



**LIMPOPO**

**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

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DEPARTMENT OF  
TRANSPORT AND COMMUNITY SAFETY

## **Research Report**

**“Investigating the Implementation of JCPS Recommendations by the Justice Crime Prevention and Security cluster departments in strengthening the Criminal Justice System of Limpopo Province”**

**Research unit**

**March 2023**

**Official sign-off**

  
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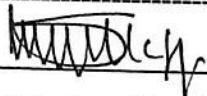
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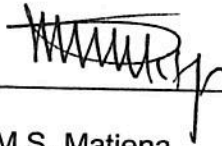
  
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## DECLARATION

I declare that this research project on *Investigating the Implementation of JCPS Recommendations by the Justice Crime Prevention and Security Cluster Departments in Strengthening the Criminal Justice System of Limpopo Province* was conducted by Research Unit of the Department of Transport and Community Safety. All the sources that were used or quoted in this study have been indicated and acknowledged by means of complete references.



Mr. M.S. Matjena

Head of Department

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Date: 11/04/2023

## **ACRONYMS**

<b>DPCI</b>	<b>:</b>	<b>Directorate for Priority Crime Investigation</b>
<b>GBVF</b>	<b>:</b>	<b>Gender-Based Violence and Femicide</b>
<b>JCPS</b>	<b>:</b>	<b>Justice, Crime Prevention and Security cluster</b>
<b>LEDET</b>	<b>:</b>	<b>Limpopo Department of Economic Development and Tourism</b>
<b>NDP</b>	<b>:</b>	<b>National Development Plan</b>
<b>NPA</b>	<b>:</b>	<b>National Prosecution Authority</b>
<b>PoA</b>	<b>:</b>	<b>Programme of Action</b>
<b>SAPS</b>	<b>:</b>	<b>South African Police Service</b>
<b>SANDF</b>	<b>:</b>	<b>South African National Defence Force</b>
<b>SSA</b>	<b>:</b>	<b>State Security Agency</b>
<b>SCCC</b>	<b>:</b>	<b>Specialized Commercial Crime Court</b>

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## **CHAPTER1: ORIENTATION OF THE STUDY**

### **1.1. INTRODUCTION AND BACKGROUND**

Crime in South Africa affects everyone. The challenge of crime and corruption is one of the most important priorities that government seeks to address. To foster an integrated approach to governance, the South African government established seven clusters. The aim of establishing these clusters was to improve government planning, decision making and service delivery. One of the clusters among others, was the Justice, Crime Prevention and Security (JCPS) cluster. At national level, the JCPS is led by Minister of Defense and Military Veterans, currently Minister Thandi Modise (South African Government News Agency, 2022). At provincial level, the JCPS clusters are led by Members of Councils (MECs) in the security sector. In Limpopo province, is led by the Member of Executive Council for the Department of Transport and Community Safety.

The JCPS Medium Term Strategic Framework commitments are articulated in the government's priorities contained in Outcome 3, with the Vision to ensure that: "All People in South Africa are and feel safe" (Government Communications Information System, 2015).

In the fight against crime and corruption, the Justice, Crime Prevention and Security (JCPS) cluster employs an integrated approach to accomplish the goal of a better life for all. This is to ensure that South Africans feel safe in their homes, their place of work, in their communities and in the streets where they live (Government Communication and Information System, 2014). The JCPS cluster further helps South African government to achieve the objects of Chapter 12 of the NDP which talks to building safer communities (National Development Plan, 2030).

The cluster not only focuses on the reduction of crime but also the streamlining of the criminal justice system as well as correctional services system to improve all aspects

of justice, crime prevention and security through better understanding of the work of departments that fall within this cluster (Department of Social Development, 2022).

Central to the work of the JCPS thus, is to strengthen communication between the work of different departments within the clusters, namely: The Departments of Police, Home Affairs, Social Development, Justice and Constitutional Development, Correctional Services and Defense and Military Veterans (Department of Social Development, 2022). The cluster wholly support the call made by the president that the JCPS cluster must streamline resources in reducing crime, improving the efficiency of the criminal justice system, dealing with corruption, managing South Africa's borders, and improving our population registration system (Department of Social Development, 2022).

The JCPS cluster is committed to restoring the integrity of the country's safety and security machinery that has been eroded by several challenges and shortcomings (South African Government News Agency, 2022). The cluster is also committed to addressing the capacity and resources issues within the security and justice system to ensure that the security sector meets the demands of the country. This includes appointing experienced professionals and using modern, cutting-edge technologies to ensure that the security machinery remains fit for purpose and meets international standards (South African Government News Agency, 2022).

In line with the above, it becomes crucial that the recommendations and resolutions passed by the JCPS cluster, be followed through, and implemented, to achieve the fundamental goal of preventing and reducing crime, improving the criminal justice system and all other safety and security machinery of the state.

## **1.2. PROBLEM STATEMENT**

The achievements of the JCPS cluster's commitment to a shared goal of building safer communities, depends on clear and intentional actions by all the departments that belong to the cluster.

Without the implementation of recommendations made by the JCPS, prevention and reduction of crime remain a challenge and strengthening the Criminal Justice System, a pipedream. The study maintains that if departments are experiencing challenges in implementing the recommendations, there exists a challenge in which the Justice System may not attain the strength required to provide for a conducive environment for building safer communities (Department of Transport and Community Safety, 2019/20-2023/24). To help strengthen the Criminal Justice System all departments in Justice Crime Prevention and Security Cluster should implement the recommendations.

### **1.3. AIM AND KEY OBJECTIVES**

#### **1.3.1. Aim of the study**

The aim of the study is to evaluate the implementation of Justice Crime Prevention and Security (JCPS) recommendations by all Departments under JCPS cluster.

#### **1.3.2. Key objectives**

- To understand the mandate of JCPS cluster.
- To review the steps taken by JCPS cluster departments in implementing JCPS recommendations.
- To understand challenges experienced by JCPS cluster departments in implementing JCPS recommendations.
- To identify the strategies made by the Provincial Secretariat for Police Service in ensuring implementation of the JCPS recommendations by JCPS cluster departments.

### **1.4. RESEARCH QUESTIONS**

- What is the mandate of the JCPS cluster?
- What are the steps taken by JCPS cluster departments in implementing the JCPS recommendations?



- What are the challenges experienced by JCPS cluster departments in implementing the JCPS recommendations?  
What are the strategies employed by the Provincial Secretariat for Police Service to ensure implementation of Justice, Crime Prevention and Security recommendations by JCPS cluster?

### **1.5. SIGNIFICANCE OF THE STUDY**

The significance of the study is to contribute towards ensuring the safety of the people in Limpopo province and to safeguard the province in general by influencing crime prevention strategies and policies relevant for the prevention of criminal activities happening in Limpopo province.

### **1.6. PARTNERSHIP**

All work related to the research project such as development of the research proposal, data collection, capturing, assessment, analysis, consolidation of data and research report were done by researchers within the Department of Transport and Community Safety (Limpopo province). Therefore, the proposed study was not outsourced or contracted to any external service providers.

### **1.7. LIMITATIONS**

The study's results were produced through reports that emanated from JCPS Program of Action and reports which are kept by Office of the Premier. This therefore made it somewhat not easy to timeously access the information

## **CHAPTER 2: METHODOLOGY AND ETHICAL CONSIDERATION**

### **2.1. RESEARCH METHODOLOGY**

The study followed a qualitative research method. Data of the study was generated using semi-structured interview guide to extract recommendations from 2017/2018-2021/2022 JCPS cluster reports. Thematic content technique was used to analyse the findings from 2019/2020-2021/2022 JCPS cluster reports. Purposive sampling was used to select documents or report. Analysis of data was conducted by interpreting reports gathered from the Programme of Action.

### **2.2. ETHICAL CONSIDERATION**

#### **2.2.1. Permission to access and review JCPS reports**

As a lead department of the JCPS cluster in Limpopo province, approval to access relevant JCPS data were sought from the Member of Executive Council of Department of Transport and Community Safety. Approval of the research proposal allowed the departmental researchers to access the JCPS reports and documents to collect data and report on the findings. Where necessary, permission to collect further data was duly sought with relevant external authorities through the office of the Member of Executive Council of Transport and Community Safety. JCPS reports from the South African Government website and reports from Limpopo Office of the Premier form part of the data.

#### **2.2.2. Risk**

To avoid plagiarism, all the authors used in the study were credited in an in-text citation and reference list.

#### **2.2.3. Financial implication**

The operational expenditure budget was utilized throughout process of data collection in the forms of airtime and data claims by researchers. Due to the nature of the study and availability reports and/or documents on JCPS cluster website, the researchers

did not conduct face-to-face interviews. There was however an interview held with the Chief Director Provincial Secretariat for Police Service for clarity on particular activities of the JCPS cluster. Therefore, there was not any subsistence and travel claims by the researchers to collect research data on behalf of the Limpopo Department of Transport and Community Safety.

## **CHAPTER 3: FINDINGS OF THE STUDY**

The findings in this chapter were extracted from the 2017/2018-2021/2022 JCPS cluster reports and the Justice, Crime Prevention, and Security (JCPS) Cluster briefing statement on the State of the Nation Address (Department of Government Communication and Information System, 2022).

### **3.1. MANDATE OF JCPS CLUSTER**

The JCPS Cluster is entrusted with the responsibility of ensuring the safety and security of all people in South Africa. Its mandate requires the JCPS to create a peaceful and conducive environment for the public and ensure that crime-fighting interventions are contained within the laws of this country. JCPS is also mandated to create interfaces with community structures such as community policing forums, civil society organizations, traditional leaders, and faith-based organizations. These structures continue to strengthen crime-prevention measures within communities. The Criminal Justice System continues to work hard to ensure that those who violate the laws of the land are accountable and face the full might of the law.

### **3.2. STEPS TAKEN BY JCPS CLUSTER DEPARTMENTS IN IMPLEMENTING JCPS RECOMMENDATIONS**

The research demonstrates that JCPS cluster creates action plans to guarantee the application of JCPS recommendations. They include the Minister of state security, finance, internal relations and cooperation, telecommunication, and postal service. They also include the minister's o defense, police, social development, home affairs, justice and correctional services. Quarterly JCPS Cluster meetings, which are national gatherings presided over by defense and military, report quarterly on the status of the implementation of the recommendations.

### **3.3. CHALLENGES EXPERIENCED BY JCPS CLUSTER DEPARTMENTS IN IMPLEMENTING JCPS RECOMMENDATIONS AND PROGRESS MADE TO ADDRESS THE CHALLENGES**

#### **3.3.1. Improving the capacity of the JCPS cluster**

Capacity and resource issues within the security and justice systems were revealed as challenges. These challenges affect timeous and consistent reporting on the activities, resolutions and recommendations of the JCPS cluster. To ensure that the security sectors meet the demands of the country, the sectors appoint experienced professionals and use modern technology. To ensure that the security machinery remains fit for purpose and meets international standards, cutting-edge technologies were also applied.

#### **3.3.2. Specialized Commercial Crimes Courts (SCCCs)**

In terms of a Specialized Commercial Crime Court, the wheels of justice in relation to corruption are starting to move quickly and effectively. Several notable arrests and court proceedings have been initiated involving accused persons from the public and private sectors, including state capture.

#### **3.3.3. South African Police Service**

Within the SAPS cluster, 12,000 youth have joined the police service. In the first stage, 7,000 people will be trained. The training of 7,000 police recruits, 3000 SAPS reservists, and members of the public service administration was set to commence in the 2022–2023 financial year. The remaining 5,000 SAPS recruits will undergo training in the 2023–2024 financial year.

Furthermore, units like the public order, family violence, child protection, and sexual offenses investigating units, which are frontline at police stations, have been strengthened with the appointments of the new trainees. Primary attention was given to the investigation of crimes against women, children, the elderly, and other vulnerable persons.

### **3.3.4. Intelligence Services**

Re-evaluation and assessment of the capacity and strength of the intelligence services to undertake surveillance and monitor stability in the country were identified as a challenge. To address the challenge, the State Security Agency (SSA) and Crime Intelligence ensured that critical posts that were left vacant by suspensions, resignations, promotions, and deaths were filled.

A forensic investigation firm has been appointed to investigate all malfeasance in the agency. The agency has dismissed four members who have been found guilty of fraud and corruption. It has also made progress in terms of working with the Investigating Directorate to ensure that those who were involved in criminality are prosecuted.

### **3.3.5. South African National Defense Force (SANDF)**

The South African Defence Force (SANDF) supports law enforcement agencies to deal with any threat to the security and stability of the country. In this regard, SANDF is protecting all national key points and the country's economic corridors from disruptive elements or blockages caused by protesters. Furthermore, SANDF defends the sovereignty and territorial integrity of the Republic of South Africa by conducting border-safeguarding operations along land borders to curb the cross-border movement of undocumented persons, illicit goods and drugs, weapons, livestock, and stolen vehicles. The SANDF is also determined to maintain a capable defence force. The department is also committed to creating a safe and conducive environment that will reassure both citizens of this country, international tourists and investors that they will be safe when they come and do business in this country.

In terms of capacity and strength within the SANDF, approximately 2000 young women and men joined the ranks of the South African National Defence Force as new recruits in 2022.

### **3.3.6. Fighting fraud and corruption**

Fraud and corruption were identified as challenges experienced by the JCPS cluster. To deal with the challenges, the JCPS cluster will ensure that all those who are implicated in and have benefited unlawfully from state capture corruption and corruption related to the procurement of personal protective equipment must face the full might of the law. Furthermore, the NPA and the Directorate for Priority Crime Investigation (DPCI) collaborate to ensure that all implicated persons are brought to justice swiftly and appropriately.

### **3.3.7. Enforcing the rule of law**

The other area of concern for the JCPS Cluster was when individuals and organizations deliberately undermined the rule of law during community protests. In this regard, officers will enforce the rule of law without fear or favour. No one has the right to break the law, irrespective of their grievances or dissatisfaction with anything.

Another concern was the low level of trust between the law enforcement agencies and the public. As a result, JCPS works to rebuild trust between officers deployed in communities and community members. This will entail reviving the Community Policing Forums, which will work together with the local police stations to fight crime. Furthermore, an inclusive approach will be taken to assess community threats and implement necessary responses.

### **3.3.8. Fighting Gender-Based Violence and Femicide (GBVF)**

In terms of fighting GBVF, three pieces of new legislation (these include the Criminal and Related Matters Amendments Act, the Criminal Law (Sexual Offenses and Related Matters) Amendment Act, and the Domestic Violence Amendment Act) to improve the conviction rate on sexual offenses were endorsed. These three acts were finalized in collaboration with the civil society.

JCPS also works with community partners to ensure that victims of GBVF have easy access to the courts. The Department of Police has trained over 90,000 officers to deal

with sexual offenses cases. GBVF desks managed by trained GBVF officers were established in all police stations across the country. It is envisaged that these GBVF desks will be finalized by the end of March this year, and the government will be prioritizing the identified GBVF hotspots.

### **3.3.9. Dealing with immigration problems**

The Department of Home Affairs Counter Corruption Unit continues to ensure the credibility of documents and processes throughout the Home Affairs value chain. It will continue working with other law enforcement agencies to deal with the criminal syndicate that undermines immigration laws at Lebombo Border Post. This syndicate consisted of six Home Affairs officials, a policeman, and a Mozambican hawker.

The Bellville Specialized Commercial Crime Court in Cape Town convicted a former Home Affairs official on eight counts of corruption. He was dismissed by the department after being found guilty during the disciplinary process. He is now serving eight years of direct imprisonment. He worked with eight foreign nationals. One has turned state witness, and the trial for the other seven is scheduled to continue. In addition, nine senior Home Affairs officials based at Head Office in the Immigration, Human Resource Management, and Development Branches are going through various stages of their disciplinary process related to corruption.

### **3.4. STRATEGIES MADE BY PROVINCIAL SECRETARIAT FOR POLICE SERVICE IN ENSURING IMPLEMENTATION OF THE JCPS RECOMMENDATIONS BY JCPS CLUSTER DEPARTMENTS**

The JCPS cluster meeting, is presided over by a Member of the Executive Council of the Department of Transport and Community Safety. The following Departments form part of the JCPS Cluster in the province: Department of Transport and Community Safety (Chair), Department of Social Development (Deputy Chair), Department of Co-operative Governance, Human Settlements and Traditional Affairs, Department of Economic Development, Tourism and Environmental Affairs, Border Management Agency (BMA), Department of Correctional Services, Department of Home Affairs, Department of Labour, Department of Justice and Constitutional Development, National Prosecuting Authority



(NPA), South African National Defence Force (SANDF), South African Police Service (SAPS), State Security Agency and Office of the Premier.

As the lead department in the JCSP Cluster, the Department of Transport and Community Safety facilitates the development of the annual Programme of Action for the cluster and ensures that the departments report on progress every quarter. The PoA contains quarterly and annual targets. During the cluster meetings respective departments present updates on the JCPS cluster activities. This assists the department to assess whether there is progress or not with regard to the implementation of the JCPS cluster.

## **CHAPTER 4: DISCUSSION**

### **4.1. MANDATE OF JCPS CLUSTER**

JCPS is entrusted with the responsibility of ensuring that people living in South Africa feel safe, creating a peaceful and conducive environment for the public, and conducting crime fighting interventions. The JCPS mandate is implemented and monitored by the JCPC Cluster Chairperson, the Minister of Defence and Military, with the Minister of Police as the Deputy Chairperson. Another key minister participating in the cluster is the minister of Social Development, Home Affairs, Justice, and Correctional Services, the State Security Agency, Finance, International Relations and Cooperation, Tele-Communications, and Postal Services, as well as the Minister in the Presidency.

The JCPS mandate is clear and describes what the cluster must do based on the National Development Plan 2030, policies, procedures, government expectations, and a partnership agreement with the community structures. For example, the NDP highlighted that in 2030 people living in South Africa will feel safe at home, at school, and at work and will enjoy a community life free of fear. Women walk freely in the street, and children play safely outside. These are the goals that the JCPS cluster is trying to achieve.

### **4.2. STEPS TAKEN BY JCPS CLUSTER DEPARTMENTS IN IMPLEMENTING JCPS RECOMMENDATIONS**

The cluster chairperson, the Minister of Defense and deputy chairperson, the Minister of Police, and other important Executive Council members participating in the cluster (including the Ministers of Social Development, Home Affairs, Justice and Correctional Services, State Security, Finance, International Relations and Cooperation, Tele-Communications, and Postal Services) develop a plan of action to ensure the implementation of the JCPS cluster recommendations. In order to execute the cluster's suggestions and goals on an annual basis at the provincial level, the cluster chairperson, who serves on the executive council of the Department of Transport and Community Safety, worked with the JCPS cluster departments to prepare a program of action.

Quarterly updates were provided on how the recommendations were being put into practice during the meetings.

The reports provide crucial information on how the JCPS recommendations were carried out and monitored throughout the previous five years. This data can be used to track growth and progress, detect trends or anomalies that might need further examination, and create future forecasts for JCPS Cluster departments in Limpopo Province. Transparency is promoted by reporting with specificity. Furthermore, it is expected that thorough reports contained the tactics employed by the Provincial Secretary for Police Service to guarantee the adoption of the JCPS cluster recommendations.

#### **4.3. CHALLENGES EXPERIENCED BY JCPS CLUSTER DEPARTMENTS IN IMPLEMENTING JCPS RECOMMENDATIONS AND PROGRESS MADE TO ADDRESS THE CHALLENGES**

The JCPS cluster, like other clusters, experienced challenges. For example, improving the capacity of the JCPS cluster; fighting fraud and corruption; enforcing the rule of law; fighting gender-based violence and femicide; and dealing with immigration problems.

Some of the progress made to address the risks that hindered JCPS clusters from implementing JCPS recommendations were addressed in the past five years. For example, in terms of improving the capacity of the JCPS cluster, the sector appointed experienced professionals and recruited young people to join SAPS and SANDF. With regards to gender-based violence, three pieces of new legislation (the Criminal and Related Matters Amendments Act, the Criminal Law-Sexual Offences and Related Matters Amendment Act, and the Domestic Violence Amendment Act) were endorsed.

Furthermore, JCPS ensures that victims of GBVF can access the courts easily. The department of police trained 90,000 officers to deal with sexual offense cases and established GBVF desks in police stations. To deal with fraud and corruption, those who implemented and benefited unlawfully from state capture and the procurement of personal protective equipment are facing the full might of the law. To enforce the rule of law during community protests, JCPS revived community policing forums to work together with the local police officers within their areas to fight crime. In terms of dealing with the

immigration problem, the Department of Home Affairs continues to work with the law enforcement agencies to deal with the criminal syndicates that undermine immigration laws at border posts. NPA-convicted officials were found guilty on counts related to corruption.

These were backed up by the National Development Plan, which stated that by 2030, the criminal justice system is well-resourced, professional, and staffed by highly skilled officials who value their work, serve the community, safeguard lives and property without discrimination, protect communities and citizens against violent crime, and respect people's rights to equality and justice. South Africa's borders are effectively safeguarded, secured, and well-managed.

#### **4.4. STRATEGIES MADE BY PROVINCIAL SECRETARIAT FOR POLICE SERVICE IN ENSURING IMPLEMENTATION OF THE JCPS RECOMMENDATIONS BY JCPS CLUSTER DEPARTMENTS**

The techniques employed by the Provincial Secretariat for Police Service in Limpopo province are to guarantee that the JCPS cluster departments implement the recommendations. The development of the PoA, its monitoring through the quarterly meetings and the quarterly reporting by the respective departments, is one of the main strategies that the department employs to ensure implementation of the recommendations as well as resolutions taken in these meetings. Office of the Premier is the overall coordinator of the JCPS Cluster as well as other clusters. The office also plays a pivotal role in assisting the department to track progress of the implementation of the recommendations of the JCPS cluster.

## **CHAPTER 5: CONCLUSION AND RECOMMENDATIONS**

### **5.1 CONCLUSION**

Based on the findings, the JCPS cluster at national level is chaired by the Minister of Defence and Military, with the Minister of Police as deputy chairperson. At the provincial level, in particular Limpopo, the cluster is chaired by the Member of Executive Council for the Department of Transport of Community Safety and the Deputy Chair is MEC for the Department of Social Development. Other key ministers and Members of the Executive Council at provincial level participating in the cluster are the ministers and members of executive council for Social development, Home affairs, Justice and Correctional Services, State Security, Finance, International Relations and Cooperation, Telecommunications and Postal Services, and the Minister in the Presidency.

In pursuit to attain the NDP output priorities of ensuring that in 2030, people living in South Africa feel safe at home, at school, and at work, and they enjoy a community life free of fear, the JCPS cluster made good progress on the following JCPS sub-outcomes and recommendations in the past five years. Namely:

- Reduced levels of contact crime,
- an efficient and effective criminal justice system,
- South African borders are effectively defended, protected, secured, and well managed.
- Secure cyberspace,
- Domestic stability was ensured.

During the implementation and monitoring of the NDP sub-outcomes and recommendations, the JCPS cluster experienced challenges. For example, improving the capacity of the JCPS cluster; fighting fraud and corruption; enforcing the rule of law; fighting gender-based violence and femicide (GBVF); and dealing with immigration problems. Nevertheless, the JCPS cluster continues to relentlessly address these issues.

## **5.2. RECOMMENDATIONS**

The crime rate in South Africa continues to rise exceptionally despite the efforts made by the JCPS cluster to implement and monitor its activities to ensure that all people living in South Africa are safe by 2030. It is therefore recommended that:

**5.2.1.** The reporting on the resolutions and recommendations of the JCPS cluster should be reinforced with regard to consistency, time and specificity.

**5.2.2.** A follow-up study should be conducted to assess whether implementation of the JCPS Cluster recommendations by JCPS departments has any impact on the criminal justice system in the province of Limpopo.