

CHAPTER 6

RECOMMENDATIONS

Communities

- STAs and ACCs should be registered by the Ministry of Home Affairs as part of the protection services with inclusive benefits from July 2005 to December 2005.
- Training should be provided to STAs and ACCs. The police can do this after the associations have been registered and operational planning for this can be done using the register as a map. Training can start in April 2006 as it is budgeted for in the next financial year.
- More formalised avenues of communication should be opened between communities and the police.
- The communities should be included in any operational plans that are made by the police, as they can be of great assistance.
- Stock theft associations should be renamed anti-stock theft associations or another name that reflects that they are intended to combat stock theft.
- An incentive should be provided to communities to make STAs more effective. A standardised fee for services should be investigated by the Ministry of Home Affairs by the end of 2006.
- The Ministry of Home Affairs, through the police, should include plans for combating stock theft through communities in their annual work plan.

Police

- Even a single helicopter for the police would be invaluable. The Ministry of Home Affairs, the Ministry of Justice and the Ministry of Defence could investigate whether they could buy a helicopter for joint use.

- Establish many police stations to cut the distance people walk to report crime.
- Undertake joint patrols and missions between the army and the police more often throughout the country.
- Increase the number of vehicles available to the Stock Theft Unit.
- Increase trucks in each district to confiscate and transport stock.
- Buy motorcycles and horse trailers.
- Stock Theft Unit members should have dry rations for long pursuits.
- A special allowance should be provided for Stock Theft Unit members.
- More training should be provided for Stock Theft Unit members. This could include comprehensive docket entry.
- The Stock Theft Unit should be headed by an Assistant Commissioner for Stock Theft to give the problem a higher profile.
- Office space and remuneration (including a risk allowance and a subsistence allowance) should be reviewed to ensure that the police are motivated to service this difficult area with enthusiasm and to reduce corruption.
- To fast-forward the process of implementing micro-chipping, computers should be allotted to the Stock Theft Unit to keep track of all stock. The micro-chips should be made available to stockowners at a subsidised rate.⁴⁴
- Review the format of data entry on dockets.

Strengthening crime prevention and reducing the high crime rate is the best means of addressing the impacts of stock theft on communities. Priority should therefore be given to the strengthening of crime prevention strategies in the following ways:

- Crime prevention committees (equipped with two-way radios) should be established at community level. These committees should be based on guidelines and mutual support mechanisms involving police-public

partnerships (models for this exist in Morija, Pitseng, Mapholaneng, Ha Mofoka and Matelile), which will be evaluated before up-scaling.

- Livestock registration and marking should be expanded to curb the high rate of livestock theft and to sensitise communities along both sides of the border to cross-border crime and stock theft. The micro-chips should also be made available to the stock owners at a subsidised rate
- Strategic locations should be identified where there is a need for police stations and appropriate facilities should be provided.
- Facilities at existing police stations should be improved.

Magistrates

- The number of magistrates in districts must be increased to enhance the effectiveness and efficiency of the judicial system.
- Magistrates should specialise, so that they are equipped to deal with the particular challenges that are inherent in the society. For instance, magistrates should head specialised courts that deal with different matters.
- Increase offices and court space for magistrates.

While these systems are being put into place, three roving courts could be established (one south, one north and one central in the country) and magistrates together with specialised prosecutors should try stock theft cases in these courts.

Prosecutors

- Prosecutors should undertake specialisations in aspects of the law to deal with cases in their field of speciality.
- A special programme should be set up to familiarise prosecutors with the communities they serve and help them understand the challenges faced by the witnesses and victims that they deal with.
- Prosecutors should be more accessible to the police. Better information sharing between the police and prosecutors and a closer working relationship should be developed.

- Prosecutors should be provided with gazettes through a library. The library should also contain judgments on cases of stock theft so that there can be uniformity of knowledge.

The steps that are recommended for prosecutors and magistrates are ultimately intended to improve case management. This is essential to maintain human rights and promote confidence in the judicial system. Specific actions to be implemented are:

- Develop a case management policy and implement the Speedy Trials Act.
- Train police to compile dockets properly and to transfer these dockets effectively to the prosecution office.
- Improve the existing registers tracing movement of dockets and establish complaint mechanisms to deal with unsatisfactory cases.
- Develop an effective case-tracking system that is transparent to all key stakeholders.
- Maintain staff motivation and curb turnover by improving working conditions.

Government

- Government should change the marking of animals to include livestock with particular symbols in addition to earmarking and branding (perhaps enhance micro-chipping).
- Government needs to consider the seriousness of stock theft and accord it priority on its agenda.
- The Stock Theft Act should be reviewed in terms of the sentences and fines handed down.

The primary responsibility of government is to establish a restorative judicial and rehabilitation system. The emphasis of such a 'pro-poor system' should not be on punishment, but on compensating victims for their losses and ensuring that offenders are rehabilitated and returned to society armed with skills and an understanding of what they can contribute. This requires radical reforms that will take many years. Steps to consider include:

- establishing an inclusive task force to define restorative justice;
- orienting and training legal practitioners and other stakeholders in the effective implementation of a restorative judicial system;
- reconstructing and improving the central prison and constructing two more open camp prisons;
- training inmates to acquire functional literacy and numeric skills, as well as vocational skills;
- implementing alternative post-sentence measures to custody and release eligible inmates on parole where possible; and
- establishing community-based structures for restorative justice.