Minutes of the PCoP meeting on November 8th in parliament on the proposed firearms amnesty

By: Hubert Wentzel

Wednesday, 22nd November 2017

Firearm Amnesty 2018; IT plan of action: SAPS briefing

8 November 2017

Chairperson: Mr F Beukman (ANC)

Meeting Summary

The South African Police Service (SAPS) briefed the Committee on the planned firearm amnesty for the year 2018, pointing out that the focused operations during previous amnesty periods had resulted in an increased number of firearms surrendered. Firearms could be surrendered at any police station in South Africa.

The police officials had been briefed on the conditions of the amnesty. Various communication and public awareness campaigns would be conducted. The extension of the amnesty period to six months could yield better results. There would be record keeping of surrendered firearms, including a focus on system enhancement and administrative processes. Designated SAPS amnesty officials would be comprehensively briefed. SAPS would provide stipulated time-frames for the transfer of firearms from police stations to the point of destruction, and to minimise risks, the centralised destruction of firearms was preferable. The amnesty was aimed at reducing the proliferation and availability of firearms being used in crime and violence in South Africa. The pre-amnesty phase would be completed by 31 December 2017. The initiation of the amnesty Phase would be 1 February 2018, as approved by Parliament,

SAPS said stakeholders affected by the amnesty included persons who:

- Possessed stolen firearms or were aware of stolen firearms;
- Possessed illegal firearms which were unlawfully imported (trafficking/smuggling) into the country;
- Possessed firearms which they had inherited or which belonged to a deceased estate;
- Failed to renew their firearm licences or permits;
- Were declared unfit to possess a firearm, but failed to surrender such;
- Possessed firearms where import/export permit/temporary authorisation had lapsed; and
- Wished to surrender their firearms voluntary in the spirit of Amnesty 2017.

Members of the Committee suggested SAPS should go back to the drawing board to find a proper way for the surrendering of firearms during the amnesty. The Committee had previously expressed concern about the number of firearms that were being lost or stolen at the police stations, so this needed to be taken into consideration. There should be a designated vetted person to receive surrendered firearms, and not just any police officer. Certain police stations should not be among the destinations where firearms could be surrendered. The amnesty should accommodate those who were planning to renew their licences in order to comply with the regulations. Most Members agreed that SAPS was not ready administratively to deal with the amnesty.

SAPS also briefed the Committee on the new era of digital policing. This was the application of digital technologies to transform all aspects of policing, enabling enhanced service delivery for all citizens, while also improving internal operations and processes as well as inter-agency cooperation. Modern digital platforms were taking policing to a new dimension, where real time information sharing and insights from data would be the key to success. The growing digital footprint included real time surveillance through CCTV cameras and sensors across the city, crime data visualization on the Geographic Information System (GIS) and real time alerts, and mobile search and crime recording facilities. CCTV surveillance and video analytics were important for monitoring prisoners.

Members wanted to know how many police stations had facilities for e-docketing. When would citizens be able to get an “app” to track progress on a pending case? They commented that criminals were becoming more sophisticated every day and therefore SAPS must always be ahead of them by prioritising digital policing. The use of technology would allowed SAPS to compensate for the shortage of personnel. Was there any planned interface between SAPS and the public on ways to use digital policing? There should be private sector support for digital policing.

Meeting report

South African Police Service (SAPS): Firearm Amnesty 2018

Maj Gen Jaco Bothma, Component Head: Firearms, Liquor and Second Hand Goods, SAPS, said that the Minister of Police may by notice in the Gazette declare an amnesty if the amnesty may result in the reduction of the number of illegally possessed firearms in South Africa and it was in the public interest to do so. Section 139(2) of Firearms Control Act, 2000 (Act No 60 of 2000), also provided that such amnesty would be valid only if it was approved by Parliament; the amnesty must specify the period during which persons may apply for amnesty and must specify the conditions under which amnesty may be granted. There was currently a high number of illegally possessed firearms in circulation in South Africa. Firearms were a major contributor to crime in the country. A person who surrendered a firearm or ammunition in compliance with the notice was indemnified against prosecution only for the unlawful possession of such illegal firearm and or ammunition.

Maj Gen Bothma said that the focused operations during amnesty periods resulted in an increased number of firearms being surrendered. Firearms could be surrendered at any police station in South Africa.

The police officials were briefed on the conditions of amnesty. Various communication and public awareness campaigns were conducted. The duration of the amnesty period to six months could yield better results. The value chain involved record keeping of surrendered firearms, including a focus on the system enhancement and administrative processes. There would be a comprehensive briefing of designated amnesty officials/SAPS. There would be13 officials on relevant processes and procedures. SAPS would provide stipulated time frames for the transfer of firearms from police stations to the point of destruction. The centralised destruction of firearms was preferable to minimise risks. All people in South Africa must feel safe from firearms-related risks and threats. The amnesty was aimed at reducing the proliferation of firearms for use and availability in crime and violence in South Africa. The pre-amnesty phase would to be completed by 31 December 2017. The date of initiation of the amnesty phase would be 1 February 2018, as approved by Parliament.

Maj Gen Bothma said stakeholders affected by the amnesty included persons who:

- Possessed stolen firearms or were aware of stolen firearms;
- Possessed illegal firearms which were unlawfully imported (trafficking/smuggling) into the country;
- Possessed firearms which they had inherited or which belonged to a deceased estate;
- Failed to renew their firearm licences or permits;
- Were declared unfit to possess a firearm, but failed to surrender such;
- Possessed firearms where import/export permit/temporary authorisation had lapsed; and
- Wished to surrender their firearms voluntary in the spirit of Amnesty 2017.

The capturing of the surrendered firearm details in the newly introduced /established category codes on the Enhanced Firearm Registration System (EFRS) was to be completed within 24 hours from the date it was surrendered or handed in at a police station.

Discussion

The Chairperson requested the SAPS to go back to the drawing board to find a proper way for the surrender of a firearm during the amnesty. The Committee had previously expressed concern about the number of firearms that were getting lost or stolen in the police stations, and therefore this needed to be taken into consideration in the process of implementing the amnesty. There should be a designated, vetted person to be given the surrendered firearm, and it could not just be any police officer. There were certain police stations that should not be part of the destinations where firearms could be surrendered. The Committee should be briefed on the number of firearms in storage from the previous amnesty.

Mr L Ramatlakane (ANC) expressed concern about the on-going gang violence in the Western Cape, and said it was clear that this violence was fuelled by the influx of illegal firearms. The stolen or lost firearms were ending up in the hands of criminals and gangsters. The project to fight gang violence in Western Cape seemed to be futile. There were police members with an interest in selling firearms to the gangsters. The Committee should be briefed as to whether there was any security in place for the storage of firearms within police stations. The station and cluster commanders were already overburdened with work and therefore it would be burdensome for them to be given any responsibility in the amnesty. How could one deal with the issue of lack of capacity within the station and at cluster level? What would happen to the surrendered firearms that had been used to commit crimes?

Mr P Groenewald (FF+) supported the sentiments of the Chairperson, especially on the need to assign a designated person to be responsible for the surrender of firearms. There was a general concern that some of the surrendered firearms ended up in the hands of criminals. There were different reasons why people surrendered their firearms. The Committee should be provided with figures of surrendered firearms that had been used in criminal activities. The main objective of the amnesty was to focus on illegal firearms, but the reality was that there was no criminal who would willingly surrender a firearm used in committing crime. There were people who were considered by the legislation to have an illegal firearm because of their failure to comply with the regulations for possessing a licensed firearm. The amnesty should accommodate those were planning to renew their licences in order to comply with regulations.

Ms M Mmola (ANC) asked whether the SAPS were ready to hold a successful amnesty that would reduce the circulation of illegal firearms. What were the steps that would be taken to prevent the disappearance of firearms in a number of police stations? It would be important to hear if there were any other places for the handing in of firearms.

Mr S Buthelezi (ANC) wanted to know why so many firearms were surrendered in 2005 compared to 2010.

Ms L Mabija (ANC) asked if there were ways to protect those who had surrendered their firearms, as firearms were often used by gangsters to protect themselves. There were people who were unhappy that they had to surrender their firearms and this was something that the SAPS should be able to deal with. There were cases of “rotten apples” within the SAPS who were colluding with criminals for firearms.

Mr P Mhlongo (EFF) hoped that the amnesty would not stifle the ownership of legal firearms, as it should be made clear that the process was to root out illegal firearms. The criminals seemed to be roaming around freely in the country and it was easy to doubt whether South Africa had any law enforcement agencies. The SAPS should be focused on ensuring that there was compliance with gun regulations and the licensing of firearms. The amnesty should not be used to disarm civilians, but rather to encourage the legal ownership of firearms. There were a number of people who felt terrorised by criminals in the country and viewed firearms as an alternative to protect their families from unmerciful criminals. It would be important to hear if SAPS had been able to trace the firearms that were used by particular political organisations during the apartheid regime. There were firearms that had proliferated from Mozambique to South Africa at that time. The firearms used in cash-in-transit heists should be traced, as people who sold firearms for their livelihoods would not voluntarily surrender their firearms. The target groups of SAPS should include the taxi industry, as taxi drivers were amassing a lot of illegal firearms.

Mr Z Mbhele (DA) said that there was a clear understanding by Members that the amnesty would not address the root causes of the proliferation of illegal firearms in our communities. There should be a clear statement that a firearm would not be surrendered to any police officer or police station. The Committee should hear whether there were cases where gun owners surrendered their firearms because of a failure to renew their licences. The amnesty should allow those who had expired gun licences to renew them. It was unclear if there would be designated amnesty officials available within a reasonable time to be responsible for processing the surrendered firearms. The availability of a designated official was to assist those who may want to surrender a firearm at night, early morning or even on weekends. There should be an assurance that there would be integrity in the monitoring and auditing process of the surrendered firearms, including having oversight over the process.

Ms D Kohler Barnard (DA) said there were rumours that surrendered firearms were being used to commit various robberies. There was a top police officer in the Western Cape who had sold more than 2 000 firearms in a period of 10 years. There were also reported cases just from yesterday that 450 firearms had been stolen from Empangeni police station in KwaZulu-Natal (KZN). How was one to trust the police officers for the surrender of firearms if they were unable to safeguard the existing ones? It was even more shocking for SAPS to include a statement in the presentation that the surrendered firearms should be given to any police officer in the police stations. It was indeed true that criminals could not just voluntarily surrender their firearms, as they got these firearms from SAPS members. Who was the target market for the amnesty? There should be some form of empathy in the SAPS firearm amnesty advertisements, by refraining from employing scare tactics.

The Chairperson asked if online registration would be used in the processing of the surrendered firearms, including an SMS that would be sent for confirmation of the destructed firearm instead of relying on paperwork.

SAPS Response

Lt Gen Stefan Schutte, Deputy National Commissioner: Asset and Legal Management, SAPS, agreed that there should be a vetting process for the person responsible for the handling and destruction of the surrendered firearms, as this was crucially important.

Maj Gen Bothma said that the station commanders were responsible for the handling of the firearms that had been surrendered. There was a focus team looking into the issue of gang violence in the Western Cape. The issue of capacity within cluster level was being taken into consideration, but there would be other SAPS members involved in the process of the amnesty. Any firearm surrendered would be linked to a case docket that had been opened -- in other words, all the firearms surrendered would be ballistically tested to ascertain whether they were linked to any criminal activity.

The difference between the 2005 and 2010 amnesties was mainly the duration. The 2005 amnesty was six months long, while the 2010 was only three months because of the 2010 FIFA World Cup taking place that year.

The majority of criminals tried their level best not to discharge firearms when committing criminal acts, but rather used them as a fear factor, and this was one of the ways to avoid the possible identification of the firearm in the ballistic test. There was no separation that was done between legal and illegal

firearms and therefore it would be difficult to make a link between a firearm and criminal activity.

Ms Kohler Barnard expressed concern that the firearms that had been surrendered were not being linked to criminal activities committed.

The Chairperson asked if there were any statistics on firearms handed in which indicated whether they were linked to crimes committed.

Maj Gen Bothma said he would need to do a follow up from the forensic union on the actual figures and whether any such information was being recorded.

Mr Mhlongo said there were many police officers stealing firearms from police stations, like the Manenberg police station. There seemed to be a lack of consequence management within SAPS, and this was a major concern. Something needed to be done to address this lack of consequence management within SAPS.

Ms Mabija asked if there were any firearms that were long overdue for destruction in the SAPS firearms storage from the previous amnesties. It was shocking that not even a single firearm that had been surrendered was linked to a crime that had been committed. The presentation by SAPS had been a waste of time, as it was thin on detailed information, especially around the identification of firearms that had been used to commit crime.

Lt Gen Nobesuthu Masiye, Divisional Commissioner: Visible Policing, SAPS, asked to be allowed to respond in writing in regard to the information on crimes committed with firearms that had been handed in.

Ms Mmola said that there should be existing information on the number of firearms that had been identified to have committed crimes, especially murder.

Ms Kohler Barnard stressed that the Committee would not rubber stamp the amnesty if it was not going to be effective in addressing crime and promoting safety in the country.

Lt Gen Schutte clarified that SAPS was simply saying it was difficult to tell if a surrendered firearm had been used in committing a crime, not that these firearms were not being used to commit criminal activities.

Maj Gen Bothma explained that there would be a designated person to deal with the handing in of the firearms. There would also be measures in place to deal with the security concerns highlighted by Members, especially in police stations. The people who wanted to renew their gun licenses were part of the focus groups. The taxi industry was also included as part of the focus groups. There would be systems in place to ensure a smooth operation of the amnesty, and SAPS was still looking into the matter of providing SMSs for the confirmation of the destruction of a firearm.

Ms M Molebatsi (ANC) commented that having a firearm registered on the system would not guarantee that it would not be lost or stolen.

Lt Gen Schutte said there should be an exemplary model to provide Members with detailed information as to how a firearm would be surrendered.

Ms Kohler Barnard stated that there would be cases where it would be difficult even to find the Designated Firearm Officers (DFOs), as they were already busy with other responsibilities. There were already indications that the DFOs were dreading the amnesty, because they were already overburdened with so many responsibilities. The fact was that SAPS was not ready administratively to deal with the amnesty.

Mr Mhlongo expressed concern at the slow pace in dealing with SAPS members in the Western Cape who were colluding with gangsters in selling firearms. There was a general fear that the firearms would be recycled back to the gangsters.

Ms Molebatsi commented that SAPS had bad record keeping, as noted from the previous meeting. There should be an assurance that SAPS would be prepared administratively to handle these firearms.

Maj Gen Bothma said that the vetting process was critically important, and those involved in the process would be vetted accordingly. SAPS allowed external players to provide assistance in the amnesty in order to ensure a smooth operation. It had noted that there had been scary advertisements in the previous amnesty, and this would be changed in the upcoming amnesty. The persons designated for the amnesty would have to be appointed by the station commanders, and be available all the time.

Lt Gen Masiye said that there was a system in place for the safe storage of surrendered firearms. There were indeed not enough personnel at the station and cluster level. The amnesty would not stifle the legal gun owners, and the renewal of gun licences would be encouraged.

SAPS was finding it difficult to trace the firearms used during the apartheid regime. It was a fact that criminals would not voluntarily hand in their firearms, but SAPS was putting systems in place to encourage them to surrender them. It had not received any information yet on the 450 firearms that had been stolen from the Empangeni police station.

Lt Gen Schutte replied that there would be no compensation offered for handing in a firearm as this was a voluntarily process and people should participate at their own discretion. The message that SAPS was spreading was that firearms were a danger to the society, and therefore the amnesty should be undertaken to reduce the scourge.

The Chairperson asked if there was any debate around the compensation offered to those surrendered a firearm during discussions.

Ms Mmola wanted to know if there would be a monitoring process undertaken on station commanders during the Amnesty.

Ms Mabija commented that with festive season fast approaching, criminals would also be looking at targeting rural areas, especially around the bushy areas. What strategies had been put in place to protect rural people?

Ms Molebatsi asked if there would be any ballistic testing undertaken on the firearms that had been handed in at the police stations. SAPS should focus on the centralisation process of the surrendered firearms. Was there any vetting of the persons responsible for the handling of the firearms?

Mr Mbhele said that it was concerning that the DFOs might not necessarily be involved in the amnesty, considering all the risks involved. The ideal situation was for the DFOs to be involved in the amnesty. It looked like SAPS did not have any specific plan to combine both gun licence renewals and the amnesty, instead of having renewals dealt with separately in the Act. It did not look like SAPS had a grip on the handling of the whole administration process of the amnesty.

Ms Kohler Barnard stressed that SAPS should indicate that any person not vetted would not be involved in the process. There were indications that the security level at ballistic laboratories was not tight, and anyone could walk in without being searched. Was there any consideration of tightening the security at these laboratories?

A member of the South African Gunowners Association (SAGA) said they had been involved in stakeholder meetings with SAPS. The issue of renewals of licences should also be dealt with in the amnesty. SAGA would prefer to be involved in the process of the amnesty in order to make inputs. There was also uncertainty as to why a person with a green card was treated differently from a person with a white card.

Lt Gen Masiye responded that all members involved in the process should know the procedures to be followed. Additional members would be available in cases where there was a shortage of staff at certain police stations. There were operational plans to deal with crime during the festive season and there would be a concentration in rural areas, including the patrolling of bushy areas. The issue of corruption in patrolling would be dealt with as soon as it was brought to the attention of SAPS. Vetting of all members included those who would concentrate on gun licence renewals.

Lt Gen Schutte assured Members that vetting would be undertaken, but not for those officials who had already been vetted. The transporting of firearms to the place of destruction was not a big problem, as there was capacity in place, and transporting vehicles would be heavily armoured and guarded.

Maj Gen Bothma confirmed once again that firearms would be sent for ballistic testing to ascertain any involvement in criminal activities. The centralisation process would be followed. Compensation for handing in of a firearm had been discussed, but had not been favoured.

Lt Gen Masiye said that there had been consideration of the concerns that had been flagged by SAGA, and these would be discussed further at management level.

SAPS on Information Technology (IT) plan of action

Lt Gen Adeline Shezi, Divisional Commissioner: Technology Management Services, SAPS, said that digital policing was the application of digital technologies to transform all aspects of policing, enabling enhanced service delivery for all citizens, whilst also improving internal operations and processes as well as inter-agency cooperation. The digital transformation pillars, in line with Vision 2030, had the aim of optimising operations to empower police officers and constantly engaging with citizens. Digital policing would allow SAPS to search for people, vehicles, addresses, phones, incidents, photos, videos and audio. It could also allow police officers to create, view and update incidents, persons, vehicles, locations and records. It could capture statements and signatures, and record or submit form details. Digital policing could also allow for the collection and recording of physical evidence, video evidence, and audio evidence. The use of technology could also help in the recording of forensic samples and classification, and tag evidence.

Digital technologies were radically transforming the traditional policing methods and protocols. Modern digital platforms were taking policing to a new dimension, where real time information sharing and insights from data would be the key to success. The growing digital footprint included the real time surveillance through CCTV cameras and sensors across the city, crime data visualization on the Geographic Information System (GIS) and real time alerts, search and crime recording facility on mobile. There was also a focus on real time collaboration and hyper-networked cars. CCTV surveillance and video analytics were important for monitoring prisoners.

The pillars of digital policing were based on the fact that citizens were demanding greater levels of interaction through greater amounts of channels than the traditional means. The situational awareness system could help police to monitor law and order situations and infer actionable insights from the data collected from cameras and sensors installed across sensitive locations. The increasing use of mobile devices and applications to access information anytime, anywhere on the field, meant SAPS should improve on field communication and collaboration.

Lt Gen Shezi emphasised that digital technologies were enabling police to be aware, informed and agile, so that they were always prepared to respond to any threat to society or violation of civil law and order. CCTV had been installed in seven sites of forensic services. There was currently a total of 106 sites with surveillance cameras. 35 body-worn cameras had been procured by the Technology Management Service (TMS) and received by Operational Response Service (ORS). 62 body-worn cameras had been procured by ORS and were awaiting delivery.

Discussion

The Chairperson noted that three SAPS members had recently been killed, and there was also another challenge in the monitoring of prison cells. It was therefore crucially important for SAPS to use technology to compensate for the shortage of personnel.

Ms Kohler Barnard said that she had observed the process of digital policing for seven years. She asked how many police stations made use of e-docketing. When would citizens get the app for the progress on a pending case? There were a lot of traversal responsibilities with a number of government departments, but the Department of Home Affairs was clear that it did not want to be involved in the process of digital policing.

Ms Molebatsi said that the presentation had been exciting but lacked timeframes, especially on body cameras. Criminals were getting sophisticated every day, so SAPS should always be ahead of them by prioritising digital policing. The CCTV cameras that were used to monitor prisoners should be commended by the Committee, as this was a good move.

Mr Mbhele said that the use of technology allowed SAPS to compensate for the shortage of personnel, as seen during the oversight visit to China. There was a lot of value to be gained through using digital policing, especially the use of mobile applications. Was there any planned interface between SAPS and the public on ways to utilise digital policing? There should be an APP for SAPS members that would be used to record information and act like a pocket book.

Mr Mhlongo said that the presentation was interesting, as the whole presentation was talking about the invention of a new police officer in the county. Was this new policing being introduced at the training level? The inclusion of young people was forward looking by SAPS, as this was looking at exploiting young people who were already living in a digital world. There should be private sector support for digital policing. There were still challenges of porous borders, and the issue of digital policing could be essential in this regard. SAPS could have an organised business in digital policing within the continent in order to generate additional revenue. The country should engage the continent in a business-minded way, but the presentation hadmade no mention of spreading the footprint to the continent.

SAPS Response

Lt Gen Shezi responded that SAPS would provide the Committee with a copy of the data on digital policing in respect of what had been achieved so far. All new SAPS members had been trained on digital policing, as there was training available at the academy. There was a new approach to changing the mindset of every police member, to start looking at ways to exploit technology to deal with crime. The new recruits would be focusing on the 1 144 police stations, and the 485 police stations that had already been linked electronically to the NPA. There would be a re-look at the timeframes, especially on the full implementation of body cameras and the tracking system at Correctional Services. A mobile app was also being envisioned by SAPS. It was indeed true that there was a new police member being introduced by SAPS -- and this was basically digital policing. There was training to be undertaken even for those members already within SAPS in order to be familiar with the technological changes that had taken place.

The meeting was adjourned.