>SAPS Detective Court Case Officers (DCCO)</b>	There were 142 <sup>34</sup> DCCOs in 2012/13 increasing from 139 DCCOs in 2011/12. These 142 DCCOs are at 118 courts. <sup>35</sup>
<b>SAPS Crime Scene investigators</b>	The OCJSR reports that the capacity within Crime Scene investigators increased by 66% between 2007/08 and 2012/13. <sup>36</sup>
<b>SAPS Criminal Record and Forensic Science Services</b>	The OCJSR reports that the SAPS forensics personnel increased by 53% from 2007/08 to 2012/13. <sup>37</sup> As at February 2013 a total of 1 960 personnel were reported for Criminal Record and Forensic Science Services of which 962 were SAPS Act employees and 998 were Public Service Act employees. <sup>38</sup>
<b>NPA Advocates</b>	The number of advocates has increased from 519 in 2007/08 to 563 in 2013/14. <sup>39</sup>
<b>NPA Prosecutors</b>	The number of prosecutors has increased from 2 110 in 2007/08 to 2 752 in 2013/14. <sup>40</sup>
<b>Legal Aid SA Legal staff</b>	In 2007/08 Legal Aid SA had 1 673 legal staff and by 2013/14 this had increased to 2 039 legal staff. <sup>41</sup> Legal Aid SA covers 99% of Regional Courts and 88% of District Courts. <sup>42</sup>

<sup>30</sup> Department of Justice and Constitutional Development (2015).

<sup>31</sup> Civilian Secretariat of Police (2013a).

<sup>32</sup> Civilian Secretariat of Police (2013a).

<sup>33</sup> Civilian Secretariat for Police (2013b).

<sup>34</sup> South African Police Service (2013c).

<sup>35</sup> Department of Justice and Constitutional Development (2015).

<sup>36</sup> Department of Justice and Constitutional Development (2014b).

<sup>37</sup> Department of Justice and Constitutional Development (2014b).

<sup>38</sup> South African Institute for Race Relations (2014).

<sup>39</sup> National Prosecuting Authority (2008) and National Prosecuting Authority (2014b).

<sup>40</sup> National Prosecuting Authority (2008) and National Prosecuting Authority (2014b).

<sup>41</sup> Department of Justice and Constitutional Development (2014b).

<sup>42</sup> Department of Justice and Constitutional Development (2015).

	Numbers
<b>Legal Aid SA Non-legal staff</b>	Non- legal staff increased from 520 in 2007/08 to 547 in 2013/14. <sup>43</sup>
<b>NDOH Forensics</b>	Capacity within National Department of Health Forensics increased by 176% between 2007/08 and 2012/13. <sup>44</sup>
<b>DCS professional staff</b>	In 2013/14, high vacancy rates continued to be reported for educationists (13.6%); professional nurses (13.4%); psychologists (24.3%) and social workers (16.1%). There was an 11.9% vacancy rate in total for the Rehabilitation Programme during that year. <sup>45</sup>

**Targets:** According to the 2009-2014 Delivery Agreement investigation and intelligence **capacity** must be improved including crime scene detectives, detectives and prosecutors.

The 2014-2019 MTSF notes that more **training** will be provided to police officers in areas of forensics, crime investigations, crimes against women and children, and in public order policing.<sup>46</sup>

## COMMENT

**Achievements?** *It is clear from the above table the SAPS has benefited enormously from a concerted focus within Government over the past years to increase personnel in the area of detectives, crime scene investigators, and forensic services. However, key concerns raised in the past by the Portfolio Committee on Police have included:*

- *Increasing the number of personnel (particularly detectives) without a clear and research based ideal goal in mind i.e. how many detectives are needed for the SAPS to work as efficiently and effectively as possible?*
- *Backlogs in the training of new detectives and thus detectives are expected to function for extended periods of time without requisite training.*

*The latest feedback from the SAPS and the Civilian Secretariat for Police (CSP) recognises these concerns. As at 21 May 2013, it was reported by SAPS that a total of 21 513 detectives have been trained in the Resolving of Crime course but that a total of 4 331 detectives had not yet been trained. The Department planned to train 2 898 of these detectives in 2013/14 and 1 433 in 2014/15 to eradicate this backlog.<sup>47</sup> In addition, the Department has now stated that they are reconsidering their current practice of recruiting detectives at entry level (at the training institutions) to ensure that detectives are recruited from amongst serving police members who have acquired at least two years practical experience in policing.<sup>48</sup>*

**Intervention versus performance?** *Neither the serious crime nor contact crime detection rates have improved sufficiently to date in line with the increase in detectives. Improvements in Forensic Services are noted, some of which may be attributed to the increase in human resources (though technological improvements are also an important factor). Improvements in*

<sup>43</sup> Department of Justice and Constitutional Development (2014b).

<sup>44</sup> Department of Justice and Constitutional Development (2014b).

<sup>45</sup> Department of Correctional Services (2014).

<sup>46</sup> Republic of South Africa (2014).

<sup>47</sup> South African Police Service (2013b).

<sup>48</sup> South African Police Service (2013b).

*trial ready case dockets may be attributed to the initiative of the DCCOs, but this is not clear, in light of the high number of dockets that are declined for prosecution by the NPA.*

*The latest report on implementation of the Seven-Point Plan notes the following in summary of progress in Intervention 4:<sup>49</sup>*

<p><i>Capacity building, skills development and skills retention across the CJS including:</i></p> <ul style="list-style-type: none"> <li>• <i>Management and coordinating skills</i></li> <li>• <i>Specific career-paths for specialists</i></li> <li>• <i>Recognition and reward system that will attract the best professionals</i></li> </ul>	<p><i>Addressed in part and in selected areas of capacity</i></p>
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**Questions?**

*What is the actual vs ideal number of personnel that is desirable for optimal functioning within these areas including:*

- *Magistrates*
- *Prosecutors*
- *Public Defenders (Legal Aid SA)*
- *Detectives*
- *Forensic Services (Forensic Science and Criminal Record Centre) personnel*
- *Crime Scene Investigators*
- *Detective Court Case Officers*
- *Personnel needed for specialist services such as re-established sexual offences courts, intermediaries for sexual offences courts and FCS Units?*

- *What informed these ‘ideal’ numbers? What was the research that informed these goals?*
- *What measures are in place to monitor whether increased capacity (numbers) is resulting in improved performance?*
- *What retention strategies are in place to ensure that this additional specialised capacity is retained?*
- *What are the time frames for appointment of additional personnel, if any, in these areas?*

*Highlight measures (other than increases to personnel capacity and training) taken by each respective department to ensure improved effectiveness of forensic services (SAPS and NDOH), investigation services (SAPS), prosecution services (NPA), legal representation (Legal Aid SA), and remand detainee management.*

**2.4. INTEGRATED INFORMATION TECHNOLOGY SYSTEMS (INTERVENTION 5 AND 6)**

Capacity of internal departmental information technology systems is a prerequisite for effective development and implementation of integrated systems. There are three steps to execution.<sup>5051</sup>

- Creation and/or upgrade of departmental system capability to support and automate the business process flow. (This is the responsibility of each department).

<sup>49</sup> Department of Justice and Constitutional Development (2015).

<sup>50</sup> Minister of Justice and Correctional Services (2015b).

<sup>51</sup> Leseba (2015).

- Integration of the criminal justice business process. This step entails integration of systems (IJS Transversal Hub) and requires a ‘common language of information exchange’ and the establishment of Cluster-wide information sharing infrastructure. Once this is done, the flow requirement to exchange information between departments are identified. (This is a shared responsibility of IJS Project Management Office, IJS Transversal and departments).
- Criminal Justice System end-to-end business performance measurements capability. This is known as the IJS BIS/GIS. This will allow for a Cluster-wide overview of performance. (This is a shared responsibility of IJS Project Management Office, IJS Transversal and departments).

There are currently eight departments participating in the IJS including:

- SAPS
- DOJ&CD
- NPA
- DHA
- DCS
- DSD
- Legal Aid SA
- OCJ

Five of these eight departments (SAPS, NPA, DOJ&CD, DHA, Legal Aid SA) can presently exchange information by means of the IJS Transversal Hub (DSD, DCS and the OCJ are lagging behind in this regard).

Three categories of integrated systems are in development:

**A. Case Integration:** Includes Case Management Integration

**Targets:** The 2009-2014 Delivery Agreement stipulated the development and implementation of **Case Management integration** across the system by **end of 2012/13**.

The 2014-2019 MTSF targets a fully established and functional **Integrated Case Management** system by **2018/19**.

**Table 4: Case Integration**

	<b>Achievements to date</b>	<b>Planned Activities</b>
<b>Case Integration<sup>52</sup></b>	There is a single source for case number creation to identify cases across the Cluster. The Unique Reference Number (URN) is currently generated by the ICMS in DOJ&CD and that is the only reference number to identify cases across the Cluster. <sup>53</sup>	Further enhancements of the Case Integration Solution are being rolled out to include: <ul style="list-style-type: none"> <li>• The NPA’s Electronic Case Management System (ECMS) which includes the NPA Electronic Charge Sheet (electronic J15) - to 22 courts by 31 March 2015.<sup>56</sup> (Currently deployed to 2 courts- Benoni and Daveyton).</li> </ul>

<sup>52</sup> Leseba (2014).

<sup>53</sup> Minister of Justice and Correctional Services (2015b).

<sup>56</sup> Minister of Justice and Correctional Services (2015b).

	Achievements to date	Planned Activities
	<p>The ICMS system integrates with the SAPS CAS system enabling electronic transmission of docket information from SAPS to DOJ&amp;CD. To date, the solution has been delivered to 627 courts and 1 153 police stations across the country.<sup>54</sup></p> <p>Legal Aid SA notifications have been enabled at 848 police stations and Justice Centres (to assign legal aid to arrested persons).<sup>55</sup></p>	<ul style="list-style-type: none"> <li>• SAPS/DSD/DCS Case Outcome Integration v2</li> <li>• SAPS Full Electronic docket (ICDMS)</li> <li>• Inmate tracking will be delivered as part of DCS's Integrated Inmate Management System (IIMS) currently being piloted by DCS (at JHB correctional centre).<sup>57</sup></li> </ul> <p>Enhancements are planned for implementation in 2015.<sup>58</sup></p> <p>Production of electronic Legal Aid Applications are planned for third quarter 2015/16. DSD is preparing to integrate with SAPS to deal with children in conflict with the law cases to allow for the electronic assignment of a probation officer.<sup>59</sup></p>

**B. Business Intelligence:** Includes the 28 KPI Reporting dashboard and the Single Transversal data store for JCPS Cluster statistical requirements.

**Targets:** The 2009-2014 Delivery Agreement stipulated the development and implementation of the **Transversal Hub and exchange and analyse agreed upon KPI and Business Intelligence information** for statistical and management purposes by **end of 2012/13**.

The 2014-2019 MTSF targets that **13 of the 28 KPIs are approved by Cabinet by 2015** and that all **28 of the 28 KPIs are approved by Cabinet by 2018/19**.

**Table 5: Business Intelligence**

	Achievements to date	Planned Activities
<p><b>Business Intelligence</b> <sup>60</sup></p> <p><b>Allows the JCPS Cluster to measure performance</b></p>	<p>The Service Orientated Architecture (SOA) approach is being used to build interfaces with all departments through the common integration platform called the IJS Transversal Hub.<sup>61</sup></p> <p>The IJS programmes focuses on ensuring security of the IJS Transversal Hub (but individual</p>	<ul style="list-style-type: none"> <li>• Dashboard report generation for the remaining 14 KPIs.</li> <li>• Preparation of data uploads for DCS and DSD KPIs in progress.</li> </ul>

<sup>54</sup> Minister of Justice and Correctional Services (2015b). Rollout has increased since October 2014. It was reported in October 2014 that the docket ready, docket request and case outcome (postponement date) integrations between SAPS and DOJ&CD is deployed at 221 courts linked to 848 police stations nationally by Leseba (2014). Note that the Department of Justice and Constitutional Development (June 2015) notes that it has only been deployed to 492 of the 627 courts and that the remainder will be deployed in the second quarter 2015/16. In addition Leseba (2015) states that it has been deployed to 509 courts.

<sup>55</sup> Department of Justice and Constitutional Development (2015).

<sup>57</sup> Minister of Justice and Correctional Services (2015b).

<sup>58</sup> Leseba (2015).

<sup>59</sup> Department of Justice and Constitutional Development (2015).

<sup>60</sup> Leseba (2014).

<sup>61</sup> Minister of Justice and Correctional Services (2015b).

	Achievements to date	Planned Activities
<b>of the CJS using real time data to inform effective decision making.</b>	<p>departments are responsible for the security of their individual systems).<sup>62</sup></p> <p>The IJS Data Warehouse has been developed as a common data store for statistical information within the Cluster.</p> <p>The Performance Dashboard has been developed and tested which is both a GIS and a BIS system.<sup>63</sup></p> <p>The User Interface specification for 28 KPIs dashboard has been completed.</p> <p>In October 2014 it was reported that the system demonstration of 9 KPIs has been conducted using test data, as departmental data testing and Live Data QA is still ongoing. Information Exchange Agreements (IEA) have been finalised with SAPS, NPA, DOJ&amp;CD, DCS and DSD.</p> <p>In March 2015 it was reported that 14 of the 28 KPIs have been deployed on the solution. This allows the Cluster to measure the performance of the CJS using 'real production data to inform effective decision-making and capacity planning'.<sup>64</sup></p>	

**C. Person Integration:** Includes the CJS Single Person Identifier and the Person Identification Verification Application (PIVA) - including criminal record 'fast check'.

**Targets:** The 2009-2014 Delivery Agreement stipulated the development and implementation of the criminal justice system **Person management and related integrated system** and complete **integration with HANIS** as well as **integration of Child Justice and Sexual Offences Registers** by end of **2013/14**.

The 2014-2019 MTSF targets a fully established and functional **Integrated Person-related Information system** by **2017**.

**Targets:** The 2009-2014 Delivery Agreement stipulated the development and implementation of **Unique Person Identifiers** across the Cluster by **2013/14**.

**Table 6: Person Integration**

<sup>62</sup> Question 796 (NW946E) Minister of Justice and Correctional Services (2015)

<sup>63</sup> Minister of Justice and Correctional Services (2015b).

<sup>64</sup> Minister of Justice and Correctional Services (2015b).

	Achievements to date	Planned Activities
<p><b>Person Integration<sup>65</sup></b></p> <p><b>Comprises:</b></p> <p><b>1. Person Verification</b></p> <ul style="list-style-type: none"> <li>- PIVA 1 application, DHA SA-ID verification service entails instant verification of SA IDs via DHA HANIS using biometric devices</li> </ul> <p><b>2. DHA Person Identification</b></p> <ul style="list-style-type: none"> <li>- Upgrade HANIS to support 10-P search integration to SAPS</li> <li>- Upgrade HANIS to support latent searches</li> </ul> <p><b>3. Integrated Booking Stream (SAPS)</b></p> <ul style="list-style-type: none"> <li>- Re-engineer SAPS booking process – digital capture booths, iris and facial recognition, live-scan fingerprint integration to create single person object and identifier</li> <li>- Re-align existing SAPS person related systems to use single identifier for tracking, case linkages, profiling and DNA sampling</li> </ul> <p><b>4. Person Tracking and Integration Stream</b></p> <ul style="list-style-type: none"> <li>- Introduce electronic body receipt using single person identifier to track a person through the CJS</li> <li>- Integrate Bail management, court roll appearance and person tracking</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Prerequisite for a unique person identifier:</b> All information known about the person must be linked before a unique number can be created. This relies on a complete overhaul of the architecture within SAPS to first build internal interfaces to link all SAPS information e.g. AFIS, CRIM, CAS, NPIS, and Live Scan etc.). The Booking process must also be overhauled (e.g. fingerprints, iris and facial recognition etc.) to ensure that as much information as possible is captured at arrest. Status: The Person Architecture Conceptual Model has been designed and is undergoing review at SAPS.<sup>66</sup></li> <li>• <b>PIVA -1</b> successfully developed, tested and piloted.<sup>67</sup> Pilot deployed to Cullinan and Mamelodi police stations.</li> <li>• Draft Standardised CJS Person</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Person Architecture Conceptual Model:</b> once approved by SAPS the development of all affected systems will commence and the Unique Person Identifiers will be defined and incorporated into systems development.<sup>68</sup></li> <li>• <b>PIVA 1</b> (ID verification) - the rollout, planning and execution will be completed once the necessary SOPs have been signed off.<sup>69</sup> Will be used for firearm licence applications within SAPS.<sup>70</sup></li> <li>• <b>PIVA 2</b> (AFIS-fingerprint verification) - Criminal Record Check, Latent Search and Wanted persons Test via 10P Search (including HANIS Upgrade). In terms of PIVA 2 work is underway with the CSIR to define the specification for Civilian AFIS in DHA which will include the requirements of SAPS and DCS. SAPS is also upgrading its criminal</li> </ul>

<sup>65</sup> Leseba (2014).

<sup>66</sup> Minister of Justice and Correctional Services (2015b).

<sup>67</sup> Minister of Justice and Correctional Services (2015b).

<sup>68</sup> Minister of Justice and Correctional Services (2015b).

<sup>69</sup> Minister of Justice and Correctional Services (2015b).

<sup>70</sup> Leseba (2015).

	Integration Architecture	<p>AFIS which will interface with DHA.<sup>71</sup></p> <ul style="list-style-type: none"> <li>• NRSO (National Register of Sexual Offences)- Clearance Certificates</li> <li>• Integration of Child Protection Register (CPR) and Older Persons Abuse Register (OPAR)</li> </ul>
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## COMMENT

**Achievements?** While some components may have recently been implemented **NONE** of the targets as stipulated in the 2009-2014 Delivery Agreement have been achieved and target dates have been shifted in the 2014-2019 MTSF to later dates.

*This is a serious concern given that many of these integrated projects have been in development for over 10 years, and at very high cost (and yet many still remain in pilot phase). Some of the concerns on the modernisation and integration of systems as reported over the years have included:*

- *Concerns by the JCPS Cluster Review in 2011 on lack of progress which resulted in the subsequent re-prioritisation of the IJS programme and the revamping of the IJS Board.*
- *Concerns noted by National Treasury that lack of integration within the CJS sector persists, despite huge expenditure by the sector departments on modernisation projects meant to facilitate the integration of the sector.*
- *Concerns as reflected more recently in the National Development Plan.*

*Key reasons given for the lack of progress in modernisation and integration have included:*

- *Delays in tender processes by SITA and inadequate procurement processes between departmental role-players and SITA*
- *Shortage of subject matter experts and inadequate Service Level Agreements with SITA in terms of skilled or technical resources/experts*
- *As a result of the inadequate subject matter input into preparatory bid documents, tender processes are delayed*
- *Inadequate functioning of bid evaluation and bid adjudication committees within departments leads to further delays in the tender process*
- *Inadequacies with the IJS Board*

*More recently it has been stated that delays (particularly in the implementation of the IJS within the SAPS) can be attributed to:<sup>72</sup>*

- *Network capacity constraints and site upgrades to support the latest technologies (it took SITA over 3 years before significant upgrades were made to the SAPS Network)*
- *Difficulty in sourcing and retaining technical expertise, technologies and solutions to execute services required (reported by SITA as a key problem)*

<sup>71</sup> Minister of Justice and Correctional Services (2015b).

<sup>72</sup> Minister of Police (2015).

- *Network capacity constraints and system application delays in other departments (which impacts negatively on the testing and rollout of SAPS upgrade integration developments which are intended to share information between departments)*

*Challenges noted by the DCS with SITA include<sup>73</sup>:*

- *Slow procurement process especially to address WAN connectivity to new sites, new services, alternative solutions, faults*
- *Penalties for non-delivery on service level agreements have now increased from 2.5% to 5%*
- *There are currently a number of payment disputes with SITA (totalling R34.2 million)*

*While it is recognised that integrated systems rely on the establishment or upgrade of departmentally specific systems as a first step, this can no longer be accepted as an excuse for continued lack of achievement of integration. If the shifted targets as outlined in the 2014-2019 MTSF are to be realised, all role-players (including the IJS Board and the OCJSR) need to ensure that departments are all fully supported and ready to allow Step 2 of integration and Step 3 of 'end-to end business performance measurement capability'<sup>74</sup> to be achieved.*

*The latest report on implementation of the Seven-Point Plan notes the following in summary of progress in Interventions 5 and 6:<sup>75</sup>*

<i>Appropriate, effective and integrated information and communication technology and a national reliable CJS database that services the CJS as a whole and provides relevant and timely information to stakeholders</i>	<i>Not yet fully implemented</i>
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**Questions?**

- *The SAPS has a total of 73 technology projects that are associated with the CJS Revamp. Parliament has been provided with detailed information on the status of each project, expenditure since inception of each project and projected expenditure per project for 2015/16. Similarly, for the departments of Justice and Constitutional Development, Legal Aid SA, the NPA, the OCJ, DCS, DHA and DSD provide:*
  - *A list of all CJS Revamp, IJS and IJS Transversal projects in place*
  - *Status of each project*
  - *Expenditure on each project since inception*
  - *Projected expenditure for 2015/16 and for the MTEF*
  - *Projected finalisation dates for each project (including for the SAPS)*
- *Provide a list of all completed 14 KPIs to date and highlight whether reports can and are being generated from these indicators (indicators include for example, SAPS response time and case investigation time; and DCS has indicated that key indicators include probation and parolee identification, time of going to a parole hearing and length of detention<sup>76</sup>)?*
- *The DOJ&CD reports that the cases completed from start to finish via the IJS for the period February 2014 to January 2015 are 664 558.<sup>77</sup> Explain what this statement*

<sup>73</sup> Department of Correctional Services (2015).

<sup>74</sup> Leseba (2014).

<sup>75</sup> Department of Justice and Constitutional Development (2015).

<sup>76</sup> Department of Justice and Constitutional Development (2015).

<sup>77</sup> Minister of Justice and Correctional Services (2015b).

*means in practice (taking into account that not all component systems are finalised or integrated)?*

- *What are the time frames for full integration of the five departmental systems that are already at least partially integrated or ready for integration?*
- *What are the time frames for integration of the remaining three departments (DCS, DSD and OCJ)?*
- *It has been reported that even when implementation has occurred, this does not mean that the integrated projects are actually working (but merely that they are 'ready to work'). For example, the Chairperson of the IJS Board notes in relation to Case Integration that 'post implementation support and change management interventions are currently underway to **gradually operationalise** the system and optimise utilisation'.<sup>78</sup> Which projects that are reported as fully implemented are functioning, in that they are generating their anticipated outputs?*
- *What measures are in place to ensure that the MTSF 2014-2019 targets for implementation of these three components will be achieved?*
- *What measures are in place to control and monitor spending in the development of these systems?*
- *Explain the role of the IJS Board and measures that have been put in place to address previous problems in the Board which impacted on delays in system implementation?*
- *What sanction can or does the IJS Board apply when departments fail to meet deadlines and targets?*
- *Explain the role of SITA and measures that have been put in place to address problems in SITA that have impacted on delays in system implementation?*
- *More recently, extensive use has been made of the CSIR in relation to innovation/research assistance in the development of specifications. Explain which projects CSIR is involved in and the reasons and benefits of this partnership.*
- *Are any of the systems under investigation or scrutiny by any of the relevant structures for perceived PFMA and other tender irregularities?*
- *What measures have been put in place to strengthen internal departmental supply chain management processes relating to the award of tenders?*
- *What steps have been taken to increase technical expertise and also to ensure the development of in-house expertise (skills transfer)?*
- *The Child Protection Register (CPR) and the National Register for Sex Offenders Register were to have been integrated by end of 2013/14. In 2013 a Task Team was established and was expected to produce a report on the merging of the registers before the end of September 2014. What were the recommendations of the task team? How are these recommendations being taken forward by DOJ&CD and DSD? The Social Development Minister stated on 3 June 2015 that both the Departments of Social Development and Justice and Constitutional Development **are still in the process of investigating the feasibility of merging the CPR and the National Register for Sex Offenders** as a solution in respect of the duplication between the two registers.<sup>79</sup> What are the reasons for the delay in this process? What is the status of integration with the Old Persons Abuse Register?*
- *Outline specific constraints and way forward in terms of the HANIS (new AFIS) expansion project (DHA) to allow for use of DHA data by the CJS. Will the two year projection for a new system be realized? (DHA is currently using the old system and*

<sup>78</sup> Leseba (2015)

<sup>79</sup> SAnews.gov.za (2015).

*have renegotiated this contract, while investigating and putting processes in place for a new system).*

## 2.5. COMMUNITY INVOLVEMENT (INTERVENTION 7)

**Table 7: Community involvement**

	Status	Comments
<b>Community Police Forums</b>	1 050 CPFs are functional (out of the 1 134 police stations) <sup>80</sup> Later information states that 1 132 CPFs exist countrywide. <sup>81</sup>	How effective are the CPFs that are 'functional'? A working group to address challenges with the functionality of CPFs has been established (key issues requiring consensus include establishment, resourcing and training). <sup>82</sup>
<b>Community Safety Forums</b>	170 CSFs established by 2014/15. <sup>83</sup> In contrast noted that 125 CSFs established by June 2015 in all provinces except the Free State,	The remainder of the CSFs are meant to be established within 1-2 years (153 additional CSFs). It is noted that challenges include lack of funding at municipal level and absence of a legislative mandate. <sup>84</sup> The 2014-2019 MTSF states that 278 CSFs should be established by 2018/19. <ul style="list-style-type: none"> <li>How effective are the CSFs that have been established?</li> </ul>
<b>Correctional Supervision and Parole</b>	52 Correctional Supervision Parole Boards (CSPBs) established DCS creates employment opportunities for parolees and probationers and training.	64 vacancies for parole board members from the community have been reported and the advertising and filling of these posts has been suspended since November 2014 (due to a dispute over HR benefits). A ministerial task team has been appointed to address this challenge. <sup>85</sup>
<b>Community Corrections</b>	Restorative Justice approach adopted by DCS including Victim Offender Mediation/Dialogue. Establishment of Halfway Houses to assist with	

<sup>80</sup> Civilian Secretariat for Police (2014). As at October 2013.

<sup>81</sup> Department of Justice and Constitutional Development (2015).

<sup>82</sup> Department of Justice and Constitutional Development (2015).

<sup>83</sup> Civilian Secretariat for Police (2014b).

<sup>84</sup> Department of Justice and Constitutional Development (2015).

<sup>85</sup> Minister of Justice and Correctional Services (2014c).

	Status	Comments
	reintegration- seven partnerships to date. <sup>86</sup>	

## COMMENT

**Achievements?** *There are structures in place to ensure community involvement in the CJS (including CPFs and Parole Boards). But it is unclear whether these structures are really effective in ensuring the ‘voice’ of the community in the CJS.*

*The latest report on implementation of the Seven-Point Plan notes the following in summary of progress in Interventions 7:<sup>87</sup>*

<i>Optimal community involvement by involving CPF/CSF regimes in CJS matters such as parole boards, community sentencing monitors and volunteer programmes</i>	<i>Not yet fully addressed</i>
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### Questions?

- *What is the outcome of the investigation of the ministerial task team into the vacancies of community positions on the parole boards?*
- *What processes are in place to increase the effectiveness of the structures to ensure that communities have an active role to play in ensuring that the CJS works properly?*
- *What are the legislative and resourcing requirements for CSFs and how will these be addressed?*

## 2.6. BUDGET AND SPENDING

Spending on the CJS Revamp and implementation of the Seven-Point Plan as a whole is impossible to ascertain. However, the following is known:

As reflected in the table below a total of R2.3 billion rand has been spent on the IJS projects from 2008/09 to 2013/14 of which the bulk of spending was by the SAPS (59%).

**Table 8: IJS spending 2008/09-2013/14<sup>88</sup>**

	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	TOTAL per Dept.
<b>Transversal</b>	44,515	50,603	57,116	49,825	26,484	44,906	<b>273,448</b>
<b>SAPS</b>	190,596	198,633	207,076	231,793	269,231	267,043	<b>1,364,372</b>
<b>NPA</b>	34,116	31,445	39,962	29,452	78,229	73,198	<b>286,402</b>
<b>DOJ&amp;CD</b>	14,746	34,638	15,370	63,170	56,462	43,118	<b>227,505</b>
<b>DCS</b>	17,781	36,066	19,433	5,190	3,332	0	<b>81,802</b>
<b>DSD</b>	7,243	9,419	7,790	6,295	7,132	0	<b>37,879</b>
<b>DHA</b>	0	4,427	4,151	1,946	1,800	3,181	<b>15,505</b>
<b>PMO</b>	1,657	1,225	820	17	27	3,584	<b>7,330</b>

<sup>86</sup> Department of Justice and Constitutional Development (2015).

<sup>87</sup> Department of Justice and Constitutional Development (2015).

<sup>88</sup> Minister of Justice and Correctional Services (2014d).

Section B

## PROGRESS IN KEY AREAS OF INTERVENTION

<b>LASA</b>	0	0	0	2,000	0	5,000	<b>7,000</b>
<b>Total spent</b>	<b>310,654</b>	<b>366,456</b>	<b>351,718</b>	<b>389,688</b>	<b>442,697</b>	<b>440,030</b>	<b>2,301,242</b>
<b>Budget per year</b>	<b>342,111</b>	<b>366,218</b>	<b>398,171</b>	<b>421,606</b>	<b>474,753</b>	<b>472,034</b>	<b>2,474,893</b>
<b>% under spending</b>	<b>-10%</b>	<b>-</b>	<b>-12%</b>	<b>-8%</b>	<b>-7%</b>	<b>-7%</b>	<b>-7%</b>

The most recent information the IJS budget and spending notes that:<sup>89</sup>

- The total budget allocation for the period 2007/08 to 2014/15 was R3.817 billion (R3 817 292 00).
- The total spending was R3.039 billion for this period (R3 039 818 000).
- This budget was split between two Votes: DOJ&CD (R959.602 million) and SAPS (R2.080 215 billion).

In addition, the SAPS has reported as follows for the period 2003-2014 on spending on Technology Management Services (TMS) CJS Revamp subprogramme and the SAPS IJS subprogramme and Transversal subprogramme:

**Table 9: SAPS spending on CJS and IJS (2003-2014)<sup>90</sup>**

<b>SAPS CJS and IJS projects</b>	<b>Expenditure since inception until 2014/15</b>	<b>Planned expenditure 2015/16</b>
SAPS TMS CJS Revamp subprogramme (2009/10-2014/15)	R4 501 837 422	R922 084 367
SAPS IJS sub programme (2003/04-2014/15)	R1 726 008 644	R298 838 454
SAPS IJS Transversal subprogramme (2003/04-2014/15)	R445 275 753	R49 037 547
<b>Total</b>	<b>R6 672 121 819</b>	

From the above, it is clear that expenditure to date on both CJS and IJS projects far exceeds R6.6 billion (which is the expenditure to date solely on the SAPS components of these projects).

### COMMENT

**Note:** Table 8 reflects budget and spending on IJS funds which is only a fraction of the budget and spending for the total CJS Revamp projects. It is also noted that these figures do not correlate with other information on budget and spending obtained from National Treasury and other departmental sources even for the category of IJS funds. In addition, Table 9 includes information on spending by the SAPS on both IJS and CJS projects. However, even this information only includes spending on information technology projects (and thus excludes information on costs of additional personnel, training and other aspects of the CJS Revamp).

**IJS versus CJS funds:** Previously, ring-fenced funding for the CJS Revamp projects were divided into two categories of funding- IJS Programme funds and CJS Revamp funds. In 2013/14 in recognition of the 'artificial' differentiation between these two categories

<sup>89</sup> Minister of Justice and Correctional Services (2015b).

<sup>90</sup> Van Zyl-Gous (2015).

*National Treasury collapsed these into one category- identified as 'Criminal Justice Sector Revamp and Modernisation Programme: Projects to promote effective functioning of the criminal justice sector.'<sup>91</sup>*

**What these tables reflect?** *More than 50% of the total budget for the IJS projects has been allocated to and spent by the SAPS. Underspending of 7% in total is noted over this six year period across departments. The cumulative expenditure of over R2 billion between 2008/09 and 2013/14 (and R3.8 billion over the period 2007/08 to 2014/15 as highlighted below Table 8) is only a fraction of budget and spending over this period (as it only highlights IJS funds and excludes CJS funds). **It should be noted, for example, that a basic assessment of allocations of ring-fenced funds for CJS and IJS projects to the Department of Police for the period 2003/04 to 2014/15 illustrates that over R6.6 billion has been spent on these projects (Table 9).***

**Interventions versus performance?** *Even if one only takes into account the reported R3.8 billion spent on the IJS over the past eight years, it is a concern that deliverables in terms of modernisation and integration projects have not been met despite this expenditure (see sub section 2.4).*

**Key concerns highlighted by Parliament over spending of modernisation and integration funds**

*Over the years the following key concerns have been highlighted by various Parliamentary Committees:*

- *Lack of value for money - few deliverables despite high expenditure.*
- *No effective accounting by departments for this expenditure over the years.*
- *Underspending - particularly of IJS earmarked funds across departments over the years.*
- *Low third quarter spending and then higher fourth quarter spending- the trend is to spend the largest part of the allocation in the fourth quarter pointing to possible fiscal dumping.*
- *Spending on equipment capacitation over internal departmental system development- concern that when funds cannot be spend on systems development due to delays, it is spent on buying equipment to ensure that ring-fenced funds are used up.*
- *Movement of funds between projects without effective monitoring and accountability.*
- *Tender and other contract management irregularities have been revealed in projects that have undergone more detailed scrutiny by Parliament (e.g. PCEM and more recently Electronic Monitoring).*
- *Lack of detailed reporting to Parliament on progress with implementation of projects.*
- *Little impact of high spending on performance.*
- *SITA's internal limitations.*

**Questions?**

- *What is the total budget and spending to date for ring-fenced funds for both CJS and IJS projects? Information should be provided from 2003/04.*
- *What is the total budget and spending to date for other capacitation projects (aside from information technology projects)? Information should be provided from 2003/04.*

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<sup>91</sup> Appropriation Bill (B1-2013)

**PROGRESS IN KEY AREAS OF INTERVENTION**

- *What is the role and responsibility of other agencies (such as the Auditor General, National Treasury, the IJS Board and the OCJSR) in ensuring accountability over spending on IJS and CJS projects and how is this oversight been strengthened?*
- *How many IJS and CJS modernisation projects are under investigation for alleged contract and tender irregularities and what is the status of the investigations?*
- *How can reporting to Parliament be improved to ensure that effective oversight over implementation of and spending on IJS and CJS projects can occur?*
- *What is the status of the Auditor General audit into IJS and CJS projects requested by Parliament?*

## Section C | PROGRESS IN PERFORMANCE OF THE CJS

This section provides a progress report on performance of aspects of the CJS in terms of key indicators and targets set by the various departments related specifically to the CJS. It should be read in conjunction with the Section B (on progress in key areas of intervention) in order to assess whether performance of the CJS is improving commensurate with the interventions made.

It is noted at the outset that, in future, progress in performance of the CJS will be much easier to assess as a result of the 28 Key Performance Indicators developed as part of the IJS modernisation project. In the interim, selective indicators and targets have been chosen to provide a 'picture' of performance.

### POLICING INDICATORS

#### 3.1. DETECTION RATE

**Table 10: Detection rate for serious crime**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Detection Rate Serious Crime</b>	46.16% (1 108 674) <sup>92</sup>	40.17% (861 091) <sup>93</sup>	40.66% (876 810) <sup>94</sup>	39.61% (851 851) <sup>95</sup>	38.14% (834 538) <sup>96</sup>

**Targets:** The target set in the 2009-2014 Delivery Agreement is **59%** by 2014/15 (i.e. in 2013/14).

The target set in the 2014-2019 MTSF is **56%** (from a baseline of 53.35%) by 2014/15 (and maintained at that level).<sup>97</sup>

Targets of about **41%** are set in the 2015/16 SAPS Annual Performance Plan for the medium term.

**Table 11: Detection rate for contact crime**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Detection Rate Contact Crime</b>	53.46% (459 319) <sup>98</sup>	56.99% (445 123) <sup>99</sup>	59.72% (452 272) <sup>100</sup>	58.83% (434 409) <sup>101</sup>	56.47% (426 171) <sup>102</sup>

**Targets:** The target set in the 2009-2014 Delivery Agreement is **60%** by 2014/15 (i.e. in 2013/14).

<sup>92</sup> South African Police Service (2013a).

<sup>93</sup> South African Police Service (2014a). Note that the 2013/14 SAPS Annual Performance Plan records this 2010 detection rate for serious crimes as a much higher 51.84%.

<sup>94</sup> South African Police Service (2015).

<sup>95</sup> South African Police Service (2015).

<sup>96</sup> South African Police Service (2015).

<sup>97</sup> Note that the baseline is set at 53.35% which correlates with serious crime detection rate figures reported in the 2012/13 SAPS Annual Report and the 2013/14 SAPS Annual Performance Plan but not with the latest figures recorded in the 2014/15 SAPS Annual Performance Plan and 2013/14 SAPS Annual Report.

<sup>98</sup> South African Police Service (2013a).

<sup>99</sup> South African Police Service (2013a). No figures reported in 2014/15 SAPS Annual Performance Plan.

<sup>100</sup> South African Police Service (2015).

<sup>101</sup> South African Police Service (2015).

<sup>102</sup> South African Police Service (2015).

The target set in the 2014-2019 MTSF is **62%** (from a baseline of 60%) for 2014 rising to **66%** in 2018.<sup>103</sup> Targets of about **59%** are set in the 2015/16 SAPS Annual Performance Plan for the medium term.

## COMMENT

### **Achievements?**

*The target for a detection rate for serious crime of 59% in 2013/14 was **not met** (38.14% achieved). The detection rate as reported by SAPs reflects a steady decrease since 2009/10.*

*The detection rate target has been reduced in the 2014-2019 MTSF to 56% to be maintained over the 2014-2019 MTSF period. SAPS targets set in the 2015/16 Annual Performance Plan are lower.*

*The target for the detection rate for contact crime of 60% in 2013/14 was **not met** (56.47% achieved).*

*The contact crime detection rate increased to a peak of 59.72% in 2011/12 after which it has steadily decreased. Despite this decrease, the target has been increased in the 2014-2019 MTSF to 62% (rising to 66% in 2018/19). SAPS targets set in the 2015/16 Annual Performance Plan are lower.*

**Changes in definition of serious crime:** *Targets have fluctuated due to changes in definition. Serious crime currently is defined to include contact crime (including sexual offences and trio crimes), contact related crime, property related crime and other serious crime. It excludes crimes detected as a result of police action. Prior to 2013/14 serious crime included crimes detected as a result of police action. Reported figures of the detection rate for serious crime (possibly as a result of changes in definition) have thus fluctuated widely throughout the past years, making tracking of performance using this target almost impossible. Stability in the definition of indicators to be measured is essential for effective tracking of performance.*

### **Interventions versus performance?**

*One of the key components of an effective and efficient CJS is that the police will be able to detect crimes when these occur. Many of the interventions in the Seven-Point Plan are to ensure that police are better capacitated to do so (by increasing the number of detectives and crime scene investigators, improving forensic ability by increasing staff and providing them with resources, and implementing state of the art technological systems to improve investigations amongst others). It is clear that to date, despite billions of rands spent on these and many other interventions, the effect on performance in terms of quality detection of crimes is not yet clearly visible.*

*However, some definite progress has been made in the past few years in technology modernisation projects, and it seems as if at least some of the projects are beginning to be implemented. These advancements should begin to bring about improvements in performance, across the CJS including in the detection of crime.*

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<sup>103</sup> Note that despite a target for the detection rate for contact crimes stipulated in both the 2009-2014 Delivery Agreement and the 2014-2019 MTSF, this category is not reported on in the 2014/15 SAPS Annual Performance Plan.

### 3.2. TRIAL READY CASE DOCKETS

**Table 12: Percentage of Serious Crime Trial Ready Case Dockets**

	2010/11	2011/12	2012/13	2013/14
<b>Trial Ready Case Dockets Serious Crime</b>	32.82% (121 413) <sup>104</sup>	50.74% (187 781) <sup>105</sup>	68.42% (253 971) <sup>106</sup>	68.38% (260 797) <sup>107</sup>

**Targets:** The target set in the 2009-2014 Delivery Agreement is **35%** (for all dockets) in 2013/14.

The target set in the 2014-2019 MTSF for serious crime dockets is **73.6%** (from a baseline of 68.61%) by 2014/15 **rising by 5% per annum** from 2014/15 onwards. Targets of about **69%** are set in the 2015/16 SAPS Annual Performance Plan for the medium term.

**Table 13: Percentage of Contact Crime Trial Ready Case Dockets**

	2010/11	2011/12	2012/13	2013/14
<b>Trial Ready Case Dockets Contact Crime</b>	32.24% (70 543) <sup>108</sup>	50.23% (109 702) <sup>109</sup>	65.29% (142 305) <sup>110</sup>	65.06% (144 501) <sup>111</sup>

**Targets:** The target set in the 2009-2014 Delivery Agreement is **35%** (for all dockets).

The target set in the 2014-2019 MTSF for contact crime dockets is **71%** (from a base line of 69%) by 2014/15 rising to **75%** by 2018/19.

Targets of just over **65%** are set in the 2015/16 SAPS Annual Performance Plan for the medium term.

## COMMENT

### **Achievements?**

*Both serious crime trial ready case dockets and contact crime trial ready case dockets have improved steadily over the past three years from lows of 32% in 2010/11 to between 65% and 68% in 2013/14. However it is noted that the 2012/13 and 2013/14 success rate remained relatively static.*

*High targets (in the 70% plus range) are set for the 2014-2019 MTSF but these are not reflected in the 2015/16 SAPS Annual Performance Plans which sets relatively static targets for the medium term period.*

<sup>104</sup> South African Police Service (2014a). Note that the 2012/13 SAPS Annual Report recorded this 2010 figure at a lower 30.84%.

<sup>105</sup> South African Police Service (2014a). Note that the 2012/13 SAPS Annual Report recorded this 2011 figure at a lower 48.17% (and as 249 879 cases rather than 187 781).

<sup>106</sup> South African Police Service (2015).

<sup>107</sup> South African Police Service (2015).

<sup>108</sup> South African Police Service (2013a).

<sup>109</sup> South African Police Service (2013a).

<sup>110</sup> South African Police Service (2014c).

<sup>111</sup> South African Police Service (2014c).

**Definition of trial ready case dockets:** Trial ready case dockets are defined as 'a fully investigated and completed case docket which is ready for trial'.<sup>112</sup>

### **Interventions versus performance?**

In contrast to detection rate, clear improvements to trial ready case dockets for serious and contact crimes are noted though these figures have remained static since 2012/13 (and are envisaged by the SAPS to remain static for the medium term). However, it is a concern that when these trial-ready case dockets reach court they may be rejected for prosecution. Thus, this measurement needs to be analysed in conjunction with the statistics provided by the NPA. There may be many reasons why the NPA declines to prosecute (for example, it may be referred for alternative dispute resolution, withdrawal by the complainant etc.). Perhaps the NPA should report on the number of trial ready case dockets that are declined for prosecution and why, as well as those that are returned to the SAPS?

One of the key interventions to improve the quality of dockets is the establishment of **Detective Court Case Officers (DCCOs)**. As at 2012/13 there were 142 DCCOs stationed at the larger courts around the country. These senior detectives in designated courts in metros and large towns oversee the quality of investigations and the 'sifting' of trial-ready dockets in preparation for effective prosecutions. The motivation for the placement of DCCOs at court is to improve docket quality and enhance court docket flow and communication between the SAPS, DOJ&CD and the NPA. DCCOs are responsible for:

- Receiving dockets that will be used in courts and evaluating these dockets to determine the extent of completeness of the investigation
- Liaising with prosecutors and investigating officers and managing the general flow of case dockets to be used in courts
- Screening new court case dockets to identify potential problems
- Attending relevant fora including CJS fora and Case Flow Management committees
- Communicating complaints regarding court case dockets to relevant authorities and providing monthly analysis and feedback report to the Provincial Commanders of General Crime Investigations (within the SAPS).<sup>113</sup>

### **Questions?**

- According to a recent news report 'prosecutors are rejecting 78% of cases referred to them by the police.' This same report states that this means that 'the evidence that detectives are providing to prosecutors isn't sufficient for the prosecutors to proceed. But also the need to achieve very high conviction rates means prosecutors are hesitant to prosecute cases unless they are almost certain to get a conviction'.<sup>114</sup> To what extent have the SAPS and the NPA reached agreement on what constitutes a case that is 'ready for trial'?
- What is the impact of the DCCOs in ensuring trial ready case dockets as well as reducing the number of dockets rejected by the NPA for prosecution?
- The NPA should report on the number of trial ready case dockets that are declined for prosecution and why, as well as those that are returned to the SAPS.

<sup>112</sup> South African Police Service (2015).

<sup>113</sup> Department of Justice and Constitutional Development (2014b).

<sup>114</sup> Sunday Times (2015).

### 3.3. FORENSIC SERVICES (SAPS and National Department of Health)

**Table 14: Previous Conviction Reports Generated within a Defined Time Period (SAPS)**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Previous Conviction Reports</b>	63.41% within 30 days <sup>115</sup>	81.5% within 30 days <sup>116</sup>	93.88% within 20 days <sup>117</sup>	97% within 20 days <sup>118</sup>	91.8% within 15 days <sup>119</sup>

**Targets:** No targets were set in either the 2009-2014 Delivery Agreement or the 2014-2019 MTSF. However the 2009-2014 Delivery Agreement states that the 'management and timely provision of forensic and fingerprint services' should be strengthened. The targets set for the medium term in the 2015/16 SAPS Annual Performance Plan is that **94% rising to 96%** of original previous conviction reports will be generated within **15 days**.

**Table 15: Case Exhibits Processed by Forensic Services (SAPS)**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Case Exhibits</b>	86% within 35 days <sup>120</sup>	94% within 35 days <sup>121</sup>	77.39% within 28 days <sup>122</sup>	57.6% within 28 days <sup>123</sup>	68% within 28 days <sup>124</sup>

**Targets:** No targets were set in either the 2009-2014 Delivery Agreement or the 2014-2019 MTSF. However the 2009-2014 Delivery Agreement states that the 'management and timely provision of forensic and fingerprint services' should be strengthened. The target set for the medium term in the 2015/16 SAPS Annual Performance Plan is that **93%** of routine case exhibits will be processed by Forensic Services in **28 days**.

**Table 16: NDOH Backlogs at the Forensic Chemistry Laboratories (as at 31 December 2013)**

		Cape Town	Pretoria	JHB	Total
<b>Backlogs Toxicology</b>	The analysis of biological and other exhibit material for the presence of harmful substances in order to determine the cause of unnatural death	3 620	5 848	7 527	16 995
<b>Backlogs Blood Alcohol</b>	The analysis of blood samples for the presence of alcohol or drugs	26 049	13 125	28 958	68 132
	The post-mortem analysis of blood samples for the presence of alcohol or drugs	3 928	2 075	629	6 632

<sup>115</sup> South African Police Service (2013a).

<sup>116</sup> South African Police Service (2014a).

<sup>117</sup> South African Police Service (2014a).

<sup>118</sup> South African Police Service (2014c).

<sup>119</sup> South African Police Service (2014c).

<sup>120</sup> South African Police Service (2013a).

<sup>121</sup> South African Police Service (2014a).

<sup>122</sup> South African Police Service (2014a).

<sup>123</sup> South African Police Service (2014c).

<sup>124</sup> South African Police Service (2014c).

**Table 17: Average Turnaround time (in the NDOH) as reported in 2013<sup>125</sup>**

	Cape Town	Pretoria	Johannesburg
<b>Toxicology: From allocation to analyst</b>	4 weeks for 15 cases per analyst	4 weeks for 15 cases per analyst	4 weeks for 15 cases per analyst
<b>Drunk Driving: From allocation to analyst</b>	5 days for batch of 200 per analyst	5 days for batch of 200 per analyst	5 days for batch of 200 per analyst
<b>Drunk Driving: Estimated time to process all currently unprocessed samples at current rate</b>	12,4 months	7,6 months	13,5 months

**Table 18: Blood Alcohol and Toxicology tests and reports completed (NDOH)<sup>126</sup>**

	2013/14
<b>Blood Alcohol tests and reports</b>	53 294 (56 706 below target)
<b>Toxicology tests and reports</b>	2 889 (511 below target)

**Targets:** The 2013/14 target for Blood Alcohol tests and reports completed for onward submission to investigators was 110 00.  
The 2013/14 target for Toxicology tests and reports completed for onward submission to investigators was 3 400.

## COMMENT

### **Achievements?**

**Previous conviction reports:** In the Criminal Records Centre, more previous conviction reports are being generated faster over the past four years from a low of 63% within 30 days in 2009/10 to 91% in half that time in 2013/14.

**Processing of case exhibits:** Progress with the processing of case exhibits by the Forensic Science Laboratories (FSL) is less encouraging. Only 68% of exhibits were processed within 28 days in 2013/14 (dropping from a high of 77% during this same time period) in 2011/12. Part of the reason provided by the SAPS is the decision to focus on the reduction in backlogs.<sup>127</sup> Backlogs have decreased from a high of 59 023 unassigned entries at the beginning of 2009/10 to a backlog of 9 357 as at April 2014/15.<sup>128</sup> Significant reductions in backlogs are also noticeable in the Biology and Ballistics environments. Backlogs are currently primarily in the Chemistry environment.<sup>129</sup>

**National Department of Health (Toxicology and blood alcohol tests and reports):** Neither of the targets set for 2013/14 for blood alcohol or toxicology tests and reports were met (the blood alcohol tests and reports target was missed by almost 50%). Reasons provided for this failure to meet targets included insufficient infrastructure capacity at the Pretoria Forensic Chemistry (an alternative building has been secured for the Pretoria Laboratory and the Durban Chemical Laboratory is undergoing renovations) and equipment failure due to aging equipment (that will apparently be replaced in 2014/15).<sup>130</sup> Partnerships with forensic

<sup>125</sup> Minister of Health (2013).

<sup>126</sup> Department of Health (2014).

<sup>127</sup> South African Police Service (2014c).

<sup>128</sup> South African Police Service (2012).

<sup>129</sup> South African Police Service (2014).

<sup>130</sup> Department of Health (2014).

pathologists have been entered into to improve the turnaround time for toxicology analysis.<sup>131</sup> Historical backlogs particularly in terms of blood alcohol tests have been a concern, particularly in terms of the delays that result in court cases.

**New targets:** Four additional targets have been included to measure progress in the SAPS Forensic Science Laboratories including a measurement for non-routine case exhibit finalisation (within 75 working days); Biology DNA case exhibit finalization (within 63 working days); reduction of backlog cases (to not exceed 10% of cases on hand); and Ballistics (IBIS) cases exhibits (within 28 working days). These additional targets will allow better performance measurement in the FSL particularly in relation to problem areas (such as backlogs) and newly prioritised areas (such as DNA case exhibits and IBIS testing).

**Interventions versus performance?**

In recognition of the important role that Forensic Services can play in improving detection, investigations (and ultimately convictions), Government has over the past few years prioritised increases in human resource capacity, building of additional infrastructure, and expanding tools of trade including technology within this area. Additional legislation on fingerprints and DNA has been passed and come into effect to provide strength to this priority. Currently, it is difficult to clearly ascertain the effect of these initiatives on detection rates (which are still low) and the quality of investigations. However, it is hoped that especially with the effective implementation of the Criminal Law (Forensic Procedures) Amendment Act, 37 of 2013 that improvements may be noted in the near future.

**JUSTICE INDICATORS**

**3.4. CASE BACKLOGS IN COURTS**

Table 19: Total number of backlog cases<sup>132</sup>

	2009/10	2010/11	2011/12	2012/13 (March 2013)	December 2013/14	2014/15 (March 2015)
<b>Total Backlogs Cases</b>	38 563	37 034	34 926	31 054 (comprising 16.4% of all outstanding cases (189 852))	25 762 (comprising 13.8% of all outstanding cases (186 420)) of which 21 377 were trial ready	29 480 <sup>133</sup> (comprising 17% of all outstanding cases (169 026))

**Targets:** The 2009-2014 Delivery Agreement set a target for the reduction of case backlogs by **10%** by 2014/15 (to **33 504** in 2013/14). The case backlog project should be expanded.

The 2014-2019 MTSF sets a target of **26 650** criminal backlog cases in court in 2014/15 (from a baseline of 27 582) reduced to **21 788** by 2018/19.

<sup>131</sup> Department of Health (2014).

<sup>132</sup> Department of Justice and Constitutional Development (2014b). National Prosecuting Authority (2014a).

<sup>133</sup> Department of Justice and Constitutional Development (2015) against a target of 29 952.

**Table 20: High Court backlog cases<sup>134</sup>**

	2008/09	2009/10	2010/11	2012/13	December 2013
<b>High Court Backlog Cases</b>	-	271	367	362 <sup>135</sup>	338 (out of a total of 884 outstanding cases) of which 188 were trial ready.

**Targets:** The 2009-2014 Delivery Agreement only set a total case backlog reduction target (see above).

The 2014-2019 MTSF sets a target of **281** cases in the High Courts that are on the roll for more than 12 months for 2014/15 (from a baseline of 287) reduced to **257** cases by 2018/19.

**Table 21: Regional Court backlog cases<sup>136</sup>**

	2008/09	2009/10	2010/11	2012/13 <sup>137</sup>	December 2013	March 2015
<b>Regional Court Backlog Cases</b>	16 083	16 054	16 875	15 633	13 916 (out of a total court roll of 43 353) of which 12 815 were trial ready.	15 288 <sup>138</sup>

**Targets:** The 2009-2014 Delivery Agreement only set a total case backlog reduction target (see above).

The 2014-2019 MTSF sets a target of **13 754** cases in the Regional Courts that are on the roll for more than 9 months for 2014/15 (from a baseline of 14 399) reduced to **11 679** cases by 2018/19.

**Table 22: District Court backlog cases<sup>139</sup>**

	2009/10	2010/11	2012/13	December 2013	March 2015
<b>District Court Backlog Cases</b>	22 238	19 792	15 059 <sup>140</sup>	11 508 (out of a total of 142 183 outstanding cases) of which 8 374 were trial ready.	14 192 <sup>141</sup>

**Targets:** The 2009-2014 Delivery Agreement only set a total case backlog reduction target (see above).

<sup>134</sup> National Prosecuting Authority (2014a).

<sup>135</sup> South African Institute for Race Relations (2014).

<sup>136</sup> National Prosecuting Authority (2014a).

<sup>137</sup> South African Institute for Race Relations (2014).

<sup>138</sup> Department of Justice and Constitutional Development (2015).

<sup>139</sup> National Prosecuting Authority (2014a) and Department of Justice and Constitutional Development (2014b). After an investigation into the improvement of the district court establishment, several high priority district courts were included in the case backlog reduction project from 1 April 2010.

<sup>140</sup> South African Institute for Race Relations (2014).

<sup>141</sup> Department of Justice and Constitutional Development (2015).

The 2014-2019 MTSF sets a target of **12 578** cases in the District Courts that are on the roll for more than 6 months for 2014/15 (from a baseline of 12 896) reduced to **9 819** cases by 2018/19.

**Table 23: Highest number of backlog cases per province as at December 2013<sup>142</sup>**

	District courts	Regional Courts
<b>Highest number of backlog cases</b>	Western Cape (4 186 backlog cases comprising 10.9% of all cases on roll).	Gauteng (3 202 backlog cases comprising 31.7% of all cases on roll)
<b>Highest percentage of backlog cases on roll</b>	Eastern Cape (1 998 backlog cases comprising 13.5% of all cases on roll)	KwaZulu-Natal (2 889 backlog cases comprising 38.6% of all cases on roll)

**Table 24: Court hours<sup>143</sup>**

	2005/06	2007/08	2010/11	2011/12	2012/13	2013/14
<b>Court hours</b>	04:06	03:39	03:50	04:00	03:30	04:20

## COMMENT

**Achievements:** Backlog cases are defined as cases longer than 6 months on the District Court roll, 9 months on the Regional Court roll and 12 months on the High Court roll.<sup>144</sup> The Case Backlog Reduction project has been underway since November 2006, with the regional courts as the main focus. There were a total of 82 backlog courts in 2014 of which 59 are Regional Courts and 23 are District Courts. A total of 42 of the Regional Backlog Courts will be converted to permanent additional courts by the end of the 2014/15 financial year. Since the inception of the project a 26.3 per cent reduction was achieved on the number of Regional Court backlog cases from November 2006 to March 2014. District backlog courts achieved a 42 per cent reduction from March 2010 to March 2014.

### Challenges:

- Both the NPA and Legal Aid South Africa have identified budget constraints as a challenge in capacitating the converted backlog courts on a permanent basis.
- The NPA reports that case flow challenges continue to result in a reduction of court utilisation especially in the District Courts and the finalisation of backlog cases remained a challenge in some regions. The NPA should elaborate on what these challenges are and which regions are affected?
- Legal Aid South Africa reported in May 2015 that it had done a survey on the biggest causes of court roll congestion and collapses. The results of the survey showed that judicial officer availability was the most significant challenge. Legal Aid South Africa should brief Parliament on the findings of this survey and entities such as the NPA, the Justice Department and the Office of the Chief Justice should respond to the challenges identified.
- In order to address challenges in respect of case backlogs and case flow management, the Office of the Chief Justice has established a National Efficiency

<sup>142</sup>National Prosecuting Authority (2014a) and Department of Justice and Constitutional Development (2014b).

<sup>143</sup> National Treasury (2014). National Treasury (2011).

<sup>144</sup> Department of Justice and Constitutional Development (2013b).

*Enhancement Committee (NEEC) and Provincial Efficiency Enhancement Committees (PEEC). The NEEC and PEEC's (which are led by the respective Judge Presidents) consist of representatives of the judiciary, National Prosecuting Authority, the Departments of Correctional Services, Justice, Social Development, Health and Public Works, the SAPS and Legal Aid SA. Monitoring, evaluation and accountability are to be prioritised. The PEEC norms were to apply in every court across the country by January 2014. These Committees should ensure better co-ordination within the CJS but to date there has been no reporting on the work and/or effectiveness of these PEECs. Nor is it clear how these Committees differ from the Provincial Integrated Case Flow Management forums led by either the Judge Presidents of the provinces or the Regional Court Presidents which were established in 2012.*

- *A directive setting out the norms and standards for the exercise of judicial functions of all courts was gazetted by the Chief Justice on 28 February 2014. Amongst other matters the norms and standards provide for time lines for the finalisation of cases: every judicial officer must ensure every accused person pleads to a charge within three months from date of first appearance and judicial officers shall strive to finalise criminal matters six months after the accused has pleaded. The minimum court hours for trial judges has been set at 4.5 hours (subject to a proviso that it can be departed from "for good reason").*
- *The Portfolio Committee has previously requested information on the number of sexual offences cases on the backlog roll but has yet to receive a response to this request from the Justice Department.*
- *In 2013 the Justice Minister established a Ministerial Advisory Task Team on the Adjudication of Sexual Offence Matters (MATTSO).<sup>145</sup> The August 2013 MATTSO Report recommended that Case Flow Management for Sexual Offences Matters must be explored by the Regional Court Presidents Forum to address the current flaws in the system.<sup>146</sup> Has this recommendation been implemented?*

### 3.5. FINALISATION OF CASES

**Table 25: Finalisation of cases from 2008/09 to 2012/13<sup>147</sup>**

	2008/09	2009/10	2010/11	2011/12	2012/13
<b>New cases</b>	1 059 742	1 044 346	962 317	897 842	916 917
<b>Cases finalised (verdict, 57A and ADRM)</b>	431 819	469 541	460 891	448 793	466 800
<b>Cases finalised VERDICT</b>	<b>311 984</b>	<b>350 910</b>	<b>331 045</b>	<b>316 098</b>	<b>323 390</b>
<b>Admission of Guilt (S57A)</b>	38 048	46 170	42 359	42 934	50 162

<sup>145</sup> The MATTSO comprised a range of stakeholders from government, civil society and academic institutions that undertook a thorough investigation into the possible re-establishment of Sexual Offences Courts (SOCs).

<sup>146</sup> Department of Justice and Constitutional Development (2013a).

<sup>147</sup> Information provided by the OCJSR.

	2008/09	2009/10	2010/11	2011/12	2012/13
<b>Convictions</b>	269 173	310 951	293 673	280 658	290 834
<b>Cases finalised through ADRM</b>	81 787	118 631	129 846	132 695	143 410

**Targets:** The 2009-2014 Delivery Agreement states that the number of finalised criminal cases should **increase by 2% per year** by 2014 (to 351 308 in 2013/14).

The 2014-2019 MTSF states that the number of criminal court cases finalised with verdict is increased to **324 276** in 2014/15 (from a baseline of 323 800) increasing to **337 443** cases in 2018/19.

**Table 26: Cases resolved through ADRM<sup>148</sup>**

	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
<b>ADRM Cases</b>	61 838	81 787	118 631	129 846	132 695	143 410

**Targets:** The 2009-2014 Delivery Agreement states that cases finalised by ADRM should be increased by **20%** by 2014 (to **142 357** cases in 2013/14). The use of Alternative Dispute Resolution including restorative justice should be **increased**.

The 2014-2019 MTSF states that the number of criminal court cases finalised using ADRM is targeted at **149 2014** cases in 2014/15 (from a baseline of 142 357) increasing to **161 503** cases in 2018/19.

**Table 27: Number of cases withdrawn (other than by ADRM) for 2008/09- 2012/13<sup>149</sup>**

	2008/09	2009/10	2010/11	2011/12	2012/13
<b>Withdrawals</b>	287 015	242 103	224 983	197 605	166 541

## COMMENT

**Achievements:** The NPA contends that the reduction in the number of withdrawals should be ascribed to better screening processes and implementation of the screening Protocol coupled with an increased focus on ADRM.

**Challenges:** However, the NPA has also reported that the implementation of the screening Protocol remains a challenge in some regions. It is unclear why there is no standardisation in the application of the screening Protocol. Insufficient information is provided on the reasons for withdrawals. The NPA reports a reduction in the number of withdrawals in the District and Regional courts in 2013/14 but notes an increase in withdrawals from High Courts due to co-accused absconding.

<sup>148</sup> Department of Justice and Constitutional Development (2014b).

<sup>149</sup> Information provided by the OCJSR.

A particular concern is the increase in the number of cases struck from the roll. The NPA has noted that this requires further investigation and a report should be provided on the NPA's engagement with the judiciary in this regard. The number of sexual offences cases removed/struck from the roll has been flagged by the DOJ&CD as a concern. The Department reports that this matter will be investigated in 2014/15 and it should report on its findings.

**Achievements ADRM:** The Alternative Dispute Resolution Mechanisms used by the NPA include Diversion and Informal Mediation. The number of criminal court cases finalised through ADRM in 2013/14 was 176 189 compared with 143 410 in 2012/13. This was against a target of 142 357. Of the 176 189 cases which were finalised through ADRM 3 435 (1.9 per cent) were finalised in the regional courts and 172 754 (98.1 per cent) were finalised in the district courts.

**Challenges:** Notably, the increases in ADRM has been a cause of concern shared by the Minister and Deputy Minister of Justice. The core of the concern is the lack of a legal framework to guide implementation of ADRM and this has led the National Prosecuting Service (NPS) to draft a policy document to form the basis for future legislation.

### 3.6. CONVICTION RATES

**Table 28: Conviction rate for finalised cases<sup>150</sup>**

	2002/03	2004/05	2006/07	2010/11	2011/12
<b>Conviction Rate Finalised cases</b>	81.5%	84.5%	85.7%	88.7%	88.8%

**Table 29: Conviction rate for sexual offences**

	2011/12	2012/13	2013/14
<b>Conviction Rate Sexual Offences</b>	65.8% <sup>151</sup>	66% <sup>152</sup>	67.1%

**Targets:** No targets for conviction rates are included in the 2009-2014 Delivery Agreement.

The 2014-2019 MTSF stipulates a **67%** conviction rate for sexual offences (from a baseline of 66%) in 2014/15 increasing to **69%** in 2018/19.

**Table 30: Conviction rate trio crimes**

	2011/12	2012/13
<b>Conviction Rate Trio Crimes</b>	85% <sup>153</sup>	83% <sup>154</sup>

<sup>150</sup> Presidency (2014).

<sup>151</sup> 2012/13 NPA Annual Report as cited in South African Institute for Race Relations (2013). Note that this figure differs from the conviction rate reported in the 2012/13 SAPS Annual Report which is 60.62%.

<sup>152</sup> 2012/13 NPA Annual Report as cited in South African Institute for Race Relations (2013). Note that this figure differs from the conviction rate reported in the 2012/13 SAPS Annual Report which is 73.01%

<sup>153</sup> 2012/13 NPA Annual Report as cited in South African Institute for Race Relations (2013). Note that this figure differs from the conviction rate of 70.05% reported in the 2012/13 SAPS Annual Report.

<sup>154</sup> 2012/13 NPA Annual Report as cited in South African Institute for Race Relations (2013). Note that this figure differs from the conviction rate of 71.66% reported in the 2012/13 SAPS Annual Report.

**Targets:** No targets for conviction rates are included in the 2009-2014 Delivery Agreement.

The 2014-2019 MTSF stipulates an **85%** conviction rate for trio crimes (from a baseline of 83%) in 2014/15 to be **maintained** over the period to 2018/19.

**Table 31: Convictions as a proportion of serious crime arrests<sup>155</sup>**

	Serious crime arrests	Convictions	Convictions as a proportion of serious crime arrests
<b>2002/03</b>	1 092 689	332 056	30%
<b>2008/09</b>	1 223 505	307 089	25%
<b>2012/13</b>	1 682 763	290 834	17%
<b>2013/14</b>	1 392 856	301 798	22%

## COMMENT

*There is no standardisation in measurement of conviction rates between the NPA and the SAPS. Hopefully, this is included as one of the 28 KPIs included in the Transversal Hub. This will allow for effective and consistent monitoring of performance in achieving convictions.*

**Measuring conviction rates:** *Both the SAPS and the NPA measure conviction rates. However, the figures are not comparable as these rates are measured off different baselines. The MTSF targets are based on the NPA statistics. The conviction rate based only on those cases that the NPA has decided to prosecute will clearly be much higher than rates using a variable earlier on in the process (i.e. arrests, charges, or trial ready case dockets). Please explain how SAPS and the NPA differ in their calculations. Will this be clarified in terms of the 28 KPIs to ensure uniformity in measurement?*

*In addition, the SAPS now measures and reports on conviction rates for serious crime; contact crime; crime dependent on police action; crimes against women older than 18 years; and crimes against children. The NPA reporting categories are for sexual offences at Thuthuzela Care Centres (TCCs), organised crime, trio crimes, sexual offences, cybercrime, JCPS officials convicted of corruption, and violent protests.*

*The 2014-2019 MTSF only includes targets for conviction rates for sexual offences and trio crimes. (The trio crime category is now subsumed within the serious crime category of the SAPS).*

**SAPS conviction rates:** *While not reflected here, the following can be noted:<sup>156</sup>*

- The conviction rate for serious crime has increased slightly from 86% in 2011/12 to 87% in 2013/14 and is projected to remain at this level in the medium term.*

<sup>155</sup> South African Institute for Race Relations (2014). The Survey uses SAPS convictions to work out the convictions as a proportion of arrests (and not the NPA conviction rates). The Survey also uses the 20 most serious crime categories to arrive at these arrest figures.

<sup>156</sup> South African Police Service (2015).

- The conviction rate for contact crime has remained static at 79% since 2011/12 and is projected to remain at this level in the medium term.
- The conviction rate crimes dependent on police action has increased slightly from 96% in 2011/12 to 97% in 2013/14 and is projected to remain at this level in the medium term.
- The conviction rate for (selective) crimes against women has remain static and is projected to remain static over the medium term at 82%.
- The conviction rate for (selective) crimes against children has fluctuated between 73% and 75% since 2011/12 and is projected to remain static at 75% over the medium term.

**NPA conviction rates:**

- Conviction rates have improved steadily at Regional Courts from 74.3% in 2011/12 to 76% in 2013/14. Given that the 2013/14 conviction rate in the Regional Courts was one of the best achieved by the NPA it is unclear why it is dropping its target to 74% in 2015/16?
- Conviction rates at the High Courts and District Courts have also improved from 2011/12 to 2013/14 but are projected to remain static over the medium term with targets set at 87% and 88% respectively.
- The NPA has introduced a new performance indicator: the conviction rate in violent protests and industrial actions prosecuted, with the target set on projected performance at 74% for 2015/16.
- Conviction rates in sexual offences cases have improved from 65% in 2011/12 to 67.1% in 2013/14, with a performance target of 68% set for 2015/16. The challenge, however, is that while 62 649 sexual offence cases were reported in 2013/14 to SAPS the NPA reported convictions in only 5 484 cases. Therefore a significant percentage of reported cases do not reach the prosecution stage.
- Despite a high conviction rate for cybercrime convictions of 97.8 per cent in 2013/14 the NPA sets itself a low target of 74% over the medium term. This needs further explanation.
- In its third quarter performance report for 2014/15 the NPA blames the SAPS for not meeting its targets because of poor investigations in respect of trio crimes.<sup>157</sup>
- The effectiveness of the CJS must be consistently measurable based on uniform and agreed upon statistics. Will conviction rates be one of the 28 KPI?

**CORRECTIONAL SERVICES ISSUES**

**3.7. OVERCROWDING IN CORRECTIONAL CENTRES**

**Table 32: Percentage (degree of) overcrowding<sup>158</sup>**

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	April 2015
<b>Percentage overcrowding</b>	43%	36%	37%	37%	28%	27% <sup>159</sup>	33.8% <sup>160</sup>

<sup>157</sup> National Prosecuting Authority (2014b).

<sup>158</sup> South African Institute for Race Relations (2013). Note that these figures do not correlate with the overcrowding rates contained in the Department of Correctional Services Annual Report 2013/14 (2012/13 is reported as 28.48% and 2013/14 is reported as 29.7%).

<sup>159</sup> South African Institute for Race Relations (2014).

<sup>160</sup> Department of Justice and Constitutional Development (2015) as at 30 April 2015

**Table 33: Proportion remand detainees of total correctional centre population<sup>161</sup>**

	Number of sentenced offenders	Number of remand detainees	Total	Proportion remand detainees of correctional centre population
1995	85 252	27 320	112 572	24.3%
2006	113 779	48 461	162 240	29.9%
2012	112 535	49 696	162 231	30.6%
2013	104 878	45 730	150 608	30.4%
2014	107 696	44 858	152 553	29.4%
2015		41 926 <sup>162</sup>		

**Table 34: Number of offenders in correctional centres serving sentences of over 15 years**

	15-20 years	Over 20 years	Life sentences	Total sentenced offenders
Sentences of over 15 years (as at 26 February 2014) <sup>163</sup>	12 104	9 438	12 443	112 489

## COMMENT

**Achievement?** *The percentage overcrowding has dropped from a high of 43% in 2009/10 to 27% in 2014/15. The April 2015 rate is higher. It should be noted however, that this is the average overcrowding rate and overcrowding rates differ widely from one correctional centre to another.*

*No targets for overcrowding are contained in the 2009-2014 Delivery Agreement or in the 2014-2019 MTSF. However, the 2015/16 Annual Performance Plan of the DCS projects higher targets of 31% to 33% for the 2015/16 medium term.*

### **Minimum sentencing legislation and sentenced offenders**

*Lengthy prison sentences have a negative impact on any attempts to reduce overcrowding.*

- *According to Super 'in 2013, the number of people serving life imprisonment stood at 11 000, as opposed to 400 in 1994'.<sup>164</sup>*
- *In addition, the number of people serving sentences of more than 10 years have increased by 2 300% in 2012 (in comparison to 1995). In 1995, 2% of all sentenced offenders (1 620 of them) were serving sentences of over 10 years. In 2012 this had increased to a total of 48% of all sentenced offenders who were serving sentences of more than 10 years (43 632 offenders).<sup>165</sup>*

<sup>161</sup> South African Institute for Race Relations (2014).

<sup>162</sup> Department of Justice and Constitutional Development (2015) as at 22 May 2015

<sup>163</sup> Minister of Justice and Correctional Services (2014a).

<sup>164</sup> Super (2014).

<sup>165</sup> South African Institute for Race Relations (2014).

- The Department of Correctional Services has also noted as a concern that ‘the number of sentences of 10 years or more have increased with about 10% p.a. compared to the previous years (with obvious consequences for DCS). Sentencing and Restorative Justice require further attention’.<sup>166</sup>

#### **Interventions versus performance?**

Many of the interventions in terms of the CJS Revamp would result (if implemented appropriately) in a reduction in the rate of overcrowding in correctional centres. These include measures to reduce the remand detainee population by ensuring that accused are, where appropriate, provided with bail; and that those that are in remand in correctional centres spend as short a time as possible there. This includes, for example, improving trial readiness; reducing court backlogs; and monitoring and intervening in long remand cases. Measures to reduce the sentenced offender population include, for example, finalisation of criminal court cases using alternative dispute resolution mechanisms.

Overcrowding in correctional centres is acknowledged as a serious impediment to the rehabilitation of offenders (as it reduces the ability of DCS and partners to provide effective services to offenders). This is a key factor in increasing the risk of reoffending after release.

### **3.8. LENGTH OF TIME SPENT IN REMAND DETENTION**

**Table 35: Average length of time in remand detention**

	2012/13	2013/14
<b>Time in Remand Detention</b>	189 days <sup>167</sup>	176 days <sup>168</sup>

**Targets:** The target in the 2009-2014 Delivery Agreement is to reduce the average length of time in remand detention from 177 days (target set for 2012/13 working off a baseline of 189 days in January 2012) to **165** days by 2014 (i.e. in 2013/14) reported every 6 months.

No target set in the 2014-2019 MTSF.

The 2009-2014 Delivery Agreement states that interventions should be conducted on long outstanding remand detainee cases.

**Table 36: Number and proportion of remand detainees by length of detention**

	Less than 3 months	Over 3 months but less than 21 months	21-24 months	2-3 years	3-4 years	4-5 years	More than 5 years
<b>March 2012<sup>169</sup></b>	22 804 (49.2%)	20 257 (43.7%)	820 (1.8%)	1 642 (3.5%)	580 (1.3%)	169 (0.4%)	79 (0.2%)

<sup>166</sup> Department of Justice and Constitutional Development (2015).

<sup>167</sup> Department of Correctional Services (2014).

<sup>168</sup> Department of Correctional Services (2014).

<sup>169</sup> South African Institute for Race Relations (2013).

	Less than 3 months	Over 3 months but less than 21 months	21-24 months	2-3 years	3-4 years	4-5 years	More than 5 years
				Total over 2 years = 2 470			
<b>January 2014<sup>170</sup></b>	-	-	491	1 091	438	221	144
				Total over 2 years = 1 894			
<b>18 May 2015<sup>171</sup></b>				1 033	340	161	167
				Total over 2 years = 1 701			

**Table 37: Number of people in remand detention (2009 compared to 2012)<sup>172</sup>**

	Less than 3 months	3-6 months	6-9 months	9-12 months	More than 12 months
<b>2009</b>	26 206	9 489	4 836	2 634	<b>6 312</b>
<b>2012</b>	22 805	8 441	4 274	2 711	<b>8 120</b>

**Table 38: Percentage of remand detainees with bail placed under non-custodial system<sup>173</sup>**

	2012/13	2013/14
<b>Remand detainees with bail placed under non-custodial system</b>	5.81% (613 out of 10 551)	14.4% (1 092 out of 7 720)

**Table 39: Regional remand detainee populations<sup>174</sup>**

	March 2012/13	March 2015/16
<b>Gauteng</b>	15 213	10 390
<b>Western Cape</b>	9 541	10 191
<b>KwaZulu-Natal</b>	6 174	7 146

<sup>170</sup> Department of Justice and Constitutional Development (2014b).

<sup>171</sup> Department of Justice and Constitutional Development (2015).

<sup>172</sup> Redpath (2014).

<sup>173</sup> Department of Correctional Services (2014).

<sup>174</sup> Department of Justice and Constitutional Development (2015) averages for March

	March 2012/13	March 2015/16
Eastern Cape	5 744	4 608
LMN	4 686	5 368
FSNC	5 833	5 198

## COMMENT

### **Achievement?**

*The target for the average length of time spent in remand detention of 165 days for 2013/14 was **not** reached (177 days was the average).*

*No target for reduction of the average length of time spent in remand detention is set in the 2014-2019 MTSF (or in the 2015/16 Annual Performance Plan of the DCS- in this case, possibly because it is not within the ambit of DCS to effect realisation of this target).*

### **Intervention versus performance?**

*A number of key interventions form part of the Seven-Point Plan are targeted to reduce the size of the RD population and ensure that RDs spend the shortest possible time in prison awaiting trial and sentencing. These include:*

- *Monitoring of RDs in custody for over two years by Legal Aid SA to ensure improved focus on their cases (via a web-based system)*
- *Monitoring and tracking of children in custody for longer than one month by Legal Aid SA in conjunction with the OCJSR.*
- *Ongoing statistical monitoring of RDs (by DCS, OCJSR and JCPS) to ensure inter-departmental interventions*
- *Identification of trends related to RDs that cycle through DCS in less than three months (includes cases: where criminal trials are not bought against RDs; that are struck off the rolls; finalised through other mechanisms; where bail is awarded/paid; with a verdict).*
- *Implementation of the Revised Bail Protocol (s63A); and the Protocol on Maximum Incarceration of RDs (s49G).*
- *Development of the White Paper on Remand Detention.*
- *Implementation of the Correctional Matters Amendment Act 5 of 2011.*
- *Better Risk Classification of RDs (a pilot project has been implemented at Pretoria Central and is being evaluated). Improved criminal history (previous conviction) reports from SAPS facilitates more informed bail hearings and improves the management of RDs.*
- *State patients that are temporarily treated as RDs pending their transfer to state hospitals is receiving attention.*

*Approximately 50% of RDs spend less than three months in correctional centres and over 90% spend under two years in prison (as at March 2012). A comparison of the 2012 and 2014 figures above reflects that the number of RDs spending over two years in prison decreased from 2 470 in March 2012 to 1 894 in January 2014.*

*It is a concern, however, that for this same period both the number of RDs spending 4-5 years in prison increased (from 169 to 221) and those spending more than five years in prison (from 79 to 144).*

*Commentators have noted that 'longer time categories have experienced growth over the period 2009 to 2012, while all shorter time categories have reduced in size, suggesting a general and continued **lengthening of the duration of remand detention** over this period'.<sup>175</sup>*

*Approximately 15%-20% of the RD population have been given bail but have not utilised this option either because it is unaffordable or they choose not to pay it.<sup>176</sup> Not all applications utilising the 63A Bail Protocol are successful. For example, during February and March 2015 a total of 2 468 applications were received by the courts of which 40% (913) were successful.<sup>177</sup> Preliminary research has shown that 'although increasing numbers of applications are being made in terms of 63A, it appears that successful outcomes in response to these applications are decreasing'.<sup>178</sup>*

*S49G applications have resulted in a 13.7% decrease in the number of remand detainees spending longer than two years in detention (from 1971 as at July 2013 to 1 701 as at 18 May 2015).<sup>179</sup> The DCS notes that it is a challenge that feedback on the consideration of applications (from the courts) is not always received by DCS.<sup>180</sup>*

### **Measures that mitigate against reducing the length of time that RDs spend in detention<sup>181</sup>**

*The following are measures that mitigate against attempts to ensure that the time that RDs spend in detention is reduced:*

- Amendments to the Criminal Procedure Act around bail (no after-hours court appearances; allowing for postponements of a bail application for 7 days at a time; replacing that the interests of justice are served by continued detention with that the interests of justice are served by release; reverse onus provisions for Schedule 6 serious offences).*
- Tougher sentencing legislation (the 'minimum sentencing' legislation contained in the Criminal Law Amendment Act, No. 105 of 1997 had an initial validity period of two years. The provisions were renewed until eventually the renewal requirement was deleted making minimum sentences permanent. In addition, while the high courts initially were the only courts that had the ability to use this sentencing option, the regional courts were allowed (in 2007) to hand down these life sentences. In addition, in 2010, the automatic right of appeal of these sentences was removed.)*

### **Questions?**

*Redpath notes the following:<sup>182</sup>*

- The number of people held in remand detention in prison is decreasing.*
- However, the time for which people are held in remand detention is increasing.*

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<sup>175</sup> Redpath (2014).

<sup>176</sup> Department of Justice and Constitutional Development (2014b).

<sup>177</sup> Department of Justice and Constitutional Development (2015).

<sup>178</sup> Whittle and Nesbitt (2014).

<sup>179</sup> Department of Justice and Constitutional Development (2015).

<sup>180</sup> Department of Justice and Constitutional Development (2015).

<sup>181</sup> Redpath (2014).

<sup>182</sup> Redpath (2014).

- *The likelihood that RDs will be sentenced to a term of imprisonment is decreasing. In her words ‘the tough on crime approach has in practice turned into “justice delayed and freedom denied’.*

*The OCJSR should be requested to comment on this assertion.*

- *The lack of rehabilitation programme provision to RDs (in the light of increasing numbers that are spending over four years in remand detention) is a concern. The OCJSR should be asked to respond to this concern. How will this be addressed through the establishment of dedicated remand facilities?*
- *It has been reported that each Provincial Efficiency Enhancement Committee (PEEC) has compiled a report listing the top 20 remand detainees who had been in custody the longest with the reasons for the delays in their cases. A report should be provided on progress with these cases.*

### 3.9. COMMUNITY CORRECTIONS

**Table 40: Percentage of probationers without violations**

	2012/13	2013/14
<b>Probationers without violations</b>	New Indicator (baseline 80%) <sup>183</sup>	92.8% (15 543/16 744) <sup>184</sup>

**Targets:** No target in 2009-2014 Delivery Agreement.

Target in 2014-2019 MTSF set at **81%** (14 211/17 545)<sup>185</sup> in 2014/15 increasing to **97%** (21 650/22 320) by 2018/19.

**Table 41: Percentage of parolees without violations**

	2011/12	2012/13	2013/14
<b>Parolees without violations</b>	76% (35 819/47 095) <sup>186</sup>	84.89% (39 269/46 259) <sup>187</sup>	94.1% (46 380/49 282) <sup>188</sup>

**Targets:** Target in 2009-2014 Delivery Agreement set at **79.6%** by 2014 (i.e. in 2013/14). Target in 2014-2019 MTSF set at **80.9%** (from a base line of 79.6%)<sup>189</sup> in 2014/15 (44 247/54 694) increasing to **97%** (73 195/75 459) by 2018/19.

According to the 2009-2014 Delivery Agreement the parole system should be strengthened by 2014.

<sup>183</sup> Department of Correctional Services (2014).

<sup>184</sup> Department of Correctional Services (2014).

<sup>185</sup> An estimated performance of 92.8% for 2014/15 is reflected in the 2015/16 Annual Performance Plan of the Department of Correctional Services.

<sup>186</sup> Department of Correctional Services (2013).

<sup>187</sup> Department of Correctional Services (2014).

<sup>188</sup> Department of Correctional Services (2014).

<sup>189</sup> An estimated performance of 94.1% for 2014/15 is reflected in the 2015/16 Annual Performance Plan of the Department of Correctional Services.

Table 42: Number of person electronically tagged

	2012/13	2013/14
<b>Electronic Monitoring</b>	150 <sup>190</sup>	288 (against a target of 500)

**Targets:** According to the 2009-2014 Delivery Agreement electronic monitoring for parolees should be **tested** by 2014.

According to the 2015/16 Annual Performance Plan of the DCS 1.3% (or 1 000) of all parolees, probationers and awaiting trial persons) are targeted for placement under the electronic monitoring system in 2015/16 increasing to 1.64% (1 500) in 2017/18.

## COMMENT

### **Achievement?**

*The number of probationers without violations is reported to have improved from a baseline of 80% to 92% in 2013/14.*

*The number of parolees without violations is reported to have improved from 76% in 2011/12 to 94% in 2013/14.*

**Electronic monitoring:** *The target of 500 persons tagged in 2013/14 was **not met**. In addition, as stated below there are serious concerns with the future of this project.*

### **Interventions versus performance?**

*A number of measures have been taken to improve the community corrections system. These include:*

- *Electronic monitoring*
- *Establishment of CSPBs*

*A functional electronic monitoring system was approved in 2011/12 and a contract was awarded to Engineered Systems Solution (Pty) Ltd for the roll-out of electronic monitoring devices for probationers, parolees, offenders, day parolees, awaiting trial persons and RDs. The contract was awarded on 21 May 2014 for the commission, supply, delivery, installation, training and maintenance of a national monitoring solution by way of a lease for five years.<sup>191</sup> The pilot was implemented with 150 parolees for a period of twelve months from 28 March 2012 until 27 March 2013.<sup>192</sup>*

*A cumulative total of 288 offenders were electronically tagged in 2013/14 (against a target of 500 offenders). The 2013/14 Annual Report of the DCS states that 'the number of offenders could not be increased due to the fact that EM roll-out could not be finalised'.<sup>193</sup> The Minister has noted that 'there are **reasonable grounds to suspect that not every aspect of the supply chain management policy of the Department alternatively the provisions of the PFMA have been complied with**. For this reason the matter will be fully investigated and upon completion of the investigation, including whether any offences have been committed, will*

<sup>190</sup> Note that the 2013/14 Annual Report of the Department of Correctional Services reports this figure as 136 parolees.

<sup>191</sup> Minister of Justice and Correctional Services (2014b).

<sup>192</sup> Department of Correctional Services (2012).

<sup>193</sup> Department of Correctional Services (2014).

revert to Parliament'.<sup>194</sup>The investigation is expected to be completed by the end of April 2015.<sup>195</sup>

It was envisaged that the pilot project (targeted initially for lifers going on parole and to be extended to RDs) would continue until 30 June 2014 and then fully rolled out from 1 July 2014 to reach 1 000 persons by March 2015.<sup>196</sup>

#### Questions?

- In 2005/06 a total of 31 856 offenders were awarded parole in contrast to 5 313 in 2010/11.<sup>197</sup> Provide the figures for 2011/12-2014/15 for the number of persons awarded parole, or placed on correctional supervision? Are these figures increasing or decreasing?
- How effective is the functioning of Correctional Services Parole Boards (CSPBs)? The 2015/16 Annual Performance Plan of the DCS reports that only 84% of offender profiles submitted by the Case Management Committee (CMC) to the CSPBs were considered by the Boards in 2013/14. This target is set to increase to 87% in 2015/16 and then up to 91% in 2017/18.
- What is the status of the investigation by the ministerial task team into vacancies of community members at the CSPBs?
- How is roll out of the Electronic Monitoring project affected by the allegations of supply chain management improprieties? What is the result and implications of the investigation?
- What is the status of the proposal to the JCPS Cluster that electronic monitoring is considered as a form of alternative sentencing?

### 3.10. RECIDIVISM

**Table 43: Number of repeat offenders readmitted to correctional centres (2007/08 and 2008/09)<sup>198</sup>**

	2007/08	2008/09
<b>Repeat offenders readmitted to correctional centres</b>	22 469	16 213

**Targets:** According to the 2009-2014 Delivery Agreement a framework on repeat offending was targeted for completion in **2013/14**.

**Table 44: Percentage of sentenced offenders with correctional sentence plans and percentage with sentence plans that had completed correctional programmes<sup>199</sup>**

	2012/13	2013/14
<b>Offenders serving sentences of over 24 months with CSP</b>	97% (88 681 out of 91 419)	97% (95 198 out of 97 725)
<b>Offenders with CSP that attended correctional programmes</b>	87% (77 077 out of 88 671)	64% (61 049 out of 95 198)

<sup>194</sup> Minister of Justice and Correctional Services (2014b).

<sup>195</sup> Minister of Justice and Correctional Services (2015a).

<sup>196</sup> Department of Correctional Services (2014).

<sup>197</sup> National Treasury (2011).

<sup>198</sup> Minister of Correctional Services (?b).

<sup>199</sup> Department of Correctional Services (2014).

**Targets:** According to the 2009-2014 Delivery Agreement Correctional Sentence Plans (CSP) should be developed for all sentenced offenders by 2014.

## COMMENT

### **Achievement?**

*According to reports, a Framework for the Measurement of Repeat Offending was developed in 2011/12 to guide the process of analysing trends in repeat offending, in consultation with the JCPS Cluster departments. In 2013/14 the DCS planned to commence with the analysis of trends in repeat offending in South Africa, the outcome of which will inform the reduction strategy for repeat offending.<sup>200</sup>*

*97% of sentenced offenders serving over 24 months had CSPs in 2013/14. The target of 100% was therefore **not met**. In addition, only 64% of these offenders attended correctional programmes. Having a CSP without attending relevant programmes is meaningless.*

*It is a concern that, in line with the Correctional Services Act, only offenders serving sentences of over two years are targeted for CSPs (and thus programme attendance while serving their sentence). However, the former Minister of Correctional Services has previously reported to Parliament that ‘despite this provision, it is my view that this category of offender, remains one of the most vulnerable for recruitment into crime both inside the centres and outside the community once they are released. It is for this reason that I have asked the Ministerial Task Team that is currently auditing various categories of offenders to include this category as part of their audit. Their report will provide us with a reliable analysis of their rehabilitation circumstances and to determine the correct policy interventions that are required’.<sup>201</sup>*

*The DCS has acknowledged the problem of Short Term Offenders (sentenced to less than 24 months) and states that these offenders are more likely to re-offend, probably because they have no access to rehabilitation programmes targeted at short term offenders, and they are not assessed or provided with CSPs. Options that are been explored include:*

- *Conversion of sentences to correctional supervision*
- *Enhancement to correctional supervision to ensure it can be used as an appropriate sentence*
- *Release on parole and timeous placement of cases for consideration to the boards and dedicated staff to confirm home addresses*
- *Electronic monitoring*

*An action plan has been enforced and a concept paper on services to STOs is being developed. Legislation will be amended and rehabilitation policies reviewed and amended.<sup>202</sup>*

### **Questions?**

- *Has this Framework for the measurement of repeat offending indeed been finalised as reported? What is contained in the Framework?*
- *Has the trend analysis been undertaken and what are the outcomes of this analysis?*
- *What interventions will be taken to reduce repeat offending, based on this framework and trend analysis?*
- *Provide information on the number of repeat offender readmitted to correctional centres for each year for the period 2009-2014.*

<sup>200</sup> Minister of Correctional Services (?c).

<sup>201</sup> Minister of Correctional Services (?a).

<sup>202</sup> Parliamentary Monitoring Group (2015a).

- *What is the repeat offender (recidivism rate)? (A rate of 60% has been reported in the literature).<sup>203</sup> Possibly consider including this indicator in the relevant plans?*
- *What are the constraints to ensuring that 100% of offenders serving sentences of over two years have CSPs? How will these be overcome?*
- *What are the constraints to ensuring that 100% of offenders with CSPs are attending programmes in line with these plans? How will these be overcome?*
- *In light of the above statement by the Minister, what was the outcome of the Ministerial Task Team investigation into offenders serving less than two years? What interventions have or will emanate from the recognition that these are a vulnerable group to recruitment into crime both in correctional centres and on re-entry into the community?*
- *What are the envisaged completion dates for the concept paper on services to STOs? Explain the proposed legislative, policy and programme amendments that will result from a focus on STOs?*

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<sup>203</sup> Presidency (2003).

## **4. PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS**

This section provides an overview of oversight over the Criminal Justice System Revamp to date, by Parliament. It also provides more detailed information on the status of implementation of Protocols.

### **PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS**

#### **4.1. PARLIAMENTARY OVERSIGHT**

##### **Coordinated Parliamentary oversight over implementation of the Seven-Point Plan**

In 2008, Parliament<sup>204</sup> jointly held public hearings in all the provinces on the 'Review of the Criminal Justice System' attended by more than 18 000 people. Key issues that emerged in the submissions made at the hearings covered:

- Inefficiencies and delays in the response of SAPS to reported crime; problems with the taking of statements, missing dockets and no feedback on progress of investigations.
- Mismanagement of police vehicles.
- Bail granted to rape and murder suspects. Suspects are arrested, given bail and then return to terrorise and intimidate victims.
- Delays in finalisation of cases.
- The predominant use of English and Afrikaans languages in court is alienating.
- Victim empowerment centres are lacking resources.
- Overcrowding at prisons.

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<sup>204</sup> Portfolio Committee on Correctional Services, the Portfolio Committee on Justice and Constitutional Development, the Portfolio Committee on Safety and Security (2009). The National Assembly's Portfolio Committees on Correctional Services, Justice and Constitutional Development (now 'Justice and Correctional Services') and Safety and Security (now 'Police') and the National Council of Provinces' Select Committee on Security and Constitutional Affairs (now 'Security and Justice').

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

- The lack of sensitivity in dealing with the survivors of domestic violence by SAPS officers.
- Insufficient numbers of forensic laboratories which is causing delays in the finalisation of cases.
- Lack of resources for Community Policing Forums (CPF's) and poor relationships between SAPS and CPF's.
- Greater support was needed for victims of sexual crimes.

The Committees noted that the 'glaring message that emerged from the public hearings was that people are fed up with crime, have little faith in the police and courts and want the state to take much tougher action against criminals.'<sup>205</sup> The Committees were united in the view that the new Seven-Point Plan must be improved, aspects prioritised and expeditiously implemented. For the CJS Review to be fully effective it would also have to address the problems of police corruption and misconduct. The active participation of all stakeholders would be essential for the successful implementation the CJS Review.

**Challenges:** Unfortunately, shortly after the Report was tabled, the Third Parliament dissolved ahead of general elections. When the Fourth Parliament reconvened, no further joint action was taken by Parliament to follow up on recommendations made in the Report. This is possibly because of a lack of continuity and loss of institutional memory. To date, Parliament has not received a **consolidated** intersectoral briefing on progress with implementation of the Seven-Point Plan.

### Parliamentary oversight over individual departments' implementation of the Seven-Point Plan

To date oversight by individual Parliamentary Committees has included:

- On 11 February 2014, the Portfolio Committee on Correctional Services received a briefing by the Office of the Criminal Justice System Review and other stakeholders on an 'assessment of actions and progress on the implementation of the criminal justice system seven point plan, with a specific focus on aspects relevant to DCS'.
- On 13 May 2015, the Portfolio Committee on Police received a briefing by the SAPS on the CJS, IJS and IJS Transversal modernisation projects including the projects related to DNA. A follow-up meeting was held on 10 June 2015 with SITA, the Chairperson of the IJS Board, and the Department of Home Affairs with regard to HANIS.
- On 23 June 2015 the Portfolio Committee on Justice and Correctional Services received a briefing by the DCS ICT challenges, relationship with SITA, modernisation project and the integrated inmate management system.

<sup>205</sup>Portfolio Committee on Correctional Services, the Portfolio Committee on Justice and Constitutional Development, the Portfolio Committee on Safety and Security (2009).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

- Aspects of the Revamp and Plan, with a focus on areas related to the mandate of the specific Committee have been discussed by the various Committees. These have occurred largely in routine oversight meetings on the budgets, strategic and annual performance plans and annual reports of the various departments. In a few cases meetings on specific projects have been held.
- Detailed written responses have been requested from various departments including reports on CJS Revamp and IJS projects utilising ring fenced funds, e-docket (ICDMS), PCEM and TETRA projects by the Portfolio Committee on Police.
- Questions for oral and written response have also been submitted to the relevant Ministers.

### **Recommendations made in the Budget Review and Recommendation Reports (BRRR)**

#### **Portfolio Committee on Police:**

**2012:**<sup>206</sup> Poor spending, particularly of IJS earmarked funds is a problem as is the impact that this is having on delivery in the IJS environment.

- It is recommended that all earmarked funds for IJS and CJS projects are only provided for particular projects/initiatives when these are accompanied with clearly assigned measurable deliverables, delineated budgets and roll-out plans.
- The Committee recommends that a performance audit be done by the Auditor-General of South Africa (AGSA) on IJS and CJS projects across all CJS departments stretching a period of ten years.
- Movement of funds between IJS projects by the IJS Board should be limited.
- The Committee supports the recommendations contained in the National Development Plan (P. 3555)
- It is recommended that the Head of this Directorate should ensure that adequate funds are allocated to the Directorate to perform its duties in the upcoming financial years. It is further recommended that a portion of Criminal Justice System (CJS) revamp fund is made available to the DPCI to capacitate the growth and development of detectives, specifically in the cyber and commercial crime environment. (P. 3556)

**2013:**<sup>207</sup> The Committee registered its concern that many of the intended projects with the links to stations such as the e-docket system have not shown the required results despite huge financial investments in the project. The Committee recommends that the Department's management make available the necessary systems for ensuring the completion of the projects and the link to courts. The Committee is further of the opinion and recommends that the project manager for the IJS/CJS project provides a regular quarterly report on the progress of all projects. (P. 4645)

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<sup>206</sup> Portfolio Committee on Police (2012).

<sup>207</sup> Portfolio Committee on Police (2013).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

The following was the response by the Minister of Finance to the 2013 recommendations:

- The National Treasury supports this recommendation. Funding for the IJS modernisation and CJS revamp projects has been amalgamated and will be earmarked, with conditions, in the 2014 Appropriation Bill. The following conditions on the CJS revamp programme are included in the allocation letter to the SAPS for the 2014 MTEF period:
  - Submission of project plans to the National Treasury by 1 March 2014 outlining the name and status of each project, the funding allocated for the execution of each phase of the project, projected cash flows and timelines associated with each stage of the project, and the roles and responsibilities of the department and those of the service providers appointed.
  - Submission of quarterly progress reports to the National Treasury on the status of expenditure and project implementation within 30 days of the end of each quarter.
- Failure to comply with the above conditions may lead to the withholding of funds and an in-year reduction of the allocation for the CJS programme where spending is significantly lower than planned at the time of the adjusted budget, subject to Parliament's approval.<sup>208</sup>

**2014:**<sup>209</sup> The Committee recommended that the SAPS should clear up all bottlenecks and fast-track all outstanding IJS/CJS projects and report on its progress to the Committee by the end of the financial year in March 2015.

### **Portfolio Committee on Justice**

**2011:**<sup>210</sup> *Integration of IT systems:* The Committee is dismayed that, despite the recommendations of the Criminal Justice Review and the Seven-point plan, intended to address blockages in the system, the IT systems of the JCPS Cluster departments continue to operate in silos. The intention was that these systems be integrated to allow for seamless tracking of offenders as they progress through from arrest to conviction (and beyond). The Department conceded that this is a challenge, that sufficient progress has not been made, and that it intends to address the problem. The Committee requests that the Department provide it with a detailed action plan, together with targets and timeframes, by 20 November 2011.

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<sup>208</sup> Minister of Finance (2014).

<sup>209</sup> Portfolio Committee on Police (2014).

<sup>210</sup> Portfolio Committee on Justice and Constitutional Development (2011).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

**2012:**<sup>211</sup> *Integration of IT systems.* The Committee notes that the Department has taken steps since last year to address challenges relating to the rollout of the integrated justice system (IJS) but is unhappy regarding the slow pace of progress. The need for improved co-ordination and integration of the JCPS Cluster departments' ICT systems has long been identified as key to the effective implementation of the Criminal Justice System's Seven-Point Plan. A JCPS Cluster review late last year revealed that there were significant problems, including with the governance and leadership of the IJS Board, which have been addressed. The Committee notes that, for many years, large sums of money have been earmarked for this project. While the Committee is pleased that there appears now to be limited progress - project plans are in place with targets and timeframes - it is unclear whether spending of earmarked funds in previous years has realised any value.

The Committee, therefore, requests that the Auditor-General performs a performance audit on IJS and CJS projects across all JCPS Cluster departments for the past ten years. In addition, it requests that the Department continue to provide a written report on progress made relating to with the IJS, clearly indicating any revised targets and timeframes and the reasons for this, by 30 January 2013, and be prepared to address the Committee at the next quarterly meeting in February 2013.

**2013:**<sup>212</sup> *Integration of IT systems (IJS).* A JCPS Cluster review in 2011 revealed that there were significant challenges relating to implementation of the Integrated Justice System (IJS) project, including with the governance and leadership of the IJS Board. The need for improved co-ordination and integration of the JCPS Cluster departments' ICT systems has long been identified as key to the effective implementation of the Criminal Justice System's Seven-Point Plan. Key priorities for the programme address the establishment of a single person identifier across the criminal justice system; the establishment of an integrated criminal justice system performance information dashboard with 28 key performance indicators; integration of the departmental case related systems; development and rollout of the Person Identification Verification Application (PIVA); and establishment of a single data store for the JCPS Cluster for statistical purposes.

The Committee welcomes the steps that have been taken since then to address the identified challenges and that there has been progress towards delivery of the priorities. Still, given the length of time that the project has been running and the considerable amount of money that has been spent, the slow pace of progress is cause for dissatisfaction. The Committee notes that, for many years, large sums of money have been earmarked for this project. While the Committee is pleased that there appears now to be some progress - project plans are in place with targets and timeframes – the extent of value received in the past is unclear. The Auditor-General was asked to audit the IJS project and the Committee is informed that this is underway. In addition, it requests that the Department continue to provide a written report on progress made relating to the IJS, clearly indicating any revised targets and timeframes and the reasons for this, by 30 January 2014. In addition, the Department is requested to address the Committee quarterly on progress made.

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<sup>211</sup> Portfolio Committee on Justice and Constitutional Development (2012).

<sup>212</sup> Portfolio Committee on Justice and Constitutional Development (2013).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

**2014:**<sup>213</sup> Integration of IT systems (IJS) The need for improved co-ordination and integration of the JCPS Cluster departments' ICT systems has long been identified as key to the effective implementation of the Criminal Justice System's Seven-Point Plan and is a recommendation of the National Development Plan. As noted before, key priorities for the programme address the establishment of a single person identifier across the criminal justice system; the establishment of an integrated criminal justice system performance information dashboard with 28 key performance indicators; integration of the departmental case related systems; development and rollout of the Person Identification Verification Application (PIVA); and establishment of a single data store for the JCPS Cluster for statistical purposes.

The Committee notes the progress made: After the successful rollout of case integration between SAPS and the Department in 99 police stations and 20 courts, an additional 360 courts linked to 509 police stations. Data Quality challenges have delayed the deployment of the first nine (9) of 28 KPI dashboards scheduled for rollout in 2013/14. The SITA team that was to support SAPS in the rollout of the solution was severely undercapacitated and the rollout of the solution is now scheduled for 2014/15. The IJS Data Warehouse has been successfully developed and tested and will be used for the rollout of the first nine of the 28 KPIs in the KPI Dashboard. PIVA was tested at two pilot sites and second pilots were scheduled. These were successful and PIVA will be rolled out to SAPS sites in 2014/15. The system is ready for deployment to other departments. Also, the IJS Management Office was established in the Department to strengthen the project management capability.

The Committee is pleased that, at long last, there appears to be some progress, given the length of time that the project has been running and the considerable amount of money that has been spent. It notes the Department's request to brief it separately on the IJS/ CJS Revamp modernisation programme and will schedule a dedicated meeting as soon as its programme permits. Although the precise nature of the challenges that the Department presently experiences in its dealings with SITA are unclear, the Committee is concerned about the impact that these have on this and other IT-related projects. It, also intends to address this at the proposed meeting. In addition, it requests that the Department continue to provide a written report on progress made relating to the IJS, clearly indicating any revised targets and timeframes and the reasons for this, by 30 January 2015. In addition, the Department is requested to address the Committee quarterly on progress made.

**Challenges:** Reporting to Parliament on progress with implementation of the Seven-Point Plan, where it has occurred, has been largely on request by particular Committees with little or no conferral between Committees. With only one or two exceptions, few dedicated meetings on the implementation of the Seven-Point Plan have been held in committees. Continuous follow up of recommendations made by Committees is important.

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<sup>213</sup> Portfolio Committee on Justice and Correctional Services (2014).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

### 4.2. STATUS OF PROTOCOLS (INTERVENTION 3: DEVELOPMENT OF PROPOSALS TO IMPROVE THE PERFORMANCE OF COURTS)

Protocols (to streamline cross cutting functions and daily operational activities, and to bring clarity on responsibilities and remove blockages), functional guidelines and directives are being developed.<sup>214</sup> These include:

#### **(1) Revised Bail Protocol (63a Bail Protocol) – approved and signed**

The Bail Protocol was signed off at Ministerial level in 2009 and a revised draft was signed off in July 2012. It refers to the Protocol on procedure to be followed in applying Section 63A of the Criminal Procedure Act 51 of 1977. The section provides for a procedure in terms of which the Court may, on application by a head of prison where there are high levels of overcrowding and if not opposed by the Director of Public Prosecutions concerned, order the release of certain accused (those charged with Schedule 7 crimes) on warning in lieu of bail or order the amendment of the bail conditions imposed by the court on the accused.

The protocol notes its objectives are to promote, facilitate and regulate co-operation between stakeholders; and to strengthen the procedures to place an application of section 63A before court. The prison population in various correctional centres in South Africa remains at unacceptably high levels and the protocol seeks to reduce the number of Remand Detainees in custody in order to assist in alleviating the problem relating to the overcrowding in prisons.

The SAPS have issued Standing Orders detailing procedures that must be followed with regard to bail and also provide guidelines to staff. The NPA has issued national Policy Directives and in addition, several Divisions have provided detailed instructions to prosecutors within their jurisdiction.

A total of 2 468 63A Bail Protocol applications were submitted to court in February and March 2015 and 913 (40%) were successful (317 reduced bail; 389 placed on warning; 85 placed under correctional supervision and 121 cases were withdrawn).

#### **(2) Regional Court Screening Protocol – not approved**

This protocol was intended to deal with trial readiness of cases in the Regional Courts and proposed the establishment of various screening mechanisms. It was **not** approved and agreed to by the Heads of the relevant Departments, although several of the proposals within the draft protocol were implemented

<sup>214</sup> Department of Justice and Constitutional Development (2014b).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

which have resulted in improved screening of cases, with less cases being withdrawn or struck off the role due to investigations not being finalised. The number of new cases being enrolled in the regional courts has also declined.

One of the related initiatives from the review implemented by SAPS was the appointment of Detective Court Case Officers (DCCOs).

### ***(3) A Court Protocol for Legal Aid Cases – approved and signed***

This protocol was signed off in September 2010 and deals with improved regional court pre-trial co-ordination between the NPA and Legal Aid South Africa. It deals with aspects such as trial readiness enquiries, continuous rolls and co-ordination of leave, training and events. The protocol was implemented by Legal Aid SA and NPA.

### ***(4) A Mental Observation Protocol – not yet signed***

This was approved in conjunction with DOH, DCS, SAPS, DOJ&CD and the NPA in 2012 and was in the process of being signed by Cluster Director Generals.<sup>215</sup> The purpose of the protocol is to facilitate cooperation between these departments in relation to mental observation of accused persons to reduce these case cycle times and delays, and the unnecessary detention of person who require mental observation.

Preparation for implementation requires the development of training programmes, norms and standards, standing orders, directive and other instruments within six months of signature of the protocol.<sup>216</sup> Directives were issued for implementation after approval by the Minister of Justice and Constitutional Development.<sup>217</sup> However it is noted that these enquiries are under review and awaiting the outcome of a case heard by the Constitutional Court with regard to the constitutionality of certain provisions of the Criminal Procedure Act, 1977.<sup>218</sup>

### ***(5) A Protocol to be followed in utilising Department of Health Forensic Chemistry Laboratories in respect of the analyses of Blood for Alcohol or Drugs (CJS Blood Analysis Protocol) – approved and signed***

This Protocol on Service Requirements and Procedures to be followed in utilising DOH Forensic Chemistry Laboratories which involves the SAPS, the DOH, the NPA and the courts, seeks to ensure that samples are collected and transported correctly for analysis purposes and to ensure improved co-

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<sup>215</sup> Department of Justice and Constitutional Development (2014b).

<sup>216</sup> Department of Justice and Constitutional Development (2014a).

<sup>217</sup> Department of Justice and Constitutional Development (2014b).

<sup>218</sup> Department of Justice and Constitutional Development (2015).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

ordination between JCPS role-players.<sup>219</sup> This protocol relates particularly to person who are accused of driving under the influence of alcohol. The protocol was signed by all parties in July 2013 and an implementation date set at October 2013.

**(6) A Protocol to be followed in respect of Post Mortems and Toxicology Analysis. (JCPS NDOH Toxicology Protocol) A standardised Operations Manual for Forensic Chemistry Laboratories to address backlogs – not yet signed**

The Cluster Protocol in respect of Post Mortems and Toxicology has been developed and was submitted to all departments for further input. The comments were incorporated and it was submitted to the JCPS Development Committee for consideration and submission to the Cluster DG's for approval in July 2013. It was to be implemented in the 4<sup>th</sup> quarter of 2013/14 but an inhibitor is stated as the 'signing process'.<sup>220</sup>

The operations manual to improve the functioning of the NDoH Forensic Services and address backlogs in blood and toxicology analysis that impacts on the criminal justice system has been developed and is being consulted on within the National Department of Health.

**(7) Protocol on referral of terminally ill or severely incapacitated remand detainees to court (s49E) – approved and signed**

This protocol aims to ensure effective processes in the application of section 49E of the Correctional Services Act, 1998 which allows for a procedure for application for the release of a terminally ill or severely incapacitated remand detainee. It was signed off in July 2012 and implemented in 2012. The head of the remand detainee facility is responsible for keeping a register of all 49E applications.<sup>221</sup>

No applications were submitted for March 2015. One application was submitted for April 2015 by the Gauteng region but was not approved.<sup>222</sup>

**(8) Protocol on maximum incarceration of remand detainees – approved and signed**

This protocol aims to ensure effective process in the application of section 49G of the Correctional Services Act, 1998 and for legislated review of long awaiting remand detainee cases. It allows the head of the correctional centre to refer applications to court for remand detainees who have spent more than two years in detention and annually thereafter. It was signed off in July 2012 and implemented from July 2013. A first report was received from DCS for November 2013. LASA will monitor the impact.<sup>223</sup>

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<sup>219</sup> Department of Justice and Constitutional Development (2014b).

<sup>220</sup> Department of Justice and Constitutional Development (2014a).

<sup>221</sup> Department of Justice and Constitutional Development (2014a).

<sup>222</sup> Department of Justice and Constitutional Development (2015).

<sup>223</sup> Department of Justice and Constitutional Development (2014a).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

***(9) Protocol on procedures to be followed with regard to obtaining access to RDs for consultation purposes by LASA (Consultation Protocol) – signed***

This protocol was signed by Legal Aid South Africa and DCS in March 2014.<sup>224</sup>

***(10) JCPS Protocol in respect of fingerprint databases for comparative searches performed by the Division: Forensic Services, SAPS – not yet signed***

The protocol was signed by SAPS, DOJ&CD, DSD and the Department of Transport in July 2013 but is still awaiting signature by SSA (it was submitted to them in February 2014).<sup>225</sup> It will be implemented 90 days after signing. Other departments include DHA and DCS.

The aim of the protocol is to ensure co-operation and optimal utilisation of the fingerprint and photographic image databases. The measurement would be the number of positive identification and latent fingerprint hits.<sup>226</sup> In June 2015 it was reported that the JCPS Fingerprint and Photographic Images Database Protocol is it still being developed.<sup>227</sup>

***(11) JCPS Cluster Interdepartmental Memorandum of Understanding (MOU) in respect of taking buccal samples from certain categories of persons – developed and approved***

The MOU is to be signed by SAPS, IPID and the NDOH but has not been signed to date. SAPS Legal Services have ‘restarted’ the consultation process. The aim of the MOU is to provide a framework in terms of the cross departmental training processes. In June 2015 it was reported that the MOU has been developed and approved by the JCPS DG Cluster and this will include taking samples from persons detained by DCS.<sup>228</sup>

***(12) Audio Visual Remand (AVR) Protocol – not approved or signed***

The draft protocol has been developed and is being circulated for comment. Rollout was initially expected during 2014. A pilot has been implemented in the Western Cape.<sup>229</sup> Note that in June 2015 it was reported that rollout is now ‘envisaged during 2015’.<sup>230</sup>

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<sup>224</sup> Department of Justice and Constitutional Development (2015).

<sup>225</sup> Department of Justice and Constitutional Development (2014a).

<sup>226</sup> Department of Justice and Constitutional Development (2014a).

<sup>227</sup> Department of Justice and Constitutional Development (2015).

<sup>228</sup> Department of Justice and Constitutional Development (2015).

<sup>229</sup> Department of Justice and Constitutional Development (2014b).

<sup>230</sup> Department of Justice and Constitutional Development (2015).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

The purpose of the protocol is to facilitate cooperation between the courts, DCS and SAPS in terms of RDs and enhance the ability of the courts to manage serious criminal cases. In addition, the protocol will establish local AVR Steering Committees at each designated Video Remand Court (VRC) to monitor and enhance the use of AVR systems and thus reduce case cycle times and streamline postponements and bail applications.<sup>231</sup> The measurement would be the number of linked Correctional Centres and an increase in AVR hearings.<sup>232</sup>

***(13) Protocol on procedures to be followed when the DCS temporarily releases RDs to the SAPS for further investigation and early arrival in court –signed***

As at February 2014, the draft protocol has **not** been approved and is being amended to include the role of LASA.<sup>233</sup> The purpose of the protocol is to set out the procedures that will be followed by DCS and SAPS when RDs are released temporarily for further investigation (section 49F of the Correctional Services Act, 1998) and to provide for the adoption of procedures to ensure that RDs do not arrive late for court. (Note that this protocol may have been subsequently approved and signed as it is reported in June 2015 that the protocol is having positive effects. A total of 26 remand detainees were released to SAPS for further investigations in March 2015 and returned timeously).<sup>234</sup>

***(14) Intergovernmental protocol for management and involuntary mental health care users and state patients – Not approved or signed***

The process is in the stage of deliberation with stakeholders that include NDOH, DOJ&CD, DCS, NPA and SAPS. The protocol should be developed during 2014.<sup>235</sup> As at June 2015 it is reported that an agreement was subsequently reached that this category should not be detained and that an administrative process for referral from court to designated health establishments has commenced.<sup>236</sup>

***(15) Protocol on procedures to be followed with regard to the release of appellants serving terms of imprisonment whose convictions are set aside on appeal - not approved or signed***

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<sup>231</sup> Department of Justice and Constitutional Development (2014b).

<sup>232</sup> Department of Justice and Constitutional Development (2014a).

<sup>233</sup> Department of Justice and Constitutional Development (2014a).

<sup>234</sup> Department of Justice and Constitutional Development (2015).

<sup>235</sup> Department of Justice and Constitutional Development (2014a).

<sup>236</sup> Department of Justice and Constitutional Development (2015).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

Consultations have been initiated with DOJ&CD, DCS and LASA and draft protocol should be developed in 2014.<sup>237</sup> It was reported in June 2015 that a draft protocol has been finalised and is ready for signature of the relevant heads of department.<sup>238</sup>

### ***(16) Case Flow Management Protocol – not approved or signed***

A draft developed in the 3<sup>rd</sup> Quarter of 2013/14 is in the consultation process.<sup>239</sup> The expected outcomes of the protocol are to:

- Use other methods to ensure court attendance (aside from early arrest and transfer in custody)
- Increase the use of alternative methods to secure court attendance such as notices and summonses
- Improve the infrastructure and staff needed to support the increased utilisation of alternative methods.<sup>240</sup>

Case Flow Management Guidelines have been put in place to improve co-ordination between JCPS role-players at courts. In addition, the Chief Justice has established a co-ordinating committee dealing with case flow management and in particular backlogs and delays of cases to assist in ensuring greater interaction between the CJS role players and the Judiciary.

The Guidelines are in place nationally and have been distributed to all courts. The Chief Magistrates Forum and the Regional Court Presidents Forum as well as the DPPs will monitor and provide mentoring in active case management principles to their respective constituencies.

A National CFM Forum is in place led by Ms S Monaledi (NW Regional Court President). This Forum will help with monitoring CFM initiatives, including these Guidelines. The Office of the Chief Justice will in future also provide guidance on CFM.

### ***(17) Protocol on Foreign National Remand Detainees and persons detained for deportation – not approved or signed***

The DCS executive is to discuss the way forward as to whether a Protocol or MOU is needed or whether it should just be monitored. Discussions with SAPS and DHA are required.<sup>241</sup>

### ***(18) Protocol on tagging of Remand Detainees- not approved or signed***

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<sup>237</sup> Department of Justice and Constitutional Development (2014a).

<sup>238</sup> Department of Justice and Constitutional Development (2015).

<sup>239</sup> Department of Justice and Constitutional Development (2014a).

<sup>240</sup> Department of Justice and Constitutional Development (2014a).

<sup>241</sup> Department of Justice and Constitutional Development (2014a).

## PARLIAMENTARY OVERSIGHT AND THE STATUS OF PROTOCOLS

A draft protocol has been developed and consulted with the relevant stakeholders. The Judiciary has requested an extension for submission of further inputs.<sup>242</sup>

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<sup>242</sup> Department of Justice and Constitutional Development (2015).

## KEY IJS AND CJS PROJECTS

In contrast to the information provided for the SAPS, very little project based and detailed information has been provided to date for the numerous IJS and CJS projects for the other departments. The little information that is known for the other departments (other than SAPS) includes the following:

### DCS

- Integrated Inmate Management System (IIMS) (provides a single view of the offender through admission, detention and release) - development and rollout across all correctional centres and community correction offices.<sup>243</sup>
- Video conferencing and internet telephonic system at head and regional offices.
- Surveillance and access control systems (security Virtual Private Network) for correctional centres.
- Automated staff management Rostering and Scheduling system.
- Revised IT architecture platform.<sup>244</sup>
- Electronic Monitoring.
- Audio Visual Remand System.
- Audio Visual System in Parole Boards.<sup>245</sup>

### DOJ&CD

- Integrated Case Management System -various streams.
- Person Identification System – various streams.
- Audio Visual Remand System.

### NPA

- Electronic Case Management System (ECMS) (linked to SAPS CAS and DOJ&CD ICMS).

### Legal Aid SA

- SAPS and LASA link for requests for legal aid.
- Webpage tracking of remand detainee cases longer than 2 years.

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<sup>243</sup>This replaces the RDOMS system which was cancelled in March 2015 after expenditure of R14 million before litigation. Settlement amount of R27 million (of which R10 million not paid out due to undeliverable services) (meeting of PC on Justice and Correctional Services on 23 June 2015).

<sup>244</sup> DCS (July 2015)

<sup>245</sup> DCS (July 2015)

**CURRENT SAPS IJS AND CJS PROJECTS<sup>246</sup>**

<b>IJS PROJECTS (15 in total)</b>				
<b>Project</b>	<b>Allocation 1 April 2014</b>	<b>Final allocation 2014/15</b>	<b>Expenditure as at 31 March 2015</b>	<b>% Expenditure as 31 March 2015</b>
Property Control and Exhibit Management (PCEM)	R59 695 629	R30 867 659	R47 890 243	155.15%
DNA Database Development and Labware Configuration	R11 022 106	R2 568 870	R2 730 279	106.28%
Detention Management SAPS	R1 352 000	R0	R0	0%
Identity and Access Management (IDAM)	R21 559 629	R2 620 621	R2 721 508	103.85%
National Photo Image System (NPIS)	R2 143 121	R7 092 890	R7 027 465	99.08%
Live Scan System	R556 920	R0	R0	0%
Facial Recognition System (FRECS)	R1 299 628	R0	R0	0%
SAPS Integrated Booking (Person)	R4 780 000	R0	R0	0%
Action Request for Services (ARS)	R11 247 307	R11 653 365	R15 804 400	135.62%
Investigation Case Docket Management System (ICDMS) – Administer Case	R76 580 050	R85 665 846	R86 200 293	100.62%
Investigation Case Docket Management System (ICDMS) – Investigate Case	R3 592 288	R0	R0	0%
Service Integration BUS (SIBUS)	R46 612 862	R32 283 982	R32 173 477	99.66%
SAPS Service Orientated Architecture (SOA) Advancement	R21 593 188	R946 113	R1 181 765	124.91%
Field Terminal Devices (FTD) Front and Back End Development	R1 060 000	R338 225	R338 225	100%

<sup>246</sup> Van-Zyl Gous (2015). Information summarised from written documentation provided by the South African Police Service.

<b>IJS PROJECTS (15 in total)</b>				
<b>Project</b>	<b>Allocation 1 April 2014</b>	<b>Final allocation 2014/15</b>	<b>Expenditure as at 31 March 2015</b>	<b>% Expenditure as 31 March 2015</b>
SAPS IJS Programme management (Capacity Building)	R3 807 130	R6 643 378	R6 713 811	101.6%
SAPS IJS Programme Departmental Infrastructure (NNUP)	R0	R72 363 843	R51 760 679	71.53%

**CJS PROJECTS (58 in total)**

<b>Criminal Record Centre (CRC) 18 projects</b>				
<b>Capacitation and modernisation Component</b>	<b>Allocation 1 April 2014</b>	<b>Final allocation 2014/15</b>	<b>Expenditure as at 31 March 2015</b>	<b>% Expenditure as 31 March 2015</b>
Criminal Record Centre	R311 954 350	R202 067 813	R196 517 065	97.3%

The following projects (with values greater than R1 million) achieved varied expenditure at the end of the financial year.

<b>Project</b>	<b>Allocation 1 April 2014</b>	<b>Final allocation 2014/15</b>	<b>Expenditure as at 31 March 2015</b>	<b>% Expenditure as 31 March 2015</b>
Automated fingerprint identification replacement	R30 000 000	R0	R0	0%
Automated fingerprint identification maintenance	R20 000 000	R15 000 000	R17 715 910	118%
Decentralisation of the Automated fingerprint identification capabilities	R840 010	R840 010	R840 010	100%
Provide end-user equipment for the newly appointed Criminal Record Centre members	R11 670 290	R11 670 290	R4 806 211	41%

## APPENDIX

Project	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Facial compilation	R1 800 000	R0	R0	0%
Biometric enhancement solution (maintenance)	R120 507 762	R158 025 454	R158 422 879	100.25%
Additional devices for panoramic image capturing cameras	R44 233 709	R0	R0	0%
HANIS (Home Affairs) Integration	R62 500 000	R0	R0	0%
Decentralisation of JUDDIS	R7 200 000	R1 909 763	R1 909 761	99%

### Forensic Science Laboratories (FSL) 23 projects

Capacitation and modernisation Component	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Forensic Science Laboratories	R396 296 429	R451 476 925	R518 746 925	115%

The following projects are currently ongoing within the Forensic Science Laboratory environment (expenditure valued at more than R1 million):

Project	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Provide ballistic interface Unit (BIU) capabilities	R3 589 472	R3 589 472	R1 495 610	41.66%
Automated ballistic identification system (ABIS) upgrade and maintenance	R60 000 000	R92 118 321	R81 047 254	87.9%
Automated ballistic identification system (ABIS current solution maintenance)	R1 288 525	R1 583 041	R1 583 041	100%

## APPENDIX

Project	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Closed Circuit Television (CCTV) and access control	R124 666 228	R121 657 892	R121 657 982	100%
End user equipment for forensic science laboratories	R7 372 540	R7 462 965	R5 782 618	77.48%
Barcode for all police stations – Implementation of the DNA Act	R4 500 000	R31 711 647	R34 667 197	109.3%
Semi-automated DNA processing systems Eastern Cape	R20 000 000	R20 000 000	R0	0%
Automatic DNA equipment for PCR QPR – RI LANE	R29 553 955	R29 553 955	R19 586 534	66.27%
Expert systems and expert assistance system	R3 313 455	R3 313 455	R2 397 989	72.3%
Radio Frequency Identification (RFID)	R124 803 622	R124 413 527	R185 358 571	148%
SAN Storage (Eastern Cape and KZN)	R10 000 000	R10 000 000	R0	0%
Balance Solutions (SAU Pretoria)	R1 500 000	R0	R0	0%
Mixture Analysis Tool	R2 500 000	R0	R0	0%
Mobile cyanoacrylate Fuming System*	R0	R51 160 080	R51 160 080	100%
Tyre-tread mark ID system*	R0	R11 981 584	R11 981 584	100%

\* Projects not included in the 1<sup>st</sup> to 3<sup>rd</sup> Quarter Reports

<b>Provincial, Cluster and Police Stations (2 projects)</b>				
<b>Capacitation and modernisation Component</b>	<b>Allocation 1 April 2014</b>	<b>Final allocation 2014/15</b>	<b>Expenditure as at 31 March 2015</b>	<b>% Expenditure as 31 March 2015</b>
Provincial, Cluster and Police Stations	R14 695 339	R76 319 627	R75 074 079	98.4%

## APPENDIX

Project	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
End-user equipment procurement*	R1 137 617	R69 707 763	R49 410 060	70.8%
End-user equipment and software license renewal**	-	-	-	
End-user equipment deployment and configuration	R13 557 722	R6 611 864	R346 336	5.23%

\* Project not included in 1<sup>st</sup> to 3<sup>rd</sup> Quarter Reports

\*\* Project included in 1<sup>st</sup> to 3<sup>rd</sup> Quarter Reports, but removed from 4<sup>th</sup> Quarter Report

Detective Services (8 projects)				
Capacitation and modernisation Component	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Detective Services	R25 479 951	R19 454 910	R23 014 922	118.2%

The majority of projects within the Detectives Services are small and only two project were allocated more than R1 million for the 2014/15 FY. The following projects are currently ongoing within the Detective Services environment:

Project	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Expansion of digital extraction devices	R1 870 629	R1 870 629	R1 870 629	100.0%
12 Analytical solutions	R22 094 322	R17 000 000	R20 698 193	121.7%

Visible Policing (3 projects)				
Capacitation and modernisation Component	Allocation 1 April 2014	Final allocation 2014/15	Expenditure as at 31 March 2015	% Expenditure as 31 March 2015
Visible Policing	R64 144 725	R63 724 725	R145 287	0.2%

Almost the entire allocation (R63.5 million) was allocated towards the *Mobile connectivity devices (Field terminal devices) – expansion* project, of which zero funds was spent, yet 63.4 per cent of the weighted project milestones was delivered to date. The Council for Scientific and Industrial Research (CSIR) was appointed on 9 March 2015 after the

approval of a quotation. In terms of achievements, the SAPS reported that the bid was published, the requirements were received from all Divisions and Provinces, the testing of devices internally and testing report was complete and the CSIR was appointed to conduct the testing.

<b>Protection and Security Services (2 projects)</b>				
<b>Capacitation and modernisation Component</b>	<b>Allocation 1 April 2014</b>	<b>Final allocation 2014/15</b>	<b>Expenditure as at 31 March 2015</b>	<b>% Expenditure as 31 March 2015</b>
Protection and Security Services	R973 209	R500 000	R198 937	39.8%

The following project is currently ongoing within the Criminal Record Centre environment:

- 1) The SAPS spent R141 166.00 of its zero rand allocation for the *Maintenance of CCTV capabilities: Mobile command centres* project at the end of the FY. The project had an allocation of R973 209.00 at the start of the FY, which was taken away during the financial year.
- 2) The SAPS spent R57 771.00 of its R500 000.00 allocation for the *Video Wall Nerve Centre Maintenance* project (WAR Room) at the end of 2014/15, which is 11.6 per cent.

The Video Wall Nerve Centre Maintenance project was added in the third quarter and was allocated R500 000.

### REFERENCES

Appropriation Bill (B1-2013)

Civilian Secretariat of Police. (2013a) *Presentation to the Portfolio Committee on Police: SAPS Detective Services*, 21 May.

Civilian Secretariat of Police. (2013b) 13 August.

Civilian Secretariat of Police. (2014a) *Written response to questions from the Portfolio Committee on Police*, August.

Civilian Secretariat for Police. (2014b) *Response to 2014/15 budget hearings*.

Department of Correctional Services. (2012) *Annual Report 2011/12*.

Department of Correctional Services. (2013) *Annual Report 2012/13*.

Department of Correctional Services. (2014) *Annual Report 2013/14*.

Department of Correctional Services. (2015) *ICT Environment: GITO: Presentation to the Portfolio Committee by the Department of Correctional Services on its ICT environment*, 23 June.

Department of Health. (2014) *Annual Report 2013/14*.

Department of Justice and Constitutional Development. (2008) *Presentation to the Portfolio Committees on Justice and Constitutional Development and Safety and Security: Review of the South African Criminal Justice System*, 5 August.

Department of Justice and Constitutional Development. (2013a) *Report on the Ministerial Advisory Task Team on the Adjudication of Sexual Offence Matters*, August 2013.  
<http://www.justice.gov.za/reportfiles/other/2013-sxo-courts-report-aug2013.pdf>

Department of Justice and Constitutional Development. (2013b) *Overview of Reduction of Regional and District Court Case Backlogs Progress as at the end of October 2013*, 11 December.

Department of Justice and Constitutional Development. (2014a) *Criminal Justice System Review Protocols Summary*, February 2014.

Department of Justice and Constitutional Development. (2014b) *Briefing to the Portfolio Committee on Correctional Services: Assessment of actions and progress on the implementation of the Criminal Justice system Seven Point Plan with specific focus on aspects relevant to DCS*, 11 February.

## REFERENCES

Department of Justice and Constitutional Development. (2014c) *Terms of Reference for the Establishment of a New, Modernised, Efficient, Effective and Transformed Criminal Justice System for South Africa*, 3 March.

Department of Justice and Constitutional Development. (2015) *Portfolio Committee on Justice and Correctional Services, National Assembly, Cape Town: The implementation of the Criminal Justice System (CJS) Review through the Seven Point Plan*, 3 June.

Leseba, G. (2014) *Integrated Justice System (IJS) Presentation to Parliament oversight Visit: Estcourt Magistrate Court: Theme: Deterrence of Crime in South Africa through CJS modernisation (IJS Board Chairperson, 22 October.*

Leseba, G. (2015) *Integrated Justice System (IJS) Presentation – Portfolio Committee on Police, Theme: Deterrence of Crime in South Africa through CJS modernisation (IJS Board Chairperson, 10 June.*

Minister of Correctional Services. (?a) *Response to Question 163 (NQ2836E).*

Minister of Correctional Services. (?b) *Response to Question 237 (NW251E).*

Minister of Correctional Services. (?c) *Response to Question 383 (PQ383-CW514E).*

Minister of Finance. (2014) *Responses of National Treasury to the Portfolio Committees. Minister of Health. (2013) Response to Question 3183.*

Minister of Justice and Correctional Services. (2015a) *Response to Question 780 (PQ780-CW5E).*

Minister of Justice and Correctional Services. (2015b) *Response to Question 796 (NW946E).*

Minister of Justice and Correctional Services. (2014a) *Response to Question 24 (NW25E).*

Minister of Justice and Correctional Services. (2014b) *Response to Question 31 (PQ31-NW36E).*

Minister of Justice and Correctional Services. (2014c) *Response to Question 32 (PQ32-NW33E).*

Minister of Justice and Correctional Services (2014d) *Response to Question 329 (NO2675E).*

Minister of Police. (2015) *Response to Question 2392 (36/1/4/201500183).*

National Planning Commission. (2012) *National Development Plan 2030*. Pretoria, National Planning Commission.

## REFERENCES

- National Prosecuting Authority. (2008) *Annual Report 2007/08*.
- National Prosecuting Authority. (2014a) *Progress Overview: Backlog courts December 2013/14*, January.
- National Prosecuting Authority (2014b) *Annual Report 2013/14*.
- National Treasury. (2011) Performance Review of the Criminal Justice System.
- National Treasury, (2014) *2014 Estimates of National Expenditure*.
- The Presidency (2010) Refined Delivery Agreement for Outcome 3, 24 October.
- Portfolio Committee on Correctional Services, the Portfolio Committee on Justice and Constitutional Development, the Portfolio Committee on Safety and Security. (2009) *Joint Report on joint public hearings on the 'Review of the Criminal Justice System'* dated 19 February 2009.
- Portfolio Committee on Justice and Constitutional Development. (2012) *Budgetary Review and Recommendation Report* dated 31 October 2012.
- Portfolio Committee on Justice and Constitutional Development. (2013) *Budgetary Review and Recommendation Report* dated 5 November 2013.
- Portfolio Committee on Justice and Correctional Services. (2014) *Budgetary Review and Recommendation Report* dated 30 October 2014.
- Portfolio Committee on Police. (2012) *Budgetary Review and Recommendation Report* dated 24 October 2012.
- Portfolio Committee on Police. (2013) *Budgetary Review and Recommendation Report* dated 28 October 2013.
- Portfolio Committee on Police. (2014) *Budgetary Review and Recommendation Report* dated 31 October 2014.
- Presidency. (2014) *Towards a Twenty Year Review*.
- Presidency. (2003) *Towards a Ten Year Review*.
- Parliamentary Monitoring Group. (2015a) Correctional Supervision and Parole: Department of Correctional Services on its parole and offender reintegration system. Minutes of a meeting of the Portfolio Committee on Justice and Correctional Services meeting, 2 June.

## REFERENCES

Parliamentary Monitoring Group. (2015b) *Department of Correctional Services on its ICT challenges, relationship with SITA, modernisation project and inmate management systems*. Minutes of a meeting of the Portfolio Committee on Justice and Correctional Services meeting, 23 June.

Redpath, J (2014) *Unsustainable and unjust: Criminal justice policy and remand detention since 1994*. In: SA Crime Quarterly, No. 48 (June).

Republic of South Africa. (2014) *Medium-Term Strategic Framework (MTSF) 2014-2019*. Pretoria: Government Printers.

[SAnews@gcis.gov.za](mailto:SAnews@gcis.gov.za) (2015) Child protection register inquiries encouraging 3 June.

South African Institute for Race Relations. (2013) *South African Survey 2013*.

South African Institute for Race Relations. (2014) *South African Survey 2014*.

South African Police Service. (2011) *Written Replies to questions from the PC on Police, 7 November*.

South African Police Services. (2012) *Presentation to the Portfolio Committee on Police: Annual Report of the South African Police Service: 2011/12, 16 -19 October*.

South African Police Services. (2013a) *Annual Performance Plan 2013/14*.

South African Police Services. (2013b) *Presentation to Portfolio Committee on Police: SAPS Detective Services, 21 May*.

South African Police Services. (2013c) *Annual Report 2012/13*.

South African Police Services. (2014a) *Annual Performance Plan 2014/15*.

South African Police Services. (2014b) *Presentation to the Portfolio Committee on Police on the 2014/15 SAPS Budget, 3 July*.

South African Police Services. (2014c) *Annual Report 2013/14*.

South African Police Services. (2015) *Annual Performance Plan 2015/16*. Sunday Times (2015), 22 February.

Super, G. (2014) *Twenty years of punishment (and democracy) in South Africa: the pitfalls of governing crime through the community*. In SA Crime Quarterly No. 48 (June)

Van-Zyl Gous, N. (2015) Integrated Stakeholder meeting on the implementation of SAPS information Technology projects within the Criminal Justice system (CJS) and Integrated

## REFERENCES

Justice system (IJS) review for 2014/15. Cape Town, Research Unit of the Parliament of South Africa.

Whittle, P and Nesbitt, G. (2014) *Remand Detention: Assessing the Implementation of the Section 63A Bail Protocol at Johannesburg, Pollsmoor and Mthatha Correctional Centres*. Cape Town. Research Unit of the Parliament of South Africa.



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