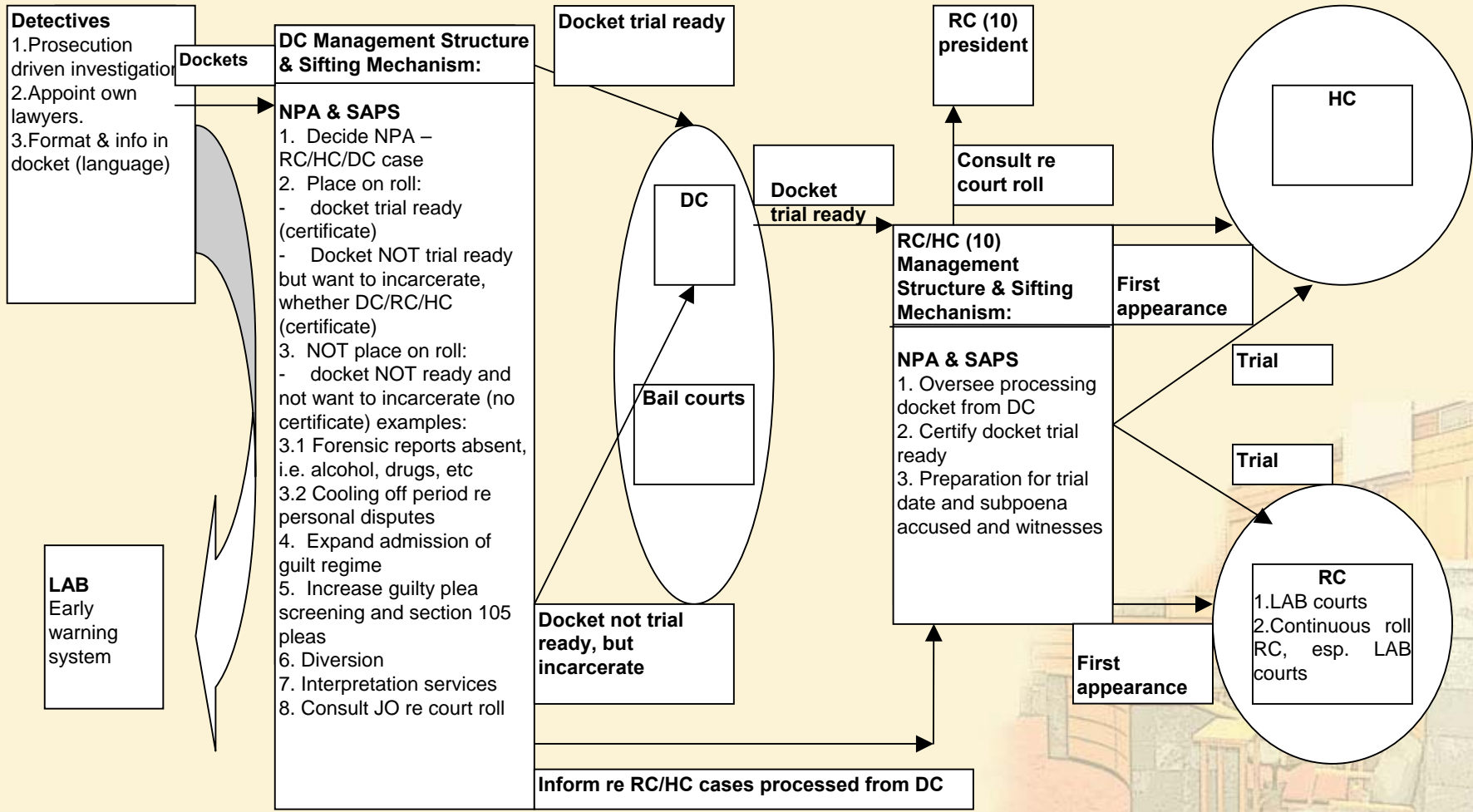


Court Process Protocol to be Adopted

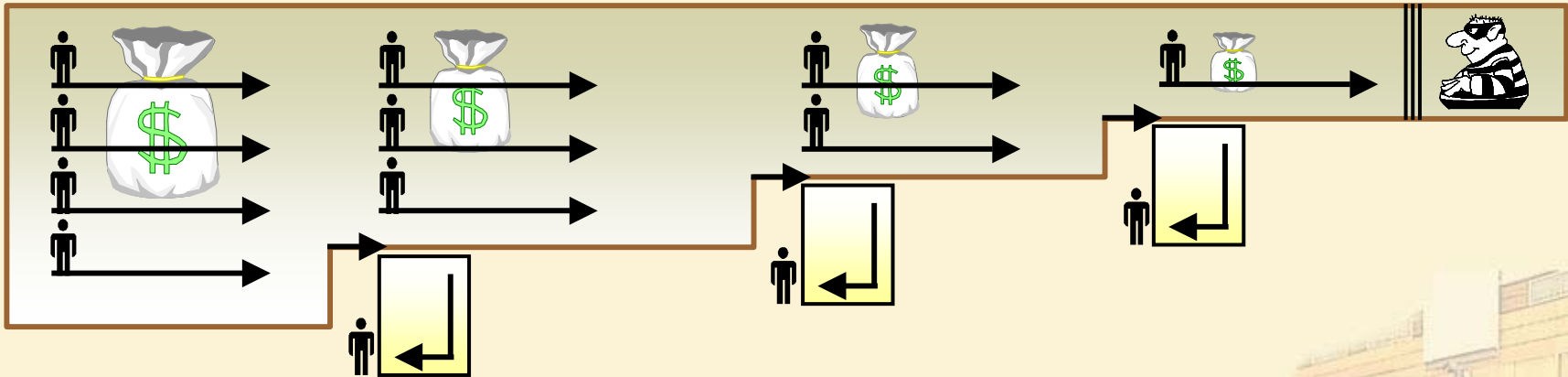


Workload Reduction



In order to focus on serious crime:

- Restorative justice initiatives
- Alternative dispute resolution
- Administrative alternatives



- SAPS/NPA**
- Admission of guilt
 - Spot fines
 - Warnings
 - Police Bail
 - Prosecutors Bail
 -

- Courts / Prosecution**
- Diversion
 - Alternative community sanctioning
 - Correctional supervision
 - Treatment programs
 - ADR

- Corrections**
- Parole
 - Early release
 - Section 63A of CPA
 -
 -

Reception / Assessment / Referral
Welfare

Improving the Flow of Justice



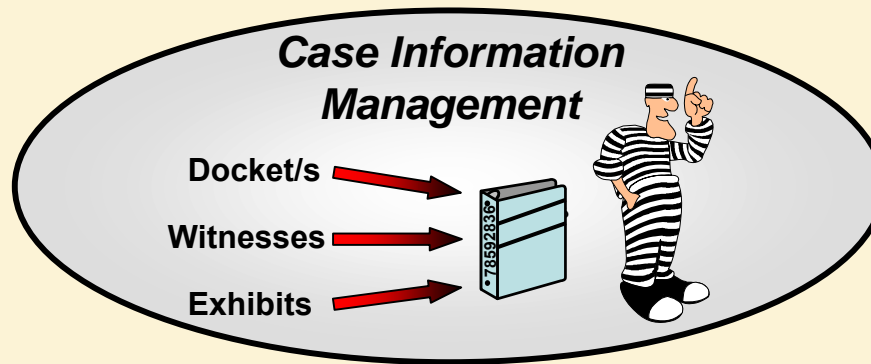
Case Readiness (Pre-Trial)

- ◆ Investigation
- ◆ Prosecution driven early stage
- ◆ Hearings (Remands / Bail)
- ◆ LAB early involvement



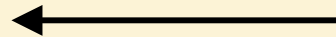
Case Scheduling

- ◆ Prosecutors
- ◆ Courts (incl admin)
- ◆ Judiciary
- ◆ Interpreter



Improved Efficiency

- ◆ Reduced cycle time
- ◆ Reduced court time
- ◆ More effective time management
- ◆ Better resource utilisation
- ◆ Reduction in cases withdrawn
- ◆ Improved case flow
- ◆ Reduced cost
- ◆ More time spent on trials



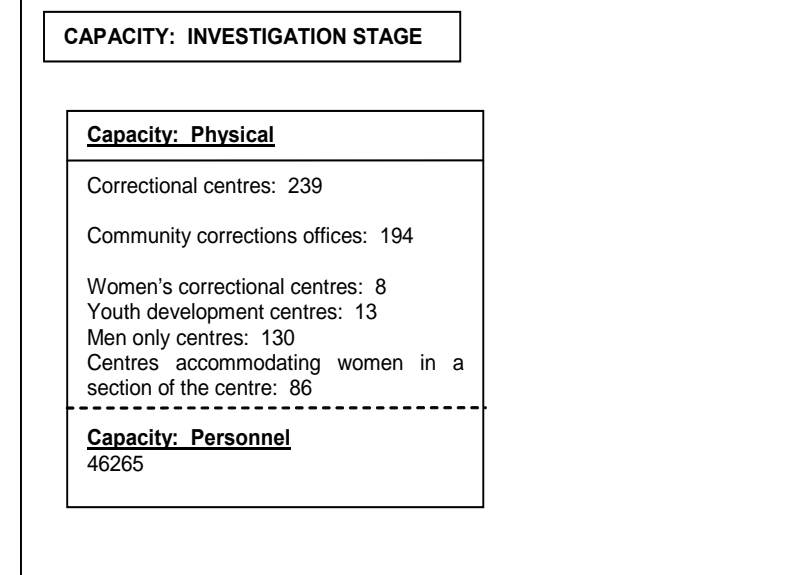
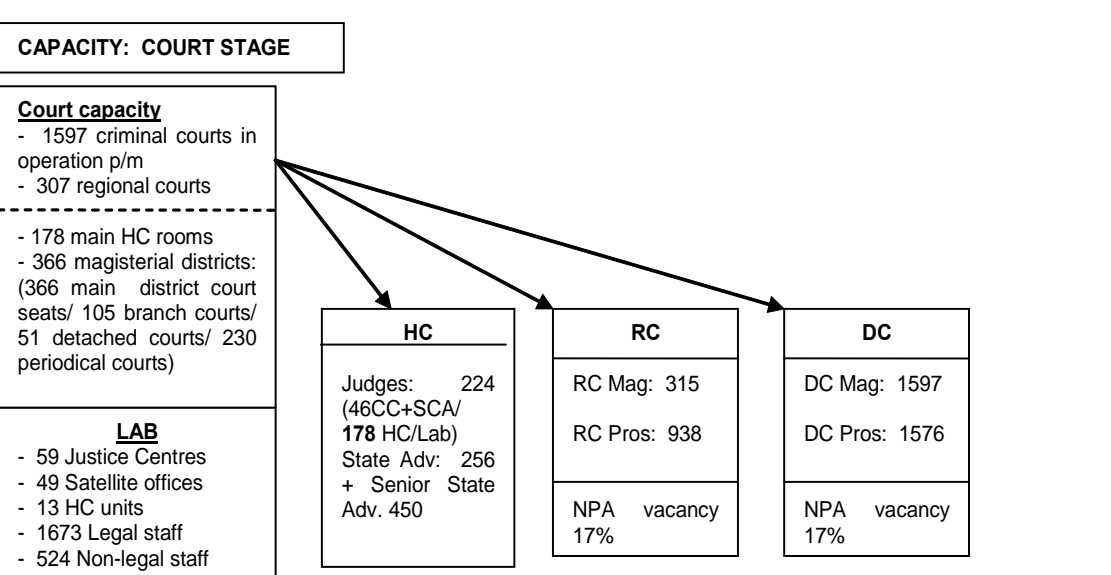
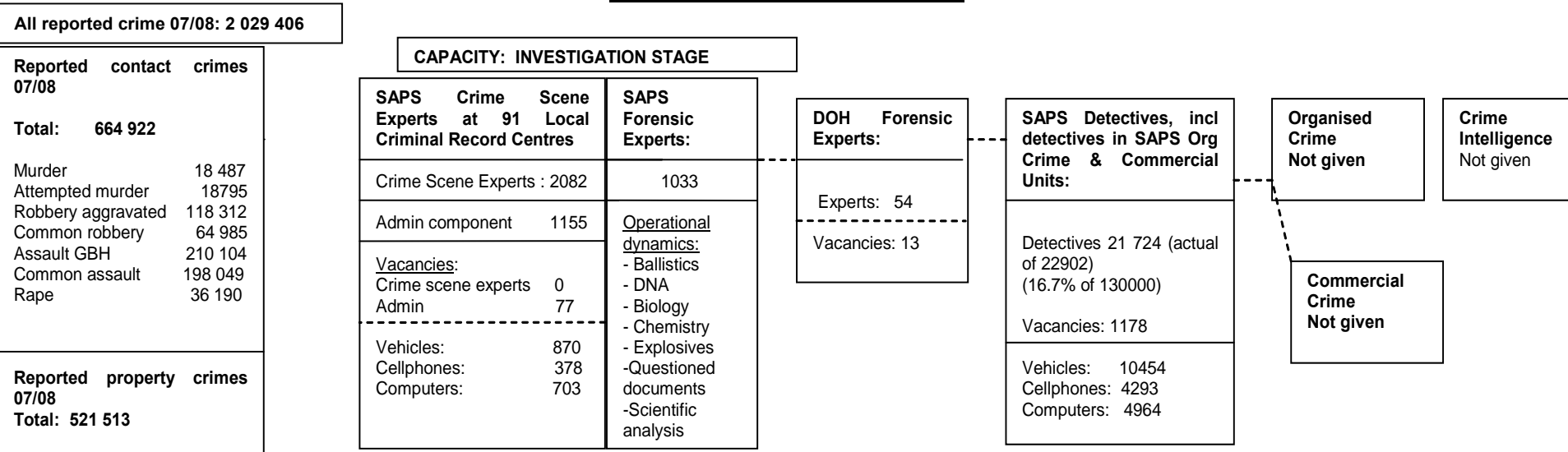
Improved Attendance Coordination

- ◆ Witnesses / Victim
- ◆ Accused
- ◆ Investigator
- ◆ Defense

Recommendation FOUR: Implement Key CJS Priorities in its Component Parts

CAPACITY OF ROLE PLAYERS IN THE INVESTIGATION STAGE, COURT STAGE & INCARCERATION STAGE OF THE CJS

(APRIL 2007 – MARCH 2008)



Recommendation FOUR:



Forensic Services of SAPS and DOH

- **Improved and timeous investigation of ALL crime-scenes, case load reduction and improved cycle times of forensic investigations, by:**
 - substantially increasing the number of crime scene experts and forensic experts in SAPS and DOH with a concomitant increase in facilities and equipment; and
 - retention of skilled and experienced forensic experts by providing them with the possibility of a new, attractive and specialised career path options, including an occupation specific dispensation (OSD) option.
 - Increased and appropriate training



Recommendation 4 ... continued



Detective Services of the SAPS - major program of capacity building & professionalisation

- ❑ Appropriate, accelerated and focussed detective training (Present programmes to be adapted)
- ❑ **Substantially increasing** the number of detectives as a percentage of SAPS members as a whole. (The present formula used to calculate the percentage of SAPS members which comprise the detective services is patently inadequate). Possibilities being investigated to at least double the number of detectives from 15% (21724 of 130000, + 1178 vacancies) **to ± 33% (1/3) of SAPS, before Dec 2009:**
 - 10% of posts in SAPS to be converted to new detective posts in '08, and posts to be filled
 - 2/3 new annual intake to be allocated to detectives
 - 2009/2010 budget: ? Posts + infrastructure
 - Additional budget – Business Plan (top up to 1/3) + infrastructure;
- ❑ A concomitant **increase in facilities and equipment;**
- ❑ **Retention** of skilled and experienced detectives, and **attracting** graduates and already skilled and experienced investigators, by providing for:
 - An OSD option, including:
 - changing the salary structure which no longer allows for a parity of salary between detectives and other SAPS members;
 - the introduction of salary incentives to attract and retain a new breed of skilled detectives by, for example, providing for a new, specialised career-path for detectives and a special, attractive, monthly detective allowance;
 - Accelerated training programmes, decreasing substantially the time spent in basic training (24 months) especially by graduated recruits and other persons with relevant prior experience;

Recommendation 4 ... continued



❑ Creation of new posts of:

- senior detectives in designated courts in metro's and large towns to oversee the quality of investigations and the "sifting" of trial-ready dockets (10 HC/RC level and 116 at other levels);
- Creation of new posts of legally qualified persons in the detective services to assist and advise detectives thereby improving the quality of investigations.

Organised crime fighting capacity

- Increases in various crimes linked to organised crime syndicates and require a dedicated focus by the CJS.
- Consolidate organised crime fighting agencies within the CJS and adopt and implement proper organised crime fighting structures and strategies. (Relocation of DSO to be finalised / audit and implementation plan to be developed and implemented)

White collar/commercial crime fighting capacity

- Consolidate white collar / commercial crime fighting capacity within CJS (NPA/NT task team – await report)
- Adopt and implement appropriate white collar crime fighting strategy

Crime Intelligence Capacity

- New organisational structure adopted in May 2008, which is more focused towards identifying perpetrators and gathering evidence for conviction holds much potential

Recommendation 4 ... continued

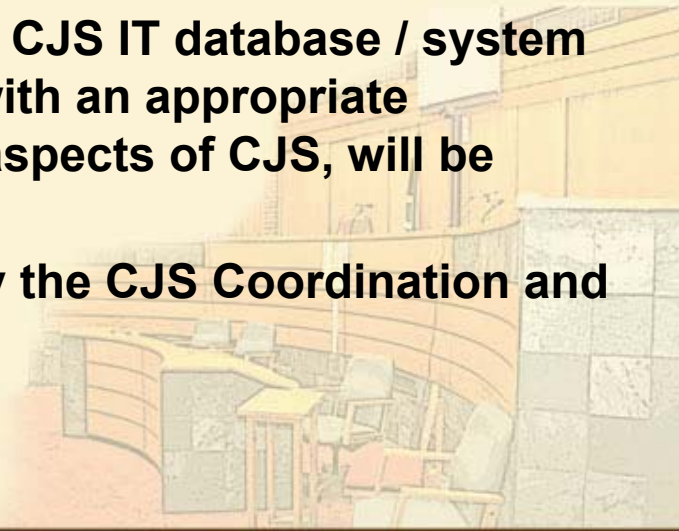


- **Prosecuting Services of the NPA**
 - Retaining skilled and experienced prosecutors including OSD (NPS vacancy rate end of May 2008 – 17%; down from 24% in 2007)
 - Effect Prosecutor-guided investigations
 - In conjunction with the newly appointed senior detectives in designated courts, establish a “sifting” mechanism to identify trial-ready dockets
 - Training – especially in CFM
 - Improved work environment
 - Increased capacity will be required as efficiency and effectiveness of investigation stage start improving
- **DOJ, as well as the Judiciary and Magistracy**
 - Improved work environment for judicial officers
 - Continue with modernisation
 - Facilitating training in case flow management, diversion, alternative sentencing and restorative justice approaches
 - Continue with reduction of case backlog interventions
 - Increased capacity will be required as efficiency and effectiveness of investigation stage start improving
- **Correctional Services**
 - Improve the “availability management” of detainees who have to appear in court
 - Increase and retention of skilled and experienced personnel, who deal with non-custodial inmates on parole, probation, correctional supervision and so on, like social workers and other professionals, by equalising their salary packages

Recommendation FIVE: Establish an Integrated and Seamless National CJS Information System (IT infrastructure and Data)



- **A harmonious, national CJS template for gathering information relevant to the CJS, in each Department, to ensure applicability and uniformity, is being drafted**
- **Information will be owned, provided and authenticated by the relevant departments or agencies under an overall CJS umbrella.**
- **Information and systems should be seamless and scientifically and technically robust**
- **High and consistent measures for data security and integrity across all systems platforms and participating department**
- **Thereafter, an integrated and seamless National CJS IT database / system containing all information relevant to the CJS, with an appropriate capacity for credible and proper analysis of all aspects of CJS, will be established in OCJSR**
- **The overall, national system will be governed by the CJS Coordination and Management Structure**



Recommendation SIX: Modernisation of Systems, including fast track the implementation of present projects and modernisation initiatives



- A number of solutions and modernisation projects have been developed and are being implemented:
 - The **e-Scheduler System**, is a new electronic court management system covering every court, to which prosecutors, judicial officers, detectives and court personnel, who administer the court process, will have access. (Roll out to most courts is largely completed).
 - Replacement of the obsolete, manual, court recording system with an advanced **digital recording system** is progressing with speed.
 - **Video Postponement** of cases is being rolled out, by the provision of high quality multi-protocol communication links between Court Rooms and Correctional Services facilities.
 - **Inmate tracking** via an automated system involving positive biometric verification is receiving attention and will ensure effective tracking and location of inmates.
 - **Alternative Sentencing Options** are being revisited and the provisions of current legislation are being implemented by the role players in the CJS.

Recommendation 6 ... continued



- In parallel, a number of initiatives have been identified and some of these are being tested in pilot sites or are awaiting infrastructure, before they can be fully implemented:
 - Electronic Dockets – a new automated electronic system of capturing dockets - is being tested at pilot sites.
 - Finger Print Live Scan devices that will bring about major throughput and data accuracy enhancements are awaiting IT Network Infrastructure Services.
 - The SAPS Criminal Record Centre and Forensic Services Laboratories are enhancing their existing capacities and business plans will provide them with new capacities, like firearm “fingerprinting” and immediate access (at arrest), to all role players, of an arrested person’s SAP 69 (criminal record).
 - The forensic analysis unit of DOH, to urgently dispose of a huge and unacceptable backlog of alcohol tests in certain centres especially Johannesburg/Cape Town, which has led to huge numbers of these cases being struck off the roll. (Similarly toxicology has severe backlogs at all three laboratories)
- The process of establishing a core of CJS IT projects by the IJS Board has not materialised over a period of years. OCJSR has now instructed the IJS Board, as phase 1, to draft a business plan consisting of only identified core IJS IT projects for adoption by Cabinet and thereafter implementation. Further, CJS IT projects will be implemented in a staggered manner in subsequent phases.

Recommendation Seven: Introduce Major Changes to CPF Regime



Expanding the role of civil society within the CJS, including:

CPF Capacity

- Introduce changes to the CPF regime, by SAPS, including expanding the role to deal with all matters in CJS, for example, policing, parole boards; by providing financial and administrative infrastructure to give it “teeth”.



Conclusion



- **Quality and professional services in an integrated, coordinated, effective and efficient criminal justice system is only achievable if the SEVEN fundamental and radical steps identified and adopted by Cabinet and articulated in the presentation is dealt with through commitment by all role players and if viewed and dealt with as a matter of urgency, in a holistic and integrated manner.**
- **Having eliminated the key weaknesses and blockages in the CJS through short and medium term interventions and modernised the whole CJS “system”, the country will be rewarded with:**
 - **Swift, equitable and fair justice in criminal matters;**
 - **A CJS that is an effective deterrent to crime on a sustainable basis; and**
 - **Improved legitimacy of and public confidence in the CJS.**

