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TIME TO TAKE ACTION

The 2006/07 crime statistics

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With increases of 2.4% and 4.6% respectively in the murder and aggravated robbery rates, the police's release of the 2006/07 crime statistics confirmed the fears of many that violent crime is on the increase. During the media conference the police communicated the bad news badly in an obvious attempt to downplay the seriousness of a situation over which they, according to their own admission, actually have very little control. In a bizarre way this confirms that whatever we are doing to fight crime isn't working and that it is time to consider something completely different.

When the South African Police Service (SAPS) released the latest crime statistics, they confirmed what many people expected - that there had been a serious increase in violent crime. This upward trend was disappointing, particularly in view of promising decreases since 2002/03. The news led to renewed calls in the media for the Minister of Safety and Security and the National Commissioner of the SAPS to be 'fired' (e.g. in *The Citizen* 2007:12). The statistics also gave ammunition to those who doubt South Africa's ability to provide adequate levels of security during the 2010 Soccer World Cup. But, above all, the statistics had a negative impact on public perceptions of crime and, according to a recent Markinor survey, the police's ability to protect civilians and their property (Harris & Radealli 2007).

The analysis in this article focuses primarily on murder and aggravated robbery and draws on international experience to contextualise the trends revealed in the SAPS statistics.

The overall crime picture

In South Africa crime and crime statistics remain highly controversial and contested issues. No explanation will ever satisfy everyone. In a country with undeniably high levels of crime, strong public reaction is understandable and more so after a particularly bad year such as 2006/07. Even the 'good' news, that there is an overall downward trend, was met with scepticism and suspicion. This is also not a uniquely South African phenomenon. In the 2005/06 British Crime Survey (BCS), for example, it was found that:

[d]espite the total number of crimes estimated by the BCS falling over recent years, comparatively high proportions of people continue to believe that crime has risen across the country as a whole and in their local area. (Walker et al 2006:34)

Based on South Africa's crime figures for the thirteen-year period between 1994/95 and 2006/07 (Figure 1),¹ it is evident that South Africa's worst levels of crime were experienced in 2002/03. These figures, incidentally, only refer to crimes that are

reported to the police. Yet, ironically, in 2003 South Africa hosted an incident-free ICC Cricket World Cup,² which shows that crime on its own is not a fair criterion to judge the police's ability to provide adequate security for a major event such as the 2010 Soccer World Cup. In 2002/03 a total of 2 629 137 crimes (in the category of most serious crimes) were reported to the police, compared to 2 125 227 in 2006/07. That is a decrease of almost 20%. The graph in Figure 1 shows that the overall crime rate dropped steadily by approximately 6% per year between 2002/03 and 2005/06, but in 2006/07 the decrease slowed to only 2%.

Judging from the overall picture, at least as far as **reported** crime is concerned, crime is still on the decrease, albeit at a slower rate than in the three preceding years. This raises legitimate questions about why the rate of decrease has slowed. Indeed, although the crime statistics provided by the SAPS are generally regarded as fairly accurate and credible, the question of the extent to which reported crime is a true reflection of the 'real' crime situation remains relevant. For example, according to Burton *et al* (2004:105-108), the 2003 National Victims of Crime Survey in South Africa showed a reporting rate of 97% for vehicle theft, but a reporting rate of only 29% for robbery (Figure 2). More regular 'victims of crime' surveys, such as those conducted by the Home Office in Britain on an annual basis, would go some way towards

providing an indication of what percentage of crime is reported to the police.

But it is undoubtedly the violence associated with crime in South Africa that has had the most negative impact on perceptions of crime and the vulnerability expressed by many. Accordingly, the following six violent crimes and crime tendencies (i.e. murder and five types of aggravated robbery: house robbery, business robbery, bank robbery, cash-in-transit robbery and car-hijackings) will be briefly discussed.

Violent crime trends

Murder and aggravated robbery are the two violent crimes that, after consecutive years in which the statistics revealed a steady decrease in the rate of incidence, again showed an upward curve in the 2006/07 period. According to the police (SAPS 2007:11) much of the increase in robbery in particular can be linked to the security guard strike of April – June 2006 '... which left a void for robbers ... to commit crime'. In turn, aggravated robbery would also have an impact on the murder rate, because murder and attempted murder often accompany these robberies.

Murder

In the eleven-year period between 1994/95 and 2005/06, the murder rate decreased by approximately 41% from 67 per 100 000 to 39.5 (Figure 3). Twice before, in 1995/06 and 1998/99,

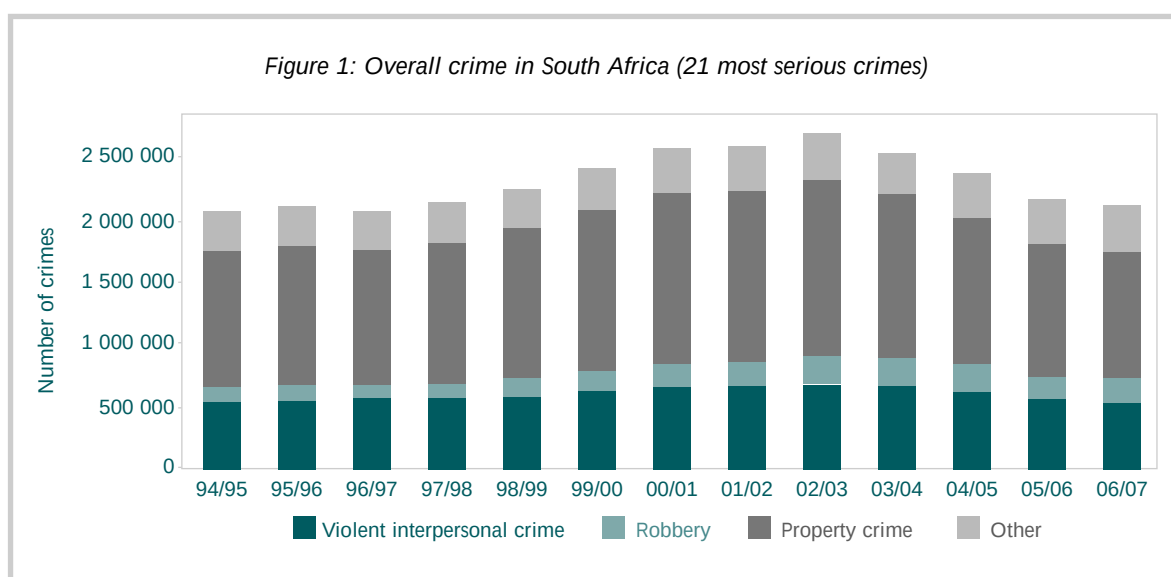
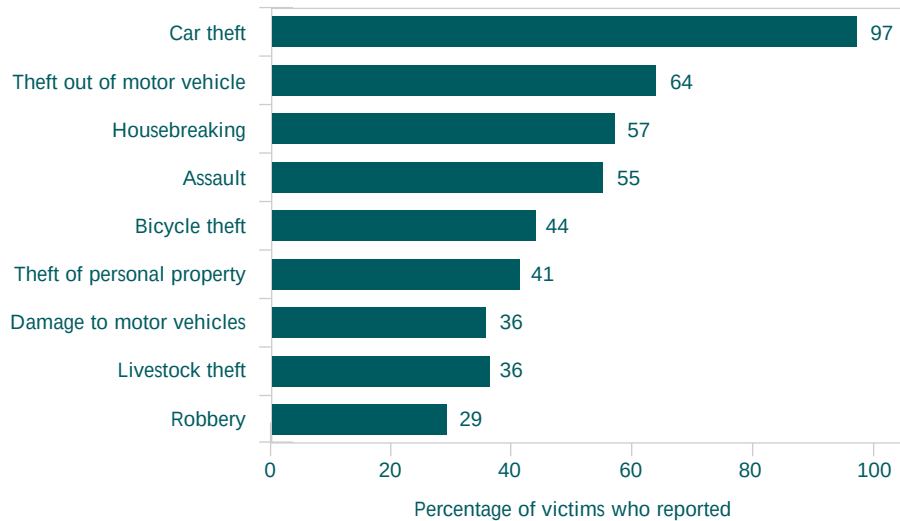


Figure 2: Reporting of crime to police



the murder rate showed slight increases followed again by consecutive years of decline. In 2006/07 the rate increased once again to 40.5. It is impossible to say whether this is just another periodical increase to be followed by a renewed downward trend or whether this is indicative of a new rise in violent crime in this country.

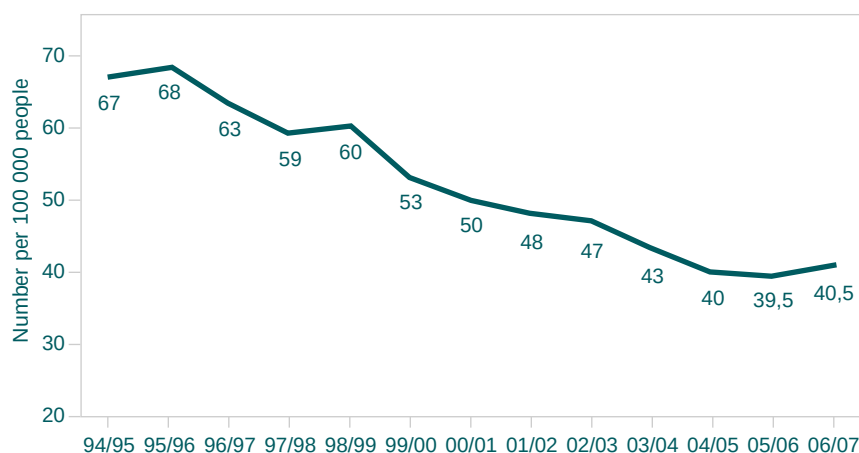
Claims by the police that most murders and other 'social contact crimes' take place between people who know each other is often met with disbelief and regarded as an excuse for not providing the

public with the security they believe they are entitled to. For example, in their 2006/07 crime report the SAPS indicated that a docket analysis showed that in 81,5% of murder cases the perpetrators were known to their victims; in 61,9% of cases perpetrators were either relatives, friends or acquaintances of victims; and in 20,1% of cases perpetrators were relatives (SAPS 2007:28). According to the police, the relatively high number of contact crimes occur in social environments (e.g. residences), which are normally outside the reach of conventional policing (SAPS 2007:4). This means

that there is very little, if anything, the police can do to prevent these particular types of crime.

This too is not a uniquely South African phenomenon. For example, a study in Australia found a clear relationship in many homicide cases between victims and offenders (Australian Institute of Criminology 2006:20). The study found that 38% of male

Figure 3: Murder rate



and 10% of female victims were likely to be killed by a friend or an acquaintance; 59% of female and 9% of male victims were likely to be killed by an intimate partner; 17% and 18% of male and female victims respectively were likely to be killed by a family member; and only 2% of female victims are killed by an unknown person, compared to 25% of male victims.

This analysis supports the argument that the ability of the police to impact on 'social contact crimes' such as murder is more limited than the public generally realises. The only real proactive contribution the police can make in this regard is by creating a credible deterrent through effective and efficient investigations (the creation of a belief or certainty in the minds of potential criminals that they will be caught).

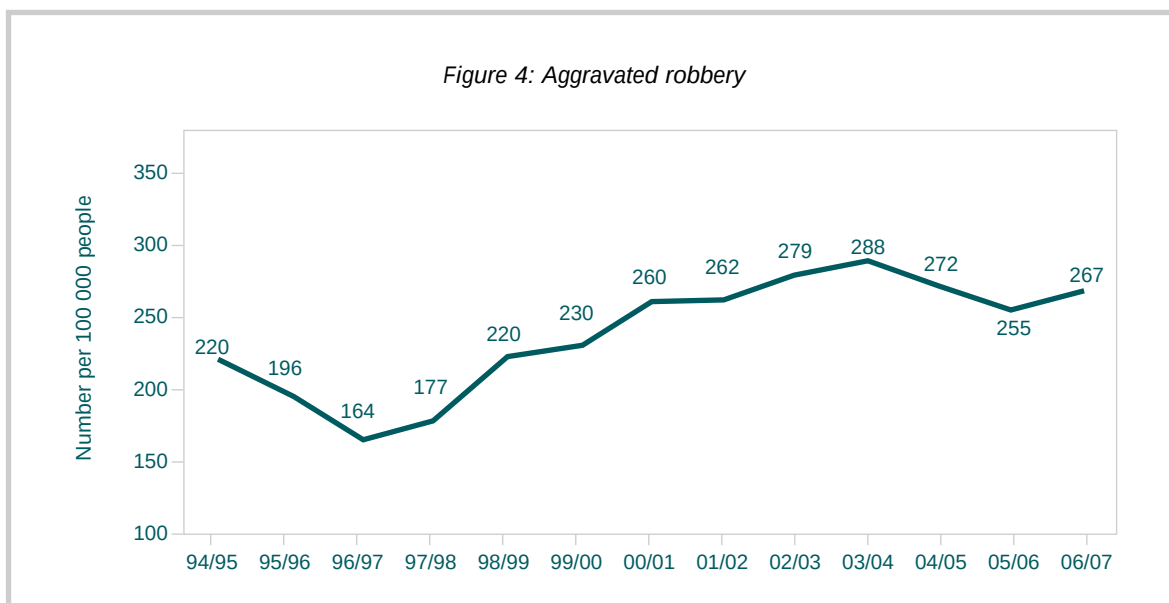
Aggravated robbery

Apart from murder and rape, aggravated robbery, certainly because of its nature and the violence or threat of violence associated with it, currently seems to be the most feared crime in this country. As shown in Figure 4, aggravated robbery peaked in 2003/04 at 288 per 100 000 after consecutive annual increases from 164 in 1996/97. In real terms this amounts to almost 134 000 robberies compared to 'only' 76 000, seven years before. In 2004/05 and 2005/06 the aggravated robbery rate (per

100 000) decreased to 272.2 and 255.3 respectively. Although the rate was still much higher than the 1996/97 figure, these decreases were promising and raised expectations that aggravated robbery was on the decline. However, in 2006/07 the rate of aggravated robberies increased again (with 4,6%) to 267.1 per 100 000 or, in real terms, 126 558 incidents.

The real threat or perceived threat of aggravated robbery is better understood when it is disaggregated into some of its sub-categories. The following serve as examples:

- Residential or house robberies increased by 25,4% in the last year from 10 173 to 12 761 incidents. These incidents have in fact been increasing over consecutive years since they were first indicated as a separate crime category in 2002/03. This type of crime has a very negative impact on an individual's feelings of safety and general perceptions of crime. Everyone would like to believe that their home is their sanctuary where they and their family are safe. According to the crime figures, the risk of having this sanctuary invaded by criminals is on the increase. In addition, this 'invasion' is often accompanied by assault and even torture, rape and murder. Criminals use torture as a means to achieve compliance and to access the victim's safe and PIN numbers, etc.



- Car hijackings have increased since 2004/05, from 12 434 to 13 599 incidents, an increase of 6% in 2006/07. This type of crime exacerbates the fear experienced by most people. Fear is becoming the common denominator in the public perception of crime in this country. There is a growing perception that not only are people no longer safe in their own homes, but they face the constant threat of being hijacked, for example between home and workplace or during an evening out.
- To make matters worse, business robberies increased with 52,2% in the last year. This is an increase from 3 320 incidents in 2004/2005 to 6 689 in 2006/07. This too has a negative impact on public perceptions, for many of these crimes happen at shopping centres and restaurants.
- In addition, bank robberies increased by 118,6% from 59 to 129 incidents. This crime type is again on the increase since 2003/04, after impressive decreases from the 561 recorded in 1996/97.
- Cash-in-transit robberies increased by 21,9% from 383 to 467 incidents. This crime type is also on the increase since 2003/04, when 192 incidents were recorded.

The reason why criminals in many cases shoot and kill their victims even after they completed the initial crime (e.g. robbery), remains a contentious and unresolved phenomenon. However, it is informative to know that this phenomenon has also been observed elsewhere. In a report by the Police Executive Research Forum (2006:6-7) it was found, based on the crime figures for the United States, that not only was robbery becoming more prevalent, but also more deadly. As one of the police chiefs observed:

... a disturbing aspect in a number of robberies was that upon completion of the robbery the victim was shot anyway.

Conclusion

The main message from these figures is clear: whatever we as a country (not just the police) are doing to fight crime, is not working. It shows us that there is something seriously wrong with our approach to this 'fight' and the way in which we present our crime situation. The release of this year's statistics was again overshadowed by

explanations of why our crime is not as bad as it appears to be. In an apparent attempt to underplay the gravity of the situation, the release was accompanied by remarks such as: 'It's not a train smash' and, in reference to the possible impact of crime on the 2010 Soccer World Cup, 'I do not miss any sleep over it'.

For some reason the police allow themselves to be blamed for the failures of government departments across the board and for the manifestations of a morally sick society. At the annual release of the crime figures, the police, unfairly so, are alone in the 'dock'. They are expected not only to tell us what our crime situation is, but also why it is good or bad and what *they* are doing about it. Of course the police do not help their cause by downplaying the seriousness of the situation. However, what we need when crime statistics are released are the other representatives of government, such as the Departments of Justice, Correctional Services, Housing, Labour, Provincial and Local Government, Welfare, to also tell us what they are doing to address crime and the conditions conducive to crime.

To enable a more fair and sensible distribution of responsibility for crime fighting, we need an integrated national strategy. Such a strategy should direct all available government resources on a massive scale to achieving realistic objectives. An integrated national strategy of this kind will only be possible if it is preceded by a comprehensive national inquiry, e.g. by a commission of inquiry, to determine the extent of our crime, where it happens, why it happens, and why it is so violent. The commission (or its alternative) should also be mandated to determine what needs to be done, and by whom. The allocation of tasks will have to be realistic; both as far as the tasking of the right people (government departments and other role players) and the setting of achievable targets are concerned. Such a massive and all-out national campaign to fight crime is not only a precondition for success, but will only work if it is controlled by an overarching national coordinating structure with the overriding authority to direct *all* government departments, and not just the criminal justice system. The National Security Council (NSC) may

be just such a structure, but changes to its mandate, structure and functioning would be required.³

Criticism about the way in which crime is being dealt with in this country should not be construed as if it is just another uniquely South African phenomenon. In 1997 George Kelling and Catherine Coles, in their book *Fixing Broken Windows: Restoring Order and Reducing Crime in our Communities* (1997:1) were highly critical of the criminal justice approach to crime fighting in the United States at the time:

With fear of crime at all-time high levels, our national political leaders propose dramatic solutions to the 'crime problem'. They focus on ... incarceration policies, construction of more prisons, tighter gun control, and increasing the number of police on the streets.

Mr. Kenneth Baker, British Home Secretary in the Thatcher government, in his memoirs in 1990, demonstrated a similar lack of political understanding of the complexities of crime (Morgan & Newburn 1997:2-3):

... while several of my ministerial colleagues and Tory MP's supported the police in public, they were highly critical of them in private. There was impatience, if not anger, that although we had spent 87% more in real terms since 1979, and had increased police numbers by 27 000, there had still been a substantial increase in crime.

In the last six years the SAPS numbers increased with approximately 40 000 and their budget almost doubled from R17 billion to R32 billion. This gives us a police/public ratio of approximately 1:370, which is already better than the UN guideline of 1:400. This situation is set to improve even further with more than 30 000 police officials to be added over the next three years to reach a target of 192 000 by 2010. We are, therefore, entitled to expect the police and the rest of the criminal justice system to be more effective and efficient in terms of what they are, or should be, capable of. We know from international research that the police do not *prevent* crime; at best they can act as a *deterrent* to crime in places where they (the police) are present.

This means our police need to become more visible. A visible police presence goes a long way to reassuring a fearful public. Police investigations should also be motivated by the desire to engender a realistic fear in the minds of criminals or would-be criminals that they will be caught. For optimal deterrence, good investigations should be followed by well-prepared prosecutions, and a prison system that can accommodate those who receive prison sentences (and keep them there). Considering its prevailing weaknesses it is clear that our criminal justice system is currently not able to meet all of these challenges.⁴

In this regard, and to the extent that the police can reduce crime, the crime statistics do raise pertinent questions, for example:

- What was (is) the impact of the ongoing restructuring process on the police's ability to combat crime?
- There are renewed calls for more community involvement in the fight against crime, but why is it taking the police such a long time (since 1998) to finalise (approve) its policy/national instruction on sector policing – a practical policing concept that was developed specifically to enhance police-community cooperation?
- How can the police set themselves a target of decreasing contact crimes by 7–10% per year when they argue, convincingly, that they do not control the socio-economic causes and conditions that underlie crime?

Finally, in their report on the 2006/07 crime statistics, the police refer to the 'mistaken' comparison by 'analysts' who, for example, put South Africa's murder rate at approximately eight times that of the international norm. This analyst, for one, agrees with the police's argument that international comparisons, for a variety of reasons, are highly problematic, but, like the police, we believe that 'very broad and rough comparison[s]' sometimes help to determine more or less where we stand in the international arena. Unsurprisingly, the police themselves declare (SAPS 2007:3) that if South Africa can reduce its contact crimes by 7–10% per year for consecutive years it will take us at least another ten years to reach the levels of the majority of Interpol countries.

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Endnotes

- 1 All the graphs (crime rates) and the South African crime figures used in this article are based on information taken from the Annual Report of the SAPS 2003/2004 (SAPS 2004:19), as well as the SAPS's crime report for 2001/2002 to 2006/2007 (SAPS 2007:1, 7-8). The graphs are also an updated version of those used by Antoinette Louw (2006:2,4-5).
- 2 See Johan Burger 2007. A Golden Goal for South Africa: Security Arrangements for the 2010 FIFA Soccer World Cup. *SA Crime Quarterly* (19). Pretoria: Institute for Security Studies. pp1-6.
- 3 For an in-depth discussion of a national strategy to fight crime, see Burger, J 2007. *Strategic Perspectives on*

Crime and Policing in South Africa. Pretoria: Van Schaik Publishers.

- 4 See for example the discussion on some of these weaknesses by Altbeker, A. 'How we got it wrong: What to do about the failure of crime prevention', in this edition of the SACQ.

FINDING THE MEANINGS OF AIDS

ARV treatment in an Eastern Cape village

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What happens to the meanings of AIDS when treatment for it becomes universally available? The author asks this question in Lusikisiki, where a successful antiretroviral treatment programme in the district's 12 clinics made treatment accessible. The most profound effect is a whittling away of public denial. As nurses begin successfully treating opportunistic infections, so villagers' definition of AIDS broadens considerably; infections previously considered the work of witchcraft are now identified with AIDS. However, two years after the beginning of treatment, AIDS remained highly stigmatised. Although everyone knew where to go for treatment, some stayed at home and got sicker, while others tried to initiate treatment secretly. The future of the meaning of AIDS depends a great deal on whether the health system can maintain the quality of its service. If radically understaffed clinics begin finding ways to turn patients away, people will look increasingly to traditional and lay-healers for treatment and accept alternative explanations for illness.

What happens to the public meanings of AIDS when a successful antiretroviral treatment (ART) programme is established in a community in which AIDS was previously untreatable? This is precisely what happened in the Eastern Cape town of Lusikisiki. Until early 2003, AIDS was a terminal disease for all in this rural town save for a handful of its middle class residents who could access drugs on their medical aids. Then an ART programme run by a partnership between the international non-governmental organisation Médecins Sans Frontières (MSF) and the Eastern Cape Health Department was established in the district's 12 clinics. By the first quarter of 2006, 110 people were being initiated onto ART every month, matching the rate at which people were falling ill with Stage IV AIDS. Within three years, access to ART had moved from zero to universal.

For a 16-month period between October 2005 and January 2007, I conducted a qualitative research

project in an outlying Lusikisiki village, which I shall call Ithanga. My aim was to discover what happens to the meanings of AIDS once treatment becomes available. This article is a summary of some of my research findings.¹

Lusikisiki and Ithanga

Lusikisiki's population of 150 000 people is dispersed across about three dozen villages and a town centre. It is socially and geographically diverse. The villages close to the centre of town were all electrified in the early 2000s. They are serviced by decent roads and a fixed line telephone service. Most are in walking distance of a clinic. Some of the houses along the streets are home to well-off middle class families.

Just 20 or 30 kilometres away, some of Lusikisiki's outlying villages have no electricity, no navigable roads, and no running water. The nearest clinic is often an expensive and time-consuming taxi ride away. Most people live in mud and cement homes

they built with their own hands. Fresh water is carried from the nearest river.

Ithanga, the site of my research project, is one of these outlying villages. It is about 30km from the centre of Lusikisiki. Its population of 600-700 people have no electricity and no running water. Until about a generation ago, the primary source of employment for the village was the Witwatersrand's gold mining industry. As is well known, the industry's labour force contracted rapidly and permanently in the late 1980s. Today, the village's primary source of income consists of state pensions, survivalist self-employment and short-term wage labour.²

Ithangans would not have heard of ART before MSF's Lusikisiki project. And, as an outlying village, they would have heard about it later than most of Lusikisiki's people. The nearest clinic is some 15km away. The majority of Ithangans would have first heard about ART in the form of rumours and news from villages closer to the centre of town.

The ART programme

Before examining the response of Ithangans to the arrival of ART, I will first describe the programme itself. It constituted a bold innovation in AIDS medicine, inasmuch as it aimed to deliver ART through primary healthcare clinics rather than hospitals, and was to be administered by nurses and lay people rather than doctors. Indeed, MSF is an outspoken advocate of the idea that South Africa will only achieve universal access to ART if treatment is primarily clinic-based, and nurse-initiated. Their argument is twofold. First, the extent of the epidemic is so great that if treatment is confined to hospitals, programmes will soon bottleneck and the majority of those in need of treatment will die waiting. Secondly, if people are to adhere to treatment, ART must be as decentralised as possible. At hospitals, patients arrive from distant districts and disappear again; medical personnel can only hope that they will return for their next batch of pills. If treatment is clinic-based, each patient is known to the clinic's lay personnel, and the direct relationship between patient and healthcare provider encourages adherence to treatment, timely reporting of illness, and so forth.

When MSF arrived in Lusikisiki in 2003 the district's 12 primary healthcare clinics were hardly in a state to tackle a great epidemic. Only two had reliable electricity supply, and just one had running water or a phone. Fewer than four in ten nursing posts were filled. Per capita, the district had 14 times more people per doctor than the national average. The majority of clinic nurses encountered by MSF project leader, Hermann Reuter, during his first weeks and months in Lusikisiki, did not believe that there was an AIDS epidemic.

Four years later, these same clinics had conducted 46 000 HIV tests and put 2 200 people on ARVs (MSF 2006). The key to the transformation of these once moribund institutions lay in the recruitment of a cohort of lay people to alleviate the workload of nurses. Adherence counsellors staff each of the 12 clinics: they are trained to perform voluntary counselling and testing, prepare patients for treatment, establish support groups for antiretroviral users, monitor adherence, and collect data. Pharmacy assistants are recruited to dispense medicines, monitor low stocks, and place persistent pressure upstream to supply the district's burgeoning need for medicines. Anti-retroviral users themselves play a significant role, tracing defaulters, recruiting others to test, and giving treatment a public face.

The programme is by no means without serious problems, the most grave of which is personnel shortages. I return to this question at the end of this paper.

AIDS in Ithanga before treatment

My primary informant in Ithanga was a 29-year-old man whom I shall call Sizwe Magadla. I met Sizwe in October 2005. He told me then that he knew of six people in Ithanga who had died of AIDS, all in the last four years. I asked a dozen or so other villagers how many Ithangans had died of AIDS. Some said five, others seven. The majority said six.

It is almost certain, though, that the figure was considerably higher than that, for villagers' standard definition of AIDS before the advent of ART was very narrow indeed. A person was said to have died of AIDS if she contracted chronic diarrhoea that did

not respond to treatment, grew very thin, and died. Yet that is hardly the most common chain of events leading to an AIDS death. Those who displayed other symptoms were generally said not to have died of AIDS. A person who contracted cryptococcal meningitis, for instance, or AIDS dementia, was said to have had a demon sent to him by an enemy. A person suffering from shingles – a common opportunistic infection triggered by immunodeficiency – was said to have had a witch's snake crawl over her skin while she slept.

It was common cause among informants that those who were known to have died of AIDS were thought to have died shameful deaths. The four most common answers to why AIDS deaths were shameful were these:

- 1) People say X got AIDS because she (or he) slept around.
- 2) People say X brought AIDS home and has probably given it to her husband (or his wife).
- 3) People say that because X cannot control her (or his) sexual appetite, she is killing the people close to her.
- 4) People say X knew she had AIDS and slept around to take as many people as she could with her to the grave.

In other words, the accusation is that X has been sexually gluttonous, and as a result, has endangered the lives of, or perhaps even murdered, her loved ones.

Testing day

ART arrived in Ithanga abruptly on a Saturday morning in February 2005. A group of nurses and lay counsellors set up a mobile centre at the local school to offer voluntary counselling and testing (VCT) for a day. In the preceding weeks, lay counsellors had met with the local chief to obtain his permission to perform VCT in the village, and had then gone door to door to inform residents of their plans. By Saturday morning, most Ithanga residents knew that they were coming.

During the course of testing day, some 200 hundred Ithangans drifted to and from the school. Most had not come to test, but to watch. Their curiosity was profoundly ungenerous. They had come to see who

was HIV-positive. It was, they believed, not hard to tell. As Sizwe explains it: 'To know, you just had to stand and observe. You looked for how long the people stay. You see, there is counselling before the test, and counselling after the test. The counselling before the test, it's the same for everybody: a few minutes. But the counselling after the test: for some it lasts two minutes, for others, it is a long, long, time. By the time the day ended, the whole village knew who had tested HIV-positive.'

MSF personnel were of course acutely aware that the testing process was hardly private. They did not want AIDS to be hidden, primarily for two reasons. First, they wanted communities to see for themselves how extensive the epidemic was, and thus to banish denial. Second, MSF believed that this fish-bowl approach to testing was the best way to combat stigma. Their message to those who walked into their testing centres was this: yes, there is ill feeling out there, but it doesn't matter. Yes, your community will know your status, but you will be okay. Once you realise that the hostility will not hurt you, you will have walked through an invisible barrier. You will have shaken off an unspeakable burden and an intolerable pain. Come with us, there are many of us, we have support groups, we have formed networks of HIV-positive people, and you will be safe and will find meaning in those networks.

On that Saturday morning in February 2005 about forty people went to the school to test for HIV, the majority of them young women. By the end of the day, nine women had been identified as having tested HIV-positive.

As news circulated, Ithanga went into a state of collective shock. In the course of a few hours, nine healthy, ordinary-looking villagers, most of them young women, had been marked with death. Ithanga had just had its first taste of what it means to live in the midst of a disease that banks itself invisibly in the bodies of the young and the healthy.

Such information is not easily absorbed. In the weeks and months that followed, those who had tested positive were watched. Nobody told them that they were being watched. Nobody said to their

faces that their status was common knowledge. But everything about them was observed in meticulous detail: whether they coughed, or lost weight, or stayed at home ill; whether they boarded a taxi, and if so, whether that taxi was going to the clinic; above all, with whom they slept. These observations were not generous; they issued from a gallery of silent jeerers.

In essence, Ithangans were using their knowledge of the nine villagers' HIV status to fuel their sense of denial. By putting an invisible fence around the nine women and silently jeering at them, the village was in effect putting a fence around AIDS.

After testing day

Such was the immediate aftermath of testing day, but what were some of the more long-term effects?

I discerned two, and was interested to note that they appeared at first sight to sit uncomfortably together. The first is that ordinary villagers' definition of AIDS expanded considerably. As Sizwe explained it: 'We started noticing things we had not noticed before. For example, the people who were saying that the marks on their skin were the work of *ichanti* went to the *inyangas* to be treated against witchcraft and many got sicker and died. The people with the marks on their skin who went to the clinic were told they had AIDS. They were given the drugs for their skin and they got better.'

Similarly, villagers began noticing that people displaying the symptoms of neurological disorders, long associated with witchcraft, were diagnosed as having AIDS dementia and cryptococcal meningitis and were treated with drugs. Thus, in the wake of testing day, villagers' definitions of AIDS expanded dramatically; people saw much more of AIDS around them than they had in the past.

And yet, the fact that lay definitions of AIDS broadened, and the fact that this broadening was closely associated with the diagnostic and palliative competence of allopathic medicine, did not translate smoothly or simply into an endorsement of the efficacy of antiretroviral drugs. One's attitude to treatment is determined as much by what one feels as what one sees. And what one feels is shaped in

large part by whether the pills themselves are associated with shame or with pride, with resignation or with confidence, with danger or with hope. And these things are all determined in no small part by the sort of face the healthcare system presents when it comes to test, by whether the clinics are clean, efficient, and user-friendly, and their staff competent, by whether one feels safe and cared for there, and by the sorts of communities ARV-users form.

In my experience of Ithanga, a minority of those who started treatment associated the pills unambiguously with life. They celebrated and were thankful for the pills. They exuded no shame. Generally, they had a warm relationship with the nurse or adherence counsellor or community health worker who guided them on to treatment, and they associated treatment with that person. Yet many other people associated the pills with the danger of being exposed and shamed. Nobody wanted what had happened to those nine young women in February 2005: nobody wanted to test positive before the eyes of their community.

My last field trip to Ithanga was in April 2007, more than two years after treatment came to the village. The 16 or so people I knew to be chronically sick and whom I interviewed could be divided into three categories. The first were openly on ARVs, had embraced them as a life force, and were largely unhurt by the silent and ungenerous thoughts and whispers of fellow villagers. A second category would not go to the clinics to have their CD4-counts taken or to begin treatment. Some had long ago tested positive for HIV. Others had never tested. They either stayed at home, or visited traditional healers, or visited one of the general practitioners in town who is happy to collude with his patient and never mention the word AIDS, while charging a fee for treating symptoms. Their situation was especially tragic, for their condition was hardly a secret. With its newfound diagnostic knowledge of AIDS, the community of Ithanga now recognised AIDS when they saw it. And so several people were wasting away and dying before their neighbours' eyes. Everyone knew it was AIDS, but most were discreet. The dying were afforded their right to denial over the right to life that they themselves had lost sight of.

The third category of the chronically ill did visit the clinics and either went on to treatment or expressed a willingness to do so when the time came. But they attempted to do all of this secretly. Most tried to avoid the clinic nearest to Ithanga for fear of being recognised. They would generally try to enrol at the clinic in Lusikisiki's town centre, or, if they could not avoid the local clinic, they would try to go there unseen.

Conclusion

Two years after the initiation of ART in Ithanga, much had changed. Most villagers now knew and recognised the most common opportunistic infections associated with AIDS; the definition of the syndrome had thus expanded considerably, and the space for denying its prevalence had shrunk. Moreover, the number of people on treatment had grown steadily. By early 2007, as many as two dozen villagers, perhaps more, were on ART. Everybody in the village knew where to go to test and to get on to treatment. These are considerable achievements.

What had not been achieved, though, was the normalisation of AIDS as an ordinary chronic illness. Many people were still dying before the eyes of their families and neighbours because they could not cope with the prospect of acknowledging that they had AIDS. The acute sense of shame associated with it had shifted, been displaced, and found new forms, but it was far from eradicated.

Perhaps the most important factor in shaping the future of the meaning of AIDS in Ithanga is whether the quality of ART can be maintained. In early 2006, Lusikisiki's clinics were putting 110 people on treatment every month, despite the fact that more than half of nursing posts were vacant and unadvertised. Workloads were climbing steadily. Before the ART programme began, a Lusikisiki clinic nurse saw an average of 27 patients a day. At the height of the ART programme, the figure had climbed to 49 (MSF 2006). Whether chronically understaffed clinics can maintain that sort of workload is questionable. MSF was the programme's inspiration and moral champion. It left Lusikisiki, as intended, in late 2006. It is quite possible that in its absence, the system will find

informal ways to manage its workload by bringing down patient numbers. If, in the coming months and years, ART becomes more difficult to access, people will increasingly look elsewhere for succour and for treatment. As this happens, the currency of the biomedical diagnoses of, and explanations for illness that have become associated with successful treatment, will begin to weaken.

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Endnotes

- 1 The project produced two much longer documents: a book and a monograph. See Steinberg 2008 and 2007, respectively.
- 2 For a survey of survival strategies in two outlying Lusikisiki villages, see Hajdu 2005.

GOOD COPS? BAD COPS?

Assessing the South African Police Service

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The South African Police Service is often a target of criticism, more often than not stemming from heightened public emotions regarding the high levels of crime in South Africa. Using the concept of democratic policing as its basis, a recent assessment attempts to evaluate the SAPS against a set of 39 measures. Providing an organisation-wide view of the SAPS, the assessment highlights both positive and negative aspects of the SAPS, and provides a detailed set of recommendations. The assessment is intended to support democratic oversight of the police by directing attention towards the main issues that should be addressed by oversight bodies.

After examining the police reform processes in four countries in transition (Bosnia-Herzegovina, El Salvador, Ukraine and South Africa), the policing analyst David Bayley (2006:115) observed that, when compared to the examples of other countries, 'South Africa is generally considered a heartening success'.

But at home it often appears that the South African Police Service (SAPS) is at the receiving end of a constant stream of criticism.

How do we account for these disparities? Should we elevate the views of a respected analyst such as Bayley above that of ordinary South Africans, or should public opinion be key to any assessments of the SAPS? And, given such significant differences in opinion on the SAPS, is there a need for a more balanced view?

Origins of the assessment

A recent assessment of the SAPS, undertaken by the Centre for the Study of Violence (CSVr),¹ attempts

to provide such a fair and balanced view. The assessment has a long history. It dates back to a 2002 project focused on strengthening police accountability in South Africa; jointly initiated and funded by the Open Society Foundation for South Africa (OSFSA) and the Open Society Justice Initiative (OSJI).

One of the initial products from the 'strengthening police accountability' project is a handbook titled *The police that we want* (Bruce and Neild 2005), produced by CSVr in conjunction with OSFSA and OSJI in 2005. The handbook is built around the concept of democratic policing and is intended to assist oversight bodies in subjecting the SAPS to scrutiny. Based on a review of indicators proposed by other writers, or those used in other countries, the handbook defines democratic policing in terms of 39 main measures distributed across five key areas. These five areas are defined in the handbook as:

- 1) *Protecting and supporting democratic political life itself*

A widespread assumption is that democratic reform is concerned with 'de-politicising' the police. Arguably it is more correct to think of this process in terms of a 're-politicisation' (Gordon 2006:124) of the police, in terms of which the police are obliged to protect the exercise of democratic political rights, such as rights to freedom of assembly, but have to refrain from interfering with politics conducted within the parameters of democratic norms.

2) *Governance, accountability and transparency*

The standards applied in relation to management of the police organisation in complying with the exercise of authority by components of government or the courts; in relationships with the public or other agencies; and in attending to internal management and supervision.

3) *Service delivery for safety, justice and security*

The nature of the basic services that police provide in a democracy, and how these are delivered.

4) *Proper police conduct*

The principles of integrity, fairness and respect for human rights and dignity that guide the conduct of democratic police, and how police services support and ensure adherence by police officers to these principles.

5) *Police as citizens*

The rights of police officers themselves, as part of a democratic society, to non-discriminatory recruitment and promotion practices, to decent conditions of service, to collective bargaining, to fair disciplinary procedures, and to a high level of support in attending to issues of safety.

By applying the framework contained in the *The police that we want*, the assessment aimed to deepen the scrutiny that the SAPS is subjected to. In so doing it aimed to improve the ability of civil society and government to hold police in South Africa accountable. The assessment was initiated in 2005 but mostly carried out and completed during the course of 2006. Minor updates were undertaken in April 2007, and the report published the following month.

Methodology of the assessment

With a staff of 155 532 as of 31 March 2006 (and with a total of 192 000 envisaged for 2010) the

SAPS is an extremely large organisation. In most countries police services are organised on a provincial or local basis, so although many countries have a greater number of police officers, it is relatively rare to find police organisations that are comparable in size to the SAPS. The task of assessing such a large organisation presents formidable challenges, particularly if the framework for assessment, as in this case, is a set of 39 discrete measures.

There are various levels of detail and complexity at which such an assessment can be carried out, but available resources determine what is practically possible. By some standards, therefore, the research basis for this assessment was relatively modest. It included:

- Use of a wide variety of documentary information in the public domain, including SAPS annual reports, research reports from various sources, press reports and other documents.
- Seventeen interviews with 23 SAPS officials, mostly at the SAPS head office in Pretoria.
- Fifteen formal interviews and two focus groups (comprising 20 individuals in total) with role-players in policing and police oversight, including representatives of national and provincial secretariats, the Independent Complaints Directorate at national and provincial level, police unions, political parties and civil society organisations.
- Informal telephonic discussions on specific issues with a range of other people with relevant expertise.
- A number of requests for written information were also made directly to the SAPS.

Considering the size of the SAPS, the level of research that formed the basis for this assessment was limited, and the assessment cannot claim to be a meticulously scientific assessment of the SAPS. Compensating for the modest level of research involved, however, was a depth of insight related to the fact that the report was written by a team of researchers who between them combined over 20 years of experience in the policing field in South Africa.

Notwithstanding the limitations of the research, the final report that emerged from the assessment process

may reasonably be regarded as the most rigorous and thorough overall analysis of the state of the SAPS and of policing in South Africa produced thus far, and the framework of recommendations provided can be seen as an important contribution to the debate about the future of police reform in South Africa.

Findings

This article highlights some of the findings of the report, focusing on particular areas of interest.

Overall there is reason to be very positive in relation to the progress made in the first area, that of 'Policing democratic political life'. This is most notable in relation to the turnaround achieved in public order policing since the early 1990s, the contribution of the SAPS to the policing of elections, the priority attention of the SAPS to political violence in KwaZulu-Natal, and the effectiveness of the SAPS in tackling the threat of armed insurrection posed by the right-wing Boeremag. However, the positive change was tempered by some instances of heavy-handed policing of demonstrations, allegations of continuing partisanship among elements of the police in KwaZulu-Natal, and abuses committed against members of 'social movements' involved in political activities opposed to the government.

With regard to the other four areas, the overall assessment was more mixed. In relation to 'Governance, accountability and transparency' the SAPS has a consistently good record in complying with the accountability requirements imposed by government, and in subjecting itself to the authority of the courts. But the reluctance of the SAPS to make crime statistics available, other than by means of the annual report, undermined the SAPS's own strategy of devolving responsibility to the local level and of strengthening local level partnerships with communities. Participants in partnership structures need access to crime statistics in order to interpret the local crime situation.²

In addition, the handling of the crime statistics issue has contributed to a climate of anxiety in the SAPS regarding the provision of information. This is counterproductive to such a large organisation; and

one that needs to place a premium on effective communication. There are also serious questions about internal systems of management and control, the impression being that supervisory structures function in a haphazard way. There have been extensive efforts to improve cooperation with municipal police agencies, but there have been ongoing unresolved tensions with the Directorate of Special Operations (Scorpions), and relationships with private security companies are ad hoc.

Rather than service delivery being primarily good or bad, the principal problem appears to be one of unevenness. This is reflected in key dimensions of police service delivery, such as the response to emergency calls and crime investigation, with numerous examples of dedicated high quality police work continually off-set by incompetence or disinterest. The SAPS suffers from a lack of clarity about the role of policing, a problem exacerbated by confusion about the meaning of the term 'crime prevention'. It may be helpful to define the principal role of the police as one of 'police crime prevention', which would generally involve crime prevention activities that have a law enforcement component.

Another issue that calls for attention is the need for the SAPS to sophisticate its use of crime reduction strategies that are targeted at specific types of crime, possibly based on research that reveals which police stations are having the best results in tackling crime. On the positive side, the SAPS appears to have taken seriously the challenge of extending services to all sectors of the South African population, so that access to police services has improved overall. However, this is unfortunately not reflected in a consistent quality of services provided, reflecting the problem of unevenness mentioned above.

Of the five areas that form the focus of this assessment, the area of 'Proper police conduct' perhaps reveals the greatest shortcomings of the SAPS. The SAPS has a good statement of values, but commitment to these values is not consistently carried through in its organisational practice. There is evidence of a pervasive problem of corruption, and anti-corruption measures are weak. While the

SAPS introduced a comprehensive anti-torture policy in 1998, commitment to the policy has not been sustained, and reports of the most serious types of torture continue. The use of force is addressed through training, but there is not consistent attention to questions relating to the use of force by police managers.

One of the issues addressed in the 'Police as citizens' area is the focus on employment equity and the strong emphasis placed by the SAPS on issues of representivity. While employment equity and affirmative action policies are necessary, it appears that the SAPS has been somewhat overzealous in adhering to them. Particularly where implementation of these policies is combined with other factors, such as nepotism or favouritism, it is likely to contribute negatively to staff morale.

The last decade has seen a substantial overall reduction in the number of police killed. While this may partly be credited to efforts by the SAPS to improve police safety, there is no ongoing monitoring of the circumstances in which these deaths take place.³ As a result, SAPS efforts to address police safety reflect a lack of insight into the key circumstances where police are at risk. Beyond this, however, it is reasonable to be fairly positive about the treatment of SAPS members, with pay and benefits being reasonably good, while SAPS members also enjoy rights to collective bargaining and recognition of their rights in disciplinary procedures.

Recommendations

Even though the assessment drew attention to the continuation of problems such as torture, which may be seen as partly a legacy of the widespread human rights violations under apartheid, there can be little doubt that the SAPS is a profoundly different organisation from its Apartheid-era predecessors, the South African Police (SAP) and homeland police forces.

In fact, it appears that turbulence, related to the level of change that the SAPS has been through, has had a destabilising impact on the organisation. In pursuit of transformation and increased efficiency, the SAPS has, since 1994, gone through a number

of restructuring processes. In addition to various processes of restructuring, the recent focus on rapid recruitment and the vigorous implementation of employment equity policies, there have been various other sources of turbulence in the SAPS. These include changes in the skills, knowledge and values required of police officers in their work, related to the emphasis on crime prevention, community policing, and human rights, and changes in the demographics of South Africa, with a major influx of would-be immigrants into South Africa in the post-apartheid period. Not only has the SAPS been compelled to expand its service delivery capacity to meet the needs of all South Africans for policing services, but the demands for service from its primary Apartheid-era constituency (white South Africans) have also become more extensive and more urgent as a result of rising crime. It is therefore not surprising that the process of reform has achieved mixed results.

The latest wave of restructuring, involving the dissolution of the SAPS area level, has been controversial, partly because of its disruptive effect on the Family Violence, Child Abuse and Sexual Offences Units. However, though it may be valid to ask questions about the process by which the restructuring is being implemented, this restructuring may be regarded as a necessary measure, given that the SAPS had too many levels of management, which detracts from its ability to put skilled personnel in operational roles on the ground.

But while the latest round of restructuring should be supported, it is recommended that the SAPS avoids further restructuring in the coming period, and focuses on building stability and consistency in the organisation through in-service training, strengthening the quality of promotions, and improving management and control.

This recommendation is also informed by a concern about the current emphasis on rapid recruitment to expand SAPS numbers, which in 1996 alone involved training roughly 11 000 new personnel. It is likely to be associated with a loss of rigour and quality in both selection and training processes.

Considering that new personnel are coming into an organisation where systems of management and control are already inconsistent, the large number of new recruits is likely to place further strain on these systems. In the absence of attentive management and supervision, new recruits are unlikely to get the support they need. Therefore, despite its potential, the current wave of recruitment may lead to limited gains in the quality of policing. As a result it may frustrate efforts to strengthen the contribution of police to fighting crime. Rapid recruitment, combined with the absence of reliable management systems, may be associated with a heightened risk of abuses and other problems, such as unnecessary use of force linked to a lack of experience. Similar problems are also likely to occur among police reservists, who are also being brought into the SAPS at a rapid rate.

Conclusion

The assessment confirms the view that there has been substantial progress and numerous achievements in the process of police reform, but also draws attention to shortcomings of the SAPS that need to be addressed.

The uneven quality of policing coupled with the disparate views on the state of policing in South Africa (referred to in the introduction to this article), are indeed reflected in South African opinion. For instance, while 45% of respondents to the 2003 National Victims of Crime Survey indicated that they thought the police were doing a bad job, a similar, though slightly greater number (52%) indicated that they thought police were doing a good job (Burton et al 2004:77-78).⁴

One criticism of the assessment may be that it does not adequately engage with the question of an appropriate model for the provision of policing services and is possibly shaped too strongly by assumptions about the type of services conventionally 'expected of powerful Western democracies in a neoliberal era' (Gordon 2006:218).

South Africa is a country characterised by high levels of inequality. Policing is carried out in circumstances that are widely disparate from each

other. More affluent communities are not only able to supplement their reliance on police with the services of private security companies, but bring specific capacities and resources to their participation in structures such as Community Policing Forums. By contrast, poorer communities not only lack these capacities and resources but are frequently also plagued by a more intractable problem of violence, rooted within the day-to-day relationships of many community members. A future assessment should probably give more attention to questions about the adaptability and creativity of the SAPS in responding to these challenges.⁵

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Endnotes

- 1 The assessment report is available on the CSVr website. See Bruce, Newham and Masuku 2007 in the list of references above.

- 2 In 2007 the SAPS amended this policy by releasing crime statistics in July, separately from the annual report which is released in September. Nevertheless the situation with respect to the authority of station commanders to provide statistics to members of Community Policing Forums, and other local partners, remains ambiguous.
- 3 Note that statistics released by the SAPS in July indicated that the number of police killed had once again increased, supporting the motivation by the report for better information on the circumstances in which these killings take place.
- 4 A more recent survey conducted by Markinor in early 2007 found that 'just under half of South Africans believed that the police are doing enough to combat crime (Harris and Radaelli 2007).
- 5 For an example of what this adaptation might involve see Joubert 2007.

IN WHOSE INTEREST?

Police unions and the 2006 restructuring of the SAPS

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Police unions have an obligation to represent their members' interests against the employer, especially when the employer is proposing major structural changes. When the changes do not accord with what has been agreed upon, and when there appears to be mistrust, a breakdown in communication is imminent. Ultimately, while police members may suffer as a result of this breakdown, the general public has to bear the brunt of the poor policing that is the inevitable consequence of disquiet and disorder in the organisation.

In September 2006 the Institute for Security Studies initiated a study of the South African Police Service (SAPS) Area Crime Combating Units (ACCUs) in Gauteng. The study started a few weeks into the implementation of the SAPS restructuring process. During the study it emerged that members of these units were angered and frustrated by the apparent lack of support they had received from their unions with regard to the restructuring process. They claimed that they had been 'sold out by the unions' and expressed the view that the 'unions don't care about us'. This exacerbated the already widespread feelings of anger and insecurity caused by the restructuring process.

This article examines the negotiations between unions and police management on the restructuring process. It considers how poor communication between police management and unions, and the confusion created by the changes in terminology used to refer to organisational changes in the SAPS, affected police morale and effectiveness.

'Negotiating' restructuring

The basic *raison d'être* of police unions is to ensure that their members are represented according to their best interests. The majority of members of the South

African Police Service belong to the Police and Prisons Civil Rights Union (POPCRU) and the South African Police Union (SAPU). The largest union, POPCRU, has approximately 75 294 registered members while SAPU has a membership of 59 962.

When the SAPS wishes to undertake any organisational change that will inadvertently affect its members, the process is brought before the Safety and Security Sectoral Bargaining Council (SSSBC) and the labour unions. Once the parties are satisfied with the process, the outcome culminates in an agreement.

In 2005 the proposed restructuring process was brought before the SSSBC and unions so that consensus could be reached regarding the process.

The restructuring was initiated by the SAPS Career Management Division. It was intended to address functional problems within the SAPS, including duplicity of functions, weak command and control, and poor service delivery. The restructuring process also sought to eliminate the area level management that had come to be viewed as an unnecessary level of authority. This meant that the SAPS management would now operate on a national,

provincial and station level, in line with the requirement of the Constitution of the Republic of South Africa (1996:119). The restructuring was intended to strengthen police stations and improve service delivery to the public.

In practice this meant that specialised units would be closed down and their members deployed to stations. The units that were affected were the Family Violence, Child Protection and Sexual Offences Unit (FCS), the Serious and Violent Crimes Unit (SVC), and the Area Crime Combating Units (ACCU).

How the process unfolded

Discussions on the restructuring process between the SAPS management and the unions started in mid-2005 at a SSSBC meeting. The SAPS management informed the SSSBC that in terms of the restructuring, areas would be abolished and area commissioners re-deployed to stations. It was decided that a model of accounting stations, with stations clustered around them, would be followed. It was also agreed that implementation of the restructuring would begin in April 2006 and be completed in February 2007 (SSSBC minutes March 2006: 7-8). The unions raised concerns about how the restructuring would affect their members.

In April 2006 the SAPS gave the SSSBC an overview of the new organisational structure that had already been approved by the SAPS management. However, the new structure did not address the concerns that the unions had raised. In addition, SAPU disputed the SAPS's claim that extensive consultation had taken place about the new structure, and argued that such consultation was still needed (SSSBC minutes April 2006:19).

SAPU questioned why it was necessary for the entire police service to be restructured, if the intention was to close down only the area offices. the union also expressed concern about the following:

- the reason for the closure of the specialised units
- the number of employees that would be affected by the restructuring
- the available grievance procedures for members at area bargaining councils

- the lack of agreement on transfer costs for members should they be redeployed
- matching and placing of members at stations as per a skills development audit
- the resource establishment plan regarding members' choice of where to be placed, and
- dispute mechanisms in place for members (SSSBC minutes April 2006:19).

SAPS management denied that they had not answered all the union's questions on the framework. They also denied the claim that there had not been extensive consultation on the restructuring process, stating that a number of workshops were held to discuss the process (SSSBC minute April 2006:20).

SAPU was adamant about the point and 'placed on record that in terms of the law there was never a meaningful consultation process on the matter' (SSSBC minutes. April 2006:20). The SAPS then agreed that a workshop would be held at the end of April 2006 for further discussion. But, according to the SAPU management, the meeting never took place (Omar 28 May 2007).

A change of language?

In August 2006 the SAPS management did an apparent about-turn on the restructuring. They told unions that they were no longer 'restructuring' because the process would take a long time (14 months), but said that they would continue the 'strengthening of police stations' in the various provinces (SSSBC minutes September 2006:9). Discussions about 'restructuring' still continued at subsequent meetings, but focused on 'redeployment and transfers'.

At this point the lines between what was restructuring and what was redeployment were becoming blurred, and unions raised additional concerns about the process. POPCRU was quite clear about a number of things: that too many police members would be affected by the proposed transfers and therefore the transfer policy could not be utilised, that management should first resource stations in order to place employees at well-equipped stations, that management should not use 'transfers' as a method of strengthening police

stations, and that labour and the SSSBC should continue to be a part of the restructuring process (SSSBC minutes September 2006:9).

In response SAPS management claimed that the restructuring and the strengthening of police stations were two separate processes that should not be confused (SSSBC minutes September 2006:10).

POPCRU remained adamant that their members' interests were of paramount importance in both processes, and that they required clarity on dispute mechanisms and representations. SAPU said they needed clarity regarding the two processes and discussions on the way forward. They further stated that the SAPS needed to respond urgently to their concerns before starting the process of transferring members to strengthen police stations (SSSBC minutes September 2006:10).

An agreement

With apparent disregard for the concerns of the unions, Divisional Commissioner Nchwe of SAPS Career Management made a presentation to the SSSBC on 7 September 2006. She spoke about the extent of the problem of crime in the country and proposed a way to address it through redeployment of police members (Special SSSBC minutes September 2006:21).

The proposal, a draft agreement (3/ 2006) on the 'Performance and Reduction of Crime' that involved putting the best people at the right places, was circulated at that meeting. According to the president of SAPU, Divisional Commissioner Nchwe was vociferous that the redeployment referred to in the agreement was not the same as the restructuring (Omar 28 May 2007), despite there being little difference in terms of the effect the process would have on members of the SAPS.

SAPU reiterated that it was necessary to put a mechanism in place for members to raise their concerns about the transfers. In response the SAPS management made a commitment that members would be deployed within reasonable travelling distances, and that the transfer policy would include a dispute mechanism. SAPU also asked SAPS management to clarify issues of radius,

relocation and skills, in writing so that they could get a mandate for the agreement. They agreed to sign the document a few days later. POPCRU also signed the agreement 3/ 2006 (Special SSSBC minutes September 2006:22).

The terms of SSSBC Agreement 3 of 2006 are as follows:

- Identified employees will be redeployed to the identified police stations.
- The principles embodied in the transfer policy will be adhered to in the redeployment process.
- Employees will as far as possible be redeployed within reasonable distances from their current workplaces. Only in exceptional cases will redeployment entail a physical relocation of an employee, in which case the employer will implement the policy.
- All employees identified to be redeployed in terms of the needs of the organisation and the skills that they possess will be treated fairly and equitably (sic) (SSSBC Agreement 7 September 2006).

SAPS management and the unions agreed that members would not have to travel more than 30 km from their homes (Omar 28 May 2007).

Upon signing, the letter of agreement (Agreement 3 of 2006) was sent from the National Commissioner to the Ministry of Safety and Security, all managers at the national office, and all provincial commissioners (SAPS correspondence 2006).

Labour unions asked for a task team to be established to monitor the process of strengthening police stations. SAPS management agreed to this but indicated that 'the focus should be on the monitoring of agreement 3 of 2006 and not the breaches of agreement' (SSSBC minutes 2007:8). The reason behind this was that the unions were in dispute with SAPS management over the implementation of Agreement 3 of 2006. 'With the task team monitoring the agreement, SAPS could then rectify the wrongs of the implementation'. And: 'If the SAPS management had agreed to

monitoring of the breaches of the agreement, then the unions could withdraw from the agreement legally, and have cause for action against the SAPS management' (Omar 23 August 2007).

The SAPS management further indicated that phase one of the implementation of strengthening police stations had already been undertaken in Gauteng and rolled out in the other eight provinces, and that members were deployed to workplaces in terms of service arrangements. They explained that they were evaluating the achievements of strengthening the police station process. The establishment of a task team as agreed to between the parties was also imminent; its task was to monitor the implementation of agreement 3 of 2006, and to address any complaints with regards to deployment (SSSBC minutes 2007:8)

A sub-committee meeting of the newly appointed task team regarding Agreement 3 of 2006 was held in April 2007. Unions indicated that they wanted a list from SAPS management of the number of members that were deployed, where they had been placed, and how far the new placements were from their previous positions (SSSBC minutes 2007:1). They said that they had found that members were being transferred to components where their skills were not needed. Also, most employees who received notices were told that they would have to make representations only after they had been transferred.

Unions also stated that the issue of service arrangements was never agreed to in terms of agreement 3/2006 (SSSBC minutes 2007:1). This factor is pertinent in that in police management terminology, a service arrangement is a temporary movement of a member from a currently held position to another position for any period of time. It is defined as a temporary measure and can therefore be rescinded at any time. In terms of Agreement 3 of 2006, members were meant to be 'transferred' to their new positions. The implication of a transfer, according to SAPS policy, is that it can be undertaken by a member him- or herself, or may be conducted by the employer in the interests of the service (Omar May 2007). If a member is then opposed to the transfer, s/he is allowed to put in a grievance.

According to the SAPS Efficiency Services Division, 'The focus is on the organisational and functional structures of the provincial offices. The posts will be looked at, and a strategy to place people based on their skills, will be developed and implemented' (Omar 13 August 2007).

The effect of the agreement

The queries raised by unions at the SSSBC remain unanswered, as do their objections about the lack of proper consultation. This does not bode well for further negotiations between the unions and police management.

SAPU is of the firm opinion that the unions were misled by the signing of SSSBC Agreement 3 of 2006. It is not difficult to follow their reasoning. Events following the signing of the agreement attest to the fact that Agreement 3 of 2006 was used to further the initial plan of the SAPS management, namely to proceed with the restructuring process. In practical terms all the changes required by the proposed restructuring process have been implemented: the closing down of the area level offices, the closing down of specialised units, and the deployment of members to police stations.

The SAPS Efficiency Services Division however has refuted the fact that the restructuring process, the strengthening of police stations and Agreement 3 of 2006 are part of the same process (Omar 13 August 2007). 'The restructuring was started, then stopped, because of the Minister's (Nqakula's) report on the impact of violent crime. The focus had to be placed on the strengthening of police stations. The model used to place members was the model that was available; it is the same model that is used to do the restructuring (Omar 13 August 2007).

The different terminology used by the SAPS to define the process: beefing up of stations, restructuring, strengthening of police stations and reorganisation was confusing to the unions, the council, members and the general public.

The audit report of the Task Team established to assess implementation has now been completed but was not available at the time of printing.

SAPU's communication with members

Notwithstanding the above, SAPU has also been remiss in its responsibility towards its members. During interviews with the researcher, members affiliated to the unions were very vocal that the unions had failed to support them during the restructuring and were not available to alleviate their concerns.

SAPU communicates messages to its members via a newsletter, the Union Post, published every two months, and/or via letters. These are sent to the provincial branches and distributed to members. SAPU also has shop stewards or representatives at provincial, area and local level who deal with members directly, regarding issues of concern.

A perusal of the SAPU newsletters demonstrated that union members were informed about the unions' consultations with the police. But it appears that the newsletters were either not reaching the members at their units or stations, or that members are not reading those newsletters.

Issues of the Union Post from April and May 2006 clearly show that SAPU supported the closing down of area offices and the movement of members to stations in the immediate vicinity. It however, does not support a restructuring of the whole SAPS, and emphasises that the process of restructuring must be properly consulted with organised labour (2006:6).

A later edition of the Union Post (2006) informed members about the initial plan to close down area offices without undertaking a substantial restructuring. The article explained that SAPU had agreed to the initial plan to close down the area offices because these structures merely duplicated correspondence from the provincial office to the stations. The article then stated that SAPS management had announced the implementation of a zone model, to which SAPU objected and which resulted in the process being put on hold. Members were informed through the article that the SAPS management then announced a restructuring of the whole SAPS that included the closure of the FCS units, SVC units, CCUs, National Intervention Units, and Crime Intelligence Units. The intention was to deploy these members to stations to boost visible

policing, according to a skills analysis that was to be completed at the end of 2006. The article further stated that, while SAPU supported a skills audit, two previous attempts at this had ended disastrously.

In the July 2006 issue of the Union Post (2006) SAPU informed its members that for the previous two months, the SAPS had not been responding to its questions in the SSSBC. Details of the new structure were not forthcoming, the number of units that were to close down was not provided, nor the number of accounting stations to be established. SAPU also stated that they did not support the 'matching and placing' of members, but wanted choices for their members and demanded a dispute process.

The above articles attest to the fact that SAPU did inform members of the restructuring process. That members were not aware of it implies that the message is not reaching members, and that SAPU needs to consider alternative, more effective means of communicating with their members.

Conclusion

The effect of the confused messages has been dramatic. Unions and SAPS management have lost credibility with members, and the relationship between union leadership and police management has been weakened.

The SSSBC agreement 3 of 2006, an agreement purporting to reduce the state of crime in the country, and appealing to unions' sense of sympathy, could be understood as a deliberate attempt by SAPS management to mislead unions into agreeing to the restructuring. The agreement refers to the National Commissioner's constitutional obligation to prevent, combat and investigate crime, and forces an obligation on unions to agree to the conditions. It can, in fact, be interpreted as an inventive method to gain approval of the restructuring process which had been stalled by objections from the unions.

The SAPS intention with the strengthening of police stations was to address concerns regarding the issue of crime. 'Eleven months later, the Performance

Chart of the SAPS is showing a drop since the last four years, although violent crime has increased slightly. The impact will however only be visible by July 2008' (Omar 13 August 2007).

If the process is successful, as envisaged by the SAPS, then the restructuring will be claimed as a victory.

However, the process has taken place at the expense of members and of policing. Issues close to members' hearts, like transfer costs, travel distances and placement, have not been given due consideration and failure to recognise this smacks of disregard for member well-being. The result is members' inattention to duty, which hampers effective policing.

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- 1 The figures were obtained from an SSSBC meeting, 12 April 2007.

HOW WE GOT IT WRONG

What to do about the failure of crime prevention

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After 1994, South Africa committed itself to a vision of criminal justice that placed the prevention of crime at the centre of the strategic vision of the criminal justice system. The roots of this decision lie in the politics, organisational dynamics and intellectual climate of criminology in the mid-1990s. The model has, however, proved disappointing. Worse, by distracting government from the challenge of building a criminal justice system that identifies and incarcerates more violent criminals, it may actually have helped to foster the high levels of crime from which South Africa suffers.

Since 1994, oceans of ink have dried on forests of pulped trees in the quest to understand South Africa's crime problem and develop workable solutions to it. Government departments have produced White Paper after Green, strategies beyond number, commitments to act and press statements by turn self-congratulatory and self-exculpatory; academics and NGO researchers have produced surveys and evaluations on everything from criminality in schools to conditions in South Africa's prisons; journalists and editors have emblazoned our papers and streetlights with stories of horror and pleas for action and accountability.

As a country, we are not short of things to say about crime.

And yet, despite the all-consuming attention crime has enjoyed, the deterioration in the crime situation over the past few years suggests that we may be in one of two positions. The first is that we know far too little about the causes of our crime problem and what we must do to stop it. The second is that we

do know the answers to these questions but we can do nothing with that knowledge because either the problems are too intractable or the solutions are beyond our means and ability.

These are not happy alternatives, but of the two, it would be distinctly preferable to have failed to understand our crime problem adequately and/or to have failed to prescribe the correct remedies. This would put us in a far better position than if we understood the problem but found that we could not solve it.

It would require a brave (or dishonest) analyst to assert definitively which of these conditions best describes our situation. Nevertheless, perhaps because the alternative may be too grim to contemplate, it is the view of this writer that, though our social and criminal problems are serious, and that some may actually be intractable, it is our analysis about crime that has been deficient and that changes to policy and strategy could make a significant difference to South African

crime rates. Most importantly, it is entirely possible to implement these changes. Adopting them, however, would require the serious rethinking of some of the most closely held convictions of many in the crime-and-policing policy community.

Where we went wrong

Perhaps the simplest way to demonstrate the way in which South African criminal justice policy has erred, is to reflect that between 1994 and 2007, the number of convicts in South Africa's prisons rose by 26%, from 90 000 to 113 000. Over the same period, however, the number of convicts in Britain's prisons rose by nearly 85%, from 35 800 to 66 000. In the United States, the rate of increase has been about 55%, from 1.5 million to about 2.3 million. In the previous decade-and-a-half, however, the number of convicts serving time in the US had tripled.

Naturally, the fact that one or other country doubles the number of prisoners over a certain period does not mean that that is the most appropriate example to follow. However, given that levels of violent crime in South Africa are much higher than Britain's, it is striking that the number of British convicts has grown three-and-a-half times faster over the past decade than their South African counterparts.

There are many reasons why South Africa has not locked away as many violent criminals as we might have. The criminal justice system inherited from apartheid lacked legitimacy and, therefore, struggled to obtain the kind of co-operation from victims and witnesses that is needed to prosecute cases successfully in court. We also inherited a justice system unduly wedded to the use of reverse-onus provisions and confessions to secure convictions. When the legal principles on which these were built were deemed unconstitutional in the mid-1990s, the transition to a system that bases its cases on a different logic proved more difficult than anticipated. The criminal justice system, like other institutions in our society, has also had to endure wrenching organisational change – the amalgamation of 11 police agencies, for instance – combined with a fraught process of transformation.

Jointly and separately, these factors would have made the rapid improvement of conviction rates difficult to achieve, but their impact was worsened by a crucial intellectual and conceptual misstep made by all the most important policy-makers, academics and NGOs in the mid-1990s – one that has been repeated ever since. This was the commitment we all displayed to seeing the role of the criminal justice system, first and foremost, as being about preventing crime, with the idea of 'crime prevention' understood in a very direct and literal way.

This article will put forward three main reasons why the criminal justice policy-making community has been in thrall of the idea of crime prevention. The first of these is what might be called the politics or, even, the aesthetics of crime prevention.

As a culture, much of our common sense dictates that we think of prevention more favourably than its alternative. Prevention, we are taught, is better than cure. A stitch in time, so it is said, saves nine.

There is nothing wrong with these sentiments, and it would be wrong to say that our criminal justice policies have been built on the insubstantial foundations that these bits of folk wisdom reflect. Still, there is something of this sentiment in the background of many discussions about crime and justice. This is also, however, a sentiment that has been immeasurably strengthened by the basic tenor of South Africa's politics across all political parties. This holds – correctly and indisputably – that we have a history in which immense damage was done to individuals, families and communities, and locates the causes of our crime problem in the socio-economic and institutional debris bequeathed us by Apartheid. If we are to get on top of crime, therefore, we must deal with the myriad of social problems that cause it; to do otherwise would be to add insult to socio-economic injury.

If the basic politics underpinning South Africa's understanding of itself is one reason we embraced the idea of crime prevention, another related reason is that, for obvious reasons, policing and law enforcement did not have much legitimacy in the immediate aftermath of Apartheid. These

institutions, after all, had been purpose built for protecting the Apartheid regime, and they had used all their legal – and some not-so-legal – powers to that end. Little wonder, then, that one of the abiding responses to many in the policy-making community was that South Africa had seen its fill of hard policing, and that something more palatable was in order.

In relation to policing, then, our most basic sentiments in the mid-1990s were that finding an alternative to aggressive arrest-and-imprisonment policing was a national priority. A second, more important reason why our criminal justice system embraced the idea of crime prevention, however, was that this is precisely what the leadership of the SAPS wanted.

For policing, one of the most profound institutional consequences of the death of Apartheid was that the security branch of the South African Police, long the most powerful branch of the police, went the same way as constitutional disenfranchisement and statutory racism. As this institution was dismantled, people who came out of the uniformed branches quickly filled the vacuum created at the top of the police organisation. The uniformed branch, as opposed to the detective services, understands policing as being primarily directed at the prevention of crime. It is, in the language of the SAPS, the seat of 'proactive' as opposed to 'reactive' policing.

It is no coincidence, of course, that a government whose instincts tended towards crime prevention would select a leadership core for the new SAPS from the ranks of that part of policing with most affinity for the programme. What is important, however, is that a shared commitment developed between government policy-makers and police leadership to devoting the resources of the SAPS to preventing crime, and it is this that set us on our present path.

These two reasons – the instincts and politics of government and the organisational dynamics of changing police leadership – were only part of the story, however. By far the most important reason why both government and senior police officers

embraced a vision of policing which was focused on preventing crime, was that everyone who was reading the international literature at the time would have believed that this approach was the last, best hope for policing.

How we were misled by international experience

Anyone who was paying attention to the criminology journals and police science books written in the early- and mid-1990s would have been forgiven for thinking that the traditional model of policing was being written off as a failure. Dubbed, somewhat sneeringly, the 'professional model of policing', it was seen as having failed the societies in which it was most strongly entrenched. That failure was measured by the extraordinary rise in crime that countries in the developed world – most importantly, the United States – had experienced in the 1980s and early 1990s, and had led to the demand for new thinking about policing. In essence, this came in two varieties: on the one side, conservative thinkers punted what came to be called variously 'zero-tolerance policing' or 'broken windows policing'; on the other, liberal and left-leaning theorists and policy-makers staked their names to some version of 'community policing' or 'problem-solving policing' or some other variation on the theme.

To be sure, there is much that separates zero-tolerance policing and community policing, with the former imagining steely-faced centurions policing a city's streets for even the most minor infraction, and the latter focusing on what might be called the tactics of 'armed social work' – community engagement, partnership building, and the like. Different as these two approaches are, however, they also share an important commonality: a conviction that policing, done in the right way, can reduce crime directly. For both schools, crime prevention is the chief aim and object of the police. As importantly, for both, that goal is achievable.

These, then, are the reasons why we have adopted the prevention of crime as the lodestar of criminal justice in South Africa: our politics, the views of police leadership, and the conviction, prevalent among criminologists at the crucial times during the development of our new policies, that crime

prevention, understood as being different from, and, in some ways, opposed to, law enforcement, was the way of the future.

The fact is that, whether policing for crime prevention had any prospect of success elsewhere in the world, the UK and US governments were not so convinced of the likely success of the new approaches that they stopped building prisons. In South Africa, by contrast, we have allowed our criminal justice system – the institutions involved in investigating, prosecuting, adjudicating and incarcerating offenders – to stagnate and even to degrade. This has been a fundamental, if still rectifiable, mistake.

How failing to build the criminal justice system has stimulated criminality

It is one thing to argue that we have adopted a poorly conceived macro-strategy and another to claim that any plausible alternative would have done any better. It may be, after all, that the problem is not our ability to understand the causes of crime or to implement appropriate solutions, but that our social problems are thoroughly intractable. If that is the case, then no criminal justice strategy could fundamentally affect the levels of crime in South Africa.

If it were literally true that the peculiar social, cultural, economic and historical forces operating in South African society were the cause of our high crime rate, this would certainly be a possibility. It may be, however, that this is not the case, and that the decision to focus criminal justice attention on the prevention of crime rather than on the arrest, prosecution and incarceration of offenders has itself helped to shape the way the crime wave has developed in post-liberation South Africa. In this regard, it is worth asking if the failure to incarcerate sufficiently large numbers of people involved in violent crime is itself a factor in explaining the prevalence of violent crime in South Africa – and the view taken by this researcher is that it must have done.

In this regard, consider the findings of a recently published study into the way obesity spreads through a population. Tracking the movements of

over 12 000 people over 32 years, the authors found that there were very strong, statistically highly significant correlations between one person's gaining weight and weight gains for their friends and relatives. They found that:

[A] person's chances of becoming obese increased by 57% if he or she had a friend who became obese; ... [that a]mong pairs of adult siblings, if one sibling became obese, the chance that the other would become obese increased by 40%; ... [that i]f one spouse became obese, the likelihood that the other spouse would become obese increased by 37%; ... [and that p]ersons of the same sex had relatively greater influence on each other than those of the opposite sex. (Christakis and Fowler 2007: 370)

Trying to explain this, the authors posit a mechanism that could tell us something important about how criminality might have spread through our population:

To the extent that obesity is a product of voluntary choices or behaviours, the fact that people are embedded in social networks and are influenced by the evident appearance and behaviours of those around them, suggests that weight gain in one person might influence weight gain in others. Having obese social contacts might change a person's tolerance for being obese or might influence his or her adoption of specific behaviours (e.g., smoking, eating, and exercising). (Christakis and Fowler 2007: 371)

If we change the language of this quote to make it refer to the question of crime and criminality in South Africa, we might arguably learn something about how the failure to arrest and incarcerate sufficiently large numbers of people engaged in acts of violent crime might have had the effect of encouraging the criminality of others. It may be, in other words, that while our socio-economic conditions have been *pushing* people into crime, the sheer prevalence of this kind of behaviour, and the sheer number of people involved, has had the

equally damaging effect of *pulling* many other people into it, too. If that is so, the focus on crime prevention, because it has failed and because it has distracted us from the challenge of building a criminal justice system that can identify (swiftly), try (fairly) and incarcerate (humanely) much larger numbers of people who commit violent crimes, is an important reason why crime rates in South Africa are so high.

Drawing attention away from the difficult and, potentially, morally fraught business of catching and incarcerating violent offenders has been manifest in a number of ways. By far the most prominent of these has been the failure to build sufficient prison accommodation – which has grown at a pace no faster than the growth rate of the South African population as a whole – and the failure to invest adequately in the building of the Detective Service, prosecution service and magistracy. Indeed, in the case of the Detective Service, some organisational policies adopted in the police since the mid-1990s may have been purpose-built to undermine the status and morale of detectives, making it far harder to recruit and retain talented personnel. Together with the failure to address weaknesses in the courts and the lack of prison accommodation, this means that our conviction rates are simply too low, and the flow of convicts into our prisons is too slow.

By most standards, of course, South Africa is a society with a very large prisoner population. Certainly, this is so in per capita terms, where our imprisonment numbers are among the highest on the planet. This, many have suggested, implies that the increased use of prison is not the answer we need. Perhaps this is true. Perhaps sending large numbers of people to prison will not make all that much difference to crime rates, or will do so only very slowly. These are real possibilities. By the same token, however, the fact is that, measured in relation to our murder rates, South Africa's prisoner population is not large at all. In fact, one compilation of the relevant statistics – always bearing in mind the enormous difficulties of making cross-country comparisons – implies that our prisoner-per-murder figure is among the lowest in the world. If that is true, then we may not have used prison anywhere near as gratuitously as some

have suggested, and may not have generated a prisoner population large enough to begin to roll back the crime wave.

Conclusion

The upshot of all this is that South Africa needs to rethink some of its basic concepts of criminal justice. It may be true that our history and our social conditions are uniquely poised to produce crime, but if criminal behaviour is in some sense contagious – that it is 'caught' by non-criminals from contact with criminals in the same way that obesity seems to spread through a population – then we need to look as closely at our ability to quarantine the infected. By all means we should continue to work on addressing the root causes of crime, but we should resist the hubristic notion that we will crack these problems quickly or easily. If we have learnt anything from the past 13 years, it should be this.

If we are to address crime seriously, we need a serious programme that will build a criminal justice system that can double the number of convicts behind bars over the next ten years, focusing particularly on violent offenders, while at the same time maintaining a commitment to the due process rights of the Constitution and our criminal law. This will not be easy, not least because building a decent and effective justice system may be the work of generations. Having said that, there are two reasons for optimism. The first is that it seems that, however moderate the success of the SAPS at solving the vast majority of crimes committed, when a high-profile outrage occurs, it is often (if not usually) able to secure arrests. This suggests that the basic infrastructure of technical skills and competencies on which an efficient and effective Detective Service could be built, exists.

The second reason for optimism is that the SAPS, as opposed to most police services in the developing world, has a degree of professionalism which might be another crucial ingredient in any attempt to build such a service. All is not as it should be, to be sure, but, when compared to the corruption and incompetence of many a developing world police force, the SAPS stands out as exceptional. This, too, makes it possible to imagine successfully building

the capacity to take sufficient numbers of violent criminals off the streets and in so doing to begin to roll back the crime wave.

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- 1 This piece draws on research conducted for, and arguments made in Antony Albeker's book, *A Country at War with Itself: South Africa's crisis of crime*.

RECENT ISS PUBLICATIONS



CHALLENGES TO SECURITY SECTOR REFORM IN THE HORN OF AFRICA

Edited by Len le Roux and Yemane Kidane, ISS Monograph 135

During July 2006, a workshop on 'Promoting Security Sector Reform in the Horn of Africa' was jointly conducted by the Center for Policy Research and Dialogue and the Institute for Security Studies at the African Union Conference Hall in Addis Ababa. The goals of the conference were to further the agenda for long-term SSR in the Horn and the establishment of a network to enhance such a process. During the workshop, papers were presented on comparative experiences from West and Southern Africa as well as on some of the challenges facing the Horn of Africa sub-region as regards SSR. This monograph contains five of those papers. It is hoped that the experiences and lessons as contained in these papers, will be of assistance as countries in the Horn of Africa face up to the challenges of security sector reform that lie ahead.

'IT FEELS LIKE IT'S THE END OF THE WORLD': CAPE TOWN'S YOUTH TALK ABOUT GANGS AND COMMUNITY VIOLENCE

Catherine L Ward, ISS Monograph 136

Many children around the world are affected by gang activities, through being exposed to high levels of violence, through having to restrict their lives in order to stay safe, and through being drawn into the gangs themselves. In South Africa, this seems to be a particular problem in Cape Town. While programmes and policies are developed to tackle the issue of gangs and gangsterism, the views of children themselves are seldom sought. This is problematic as it means that those who live with the problem and who understand it best, may not be given an opportunity even to comment on what they want or need – which may mean that policies and programmes run the risk of being ineffective.

This monograph addresses that lack, through exploring with children their views on three issues:

- What is it like to live in an area where there are high levels of gang violence?
- Why do children join gangs?
- What should be done about it?



QUALITY SERVICES GUARANTEED? A REVIEW OF VICTIM POLICY IN SOUTH AFRICA

Cheryl Frank, ISS Monograph 137

It is certain that the advent of victim policy in South Africa is yet another important step towards a regime that acknowledges both the human rights and crime prevention benefits that services to victims may offer. However, it is equally certain that victim policy may only be as good as the services that it creates, and that it is the quality of services that will result in these benefits and not merely access to these services.

This monograph explores three key policy documents relating to crime victims and assesses their value for responding to the range of needs that result from victimisation. The monograph argues that the different victim policies will be unable to fulfil their potential unless they offer one complementary set of provisions and one unambiguous message relating to services for crime victims. The study also argues that much is dependent on the government agencies that are responsible for these services, yet their efforts cannot be successful unless there is proactive engagement on many levels with the civil society organisations that are the mainstay of direct services to victims.

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Roadsign warning of car hijacking at a highway
off ramp at Alexandra Township.

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