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POLICY BRIEF

Should the police be assessed using crime statistics?

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Using crime statistics as an indicator of police performance is problematic. Many variables influence increases and decreases in crime rates that cannot necessarily be attributed to police performance. This policy brief argues that crime statistics should be used for strategic, operational and tactical purposes and not necessarily to measure police performance.

Key findings

- A weakness of the government's Medium Term Strategic Framework: 2014–2019 (MTSF) is that the set of performance measures for the different criminal justice system (CJS) departments are not clearly linked. The CJS departments draft individual strategic plans, annual performance plans and annual reports. This leads to largely compartmentalised reporting and planning, which makes it difficult to track performance of reported and investigated cases across the CJS departments.
- Joint planning sessions with the Presidency aim to align MTSF indicators with strategic and annual performance plans, but CJS departments report on these plans on an individual basis. This has led to gaps in analysis when studying CJS processes, such as the relationship between the reported serious crime figures, the detection rate, court-ready cases and the conviction rate as reported by the South African Police Service (SAPS) versus the prosecution of cases by the National Prosecuting Authority and the total number of prisoners according to the Department of Correctional Services.
- Even if cross-departmental indicators are developed, performance measures relating to the CJS remain problematic, as one must bear in mind that cases run over multiple financial years, which challenges year-on-year comparisons.

Recommendations

- The indicator for the 'reduction of contact crime' is currently too broad and should be revised as a performance measure for the CJS. The revised indicator should include only those contact crimes that can be prevented by sound policing practices. For example, good policing practices would include the drafting of an integrated robbery strategy that involves generation of good intelligence, targeted proactive policing, dedicated detective teams and community participation.
- Alternative indicators for police performance are available as described in annual performance plans rather than using crime statistics.
- We recommend that the SAPS should host regular workshops with key stakeholders to investigate the under-reporting and recording of crime statistics.
- The security cluster as a whole should develop processes to deal with 'bottlenecks' in the CJS. These could be based on the mapping of cases across the CJS through the speedy implementation of government's socalled Integrated Justice System development two decades in the making, an initiative to modernise the CJS.

The Public Finance Management Act No. 1 of 1999 (PFMA) ensures accountability and transparency of allocated budget spent in the public sector. The PFMA was accompanied by Treasury regulations and guidelines to link together each government department's planning and budgeting performance measurement. Performance management refers to a process of designing and implementing a monitoring and evaluation system to define, collect, analyse and report on performance information.[1]

In 2007, the government introduced two planning, budgeting and reporting documents into the annual planning cycle to ensure responsible spending by departments, given limited public funds. Ultimately, this policy development process aimed to achieve better delivery of services to citizens and enhance accountability. The two most important documents for this planning process are the Framework for Strategic Plans and Annual Performance Plans[2] and Framework for Managing Programme Performance Information.[3]

The Framework for Strategic Plans and Annual Performance Plans outlines the links between the various accountability documents that departments are required to produce in terms of the planning, budgeting, implementation, reporting, monitoring and evaluation cycle. These accountability documents include: strategic plans, annual performance plans, annual budgets, quarterly performance reports, annual reports and performance agreements. Departmental parliamentary portfolio committees present these annually to Parliament. Allied to these documents is the linking of budget spending in relation to performance.

The Framework for Managing Programme Performance Information outlines the importance of performance information within the context of the planning, budgeting, monitoring and evaluation processes. Terminology associated with performance information includes:

- Inputs – all resources that contribute to the production of service delivery outputs. Inputs are 'what we use to do the work'; they include finances, personnel, equipment and buildings.
- Activities – processes or actions that use a range of inputs to produce the desired outputs and, ultimately, the outcomes; they are 'what we do'.
- Outputs – the final products, goods and services produced for delivery; they may be defined as 'what we produce or deliver'.
- Outcomes – are 'what we wish to achieve'.
- Impacts – are 'how we actually influence e.g. communities and target groups'.

Departments need to identify suitable indicators to measure performance relating to inputs, activities, outputs, outcomes and impacts. The challenge is to identify appropriate input, activities and output indicators that will provide useful results in terms of outcome/impact from a management and accountability perspective.

Since 2010, the government has emphasised its intention to shift its focus from inputs (budgets, personnel and equipment) and outputs (provision of a service; e.g. arresting perpetrators) to managing outcomes (results; e.g. a safer society).

Departments need to identify suitable indicators to measure performance

In 2014, in line with government's vision for 2030 contained in the National Development Plan (NDP),[4] the Department of Performance Monitoring and Evaluation developed a range of 14 measurable outcomes that would become the focus of government policy and implementation over the medium term, the Medium Term Strategic Framework: 2014–2019 (MTSF).[5] Of particular importance for the criminal justice system (CJS), is the MTSF's Outcome 3: 'All people in South Africa are and feel safe'.[6] The key targets of the outcome are to:

- Reduce the number of reported contact crimes;
- Increase the proportion of citizens feeling safe walking alone, during the day or at night, as measured in official surveys;
- Increase the proportion of households that are satisfied with police services in their area, and with the way courts deal with the perpetrators of crimes;
- Improve citizens' perceptions of levels of crime and progress in reducing crime, as measured in official surveys; and
- Improve South Africa's ranking in Transparency International's Corruption Perceptions Index.[7]

The first key target for Outcome 3 is to reduce the number of reported contact crimes. The broad categories of contact crime include: murder; attempted murder; sexual offences; assault with the intent to cause grievous bodily harm; common assault; common robbery; and robbery with aggravated circumstances. These crimes are committed against the person and entail physical contact between victims and perpetrators, where this contact often becomes violent and causes physical, psychological and material harm to victims.[8] The crimes instil a great deal of fear and trauma among victims and communities alike, which leads to people feeling unsafe, even in their own homes.

Accordingly, the key target of this outcome is to increase the proportion of citizens who feel safe, measured annually in an official survey by Statistics South Africa. To create a safer environment, people must believe that CJS departments have made progress in reducing levels of crime by means of effective and efficient service delivery in dealing with these crimes (investigation of violent crime cases and catching the perpetrators), as well as how the courts deal with these cases (timeously and successfully).

Furthermore, the MTSF acknowledges that public perceptions of crime are eroded by the belief that criminals easily escape the law; that investigations do not lead to convictions and sanctions in the form of stiff sentences; and that prisoners escape from police cells, court rooms and correctional facilities. Drawn-out court processes, case backlogs, lengthy remand detention periods, overcrowding in correctional centres, limited rehabilitation and recidivism are all contributing factors that erode public confidence in the CJS.[9]

Reduction of contact crimes as a performance indicator

Annually, the South African Police Service (SAPS) provides information on reported crimes as well as crime trends. The question is whether crime statistics are a good indicator of perception of safety? The answer to this question will depend firstly on whether victims of crime are willing to report crimes to the police and, if so, their reasons for doing so. Reasons may include that their insurance company requires a case number; that victims are confident the police will recover their stolen property; or that they believe the police will arrest the perpetrator, which would ultimately result in justice being served.

Victims must weigh up the expected benefits against the inconvenience involved in reporting a crime and possible involvement in the case.[10] In the end, police figures are dependent on whether members of the public are willing to report a crime or not. For instance, current decreases in crimes such as sexual offences can be attributed to people not reporting these crimes because the 'police couldn't do anything' and '[the] police won't do anything about it'.[11]

The police cannot then control the public's decision to report a crime. But if the public have trust and confidence in the police, and in the CJS in general, the likelihood is that more people may feel it is worthwhile reporting crimes. However, this may result in levels of crime appearing to go up, not down. This likely result is contrary to the expectations of the Presidency and the SAPS, which had the reduction of serious crime – and specifically contact crime – in mind as a performance measure in both the MTSF and the SAPS Annual Performance Plan 2017/18.[13]

Secondly, contact crimes as described above are crimes committed against the person causing serious physical and emotional harm. Previous SAPS annual reports indicated that *some* of these contact crimes such as murder, attempted murder, sexual offences, common assault and assault with the intention to cause grievous bodily harm, occur in many instances between people who know one another (e.g. friends, relatives, colleagues, neighbours and acquaintances).

Are crime statistics a good indicator of perception of safety?

In many of these cases, physical violence and abuse are stimulated by abuse of alcohol and drug consumption. For example, a national docket analysis of 2,912 murder cases reported during April–September 2015 found that there were 1 109 cases (38% of the analysed dockets) and 399 victims (13.7% of the analysed dockets) involving offenders in which it could be determined whether consumption of alcohol played a role before or during the commissioning of the murder. From these cases, 57% of the victims and 88% of the offenders had consumed alcohol before or at the time of the murders.[14]

The report also indicated that a large proportion of attempted murder cases occurred over weekends, when

people often socialise, and the victims and offenders knew one another. Most common assault cases occur in the street or at home. The same applies to sexual offences, where a large percentage of these cases occur indoors, with alcohol consumption as a contributing factor. In the Northern Cape, for example, 65% of analysed rape cases occurred within residences and 33% in public places. In KwaZulu-Natal, analysis found that alcohol played a role in 25% of rape cases.[15]

The above examples illustrate clearly that the police cannot necessarily prevent crimes of this nature in all instances because: (a) prior information about such crimes is not usually available; and (b) these crimes mainly occur in private spaces where a visible police presence is largely ineffective.[16] This implies that regardless of which crime strategies the police adopt, many of these crimes will continue to occur unless changes in behaviour and values take place in society.[17] If this is the case, how can the SAPS be held accountable for either increases or decreases in levels of these crimes?

This debate is not unique to South Africa. Sparrow (2015) notes at least nine problems globally with using crime levels as a measure of police performance, including the arguments set out above.[18] Sparrow warns that:

> Reported crime rates will always belong among the suite of indicators relevant for managing a complex police department, as will response times, clearance rates, enforcement productivity, community satisfaction and indicators of morale. But what will happen if police executives stress one or another of these to the virtual exclusion of all else? What will happen if relentless pressure is applied to lower the reported crime rate, but no counterbalancing controls are imposed on methods, the use of force, or the integrity of the recording and reporting systems? From the public's perspective, the resulting organizational behaviors can be ineffective, inappropriate and even disastrous.[19]

Sparrow's argument is relevant in a country where crime is perceived to be out of control and trust in the state's ability to deal effectively with crime is decreasing year on year, according to the annual national Victims of Crime Survey.[20]

Complexity in measuring current CJS performance indicators

A disadvantage of the MTSF is that performance measures for the different CJS departments are not clearly linked together. Studying the respective strategic plans, annual performance plans and annual reports of the CJS departments confirms this notion of fragmentation of performance measurement processes. The impression is being created that the different CJS departments plan and report in a compartmentalised way, which makes it difficult to track performance of reported and investigated cases across departments.

Joint planning sessions with the Presidency aim to align MTSF indicators with strategic and annual performance plans, but CJS departments report on these plans on an individual basis. This is one of the conclusions drawn from the information that was incorporated in the ISS CJS database,[21] since individual annual reports from the CJS departments are the source of this information. The question arises whether, for example, there is a relationship between the reported serious crime figures; the detection rate; court-ready cases and the conviction rate as reported by the SAPS; versus the prosecution of cases by the NPA and the correctional services' number of the total prisoner population.

> Many crimes will continue to occur unless society's behaviour and values change

The complexity of linking CJS performance measures has been illustrated by Lancaster (2012), which explains how difficult it is to link police statistics to those of the National Prosecuting Authority (NPA).[22] For example in 2016/17, the NPA reported that it achieved 26 178 convictions in regional courts (25 210) or high courts (968) for serious crimes. For all other offences, including petty crimes, the NPA achieved convictions in 294 988 cases in the district courts.

Overall, 505 351 cases were finalised, of which 341 336 were finalised by the three courts with a verdict (guilty or not) and 164 015 were finalised through alternative dispute resolution mechanisms, including informal mediation and diversions. Very little information is available about the process or what is reported as finalised through such mechanisms.

According to its 2016/2017 annual report, the NPA finalised 1 072 673 criminal matters including the 505 351 cases noted above. This leaves 567 322 cases recorded as having been finalised, but without an explanation of how this occurred. For district courts, 72 019 criminal matters were regarded as finalised when the matters resulted in formal bail applications (77.1%), preliminary inquiries in terms of the Child Justice Act (14.1%) or suspended sentences (5.8%). Others included the conversion of a criminal proceeding into a maintenance inquiry, committal to a mental institutions and formal inquests or enquiries.

The clearance ratio on decision dockets received was 99.5% or 915 128 dockets. Included in this clearance rate were all cases received and cleared by a court. For example, district court prosecutors received a total of 777 196 dockets. Of these, prosecutors decided to prosecute 91 687 dockets (12%) and declined to prosecute 430 363 dockets (55%). A further 253 710 dockets were referred back for further investigation by the SAPS before a final decision could be made.[23] No information is available about why and on what grounds a decision was made not to prosecute nearly half a million dockets in the district courts alone.

The above illustration leads to the question: where are the 'bottlenecks' in the system and what causes them? For example, why do the NPA prosecute only 12% of dockets received in the district courts. The NPA, for example indicates the following challenges within the CJS system and how they affect the courts: remands for trial-ready cases, which result in too few trial cases on the court roll with associated wasted court hours (DOJ&CD); declining experience levels within the detective service and inadequate training (SAPS), which result in a greater burden on prosecutors to guide investigations; allocation of dedicated remand detention, which result in offenders being transported over long distances between courts and places of detention, which in turn affects court productivity (DCS) and; the Department of Health struggling to cope with the number of people being referred for psychiatric observation.[24]

The complexity is compounded by the inconsistent use of terminology within the CJS; for example, the SAPS speaks of 'charges' when a case docket is opened (one case docket can have more than one charge), while the NPA speaks of 'cases' after 'enrolment' in their system as being able to be prosecuted, which may include multiple charges. In practice, this means that the NPA may record one guilty verdict, irrespective of the number of cases or number of charges.

Even if the above challenges can be resolved, performance measures relating to the CJS remain problematic, bearing in mind that cases run over multiple financial years which challenges year-on-year comparisons.

Recommendations

1. The indicator for the 'reduction of contact crime' is currently too broad and should be revised as a performance measure for the CJS. The revised indicator should include only those contact crimes that can be prevented by sound policing practices, such as robbery with aggravating circumstances (carjacking, robbery of cash in transit, bank robbery etc.). These crimes can be policed more effectively through an integrated robbery strategy that involves the generation of good intelligence, targeted proactive policing, dedicated detective teams and community participation.
2. Alternative instruments or indicators for police performance should be considered or developed in the annual performance plans, rather than using crime statistics. The SAPS should use crime statistics as a management information tool to serve as a basis for strategic and operational planning purposes and to inform the public about crime trends and tendencies nationally and locally.
3. We recommend that the SAPS should host regular workshops with key stakeholders to discuss issues identified in this policy brief related to the under-reporting and recording of crime statistics. The aim should be to ensure as many crimes as possible are reported to and recorded by the police to improve their accuracy of the crime statistics and thereby improve its usefulness as a management information tool.
4. Departments should continue to identify processes on how to deal with the bottlenecks in the CJS. These could be based on the results of mapping of cases across the CJS through prioritising the speedy implementation of the Integrated Justice System (IJS), an initiative to modernise the criminal justice system. Information and database technology is being implemented across all criminal justice – and related – departments to manage criminal cases as they enter the criminal justice system. We believe that the IJS system will assist in identifying bottlenecks, as well as effective linking of the performance measures across the CJS.

Notes

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7 Ibid. It is debatable whether the reduction of contact crime should be regarded as an outcome or as an output measure, given the explanation and differentiation between these two measures as explained in the Framework for Managing Programme Performance Information.

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18 Malcolm K Sparrow, Measuring Performance in a Modern Police Organization, *New Perspectives in Policing Bulletin*, Washington, DC: US Department of Justice, National Institute of Justice, 2015, NCJ 248476, www.ncjrs.gov/pdffiles1/nij/248476.pdf, pp. 3–5.

19 Ibid., p. 5.

20 Statistics South Africa, Victims of Crime Survey 2016/17, Pretoria: Statistics South Africa, 2017, www.statssa.gov.za/publications/P0341/P03412016.pdf.

21 Institute for security Studies, Crime and Justice Information Hub. https://issafrica.org/crimehub/facts-and-figures/criminal-justice-performance.

22 L Lancaster, How many reported crimes result in convictions? *ISS Weekly*, Issue 42, Pretoria: Institute for Security Studies, 2012, https://issafrica.org/iss-today/the-problem-with-south-african-criminal-justice-performance-indicators. The authors used finalised verdict cases as an example to illustrate how difficult it is to match the indicators of the police to that of the NPA, but are aware that many cases are also finalised through alternative dispute resolution methods.

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