

## **Challenges affecting the SAPS firearms application and licensing processes**

Remarks by Minister of Police, E.N. Mthethwa, MP to the National Press Club on, Sheraton Hotel,  
Pretoria

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Newly-appointed Deputy Minister of Police, Ms Magdeline Soty;u;  
National Police Commissioner of Police, General Bheki Cele;  
Secretary of Police, Ms Jenni Irish-Qhobosheane;  
Deputy Chairperson of the National Press Club, Jos Charle;  
Executive Members of the National Press Club;  
Members of the Media;

Ladies and Gentlemen

we take this opportunity to welcome our Deputy Minister of Police, Ms Magdeline Soty;u. We are confident that she will make a positive contribution to our mission on fighting this scourge. Indeed she joins this ship at a time when we are in full swing with our programmes and remain optimistic she will add oomph on this crusade. We also wish to express our appreciation to the National Press Club, its executive and members for allowing us to communicate to the nation this morning. Your platform continues to be a vital link in helping us to reach as many South Africans as possible. We shall expect this relationship to continue to flourish.

### **An overview of the Central Firearms Registry**

As the leadership and management of police we would like to share the current state of affairs in one of the components within SAPS, the Central Firearms Registry (CFR). Indeed the importance of this section cannot be over-emphasized. Our success or failure in fighting crime is to a large extent, dependent on how effectively-managed this section is. It is a make or break and hence at all material times, its effectiveness cannot be compromised. Let us begin by emphasizing a point we have been making, that in order to score victories in the fight against crime; we need to ensure that our own 'house' is in order. This speaks to the caliber of police officers, the importance of management systems as well as ensuring that we have in place clear policy frameworks that support our vision: Ensuring That All People In South Africa Are, and Feel Safe.

We began this process by looking at what works well and where bottlenecks exist. Such a process would then inform us on how, why, where and when we need to fix things. Preceded by the actions, it is vital to make sure that where we put in place corrective measures, we do so promptly while guided through informed and empirical findings.

### **Firearms Control Act – a cornerstone in firearms management**

As most South Africans would know, the Firearms Control Act (FCA), 2000 (Act 60 of 2000) was passed in 2001 however only came into effect in 2004. The main reason was to allow SAPS to put in place the necessary systems and processes required for its proper implementation. Parallel to these processes, the Act required that certain regulations and legal administrative processes be developed to accompany it. Under the Act, the Minister of Police is also empowered to make certain transitional arrangements to allow firearm owners and members of the public to fully comply with different aspects of the Act and subsequent regulations. Despite the intention of the Act and resources that have been allocated to the CFR, it is crystal clear that significant problems still exist with regard to the smooth implementation and administration of this Act.

## **Effective firearms control – our priority**

The creation of an effective allocation of firearms and control thereof is a matter that, without fear or favour, has always been a priority for this Ministry. Our view is premised along a thinking that, no matter how committed we can all be in the fight and reduction of crime; if one portion of our chain is weak, it will weaken the entire chain. In addition, the importance of ensuring a sustained and efficient implementation of the Act was recently highlighted at this year's Cabinet Lekgotla. This area was identified as one of the priority of Cabinet and government's approach to firearm control. It therefore became even more necessary to tackle the challenges facing SAPS with regard to the legislative processes surrounding the Act.

## **What works well and what does not at CFR?**

Earlier this year, we received increasing number of complaints from certain sections of society, ranging from ordinary South Africans to organized formations in this related to the firearms field. These complaints and allegations, primarily related to the malfunctioning of the SAPS' Central Firearms Registry and alleged improper implementation of the related aspects of the Firearms Control Act and its regulations. To determine their legitimacy and authenticity, we had to take certain steps.

## **Appointment of a Task Team to probe and recommend solutions**

I then instituted a Task Team led by the Civilian Secretariat of Police to undertake an in-depth and thorough assessment of the problems experienced with the implementation of the Act. Their terms of reference were straight-forward: through an assessment of the current situation, to develop a clear set of recommendations on how the problems in the CFR administration of the Act could be addressed; speedily and cost-effectively. This team has now finalized its investigations and presented us with a final report in the past weeks. The Secretary of Police is here with us and she will go deeper in terms of the processes involved in the assessment, including visits to affected provinces, police stations, interviews conducted with various parties, analytical reviews of the Act and so forth.

## **Maintaining transparency while finding lasting solutions**

We want to frankly state to the nation that the current state of affairs at the CFR is far from what and how it is supposed to be. That is, if we are serious about reducing crime. Instead of serving as an additional arsenal to our mission, suffice to say the CFR currently acts as a bottleneck in our crime-fighting initiatives. Our overall purpose arising from today's briefing is to highlight these major challenges but at the same time, outline key proposed solutions to address them. Key challenges identified during the Task Team's assessment regarding the implementation of the FCA, which seriously impact on SAPS' ability to implement the Act include:

## **Backlog in the processing of licenses**

One of the biggest challenges for the effective implementation of the Act is the ability of the CFR and provinces to process license applications. There are currently major backlogs in processing these licenses and such backlogs contribute as the major causes of litigations brought against SAPS. On average a renewal for a firearm license could take between 5 months and 6 years to be finalized. We have been informed about some of the factors that contribute to such delays (incorrectly-filled forms by applicants, delays in the finalization of competency certificates and delays in the conducting safe inspections). In our view, this is still unacceptable.

## **Corruption and irregular issuing of licenses**

During the assessment a number of concerning issues were raised regarding irregularities in the issuing of firearms licenses. Some of these include issuing of firearm licenses under the old Arms and Ammunition Act. There are also cases where a single firearm is licensed to two different individuals and/or illegally issuing firearms to people who have been genuinely refused licenses (such individuals having to pay bribes).

### **Integrity of the database system**

One of the objectives of the FCA was to ensure a new database with accurate and comprehensive picture of who owns what firearm and when the license is due for renewal. However the backlogs in renewal applications coupled with irregularities in the issuing of firearm licenses under the Act, raises serious questions regarding the integrity of the new database system.

### **Court cases lodged against the CFR**

As a result of the backlogs and inefficiencies in the processing of the firearms, the Department has been subjected to significant litigation and court applications (more so cases brought against the Minister and the National Commissioner). To a large degree, our review indicates that the majority of cases brought against the Department appear to relate to issues of administration which in essence, could have been avoided had people tasked with managing these process acted effectively.

### **Management and organizational design of the CFR**

We have noted that some of the challenges relate to the organizational design of the CFR is over complicated and does not necessarily speak to the requirement of the Act and regulations. Individual accountability for performance is not necessarily linked to overall objectives of the various components of the structure; hence the continuation of backlogs with no corrective measures taken against poor or under-performing members.

### **Lack of effective communication within CFR**

One of the identified challenges relates to poor communication. Instead of communicating requirements for licensing to members of the public, the CFR has rather chosen to keep the public in the dark regarding the licensing processes. This approach has meant that people who do not qualify for licenses apply in the belief that they have a right to such licenses. As a result the systems become overloaded with inappropriate and incomplete licensing application forms.

### **Lackluster IT systems**

The assessment further pointed out that we have invested in an Information Technology (IT) system that is currently under-utilized, as much of the work is done manually. The other challenge is the management for not appreciating the full extent of the task at hand.

### **Recommendations to turn-around the CFR into a functional unit**

Having provided a much clearer depiction of the state of affairs, it is important to formulate remedial steps to resolve and turn around this current state of CFR. Below are the urgent remedial steps:

#### **Establishment of an Intervention Team to address current backlogs**

We have taken a decision to establish an Intervention Team consisting of representatives from SAPS (a representative from National Commissioner's office), Police representative from each province,

representative from Business, representative from the Secretariat and other persons as required. We need to emphasize that this Intervention Team will draw on senior experts complemented by operational people who are familiar with the challenges. As part of an integrated approach, they will be in consultation with some of the teams who have been involved in turnaround strategies of other departments such as Home Affairs, SARS, etc to derive best practice turn-around models. We have put a 9 month turnaround time to resolve all outstanding backlogs. On a monthly basis this Team shall report to the Minister and National Commissioner on progress.

### **Urgent management changes at CFR**

The current management neither recognized the seriousness of the problems nor has shown readiness to adapt its structures and procedures to address the challenges. In this context it will not be possible for SAPS to embark on any turnaround strategy under the current management. We shall therefore effect changes. In effecting this change, we are cognizant that this management has vast knowledge of the FCA; unfortunately this knowledge is centralized in a few individuals and does not necessarily contribute to the effective management of the FCA.

### **Urgent development and intensifying of Communications Strategy**

As a matter of urgency, beginning with this public briefing today, we will be intensifying the Triple-C approach: communications, command-and-control as well as coordination. But the emphasis for CFR will be around communications. Yesterday, the Secretary of Police also met with various affected firearm owner formations to discuss these new proposed interventions we are undertaking. We are informed the outcome of the meeting was positive. We have long stated that we shall not become denialists. We affirmed our position that, in areas where there are stumbling blocks, we will never deny such occurrences but shall accept the shortcomings, while finding solutions to such challenges. We therefore want to assure the public that efforts will be made to effectively improve our communications across the organization to address frustrations and to re-enforce government's commitment to implementing the FCA.

### **Redesign of the Firearms Registry's systems (IT and Operational)**

This is a critical area that requires our attention if we are to succeed in this field. The overall objective is to ensure we have our systems speaking to each other so that the firearms licensing process becomes seamless, simple and efficient. Once the processes are in place, a key focus will be around skills and on-the-job training of personnel, followed by strict monitoring and evaluation processes.

### **More hands-on approach in dealing with legal cases**

The ongoing litigation cases brought against the SAPS dampen the public's confidence in the organization. With immediate effect, we have now tasked the Secretariat assisted by SAPS legal team to monitor legal challenges related to the FCA. They will then compile a monthly summary of cases and report on the status of such cases. We need to ensure that we are on a sound footing legally and operationally. That is why our legal team is advising us on ensuring we 'clean out' this Force without any legal or negative financial implications to the taxpayer.

### **Launch an investigation in all the corruption and bribery cases**

While we may continue to improve our systems, effecting management changes at CFR, we still need to ensure that those who have been involved in corrupt activities, are brought to book. We have begun this process and whether it is the corrupter or corruptee, we shall ensure that they all face the full might of the law. We shall do this without fear or favour. We shall ensure that those who are not committed to

helping us achieve our goals, are excused from this mission to make way to those who want to deliver. Those who have not been involved in corrupt practices within the CFR, but lacked disciplinary focus would have to be taken through necessary processes as well.

## **Conclusion**

As we conclude, we want to emphasize that the challenges in the implementation of the FCA not only undermine our approach to firearms control and management, but it also puts the lives of law-abiding citizens in danger. As pointed out in our recent crime statistics, illegal firearms contribute to the high rate of robberies, rape, hijackings and murder. It has also been revealed that if we can deal with these illegal firearms which happen to be in the hands of criminals, we can significantly reduce crime across all facets. We shall not allow those who are tasked to protect the innocent and vulnerable to become part of promoting this vicious scourge of crime; either by omission or commission. It is therefore inconceivable that police officers would compromise innocent lives due to their laziness, inefficiency or ineptitude. What further infuriates is when one asks questions around the challenges in this area, we do not get clear and forthright answers. In fact in areas where one gets answers, they are not satisfactory. Clearly there are some within SAPS who have adopted and still apply a leisure faire approach in carrying out their duties. We are saying, their time is up. 2010 is A Year of Action: Ensuring That All People In South Africa Are, and Feel Safe. We cannot achieve this goal if our house is in tatters, hence our resolve to fix things, and fix them now.

I thank you.

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