



civilian secretariat for police service

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Research Brief

The SAPS Management of Misconduct regarding Lost & Stolen Firearms

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Introduction

The South African Police Service (SAPS) crime statistics has over the years highlighted the crisis of persistently high crime levels in South Africa.¹ The statistics have also highlighted firearms as the most common weapons used to commit serious crimes.² In 2019/20, 7351 victims were murdered by firearms.³

Studies have shown that firearms from individual owners, private collectors, hunters, sports shooters, police departments, other government departments, and private institutions, including private security providers and guards, enter the illegal firearms pool.⁴ These firearms often become unlicensed, illegally owned, and diverted to the underground firearms market, where they are sold, traded, and used in violent crimes.⁵

While any loss or theft of firearms by owners is concerning as it finds its way into the illegal pool, of more concern is the loss or theft of firearms of State-owned departments, as members of the State are entrusted with the protection of its citizenry.

The SAPS is not without fault when it comes to the loss or theft of State firearms. Between 2016/17 and 2018/19, members of the SAPS lost or had a total of 2167 SAPS firearms stolen. Of these, 760 SAPS firearms were stolen or lost in 2016/17, while 800 SAPS firearms were lost or stolen in 2017/18, and 607 SAPS firearms were lost or stolen in 2018/19.

This negligence by law enforcement officials is a serious indictment on the SAPS and results in poor trust in the police as the police are meant to uphold the law.⁶

¹ South African Police Service Annual Reports and Crime Statistics Presentations.

² In 2017/18, 6 551 victims were murdered by firearms with knives being the second most used weapon (4 868) and 1 759 victims were murdered by unidentified sharp instruments. South African Police Service. 2019. Crime Situation in South Africa: Annual Crime Report 2018/19.

³ South African Police Service. 2020. Crime Statistics: Crime Situation in Republic of South Africa Twelve (12) Months (April to March 2019_20), 10 September 2020; Available at: [https://www.saps.gov.za/services/april to march 2019 20 presentation.pdf](https://www.saps.gov.za/services/april%20to%20march%202019%20presentation.pdf).

⁴ Lamb, G. 2012. The Meaning of Loss: Firearms Diversion in South Africa, Small Arms Survey 2008.

⁵ Lamb, G. 2012. The Meaning of Loss: Firearms Diversion in South Africa, Small Arms Survey 2008.

⁶ Meek, S and Stott, N. 2003. Operation Sethunya: Proactive Policing Can Solve the Illicit Firearms Problem, SA Crime Quarterly, 10.

While the SAPS is known for disciplining its officials for transgressions in some cases, it is worth determining if the punishment fits the actual crime. In this regards, the sanctions or outcomes of disciplinary cases between 2016/17 and 2018/19 financial years are examined using the SAPS Annual Reports. The dataset of disciplinary cases used in this research brief have been obtained from the SAPS Divisional Commissioner: Personnel Management.

Causes of loss and theft of SAPS firearms

The persistent trends of lost and stolen SAPS firearms is indicative of police negligence, an unsafe and mismanaged policing environment, and poor training, which ultimately contributes to the criminal pool.

The causes for the loss and theft of SAPS firearms is a real cause for concern. In cases where firearms were stolen; these were either placed under mattresses, left in toilets, or forgotten under couches, or in wardrobes.⁷ Firearm safe spare keys were also found to be left in unsecured areas.⁸ In one particular case, a member disregarded SAPS instructions by taking his firearm home unauthorised, and was subsequently robbed of the firearm at his house.⁹

On an individual level, an officer's firearm must be in a holster on the officers' body, or placed in a locked safe and the key to the safe must be in the possession of the police officers. It is also expected of police officers to always have back-up in instances when they would be required to discharge their firearms. Not taking these precautions compromises the officers' occupational safety and make them vulnerable.

⁷ Data sourced from the SAPS Division: Personnel Management in 2019.

⁸ Data sourced from the SAPS Division: Personnel Management in 2019.

⁹ Data sourced from the SAPS Division: Personnel Management in 2019.

Police officers, who fail to safeguard the firearms they are entrusted with, do not abide by the SAPS regulatory frameworks on firearms control and relevant policing prescripts,¹⁰ specifically the Firearms Control Act 60 of 2000 specific to conditions for the storage of firearms.

In other instances, police officers lose their firearms when these are forcefully taken or stolen from them by criminals during armed robberies, during joint police operations, or when they are conducting investigations alone in high crime areas.¹¹

Instances of firearm theft or loss also raise questions about whether police officers intentionally lose their firearms and if they are conspiring with criminals. One such case is that of Colonel Christaan Prinsloo who was found by police to be selling police firearms to gangs.¹²

Disciplinary proceeding instituted against members whose firearms were lost or stolen

It is the responsibility of the SAPS management, and the supervisor in particular, to ensure that police-issued firearms are regulated for safety purposes. Any negligent loss of firearms has to be dealt with according to a prescribed discipline framework.

Figure 1 below depicts the total number of discipline proceedings instituted against the total number of recorded lost or stolen firearms. From 2016/17 to 2018/19, a total of 285

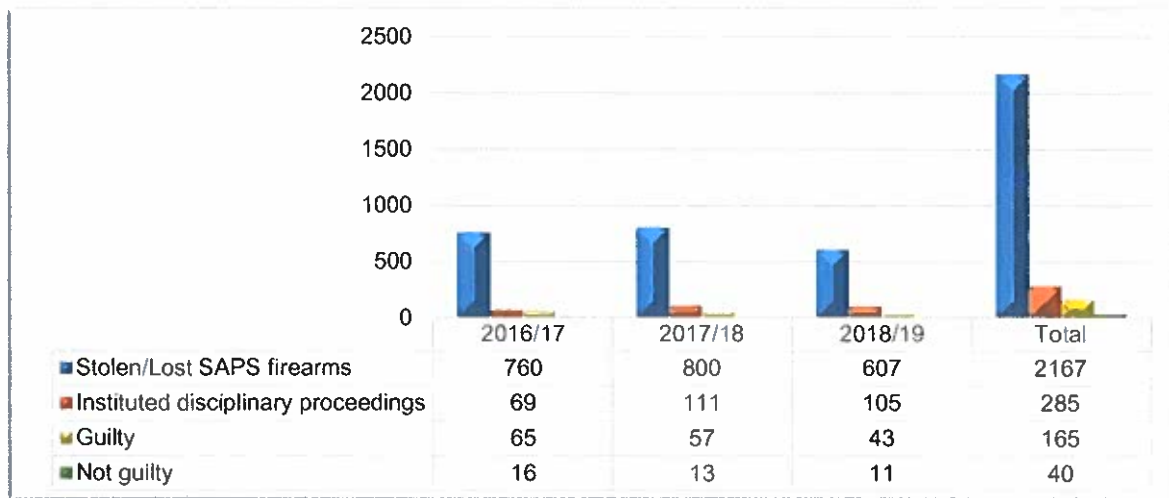
¹⁰ The control measures put in place by the SAPS include Firearms Control Act, 2000 (Act 60 of 2000), Standing Order (Stores) 48 (Firearms and Ammunition), Standing Order (Stores) 52(3)(c)(ii) - A docket shall be registered every time the loss of a firearm is reported, National Instruction 5 of 2010: Storage, Handling and Transportation of Ammunition, Pyrotechnics, Tear Gas and Explosive Ordnance, Delegation of Powers and Authorisation to Perform Duties By the National Commissioner In Terms of the Firearms Control Act, 2000 (Act No. 60 of 2000), Standing Order (Stores) 55– Stocktaking, Standing Order (General) 8 - SAPS 108 personal inventory, Standing Order (General) 28.14 – Prescribed inspections, Standing Order (General) 334 - Property Register (SAPS 13), Standing Order (General) 333 – Exhibits, Standing Order (General) 335.2.: safeguarding firearms in the safe, strong room or trunk in station commander’s office, and Saps Evidence Management Guide – Issued by the Division: Visible Policing.

¹¹ Data sourced from the SAPS Division: Personnel Management in 2019.

¹² South African Police Service. 2015. Speaker notes by National Police Commissioner: International Firearm destruction Day, 17 November 2020; Available at: <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=5292>.

disciplinary cases were instituted out of 2167 stolen or lost firearms. This translates to only 13% of cases of lost and stolen firearms referred for disciplinary action.

Figure 1: Instituted disciplinary proceedings from the total number of lost and stolen firearms and verdicts



Source: SAPS Annual Reports and SAPS Division: Discipline Management

In 2016/17, 69 cases of the 760 stolen and lost firearms were referred for disciplinary action, which means that only 9% of the cases resulted in disciplinary proceedings being instituted. For 2017/18, 14% of disciplinary measures were instituted against officers, 111 disciplinary cases were registered from 800 stolen and lost firearms. In 2018/19, 17% of cases were referred for disciplinary proceedings; 105 cases out of 607 lost and stolen firearms. The low percentage of disciplinary cases instituted on the loss and theft of firearms bears reference to poor management of discipline in the SAPS. It is also unclear what informed the decisions not to escalate the loss of firearms for disciplinary proceedings.

Of the 285 officers against whom disciplinary proceedings were instituted for the loss of state-owned firearms, 58% of officers were found guilty and 14% were found not guilty.¹³ From those who were found guilty, 5% (8) were dismissed from the Service. The other

¹³ The number adds up to 205 and not 285 as it only counts the guilty and not guilty verdicts. Other cases are without a verdict.

9% (15) and 14% (41) police officers were given a written warnings and final written warnings respectively. Whilst, about 25% (19) charged police officials received a suspended dismissal for six months. There were no departmental steps taken in 9% (28) of the cases brought forth for disciplinary action due to a lack of evidence pointing to negligence.¹⁴

The outcomes of investigations stipulate whether a particular case warrants punitive measures. This process also takes into account circumstantial evidence based on individual cases to determine the decision to institute proceedings, and ultimately, the appropriate sanction with regard to lost and stolen state-owned firearms.

Conclusion

Taking into account the low percentages of disciplinary cases referred for disciplinary proceedings, it is evident that the majority of SAPS officers are exonerated of wrongdoing or negligence for the loss or theft of police-owned firearms. This translates to poor consequence management in the SAPS. This may be understandable when officers are not in control of a situation which resulted in the loss or theft of their firearms. However, unjustifiable absolving of officers for negligence pertaining to their firearms conveys a message of impunity, and exacerbates the levels of ill-discipline in the organisation.


Due to the loss and theft of firearms, the South African citizenry are persistently at risk as the illegal pool of firearms increases. Data on police firearms used in the commission of crimes would greatly assist to hold police accountable for missing firearms.

The magnitude of work that the SAPS leadership has to undertake must not be underestimated. There is a need to review old cases where incorrect sanctions may have been applied and to ensure the Firearms Control Act is enforced strictly.

¹⁴ The spreadsheet provided by the SAPS Division: Personnel Management in 2019 indicate the outcomes without providing reasons for the outcomes.

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