



**independent
complaints directorate**

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REPORT ON THE INVESTIGATION INTO THE MISSING FIREARMS AND RELATED MATTERS AT DURBAN METRO POLICE

BACKGROUND

The Independent Complaints Directorate (ICD) started an investigation in the above matter after several newspapers in Kwazulu Natal published the story on the missing firearms from the Durban Metro Police Service (DMPS). There were also fears of possible cover-up in the investigation as it was only conducted by the affected institution.

INTRODUCTION

The ICD, after studying the newspaper reports, met with the Senior Management of the DMPS to get a clearer picture on this matter. A meeting between the ICD Management and Metro Police Management was held on Monday, 05 June 2006 in Durban, where the ICD was briefed on the matter. Reports from the auditors were handed to the ICD Management. After studying same, it became apparent that there were discrepancies in the reports on firearms alleged to be in the custody of, or reported to the South African Police Service (SAPS) as stolen and/or robbed for investigation purposes. Some of the case numbers furnished did not match with the SAPS records or were non-existent. The discovery contrasted with the oral version given by the Metro Police Management. The auditors report also mentioned an unsatisfactory situation at the armoury such as firearms with missing parts. There was no mention in the management report of some of the DMPS firearms in the possession of the ICD Kwazulu Natal provincial office, seized from their members for investigation purposes.

ACTION PLAN

As a result of the aforesaid discrepancies, we decided to undertake a full scale investigation which involved the following steps:

- Compilation of a list of all the firearms that were said to be with the SAPS and forwarding a letter with a request containing details of the registered SAPS case docket number (CAS), the firearm serial number and type to each police station to confirm whether indeed those firearms are in their custody. This information was extracted from the audit report furnished by DMPS management

- Conducting physical visitation to all affected SAPS stations for the verification process emanating from the information forwarded to them by letters referred to above;
- Conducting physical inspection on each firearm issued to the DMPS members at all its five regions;

INVESTIGATION CONDUCTED

Police stations

A visit to the SAPS stations in Kwazulu Natal revealed that there are firearms that were indeed reported to a number of police stations for several of reasons such as being stolen, robbed or lost. A small number of these firearms are with the Forensic Science Laboratory (FSL) for purposes of conducting ballistic investigations on them.

We also uncovered that twenty one (21) of the SAPS CAS numbers provided were false. Table 1 below shows a list of the firearms serial numbers relating to the false CAS numbers are provided:

1. AB24275	2. AB22293	3. 86411	4. AB22316
5. 5253684	6. 835021	7. 835156	8. C87450
9. R256358	10. 1555358	11. V7679	12. 792740
13. C04830	14. ML874312	15. 160/12452	16. B13988
17. 844491	18. Z06046	19. E65744F	20. 1639615
21. K1501534			

Sixty six (66) firearms have been reported to the police stations, circulated by the SAPS but they have not yet recovered. Our investigation has confirmed that the SAPS CAS numbers provided for these reported firearms are correct. We can confirm that these firearms were never in the possession of the SAPS, as they were only reported to be circulated. To date these firearms are still at large. It is not clear whether DMPS management followed these cases and whether any disciplinary actions have been taken against the members concerned. Table 2 below shows a list of the 66 firearms serial numbers confirmed reported to the SAPS:

Table 2			
1. 1920066	2. 43433	3. 157/88693	4. 718298
5. TQ124068	6. 844477	7. AB22331	8. KI501534
9. 157/91266	10. C87450	11. AB21566	12. ML874318
13. 5253686	14. 1639617	15. AB16412	16. AB24264
17. AB24299	18. 1639614	19. GF41079	20. AB22300
21. 5533C	22. P8548	23. V7812	24. L91373
25. E107885	26. AB11507	27. R254724	28. 938319
29. 789602	30. 815452	31. W152168	32. B74121E
33. AB22279	34. MD773495	35. MD773510	36. 138702
37. 138702	38. F21668F	39. 14888	40. R403665
41. AB21561	42. AB22277	43. 835180	44. B15666Z
45. J83851	46. J83851	47. 1639613	48. 137206
49. ML874278	50. KI1501498	51. AB24297	52. AB21559
53. AB22339	54. 835015	55. AB22330	56. MD773532
57. 5231046	58. 1639604	59. R260363	60. TQ124065
61. F1370	60. 835223	63. B927192	64. AB22301
65. 137685	66. H2336	67. V8345	66. 1321365

Our investigation further revealed that twenty five (25) firearms were recovered and some have since been returned to DMPS, while some are still with the SAPS and the ICD for investigation purposes. Table 3 below shows a list of the 25 firearms serial numbers that are accounted for as stated above:

Table 3			
1. J764064	2. 1541599	3. 601616	4. AB25509
5. TQ124095	6. S104916	7. V8352	8. S003183
9. B47616	10. ML874266	11. ML874314	12. AB24281
13. AB24327	14. AB 25493	15. KI1501530	16. R295212
17. 844497	18. AB21550	19. AB22326	20. AB24286
21. AB24335	22. TQ124093	23. S104810	24. AB24343
25. TQ124978			

In the list provided by the DMPS management, we discovered that two (2) firearms, a revolver and a pistol, reported as stolen, actually belong to private persons who have no connection with the business of the DMPS. One of these firearms was declared forfeited to the state as recorded in the SAPS 13 register. The serial numbers for these firearms are **C04832** and **886411**.

Conducting of physical inspection at DMPS regions.

All regions were visited and a large number of members were inspected to check the firearms and appointment certificates. The situation was satisfactory as most of the members paraded had their firearms and ammunition issued to them. During the inspection it became evident from the DMPS members that they have never been exposed to any inspections of their firearms and appointment certificates by their section heads before commencing with their shifts/duties.

We were provided with the duty lists of members which were used for the carrying out of the inspections. The duty list only makes provision for the member's rank, name, service number, time for commencement of duties, duties assigned, signature by supervisor etc. There is no provision made for recording of inspections for firearms, ammunition, appointment certificates etc (A sample of the duty list is attached for easy reference).

In the Northern region, the following observations were made:

- Some members had less ammunition in their possession than what the firearm capacity and a spare magazine provide for. It was confirmed by some members that this was the case for a prolonged period. This was the case for example at Verulam office, where we found that there were over 1000 ammunition of different calibers in the safe. There is no reason provided as to why these rounds of ammunition could not be issued to members. In Kwa Mashu office, there were LM 5 rifles in the safe with a large quantity of rounds without magazines. This situation renders these rifles useless to the members.
- The Section Head had no knowledge of the fact that some of his members had inadequate ammunition;
- This situation could be the main contributing factor for the current situation relating to firearms that are unaccounted for.
- Some of the members who were involved in shooting incidents while on duty in the past had never been re-issued with ammunitions.
- There is no shooting incidents record kept by DMPS where their members were involved.

In the South region, we made the following observations:

- Some members were found to be utilizing their private firearms for official duties. This is in direct contrast with their Standing Orders governing the DMPS. This situation is not only dangerous for these members but for the DMPS as well.
- We could not find evidence of record keeping in relation to the issuance of ammunition to members. This appears to be a general problem within the whole DMPS.

Inspection at DMPS Headquarters

Client Service Centre (CSC)

Our investigation proceeded to the CSC where we conducted an inspection. Here we found the situation to be generally acceptable save for the few rifles kept in the safes for use during emergencies. These rifles are kept in the safes however there are no magazines and ammunition. Under the circumstances the reasons for having the rifles in the CSC become obsolete.

Firearms Safes

On inspecting the two safes it was established that the firearms were properly kept in good condition making it much easier to conduct the audit. In one of the safes, we found private firearms of ***** however we were advised that he was given permission to keep them in that safe.

The Workshop

We proceeded to conduct inspection at the workshop. The person responsible, *****, Head of Security, confirmed that the workshop was never subjected to an inspection by management before this exercise. Here we discovered several firearms parts that the custodian could not provide an account for their presence. There was no record keeping thus making it easier for these parts to disappear without trace. It was also not clear whether these are DMPS or private property. All this was indicative of a total lack of supervision, which is a worrying security risk factor.

Some of the discoveries in the workshop included:

- A fully loaded rifle magazine with ammunition. Some of the ammunition in the magazine included tracer bullets.
- Forty (40) new 9mm magazines were found in the safe and ***** could not give answers to that.
- Twenty two (22) R1 magazines;
- .45 pistol ammunition;
- A telescope that is normally attached to rifles for accurate target shooting;
- Cleaning kits for army rifles.
- A gas welding machine;
- A drill machine;
- An Air rifle was found in the safe which ***** confirmed was also his personal property. He said that he kept it for shooting pigeons.

The reasons for keeping the R1 magazines as well as the .45 pistol ammunition in the workshop could not be provided save to say that these are not utilized by the DMPS. With regard to a gas welding machine and a drilling machine, we were advised that these are *****' personal equipment that he has loaned to the DMPS at no charge. He indicated that the cost of the drill machine is estimated at R22 000 and the gas welding machine at R 2 000. He said that the machines have been in the workshop for over three years and that the DMPS has no money to procure its own machines. He reported that he was given written permission by his manager, *****, to use his personal machines to carry out the DMPS activities. However he was unable to furnish the written permission to the ICD officials. With regard to the military equipments he also indicated that ***** was aware of that but fell short of saying that he was given permission to possess these equipments.

Outside the workshop a number of military rifle parts were found. ***** said that he was asked by the military to keep the parts on their behalf and that ***** was aware of the arrangement. We summoned the DMPS Senior Managers to witness the discovery. Photographs of the recovered parts were taken. The military was contacted to come and identify their equipments. This is the list of items found outside the workshop:

- 5 x R1 magazines.
- 19 x Muzzle flashers (R1 rifle)
- 2 x Tracer rounds (R1 rifle)

- 24 x R4 Rifle butts
- 5 x Cleaning kits for LMG
- 2 x Uzi SMG butts
- 3 x Flare gun frames
- 2 x Rifle sights

Ammunition Stores

The ammunition store was inspected with the assistance of the DMPS Senior Managers. At the entrance to the ammunition store we discovered equipment used for reloading of empty pistol/revolver cartridges. Access to this equipment is not controlled at all. Anyone with a key to the ammunition store can access the equipment and reload as many empty cartridges as he wishes without any trace. There was ammunition powder, prima, ammunition heads lying around in cans and plastic bags. No register is kept as to how many reloads were made, by whom and for what purpose. It is also not clear as to who uses the equipment and whether they are qualified to do the reload. There is a register in the store in which ***** has booked ammunition for various reasons. What was more worrying was the fact that this ammunition store was never inspected by any manager. The keys to the store were in possession of all the officials attached to that section which is a huge security risk. Anybody can get in the ammunition store anytime he wishes without it been known by the responsible manager. There is totally no control regarding access to the store and even to the reloading machine.

The following items were also discovered inside the store:

- A reloading R1 rifle table;
- Sealed cans containing high power rifle powders;
- 3000 R1 rifle ammunition in sealed boxes
- 3000 R1 ammunition heads;
- 3900 .45 ACP ammunition;
- 1000 ACP ammunition heads;
- Stopper ammunition (these are alleged to have been given as a gift by a donor whose name and further particulars could not be furnished)

It was confirmed by DMPS management on several occasions that they do not utilize R1 rifles and .45 ACP pistols. The discovery of all R1 rifle related equipments and ammunition raises eyebrows. ***** indicated to ICD officials that he purchased these R1 and .45 ACP ammunitions with the approval of *****.

The Central Firearm Registry (CFR) List

A computerized list of all the firearms in possession of the DMPS was given to officials from ICD to peruse. All the firearms inspected were properly marked against the lists that were used to conduct the inspections and further against all the registers seized from the DMPS. The list of all the firearms that are alleged to be in the possession of the police was also checked against the computerized list. During the perusal it was discovered that the following serial numbers were not provided to the ICD officials or reported to the Central Firearms Registry as missing, lost or unaccounted for. Table 4 below shows a list of the firearms serial numbers referred to above:

1. SK3072	2. E79323F	3. F34953F	4. L1850376	5. L1907967
2. A3747	7. 1321356	8. 1321359	9. 1321360	10. 1321362
11. 1321367	12. AB16416	13. AB16419	14. AB164426	15. AB21524
16. AB21562	17. AB21565	18. AB22302	19. AB22324	20. AB24290
21. AB24324	22. AB24341	23. AB25468	24. AB25476	25. AB25520
26. AB25522	27. B08199	28. F1182	29. F1248	30. K0504
31. S104916	32. 00553	33.1639604	34. 601408	35. 9455K
36. KI501531	37. KI501534	38. KI501540	39. MD773498	40. MD773525
41. MD773529	42. ML874244	43. ML 874252	44. ML874256	45. ML874280
46. ML874295	47. ML874296	48. ML874307	49. ML874311	50. ML874324
51. ML874332	52. ML874335	53.160/12456	54. 926	55. R197433
56. R270706	57. 886367	58. 035MPD		

Firearms on the CFR list but not recorded in the DMPS Firearms registers

After the final perusal of the CFR list, it was discovered that there are sixteen (16) firearms that are not accounted for in the firearms registers provided by DMPS. It is not clear where these firearms are at the moment as we also checked the SAPS 300, Disposal Register, and these firearms could not be found. Table 5 below shows a list of the firearms serial numbers referred to above:

Table 5				
1. 76795	2. J83851	3. S0060	4. 14888	5. 14892
6. 14894	7. 15656	8. 15657	9. 15658	10. 15660
11. AC000130	12. AC000131	13. B13556	14. B47626	15. RN40391
16. ABE9887				

CONCLUSION

The ICD wishes to point out the enormous challenges that it encountered during this investigation. We wish to point out that while we have endeavored to the best of our ability to inspect each and every official issued firearm in the possession of DMPS members, we did not succeed in doing so in respect of those members that were on leave, sick leave etc. However, we are pleased to announce that our inspection managed to reach almost 97% of the DMPS members. It should be borne in mind that these firearms have been issued to the members on a permanent basis while they are still in the employ of the DMPS. The general observation made from this exercise is that there appears to have been a lax in control over the firearms and that members may have taken advantage of the situation hence the problems raised supra. There is also an observation that we made regarding the relationship between *****and *****. On several occasions where the former was asked about certain things he kept indicating that *****has knowledge of the situation or has given permission for this and that. We have however not been furnished with any documentation purporting to be an authorization by ***** or any Senior Manager. The relationship, if any, between ***** and ***** should be clarified given the extreme positions occupied by both men within the DMPS.

We wish to advise though that we have confidence that the DMPS management has the ability to arrest the situation and that we have decided to place the ball in their court to address the recommendations that will follow hereunder. We have also discovered that the Central Firearms Registry (CFR) has also contributed to the problems in their failure to effectively implement the provisions of the Firearms Control Act and the regulations promulgated under the Act. The CFR has to come to the party to ensure compliance with the Act by Official Institutions. This report will be forwarded to the Registrar of the CFR to implement appropriate steps to remedy the situation. The DMPS management will have to take appropriate steps against its own members who have contravened policies and regulations of the institution and the Firearms Control Act. The ICD will monitor the

implementation of these recommendations, including institutional recommendation that should go a long way in addressing control measures that appears to be non-existent.

RECOMMENDATIONS

It is recommended that the following actions be taken by the DMPS in relation to the proper management of the firearms in their possession.

1. Establish a standardized duty list for members which should be implemented as a matter of urgency. In this document there must be provision for firearms and number of ammunition issued to each member to enable the Section Head/Supervisor to conduct inspection of same before assumption of duty or at any time should the need arise (spot inspections).
2. Managers should conduct quarterly or at least biannual audits/inspections of firearms for control purposes.
3. DMPS members in the Southern region who are using their personal firearms while on duty be issued with official firearms as a matter of urgency. DMPS management should investigate why this was allowed to happen and take appropriate action against a manager, if any, who may have authorized or allowed the use of private firearms for official duties.
4. Constant liaison with SAPS in cases where DMPS firearms have been reported stolen or robbed to establish whether same has been recovered or not and to enable management to take appropriate action against the offending member.
5. The keys of the firearms safes should be kept at all times by the Responsible Manager with the duplicate keys held by the Chief of the DMPS or his/her designate
6. Strict control of the ammunition store and workshop should be implemented as a matter of urgency. The provision made in par 5 supra applies.
7. The firearm safes and the ammunitions store should be frequently inspected by the responsible Senior Manager for control purposes.
8. An appointment of a duly qualified person to undertake the services of a gunsmith as provided for by the Firearms Control Act 60 of 2000.
9. Strict control should be exercised in respect of the reloading machine.

10. Investigations should be conducted regarding the two private machines found in the workshop. Emphasis should also be on the officer who gave permission for the utilization of the two private machines. The letters giving such permission or authority should be produced, failing which appropriate steps should be implemented.
11. Further investigation should be conducted more specifically on the acquisition of the firearms parts that were found in the workshop. Establish whether any financial records were kept for this purpose.
12. In-depth investigation should be conducted on the presence of military weapons and parts in the DMPS premises. Members, who are found to be responsible for this situation, should be dealt with accordingly, including criminal and disciplinary investigation. This should be viewed in a very serious light.
13. The fifty eight firearms that were not inspected by the ICD officials which had police cases should be thoroughly investigated and criminal investigation be conducted if any wrongdoing is detected.
14. Investigation should be conducted to find out about the sixteen firearms that are on the CFR but not mentioned anywhere in the firearms registers. If any negligence is found on some members, appropriate steps should be taken against those members.
15. The Disposal register, SAP 300 should be inspected and the disposed or decommissioned firearms be updated with the CFR. The only signature in this register is that of *****.
16. The continued presence or placement of ***** is a cause for concern given the fact that he is currently facing criminal prosecution for firearms related offences and that our investigation uncovered an assortment of ammunition and firearms equipment belonging to the army in a work station under his control. It is recommended that he be redeployed pending the finalization of this matters.
17. Investigations should be conducted regarding the acquisition of ammunitions of firearms that are not used by the DMPS such as the R1 and .45 pistol found in the stores. Persons responsible should be prosecuted.

Feedback by DMPS Management and CFR

1. DMPS management is hereby given at least two months from date of this report to report on progress made with regard to the aforesaid recommendations, which include both, institutional, possible criminal and disciplinary steps.
2. The CFR is given at least two months to report on progress with regard to their investigation as outlined supra and advice on steps taken to address the situation.