The CJS Review was completed and the South African Government reaffirmed its commitment to implement the Review recommendations through the Seven-Point Transformation Plan that was approved by Cabinet and adopted by the JCPS Departments.
The Criminal Justice System Review (CJSR)

Purpose and Key Objectives of the Criminal Justice System Review:

Building a modernised Criminal Justice System (CJS) by implementing the Seven-Point Transformation Plan to:

- Deliver quality and professional services in an integrated, co-ordinated, effective and efficient Criminal Justice System;
- Provide swift, equitable and fair justice in criminal matters; and
- Be an effective deterrent to crime on a sustainable basis.

The Seven Focus Points which comprise the Plan:

- A single Vision and Mission for the CJS leading to a single set of objectives, priorities and performance measurement targets for the CJS.
- Legislation and protocols to align the CJS.
- Practical and short- and medium-term proposals to improve the performance of the Courts.
- Improve the component parts of the CJS that contribute negatively to the overall performance of the System.
- An integrated and seamless national CJS Information System to facilitate more informed strategies, plans and decision-making.
- Modernise the CJS by applying technology solutions to more effectively manage day-to-day operations, reduce costs and eliminate waste and automating paper-intensive systems.
- Involve the population at large in the fight against crime.

Status and Achievements

The CJS Review was completed and the South African Government reaffirmed its commitment to implement the Review recommendations through the Seven-Point Transformation Plan that was approved by Cabinet and adopted by the JCPS Departments. In addition to the direct interventions that emanated from the CJS Review, many interventions arising from the initial work of the CJS Review have been launched by Government.

The transformation plan is all-encompassing and many of the integrated and collaborative actions are taking place simultaneously. Some interventions aim to improve component parts, while others affect the Criminal Justice System in a more holistic way. Some activities are specifically ring-fenced, while others have already found their way into the strategic and operational plans of stakeholders.
While much still has to be done, the resolve of Government to bring about tangible improvements is clear. The objective of a more efficient and effective CJS has progressed beyond plans and words and is being converted into action and progressive delivery. The framework and climate for large-scale improvement has been defined and solution design and implementation is continuing at a good pace.

To the credit of the South African Government, the following can be reported:

- In total, many thousands of additional people were allocated as crime scene personnel, Forensic Analysts, Detectives, Prosecutors and Legal Aid representatives. More Judges and Magistrates were appointed to bring relief to pressure points. SAPS last year committed to increasing the number of detectives by 19.6%. This target was in fact exceeded with Detective numbers growing by more than 22%. In addition, 2,153 new recruits are undergoing basic training to bolster Detective capacity. Forensic Services received specific focus and implementation plans include the further expansion of skills and capabilities, as well as IT systems and capacity to deal with the growing requirements in fingerprinting and DNA areas.

- The Forensic Science Laboratory (FSL) has decreased its backlog from the 2008/09 F/Y to the 2009/10 F/Y by 14% and is planning to further decrease existing backlogs.

- The Case Backlog Reduction intervention is continuing with 55 additional Regional Backlog Courts and 13 District Backlog Courts. These are currently in operation country-wide. In addition to these, another 5 Regional Courts and 8 District Courts will be added towards the end of 2010. From the inception of the project, 21 956 cases have been removed from the Regional Court Rolls, i.e., between November 2006 and June 2010. The resultant impact is that Regional Court backlog numbers have reduced from 20 452 backlog cases (43%) - on an outstanding roll of 47 343 - in November 2006, to 16 239 backlog cases (31%) - on an outstanding roll of 51 458 - at the end of June 2010. This was done notwithstanding an 8.6% increase in the number of outstanding cases from 47 343 to 51 458, due to an influx of new cases. From 1 April 2010 till the end of June 2010, a total number of 1,579 cases were removed from the District Court Rolls by the 13 District Backlog Courts. The number of outstanding cases had decreased by 9.1% from 178 461 in March 2010 to 162 218 at the end of June 2010. Backlog Courts are also prioritising cases related to organised crime, drugs and abalone, where possible. Legal Aid SA is continuing to ensure the availability of adequate legal representation to deal with the caseload.

- 434 000 Criminal cases were finalised in 2009, against the 391 000 in 2008.

- The number of crime scenes that were visited increased by 11% as measured in the 4th quarter of 2009.

- The number of Court cases finalised on Court Rolls showed an increase in 2009.

Short-, medium- and long-term improvements are evident and will continue under the guidance of the Executive of the JCPS Cluster. These improvements are wide-ranging and noteworthy:
Significant additional budget has been made available for specific interventions in the areas of focus and priority.

The Criminal Procedure Amendment Bill (Forensics) dealing with fingerprint aspects has been finalised by Parliament. The second part of the Bill which deals with DNA aspects will shortly receive attention.

A Court Screening Protocol that deals with screening mechanisms and the trial readiness of cases is being tested in the Regional Courts as a precursor to national implementation.

A Court Protocol that specifically deals with efficiencies in the trial phase, such as limiting disputes and improved case scheduling, is being considered by the Judiciary.

A Court Protocol for Legal Aid Cases is being finalised to improve the co-ordination between the National Prosecuting Authority (NPA) and Legal Aid South Africa (LASA).

Case Flow Management Guidelines have been put in place to improve co-ordination between JCPS role-players at the Courts.

A Protocol dealing with Forensic Services between the SAPS, the Department of Health (DoH), the NPA and the Courts to improve the quality of criminal investigations and trials is also being finalised.

An integrated Business Information System (CJS BIS) that will provide the JCPS Cluster with current and accurate data at all levels is in development. The first deliverables are imminent.

Technology and Modernisation programmes are continuing within the Cluster, including a focus on the alignment and integration of the SAPS, the DOJ & CD, the NPA, Legal Aid SA and the Department of Correctional Services (DCS) Systems, where appropriate.

Challenges

The Government is well-aware of the magnitude of the programme and has put measures in place to identify risks and constraints. The major challenge remains the optimal involvement of almost a hundred thousand employees from the relevant JCPS Departments, comprising of the DoJ & CD, the SAPS, the DCS, the Department of Home Affairs (DHA), the DoH and the NPA.

Direction Going Forward

The CJS Review is a long-term programme that has already yielded many short- and medium-term benefits as reported above. Further successes emanating from Government departments working together harmoniously to achieve the aims and objectives of the Plan are anticipated in the years to come. BACSA, as a strategic partner to this important programme of Government, remains committed to its role and continues to provide support through its advisory and facilitative capacity.