

Are South Africans Responsible Firearm Owners? Evidence from 1,000 dockets

by

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1. Introduction

South Africa confronts a host of social and economic problems as it transforms its historically authoritarian and racist social order, into one founded on the principles of liberty and equality. These problems, ranging in character from an apocalyptic plague to grinding poverty, from fractured social relations to stagnating employment levels, combine to create a tragic mix of social forces all contributing to frightening levels of crime and high levels of violence.

These facets of our social order are common cause, and are regarded by all commentators, academics and policy-makers as the 'root causes' of crime. About the negative impact of these there is little contention. More contested, however, are other issues raised in the debate about the causes of, and solutions to, the problem of high levels of violent crime. Among the most debated of these, the three which have generated the most heat, if not the most light, are:

- Whether, and to what extent, the inauguration of the Bill of Rights is implicated in the rise of crime;
- The possible impact of a return to the use of capital punishment in the reduction of crime; and
- The role the tightening of firearm regulation in the management of weapons and weapon-owners might play in the fight against firearm crime.

Of these issues, the regulation of legal firearms and the tightening of limits and controls on the possession and use of firearms by duly authorised and documented firearm-owners, has provoked the most heated debate of late as government has sought to steer new legislation through Parliament. Although this debate has raised numerous issues and controversies, perhaps the most fundamental have turned on two questions: the role of privately-owned firearms in helping to secure the safety of law-abiding people; and the extent to which these licensed weapons have a role to play in explaining our levels of crime.

That these issues have provoked intense debate is hardly surprising and mirrors profound disagreements in criminological and criminal justice policy-making circles elsewhere in the world. And, while there are numerous issues raised in this debate about which reasonable people might disagree, what is clear is that the quality and quantity of the data available leave much to be desired. There are far too many issues about which policy-makers and commentators alike have either to guess or to rely on anecdotal evidence. This is clearly an

unsatisfactory state of affairs resulting, as it does, in discussions degenerating into little more than dialogues of the deaf.

Given the furious character of debate on firearm policies, as well as the relative absence of a set of mutually agreed premises, it is with some trepidation that a researcher enters the fray. Researchers know in advance that in such an environment the nature and content of any research produced and findings offered are likely to be probed and tested, but that the tests will not always be against other empirical research, but against the preconceived (and steadfastly held) beliefs of the role-players and interest groups that have a real, ideological or emotional stake in the outcome of the policy process.

For these reasons, before describing the methods and findings of our research, it is worth setting out the rationale for embarking on the research in the first place, as well as the basic premises from which the research departs.

The basic rationale for this study was to assess the manner and means by which legally-held firearms are lost and stolen, presumably winding up in the hands of criminals. The relevance of this issue is obvious, since, if government is seeking to tighten control over the legal ownership of firearms it can be doing so for one or both of only two reasons: either it believes legally-owned firearms are being used in the commission of crimes committed by the owners of those weapons; or it believes that the impact of the theft of legally-owned firearms by criminals on levels of violent crime outweighs the role that they play in improving their owners' safety.

In relation to these issues, this research has nothing to say on the issue of the extent to which legal owners do or do not commit crimes using their legally-owned firearms. This is, however, an area in which empirical research ought to be undertaken since there is little to suggest that the current approach to processing and approving firearm licences offers anything more than the most minimal protection against the subsequent utilisation of the duly licensed weapon in either domestic or predatory crime. Indeed, given this country's low conviction rate, it seems somewhat perverse to rely almost exclusively on the applicant's previous convictions, or lack thereof, as a basis for approving or rejecting the application.

The second rationale underpinning the notion that controlling legal firearms more tightly will help to reduce crime is, however, the subject of this research. In essence, we are interrogating the circumstances under which licensed firearm owners are losing their weapons to criminals, be they through robberies, thefts or the negligent misplacing of the firearm concerned. We do this in order to test a number of propositions about how and whether firearms are transferred from legal to criminal ownership. This, we believe, will help us to begin to evaluate the extent to which reducing the number of legally-owned firearms in circulation, and requiring their owners to take better care of them, may impact on the level of violent crime in SA.

In essence, the research undertaken for the purposes of this report asks the reasonably straightforward question: **under what circumstances do licensed firearm owners lose their weapons to criminals?**¹ This question is a key one because it takes us to the heart of a number of subsidiary and related questions such as:

- Where are people most at risk of losing their weapon, and under what circumstances was the firearm being kept at the time of its being lost?
- Are persons in possession of a firearm able to defend themselves?
- Are newly licensed owners more or less likely to lose their weapons than are people who have owned firearms for a longer period?
- Does a security background, and, therefore, training in the proper use and care of a firearm, reduce the risk of one's losing the weapon?
- What kinds of weapons are most likely to be lost?
- What can be done to improve the policing of the responsible possession and use of firearms?

These questions are of obvious importance in light of current debates about whether and how to tighten firearm control and to ration licences more closely since they provide some data on the ways in which current firearm owners' weapons are lost.

In seeking to conduct this research, we started from a set of premises which included the following:

- Guns can be useful in the right hands at the right time, but they can cause harm at any time if poorly used or controlled;
- The circumstances in which a gun is a boon will occur occasionally, but that these might not be as common as many people would believe and may, in fact, be more likely to occur, to persons in possession of firearms;
- A gun can be owned safely, but only if owned responsibly;
- Any gun owned by any person, organisation or institution can fall into the wrong hands;
- There are no foolproof ways to ensure that a licensed firearm does not fall into the hands of criminals;
- Gun control laws should seek to ensure that people handle guns responsibly, and to prevent access to those who might deal with them irresponsibly.

As these premises suggest, we believed that there is nothing about the process of obtaining a licence that in any way improves the likelihood of a gun's not being used wrongfully unless the process of applying for a licence reduced the likelihood that the applications of people likely to be irresponsible would be turned down. This seemed to be a fairly elementary assessment, if not a truism, but it does raise an interesting question: has the existing licensing process, as a matter of fact, been able to ensure that firearms owners would be most likely to fulfil the duties involved in owning a firearm responsibly?

In this respect, and to anticipate our findings somewhat, our assessment is that the fact that a firearm owner has applied for, and has been granted, a licence does not mean that the firearm in question will not be used for criminal purposes because there is little that a firearm-owner can do to prevent his² firearm falling into the wrong hands. In essence, our data reveal that owners of licensed firearms can be dispossessed of those weapons in virtually any context and at virtually any time. Moreover, there is at least some evidence that the possession of a firearm appears actually to attract criminal attack. Thus, while a firearm can assist a potential victim to resist his attackers, the chances of doing so are moderated by its being the attackers' privilege to dictate the circumstances under which the

crime will take place. In other words, while people can defend themselves, the fact that they never do so in circumstances of their own choosing means that the attacker can, and does, limit the potential victim's options.

2. Methodology

The process of compiling the data for this report involved two distinct but inter-related processes. The first was an intensive analysis of over 1,100 dockets opened at police stations following the loss of a licensed firearm by its owner in the course of a robbery or theft, or dockets opened by members of the Police Service in the event of the owner's having lost the firearm in conditions which the police believe may have involved negligence on his part. The second component of the research, which is used in a very limited and marginal way in this report, involved semi-structured interviews with relevant role-players in the police at various levels of the organisation, as well as with firearm dealers. This sought to identify issues of importance in the policing of firearm crime and in the regulation of licensed firearm owners. The data derived from these interviews will form the basis of a subsequent report, but has been used, in part, to help interpret the results of the docket analysis.

The docket analysis involved a number of steps.

2.1 Selection of Cases to Investigate

Given the research questions we had posed, we needed to determine which dockets would be most suitable to interrogate if we were to provide answers. The nature of the questions directed that we seek our data from dockets involving the theft, robbery or negligent loss of a firearm.

- Theft and robbery dockets are opened by the police after a complainant reports that his firearm has been stolen, with the basic difference between a theft docket and a robbery docket being that the latter involves the use, or the threat, of violence, and, as such requires the complainant's being confronted by the offender.
- Negligent loss of firearm dockets are opened when the state suspects that the owner of a firearm contributed to its being lost by failing to take sufficient care to safeguard the firearm. This suspicion would, in general, arise after the accused had come to report the loss of his firearm, and would, therefore, generally be linked to either a theft or a robbery case. These cases will often be withdrawn by the prosecutor if he is satisfied that, in fact, there was no negligence on the part of the person who had lost the firearm.³

We chose these dockets because our interest was in the manner and extent to which licensed firearms are transferred from legal to illegal ownership. This issue ought not to be confused with others. We were not seeking, for instance, to assess the extent to which legally-owned firearms are used in the commission of crimes (either by their owners or, as some police officers interviewed suggested happened, borrowed or rented a licensed weapon from its owner). Nor were we seeking to establish the extent to which stolen weapons are subsequently used in the commission of crimes. (We are reasonably confident, however, that the vast majority are so used, and are probably used many times, since we can think of

no other plausible reason that might explain all but a few of the crimes committed with the intention of dispossessing the owner of his weapon.) Our interest was with the narrower question of how legally owned weapons come into the hands of criminals.

Having decided which cases to analyse, we sought to choose cases which were sufficiently old that the majority would have been closed since police regulations restrict researchers to those dockets which are no longer the subject of active investigation. We decided, therefore, that we would seek our data from the relevant case dockets opened by the police in the 1998 calendar year.

In order to limit the chance of bias creeping into the sample, we chose to analyse all the dockets opened in that year in a number of stations across the country.

2.2 Identification of Stations

We felt that we needed to define the parameters of the project in such a way that the results would be both representative and relevant. To this end, we sought to determine which stations we ought to try to include in our sample in order to gain access to a sufficiently large proportion of the cases involving the theft, robbery or negligent loss of a firearm. In this respect we were guided by Chetty (2000; 40) where it is reported that in 1998 30,220 firearms were reported as lost or stolen to the SAPS Central Firearms Registry, and sought to try to access about 5% of the cases in which these firearms were reported stolen. We also felt, however, that the sample should include an adequate spread of rural and urban stations, as well as stations in inner cities, townships and suburbs. Given our limited resources, it was necessary to trade-off some of these criteria and, in the end, we fell just short of our target of 5%, eventually accessing dockets involving the loss of just under 4% of the firearms reported lost or stolen in 1998.

In order to identify which stations we ought to access to find a sufficiently large sample, we obtained a list of the high crime stations in South Africa from the [SAPS website](#) (SAPS: 1999) to identify 35 police stations from which we were hoping to select 16-18 which might contain a large enough number of cases for us to reach our target. These stations were located in greater Cape Town, greater Durban, greater Johannesburg, Umtata and its surrounds, as well as Nelspruit and station areas around that city.⁴ We then asked SAPS Head Office to supply us with a list of docket numbers from those stations in the hope that that list would help us to choose the appropriate stations at which to conduct the research.

Initially, we chose stations in Cape Town, Durban, Johannesburg and Umtata. Unfortunately, the Area Commissioner's office in Umtata was conducting an audit of dockets in the same stations which we were interested in, and asked us to postpone our research. We were unable to do so, and chose instead to approach the Provincial Commissioner's office in Nelspruit. He, along with the relevant commissioners in the other areas, agreed to our request, and work began in May 2000.⁵

The research took place at 17 police stations in all, including 7 which are located in townships, 7 which are in city centre or suburban areas, and 3 which are in rural areas.

2.3 Obtaining Access to the Dockets

Having identified the appropriate stations and obtained permission from the relevant officials at national and provincial levels of the SAPS, the researchers met the Station Commissioners at the stations, introduced themselves and explained the nature of the project. In general, they were well received and obtained reasonably enthusiastic cooperation, though there were one or two hiccups along the way.

The research process involved obtaining the docket numbers of which had been obtained from Head Office and filling in the data sheets for those cases. Unfortunately, the original request for docket numbers had been poorly formulated, so it was necessary for the researchers to find docket numbers of which were not contained in the list provided. This resulted in the number of docket numbers in the sample being expanded from the 466 on the list to 1,155.

2.4 Capturing the Data and Data Analysis

The process of capturing data involved the researchers' reading the complainant's statement in the docket (often termed the A1 statement) and filling in the appropriate values into the various cells of the data sheet.

Because the details of cases can vary so much, and because statement-recording practices in the SAPS are somewhat variable, it was not always possible to capture all the relevant data as some might be missing or phrased ambiguously. Handwriting styles also posed an obstacle on occasion.

The data were entered onto spreadsheets and then sent to a central point where they were cleaned and processed.

2.5 Impact of Methodology on Findings

There are a number of factors which the application of a docket-analytical methodology cannot control for, and which need to be considered as potential qualifiers of the findings presented below.

- There is a very great likelihood that the number of cases reported to the police understates the true incidence of cases in which firearms are lost or stolen.

The likelihood of some under-reporting of these cases results from the fact that licensed firearm owners face possible criminal sanction or the possibility of being declared unfit to possess a firearm in terms of s11 or s12 of the Arms and Ammunition Act of 1969. Given this, as well as the fact that the owner may have other guns, or may wish to replace his lost firearm, he may choose not to report the loss to the police if he believes that there is some chance of his being deemed to have been negligent.

- In the nature of things, relying on the statements of complainants to the police as the basis for an analysis means that the researcher must take on faith that what the complainant says in his statement reflects the facts of the case. Unfortunately, there

are some disincentives to telling the truth in the sorts of dockets under review in this study.

Perhaps the most significant disincentive is that a firearm-owner who negligently loses his firearm might be declared unfit to possess a firearm. More importantly, such negligence can be deemed criminal, with the offender potentially being convicted and punished accordingly. This problem is accentuated for those complainants whose firearm belonged to their employer – police officers, security guards and soldiers – who might also face internal disciplinary hearings and possibly lose their jobs were they to be deemed to have been negligent.⁶

This being the case, there is a strong incentive for the complainant to disguise his negligence and falsely to claim that the loss of the firearm occurred in circumstances which involved no negligence on his part.

The net effect of these two phenomena is that the overall mix of cases between robberies, thefts and negligent losses might overstate the number of robberies and understate the cases of theft and negligent loss since it is these sorts of cases which the complainant is most likely to try to disguise. In effect, firearm owners in South Africa may be a little more "negligent" than the data presented here suggest.

3 Background Data

3.1 Firearm Losses and Violent Crime

It may appear to be stating the obvious, but there seem to be only two relatively plausible reasons behind most firearm thefts or robberies: either that firearm is going to be used by the person who stole the weapon to commit further crimes, or he is going to sell it to someone else.⁷ In either case, it seems inevitable that a stolen firearm will be used to commit at least one crime, and, given that a firearm is a durable good, it is plausible that each would be used for more than one crime over a period possibly lasting a number of years.

As stolen firearms are used in further violent crimes, it is worth comparing the number of stolen firearms to the number of crimes committed with firearms. Obviously, this is not to say that all crimes committed with a firearm are committed with stolen firearms, only that stolen firearms, by providing criminals with the wherewithal to commit further crimes, are part of the reasons for the high levels of violent crime in SA.

Using the data provided in Chetty (2000: 20-28) it is possible to calculate that there were 3.6 murders, attempted murders and aggravated robberies committed with firearms in 1998 for every firearm stolen. Obviously, the state recovers many of these weapons, but even allowing for this, there were only about 6.9 murders for every firearm stolen but not recovered.⁸

Since firearms are durable goods, however, it is worth comparing the number of violent crimes committed in one year to the number of firearms lost but not recovered over the period 1996 to 1998. Using this as the basis of comparison, there were only 3.7 murders,

attempted murders and robberies committed with firearms in 1998 for every weapon that had been lost since 1996. Thus, if a stolen firearm is used on average only once every year in only one murder or one attempted murder or one aggravated robbery, such weapons are implicated in over a quarter of all of those crimes.

To make the point another way: if we assume that every gun stolen between 1996 and 1998 was used to commit **only one** crime, then 80,728 murders, attempted murders and aggravated robberies would either not have occurred, or would have had to be committed with some other weapon. If we assume further, for argument's sake, that **all** of the murders and **all** attempted murders would have occurred whether or not there had been a firearm available⁹ to the criminal **and** that half of the aggravated robberies would also have occurred – a very conservative assumption since many of these crimes are opportunity crimes which may not have arisen had the offender had no access to a gun – there still would have been 40,364 or 18% fewer aggravated robberies over the period, and 22% fewer aggravated robberies committed with firearms.

It is hard not to conclude that the loss of legally owned weapons contributes significantly to the number of violent crimes committed in South Africa.

3.2 Levels of Firearm Losses

Chetty (2000) reports that the number of lost and stolen firearms reported to the Central Firearms Registry has grown rapidly since 1994, from 15,309 then to 30,220 in 1998.

The rapid growth in the number of firearms recorded as lost or stolen since 1994 cannot, of course, be ascribed purely to there being an increase in crime and criminality because, as we know, the systems used by the police to capture data are now significantly better than they were in 1994. Apart from the development of police information technology, SAPS has also rolled out its systems to parts of the country which were not covered in previous years.

What is remarkable, however, is the rapid rise of lost firearms as a proportion of the total number of firearms reported lost or stolen. While this was less than 1% of the total number in 1994, it had risen to over 21% by 1998. Such a rapid rise probably reflects some change in recording practices at the Central Firearm Registry, but, even so, suggests that the police have been somewhat more rigorous in ascribing fault to owners when firearms have gone missing. At the same time, Chetty reports that between 1996 and 1998, the number of robberies of firearm rose from 891 to 5,045 an increase of nearly 140% per annum, suggesting that one or a combination of three phenomena has occurred:

- The *modus operandi* of criminals who steal firearms has shifted very dramatically towards robbery as their preferred method; or
- Police recording practices have changed significantly, and they are tending to characterise a greater proportion of cases as robberies when these might previously have been deemed to be thefts, or
- Complainants who have doubts about their own negligence have tended to claim to have been victims of robberies more frequently.¹⁰

3.3 Firearm Theft and Property Crime

In order to make sense of these numbers, it is necessary to consider them in relation to the number of firearms legally owned by South Africans.

There were 4,544,705 firearms registered with the Central Firearms Registry on July 21, 1999, implying that about 665 firearms were lost or stolen for every 100,000 owned in 1998.¹¹ This figure suggests that fewer than 1% of all firearms are stolen every year. This fact is often cited as evidence of firearm-owners' high levels of responsibility.

Crime comparisons for lost/stolen firearms (1998).	
Theft of firearms per 100,000 people	71
Common robbery per 100,000 people	146
Aggravated robbery per 100,000 people	207
Business burglary per 100,000	221
Theft of motor vehicles per 100,000	253
Theft out of motor vehicles per 100,000 people	443
Residential burglary per 100,000 people	627
Theft of firearms per 100,000 firearms owned	665
Theft of motor vehicle per 100,000	1566
Theft out of motor vehicles per 100,000 vehicles	2745

However, if we compare these rates to other crimes against which this might reasonably be compared, it appears that the theft and robbery of motor vehicles, when compared to the number of vehicles registered in South Africa, is only a little more than twice the rate of theft of registered firearms.¹² The fact that, in terms of police statistics, a motor vehicle is twice as likely to be stolen as a firearm needs to be qualified in a number of ways. These include:

- By their nature, vehicles are much more frequently out of the direct supervision of their owners, creating many more opportunities for theft than ought to be the case for firearms;
- Further, given the requirements of researchers, it is also in the nature of vehicle theft for it to be a reasonably well-reported crime, suggesting that the number of stolen vehicles is less likely to be under-reported than is the number of lost and stolen firearms; and
- There is a reasonably large, though unquantified, amount of insurance fraud reflected in the statistics of stolen vehicles, possibly tending to inflate their numbers.

These qualifications would tend to suggest that the rate of theft of firearms is reasonably high relative to the rate of theft of vehicles. In any event, given that stolen firearms are

much more likely to be used in the perpetrating of violent crimes, the fact that they are stolen at rates that are comparable to those of stolen vehicles – the social consequences of which are nowhere near as severe – should be regarded as problematic.

3.4 International Rates of Firearm Loss

Although there are some methodological difficulties arising from the attempt to compare the rate at which licensed firearms are lost or stolen from gun owners in different countries, there is some evidence that South Africa fares rather poorly in this regard, coming in at third worst among the countries for which data were made available for a United Nations report on crime and justice. (Walker, 199: 156).¹³

4. The Docket Analysis

4.1 Introduction: The typical case

Although doing some violence to the nuances of the various types of cases which were recorded in the docket, based on our analysis, we are able to paint a picture of the typical case in which firearms are lost to criminals in South Africa:

In the average case, the complainant¹⁴ is an **African man** between 26 to 35 years old with a **licence to possess** a firearm issued between 1996 and 1998. The average victim was **robbed of the single pistol** that he was **carrying** by **2 or 3 robbers** while **alone** on a **street** in a **township or inner city** area. He was **unable to use his firearm** to defend himself. **No other goods** were stolen during the commission of the crime. The **police did not solve** the crime and **did not recover** the firearm.

This typical case recurred in the dockets on many occasions, and highlights some of the basic findings of the research we have completed. Although there are numerous qualifications to each of these findings which are discussed below, our basic findings include:

- The robbery, theft or loss of a firearm occurs overwhelmingly to male victims;
- The loss of a firearm, particularly during robberies, will generally occur out of doors;
- In robbery cases, the victim is almost always alone and there is almost always more than one robber;
- Although the robbers are often not themselves armed with firearms, the victim is almost never able to defend himself against them;
- Theft cases tended to be opened in relation to cases which happened in suburban areas, to middle class victims;
- Placing a firearm in a safe did not guarantee protection from theft by a burglar;
- Generally, it would appear that if a firearm has been lost, it will have been lost by someone who has been licensed to possess his firearm reasonably recently;
- Usually, nothing else is taken from the victim in the course of the robbery or theft;
- Robberies seldom result in negligence charges being put to the person who lost his firearm, although this is not the case for thefts;
- By their nature, these crimes are very difficult to solve; and

- In general, the firearm is not recovered.

In what follows, we present evidence to back up these findings, as well as presenting a more nuanced analysis of the data, pointing to differences between thefts, robberies and negligent losses, as well as to various other variations from the typical incident described above.

4.2 Basic Data

The analysis of case dockets relating to the theft, robbery or negligent loss of a firearm is intended to interrogate the hypothesis that it is difficult to ensure that that firearm does not fall into the hands of criminals who are seeking to dispossess its owner.

Type of case	
Robbery	508
Theft	348
Neg loss	283
N/A	16
Total valid	1155

Cases linked to negligent losses	
Robbery	26
Theft	147
Neg loss	26
N/A	84
Total valid	199

Number of crimes	
Cape Town	406
Durban	114
Johannesburg	498
Nelspruit	137
Total valid	1155

Of the 1,139 valid cases, 45% were robberies, 30% were thefts and 25% were negligent loss dockets, as reflected in the accompanying table. In 16 dockets the facts or handwriting were so unclear as to make it impossible to identify the character of the incident.

As was described above, the negligent loss of firearm dockets are opened when police officers suspect that the reported loss of a firearm was caused, in whole or in part, by the owner's negligent care of the weapon. That being the case, such dockets may well be opened after a complainant has reported his weapon stolen if the police believe that the fact that the weapon was stolen can be partially explained by the owner's negligence. There is, therefore, some double counting in the make-up of the cases which we have examined since many of the negligent loss of firearm dockets were linked to cases of theft or robbery. This double counting is by no means absolute because many of the negligent loss dockets refer to incidents and alleged crimes that had occurred prior to 1998.

Distribution of cases				
	Robbery	Theft	Loss	Total
Cape Town	81	128	182	391
Durban	54	52	7	113
Johannesburg	348	113	37	498
Nelspruit	25	55	57	137
Total	508	348	283	1,139

We looked at 1,155 cases of which 43% were in Greater Johannesburg, 35% in Greater Cape Town, 12% in and around Nelspruit and 10% in Greater Durban. This spread of cases is not intended to be representative of the distribution of cases around the country, reflecting, as it does, the uncertainties attendant on having to choose police stations without having an absolutely clear picture of the spread of these incidents around the country. That said, we looked at 17 police stations in all, including 7 which are located in townships, 7 which are in urban/suburban areas and 3 which are in rural areas.

Each research site evinced a different pattern of offences.

Nearly 70% of all robberies of firearm dockets studied were in Johannesburg. Victims in Johannesburg were much more likely to have suffered a robbery than other victims. Only in Johannesburg did the number of robberies significantly exceed the number of thefts, with the ratio of robberies to thefts at 3.1:1, exceeding the average at the other sites (0.7:1) by 450%. Victims in Nelspruit were by far the least likely to have been robbed (18% versus 48% in the other three sites), and, along with the victims in Cape Town, the most likely to be charged with negligently losing their firearm.

The prevalence of robberies in the mix of cases which Johannesburg's victims reported perhaps explains why Johannesburg's victims were the least likely to be charged with negligently losing their weapon (7% versus 38% at the other sites). Cape Town's victims were nearly four times more likely to have been charged with negligently losing their firearm (47% versus 13.5% average for the other sites). We will return to this matter below when we look at patterns of policing.

4.3 Demographics of Victims

4.3.1 Race

Of the 1,155 cases which we looked at, 872 contained data on the race of the complainant. Of these 66.2% were African, 22.5% were white, 8.4% were coloured and 3% were Indian.

If the victim were either African or Indian, he was far more likely to have been the victim of a robbery than were coloured and white victims. Only 25.8% of white victims had their firearms stolen from them in a robbery. Conversely, white and coloured victims were much more likely to have been accused of having lost their firearms negligently, with over 33% of white 'victims' being so accused.

This finding does need to be moderated, however, given the fact that while the race of the complainant was identified in 90% of the robbery cases reviewed, this was only the case in 50% of the negligent loss dockets. It is possible, therefore, that were the data on the race of complainants more complete, the large discrepancy between the average likelihood that a person lost his firearm in the course of a robbery and the likelihood that an African victim did so would be reduced. However, only if all the theft and negligent loss dockets for which there are no race data involved African victims would the proportion of African victims who were robbed be comparable to the overall average.

It seems, therefore, that, among our sample, Africans were a good deal more likely to have been robbed of their firearms than were other victims.

4.3.2 Gender

One of the most striking findings of the research is that the losing of firearms, irrespective of whether the firearm was stolen or misplaced, is a virtually exclusively male preserve.

Of the 1,155 dockets to which we had access, the gender of the complainant was recorded in 1,071 cases. All but 80 (or 7.5%) of these victims were male. Women victims were much less likely to have been robbed (26.2% versus 44.6%) and somewhat more likely to have reported a theft (40% versus 30.6%) than the overall average spread of the alternative types of crime.

4.3.3 Age

Forty-five percent of the victims of these crimes were between 26 and 35 years old, with a further 27% between 36 and 50 years old.

Age							
	<18	19-25	26-35	36-50	51-65	65+	Total
Number	2	156	462	275	113	18	1026
Percent	0.2%	15.2%	45.0%	26.8%	11.0%	1.8%	100.0%

4.3.4 Employment

Although it is not, strictly speaking, essential that a statement to the police by a complainant set out the complainant's employment status, police officers usually use the formula, "I, Mr. X, ID number xxx, living at xxx **and employed as a xxx at xxx** state under oath that ... " when completing the victim's statement. For that reason, it is often possible to identify the nature of the employment, or otherwise, of the person making the statement.

The fact that it is possible to identify the employment of the victim does not, however, mean that it is easy to define a set of categories which facilitate the collection of the data. We used six categories: police officer, security guard, 'white collar', 'blue collar', unemployed and not available. In relation to the first, second and fifth categories, it was relatively simple to determine whether a victim ought to be counted as a police officer, security guard or as an unemployed person. More difficult was the distinction between white and blue collar workers, a process which necessitated the researchers' using their best judgement. The idea, however, was to try to get some sense of the income status of victims of this crime in order to assess whether this was a problem confronted by people in particular income brackets, be they rich or poor. Naturally, because the researchers were required to use their judgement, errors could have been made, however, no more finely tuned instrument was readily available.

In addition to these categories, there were a few victims whose occupation was recorded as 'other'. These included 9 soldiers, 2 farmers and 1 student. These categories were not used by all the researchers, so the soldiers have been counted with the police officers, while the other three have been included among the white collar victims. While these changes make little difference to the overall analysis, it should be noted that the failure to count soldiers separately may mean that this category of employment was, in fact, represented more strongly in the overall picture than is reflected here, and that some soldiers may have been captured in the categories of white or blue collar worker.

Occupations		
Occupation	No.	Percent
Police & military	117	13%
Security guard	175	19%
White collar	243	27%
Blue collar	289	32%
Unemployment	85	9%
Total	909	100%

Of the 909 victims for whom we have data on their employment status, a surprisingly small proportion (9%) was unemployed, while the proportion of victims designated as 'white collar' is disproportionate to their make-up in the South African labour force. This suggests that this designation might have been used too liberally and/or that, the under-representation of the unemployed and the over-representation of white collar workers

reflects the distribution of firearms among income classes in South Africa.

It is particularly interesting to note that a fraction less than a third of all victims were police officers, soldiers or security guards. This is noteworthy as it suggests that the level of training which firearm-owners have does not materially affect the likelihood that they will lose their firearms to criminals.

That said, there is also a degree of double counting in the number of police officers registered as victims since people in this occupational class are the most likely to have negligent loss dockets opened against them even if they were to lose their firearms in circumstances which involved no fault on their part. Indeed, our data suggest that while police officers were somewhat less likely to have been robbed of their firearms than the average victim (38% versus 49%), they were more likely to have been charged with negligent loss (38% versus 22%). By contrast, security guards were much more likely to have been robbed than were other victims (63% versus 49%) and much less likely to have been charged with negligence (9% versus 22%). White collar victims were the most likely to have lost their firearms in a theft (37% versus 30%) and were also more likely to have been charged with negligence (29% versus 22%).

4.3.5 The licensee's licence

In theory, when the complainant informs the police of the loss of his firearm, he is supposed to present his licence and the officer ought to photocopy that licence as part of the statement. Whether through a lack of care or lack of appropriate resources, in many cases, a copy of the licences was not, in fact, contained in the docket.

What we were able to establish, however, was that, of the 513 dockets in which the type of licence was recorded, 94.1% were licences to possess, while the remainder were either dealer's licences or were authorities to possess a weapon based on the nature of the person's employment (such as being a security guard or police officer).

Of the 247 licenses of which copies appeared in the docket, 62% were issued between 1996 and 1998, suggesting that many of the complainants in these cases were reasonably recent licensees. In only a small minority of cases were the licences more than 5 years old.

Date of issue of licence	
Before 1990	15
1990	4
1991	9
1992	9
1993	14
1994	18
1995	25

1996	43
1997	53
1998	57
Total valid	247

It would also appear that the more recent the licensing of the firearm, the more likely it would have been for that weapon to have been stolen in the course of a robbery, while, conversely, the older the licence, the more likely the owner would have been to have lost it in a theft or to have been accused of having lost it negligently. This is somewhat surprising as one might have guessed that older licensees might have been more likely to have been targeted for robbery than younger licensees as they would also have been older people, with potentially slower reflexes. One might also have assumed that older licensees might have been more careful to ensure that they did not leave the weapon somewhere where it might be stolen.

4.4 Location of the Crime

Our data suggest that the loss of a firearm could be linked to a crime reported almost anywhere.

Of the 1,078 cases where the locales could be identified, over 74% were recorded as having taken place in townships or inner city areas – precisely the places where victims are most likely to feel unsafe, and the most likely, therefore, to feel the need for a firearm. It is, it appears, these areas in which criminals are also the most likely to obtain a firearm from their victim.

The bulk of the remainder of the lost firearms were linked to crimes in the suburbs and farms or small holdings (18 of the 44 in the category 'other'). Apart from farms and small holdings, other locales captured in the category 'other' include trains, highways and prisons.

Locale of crime		
Category	No.	Percent
Suburb	214	19.9%
Township	397	36.8%
Inner city	405	37.6%
Veld	18	1.7%
Other	44	4.1%
Total	1,078	100.0%

Importantly, it also appears that victims who report having lost their firearms in townships and inner city areas, as well as those who lost their firearms in 'veld' areas, are much more likely to have been robbed of it than other victims (54% to 24%). Victims who lost their

firearms in suburban areas were much less likely to report a robbery (20%) than victims in townships and inner city areas (54%), and much more likely to report a theft (39% versus 27%), suggesting that the nature of the problem of policing the possession and use of firearms is quite different in different kinds of urban environment. A particular problem in Cape Town, for instance, was the robbery of the firearms of complainants who had come to the inner city's entertainment district, or the theft of those firearms from the owner's vehicle. This latter also accounts for the bulk of the very large number negligent loss dockets opened at inner city police stations in Cape Town. The 33 negligent loss dockets opened in relation to cases in Cape Town's inner city represent 12% of all negligent loss dockets looked at, 18% of the negligent loss dockets examined in Cape Town, and 38% of the negligent loss dockets opened in the inner city areas of all research sites.

4.5 Place of the Crime

Over 72% of all the cases for which data were available occurred on the street, in private residences (the complainant's own, or the home of someone he was visiting), or in a business. Over 100 firearms (10.1%) were stolen from vehicles, while in 73 cases (6.8%) occurred in places which serve alcohol (termed 'venues' on the data sheet). The remainder were stolen at or from armouries (state and private security), railway stations (7), police stations (3), hospitals, hotels, prisons and other similar places.

Place of Crime		
Category	No.	Percent
Own home	250	23.3%
Another home	52	4.8%
Business	203	18.9%
Street	340	31.6%
'Venue'	73	6.8%
Vehicle	109	10.1%
Armoury	5	0.5%
Other	43	4.0%
Total	1,075	100%

Location by type of crime									
	Own home	Other home	Business	Street	'Venue'	Vehicle	Armoury	Other	Total
Robbery	25.0%	53.1%	56.3%	87.9%	62.7%	58.9%	25.0%	58.1%	61.6%

Theft	75.0 %	46.9 %	43.7%	12.1%	37.3%	41.1%	75.0%	41.9 %	38.4%
Total	100.0 %	100.0 %	100.0%	100.0 %	100.0 %	100.0%	100.0%	100.0 %	100.0 %
	Own home	Other home	Business	Street	'Venue'	Vehicle	Armoury	Other	Total
Robbery	8.5%	3.4%	17.1%	51.1%	7.4%	8.7%	0.2%	3.6%	100.0 %
Theft	40.6 %	4.8%	21.3%	11.3%	7.1%	9.7%	1.0%	4.2%	100.0 %
Total	20.8 %	4.0%	18.7%	35.8 %	7.3%	9.0%	0.5%	3.8%	100.0 %

If we exclude the cases where the 'complainant' is suspected of having negligently lost his firearm, which we will discuss below, a number of interesting features emerge. For instance, firearms that were lost from the owner's house were much less likely to have been taken in a robbery (25%) than the overall proportion of robberies in the mix of crimes (61.6%), while firearms stolen from the owner in the street were much more likely to have involved the use or threat of force (87.9%). In fact, 51.1% of all robberies took place on the street, generally in the course of a mugging where the owner of the firearm was significantly outnumbered, while only 11.3% of all thefts took place in the street.

These data confirm the common-sense insight that criminals who are willing to risk robbing an armed person are likely to do so at a place and time of their choosing, and to try to avoid robbing the person in circumstances where he has any tactical advantage.

Just less than 41% of all firearms stolen in thefts were stolen from the victim's home, with a further 21.3% stolen from a business.

Type of crime by locale and location										
		Own home	Other home	Business	Street	'Venue'	Vehicle	Armoury	Other	Total
Robbery	Suburb	1.5%	0.0%	1.0%	1.6%	0.1%	0.9%	0.0%	0.1%	5.2%
	Township	2.9%	1.9%	3.6%	13.4%	2.0%	1.7%	0.1%	0.7%	26.3%
	Inner city	0.7%	0.2%	5.5%	15.0%	2.1%	2.4%	0.0%	0.6%	26.5%
	Veld	0.0%	0.0%	0.0%	1.1%	0.0%	0.0%	0.0%	0.2%	1.4%
	Other	0.1%	0.0%	0.5%	0.4%	0.4%	0.4%	0.0%	0.5%	2.2%
Theft	Suburb	5.7%	0.0%	1.7%	0.5%	1.0%	1.0%	0.1%	0.0%	10.0%
	Township	7.4%	1.5%	1.4%	1.6%	0.5%	0.7%	0.0%	0.7%	13.9%

	Inner city	2.0%	0.4%	4.7%	1.9%	1.2%	1.7%	0.2%	0.2%	12.4%
	Veld	0.0%	0.0%	0.0%	0.2%	0.0%	0.0%	0.0%	0.0%	0.2%
	Other	0.5%	0.0%	0.4%	0.1%	0.0%	0.2%	0.0%	0.6%	1.9%
	Total	20.8%	4.0%	18.7%	35.8%	7.3%	9.0%	0.5%	3.8%	100%

The table above highlights all those instances when the combination of location and locale contributed more than 5% of the total number of firearms stolen in robberies or thefts.

As the table above reflects, over 52% of all lost firearms were lost in robberies in the inner city or in townships, while a further 26% were lost in thefts in those areas. Over 41% of stolen firearm cases could be accounted for by robberies in the streets of the inner cities or township areas, or in thefts from the homes of suburban or township residents. Thefts from businesses in the inner city and robberies in the homes of township residents also contributed a significant proportion of the cases.

4.6 Location of Firearm

We defined six descriptors of the whereabouts of the firearm at the time of the crime: on the complainant, in a cupboard or other furniture, in a safe, in a bag or case, in a vehicle or in/on/under the bed. We also left an unspecified category of 'other'.

A fraction less than half of all firearms lost were on the owner's person at the time of its loss, a further 11 or 12% of all cases accounted for by each of the categories 'furniture', 'safe' and 'vehicle'. The next most frequent category of cases was those where the firearm was in a bag that the 'victim' was carrying.

Location of firearm		
Category	No.	Percent
On person	528	49.5%
Cupboard	126	11.8%
Safe	129	12.1%
Bag	91	8.5%
Vehicle	127	11.9%
Bed	25	2.3%
Other	40	3.8%
Total	1,066	100%

The data here suggest that in half the crimes studied, the firearm was located in a position where it would not have been possible to access quickly in the case of an emergency. However, the fact that the victim had a firearm in his possession at the time of the crime

seemed not to result in the victim's being able to ward off the crime, or to defend himself (see below). Moreover, the surprisingly high number of cases in which the victim claimed that his firearm was located in his safe suggests either that the use of a safe for the storage of a gun does not result in the gun's safety being assured, or that victim's are exaggerating the care that they are taking of their firearms in order to avoid being charged with negligence.

Type of crime by location of firearm								
	On person	Cupboard	Safe	Bag	Vehicle	Bed	Other	Total
Robbery	88.4%	28.2%	19.2%	22.6%	27.9%	18.2%	16.1%	61.0%
Theft	11.6%	71.8%	80.8%	77.4%	72.1%	81.8%	83.9%	39.0%
Total	100%	100%	100%	100%	100%	100%	100%	100%
	On person	Cupboard	Safe	Bag	Vehicle	Bed	Other	Total
Robbery	88.4%	28.2%	19.2%	22.6%	27.9%	18.2%	16.1%	61.0%
Theft	11.6%	71.8%	80.8%	77.4%	72.1%	81.8%	83.9%	39.0%
Total	58.0%	8.8%	12.9%	6.6%	8.4%	1.4%	3.9%	100%

If we look at the break-down of types of crime against the location of the firearm at the time of its being lost, we find that 88.4% of all the firearms stolen from people who were carrying them at the time were stolen in robberies, while 84.1% of all robberies of firearm occurred when the victim had his firearm on his person. This suggests that the presence of a firearm was not all that intimidating for robbers, and, indeed, as we will see below, there is some evidence that the victim's firearm was the target of the robbery in many cases.

At the same time, however, there is also evidence that criminals are able to steal firearms that are not being carried by their owners. Nearly 13% of all firearms stolen were in safes at the time, and, almost 27% of firearms stolen in thefts were being kept in the owner's safe. A further 16.2% of all firearms stolen in the course of a theft were being kept in a cupboard at the time of their being stolen, while a remarkable 15.6% of guns stolen in thefts had been left unattended in the owner's vehicle.

4.7 Details of the Stolen Firearms

In the vast majority (96.2%) of cases for which data are available, only one firearm was stolen. In a further 2.6% two firearms were stolen and in 0.6% were three stolen. The remaining cases all involved more than 3 firearms, with one case involving 7 firearms being stolen from a gun dealer.

In 76% of the cases, the firearms stolen were pistols, with a further 20% being revolvers, and the remainder split between rifles, shotguns and combinations of two or three of these categories. This represents a significant over-representation of pistols which only make up about 42.7% of the licensed firearms in South Africa, and a significant under-representation of shotguns and rifles which make up 10% and 28.3% of all licensed firearms respectively (Chetty, 2000: 34). This result reflects both the circumstances of the crimes (typically urban

muggings) as well as the preferences of the criminals.

Type of firearm		
	No.	Percent
Pistol	799	76%
Revolver	215	20%
Rifle	11	1%
Shotgun	17	2%
Other	10	1%
Total valid	1,052	100%

Although there was quite a large degree of uniformity in the types of firearms lost by the various occupational classes reflected in our data, it is significant that all the rifles and shotguns stolen were stolen from security guards or white collar victims. Given the nature of when these victims are likely to have these weapons on their person, it is not surprising that, (with one exception) the white collar victims lost these weapons in the course of thefts, while the security guards lost them in the course of robberies (again, with one exception). The key finding here is that the nature of the firearm stolen depends almost entirely on what firearm is available to be stolen.

Type of firearm by occupation of victim					
	Pistol	Revolver	Rifle	Shotgun	Total
Police & soldier	87%	13%	0%	0%	100%
Security guard	76%	16%	3%	5%	100%
White collar	70%	27%	1%	3%	100%
Blue collar	79%	20%	0%	0%	100%
Unemployed	84%	16%	0%	0%	100%
Total	77%	20%	1%	2%	100%
	Pistol	Revolver	Rifle	Shotgun	Total
Police & soldier	11%	7%	0%	0%	10%
Security guard	22%	18%	67%	53%	22%
White collar	22%	34%	17%	33%	25%
Blue collar	34%	33%	17%	13%	33%
Unemployed	11%	8%	0%	0%	10%

Total	100%	100%	100%	100%	100%
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The average value of the firearms lost in the course of these crimes was R2,137, with the largest number being valued between R1,000 and R1,999.

Value of firearm								
	R500	R500 - R999	R1,000 - R1,999	R2,000 - R2,999	R3,000 - R4,999	R5,000 - R10,000	R10,000 +	Total
Number	4	126	413	185	111	26	4	869
Percent	0,5%	14.5%	47.5%	21.3%	12.8%	3.0%	0.5%	100.0%

4.8 Was Anything Else Stolen?

One of the most surprising findings of the research was that in the majority of cases, nothing other than the firearm is reported by the complainant to have been stolen, not even money.

In only 33.9% of all the cases was anything other than the firearm reported as having gone missing. This finding was relatively robust in relation to the type of crime reported, the place where the firearm was lost, the occupation of the victim and the location of the firearm.

- In 39.6% of robberies, 30.2% of thefts and 29.7% of negligent loss cases were other goods stolen.
- Goods other than the firearm were most likely to have been stolen if the firearm was stolen either from the owner's home (45.4%) or from his car (51.5%), with the latter including a number of hijackings in which the victim's firearm was removed along with the vehicle. Surprisingly, if a firearm was stolen from a business, there was no greater likelihood that other goods or money would also be stolen than was the likelihood of this happening at other places.

Were other goods stolen?									
	Own home	Other home	Business	Street	'Venue'	Vehicle	Armoury	Other	Total
Other goods stolen	45.4%	26.8%	36.2%	37.5%	31.9%	51.5%	20.0%	37.5%	39.5%
No other goods stolen	54.6%	73.2%	63.8%	62.5%	68.1%	48.5%	80.0%	62.5%	60.5%

Total	100.0	100.0	100.0%	100.0	100.0	100.0%	100.0%	100.0	100.0
	%	%		%	%			%	%

- Firearms stolen from safes, bags and vehicles were most likely to be stolen along with other goods. In general, however, no matter where the firearm was located at the time of the crime, in the majority of cases no other goods were stolen.

Were other goods stolen?								
	On person	Furniture	Safe	Bag	Vehicle	Bed	Other	Total
Other goods stolen	35%	38%	53%	52%	49%	22%	11%	39%
No other goods stolen	65%	62%	47%	48%	51%	78%	89%	61%
Total	100%	100%	100%	100%	100%	100%	100%	100%

- Although less than half of the total number of white collar victims reported that they had had other property stolen at the time of the crime, the likelihood that they had was greater than for all the other occupational classes considered, largely because they had lost a larger proportion of firearms during the course of thefts at their homes. Security guards, by contrast, were the least likely to report that they had had other goods stolen from them.

Other goods, occupation and crime							
	Other goods stolen?	Police & soldier	Security guard	White collar	Blue collar	Unemp.	Total
Robbery & theft	Yes	35%	23%	46%	36%	26%	34%
	No	65%	77%	54%	64%	74%	66%
	Total	100%	100%	100%	100%	100%	100%

The upshot of these data is that for crimes in which a firearm is stolen, it is surprisingly uncommon for other goods to be stolen too. This finding suggests that the firearm stolen in the course of a crime, far from intimidating the offender, may, in fact, be the target of the criminal. That criminals are not afraid of gun-carrying victims is a finding confirmed by the data relating to the extent to which gun-owners were able to defend themselves with their weapons.

5. Robberies and the Victim's Ability to Defend Himself

Robberies of a firearm are, on the face of it, a peculiar crime since the victim must have had access to a firearm at the time of the crime, and yet was unable to defend himself against the robber/s. It is, therefore, a class of crime which has the potential to tell us something

about the utility of having a firearm when confronted by criminals.

That said, in the nature of things, the cases we are looking at here are self-evidently ones in which the victims have been unable to defend themselves. They tell us, therefore, only part of the story about the likelihood, or otherwise, of defending oneself with a firearm.

Our data tell us a number of things about robberies.

The first, and most surprising, is that, in our sample, robberies of a firearm out-number thefts by 1.46:1 (see section 4.2 above), despite the fact that burglaries outnumber robberies 2.4:1 in South Africa (see section 3.2 above). This suggests that the mode in which firearms are transferred from legal to illegal ownership most frequently is precisely that in which the risk to the criminal ought to be highest **despite the fact that there are more recorded burglaries than robberies than in South Africa**. Criminals, it appears, do not enjoy anything like the success of obtaining firearms in the course of burglaries that they do in the course of robberies.

Given that robbery is the revealed preference of criminals seeking to obtain a firearm, the second phenomenon revealed by the data is that muggings are by far the most common mode of firearm robbery, with over 51% of all firearm robberies taking place in the street (section 4.5).

Moreover, these muggings take a particular form: the offenders, who are sometimes not armed with firearms themselves, outnumber the victim. Indeed, on average, the number of robbers is just a little more than the number of robbery victims at the scene of the crime. It is interesting to note that of all the occupational classes which were recorded, police officers who were robbed of their firearms were the least likely to have been alone at the time (51% versus 70% average).

Protagonists at the scene of robberies					
Number of victims	Cases	Percent	Number of perpetrators	Cases	Percent
1	353	70.0%	1	70	13.8%
2	93	18.5%	2	158	31.2%
3	35	6.9%	3	154	30.4%
4	14	2.8%	4	70	13.8%
5	6	1.2%	5	26	5.1%
5+	3	0.6%	5+	29	5.7%
Total	504	100.0%	Total	507	100.0%
Average	1.48		Average	3.00	

The fact that robbers would seek to outnumber their victims is hardly surprising as it would tend to make it much more difficult for the victim, who is, after all, armed, to defend himself from the attack.

The fact that robbers outnumber their victims also helps to account for another surprising finding: a large proportion of victims who lose their firearms in robberies are confronted by robbers who are not, themselves, armed. Indeed, in more than a third of all robbery cases in which the nature of the weapon used was clear, the robbers used either a knife, a blunt object, or simply held the victim while removing his firearm.

Weapons used by robbers			
Firearm	Knife	Hands or blunt object	Total
274	41	101	416
66%	10%	24%	100%

That these tactics work is evidenced by two other findings:

- In general, robbers did not have to resort to firing their weapons to get their victims to comply, doing so in only 45 of the 274 cases in which they were armed (16.4%); and
- Victims were able to fire their own weapons in their own defence in only 8 cases (1.6%) of the 508 robberies.

It should also be noted that while victims confronted by armed robbers stood a 16.4% chance of being fired on, those who fired their own weapons were shot at 37.5% of the time. This finding is similar to the findings of previous research into gun crime in Alexandra and Bramley which found that armed victims were four times more likely to lose their firearms than to use them in self-defence, and that those who did defend themselves were four times more likely to be fired upon than were their more compliant peers (Altbeker: 1999).

6. Policing of the Loss of Firearms

6.1 Introduction

There are three issues relating to the policing of the loss of firearms which we are able to assess on the basis of our docket analysis: the manner in which cases are closed; the extent to which negligent loss of firearm charges are put to people who lose their firearms; and the proportion of firearms which are recovered.

6.2 The Closure of Dockets

6.2.1 Introduction

As described in section 2 above, researchers can access only dockets which have been closed by the police since accessing those dockets that are still under investigation could undermine the investigation if the researcher's actions led either to the identification of informers or to the losing of crucial documentary or other evidence. Although there was no prospect of obtaining the identity of an informer in these cases since, by their nature, the investigation of these cases does not involve the use of informers, the SAPS correctly limits

access to those cases which are open so as not to interfere with the work of the investigating officer.

In order for a docket to be formally closed, an official reason needs to be provided. These reasons fall into six categories:

- If the investigating officer has not been able to obtain sufficient evidence against anyone to make an arrest, and if there are no live clues on which to continue his investigation, through his commanding officer, the case can be closed **undetected**.
- If the complainant in a case subsequently chooses to withdraw the allegation – which he might do in those cases in which the offender is known to him and has made some kind of reparation, or if the complainant discovers that he was in error when he opened the case in the first place – he fills out a notice of withdrawal, and the case is closed as **withdrawn**;
- If, on investigation, the investigating officer discovers that the allegation made by the complainant either does not constitute a crime or is not based on the facts of the matter, the case can be closed as **unfounded** or **false**;
- If an arrest is made, and the case is taken to court, but the prosecutor chooses not to proceed, either because he believes that there is insufficient evidence against the arrestee or because he doubts that the actions or omissions of the arrestee constitute a crime, the case can be closed **withdrawn in court** (a form of closure that is also used if the magistrate or judge strikes a case off the roll for whatever reason);
- If an arrest is made and results in a conviction, the case is closed as a **conviction**;
- and
- If a case is taken to court, but the arrestee is acquitted, the case is closed as an **acquittal**.

6.2.2 Findings

Of the 1,124 cases for which we have data on the closure of dockets, 60.8% were closed undetected, 21.9% were withdrawn in court, 8.6% resulted in a conviction, 7.7% were withdrawn by the complainant, 0.7% resulted in an acquittal, and 0.3% were closed as unfounded.

Closure of cases	
Category	Number
Undetected	683
Withdrawn	87
Unfounded	3
Withdrawn in court	246
Acquittal	8
Conviction	97
Total	1.124

Because the charge of negligence is laid by a police officer against a 'suspect' who must already be known to the police, such cases ought never to be withdrawn as undetected. Negligent loss cases ought to be withdrawn only by the prosecutor if he determines that the facts of the matter do not warrant a prosecution. It is for this reason that, although undetected cases form the clear majority of all docket closures, in the case of negligent loss dockets, the majority of cases are withdrawn in court. Indeed, that there were any charges of negligent loss closed as undetected reflects either poor record-keeping or that, between the opening of the charge, and the finalisation of the case, the suspect's circumstances changed, and the police were unable to trace him.

Closure of dockets by crime type				
Category	Robbery	Theft	Loss	Total
Undetected	88.9%	63.6%	6.1%	61%
Withdrawn	4.0%	14.4%	6.5%	8%
Unfounded	0.2%	0.6%	0.0%	0%
Withdrawn in court	4.2%	16.1%	61.0%	22%
Acquittal	0.4%	0.6%	1.4%	1%
Conviction	2.4%	4.7%	24.9%	9%
Total	100.0%	100.0%	100.0%	100.0%

That robbery and theft dockets are generally closed undetected, and result in the fewest convictions, reflects the difficulty of solving cases where the crime is committed by a stranger. In such circumstances there is generally very little evidence on which to work, and police workloads and organisational practices dictate that little time is spent on such cases. Instead, the details of the firearm are recorded, and if it is ever recovered (see below) the case can be reopened and the investigating officer can try to link the person found in possession of the firearm to the original theft/robbery of that firearm.

In general, where arrests were made and convictions were obtained, the identity of the suspect was known to the complainant at the time of laying the complaint. This would usually occur when a friend or family member of the victim was thought to have stolen the firearm. This explains why the proportion of thefts resulting in an arrest and conviction was somewhat higher than the proportion of robberies, as well as why over 14% of theft cases were subsequently withdrawn by the complainant.

6.3 The Recovery of Lost and Stolen Firearms

Of the 1,155 cases which we reviewed, there was evidence in 146 (12.6%) that the firearm was subsequently recovered by the police.

As one would expect, however, the fact that a firearm was recovered significantly increased the likelihood that that the robbery or theft of that firearm would result in the conviction of an offender. Indeed, in some instances, where the crime was committed by a person familiar to the victim, the recovery of the firearm was a result of the victim's being able to

identity both who had taken the firearm, and, therefore, who was in possession of it. Cases in which the firearm was recovered but no conviction was obtained were cases in which the complainant withdrew the charge, acknowledged that the complaint had been laid in error (both unfounded robbery cases fell into this category), or where the person in possession of the firearm at the time of its recovery could not be linked to the original theft of the weapon.

Closure of dockets if firearm is recovered				
Category	Robbery	Theft	Loss	Total
Undetected	49%	36%	0%	33%
Withdrawn	28%	32%	10%	26%
Unfounded	2%	0%	0%	1%
Withdrawn in court	11%	24%	73%	30%
Acquittal	4%	2%	3%	3%
Conviction	6%	6%	13%	8%
Total	100%	100%	100%	100%

6.4 The Utilisation of the Negligent Loss of Firearms Charge

6.4.1 Introduction

Given the role that firearms can and do play in a violence-prone society like ours, the licensed firearm owner has a special duty of care to exercise over the way in which he uses his firearm, how he controls access to that firearm, and whether and when people other than himself might gain control over it. It is, therefore, not unreasonable that when and where the owner's actions or omissions have facilitated the criminal's obtaining a firearm, that that owner should account to society for his actions and, where appropriate, serve a suitable punishment.

There are, in essence, two ways in which the current legislation provides for this: on the one hand, an owner who has shown himself to be either irresponsible or a likely user of the firearm in illegal ways can be deemed unfit to possess a firearm by the courts, or, in some cases by senior police officers; and, on the other, the police can charge the owner with the negligent loss of his firearm. While this research has nothing to add to our current, albeit limited stock of data concerning the former process, we have looked at some aspects concerning the latter process, and it is to these matters that we now turn.

6.4.2 Findings

Of the 1,155 cases which comprise this research, 283 (24.8%) were negligent loss of firearm dockets. In 199 of these cases, we were able to link the alleged negligence to another case. Of these, 147 (73.8%) were thefts, and 26 each (13.1%) were robberies and other cases of negligent loss. It is apparent, therefore, that the bulk of negligence cases are opened after a complainant reports the theft of his firearm, and reflect the suspicion in the

mind of the investigating officer that the complainant's actions or omissions were partly to blame for the loss of the weapon.

As reported above, however, in 61% of the 277 negligent loss dockets, the charge was withdrawn by the prosecutor, while in a further 12.6% the cases was withdrawn by the investigating officer or was closed undetected. In only 24.9% of the cases in which the docket was opened did the case go all the way through the judicial process and result in a conviction.

There were, however, some marked differences between the sorts of cases in which a charge of negligence would be laid and those in which no such charge was laid.

As demonstrated above, victims in robbery cases were not charged with the negligent loss of their firearm unless the victim was a police officer. This explains why police officers were almost twice as likely to be charged with the negligent loss of their firearm than were any other occupational class (37.6% versus 19.4%). Obviously, this fact does not reflect a finding that police officers are, on the whole, more negligent than their peers in other occupational classes, but that police organisational discipline requires that when an officer loses his weapon a case of negligence be investigated. These cases were generally withdrawn by the prosecutor after a review of the facts of the case suggested that they could not sustain a case of negligence.

There was a great deal of regional variation in the laying of negligence charges against the accused. Whereas negligence cases made up nearly 47% of the cases in Cape Town, and nearly 42% in Nelspruit, in Johannesburg and Durban these proportions were 7% and 6 % respectively. Indeed, negligence cases in Cape Town made up nearly 65% of the total number of negligence cases reviewed.

Distribution of cases				
	Robbery	Theft	Loss	Total
Cape Town	20.7%	32.7%	46.5%	100.0%
Durban	47.8%	46.0%	6.2%	100%
Johannesburg	69.9%	22.7%	7.4%	100%
Nelspruit	18.2%	40.1%	41.6%	100%
Total	44.6%	30.6%	24.8%	100%

In part, this regional differentiation was a result of the differing character of the crimes committed in those areas. Thus, because Johannesburg had such a high proportion of robberies in its mix of crimes, one would expect it to have had proportionately fewer cases of negligence. The regional variation in the mix of cases does not, however, fully account for the number of negligence cases opened.

If we compare the number of negligence cases opened per theft reported, very wide differences emerge between Cape Town and Nelspruit on the one hand, and Johannesburg and Durban on the other. Whereas in Cape Town, 1.42 cases of negligence were opened for

every case of theft, in Johannesburg and Durban, the proportion was less than one case opened for every three cases of theft. These differences reflect either different patterns of applying the law prevalent in different areas, or differences in the sorts of theft cases being opened in the various regions.

Negligence case per theft	
Cape Town	1.42
Durban	0.13
Johannesburg	0.33
Nelspruit	1.04
Average	0.81

However, we can make the following findings about negligence cases:

- Because crimes committed in suburbs were more likely to have been thefts than elsewhere, cases referring to crimes in the suburbs were also more likely to be cases of negligence than elsewhere (41% versus 17%).
- Crimes committed against police officers and white collar victims were more likely to be negligent loss cases than crimes committed against others (36.6% versus 19.4%, and 28.8% versus 15.2% respectively) and, white collar victims and police officers together were more than three times as likely to have been accused of negligence than other occupational classes (31.7% versus 10.5%).
- A firearm stolen from a victim while it was on his person was the least likely to result in a charge of negligence (9.7% versus 17.7%) for other locations. The same was true for firearms stolen from safes (10.2% versus 20.6%).
- Forty to fifty percent of firearms stolen from cupboards, vehicles, bags and beds were linked to negligence cases compared to 9% for all other locations.
- Because these various factors are associated with the circumstances in which the victim was victimised, which is, in turn a function of wealth, white victims, who were proportionately more likely to be victims of theft from their homes in the suburbs than anyone else, were also the most likely to have been charged with negligence.

7. Conclusion

There can be little doubt that South Africa faces enormous challenges in its efforts to reverse the high levels of violent crime which are our inheritance of decades of injustice, underdevelopment, repression and revolution. These problems cannot be resolved simply by fiat, but require the long, hard work of developing and implementing a set of purposeful and appropriate strategies. Much work still needs to be done.

In developing and implementing our strategies, we ought not to promise or expect great improvements in safety and security from any single intervention, or even from the whole set of all of our interventions, for the problems we face arise from fundamental problems in our social structures.

At the same time, we cannot leave to the future and the potentially ameliorating effects of democracy and development on levels of crime and violence, we must also act in the short- and medium-terms. The question arises, however, as to where those short- and medium-term interventions ought to be focussed.

One area which has received attention in recent years has been the level of firearm crime and its relationship to high levels of firearm ownership and easy access to such weapons. While there has justifiably been no debate over the merits of seizing/recovering illegally-held firearms, policy debate in this regard has focussed on the extent to which the tightening of the regulations on the use and possession of firearms might impact on levels of crime. This debate has focussed on three issues:

- The degree to which legally-owned firearms are used in the commission of crimes, be they domestic or predatory;
- The degree to which possessing a firearm legally helps to protect the owner; and
- The degree to which the pool of legally-owned firearms is the source of the weapons used by criminals

These questions are vexed, and the lack of definitive answers reflects both the complexity of the issues and the absence of sound data. It was in this context, that we embarked on our research in an effort to establish the nature of the circumstances in which legally-owned firearms are stolen or lost, in order to pose as a question whether duly licensed firearm owners in South Africa treat their firearms with the requisite degree of responsibility.

To this question, we are unable to provide an unqualified answer.

Yes, there are many cases in which the owner's actions or omissions can be said to have played a role in facilitating a criminal's accessing of the weapon. These included the cases where the firearm was left unattended in the owner's car, or where, as was the case in some instances, a (probably inebriate) owner left his weapon in the toilet of a bar or tavern, or where the firearm was not locked in a safe, but was, instead, left in a cupboard. Indeed, it is our overwhelming sense that there are no foolproof ways in which to ensure that a firearm cannot be taken from its legal owner.

At the same time, however, in the majority of cases, the firearm owner lost his weapon because there was nothing he might have done to prevent such a loss. People carrying guns on them in the streets of the city centre are not behaving irresponsibly since, under current legislation, such activity is perfectly legal. But there is little they can do when suddenly confronted by a group of muggers demanding the weapon. Unless the gun is in his hand, ready for use, there is little that one might plausibly ask him to have done differently that might have prevented the crime. Such cases do not reflect irresponsibility on the part of the firearm owner, but the impossibility of defending oneself from determined attack by a larger group of robbers who have had the massive tactical advantage of selecting the time and place of the attack, and taking the victim by surprise. It is perhaps for these reasons that criminals, who presumably are as interested as everyone else in their own safety, selecting this modus operandi in their efforts to obtain a weapon.

It was this kind of case – muggings of single firearm owners by groups of robbers – which

was by far the most common form of crime in the sample. There is little tactical advice that might be given, and, therefore, few policy interventions that might be proposed which could help to prevent the transfer of firearms from their legal owners to criminals under such circumstances short of prohibiting the carrying of weapons in public.

Although unable to provide a definitive answer to the question of the owner's culpability in the loss of his weapon, we were able to infer other significant conclusions. Amongst these, perhaps the most interesting and worrying was the extent to which the owner's firearm appeared to be the sole target of the theft or robbery. This phenomenon is highly significant, and is borne out by the large proportion of cases in which nothing else was reported taken, as well as the fact that in a third of all robberies the criminals themselves were not armed with a firearm.

This suggests that criminals want guns and are prepared to take some chances to get them. If this is the case, the problem of containing the transfer of weapons from legal to illegal ownership is, indeed, severe since it is an axiom of the security industry that little can be done to prevent a criminal's getting what he wants if he is prepared to raise the level of violence used in the commission of his crimes.

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Notes:

¹ Note on Terminology: An irritating aspect of this research is the absence of an appropriate set of terms to capture some of the nuances of the findings. The most pressing of these problems arises when one tries to refer to all the cases in which a legally-owned firearm is 'lost'. As will become apparent below, firearms are 'lost', in three ways: they are (i) stolen in the course of thefts, (ii) stolen in the course of robberies and (iii) misplaced. In some cases, therefore, the term 'lost' (or words based on the same root) is used in an inclusive sense to mean firearms lost in the course of robberies and thefts, as well as firearms that are lost when they are misplaced. In other cases, the term 'lost' applies only to those firearms which

have been misplaced. In the latter case, the term will generally be qualified with the adjective 'negligently' or some similar construction. The reader's indulgence is begged in this regard, and we hope that this phraseology will not overly confuse matters.

² Although it is generally preferable to use more inclusive terminology, for the purposes of this report, the male form of the pronoun will be used. This choice is made primarily because it leads to less contrived grammar, but is also justified in the case of this research by the overwhelming male domination of the categories of complainant, offender and investigating officer.

³ In cases involving police officers, it is usually standard practice to open a negligent loss of firearm docket against the officer who has lost his firearm, and for its being withdrawn by a prosecutor if he believes that the circumstances under which the complainant lost his firearm did not involve negligence on the part of the officer. It is for this reason that negligent loss dockets make up a significantly larger portion of the cases involving police officers than they do for other occupational classes (see below).

⁴ As is common in this kind of research, we have chosen not to name the stations at which the research was undertaken.

⁵ The research team would like to convey its thanks and appreciation to the officers at the Head Office, Provincial and Area Offices, and at the relevant stations for the cooperation and assistance which they evinced in the course of the research. Patently, without their help, this report would not have been possible.

⁶ Some evidence for this is provided by Hansman and Hennop (1999) who report that a little more than 9% of the firearms the details of which the ISS sought to audit on behalf of the Central Firearms Registry were not in the owner's possession, and that many were reported to have been lost, stolen or sold.

⁷ There were a small number of cases in the sample in which the firearm was 'stolen' by a relative of the owner because the owner was alleged, by the perpetrator, to have been using it in a threatening manner.

⁸ The fact that a firearm was subsequently recovered does not, of course, mean that it could not have been used to commit crimes between the time it was stolen and the time it was recovered.

⁹ While it is true that the attempted murders may have happened whether or not a firearm was present (though they may have been deemed assaults rather than attempted murders), this is very unlikely in the case of murders because the impact of a gun relative to other weapons almost always increases the risk of death. In effect, if murderers had had no firearm, their victims are more likely to have survived the attack.

¹⁰ Given that 5,045 robberies of firearm were recorded nationally in 1998, however, it would appear that our sample contains a fraction over 10% of these cases, making it very likely that its findings are reasonably representative of the full population of these

incidents.

¹¹ Chetty (2000: 34) reports that there were 142,670 licenses issued in the first nine months of 1999, suggesting that there might have been 111,000 licenses issued between the end of 1998 and the end of July 1999. Thus, one could reduce the number of firearms licensed in South Africa in 1998 by about 111,000. We have chosen not to do this, but, were we to, it would increase the rate at which licensed firearms are lost relative to the number of firearms owned.

¹² According to the National Association of Automobile Manufacturers of South Africa, there were 6,865,000 cars, commercial vehicles and other motor vehicles registered in South Africa in 1998 (Naamsa: 2000).

¹³ The data reported in Walker (1999) refer to 1995, however, in order to remain consistent with the rest of this report, we have used South African data from 1998. Given the difficulties of making inter-country comparisons, comparing these data to data from other countries from 1995 ought to make little difference since it is unlikely that these patterns have changed all that much in most of the countries used for comparative purposes.

¹⁴ Strictly speaking, it is inappropriate to refer to these cases as all involving 'complainants' and 'victims' since the negligent loss of firearm dockets are opened when the person who lost the firearm is thought to have played a role in the loss of the firearm, be it from his actions or inactions. In such cases, it stretches the meaning of the word to call such a person a 'victim' or 'complainant'. We have used this terminology to try to reduce unnecessary clumsiness in the argument.