Crime and Crime Prevention in South Africa: 10 Years After

Anton du Plessis and Antoinette Louw
Crime and Justice Program
Institute for Security Studies (South Africa)

South Africa's transition since 1994 has required an extensive overhaul of its institutions and laws. The last 10 years have been characterized by a flurry of new policies and legislation in the criminal justice sector. After 1994, one of the government's priorities was the National Crime Prevention Strategy (NCPS). The NCPS recognized the social and developmental causes of crime, as well as the need to involve a range of government departments and civil society partnerships. The strategy has, however, lost momentum as a result of public and political pressure to deliver decisive, short-term solutions. Since 1999, the government's focus has been on tough law enforcement interventions and on passing new laws aimed at improving criminal justice functioning. This article argues that South Africa's criminal justice system has performed well considering the challenges it has faced since 1994. The task now is to deal with increasingly negative public perceptions of safety and renew efforts to prevent crime by tackling the social and developmental factors that are beyond the scope of the police and courts.

La transition en cours en Afrique du Sud depuis 1994 exige un remaniement en profondeur des institutions et des lois nationales. Une pléthore de nouvelles politiques et lois en matière de justice pénale ont été adoptées ces dix dernières années. Après 1994, l'une des priorités du gouvernement a été la National Crime Prevention Strategy (NCPS), *qui reconnaissait les causes sociales et conjoncturelles de la criminalité, ainsi que la nécessité d'établir des partenariats entre ministères gouvernementaux et acteurs de la société civile. Toutefois, cette stratégie est en perte de vitesse en raison des pressions exercées par le public et les milieux politiques en faveur de solutions radicales immédiates. Depuis 1999, le gouvernement privilégie les interventions musclées en matière d'exécution de la loi et l'adoption de nouvelles lois visant à améliorer l'administration de la justice pénale. Les auteurs de cet article affirment que le système de justice pénale de l'Afrique du Sud fonctionne bien, compte tenu des défis à relever depuis 1994. Sa tâche consiste maintenant à dissiper les perceptions négatives entretenues par le public au sujet de la sécurité, et à renouveler les efforts de lutte contre le crime en s'attaquant aux facteurs sociaux et conjoncturels qui échappent au contrôle de la police et des tribunaux.*

Introduction

Few will dispute the claim that South Africa's transition to democracy has been a remarkable success. In 1994, the country moved from autocratic and oppressive oligarchy to human-rights-based constitutional democracy. This dramatic shift in the nature and functioning of the state required an extensive overhaul of its institutions and laws. The challenge for the new government was one of transformation and nation building during a time when crime levels and public feelings of insecurity were reaching unacceptable levels. Added to this mammoth task was the burden of having to fast track this process while at the same time operating within a new legal framework based on human rights and a respect for civil liberties.

The last 10 years in South Africa have been characterized by a flurry of new policies, plans, strategies, laws, and noble ideas. This paper argues that the South African criminal justice system has performed well considering the challenges it has faced since 1994. However, while acknowledging this success, it also points out that there remain many challenges and that more could be done to address certain problems that still exist.

Crime trends in democratic South Africa

An accurate analysis of crime in South Africa since the advent of democracy should begin with a review of the trends before and after 1994. Figures for the pre-1994 period show that crime rates for most of the country have been increasing since the mid-1980s (Schönteich and Louw 2001). However, because these statistics excluded crime incidents in the apartheid-era "bantustans," they are widely regarded as inaccurate. The figures recorded by the police after 1994 indicate that recorded crime in South Africa has increased by 30% over the past decade (SAPS 2003).[1] Recorded violent crime has increased more than any other crime type (by 41% compared to 28% for property crime).

The official police statistics paint a gloomy picture. But several considerations must be taken into account when analysing crime in South Africa:

- *The reporting phenomenon*. A recent national victim survey suggests that less than half of all crime is reported to the police (Burton, du Plessis, Leggett, Louw, Mistry, and van Vuuren 2004). Moreover, reporting rates were the lowest for those crime types that, according

to the police data, showed the greatest increases (such as robbery and assault). In addition, according to official statistics, offences that are traditionally well reported, such as murder and vehicle theft, had decreased since 1994,. To some degree, then, the increase in recorded crime is likely to be a result of increased reporting to the police. With the greater legitimacy of the justice system in general and an emphasis on community policing and service delivery, an increase in reporting since 1994 was to be expected.

- *Alternative sources on crime trends*. National victim survey findings show that, contrary to police data, crime rates have not increased over the past five years. Surveys indicate a 2% drop in overall crime rates between 1998 and 2003.

- *There is good news*. Murder statistics are widely regarded as most reliable, and the official data show a consistent decrease in the murder rate since 1994.

- *Substantial regional variation*. Crime rates and crime trends over time differ substantially between provinces and cities. For example, the murder rate in the Western Cape in 2002–2003 was seven times that of Limpopo, the province with the lowest murder rate.

- *Violence is the key challenge*. It is of concern that over one third of all officially recorded crime is violent.[2] The categories that present the greatest challenge are murder, armed robbery, rape, and child rape and abuse.

- *The public feel increasingly unsafe*. Despite what the statistics say and the substantial efforts of government and civil society, members of the public feel much less safe now than they did five years ago (Burton et al. 2004).

- *Similar factors drive crime in South Africa as elsewhere*. The factors that have been associated with crime in South Africa are similar to those described internationally (see *Crime Prevention Digest* 1997).

How has South Africa responded to crime?

This section of the paper will highlight some of South Africa's key criminal justice policy, legislative, and organizational achievements since 1994. For purposes of clarity, the challenges and shortcomings of the criminal justice system will be discussed separately. While refer-

ence will be made to other sectors, the main focus of this discussion is on matters related to crime prevention.

New policy and legislation

One of the first challenges facing the new government in 1994 was the arduous task of aligning the country's law (both common and statutory) with the values and principles enunciated in the new Constitution. While the Constitutional Court was hard at work declaring unconstitutional law invalid, policy makers were busy drafting policies and laws that were urgently required for the development of the new democratic order.[3] Near the top of the list of priorities was the development of a comprehensive and effective crime prevention strategy for the country. Legislation dealing with specific types of crime was developed to complement the government's broader crime prevention initiative.

Crime reduction policy in South Africa involves a basic philosophic tension between two perspectives: the crime prevention approach and the law enforcement approach. The crime prevention approach is based on the notion that crime is caused by social, economic, and environmental conditions, and that only by rectifying these problems can crime be addressed, while the law enforcement approach is premised on the idea that the best way to reduce crime is by arresting and convicting criminals.

*   *Crime prevention – 1996 National Crime Prevention Strategy (NCPS).*
    This is South Africa's overarching policy on crime prevention. It
    was intended to be the guiding framework for a wide range of
    interdepartmental programs aimed at increasing safety. The four
    "pillars" of the NCPS covered improving criminal justice functioning, environmental design, community values and education, and
    transnational crime.

    At its peak, the NCPS was seen as one of six pillars of the country's
    National Growth and Development Strategy, a far-sighted move
    that recognized the vital role safety plays in development. However, the change of administration in 1999 ushered in a new
    approach to how government would deal with crime. Political
    pressure was mounting on government to deal with the rampant
    crime problem, and the longer-term approach of the NCPS was not
    appeasing the fears of the public or of politicians. In the end, short-
    range thinking prevailed, the Growth and Development Strategy

was shelved in favour of the Growth, Employment, and Redistribution Strategy (GEAR). With the possible exception of victim support, most of the social programs envisaged by the NCPS never came to fruition (Leggett 2004).

- *Law enforcement – 2000 National Crime Combating Strategy (NCCS).* The NCPS was largely drafted by a panel of civilians and was widely distributed for comment. The NCCS, on the other hand, was produced in-house by the South African Police Service (SAPS) and has never been issued as a public document. The NCPS was, in theory, an interdepartmental policy, while the NCCS is explicitly a security cluster matter.[4] These differences are indicative not only of the shift towards an overtly law enforcement approach to crime reduction but also of the pressure to respond quickly – which partly explains the lack of consultation and the NCCS's focus on the police.

  The NCCS has two elements. The first focuses on a selection of geographic areas with the highest recorded crime levels. Police resources are directed to these areas, largely in the form of high density, search-and-seizure type operations. The aim is also to improve service delivery in these areas and, once crime has been "stabilized," to initiate medium-term social crime prevention programs. The second element of the NCCS focuses on organized crime and involves the investigation of syndicates by task teams of experienced detectives.

  The strategy has brought a welcomed focus to the parts of the country where most crime occurs. The focus on service delivery is also critical to improving public confidence – and a recent opinion survey in central Johannesburg showed that the high-density visible police operations characteristic of the NCCS made people feel safer (Leggett 2003). Another independent study, conducted at 45 police stations during the second half of 2000, also showed that 76% of respondents who had contact with the police were satisfied with the service they had received (Pelser, Schnetler, and Louw 2002).

In addition to the two overarching crime reduction policies discussed above, many important new laws addressing specific crime problems have been developed, all of which have the potential to contribute to the prevention of crime and victimization. These cover the following areas of concern:

- *Organized crime*. The Prevention of Organized Crime Act addresses this growing phenomenon in South Africa. Its enactment coincided with the establishment in the National Prosecuting Authority of specialized units to address organized crime and corruption and to retrieve the proceeds of criminal activity.

- *Terrorism*. New anti-terrorism legislation has been passed by both houses of Parliament and should be signed into law by the president soon.

- *Sexual offences and domestic violence*. With over 52,000 reported rapes every year, South Africa has the highest rape rate of those countries that record these statistics. The South African Law Commission has drafted a progressive new bill (the Sexual Offences Bill) that is due to come into effect soon. It contains a substantially broader definition of rape and revolutionizes many of the anachronistic procedural and evidentiary aspects of existing sexual offences law. Together with the new Domestic Violence Act, the new law is noticeably more victim-focused and child-friendly.

- *Firearm-related offences*. The incidence of firearm-related offences is on the increase in South Africa (Thompson 2004). The proliferation of firearms is one of the factors contributing to the country's high violent crime rate. The new Firearms Control Act was enacted to ensure better regulation of firearms by introducing new licensing and competency requirements and creating new crimes and harsher sentences for the negligent loss of a firearm.

- *Corruption*. A recent survey of crime victims (Burton et al. 2004) found petty corruption or bribery to be the second most prevalent crime in the country. Recognizing the extent of the problem, the new Prevention of Corrupt Activities Act created new and broader categories of corruption with much harsher sentences[5] for corruptors and corruptees. It also introduced several novel tools to assist the government, including creating a corruption register or "blacklist," granting the national director of public prosecutions the authority to investigate suspicious cases of "unexplained wealth," and imposing a legal duty on managers to report any suspected corruption within their department or organization.[6]

- *Children's rights*. New laws provide additional protection for children, both as victims and offenders. The Sexual Offences Bill referred to above contains several provisions that ensure addi-

tional protection of child victims of sexual offences. The Child Justice Bill (currently before Parliament) protects the rights of child offenders by introducing diversion programs, sentencing options, and rehabilitation opportunities for young offenders.

- *Criminal procedure and evidence*. One consequence of the increase in the crime rate and the consequent worsening of public feelings of safety has been the introduction of some particularly harsh sentencing and bail laws. The minimum sentences legislation prescribes life imprisonment for certain serious offences and amendments to the Criminal Procedure Act have made it a lot more difficult for suspects to be granted bail for certain crime categories. Although these laws have attracted some criticism, they represent attempts to achieve a balance between the government's longer-term crime prevention approach and the short-term "tough on crime" law enforcement approach.

Organizational development

The South African government realized that passing new and innovative laws without developing the organizational capacity to implement them would not produce the desired results. In the decade after 1994, expenditure on the three core criminal justice system departments increased by 165%, from R14.4 billion in 1994–1995 to R38.2 billion in 2004–2005.[7] Overall, government expenditure increased by 149% over the same period (Schönteich 2004). The area of change that has the most relevance for crime prevention is the policing sector.

Reform of the apartheid-era South African Police (SAP) was one of the major challenges for the new government in 1994. This was necessitated by the inheritance of a disparate and fragmented group of 11 police agencies, each shaped by the political imperatives of the apartheid state. Given their role in suppressing popular dissent, the police had been stripped of legitimacy and had lost the trust of the majority of the populace.

The South African Police Service Act, promulgated in October 1995, enabled

1. the amalgamation of the existing police agencies into a unified national South African Police Service (SAPS)

2. the establishment of a civilian Secretariat for Safety and Security with formal oversight functions

3.   the creation of an Independent Complaints Directorate (ICD) to
     ensure independent investigation of complaints of police abuses

4.   a formal delineation of the functions of the Community Police
     Forums (CPFs), which were to be the means of enhancing police
     and community interaction and local level police accountability.
     Community interaction was ensured through the establishment of
     CPFs at all SAPS stations.

A number of other reform initiatives are relevant to this discussion.
These include innovations in civilian oversight of the police, the cre-
ation of the Department of Justice and Constitutional Development,
the establishment of a single National Prosecuting Authority, and
changes in the Department of Correctional Services. Unfortunately,
space constraints make it impossible to discuss each of these in depth.

State–civil society partnerships

It is widely acknowledged that crime prevention is not simply the
business of government – the role of civil society is equally important.
South Africa is fortunate to have a well developed, vibrant, and orga-
nized civil society participating in the safety and security sector. After
1994, the government formally recognized the important contribution
that civil society makes to preventing crime, most notably in the NCPS
and community policing policy. This has led to the formation of many
useful partnerships at the national, provincial, and local levels. These
partnerships have been especially important for sustaining work in the
areas of reintegration of offenders, diversion, victim empowerment,
community policing, school safety, and most importantly, responding
to rape and domestic violence and providing child protection and wel-
fare services. The latter two sectors are almost entirely run by non-gov-
ernmental organizations. At the level of policy development,
monitoring, and oversight, civil society has also played an important
supportive role. This has taken the form of providing capacity to the
criminal justice sector through conducting research and shaping trans-
formation and change through collaborative engagements with gov-
ernment, as well as through advocacy and lobbying.

Organized civil society depends almost entirely on continued support
and funding from the foreign donor community.[8] However, a unique
development since 1999 is the involvement of the South African busi-
ness community in the criminal justice sector. The Business Trust was
established as a result of an initiative between President Mbeki and the

business sector. The trust raises funds from various businesses and has been working with strategic partners to strengthen the criminal justice system. A similar initiative called Business against Crime (BAC) was established in response to a call from former President Mandela for private businesses to partner with government in the fight against crime. BAC has contributed to several high profile projects in recent years, in areas such as

1. the Integrated Justice System (IJS) project, which attempted to streamline the activities and performance indicators of the core departments in the criminal justice chain[9]

2. victim empowerment

3. piloting case management systems in commercial crime cases

4. supporting the SAPS Service Delivery Improvement Programmes

5. installing CCTV surveillance systems in several major cities

6. compiling training manuals for sexual offences and domestic violence prosecutors

Challenges

Despite the many positive interventions made by government and civil society, several challenges remain for those working in the crime prevention and criminal justice sectors.

Making new policies and legislation work

With a few exceptions, the key challenge is no longer changing the way the criminal justice system operates or developing new approaches and laws but simply making the system work. For government, the challenge of transforming society while simultaneously responding to high crime levels and public pressure has taken its toll on the delivery of basic, line-function services. The rise in recorded crime since 1994 has dramatically increased the workload of the whole criminal justice system (Schönteich 2004).

• In 1994–1995, an average of 15.5 crimes were recorded per police officer. By 2002–2003, the workload of the average police officer had almost doubled to 25.6 recorded crimes.

- The prosecution service has had to deal with a 112% increase in the number of cases referred to court between 1996 and 2003. The conviction rate has not kept pace, however, with only a slight increase of 5% during this period. In addition, severe case backlogs in the courts remain. It is thus unsurprising that the main complaint among victims and witnesses relates to the delays and frequent postponements of their cases (Schönteich 2003).

- The prison system has been most affected by the increased workload. The number of prisoners increased dramatically between 1994 and 2003, while cell accommodation and prison staff increased only slightly. Overcrowding is largely the result of the 151% increase in the number of unsentenced prisoners between 1994 and 2003, compared to the 42% increase in sentenced prisoners.

This increased workload has had to be tackled by departments faced with internal restructuring, staff shortages, a lack of skills, low morale, and a whole new set of rules governed by the country's Constitution. Efforts are in place to deal with the increased workload for criminal justice professionals throughout the criminal justice system. For the public and crime victims, however, this situation means that there is little guarantee of reliable and predictable service. It also means that new policies and legislation are difficult to implement, particularly when substantial in-service training, additional resources, and interdepartmental collaboration are required. Two examples of this are the implementation of community policing and the Domestic Violence Act. An ongoing review of the latter has highlighted the difficulties that arise when legislation that increases the duties of court and police personnel is enacted without providing the additional support needed (Parenzee 2001).

Improving public perceptions

Although the statistics indicate that crime generally is not increasing, and that the murder rate continues to decline, public perception is less positive. Over half of all South Africans believe crime in their area increased in the past three years and feelings of safety have declined substantially since 1998 (Burton et al. 2004). Although the intensity of these views differs among South Africans, the negative impact is potentially as damaging as that of crime itself. Undoubtedly, the achievements of the police and courts will make little difference to ordinary South Africans while feelings of safety continue to decline.

Although dealing with increasingly negative perceptions ought to be a priority for government, there are few indications that this is the case.[10] Granted, this is no easy task when considering the range of complex issues that shapes public perception (Burton et al. 2004). Nevertheless, it is worrying that the police – who ought to be the public face of government's crime reduction efforts – have adopted an increasingly dismissive attitude towards the media and the public release of information about crime in general.

A public relations strategy is needed that is more creative than simply restricting public information to that about police successes and selecting statistics that show a "stabilization" in crime levels. Survey results confirm that this is not working. Improving perception requires building public confidence in the police and courts. Naturally, this means better performance as discussed above. But simply providing better information about what to expect, how the justice process works, and where to get further assistance would be useful. Information helps people feel in control of events – something that victimization strips away. Crime fosters a sense of helplessness and exposure to the vagaries of a justice system they do not understand only makes victims and their families feel more vulnerable and unsafe. A better understanding of how the system works would also help dispel the notion that justice post-1994 means offenders have more protection than victims – a belief best illustrated by the widespread view that "criminals have more rights than victims" and that "perpetrators are released unconditionally" (Burton et al. 2004).[11]

Dealing with corruption is equally important for improving confidence in the criminal justice system. This has been identified as a key complaint with regards to the police in several public opinion surveys (Pelser et al. 2002). All the efforts described above will be fruitless if the public believes that the officials entrusted with their protection can be persuaded by the highest bidder.

Responding to crime without undermining human rights

Violence is not new to most South Africans. Since 1994, however, the political context that may once have helped in understanding vicious acts such as "necklacing" no longer exists. Now, the gratuitous nature of many violent crimes, particularly those committed in the course of robberies, car hijackings, and housebreakings, along with the brutal nature of violence against children, has produced a punitive society. Vigilantism has flourished and become formalized in the infamous

form of People against Gangsterism and Drugs (Pagad) and Mapogo-a-Mathamaga (Sekhonyane and Louw 2001). The desperation of ordinary South Africans is also well illustrated by the fact that the vast majority surveyed in inner Johannesburg and Manenberg in the Cape metropolitan area was prepared to give up privacy interests in order to promote safety. For example, around 81% in both cases were willing to have their homes searched by police once a month if it would reduce crime (Leggett 2003).

It has become common for South Africans in and outside government to see human rights and safety as conflicting goals. The belief that human rights impede efficient law enforcement is well illustrated by events surrounding the passing of legislation that changes the level of force allowed when making an arrest. Although the legislation quite reasonably requires the presence of a real threat before lethal force can be used, the act has been denounced by the public, as well as by the Minister of Safety and Security and the National Commissioner of police. The ongoing debates among the public and within the SAPS on the issue probably explain the president's failure to promulgate the act for five years after it was passed by Parliament (Leggett 2004).

The government has been under pressure to act decisively and quickly and to reverse the perception that the Constitution affords more protection to criminals than to law-abiding citizens. Efforts in this regard have been over-hasty – often with little regard for the broader human rights implications – and in some cases have reverted to apartheid-style law enforcement. This is evidenced in legislative developments, such as amendments to the bail laws, minimum sentencing legislation, and the new anti-terrorism law. The series of bombs attacks in the Western Cape between 1998 and 2001 that prompted the drafting of the anti-terrorism legislation has been described as "caus(ing) the former 'terrorists' in power to revisit the tactics used against them in the apartheid past, including considering a return to detention without trial and banning of organisations" (Shaw 2002: x). Similarly, the pressure on the police to reduce crime levels visibly has "forced them into forms of policing that run counter to the values of democracy … today crime prevention for the police has largely meant reverting back to what they know best: large-scale militaristic policing" (Leggett 2004: 67).

Against this backdrop, the decline in public feelings of safety is bad news. Government actions against crime need to inspire confidence but not at the expense of the hard-won freedoms that characterize our democracy. Given the punitive nature of public sentiment, it is debat-

able whether South African citizens can be relied upon to defend human rights vigorously in the face of high levels of violence.

South Africans need to believe that safety need not come at the expense of human rights, especially if restorative approaches are to succeed. For example, the Child Justice Bill that will protect young offenders (some of whom have committed violent crimes) relies heavily on civil society to assist in the rehabilitation and safekeeping of children. The same applies to reintegration programs for offenders released from prison. A good place for government to start is by improving the treatment of, and services available for, crime victims.

Maintaining a balance between enforcement and prevention approaches

One way of mitigating the danger described above is to deal with crime in the most effective way. This requires a balance between efforts to prevent crime and those that deal with its aftermath (the main function of the criminal justice system). This was well recognized by the post-1994 administration's vision for safety, articulated in the NCPS. The NCPS aimed to improve law enforcement and attend to the social and developmental causes of crime. It advocated a role not only for the police but also for other departments and for civil society.

This broad-based approach has, however, lost momentum over the past five years. Among other things, the strategy was suffocated by the bureaucratic requirements of interdepartmental coordination, which meant that when the pressure on government to act decisively increased, the NCPS had little to show (Rauch 2002). Instead, government attention turned to more visible, short-term law enforcement efforts, such as SAPS' NCCS, which focused on reducing crime levels through high-density search-and-seizure operations. It has been argued that the pressure on the police to reduce the crime statistics undermined the effort to prevent crime. Even though the NCPS allocated responsibility for projects to various departments, the SAPS has continued to drive most crime prevention initiatives. And considering that the police are neither trained nor inclined in this direction, we should not be surprised that these initiatives have not fared particularly well (Leggett 2004).

Ten years later, the biggest gap in South Africa's crime prevention effort is in the area of social development, and in particular, programs aimed at children and youth. The focus on law enforcement has drawn

attention away from the fact that key institutions for the development of young people – the family and the school – are in disarray. Other basic government services that provide a safety net for children, such as child support and family visits by social workers, are sporadic or non-existent. A cursory analysis of the risk factors for offending in any society illustrates the importance of these areas for preventing crime and particularly violence (Roper 2002). Although safer schools projects are on the agenda, the role of the Departments of Education and of Social Development in preventing crime has been sorely neglected thus far. As long as these departments struggle to meet their most basic objectives, more sophisticated crime prevention projects that involve these sectors will be almost impossible to implement success-fully.

These types of social crime prevention projects may well be less attrac-tive to politicians and practitioners because they are difficult to imple-ment and take years to show results. This is probably the main reason why social crime prevention has stalled in recent years. There is, how-ever, a short-term alternative to changing the way people behave – using local government by-laws to regulate the social conditions that encourage criminality.[12] This is to suggest not a "zero tolerance" approach but rather one that targets those with "something to lose" rather than those with "nothing to lose." This could, for example, involve targeting owners of illegal taverns rather than the poor who drink in the bars, or the owners of bad buildings in the inner city rather than just the sex workers who live in these tenements. In this way, "the potential of by-law enforcement [for preventing crime] lies in the realm of market disruption far more than that of moral regeneration."

Improving accountability and oversight

The foundation that was laid after 1994 to provide for oversight and accountability, particularly of the police, needs to be consolidated. The Independent Complaints Directorate (ICD) is now well established to investigate deaths in police custody or as a result of police action. But under-resourcing of this important body means that other problems that are far more prevalent, like corruption, misconduct, torture, and the failure to deliver the required services, are rarely investigated. Although deaths associated with police action are more serious, the latter problems deprive many more people of their right to safety and protection and undermine public confidence in the police and the jus-tice system. Some structural changes could help to rectify the situation. Until recently, the ICD's budget was part of the police budget – mak-

ing the directorate vulnerable to decisions of the very organization it monitors and investigates. While this problem has been rectified, the ICD still has no authority to enforce its recommendations on policing.

These issues might not pose a problem if the SAPS were receptive to the principle of external monitoring and oversight. However, if the fate of the civilian Secretariats for Safety and Security – which are *internal* rather than external oversight bodies –I s anything to go by, this is not the case. Tasked with monitoring policing and policy, advising the minister, and contributing to policy development, the national secretariat was a body with substantial status when it was established after 1994. However, with the change of administration in 1999 and the appointment of the first civilian commissioner of police, the position of national secretary was downgraded to that of deputy director general, after having been on a par with that of the national police commissioner. This was the first indication that the importance of civilian oversight was waning.

A recent review of the secretariats confirms that they have received little attention from the Department for Safety and Security and have struggled to carry out their mandated functions (Mistry and Klipin 2004). The key problem is the lack of national leadership to support and guide the secretariats. In addition, they suffer from a lack of national coordination and vision, and their relationship with the SAPS lacks structure. Significantly, the national secretariat no longer monitors the police, appearing to exist purely for the purpose of advising the Minister of Safety and Security.

The relegation of the national secretariat, in particular, to the status of an advisory body is indicative of the lack of political support for the concept of civilian oversight of policing. The issues that were relevant in 1994 when the secretariats were created – notably the lack of trust among the new politicians for their former oppressors (Leggett 2004) – no longer concern the ruling party, especially since the first civilian and ANC insider was appointed to the position of national commissioner.[13] This is a worrying development, considering the importance of civilian oversight of policing in a democracy. Changing this mindset may be difficult because the trend does not appear to be limited to the policing environment. As the power of the executive arm of government has become entrenched, so a range of oversight bodies established after 1994 seems to have become less relevant to the business of government. This renders the role of civil society and the media more important than at any other time in South Africa's short democracy.

Working collaboratively

Coordination between departments is something that governments across the world strive for. The benefits are well recognized in South Africa, where collaboration has been a stated goal since 1994 in the crime prevention and criminal justice sector, and government broadly is organized in clusters that include several related departments. Although there have been some notable successes at the operational level, like the investigation and prosecution of commercial crime, the Directorate of Special Operations, and border control, the challenge remains immense.

At the strategic level, interdepartmental coordination is hampered by the fact that the desired outcomes of the police, courts, and prisons are not only different but often conflicting. This is best illustrated by the massive overcrowding in prisons. Rather than simply requiring officials to work with their colleagues via a range of tedious coordination committees, the political leadership need to agree on what the overall goals of the criminal justice system should be and how these can be achieved to the benefit of each department. By ensuring that officials' performance measurement criteria include indicators of cooperation, these goals can be translated into practical terms.

Crime prevention requires that interdepartmental cooperation extend beyond the criminal justice system to include, when necessary, departments responsible for local government, education, and social services, for example. Based on experience working with local government, it has been argued that expecting officials to work collaboratively when they struggle to fulfil their most basic line-function responsibilities is a recipe for disappointment (Pelser and Louw 2002). To avoid this and rectify the situation now prevailing, in which "interdepartmental coordination" has become everyone's goal and no one's responsibility, collaboration could be restricted to a few priority projects. These projects should have the necessary political backing, skills development, and resourcing to ensure success.[14] This does not mean that, where possible, individual officials with the inclination and ability to initiate teamwork should not be encouraged to do so.

Conclusion

In the past 10 years, South Africans have succeeded, against tremendous odds, in laying the foundation for a safe and open democracy. This is evidenced by the country's legal framework, the development

of policy and practice in step with international good practice, and the reliance on local innovation to deal with local problems. These advances now need to be consolidated. Although the government's scorecard is largely positive in the criminal justice sector, addressing crime prevention and negative public perceptions remain key challenges. This is essential to guard against the further erosion of human rights and the consequences for democracy of a loss of faith in the government's ability to protect its citizens.

Notes

1   For other official crime statistics, see SAPS (2004).

2   This proportion is higher than for some developed countries. For example, according to FBI and Home Office data, in 1999, 15% of recorded crime in the U.S. was violent, as was 6% of recorded crime in the U.K.

3   Between April 1994 and December 2002, the Portfolio Committee on Justice and Constitutional Development reviewed 85 pieces of draft legislation, which were subsequently enacted by Parliament, more than any other Portfolio Committee. See Union of South Africa 2004.

4   The government's security cluster consists of the Departments of Safety and Security, Justice and Constitutional Development, Correctional Services, and Intelligence and Defence.

5   That act makes provision for the imposition of a life sentence in certain serious cases of corruption.

6   The British House of Commons is currently considering drafting similar anti-corruption laws, modelled on the South African Prevention of Corrupt Activities Act.

7   This increase was due, in part, to the reassignment of responsibilities from the military to the police.

8   Foreign donors fund most civil society organizations in South Africa.

9   The IJS was subsequently absorbed into the follow-up BAC project known as the Criminal Justice Strengthening Programme (CJSP)

10 The one clear exception is the excellent media campaign run by the National Prosecuting Authority's Directorate of Special Operations or the

'Scorpions' unit. In a survey in 2001, among 3,830 members of the public in urban areas throughout the country, 84% of respondents said the Scorpions were effective. This compares with 51% who described the functioning of the prosecution service as 'okay' and only 28% who thought government had done a good job fighting crime since 1994. See Schönteich (2003: 30).

11   The latter was a common view among South Africans when asked why they were dissatisfied with the way courts were dealing with perpetrators. See Burton et al. 2004.

12   The notion of short-term social crime prevention was developed by Ted Leggett (2004b).

13   Jackie Selebi was appointed as SAPS national commissioner in 1999.

14   Key focus areas in this regard could include sexual offences courts and multidisciplinary rape care centres, specialized commercial crime courts, immigration law enforcement, and the prosecution of youth offenders in terms of the new Child Justice Bill.

References

Burton, Patrick, Anton du Plessis, Ted Leggett, Antoinette Louw,
Duxita Mistry, and Hennie van Vuuren
   2004   National Victims of Crime Survey: South Africa 2003. Pretoria: Institute for Security Studies. (ISS Monograph Series no. 101)

   1997   Crime Prevention Digest. Montreal: International Centre for the Prevention of Crime.

Leggett, Ted
   2004   No one to trust: Preliminary results from a Manenberg crime survey. SA Crime Quarterly 9.

Leggett, Ted
   2003   Rainbow Tenement: Crime and Policing in Inner Johannesburg. Pretoria: Institute for Security Studies. (ISS Monograph no. 78)

Leggett, Ted
   2004   The state of crime and policing. In Human Sciences Research Council, State of the Nation 2004–05. Pretoria: Human Sciences Research Council.

Leggett, Ted
  2004b Why wait? By-laws and regulations for high impact crime preven-
         tion. SA Crime Quarterly 8.

Mistry, Duxita and Judy Klipin
  2004 Strengthening civilian oversight over the police in South Africa: A
        report on research into the national and provincial Secretariats for
        Safety and Security. Unpublished report for the Open Society Foun-
        dation, Institute for Security Studies, Pretoria.

Parenzee, Penny
  2001 While women wait … Monitoring the Domestic Violence Act. Ned-
        bank ISS Crime Index 5(3): 10–13.

Pelser, Eric and Antoinette Louw
  2002 Lessons from practice. In E. Pelser (ed.), Crime Prevention Partner-
        ships: Lessons from Practice. Pretoria: Institute for Security Studies.

Pelser, Eric, Johann Schnetler, and Antoinette Louw
  2002 Not Everybody's Business: Community Policing in the SAPS' Priority
        Areas. Pretoria: Institute for Security Studies. (ISS Monograph Series
        no. 71).

Rauch, Janine
  2002 Changing step: Crime prevention policy in South Africa. In Eric
        Pelser (ed.), Crime Prevention Partnerships: Lessons from Practice.
        Pretoria: Institute for Security Studies.

Roper, Margaret
  2002 Kids first: Approaching school safety. In Eric Pelser (ed.), Crime Pre-
        vention Partnerships: Lessons from Practice. Pretoria: Institute for
        Security Studies.

Schönteich, Martin
  2003 NPA in the dock: Thumbs up for the prosecution service. SA Crime
        Quarterly 3: 29–32.

Schönteich, Martin
  2004 Revealing figures: A 10-year review of South African criminal justice
        performance. South African Journal of Criminal Justice 17: 220–229.

Schönteich, Martin & Antoinette Louw
  2001 Crime in South Africa: A Country and Cities Profile. Pretoria: Insti-
        tute for Security Studies. (Occasional Paper no. 49)

Sekhonyane, Makubetse and Antoinette Louw
   2002   Violent Justice: Vigilantism and the State's Response. Pretoria: Insti-
          tute for Security Studies. (ISS Monograph Series no. 72)

Shaw, Mark
   2002   Crime and Policing in Post-apartheid South Africa: Transforming
          under Fire. Bloomington: Indiana University Press.

South African Police Service [SAPS]
   2003   Annual Report of the National Commissioner of the South African
          Police Service, 1 April 2002 to 31 March 2003.

South African Police Service [SAPS]
   2004   SAPS Web site. www.saps.gov.za

Union of South Africa. Department of Justice and Constitutional Development
   2004   Legislation. http://www.doj.gov.za/.

Thompson, J.D.S.
   2004   A murderous legacy: Coloured homicide trends in South Africa. SA
          Crime Quarterly 7: 9–14.

Legislation cited

B103-2001, *Child Justice Bill*.

B107-2002, *Sexual Offences Bill*.

Constitution of the Republic of South Africa 1996, No. 108 of 1996.

Criminal Procedure Act, No. 51 of 1977.

Domestic Violence Act, No. 116 of 1998.

Firearms Control Act, No. 60 of 2000.

Prevention of Organized Crime Act, No. 121 of 1998.

Prevention of Corrupt Activities Act, No. 12 of 2004.

South African Police Service Act, No. 68 of 1995.