

CHAPTER 2

PRODUCT THEFT: GOLD

Introduction

The nature of the gold mining industry makes it is vulnerable to theft: the product is easy to identify and to mine, it is relatively easy to sell and it can be mixed with legitimately acquired gold to be used in legal businesses. The theft of gold poses a substantial threat to the South African economy.

The economic impact of the mining industry is widespread, ranging from the energy sector to local municipal level. South African mines provide employment not only for South African citizens but also for migrant workers from several neighbouring countries.

The grade of gold produced is very low and has been declining steadily for the past decade, with the average grade decreasing from 5.37 grams/tonne in 1992 to 4.5 grams/tonne in 2002. Other factors affecting the profitability of the South African gold mining industry have been the strengthening of the South African rand and the rise in production costs relating to annual inflation. Loss in revenue due to crime is therefore very serious.

In order to assess crime in the gold mining industry, statistical information regarding recoveries, criminal cases reported and investigated, arrests made, as well as the mass and value of recovered gold-bearing material (GBM) was requested. The SAPS and the Chamber of Mines of South Africa made every effort to provide statistical information where available.

Furthermore, content analysis relating to some of the general variables used to detect patterns and trends in crime information was requested from the five participating gold mining houses and refinery. As the different mining houses and refinery did not have compatible crime databases, a standardised questionnaire was completed for each case of GBM theft or property theft that occurred at the participating mining houses and refinery during the period January–June 2003. These questionnaires were captured in a central database for multivariate analysis.

Crime statistics

It is explained in Peter Gastrow's April 2001 report⁸ that the police handed in all recovered GBM (whether refined or unrefined) for processing at the mines. The value determined by the mines for the recovered product was then divided by an average gold price of R 50 to determine the weight in grams of precious metal recovered. The recovered tonnage therefore reflected refined gold.

This method has changed since the Gastrow study. The police now send the recovered product to the mines or police FSL to determine the value, based on the retail price of the day. The recovered tonnage is now recorded in total mass of GBM recovered and the value is based on mine or police laboratory estimations.

The methods used to compute statistics for the police as well as for the mining industry are not standardised and therefore inhibit efficient comparative analysis. In particular, statistical information that can be used to determine the mass of detected gold and platinum group metals (PGM) stolen from mines and refineries is an aspect requiring further consideration by both the police and the Chamber of Mines.

The follow-up study was initially intended for the period January 1999–December 2004 to follow directly on the Gastrow study. Since the Gastrow study, some of the mining houses changed their statistical systems, resulting in information relating to 1999 not being readily available. As comprehensive data was only available from January 2000–December 2004 at all the participating mining houses, the follow-up study relates to this five-year period. The police supplied information for the period January 2000–June 2003.

Police statistics

The Diamond and Precious Metal branches that are still operational, investigate all cases concerning diamond and precious metals theft in South Africa. A complete set of statistics could therefore be obtained from the police.

At the time the interviews were conducted, the police had 13 functioning Diamond and Precious Metal branches, but they were in the process of being incorporated within other SAPS investigative units. Four of these branches, located in areas where diamond thefts are most prevalent, stated that no precious metals theft cases were reported or investigated for the period January 2000–June 2003.

Table 2.1: Police statistics of GBM recovered from January 2000–June 2003

Year	Mass in kg	Cases	Arrests
2000	25 560,9	2 164	1 549
2001	43 127,9	1 441	1 497
2002	544 987,3	1 806	1 332
2003	19 578,5	1 201	867
Total	633 254,6	6 612	5 245

The statistics received from the police are set out in Table 2.1. These statistics were compiled by the Pretoria head office from information obtained from nine branches that reported theft of precious metals cases investigated for the period January 2000–June 2003. These branches are Klerksdorp, Barberton, Polokwane, West Rand, East Rand, Rustenburg, Lichtenburg, Johannesburg, and Welkom.

The nine Diamond and Precious Metal branches collectively investigated 6 612 cases of GBM theft (see Table 2.2) and a further 1 014 cases of PGM

Table 2.2: Cases of GBM theft investigated by police from January 2000–June 2003

Branch	2000	2001	2002	2003	Total
Klerksdorp	240	232	198	321	991
Barberton	999	441	759	347	2 546
Polokwane	79	75	35	53	242
West Rand	186	228	220	210	844
East Rand	224	109	107	58	498
Rustenburg	6	9	11	1	27
Lichtenburg	2	0	99	0	101
Johannesburg	63	33	90	76	262
Welkom	365	314	287	135	1 101
Total	2 164	1 441	1 806	1 201	6 612

Table 2.3: GBM recovered (in kg) by police from January 2000–June 2003

Branch	2000	2001	2002	2003	Total
Klerksdorp	7,0	6,5	9,0	7,0	29,5
Barberton	3 423,9	420,1	471,0	179,0	4 493,9
Polokwane	31,5	3,2	1,5	11,7	47,9
West Rand	175,1	325,3	148,4	19,2	668,0
East Rand	649,0	503,0	54,5	78,8	1 285,3
Rustenburg	0	11 119,0	68 494,0	0	79 613,0
Lichtenburg	1,6	0	1,3	0	2,9
Johannesburg	638,3	4,5	14,0	15,0	671,8
Welkom	20 634,5	30 746,3	475 793,7	19 267,8	546 442,2
Total	25 560,9	43 127,9	544 987,3	19 578,5	633 254,6

theft (see Table 3.3 in Chapter 3) for the period January 2000–June 2003. The total number of precious metals theft cases investigated by the police for the 42-month period is 7 626.

There was an increase in GBM recoveries made in 2002 as shown in tables 2.2 and 2.3. The police stated that these statistics correlate with undercover investigation operations conducted to buy GBM.

As shown in Table 2.3, the nine branches recovered 633 254.6 kg of GBM and a further 1 002 572.2 kg of PGM (see Table 3.2 in Chapter 3) during the period January 2000–June 2003. The combined total for PGM and GBM recovered for the same period is 1 635 826.8 kg (1 636 metric tons). It should be noted that the tonnage of these recoveries reflects unrefined product.

As shown in Table 2.4, during the period under study, 5 756 arrests for precious metals theft related cases were made, including 5 245 arrests for GBM cases and 511 arrests for PGM cases (see Table 3.4 in Chapter 3).

The decrease in the number of arrests by the police for theft of GBM during 2002 can be attributed to a number of undercover operations performed by

Table 2.4: Arrests made by police for GBM theft from January 2000–June 2003

Branch	2000	2001	2002	2003	Total
Klerksdorp	240	232	198	321	991
Barberton	118	84	119	61	382
Polokwane	26	20	9	23	78
West Rand	519	595	342	131	1 587
East Rand	134	57	105	47	343
Rustenburg	0	0	0	0	0
Lichtenburg	4	0	26	0	30
Johannesburg	27	5	26	42	100
Welkom	481	504	507	242	1 734
Total	1 549	1 497	1 332	867	5 245

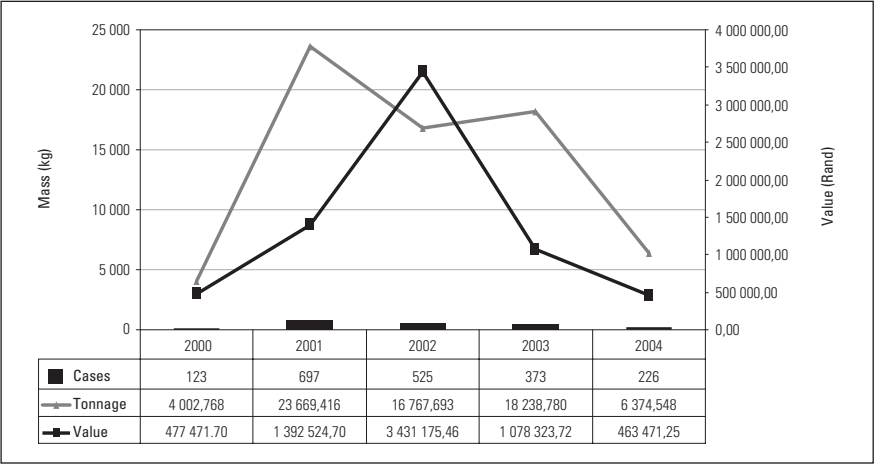
the precious metals mining industry during that period. The average weight of GBM recovered per arrest increased from 28.8 kg in 2001 to 40.9 kg in 2002.

Statistics from the South African gold mining industry

Since 1998, most mines have developed comprehensive databases to record information pertaining to product theft. The need to be more transparent with crime information was acknowledged and resulted in collaborative investigations and the sharing of information among the mining houses as well as with the police.

Four gold mining houses and one gold refinery participated in this current study. As reflected in figures 2.1 and 2.2, the participating mining houses reported 69 053.205 kg to the value of R 6 842 966.83 recovered GBM material to the police, and recovered 3 112 352.365 kg to the value of R 16 028 536.50 of GBM material internally during the period January 2000–December 2004. Again, the increase in GBM recoveries made in 2002 as a result of investigation projects conducted to buy GBM with undercover operations are reflected in figures 2.1 and 2.2.

Figure 2.1: Mine statistics of GBM theft reported to police January 2000–December 2004



The participating mining houses reported 4 002.768 kg recovered GBM material to the police for the period January–December 2000, and 23 669.416 kg for the period January–December 2001 (see Figure 2.1). The police reported 25 560.9 kg recovered GBM material for the period January–December 2000, and 43 127.9 kg for the period January–December 2001 (see Figure 2.1). It is therefore clear that the reporting methodology used by the mining industry and police are not compatible for comparative analysis purposes.

Figure 2.2: Mine statistics of GBM theft reported/dealt with internally January 2000–December 2004

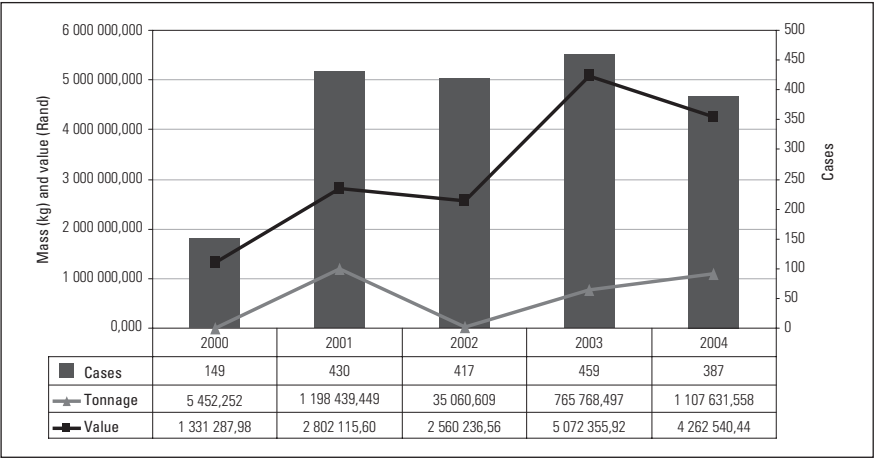
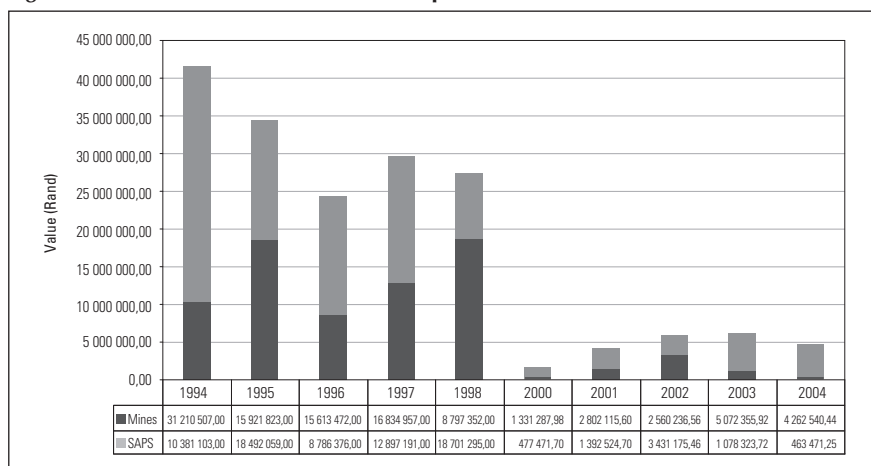


Figure 2.3: Value involved of GBM theft reported from 1994–2004

The information relating to the period 1994–98 is from the Gastrow report. During the period of the Gastrow study, the police and mining houses reported recoveries separately. In order to calculate the totals pertaining to recoveries of stolen GBM, the statistics of the mining industry and police were added together. Since the previous study was undertaken, the mining industry has started to report some of the recoveries made by the mining houses to the police. The police statistics therefore reflect not only recoveries made by the police, but include a number of recoveries made by the mining houses.

Figure 2.3 shows the significant decrease in recovered gold from 1994–2004. (Statistics for 1999 were not made available by all the participating mining houses.)

There was a decrease of more than 80 per cent in the value of recovered gold from 1994–2004. The mining houses attributed the significant decrease to the considerable improvement in security and the collaborative approach to address theft in the mining industry since the previous ISS study was undertaken in 1998. It is also the perception of the mining houses that due to the improved security in high-yield areas, gold theft shifted to lower-yield areas, thereby curbing thefts with high values.

It cannot, however, be ascertained if this significant decrease was attributed to different reporting methods adopted since 1998. The recovered tonnage is now recorded in total mass of GBM recovered, and the value is based on the estimations of the mine or police laboratories, using the retail price of

the day. Previously, an average gold price of R 50 was used to determine the weight in grams of refined precious metals recovered.

Crime analysis

The participating gold mining houses and refinery completed content analysis questionnaires for 194 cases of precious metals theft and property theft for the period January–June 2003. The questionnaire was designed to include anonymous information for basic crime analysis. The property theft cases included mine property such as equipment, tools, safety clothing and shoes supplied by the mines, hereinafter referred to as ‘property’.

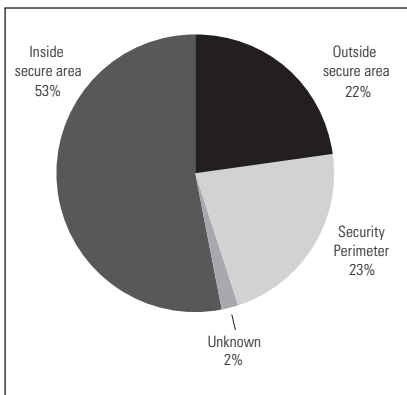
Recovery of product

Information relating to the *area* where recoveries were made was requested. By analysing the areas where recoveries took place it is possible to determine where the greatest challenges lie for the prevention and detection of theft.

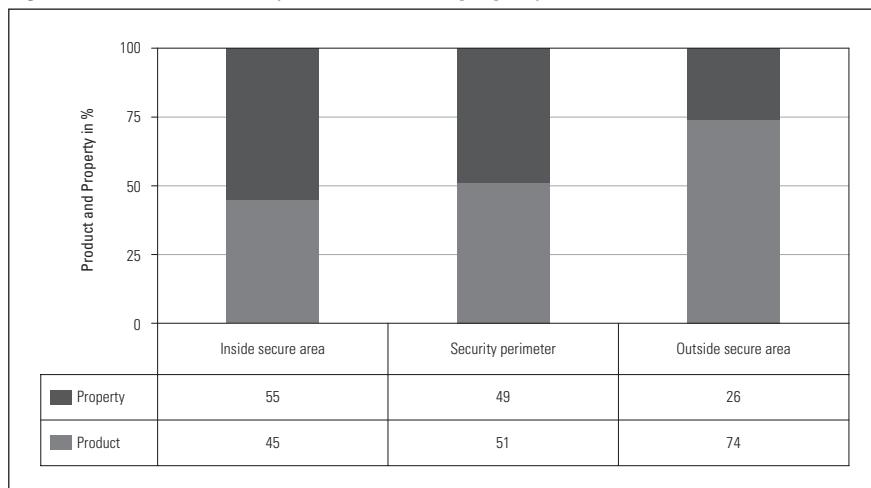
Recoveries are, however, only considered a possible indicator of a breach in the security barriers employed by the mine, as GBM is an easily distinguishable product in most of the production stages. A factor that compounds the problem of curbing GBM theft is the availability of GBM from surface sources. Gold can, for instance, be obtained from a variety of legitimate sources, such as from the recovery of old jewellery and by recycling redundant computer hardware; or illegally, from illegal mining activity and theft. Most

of these sources cannot be controlled or monitored by the gold mining industry, complicating the process of estimating how much product was lost from the mines themselves. Figures 2.4 and 2.5 illustrate the recovery of product and property in specific areas.

Figure 2.4: Area of recovery (%)



Recoveries within security perimeters indicate effective prevention as the product is still under the control of the mine. However, recoveries made outside the secured areas indicate effective recovery methods, but

Figure 2.5: Area of recovery (GBM and mine property)

simultaneously imply ineffective prevention as the product was removed from the control of the mining house.

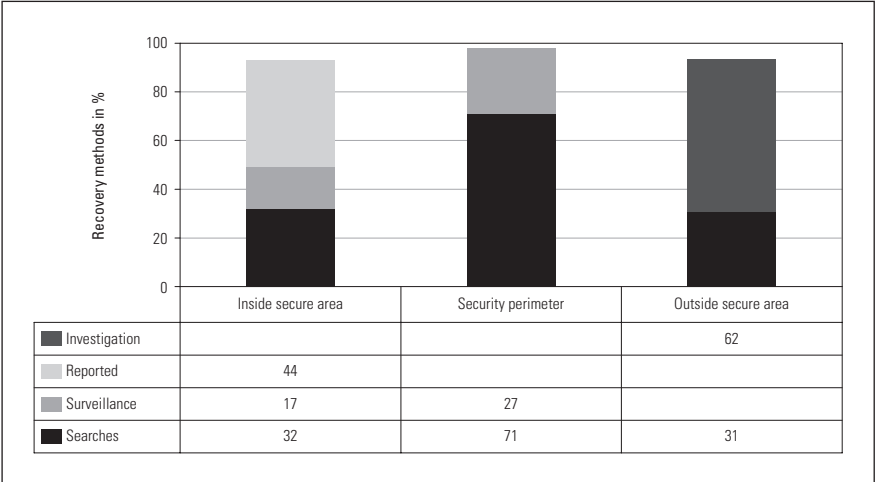
As reflected in Figure 2.4, more than half [53% (102/194)] of the recoveries analysed were made inside the secure area of the mines, and a further 23 per cent (45/194) of the recoveries were made at the security perimeters. Most of the recoveries [74% (31/42)] made outside the secure area of the mines involved GBM, and 55 per cent (56/102) of the recoveries made inside the secure area involved mine property or equipment (see Figure 2.5).

Security measures utilised have three main purposes in terms of the prevention of crime, namely: to detect the unauthorised removal of GBM and mine property; the recovery of attempted efforts to remove GBM and mine property; and to discourage opportunistic offenders. Figure 2.6 illustrates the different *recovery methods* used in the cases analysed in the dataset.

As shown in Figure 2.6, inside the secure area 44 per cent (45/102) of the crimes analysed were reported to security. It should be noted that all the crimes (45/45) reported to security related to loss of property. No loss of GBM was reported.

Outside the secure area of the mines, 62 per cent (26/42) of the crimes were detected by means of investigation (Figure 2.6). It should be noted that in 22

Figure 2.6: Area of recovery (recovery methods)

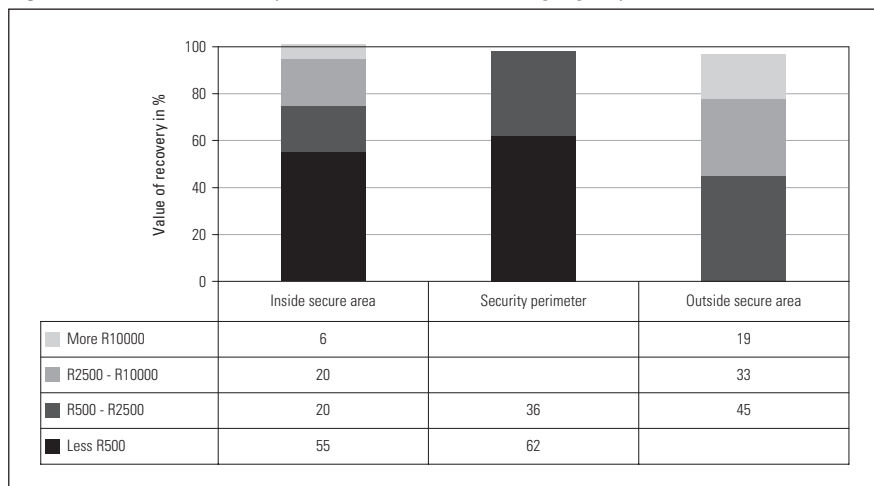


per cent of the cases, the recovery was made outside the secured perimeters of the mines. This indicates that all security measures implemented to secure the product inside the mine perimeters failed in these cases: 74 per cent of these cases involved the loss of GBM, which was only recovered through successful investigative operations.

The *value* of the recovery is another consideration to take into account. Crime is a form of business; therefore criminals too consider profitable solutions measured against the assessed risk involved. Increased security measures for certain stages of the production process should therefore correlate with the increased value of the product. Figure 2.7 illustrates the value of recoveries made in relation to the area where it was found.

With reference to the value of property such as shoes and overalls or GBM stolen in the dataset, 55 per cent (56/102) of the recoveries made inside the secure area and 62 per cent (28/45) of the recoveries made at the security perimeters of the mines involved GBM or property with a value of less than R 500. Note that an average of 52 per cent (100/194) of all the recoveries made had a value of less than R 500. Recoveries made outside the secure area of the mines mostly involved GBM or property with a value greater than R 2 500 [52% (22/42)] (see Figure 2.7).

Further analysis of the dataset indicated that recoveries made at the security perimeters of the mines with a value lower than R 500 were mostly detected

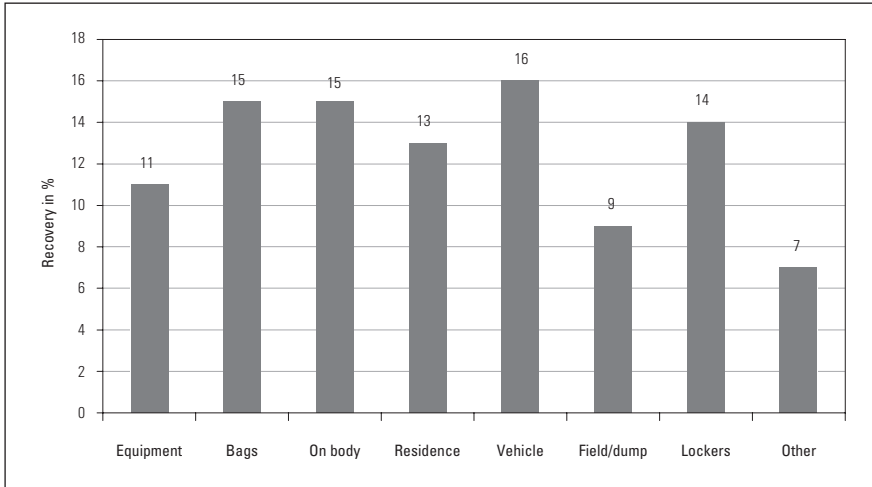
Figure 2.7: Area of recovery (value of GBM and mine property)

by security searches [82% (23/28)]. Of the recoveries made inside the secure area of the mines with a value lower than R 2 500, 38 per cent (29/76) were detected by means of security searches, 13 per cent (10/76) were observed through surveillance and 46 per cent (35/76) had been reported to security. Outside the secure area, recoveries of GBM or property with a value lower than R 2 500 were mostly made through investigation [63% (12/19)] and surveillance or routine searches [37% (7/19)].

Recoveries made outside the secure area of the mines that involved GBM or property with a value between R 2 500 and R 10 000 were mainly detected through investigation [71% (10/14)] and surveillance or routine searches [29% (4/14)].

The manner used by offenders to commit theft on mines was requested to determine common places and methods used. Information relating to where stolen GBM or property was concealed and subsequently recovered was analysed. In a criminal business, methods are constantly evaluated and improved to correlate with the security measures utilised to prevent theft. Criminals test the security defences using a variety of methods to find a breach through which to move stolen product. Figure 2.8 illustrates the most *common places* where recoveries were made in the dataset.

In cases where offenders used clothing or anything else on the body to conceal stolen GBM or property, it was established that:

Figure 2.8: Common places of recovery

- 83 per cent (15/18) of the offenders were detected at the security perimeter
- 94 per cent (17/18) of the offenders were detected by means of security searches
- 28 per cent (5/18) of the offenders were found guilty in court
- 50 per cent (9/18) of the recoveries were dealt with internally
- 56 per cent (10/18) of the recoveries involved theft of property and
- 89 per cent (16/18) of the recoveries involved GBM or property with a value less than R 500

In cases where recoveries were made at the residence of the offenders, it was established that:

- 94 per cent (15/16) of the recoveries were detected by means of investigation
- 25 per cent (4/16) of the offenders were found guilty in court
- 38 per cent (6/16) of the recoveries were dealt with internally

- 56 per cent (9/16) of the recoveries involved theft of property and
- 44 per cent (7/16) of the recoveries involved GBM or property with a value less than R 500

In cases where offenders used vehicles (sedan, taxi or truck) to conceal stolen GBM, it was established that:

- 40 per cent (8/20) of the recoveries were made at the security perimeter
- 50 per cent (10/20) of the recoveries were made outside the mine area
- 70 per cent (14/20) of the recoveries were made through security searches
- 65 per cent (13/20) of the offenders were found guilty in court
- 10 per cent (2/20) of the recoveries were dealt with internally and
- 55 per cent (11/20) of the recoveries involved GBM or property with a value less than R 10 000

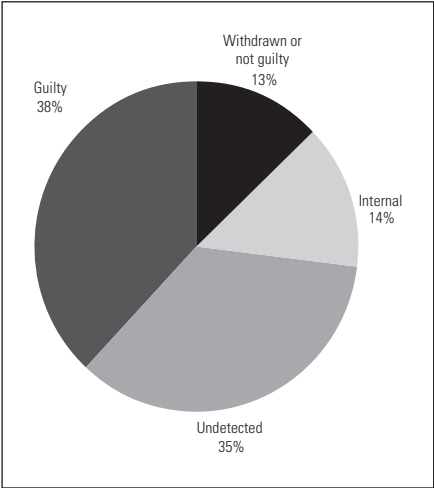
Result of cases

The role-players involved in the mining industry perceive the successful *result of crime* differently. The criminal court system regards a successful result as the conviction of a guilty person and the acquittal of an innocent person. The police regard a successful result as the arresting of offenders and the preparation of evidence to be presented in court that proves the acts constituting the crime implicating the accused. The mining industry regards a successful result in relation to the detection of an attempted theft before the product was removed, and also considers the recovery of stolen product to be a successful result.

Certain losses that are accepted in the mining industry to be as a result of product processing or part of the operational process provide an opportunity for the criminal business to function successfully. To the offender, even the unpunished theft of mine safety shoes constitutes a successful result that inspires further criminal activity.

Figure 2.9 shows the result of the cases analysed in the dataset. A significant 38 per cent (72/194) of the cases resulted in a guilty verdict in court. In a further 35

Figure 2.9: Result of cases (%)



per cent (66/194) of the cases, no suspects were apprehended and the cases were closed as ‘undetected’.

Regarding the categories of crime in the cases analysed, 56 per cent (108/194) involved theft of mine property and 44 per cent (86/194) of the cases involved theft of GBM. Most of the cases resulting in guilty findings involved the loss of GBM, and most of the undetected cases and cases dealt with internally involved loss of property (see Figure 2.10).

Information pertaining to the court sentences given in the cases that resulted in a *guilty verdict* was requested. The victims of crime as well as potential offenders consider a consistent and inflexible criminal justice system to be reliable and effective. A minimum sentencing policy in certain crime categories has proven to be an effective method in providing consistent and inflexible sentencing of convicted persons. The crime categories considered for this policy are evaluated with reference to the risk posed by the crime.

Figure 2.10: Result of cases (GBM and mine property)

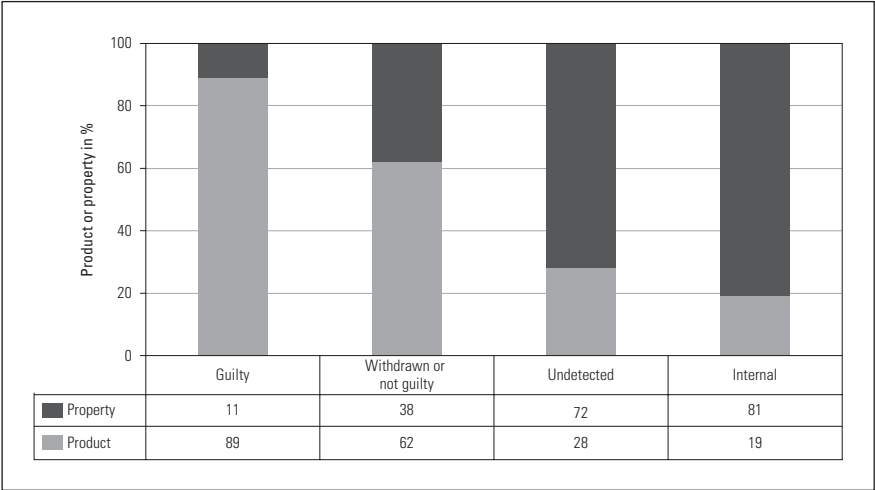


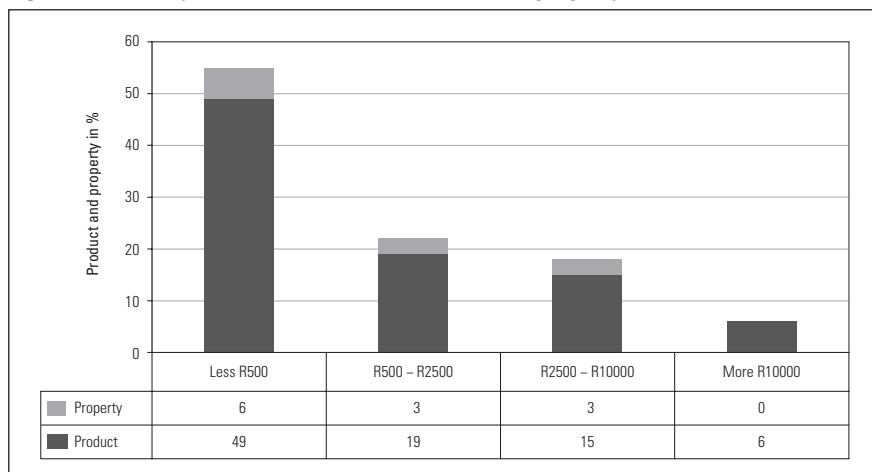
Figure 2.11: Guilty verdicts: Value of GBM and mine property

Figure 2.11 illustrates the court sentences given to convicted offenders in relation to the value and type of recovery.

Figure 2.11 shows the value indexes of the property and GBM in the analysed cases that resulted in a guilty verdict in court:

- 54 per cent (39/72) of the recoveries had a value of less than R 500
- 22 per cent (16/72) of the recoveries had a value between R 500 and R 2 500
- 18 per cent (13/72) of the recoveries had a value between R 2 500 and R 10 000 and
- Six per cent (4/72) of the recoveries had a value greater than R 10 000

Regarding the analysed cases that remained undetected:

- 44 per cent (29/66) of the recoveries had a value of less than R 500
- 24 per cent (16/66) of the recoveries had a value between R 500 and R 2 500
- 24 per cent (16/66) of the recoveries had a value between R 2 500 and R 10 000

- Eight per cent (5/66) of the recoveries had a value greater than R 25 000

With reference to the cases in the dataset that were dealt with internally:

- 67 per cent (18/27) of the recoveries had a value of less than R 500 and
- 19 per cent (5/27) of the recoveries had a value greater than R 10 000

The sentences given to offenders found guilty of crimes in the dataset varied extensively. Offenders found guilty of cases that involved attempted theft of GBM, illegal possession of GBM or theft of GBM with a value of less than R 500 received the following sentences:

- 60 per cent (21/35) of these offenders received a fine
- 20 per cent (7/35) of these offenders received a suspended fine and
- 20 per cent (7/35) of these offenders received a suspended prison sentence

Of the offenders that received a fine or suspended fine for attempted theft of GBM, illegal possession of GBM or theft of GBM with a value of less than R 500, the following fines were handed down:

- 56 per cent (15/28) of the offenders received a fine of less than R 1 000
- 14 per cent (4/28) of the offenders received a fine between R 1 000 and R 1 500
- 18 per cent (5/28) of the offenders received a suspended fine between R 2 000 and R 3 000 and
- One offender convicted for illegal possession of GBM received a fine of R 6 000

Of the offenders that received a suspended prison sentence for attempted theft of GBM, illegal possession of GBM or theft of GBM with a value of less than R 500, the following sentences were handed down:

- Six offenders [85% (6/7)] received a suspended prison sentence of 12 months or less and

- One offender [15% (1/7)] received a suspended prison sentence of five years

Offenders found guilty of cases that involved attempted theft of GBM, illegal possession of GBM or theft of GBM with a value between R 500 and R 2 500 received the following sentences:

- 50 per cent (7/14) of these offenders received a fine of R 4 000 or more
- 21 per cent (3/14) of these offenders received a suspended fine and
- 14 per cent (2/14) of these offenders received a suspended prison sentence of two years or more

Offenders found guilty of cases that involved attempted theft of GBM, illegal possession of GBM or theft of GBM with a value between R 2 500 and R 10 000 received the following sentences:

- 37 per cent (4/11) of these offenders received a fine of R 1 000 or less
- 37 per cent (4/11) of these offenders received a suspended fine and
- 18 per cent (2/11) of these offenders received a suspended prison sentence of 12 months or less

Of the four offenders found guilty of cases that involved attempted theft of GBM, illegal possession of GBM or theft of GBM with a value greater than R 10 000:

- Three of these offenders received a fine of less than R 1 500 and
- One received a fine of R 10 000

Crime patterns

It is important to correlate patterns found in the days and time frames that recoveries are made with routine security procedures, specific contractors on site, specific employees working on the shifts and specific security personnel on duty. It is often found that more recoveries are made when specific security personnel are on duty or when specific security procedures are implemented, indicating more effective results.

Figure 2.12: Day of recovery

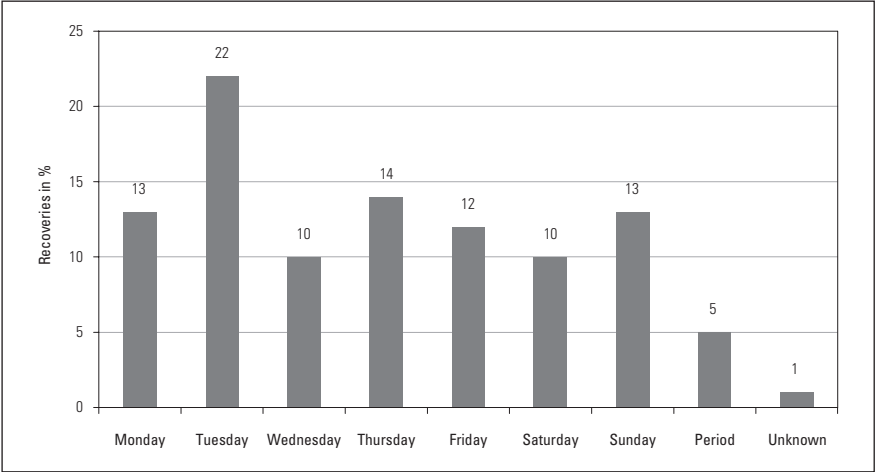


Figure 2.12 reflects the days on which recoveries of stolen GBM material or mine property was made in the dataset. Most [22% (43/194)] of the recoveries were made on Tuesdays: note that 63 per cent (27/43) of these cases involved theft of GBM.

Figure 2.13 reflects the times at which recoveries of stolen GBM material or mine property was made in the dataset. Most [27% (53/194)] of the

Figure 2.13: Time of recovery

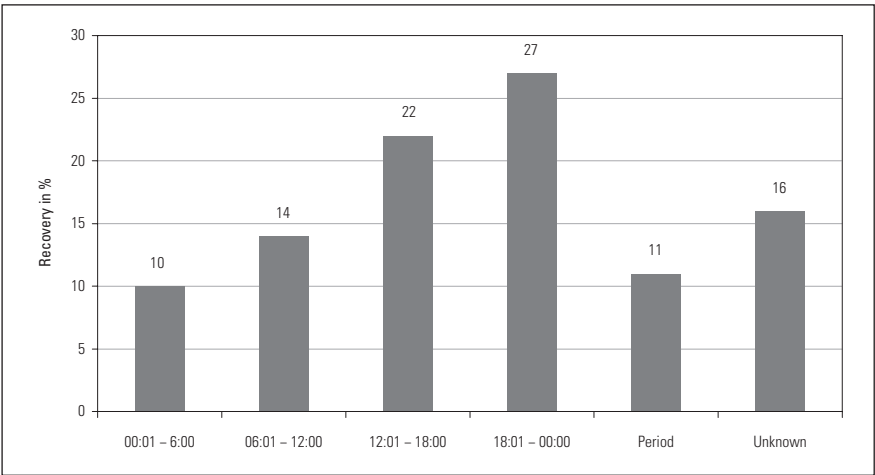
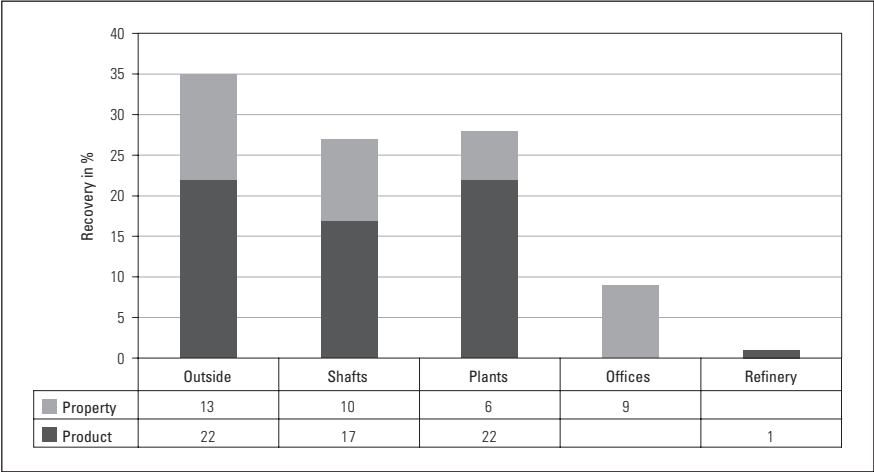


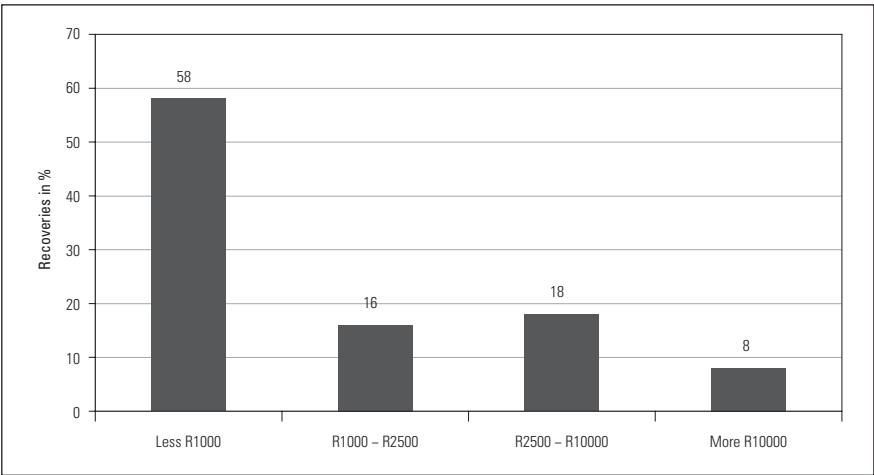
Figure 2.14: Location of recovery



recoveries were made between 18:01 and 00:00: note that 87 per cent (46/53) of these cases involved theft of GBM.

In 30 per cent (59/194) of the cases analysed, the respondents did not describe the area where the recoveries of GBM material or mine property were made. For analysis purposes, Figure 2.14 reflects only the cases where the information was available.

Figure 2.15: Value of recovery



The following reflect the areas in the dataset where most recoveries were made:

- 35 per cent (47/135) of the recoveries were made outside the mine area
- 28 per cent (38/135) of the recoveries were made at the plants and
- 27 per cent (36/135) of the recoveries were made at the shafts

The cases analysed indicate that 54 per cent (105/194) involved the loss of GBM and 46 per cent (89/194) involved the loss of property. As illustrated in Figure 2.15, 92 per cent (178/194) of the cases involved GBM or mine property with a value less than R 10 000.

Further analysis of the dataset indicates that 55 per cent (49/89) of the cases that involved the loss of property had a value of less than R 1 000, and 60 per cent (63/105) of the cases that involved the loss of GBM had a value of less than R 1 000.

Offender trends

Offender trends in the precious metals mining industry are influenced by the demographic of the population in the mining sector: most mine employees (on average 85 per cent) are black males. This phenomenon reoccurred when the criminal cases were studied, thus leading to more black males being prosecuted and convicted in contrast to any other ethnic or gender group. The cases that were used are the total number of reported cases for the period January–June 2003, and no exceptions were made.

Data extract

In the dataset of 194 cases received for analysis, the information of 121 offenders was made available. In order to conduct anonymous crime analysis, no information that could identify the persons in the dataset was requested. General profiles and basic trends are consequently provided.

With reference to the occupation of the offenders in the dataset, 56 per cent (68/121) of the offenders were unemployed and 41 per cent (49/121) were mine employees. Regarding the domicile of the offenders in the dataset, 13 per cent (16/121) of the offenders were not South African residents.

All of these offenders were black and 63 per cent (10/16) of them were unemployed.

Regarding the marital status of the offenders in the dataset, 46 per cent (55/121) were married and 26 per cent (31/121) were single. In 29 per cent (35/121) of the cases, the marital status of the offenders was not stated.

The analysis indicated that 75 per cent (6/8) of the white offenders were arrested for theft of property. Almost half of the white offenders [44% (4/9)] were arrested outside the mine area and 44 per cent (4/9) committed a crime with a value greater than R 10 000. In the case of black offenders in the dataset, 73 per cent (81/112) were arrested for theft of GBM. Thirty-nine per cent (43/112) were arrested at the security perimeter and 35 per cent (39/112) were arrested within the secure mine area. Sixty-seven per cent (75/112) were arrested for a crime valued at less than R 1 000.

Bearing in mind that 30 per cent (59/194) of the cases analysed did not include information relating to the area where the recoveries were made, the following offender profiles were recognised in the dataset:

- 51 per cent (28/55) of the unemployed South African residents that were arrested were found inside the secure mine area and
- 73 per cent (8/11) of the illegal immigrants that were arrested were also found inside the secure mine area

These findings indicate that 30 per cent (36/121) of the offenders arrested for mine-related theft were trespassers (unemployed South African residents or illegal immigrants) found inside the mine area. In the dataset, 73 per cent (40/55) of the unemployed South African residents and 64 per cent (7/11) of the illegal immigrants were arrested through security searches or surveillance.

Results of cases in relation to the offender profiles

The analysis indicated that six of the nine white offenders were dealt with internally and two of the cases were withdrawn. Only one white offender was found guilty in court and was sentenced to a fine. As for the black offenders in the dataset, 63 per cent (71/112) were found guilty in court, 14 per cent (16/112) of the cases were withdrawn and 14 per cent (16/112) of the cases were dealt with internally.

Bearing in mind that steady employment and legal domicile in the country are important factors considered by the courts when handing down sentences for convicted offenders, it was disconcerting to find that:

- 55 per cent (39/71) of the convicted black offenders were sentenced with a fine, of which 82 per cent (32/39) were unemployed and 13 per cent (5/39) were illegal in the country and
- 41 per cent (29/71) of the convicted black offenders were sentenced with a suspended sentence, of which 83 per cent (24/29) were unemployed and ten per cent (3/29) were illegally residing in the country

Bearing in mind that courts also consider personal circumstances of convicted offenders when handing down sentences, in the dataset, 55 per cent (26/47) of the offenders found guilty of GBM-related crimes with a value of less than R 1 000 received a fine. These offenders had the following profiles:

- 65 per cent (17/26) of these offenders were married
- 31 per cent (8/26) of these offenders were single
- 81 per cent (21/26) of these offenders were unemployed and
- 19 per cent (5/26) of these offenders were illegally residing in the country

It was alarming to find that such a high percentage of offenders who were unemployed or illegally residing in the country received a fine or suspended sentence after being convicted for theft on a secured mine area.

Courts when imposing a sentence consider steady employment, legal domicile and personal circumstances of offenders. The dataset, however, showed no consistency in the sentences imposed when analysing these factors.