

Strategies for the criminal justice system to prevent and combat the production, distribution and sale of illicit drugs more efficiently in South Africa

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Abstract. South Africa is continuously experiencing an alarming increase in the availability and consumption of illicit drugs. [1] This situation is causing South Africa to become even more of a breeding ground for criminal behaviour. Furthermore, the aftermath of the situation leads to increasing instability, deaths and illnesses, availability of weapons, rates of unemployment and undereducated young males, and the absence of strong local institutions, social cohesion, and informal social control [2];[1]. Internationally, South Africa has been identified as one of the drug centres of the world [3]. Subsequently, the South African criminal justice (CJS) system has come under scrutiny. The South African Police Service, the National Prosecuting Authority, the Department of Justice and Constitutional Development and the Department of Correctional Services have all been criticised. [4] clearly reveals major challenges within law enforcement and local communities affecting the efficiency of the prevention and combating of illicit drugs. This raises concern about whether the strategies within the criminal justice system are effective in this war against illicit drugs. This paper focuses on strategies that can efficiently combat the production, distribution and sale of illicit drugs. The study was conducted in 2017/2018 and a qualitative approach was adopted to identify and evaluate the various strategies regarding illicit drugs within the criminal justice system. Data was collected from a target population consisting of eleven Police Service (SAPS) drug-related crime experts, including specialised detectives of the Directorate for Priority Crime Investigation (DPCI or the Hawks), crime intelligence members, border police, the International Criminal Police Organisation (Interpol) and commanders at ports of entry. A documentary study was used as a secondary method of data collection. Data from interviews was analysed by identifying common themes from the respondents' descriptions of their experiences.

Keywords: Criminal justice system; illicit drugs; strategies

Introduction

In South Africa, there is a widespread perception that the criminal justice system is in crisis. In the OR Tambo District Municipality, for example, even traditional leaders are amongst the agents of society that are dissatisfied by the services rendered by the various components of the criminal justice system [1]. People in general feel that the quality of the criminal justice system is deteriorating. In response, the government seems to be attempting to strengthen the criminal justice system [5].

The internationalisation of illicit drug production and importation has forced countries to organise their own national police responses efficiently and to liaise more with law enforcement agencies in other countries. Nevertheless, deterring both local dealers and users requires vigilance and effective action by the local police service and the public expects constant reassurance that the “illicit drug problem is being tackled” [6]. In this paper the strategies of the criminal justice system, the critical role it plays and its various approaches to the production, distribution and sale of illicit drugs are explored. However, police officials alone cannot prevent or combat illicit drugs. The community and other government agencies, both local and international, together with the private sector, must also be involved. Street drug markets and houses of production that are closed by law enforcement in one area quickly pop

up in another, and dealers that are arrested get replaced by others very quickly. The community and other local government agencies must be active partners in the fight against illicit drugs.

Overview of the illicit drug situation in south africa

[7] state that, historically, the invasion of illicit drugs into South Africa came about as an outcome of the availability of mandrax (methaqualone) and the appearance in 1970 of the “white pipe”. The most drug-affected communities during that period were the Coloured and Indian groups in the Western Cape and KwaZulu-Natal respectively. Prior to 1994, this “ethnic segmentation” of drug cultures was strengthened by apartheid segregation and rapid urbanisation. In the early 1990s, the introduction of the universal rave culture in South Africa led to an increase in the use of the so-called “club drugs” (LSD and ecstasy). After the abolishment of international sanctions post 1994, a flood of chemicals used in the production of illicit drugs was noticed on the South African drug market. With global trade to South Africa also increasing after 1994, drugs such as heroin and cocaine were introduced into the South African drug market.

During the apartheid period and due to stringent border controls and limited international trade, South Africa was mostly semi-excluded from manipulation by transnational drug syndicates. But in the mid-1980s, a slow influx of Nigerian drug dealers started. These Nigerian syndicates started to participate in drug trafficking, using South Africa as a strategic transit area for the distribution of illicit drugs to major drug markets in Europe [8]. [8] explains that the apartheid era left institutional weaknesses such as outdated or insufficient laws for multifaceted crimes, insufficient economic regulations and a weak criminal justice system and the relaxing of the former counter-insurgency related border controls after 1994. [9] emphasises that since 1994, South Africa has been increasingly used as a transit country for drugs such as ecstasy, mandrax, cocaine and heroin.

According to the United Nations Office on Drugs and Crime [3], it is obvious that when the demographic profile of a specific society changes, drug use behaviour may also change. Socio-demographic tendencies, such as the population’s age and gender balance and the rate of urbanisation, all influence the evolution of the drug market [3]. South Africa is now completely globalised in terms of the variety of drugs available for consumption. [10] states that there are barely any popular substances that cannot be bought in the urban centres of South Africa. This, together with the fact that South Africa is gaining a reputation as a transit point for illicit drugs, has exposed South Africans to drug trafficking syndicates that exploit vulnerable South Africans and coopt them to smuggle illicit drugs [11].

A study conducted by [12] reveals the impact of public officials involved in drug dealing. A huge problem is that corruption regarding illicit drugs seems to have infiltrated the legal system. Cases are often withdrawn after arrests have been made. Sometimes dealers get arrested five to six times and then afterwards all the cases are withdrawn again. Furthermore, the chain of evidence is a major cause for cases to be thrown out of court. The cases that get thrown out of court are because the police did not follow the proper procedures, mostly because the police did not follow the proper chain of custody. Sometimes it can be clear corruption whereby the police deliberately tamper with the evidence. Sometimes cases are thrown out of court because of an arrangement between the investigator and the prosecutor. For instance, the investigator might state that drugs that were recovered and recorded weighed 10 kg but now it is 8 kg, where is the rest? This leads to the case to be thrown out of court. Most senior commanders are involved in corrupt activities. They write lies in reports and destroy the evidence. Some cases don’t even reach the prosecutors. The majority of participants in this study had similar views in this regard and had had personal experiences of members of the criminal justice system colluding with drug dealers. Their views confirmed the alleged level of collusion between police officers, prosecutors and drug dealers that emerged in this study.

Materials and Methods

Semi-structured one-on-one interviews were conducted with eleven drug experts comprising members of the Crime Intelligence Division, Interpol officials, Specialised Crime detectives, border police and operational crime prevention officers. Participants’ perceptions, the facts that they knew, their forecasts and reactions as well as possible solutions were determined. The sample was selected through the purposive method. The data obtained from interviews was analysed by identifying common themes from the respondents’ individual descriptions of their experiences. The relevant information was broken into phrases or sentences which reflected a single, specific thought. These were further grouped into categories that reflected the various aspects of the meanings. A documentary study was conducted as a secondary method of data collection. The focus was mainly on various Acts, policies, case law and the legislature monitoring illicit drugs.

Results and discussion

Strategies for law enforcement to prevent and combat illicit drugs

Participant 3 in this study stated that SARS's Customs and Excise division played a vital role in the detection of narcotics smuggling. There are declaration forms to be completed that can be used in a court of law as evidence against a courier. Customs also profiles couriers and conducts searches. Their systems allow access to a traveller's financial records. Under Customs law, planes and their crew can be searched for any illicit substances as well. Participant 3 also stated that Home Affairs Immigration offices are important at ports of entry. All travellers must be cleared to gain entry into or out of the country by immigration officials. The Immigration office can also identify possible drug couriers based on the records of their movements available to them. Immigration plays a vital role when it comes to opposing bail, as they have to provide the court with the status of foreigners in the country.

According to Participant 1, airport security is crucial to detect the smuggling of narcotics on a person and in luggage. They make use of body and luggage scanners. The proper scanning of bags can identify illicit drugs in luggage. Proper body and hand luggage searches at security check points can detect illegal substances on departure (security units in most countries only conduct scanning on departure and not on arrival). Airline crews should detect any strange behaviour on an aircraft during a flight, for example, a passenger not eating or drinking on a long flight is often an indication of them being a possible swallower. This behaviour should always be reported to the police for their attention before landing.

Strategies at airports to prevent and deter drug mules

Participant 4, who oversaw the SAPS as a commander at an airport, identified various methods of detecting drug trafficking. Technology such as drug analysers is available. The most frequent method is through crime intelligence. Profiling of a passenger is normally used and the country of origin or where the aircraft is coming from regarded as a basis for this strategy. Participant 4 stated, *"...for example, the South American originating aircraft such as Sao Paulo, the chances are 80 percent whether they are leaving the country or coming back. We can take them for questioning or searching. Possibility is that they may be trafficking drugs. Secondly are the swallowers who swallow drugs and keep it in their stomach. The informers and airline crew in the aircraft, such as [a] hostess may detect those who don't drink water while they are dishing out food and they are not eating food since they left or has been sleeping. They may inform us that passenger so and so has been sleeping since they left."*

Procedures/steps followed when conducting operations at ports of entry

Participant 2 said, *"When we conduct operations, they inform the station commander [commanding officer of the Directorate of Priority Crime Investigation or DPCI, or the /Narcotics Unit at the port of entry] of your presence when operations are conducted. There are multiple key role players involved at ports of entry. All operations are discussed afterwards at the JOC [Joint Operational Centre] meetings by DPCI and other departments. The station commissioner will have to provide the needed answers as it is a national key point."*

The following procedures apply when conducting operations at ports of entry:

- Usually DPCI officers (the Hawks) during joint operations do not have access into restricted areas, and they must make use of trusted colleagues.
- A request for assistance is made in order to gain access where the operation must be conducted. Clarity is required in advance of what assistance will be requested in order to be prepared for any last-minute changes that may be necessary for a successful operation.
- Most of the operations might be conducted in the restricted working area of baggage handlers, aircraft operators, Immigration control and Customs and Excise where proper communication is vital.
- The aviation law at a port of entry cannot be violated and therefore it is necessary for all role players to work together to ensure that operations are conducted in an orderly and correct way.

Security measures at airports and harbours to detect, prevent and deter illicit drugs

Participant 3 stated, *"How it is supposed to work and not always done. K9 narcotic dogs are deployed at [the] airside where bags are off-loaded from the aircraft before loading on to the carousel. K9 dogs then first check the bags at the sorting area for possible narcotics; only after it has cleared, they will allow the baggage handlers to load it on the conveyer belt to be collected by the passengers. K9 handlers then also wait for passengers on target flights to collect the bags from the carousel and do a random physical stop and search where the bags are opened and hand checked."*

This view suggests that strong sophisticated security measures at South African ports of entry are lacking and some are not always properly implemented.

Strategies of the DPCI, Office of Serious Organised Crime division/section to combat the production, distribution and sale of illicit drugs

Participant 2 pointed out the following strategies to fight illicit drugs:

Strategy to prevent and combat the production of drugs

“Chemical Monitoring Program: The office monitors the import and export of chemicals that can be used in the illicit production of drugs. The issuing of a permit by our office is necessary before an ITAC [International Trade Administration Commission of South Africa] permit can be obtained. The DPCI-OSOC (Office of Serious Organised Crime) also assists in backtracking of batch numbers on chemical containers seized at clandestine labs, to determine the source and purchasers thereof.” The role of Participant 2 was investigating, provincial coordinating, assisting or offering guidance with regard to drug investigations and the identifying of illegal narcotics producers, whether through an ad hoc, major investigation or project-related approach.

Strategy to prevent and combat the distribution and sale of illicit drugs

Participant 2 stated, *“The DPCI-OSOC office coordinates all MLA [Mutual Legal Assistance] with regards to requests received by foreign police agencies and assists with setting up joint operations with these agencies to address drug distribution through coordinated police operations.”* Participant 3 stated, *“With regards to different drug prices by giving statements whether it is for court bail or trial proceedings or asset forfeiture investigations, I supply these statements on the basis of a forensic report obtained and then calculate the existing drug prices on our database with the contraband seized on the forensic report.”*

5.3 Investigative approaches to prevent and combat illicit drugs

5.3.1 Ad hoc investigational approach

This is a short or quick-time approach where one or more identified suspects can be disrupted or addressed through the following:

- Stop and search operations to cause disruptions to a drug dealer or network.
- Section 252A operations through either buy or bust or multiple transaction drug purchases. Informants or police agents are normally used to conduct such purchases.
- The obtaining of a J51 search and seizure warrant to conduct a search of premises where possible drug sales/production and distribution are taking place or in an emergency circumstance the use of section 22, etc., of the Criminal Procedure Act 51 of 1977, where warrantless searches are conducted when there is not enough time to obtain a search and seizure warrant.

Section 22 of the Criminal Procedure Act provides for circumstances in which articles may be seized without a search warrant. A police official may, without a search warrant, search any person or container or premises for the purpose of seizing any article referred to in section 20:

(a) If the person concerned consents to the search for and the seizure of the article in question, or if the person who may consent to the search of the container or premises consents to such search and the seizure of the article in question; or

(b) if they on reasonable grounds believe –

(i) that a search warrant will be issued to them under paragraph (a) of section 21 (1) if they apply for such a warrant; and

(ii) that the delay in obtaining such a warrant would defeat the object of the search. [13] conducted a study in one of the South African townships and found that most residents disagreed that the strategy of stop and search of suspects by police officials was conducted or implemented by the local police.

Major investigations (project approach)

This entails more of an in-depth investigation approach to one or more suspects or syndicates where there are factors such as assets, associations, etc., that need to be investigated over a longer period. The advantage of a major investigation is that it is not as stressful as a project investigational approach. This entails a more in-depth approach when syndicates are investigated. Projects can be done over a longer period, but it requires the investigating officer to

draft a project proposal that must have a complete outline of the different suspects to be investigated and which category (level 1 to 5) they fall under. This project also allows the investigating officer to apply for a financial budget to get the necessary money to successfully complete the project. Investigating officers wishing to register such a project will have to submit a proposal to a committee at provincial level first with regard to their areas of operation. Once approved, the proposal must then also be approved by a Project Committee Board and at national level. A project approach requires the participation of other stakeholders that must form part of the project proposal.

The following stakeholders are normally required (but not necessarily) to be part of the project: Crime Intelligence Gathering (CIG); Financial Intelligence Centre (FIC); DPCI Financial Assets and Financial Investigations (FAFI), they normally conduct the financial investigations in conjunction with the NPA Asset Forfeiture Unit; the NPA, or the Directorate of Public Prosecutions (DPP) prosecution representative; the South African Revenue Service (SARS); DPCI Priority Crimes Management Centre officials who will be conducting the analyses, whether it is a phone call analysis, financial analysis or docket analysis; and a SAPS/DPCI Anti-Corruption Unit or CIG Counterintelligence representative in cases where the involvement of corrupt police or other government officials in the project is suspected.

Tactics, strategies and operations conducted by the DPCI-OSOC to prevent and combat illicit drugs

- drug training and awareness campaigns for police members and the public
- physical or mobile/phone-intercepted surveillance
- infiltration of the suspect/s or syndicates using sources/informants and shallow or deep-cover police agents
- stop and search operations or disruptive operations
- section 252A operational drug purchases

Investigative methodology of the DPCI-OSOC to investigate illicit drug trafficking

Information can be obtained through sources, 10111 centres, Crime Stop hotlines, social media platforms, public complaints, police stations, etc. Once an information note or statement is obtained, an enquiry file can be opened by the investigating officer and registered, or, in extreme cases, an existing docket can be used to further an investigation. If the suspect's details are available, a criminal background check must be conducted. Asset background checks (vehicles, properties, etc.) also need to be conducted. An FIC (Financial Intelligence Centre) request can be submitted to identify bank accounts or suspicious transactions, etc., reported by financial institutions. Section 205 subpoenas can be submitted to the different cellular networks for cellphone billing to conduct an analysis to identify other role players, etc. Section 205 subpoenas are issued to banking institutions. An ACT 70 judges' authority is applied to activate phone call interception on suspects' phones or mobile numbers. A section 252A transactional drug purchase by a police agent or sources is conducted. Once enough evidence is obtained, the docket can be discussed with a prosecutor for guidance and a decision. When enough evidence is secured, a J50 warrant of arrest can be applied for at a Magistrate's Court, as well as a J51 search and seizure warrant for execution during the searching of the suspect's premises or vehicles.

Law enforcement agencies responsible for preventing and combating illicit drugs

A member of the DPCI-OSOC stated that there were other divisions and organisations that they collaborate with in order to prevent the production, distribution and sale of illicit drugs:

- CIG: Intelligence gathering of a suspect being investigated and the infiltration of illegal organisations
- FIC: Intelligence reports on bank accounts, and suspicious transactions linked to a suspect being investigated
- SARS: Tax investigations relating to a suspect and the proceeds of crime;
- foreign police agencies (MLA): Information and intelligence sharing, as well as combined joint operations on identified targets that have a transnational link
- local police departments or stations: Dealers that cannot be dealt with through conventional policing methods and require a more specialised approach
- social and health care workers
- community policing forums
- rehabilitation centres

Interpol's strategies against illicit drugs

Participant 1 stated that when their Interpol office organise operations it will mostly be in collaboration with police agencies and the Hawks. She said: *"We deal with projects where operations are conducted with police agencies and the Hawks. Our intelligence is in many countries such as Mozambique. We must know where drugs are packaged and the car that they are driving. The intelligence there are recruited there but paid by our government."*

Since the types of drugs trafficked and the routes used are constantly evolving, it is essential that countries work together in a united and coordinated way. Interpol assists national, regional and international law enforcement bodies to counter the illicit production, trafficking and abuse of drugs in the following ways: Executing global operations against drug trafficking and assisting with ongoing investigations, criminal analysis of intelligence on drug trafficking routes, modus operandi, the criminal networks involved and comprehensive training for police worldwide to better tackle drug trafficking.

Interpol coordinates drug trafficking operations spanning different regions of the world and supports drug operations and investigations led by national or international agencies. They aim to disrupt the movement of specific products along routes affecting target regions or the international flow of illicit drugs. According to the current Secretary General of Interpol, Jürgen Stock, "Operation Lionfish underlines the scale of the challenge faced by police worldwide and the need for a coordinated approach to tackle the drug trade and its associated crimes". The Lionfish model of operations targets drug trafficking along air, land and maritime routes, resulting in major seizures and fresh intelligence [13].

Strategies of Crime Intelligence to prevent and combat illicit drugs

Participant 1 stated that they deal with international drug smuggling, transprovincial borders and labs. They work hand in hand with the DPCI (the Hawks) as well as foreign police agencies such as the FBI in Canada, the USA and Australia. Participant 1 stated, *"Like today they have conducted operations whereby one of the suspects came to pick up crystal meth and take it to Hong Kong. They have arrested him there. He has a team, called intelligence hand-outs, on the ground. They conduct undercover operations whereby a police officer come and work with him as under cover, they give him a nice car. When he recruits, he may use someone who was a criminal and agree with him, so that he can work for them, so that he may be released by the Hawks."*

Participant 10 said, *"The role and the procedure for crime intelligence to operate is that there are support systems in place and reasons why people need to follow proper processes, because if I am a commander at the airport, I must account for policing-related matters. Corruption takes place whereby police members come from either the Hawks or a local police station or even crime intelligence saying that they have information about a suspect that they need to arrest, only to find that they are actually helping the suspect."*

Participant 10 said, *"When I was working at the airport, you will find that people from Crime Intelligence head office come and say that we have a suspect that went to Sao Paolo and he is coming back, we need to intercept him. And you say it is fine and later you realise that they were actually assisting to traffic the suspect. There is no way that you can commit crime at the airport without getting assistance from someone within."*

This participant further indicated that drug syndicates know each other. If a police officer is working for a certain syndicate, they will know that a person from a particular place is coming, and they need to assist. The syndicates have police officers as cohorts. The officers will arrange a sting operation to apprehend the person and seize the drugs, record the drugs as if they are opening a case, but actually assisting. Sometimes they will assist a member of a syndicate in indirectly and request assistance when there is a suspect on an aircraft.

Participant 10 further stated, *"I remember during the time of the National Police Commissioner, Jackie Selebi, we wrote a letter to all divisions that whoever comes to the airport must get a permit from the commander of the airport, because it was difficult to control all these officers, because they had access cards. The permit was valid for 14 days only and people started complaining about the permits. They said they couldn't get help from the airport. If you know that you have the suspect, you must liaise with the commander. We will record it in case the person is arrested with drugs. We will take the drugs in our sap13 store so that we shall send it to forensics laboratory for examination, then you will give a report and take the suspect because you don't need the actual drugs. We were preventing [them to] ...take the suspect and take the drugs to the drug lord after leaving the airport."*

Participant 10 believed that this process is clear and fair: *"If I want to arrest a person living in another province I cannot just go and start arresting people. I need to report at a local police station so that I may seek assistance. There were instances where people were kidnapped from an airport. It was alleged that the suspect was taken by a white*

captain. On a separate incident, a brigadier was kidnapped from the airport. It is always best to report to the commander first."

Strategies of visible policing (VISPOL)

Participant 5 stated that they normally conduct stop and search operations on the streets. They request a search warrant in case they need to search premises. An affidavit must be presented to the magistrate stating that they got a tip-off to search specific premises. This is a long process. Some informers tip them off regarding the dealers and sometimes it is concerned citizens who inform them. They use the drug abusers and fieldworkers to get information. Participant 5 further stated, "*Some of the police officers inform drug dealers that we are coming to conduct searches.*"

Conclusion and recommendations

This paper explored some of the strategies of law enforcement agencies in the war against illicit drugs. It is evident that some of the strategies may be efficient but not fully or effectively implemented. A strategy such as the deployment of the K9 Unit to search for illicit drugs, for example, is not fully implemented. One component within the criminal justice system is not effective enough to manage and combat illicit drug organisations. Corruption within the system has proved to be one of the enablers of illicit drugs in South Africa. South Africa needs to establish a valid and reliable surveillance system for monitoring the nature and extent of illicit drugs in the country, as well as establishing the various risk factors. A surveillance study of the use of illicit drugs among members of the general population, supplemented by the SAPS drug confiscation figures, would render a more detailed picture of the situation for all segments of society in the country. Currently, there is no ongoing surveillance system to monitor illicit drug use trends in South Africa. Very few national epidemiological studies have been conducted on substance abuse in South Africa and some of the epidemiological research that has been conducted has been uncoordinated and tended to have taken place in an ad hoc manner. It has also been noted that detailed national baseline data regarding drug intake among South African youth is lacking. Furthermore, matters are complicated by the fact that the longitudinal and multifaceted information needed for the effective prevention of drug-related problems in South Africa is largely lacking. Knowledge on illicit drugs prevention is generally insufficient. Research must be prioritised within communities and more funds allocated. The lack of scientific research on the production, distribution and sale of illicit drugs has resulted in considerable speculation as to the reasons for the availability of illicit drugs in South Africa. It is critical that the strategies to prevent illicit drugs are research driven, an aspect which does not receive the attention it deserves from the majority of service organisations.

Recommendations for the criminal justice system to effectively prevent and combat illicit drugs

South African law enforcement is using a less effective approach by only dealing with those who bring the drugs into the country, meaning that there are also those who will be consumers. There should be measures to reduce the demand for drugs, because then traffickers will look for other countries to sell their drugs. South Africa is not succeeding in getting to the drug lords. Law enforcement only arrests the runners while the network is a big organisation. A drug network is run like any other company where there are structures in place. Reducing the demand for drugs through community initiatives will prevent traffickers from targeting hot spots. If no drugs are consumed, traffickers will look for markets elsewhere. It is important to understand that cooperation between law enforcement agencies could prevent the smuggling of illicit drugs. This is primarily information-driven. Given the lack of police capacity to search vehicles, the police need to be tipped off in advance about vehicles suspected of transporting illicit drugs [12].

Various theories explain that drugs are a socio-economic problem that is associated with unemployment, low status, gangsterism, poverty, abuse, etc. There is no suitable prevention, basically only educating the youth and the public about the problems related to drug use. Law enforcement might win occasional battles but will never win the war on drugs if the country's socio-economic challenges are not being addressed by the government. If the world wants to make a difference, then sanctions must be imposed on countries where these drugs are made and where the problem is not being effectively dealt with. The role of international courts of justice (The Hague, European and African courts) should perhaps be explored in greater detail in future research on drug trafficking and smuggling.

The formulation of a new and annual national drug master plan in South Africa

The South African government should have a new annual national drug master plan which would enable it to summarise national policies, define priorities and assign responsibilities, and therefore include drug abuse control measures in the general framework of the country's social, security and economic development programme. A coordinating body is clearly needed to implement such a national plan. Such a body would need to have a full-time head and a secretariat. It would also need to have fully staffed sections dealing with prevention, interdiction, treatment,

research, evaluation and policy. This coordinating body would need to have the authority at presidential level to monitor all the relevant government departments to ensure the implementation of the drug control strategies it had devised. Such a coordinating body would need to be guided by regular input from local and provincial governments, communities, non-government organisations, community-based organisations and professional associations.

The current national drug master plan is not effective, due to its strategies which are too long-term. The current National Drug Master Plan (NDMP) of South Africa (2013–2017) was formulated by the Central Drug Authority in terms of the Prevention and Treatment of the Drug Dependency Act 20 of 1992, as well as the Prevention of and Treatment for Substance Abuse Act 70 of 2008, and approved by Parliament to meet the requirements of the international bodies concerned and at the same time the specific needs of South African communities which sometimes differ from those of other countries. The plan was then improved after an implementation evaluation and included in the National Drug Master Plan 2019–2024. This NDMP was also influenced by, amongst others, the United Nations General Assembly Special Session that took place in April 2016 in New York. An outcomes document has been developed which is being implemented by all countries to combat substance abuse and through consultation that is conducted locally [14]. Considering the drug situation in South Africa, a drug master plan which is an annual one would be more effective than the current long term NDMP.

Strategies to prevent illicit drug traffickers from smuggling drugs into South Africa

Better background checks of members officials working at ports of entry may reduce the corruption taking place there. There should be a constant rotation of officials at all ports of entry. Independent Police Investigative Directorate (IPID) units and the personnel needed to tackle corruption should be established at ports of entry that have a big budget. Interpol and crime intelligence should take a closer look at criminal profiling through collective information, and intelligence and profiling systems. The absence of these systems leaves operations with an insufficient information base. The lack of information is further compounded by the non-availability of interfaced and updated information systems. More disruptive operations must be conducted on known trafficking routes' ports of entry. Furthermore, agents should be placed in crucial positions at ports of entry where drugs are often smuggled by baggage handlers, airline crew and technical people who service aircrafts, cleaning companies and aircraft technicians. Crime intelligence only makes use of informers and not agents. It only relies on people who will provide them with information while agents have to infiltrate the syndicate.

Technical advances in information and communications technology and the ease of international travel also benefit criminals to the extent that crime has become highly organised and sophisticated. The limitations inherent in national borders and criminal jurisdiction are constantly being abused by criminals who can move across borders with greater flexibility. Law enforcement to combat crime with international dimensions or links has become dependent on greater international cooperation in respect of obtaining evidence from foreign jurisdictions, as well as information-sharing and various practical forms of working together. This ensures that crime combating is not only reactive in respect of detecting and investigating crimes already committed, but also able to prevent crimes at the initial stage [5].

Nonetheless, there are a few minimal and relatively inexpensive strategies that might be considered. One is to have a modest, but efficient investigative unit working quietly and discreetly at the borders. Nearly 600 service companies enter and leave South African ports of entry every day. It is surely also in this matrix of services at the borders that smuggling is facilitated. There must be some capacity present to monitor this matrix. For instance, somebody may enter a port of entry as part of a cleaning service, stop for a while and then come out again as part of a transport service. There is a need for a function that quietly monitors company integrity – importers, exporters, freight forwarders, all service providers, even the engineering companies. A light and discreet investigative capacity is just one suggestion in this regard that will ensure better protection.

Strategies to improve the success rate of investigations, arrests, prosecutions and convictions of illicit drug dealers in South Africa

The establishment of drug courts with specialised prosecutors and capable magistrates should increase the number of convictions of drug traffickers. The establishment of proper SAPS provincial and national narcotics units that fall under detectives who can investigate street-level dealings will relieve the burden on DPCI SANEB and allow them to solely focus on project investigations with regard to high-flyers, thereby fulfilling their mandate. There should be bigger budgets for state-sponsored rehabilitation centres and facilities which will reduce drug consumption and demand. The focus should be on convictions and not the number of arrests that are made. There must be a review and necessary amendments to the Drugs and Drug Trafficking Act 140 of 1992 to deal with challenges, for instance, section 11 was recently found to be unconstitutional. The improved efficiency of the criminal justice system to deal with illicit drugs must be measured by outputs such as arrests and convictions.

Strategies to further the successful detection and arrest of illicit drug dealers

The full participation and collaboration of all role players, from the CIG to the DPCI and the NPA, must be obtained. Certain aspects regarding the possession and cultivation of cannabis should be decriminalised. There must be a proper system for control command and accountability to ensure that dockets that are withdrawn for outstanding investigations are placed back on the court roll and not just closed and filed away. South African courts must impose harsher sentences for serious drug-dealing cases and not just hand out a slap on the wrist. The criminal justice system also needs to discourage the users and sellers through harsher sentences. With harsher sentences, we will deter illicit drugs far better. The fine imposed on drug dealers should be high, at least R10 000 or more. Repeat offenders should get a jail sentence.

Informers should be recruited and anti-crime personnel increased next to borders that link South Africa and neighbouring countries. Crime Intelligence is still new to this environment and have only been there for about two years. The fences between South Africa and its neighbouring countries are generally ordinary and easily cut to gain access. The farmers who live next to borders can repair the fences, but after about two weeks, criminals cut them again. The South African government should repair the fences regularly. Normal police vehicles should be replaced by sturdy vehicles that can easily be used on gravel roads and in mountainous areas.

Improving the quality of detectives who investigate illicit drugs

The detective service of SAPS must be able to attract, retain and improve the quality of its personnel. Effective recruitment and offering potential detectives a clear and attractive career path should be central to improving the quality of detectives. In addition, recruiting and appointing legally qualified people in the detective services could play a key role in assisting and advising detectives and thereby improve the quality of investigations. Simply increasing the actual numbers of police officers without a concerted emphasis on training and development is something which has created a legacy of police officers who are being deployed without having received the requisite detective training. It is against this backdrop that the organised, transnational and drug trafficking training of all detectives who deal with illicit drugs, organised crime or drug trafficking must become a priority within the police service. It should be a stringent requirement that police officers can only be deployed to the detective services specialising in illicit drugs after having undergone the necessary training.

The management of the detective functions needs constant adjustment and enhancement to guide and improve deployment and performance. The role of detective management must be clearly defined and linked to a clear set of objectives, targets and performance indicators. These performance indicators must essentially provide the framework and basis for regular assessment and monitoring. The inspection of dockets by detective management during an investigation should not only ensure accountability, but also assist in guiding the investigation process. Improving overall performance also requires detective management to monitor cases that have been struck off court rolls, in order to identify weaknesses in the investigative process. Clearance rates should also be monitored alongside conviction rates to allow for a thorough assessment of the quality of finalised dockets.

Special investigative techniques, skills and knowledge are required for dealing with certain types of crime, for example illicit drugs production, distribution and sale. Several specialised units were created to ensure focused investigative capacity in dedicated areas. However, as part of the police's restructuring process most of these specialised units were subsequently scaled or closed down. This led to gaps in certain areas of investigation where specialist expertise is required.

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