

OFFICE OF THE NATIONAL DIRECTOR  
2015 -02- 24  
NATIONAL PROSECUTING AUTHORITY

# Office of the National Director of Public Prosecutions



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**TO :** T M MASUTHA, MP (ADV)  
MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES

**FROM :** MR M.S.O. NXASANA  
NATIONAL DIRECTOR OF PUBLIC  
PROSECUTIONS

**RE :** SUBMISSION OF QUARTER 3 PERFORMANCE  
INFORMATION REPORT FOR THE NPA

**DATE :** 23 FEBRUARY 2015

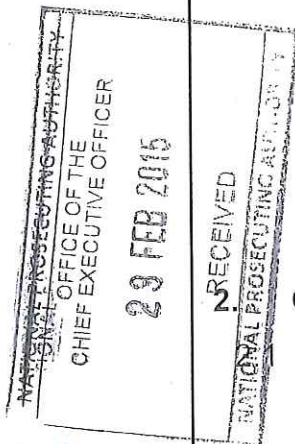
**SUBJECT: PRESENTATION OF THE QUARTER 3 (2014/15)  
PERFORMANCE INFORMATION REPORT FOR THE NPA**

## 1. PURPOSE

1.1 The purpose of the memorandum is to provide the Honourable Minister with an overview of the NPA performance for the third quarter of the 2014/15 financial year. The NPA reviewed its performance against the indicators and targets as set out in its 2014/15 Amended Annual Performance Plan (APP).

## OVERVIEW OF PERFORMANCE DELIVERY ENVIRONMENT

The NPA reported on a total of 30 targets of which 21 (70%) were achieved and 9 (30%) were not achieved.



- 2.2 All courts excelled by finalising 5 506 more criminal court cases including ADRM, exceeding the quarterly target of 113 635 with 4.8%. Compared to last year 1 664 fewer cases were finalised, which can be ascribed to a decline in court utilisation.
- 2.3 The courts finalised 2 772 fewer criminal court cases with a verdict, 2.9% below the quarterly target of 77 826. A reduction in the inflow of new cases impacted negatively on performance. However, corrective action was implemented to address the non-achievement of this quarterly target.
- 2.4 High conviction rates were maintained by all courts and the set targets were significantly exceeded. Conviction rates in the high courts and district courts also improved compared to that achieved in the same period of last year. The only exception was the regional courts that obtained a lower conviction rate (-0.5%) compared to last year. The conviction rates in the high courts and district courts also improved from the performance in the second quarter.
- 2.5 In accordance with the Presidential directives to enhance the focus on sexual offences matters through the establishment of dedicated courts, the courts managed during Q3 to improve the conviction rate on sexual offence cases albeit with current stretched resources.
- 2.6 The courts achieved a conviction rate of 83% in trio crimes in Q3, 2% below the quarterly target of 85%. Despite the target not being met, it appears that the corrective action implemented is positively impacting on performance as performance improved by 4.2% from Q2.
- 2.7 Performance continued to improve with the courts achieving a 94.3% conviction rate in complex commercial crime,

exceeding the quarterly target of 93%. The SCCU's methodology of Prosecutor Guided Investigations (PGI) contributed to the successful prosecutions and increased performance from Q2. Performance also improved by 1.6% compared to last year.

- 2.8 The NPA exceeded the quarterly target of the number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m by 40%, with 7 persons convicted against a quarterly target of 5. The good performance was ensured by the prioritisation of these matters by Regional Heads and a deputy director of public prosecution at the SCCU Head Office that is dedicated in dealing with these cases, together with the Anti-Corruption Task Team.
- 2.9 30 government officials, against a quarterly target of 45 persons, were convicted of corruption or offences related to corruption. Although the quarterly target was not achieved, 13 more government officials were convicted for corruption or offences related to corruption, compared to last year.
- 2.10 The NPA achieved a conviction rate of 94.4% in cybercrime prosecutions, significantly exceeding the quarterly target of 74% by 20.4%.
- 2.11 The Asset Forfeiture Unit (AFU) continued with its strategy of working closely with the DPPs on smaller s18 orders. This assisted with the improvement of performance from Q2, exceeding the quarterly target of 86 by 30 forfeiture cases. Performance also improved by 32 forfeiture cases compared to last year.
- 2.12 Notwithstanding the decline in performance in Q2, performance started to significantly improve in Q3 in the value

of completed forfeiture cases. Completed forfeiture cases to the value of R104.8m were obtained, significantly exceeding the quarterly target of R48m by 118.3%. This performance is also a significant improvement (66.4%) compared to last year. A focus on high value cases, improved investigation of big ACTT cases and an increased use of non-conviction based forfeiture to speed up cases, contributed to the improved performance.

- 2.13 During Q3 assets to the value of R7.3m relating to corruption where the amount benefited per case is more than R5m was obtained, 96.4% below the quarterly target of R200m. Despite not achieving the Q3 target, the AFU has already significantly exceeded the annual target.
- 2.14 Payments to the value of R83.7m were obtained for the victims of crime in terms of court orders obtained in terms of POCA, exceeding the quarterly target of R17m by 393%. This exceptional performance is an improvement of the performance in Q2 and can be ascribed to the improved investigations of high value cases at ACTT and increased use of chapter 6.
- 2.15 Performance also improved from Q2 in terms of the success rate of the AFU. A success rate of 96.3% was obtained, exceeding the quarterly target of 93% by 3.3%. Performance, however, declined slightly by 1.8% compared to last year.
- 2.16 The conviction rate in the prosecution of sexual offences reported at TCCs was 68.8%, exceeding the quarterly target of 65% by 3.8%. Performance also improved compared to last year during which the conviction rate was 66.3%.

2.17 No incidents were recorded of witnesses being harmed, threatened or killed whilst on the witness protection programme. However, 3 witnesses walked off the witness protection programme.

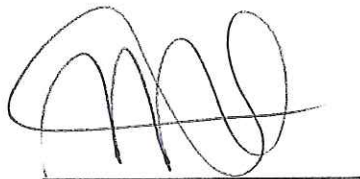
### 3. CONCLUSION

3.1 Historically Q3 is not a good performing quarter. However, during this financial year the NPA performed exceptionally well and recorded an improvement on performance compared to last year. An overall improvement of 6% in performance was also noted from Q2. The NPA has also achieved 80% of its YTD targets, and the organisation is in a strong position to achieve all of its annual targets.

3.2 An Enterprise Performance Management Committee Review meeting also monitors and addresses the various challenges adversely affecting overall performance. This committee also monitors the corrective measures in order to ensure that performance is improved and that the annual targets are met. The committee also address the reasons for deviations that did not change through the year.

### 4. RECOMMENDATION

4.1 It is recommended that the Minister notes the content of the report.



**MR NXASANA**

**NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS**

DATE: 24 - 02 - 2015

**COMMENTS:**

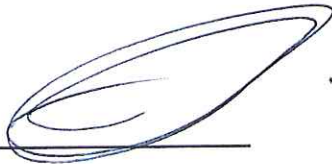
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It is recommended that the Minister notes the content of the NPA  
Quarter 3 2014/15 Performance Information Report.

RECOMMENDATION: SUPPORTED ✓ / ~~NOT SUPPORTED~~



MS T N SINDANE

DIRECTOR – GENERAL

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL  
DEVELOPMENT

DATE: 24/02/15

**COMMENTS:**

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It is recommended that the Minister notes the content of the NPA  
Quarter 3 2014/15 Performance Information Report.

**RECOMMENDATION: AUTHORISED / NOT AUTHORISED**

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**MR J JEFFERY, MP**

**DEPUTY MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**

**DATE:**

**COMMENTS:**

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**RECOMMENDATION: APPROVED/ NOT APPROVED**

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**T M MASUTHA, MP (ADV)**

**MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**

**DATE:**

**COMMENTS:**

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