



FIREARMS CONTROL BRIEFING

CAPE TOWN PROVES STRONG GUN LAWS SAVE LIVES, LAX ENFORCEMENT KILLS, ILLEGALLY SUPPLIED GUNS MORE DANGEROUS IN SHORT TERM

INTRODUCTION

It is globally accepted that stronger gun laws reduce gun-related violence and associated death and injury.¹ South Africa's own experience of implementing the Firearms Control Act (2000) proves the relationship between a comprehensive gun law that limits who can own what gun for which purpose and a decline in gun violence.²

While research has consistently shown that strong gun laws save lives, what has not been shown before is that:

- Poor enforcement of a good gun law kills.
- In the short term, illegally held guns kill more people than licensed guns.

For the first time, published research conducted in South Africa deepens our understanding of the power and limitations of gun legislation.³

THE WHO, WHAT, WHERE AND HOW OF THE RESEARCH

WHO UNDERTOOK THE RESEARCH?

The research was undertaken by the University of Cape, the University of Washington, the Medical Research Council of South Africa and the Salt River and Tygerburg mortuaries.

WHAT WAS RESEARCHED?

The study assessed if there is an association between changes in legal and illegal firearm availability and firearm and non-firearm homicide rates. Put more simply, the research asked, 'Do changes in the number of legal and illegal guns in a community change how many people are shot and killed?'

WHERE WAS THE RESEARCH UNDERTAKEN?

The research was carried out in Cape Town and examined the impact of changes in national gun laws and the enforcement thereof over twenty years (from 1994 to 2013).

HOW WAS THE RESEARCH UNDERTAKEN?

The research was a retrospective population-based time trend study of all homicide cases reviewed at Cape Town's two forensic pathology service facilities in Salt River and Tygerberg.

Step 1: Access data

Under South Africa's Inquests Act a forensic pathologist or medical practitioner is required to undertake a postmortem examination of all deaths from non-natural causes (including gunshots as well as other injuries, such as stabs or motor vehicle accidents). Since 1994, the city of Cape Town has been running an all-injury mortality surveillance study based on these examinations. The first step of this research project involved accessing existing detailed city-wide homicide data from 1994 to 2013.

¹ Santaello-Tenorio, Julian. et al. 2016. What do we know about the association between firearm legislation and firearm-related injuries? *Epidemiologic Reviews Journal*. Volume 8, pp. 140–157. Oxford University Press.

² Matzopoulos, Richard et al. 2016. Where have all the gun deaths gone? *South African Medical Journal*. Volume 106, Number 6, pp. 589-591.

³ Unless otherwise indicated, all information in this Briefing is based on a recently published study undertaken by Matzopoulos, Richard, et al. 2018. A retrospective time trend study of firearm and non-firearm homicide in Cape Town from 1994 to 2013. *South African Medical Journal*, Volume 108, Number 3 pp. 197-204. DOI:10.7196/SAMJ.2018.v108i3.12756.



Step 2: Categorise data

In the second step, the following information was recorded for each death:

Age of victim		Sex of victim	Race of victim ⁴	Year of death	Homicide type
• 0-4	• 30-44	• Male	• Black	From 1994 to 2013	• Firearm • Non-firearm
• 5-14	• 45-59	• Female	• Coloured		
• 15-29	• 60+		• White		

Step 3: Identifying major changes in gun availability over time

The third step involved estimating changes in gun availability by tracking changes to South Africa's firearms control legislation and related policies as well as the enforcement thereof; the following key time periods were identified:

Period of time	Significant changes to firearm policy and enforcement thereof	Impact on gun availability
1994-1999	Increasing gun availability from new licences (more than 1.1 million granted from 1994 to 2000) and leakage of guns from existing state and civilian stockpiles.	Increase
2000-2006	The Firearms Control Act (2000) is adopted in April 2001 to "prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and by improving control over legally possessed firearms, to prevent crime involving the use of firearms". ⁵ From 2000, the police start undertaking various initiatives to reduce guns in South Africa, including an audit of state owned firearms as well as operations to recover illegal guns. The Firearms Control Act is fully implemented on 1 July 2004. A 6-month national firearms amnesty is held in 2005.	Decrease
2007-2010	Dating from 2007, poor management of police stores allows guns to be stolen and sold to Western Cape gangsters – see Box 1 for additional information. Elsewhere the Firearms Control Act is variably enforced.	Increase especially on Cape Flats
2011 onwards	In 2010 the Minister of Police announces a turn-around at the Central Firearms Registry to deal with gun-related application backlogs, leading to concerns that applications may have been fast-tracked – see Box 2 for additional information. In December 2013 Project Impi is launched to uncover and stop the supply of guns to criminal networks including through smuggling and fraudulent issuing of gun licences. ⁶	Increase

Step 4: Statistics and modelling

The fourth step involved statistical analysis and modelling:

- Crude homicide mortality rates per 100,000 population were calculated by age, sex, race, year and homicide type.
- Two statistical models were then formulated: Model 1 included all gun- and non-gun-related homicides so the two could be compared; while Model 2 included only gun-related homicides, so allowing the

⁴ Race was recorded according to the apartheid population group classifications, which provided two insights: 1) A gross proxy measure to reflect the differential manner in which apartheid affected, and continues to affect, the health of communities. 2) An accurate proxy for socioeconomic status at the population level.

⁵ Firearms Control Act, Act 60 of 2000, Section 2: Purpose of the Act, subsection (b).

⁶ Dolley, Caryn. More ex-cops now part of Western Cape guns-to-gangs saga, News24, 25 April 2018. Available online at www.news24.com/SouthAfrica/News/more-ex-cops-now-part-of-western-cape-guns-to-gangs-saga-20180425 (accessed 2 May 2018).



researchers to assess changes within this category, particularly changes in firearm homicide rates over time across race groups.

THE FINDINGS

The research made two key findings:

- **Gun deaths are linked to gun availability:** As stricter gun legislation and the enforcement thereof reduces gun availability, fewer people are shot and killed. In contrast, as guns become more available – either through weak gun laws or through poor enforcement of good gun laws – the number of people that are shot and killed increases.
- **Guns that are supplied illegally to criminal networks kill more people in the short term:** While increased availability of guns – whatever their legal status – increases gun violence, guns that are illegally acquired kill more people in the short term. Over time though this difference starts stabilising as legally held guns leak into the illegal market through loss and theft.

See below for more detailed information on these key findings.

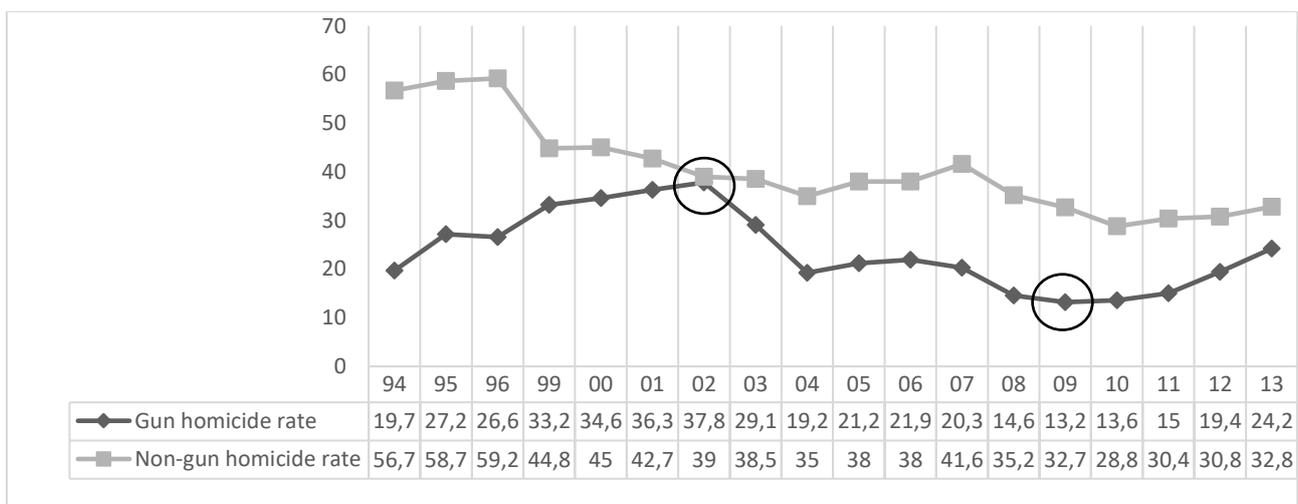
OVERVIEW OF RESEARCH

There were 36,207 homicides in Cape Town between 1994 and 2013 (excluding 1997 and 1998, for which city-wide data were not available, and excluding 109 Asian homicides).

As shown in Figure 1 below:

- Gun-related homicides peaked in 2002, when 1,192 gun-deaths accounted for almost half (49.2%) of all homicides.
- The lowest number of firearm-related homicides recorded was 477 in 2009, accounting for 29.0% of all homicides in that year.
- By 2000, the gun homicide rate increased to 34.6 per 100,000, whereas non-firearm homicide decreased to 45.0 per 100,000. By 2010, the gun homicide rate was 61% lower than in 2000 at 13.6 per 100,000, whereas the non-firearm homicide rate had decreased by 36% to 28.8 per 100,000.

Figure 1: Cape Town firearm and non-firearm homicide rates per 100,000 population





FINDING 1: STRONG GUN LAWS SAVE LIVES

As shown in Figure 1 above:

- Firearm-related homicide rates rose, dropped and rose again in accordance with known changes in gun availability:
 - As the number of guns available started decreasing from 2000 as a result of the Firearms Control Act, so too did the number of people shot and killed.
 - As gun availability increased in 2007 and 2011 as a result of poor enforcement of the Act, so did the number of people shot and killed.
- In contrast, non-firearm homicide rates either decreased or remained stable over the entire period, albeit with a slight rise from 2010.

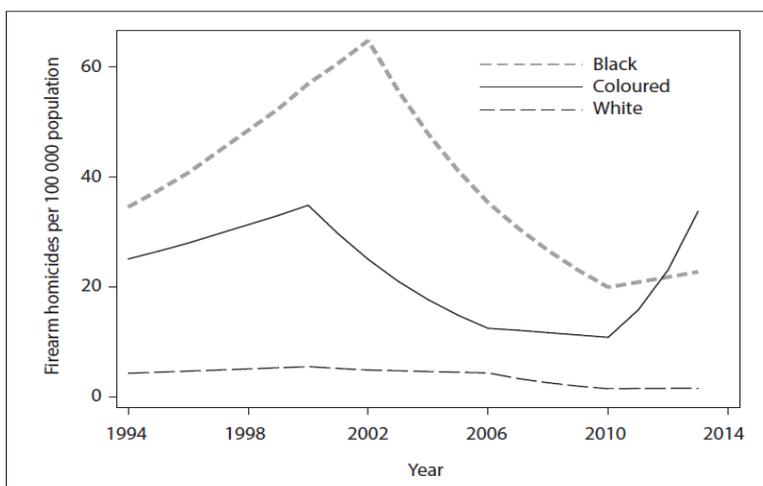
FINDING 2: POOR ENFORCEMENT KILLS

The researchers' second objective was to assess the impact of known breakdowns in enforcing the Firearms Control Act on gun death rates. In the first of these breakdowns, firearms that were meant to be destroyed by police were sold to gangsters in the Western Cape (see Box 1); in the second, firearm applications were fast-tracked by the police to deal with backlogs (see Box 2) and incidents of fraud in the issuing of gun licences were uncovered, e.g. three police officials have been suspended after issuing licences to a known 28s' gang leader and his family.⁷

To assess the impact of these breakdowns, the researchers compared firearm homicide rates across race groups. Their shock finding was that members of the coloured community in Cape Town were shot and killed at a much higher rate than communities of other races. As shown in Figure 2:

- All race groups experienced a decline in gun-related homicides after the introduction of the Firearms Control Act in 2000.
- While this decline was sustained among blacks and whites until 2010, among coloureds, the decrease levelled in 2006, which coincided with firearms being supplied to criminal networks through illegal channels.
- From 2010 firearm homicide rates began to increase for all population groups, coinciding with easier access to legal firearms, though the rate of increase in firearm homicide for coloureds was significantly higher than for other race groups.

Figure 2: Cape Town estimated annual firearm homicide rates by race, 1994-2014



⁷ Dolley, Caryn. More ex-cops now part of Western Cape guns-to-gangs saga. News24, 25 April 2018. Available online at www.news24.com/SouthAfrica/News/more-ex-cops-now-part-of-western-cape-guns-to-gangs-saga-20180425 (accessed 25 April 2018).



FINDING 3: ILLEGALLY CHANNELLED GUNS KILL MORE PEOPLE IN THE SHORT TERM

Not only did the researchers show that strong gun laws save lives while poor enforcement kills, they were able to calculate how many additional people were killed because the Firearms Control Act was not properly enforced:

- **Illegally channelled guns:** Just over one thousand (1,002) coloured people were shot and killed between 2007 and 2013 as a result of guns leaking into Cape Town through illicit channels, mainly as a result of the actions of Christiaan Prinsloo and his co-accused (see Box 1).
- **Legally channelled guns:** Poor enforcement of the Firearms Control Act, particularly by staff at the Central Firearms Registry has resulted in people who are not “fit and proper” being granted gun licences, either through:
 - Fast-tracking of gun licences to deal with backlogs (see Box 2).
 - Fraudulent issuing of gun licences.

Between 2011 and 2013 there were 56 excess deaths of blacks, 20 of coloureds and 1 of whites as a result of legally channelled guns.

IMPLICATIONS OF RESEARCH

The significance of this research project cannot be overstated, both for South Africa and the international community. It shows that:

- South Africa’s Firearms Control Act (2000) – like other gun laws that restrict who can own what firearm for which purpose – is a powerful law that has saved thousands of lives.
- A gun law, no matter how good, is only as good as its enforcement. While the Firearms Control Act meets the gold-standard set by Zimring;⁸ it can only be effective if it is enforced. Variable enforcement of the Act between 2000 and 2013 directly changed the number of guns available in Cape Town in this time, which in turn affected how many lives were saved, or lost, to gun violence.
- Although increases in the availability of both legally and illegally obtained guns resulted in increased homicide rates for all race groups, the experience of Cape Town’s coloured population shows that it is the illegal trade that seems to have had a more pronounced effect: Many more coloured people were shot and killed from increased exposure to illegally obtained firearms.
- Even if legally owned guns are considered less of a threat to public safety, all unlicensed guns were once legally held, until lost or stolen and leaked into the illegal pool. Thus, an increase in the number of licensed guns increases the stock of guns available and thus the risk of leakage into the illegal pool.
- The state should be held liable for the deaths, injuries, pain and suffering experienced as a result of poor enforcement of the Firearms Control Act, with the research putting an exact figure on the number of additional lives lost to gun violence as a result of the leakage of legal guns to gangsters and the issuing of licences for legal guns to people who are not “fit and proper”.

RECOMMENDATIONS

While it is globally accepted that restrictive gun laws save lives by reducing gun availability, the research summarised in this Briefing shows that the lax enforcement of a good gun law kills. Moreover, while poor enforcement increases the availability of guns, previously legal guns, which are highly prized by people who cannot access them through legal channels, are particularly dangerous in the short-term as they can be used repeatedly to commit crimes until they are recovered and destroyed.

Based on this latest research, we urge that the following actions be undertaken immediately:

⁸ Zimring, Franklin. 1991. Firearms, violence and public policy. *Scientific American*. November. pp. 24-30.



1. **Free rein for investigators:** Officials be given the freedom and necessary resources to investigate organised crime activities involving the deliberate leakage of legal firearms into the illegal market so as to close taps and recover previously legal guns.⁹
2. **Enforce the Firearms Control Act**, including:
 - Immediate implementation of measures to stop guns leaking from SAPS stores and other secure facilities in which recovered weapons are stored.
 - A forensic audit of all licences, permits and authorisations issued following the 2010 turn-around strategy of the Central Firearms Registry, to ensure that due process was followed.
3. **Hold a national no questions asked firearms amnesty and gun destruction** to ensure that guns are taken off our streets and out of our homes permanently.
4. **Bring the Firearms Control Amendment Bill to Parliament in 2018:** Delaying amendments based on proven interventions to further reduce gun violence, such as greater restrictions on handguns (which are the weapon of choice for gun violence in South Africa), means that lives are being lost.

Box 1: The Prinsloo Case - gangsters armed with stolen guns¹⁰

In 2011 various incidents of fraud and corruption in the management of guns in government's care began surfacing. The most publicised of these involves Christiaan Prinsloo, a former Gauteng police colonel who was sentenced to 18 years imprisonment in mid-2016 for selling guns that were confiscated by or surrendered to the police for destruction to gangsters on the Cape Flats in the Western Cape, an area with a predominantly coloured population.

While the police believe that Prinsloo began working with two alleged accomplices, Alan Raves (a firearms dealer) and Irshaad Laher (a businessman) from 2007, court papers filed as part of the state's case against Raves and Laher reveal that:

- 888 of the guns stolen by Prinsloo were forensically linked to 1,066 murders in the Western Cape between February 2010 and 31 May 2016.
- 261 children between the ages of 1 and 18 years old were shot between February 2010 and December 2015 with guns stolen by Prinsloo, 89 of whom were killed.
- Of the 2,400 guns that Prinsloo admitted to stealing as part of his plea bargain with the state, more than 1,100 are still missing.

Raves and Laher are expected back in the Western Cape High Court on 8 June 2018, when pre-trial proceedings will resume. In the meantime more police officers have been implicated in the 'guns to gangs' scandal: Twenty-three suspects, including 28s' gang boss Ralph Stanfield as well as his wife and sister and three SAPS officers (Priscilla Mangyani, Billy April and Mary Cartwright) face charges of corruption, fraud, possession of firearms and ammunition.

⁹ Dolley, Caryn. More ex-cops now part of Western Cape guns-to-gangs saga. News24, 25 April 2018. Available online at www.news24.com/SouthAfrica/News/more-ex-cops-now-part-of-western-cape-guns-to-gangs-saga-20180425 (accessed 25 April 2018).

¹⁰ See: Mzants, Siyavuya. Former top cop jailed for illegal gun trade. Cape Times, 22 June 2016. Available online at www.iol.co.za/news/crime-courts/former-top-cop-jailed-for-illegal-gun-trade-2037112 (accessed 8 February 2017). de Wee, Maygene. 89 children killed with weapons stolen by ex-police colonel. Netwerk24, 21 December 2016. Available online at www.news24.com/SouthAfrica/News/89-children-killed-with-weapons-stolen-by-ex-police-colonel-20161221 (accessed 6 June 2017). Dolley, Caryn. More ex-cops now part of Western Cape guns-to-gangs saga. News24, 25 April 2018. Available online at www.news24.com/SouthAfrica/News/more-ex-cops-now-part-of-western-cape-guns-to-gangs-saga-20180425 (accessed 25 April 2018).



Box 2: Turn-around strategy sees fast-tracking of legal gun applications

In November 2010, after conducting an internal investigation, the Minister of Police admitted to the “malfunctioning” of the Central Firearms Registry (CFR) which had resulted in a backlog of firearm-related applications. The Minister promised to turn the CFR into a “functional unit” that would deal with the backlog by July 2011. The South African Police Service’s 2011/2012 Annual Report notes that:

- The backlog relating to 1,048,341 firearm applications (for firearm licences, renewals (individuals) and competences) was finalised at the end of August 2011 i.e. the CFR processed over 1 million applications in 9 months.¹¹
- In addition, from 1 April 2011 to 31 March 2012 the SAPS received a total number of 125,388 new firearm-related applications. Of these, 98 417¹² (78, 5%) were finalised within 90 calendar days.¹³

GFSA’s concern is that because due process may not have been followed when processing these applications and that licensed gun owners may not in fact be “fit and proper” to own firearms. GFSA’s concerns in this regard is verified by various responses from members of the gun owning fraternity, who appear to justify allegations of corruption and fraud by gun dealers and gun owners by saying the law is too onerous to conform too; see for example a letter in the Business Day.¹⁴

¹¹ South African Police Service 2011-2012 Annual Report.

¹² This figure is inclusive of firearm applications that were approved, refused, completed, cancelled and applications dealt with by the Appeal Board.

¹³ South African Police Service 2011-2012 Annual Report.

¹⁴ Letter to the Editor: Gunning for Freedom, B Nortje, Business Day, 29 August 2013.