

**Remarks by Minister of Police, E.N. Mthethwa,
at the Business Against Crime South Africa (BACSA)
Breakfast Meeting
Sandton Sun Hotel, Sandton**

28 October 2009

Chairperson of BACSA, Mr. Mark Lamberti,

CEO of BACSA, Dr Graham Wright,

CEO of Business Unity South Africa, Mr. Jerry Vilakazi,

CEO of Business Leadership, Mr. Michael Spicer,

National Commissioner of the Police, Commissioner Bheki Cele,

Provincial Commissioners present,

Distinguished Business Leaders,

Ladies and gentlemen,

We feel greatly honoured by your decision to invite us to come and share with you our thoughts on this very important issue of the fight against crime.

Business Against Crime South Africa (BACSA) has established itself as a dependable partner in the fight against crime in our country. It has a highly capable leadership and clarity of vision. As government, we are immensely proud of our partnership with BACSA.

Among the challenges still confronting us is the need to ensure improved effort in bringing down crime within the small business sector. In this regard, we again note the pilot projects in Tembisa and Johannesburg Central, whose focus is to look at ways in which to reduce vulnerabilities among the medium and small business environment.

Ladies and gentlemen,

The Private Security Alignment pilot is a joint initiative involving the South African Police Service (SAPS), Business Against Crime South Africa (BACSA) and the Security Industry Alliance (SIA).

The Initiative has been piloted in the Honeydew area and involves utilizing the available resources of private security operators to enhance the work of the SAPS.

The initiative entails co-ordination, co-operation and consultation with all participating security companies to ensure effective crime prevention and

the employment of the services of private security companies as force multipliers to the Honeydew police. The security companies serve as the “eyes and ears” of the local police where information is shared to improve operational effectiveness.

We have observed with keen interest the lessons emanating from the Honeydew project. We believe that more work still needs to be done towards evolving a smooth functioning model.

Chairperson,

The Second Hand Goods Act has been promulgated. The attendant regulations have been published for public comment. BACSA has played an important role in all the projects that we have mentioned, including the formulation of the Act and the regulations, as well as assisting to bring on board other business associations.

We must also commend BACSA about the good work that has been done in regard to the improvement of the 10111 service in Gauteng. The lessons that have been learnt in this initiative will assist us going forward.

This Act will help us to reduce the market for, as well as the marketability of stolen goods. We are intent on dealing a telling blow to this destructive

activity. Consequently, we shall work to combine the current legislative measures with other campaigns, including communicating a strong message to communities not to buy stolen goods. We will need the ongoing support of BACSA and the broader business community as we work on these initiatives.

BACSA needs to improve its reach to as many businesses as possible. Furthermore, without suggesting the overstretching of the resources of business, it is nevertheless crucial that the interpretation of the interests of the business community should also be enlarged to encompass the need for broader social stability, peace and development. Such an understanding will ensure that we evolve interventions that are better focused and have potential for longer term applicability and impact.

Chairperson,

The scourge of serious and violent crime remains one of the major concerns of government and indeed all the people of our land.

The kind of violence that frequently accompanies business and house robberies, as well as car hijackings, can only be committed by people who have lost all sense of humanity. These types of crime demand of us to develop an effective response that will categorically communicate the message that crime does not pay.

Part of the response in this regard is the strengthening of our intelligence capacity. This is an ongoing task which is informed by an appreciation that intelligence acts as a nerve centre of any policing system. Accordingly, we are going to ensure that intelligence forms an integral part of all aspects of policing. In this regard, we are in the process of increasing both the police intelligence personnel as well as the associated operational aspects.

Another critical element in the fight against crime is our detective capacity. Similarly, work is underway to increase the number of detectives, as well as enhancing related training. The review process pertaining to the detective section has also revealed the need for better career pathing not only within the detective section, but also in relation to the police force generally.

However, the success of everything we do relies on strong partnerships. Effective contemporary crime prevention relies heavily on partnerships and multi agency approaches. These endeavours involve the utilization of different resources, skills and capacity. Some of these resources and capacities are not available within the police themselves.

In using the resources, skills and capacity of our partners we can find ways of maximizing our strength and at the same time minimizing our weaknesses.

We must also commend the work that has been done by the banking sector to contribute to the deepening of the fight against serious and violent crime. The setting up of the Cash Risk Management (CRIM) forum under the chairpersonship of the Reserve Bank is a practical reflection of the sector's resoluteness. The CRIM forum has done extensive work on CIT risks. We are committed to strengthening our interactions with the forum and the CIT industry in general.

In this connection, we must indicate that both government, as represented by the JCPS cluster, and BACSA, are engaged in a process of defining and formalising our partnership against crime. We envisage that at the end of this process, a memorandum of understanding will be entered into. To this end, a draft memorandum has been developed and is being considered by the parties.

This process will further strengthen the work that is already being done within the context of the review of the criminal justice system. The review process itself is moving apace, Cabinet has an implementation plan and benefits are beginning to emerge.

The review necessarily entails extensive work on various fronts, however, ideas on contentious and difficult issues are beginning to crystallise. One of those is the issue of our bail regime, where discussions are progressing

and we are working well with the Minister of Justice and Constitutional Development on this front.

Ladies and gentlemen,

Another aspect of the fight against crime relates to the legislative interventions that must be made further to strengthen our hand against crime. There is progress in the work of processing the Criminal Law Amendment (Forensics) Bill.

Even though certain issues still have to be resolved in respect of the DNA aspect of the Bill, we are however forging ahead with the alignment of the databases and the fingerprint aspects of the Bill.

There has been widespread, albeit premature debate on the intended amendments to section 49 of the Criminal Procedure Act. The amendments to section 49 are aimed at clarifying ambiguities. These are technical amendments which take into account the Constitutional imperatives and are based on the need to comply with the Constitutional Court case of *Ex Parte Minister of Safety and Security and Others: In Re: S v Walters and Another* (2002 (7) BCLR 663 (CC)). The exact detail of the wording of this amendment is being finalized and has still to be submitted to Cabinet for approval.

Following Cabinet approval and certification by the State Law Adviser, the proposed amendments will then be tabled before Parliament by the Minister of Justice and Constitutional Development.

We need to point out that many in our society, including the media, have sensationalized and misinterpreted this issue. There has been a general failure to recognize that the use of deadly force already applies in the current section 49 of the Criminal Procedure Act.

The amendment is not intended to allow for trigger happy police officers. Indeed, the clarifications will assist in ensuring that law enforcement officers are better able to understand their responsibilities. Once effected, the changes will leave police in a situation where they will be less open to uncertainty when applying force.

It needs to be made clear that the amendments to section 49 speak to our ability to deal with violent criminals who place lives of both police officers and the public in danger.

It is important to keep in mind that the amendments to section 49 are part of a broader strategy to fight crime. This strategy includes amongst others, the strengthening of our intelligence, the development of partnerships and the review of the legislative framework. This framework has been criticized

by some members of the public for giving violent criminals more rights than victims.

We are also looking closely at section 26 of the Criminal Procedure Act which deals with permission to enter a private dwelling by police. This is aimed particularly at instances where it is patently evident that there is abuse of women and children, and care will be taken to ensure that such changes remain within the ambit of the Constitution.

The review of the legislative framework is to be accompanied by the strengthening of the Independent Complaints Directorate and the Secretariat of Police. This will ensure that whatever approach we develop has built-in checks and balances to prevent abuse. All these interventions will be policy driven.

Ladies and gentlemen,

One of the issues currently receiving urgent attention is the regulation of the private security industry. This is an important industry within the security sector. It requires a well considered approach that will take into account the short and long term interests of the country and the business community.

Chairperson,

The Directorate of Priority Crimes Investigation, (the Hawks), was officially launched on 6 July 2009.

The establishment of the Directorate for Priority Crime Investigation has strengthened the fight against serious and priority crimes. Nevertheless, violent organised crime remains a challenge. It is our view therefore that Business should work to strengthen the hand of the DPCI.

Ladies and gentlemen,

We believe that there are too many firearms in our society. Accordingly, we are considering various ways to deal with this matter. This effort is one of the measures that are aimed at reducing firearm related crimes. Moreover, the vigorous implementation of the Firearms Control Act is on the cards; however, this will be done in a manner that will not criminalise law-abiding citizens.

Ladies and gentlemen,

As we traverse our country's landscape, carrying on our shoulders, the country's hopes for a secure and safe South Africa, we are always motivated by the knowledge that Business Against Crime South Africa will,

together with the millions of the people, be there alongside us, to contribute to the effort of giving birth to a better life for all.

Thank you.