

PROSECUTORS AND INVESTIGATIONS:

QUO VADIS?

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- ▶ Normal scenario
 - Immediate arrest: Full investigation follows
 - Complaint: Investigation, arrest or summons
- ▶ Recipe for disaster, or safe route?
- ▶ Person-driven vs system-driven

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Why do prosecutors not get more involved in investigations?

- ▶ Lack of time / opportunity
- ▶ Lack of interest
- ▶ Fear of becoming witnesses in their own case
- ▶ Investigators' dislike of "interference" in their investigations
- ▶ Other?

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- ▶ Lessons learnt at the Environmental Court
- ▶ Prosecutor got involved in:
 - Setting up of a 24h- helpline for inspectors, investigators and other prosecutors
 - Going out to the scene of the crime
 - Putting in place a system for handling of exhibits
 - Amendments to legislation
 - Setting up training courses for inspectors, investigators and prosecutors

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- ▶ Positive Results:
 - ▶ Better investigations
 - ▶ Huge increase in conviction rate
 - ▶ Much harsher sentences
- ▶ Secondary Results:
 - ▶ Stopped intimidation of officials
 - ▶ Shorter and easier investigations
 - ▶ Shorter and easier trials
 - ▶ Deterrent value of high conviction rate and sentences of direct imprisonment
 - ▶ Increase in section 105A agreements
 - ▶ Boosted morale of role players

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- ▶ Negative Results:
 - ▶ Becoming a witness in your own case
 - ▶ Ethical dilemma's

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- ▶ The importance of other role players
- ▶ Placing environmental crime in perspective:
 - ▶ Often technical / difficult to investigate
 - ▶ Almost always about money
 - ▶ Often highly organised

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CONCLUSION

- ▶ Specialised investigative units
e.g. MCM, SANPARKS, provincial conservation authorities
- ▶ AND NOW...

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THE GREEN SCORPIONS

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- ▶ Use tools usually reserved for economic crime e.g. AFU, SARS
- ▶ Other specialised units e.g. Scorpions, Organised Crime Investigation Unit

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RECOMMENDATIONS

- ▶ Change the system:
 - ▶ Regional court prosecutors to get involved at an early stage
 - ▶ Two prosecutors per regional court
- ▶ Change the perceptions of people
 - ▶ Investigators
 - ▶ Prosecutors

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THANK YOU

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