

3. Overview of the Service Delivery Environment

The NPA continued to operate in a complex environment with a very diverse society with large disparities in income and access to justice. The work of the NPA is constantly under scrutiny by members of society from all walks of life and it is important that its mission and vision of ensuring a safe South Africa is pursued transparently and without any fear, favour or prejudice. Media attention on the work of the NPA is welcome. However, incorrect reporting of facts can damage the image of the organisation and erode public confidence in the entire CJS. A communication strategy that focuses on public education awareness of the work the NPA does is essential.

Dealing with crime efficiently and effectively remains a major concern to our communities and is indeed one of government's priorities. The NPA continued to recognise the importance of stakeholder relations and engagement in strengthening the fight against crime at all levels. The organisation cannot function without its partners in government, the private sector and the global community.

High levels of crime continue to be a national challenge. Trio crimes and violent crime impact on the quality of life of ordinary citizens while organised crime remains difficult to combat. A prosecution strategy that seeks to strengthen national and regional capacity of the NPA to deal with these and other government crime priorities has been developed.

A need exists for optimal utilisation of resources and skills development to ensure excellent service delivery to all our people. The general skills shortage in the country is also felt by the justice system and particularly so, by the NPA. Filling the vacancies in the organisation became a major challenge and a focused recruitment drive has been put in place to alleviate the problem.

No material variances are reflected in Programme 4: National Prosecuting Authority after virement. However, the following should be noted:

The original budget in respect of Compensation of Employees was reduced with an amount of R111.6 million during the virement process. This saving was as a result of the non-implementation of phase ii of the Occupation Specific Dispensation for the Legally Qualified Personnel (OSD) within the NPA. The funded vacancies within the NPA also contributed to this saving.



4. Overview of the Organisational Environment

The NPA continued to operate under an acting NDPP during the first and second quarters. This impacted on other positions in the NPA resulting in a number of acting positions in critical high level positions in the NPA. The appointment of the NDPP in the third quarter of the reporting period brought stability to the NPA and all acting appointments within the first two tiers of leadership were eradicated. Three Directors of Public Prosecutions (DPPs) are in acting positions and two positions are vacant. An acting Special Director of Public Prosecution heads the Office for Witness Protection (OWP) in the place of the suspended head.

Sub-programme 3 (DSO) has been removed from the sub-programme structure and the budget allocation redistributed accordingly. Support services (sub-programme 4) will report directly to the Director-General (DG) and the impact on the budget and amendments to the Estimates of National Expenditure (ENE) will be requested in the adjusted ENE process once all the logistics associated with this move have been addressed. The filling of vacant executive management posts has been put on hold pending the finalisation of this process.

The strengthening of the capacity of the Office of the NDPP will ensure improved performance monitoring and evaluation of the regions. Similarly, the re-alignment of the structure of Offices of the DPPs to provide a co-ordinated prosecution service is conducive to improved service delivery.

Delays in the implementation of the OSD have, to a certain extent, dampened the spirit of prosecutors. This affects production and the NPA has to move with speed and ensure full implementation of the dispensation.

In addition to the above, physical infrastructure constraints, particularly at the Lower Courts, in terms of factors such as accommodation, working conditions and other resources, continue to pose challenges. These factors impact on the ability of the system and its people to work productively and deal with cases efficiently and effectively. Proper funding of the institution to cater for capacity increase and accommodation of prosecutors and other essential services is a requirement to intensify the fight against crime.



5. Strategic overview and key policy developments for the 2009/10 financial year

Policy developments and legislative changes

South African Police Service Amendment Act, 2008 and National Prosecuting Authority Amendment Act

The NPA Act was amended to abolish the DSO. Provision is now made in terms of an amendment of the South African Police Service Act, 1995 (Act No. 68 of 1995), for the establishment of the DPCI as a division of the SAPS. The provisions of these Acts were implemented with effect from 6 July 2009. The SAPS Amendment Act provides for the transfer of finance, assets and relevant people within the NPA to the DPCI. The budget that follows the function shift was transferred to the SAPS during the Adjustment ENE and the investigators seconded to the Special Investigation Unit (SIU) are NPA officials hence there will be no budget adjustment.

In terms of the legislation the head of the DPCI may request the NDPP to designate a DPP to conduct an investigation in terms of section 28 of the NPA Act. The NDPP must ensure that a dedicated component of prosecutors is available to assist and co-operate with members of the DPCI in conducting its investigations.

A dedicated prosecutorial component has been established in each regional office to support the DPCI to effectively prosecute matters resulting from investigations. A national coordinating function has also been put in place in the Office of the NDPP.

Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)

The Act comprehensively and extensively amended all aspects and implementation of the laws relating to sexual offences, and deals with all legal aspects of, or relating to, sexual offences in a single statute.

Child Justice Act, 2008 (Act 75 of 2008)

This Act impacts on the way child offenders are handled by placing emphasis on diversion and reducing the period of incarceration awaiting trial. The NPA will need to develop minimum standards to ensure parity across the board. The Policy Directives were reviewed to include directives pertaining to inter alia plea bargaining and the Child Justice Act. Training of prosecutors has also been undertaken. Details are contained in the report of the Sexual Offences and Community Affairs (SOCA) Unit discussed below.



6. Information on the Organisation

Institutions reporting to the NPA

There are no institutions reporting to the NPA.

Bills submitted to the legislature during the last quarter

There are no Bills submitted to the legislature. The NPA commented on the draft Criminal Procedure Act Amendment Bill. This Bill proposes an amendment to section 49 of the Criminal Procedure Act, 1977, relating to the use of deadly force. The NPA's comment was submitted to the DoJ&CD. The NPA also submitted comments on the Judicial Matters Amendment Bill, 2010, and the Magistrates' Courts Amendment Bill, 2010. The object of the Magistrates' Courts Amendment Bill is to amend various provisions of the Magistrates Act, 1944 (Act 32 of 1944).

Ministerial visits abroad

The NDPP undertook no overseas visits during the past year.

NPA Vision and Mission

The NPA's vision is: Justice in our society so that people can live in freedom and security.

The vision is supported by the NPA mission: Guided by the Constitution, we in the National Prosecuting Authority ensure justice for the victims of crime by prosecuting without fear, favour or prejudice and by working with our partners and the public to solve and prevent crime.

7. Legislative Mandate

The NPA's legislative mandate is based on Section 179 of the Constitution and is also set out in the NPA Act. The NPA is mandated to institute criminal proceedings on behalf of the state, and to carry out any necessary functions incidental to instituting criminal proceedings. The NPA is programme four within the Justice and Constitutional Development vote.

Functions and Objectives of the NPA

The functions of the NPA include the following:

- Institute and conduct criminal proceedings and to carry out functions incidental thereto;
- Supervise, direct and coordinate specific investigations;
- Carry out any other functions or duties in terms of the law or the NPA Act.

Accountability Arrangements

The Director-General of the DoJ&CD is the accounting officer of the NPA and the CEO of the NPA has been delegated certain authority by the accounting officer.

