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## ***DELIVERY AGREEMENT***

***For Outcome Three:  
“ALL PEOPLE IN SOUTH AFRICA  
ARE AND FEEL SAFE”***

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## 1. INTRODUCTION

This Delivery Agreement (“the Agreement”) deals with Outcome 3:

### **“All People in South Africa Are and Feel Safe”**

A number of strategic interventions and tactical interventions have been successfully implemented over the past few years and other interventions are in the process of being implemented within the JCPS Cluster in a fight against crime with an objective of making South Africa Safe. The Agreement consequently does not address the overall functioning or effectiveness of the JCPS Cluster, but rather specifically selected areas. These areas have been identified as those where focussed intervention will make a substantial and a positive impact on the safety of the people of South Africa.

The Agreement is based upon an overall outcome which is linked to a set of selected outputs. Each of the outputs in turn is linked to the activities required for the objectives of the specific output to be achieved. Some elements of identified outputs are in a mature phase while others are closer to the initiation phase when seen from an integrated and coordinated perspective.

Note should be taken that *“the normal budgeting process will continue to determine the allocations to Departments. These Delivery Agreements will be an important input into the budgeting process for 2011/12 and the final budget allocations will affect the order of priorities and phasing of the implementation of this Delivery Agreement. For 2012/13 and subsequently, the annual revisions to the Delivery Agreement will be timed to link with the budget process so that the revised Delivery Agreement is signed off after the budget is signed off.”*

## 2. HIGH LEVEL PROBLEM STATEMENT

Crime in South Africa has occupied centre stage on the public agenda. Surveys and reports identified crime as an impediment to socio-economic development. The violent nature of crime affects everyone but especially vulnerable groups such as women, children, older persons and people with disabilities. Drugs and substance abuse are contributory factors to the violent nature of crime, and other social ills.

The insufficient capacity in areas of forensic, detective, investigation and prosecution services hampers the Clusters efforts to reduce the overall levels of crime particularly “trio” and “contact” crimes. The trio crimes include car hijacking, business and house robberies while contact crimes include assault, murder and rape. The lack of victim friendly facilities at police stations has a negative impact on people who are victims of crime.

The prevalence of corruption in the justice system erodes trust and confidence in the criminal justice system.

The court processes, case backlogs, undue length of remand detention, inadequate use of diversion programmes, overcrowding in correctional centres, limited rehabilitation and welfare programs for first and young offenders are all issues requiring more coordinated and focused intervention in order to restore confidence in the justice system.

Anti-Corruption measures have not resulted in speedy prosecution and conviction of corrupt persons involved in corruption such as identity theft, loss of dockets, tender and social grant frauds leading to the perception that there is a lack of will to deal with corruption.

The security at borders and ports of entry has not been effective in containing counterfeit goods and illegal persons entering the country's borders. The establishment of a legislatively mandated border management structure will improve security and the integrity of the country's borders through the implementation of single, integrated and secure border processes and the compilation of a national border safeguarding strategy.

There is a threat to the integrity of the National Population Register; the cluster will submit a position paper by September 2010 to combat this threat. The effective management of immigration will be strengthened.

The negative impact of Cyber crime on the economy and general well being of citizens cannot be underestimated. It has the potential to negatively impact on national security. The expected growth of international bandwidth will increase uptake and usage of the internet. It is envisaged that there will be an increase in criminal activities in cyberspace. Cyber security policies and legal frameworks do not adequately address existing challenges; neither do we have the necessary institutional mechanism to address this matter in a coordinated manner.

## 2.1 Overall Serious Crimes

Apart from contact crime as discussed above, serious crime also consists of contact related crime (i.e. malicious damage to property), property related crimes (i.e. stock theft); other serious crime (i.e. theft) as well as crimes heavily dependent on police action for detection (i.e. drug related crime and illegal possession of firearms). Serious crimes have also been identified to be reduced over the MTSF period.

The relevant Government Departments need to do further work toward a holistic management of crime, by developing and implementing initiatives including social crime prevention strategies, and by supporting the Social and Economic Clusters for example, with regard to the work done by social support and poverty alleviation. Many times, children and other vulnerable offenders get involved in crimes because of their socio-economic circumstances. By addressing the causes of crime, the impact in the criminal justice system, can also be alleviated.

The table below reflects the crime types that are generally referred to as overall serious crime:

Overall Serious Crimes	2006 - 2007	2007 – 2008	2008 – 2009
Contact Crimes (crime against persons)	730 346	692 550	685 185
Incidence @ 100 000 population	1 541,1	1 447,4	1 407, 3
Contact Related Crimes (crime against property)	151 194	144 364	141 107
Incidence @ 100 000 population	319,1	301,7	289,8
Property Related Crimes	547 258	521 513	532 184
Incidence @ 100 000 population	1 154,7	1 090	1 093
Other Serious Crimes	542 342	527 574	552 371
Incidence @ 100 000 population	1 144,4	1 102,5	1 134,8

<b>TOTAL CRIME REPORTED BY THE COMMUNITY</b>	<b>1 971 140</b>	<b>1 886 001</b>	<b>1 910 847</b>
Incidence @ 100 000 population	4 159,3	3 941,6	3 924,9
<b>CRIME IDENTIFIED THROUGH POLICE ACTION</b>	<b>157 304</b>	<b>171 015</b>	<b>187 382</b>
Incidence @ 100 000 population	331,9	357,5	384,8
<b>TOTAL SERIOUS CRIME</b>	<b>2 128 444</b>	<b>2 057 016</b>	<b>2 098 229</b>
Incidence @ 100 000 population	4 491,2	4 299,1	4 309,7
<b>Midyear Population Estimate</b>	<b>47 391 000</b>	<b>47 849 800</b>	<b>48 687 300</b>

Source: SAPS

### 3. IDENTIFICATION OF DELIVERY PARTNERS

The delivery partners in the fight against crime include the following entities, some in primary roles and other in secondary and supporting roles:

Departments: Correctional Services (DCS), Home Affairs (DHA), Justice and Constitutional Development (DOJ&CD), Health (DOH), Social Development (DSD), State Security (SSA), National Intelligence Agency (NIA), NICOC, National Prosecuting Authority (NPA), South African Police Service (SAPS), Defence and Military Veterans (DOD), Statistics South Africa (STATS SA), National Treasury (NT), Basic Education (DBE), International Relations and Cooperation (DIRCO), Human Settlements (DHS) including Legal Aid SA (LASA), Communications (DOC), Science and Technology (DST).

#### **Delivery partners at national, provincial and local level:**

JCPS implementation forum in provinces include:  
 Safety and security MEC's,  
 Heads of departments (HOD's),  
 HOD's forum consists of all Cluster departments,  
 Community Safety Forums (CSF) at local level.

### 4. LINKING OUTPUTS TO OUTCOME 3: "All People in South Africa Are and Feel Safe"

In order for all people of South Africa to feel safe, decisive action has to be taken to:

#### 4.1 Output 1

Reduced the overall levels of serious crime in particular contact and trio crimes.

#### 4.2 Output 2

An effective Criminal Justice System

#### 4.3 Output 3

Corruption within the JCPS Cluster combated to ensure its effectiveness and its ability to serve as deterrent against crime

#### 4.4 Output 4

Perceptions of crime among the population managed and improved

#### 4.5 Output 5

Level of corruption reduced thus improving investor perception, trust and willingness to invest in South Africa.

#### 4.6 Output 6

South Africa's Borders effectively safe guarded and secured

#### 4.7 Output 7

Integrity of identity and status of citizens and residents secured

#### 4.8 Output 8

ICTS systems integrated and Cyber crime combated

As mentioned previously, the actions that make up the outputs referred to above do not represent all the actions of the JCPS Cluster, but that are aimed at addressing specifically selected areas that will, through focussed intervention, make a substantial and positive impact on the safety of the people in South Africa.

### 5. ACTIONS NEEDED TO ACHIEVE EACH OUTPUT

The information below has been logically grouped to reflect the actions that are needed to achieve the identified output.

Output 1: Reduced the overall levels of serious crimes in particular contact and trio crime	
Output and Sub-Output Descriptions	<p>1.1 <b>Overall Crime:</b> Reduction of the total number of reported serious crimes registered per annum (measured as the number of crimes reported per 100,000 people).</p> <p>1.2 <b>Contact Crime:</b> Reduction of contact crimes registered per annum (measured as the number of crimes reported per 100,000 people).</p> <p>1.3 <b>Trio Crimes:</b> Reduction of trio crimes registered per annum (measured as the number of crimes reported per 100,000 people).</p>
Indicators and Targets	<p>1.1 <b>Overall Serious Crime:</b> By 2014 reduce reported serious crime from 3,924 (1,910,847 crimes) to at least 3,767 per 100 000 people.</p> <p>1.2. <b>Contact Crime:</b> By 2014 reduce contact crimes from 1,407 (685,185 crimes) to 930 per 100,000 people.</p> <p>1.3. <b>Trio Crimes:</b> By 2014 reduce trio crimes from 97, 1% (47 273 crimes) to 67% per 100 000 people.</p> <ul style="list-style-type: none"><li>This figure is based on an estimated population of 48,687,300.</li></ul>

<b>Output 2: An effective Criminal Justice System.</b>	
Output and Sub-Output Descriptions	2.1) Increase contact crime detection rate; 2.2) Increase trio crime detection rate; 2.3) Establish a court ready docket rate; 2.4) Increase the number of finalized criminal cases by 2% per annum; 2.5) Reduce case backlogs of all cases; 2.6) Increase cases finalized through diversion and ADRM; 2.7) Reduction of average length of time in remand detention; 2.8) Increased percentage of parolees without parole violations; and 2.9) Increase offender involvement in rehabilitation programmes.
Indicators and Targets	<ul style="list-style-type: none"> <li>• By 2014 increase the contact crime detection rate from 52, 5% to 57, 5%.</li> <li>• By 2014 increase the trio crime detection rate from 13.5% to 34%.</li> <li>• By 2011 establish a court ready docket monitoring mechanism for all contact crime.</li> <li>• By 2014 achieve 35% court ready dockets.</li> <li>• Reduce case backlogs of all cases by 10% (by 2014). Number of outstanding criminal backlog cases to be dealt with in backlog courts, district, regional and high courts. Baseline 2008/09 number of backlog cases 42,682 and target is 38,414 by 2014.</li> <li>• Increase cases finalized through diversion and ADRM by 20% (by 2014). From 2008/09: 118,631 cases to 142,357 by 2014.</li> <li>• Reduction of average length of time in remand detention from 150 to 120 days (by 2014).</li> <li>• Increase percentage of parolees without parole violations from 71, 9% (baseline of 211) to 80% (227) by 2014.</li> <li>• Increase offender involvement in rehabilitation programmes.</li> </ul> <p>Formal Care programmes: Formal – from 85 239 to 93 762 (by 2014).            Informal Care programmes – from 31 200 to 34 320 (by 2014).            Correctional Programmes – from 17 250 to 18 000 (by 2014).            Development programmes - Formal – from 55 047 to 60 551 (by 2014).            Informal - from 76 157 to 83 772 (by 2014).</p>

<b>Output 3: Corruption within the JCPS Cluster combated to enhance its effectiveness and its ability to serve as deterrent against crime</b>	
Output and Sub-Output Descriptions	Compile a <b>Corruption Baseline Report</b> with detailed data for the 2009/10 financial year.
Indicators and Targets	<ul style="list-style-type: none"> <li>• Submit a Corruption Baseline Report by 31 December 2010 containing detailed data for the period 01/04/2009 to 31/03/2010.</li> </ul> <p>Database to include the following:</p> <ul style="list-style-type: none"> <li>○ No. of dockets security improved,</li> <li>○ No. of fraudulent parole decisions eliminated,</li> <li>○ No. of erroneous release eliminated,</li> <li>○ No. of warrant of arrests manipulation eliminated</li> <li>○ No. of JCPS Personnel detected for corruption,</li> <li>○ No. of JCPS personnel arrested for corruption,</li> <li>○ No. of JCPS personnel convicted for corruption.</li> <li>○ Value of the assets linked corruption aid fraud restrained and seized.</li> </ul>

<b>Output 4: Perceptions of crime among the population managed and improved.</b>	
Output and Sub-Output Descriptions	Promote trust in the Criminal Justice System by improving support to victims of crime and increasing engagement with the community on security awareness and crime prevention.
Indicators and Targets	<ul style="list-style-type: none"> <li>Annually publish statistics reflecting the percentage persons that reported crime of those who were victims of crime. Annual Statistics of number of victims reporting crime published by (e.g. 2011)</li> <li>Organize regular workshops and seminars with the community and the CSF (Community Safety Forum) on security awareness, crime prevention and effects of crime on the society.</li> <li>Increase number of Thuthuzela Care Centres from 20 to 35 by 2014</li> <li>Increase number of victim friendly facilities at police stations for sexual offences and trafficking of humans, currently at 802 to 1116 by 2014.</li> <li>Increase number of victims who attend parole hearings from 265 in 2010/11 to 1060 by 2014</li> </ul>

<b>Output 5: Investor perception trust and willingness to invest in South Africa improved.</b>	
Output and Sub-Output Descriptions	Successfully convict 100 people who have assets of more than R5 million obtained through illicit means.
Indicators and Targets	<ul style="list-style-type: none"> <li>By 31 December 2010 submit a detailed plan to successfully investigate, seize / restrain the assets and prosecute 100 people who have accumulated assets through illicit means of at least R5 million.</li> <li>By 2012 initiated investigations against at least 100 persons.</li> <li>By 2013 initiated criminal proceeding against at least 75 people</li> <li>By 2014 convicted 100 persons</li> </ul>

<b>Output 6: Effective and integrated Border Management.(Subject to review and additional Addendum)</b>	
Output and Sub-Output Descriptions	Establish a Border Management Agency
Indicators and Targets	<ul style="list-style-type: none"> <li>Establish an Inter-Agency Clearing Forum by 2011.</li> <li>Deployment of SANDF in the borders to be in four phases, Zimbabwe, Mozambique, Swaziland, Lesotho, Botswana and Namibia by 2013.</li> </ul>

<b>Output 7: Integrity of identity and status of citizens and residents secured.</b>	
Output and Sub-Output Descriptions	<ul style="list-style-type: none"> <li>Ensure the registration of birth as the only entry point to the NPR and that the birth of all citizens is registered.</li> <li>Increase the percentage of new born children registered before their first birthday.</li> <li>Current late birth registration process, replaced by a new stringent procedure.</li> <li>Issue IDs to all citizens 16 years of age and above</li> <li>Implement a new Immigration Act.</li> <li>Implement a new policy and regulations to manage economic migrants and asylum seekers.</li> <li>Immigration systems are integrated with HANIS.</li> </ul>
Indicators and Targets	<ul style="list-style-type: none"> <li>Ensure the issuing of IDs to 99% of citizens 16 years and above who are in possession of birth certificates by 2013.</li> <li>Ensure the issuing of IDs to 99% of citizens turning 16 years of age, reached through outreach campaigns by 2013.</li> <li>Review and implement applicable Civic Services legislation by 2012 pertaining to births, deaths, citizenship and identification, including revised penalties.</li> <li>Implementation of revised immigration policy and regulatory frameworks with respect to managing economic migration and asylum seekers by 2013.</li> </ul>



<b>Output 7: Integrity of identity and status of citizens and residents secured.</b>	
	<ul style="list-style-type: none"> <li>• Develop a new immigration policy and implement the new Immigration Act by 2013.</li> <li>• Immigration systems integrated and linked with HANIS by 2013.</li> <li>• Increase the percentage of new born children registered before their first birthday from the approximately 30% currently to 95% by 2014.</li> </ul>

<b>Output 8: Cyber crime combated.</b>	
Output and Sub-Output Descriptions	<ul style="list-style-type: none"> <li>• Development of a Cybersecurity Policy and the implementation thereof.</li> <li>• Development of capacity to combat and investigate cyber crime.</li> </ul>
Indicators and Targets	<ul style="list-style-type: none"> <li>• By 2011 develop a Cybersecurity Policy.</li> <li>• By 2011 develop a detailed implementation plan to effectively manage cybersecurity.</li> <li>• By 2012 develop a detailed plan to combat and investigate cyber crime.</li> </ul>

**JCPS Delivery Agreement Selected Definitions:**

<p><b>Backlog cases (cases older than 12mths, RC 9mths, DC 6mths)</b></p>	<p>Number of criminal court cases on the outstanding court roll in which the duration from the date of enrolment in that forum exceeds 6 months in a District Court, 9 months in a Regional Court and 12 months in a High Court.</p>
<p><b>% Court ready dockets</b></p>	<p>The provision of a fully investigated case dockets in court which can be used by the National Prosecuting Authority for the prosecution of offenders. The indicator expressed as a percentage of the total number of cases not finalised.</p>
<p><b>Court Cases finalised</b></p>	<p>Number of criminal court cases finalised in the reporting period by verdict, or through the use of alternatives such as diversion or informal mediation, irrespective of the date of enrolment. The criminal court case is measured as finalised on the date on which:</p> <p>The verdict of not guilty is given, or</p> <p>Sentence is imposed in the case of a guilty verdict, and includes cases dealt with in terms of section 57A of the CPA.</p> <p>Should there be multiple accused, the case is only counted upon conclusion of the case against all accused.</p>
<p><b>Criminal Case</b></p>	<p>A criminal court case is a matter that has been enrolled in a criminal court of South Africa regardless of the forum. At present, excluded from criminal court cases are traffic matters, domestic violence cases, maintenance inquiries, appeals, civil motions, inquests, decision dockets, reviews and ex parte applications. A criminal court case may have multiple counts and or accused and can involve multiple police dockets. A single docket may result in multiple court cases.</p>
<p><b>Detection Rate</b></p>	<p>The detection rate is the ability of SAPS to solve cases and is determined by taking the total of cases referred to court, cases withdrawn and unfounded cases, divided by cases reported and carried forward, expressed as a percentage.</p>
<p><b>Diversion</b></p>	<p>Diversions are one of the alternative ways of delivering justice. It is the process of electing, in suitable and deserving criminal court cases, a manner of disposing of a criminal court case other than through normal court proceedings. (It usually implies the withdrawal of the charges against the accused person, after the accused person participates in particular certified programmes.) After the offender has completed the diversion programme, the social worker submits a report to the prosecutor. If it is clear that the offender has cooperated and benefited from the programme, the matter is withdrawn and recorded as a diverted case on the daily statistics. These figures are totalled on the last court date of each calendar month. Separate statistics are recorded for children (younger than 18 years) and adult diversions.</p>
<p><b>Informal mediation</b></p>	<p>It is the process by which a prosecutor, duly authorised thereto and within the ambit of the restorative justice guidelines, while acting as a mediator between the victim and offender, resolves the conflict which resulted in the criminal court case or addresses the harm caused in a manner that does not require formal justice but seeks to deliver justice and the matter is withdrawn.</p>
<p><b>Trial ready</b></p>	<p>Number of cases certified as Trial Ready (Plea or ADRM) / Number of cases enrolled</p>