



## FIREARMS CONTROL BRIEFING

### CRIME: THE REALITY, THE FEAR AND THE RESPONSE

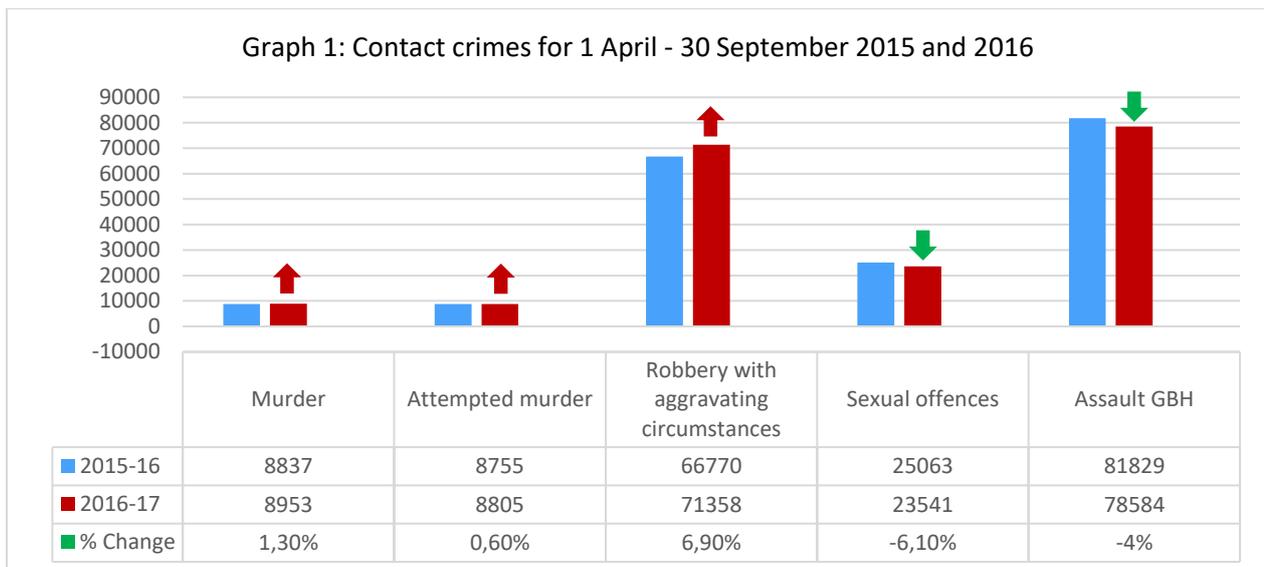
#### INTRODUCTION

Three important sources of information on crime in South Africa were released in February: Quarterly crime statistics, the most recent Victims of Crime Survey (VOCS) and the 2017-18 Budget. This Briefing analyses these to better understand how the reality and perception of crime contribute to a domestic firearms race, which is fuelling gun ownership and gun violence; it concludes with concrete actions to create safer communities.

#### CRIME STATISTICS

**116 more people – fathers, mothers, sons and daughters – were murdered between 1 April and 30 September 2016 than in the same period the previous year**

The South African Police Service’s (SAPS) decision to release crime statistics quarterly has been welcomed as a way of more effectively monitoring crime trends and the effect of crime-prevention interventions.<sup>1</sup> Unfortunately, the latest statistics (for the quarters 1 April to 30 June and 1 July to 30 September 2016) show that many crimes, particularly violent crime, continues to rise; with increases in murder, attempted murder and robbery with aggravating circumstances (116 more people were murdered in 2016/17 than 2015/16, while attempted murder and aggravated robbery increased by 50 and 4,588 incidents respectively); though cases of sexual offence and GBH assault declined (down 2,062 and 3,245 respectively) – see Graph 1.<sup>2</sup>



While SAPS does not release the details on the weapon used to commit these crimes, other data sources provide information on the weapon used to commit murder. These data show that firearm-related murders have steadily increased since 2011,<sup>3</sup> reversing the gains in lives saved over the ten years before: From 2000

<sup>1</sup> Gqirana, Thulani. 2016. Crime stats to now be released quarterly. *News24*, 9 June. Available online at [www.news24.com/SouthAfrica/News/crime-stats-now-to-be-released-quarterly-radebe-20160609](http://www.news24.com/SouthAfrica/News/crime-stats-now-to-be-released-quarterly-radebe-20160609) (accessed 25 February 2017).

<sup>2</sup> South African Police Service. 2017. *Crime situation in South Africa: 1 April 2016 – 30 September 2016*. Presentation made to the Portfolio Committee of Police, 22 February 2017. Available online at [http://pmg.org.za/files/170222Quarterly\\_1\\_and\\_2.pdf](http://pmg.org.za/files/170222Quarterly_1_and_2.pdf) (accessed 20 February 2017).

<sup>3</sup> Although data from StatsSA (see Matzopoulos, Richard et al. 2016. Where have all the gun deaths gone? *South African Medical Journal*. Volume 106, Issue 6, pp. 589-591) and the Department of Health (see Motsoaledi, Aaron. 2015. Written reply by the Minister of Health. *Internal question paper no.*



until 2011, coinciding with the introduction of the Firearms Control Act (2000), South Africa saw a dramatic decrease of almost 60% in gun-related deaths.<sup>4</sup> Currently, between 16 and 18 people are shot and killed every day in South Africa.<sup>5</sup>

## CRIME PERCEPTION

***"And the streets fell silent: How crime impacts the everyday."*<sup>6</sup>**

The most recent Victims of Crime Survey was released by StatsSA in mid-February.<sup>7</sup> VOCS is a countrywide household-based survey aimed at providing information on South African's perception of crime and crime prevention. In summary, the VOCS found that:

- South Africans believe that property crime is increasing in the area they live, even though crime statistics show a "sharp decline" in housebreakings and personal property theft.<sup>8</sup>
- South Africans fear the most common rather than the most serious crimes, reporting more fear of being robbed in their homes than of being killed or assaulted. "It appears that (people's) fear is driven by experience rather than the severity of the crime."<sup>9</sup>
- Fear of being attacked extends beyond the home; with the VOCS noting a "noticeable decline" in people's feeling of safety when walking alone around their areas of residence.<sup>10</sup> One-third of households surveyed don't go to open spaces or parks out of fear of crime, while just less than a quarter do not allow children to play outside for the same reason. "Going to open spaces or parks and allowing children to play outside are clearly the most affected activities as a result of crime throughout the period 2011-2016," the VOCS report states.<sup>11</sup>
- Within the context of recent xenophobic violence,<sup>12</sup> the VOCS shows that South Africans overwhelmingly believe that fellow South Africans – particularly those from the same area – are the most likely perpetrators of crime.
- South Africans identify drug use as the primary driver of property crime; drugs were well ahead of need, greed and other reasons that people commit crime.
- Although South Africans report declining levels of trust in the police (satisfaction with SAPS' service has dropped from 64.2% in 2011 to 58.8% in 2015/16); when under threat, the first call most South African households would make is to the police rather than to a relative, friend, or other source of authority.

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37-2015: National Assembly of South Africa, 4 September) are significantly less accurate than mortuary studies (using postmortem reports, Matzopoulos et al found more than three times as many deaths from homicide and road-traffic injury than had been recorded by vital registration (which StatsSA bases its reports on) for 2009. Source: Matzopoulos, Richard. et al. 2015. Injury-related mortality in South Africa: a retrospective descriptive study of postmortem investigations. *Bull World Health Organization*. Volume 93, pp. 303-313. Available online at [dx.doi.org/10.2471/BLT.14.145771](https://doi.org/10.2471/BLT.14.145771)), they nevertheless reveal a steady rise in gun-related deaths.

<sup>4</sup> Matzopoulos, Richard et al. 2016. Where have all the gun deaths gone? *South African Medical Journal*. Volume 106, Issue 6, pp. 589-591.

<sup>5</sup> The estimate of 16 to 18 people shot and killed a day is from StatsSA (see Matzopoulos, Richard et al. 2016. Where have all the gun deaths gone? *South African Medical Journal*. Volume 106, Issue 6, pp. 589-591) and the Department of Health (see Motsaedi, Aaron. 2015. Written reply by the Minister of Health. *Internal question paper no. 37-2015: National Assembly of South Africa, 4 September*). It is confirmed by a 2015/16 murder study commissioned by SAPS, which shows that guns are a significant contributor, accounting for just over 32% of murders over the last year, or 16 deaths a day. Source: SANews.gov.za: South African Government News Agency. 2016. SA's murder rate up by 4.9%. 2 September, available online at [www.sanews.gov.za/south-africa/sas-murder-rate-49](http://www.sanews.gov.za/south-africa/sas-murder-rate-49) (accessed 3 September 2016).

<sup>6</sup> Title of StatsSA's 2015/16 Victims of Crime Survey. Available online at [www.statssa.gov.za/?p=9553](http://www.statssa.gov.za/?p=9553) (accessed 24 February 2017).

<sup>7</sup> Statistics South Africa. 2017. *Victims of Crime Survey 2015/16*. Available online at [www.statssa.gov.za/?p=9553](http://www.statssa.gov.za/?p=9553) (accessed 24 February 2017).

<sup>8</sup> 25,000 fewer home robberies and housebreakings were committed per year between 2011 and 2016 – reducing from 931,000 incidents in 2010 to 807,000 in 2015/16, during which time personal property theft also declined by 45,000 incidents a year – from 889,000 in 2011 to 712,000 in 2015/16. Source: Statistics South Africa. 2017. *Victims of Crime Survey 2015/16*. Available online at [www.statssa.gov.za/?p=9553](http://www.statssa.gov.za/?p=9553) (accessed 24 February 2017), p2.

<sup>9</sup> Ibid, p8.

<sup>10</sup> Ibid. p2.

<sup>11</sup> Ibid. p22.

<sup>12</sup> Nyoka, Nation and de Villiers, James. 2017. 136 arrested in Pretoria during xenophobic violence – Phahlane. *News24*, 24 February. Available online at [www.news24.com/SouthAfrica/News/p2-136-arrested-in-pretoria-during-xenophobic-violence-phahlane-20170224](http://www.news24.com/SouthAfrica/News/p2-136-arrested-in-pretoria-during-xenophobic-violence-phahlane-20170224) (accessed 25 February 2017).



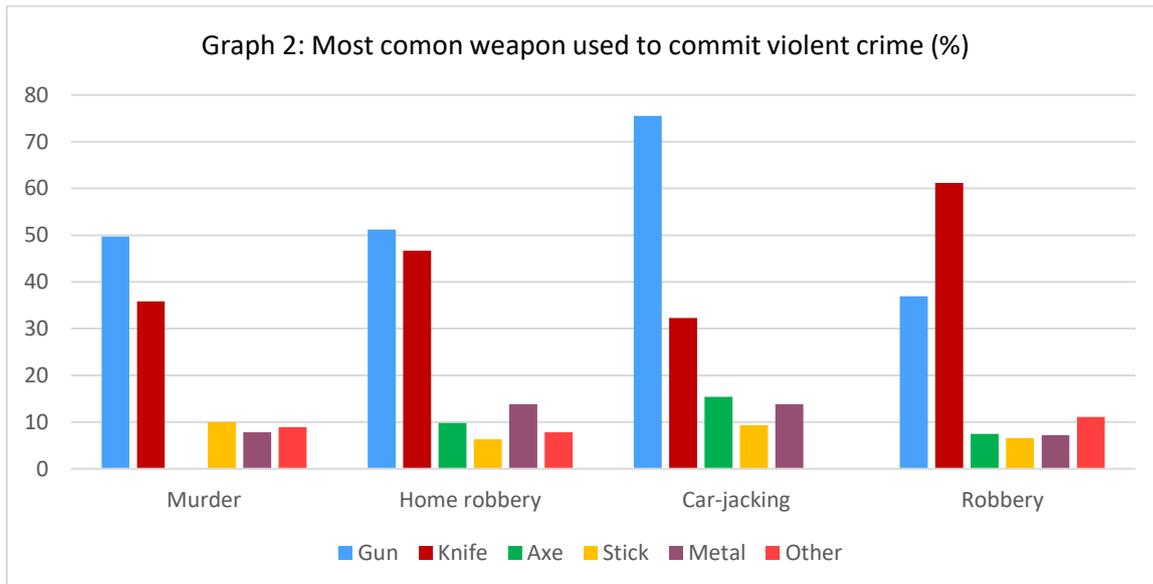
## SOUTH AFRICAN'S PERCEPTION OF GUNS

The VOCS asked households their perception of guns – both to commit crime and to defend against crime.

### *Guns to commit crime*

***Of all weapons used to commit crime and violence, South Africans fear guns the most***

As shown in Graph 2, South Africans identified guns followed by knives as being the most commonly used weapons to commit murder, home robbery and car-jacking; and the second most commonly used weapon to commit robbery.<sup>13</sup> Said differently, South Africans fear guns, followed by knives the most.



### *Guns to defend against crime: A domestic firearms race*

***“As trust in the police plummets, South Africans are increasingly taking measures to protect themselves and their properties from criminals.”<sup>14</sup>***

In response to questions asking South Africans what they are doing to protect themselves from crime, the VOCS shows an increasing trend towards withdrawing from community crime prevention initiatives, with far fewer households working with self-help groups (numbers have dropped from 9.6% in 2011 to 6.2% in 2015/16); instead households are opting to privatise security:

- Over half of South African households have implemented “physical protection measures” such as building high walls, installing razor wire fences and burglar proofing or getting dogs to shield their homes from crime (with figures increasing from 49% in 2011 to 51.2% in 2015/16).
- As of 2015/16, 11.4% of households in South Africa contracted the services of a private security company, a 1% increase from 2011 (10.6%), with households in the Western Cape (18.3%) being most likely to hire a private security company.

<sup>13</sup> Statistics South Africa. 2017. *Victims of Crime Survey 2015/16*. Available online at [www.statssa.gov.za/?p=9553](http://www.statssa.gov.za/?p=9553) (accessed 24 February 2017).

<sup>14</sup> Mabena, Siphon. 2017. More homeowners arming themselves as trust in police plummets, study reveals. *The Times*, 14 February. Available online at [www.timeslive.co.za/local/2017/02/14/More-homeowners-arming-themselves-as-trust-in-police-plummets%E2%80%9A-study-reveals](http://www.timeslive.co.za/local/2017/02/14/More-homeowners-arming-themselves-as-trust-in-police-plummets%E2%80%9A-study-reveals) (accessed 15 February 2017).



- 5.5% of households reported having a weapon for protection in 2015/16 – the highest rate since the VOCS was first conducted in 2011 (up slightly from 5.1% in 2011, but much higher than the 4% of households that reported having a weapon for protection in 2014/15), with Gauteng having the highest percentage of households carrying weapons as a protection measure (7.4%), followed by the Western Cape (7.2%). It's important to note that the figure of 5.5% is most likely not a reflection of household gun ownership rates; two factors may have had an influence:
  - The weapon in the VOCS is not identified, so could include weapons other than a gun, such as a knife, knobkierie or sjambok. As such, we cannot assume that 5.5% of households own a gun.
  - Respondents may have been wary of revealing a firearm in the household to VOCS staff, either fearing that the gun would be targeted for theft, or that the owner risked prosecution if the gun were illegal.

## DOMESTIC FIREARMS RACE

Within the context of the VOCS – which shows that South Africans most fear guns and are increasingly arming themselves to protect against crime – the findings of a 27 country study (which included an analysis of South Africa) points to a “vicious cycle” of fear, arming, violent death and injury, and fear, described as follows, “(H)igh crime rates may instigate widespread anxiety and fear, thereby motivating people to arm themselves and give rise to increased gun ownership, which, in turn, increases (gun) availability.... (A)bundant gun availability facilitates firearm-related deaths.”<sup>15</sup> In other words, the research describes a domestic firearms race.

The most recent data from the Central Firearms Registry shows that there are 2,413,660 individual gun owners in South Africa who own a total of 5,307,024 guns; assuming each gun owner lives in his own home, then 4.4% of South African households own a licensed gun (which is lower than the 5.5% of households that report owning a weapon for protection).<sup>16</sup>

While gun owners own firearms for a range of reasons, with the FCA recognising collecting, hunting, sports shooting, and self-defence as valid reasons for owning a gun; data indicate that handguns for self-defence are the most widely owned guns in the country.

The FCA requires that different category gun owners regularly renew their firearm licences. While SAPS has not made a breakdown of the different categories of all gun owners in SA publicly available, an analysis of firearm licences renewed under the FCA shows that firearms for self-defence are the biggest category of firearm licences renewed in South Africa (making up 54% of all licences renewed between 2000 and October 2014), followed by firearms for occasional hunting and sports-shooting (34%) and dedicated hunting and sports-shooting (8%).<sup>17</sup>

With overwhelming consensus by researchers and policy makers that individuals and households that own guns are at greater risk of criminal victimisation,<sup>18</sup> a recent study to identify the most reputable countries in the world is relevant. The study, which assessed 70 countries (including South Africa) on 16 different factors (such as the effectiveness of each country's government and its natural beauty) shows that feeling safe is a leading driver of a country's reputation and significantly affects each country's 'reputation needle'.<sup>19</sup>

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<sup>15</sup> Bangalore, Stripal. et al. 2013. Gun Ownership and Firearm-related Deaths. *The American Journal of Medicine*. Volume 126, Issue 10, pp. 873-876. Available online at [dx.doi.org/10.1016/j.amjmed.2013.04.012](https://doi.org/10.1016/j.amjmed.2013.04.012) (accessed 25 February 2017), p. 875.

<sup>16</sup> Source: *South African Police Service 2014/15 Annual Report*, available online at [www.saps.gov.za](http://www.saps.gov.za) (accessed 10 September 2016).

<sup>17</sup> Confidential correspondence with senior South African Police Service officer, October 2014.

<sup>18</sup> van Kesteren, John. 2014. Revisiting the gun ownership and violence link: A multilevel analysis of victimization survey data. *British Journal of Criminology*. Volume 54, p. 53-72.

<sup>19</sup> Reputation Institute. 2016. *Country RepTrak 2016: The Most Reputable Countries in the World*. Presentation available online at [www.reputationinstitute.com/Most-Reputable-Countries-2016.aspx](http://www.reputationinstitute.com/Most-Reputable-Countries-2016.aspx) (accessed 25 February 2017).



A follow-on media investigation to further explore why the top five countries for 2016 (identified as Sweden, Canada, Switzerland, Australia and Norway; South Africa ranked 49<sup>th</sup>) were voted so highly confirmed the importance of feeling safe, with two respondents in Australia commenting that the low levels of gun ownership and associated violence made them feel safer:<sup>20</sup>

- "Australia banned guns a few decades back, which means that gun violence is minimal...Here in Melbourne we can be assured that we can walk free of fear anytime, night or day, on the streets."
- Commenting on the illegality of firearms, another respondent said, "This is very important to me because as someone that values life, I do not want to put mine at risk."

## ACTIONS TO STOP THE DOMESTIC FIREARMS RACE

Ending the "vicious cycle" of violence, fear, arming and further violence in South Africa, rests largely on reducing crime levels, particularly gun-related crime – which is both feared and far more deadly; this in turn calls for a two-pronged approach to reduce the number of guns in the country:

### 1. Reduce the number of guns in circulation, this would entail:

**Holding a national firearms amnesty:** Research shows that having a blanket 'no questions asked' amnesty is the most effective condition for recovering illegal guns.<sup>21</sup>

**Running intelligence-driven police operations:** A SAPS presentation on Operation Safer Festive Season (October to December 2016) shows that through a combination of road blocks, vehicle control points, foot and vehicle patrols, and stop and search operations 1,060 firearms and 8,691 rounds of ammo were recovered.<sup>22</sup> While policing operations like Operation Safer Festive Season and Fiela are effective in that they i) improve police visibility, thereby boosting SAPS' public image and ii) disrupt crime; Gareth Newham from the Institute for Security Studies (ISS) questions their long-term crime-reduction impact.<sup>23</sup> He argues that instead of running temporary broad-brush crime prevention operations, SAPS should focus on targeted, intelligence-driven operations, which would be significantly more effective at identifying and closing organised crime syndicates, thereby helping prevent crime over the long-term.

**Conducting public education and awareness campaigns:** Increasing public awareness of provisions in the FCA regarding what to do with firearms that are no longer in use or needed, including part of a deceased's estate; and how the FCA's Sections 102 and 103 can be used to have a gun removed from an unfit gun owner would reduce the risk of gun loss, theft and abuse, and associated violence. In addition, effective communication with key stakeholders affected by legislation overseen by SAPS would help improve the legitimacy of SAPS and compliance by the public. While there is little doubt that enforcement is a key component to a law being implemented, research into why people obey the law shows that a push or instrumental approach to law enforcement (where the risk of being caught and punished leads to compliance) is less effective than a pull or normative approach (where people obey the law because they see it as legitimate). This research indicates that consistent and clear communication by SAPS that highlights 'procedural justice' in implementing the FCA would improve compliance rates by gun owners.<sup>24</sup>

<sup>20</sup> Galloway, Lindsey. Living in...the world's most reputable countries. *BBC Travel*. 3 August. Available online at <http://www.bbc.com/travel/story/20160801-living-in-the-worlds-most-reputable-countries> (accessed 25 February 2017).

<sup>21</sup> Kirsten, Adele. 2007. Simpler, better, faster: Review of the 2005 firearms amnesty. *ISS Paper 134, April*. Institute for Security Studies: Pretoria.

<sup>22</sup> South African Police Service. 2017. *Overview of Operation Safer Festive Season: October to December 2016*. Presentation made to the Portfolio Committee of Police, 22 February 2017. Available online at [http://pmg.org.za/files/170222Festive\\_Season.pdf](http://pmg.org.za/files/170222Festive_Season.pdf) (accessed 20 February 2017).

<sup>23</sup> Newham, Gareth. 2017. Interview on Crime in South Africa. *ISS Voice on Africa*. VoiceBoxer presentation, 1 March, available online at <https://issafrica.org/crimehub/>.

<sup>24</sup> At the core of the normative approach is procedural justice (shown by either individuals or institutions), which includes two components: i) Fair decision-making; with the decision-making process perceived as being participatory, neutral, transparent, rule based and consistent; and ii) Fair interpersonal treatment; where respect is shown for people and their rights, including treating people with dignity, courtesy, care and concern. Source: Tyler, Tom. 2009. Legitimacy and Criminal Justice: The Benefits of Self-Regulation. *Ohio State Journal of Criminal Law*. Vol 7, pp. 307-359



All recovered and surrendered guns and ammunition rounds must be securely stored by government and destroyed as soon as possible so they do not get leaked into the illegal pool of guns through fraud and corruption.<sup>25</sup> In addition, SAPS owned firearms and ammunition must be secured to stop leakage; to illustrate, the media recently reported that 20,000 rounds of ammunition for R1 rifles were stolen from SAPS' tactical response team's armoury at Pretoria Central police station. According to the ISS' Johan Burger, "The seriousness of this theft cannot be overstated...These bullets go through walls and penetrate vehicles...That's 20,000 people whose lives are in jeopardy because of police negligence."<sup>26</sup>

**2. Raise the bar for gun ownership, whether by civilians or the police, to reduce the risk of misuse, this entails:**

**The urgent setting down of a 2009 High Court Interim Order:** Under this order gun owners with licences issued under the 1969 Arms and Ammunition Act are exempt from having to apply for firearm licences under the FCA.<sup>27</sup>

**Regular firearm licence renewal:** Licence renewals are a cornerstone of the FCA, helping to ensure that gun owners remain 'fit and proper' and still have their guns with them.

SAPS is the government agency responsible for regulating firearms in South Africa. As such, it is imperative that SAPS is resourced to fully enforce the FCA, which saved thousands of lives before poor enforcement has seen a year-on-year increase in gun-related death and disability rates dating from 2011.<sup>28</sup>

South Africa's 2017-18 Budget shows that almost half (R94 billion of the almost R199 billion) allocated to 'Defence, public order and safety' (under which SAPS falls) will be spent on policing in South Africa this year, increasing to R106.5 billion in 2019-20. According to the ISS, crime levels in South Africa are not increasing because of poor budget allocation, instead poor resource allocation, in that available resources and capacity are not being used effectively to combat crime, has been fingered.<sup>29</sup>

While the Annual Budget doesn't detail what percentage of the policing budget will be spent on controlling firearms in South Africa; as shown in this briefing, an effective way of putting a stop to South Africa's domestic firearms race and associated cycle of fear, arming and violence, is to reduce the number of guns in circulation. With the available budget this can be done. Not only will this save lives, thereby improving the country's murder rate, it will reduce other serious crimes, thereby contributing to perceptions of safety in South Africa.

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<sup>25</sup> The most recent high profile case involves Christiaan Prinsloo, the former Gauteng police colonel who was sentenced to 18 years' imprisonment in mid-2016 for selling confiscated and surrendered guns to Western Cape gangsters. See de Wee, Maygene. 2016. 89 children killed with weapons stolen by ex-police colonel. *Netwerk24*, 21 December. Available online at <http://m.news24.com/news24/SouthAfrica/News/89-children-killed-with-weapons-stolen-by-ex-police-colonel-20161221> (accessed 8 February 2017).

<sup>26</sup> Hosken, Graeme. 2017. Police mum about missing 20,000 rounds of ammunition. *Times Live*, 14 February. Available online at [www.timeslive.co.za/thetimes/2017/02/14/Police-mum-about-missing-20000-rounds-of-ammunition1](http://www.timeslive.co.za/thetimes/2017/02/14/Police-mum-about-missing-20000-rounds-of-ammunition1) (accessed 21 February 2017).

<sup>27</sup> In 2009 Judge Bill Prinsloo granted a court order in the North Gauteng High Court to the SA Hunters and Game Conservation Association under which firearm licences obtained under the 1969 Arms and Ammunition Act remain valid pending the final outcome of the Association's application to have certain sections of the FCA declared unconstitutional. Seven years later the interim order (under which more than one million firearm owners have not yet re-applied for licences under the FCA) has still not been set down for a hearing as the Minister of Police has not filed an answer, thereby preventing full implementation of the Act.

<sup>28</sup> See Firearms Control Briefing 1 of 2017: *Strong gun laws save lives; poor enforcement kills, disables and costs*. 15 February 2017. Gun Free South Africa.

<sup>29</sup> Newham, Gareth. 2017. Interview on Crime in South Africa. *ISS Voice on Africa*. VoiceBoxer presentation, 1 March, available online at <https://issafrica.org/crimehub/>.