



## **JUSTICE, CRIME PREVENTION AND SECURITY (JCPS) CLUSTER DRAFT MEDIA BRIEFING STATEMENT**

*13 December 2015*

Thank you very much for taking the time to join us this morning for the Justice, Crime Prevention and Security (JCPS) Cluster Media Briefing on the implementation of the Medium Term Strategic Framework (MTSF 2014 – 2019) in the first phase of implementation of the National Development Plan. The JCPS MTSF commitments are articulated in the government's priorities contained in Outcome 3, with the Vision to ensure that: "All People in South Africa are and feel Safe". The Cluster continues to work in earnest with all sectors of society to ensure the realisation of this vision.

### **POLICE KILLINGS WILL NOT BE TOLERATED**

To date, 82 police officers have been killed (in the calendar year). Clearly this is an untenable position and we view the killing of members of the South African Police Service as an attempt to undermine the legitimate authority of our democratic state. The South African Police Service has adopted a back to basics approach and implemented a comprehensive, multi-disciplinary and integrated police safety plan involving all force multipliers to enhance and ensure the safety of all members, which includes visits to police stations by a management team.

In addition, safety awareness to ensure appropriate tactical and operational responses was enhanced internally, supported by focussed and priority follow-up actions, investigations and convictions of suspects.

### **OPERATION FIELA/RECLAIM**

The effectiveness of Operation Fiel/Reclaim, which Government implemented in order to re-assert the authority of the State and to address lawlessness in identified areas, must once again be emphasised. It continues to be a success story of note.

A few of the successes of this integrated operation, involving a number of Government departments and role players, between April and December 2015, include the following:

- Number of operations conducted : 3 205
- Number of persons searched : 462 555
- Number of premises searched : 38 495
- Number of vehicles searched : 150 673
- Total number of arrests : 40 903
- Confiscations:
  - Vehicles : 737
  - Firearms
    - Handguns 329
    - Rifles 28
    - Shotguns 11
    - Auto/semi auto 7
    - Homemade 10
    - Other 9
    - Ammunition 4 590

These successes are over and above arrests and successes achieved during day-to-day proactive and reactive policing.

## **OPERATION FIELA/RECLAIM, INCORPORATING OTHER OPERATIONS INCLUDING SAFER FESTIVE SEASON**

Special operations have been launched under the umbrella of Operation Fiela/Reclaim. These include the annual Safer Festive Season Operations which are intended to ensure that our communities can enjoy a peaceful and safe holiday season. We also aim to ensure safety on our roads, especially as many people will be travelling to and from their holiday destinations during this period.

It is a known fact that crime incidents increase between October and January every year. The Fiela/Reclaim operations are focused on stabilising the country and combating serious and violent crimes, especially crimes against women, children and vulnerable groups. An interdepartmental approach in conjunction with all relevant role players is being followed.

To address all identified crimes and possibilities, a six pillar approach is being followed over a four month timeframe , i.e. 1 October 2015 up until 31 January 2016:

- ✓ Pillar One: Aggravated Robberies (1 426 arrests for the reporting period);
- ✓ Pillar Two: Enforcement of the Firearms Control Act, the Liquor Act, the Second Hand Goods Act and the Safety at Sports and Recreational Events Act (SASREA) (25 344 for the reporting period);
- ✓ Pillar Three: Crime Againsts Women, Children and Persons with Disabilities (768 arrests during the reporting period);
- ✓ Pillar Four: Wanted Suspects (No arrests ?);
- ✓ Pillar Five: Road Safety Enforcement (Traffic Management) (3 001 arrests during the reporting period);
- ✓ Pillar Six: Border Security (4 643 arrests during the reporting period).

### **Cluster activities**

All JCPS member departments and law enforcement agencies embarked on various activities to address the abovementioned pillars. These include the following:

- Visiting the shopping malls, pension pay-out points and casinos;
- Visiting second hand goods dealers and liquor outlets;
- Compliance inspections on firearms dealers and individual owners, and abattoirs;
- Managing of major events in terms of SASREA;
- By-laws enforcement

A combined total of 511 831 police actions have been conducted to date which included patrols, stop and searches, vehicle check points(VCP's) and roadblocks. The province which conducted the most actions in the period under review was KwaZulu-Natal with a combined total of 195 195 police actions; followed by the Western Cape with 107 346 combined police actions. The third top province was Free State with 67 202 police actions.

### **COMBATING CRIMES AGAINST WOMEN AND CHILDREN**

A total of 768 arrests for crimes against women and children as well as persons with disabilities have been effected. The most arrests were made in relation to rape, other sexual offences and kidnapping.

The province with the most arrests for rape is KwaZulu-Natal with 153 arrests, followed by the Free State with 110 arrests and the Eastern Cape with 65 arrests. In general, the provinces with the top combined total in this pillar are KwaZulu-Natal with a combined total of 197 arrests, followed by the Free State with a combined total of 169 arrests and the Eastern Cape with a combined total of 102 arrests.

## **SEXUAL VIOLENCE**

The Department of Social Development is committed to the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, and programmes are implemented under the Victim Empowerment Programme. The Department has trained Victim Empowerment service providers and stakeholders on Criminal Law (Sexual Offences and Related Matters) Amendment Act and Trafficking in Persons in all nine provinces. Six Khuseleka One Stop Centres which provide integrated victim empowerment services under one roof as part of limiting secondary victimisation have been established. The Department established 84 shelters for abused women and 201 white doors (centres of hope) for victims of gender based violence in different provinces as part of breaking the cycle of violence in line with the implementation of the Domestic Violence Act and the Programme of Action to address violence against women and children (2013-2018).

The Department has established the Gender Based Violence Command Centre- toll-free number (0800 428 428/\*120\*7867#) that operates 24/7 to provide emergency telephone counselling services and referrals for victims of gender based violence to field social workers for further psychosocial support. The GBV Command Centre was officially launched in March 2014 and it has received 29,518 during the period November 2013 to September 2015. The GBV Command Centre has won a number of international awards during 2014 and 2015. It has won the Contact Centre Management Group's award for Technological Solution: Internal Solution conferred in August 2014. It has also won the Africom Award for Changing Lives award conferred on the Command Centre in September 2014. The Command Centre won the Gold Award for Technological Innovation Award for the Europe, Middle-East and Africa Region, which was conferred on the Command in June 2015. Due to this

award, the Command Centre was invited as a finalist to the Global Contact Centre Awards where it won the Technological Solution-Small Contact Centre award at the Global Contact Centre Awards held recently in Las Vegas, United States of America. This award means that the Command Centre is a global leader in technological innovations for small contact centres.

Furthermore, Public Education and Awareness Operation on Trafficking in Persons, Sexual Offences and Gender Based Violence was conducted by JCPS Cluster stakeholders at the Hasephapho and Van Rooyen Boarder gates as part of the 16 Days of Activism Campaign to raise awareness of trafficking in persons especially on sexual exploitation.

### **EERSTERUST PRESIDENTIAL PROJECT AGAINST DRUGS**

President Zuma visited the community of Eersterust on 21 August 2015. The community expressed their frustration at the proliferation of drugs within the community and the impunity with which these drugs are being trafficked. The community requested that Operation Fiela/Reclaim be extended to their community since they had little confidence that the local police officers were able or willing to deal effectively with this matter.

An intervention operation in Eersterust took place between 3 September 2015 and 30 November 2015, through the NATJOC, in conjunction with the Gauteng PROVJOC. The role players involved in these operations were the South African Police Service (SAPS), the Tshwane Metro Police, the Department of Home Affairs, the South African Revenue Services (Customs) and the Road Traffic Management Cooperation.

### **Successes**

#### Successes achieved since the commencement of the intervention

Total operations conducted = 43

- **141** suspects were arrested for drug-related crimes:
  - Dealing in Drugs - 18
  - Possession of dagga - 68
  - Possession of other drugs - 55
- **27** suspects were arrested for other crimes.

- Undocumented person - 23
- Warrant of arrests - 3
- Possession of illicit cigarettes - 1

➤ **Total arrests = 168.**

#### 136 Cases were opened

- 32 cases were finalized and the accused found guilty and sentenced or fined.
- 88 cases are still before the courts.

16 cases were withdrawn.

#### Operation Vala I Gontjie

In addition, due to the fact that the misuse of alcohol is a critical accelerator to the commission of violent crimes, Government has initiated Operation Vala I Gontjie, which is aimed at addressing illegal liquor outlets and sales. During November 2015, 65 710 inspections were conducted under this operation, 1503 unlicensed liquor outlets were closed down and 84 710 litres of liquor were confiscated. We are certain that these actions will impact positively on crime prevention efforts and will contribute to reducing incidents of violence over the festive season.

### **DEALING WITH INTEGRATED SOCIAL CRIME PREVENTION**

The department of Social Development (DSD) contributes to the National government's commitment to ensure that "All people are and feel safe" through a comprehensive approach that addresses the key social and environmental risk factors that are associated with crime.

The sector defines social crime prevention as a way of strengthening social cohesion and social fabric, by encouraging and empowering individuals, families and communities to participate in their development and decision-making. Basically it means that interventions are aimed at modifying the risk factors among individuals or groups of individuals by using psychological, sociological or community-oriented measures.

The department of Social Development together with key stakeholders developed the Integrated Social Crime Prevention Strategy and was approved by the Cabinet, with a mandate to develop an Integrated Social Crime Prevention Action plan with all

relevant government departments and civil society organisations, for the implementation of the social crime prevention strategy.

Furthermore, the rationale for developing and implementing the Integrated Social Crime Prevention Action Plan was to enable the government departments to respond to crime-related issues in a coordinated and focused manner, specifically looking at issues causing crime and violence. The integrated action plan also seeks to promote joint efforts for creating a common understanding and vision on how to combat crime, bringing together concerted interventions within government departments as crucial initiatives for social crime prevention and community safety.

The department has since conducted trainings and established multi-disciplinary social crime prevention committee to facilitate and monitor implementation of the strategy. The implementation of the strategy has improved collaboration in both JCPS SPCH cluster departments including provincial departments.

## **ELIMINATING DRUG AND SUBSTANCE ABUSE**

For as long as hundreds of young children around our country are under the grip of drug and substance abuse, we cannot achieve the shared goal of making our communities safer.

The JCPS Cluster is committed to accelerate the implementation of the National Drug Master Plan to eliminate drug and substance abuse by increasing access to treatment services nationally. We also aim to intensify mobilization of communities around the country through the establishment and sustaining provincial substance abuse fora's and of local drug action committees as part of our prevention programme to reduce the supply, demand and harm caused by drug and substance abuse.

We are making progress in the area of the treatment of addicts. 2 treatment centres have been completed, one in Limpopo and another in Eastern Cape. Land has been secured for the construction of treatment centres in the Free State, North West and Northern Cape provinces.

We also call on all sectors to join hands with government to expand access to rehabilitation programmes. We should support families of addicts to ensure that those affected drug abuse break the habit and are able to resume normal lives. Addicts need all our support. Let's help them.

We further call on community members to stop turning a blind eye towards people who sell drugs in their neighbourhoods. The drug trade is not a harmless or victimless crime. Drugs are destroying the very future of our society as our youth get hooked and lose their potential. Some resort to crime to feed their habit, others stop schooling and engage in other self-destructive behaviour. We shouldn't keep quiet when greedy people are destroying the lives of young people by selling drugs. We should report them to law enforcement agencies.

## **PROMOTING PROPER POLICE CONDUCT IN ACCORDANCE WITH THE CONSTITUTION**

The Independent Police Investigative Directorate is mandated by law to investigate police misconduct of members of the South African Police Service and Municipal Police Service (MPS). This legislative obligation is further entrenched in Outcome 3 of the MTSF, a vehicle used to implement the National Development Plan, which envisages that "All people are and feel safe in South Africa".

The directorate have made remarkable strides with regard to ensuring that SAPS members are accountable for their conduct that is expected to be in line with the principles of the Constitution. IPID's remarkable progress is evident in the institutional and governance structures that the directorate have established in order to ensure that it fulfils Section 15-18 as well as Section 28- 30 of the IPID Act No. 1 of 2011 which will in turn assist in changing behaviour of officers who act outside the premise of the law.

In the period of 1 April 2015 until 30 September 2015 IPID received a total of 2739 cases reported against the police. Progress thus far indicates that about 52% (1 438/ 2739) of the reported cases have been completed, while investigation of about 37% (1025/2 739) is currently underway with a remaining 10% (276/ 2739) of the cases being closed. with 1025 of those cases still active meaning the cases are still in progress, we have decision ready cases of 1438 and additional 276 cases been closed. We also referred a total of 635 disciplinary recommendations to SAPS for departmental actions.

Criminal convictions at this stage stands at 20 with 3 deaths as a result of police action, 5 discharge of fire-arms, 2 rapes and 8 Assaults. Western Cape is the highest with a total of 7 followed by Mpumalanga with 3 Limpopo and North West and 2 Northern Cape.

Of great concern to IPID is the number of assault cases reported to us, thus requiring IPID to be more robust in its awareness campaigns to curd the high rate of assault incidents. Planned strategies include participating in SAPS Police Station lectures wherein focus would be on creating awareness on the need for use of human-rights approach to policing. Increasing numbers of cases reported thus far with only assault cases being the highest with a total of 1745 followed by discharge of firearms by 468.

Despite the above, the directorate is working tirelessly under a tight fiscal envelops to ensure that the integrity of South African Police Service is upheld, regained and that the people of South Africa are and feel safe.

## **FIGHT AGAINST CORRUPTION**

The government of South Africa remains steadfast in its commitment to eradicate corruption from all sectors of our society. We are keenly aware of how the cancer of corruption in both the private and public sector has a detrimental effect on government's effort to deliver services to the people. We have, through the Justice, Crime, Prevention and Security (JCPS) Cluster, prioritised the fight against corruption and adopted a zero tolerance stance towards it. In the past week we celebrated International Anti-Corruption Day and provided input there on what we done and will continue to do in fighting the scourge of corruption. Some of the noteworthy aspects are the following:

- South Africa is a signatory to the United Nations Convention against Corruption which enjoins all member states to “develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability” as well to “adopt such legislative and other measures as may be necessary to establish as criminal offences” in order to combat corruption.
- We have done so with the development of holistic policies in this regard under the auspices of the Inter-Ministerial Ant-Corruption Committee.

We further believe that South Africa has all the necessary legislative and institutional frameworks to fight and defeat corruption. In this regard the plethora of measures adopted to eradicate corruption includes, amongst others, the following -

- the drafting of the government's anti-corruption framework in harmony with international best practice and which enabled the institution of a sound anti-corruption and ethics framework, inclusive of strong policy and legislative instruments;
- the promulgation of legislation to combat and prevent corrupt activities, to protect whistle-blowers and to mandate the President to establish structures to investigate and adjudicate cases of serious malpractice or maladministration in state institutions;
- the establishment of the Anti-Corruption Task Team (ACTT) which comprises about thirteen government departments and institutions in order to fast-track investigations and prosecution of corruption cases;
- the creation of the national and sectoral anti-corruption hotlines;
- the building of partnerships between government, organised business and civil society to fight corruption has been strengthened. One of the outcomes of the partnership was the creation of the National Anti-Corruption Forum (NACF) to help coordinate a society wide response to the malaise of corruption. Measures have been put in place to strengthen and resuscitate the NACF ;
- the establishment of specialised anti-corruption units such as SAPS Organised Crime Unit, the Directorate of Priority Crime, the Asset Forfeiture Unit in the NPA, the Financial Intelligence Centre as well as Specialised Commercial Crime Courts have all contribute to successes in the fight against corruption.

All these instruments bear out our government's commitment to the attainment of our vision of a South Africa that is totally free of corruption. The scourge of corruption is, however, a societal issue that must be confronted head on by everyone. To this end, we hereby urge all our people to play their part in the fight against corruption by not offering bribes, holding one another accountable and reporting corruption wherever it happens.

Since 2013 we have succeeded in recovering losses sustained by the state as a consequence of corruption to the value of some R1.8 billion. One of the mechanisms that is available to government in the fight against this blight is the use of preservation of property or freezing orders issued by the High Court where such property is, inter alia, suspected to be a proceed of unlawful activities.

An order so issued curtails the right of the person against whom it is issued to deal in any manner with said property. The utility of this mechanism is borne out by the fact that since around 2013 to date, the total value of freezing orders obtained in respect of diverse illegal activities including corruption and other serious economic offences was in the region of R5.7 billion.

## **SUCCESSSES ACHIEVED IN FIGHTING FRAUD IN THE SOCIAL GRANT SYSTEM**

Yesterday, 9<sup>th</sup> December 2015, in the Western Cape, marked a landslide victory for SASSA and Government against fraud in the social grant system. Five (5) former Gugulethu SASSA Officials were each sentenced to **seven (7) years** direct imprisonment by Magistrate Sonnenberg in the Commercial Crime Court in Western Cape.

The fact that this sentence was handed down on the 9<sup>th</sup> of December, the day on which we commemorate International Anti-Corruption day is pertinent and of significance.

The five former officials were each previously convicted and yesterday sentenced on one count of corruption and seven counts of fraud each with a monetary value of R70,966.00.

The former five officials were each sentenced to **three (3) years** direct imprisonment on the charge of corruption and **four (4) years** direct imprisonment on the charges of fraud.

The Magistrate ordered that the sentences are NOT to run concurrently *thus* sentencing each former official to **seven (7) years** direct imprisonment. The Magistrate in *ratio decidendi* indicated that the court considered sentence options such as a warning, wholly suspended sentence, a fine as well as a sentence in terms of section 276 (1) (h) and (i) but considered these unsuitable as it does not have the necessary deterrence power. The court therefore found direct imprisonment is the only just and fair sentence.

The court took into account in terms of sentencing the five former officials mandatory factors such as the personal circumstances of the accused, the seriousness of the

crimes of which they were convicted, and the interest of the community. The court found that the convicted officials were not truthful or transparent during their trial and that they were driven by greed and wanted to be popular with their colleagues.

This sentence must act as a deterrent for the intended fraudsters who want to target the social grant system and funds intended for the poor. SASSA will continue to use the multidisciplinary investigation approach as a weapon in the arsenal against fraud in the social grant system. We express our appreciation to the SAPS, National Prosecuting Authority and the Department of Justice for their collaboration in making this victory possible.

SASSA hosted the 1<sup>st</sup> SASSA Anti-Corruption Conference during November 2013 under the theme *“Closing the fraud and corruption gap in the social grant administration process”*, which was attended by more than six hundred and fifty delegates, including the Minister, Directors-General and other senior staff members of Social Development, NDA, SASSA CEO, members of the SASSA Advisory Committee, Parliament Portfolio Committee for Social Development, Parliament Select Committee, SCOPA, Audit Committee, Auditor-General SA, Public Protector, Correctional Services, Public Service Commission, Law Enforcement Agencies regional Steering Committees, SASSA Head Office and Regional Executive and General Management, regional Grant Administrators and the Fraud Management and Compliance Department.

The 2<sup>nd</sup> Anti-Corruption Conference was held on 30 to 31 March 2015. The objective was to commemorate Human Rights Day with the theme *“Ensuring human rights for all through a fraud free social grants system”*. The Conference was attended by approximately 1,300 delegates, consisting of JCPS Ministries and other Government Departments, public sector, private and civil sector.

A Conference pledge was signed to align to the JCPS targets to encourage:

- a) Greater coordination and interaction between the Justice Crime Prevention and Security Cluster and the aligned role-players to mount a united front against crime and corruption, and
- b) Continue with focused crime reduction and activities by Law Enforcement Agencies, coupled with dedicated prosecution and court related activities.

The Conferences were initiated, planned and organized in partnership with Communications, Supply Chain Management, Finance, Human Capital Management and Grant Administration. These Conferences were hailed outstanding successes by the Minister of Social Development, Ms B. Dlamini, other dignitaries and through the number of positive radio talk shows, reviews and articles in various leading newspapers.

## **WAR STORIES**

The Fraud Management and Compliance Department war stories that were achieved through the multidisciplinary investigation approach and partnership with the South African Police Service (including the DPCI and Crime Intelligence) and the National Prosecuting Authority detailed as follows:

### **TEMBISA SASSA SERVICE OFFICE**

Four **(4)** former SASSA officials employed at Tembisa Local Office were arrested on the 18<sup>th</sup> October 2012 and charged with social grant fraud. Two **(2)** former officials pleaded guilty and were sentenced to seven **(7)** years each direct incarceration. The other two **(2)** former officials are currently appearing in court. The monetary value in this case is **R 1. 2m.**

### **VOSLOORUS SERVICE OFFICE**

One **(1)** official and one **(1)** former official were arrested in March 2013 for the suspicion of having created ghost beneficiaries that were paid fraudulent grants worth **R2, 735,793.00**. The former official pleaded guilty and is currently serving a seven **(7)** year sentence for fraud and corruption. The other officials is currently appearing in court.

### **NGANGELIZWE**

in a Kombi including three **(3)** CPS officials were arrested during April 2014 with two hundred and eighty **(280)** SASSA cards, speed point machine and the laptop (linked to two **(2)** separate robbery incidences at SASSA offices in KZN). Thirteen private persons turned state witnesses. Two **(2)** CPS officials were sentenced to fifteen **(15)**

years direct incarceration each, one **(1)** tout fined **R8,000** (**R2,000** paid and **R6,000** suspended for five **(5)** years), one **(1)** CPS official is still on trial.

### **VERENA LOCAL OFFICE**

On the same day three **(3)** SASSA officials were arrested for having created fifty five **(55)** ghost beneficiaries, amounting to an amount of **R752,460.00**. Eight **(8)** officials were dismissed and they are currently appearing in court.

### **DE AAR LOCAL OFFICE**

A former SASSA official employed at the De Aar Local Office who committed social grant fraud in cahoots with a Security Officer was also convicted of fraud amounting to **R133 000.00**. The former SASSA official was sentenced to four **(4)** years direct incarceration, one **(1)** year suspended for five **(5)** years. The former security officer was sentenced to three **(3)** years direct incarceration of which one **(1)** year was suspended for five **(5)** years.

### **KURUMAN LOCAL OFFICE**

A SASSA official employed at the Kuruman Local Office was convicted of ninety nine **(99)** charges of fraud amounting to **R70 858.36** and sentenced to six **(6)** years incarceration wholly suspended for five **(5)** years. The official must pay back the financial loss suffered by SASSA.

### **IMPROVED COURT EFFICIENCY**

The Department of Justice has commenced with the rollout of the rationalization of magisterial districts which commenced on 1 December 2014 in respect of the Gauteng and North West provinces. Implementation in respect of the Limpopo and Mpumalanga provinces is scheduled to commence at the end of December 2015. The rollout to other outstanding provinces is scheduled for completion by the end of the 2016/17 financial year.

The rationalization of courts and re-demarcation of magisterial jurisdictional boundary processes resonates within the National Development Plan particularly with regard to its quest to redress the legacy of spatial injustices of the past. The rationalization of magisterial districts is also important because it allows us to align the jurisdictional boundaries and service points with that of the municipalities and

between departments. It therefore makes it possible to see what capacity is required and where it could be used optimally.

Within government, the JCPS cluster and law enforcement agencies such as the Police, Corrections and the Department of Social Development will be able to re-organize their service areas in line with the rationalized demarcations. This will in turn enhance coordination and integration of services across the justice sector. All departments can consequently also create posts, shift posts and make required changes according to the needs on the ground.

Bearing this in mind, we have created more posts in the past few years and also accelerated the filling of vacant magistrates' posts. The recent appointment of 154 magistrates (of which 90 were women) to various magistrates' courts country-wide following the recommendations I received from the Magistrates' Commission for this purpose, is an illustration of our efforts to improve the efficiency of the courts. These appointments take effect from 1 November 2015. We have also in conjunction with the Magistrates' Commission, embarked on improving the processes relating to the filling of vacancies (from the advertisement stage and interviews to appointment). The creation and filling of regional court posts is further being prioritized.

The lower courts performed well by finalising during quarters 1 and 2 of 2015/16, 248 487 criminal court cases (namely 160 189 cases through a verdict and 88 298 cases through Alternative Dispute Resolution Mechanisms (ADRM)). This exceeded the target for the 2 quarters of 244 131 with 1,8%. A focused approach on ADRM led contributed to this achievement. ADRM encompasses diversion and informal mediation as methods of resolution of disputes between the parties. The contributing factors to the finalisation of more ADRM cases in the lower courts are that more accused successfully completed diversion programmes and more suitable cases were identified for informal mediation.

Compared to the previous year, the high courts finalised 33 more cases (241 cases against the previous 208). The 2015/16 Quarter 1 and 2 performance reports from the NPA indicate that high conviction rates were maintained by all courts and the set targets were significantly exceeded. Conviction rates in all courts improved compared to last year. The high courts achieved a 89,9% conviction rate against the target of 87%, the regional courts achieved a 77.7% conviction rate against the target of 74% and the district court achieved a 94.3% against the target of 88%. Noteworthy is that the courts achieved a 93,2% conviction rate in the prosecution of complex commercial crime. in addition, the lower courts had a 88,2% conviction rate

in organised crime and a conviction rate of 82,4% in relation to trio crimes. Compared to last year the performance relating to trio crimes improved by 2,3%. Enhanced focus on trio crimes include NPA screening processes, training and enhancing the monitoring of the prosecution of trio crime cases. The initiatives implemented are now showing positive results.

The prosecution of cybercrime cases in order to curb this growing international phenomenon has been very successful. The courts achieved during quarters 1 and 2 of 2015/16, a conviction rate in cybercrime prosecutions of 96,7% (119 convictions), exceeding the target of 74% (82 convictions) by more than 22%.

In relation to cybersecurity aspects, it is important to note that the implementation of the National Cybersecurity Policy Framework is in progress and various policy documents have been developed. In this regard the National Cybersecurity Policy, the National Critical Information Infrastructure Policy and the Cybercrime Policy are currently being consulted upon with key stakeholders. In order to enact holistic Cybersecurity legislation, the Cybersecurity Bill was developed and approved by Cabinet for consultation with the public. We are now consolidating the input received to take the Bill to Parliament in the New Year.

The mentioned good court performance can be attributed to the continuous training of prosecutors and investigators and continued interaction with the judiciary on case flow management.

## **REDUCTION OF CRIMINAL CASE BACKLOGS**

The problem in many areas where case backlogs are encountered is that there are an insufficient number of courts and permanent staff, including magistrates, to attend to the normal court rolls. Consequently and in addition to the normal permanent court capacity, we also created additional backlog courts staffed by contract magistrates, prosecutors, administrative staff and legal aid representatives at those centres where a specific need was identified to deal with large numbers of outstanding cases that has existed for long periods of time. This has been very successful in addressing and stabilizing the backlog situation at many courts.

We are continuing with our efforts to improve the efficiency of the courts and deal with long outstanding cases. In this regard we have at present 52 additional backlog courts that are providing additional capacity to deal with the workload. They comprise of 27 Regional courts and 25 District backlog courts that are operational. In order to sustain this initiative we have as part of our strategic approach the aim to convert these backlog courts to permanent courts where required. In addition to the

permanent magistrates' posts that are created in this regard, similarly the administrative, prosecuting and legal aid capacity are then also created on a permanent basis. In this regard 32 courts have already been converted, with others being considered.

Improved stakeholder collaboration remains a strategic priority for the Cluster, since performance of the majority of its indicators is dependent on the cooperation of the JCPS cluster stakeholders. As a result all role players are contributing toward the improvement of case flow management at the Provincial Effectiveness Enhancement Committees (PEEC) led by the respective Judges President and the National Effective Enhance Committee (NEEC) of the Chief Justice. To address challenges and blockages in the criminal justice system value chain we are fostering an approach of working more closely between all stakeholders, engaging with the judiciary regarding case flow management, as well as making use of prosecutor-guided investigations.

Some of the other measures that have been put in place to help deal with case backlogs are the following:

- Creation of court annexed mediation to assist with civil matters (this entails voluntary submission of civil disputes to mediation in certain identified courts).
- Improved use of Alternative Dispute Resolution Mechanisms (ADRM) - (the use of ADRM by the NPA to finalize cases has ensured less cases need to be dealt with through trials and has increased from 132 695 in 2011/12 to 184 314 in 2014/15 (an increase of 28%) owing to more accused successfully completing diversion programmes (both children and adults) and more suitable cases identified for informal mediations.
- Increased use of Small Claims Courts for smaller civil matters below R15 000 where Small Claims Court Commissioners preside over matters in an informal, speedy manner on a pro bono basis. This results in less civil matters having to be dealt with in the magistrates' courts and thus more efficient use of magistrates for the adjudication of more serious matters. (There are now 365 such small claims courts country-wide, which indicates a 95% coverage.)

Noting that Legal Aid SA does not have sufficient staff capacity to provide a practitioner to cover every court on a daily basis, it has embarked on an extensive research study to determine the demand for legal aid services from every criminal court room in the country. Based on the demand generated at each court room, they have now aligned their supply of practitioners to the needs of each court room. In this way it is ensured that we are able to utilize all staff more optimally, whilst at the same time responding better to the demands for legal aid services at court level. In

addition, during the second half of the last financial year, the Board of Legal Aid SA approved the implementation of a limited court relief programme at 33 Justice Centres to ensure relief when practitioners are not available.

As a result of the additional capacity and other measures we have managed to decrease the backlog of criminal matters outstanding on the court rolls. For example, at the end of May 2015 the lower court backlog figure stood at 39 654 against a current roll of 167 110 cases. This has been reduced to 31 581 lower court cases (District Courts: 13 305 and Regional Courts: 18 276) at the end of November 2015 against a current roll of 161 525 cases (a reduction of 20, 3% in terms of the backlogs).

## **SEXUAL VIOLENCE**

It is heartening to see that the statistics relating to sexual offences indicate less such crimes reported in the past financial year and that sexual offences had in fact decreased by 5,4%. In the quest to reduce secondary victimisation we are establishing more Thuthuzela Care Centres (TCCs). There are currently 55 TCC sites providing dedicated services to victims of sexual violence, of which 50 can be regarded as fully operational compared to the 38 sites of the previous financial year.

We have also increased the numbers of dedicated Sexual Offences courts country-wide and dedicated experienced prosecutors have been appointed to deal with matters at these courts.

The conviction rate relating to sexual offences have also increased and in the first two quarters of 2015/16 this year, the NPA has indicated an average conviction rate of 69,5% (2618 cases) conviction rate. The good performance within this indicator is due to a multi-disciplinary approach followed by newly established provincial structures with stakeholders from the Legal Aid South Africa, South African Police Service (SAPS) and Department of Health (DoH).

## **PREVENTING RECIDIVISM**

The Department of Correctional Services (DCS) continues to contribute significantly towards its priorities of safe, and peaceful, communities through partnering with other government agencies and community organisations in the fight against crime, humane and secure incarceration of offenders as well as successfully rehabilitating and reintegrating offenders back to their communities.

During 2015/16 we have noted the following successes:

In terms of Remand Detention Management, the following were achieved:

- ✓ Draft procedure manual on application for bail review was developed and consulted with all DCS regions.
- ✓ Draft procedure manual on temporary release of remand detainees (RD's) to SAPS for investigations and early arrival in court was developed and consulted with all DCS regions.
- ✓ Draft guidelines on the Administration of State Patients was developed.
- ✓ The Continuous Risk Assessment of RD's was rolled out to selected correctional centres in Gauteng (Johannesburg Medium A, Modderbee, Nigel) as well as the Limpopo, Mpumalanga and North West Region (Barberton and Nelspruit).
- ✓ The protocol on placing RD's on the electronic monitoring system was approved by the DGs Committee on condition that all the RDs placed must have the DNA swabs taken in line with the Criminal Law (Forensic Procedures) Amendment Act 37 of 2013.

As DCS, we are proud to report a consistent reduction in the number of escapes from correctional centres across the country. Forty nine (49) escapes were reported last year (2014/15), compared to 60 the previous year (2013/14), and the majority of these escapees are back behind bars. This represents a continued decline, from as high as 1,244 escapes per year in 1995.

- Substantial increase in the number of inmates tested for HIV due to the support of partners such as the Department of Health and other Community Agencies.
- 97% of inmates on antiretroviral therapy (ART), due to the increased number of those tested HIV positive.
- 83% TB (new pulmonary) Cure Rate due to support from the Department of Health and partners.
- 81 Parolees and probationers who did not have permanent addresses reintegrated back to their communities through the Halfway House Partnership.
  - Participation of 2,212 victims and 23, 943 offenders in restorative justice programmes (Victim Offender Mediation and Victim Offender Dialogues).
  - 39,191 offenders with correctional sentence plans completed correctional programmes from April to September 2015. An additional 13,588 offenders

completed the Pre-Release programme in the first two quarters of the current financial year (2015/16) provided by both internal and external service providers.

We have also noted with care some of the challenges we are currently facing such as:

- Overcrowding;
- Creation of more bed-space within correctional centres;
- Gang activities;
- The Minister of Justice and Correctional Services has on various platforms highlighted the challenges encountered with the current parole administration system. He reiterated that the existing system is more than a decade old, and would have to be revised.
- Following the Minister's Budget Vote Speech of 20 May 2015 regarding the challenges with the parole system a task team was appointed in October 2015 to review the parole administration system.
- 97.19%(21624/22247) of the profile reports submitted by Case Management Committees during the period 1 April 2015 to 30 September 2015 were considered by the Correctional Supervision and Parole Boards.
- Insufficient number of health workers such as Medical Doctors, Psychologists and Social Workers, to name a few. DCS has rolled out Operation Hira to address this.

In the past month, we have witnessed an increase in members of the public aiding inmates to commit further criminal offences. In terms of the Correctional Services Act (Act 111 of 1998), any person who assists an inmate in escaping, or attempting to escape, from any correctional centre or from any place where he or she may be in custody, is guilty of an offence and liable on conviction to a fine, or to incarceration, for a period not exceeding ten years or to such incarceration without the option of a fine or both. Further, no person may, without lawful authority, supply, convey or

cause to be supplied or conveyed to any inmate, or hide or place for his or her use any document, intoxicating liquor, dagga, drug, opiate, money, or any other article. The majority of our Correctional Officials are well disciplined and must be commended for their outstanding behaviour. We know that there are a small minority of unscrupulous officials, who themselves are criminals masquerading in DCS uniform, who will sacrifice these noble goals, due to their greed. We want to repeat our warnings to such officials that their days are numbered, and they will not only be investigated, disciplined and dismissed but will be criminally prosecuted, and will have to swap their brown uniform for the orange ones.

DCS is leaving nothing to chance when it comes to security at South Africa's 243 correctional centres during the holiday period. We are making a concerted effort to ensure *"A safer festive season for you!"* To this end, the Department launched the Operation Vala campaign with intensified security operations and increased cooperation with various other law enforcement agencies.

## **SECURING OUR BORDERS**

We continue to enhance our legislation and regulations in order to more effectively safeguard South Africa by managing and minimising the risks to our country arising out of the phenomenon of international migration. Key challenges facing border management in our country, in particular, involve human movement, transnational organised crime, criminal activities, terrorism, endangered species and natural resources as well as animal, plant and human diseases.

Cabinet has approved the introduction of the Border Management Agency (BMA) Bill, 2015 into Parliament. The Bill aims to establish the BMA, which will be a single agency that will assume full control of Port of Entry and Borderline functions. Once operationalised, the BMA will assume operational responsibility for all ports of entry around the country.

Government has launched Operation Pyramid in order to improve the overall coordination and cooperation between government and civil society partners to better secure our country's land, air and maritime borders. Operation Pyramid focuses on law enforcement, technology solutions, infrastructure improvement, border community development, as well as intelligence-driven operations.

It is important to reaffirm that South Africa continues to remain open to welcome migrants who come into the country lawfully. Between 2008 and 2012, South Africa

has been the country in receipt of the highest number of asylum applications in the world. During the 5 years between 2008 and 2012 we received on average 150 000 new applications per year.

On 22 September 2015, Home Affairs Minister Malusi Gigaba announced measures to improve movement between the Kingdom of Lesotho and the Republic of South Africa, after bilateral negotiations with his counterpart in Lesotho. Through the Lesotho Special Dispensation, South Africa will regularize the status of undocumented Basotho.

Barriers on movement will be removed through a cross border movement control system in terms of which passports will be scanned, not stamped. A special study visa arrangement for Lesotho learners and students will be introduced ahead of the 2016 new academic year.

The Department of Home Affairs is making progress in the development of a Green Paper on International Migration. We welcome immigrants who would like to contribute towards our country's economic development by investing in the economy, supplying critical skills including in our health facilities, teaching our children and youth in schools and universities and thus transferring knowledge and skills, and paying much needed tax that contributes towards expanding the national revenue base. Having said that, we need to emphasise that we do not support a disorganized or unrestricted situation with respect to how people enter the country. We remain committed to fully implement our immigration legislation to ensure that those who enter the country unlawfully are dealt with in terms of South Africa laws.

#### **THE DEFENCE REVIEW 2014**

The challenges of organizing and capacitating our Defence Force are first and foremost informed by an analysis of the geo-political and security situation. While these are not always static, South Africa also has a responsibility to inform itself correctly about what the real drivers of insecurity are and whether those may require other interventions other than military effort. A new Defence policy document, the Defence Review 2014 was approved by Parliament in June 2015.

During the 2014-2019 Medium Term Strategic Framework (MTSF), the DOD will focus on the implementation of Milestone 1 of the Defence Review that is aimed at arresting the decline of the SANDF. Structures and processes have been firmly put in place to reach a resourced Milestone 1 at the end of the current 2014-2019 MTSF. A Defence Review Overarching Implementation Framework, aligned with the

National Planning, Budgeting and Reporting Cycle, has been completed and approved.

An oversight body, the Defence Review Implementation Project Team (DRIPT) consisting of both the Defence Secretariat and the Military Command was established to ensure departmental integration during planning and implementation thereof. In his State of the Nation Address President Zuma and the Commander in Chief of the Armed Forces of the Republic, confirmed the continuation of the current ordered commitments of for the South African National Defence Force and recognised the need to fund the approved Defence from the fiscus.

It is however clear that the challenge faced by the DOD is that the Defence Review is not funded in the current MTEF to implement some of the recommendations as contained in the Defence Review which deals with Milestone 1. There is no indication that it will be funded even in the outer years due to the economic conditions prevailing in the country as state by National Treasury. This therefore means that consideration for alternative funding models must be taken.

## **BORDERLINE PROTECTION**

The SANDF continued to execute Border Safeguarding operations by deploying thirteen (13) sub-units to execute operations along the borders in Limpopo, Mpumalanga, Kwa-Zulu Natal, Free State, Eastern Cape, Northern Cape and North West Province. A number of operational successes have been recorded with regards the confiscation of illegal weapons, apprehending of Illegal foreign nationals, arrests of criminals, recovery of stolen vehicles, dagga confiscated, live-stock recovered, and contraband goods confiscated.

Between June – September the following items were confiscated items:

- Hand Weapons : 9
- Dagga (Narcotics) : 1.426kg
- Cattle (Livestock) : 110
- Illegal Foreigners : 4493
- Stolen Vehicles : 19
- Criminals : 70
- Contraband : R11.9 million worth

The SANDF plan is to deploy a total of 22 sub-units however that has not been achieved due to funding challenges. It is however the intention of the DOD to deploy an additional 2 sub-units and raise the number to 15 in the current financial year

through cash flow management. The collateral effect of these units for border safeguarding is the act against Rhino poaching in the Kruger National Park.

## **MARITIME SECURITY**

The SA Navy continues to deploy its assets to combat piracy in the Mozambican Channel. This deployment is part of the SADC Maritime Strategy. The continuous presence of SA Navy platforms in that area ensured the safety passage of merchant vessels to and from South Africa. This has seen a drastic reduction of pirate activities in the area as was witnessed in 2010 along the Mozambique Channel and beyond up to the Tanzanian waters.

## **CONCLUSION**

As we conclude, we would like to reiterate that the battle against crime cannot be separated from the war on want. Socio-economic inequalities that continue to characterise the face of our country also contribute to the levels of crime.

Therefore, the work of the JCPS Cluster is within the context of the bigger government work of ensuring a better life for all our people. We know that a rising quality of life also means improvement in the safety and security of citizens in their homes, in their workplaces and on the streets where our children play.

For us to succeed in defeating crime, we need to adopt a society wide approach. The National Development Plan places emphasis on the creation of partnerships in creating conditions of safety and security. The JCPS Cluster, therefore, calls on all people and sectors in South Africa to join hands and work with law enforcement agencies in this fight. We should all play our part.

Crime will not simply disappear on its own from our communities. Working together we must create conditions that will force the frontiers of crime to recede. We should all roll up our sleeves and reclaim our communities from the hands of criminal elements.

We invite the media, the business sector, political formations, civic society organisations, research institutes and tertiary institutions to contribute towards ensuring that all people in South Africa are and feel safe. Working together we will succeed in making our communities safer.

I thank you