



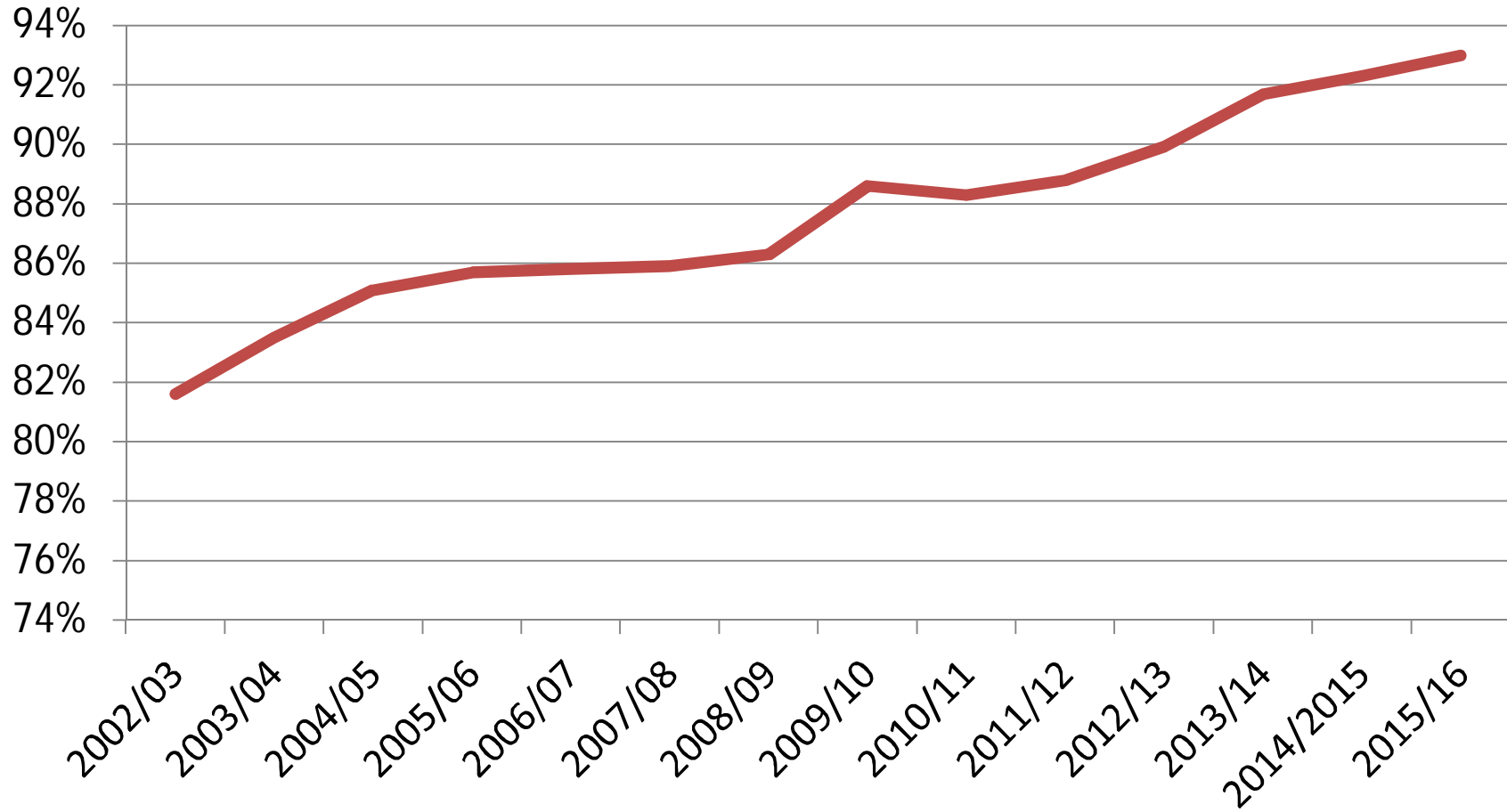
Trends in the exercise of prosecutorial discretion

Armchair discussion on the National Prosecuting Authority
22 November 2016
Jean Redpath

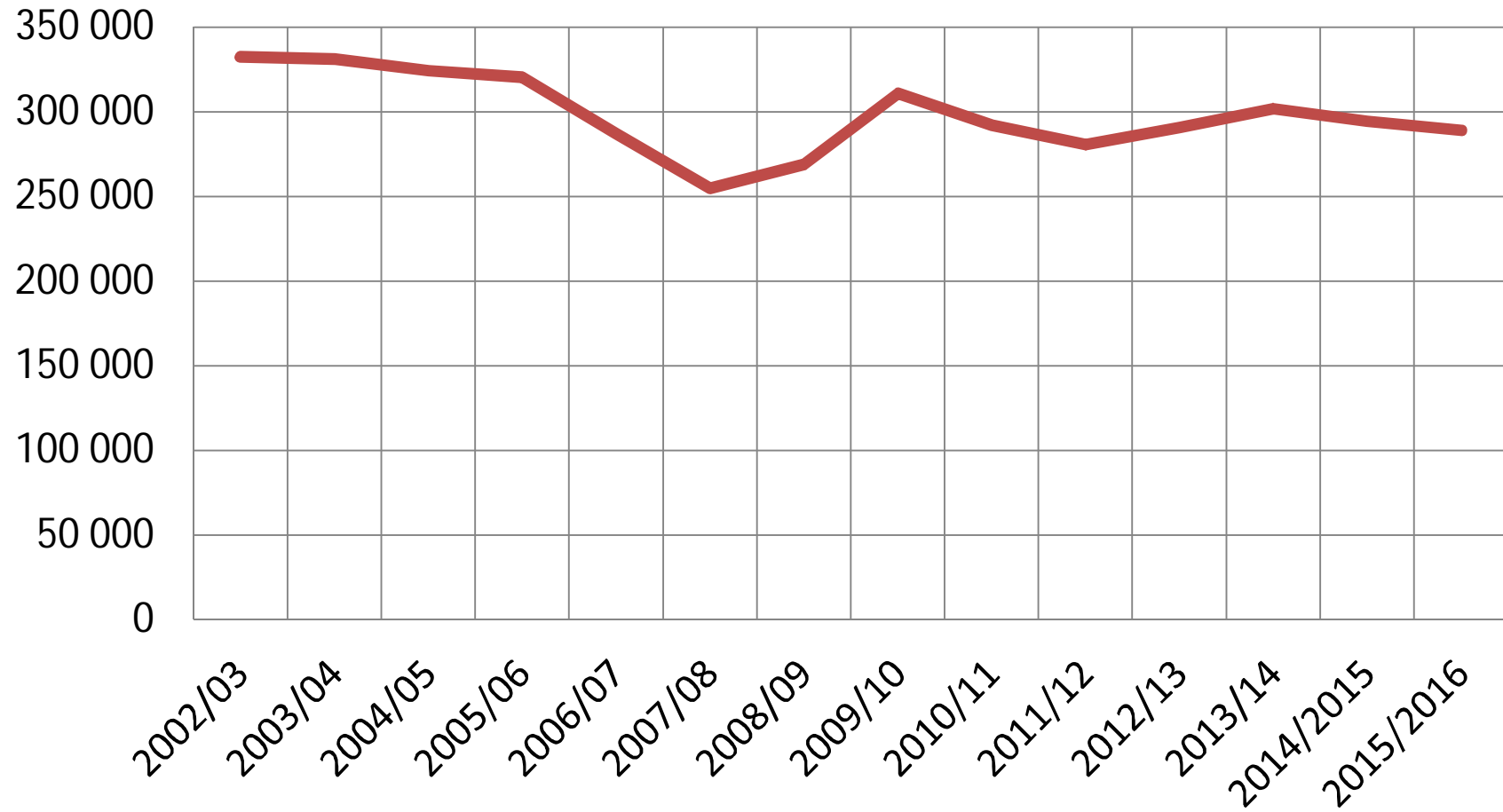
NPA Policy

- Once a prosecutor is satisfied that there is sufficient evidence to provide ***a reasonable prospect of a conviction***, a prosecution should normally follow, unless ***public interest demands*** otherwise
 - Public interest factors include:
 - nature and seriousness of the offence
 - the interests of the victim and the broader community
 - the circumstances of the offender
 - NPA Prosecution Policy as revised June 2013

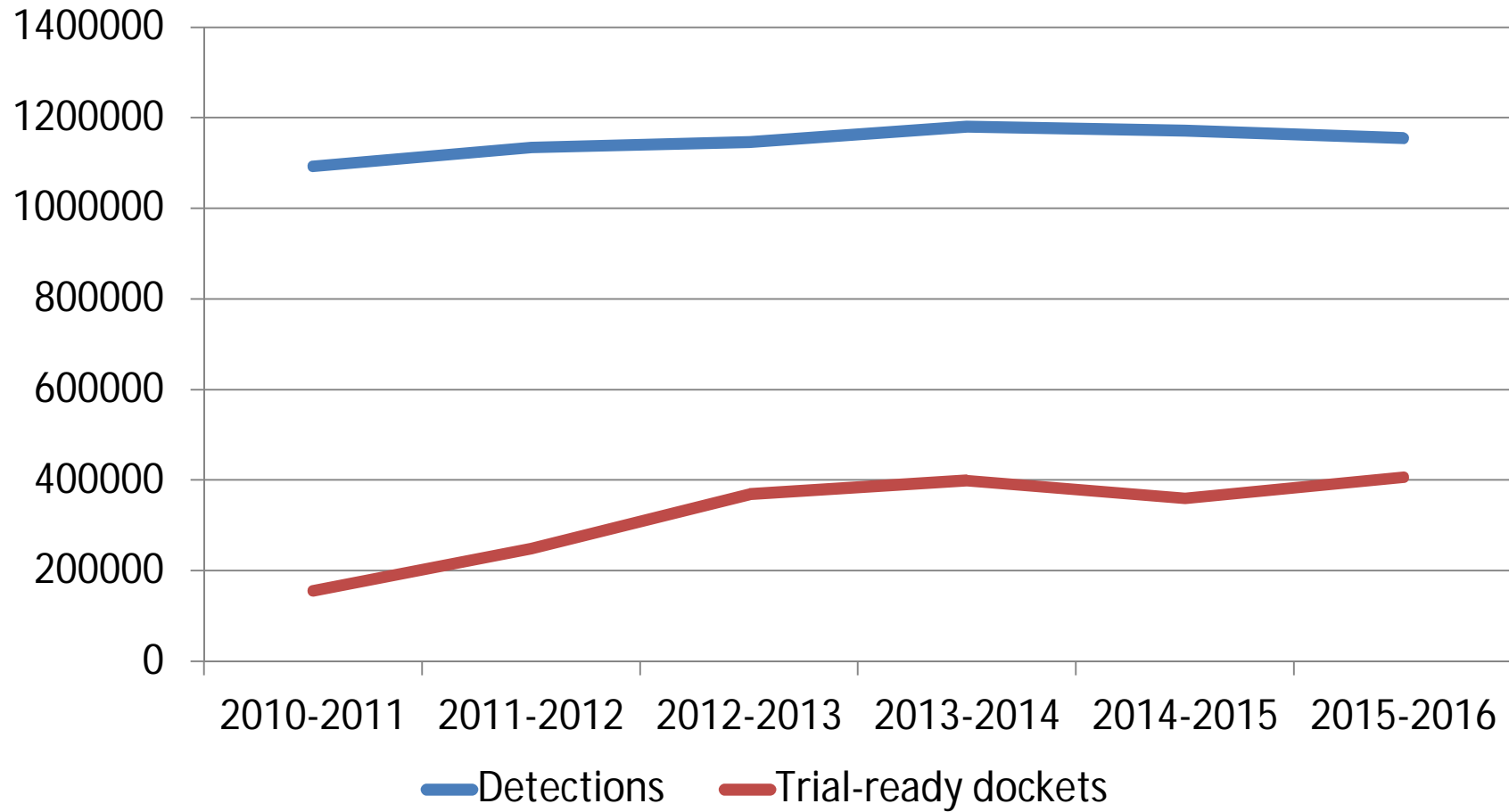
Conviction Rate



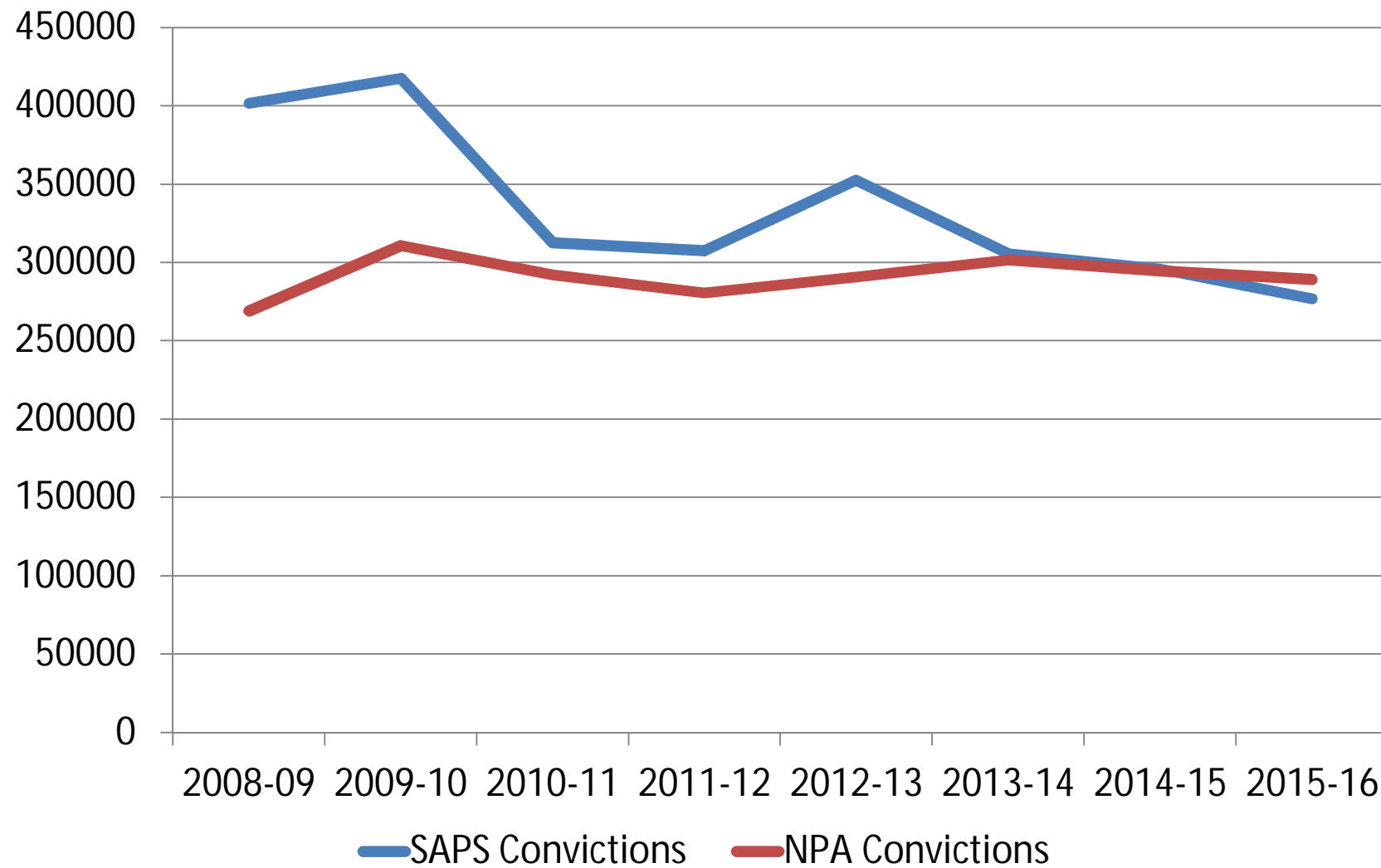
Number of Convictions



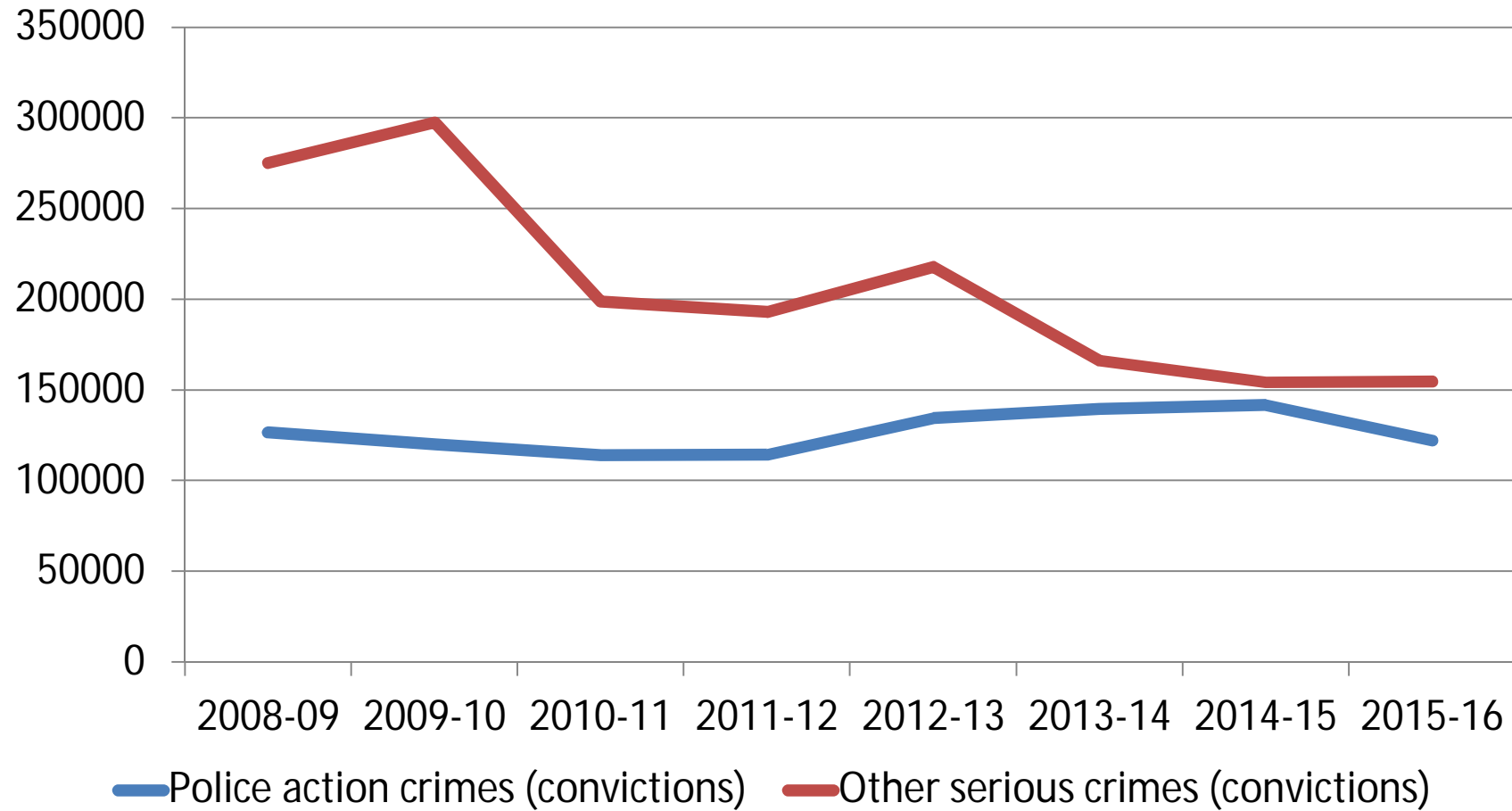
SAPS Throughput



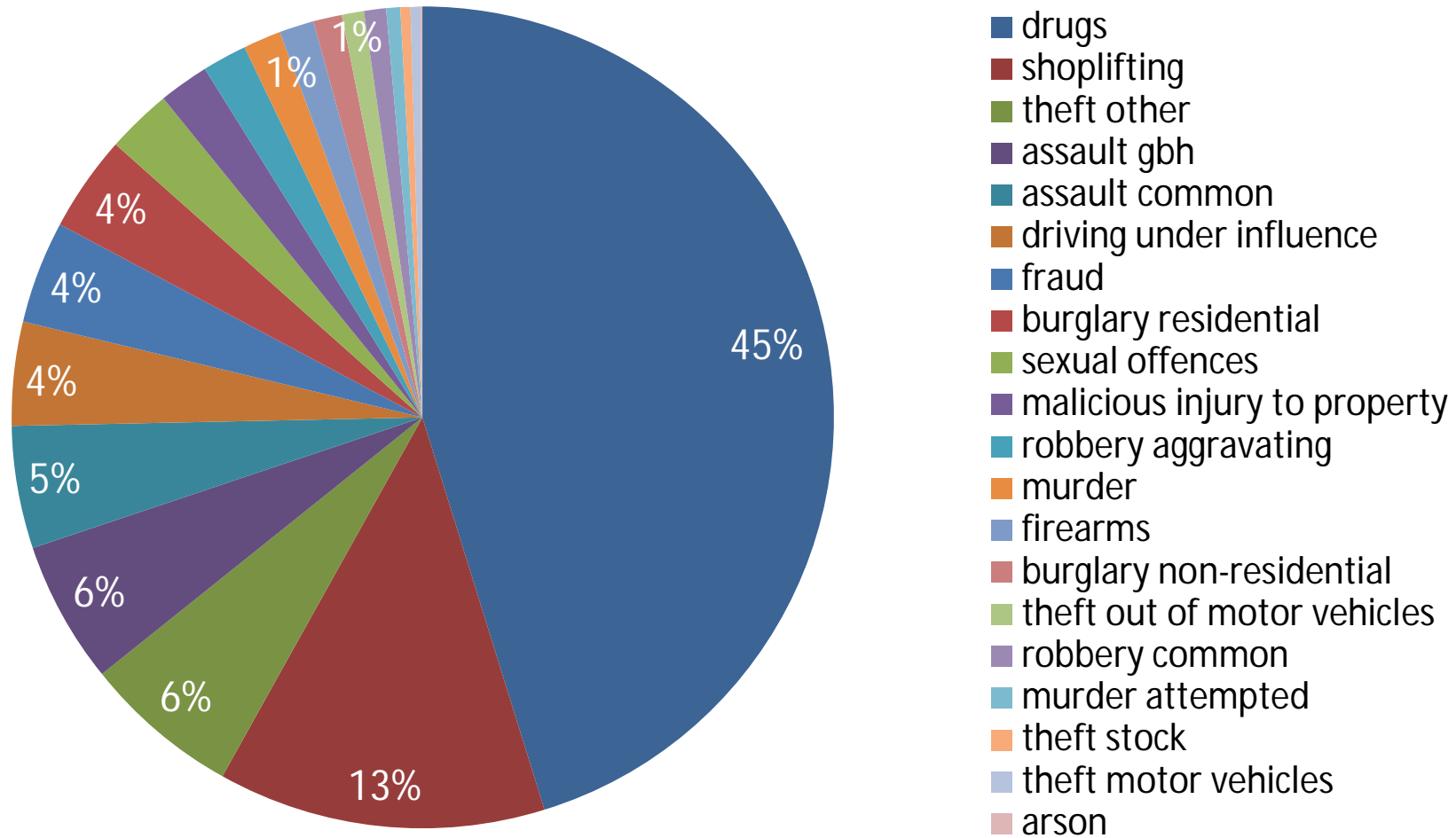
SAPS Convictions v NPA Convictions

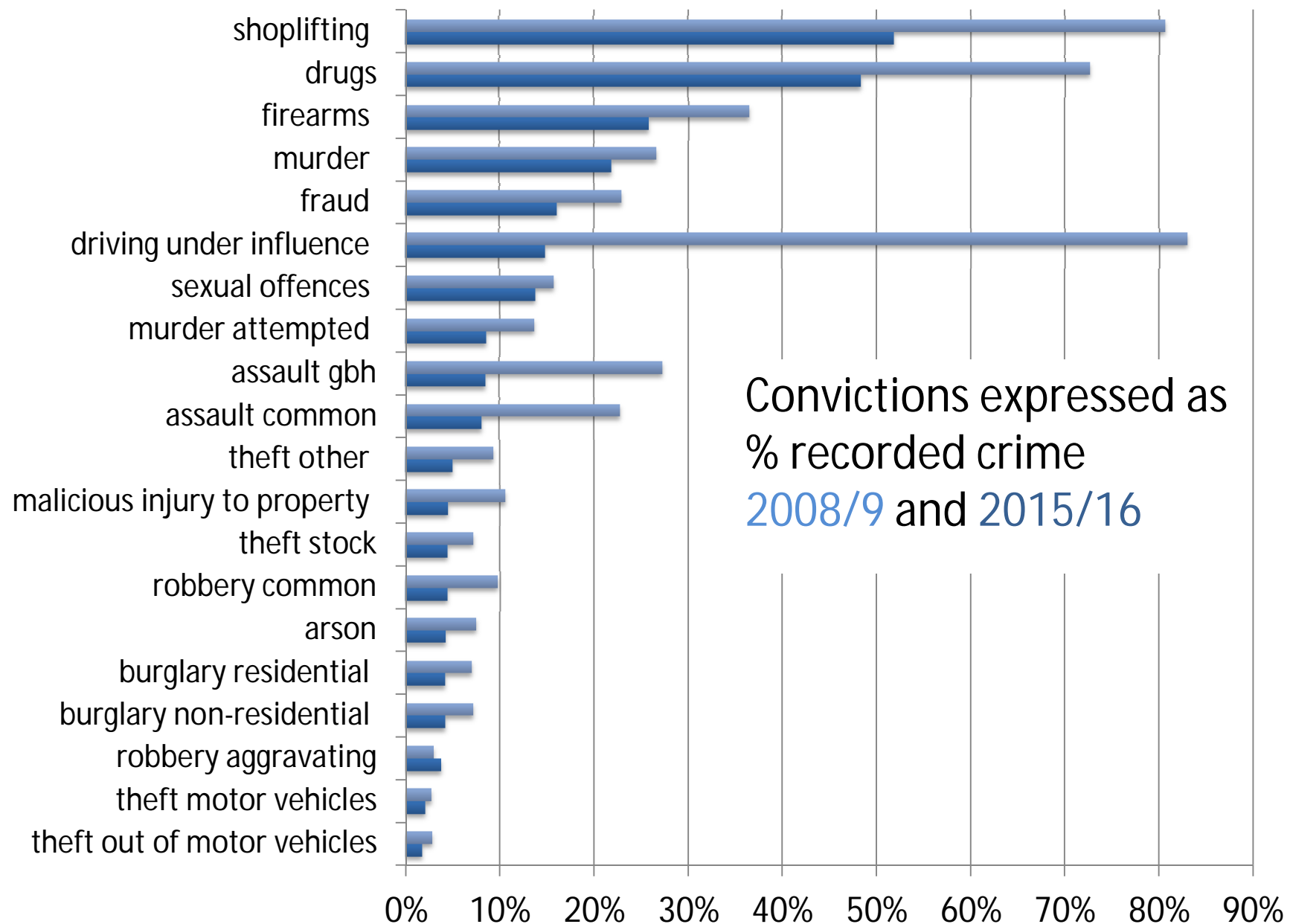


Number of SAPS convictions

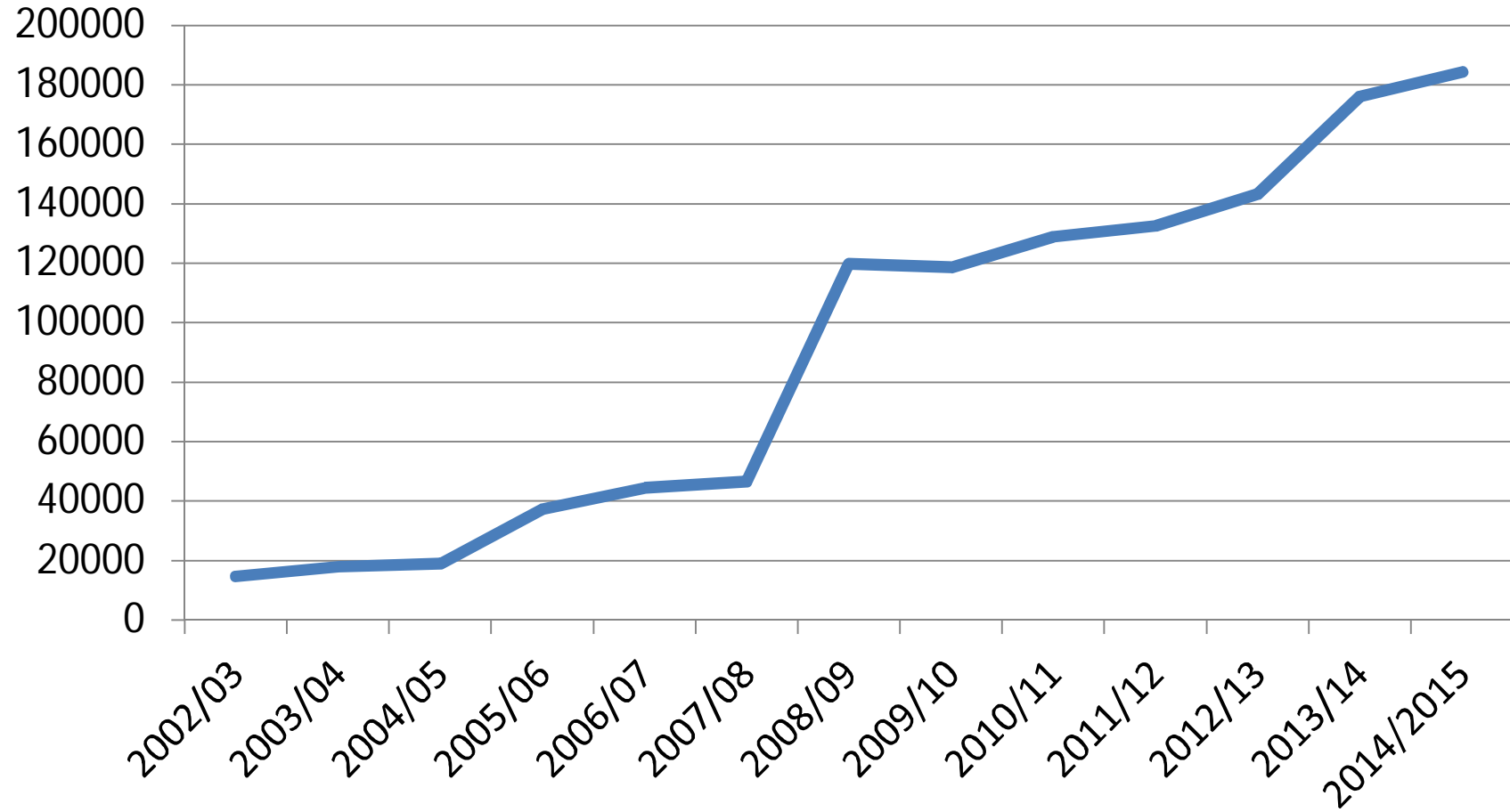


SAPS Convictions 2015/16

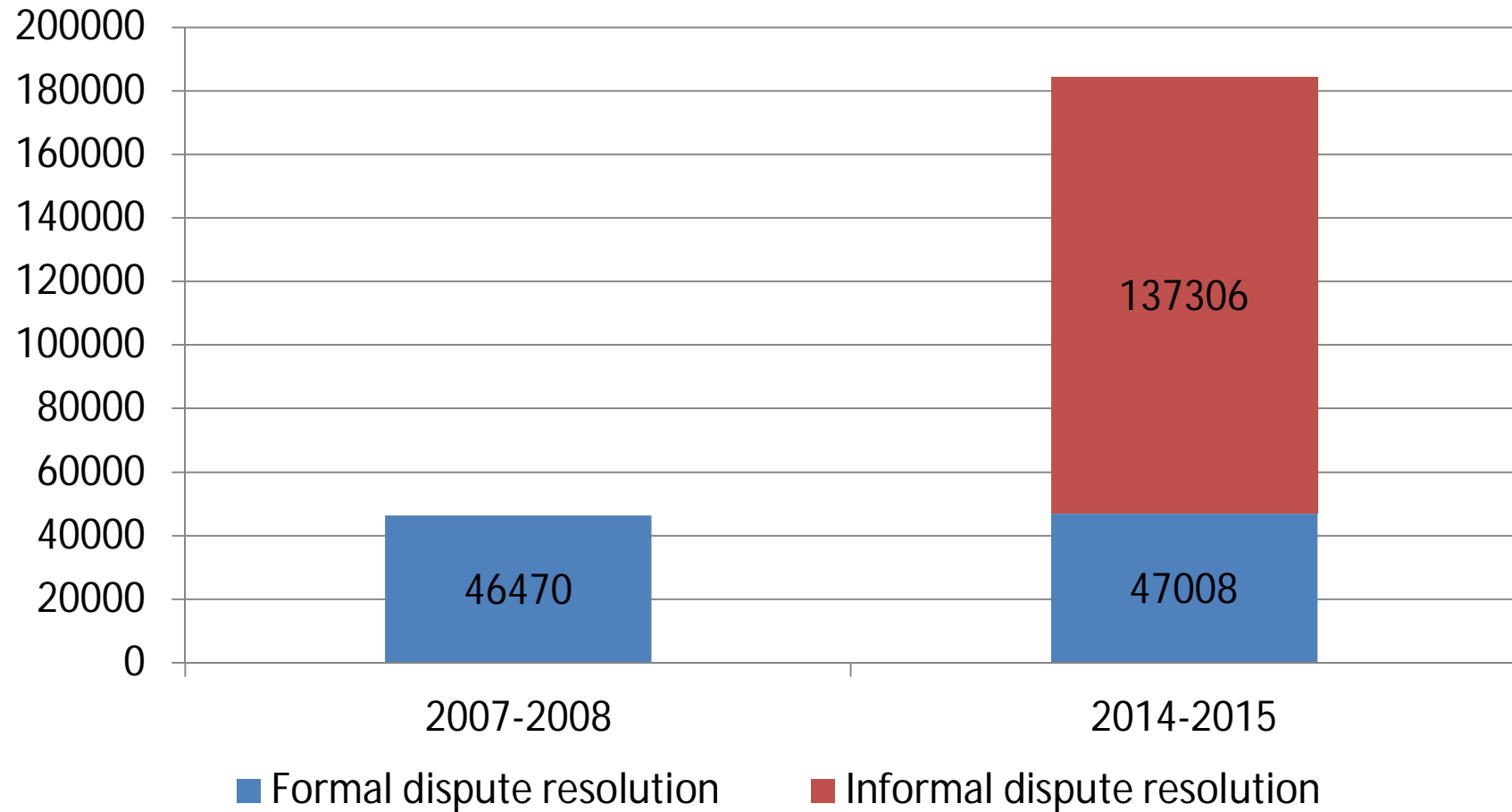




Alternative Dispute Resolutions



Number of alternative resolutions



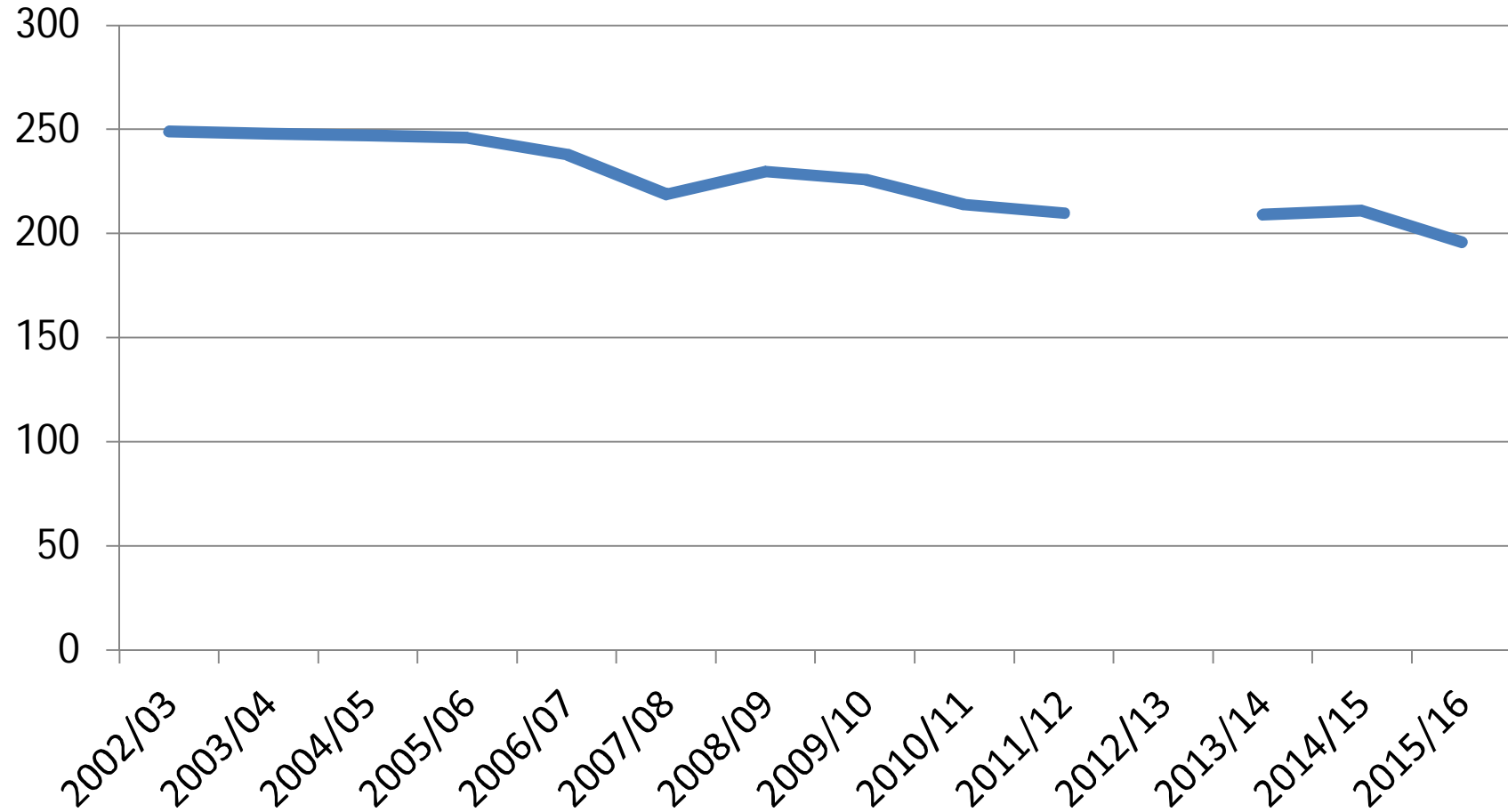
Increasing budget

- By 2014/2015 the budget allocation in inflation-adjusted Rand for general prosecutions was R2.7bn – almost double the 2002/3 amount
- For the NPA as a whole the budget was almost R3.7bn, around 185% of what it was in 2002/3

Increasing number of prosecutors

- In 2005/6 there were 1982 prosecutors
- In 2011/12 there were 2745 prosecutors
 - 38% increase
- Resolutions (including ADR) 207 per prosecutor in 2005/6
- Resolutions (including ADR) 163 per prosecutor in 2011/12
 - 20% decrease per prosecutor

Average court minutes per day



Conclusion

- Prosecutorial discretion is increasingly being exercised not to prosecute
- This is not due to fewer SAPS referrals, insufficient budgets, fewer prosecutors, or lack of court time
- Informal mediation accounts for some but not all of this trend
- Few safeguards exist over the exercise of discretion to withdraw and policy is vague