

TV 13



**BACK TO BASICS**  
TOWARDS A SAFER TOMORROW



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Section

1

BACKGROUND

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- During June 2016, Colonel Chris Prinsloo (55) was sentenced for stealing and reselling firearms to "gangsters" / syndicates in the Western Cape.
- He was, following a plea agreement sentenced to a period of 18 years imprisonment following a plea and sentence agreement with the State after being arrested on 11 charges ranging from theft to racketeering and money laundering.
- He was arrested in January 2015. The weapons stolen were in police custody and were destined to destroyed. The weapons were ballistically tested as part of the destruction process.
- Some 400 firearm magazines and 10 000 rounds were found in Prinsloo's possession during the time of arrest.
- A total of 2 400 firearms were allegedly stolen and some R2 million "earned" over a period of eight years from the transactions.
- Prinsloo resigned shortly after the arrest and it is understood that he agreed as part of the plea bargain that the his pension after some 35 years<sub>3</sub> of service may be paid out to the State.



- The Ballistics Unit of the Forensics Science Laboratory identified 22 firearms which have in a professional manner been identically altered in a manner to avoid detection that the firearms were previously submitted to the FSL for ballistic sampling.
- It became clear that the firearms were intended for destruction and were syphoned from police possession and ended up in the gang violence in the Western Cape.
- 19 of the firearms previously belonged to the police and three had been privately owned.
- Two other suspects, namely a certain Raves, one Laher, identified by Prinsloo as the person to whom he sold the firearms are still to be prosecuted.
- It is clear that a huge number of persons have died as a result of shooting incidents where these stolen firearms were used.
- The South African Police Service is duty bound to ensure that any loopholes which allowed the theft of the firearms in its custody be plugged as soon and as effectively possible.

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- Some 200 + of these firearms have been recovered, but more than 1200 of the firearms still need to be recovered.
- Any further crime being committed with these firearms will potentially increase the risk of litigation against the SAPS.
- In terms of the Constitutional Court judgment in respect of the Von Beneke matter, the SAPS might be held liable for the consequences of Prinsloo's action, in respect of persons killed as a result of shooting incidents where the stolen firearms were used.
- Following the arguments in the Von Beneke matter Prinsloo was on duty when the theft was committed, There was a legal duty on the SAPS to ensure the safe custody of the firearms in question until destruction thereof. This is strengthened by the fact that the National Commissioner of the SAPS is the Registrar of Firearms and all the duties which that entail. It may be argued that the SAPS must have foreseen that the theft of such weapons might lead to crime and the killing of persons. Such liability rests upon vicarious liability and a duty to care.

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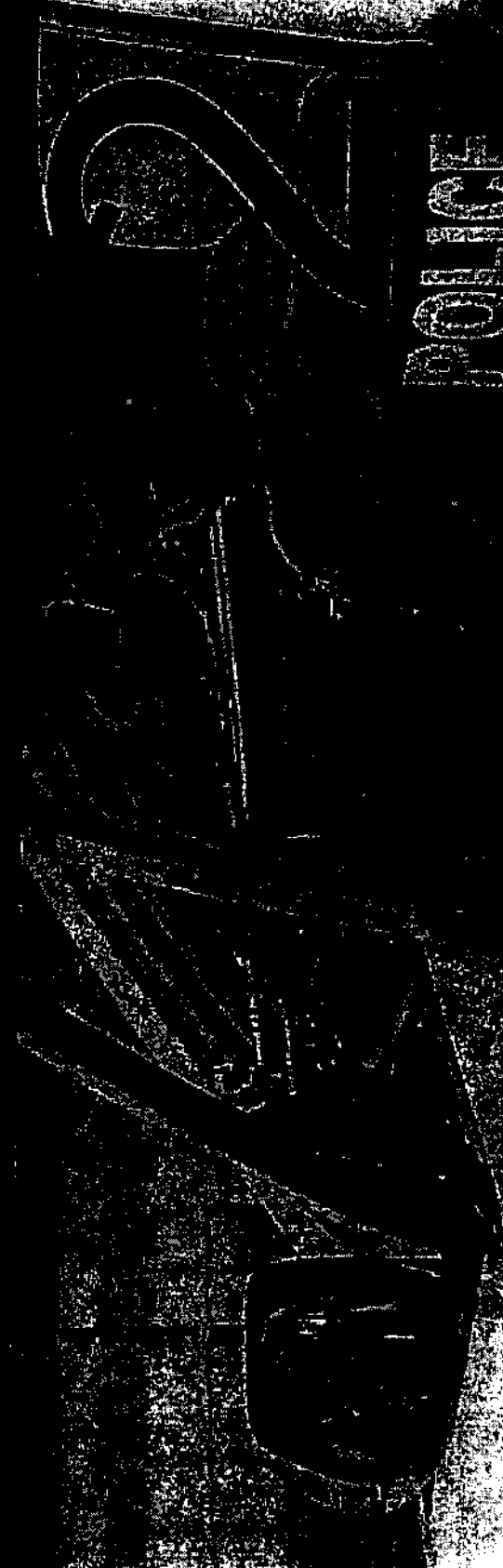


- Major General PC Jacobs (Legal and Policy Services) had been approached by Major General Veary, Major General Peter Jacobs, Major General Mantsi as well as Major General Bothma to assist with the matter taking into account the possible litigation against the SAPS.
- It is understood that up to 1 000 murders might already have been committed with the firearms involved.
- It must be made clear that the SAPS cannot take steps such as not linking firearms stolen from it and thereafter used in crime in order to mitigate litigation against it.
- The scope of the possible litigation is enormous, should the deceased have been breadwinners and were either killed or injured leading to present and future medical costs, pain as well as a loss of income.
- Whatever the extent and outcome of the litigation, the SAPS is further duty bound to ensure-
- That the stolen firearms still in the hands of criminals be retrieved as soon as possible.
- That all possible steps are been taken as soon as possible in order to prevent a recurrence of the corruption and crimes that were committed.
- An interview was conducted on 8 September 2016 by Maj Gen PC Jacobs with Mr. Prinsloo in the presence of the Investigating Officer, Colonel Ontong, after consultation with Major General Groenewald responsible for Litigation in the SAPS.
- Mr Prinsloo is providing, in terms of his plea bargain his assistance in addressing the issue.
- Issues identified hereunder might have already been addressed through corrective steps but are reflected as reported

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**POLICE**

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- There are no detailed and clear National Instructions or practical guideline which is prescribed for strict compliance in respect of the destruction of firearms.
- There is no uniformity between the Provinces on how to deal with destruction in practical manner.
- The distribution of DFO's and personnel between Provinces are not the same-over staffed in Western Cape under-staffed in Gauteng Province.
- There is no formal structure in the Provinces to deal with firearms destruction.
- No periodic or ongoing evaluation and quality and integrity assurance is done in respect of either the personnel or processes related to destruction.
- Firearms were kept outside Supply Chain Management in locked crates.
- Security at SCM Head Office not up to scratch- D Block-open over lunch firearms not properly secured.

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- "No" written above the 5th bullet point.  
- "Block-open over lunch" written above the 7th bullet point.  
- "Security not up to scratch" written above the 7th bullet point.  
- "D Block" written above the 7th bullet point.  
- "Gauteng Province" written above the 3rd bullet point.  
- "Western Cape" written above the 3rd bullet point.



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- The process of marking firearms that cartridge cases had been submitted for IBIS testing is highly suspect and there is no eventual controls built into the process to ensure firearms have been ballistically tested before destruction thereof. (no check-up whether laboratory report had been received back.
- In the Norwood matter, IBIS testing at FSL (Pretoria) were negative, but when tested in Western Cape showed positive.
- Full automatic firearms (machine guns) are registered as bolt action firearms and immediately thereafter a request for correction is registered. This leads thereto that sometimes the details of the firearms is then changed on the system without the person being allowed to possess a fully automatic firearm. Sometimes the same firearm is registered then as both a bolt action and automatic firearm. These processes seem not to be audited for possible corruption.

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- The type of ovens available to melt firearms were not available anymore. This led to the use of Reclaim to "mince" weapons. Although it was found that numerous weapons went through the reclaim process without any damage and the then Provincial Commissioner Lt Gen Petros) had been alerted to the fact, he continued to use the process. Some "destroyed" weapons in the Reclaim destruction process were later recovered at Boipatong, and Sharpeville police stations.
- There are various changes that can be made to a firearm to prevent detection that the firearm had previously been ballistically profiled (IBIS tested). These detail had been kept secret but became known more widely. This process was used in the commission of the crimes in the Prinsloo matter. If ballistics have not identified the 22 firearms that were identically altered, the crime might not have been detected.
- It is understood that firearms are not sent in all cases to ballistics for IBIS testing, but that the firearm is fired and cartridge cases are obtained for submission to ballistics. 9

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- There is not the specialist knowledge about firearms at police stations to effectively inspect dealers.
- The change of dedicated police stations and DFOs at certain stations to all stations have spread the knowledge and experience of firearms issues so wide that it has become a problem. This is exacerbated by the huge turn-over of DFOs.
- It appears as if, when irregularities are reported, that not enough effort is put into investigation and prosecution or rectification of shortcomings. (see recommendations) Examples: A matter where a stolen SANDF R1 rifle had been registered afterwards on the system had been reported 4 years ago the Brigadier Mangwane, but nothing happened. Suspect issuing of some 600 section 21 permits by Brigadier Chosi had been reported long ago to Brigadier Xaba (then Col) but nothing happened.

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- The importation of already deactivated firearms seems to be problematic as well, in respect of criteria and monitoring to ensure compliance with requirements in the Firearms Control Regulations. This is especially the case with Eastern European weapons which can be easily altered to be functional again.
- Hundreds of cap-and-ball firearms were imported and put into circulation when "antique firearms definition allowed the same to be possessed without a licence. The definition of muzzle loading firearm inserted in 2006 in the Act requires cap and ball firearms to be licensed but it emanated that some transitional provisions are required in this regard (in draft Bill). The cap-and ball firearms are however, in circulation and apparently not registered.
- In respect of air guns there are also problems relating to No. 2 air guns and the requirements relating to the muzzle energy and proof thereof. Recommendations in this regard received in the process of drafting the Firearms Control Amendment Bill.

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- The fact that investigations into firearms matters are being conducted by CFR capacity and not dedicated, trained and experienced unit, has the result that there is no objectivity and desire to successfully investigate and prosecute firearm related matters. There is an impression that matters are swept under the carpet to prevent embarrassment for the CFR/SAPS.
- Prinsloo previously had discussions relating to the fact that foreigners who visit South Africa and temporarily import firearms sometimes leave their firearms when departing sometimes as a present for the guide, other times as part of a scheme to import scarce weapons. A proposal was made following the consultations that the matter could relatively easily be resolved by proper interaction between the SAPS and the Department of Home Affairs in that the SAPS must ensure that the issuing of any firearm permit be endorsed on the temporary resident permit (TRP) issued to the foreigner. When the foreigner leaves without the firearms the matter can be followed up upon departure through interaction between SAPS and the Department of Home Affairs. This matter needs to be followed up and a system needs to be put in place with the cooperation of Home Affairs.



- Mr Prinsloo states that he has previously reported irregularities relating to the issuing of dedicated status as sports shooters by the company NSA but nothing has happened. Through the NSA dedicated status can be obtained through an Internet application.
- Mr Prinsloo indicated that the associations enabled through the Act and Regulations to certify dedicated status have not clear and transparent criteria for granting such status.
- It must be underlined that in the time of Brig Mangwani as Head of the CFR, the NSA issue had also been reported to her by Major General PC Jacobs on the basis of complaints from the firearms fraternity itself when commenting on the draft Bill Nothing seems to have been done about it.

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- It is recommended by Prinsloo that a dedicated structure and facility to deal with destruction of firearms be set up in each Province
- This must be manned by trained and experienced members who are properly vetted and before appointment agree to be polygraphed as often as required in respect of their functioning. There must preferably be two persons responsible who must be jointly accountable.
- The necessary safes must be acquired at each Province to effectively deal with the receipt, identification (by a firearms expert), etching, obtaining samples for IBIS testing, keeping of firearms until due for destruction and where necessary until criminal case has been finalised.
- X A hydrolic press must be available at each Province where the firearms can be effectively destroyed by pressing it where after it will be useless as a firearm and can be melted.
- The destruction process should be electronically monitored and can be supported with properly documented photographs taken at the destruction process.
- A series of CAT 7 "Slap up" safes which comply with the requirement of the Firearms Control Regulations can be used. These are apparently relatively inexpensive..
- Firearms in the different stages of processing could be recorded and kept safely in these safes under the control of the designated officials.
- Proposals on such a decentralised Provincial system had been made in a document handed by Prinsloo to Maj Gen Veary.

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- The integrity of the process of taking of ballistic samples must be ensured.
- Electronic monitoring of the safes must prevent any tampering or changes to the firearms.
- The return of IBIS testing must be checked and a better system put in place to ensure that each and every firearm is ballistically tested before destruction. Firearms must not be moved to firearms for destruction before receipt of the ballistic test or finalisation of the case.
- Firearms should not be handled unnecessarily and movement thereof must be restricted as far as possible.
- Firearms must be kept as short time as possible at the police stations.
- Lock up facilities (safes) in compliance with the Firearms Control Regulations must be available in SAPS 13 stores at stations and personnel in charge must be vetted.
- Dedicated functionality to monitor transactions (eg high numbers of application for correction of details on licenses) and dedicated investigating capacity which falls outside the CFR must be established.
- A National Instruction on the process to be followed in checking the status of the firearm when seized must be drafted. (Details Col Ontong)





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- The practice (in conflict with the Firearms Control Regulations) that only a photograph can be submitted instead of a safe inspection, should be stopped.
- There should be a clear provision in the Act that where a license or permit had been obtained through submission of wrong information, not following correct procedures (eg licence submitted in another place or Province as where the applicant lives, may be withdrawn. (it is an offence to make a false statement etc, but the provision should be wide enough to allow SAPS to cancel the license where corrupt practices is followed.
- A comprehensive Guideline and National Instruction must be prepared to establish necessary structures and processes for safe manner of disposal of firearms.
- Independent audit processes outside the CFR with the necessary knowledge and experience must be established
- Training and empowerment of DFOs urgently required, also to do the necessary inspections at dealers
- Ensure biometric access to the Provincial facility accessible only be designated persons

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- The issue that GLOCK pistols, AK 47 semi-automatic variants can be changed through components obtained via the Internet must to fire fully automatic or in bursts must be investigated. Offence to change without Registrar's permission.
- The irregularities regarding providing dedicated status by NSA must be investigated and steps taken regarding their accreditation.
- It must be ensured that the providing of dedicated status by associations are uniform and transparent and not through Internet processes.
- Importation of deactivated firearms must be investigated and processes put in place to ensure that these cannot be converted in functional firearms.

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- The issuing of section 21 permits must be restricted to the highest possible level and as an absolute exception..