

Media Statement



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TO: ALL MEDIA

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**RE: NPA RESPONSE TO DA PRESS RELEASE ON
CONVICTION RATE**

The claims made by the DA MP, Ms Debbie Schaefer that the presentation of the Development Indicators as released by the Presidency is a gross distortion of the conviction rate in our courts must be corrected.

It is important to note from the onset that the National Prosecuting Authority (NPA) has for the last three years indicated its method of calculation of performance indicators in a transparent manner in its annual reports and strategic planning documents. Further, the NPA engages regularly with the Portfolio Committee on Justice and Constitutional Development regarding the performance figures it reports. Therefore, accusations that the presentation of the conviction rate is “creative” and “lies, damned lies and statistics” is simply unfair and disingenuous.

There are various ways in which conviction rates can be calculated, and perhaps the one that Ms Schaefer suggests may be one of them. However, the NPA has defined its conviction rate indicator as follows:

Conviction rate: Percentage of cases finalised with a guilty verdict (including Sec 57A) divided by the number of cases finalised with a verdict (i.e. excluding diversions). Conviction rate is measured at the date of sentencing or verdict of ‘Not Guilty’ irrespective of the date when the plea was first entered.

In the NPA Strategic Plan the NPA further motivates why it uses such a calculation method: **it is internationally viewed as an indicator of the success of the prosecution.**

In addition, the NPA also reports on cases finalised, including through alternative dispute resolution mechanisms (ADRM), which is reflected in the Presidency's Development Indicators as "Cases Disposed Of". In the NPA's official reporting publications, this indicator is referred to as Criminal Court Cases Finalised including ADRM, and it is defined as follows:

Criminal Court Cases Finalised including ADRM: Criminal court cases finalised in the reporting period by verdict, or through the use of alternatives such as diversion or informal mediation, irrespective of the date of enrolment. (The criminal court case is measured as finalised on the date that the verdict of 'Not Guilty' is given, or sentence is imposed in the case of a guilty verdict, and includes cases dealt with in terms of section 57A of the Criminal Procedure Act)

The NPA also always reports a separate figure for ADRM, to provide a full picture of how many of the cases are finalised in this manner.

The NPA welcomes the MP's constructive critique about the upward trend in conviction rates, as it is indeed a fact that the organisation owns up to, notwithstanding the many challenges that are systematic and outside of its control. Reasons for withdrawals or removing cases off the roll include insufficient evidence and lack of witnesses or inadequate witness co-operation.

The NPA continues to implement strategies that seek to improve the conviction rate especially for serious crimes. It is however important not to lose sight of the significant role that ADRM fulfils in resolving cases of a less serious nature.

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