



Presentation on the Turn- Around Strategy of SAPS/CFR

Prepared for the Portfolio Committee on Police meeting on the *Turn-around Strategy of the SAPS /CFR*

Wednesday, 03 June 2015

Stakeholders

Gun Owners in South Africa may broadly be classified as follows:

- ▶ Industry
 - Manufacturers
 - Importers
 - Wholesalers
 - Dealers
 - Gunsmiths
- ▶ “Non-Dedicated” firearm owners, typically:
 - Self-defence owners
 - Occasional Sport Shooters
 - Occasional Hunters
- ▶ “Dedicated” firearm owners, typically:
 - Dedicated Sport Shooters
 - Dedicated Hunters
 - Collectors
- ▶ “For Business” firearm owners, typically:
 - Professional Hunters
 - Security industry
 - Training providers

Stakeholders (this proposal)

Gun Owners in South Africa may broadly be classified as follows:



▶ “Non-Dedicated” firearm owners, typically:

- Self-defence owners
- Occasional Sport Shooters
- Occasional Hunters

▶ “Dedicated” firearm owners, typically:

- Dedicated Sport Shooters
- Dedicated Hunters
-



CFR Turn-around Strategy?

- ▶ GOSA are not privy to any existing strategy.
- ▶ Commenting on an existing strategy is therefore impossible at this time.
- ▶ GOSA do however have ideas on how to ‘fix’ the CFR.
- ▶ Informed by our experience as ‘customers’ of the system.

How to 'fix' CFR?

From the outset, the Firearms Control Act of 2000 was not a well thought out nor functional act.

For one to establish the apparent shortcomings of this important legislation it is strongly recommended that an independent forensic audit of the entire act, amendments and operations from CFR to DFO level is initiated as a matter of urgency.

This, in the knowledge that there are lessons to be learnt and the hope that parts that can be salvaged.

Current Situation

- ▶ Current system is unnecessarily confusing, unclear, difficult, time-consuming and, because of this, breeds corruption and illegal behaviour.
- ▶ The result is that the aims of the Firearms Control Act are not met.
- ▶ In fact, the current situation actively undermines the aims of the Act.

Stated Aims / Desired Outcomes

▶ Firearms Control Act, 2000

“The purpose of this Act is to—

- ▶ *enhance the constitutional rights to life and bodily integrity;*
 - Citizens should not be denied their Constitutional right to life and their choice of tools with which to safeguard said right.
 - Currently many citizens are effectively denied these rights due to CFR being dysfunctional.
- ▶ *prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and improving control over legally possessed firearms, to prevent crime involving the use of firearms;*
 - A dysfunctional CFR cannot meet this requirement.
- ▶ *enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;*
 - Tying up scarce resources with administrative tasks means that proactive policing is neglected.
- ▶ *establish a comprehensive and effective system of firearm control and management;*
 - The entire system is currently dysfunctional and in decay – not effective at all.
- ▶ *ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.”*
 - SAPS need to be equipped and empowered to meet this requirement.

Current Situation

- ▶ CFR are overwhelmed and cannot cope with the administrative burden placed on them.
- ▶ A dysfunctional CFR and licensing system does not allow the SAPS to meet the Aims of the Act.
- ▶ *“I am very sad to say today, that with the Billions that South African Police Services get every year from Government, since 1994, we are still faced with the same problem of a Central Firearms Registry that is dysfunctional and in constant decay”*

- Hon Deputy Minister M Soty, NFS 25 March 2015

Current challenges facing SAPS/CFR

1. Challenges as communicated during the National Firearms Summit 2015 by the Deputy Minister, National Commissioner of police and others.

2. From our perspective:
 - Lack of service delivery, due to:
 - Lack of resources
 - Lack of clear procedures and requirements
 - Unnecessary Requirements
 - Unnecessarily complicated and onerous system
 - Overwhelming administrative burden
 - Lack of training and/or expertise
 - Duplication of tasks...

A Turn-around Strategy

“Doing the same thing over and over and expecting different results”

- ▶ Albert Einstein defined insanity as: 
- ▶ Allocating more resources to an inherently flawed concept and system will not achieve the desired outcomes.
- ▶ What is needed is a fresh look at the system and processes and a re-design. A change of mind-set.

Current Situation

- ▶ To legally possess a firearm and individual must:
 - Complete the prescribed training courses
 - Possess and install a prescribed safe
 - Apply for a Competency Certificate
 - Wait for adjudication of Competency
 - Purchase a firearm
 - Motivate the application for a licence
 - Submit the application and supporting documents
 - Wait, after approval, for a licence card
 - Collect licence card
 - Collect the firearm
 - Renew Competency every 5/10 years
 - Renew firearm license every 5/10 years

Current Process

Competency		Licence
Application at DFO	← Duplication →	Application at DFO
Transport to Provincial Office	← Duplication →	Transport to Provincial Office
Transport to CFR	← Duplication →	Transport to CFR
Adjudication	← Duplication →	Adjudication
Printout from DFO		Print Licence Card
		Transport card to Provincial Office
		Transport card to DFO
		Collection of card

What is currently required for a licence application?

- ▶ No clear answer
- ▶ No definitive list of required documents
- ▶ DFOs have compiled their own lists through trial and error
 - Many discrepancies between DFOs and provinces
- ▶ The public have compiled their own lists through trial and error
 - Many different opinions on what needs to be included
- ▶ **RESULT:** 'padding' of applications
 - Adding more and more documents in the hope that all bases are covered
 - Some applications in excess of 300 pages...

Example list of required documents

1) Complete the relevant SAPS forms where required

2) Particulars of Applicant (Law and Firearms)

- Certified copy of identity book main page with photo.
- List of full personal contact details & detailed description of dwelling. (Is it brick, shack etc).
- Certified copy of electricity bill / bond statement / rates and taxes bill (Identification of residential dwelling – to prove you live where you say you do). Statement by general practitioner re health of mind and body (this is not a requirement but will assist to prove that you are a person in good standing. A character reference from a person of standing is also not a bad idea – Reverend/Pastor).
- Statement of current employment confirming employment.

3) Particulars of Spouse/Partner/Parents/Friends

- Certified copy of spouse's identity document & personal details.
- No objection statement by spouse/partner/parent. Where applicable depending on situation.
- No objection letter from third party sharing dwelling where applicable.

4) Competence Certificate

- Firearm Competence Certificate/s as required by law.

5) Licensed Firearms (including on permit)

- List & details of all currently licensed firearms.
- Certified copies of all existing firearm licenses.

6) Details of Firearm i.r.o. this Application (additional to that provided in form)

- A copy of firearm invoice (where applicable).
- General description of firearm & special features.
- Detailed explanation of special features related to application (where applicable).
- Photographs including close-up details (where applicable).
- List of 'target' or 'quarry' species with explanations.
- Supporting endorsement of suitability by Subject Matter Experts (Clubs, associations, any relevant group).

7) Hunter/Sportsman/Collector Status

- Dedicated Hunter/Sportsman/Collector certificate.
- Bone-fide Hunter/Sportsman/Collector certificate. (Where applicable)

8) Motivation

- Primary motivation with reasons for application.
- Additional and special motivation.
- Detailed technical explanation.
- Technical validation by SME (Subject Matter Expert).

9) Endorsement by Clubs, Associations, Institutes etc.

- Associations Membership details.
- Membership certificates/affidavits.
- Endorsement from Clubs and other Associations you belong to.

10) Storage/Safe Details

- Give a full verbal description of your firearm safe/s and dimensions.
- Documentation for Safe (where required) with photographs.

11) Dwelling Security Details

- Full details of dwelling / residence set-up and security. Do not give them the detail to your security alarm. Define if it is a brick or tin structure.

12) Education, Training & Previous Firearm Experience

- Degrees / certificates achieved etc.
- Details of firearm training / experience. Include mention if you were in the military.
- History of shooting and hunting experience. Be specific with contact details, farm and owner names etc.
- Hunting/shooting testimonials / statements.
- Proof and confirmation of formal competitive shooting experience.
- Clubs, association that you belong to with proof as well as subscriptions and involvement in your field of application.

13) Testimonials

- Any Testimonial from any institute, club, person that you require to substantiate your application.
- Other testimonials deemed appropriate to make the application successful.

14) General

It could cut off the poor administrative process, or lack thereof, if you submit an appeal and clearly stating your intentions to pursue the matter by means of refused.

Example list of required documents (Continued)

- ▶ Uncertainty (both DFOs and public)
- ▶ Duplications
- ▶ Unnecessary documents
- ▶ Huge volumes – some applications in excess of 300 pages
- ▶ Unfairly disadvantages those with limited resources and basic levels of education

- ▶ Huge workload on CFR:
 - Time
 - Effort
 - Data Capturing
 - Filing
 - Funds

Current Workload of CFR

- ▶ **Gen. R. Phiyega** (National Firearms Summit, 24–25 March 2015)
 - 1,749,034 Civilian Firearm Owners
 - Owning 3,081,173 Civilian Firearms
- ▶ **Assume Competency and Licence renewal every 10 years...**
 - = Ave 402517 applications per year
 - = Ave 33543 applications per month
 - = Ave 1524 applications per workday (22)
- ▶ **Excludes:** new applications and refusals
- ▶ **Hon. Deputy Minister M Soty** (NFS, 24–25 March 2015)
 - Gauteng only...
 - more than 10,000 applications per DAY!

Current Requirements (simplified)

License the person (competency)	License the firearm
Training Certificates	Copy of competency certificate
Application form	Application form
ID photos	ID photos
Copies of ID	Copies of ID
Reference letters	Proof of Dedicated Status (if applicable)
Supporting documents	Supporting documents
Interviews (with references)	Motivation
Safe inspection (premises)	Endorsement
Criminal Record Centre check	

Current Requirements (simplified)

License the person (Duplication	License the firearm
Training Certificates	Duplication	Copy of competency certificate
Application form	Duplication	Application form
ID photos	Duplication	ID photos
Copies of ID	Duplication	Copies of ID
Reference letters		Proof of Dedicated Status (if applicable)
Supporting documents	Duplication	Supporting documents
Interviews (with references)		Motivation
Safe inspection (premises)		Endorsement
Criminal Record Centre check		

Proposed System

License the person	REGISTER the firearm
Training Certificates	
Application form	Notification
ID photos	
Copies of ID	Show Identification
Reference letters	Proof of Dedicated Status (if applicable)
Supporting documents	Relevant documents only
Interviews (with references)	
Safe inspection (premises)	Endorsement only if required
Criminal Record Centre check	

Proposed System

License the person	Register the Firearm
Application at DFO	Submit details to DFO
Transport to Provincial Office	DFO checklist
Transport to CFR	DFO Captures Registration
Adjudication	Register updated in real time
Printout from DFO	Printout from DFO

Benefits

- ▶ Less paperwork
- ▶ Less time
- ▶ Less resources consumed
- ▶ STILL ensure that only those that are fit and proper are allowed to legally possess firearms
- ▶ Enable a functional Register
- ▶ Register updated in real time
- ▶ Frees up manpower and resources
- ▶ Empowers SAPS to enforce the laws

- ▶ Empowers SAPS to meet the stated aims of the Firearms Control Act

Stated Aims / Desired Outcomes

“The purpose of this Act is to—

- ▶ *enhance the constitutional rights to life and bodily integrity;*
 - License the Person; Register the Firearm empowers **qualifying** individuals to make their own choices and thus enhances their constitutional rights.
- ▶ *prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and improving control over legally possessed firearms, to prevent crime involving the use of firearms;*
 - License the Person; Register the firearm enables more citizens to comply with the law and thus reduces the proliferation of illegally possessed arms.
 - It also frees up resources to police crime and illegal possession and use of firearms.
- ▶ *enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;*
 - License the person; Register the Firearm frees up resources which will enable the State to enforce the existing laws.
- ▶ *establish a comprehensive and effective system of firearm control and management’*
 - License the Person; Register the Firearm enables an effective, real-time Firearms Register.
- ▶ *ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.”*
 - License the Person; Register the Firearm increases the efficiency of the CFR and SAPS and frees up resources that can be deployed to active policing and enforcement.

The car licence parallel

- ▶ Commissioner Phiyega: ‘cars have to be re-licensed every year, even though the driver is already licensed’
 - Vehicle licensing is an administrative and tax function
 - Nowhere near the amount of documentation and/or administrative workload:
 - Submit form
 - Pay fee
 - Licence issued immediately
 - Thus not such a drain on resources
- ▶ If vehicle licensing required 300 page motivations then that system would collapse too.

Proposed turn-around strategy

▶ Solution principles:

- Simplify the entire system – significantly
- Eliminate and reduce duplication
- Implement appropriate technology in order to:
 - Move away from primarily paper-based system
 - As far as possible, capture information at source
 - Avoid multiple handling of the same data by different people

Proposed turn-around strategy

▶ SHORT-TERM INTERVENTIONS

1. Create a simplified and unambiguous procedure for all aspects of the licensing process and make this information available to all stakeholders (internal and external).
2. Arrange for designated firearms officers to be properly trained in these procedures.
3. Eliminate duplication wherever it occurs as far as practically possible.
4. Process dealers and importers' import and export permits expeditiously. At the moment import permits that have been checked and are ready for approval can languish for months leading to expensive litigation and/or the opportunity for corruption to manifest merely to move the process along.

Proposed turn-around strategy

5. Link the database of all competent firearm owners to the criminal records database so that competence cannot be renewed if a criminal record or protection order is detected.
6. Eliminate or significantly simplify re-licensing in the case of current collectors, dedicated sportspersons and dedicated hunters (Sections 16 to 20) on the basis that for as long as they continue to hold such status and have valid Competency, they will continue to have justification for the possession of the associated firearms; loss of such status or of associated competencies (including as a consequence of non-renewal) is to result in the termination of the corresponding licences.
 - *[Note: As these classes of persons hold multiple firearms, it should result in a significant reduction of pressure on the system.]*

Proposed turn-around strategy

▶ MEDIUM-TERM INTERVENTIONS

1. Immediately commission a web-based, secure (utilising both the applicant's ID number and their unique firearm or competency application number), database-driven query system so applicants can ascertain whether their applications have been captured accurately, and where they are lodged in the approval system. The ability of the applicant to quickly and efficiently supply corrected information will significantly reduce current administrative issues and time lags.
 - *[Note: use business partners that have a well-established international track record in developing such systems - even if it costs a little more - and be sure to specify that the system must be flexible and scalable.]*
2. Expand the web-based interactive system to include the capture of information pertaining to licences directly by the applicants.

Proposed turn-around strategy

3. Add in a data capture module so that licensed Dealers can submit their own firearms returns to CFR (the SAPS350a and b forms that are sometimes years out of date and frequently incorrectly captured by CFR staff who do not understand the system and the details of the firearms they are supposed to capture).
4. Establish a proper complaints procedure so that members of the public can query the progress of their applications and report deviations from established procedure so that same can be swiftly corrected.
5. Eliminate or simplify re-licensing in respect of other categories of firearms owners (Sections 13, 14, 15 and 20) on the basis that for as long as they continue to hold such status and have valid Competency, they will continue to have justification for the possession of the associated firearms; loss of such competencies (including as a consequence of non-renewal) is to result in a termination of the corresponding licences.

Proposed turn-around strategy

▶ LONG-TERM INTERVENTIONS

- ▶ Implement the License the Person; Register the Firearm system:
 1. Eliminate the duplicate licence process for firearms; deepen and strengthen the Competency application process so as to weed out unfit persons (section 9 of the FCA) and, at the same time...
 2. implement a firearms registration system for persons holding the relevant Competencies (as opposed to a system that requires multiple or voluminous applications with associated handling of paper - while, simultaneously...
 3. reallocating resources so as to significantly deepen and strengthen audit & compliance operations and to ensure (a) proper compliance by the firearms owning fraternity and (b) the confiscation of illegally possessed firearms, and...
 4. if identified as a suitable vehicle, substitute the new identity smartcard for all card-based registration/licensing.

How can we help?



Thank you.

