

**Prosecution-led
investigation:
An innovative approach
from South Africa**

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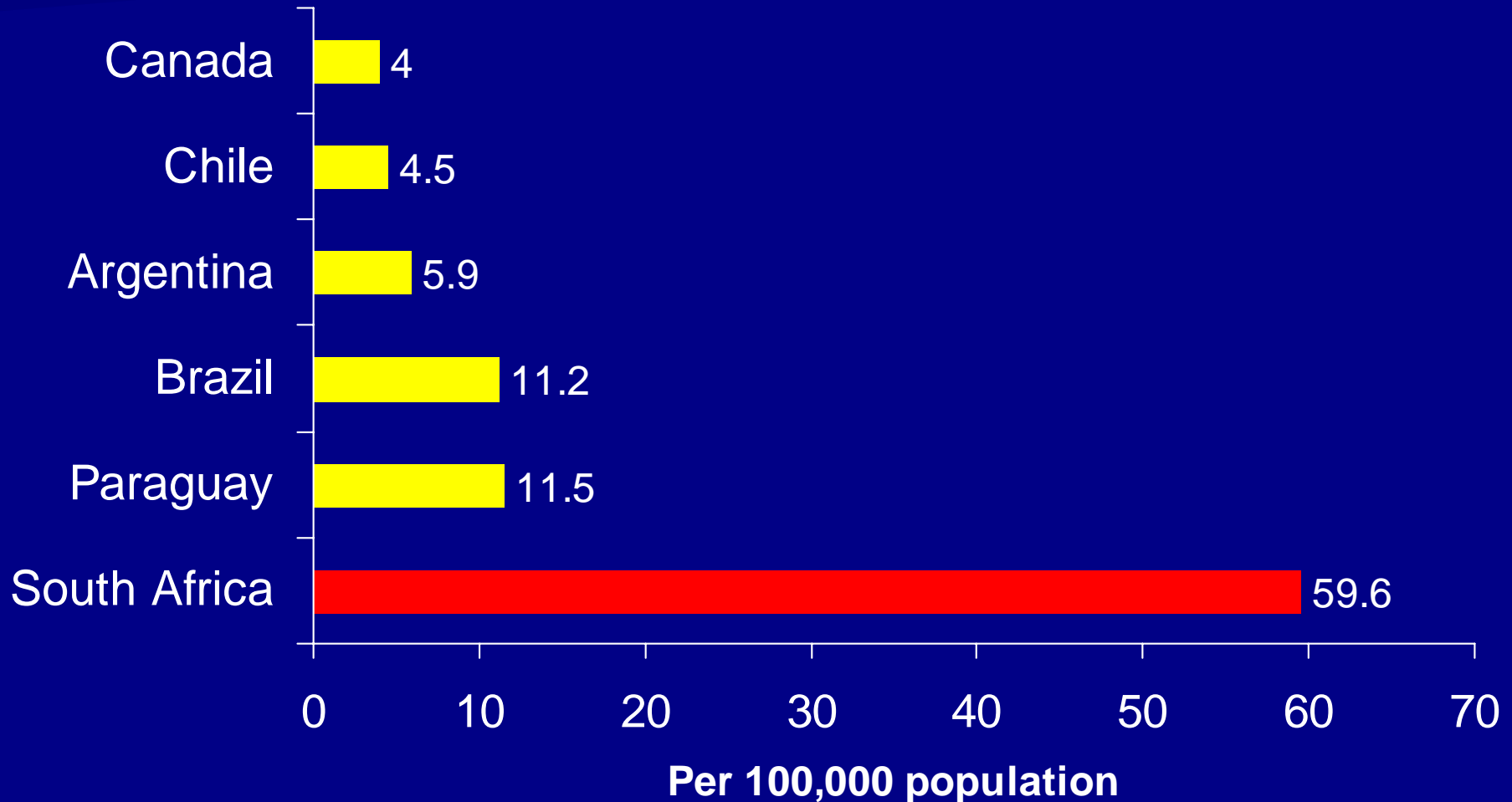
South Africa: An overview

- Long history of racial tension, political violence & repressive criminal justice system.
- Constitutional democracy since 1994.
- Population of 47 million, of which 55% urban.
- High levels of inequality & unemployment.
- Post-1994 period of political stability & economic growth.
- High levels of violent crime.

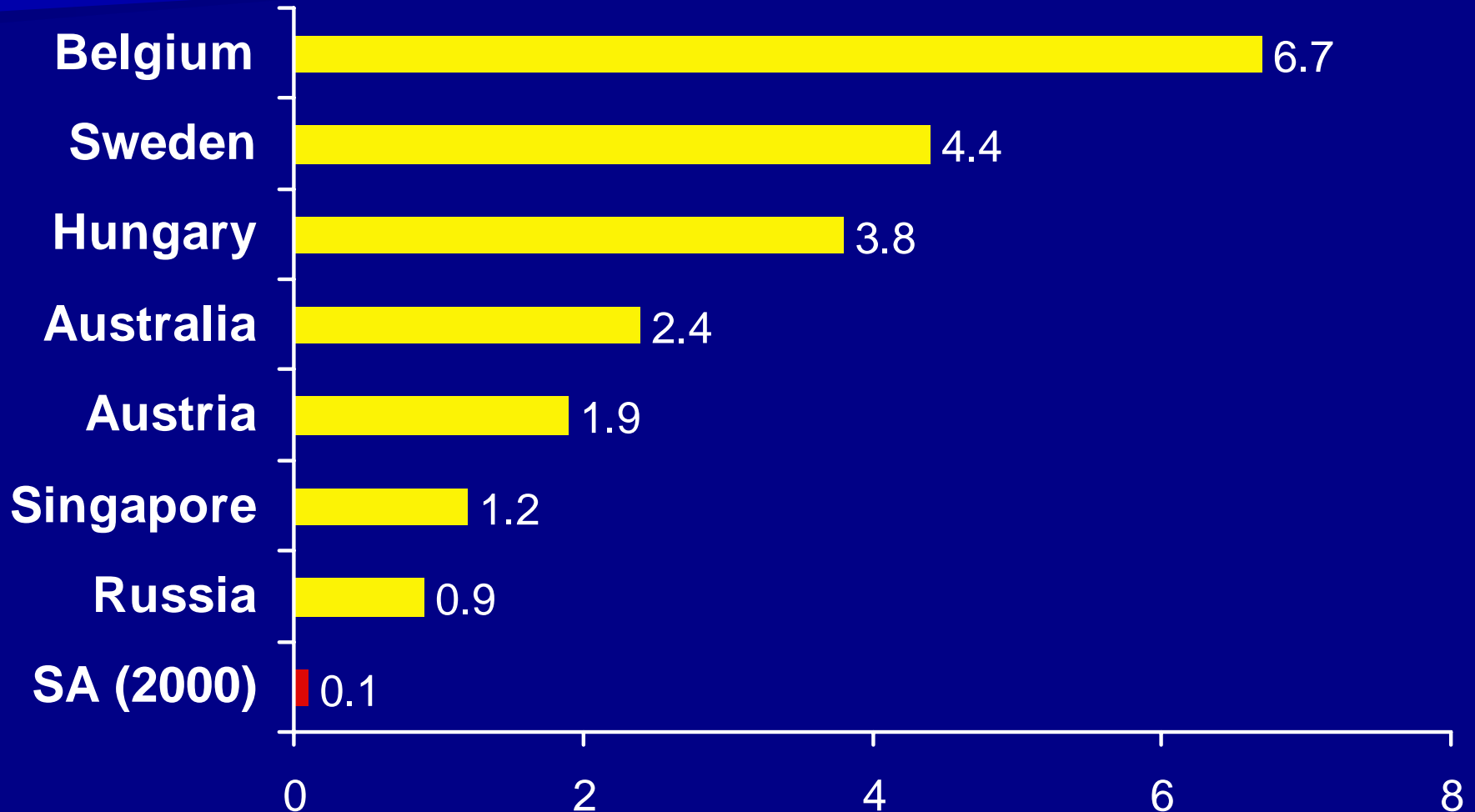
National Prosecuting Authority

- National Prosecuting Authority (NPA) established in 1998.
- National Director of Public Prosecutions appointed by President for 10-year term.
- Nine Provincial Directors of Public Prosecutions.
- 2,800 prosecutors in South Africa.
- Challenges for NPA: high crime; low morale; rapid staff turnover; new laws & political environment.

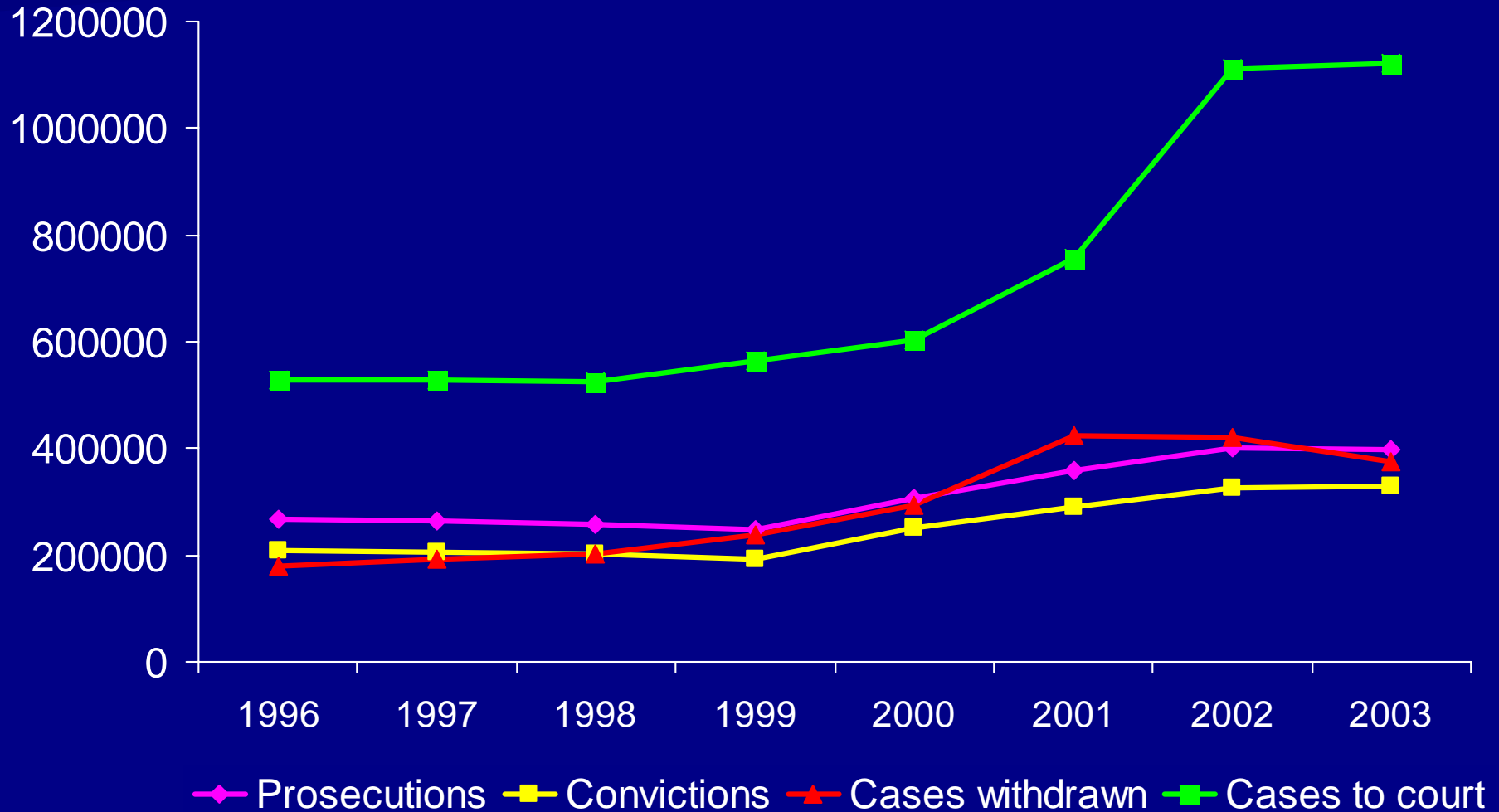
Murder rate, selected countries, 1999 (Interpol)



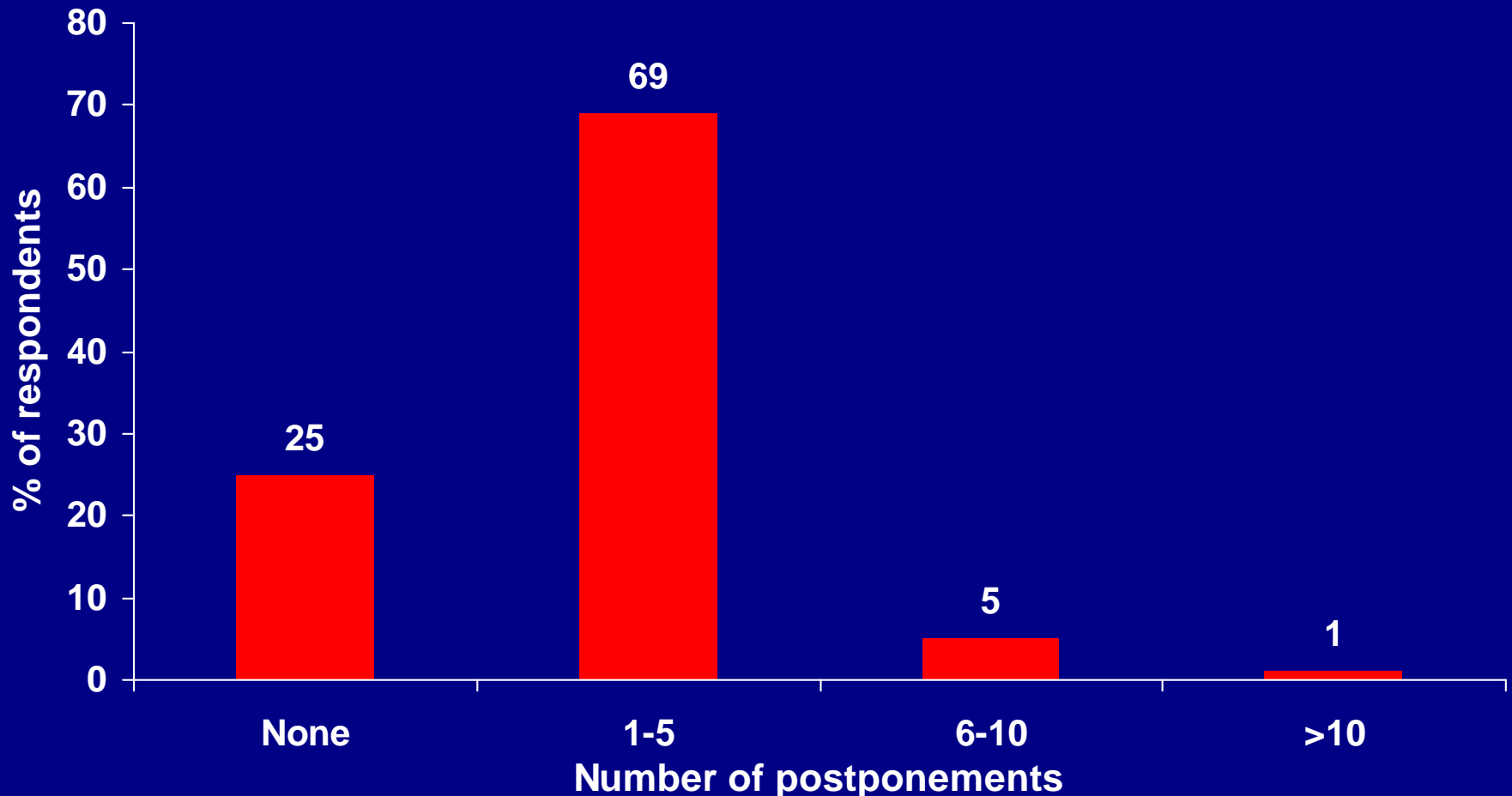
No. of prosecutors per murder, 1994



Cases processed by NPA, 1996-2003



% respondents whose cases postponed without testifying



Selected NPA innovations

- Performance management
- Greater functional specialisation
- Training and career management
- One-stop service centres for victims of sexual offences
- Community prosecution
- Prosecution-led investigation

Prosecution-led investigation

- Prosecutors guide the strategy & tactics of police investigators – focusing on the collection of admissible evidence & ensuring investigations are court directed.
- Prosecutors meet face-to-face with investigators from beginning of case.
- Prosecutors responsible for good cooperation of witnesses.
- Prosecutors become leaders of multi-agency solutions to crime problems.

Prosecution Task Force on Car-Hijacking

- Car-hijacking a major problem in South Africa.
- Introduced in Johannesburg in 1999 – team of 3 prosecutors and an administrative assistant.
- All serious car-hijacking cases in Johannesburg channelled to Task Force & dedicated court.
- Close prosecutor – investigator cooperation.
- Bi-weekly strategy meetings between stakeholders to share intelligence and develop enforcement & prevention plans.

Prosecution Task Force successes

- Within 18 months the Task Force had:
 - increased the conviction rate from 10% to 42%;
 - time from arrest to finalisation of trial reduced from 180 to 120 days;
 - no case dockets lost or sold;
 - established an effective pool of experienced, specialised prosecutors & magistrates;
 - improved victims' perceptions of CJS.

Directorate of Special Operations ('the Scorpions')

- Integration of 3 traditionally separate functions: intelligence, investigations & prosecutions.
- Investigators (64%), prosecutors (18%), analysts (2%), specialists (2%), admin support (14%).
- Prosecution-led and intelligence-driven focus.
- Investigating directors lead teams of prosecutors, investigators & specialists.
- High profile cases – organised crime, serious economic offences, corruption by public officials, terrorism.

Challenges of prosecution-led investigations

- Lack of prosecutorial detachment.
- Risk of ethical compromise by prosecutor.
- Managing & building a good relationship with the police.
- Not the solution for all crimes & situations. Traditional prosecutions still need to be done well.
- Relationship building with other stakeholders & wider community.

Thank You!

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