CHAPTER 4

1.1 Justice and security sector

1.1.1. Introduction

The justice and security sector is made up of a number of core state departments, a further group of peripheral state departments and the private sector. The constituent agencies are:

- **Law enforcement institutions**, meaning the national and local (municipal) government policing services; the private security industry, which is thrice the size of the formal security institutions; intelligence structures; correctional facilities for adults and juveniles; and, lastly, private prisons;
- **Department of Justice and Constitutional Development**, which takes responsibility for the running of the courts. The National Directorate of Public Prosecutions falls under the Ministry of Justice, as do the prosecutorial institutions including the Scorpions and other specialised units such as the asset forfeiture unit;
- **The provincial Department of Social Development and Poverty Alleviation’s role** is to build social capital, strong, peaceful families and stable communities that are economically active. The department takes responsibility for the (welfare) safety nets when things go wrong in families and communities. It also deals with diversion programmes for youth in trouble with the law and manages the main structures of the youth justice system such as places of safety and secure-care facilities. The latter include reformatories and prisons for those under 18 years of age. There are some institutions which cater for the over-18s, although they are mainly sent to prisons;
- **The provincial Department of Community Safety**, which takes care of some of the social capital issues surrounding crime, such as the training of neighbourhood watches, crime prevention partnerships, and developing young leaders and mentors in at-risk communities.
- **The Department of Education** is another vital state department that contributes to the nurturing of social capital but at the same time is developing the young generation into productive citizens.

The justice and security sector thus covers a wide berth of state and non-state institutions, many of which have no formal brief in the security sector but whose work nevertheless contributes to reducing social dislocation, alienation and marginalisation of sectors of the population. Community policing, in existence since 1995, has drawn local communities into a partnership with the police services in which they strive to cooperate in order to reduce crime and build social capital. This is, however, a tough task in Western Cape, which has the highest per capita reported crime statistics of the nine provinces of the country.

In order to assess the extent of the crime and disorder problems in the Western Cape. It is useful to analyse the crime patterns and trends.
1.1.2. Crime patterns and trends
Since democratization in 1994 the Western Cape has consistently had the country’s highest per capita crime rate. This means that the police, whether they are public national police (South African Police Service (SAPS_)), metropolitan police (Cape Town City Police), or private police (private security companies, City Partnership, city improvement districts, neighbourhood watches) have a huge challenge to manage. Figure 1 compares crime rates across the nine provinces from 1994 to 2005.

Figure 1 Trends of crime per province, 1994-2005

There are several factors which contribute to the high crime rate. These include:
- High rates of unemployment, particularly in the age-bracket 18-30, the age at which young men in sub-economic areas are most at risk to commit crime and/or become victims of violent crime;
- Racial differences in employment and unemployment patterns;
- Fragmentation of communities during and after Group Areas removals in the late 1970s and early 1980s;
- High rates of school drop-out and recruitment into gangs;
- Gangs starting to manifest themselves in the African residential areas;
- High levels of immigration from the Eastern Cape and from the rest of Africa. Some of this immigration is illegal;
- A long history of alcohol and drug abuse;
- High consumption of a range of drugs;
- Record levels of sexual assaults and domestic violence;
- Absence of fathers, either physically, emotionally, or both; and
- Extremely low levels of state service delivery in sub-economic areas.
It is clear that the Western Cape needs a justice and security infrastructure that can cope with these systemic and long term problems.

Unfortunately the criminal justice system is already seriously overloaded:
- Detectives have case loads of up to 120 cases at any given time;
- Pre-trial services are absent, resulting in awaiting trial prisoners having to spend their awaiting trial period in prison, because the necessary facts cannot be gathered to ascertain the risk to community and victims of the person interfering with the justice process;
- Awaiting trial prisoners spend up to four years before their cases are heard;
- A prison system designed for 120,000 people has 170,000 inmates, causing serious congestion and the potential for sporadic violence; and
- Social workers who deal with juveniles in the criminal justice system are far too few and badly burnt out.

The figures which follow show the Western Cape trends in respect of particular categories of crime over the period 1994/5 to 2004/05.

**Figure 2 Violent crimes, 1994/95-2004/05**

The slight decline in the most violent crimes is welcome, although the relatively constant figures of reported rape are disturbing. They should be showing a similar trend to the other violent crimes. The transition to democracy seems to have seen men taking out their frustrations on women. Alternatively women are increasingly prepared to report violent crimes against them, thereby showing a stronger belief in the justice system. Indecent assault is the only crime on this graph which shows a steady rise.
By 2005 residential burglaries have returned to their 1994 levels, while burglary of businesses declines considerably over the decade, no doubt because of the exponential increase in private security being hired. The other two categories worth mentioning are the decline in theft of and from vehicles. The volume of shoplifting is almost entirely constant, which in all likelihood reflects the capacity of store-staff to process cases and attend court to witness the cases.

The trend in the truck- and car-jacking field follows the general crime trend of a rise in incidents from 1994-7 and then a gradual decline. The impact of specialised hijacking units of the police and the installation of tracker devices on many vehicles may be another explanation for the trend.
Cash-in transit theft was a huge problem in the late 1990s but the efforts of the private security industry (together with the police) managed to reduce the incidence with increased usage of armoured vehicles and smarter strategies. The release from prison of well-drilled heist teams of cash-in transit vehicles at certain times brought these people into play again. As for bank robberies, the intensified precautions and security improvements resulted in a dramatic drop in the number of robberies, a tribute to the security advisers and the assistance of the police.

Recording of drug-related crimes depends almost entirely on the initiative of the police. Very few people report to a police station that someone else has been...
taking drugs. An increase in the volume and variety of drugs available since 1994 and the ease of purchasing them with minimal risk to the purchaser, have made purchasing drugs an everyday experience. Drugs, either recreational or serious, have become an unremarkable event to the consumer community.

It is clear from the graphs that the Western Cape Province has consistently been the highest crime province since 1994. Roughly 2,5 million charges are registered with the South African police each year. This high number of charges has serious implications in terms of infrastructure. In 2005 SAPS had approximately 130 000 members, roughly 16 000 of whom were on duty in the Western Cape. The current situation where most SAPS detectives have up to 120 cases to investigate at any given time minimises any chances of achieving a satisfactory conviction rate.

The inefficiency of the justice system results in low conviction rates which in turn reduce the public’s respect for the police and justice system, and may lead to people taking the law into their own hands or retreating into gated villages or secure complexes. Similarly, because the risk of getting convicted in courts is relatively low (an average 4% from charge to conviction (Paschke et al, 2002), people may be inclined to take the chance of committing a crime. The situation is aggravated if the police are corrupt and take bribes to let suspects go free. No organised crime group can exist without active or passive assistance of the law enforcement agencies.

The throughput of cases in the criminal courts is very slow and awaiting trial facilities are therefore bursting in most prisons. The poor pre-trial services, which involve the gathering of the necessary information and people for a criminal trial to be held, are highly inefficient, resulting in arrestees waiting for their trials for up to four years. During this period the state has to feed and clothe them, provide quality medical attention, develop them and provide condoms. It costs R110 per day to keep a person in prison. This yields a total of R20,6 million a day being expended on prisons. As at February 2006 the 52,326 awaiting trial prisoners constituted 28% of the total national prison population of 187,446. If this situation is not addressed very soon the crisis in prisons, heralded by the two existing reports from the Jali Commission of Enquiry into prison conditions and mismanagement, will complicate an already critically bad situation. Additional prison space will be necessary in order to cope with the people who have been sentenced to compulsory long terms in terms of the amendment to the Criminal Procedure Act in respect of mandatory minimum sentences. It is estimated that the Department of Correctional Services will require accommodation for an additional 100,000 prisoners within the next five years. Prisons are expensive to build and to maintain.

The Jali Commission into prison conditions and prison corruption has, since 2000, unearthed serious mismanagement and corruption in prison management. This results in poorly-rehabilitated prisoners, and therefore feeds a cycle of offending and return to prison. The government has to date not gathered or released...
recidivism figures. However, informal assessments suggest that roughly 80% of former sentenced prisoners return to prison within three to five years after their release. If the Education Department only managed to achieve a 20% pass rate, or the Health Department’s hospitals and clinics only cured 20% of their patients, or if electricity were supplied only 20% of the time, there would be a massive public outcry. However, prisons are allowed to continue in their inefficient manner seemingly without any protest. This situation needs urgent attention not least because the projected infrastructure costs are more than the country ought to waste.

Instead there needs to be a massive re-envisioning how prisons are structured, managed and funded. The centres of excellence which constitute the new experimental model of the Department of Correctional Services are a good direction but they are only available to a small proportion of prisoners. The Western Cape has 15 such centres.

Beyond prisons, the entire justice system currently requires more money spent on it that would be necessary if there were a serious shake-up.

The passing of the Criminal Law Amendment Act in 1997 authorised mandatory minimum sentences of 15 years and life imprisonment for serious offences. The Act increases the pressure on the infrastructure and management capability of the prison system in the short to medium term, as an ever greater proportion of the prison population will be serving sentences of 15 years of longer. The Correctional Services’ projections of infrastructure needs in the Western Cape presented to the SIP team did not take a medium- to long-term view of the situation. In reality, there will be a serious infrastructure shortage within a few years, despite the relative drop in crime since 2003.

The justice system for juveniles, managed mainly by the Department of Social Development and Poverty Alleviation, will have substantial infrastructural challenges once the long-awaited Child Justice Bill is passed. The needs will include places of safety and secure-care facilities as well as places to conduct the preliminary hearings to establish where and how the youngster should serve their sentence.

Residents in poor communities suffer the brunt of violent crime particularly in areas where street gangs dominate the area. The victim surveys conducted in 1999 and 2003 by the consortium comprising the Institute for Security Studies and the Institute of Criminology of the University of Cape Town show that the Western Cape population is more likely to be victimised by a person or people whom they know than by a stranger or strangers. Thus the standard perception that your perpetrator is going to be a stranger is not borne out by research. People living in low-income residential areas have few sources of support and are victimized far more than people living in affluent areas.
The low level of functioning of the justice and security systems result in low levels of legitimacy of the state. This inclines residents who feel poorly served by the police to form anti-crime organisations such as neighborhood watches or, if they can afford it, to buy private security or, worse, take the law into their own hands. The Western Cape government has trained at least 15 000 neighborhood watch members since 1998 to augment the efforts of the police, private security and the City Police. However, in some cases the solutions devised by citizens can compound the dilemmas for the state institutions rather than contributing to the solution of the problems.

An attempt to remedy the malaise of the justice system was made in 1998 when the government and Business Against Crime (BAC) agreed to develop a computerised management system for all the structures in the justice system, called the Integrated Justice System (IJS). The aim was to track the whereabouts of each person involved in a trial and to monitor progress of each court case and the location of each convict and witness, complainant, prosecutor and investigating officer. Massive inefficiencies and additional costs result in frequently postponed trials, witness fatigue and memory-loss, destruction of evidence, and therefore a low conviction rate. The IJS was billed as the solution that will address inefficiencies caused by frequently postponed trials, witness fatigue and memory loss, destruction of evidence and thus a low conviction rate.

In 2006, the pilot project in Port Elizabeth is still the only place in the country where the computerised system is working fully. The brief experiment to emulate the Port Elizabeth pilot in the Western Cape was very successful at the beginning, and resulted in much faster throughput and output of cases, much higher morale among the people working in the whole criminal justice system, and a higher conviction rate and lower awaiting trial populations. However, the then Minister of Justice suspended the experiment in 2002 because he wanted all structures all over the country to progress at the same pace. Unfortunately this means that all progress at the pace of the slowest movers. In the review conducted for the SIP informants reported only limited areas in which the IJS approach is being applied, such as the portable finger-print machines. Yet the technology is available on the open market to generate significant efficiencies in the criminal justice system.

When the justice system is weak and slow and has low efficiency levels, organised crime can flourish. Organised crime is a pernicious and corrupting influence on the entire society, including the police. It is very difficult to eradicate once it has established itself and continues to contaminate more and more state officials and private businesses. There has been a very low conviction rate for organised crime bosses in the Western Cape over the last decade, despite the commendable efforts by the Scorpions. One reason for the low conviction rate is that the witness protection system is poorly designed so that too many people know the whereabouts of the protected witnesses, placing them at risk of being killed or intimidated before they can testify.

SIP – Chapter 4
Justice & Emergency Sector
1.1.3. Input from key actors
This section summarises input from key actors in the justice and security sector received during the SIP review. Unfortunately, several institutions did not respond, despite repeated requests. There was thus no input from SAPS, the City Police, and the National Prosecutions Agency (NPA). The state structures which cooperated in this research were the Department of Justice and Constitutional Development, the Department of Correctional Services, and the provincial Department of Community Safety Western Cape.

1.1.3.1. Department of Community Safety, Western Cape
Many of the crime prevention initiatives involve community participation. This is in line with both the province’s social capital formation strategy and the lead strategy of the Department of Community Safety (DCS), which is called Bambanani Unite Against Crime. Bambanani aims to mobilise communities to work with the police and other law enforcement agencies to fight crime.

Bambanani’s Safer Festive Season programme during December 2003 and January 2004 led to an 18% drop in reported crime. The programme worked through volunteers who received training in how to work together with law enforcement agencies to reduce crime. It covered a range of venues, such as trains, beaches, farms, shebeens, and events such as the Minstrel (Coon) Carnival. The DCS jointly coordinates the Safer Festive Season programme with the lead agency, SAPS. Also involved are five provincial departments, most municipalities, and one parastatal, Metrorail. From outside government the partners include 13 community-based structures with more than 4 500 volunteers, a range of non-governmental organisations (NGOs) and sports organisations, two private sector banks and the media.

The DCS also promotes and supports community police forums and neighbourhood watches as a way of harnessing community energy. Community police forums are the statutory structure intended for community-police interaction. DCS assists with the setting up of these structures and assists in sustaining them through funding of social crime prevention projects, training of members, and leadership development.

Neighbourhood watches are non-statutory groups which assist with patrols and other police activities in their area. DCS provides these groups with equipment and training, and also funds some crime prevention projects. More than 4 000 volunteers from neighbourhood- and farm watches have been trained. Some watches monitor shebeens to ensure that they do not sell liquor to children under 18 years of age. Watches also patrol stations, trains and schools, and attempt to prevent gang activity and drug trafficking. The Department of Transport & Public Works is cooperating with the DCS in respect of neighbourhood watch activity on the trains, through training and then employing the community members as part of the expanded public works programme. In so doing, it provides some remuneration for their work.
The Department hopes that in the future the activities of neighbourhood watches can be extended so that they become more like community development workers. For example, the volunteers could provide advice and referrals for women and children who are abused.

In addition to the community police forums and watches, in many black townships there is a history of street committees. These structures were an important form of organisation during the apartheid years. The DCS provides funding to an NGO, the **Restorative Justice Initiative**, which manages a project, the Community Peace and Safety Project, which is building on this legacy to create a community-centered, first-level justice system. The training of these street committees started in Gugulethu, Langa and Khayelitsha during January 2004. Street committees deal with a range of minor problems relating to crime, health, rehabilitation of petty thieves, and retrieving stolen goods.

**The Chrysalis Academy** is one of several crime-related initiatives in respect of youth. The Academy aims to provide “youth at risk” with positive role models and create community leaders of the future. It accommodates 360 youth aged 16-22 years who go through a five-year programme which prepares them physically and mentally to face life’s challenges. It originally targeted only male youth but has since taken on some young women. Participants are provided with vocational skills in car maintenance, welding, bricklaying, metal and woodwork, electricity circuitry, sports coaching, and catering. They are also provided with computer skills and given career guidance.

Other youth initiatives include:

- **Youth Leaders Against Crime**, in which the DCS recruits youth from areas affected by serious and violent crime and provides leadership and development training;
- **Youth Peace Academy Clubs**, where the Department provides funding to an NGO which encourages school learners to join clubs which teach the youth about the rule of law, democracy and citizenship;
- **The Drug Reduction Project**, which identifies young people using drugs and assists them in accessing treatment and counselling services as well as increasing awareness of the dangers of experimenting in drugs. This project is a joint initiative of the DCS, NGOs, the Central Drug Authority and a range of other departments.

As noted in the situation analysis, the high level of substance abuse in the Western Cape is a contributory factor to the high crime rate. The province has recently developed a strategy for addressing substance abuse which brings together the efforts of a range of departments. The strategy has a special emphasis on methamphetamine (tik) which has emerged as a serious problem in the province, particularly among teenagers.
The substance abuse strategy is a good example of government’s new social capital approach. It involves a significant shift from an institutional treatment-oriented model to one that is community-based, that enables community participation, and that is affordable to poor people – and poor youth in particular. It thus draws on and hopes to build social capital in the community. It is in line with the aspect of the social capital strategy that relates to targeting of government resources where they are most needed, in that activities and resources will be channeled to areas where the rate of substance abuse is highest and where the consequences are most severe for poor people. It is also a good example of internal social capital in the way different parts of government will work together.

The strategy is three-pronged, in that it aims at reduction in supply, reduction in demand, and an increase in treatment and rehabilitation options. Supply reduction will target areas where drug dealers are known to be prevalent, as well as where substances are commonly available on the streets. Demand reduction will be achieved through mass communication initiatives in targeted communities in Mitchell’s Plain and Khayelitsha where the problem is rife. The information campaign will include door-to-door pamphleteering and information sharing, and referral of those who need assistance to community-based family support groups or detoxification units. Volunteers from the communities will be trained to do the door-to-door visits and paid for their work. Local drug action committees will be established in targeted areas. These will, wherever possible, be developed out of existing community-based structures such as the Mitchell’s Plain Tik Committee.

Already these first two prongs provide examples of social capital. However, it is in the third prong that the social capital approach will be most evident. This prong will include the establishment of support groups for abusers and their families, the deploying of referral agents drawn, among others, from Bambanani volunteers and community development workers, follow-up of those receiving assistance through a process similar to the directly-observed treatment (DOT) method used to combat tuberculosis, and capacity building for social workers, nurses, helpline advisers and others so that they can provide counselling. The strategy will be coordinated by a steering committee elected by the Western Cape Substance Abuse Forum.

On the side of government, the substance abuse strategy shows internal social capital at play in that a range of different government departments are working together, rather than in their separate silos. The key departmental actors and their roles are:

- **Education**, with its Safe Schools Project, and Joint Operation Centres at schools in areas where community-based counselling is promoted through door-to-door campaigns;
- **Health**, which will provide additional detoxification facilities at Stikland and make additional psychologists available for the door-to-door campaign and associated counseling;
- **Cultural Affairs and Sports**, which will provide testing in relation to sports participations;
- **Community Safety**, which will involve the Bambanani volunteers in preventative work and awareness raising, as well as through other projects;
- **Social Services & Poverty Alleviation**, which is responsible for the overall coordination and provision of additional funding, but which will also provide training in community-based treatment and additional bed-space in its facilities.

Non-government collaborators will include the South African National Council on Alcoholism and Drug Dependence (SANCA) and the Cape Town Drug Counselling Centre. These organisations will receive funding from government to enable them to appoint additional counsellors.

### 1.1.3.2. The Department of Justice and Constitutional Development

The Department of Justice and Constitutional Development has a comprehensive infrastructure plan amounting to R470 million for the Western Cape. The challenge is to rationalise the existing space in the cramped inner city where buildings such as the magistrates’ courts and High Court are located. There is, in particular, a lot of pressure on maintenance courts.

Since September 2005 the department has been developing a business plan for a commercial crime court. This will cater for complex and high-profile white-collar crimes such as are emerging in the Kebble saga and which were prominent when Jürgen Harksen was in town. The court is modeled along the lines of the Pretoria court which, according to the business plan, has had a very high conviction rate once it overcame its teething problems. The Department has proposed four possible scenarios depending on the size of the budget available for such re-organisation. **Business Against Crime** is also in favour of the establishment of a commercial crime court in Cape Town.

The department is also strongly in favour of going forward with the IJS which should dramatically increase the throughput and output of the criminal justice system, thereby generating greater legitimacy of the justice system.

### 1.1.3.3. Department of Social Services and Poverty Alleviation

The Department of Social Services and Poverty Alleviation’s contribution to the justice cluster is predominantly in the field of juvenile justice. Once the long-awaited Child Justice Bill is passed (hopefully in 2007 at the latest), there will be a need for many more places of safety and secure care facilities for children in conflict with the law, and there will also be a need for infrastructure for preliminary enquiries as well as for custodial placements commensurate with the international human rights standards to which SA has committed itself. Moreover, the infrastructure needs at the prisons will need to be developed to comply with the conditions that conform to the “best interests of the child” the international benchmark of quality assurance. At present they in no way conform to these norms.
The Department of Social Services and Poverty Alleviation is also a key actor in the area of violence against women and children. Already in 1995 the department recognised that it could not address violence against women and children alone. It therefore worked together with other departments and partners in civil society to design the child abuse protocol. The protocol was subsequently adopted by the National Department of Social Development and rolled out to all other provinces.

While the Department itself provides services in respect of child abuse, NGOs are the main providers of services for adult victims/survivors of violence. Over the last seven years, the Department has participated actively in the Western Cape Network on Violence Against Women in an effort to contribute to the fight against violence against women. Based on its experiences of working together with others in addressing child abuse and violence against women, the Department has recently devised a provincial anti-rape strategy which will expand on activities currently being implemented.

1.1.3.4. Department of Education
The primary contribution of the Department of Education (DoE) to crime prevention is a good quality of education and the inculcation of pro-social values among the learners. More concretely the DOE runs the Safer Schools Campaign which not only deals with crime prevention but also assists teachers to handle difficult children better.

The DOE was part of the Cape Renewal Strategy from 1998-2005. In conjunction with DCS it employed additional truant officers so that any child absent from school in targeted areas without a good excuse would be brought to the school authorities for an explanation and developmental intervention. This initiative had a very positive effect on regular school attendance and reduced crime by those who were avoiding school. A second feature of the Cape Renewal Strategy was to pay local residents to keep the streets and residential areas clean, erase graffiti, form block committees and forge closer constructive relationships amongst themselves in the spirit of civic-mindedness. Unfortunately, the initiative came to an end in 2005.

1.1.3.5. Business Against Crime
BAC’s view is that the interface between local, provincial and national government allows too many gaps which frustrate efficient service delivery. This manifests itself most vividly in the local government law enforcement arena in that local municipal police are very limited in their jurisdiction, primarily confined to traffic, municipal by-laws, and building regulations. The limited nature of local government’s jurisdiction creates a gap which residents can exploit in such a manner that civil obedience is compromised. In addition, the fact that local government in Cape Town has a 40% vacancy rate in the City Police personnel complement is for BAC an unacceptable managerial failure. BAC is convinced that higher levels of enforcement of local government laws on littering, dumping,
building regulations, petty crime and traffic are the building blocks of social capital, in the sense of a population that abides by the law voluntarily.

The issue of smuggling foreigners into South Africa provides a further example of where jurisdictional boundaries of national, provincial and local government create inefficiencies and therefore lower success in dealing with the problem. Home Affairs is a national department. Yet people who smuggle aliens have worked out that all they need to do is to register at the local government clinic, a process which makes them eligible to get onto a housing list. There is no mechanism to monitor this unless the government makes a special effort to get the departments working together at national, provincial and local levels.

BAC has worked closely with the justice sector for more than a decade on the IJS. As noted above, the aim of the IJS is to create substantial managerial and case-management efficiencies. However, BAC’s major partner, the justice cluster, does not seem to have the capacity and will to steer the project with the commitment it requires. BAC is despondent about the low take-up rate of government in this regard because it impacts on the efficiency and therefore the credibility and legitimacy of the entire justice system. The organisation recognises that business and government work at a different pace, and that business is not as seriously affected by political factors. Thus while business can react to high levels of crime quickly by installing closed-circuit television (CCTV), the difficulties involved in negotiation between three spheres of government and finding resources from within budgets that span a three-year cycle makes delivery a far slower process than if business was doing it.

In terms of infrastructure, BAC notes that many smaller centres do not have courts of their own, and the shortage of police vehicles (to transport victims, witnesses, complainants and the accused person/s to and from courts) further compromises the effectiveness of the justice system.

BAC Western Cape is very involved in finding better government responses to ecological crimes such as abalone poaching and has contributed to the establishment of the “abalone court” in Hermanus. The initiative is important as there are links with organised crime and serious commercial crimes, which are not currently being dealt with in as professional manner as they should be. The result is failed prosecutions and an invitation to syndicates to continue plundering South Africa’s natural resources to extinction.

More generally, BAC feels that there are not sufficiently strong links between the justice system’s investment in organised crime and the serious commercial crime branch of the police. BAC feels that insufficient attention is paid to informer and witness protection. This results in failed prosecutions, signaling to criminals that they can take the risk of committing serious commercial crimes, or continue with their drug dealing with very limited chance of being convicted.
The organisation also feels that there is not enough linkage between police at station level policing and high-level crime policing, such as diamond smuggling, drugs, guns, trafficking in humans and aliens. More generally, BAC observes that the SAPS and organised business have slightly different priorities. For example, copper cable theft is a big issue for smooth commercial operations seeing that it affects business communications.

BAC recognises that South Africa’s status as a developing country, albeit among the wealthier countries in this category, means that there are resource constraints. This means that while the idea of a financial intelligence centre is a good one, it is constrained by low levels of resources. A group of “green scorpions” is simply unaffordable at present.

1.1.3.6. The security industry

Overview
The private security industry (PSI) in the Western Cape ranges from guarding in commerce, industry and domestic environments, through armed response units, guarding assets in transit, technology installation and manufacture (alarms, fencing, access control, CCTV), close protection services and investigative and personnel verification services.

All personnel must be registered with the Private Security Industry Regulatory Authority (PSIRA) and businesses offering security services must be registered with PSIRA. The industry feels that firearms legislation is strictly enforced. In short, it sees the PSI as a highly regulated industry.

In comparative terms, the government policing effort in the Western Cape depends on 18 000 police while the PSI has 35 000 personnel deployed on a company-by-company basis. Unlike the police, the PSI charges their clients for the provision of private security services.

The PSI has attracted direct foreign investment in that global players such as Securicor, Group 4 Falke, ADT and others have invested in South African security companies by way of merger and acquisition. These newcomers have enhanced the skills, technology and operational procedures of the industry.

Relationship between police and PSI
The PSI plays a preventive role in respect of crime whilst the police enforce the laws, protect, prevent, react and investigate crime. Both groups contribute to countering crime and ensuring the maintenance of order, thus reducing loss and improving productivity of enterprises in their region of operation. However, there is no structured mechanism for liaison and sharing of information, and all existing liaison is informal and depends on personal relationships.

The PSI feels that its lack of policing powers (search and arrest) other than the statutory private citizens’ power of arrest results in its potential to assist in fighting
crime being under-utilised. Such powers were previously sanctioned for the now disbanded community patrol officers (Rent-A-Cop). In special event situations such as local government elections, Cape Town’s Olympic bid, and World Cup cricket matches, the PSI and SAPS have undertaken joint planning and execution for public safety and protective tasks, creating a force multiplier effect. However, numerous efforts to develop such initiatives on a permanent basis going back to 1998 have foundered due to concern at SAPS headquarters that confidentiality of information might be prejudiced or that there might be legal issues relating to liability for injury.

In the latter half of 2005 the PSI established an overarching representative body, the Security Industry Alliance (SIA). This body is intended to serve as a route through with the industry can engage with government and represent the diverse elements of the PSI. The majority of representative associations within the PSI have joined the SIA and contributed funding to enable it to function. The SIA also embraces the mining industry, which has a strong interest in proper and direct representation to government on matters of security.

**PSI recommendations**
The PSI offered the following suggestions as to how its contribution to safety and security, and thus to supporting economic growth, could be enhanced:

- Develop a formalised, structured and SAPS-approved liaison mechanism between the PSI and SAPS, and implement this from station level upward.
- Consider granting some police powers (arrest and search) to approved and qualified elements of the PSI.
- Introduce criteria for the PSI in respect of training and qualification by SAPS in support of the granting of police powers.
- Explore the possibility of granting an element of tax relief for the costs of private security incurred by members of the public under provisions similar to those incorporated into the National Key Points legislation for corporate tax relief.

The industry believes that infrastructure needs to be provided by government rather than by industry.

### 1.1.4. Proposed projects
Table 1 and Table 2 summarises the short- to medium-term infrastructure plans of government departments for the Western Cape.
Table 1 Priority capital works in Justice for 2005/06

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<th>Projected costs</th>
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</tr>
<tr>
<td>Cape Town courts</td>
<td>Install surveillance cameras</td>
<td>R2247608</td>
</tr>
<tr>
<td>Belleville magistrates court: Additional door</td>
<td></td>
<td>R5598</td>
</tr>
<tr>
<td>Groot Brak Rivier: Additional cell door</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Khayelitsha</td>
<td>Security measures at cells</td>
<td>R54396</td>
</tr>
</tbody>
</table>

Table 2 Western Cape infrastructure projects of the Department of Correctional Services

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Projected costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allandale, Paarl</td>
<td>Construction of new facility: Feasibility stage</td>
<td>±R600m</td>
</tr>
<tr>
<td>Calvinia</td>
<td>Upgrading existing facilities. Finalisation of plans</td>
<td>±R40m</td>
</tr>
<tr>
<td>Van Rhynsdorp</td>
<td>Upgrading existing facilities.</td>
<td>±R90m</td>
</tr>
<tr>
<td>Warm Bokveld (Ceres)</td>
<td>Upgrading existing facilities.</td>
<td>±R83m</td>
</tr>
<tr>
<td>Brandvlei Medium, Worcester</td>
<td>Replacement of temporary medium with permanent structure: Pre-design state</td>
<td>±R200m</td>
</tr>
<tr>
<td>Beaufort West</td>
<td>R&amp;R, Pre-design state</td>
<td>±R4m</td>
</tr>
<tr>
<td>Riebeeck West</td>
<td>Pre-design phase</td>
<td>±R3.8m</td>
</tr>
<tr>
<td>Dwarsrivier, Woësly</td>
<td>Upgrading: pre-design stage</td>
<td>±R2</td>
</tr>
<tr>
<td>Voorberg</td>
<td>Upgrading, pre-design phase</td>
<td>±R2m</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>±R1,024.8m</td>
</tr>
</tbody>
</table>

Given the fact that the key justice cluster departments chose not to contribute to the SIP process, it was difficult get a comprehensive picture of the justice and security sector. As a result the main recommendation for the justice and security sector is to put considerable effort into the roll-out of the IJS. This should result in faster processing of accused people through the courts and avoid long awaiting trial periods. That achievement will, in turn, reduce the congestions in prisons, and will ensure that only people who should be in prison are there. This will avoid the current situation where prisons are filled up by people who simply cannot afford the bail and therefore have to await trial in prison. The biggest temptation for the government is to try and build itself out of the prison congestion dilemma,
instead of being creative in other ways such as using more focused and
effective skilling and rehabilitation programmes in prisons

Pre-trial services should speed up the throughput and output of the courts and
avoid unnecessary contamination of short-term prisoners by longer-term prisoners
whose agenda is to live off the vulnerability of the short term prisoners.

After discussion among the SIP team leaders it was decided that no iconic
justice-and-security project would be proposed other than the IJS as this is the
faster, cheapest and most effective manner in which the awaiting trial situation
can be managed in South Africa’s prisons.