



NATIONAL PROSECUTING AUTHORITY
South Africa



NPA Strategic Plan 2020 – 2025

TABLE OF CONTENT

Foreword by the National Director of Public Prosecutions	4
Accounting Officer's Statement (as per delegated authority)	7
List of abbreviations/acronyms	10
Part A: Our Mandate.....	11
1. Constitutional Mandate	11
2. Legislative and Policy Mandates	11
2.1. Legislative Mandate.....	11
2.2. Policy Mandates	16
3. Institutional Policies and Strategies over the Five-Year Planning Period ...	17
3.1. Institutional Policies	17
3.2. Strategies and Initiatives: Focus Areas	18
4. Relevant Court Rulings	21
Part B: Our Strategic Focus	22
5. Vision	22
6. Mission	22
7. Values	22
Part C: Measuring Our Performance	39
9. Past Institutional Performance Information.....	39
9.1. Measuring Impact	42
9.2. Measuring Outcomes	42
9.3. Explanation of Planned Performance over the Five-Year Planning Period ..	43
10. Resource Considerations	44
11. Key Risks.....	46
12. Public Entities Links to other Plans	51
12.1. Links to the Long-Term Infrastructure and other Capital Plans	51
12.2. Conditional Grants.....	51
12.3. Public Entities	51
12.4. Public-Private Partnership	51
Part D: Technical Indicator Descriptions (TID)	52
Annexure E: Key concepts	54

Table of Tables

Table 1: Consolidated government fiscal framework	26
Table 2: Budget vs Projected Expenditure for 2019/20.....	26
Table 3: Measuring impact	42
Table 4: Measuring outcomes	42
Table 5: Explanation of Planned Performance over the Five-Year Planning Period	43
Table 6: Budget allocation for the NPA per sub-programme over the Medium-Term Expenditure Framework period.....	44
Table 7: Key risks	47

Table of Figures

Figure 1: 2018/19 Structural Distribution of SAPS Crime Statistics	27
Figure 2: 2018/19 Structural Distribution of Crime Categories	27
Figure 3: South Africa's corruption perceptions index score	29
Figure 4: Number of corruption incidents	29
Figure 5: Structure of the NPA	38

Foreword by the National Director of Public Prosecutions

The people of South Africa continue to suffer intolerable levels of violence and crime, and harsh socio-economic conditions and disproportionate inequality are the daily-lived realities of ordinary South Africans. Corruption has reached endemic proportions; revelations about “state capture” implicating state officials, including in the criminal justice system (CJS), and the private sector, lay bare the gravity of the situation. State institutions, including the National Prosecuting Authority (NPA), have been weakened; there is low public confidence in government entities, and a loss of trust in the NPA, and the criminal justice system as a whole.

Given the huge challenges facing our country, attaining our government’s long-term vision 2030 for all people to feel safe and secure, and ultimately live better lives, as set out in the National Development Plan (NDP), seems impossible; and so does achieving the vision of the NPA, “Justice in our society so that people can live in freedom and security”.

This crisis, however, presents unique opportunities for significant change. It creates the urgency to learn from the past, and seek progressive and innovative solutions. The President himself set the tone for this bold brand of change when he established an independent panel to advise him on the appointment of the National Director of Public Prosecutions (NDPP) in October 2018. This transparent and deliberative appointment process underscores the Constitutional Court’s pronouncement on the office of the NDPP, and its importance to the administration of justice and the independence of the NPA. This should serve as an important example for future appointments of public officials entrusted with ensuring the safety and development of our country.

This 5 year Strategy, is underpinned by four key pillars: Independence, Professionalism, Accountability and Credibility. In this Strategic period, rebuilding and strengthening the NPA, and restoring public confidence and trust in the NPA, will be a central focus. In our Constitutional framework, prosecutors play a central role in the machinery of criminal justice, and in maintaining a civic culture of integrity and respect for the rule of law. As prosecutors, we must act in a manner that demonstrates our independence from any form of external interference or influence, and is reflective of the highest standards of integrity. We commit to strong governance structures that will withstand interference of any kind, and to promoting a culture of integrity and excellence throughout the institution.

In the furtherance of this, we will, in consultation with the honourable Minister of Justice and Correctional Services, Mr Ronald Lamola, establish a Complaints and Ethics mechanism, which is provided for in the NPA Act. This accountability structure will enable victims and members of the public to report complaints relating to the NPA, including allegations of improper conduct by staff. This new structure will report directly to the NDPP, and will support the Public Sector Integrity Management Framework. Our internal policies and procedures will not be tolerant of non-compliance with our integrity standards.

The NPA will be revitalised and rebuilt to serve victims and survivors of crime, and the South African public more broadly, professionally and with humility. We will contribute towards enhancing access to justice, especially to those from vulnerable and marginalised communities, with a bias for the poor. We recognise and recommit ourselves to the constitutional promise that all South Africans have a right to feel safe and secure, that all deserve a prosecution service with the capacity and skills, and a criminal justice system, capable of delivering these results. As lawyers for the people, we in the NPA, adopt a victim-responsive approach. We play a central role in the CJS in upholding the rule of law and holding perpetrators accountable, while respecting fair trial rights.

In order to ensure that Justice wins, that people feel safer, and that we rebuild our country, effective engagement and coordination with our partners, particularly in the CJS is crucial. Within the Justice, Crime Prevention and Security (JCPS) Cluster, we are all duty bound to make bold and innovative efforts to enhance its efficiency, to effectively address the unacceptably high levels of serious and violent crime, including sexual and gender based crimes and serious economic crimes, in particular corruption. Great strategies are meaningless if there is no proper monitoring of implementation. It cannot be business as usual at this level; we need to hold each other accountable. We will improve coordination with our partners nationally and provincially, and consider novel policies (in particular in the lower courts) in our efforts to achieve positive outcomes of a reduction in crime, and increased feelings of safety.

The NPA commits to provide leadership in the fight against corruption, not only in terms of prosecutions, but also in ensuring that we recover the proceeds of crimes. This is key to restoring confidence in the rule of law and rebuilding our country. The establishment of the Investigating Directorate within the NPA by the President, to deal with serious, complex and high profile corruption and related cases, is a recognition at

the highest levels that the exceptional challenges of state capture and corruption, require that extraordinary measures be taken.

The NPA's journey to become a courageous, problem solving and forward-looking institution, with the ability to address the serious challenges facing our country, will continue with determination in this period. Innovation, dedication, perseverance and professionalism will define our thoughts and actions, as we strengthen our capacity to deliver on our core mandate, and implement new and novel interventions to enhance the effectiveness and efficiency of the NPA, while keeping pace with, and drawing inspiration from international good practices in prosecutions. To this end, the newly created Innovation and Policy Support Office in the Office of the NDPP, staffed with external and internal resources, brings a much-needed capacity in the NPA, to respond dynamically to both the strategic and intractable operational challenges facing the organisation.

We will also engage constructively with parliament, civil society, the legal community, business, international organisations and counterparts, and other relevant stakeholders, to deliver justice to the people of South Africa.

The challenges we face as a country are immense; but challenges have always existed and they will continue to do so; it is in the meeting of these challenges that we will fashion ourselves as a nation.

We therefore pledge our commitment to this strategy and its implementation, as we pledge our commitment to serve only the Constitution, and the people of South Africa.



Adv. Shamila Batohi

National Director of Public Prosecutions

Republic of South Africa

Accounting Officer's Statement¹ (as per delegated authority)

This National Prosecuting Authority' Strategic Plan for 2020-2025 seeks to realise the long-term vision of ensuring that people living in South Africa are and feel safe by 2030. This ambitious yet important vision of government can only be realised through effective and efficient collaboration with stakeholders within the criminal justice system and communities at large.

The development of this strategy marks a significant time in the history of the National Prosecuting Authority as it was prepared under the stewardship of the first woman to serve as National Director of Public Prosecutions (NDPP), Adv. Shamila Batohi. We remain committed to supporting the NDPP as she champions a new path, which seeks to rebuild a trusted and effective NPA that pursues justice for all and becomes an Employer of Choice.

In the next 5 years, our objective is to offer the much needed support to the vision of the NDPP and the prosecution community at large in order to ensure the attainment of set outcomes and outputs as articulated in the Strategic Plan 2020-2025 and the Annual Performance Plan of the NPA. This will not be an easy task considering the historical challenges faced by the NPA, which we are now working to address.

It is, however, quite remarkable that despite the difficulties of unstable leadership, high staff vacancy rates, insufficient budget allocations and many others, the NPA continued to deliver high performance figures at various courts including specialised courts. The credit for this, and our great appreciation, should go to our remaining and committed staff who have shown resilience and tenacity in pursuing justice for the victims of crime in South Africa.

This Strategic Plan 2020-2025 positions the organisation on a firm path of ensuring that it delivers on its outcomes. Accordingly, the NPA has identified a number of priority focus areas, which will drive our efforts to achieve high performance and impactful prosecutions:

- Restoration of the NPA credibility and public accountability
- Setting up of the Office of Complaints and Ethics

¹ Accounting Office in the NPA is the head of Administration (NDPP: Administration & OWP) and acts with delegated authority from DoJ&CD.

- Reduction of the high staff vacancy rate, particularly relating to prosecutors
- Expansion of the use of digitisation and information technology
- Capacitation and acceleration of the Investigating Directorate's work
- Reinvigoration of the aspirant prosecutor's programme
- Professional development and training
- Establishment of a Strategic Innovation and Support capacity in the Office of the National Director
- Implementation of a community prosecution model.

This Strategic Plan 2020-2025 was developed in accordance with the Department of Planning, Monitoring and Evaluation's revised Framework for Strategic and Annual Performance Plans.

I hereby acknowledge the NPA's commitment to the implementation of the Strategic Plan.



Adv. Karen van Rensburg
Acting Head of Administration

Official sign-off

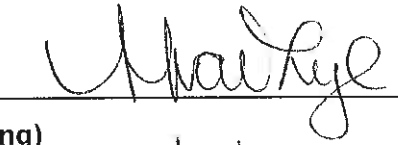
It is hereby certified that this Strategic Plan:

- Was developed by the management of the NPA and is supported by the Minister of Justice and Correctional Services
- Takes into account the mandate of the NPA, the Regulatory framework, including applicable legislation, in particular the Constitution and the National Prosecuting Authority Act, Act No. 32 of 1998, as amended, relevant strategies and policies
- Accurately reflects the impact, outcomes and outputs which the NPA will endeavour to achieve over the period 2020 - 2025.

Ms Hanika van Zyl

Chief Director: Financial Management NPA (Acting)

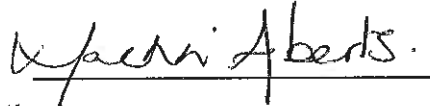
Date:


27/5/2020

Ms. Marthi Alberts

Chief Director: Strategy Management NPA (Acting)


Date:


27/5/2020

Adv. Karen van Rensburg

Head of Administration: (Acting)

Date:



25-5-2020

Approved:

Adv. Shamila Batohi

National Director of Public Prosecutions

Date:


28/05/2020

List of abbreviations/acronyms

AFU	Asset Forfeiture Unit
CJS	Criminal Justice System
DNDPP	Deputy National Director of Public Prosecutions
DoJ&CD	Department of Justice and Constitutional Development
DPP	Director of Public Prosecutions
ENE	Estimates of National Expenditure
ID	Investigating Directorate
JCPS	Justice, Crime Prevention and Security Cluster
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NEEC	National Efficiency Enhancement Committee
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
OWP	Office for Witness Protection
PEEC	Provincial Efficiency Enhancement Committees
POCA	Prevention of Organised Crime Act
PCLU	Priority Crimes Litigation Unit
SAPS	South African Police Service
SDPP	Special Director of Public Prosecutions
SOCA	Sexual Offences and Community Affairs
SS	Support Services
STEEPLE	Social, Technological, Economic, Ethical, Political, Legal and Environmental
TCC	Thuthuzela Care Centre

Part A: Our Mandate

1. Constitutional Mandate

The National Prosecuting Authority (NPA) derives its mandate from section 179 of the Constitution. Section 179(2) expressly empowers the NPA to institute criminal proceedings on behalf of the state and to carry out any necessary functions incidental thereto. Furthermore, section 179(4) requires that the NPA must exercise its functions without fear, favour or prejudice.

As head of the NPA, the National Director of Public Prosecutions (NDPP) is responsible for ensuring delivery on the NPA's constitutional obligations, together with the Deputy National Directors of Public Prosecutions (DNDPPs), the Directors of Public Prosecutions (DPPs), as the NPA heads at various seats of the High courts, the Investigating Director, and the Special Directors of Public Prosecutions (SDPPs). In terms of section 179(5) of the Constitution, the NDPP must determine prosecution policy and issue policy directives that must be observed in the prosecution process. The prosecution policy and any amendments thereto must be determined, with the concurrence of the Minister responsible for the administration of justice, after consultation with the DPPs. Furthermore, in terms of section 179(6) of the Constitution, the Minister exercises final responsibility over the NPA and may request reports from the NDPP regarding the functioning of the NPA.

2. Legislative and Policy Mandates

2.1. Legislative Mandate

The NPA, as the sole entity responsible for the institution of prosecutions on behalf of the state, is legally bound by various pieces of legislation. Below is a short discussion of the key legislation that relates to the activities of the NPA.

National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) (NPA Act)

In terms of section 20(1) of the NPA Act, the power vests in the prosecuting authority to:

- (a) institute and conduct criminal proceedings on behalf of the state;

- (b) carry out any necessary functions incidental to instituting and conducting such criminal proceedings; and
- (c) discontinue criminal proceedings.

National Director of Public Prosecutions

Section 5(2) of the NPA Act establishes the Office of the National Director of Public Prosecutions, with the NDPP as the head of the Office and controlling the Office as well as the DNDPPs and Special Directors, other members of the prosecuting authority appointed at or assigned to the Office, and members of the administrative staff of the Office.

Deputy National Directors of Public Prosecutions

In terms of section 11 of the NPA Act, the President may, after consultation with the Minister and the NDPP, appoint not more than four persons as DNDPPs. A DNDPP has the powers set out in section 20(1) of the NPA Act. The DNDPPs' powers and functions are exercised subject to the control and direction of the NDPP, who may also assign certain specific functions to a DNDPP. The NPA Act allows for the appointment of Special Directors of Public Prosecutions (SDPPs) to deal with special focus areas.

Directors of Public Prosecutions

Under section 13(1) of the NPA Act, the President may, after consultation with the Minister and the NDPP, also appoint DPPs as heads of the prosecuting authority at the respective seats of each high court in South Africa (which are established by section 6(1) of the NPA Act). A DPP appointed in terms of section 13(1)(a) of the NPA Act has original prosecutorial powers in respect of any offence committed in his or her area of jurisdiction except for specific offences expressly excluded from his or her jurisdiction.

Special Directors of Public Prosecutions

A SDPP may be appointed in the office of the NDPP, in terms of section 13(1)(c) of the NPA Act, to exercise certain powers, carry out certain duties and perform certain functions conferred or imposed on or assigned to him or her by the President by proclamation in the Government Gazette. The SDPP also has original prosecutorial powers in respect of those specific offences identified in his or her Presidential Proclamation in any area of jurisdiction, but subject to

such powers being exercised in consultation with the DPP of the area of jurisdiction concerned.

Deputy Directors of Public Prosecutions

A Deputy Director of Public Prosecutions (DDPP) appointed by the Minister under section 15(1) of the NPA Act also has original prosecutorial powers in the area of jurisdiction for which he or she is appointed.

However, DDPPs must exercise such powers subject to the control and direction of the DPP concerned, and in respect of such offences and in such courts as he or she has been authorised in writing by the NDPP or a person designated by the NDPP.

Prosecutors

Prosecutors are appointed in terms of section 16(1) of the NPA Act. A prosecutor may be appointed to the office of the NDPP, the office of a DPP, any Investigative Directorate, or any lower court in South Africa. A prosecutor shall be competent to exercise any of the powers contemplated in section 20(1) of the NPA Act, to the extent that he or she has been authorised thereto in writing by the NDPP or by a person designated by the NDPP.

Investigating Director

The Investigating Director is appointed under section 13 (1) (b) as the head of the Investigating Directorate (ID), established in accordance with Section 7(1) of the NPA Act, performs the powers, duties and functions of the ID subject to the control and directions of the NDPP. The ID will identify priority cases to investigate and prosecute and recover assets identified as the proceeds of corruption.

Criminal Procedure Act, 1977 (Act No. 51 of 1977)

The Criminal Procedure Act regulates matters relating to criminal proceedings in a court of law and contains various provisions relating to the powers, duties and functions of members of the prosecuting authority. These include provisions relating to the power to withdraw a charge and stop a prosecution, the attendance of witnesses in court, the issuing of summonses, admission of

guilt, bail, the release of an accused person, summary trials, the charge, the plea, jurisdiction, trial before different courts, conduct of proceedings, witnesses, evidence, competent verdicts, previous convictions, sentence, reviews and appeals, and compensation.

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

The Criminal Law (Sexual Offences and Related Matters) Act (Sexual Offences Act) comprehensively and extensively amends all aspects and implementation of the laws relating to sexual offences, dealing with all legal aspects of, or relating to, sexual offences in a single statute. The Sexual Offence Act, *inter alia*, repeals various common law offences and replaces them with statutory offences that are gender neutral and applicable to all forms of sexual penetration and sexual violation committed without consent. It also creates new offences for certain compelled acts of penetration or violation, as well as enacting comprehensive provisions for new or amended offences against children and persons who are mentally disabled.

Child Justice Act, 2008 (Act No. 75 of 2008)

The Child Justice Act establishes a child justice system for children in conflict with the law. This Act seeks to ensure that matters related to child justice are managed in a rights-based manner; it assists children suspected of committing crime to become productive members of society by engaging with the child in restorative justice processes, diversions and other alternative options.

Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002)

The Priority Crimes Litigation Unit (PCLU), situated in the Office of the NDPP, is mandated to manage and direct the investigation and prosecution of the crimes of genocide, crimes against humanity and war crimes, as contemplated in the International Criminal Court Act. This Act makes provision for extraterritorial application in the implementation thereof in certain circumstances.

Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)

Much of South Africa's anti-corruption legislation was consolidated in this Act. The Act provides for, *inter alia*, the strengthening of measures to prevent and combat corruption and corrupt activities, the offence of corruption and offences relating to corrupt activities, investigative measures in respect of corruption and related corrupt activities, the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts, to place a duty on certain persons holding a position of authority to report certain corrupt transactions, and extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities.

Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)

The Prevention of Organised Crime Act (POCA) provides measures for law enforcement agencies and the NPA to combat organised crime and money laundering. The primary feature of the POCA is to provide for the recovery of the proceeds of unlawful activity. Chapter 5 provides for the freezing and confiscation of the value of benefit derived from crime in cases where the accused is convicted of an offence. Chapter 6 focuses on property that has been used either to commit an offence or that constitutes the proceeds of crime. It provides for the freezing and forfeiture of proceeds and instrumentalities of crime through a process that is not dependent on a prosecution. In addition, section 71 of the POCA empowers the NDPP to request information from government departments and statutory bodies in respect of investigations relevant to the POCA without having to issue subpoenas.

Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013)

The Prevention and Combating of Trafficking in Persons Act gives effect to South Africa's obligations concerning the trafficking of persons in terms of international agreements. The Act provides for an offence of trafficking in persons, penalties that may be imposed in respect of such offences, measures to protect victims, as well as the prevention and combating of the trafficking in persons within or across the borders of South Africa.

Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004)

The PCLU is mandated to manage and direct the investigation and prosecution of terrorism, terror financing and related offences as contemplated in this Act. This Act also makes provision for extraterritorial jurisdiction in respect of specific offences as contemplated in the Act.

Witness Protection Act, 1998 (Act No. 112 of 1998)

The Office for Witness Protection (OWP) is established in terms of this Act and provides a support service to the criminal justice system and judicial proceedings. The Act provides for temporary protection pending placement under protection as well as support and related services to vulnerable and intimidated witnesses and their related persons, thereby enabling such witnesses to testify without intimidation, fear or danger. The OWP is established in the Department of Justice and Constitutional Development (DoJ&CD), with the Director-General as the accounting officer, but is administered by the NPA. The OWP is an independent covert office and all its functions are classified as secret so as to ensure the integrity of the programme and the safety of witnesses.

2.2 Policy Mandates

The NPA remains committed to all its international obligations, including the United Nation's Sustainable Development Goals. The Sustainable Development Goals seek to end poverty and hunger in the world, combat inequalities in and among countries, build peaceful, just and inclusive societies, protect human rights, promote gender equality and the empowerment of women and girls, and ensure the lasting protection of the planet and its natural resources.

The African Union Agenda 2063 is the strategic framework for the socio-economic transformation of Africa over the next 50 years.

National Development Plan 2030

The National Development Plan (NDP) sets out a long-term vision for government to ensure that, by 2030, all people in South Africa should feel and be safe. This vision can only be achieved if there is a well-functioning CJS in which the police, the judiciary, correctional services and the NPA work together to ensure that justice is served for the victims of crime. The NDP provides the

basis for the Medium-Term Strategic Framework. The five-year implementation plan of the NDP will be the foundation of the NPA's five-year strategic plan.

Medium-Term Strategic Framework

The Medium-Term Strategic Framework (MTSF) is the high-level strategic document that guides the five-year implementation of the NDP over that period and identifies the priorities to be undertaken. It sets targets for the implementation of these priorities and interventions, stating the impact, outcomes and indicators to be monitored. It requires the Justice Crime Prevention and Security (JCPS) Cluster to focus mainly on interventions and outcomes in Priority 6: Social Cohesion and Safe Communities. The two main themes for the JCPS MTSF are:

- addressing corruption and
- reducing crime.

The JCPS MTSF identifies a number of priority areas aimed at addressing and reducing crime, namely: reducing levels of fraud and corruption; strengthening border security and improving the functioning of ports of entry; reducing organised crime, including addressing gangs, drug syndicates, illegal mining and cable theft; reducing contact crimes, particularly against women and children; creating the capacity to secure and defend cyberspace and address cybercrime; and ensuring the social reintegration of offenders.

3. Institutional Policies and Strategies over the Five-Year Planning Period

3.1. Institutional Policies

The Constitution provides for the determination of a prosecution policy that must be observed in the prosecution process. This policy was determined with the concurrence of the Minister, after consultation with the DPPs, and tabled in Parliament. This policy is a public document and sets out the way in which the NPA and individual prosecutors should exercise discretion, contributing to the fair and even-handed administration of the criminal laws. The NPA will continue to implement the policy in the next five years, subject to any revisions or amendments.

3.2. Strategies and Initiatives: Focus Areas

In this MTSF period, the NPA has identified priority focus areas that will drive the institution towards achieving its vision. These include:

(a) Restoration of NPA credibility

Addressing the NPA's leadership gaps is central to ensuring the restoration of the NPA's reputation. Senior appointments will be made early in this strategic period. Furthermore, enhanced focus on the quality of service delivery, transparency and accountability is critical to operationalise the NPA's values in the daily practices and routines of all its employees. Measures will be put in place to inspire staff to live these values.

(b) Innovation and Policy Support Office

An Innovation and Policy Support capacity in the Office of the NDPP will focus on longer-term strategic issues, trends and challenges facing the NPA, and serve as an innovation hub for new and creative solutions to intractable institutional challenges facing the NPA and the criminal justice system more broadly. Comprised of a small, multidisciplinary team of internal and external specialists, the Innovation and Policy Support Office fosters and supports strategic and operational innovations and policy reform throughout the NPA.

(c) Enhancement of organisational capacity

Building organisational capacity requires a dedicated focus on internal business processes and systems for efficient and effective service delivery. Systems and processes will be reviewed to ensure operational effectiveness. The NPA will continue to advocate for sufficient funding to fill vacancies and have adequate structures and systems in place to fulfil its constitutional mandate. The NPA will, together with the DoJ&CD and National Treasury (NT) as necessary, ensure that the management of donor funding in the NPA is transparent and in line with Treasury prescripts. A structure will be set up and procedures put in place to ensure that there is proper oversight of the donor funding, in addition address the issue of perceptions of attempts to unduly influence the NPA.

(d) Strengthening organisational performance through skills development

The NPA's capacity to deliver depends largely on its ability to develop and retain its talent pool of people. The NPA has various programmes aimed at

developing its talent and building on the current complement of staff skills. With the backlash of resource constraints and austerity measures denting these initiatives, innovation is required to develop skills, especially in the areas of mentoring and career pathing. There will be a new strategic approach to take the NPA into a new era of professional development, emphasising the use of technology and experiential learning.

(e) Promotion of sound workplace relations and employee wellbeing

The well-being of employees, the NPA's most valued resource, remains a priority, especially given the harsh realities that many prosecutors are subjected to in the courts while executing their duties. It is on this basis that the implementation of the wellness programme – which includes emotional, mental and physical wellbeing – will continue.

(f) Strengthening NPA communications

The NPA will develop a new, holistic and proactive internal and external communications strategy. The revised NPA communications approach address proactive and responsive communications with key audiences. Interventions include engagements with staff on a regular basis and regular staff surveys, as well as reviewing and updating communications infrastructure such as the NPA website and intranet. To build public trust and credibility, emphasis will be placed on NPA staff members' face-to-face engagements with victims of crime and members of the public.

(g) NPA complaints and ethics mechanism

The NPA's founding legislation provides for an internal NPA complaints mechanism. Drawing on international good practices *vis-à-vis* prosecutorial complaints mechanisms and the imperative that staff in the NPA adhere to the highest standards of ethical behaviour, the NPA will establish such a mechanism.

(h) NPA autonomy

To strengthen its constitutional mandate, the NPA will take steps to become an independent entity within the South African government, detaching from the DoJ&CD's administrative and budget processes. This involves a thorough analysis of the legal framework and proposals for amendments that will be

necessary to give effect to this. A key aspect of this work will be assessing the financial and practical implications, and the management thereof.

(i) Community prosecutions

Community prosecution is a sustainable problem-solving approach to addressing crime, where prosecutors work closely with communities, civil society organisations and government agencies to address some of the drivers of crime and disorder and devise community-oriented interventions to resolve crime. Stimulating community-based prosecution will assist the NPA to realise its desired outcome of achieving “improved access to NPA services for all”. Notwithstanding the NPA’s efforts to successfully prosecute a large number of cases, it is apparent that, on its own, the traditional prosecution approach is not sufficient to deter criminals from committing crime and improving public confidence in the CJS.

(j) Implementation of the Electronic Case Management System

The Integrated Justice System project has largely failed to address the needs of the CJS and requires proper governance structures to be put in place to ensure its successful development and implementation across the CJS.

The NPA will ensure that the Electronic Case Management System (ECMS), which is the NPA part of the Integrated Justice System, is operational and optimally utilised. The ECMS system has been rolled out in the lower courts to deal with first appearance cases. Further modules dealing with decision dockets, child justice matters, non-police matters, electronic investigating diaries and case plans for complex cases are in the process of development. The focus in the lower courts will include training prosecutors and addressing the operational challenges that impact the use of the electronic system; this will be done together with the South African Police Service (SAPS) and the DoJ&CD, on whom the NPA depends for integration. A critical piece of the ECMS is the development of a data warehouse and automated tool to e-facilitate the analysis of the information as well as testing whether it is possible (proof of concept) to access scanned affidavits from the SAPS data repository².

² SAPS data repository - these are affidavits that detectives scan as part of their business processes when investigating matters and compiling dockets.

4. Relevant Court Rulings

There were no court judgements in the past financial year that impact on the work of the NPA. There are a number of older judgements that do impact on the NPA which have been noted.

- In ***President of the Republic of South Africa and Another v Public Protector and Others* (55578/2019) [2020] ZAGPPHC 9 (10 MARCH 2020)**, the Court reiterated that under section 32(1)(b) of the National Prosecuting Authority Act, the NPA enjoys prosecutorial independence and no organ of state, including the office of the Public Protector, may improperly interfere with, hinder or obstruct the NPA in the exercise of its powers, duties and functions. The Court found that in line with this prosecutorial independence, and in light of the Public Protector Act and the NPA Act, the Public Protector has no power to direct the NDPP to investigate any criminal offence and how to go about doing this.
- In ***S v Ndudula* 2019 (1) SACR 609 (ECG)**, the Court held that the duty of the prosecutor was to seek justice and not to blindly and purposelessly plunder after a conviction at all costs. Prosecutors were expected to safeguard the rights of accused persons and, as soon as reasonably possible, disclose to them relevant prejudicial and beneficial information, in accordance with the law and the requirements of a constitutionally fair trial.

Part B: Our Strategic Focus

5. Vision

Justice in our society so that people can live in freedom and security.

6. Mission

Guided by the Constitution, we in the NPA, 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. Values

Integrity, which is displayed through ethical conduct, high moral standards, honesty, moral principles and values, zero tolerance for bribery or corruption, keeping promises, truthfulness and being beyond reproach.

Accountability, which is based on transparent actions and spending, regular contact with partners and routine reporting.

Service excellence, which means providing first class customer service and complying with the Batho Pele principles.

Professionalism, which is evidenced by commitment, dedication, punctuality, competence and professional conduct in and out of court.

Credibility, which is built by behaving consistently and aiming to inspire belief and trust.

The values are contextualised in the NPA Code of Conduct.

8. Updated Situational Analysis

External Factors

The South African government has adopted an evidence-based approach to inform both policy development and programme planning. As such, a situational analysis is required on an annual basis to inform strategy development and/or review the annual performance plans of the organisation. There are several methods of conducting a situational analysis. The NPA has adopted a mixed methods approach to data collection: literature review of external STEEPLE³ factors; document review of government governance-related documents (e.g. SAPS Crime Statistics, Victims of Crime Survey); and a review of NPA research deliverables produced throughout the year, such as the NPA Conference Report, NPA Staff Survey, Situational Analysis of Corruption in South Africa and ECMS Survey, etc. The mixed method approach enables the NPA to map out both the external and internal factors that are likely to influence the performance of the organisation as per the guidelines from the Department of Planning, Monitoring and Evaluation. These factors are presented using a funnel approach, with an examination of the external milieu feeding into a discussion of the internal environment of the NPA.

Political Outlook and Overarching Government Policies

In May 2019, South Africa had its sixth general election since the dawn of democracy, marking 2019 as a transitional year for medium-term strategic planning.

Approved in 2011 as the government's 20-year plan, the NDP 2030 serves as a long-term strategic planning guide for all government agencies, including the NPA. Although a review of the NDP is underway, it is unlikely to deviate materially from the current version.

In relation to community safety, the NDP envisions a state where

"...people living in South Africa feel safe and have no fear of crime. They feel safe at home, at school, at work and they enjoy an active community life free

³ STEEPLE is a model of analysis which is used to review sociological, technological, economic, ethical, political, legal and environmental factors.

*of fear. Women can walk freely in the streets and the children can play safely outside.*⁴

The NDP posits that to achieve this vision, a well-functioning CJS is required – one where the police, the prosecution, the judiciary and correctional services work together to ensure that suspects are caught, prosecuted, convicted if found guilty and securely imprisoned. A certainty that this will happen, is the most effective deterrent to criminality, and thus inspires public confidence. This requires a well-functioning CJS, which currently does not exist. The entities in the CJS, including the SAPS and the NPA, have been severely weakened in the past decade.

South Africa has a high level of gender-based violence. In response to the demand made by women under the umbrella of ‘#TheTotalShutdown’, the President hosted a National Summit Against Gender-Based Violence in November 2018. The demand for the Summit was necessitated by *“the excessive scale of gender-based violence, including the killing and rape of women and children and the ineffective court processes over the past years”*⁵.

The Summit gave rise to the following commitments, among others:

- i. *“Political and community leadership must support and champion the cause of eradicating gender-based violence and femicide;*
- ii. *Adequate resourcing of Thuthuzela Care Centres, sexual offences courts and shelters that respond to the needs of all people including people with disabilities and LGBTQIA+;*
- iii. *A National Strategic Plan (NSP) on gender-based violence and femicide is developed within six months. The NSP should be resourced, implemented and monitored and evaluated on a regular basis;*
- iv. *Ensure that all laws and policies, programmes and interventions are adequately planned, costed and resourced in line with a gender-responsive planning, budgeting and monitoring evaluation framework, across government;*

4 National Planning Commission (2011: 3), National Development Plan: Chapter 12: Building Safer Communities. Accessed from: https://www.nationalplanningcommission.org.za/assets/Documents/NDP_Chapters/devplan_ch12_0.pdf, dated 8 October 2019.

5 Declaration of the Presidential Summit against Gender-Based Violence and Femicide. Accessed from: <http://www.thepresidency.gov.za/documents>, dated 19 July 2019.

- v. *Fast track the review of existing laws and policies on gender-based violence to be victim-centred and ensure all other relevant laws respond to gender-based violence*⁶”.

Furthermore, in his address at the Joint Sitting of Parliament held on 18 September 2019, the President announced the finalisation of the National Strategic Plan, as well as the Emergency Action Plan, which has the following objectives:

- i. Preventing gender-based violence
- ii. Strengthening the CJS
- iii. Reviewing and amending the legal and policy framework
- iv. Ensuring adequate care, support and healing for victims of violence
- v. Improving the economic power of women in South Africa.⁷

The NPA will play a significant role in contributing in the implementation plans to achieve most, if not all, of these objectives.

Impact of the Current Economic Outlook on Revenue Collection and Government Expenditure

South Africa has found itself in economic difficulties since 2008. The following sums up the current state of the economy:

“... real gross domestic product (GDP) per capita has declined since 2015 (SARB); productivity growth has been slow and appears to be slowing (Kreuser and Newman 2018; Aterido et al. 2019); the unemployment rate has recently been increasing from already high levels (Statistics South Africa 2017a); and inequality remains very high (Wittenberg 2017).”⁸

6 Declaration of the Presidential Summit against Gender-Based Violence and Femicide. Accessed from: <http://www.thepresidency.gov.za/documents>, dated 19 July 2019.

7 Ramaphosa (2019), Address by President Cyril Ramaphosa at the Joint Sitting of Parliament on the crisis of violence in South Africa, National Assembly, Cape Town. Accessed from: <http://www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-joint-sitting-parliament-crisis-violence-south-africa%2C>, dated 17 October 2019.

8 National Treasury (2019: 11), Economic transformation, inclusive growth, and competitiveness: Towards and Economic Strategy for South Africa. Accessed from: http://www.treasury.gov.za/comm_media/press/2019/Towards%20an%20Economic%20Strategy%20for%20SA.pdf, dated 30 September 2019.

As a result of the struggling economy, tax revenue was projected to fall short by R15.4 billion in 2018/19, R7.9 billion in 2019/20 and R4.0 billion in 2020/21.⁹ The revenue shortfall is made apparent in the widening gap between the collected revenue and expenditure as reflected in the table below¹⁰.

The possible impact of further slow-down of the economy and increase in unemployment due to the COVID-19 shut down has not been measured or yet considered. Added to this is the unquantified effect of the downgrade by Moody's credit rating agency of South African Government bonds to junk status on 27 March 2020.

Table 1: Consolidated government fiscal framework

	2017/18	2018/19	2019/20	2020/21	2021/22
<i>R billion/percentage of GDP</i>	Outcome	Revised	Medium-term estimates		
Revenue	1 353.5	1 455.2	1 583.8	1 696.4	1 836.6
Expenditure	1 543.8	1 665.4	1 826.6	1 948.9	2 089.0
Budget balance	-190.3	-210.2	-242.7	-252.6	-252.4

Source: National Treasury, 2018.

The table above shows that in 2017/18, the government budget was in the negative by R190.3 billion. The negative budget balance increased to R210.2 billion in 2018/19 and is projected to increase over the medium term. According to the 2019 National Budget Review, the government compensation bill is the main driver of the fiscal deficit, accounting for about 35% of the consolidated public spending, putting pressure on goods, services and capital investment.¹¹ The view that compensation of government employees is the main cause of the fiscal deficit led to the introduction of measures to reduce compensation spending, like a freeze on recruitment since 2015 which had a dire impact on the NPA capacity and capability. This impacted both the vacancy rate and the budget for goods and services, including skills development.

⁹ National Treasury (2019), Budget Review, 2019. Accessed from:

<http://www.treasury.gov.za/documents/national%20budget/2019/review/FullBR.pdf>, dated 30 September 2019.

¹⁰ National Treasury (2019), Budget Review, 2019. Accessed from:

<http://www.treasury.gov.za/documents/national%20budget/2019/review/FullBR.pdf>, dated 30 September 2019.

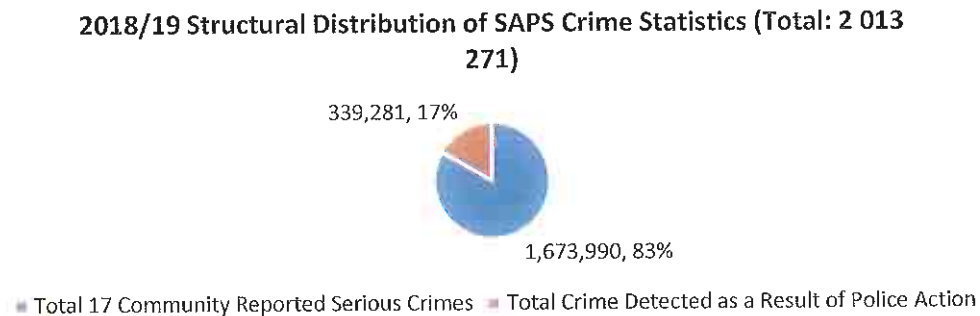
¹¹ National Treasury (2019), Budget Review, 2019. Accessed from:

<http://www.treasury.gov.za/documents/national%20budget/2019/review/FullBR.pdf>, dated 30 September 2019.

An Overview of Crime Statistics

The CJS is under pressure to deal with the high rate of crimes in the country. More than two million crimes (2 013 271) were reported to SAPS in 2018/19 as reflected in the graph below¹².

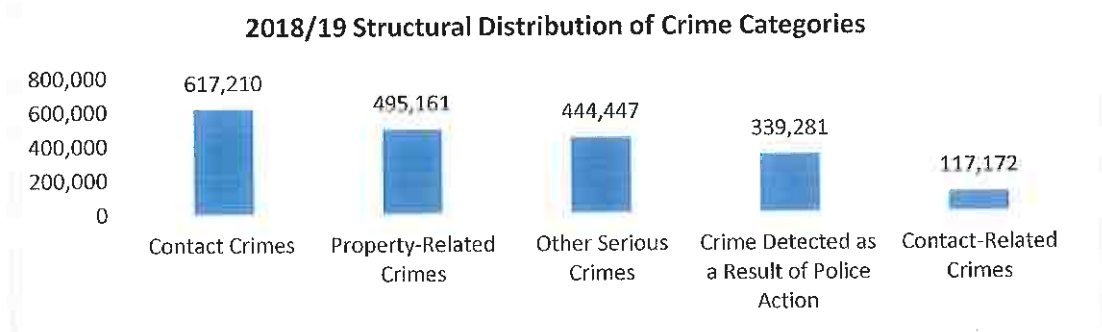
Figure 1: 2018/19 Structural Distribution of SAPS Crime Statistics



Source: South African Police Service

The majority (83%) are regarded as serious crimes reported by the public whereas only 17% of those were detected during police action. Of particular concern are the levels of violent crime, with 617 210 contact crimes recorded by SAPS in 2018/19 as reflected in the graph below.

Figure 2: 2018/19 Structural Distribution of Crime Categories



Source: South African Police Service

Since 2011/12, the number of murders has increased by 35.2% (21 022 incidents with an average of 58 murders per day), attempted murder by 28.9% (18 980 incidents with an average of 52 attempted murders per day) and aggravated robberies by 39% (140 032 incidents with an average of 284 aggravated robberies per day). In terms of sexual

¹² South African Police Service (2019), Crime Stats Presentation 2018/19. Accessed from: <https://www.saps.gov.za/services/crimestats.php>, dated 31 January 2019.

offences, the country has seen a substantial increase in reported crimes, 4.6% up from the previous year. Sexual offences detected as a result of police action has also seen a big increase, up 19% - indicating active policing in this specific area. Overall, contact crime showed a 0.2% increase in the seven years since 2011/12 and a 2.6% increase in one year (2017/18 to 2018/19).

The number of reported property-related crimes have generally decreased but remain at very high levels. For example, close to half a million burglaries, vehicle thefts, thefts from vehicles and stock theft are reported annually. The property crime category identified by households as the most feared is housebreaking. In 2018/19, 220 865 such housebreaking incidents were reported to the police, nearly a 2% increase compared to the previous year.

However, the National Victims of Crime Survey undertaken annually by Statistics South Africa indicates that underreporting rates are particularly high for crimes such as housebreaking, with 52% of households not reporting any of their house break-ins to the police.¹³ Past victim surveys show that one of the main reasons for not reporting is the perception that the police cannot or will not deal with their cases. Reporting rates are dependent on satisfaction levels with the police and the courts. It is important to note that the number of South African households satisfied with the courts has dropped by 22.8% over the past four years, from 63.9% in 2013/14 to 41.1% in 2017/18. If satisfaction levels increase, so too will reporting levels, placing an additional burden on the CJS.

Corruption in South Africa

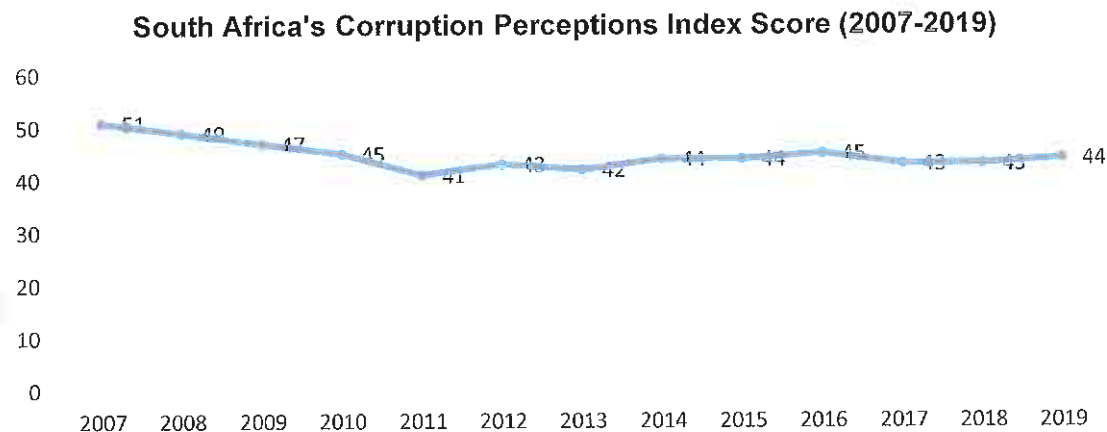
The level of corruption in South Africa is unacceptably high in both the public and private sectors, as evidenced by the Transparency International Corruption Perception Index and other corruption-related surveys.¹⁴ According to Transparency International,

¹³ Statistics SA (2019), Governance, Public Safety and Justice Survey, GPSJS 2018/19: P0341 Victims of Crime. Accessed from: <http://www.statssa.gov.za/publications/P0341/P03412018.pdf>.

¹⁴ The Transparency International Corruption Perception Index scores and ranks countries and territories based on how corrupt their respective public sectors are perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean). A country or territory's rank indicates its position relative to the other countries and territories in the index. The perception scoring is based on secondary data (13 surveys of business people and expert assessments).

South Africa has been struggling to surpass a score of 50 on a scale of 0 (highly corrupt) to 100 (very clean) since 2007, as reflected by the graph below.¹⁵

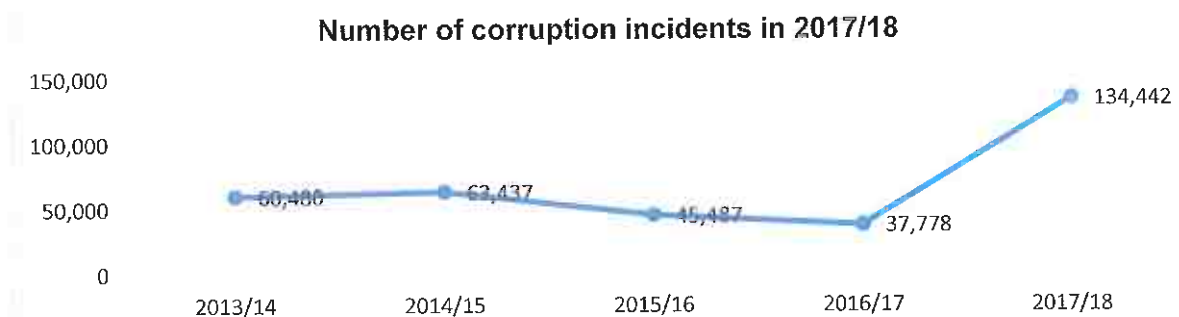
Figure 3: South Africa's corruption perceptions index score



Source: Transparency International Corruption Perceptions Indexes, 2007-2019.

Since its inception in 2012, the Corruption Watch¹⁶ has registered 24 502 whistleblower reports.

Figure 4: Number of corruption incidents



Source: Stats SA Victims of Crime Survey, 2017/18

According to the graph above, the Statistics South Africa Victims of Crime Survey, 2017/18 found that the individual experience of corruption declined steadily from 63 437 in 2014/15 to 37 778 in 2016/17 and then sharply increased to 134 442 in 2017/18. The survey could not explain the reasons for this dramatic increase.

¹⁵ Transparency International (2018), Corruption Perceptions Index 2018. Accessed from: <https://www.transparency.org/cpi2018>, dated 9 June 2019.

¹⁶ Corruption Watch. (2018). Annual Report, 2018. Accessed from: <https://www.corruptionwatch.org.za/wp-content/uploads/2019/05/CW-Annual-Report-2018-Upholding-Democracy-Single-Pages-Agent-Orange-Design-10042019.pdf>, dated 7 July 2019.

The prevalence of corruption in South Africa is also evidenced by a number of investigations and inquiries into the allegations of corruption related activities, which include, the following:

- The Zondo Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State;
- The Nugent Commission of Inquiry into Tax Administration and Governance by the South African Revenue Service (SARS);
- The Mpati Commission of Inquiry into Allegations for Impropropriety regarding the Public Investment Corporation.
- The Mokgoro Enquiry, in terms of section 12(6) of the National Prosecuting Authority Act 32 of 1998, into the fitness of Advocate Nomgcobo Jiba and Advocate Lawrence Mrwebi to hold office of Deputy National Director of Public Prosecutions and Special Director of Public Prosecutions respectively.
- The State of Capture Report by the Public Protector

Corruption within government, in particular when committed by those in the criminal justice system, undermines the government's efforts to fight corruption and crime in broader society. Corruption is not confined to public office. In terms of private sector corruption, the Global Corruption Barometer Africa 2019¹⁷ reports that, according to the survey specific to South Africa, 37% of Business Executives are perceived to be corrupt.

The United Nations Convention Against Corruption identifies the following effects of corruption:

- i. It undermines democracy and the rule of law
- ii. It leads to violations of human rights
- iii. It distorts markets
- iv. It erodes quality of life, and
- v. It allows organised crime, terrorism and other threats to human security to flourish.¹⁸

Various organisations attempt to estimate the cost of corruption differently. The World Economic Forum states that the true cost of corruption is higher than one might

¹⁷ Global Corruption Barometer Africa Report, 2019. Accessed from:

https://www.transparency.org/news/feature/citizens_speak_out_about_corruption_in_africa, dated 1 April 2020.

¹⁸ United Nations Office on Drugs and Crime (2005), United Nations Convention Against Corruption. Accessed from:

https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf, dated 16 August 2019.

realise¹⁹. This calculation is not only about the amount of money involved, but it includes the devastating impact in terms of the social costs to the ordinary citizen: for example, the failure to provide and maintain basic infrastructure for water supply, sanitation, roads, electricity and health. There is general consensus that although corruption affects everyone, it disproportionately affects the poor by:

- i. Diverting funds intended for development
- ii. Undermining a government's ability to provide basic services
- iii. Feeding inequality and injustice, and
- iv. Discouraging foreign aid and investment.²⁰

In 2011, in *Glenister v President of the Republic of South Africa and Others* ("Glenister II") the Constitutional Court pointed out that:

"... corruption threatens to fell at the knees virtually everything we hold dear and precious in our hard-won constitutional order. It blatantly undermines the democratic ethos, the institutions of democracy, and the rule of law... When corruption and organised crime flourish, sustainable development and economic growth are stunted. And in turn, the stability and security of society is put at risk."

The sixth administration of the South African government is committed to fighting corruption in both the public and private sector, and to restoring the rule of law, and has taken a number of steps in this regard. This includes the setting up the various Commissions of Enquiry²¹, the establishment of the Investigating Directorate (ID) in the NPA, the finalisation and still to be adopted National Anti-Corruption Strategy²², and efforts to enhance the efficiency and effectiveness, and accountability, of anti-corruption coordinating structures.

19 World Economic Forum. (2019). The true cost of corruption is higher than you might realise. Accessed from: <https://www.weforum.org/agenda/2019/04/tackling-corruption-in-government/>, dated 31 August 2019.

20 United Nations Office on Drugs and Crime (2005), United Nations Convention Against Corruption. Accessed from: https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf, dated 16 August 2019.

21 See previous page, page 30.

22 National Anti-Corruption Strategy. Accessed from: Accessed from <https://www.gov.za>, dated 1 April 2020.

Both the specialised and general anti-corruption agencies need to be prioritised in accordance with the minimum requirements recommended by the international treaties²³, which are:

- i. Independence
- ii. Specialisation (specialised staff with special skills)
- iii. Adequate training
- iv. Material resources

The possible impact of covid-19 on criminality

Given the very recent outbreak of the Covid-19 pandemic, its long-term impact is yet to be determined.

According to the Global Initiative Against Transitional Organised Crime²⁴, COVID-19 and the concomitant global recession will impact on evolving and emerging criminal activities, and will see an increase in cybercrime, and perhaps transform state institutions. In addition, thereto, there is the likelihood of increased social disorder and emerging criminal groups operating in black market economies. Other countries have seen a decrease in murder and violent street crime as a result of social distancing measures and lockdowns.

It is therefore unknown how this epidemic might affect this Strategic Plan, both in terms of focus and capacity to achieve the objectives²⁵.

Internal Factors

In recent years, the NPA has suffered serious reputational damage, as well as a loss of trust and credibility. Like other organs of state, the organisation became a weakened state institution. A submission to the Zondo Commission of Inquiry posits that criminal justice agencies, including the NPA, were improperly manipulated and influenced to entrench state capture²⁶. This perception of the manipulation of criminal justice

23 Organisation for Economic Co-operation and Development. (2008). Specialised Anti-Corruption Institution: Review of models. Accessed from: <https://www.oecd.org/corruption/acn/39971975.pdf>, dated 4 August 2019.

24 Crime and Contagion: The impact of a pandemic on organized crime (2020). Accessed from: <https://globalinitiative.net/wp-content/uploads/2020/03/GI-TOC-Crime-and-Contagion-The-impact-of-a-pandemic-on-organized-crime-1.pdf>.

25 It is for this reason not reflected as a risk in this Plan.

26 Institute for Security Studies & Corruption Watch. (2019). State capture and the political manipulation of criminal justice agencies:

A joint submission to the Judicial Commission of Inquiry into Allegations of State Capture. Accessed from:

<https://issafrica.s3.amazonaws.com/site/uploads/2019-06-20-other-zondo-commission-submission.pdf> dated 15 September 2019.

agencies, is echoed by the Mokgoro Enquiry, which also found that *“over the years, the NPA has been beleaguered by allegations of malfeasance and political interference.”*²⁷ The Mokgoro Enquiry appealed to the NPA to free itself from all external pressures, which threatens prosecutorial independence and the rule of law, the very foundation of the country’s constitutional democracy.

Restoring the credibility of the NPA is crucial and the integrity of prosecutors are central to upholding constitutional values. So too by lacking prosecutorial independence, the NPA tarnished its reputation when outside influence and interference came into play. There are a series of Court decisions²⁸, which bemoaned the improper conduct by certain members of the NPA, especially at the highest leadership echelons. The manipulation of criminal justice agencies is believed to be a critical factor in enabling state capture²⁹.

There are a number of well documented³⁰ operational factors that affect the performance of the criminal justice system, including that of the NPA. Poor collaboration and cooperation between the criminal justice system role players is one of the key factors that undermine the performance of the criminal justice system. This is evidenced by the following observations (list not exhaustive) made by some of the NPA stakeholders at the Conference³¹:

- i. Ineffective Case Flow Management meetings,
- ii. Delays in finalisation of investigations, and unavailability of dockets and witnesses in courts,
- iii. Slow turnaround time on cases submitted to the AFU and NPS prosecutors for decisions, and

27 The Mokgoro Enquiry, in terms of section 12(6) of the National Prosecuting Authority Act 32 of 1998, into the fitness of NPA staff to hold office - P.137.

28 Enquiry in terms of section 12(6) of the National Prosecuting Authority Act 32 of 1998. Accessed from: [https://www.saflii.org/images/section12\(6\)enquiryreport.pdf](https://www.saflii.org/images/section12(6)enquiryreport.pdf). Dated 1 April 2020.

29 Institute for Security Studies & Corruption Watch. (2019). State capture and the political manipulation of criminal justice agencies: A joint submission to the Judicial Commission of Inquiry into Allegations of State Capture. Accessed from: <https://issafrica.s3.amazonaws.com/site/uploads/2019-06-20-other-zondo-commission-submission.pdf>, 15 September 2019.

30 National Prosecuting Authority. (2019). Trend analysis for Business Improvement. Strategic Planning Conference, 27 – 29 May 2019. ; PowerPoint Presentation by Lieutenant General (Dr/Adv) SG Lebeya, National Head of Directorate for Priority Crime Investigation, presented at the NPA Strategic Planning Conference, 27 – 29 May 2019. & PowerPoint Presentation by Lieutenant general TC Mosikili, Divisional Commissioner: Detective Service, presented at the NPA Strategic Planning Conference, 27 – 29 May 2019.

31 Ibid.

- iv. Lack of skills transfer and/or knowledge sharing from AFU Advocates to investigators in respect of the complicated cases and high profile cases, which impact negatively on the investigations of these types of cases.

The NPA's analysis of performance trends³² found that while the organisation has consistently maintained good conviction rates (over time), it is performing less satisfactory in terms of the actual number of convictions attained. The number of convictions declined year on year over the past two years by 1.2% from 2016/17 to 2017/18 and, then by another 18.8% from 2017/18 to 2018/19³³ (*see Part C of this Plan for a detailed reflection on NPA performance*). Furthermore, good conviction rates do not necessarily translate into a reduction in crime or an increase in the community's feelings of safety, nor does it positively influence investor confidence.

Another key factor that has adversely affected the performance of the NPA has been the high vacancy rate due to a fiscally induced freeze on recruitment since 2015. Moreover, the Aspirant Prosecutor Programme³⁴ was suspended. As at 31 March 2019 the NPA vacancy rate was at 21% (1 142 out of 5 550)³⁵, almost a quarter of the total establishment.

Scrutiny of organisational performance trends highlighted a decrease (over the previous year) in the number of witnesses assisted at the courts where court preparation services are offered, as a result of the NPA's inability to fill the vacancies of court preparation officers over the previous years. However, the number of victims of sexual offences who reported crime and sought assistance at the Thuthuzela Care Centres (TCC), increased consistently over a period of four years³⁶. This is an encouraging observation, given the fact that sexual offences, especially rape, is said

32 NPA performance trend analysis was conducted by a joint team of NPA Strategy Management Office and National Prosecutions Services Operations Management Office.

33 National Prosecuting Authority. (2019). Trend Analysis for Business Improvement. Strategic Planning Conference, 27 – 29 May 2019.

34 Refers to a programme where law graduates are recruited and trained for the purpose of creating a pool from which the NPA could appoint permanent entry-level prosecutors – a lifeblood supply of fresh talent from universities into the entry levels of the organisation. (National Prosecuting Authority. (2019). National Director of Public Prosecutions Annual Report (2018/19) in terms of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998).

35 National Prosecuting Authority. (2019). National Director of Public Prosecutions Annual Report (2018/19) in terms of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998).

36 National Prosecuting Authority. (2019). Trend Analysis for Business Improvement. Strategic Planning Conference, 27 – 29 May 2019.

to be underreported³⁷, and considering that there are only 55 TCC sites in the country³⁸.

As a result of additional funding received from the fiscus, the NPA is currently in the process of filling 921 vacancies³⁹. This injection of prosecutorial capacity is further boosted by the resuscitation of the Aspirant Prosecutor Programme. 92 Aspirant Prosecutors are currently enrolled and due to complete their training in August 2020. This capacity will be supplemented by a further 382 Aspirant Prosecutors to be recruited in the second quarter of the 2020/21 financial year⁴⁰. This has boosted the morale of prosecutors who were working under seriously constrained conditions.

This budget allocation is reflective of the importance that the government places on the work of the NPA, and a recognition of the need to ensure that it is properly capacitated to fulfil its important mandate. Nevertheless, the NPA still experiences budget constraints, mainly for goods and services, as reflected in the table below.

Table 2: Budget vs Projected Expenditure for 2019/20

Expenditure Item (R'000)	2019/20		
	AENE Budget	Projected Expenditure	Budget Shortfall
Compensation of Employees	3 512 046	3 443 727	68 319
Goods and Services	466 698	521 621	-54 923
Transfers & Subsidies	18 922	24 565	-5 643
Machinery and Equipment	123 900	160 937	-37 037
Payment for Financial Assets	0	4 411	-4 411
Total	4 121 566	4 155 261	-33 695

Source: National Prosecuting Authority: NPA Performance as at 31 December 2019

The table indicates that the NPA budget has a shortfall of R33 million. The main driver for the shortfall is goods and services (R54 million) followed by machinery and

37 Civilian Secretariat for Police. (Unknown year). Policy on reducing barriers to the reporting of sexual offences and domestic violence. Unpublished document. Email from Bradley Smith (bsmith@npa.gov.za) to Thomas Tshilowa (tshilowa@npa.gov.za), dated 26 October 2016.

38 National Prosecuting Authority. (2019). National Director of Public Prosecutions Annual Report (2018/19) in terms of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998).

39 National Prosecuting Authority. (2019). NPA Performance as at 31 December 2019. PowerPoint Presentation made to Portfolio Committee on Justice and Correctional Services on 4 March 2020.

40 National Prosecuting Authority. (2019). NPA Performance as at 31 December 2019. PowerPoint Presentation made to Portfolio Committee on Justice and Correctional Services on 4 March 2020.

equipment (37 million) respectively. The NPA will have to source funds from possibly the DoJ&CD to cover the shortfall. The NPA budget constraints will further be exacerbated by the Minister of Finance's plan to curb government expenditure, especially the Wage Bill which will be further pressurised by the downgrading of Government debt by Moody's credit rating agency. Moreover, the situation will be worsened by the inevitable economic impact of the COVID-19 outbreak. Consequently, it is expected that it is unlikely that the NPA will be able to fill all outstanding vacancies and have sufficient funds for other budget items such as goods and services.

The uptake of technology is a factor that remains a challenge in the NPA. This is evidenced by the low utilisation of the Electronic Case Management System (ECMS)⁴¹ by prosecutors, for various reasons including the following:

- i. Non-registration as ECMS users
- ii. Lack of time due to workload
- iii. Lack of training
- iv. Inadequate, unreliable/unstable network connection
- v. Hardware and software issues

This must change and the NPA is determined to resolve the barriers to ensure the optimal use of technology in the organisation (*see paragraph 3.2 of this plan on strategies and initiatives*).

Just over a year ago, in February 2019, the NPA commissioned a Staff Survey to give all staff the opportunity to express their views on a range of issues including job satisfaction, operational experiences, and expectations of the new National Director of Public Prosecutions, etc.⁴². The survey made the following key findings:

- i. *"Shortage of staff and/or many vacancies was identified as the number one factor that undermines the effectiveness of the NPA, followed by inadequate budgets and poor collaboration respectively".*
- ii. *Low staff morale mainly due to the credibility crisis and the consequences of no budget.*
- iii. *Hiring and promotion of staff was identified as the first priority for the NDPP to improve staff morale followed by the recognition of hard work and improvement of salaries respectively".*

⁴¹ See page 21, on the Strategies and Initiatives: Focus Areas, paragraph 3.2.

⁴² Lancaster, L., Roberts, M. & Mbanyele, S. (2019). NPA Staff Survey Report.

- iv. *91% of employees who participated in the survey indicated that “the NDPP must act firmly to revitalise the NPA even if this means disrupting a ‘business-as-usual’ approach to managing the NPA”.*
- v. *95% of employees who participated in the survey indicated that “the NDPP should adopt a ‘zero tolerance’ approach in respect of unethical and corrupt behaviour by any member of the NPA”.*

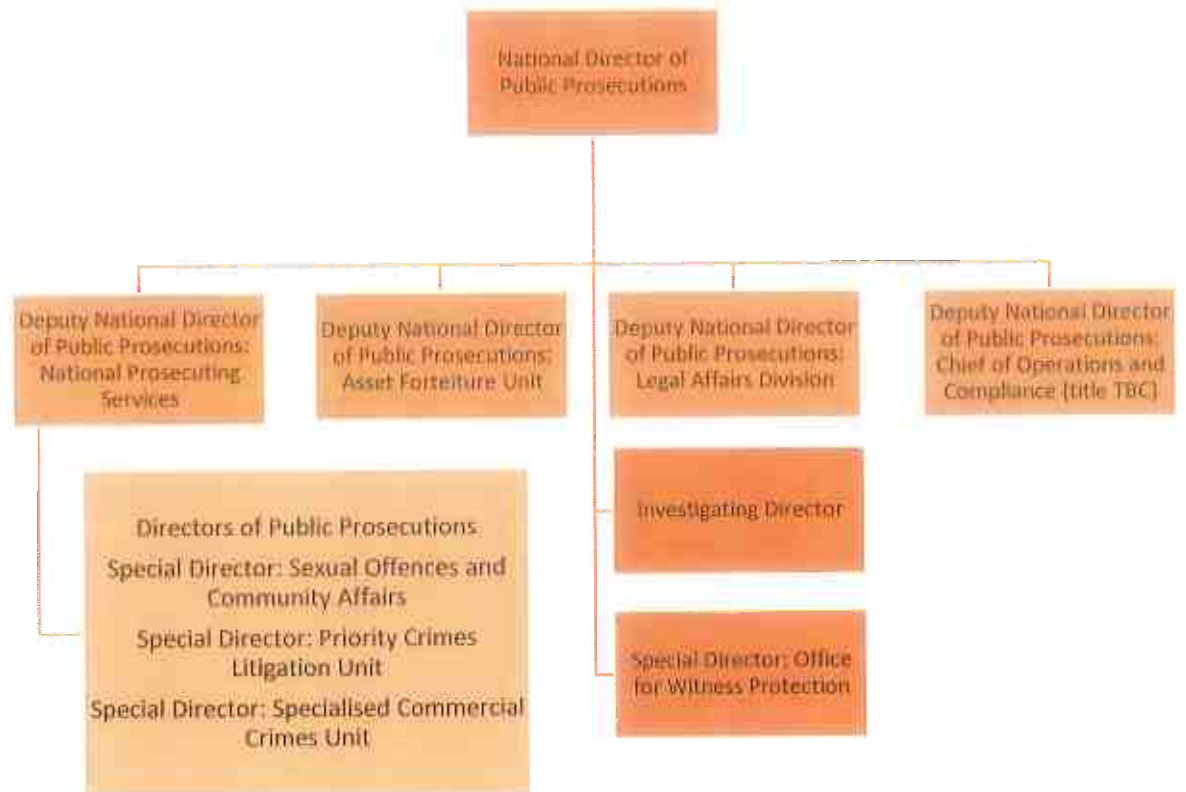
It is important to note that these findings are in congruence with the factors that have been deliberated upon above, which supports the following suggestions:

- i. The NPA must restore its damaged reputation, thereby rebuilding public trust and confidence.
- ii. The NPA must place a high importance on ethical conduct and integrity, and deal decisively with allegations of corruption.
- iii. The NPA should work with other CJS role players to improve the inefficiencies within the organisation as well as in the CJS in general.
- iv. The NPA should enhance collaboration with civil society.
- v. The NPA needs to change. It cannot be “business as usual”.

Heralding in a new era of change, was the following of a transparent appointment process in appointment of the new NDPP. This includes a drive for progression and innovation during this opportune time for transformation during the crises. Reversion back to core values and focusing on the central role of prosecutors is a key enabler for restoration.

Strong governance is necessary to re-establish confidence in the NPA. The current management structure is as follows in the figure below and as identified as a necessity, will be supported through the establishment of a Complaints and Ethics mechanism, as is provided for in the NPA Act. This accountability structure will report directly to the NDPP, and will support the Public Sector Integrity Management Framework. Internal policies and procedures will enhance integrity standards and will not be tolerant of non-compliance.

Figure 5: Structure of the NPA



Part C: Measuring Our Performance

9. Past Institutional Performance Information

Crime and violence are pervasive in South Africa. The 2018/19 crime statistics provide grim reading regarding the prevalence of crime and the state of public safety in South Africa – the murder rate has increased over the past five years, and there are high rates of assault, rape, other contact crime,⁴³ contact-related crime,⁴⁴ and serious crime.⁴⁵ With these unacceptably high levels of crime, few people feel safe and even fewer people believe that the government has the crime situation under control.

The NPA occupies a strategic position within the JCPS cluster, being one of the critical pillars in the CJS value chain. The organisation, as a key driver in creating a safer South Africa, aims to contribute to increased access to justice, to speedy justice and an improvement in service delivery by increasing operational efficiency. The NPA also strives to elevate victims to their rightful position in the criminal justice process by adopting a victim-responsive approach through measurable improvements in service delivery to victims of crime.

In the ever-changing and dynamic environment within which the NPA operates, it is imperative that the NPA continuously strives to ascertain pro-active and innovative ways to deal with the prosecution of crime.

The main outcome of the NPA's performance is to ensure that crime and corruption is significantly reduced through effective prosecution.

Great strides were made to ensure that high conviction rates were maintained and improved on in all court forums over the years. The District Courts obtained a 94.2% conviction rate in 2014/15 and a 95% conviction rate at the end of August 2019. The Regional Courts obtained a 76.6% conviction rate in 2014/15 and an 82.8% conviction rate at the end of August 2019. The High Courts achieved a 91% conviction rate in 2014/15 and a 91.6% conviction rate at the end of August 2019.

⁴³ Attempted murder, sexual offences, common assault and robbery.

⁴⁴ Arson, malicious damage to property.

⁴⁵ Commercial crime, shoplifting, theft, aggravated robbery (including hijackings, robbery at residences, cash-in-transit heists and bank robberies).

Although the courts succeeded in upholding the focus placed on quality prosecutions in many spheres through high conviction rates, this performance impacted negatively on the finalisation of cases in the courts, as interpreted by the decreasing trend of case finalisation.

In accordance with Presidential directives, the courts continued to put special emphasis on the conviction of sexual offences matters. The improved conviction rate of 74.5% for sexual offences at the end of August 2019, as well as the 14 032 victims assisted at TCC sites (with a 74.8% conviction rate for TCC reported cases), reflect a firm commitment to deliver justice for the most vulnerable members of society – the victims of sexual offences and gender-based violence. However, much more needs to be done to address this scourge.

In line with the JCPS Delivery Agreement⁴⁶, a special focus was placed on the prosecution of cybercrime cases in order to curb this growing international phenomenon and maintain high conviction rates. New technologies create new criminal opportunities rather than new crime types – cybercrime is an extension of an ordinary crime committed within cyber space, whereby information and communication technologies are used as an instrument for and target or means of perpetuating further crimes. High conviction rates were maintained in the prosecution of cybercrime cases, with the 98.7% conviction rate obtained at the end of August 2019 being the highest achieved over the last five years. However, it is recognised that serious and complex cybercrime was not addressed in this period. The newly drafted Cybercrimes Bill, is expected to come into effect later this year. The Bill deals with offences relating to cybercrimes, jurisdiction of courts, powers of investigation, search, seizure, access, evidence gathering, the establishment of a designated point of contact and reporting obligations. This legislation will provide guidance and clarity in this field and will undoubtedly impact on the performance direction of the organisation.

Trio crimes comprise vehicle robberies (hi-jackings), house robberies and business robberies. These are all crimes that impact directly on an individual's feelings of safety. It is therefore of the utmost importance that all entities in the criminal justice value chain adopt an integrated and coordinated approach in curbing the increasing rate of trio crimes. The slightly downward trend in the NPA's performance for these crimes over the last five years, from 82% in 2014/15 to 83.3%, may be attributed to a number

⁴⁶ DELIVERY AGREEMENT for Outcome Three: "ALL PEOPLE IN SOUTH AFRICA ARE AND FEEL SAFE"

of factors including: the reluctance of witnesses to testify; incomplete investigations and collection of evidence at the scene of the crime; the absence of corroborating evidence concerning the identity of the offender; discrepancies between the evidence of state witnesses; and representations that resulted in the withdrawal of cases.

In the last MTSF period (2014-2019), the NPA achieved all its corruption targets. In addition, as of August 2019 (for the 2019/2020 period), 89 persons had been convicted of private sector corruption and 94 government officials had been convicted of corruption or offences related to corruption. However, by the end of August 2019, only 5 persons had been convicted of corruption or offences related to corruption where the amount involved exceeded R5 million. It is recognised that serious complex corruption was for various reasons not addressed in this period⁴⁷. The fight against corruption is a key priority for the NPA in the current Strategic Plan. Interventions to address the performance challenges will be implemented to address serious complex corruption cases.

The AFU is a critical part of the state's arsenal against the scourge of corruption and has delivered significant returns in the past five years. However, the current performance of the AFU is not encouraging. There will be an analysis of the performance and, depending on the outcome of this process, there may be a need for interventions to ensure that performance is significantly improved.

The OWP has maintained its outstanding performance record for the last 18 years, ensuring that no witnesses and related persons have been threatened or killed while on the witness protection programme.

⁴⁷ See section on Situational analysis which starts on pg. 23 for further discussion.

a. Measuring Impact

Table 3: Measuring impact

DoJ&CD Impact Statement	Improved public perception, confidence in the justice system and respect for the rule of law
NPA Impact Statement	A South Africa in which crime is significantly reduced and everyone feels safe and abides by the law

b. Measuring Outcomes

Table 4: Measuring outcomes

MTSF Priority	Priority 6: Social Cohesion and Safe Communities		
DoJ&CD Outcome 2	Modernised, accessible courts and people-centred services		
DoJ&CD Outcome 6	Crime and corruption significantly reduced through effective prosecution		
NPA Outcome	Crime and Corruption significantly reduced through effective prosecution		
NPA Sub-Outcomes	Outcome Indicator	Baseline	5-Year Target
Increased feelings of safety and security⁴⁸	Level of satisfaction with the prosecution of identified crime types ⁴⁹	N/A	Baseline + 30%
Improved investor confidence in South Africa through high-impact prosecution⁵⁰	% of identified high impact corruption prosecutions instituted ⁵¹	N/A	Baseline + 25%
Improved access to NPA services for all⁵²	Level of customer satisfaction with NPA services ⁵³	81.5%	92%

⁴⁸ This sub-outcome supports the DoJ&CD outcome 6: crime and corruption significantly reduced through effective prosecution.

⁴⁹ Level of satisfaction seeks to determine the public's perception regarding prosecutors' efficiency in dealing with certain prioritised crime types, (murder, rape, trio crimes).

⁵⁰ This sub-outcome supports the DoJ&CD outcome 6: Crime and corruption significantly reduced through effective prosecution.

⁵¹ High impact corruption relates to cases identified as priority by all divisions, cases managed by the ID (SOE's and State Capture) including cases prioritised from the ACTT.

⁵² This sub-outcome supports the DoJ&CD outcome 2: Modernised, accessible courts and people centred services.

⁵³ The level of customer satisfaction relates to the combination of both satisfied and highly satisfied responses as per the survey results. Refer to TID for method of calculations.

c. Explanation of Planned Performance over the Five-Year Planning Period

Table 5: Explanation of Planned Performance over the Five-Year Planning Period

MTSF Priority	Priority 6: Social Cohesion and Safe Communities	
NPA Sub-Outcomes	Outcome Indicator	Performance Rationalisation
Increased feelings of safety and security	Level of satisfaction with the prosecution of identified crime types ⁵⁴	<p>The NPA recognises that crime and activities related to crime in South Africa have a dire effect on the citizen's feelings of safety and security. The NPA therefore recognises that a professional efficient and effective prosecution service will result in improved trust in the work of the NPA and ultimately in the credibility of the criminal justice system, and positively impact on feelings of safety.</p> <p>This will assist the NPA to understand the level of quality of service they offer in ensuring that justice is served especially in crimes that have an impact on the feelings of safety.</p>
Improved investor confidence in South Africa through high-impact prosecution	% of identified high impact corruption prosecutions instituted ⁵⁵	<p>The levels of corruption in South Africa are unacceptably high. It is on this premise, the NPA has prioritised its efforts in addressing and combating the scourge of such crimes. Corruption has been found to negatively impact on investor confidence. Holding perpetrators accountable and removing profits gained from corrupt activities will restore public and investor confidence. This will improve the economy which in turn will benefit all and advance sustainable development.</p>

⁵⁴ Level of satisfaction seeks to determine the public's perception regarding prosecutors' efficiency in dealing with certain prioritised crime types, (murder, rape, trio crimes).

⁵⁵ High impact corruption relates to cases identified as priority by all divisions, cases managed by the ID (SOE's and State Capture) including cases prioritised from the ACTT.

MTSF Priority	Priority 6: Social Cohesion and Safe Communities	
NPA Sub-Outcomes	Outcome Indicator	Performance Rationalisation
		It will contribute to the improvement in governance and the management of state resources thereby enhancing service delivery. This will also assist in the fight against fraud and corruption to ensure inclusive growth that require addressing the vast amounts of money South Africa lost to the illicit economy. Thereby improving investor confidence
Improved access to NPA services for all	Level of customer satisfaction with NPA services	In line with the Batho Pele principles of providing equal and quality access to services to the public, the rendering of quality and effective prosecution services remains the top priority of the NPA. As such, the NPA will pursue a more victim-responsive approach that promotes justice for all. This include offering court preparation services at all courts as well as increasing the TCC footprint.

10. Resource Considerations

Table 6: Budget allocation for the NPA per sub-programme over the Medium-Term Expenditure Framework period

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
R thousand	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
National Prosecutions Service	2 776 286	2 946 254	3 058 752	3 231 888	3 701 537	3 969 000	4 123 052
Asset Forfeiture Unit	133 011	126 520	127 794	159 294	203 935	217 302	224 722
Office for Witness Protection	183 521	189 994	193 539	183 445	196 729	208 911	217 440
Administration	461 758	480 147	419 310	456 939	481 725	510 773	530 965
TOTAL	3 554 576	3 742 915	3 799 395	4 031 566	4 583 926	4 905 986	5 096 179
Economic classification							
Compensation of employees	3 039 993	3 202 753	3 317 228	3 512 046	3 974 211	4 259 377	4 423 047

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
R thousand	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Goods and services	462 661	495 535	433 237	466 696	553 760	587 814	611 403
Of which:							
Administrative fees	13 444	13 738	15 401	15 984	16 561	17 470	18 116
Advertising	942	256	34	1 604	1 692	1 785	1 851
Assets less than the capitalisation threshold	2 128	2 596	1 818	8 030	3 952	4 110	4 723
Audit cost: External	0	0	0	0	0	0	0
Bursaries: Employees	1 031	1 154	1 071	668	705	744	772
Catering: Departmental	1 643	287	111	1 802	2 471	2 608	2 705
Communication (G&S)	14 534	18 247	16 400	16 504	19 989	20 978	22 538
Computer services	74 360	111 688	62 294	53 680	68 185	71 385	73 667
Consultants and professional services: Business and advisory services	7 573	4 723	2 565	6 891	42 270	46 723	49 008
Consultants and professional services: Legal costs	12 900	34 266	29 290	50 209	41 465	46 833	48 568
Contractors	24 178	7 977	7 501	8 762	13 464	13 985	14 353
Agency and support / outsourced services	13 122	11 896	12 243	6 693	23 411	24 940	26 431
Entertainment	0	0	0	0	0	0	0
Fleet services (including government motor transport)	12 481	15 723	16 300	9 747	8 743	9 224	9 568
Consumables: Supplies	3 973	909	480	3 580	3 778	3 986	4 133
Consumables: Stationery, printing and office supplies	20 069	35 360	30 693	17 451	34 984	36 797	38 091
Operating leases	36 663	35 146	45 867	29 963	19 737	20 713	21 409
Property payments	63 683	72 492	72 912	95 852	93 291	97 872	101 139
Travel and subsistence	69 433	63 892	0	58 607	72 181	75 682	78 177
Transport provided	4	10	63 939				
Training and development	1 572	2 690	134	4 694	4 952	5 225	5 419
Operating payments	87 356	62 276	47 175	75 961	81 916	86 740	90 720
Venues and facilities	1 457	165	7 009	2	0	0	0
Rental and hiring	115	44	0	12	13	14	15
Total current payments	3 502 654	3 698 288	3 750 465				
Payments for financial assets	1 232	465	4 601				
Transfers and subsidies to:	18 828	16 432	24 877	18 922	19 963	21 083	21 970
Departmental agencies	8 611	8 891	9 277	10 048	10 601	11 195	11 611
Households	10 217	7 541	15 600	8 874	9 362	9 888	10 359

Sub-Programme	Audited outcome			Adjusted estimates	Medium-term estimates		
R thousand	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Payments for capital assets	31 862	27 730	19 452	33 900	35 992	37 712	39 759
Buildings and other fixed structures	0	0	0				
Machinery and equipment	31 862	27 730	19 452	33 900	35 992	37 712	39 759
TOTAL	3 554 576	3 742 915	3 799 395	4 031 566	4 583 926	4 905 986	5 096 179

Expenditure Trends

Over the medium term, between 2020/21 and 2022/23, expenditure is expected to increase at an average annual rate of 7.37% to reach R5,096 billion. The bulk of spending cross the seven-year period, from 2016/17 to 2022/23, is on compensation of employees. The National Prosecuting Services (NPS) will continue to be allocated a bigger slice of the budget over the Medium-Term Expenditure Framework (MTEF) period.

The NPS sub-programme accounts for 80.16% of the 2020/21 budget. The Administration sub-programme budget allocation includes certain centralised services such as leased accommodation, information and communications technology (ICT) services, fleet and security.

11. Key Risks

The NPA has identified the strategic risks that have the potential to affect the achievement of the predetermined results and service delivery in alignment with the revised focus of the organisation. Mitigation plans have been developed in line with the identified sub-outcomes: (1) increased feelings of safety and security; (2) improved investor confidence in South Africa through high-impact prosecution; and (3) improved access to NPA services for all.

Table 7: Key risks

No.	Key Risks	Contributing Factors	Risk Rating	Risk Mitigation	Risk Owner
1.	<p>Negative public perception and reputation of the NPA</p> <p>The NPA has been viewed in a negative light in the recent past. For the NPA to effectively deliver on its mandate and make the necessary impact, it must be viewed as a credible institution by all. The NPA must be responsive to the needs of the country in respect of fighting crime and corruption, without fear favour or prejudice. NPA officials at all levels should always uphold the highest standards of integrity and/or ethical behaviour.</p>	<ul style="list-style-type: none"> • Lack of leadership credibility • No public confidence in the NPA • Lack of accountability in respect of prosecutorial decisions • Interference with the independence of the NPA • Negative media coverage • Lack of decision making/ or prosecutions in certain high profile cases • Perceptions of fraud and corruption as well as dishonest and unethical conduct in the NPA 	<p>High</p>	<ul style="list-style-type: none"> • Establishment of Office of Complaints and Ethics • Conduct ethics interventions and advocacy sessions to prevent unethical behaviour • Random and ongoing integrity testing processes • Develop external and internal communication strategy • Advocate for autonomy from DoJ&CD/NPA Accounting Officer • Introduce a transparent and deliberative appointment process for senior NPA leadership • Keep victims of crime informed and updated about cases to improve trust and confidence in the NPA • Transparent and accountable decision making 	NDPP

E	Topic	Existing Framework	Risk Rating	Risk Mitigation	Risk Owner
2.	<p>Inadequate stakeholder management, and effective coordination</p> <p>The NPA, as part of the CJS value chain, requires the cooperation of JCPS partners and other stakeholders to ensure the achievement of set outcomes and to make the necessary impact against crime and corruption. The lack of coordination which includes aligned and/or common targets within the JCPS cluster, leads to inefficiencies and ineffectiveness of the CJS, which manifests in various ways</p>	<ul style="list-style-type: none"> • Lack of aligned or common targets within the JCPS cluster, in particular with the SAPS. • Lack of joint planning in the JCPS. • Lack of accountability in the JCPS. • Inefficiencies in the structure and functioning of various national and provincial joint structures, Provincial Efficiency Enhancement Committees (PEECs), and the National Efficiency Enhancement Committee (NEEC) 		<ul style="list-style-type: none"> • Integrated planning i.r.o. priority crimes, including joint resource planning joint performance measures between SAPS and NPA • Establish a task team to operationalise the development of joint or common performance measures between SAPS and NPA • Influence efficiency in the functionality of the JCPS and its substructures and the CJS • Integrated/joint reporting of the Nat Joints to the JCPS • The NDPP and Senior officials to drive the process of stakeholder and partner collaborations • Influence upward reporting from PEECs to NEECs • Assign NPA representative at NEEC and PEEC and ensure proper feedback is given to EXCO 	DNDPP: NPS

E	Issue	Contributing Factor	Risk Rating	Risk Mitigation	Risk Owner
3.	<p>Lack of required skills and people to attend to complex matters</p> <p>Over a number of years, the NPA has faced the exodus of skilled personnel and consequently lacks the critical skills to deal with the complex nature of the NPA's work</p>	<ul style="list-style-type: none"> • Long recruitment process in specialised areas • Prolonged period of not filling posts due to budget constraints • Discontinuation of Aspirant Prosecutor programme • Experienced and skilled prosecutors lost to judiciary 	High	<ul style="list-style-type: none"> • Budget advocacy to obtain additional funds. • Develop a new NPA recruitment and retainment strategy • A new strategic approach to professional development and training strategy, emphasising the use of technology and experiential learning • Re-introduce NPA awards programme to encourage professionalism and excellence 	DNDPP: Administration

No.	Key Issue	Underlying Issues	Risk Rating	Risk Mitigation	Risk Control
4.	<p>Insufficient use of technology to enhance efficiency and effectiveness in the NPA</p> <p>The introduction of innovation and technology in the prosecution space has largely been compromised by a lack of funds and resistance to evolving with the technological advances. The modernisation and digitisation of the NPA is a high priority.</p>	<ul style="list-style-type: none"> Lack of integrated electronic case management Challenges within the Integrated Justice System (IJS) processes Reluctance to move from paper-based to electronic organisation Lack of organisation-wide knowledge management system and capacity Lack of laptops and network connectivity, particularly at lower courts ECMS developed but not fully implemented <ul style="list-style-type: none"> Training of prosecutors Lack of data capturers at lower courts 	Medium	<ul style="list-style-type: none"> Regular engagements with JCPS partners and IJS team to monitor and address bottlenecks, including weak governance structures, around implementation of the integrated system, escalate challenges as appropriate Explore recruitment of data capturers on a contract basis to support ECMS implementation Incorporation of a Change Management module in the training programme of the NPA Capacitation of the Knowledge Management unit Procurement of computers and scanners to allow for a paper-less prosecution service Initiate a project aimed at ensuring that prosecutors at lower courts are migrated to NPA network Management to escalate the need to transform the entire justice system through various national structures 	DNDPP: Administration

12. Public Entities Links to other Plans

a. Links to the Long-Term Infrastructure and other Capital Plans

The NPA, as a programme within the DoJ&CD, does not develop its own long-term infrastructure or capital plans. The NPA provides its needs, which are incorporated into the DoJ&CD infrastructure and capital plans.

b. Conditional Grants

Not applicable.

c. Public Entities

Not applicable.

d. Public-Private Partnership

Not applicable.

Part D: Technical Indicator Descriptions (TID)

1	
Indicator title	Level of satisfaction with the prosecution of identified crime types ⁵⁶
Definition	Measures the level of community satisfaction with the prosecution service in dealing with identified crime types, i.e. murder, rape and trio crimes
Source/collection of data	Questionnaires and Survey Report
Method of calculation	Calculation in the form of a percentage (%), of the number of survey participants who expressed satisfaction with the NPA services divided by the overall number of survey participants (including those who expressed unsatisfied).
Assumptions	Funding for survey allocated, competent service provider appointed, willingness of community members to wilfully participate in the survey.
Disaggregation of Beneficiaries (where applicable)	Not Applicable.
Spatial Transformation (where applicable)	Not Applicable.
Reporting cycle	Biennial
Desired performance	Baseline+30%
Indicator responsibility	DNDPP: Administration
2	
Indicator title	% of identified high impact corruption prosecutions instituted ⁵⁷
Definition	Assesses the efficiency and effectiveness of the prosecution service in dealing with high impact corruption which includes the following: Cases flagged as priority by NPS divisions, cases referred from State Owned Enterprises (SOEs) as listed on www.gov.za , cases by the Investigative Directorate (ID) and priority cases listed by the Anti-Corruption Task Team (ACTT).
Source/collection of data	NPS Corruption Registers/ ID Case Register/ ACTT Priority case list
Method of calculation	Number of prosecutions instituted in high impact corruption cases in the reporting period divided by the total number of high impact corruption matters referred to the NPA calculated as a percentage
Assumptions	Investigative Directorate fully capacitated, skilled prosecutors and investigators available, prioritisation of cases by all stakeholders (ACTT) including dedicated courts.
Disaggregation of Beneficiaries (where applicable)	Not Applicable.
Spatial Transformation (where applicable)	Not Applicable.
Reporting cycle	Quarterly
Desired performance	Baseline +25%
Indicator responsibility	DNDPP: NPS
3	
Indicator title	Level of customer satisfaction with the NPA Service

56 Level of satisfaction seeks to determine the public's perception regarding efficiency in prosecuting certain crime types (Murder, Sexual Offences – rape, House - robbery).

57 High impact corruption relates to impact cases identified as priority by all divisions, cases managed by ID (SOE's and State Capture) including cases priorities from the ACTT.

Definition	Measures the level of satisfaction by the customers of the NPA (victims, witnesses and complainants) in the prosecutions services and treatment by the NPA staff
Source/collection of data	NPA Crime and Criminal Justice Survey (CCJS)
Method of calculation	The total number of survey participants (victims, witnesses and complainants) who responded that they were either satisfied or very satisfied to the questions divided by the total number of all survey participants in the survey that answered the question expressed as a percentage (%).
Assumptions	Funding for survey allocated, competent service provider appointed,
Disaggregation of Beneficiaries (where applicable)	Not Applicable.
Spatial Transformation (where applicable)	Not Applicable.
Reporting cycle	Biennial
Desired performance	92% (Satisfied response baseline 62.5% (+29.5% increase), Highly satisfied baseline 19% (+40% increase))
Indicator responsibility	DNDPP: Administration

Annexure E: Key concepts

Admission of guilt payments (AOG)

Payments in terms of a summons (J175) issued where the accused paid the admission of guilt in terms of section 57 of the CPA, Act 51 of 1977 without appearing in court on a criminal court case. These figures are totalled on the last court date of each calendar month with due regard to section 57(7) of the CPA, Act 51 of 1977.

Alternative dispute resolution methods (ADRM) - alternative dispute resolution encompasses several methods for the resolution of disputes between the parties. Within the NPA this includes diversion and informal mediation:

Diversion is one of the alternative ways of delivering justice. It is the process of electing, in suitable and deserving criminal court cases, a manner of disposing of a criminal court case other than through normal court proceedings. (It usually includes the withdrawal of the charges against the accused person, after the accused person has participated in a particular certified programme.) After the offender has completed the diversion programme, the social worker submits a report to the prosecutor. If it is clear that the offender has cooperated and benefited from the programme, the matter is withdrawn and recorded as a diverted case on the daily statistics. These figures are totalled on the last court date of each calendar month. Separate statistics are recorded for children (persons younger than 18 years) and adult diversions. Diversions in terms of the Child Justice Act, 75 of 2008 are also included, and are totalled on the last court date of each calendar month.

Informal mediation is the process by which a prosecutor duly authorised thereto and within the ambit of the restorative justice guidelines, while acting as a mediator between the victim and offender, resolves the conflict, which resulted in the criminal court case or addresses the harm caused in a manner that does not require formal justice but seeks to deliver justice. The matter is subsequently withdrawn.

Appeals finalised

Means a case finalised through a judgement by the Court of Appeal inclusive of Rule 53 matters, motion applications, *ex parte* applications, petitions, bail appeals or withdrawal of Appeal by the appellant or any other reason that entitles the file to be closed.

Applications for leave to appeal

Means the number of cases in which the court considered an application for leave to appeal against a judgment or order made by the trial court and heard during the reporting period regardless of the outcome of the application.

CARA

A special fund used to fight crime or assist victims of crime.

Case

In the NPA, a case includes criminal court cases and civil court cases. These concepts are defined as:

- **Criminal court case** is a matter that has been enrolled in a criminal court regardless of the forum including traffic cases and non-docket cases where accused appears in a court. Any civil applications, enquiries and ex parte applications are excluded. A criminal court case may have multiple counts and/or accused and can involve multiple police dockets. A single docket may result in multiple court cases.
- **Civil court case** is a civil matter that has been enrolled in a court of South Africa regardless of the forum. This includes ex parte applications or applications on notice. It includes motion and trial proceedings. Examples are restraint, preservation, forfeiture and confiscation applications. It also includes interlocutory applications relating to living and legal expenses and curators in civil matters.

Commercial crime

Commercial crimes may involve fraud [cheque fraud, credit card fraud, mortgage fraud, medical fraud, corporate fraud, securities fraud (including insider trading), bank fraud, payment (point of sale) fraud, health care fraud], theft, scams or confidence tricks, tax evasion, bribery, embezzlement, identity theft, money laundering, and forgery and counterfeiting, including the production of counterfeit money and consumer goods.

Contact crime

Contact crimes are defined as crimes against a person such as murder, attempted murder, rape (including attempted rape), indecent assault, assault with the intent to inflict grievous bodily harm, common assault, robbery with aggravating circumstances and common robbery.

Complex commercial crime cases

Complex commercial crime cases are those commercial crime cases, which require specialised prosecution due to their intricate nature, or high impact on the community.

Complex tax prosecutions

Means those cases involving tax charges which require specialised prosecution due to their intricate nature, or have a high impact on the community, particularly but not exclusively, those matters linked to the commission of organised crime.

Conversion of sentence

Means cases in which a court considered an application for an imposed sentence to be converted into a different sentence, irrespective of whether the sentence was converted or not, the case was remitted to a trial court by order of an appeal or review court.

Conviction

A conviction is a finding of guilty and includes payment made in terms of section 57A of the CPA, 51 of 1977.

Copper theft prosecutions

This means criminal court cases that arise from any crime that relate to any theft of copper in whatever form (cabling, electrical wiring, plates, etc.) and includes possession or receiving of stolen copper as well as any other competent verdicts on theft and essential infrastructure related prosecutions in terms of the Criminal Matters Amendment Act, 18 of 2015.

Corruption

Corruption should be understood as the misuse of public and private office or position or resources with a corrupt intent, and may include acts of bribery, nepotism, extortion, fraud and theft and any offence committed in terms of the Prevention and Combating of Corrupt Activities Act, 12 of 2004 either as main charge or as the alternative charge.

Court preparation officer

Any officer appointed by the NPA to familiarise a witness with the court environment, legal processes, and legal terms at the appropriate level to address their fears and concerns regarding testimony in court, thus contributing towards successful prosecutions and customer satisfaction.

Criminal matters finalised

Criminal matters finalised include decision dockets which resulted in a decision not to prosecute (Nolle Prosequi), cases finalised through verdict, cases finalised through ADRM (informal mediation, diversions etc.), matters where admission of guilt was determined by the prosecutor and it was paid prior to enrolment, appeals finalised in the High courts, representations finalised as well as criminal/court matters finalised.

Criminal/court matters finalised

Criminal/court matters finalised include the putting of suspended sentences into operation, the conversions of maintenance trials to an enquiry, applications for leave to appeal, committal to a mental institution, conversion of sentences, formal inquests, preliminary inquiries in terms of the Child Justice Act, 75 of 2008 and formal bail applications.

Cyber crime

Any crime that is facilitated by the use of information technology.

Decision dockets

Decision dockets include all criminal matters presented to the NPA to consider the institution of a prosecution. These exclude dockets in cases enrolled.

District court

A court created by the Minister of Justice for a district in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).

Diversions in terms of Child Justice Act

- **Diversion by prosecutor before preliminary inquiry in terms of Section 41 of Child Justice Act, 75 of 2008**

Means matters diverted by a prosecutor in which a child was alleged to have committed an offence referred to in Schedule 1 and may, for this purpose, select any level one-diversion option set out in section 53(3) or any combination thereof.

- **Preliminary Inquiry Diversions**

Means matters diverted in terms of section 52(1) or 52(2) of the Child Justice Act, 75 of 2008.

- **Schedule 3 Diversions**

Means matters diverted in terms of section 52(3) of the Child Justice Act, 75 of 2008, where the Director of Public Prosecutions having jurisdiction indicated, in the case of an offence referred to in Schedule 3, in writing, that the matter be diverted.

Essential infrastructure

Means to any installation, structure, facility or system, whether publicly or privately owned, the loss or damage of, or the tampering with, which may interfere with the provision or distribution of a basic service to the public as defined in section 1 of the Criminal Matters Amendment Act, 18 of 2015.

Environmental crime cases

Any criminal court cases relating to the importing, exporting, hunting, catching, capturing, killing, gathering, collecting, translocation, selling or trading of any wild animals, birds, plant, fish and marine life, insects; the pollution of water, air, soil, emission of poisons gasses, dumping of waste, inclusive of offences relating to environmental permits and illicit mining.

Femicide

Femicide is the killing of a female person (or perceived female person on the basis of gender identity) due to the specific gender of the person, whether committed within the domestic relationship, interpersonal relationship or by any other person.

Femicide: murder intimate partner femicide

Murder intimate partner femicide is femicide committed by a current or former husband (divorced or separated), boyfriend (dating or cohabitating), ex-boyfriend, or rejected would-be lover.

Formal bail applications

Means the number of cases in which the court considered evidence, whether *viva voce* or written statements, to consider the release of accused on bail during the reporting period

whether bail is granted or not, and includes inquiries in terms of section 49G of the Correctional Services Act, 111 of 1998.

Formal inquests

Means inquiries into the causes of and/or circumstances surrounding the death of a person in which the court considered viva voce evidence of witnesses and made a finding.

Government official

Includes all persons employed by a state institution, as well as persons who were employed by a state institution at the time of commission of the offence. A state institution includes all three tiers of government departments (national, provincial and local), public entities listed in Schedule 2 and 3 of the Public Management Finance Act, 1 of 1999 (PFMA), constitutional institutions listed in Schedule 1 of the PFMA, parliament and the provincial legislatures subject to section 3(2) of the PFMA.

High court

High court means the High Court of South Africa and its respective divisions referred to in section 6(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013).

Illicit mining

It is the prospecting, mining, removal, possession, refining, dealing, importing and exporting of unwrought precious metals and gold, uncut diamonds without a licence or permit, surface and underground trespassing on ownerless, active and derelict mines.

Money laundering

Money Laundering refers to any crimes committed in terms of Section 4 of the Prevention of Organised Crime Act, 121 of 1998 (POCA).

Murder prosecutions

Cases where the accused person/persons are prosecuted on a charge of murder. Murder is defined as the intentional, unlawful killing of another human being. Competent verdicts in terms of section 258 of the CPA, 51 of 1977 are included as guilty verdicts.

Operational Thuthuzela Care Centre (TCC)

A TCC is regarded as operational when all of the following criteria are met:

- A victim friendly designated space, with waiting area, counselling room, examination room, ablution facilities and statement-taking room exists. A TCC is located on the premises of the Department of Health (DOH), either in the hospital building or in a park home facility.

- One of the three posts (site coordinator, victim assistance officer and a case manager) for which the NPA is responsible are filled either on contract or permanent appointment.
- All services are rendered including police, health, psychological and prosecutorial, whether in house or on call. This includes referral system for 24/7 care and management.
- Protocols between the NPA, SAPS and DOH are in place.
- Training for relevant stakeholders, including induction for SOCA-staff at the TCC-site, has been conducted.
- Essential equipment and furniture as per SOCA TCC list have been provided.

Organised crime

Crime or crimes committed by a person, group of persons or syndicate acting in an organised fashion which could result in substantial financial gain for the person, group or persons or syndicate, involved. Specialised prosecutors deal with these cases.

Preliminary inquiry

The number of preliminary inquiries in terms of Section 43 of the Child Justice Act, 75 of 2008, where an informal pre-trial inquiry is held.

Priority corruption case

A priority corruption case is a case identified by each DPP for fast tracking as well as cases identified by the ACTT to be dealt with in accordance with the Terms of Reference of the ACTT.

Prosecuting authority

The Prosecuting Authority is the National Prosecuting Authority, which consists of the National Director; Deputy National Directors of Public Prosecutions; Directors of Public Prosecutions, Deputy Directors of Public Prosecutions, prosecutors and support staff.

Review concluded

In the TRC matters, a review is concluded by a decision to either institute criminal prosecution, decline to prosecute or request the opening or re-opening of an inquest.

Rhino prosecutions

Rhino cases relates to the killing or attempted killing or injuring of a rhino in order to dehorn it or the possession, transportation, dealing in (trading) and importing or exporting of rhino horn without a legitimate permit. It also includes all incidents where accused are found to be trespassing where rhinos are being kept whilst being in possession any instrument capable of removing a horn, under circumstances where the only reasonable inference to be drawn is the death or injury of the rhino in order to obtain its horn and form part of environmental crime.

Sexual offences

Any offences committed in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007, and may include common law rape or indecent assault.

Specialised prosecutor

A prosecutor with a particular skills set and experience that has been assigned to deal primarily with the prosecution of certain crime types.

Suspended sentence

Means the number of cases where an application was made to put a previously suspended sentence into operation, irrespective of whether the suspended sentence was put into operation or not.

TCC

Thuthuzela ("comfort" in Xhosa) care centres (TCC) are 24 hour one-stop service centres where victims have access to all services that include police, counselling, doctors, court preparation and a prosecutor for victims. These centres are aimed at turning victims into survivors and providing comprehensive therapy. These multi-disciplinary centres have been established to streamline the process of reporting, care-giving, investigation of cases and the subsequent prosecution of the case. The main objectives for these centres are to eliminate secondary victimisation, reduce case cycle time, and to increase convictions.

Terrorist

The term terrorist refers to any natural person who: (i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully; (ii) participates as an accomplice in terrorist acts ; (iii) organises or directs others to commit terrorist acts ; or (iv) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.

Terrorist act

A terrorist act includes:

- (a) an act which constitutes an offence within the scope of, and as defined in one of the following treaties: (i) Convention for the Suppression of Unlawful Seizure of Aircraft (1970); (ii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); (iii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); (iv) International Convention against the Taking of Hostages (1979); (v) Convention on the Physical Protection of Nuclear Material (1980); (vi) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988); (vii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); (viii) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005); (ix) International Convention for the Suppression of Terrorist Bombings (1997); and (x) International Convention for the Suppression of the Financing of Terrorism (1999).

- (b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act.

Terrorist financing

Terrorist financing is the financing of terrorist acts, and of terrorists and terrorist organisations.

TRC cases

Cases to be considered for the prosecution of apartheid crimes, where alleged perpetrators were denied amnesty by the Truth and Reconciliation Commission; including deaths in detention of detained persons due to political motives and the interference in the NPA being able to do its work with regard to prosecuting certain individuals in these cases.

Trio crimes

Trio crimes refer to robbery at residential premises, robbery at business premises and carjacking.

Verdict

This is the judgment given by a court after the conclusion of the court proceedings. In criminal cases, it can only follow after an accused person has pleaded to the charges and is a verdict either of guilty or not guilty.

Victim impact statement

Victim Impact Statement (VIS) is a written voluntary statement by a victim and/or their family (caregiver) member or someone authorised by the victim with regard to the emotional, physical and financial effect the crime has had on the victim's life. The VIS is admitted by prosecution as evidence and utilised at sentencing.

Violent protests and industrial actions

Means any crime stemming from or related to violent public protests or industrial actions irrespective of the legitimacy of such protests or actions.

Victim impact statements used in court

Means the utilisation of VIS in any court proceedings including handing in of the VIS via the victim, tendering oral evidence during sentencing on the impact of the crime and, the prosecutor addressing the court for sentencing purposes from the VIS as base document, as well as providing the VIS to court."

Witness

Means any person who is or may be required to give evidence, or who has given evidence in any judicial proceedings.

Witnesses assisted by CPOs

Means the witnesses prepared for court through the use of age appropriate court preparation programme (Ke Bona Lesedi) by Court Preparation Officer (CPO), Victims Charter; Victim Impact Statements; education and awareness programmes within the reporting period.