



21 February 2022

INFORMATION NOTE: SAPS REPORT ON THE 2019/20 AND 2020/21 FIREARM AMNESTIES AND CFR

TABLE OF CONTENTS

1. INTRODUCTION..... 1

2. FIREARM AMNESTIES..... 1

 2.1. Background: Previous and recent amnesties 1

 2.2. Firearms surrendered, reapplication and ballistics tests 2

3. CENTRAL FIREARM REGISTER 3

 3.1. Firearm applications 3

 3.2. CFR Modernisation 3

 3.3. Relocation to Telkom Towers..... 4

4. KEY ISSUES FOR CONSIDERATION..... 4

5. REFERENCES..... 6

1. INTRODUCTION

The South African Police Service (SAPS) ran two separate six-month firearm amnesties since December 2019. The first was from 01 December 2019 to 31 May 2020 and the second, from 01 August 2020 to 31 January 2021. Collectively, the two amnesties collected 165 952 firearms and 723 959 ammunitions. According to the SAPS, they received the majority of these firearms and ammunition during the second amnesty. A major challenge in both amnesties was the national Covid-19 lockdown that hampered the collection of firearms and had a significant impact on the renewal of firearm licences.

This paper is in preparation of the scheduled meeting of the Portfolio Committee on Police scheduled for 23 February 2022 on the progress related to the firearm amnesties for 2019/20 and 2020/21, as well as progress on the Central Firearm Register (CFR).

2. FIREARM AMNESTIES

2.1. Background: Previous and recent amnesties

Since the inception of the Firearms Control Act, 2000 (Act 60 of 2000) (FCA), Parliament has approved 4 separate amnesties in 2005, 2010, 2019/20 and 2020/21. Since December 2019, the SAPS ran two separate 6-month firearm amnesties, the first from 01 December 2019 to 31 May 2020 and the second from 01 August 2020 to 31 January 2021. Both of these amnesties ran through the national Covid-19 lockdown, which undoubtedly affected the success of the amnesties. The Minister of Police submitted the request for a second amnesty close to the closing date of the first amnesty and as such, there were two months in which there were no amnesty (June and July 2020).

Table 1: Timeline of 2019/20 and 2020/21 amnesties

2019	2020											2021	
Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
Amnesty: 01 Dec 2019 to 31 May 2020						No Amnesty		Amnesty: 01 Aug 2020 to 31 Jan 2021					



2.2. Firearms surrendered, reapplication and ballistics tests

The table below shows the data presented by the SAPS on the 2019/20 and 2020/21 amnesties. The table also includes a column showing the data presented to the Portfolio Committee on Police on 16 February 2020, 24 August 2021 and 23 February 2022 to illustrate the continuous changes in the data related to firearms surrendered. changed.

Table 2: Amnesty figures 2019/20 and 2020/21

	Presentation 16 Feb 2021		Presentation 24 August 2021		Presentation 23 February 2022	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
Firearms surrendered	45 915	80 263	49 063	116 652	49 105	116 847
	Total: 126 178		Total: 165 715		Total: 165 952	

Between the presentation on 24 August 2021 and 23 February 2022, the number of firearms surrendered increased with 237 firearms. As the audit process is presumably still continuing, the changes are somewhat understandable. However, the SAPS should indicate when final figures will be made available.

The most significant changes in data relate to firearm applications for surrendered firearms (during amnesties). The data for 2019/20 is of specific concern, as the number of applications received and finalised reportedly decreased since the last SAPS presentation to the Committee (24 August 2021).

Table 3: Licence applications for surrendered firearms

	Presentation 24 August 2021	Presentation 23 February 2022
Firearm licence applications received		
2019/20	29 758	29 413
2020/21	75 363	76 225
Total	105 121	105 638
Firearm applications finalised		
2019/20	14 899	14 057
2020/21	4 241	8 110
Total	19 140	22 167

Based on the two most recent presentations by the SAPS, the following should be noted:

- Overall, the number of applications for surrendered firearms increased by 517 applications.
- The number of applications received in 2019/20 decreased by 345 applications.
- The number of applications received in 2020/21, increased by 862 applications.
- The number of finalised applications for firearms surrendered during the 2019/20 amnesty decreased by 842 applications, while the finalisation for 2020/21 applications increased by 3 869 finalisations.

Section 139(4)(a) of the FCA provides that “a person who surrenders a firearm in compliance with a notice published in terms of subsection (1) may apply in terms of this Act for a licence in respect of that



firearm; (b) If a licence is granted, the firearm and ammunition, if any, surrendered in terms of this Act must be returned to the holder of the licence.”

Seeing that there are a significant number of outstanding firearm applications, how will the SAPS ensure that firearms with associated applications are kept safe and not destroyed until the licence is granted or not?

According to slide 12, the SAPS reports that, from the total 165 952 firearms surrendered during the amnesties, a total of 148 419 firearms were test fired and 28 329 firearms were not test fired (due to mechanical defects or are classified as firearm components). However, a simple calculation shows that the number of firearms test fired (148 419) added to those that could not be tested due to mechanical issues (28 329) equates to 176 748, which is more than the total number of firearms surrendered.

3. CENTRAL FIREARM REGISTER

3.1. Firearm applications

Between 01 April 2021 and 31 December 2021, the SAPS received 321 405 firearm-related applications, of which 247 186 applications were finalised (76.9% of the total).

In terms of the age analysis of firearm-related applications, a total of 130 082 applications are outstanding for more than 120 days and include 79 868 amnesty-related applications. In total, there are currently 201 607 applications in process, of which:

- 124 256 applications relate to competency certificates (61.63% of the total applications in process)
- 73 190 applications relate to firearm licenses (36.3% of the total applications in process)
- 4 161 relate to renewals by businesses

Note: On slide 7, the SAPS states that 321 405 applications were received between April and December 2021, and that a total of 326 942 applications are outstanding (including 79 868 amnesty applications). However, Slide 8 reports that 247 186 applications were finalised between April and December 2021, while slide 9 reports that there are 201 607 firearm-related applications in process at the CFR. **The SAPS should provide clear data on the number of applications at the CFR and finalised applications.**

3.2. CFR Modernisation

The modernisation of the CFR includes two separate actions. First, the digital migration of the filing system and, second, the development and implementation of an e-filing system.

The CFR Action Plan has as its goal the digital migration of the filing system that involves a digitalised filing system by establishing an **Enterprise Content Management (ECM)** contract and developing and implementing an e-filing system for the CFR. According to a previous presentation by the SAPS (15 May 2021), this system will cost approximately R80 million and coupled therewith is the development of an e-filing system also to the cost of R80 million. Thus, a combined total of R160 million.



However, the modernisation to enable **new and enhanced systems and controls** includes the following key actions:

- Procure (New Firearms Control System) **e-Solution** system that allows for electronic submission and processing of applications
- Conduct a piloting of the e-Solution System
- Deployment of the e-Solution system at all levels.

The e-Solution, or **Firearms Control System (FCS)**, must support all the functions to process firearm-related applications at the CFR and will replace the Enhanced Firearms Registry System (EFRS). Over the medium-term, the cost estimate is **R569 266 883.74** and will be finalised in November 2024.

Note! The cost estimate of R62 million for both the development of the e-filing system and the acquisition of the digital system presented by the SAPS on 24 August 2021 (slide 4), is significantly less than the R569 million and R160 million presented to the Portfolio Committee on Police during the oversight visit to the CFR on 15 May 2021.

As at 23 February 2022, the following progress was made:

Firearm Control System (FCS)

- New Firearm System: The State Information Technology Agency (SITA) reported that the Executive Bid Adjudication Committee (EBAC) is analysing and aligning with the legal opinion, provided by their Legal Section. SITA further indicated that a reviewed procurement plan is being finalised and will be forwarded to the SAPS.
- Since 2021-10-01, SITA's response indicated that the FCS Bid was still under review.
- As at 2022-02-03, SITA reported that the FCS Request for Bid (RFB) 2421/2020 is to be considered by the SITA Board, as soon as the SITA Board meeting has been scheduled.

Digital Filing System

- SITA published a Request for Quotation (RFQ), for the establishment of an Enterprise Content Management (ECM) Strategy, of which the draft of the specification will be the outcome of the Strategy. The closing date of the RFQ, was 2022-01-31.

3.3. Relocation to Telkom Towers

The majority of the CFR is still located in the Veritas Building due to various challenges that were identified in terms of the condition of the Telkom Towers: Annex building, despite the deadline of 30 October 2021. This is a significant concern as it seems like the CFR is relocating from one inadequate building to another.

4. KEY ISSUES FOR CONSIDERATION

The following key areas could be considered:

- 1) The SAPS should explain the significantly low number of finalised firearm applications.



- 2) The SAPS should indicate what number of firearm licence applications for surrendered firearms are approved and what number are not approved.
- 3) The turnaround time for firearm licence application is currently not legislated and Members should consider stipulating such timeframe when the Minister submits the Firearms Control Amendment Bill into Parliament.
- 4) How will the SAPS ensure that firearms with associated applications are kept safe and not destroyed until the licence is granted or not?
- 5) The SAPS should provide the operating cost of the CFR and Enhanced Firearm Registry System (EFRS), including all associated systems and personnel.
- 6) The SAPS reported that they activated additional members to the EFRS to deal with amnesty firearm applications; however, lockdown restrictions (50% occupancy of offices) would have restricted the additional personnel. The SAPS should explain how they enhanced this capacity within lockdown restrictions/social distancing.
- 7) What is the status of the Firearm Permit System (FPS) and progress on the FDA Contract litigation?
- 8) The SAPS should indicate why they did not deem the management of firearms licences an essential service during levels 5, 4 and 3 of the national Covid-19 lockdown. This had a significant impact on the issuing of firearm licences and created the significant backlog in firearm application.
- 9) The SAPS should provide the cost of the two amnesties.
- 10) Did the National Firearm Amnesty Task Team find any irregularities during the amnesties? If so, what constituted these irregularities?
- 11) The SAPS should explain the measures taken to ensure that there is auditing and verification of the amnesties and destruction of firearms/ammunition.
- 12) The SAPS should explain why they did not report on the number of firearms destroyed to date. What number of firearms had been destroyed to date?
- 13) The SAPS published a notice in the Government Gazette on 13 May 2020, stating its intention to destroy all firearms, ammunition as voluntarily surrendered to or forfeited to the State.¹ The SAPS gazetted a second such notice on 31 December 2020.² Based on this notice, SAPS reportedly destroyed 30 069 firearms at the end of January 2021. When will another notice be gazetted?
- 14) The FCA provides 21-days, from the publication of the destruction notice, for persons to claim a firearm/ammunition published for destruction. Did SAPS receive any application to claim firearms/ammunition that were published for destruction during the previous destruction notice?

¹ Government Gazette, No. 43310, Vol. 659, dated 13 May 2020.

² Government Gazette, No. 44053, Vol. 666 dated 31 December 2020.



- 15) The FCA (Section 139(4)(a)) provides that a person who surrendered a firearm may apply for a licence and that the firearm must be returned to the applicant upon approval. How does the SAPS ensure that those firearms for which a licence application is outstanding are not destroyed (as applicants have a claim to that firearm)? Does this open the SAPS up for civil litigation?
- 16) The SAPS should provide undated information on the number of firearms IBIS tested and linked to previously received ballistics cases.
- 17) The SAPS should provide details on the IBIS maintenance contract, including the appointed company, duration of the contract and cost thereof.
- 18) The SAPS should indicate whether there are any concerns around the occupation of their own premises at the Telkom Towers: Annex building. Have the offices been declared safe for occupation? What is the monthly office rental at the Telkom Towers and how does this compare to the previous location? Is the SAPS currently paying rent at both locations?

5. REFERENCES

Firearms Control Act, 2000 (No. 60 of 2000).

Government Gazette, No. 43310, Vol. 659, dated 13 May 2020.

Government Gazette, No. 44053, Vol. 666 dated 31 December 2020.

SAPS (2020). *Briefing to the Portfolio Committee on Police* dated 03 June 2020 titled *Presentation on Firearm Amnesty 2020*.

SAPS (2021). *Briefing to the Portfolio Committee on Police* dated 16 February 2021 titled *Presentation: Firearm Amnesty Report*.