

TIP-OFF



Getting Business' House in Order

Crime is not confined to individual business units. Indeed, crimes like robberies, heists and hijackings impact entire business sectors, says Dr Graham Wright, CEO of Business Against Crime SA (BACSA).

He points out that crime has mutated over the years to become increasingly complex. "In many instances, various types of priority crime affect industries transversally. Similarly, the country is also besieged by various types of transnational crime syndicates."

He contends that the evolution of crime requires not only a hardened response, but a more collaborative response to information-sharing both within industries and across industries.

"It is for this reason that BACSA not only works as a support to Government in the fight against crime, but as a strategic facilitator and catalyst. Its equally important role is to assist the business community to get its own house in order."

Dr Wright says that BACSA, on behalf of the business community, plays an important facilitative and enabling role in the interface between business and the Criminal Justice System, and the Police in particular.

"As a strategic facilitator, we help to build the necessary trust and goodwill between the parties, and initiate the necessary processes and mechanisms for information-sharing and alignment.



From left: Lt-General Dramat of the Directorate of Priority Crime Investigations (DPCI or the Hawks), together with Dr Graham Wright, CEO of BACSA.

Through established structures and mechanisms for information-sharing between business and Government and *vice versa*, the crime combating net is widened and critical information on the *modus operandi* and other related information on reported incidents is shared and analysed in real-time, as much as possible."

He stresses that the sharing of this information would not be possible without strong partnerships.

"This is what BACSA does. We help to initiate, mobilise and facilitate business's anti-crime efforts and the sharing of information to enable a more proactive and intelligence-driven response from the law enforcement agencies, as well as to put in place improved crime prevention measures with business Associations and structures."

As a testament to this approach, Dr Wright reveals that businesses in the formal sector are reporting a significant drop in robberies, while the Police are reporting better co-ordination, better information-sharing and more alignment between business and Government in addressing the priority crimes.

"Even so, a key challenge remains addressing the displacement of crime to other vulnerable areas, such as small and emerging businesses, truck hijacking, cross-pavement robberies and the targeting of the jewellery industry, among others.

"To address these emerging challenges, the organisation advocates the creation of necessary industry capacity to enhance co-ordination and information-sharing with the Police, and the adaption of existing best practices to the needs of industries and sectors vulnerable to crime."

By way of example, Dr Wright highlights the recent discussions with the jewellery industry, involving Lieutenant-General Dramat of the Hawks, aimed at forging an industry approach as a matter of urgency. "This partnership approach to dealing with crime is a fundamental pillar of successful law enforcement."

Lieutenant-General Dramat agrees: "It is absolutely vital and necessary for the various business sectors to establish capacity and improve information-gathering and sharing with the Police. This approach will strengthen the ability of the Police to investigate priority crimes and enable us to tackle syndicate leaders head on."

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The Wheels of Justice – Improvements Roll On



An effective and efficient Criminal Justice System acts as a deterrent to crime. This vision is being progressively realised.

The Criminal Justice System (CJS) Review began with the vision of a modernised, efficient, effective and transformed system that benefits all and deters crime by ensuring that criminals are caught, tried and convicted. Willie Scholtz, BACSA Director seconded by Nedbank to the Criminal Justice System Review, explains just how far the vision of an improved CJS has progressed ...

With the Review of the Criminal Justice System completed, the South African Government reaffirmed its commitment towards implementing the CJS Transformation plan, which reflected the recommendations of the Review. The CJS improvement plan is all-encompassing, with many integrated and collaborative actions simultaneously taking place. Some of the many interventions aim at improving component parts and others the overall Criminal Justice System. Some of the activities are specific and can be ring-fenced, while others have already found their way into the strategic and operational plans of stakeholders.

What is clear is that the framework and climate for improvement has been defined and is continuing at a good pace. Importantly, the improvements come as a consequence of Government taking ownership and accepting accountability.

While much has still to be done, the resolve of Government to bring about tangible improvements is clear. The objective of a more efficient and effective CJS has progressed beyond plans and words and is being converted into action and progressive delivery. To the credit of Government in its resolve to address the improvement of the CJS as a priority, the following statistics support the promising view of the current direction and pace of CJS change:

- Thousands of additional people – forensic analysts, detectives, prosecutors and legal aid representatives – have been allocated to the Criminal Justice System and more Judges and Magistrates have been appointed to relieve pressure points. The SAPS last year committed to increasing the number of detectives by 19 % and grew the overall staff complement by more than 22 %. In addition, 2 153 new recruits are undergoing basic training to further bolster detective capacity.
- 48 Regional Backlog Courts and 10 District Courts have been established and more are planned for implementation by end-June 2010. Court rolls have been positively impacted and 19 942 cases have been removed from the backlog between November 2006 to March 2010.
- The Forensic Science Laboratory (FSL) has decreased its backlog from the 2008/09 to 2009/10 financial years by 14 % and is planning to decrease the backlog by a further 20 % for 2010/11.

- 434 000 criminal cases were finalised in 2009, either in court or through diversion or mediation, against 391 000 in 2008.
- Backlogs in the Regional Courts, where most of the serious crimes are being heard, have decreased in 2009 as part of an ongoing trend.
- The number of court cases removed from court rolls showed a decrease in 2009 over 2008.

In addition to the direct and indirect interventions emanating from the CJS Review, Government has launched many complementary and supplementary interventions. Short-term improvements are evident and will surely continue.

The following CJS intervention developments are noteworthy:

- Significant additional budget has been made available for CJS interventions, including the allocation of significant funds by the National Treasury for priority areas.
- Processing before Parliament of the Criminal Procedure Amendment Bill (Forensics) is at an advanced stage. The second part of the Bill dealing with DNA will follow shortly.
- A Court Screening Protocol dealing with screening mechanisms and the trial-readiness of cases is being tested in Regional Courts as a precursor to national implementation. In addition, the Judiciary is considering a Court Protocol dealing with efficiencies in the trial phase to limit disputes and improve case scheduling.
- A Court Protocol for Legal Aid Cases is being finalised to improve co-ordination between the NPA and Legal Aid South Africa (LASA).
- The Chief Justice, the Heads of Courts and the Judicial Service Commission are considering the most effective way to deal with the challenge of case backlogs.
- Case Flow Management Guidelines have been put in place to improve co-ordination between CJS role-players at courts.
- A Protocol dealing with forensic services between the SAPS, the Department of Health (DoH), the NPA and the courts to improve the quality of criminal investigations and trials is also being finalised.
- Significant progress, as reported above, has been made in balancing and improving the resources and capacity of the CJS. Forensic Services has received specific focus and future plans include the further expansion of skills and capabilities in ICT systems and ICT capacity to deal with fingerprinting and DNA requirements.
- The Case Backlog Reduction Project continues and is showing solid progress. Priority cases related to drugs, organised crime and abalone will also be handled by the Backlog Courts and LASA is participating to ensure the availability of adequate legal representation to handle additional case loads.
- An integrated Business Information System, the CJS BIS, is in development to provide the Justice, Crime Prevention and Security (JCPS) Cluster with current and accurate data. The first deliverables are planned for the second quarter of the present financial year. Technology and modernisation programmes are continuing within the Cluster, including a focus on aligning and integrating information technology systems across Departments, where appropriate.

All these developments are to be evaluated alongside scores of other interventions within the JCPS Cluster, which, in its totality, has set in motion a holistic approach to fighting crime and meting justice. BACSA remains committed to playing its part as a strategic partner with advisory and facilitative capacity to support this important programme.

For comments on articles in this issue, please contact Deborah Hunt on deborah@bac.org.za

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