SOUTH AFRICAN CRIME QUARTERLY

Proactive policing of integrity and professionalism in the MPDs

Promoting public service integrity

Crime, citizenship and security in the global South

Immediate safety versus long-term social change

A critical discussion of profiling

No 27 • March 2009

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Members of the Ekurhuleni Metropolitan Police squad straighten their lines as they prepare for the ceremony in which Robert McBride was sworn in as the Ekurhuleni Metropolitan Chief of Police in Tembisa, South Africa, February 27, 2004.

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Editorial

This edition of SACQ will hit the streets less than a month before April 22, the day on which South Africans go to the polls to vote in a new government. It is thus a good time to reflect on the extent to which we can expect a change in approach to crime and the criminal justice system by considering how the three parties most likely to share the majority of votes – the African National Congress (ANC), Democratic Alliance (DA) and the Congress of the People (COPE) – propose to address crime.

The ANC's election manifesto has changed little since 1999 in terms of how the party proposes to deal with crime, although there have been minor adjustments in terms of how the problem of crime is understood.

In 1999 the ANC placed the problem of crime in a historical context, referring to the 'heritage of crime and corruption' bestowed by apartheid. It referred to the government having 'inherited' a criminal justice system that was 'pervaded with the lawlessness and criminality of that era'. Although the party made reference to the link between crime and social conditions by referring to poverty and social inequality as social causes of crime, this understanding was not carried through in its five 'keys to dealing with crime', that focused strongly on strengthening the criminal justice system, reducing the number of guns in society, and harsher sentencing regimes.

In the ANC's 2004 election manifesto the link between social conditions and the problem of crime was left out entirely, and indeed much less attention was paid to how the party would deal with crime. The ANC did, however, commit itself to increasing the size of the SAPS, improving the court system, and dealing more effectively with corruption. Ironically the manifesto placed significant emphasis on the Scorpions and the value the unit would bring to the fight against crime and corruption.

The ANC's 2009 election manifesto deals with the problem of crime in a little more detail. However, in line with the previous manifesto, while the causes of crime are alluded to, they are not named. Despite committing to deal with the unspecified 'causes of crime', the manifesto emphasises the strengthening of the criminal justice system: better co-operation between departments of the criminal justice system and a larger police service. The ANC also proposes to 'mobilise communities to participate in combating crime through establishing street committees and community courts, amongst others'. The undefined 'amongst others' may be reason for concern, and one hopes that the ANC will be mindful of the need to prevent vigilantism while increasing community involvement in combating crime. COPE too needs to consider the dangers that its proposed 'Youth Cadet Service' may pose.

Given the dramatic focus on corruption in the ranks of the ruling party as a result both of the charges against Jacob Zuma, and the revelations of fraud, deception and corruption by the former ANC spokesperson, Carl Niehaus, it is unsurprising that the Democratic Alliance foregrounds cronyism and corruption as the most important threats to society. The DA presents itself as the antidote to a 'closed, crony society for some' and emphasises accountable governance.

In relation to crime, though, the DA has little to offer that is different from the ANC. It too promises more police, setting a target of 250 000 as opposed to the 190 000 it claims is the state's target for 2010. The DA

too places a great deal of faith in the ability of a improved criminal justice system to deal with crime, and, like the ANC of 1999, seems to believe that harsher sentences will be a deterrent to criminals. However, one positive aspect of the DA's approach is the recognition of the harmful effect of prison, particularly on young offenders, and the need to divert young, first time offenders out of the criminal justice system.

COPE also plays to the perception that the current leadership of the ANC is compromised by corruption, by emphasising early in its manifesto its commitment to 'leaders who are honest servants of the people' and to transparency in the awarding of tenders. In an interesting departure from the manifestos of the ANC and DA that reflect an inherent belief in the centrality of the criminal justice system to reducing crime, COPE foregrounds 'work with communities, community-based organisations and NGOs to build safer places where we live,' and emphasises the need for specialised programmes to provide activities for youth.

COPE too promises South Africans more police, an integrated criminal justice system and the return of the Scorpions. Though how it plans to achieve this, should it win enough support in the election to be able to realise its promises, remains to be seen. COPE also promises a return of the specialised police units – no doubt a reaction to concern that the restructuring of the SAPS has reduced the capacity of the police to deal with specific categories of crime. But, like the other parties, COPE also seems to have faith in the ability of harsher sentences to reduce crime – proposing mandatory life sentences for 'habitual' offenders.

It would appear on the basis of these manifestos that South Africans might expect more of the same in terms of efforts to combat crime – a stronger focus on the criminal justice system and harsher sentences (that will exacerbate the already serious problem of prison overcrowding). It is a pity that more creative thought, informed by evidence-based research, has not been put into how crime will be dealt with by a future government.

The articles in this edition of SACQ reflect the continued search by researchers and practitioners to understand the high rate of violent crime in South Africa. Vanessa Barolsky and Suren Pillay argue that the high level of violent crime in South Africa has led to a 'radical problem of understanding' that can only be overcome by considering South Africa's violent crime problem in an international context. Louise Ehlers and Sean Tait write about the Open Society Foundation's efforts to implement a programme that is informed by the view that crime can only be managed by long-term systemic social change.

Reflecting the concern that South Africans have about high levels of public service corruption, Werner Webb and Andrew Faull provide views on how corruption should be stemmed in the criminal justice system, with Webb making the controversial argument that the prosecution of prominent political leaders on charges of corruption is not going to have the desired effect of reducing corruption in the public service.

Finally, as an antidote to these issues that command a great deal of public attention, Irma Labuschagne asks readers to question the validity of profiling as a tool to catch serial killers and asks difficult questions about how we define serial killers.

Chandré Gould

Taking the test

Policing integrity and professionalism in the MPDs

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A lack of creativity and political will is placing the country's Metropolitan Police Departments (MPDs) at risk of losing legitimacy, as management and councils pay lip service to evidence of dwindling organisational integrity. The introduction of targeted and random integrity tests within the departments is urgently needed to turn the tide on abuses of power, and can be implemented easily enough.

In 2003 the United States Embassy in South Africa hosted a videoconference between the New York City Police Department's (NYPD) Internal Affairs Bureau (IAB) and key stakeholders in the South African Police Service (SAPS), other government bodies, and the research community. The aim of the conference was for the IAB to share its experience of combating police corruption so that lessons could be transferred to South African institutions. The conference was thoroughly documented by Gareth Newham and the document widely disseminated.[1] Even so, the central message of the IAB has failed to result in substantial changes to any police organisation in South Africa. In the meantime such tests have been recommended and adopted by police organisations in Canada, Australia and Britain, among others.

This article revisits the central tenets of the conference, reiterates the need for integrity tests, and presents simple examples of how they might be applied in South Africa. It focuses on application in the country's MPDs, all of which have internal anti-corruption units that could easily pursue these strategies. However, the message is as relevant to the SAPS and other law enforcement agencies.[2]

CORRUPTION IN THE MPDS

Research suggests that within the public sector bribes are most often requested in relation to traffic policing, followed by regular policing.[3] This reflects particularly badly on metro police who are responsible for both traffic law enforcement and crime prevention. Public discourse around roadside bribery is particularly prevalent with one metropolitan area infamously earning itself the nickname 'Fifty Rand metro' in reference to the money required to ward off traffic fines.

Beyond victimisation surveys and public discourse it is difficult to quantify the prevalence of corruption in the MPDs. Disciplinary data are not published and difficult to obtain. Even when available, these data only reflect those instances where corruption has been exposed. This means little if one considers that in any police agency most corruption goes unreported, and that South African MPDs don't proactively seek to expose corrupt officers.

BEING PROACTIVE

Following the 1992 Mollen Commission of Inquiry into corruption in the NYPD, the Internal

Affairs Bureau was formed based on the premises that:

1. A proactive approach is necessary if police corruption is to be effectively addressed
2. An independent internal investigative police unit is the most effective and efficient structure for tackling police corruption[4]

While the SAPS Anti-Corruption Unit (ACU) was controversially closed down in 2002, the country's MPDs all have some form of anti-corruption unit built into their structure. One exception is the Durban MPD where the city Ombudsman's office assumes this role. Depending on the MPD, these units do some or all of the following:

- Ensure system compliance by officers and staff
- Conduct (mostly announced) inspections of officers and staff
- Investigate all reported misconduct and where necessary follow up with traps and surveillance of suspect officers[5]

While on the surface this mandate appears to constitute proactive action against corruption, it pales in comparison to the steps taken by the IAB in the form of field integrity tests. When police administrators don't act decisively in *detecting* and acting against corruption they indirectly legitimise it.[6] This is the case in South Africa, where rhetoric is often strong but creative, *proactive* action lacks.

Entrapment legislation for the state of New York is similar to that of South Africa. Both allow for the creation of an opportunity to commit a crime without providing undue incentive to do so. As stated in South Africa's Criminal Procedure Act the conduct must not 'go beyond providing an opportunity to commit an offence' unless state security is under threat.[7]

Through targeted and random integrity tests, the NYPD's Internal Affairs Bureau provides such opportunities for officers to commit crimes. These tests involve real life scenarios that police officers might expect to encounter in the course of their normal duties. The difference is that, unbeknown to the responding officer, the scenarios are purposefully constructed and closely monitored by IAB officials. One example given during the conference included staging an accident and leaving the vehicle with the police. Drugs planted in the car create an opportunity for a dishonest officer to remove these before booking the vehicle into the station. More elaborate tests are constructed by the IAB to ensure the legitimacy of random tests, or to target already suspect officers. These tests can involve weeks of preparation and can be resource intensive.

Within a South African context many may argue that such elaborate traps would be a waste of resources, while *random* traps and tests would consume the time of honest officers who could be attending to '*real*' crime. This point is valid. However, the perceived extent of police corruption in the country, and its link to a loss of faith in the police[8] requires that drastic proactive action be taken. If, after a year or two of constant testing, it is found that the majority of officers behaved professionally and ethically in test environments, then these tests could be toned down. But initially both complex and simple tests should be conducted randomly and across the board.

Numerous criminological theories, from Classical to Control, suggest that all of us are potential criminals. The argument follows that we all constantly ask ourselves questions such as: Who will know about this action? What is the likelihood of being caught (if my action is illegal/immoral)? How severe is the likely punishment?

Similarly, research conducted by the NYPD suggested the correlating factors among officers arrested for corruption were that:

- They were greedy
- An opportunity presented itself, and
- They did not believe that they were going to get caught

Frontline police with immense discretionary powers operate in isolation or in very small groups. This gives them ample opportunity to secretly engage in illegal acts. In the case of corruption the crime is often mutually beneficial, so the civilian involved may not report the incident. This is particularly true for MPD officers working in traffic

enforcement or vehicle licensing, but includes officers working in all manner of environments.

A major flaw in the management of anti-corruption efforts in South Africa's MPDs is the perception that the number of complaints received by the department accurately reflects the levels of corruption.[9] In other words, if complaints figures are low then corruption is under control. Units and managers who even entertain this argument immediately place their own legitimacy in question. The reality is that the more pervasive corruption becomes, the less faith the public is likely to have in the institution and the less likely they are to report the crime. Similarly, the more entrenched corruption is within organisational culture, the less likely it is that officers would report one another. The probability of this occurring is already extremely low.

If departments are to be seen to be taking corruption management seriously they should roll out a random and targeted integrity testing programme and publicise the percentage of passes and failures, as well as the action taken against those who fail. Like the NYPD, many police agencies prefer not to report on the exact *number* of tests conducted, so that officers are constantly kept guessing. Newham's report shows that while the IAB conducted around 1 000 tests per year; officers believed that closer to 6 000 were conducted. Clearly then, the IAB succeeds in projecting a sense of omniscience in the minds of officers. Importantly, officers who pass tests are not informed of this fact, but are left with the belief that they have simply completed another daily task. This means that they must treat every encounter as a potential test and engage it with professionalism and integrity.

INTEGRITY WITHOUT ENTRAPMENT

One of the reasons MPD internal affairs units give for not trapping or testing officers more often is an alleged difficulty in securing entrapment orders. Applying to the Director of Public Prosecutions for an order requires prior evidence of wrongdoing on the part of the suspect officer(s). Given that internal affairs units don't act against members unless they receive a solid complaint, evidence of wrongdoing is scarce and few entrapment orders are applied for. Units need to get more creative in *detecting* corruption.

The focus on entrapment orders is also incongruent with an organisational philosophy held by some senior managers – that one can't simply fire or prosecute an officer every time s/he is found wanting.[10] The logic in this approach is that an organisation has invested so much time and money in the development of officers that it is better to rehabilitate than to punish them. While it may not please some members of the public, this argument does hold value. Any form of justice should arguably focus on education and rehabilitation rather than punishment.

However, if a department knows it does not want to pursue criminal prosecution in the majority of cases, entrapment orders are not required for the setting of traps. Internal affairs units can conduct as many random tests as they please, as long as the evidence collected is only used for internal disciplinary hearings. If evidence of criminal activity is uncovered in this process, the Director of Public Prosecutions can *then* be approached to secure an entrapment order, and a targeted trap can be set.

It is important that tests and traps are implemented with sensitivity so as not to destroy the morale of good officers. In order to do this a number of strategies could be adopted. Most important would be clear communication of intentions – to improve the image and professionalism of the organisation. Random testing could be marketed within the organisation in a manner that encourages pride and a shift in organisational culture – one that embraces honest police and reports dishonesty.[11] One of the simplest ways to do this would be to replace the name 'anti-corruption unit' with 'professional standards unit' and sell the units as focusing on the improvement of professionalism. Units could also openly target specific groups, such as rookies or the recently promoted. Such targeting is easily justified, and those groups are then forewarned.

An important and non-punitive benefit of integrity testing is that it allows for the measurement of professionalism and the highlighting of unprofessional trends in an organisation. For example, tests might not reveal corruption, but may show flaws in the manner in which officers engage the public, using, for example, inappropriate language or force. By uncovering such trends through hard evidence, they can be addressed at training and institutional, rather than individual, levels.

RANDOM INTEGRITY TESTING FOR MPDS

Examples of tests that could be developed for the MPDs include:

- At a staged accident the drunk 'driver' (a sober actor with alcohol on his/her breath) verbally abuses the responding officer (testing public engagement and arrest compliance, creating opportunity for bribery)
- A 'suspect' is left in the custody of officers. The suspect provokes them (testing professionalism) or hints at bribe payment in exchange for release
- Monitored vehicles are sent through a road block to ascertain whether they are dealt with according to the operation's directives (i.e. vehicle search, roadworthy and licence check, alcohol awareness, overloading, seatbelt compliance)

The practical and legal subtleties of these and other scenarios would need to be developed by experienced metro officers in conjunction with a prosecutor or labour lawyer, so that they do not go beyond the normative professional experiences of officers and are conducted within the ambit of labour and criminal law. Nor should they unduly entice officers through aggressive persuasion to commit a crime.

Importantly, such testing would allow MPD management to ensure compliance of organisation-wide and operation-specific directives, both new and old. As such it need not be approached or communicated to staff as an anti-corruption mechanism, though ultimately this would be one of its major spin-offs.

CONCLUSION

The approach to integrity management outlined in this article is just as relevant to the SAPS as to the country's MPDs. Indeed, arguments could be made for a professional standards and integrity unit located within the SAPS, or entirely independent of all police organisations, but monitoring all law enforcement agencies. The country's MPDs are well positioned to spruce up and get serious about their anti-corruption and integrity management strategies. Without the kind of proactive monitoring of the police outlined in this article, MPDs (and other law enforcement organisations) risk developing an unstoppable momentum down the slide to illegitimacy.

NOTES

1 G Newham, Preventing police corruption: lessons from the New York City Police Department, 2003, http://www.csvr.org.za/docs/policing/preventingpolice.pdf (accessed 10 January 2009).
2 When I refer to MPDs I do not include the Swartland Municipal Police Service, which is comparatively miniscule, is not known as a corrupt agency and does not have any anti-corruption mechanisms.
3 R Pharoah, National Victim of Crime Survey: Overview of key findings, *ISS Paper* 175, Pretoria: ISS, December 2008.
4 Newham, Preventing police corruption.
5 A Faull, City blues: corruption and corruption management in South Africa's Metropolitan Police Departments, *ISS Paper* 170, Pretoria: ISS, November 2008.
6 Sanja Kutnjak Ivkovic, *Fallen blue knights: controlling police corruption,* New York & Oxford: Oxford University Press, 2005.
7 Criminal Procedures Act (Act 51 of 1977) 252A: (1).
8 See strong evidence for this in: R Mattes, Good news and bad: public perceptions of crime, corruption and government, *South African Crime Quarterly* 18, Pretoria: ISS, 2006.
9 A Faull, City blues.
10 Opinions expressed by senior MPD officials at a seminar on corruption management in metropolitan police departments, hosted by the ISS in Pretoria, 8th November 2008.
11 R Homel, Integrity testing, in Tim Prenzler and Janet Ransley (eds), *Police reform: building integrity*, Sydney: Hawkins Press, 2002.

Prevention is better than cure

Promoting public service integrity

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The prevention of corruption is a common theme of the election manifestos of most political parties in the run-up to the general elections of 2009. This development is without doubt due to the many allegations of wrongdoing among officials within the ruling party and its senior appointments to the public service. The loss of public trust in the South African government and the public service has been the main consequence of these allegations. Internationally, governments have put corruption prevention on their agenda. Many remedies for unethical conduct have been proposed, including a free press, independent courts of law, scrupulous behaviour by political leaders, and government reform. It is then up to individual countries to decide what 'mixture' of remedies should be applied. This article argues that our efforts to enhance ethics and integrity would benefit more by promoting, for example, an ethical organisational culture in the criminal justice system than overly focusing our attempts on prosecuting allegedly corrupt political leaders.

Expenditure by the South African government on the criminal justice system for the financial year 2009/2010 constitutes a total of nearly R71 billion. This is approximately ten per cent of the total national budget of R738,6 billion. Considering the National Treasury's expectation that the value for money maxim for public service expenditure should apply, or to paraphrase a quote from the *2009 Estimates of National Expenditure,*[1] 'to get the biggest bang for every buck', it seems appropriate to put the practices and processes of this cluster of departments (Safety and Security, Justice and Constitutional Development, and Correctional Services) under the spotlight.

Most state departments preside over commodities that are of value to citizens, making them a target for the unscrupulous. Departments are entrusted with special responsibilities and it may be the case that when their functions are not properly executed, it could adversely affect our fundamental rights to life, security, and freedoms. Police officers are required to enforce the law, thereby protecting law-abiding citizens' rights to a safe and secure environment; judicial officers adjudicate criminal and civil offences, ensuring that those transgressing the law are incarcerated; and, finally, correctional services staff detain inmates and take responsibility for their rehabilitation. Cases of corruption, fraud and general unethical conduct should be identified and addressed, especially if we want 'to get the biggest bang for every buck'.

With the professional support of the Department of Correctional Services, the author is engaged in a research project within the department. This empirical research effort was initiated in 2006 and

is a combined qualitative and quantitative research project with the objective to determine the extent to which the department is successful in managing its ethics programmes. Various research tools have been used, including personal and group interviews, site visits, document analysis, and the design and administration of a web-based questionnaire. For the purposes of the project, two regions of the department have been identified, with six management areas randomly sampled. This excludes research visits to an additional three management areas not included in the sample.

The results from this project are expected in 2009 and will serve as baseline data for the department, whereas a follow up project, possibly within the next three years, could provide for culmination data. This project could also be followed up by similar projects in the departments of Safety and Security and Justice and Constitutional Development. Data emanating from such projects could serve to improve integrity and ethics in the criminal justice system, provide value for money and ensure that the rights of law-abiding citizens are upheld.

In the following sections the utility of corruption, its negative consequences on society and, finally, appropriate strategies to promote integrity, will be discussed.

WHAT CORRUPTION OFFERS THE BRIBERS AND BRIBED

In contemporary public service, officials are entrusted with a variety of duties originating from specific legislation, generally known as delegated legislation. In some instances public officials allocate scarce commodities to citizens, using specific policy guidelines, and in other instances public officials are required to regulate public order and enforce compliance with public service regulations. In both these instances, officials are granted discretionary authority that creates opportunities for corruption.[2] In yet a different environment benefits are allocated using a number of pre-determined policy criteria, of which the benefits are not necessarily limited in supply, for example, determining when a 'Grade D' prisoner could be upgraded to a 'Grade C' prisoner and qualify for greater privileges.

Corruption – in the form of paying a bribe, or the act of extortion – serves a number of purposes. *Bribes can serve the purpose of circumventing specific policy requirements*. For example, old age grants might only be payable to elderly citizens with no alternative form of revenue and no capital assets. Knowing that s/he would under normal circumstances not qualify for such a benefit, a citizen could bribe an official to 'qualify' for it. Essentially, bribes undermine the goals of a programme since benefits will be awarded not to the needy or the best qualified, but rather to those with the highest willingness to pay. Even those who qualify may be forced to pay when officials with discretionary powers decide to create scarcity by delaying approvals or withholding them.[3]

Secondly, *bribes can serve as an incentive payment*. Public officials are generally not as well paid as private sector employees, nor properly supervised, and may even go so far as to impose additional delays in the bureaucratic process. Paying a bribe would thus serve as an incentive to public officials to work productively and more efficiently. In another example, unscrupulous offenders with access to money and 'outside connections' can make payments to receive special privileges, whereas honest and poorly resourced offenders are marginalised.[4]

Thirdly, where governments impose costs in the form of taxes, regulations and customs duties, *bribes can serve the purpose of lowering these costs* to those willing to pay. Companies may pay to have regulations interpreted in their favour, or even to reduce the imposed costs of such regulations. Public officials may bend or even ignore rules and regulations to enrich themselves. Payoffs may occur during the issuing of business licences, the inspection of construction and building sites, and the regulation of environmental hazards and workplace safety.

Businesses and individuals may collude with tax collectors and customs agents to avoid paying taxes and customs duties. Public officials may

reduce or eliminate tax liability on property for citizens, and customs officials may overestimate the value of goods to extract payoffs, or even undervalue imports and earn a share of the resulting benefits. Taxpayers and corrupt officials then divide the savings in taxes and duties.[5]

Finally, *bribes permit illegal activity*. Businesses operating illegally frequently attempt to gain protection from the police, politicians and judges by paying them off. Law enforcement authorities (police, judges and prosecutors) can also demand payments to overlook violations of criminal law, or even limit penalties. These criminal groups not only ensure immunity from prosecution through payoffs, but could also demand monopoly power in the illegal market, for example by paying public officials to intimidate their competitors.[6]

CORRUPTION AND ITS CONSEQUENCES

Corruption, for the purpose of this article, is defined as any *intentional* and *unlawful* conduct or behaviour by persons entrusted with responsibilities of public office, who violate their duties as public officials in such a way as to obtain *undue gratification* of any kind for themselves or for others. Such gratification could include the acceptance of bribes in cash, paid holidays, or even expensive clothes, in return for violating the public interest. Corruption manifests itself as bribery, embezzlement, fraud, extortion, abuse of power, nepotism, conflict of interests, insider trading or abuse of privileged information, and favouritism. In defining corruption, caution should be used when referring to corruption interchangeably with inefficiency and ineffectiveness, as is sometimes the case. Corruption takes place as an *intentional* act of behaviour with the purpose of gaining some kind of *advantage*.[7]

Corrupt government activities can take on many forms, for instance public officials who deviate from the prescribed norms, discriminately administer laws, or adopt a subjective or partisan approach in dealing with clients, and are negligent in the performance of official duties. Corruption is also manifested in the biased application of rules and the misapplication of political or administrative power, whether directly or indirectly, for one's own financial or material advantage, or in order to distribute the gains amongst friends, colleagues, relations or supporters.[8]

Corruption is caused by a number of factors, including psychological, social, economic, and organisational factors. Organisational factors refer to excessive discretion, outdated and inadequate policies and procedures and insufficient supervision, complex legislation, a lack of ethical awareness, and deficient control and accountability. Corruption also has many negative consequences, for example weakened public service delivery, the misdirection of public resources, the inhibition of growth that is necessary to pull people out of poverty and, notably, people's loss of trust in the public service. In developing countries, corruption has even worse consequences. Donor countries that might spend millions on development assistance see corruption as negative for development. Corruption results in a levy imposed on the labour of producers in favour of the occupants of power. It causes the national inheritance to be diverted into private or partisan uses, causing a pernicious drain on the general economy.[9]

POPULAR FALLACIES ABOUT PUBLIC SERVICE INTEGRITY

A variety of remedies exist for corrupt behaviour in the public service. It is generally believed that ethics training for public officials and political office-bearers, exemplary ethical behaviour by political office-bearers and senior public officials, adequate and fair compensation, codes of conduct, a free press, and constitutional mechanisms such as the Public Protector, Auditor-General and Public Service Commission will lead to greater integrity.[10] These generic remedies should however be contextualised. When a country's public service is professional, honest, reliable, effective and efficient, exemplary

ethical conduct by political office-bearers is slightly less significant on the integrity agenda. For countries that need an integrity agenda it remains necessary to decide on a unique 'cocktail' of remedies – those that will have the greatest impact on wrongdoing and misconduct.

Public service reform

In the 1980s, the United States president declared that the public service was not the solution to the problem, but *was* the problem. This initiated the establishment of an international public administration reform movement that would see the public service become smaller, operate like its counterparts in the private sector, and become more efficient and effective. Public service managers adopted private sector methods and strategies, and were given the freedom to manage. Privatisation and contracting out became popular means for the delivery of public services. In the world of ethics and integrity, it was believed that as the public sector declined in size and scope, so too would the frequency of corruption and fraud.

Public administration reform turned out to be fraught with contradictions. People soon realised that the private sector was not necessarily more effective and efficient, and that the public interest ideal – one of the cornerstones of the public service – was being sacrificed. In fact, the privatisation of the public service led to the creation of a scarcity of commodities, thereby increasing the demand for goods and services and consequently increasing the motives to pay bribes. The private sector is also not less corrupt, as is popularly believed. The Enron scandal in the United States testified to that.

Nearly two decades have passed since the ideas of Osborne and Gaebler were published in *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector* (1992), and today these ideas have been replaced by a more moderate approach to public service reform. A new approach to governance promotes the idea of government 'steering' the activities of a network of role players, including civil society and the private sector. Instead of taking on a reduced role in society, the public service has regained its lost prominence. South Africa – not unlike many other developing states – requires a public service that plays a significant role in addressing the country's myriad of welfare, policing and security challenges.

Exemplary ethical conduct by political office bearers

Political office-bearers are expected to set the example for ethical conduct in society. Prosecuting a political office-bearer for misconduct, it could be argued, would have positive spin-offs for the integrity agenda. However, this remedy needs to be contextualised. Simply stated, legal proceedings have been instituted against the president of the ruling political party, Jacob Zuma. Some may argue that prosecuting Zuma not only provides him with the opportunity to prove his innocence, but also entrenches the rule of law and the independence of the judiciary. These matters have been high on the agenda of opposition parties and the media.

Unfortunately, the matter is more complicated. In the first instance, Zuma must be proven guilty beyond reasonable doubt, something very difficult to establish in a criminal case before the courts. Furthermore, during 1994 to 1999, Zuma was a member of a government that was inexperienced in the art of governing. The majority of members of cabinet had never served in any government before. It can be assumed that international corporations applied a significant amount of pressure on those individuals responsible for procurement in the defence acquisition contract in order to secure a share of its profits. At the time, the payment of bribes to foreign public officials was even tax deductible. It was only in December 1997 that the Organisation for Economic Co-operation and Development (OECD) ratified the *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*. Members of that first democratic government had to simultaneously acquire the skills and expertise to govern, and

resist attempts to fall prey to the unscrupulous. It is thus essential to ask at which point in time the intangible cost of prosecuting Zuma becomes greater than the benefit. Would it not be in the public interest to pursue a more comprehensive approach to corruption and its prevention? These questions raise the need to look at remedies that are of greater long-term value to South African society.

MORE APPROPRIATE MEANS TO PROMOTE PUBLIC SERVICE INTEGRITY

A different mixture of remedies for misconduct and wrongdoing could be considered. These remedies are not 'quick fixes' but would ensure long-term effectiveness and provide for stability in South Africa's maturing democracy. In the following section these remedies will be discussed.

Promoting professionalism in the public service

Making the public service more professional could reduce the incidence of corruption. This could be achieved by ensuring that it acts in a politically neutral way and by advancing the merit principle in appointing and promoting staff. Applying the merit system rather than the spoils system (where supporters of the ruling political party are appointed to positions of government authority) would require the ANC to adopt different human resource practices. The appointment of senior officials with appropriate skills and experience will contribute to the establishment of a public service based on integrity and ethical conduct.

A caveat has been raised pointing to the negative effect of 'managerialism' on a professional public service. New employment trends have been to appoint senior officials on contract, and not to tenure them. The neutrality of the public service is thus inhibited, as officials are not at liberty to provide 'frank and fearless' advice to ministers, fearing that they might be sacked for insubordination. Additionally, appointing senior civil servants on contract allows the minister to impose a network of patronage – possibly appointing new staff with allegiance and loyalty to the governing party and forsaking the experience and expertise built up over the years by serving officials.[11]

A more scientific approach to misconduct

Public service corruption and incompetence receives daily exposure in government reports and the press. This exposure contributes little to developing a comprehensive approach to ethics improvement. Research into ethics management is a contemporary focus of ethics research. As one scholar has noted, it is not the composition of ethics programmes that should be scrutinised – on that we seem to agree. Legislation for whistle blowing and anti-corruption, and policies on fraud, a code of conduct and disciplinary processes are established phenomena in the South African public service. Rather, it is the implementation of these programmes that we should focus on. Empirical research has been vague and provides little indication of how these programmes function. Research results that purport to be empirical are at best anecdotal and impressionistic.

Research into public service misconduct should be of longitudinal nature, starting off with baseline data and following it up with culmination data. This would allow us to trace improvements in the level of corruption and fraud in executive agencies such as the South African Police Service and the Department of Correctional Services. Identifying indicators would allow us to focus our management efforts on developing an appropriate organisational culture; a *sine qua non* for effective ethics and integrity management. The question of cultural relativism in the public service also requires further research attention.

Research into the opportunities for corruption within a public institution requires the researcher

to combine the qualitative and quantitative research approach; triangulated and using a variety of research methods. Whereas quantitative structured techniques such as surveys and experiments provide for a greater measure of reliability, thus ensuring the same findings when measurements are repeated, qualitative research provides for much greater variation and richness in observing a phenomenon, and consequently greater validity. The researcher has to creatively combine these approaches to obtain an appropriate balance between validity and reliability.[12]

Many examples of corruption cited in this publication are of a hypothetical nature. The measurement and observation of corruption is complicated by a number of factors. One such factor is that the phenomenon is generally not visible to the social researcher. As corruption is illegal in most societies, it occurs as a *covert activity*. Perpetrators try to hide their intentions to extort money or gifts from citizens. Citizens bribe public officials to gain an unjust advantage over other citizens. Naturally, when such wrongdoing is exposed, both parties risk the possibility of losing their unjust advantage. Public officials may also lose their upward career prospects, and business owners stand at risk of losing their business reputations and future contractual dealings with the public service. The state is also prohibited from considering tenders submitted by individuals appearing on a *Register for Convicted Corrupt Offenders*. Criminal prosecution, possibly resulting in a conviction accompanied by a criminal record and a fine, may serve as a further deterrent.[13] This obstacle requires social researchers to work innovatively to, among others, determine the levels of corruption and wrongdoing in public institutions.

Promoting an appropriate public service culture

In the above section, reference was made to establishing an appropriate organisational culture in the public service. For this purpose, various indicators have been established, with the objective to improve management efforts in establishing a culture of integrity. Some of these are:

- Imposing sanctions for deviance from ethical norms and principles
- Rewarding exemplary behaviour
- Promoting an organisational culture where employees can openly discuss unethical conduct without the fear of retribution
- Ensuring the promotion and appointment of public servants committed to the cause of integrity
- Lobbying the support of labour unions in promoting workplace integrity[14]

For example, when cases of unethical conduct are openly discussed amongst supervisors and subordinates in a public institution, it could be assumed that unscrupulous members of staff would be less inclined to accept a bribe or extort a favour. Similarly, the visible enforcement of disciplinary sanctions against departmental officials transgressing a code of conduct supports the promotion of ethical conduct. With appropriate tools we can measure the improvement or deterioration of a climate of open debate and discussion, and also the enforcement of sanctions, or lack thereof. These indicators provide management with an indication of their success or failure in preventing wrongdoing.

CONCLUSION

As public resources are a scarce commodity, it makes sense to focus our integrity efforts on worthwhile initiatives, such as establishing a professional public service and undertaking research projects that provide information about interventions that can best contribute to, and result in, long-term gains for both the public service and society as a whole. By comparison, public service reform, and prosecuting individual political representatives for wrongdoing, makes a rather limited contribution to promoting South African public service ethics and integrity.

NOTES

1 National Treasury. *2009 estimates of national expenditure.* <http://www.treasury.gov.za> Documents/ National Budget 2009/ Estimates of National Expenditure, (accessed 22 February 2009).

2 Kivutha Kibwana, Smokin Wanjala & Okech-Owiti, *The anatomy of corruption in Kenya: legal, political and socio-economic perspectives,* Nairobi: Claripress Limited, 1996, 36-81.

3 J Gildenhuys, *Ethics and professionalism,* Stellenbosch: Sun Press, 2004, 85-86; S Rose-Ackerman, *Corruption and government: causes, consequences and reform,* Cambridge: Cambridge University Press, 1999, 10-15.

4 Rose-Ackerman, *Corruption and government,* 15-17; Gildenhuys, *Ethics and professionalism,* 86-87.

5 Rose-Ackerman, *Corruption and government,* 18-21.

6 Rose-Ackerman, *Corruption and government,* 23-25; Gildenhuys, *Ethics and professionalism,* 84-92.

7 Department of Public Service and Administration, *Public service anti-corruption strategy*, 2002, 7-11.

8 H Zafarullah & N Siddiquee, Dissecting public sector corruption in Bangladesh: issues and problems of control. *Public Organisation Review,* 2001, 1(4) 467-470; R Douglas & M Jones, *Administrative law: commentary and materials,* Annandale: Federation Press, 1996, 119.

9 Department of Public Service and Administration, *Public service anti-corruption strategy*, 9-10; Zafarullah & Siddiquee, Dissecting public sector corruption in Bangladesh, 471; J Wolfensohn, Corruption impedes development and hurts the poor, *International Journal of Government Auditing*, 1998, 1.

10 Douglas & Jones, *Administrative law: commentary and materials,* 144; R Louw, The quest for ethical behaviour in the South African public service. *Teaching Public Administration*, 1998, 18(1), 67-69; F Stapenhurst & P Langseth, The role of a national integrity system in fighting corruption, *Economic Development Institute of the World Bank Working Paper*, 1997, 320-327; V Clapper, On seeing the promised land: prospects for public sector right-doing. *Journal of Public Administration*, 1999, 34(4), 380-381.

11 Rose-Ackerman, *Corruption and government,* 69-70; J Pope, *Confronting corruption: the elements of a national integrity system.* Berlin: Transparency International, 2000, 107-110; cf. World Bank, *Anti-corruption in transition: a contribution to the policy debate*, Washington D.C.: World Bank, 2000.

12 E Babbie & J Mouton, *The practise of social research,* Cape Town: Oxford University Press, 2007, 124-125.

13 *Prevention and combating of corrupt activities act*, 2004 (Act 12 of 2004), sections 26 and 28.

14 W Webb, *The significance of triangulation in measuring corruption: some general reflections.* Paper read at the EGPA Conference: Study Group Ethics and the Integrity of Governance. Rotterdam: The Netherlands, September 3-5, 2008.

A call for comparative thinking

Crime, citizenship and security in the global South

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This article argues for the importance of an international comparative perspective in terms of our analysis and response to violent crime. This is particularly important in the light of the fact that while an increasing number of countries in the global South[1] have achieved formal democracy, they continue to be plagued by high levels of violent crime. In fact, transitions from authoritarian to democratic governance around the world, from Eastern Europe to Latin America and Africa, have been accompanied by escalating violent crime rates. In this context, we have much to learn from an international comparative approach in terms of understanding why democratic transitions are so often accompanied by increases in violence, what the impact of this violence is on the ability of these societies to deepen democracy, and what the most appropriate interventions are in relatively new and often resource poor democracies.

The number of interstate wars between countries in the global South has declined over the last twenty years. The decline in wars has been accompanied by numerous important transitions from authoritarian rule to democratic governance, making democracy the norm rather than the exception. However, while war as the source of violence and insecurity in the global South has declined, violent crime has shown an alarming and steady increase in newly democratised states, becoming a major source of insecurity. It is imperative therefore to think of violent crime within the context of democratic transitions more broadly.

The promise offered by South Africa's first democratic elections in 1994 was that, with the end of apartheid, levels of violence in South African society would drop significantly. However, various forms of social violence at all levels of society, ranging from armed robbery to sexual violence and murder, have remained at extremely high levels. Although the rate of murder has declined slightly from approximately 20 000 murders a year to about 18 000 last year, South Africa still has one of the highest per capita murder rates in the world. Therefore the right to life, one of the supreme rights in our Constitution and a fundamental prerequisite for all other rights, is significantly under threat.

The continuing high levels of violence in South African society have provoked what can be termed a 'radical problem of understanding'

among both ordinary citizens and the state itself, as indicated by the shifts in state security strategy over the last 14 years. However, this problem of understanding is premised on a normative belief that democracy inevitably brings an end to violence in society. On the other hand, as theorists such as David Apter[2] have argued, globalisation and democratisation can in fact create new forms of marginalisation and opportunities for violence, for example as a result of deepening economic inequality. In this framework, violence is in fact the *product* of the form many modern democracies are taking.

PLACING OURSELVES IN CONTEXT

In contrast to the assumption that democracy ends violence, the South African experience, taken in the international context, is neither entirely exceptional nor unique. This is where an international comparative perspective is critical, as it enables us to problematise the normative assumption that democracy ends violence, and clears the way for us to begin to understand *how* the processes of democracy and violence are in fact linked and how these dynamics have manifested themselves in other countries, particularly those societies with similar levels of violent crime and high levels of economic inequality.

An international comparative approach also allows us to unpack some of our assumptions about the causes of violent crime, to acknowledge the complexities of these assumed causal relations, and to develop a differentiated approach to the analysis of violence by taking into account international variations in the patterns of violence. In this light, writer Amartya Sen[3] on a speaking tour in South Africa emphasised the need to avoid easy answers and rushed solutions to the problem of violence that tend to assume, rather than question, the causes of violence.

Just two examples of such assumptions will suffice to demonstrate the point: that there is inevitably a link between poverty and violence; and a link between a high number of guns and violence. As Amartya Sen points out, Calcutta, one of the poorest cities in India, has one of the lowest crime levels in the country. On the other hand, while Canadians have more guns than Americans, their murder rates are much lower than in the USA. Not only does an international comparative perspective allow us to better understand violence, but it also helps us to understand the nature of contemporary democracy itself more systematically. To date scholars of democratisation have largely ignored the coincidence between processes of democratisation and violent crime. However, exploring the link between violence and democratisation enables us to begin to unpack why the form that democracy has taken in the global South in the new millennium has been characterised by continued violence in South Africa and elsewhere.[4] It allows us to analyse and respond to the conditions that create new opportunities for violence in the democratic context, be they marginalisation, economic inequality, or, in the South African context, the historical legacy of apartheid.

An international comparative study also enables us to better understand the impact of violent crime on the consolidation of democracy. Examining other societies that have experienced the twin processes of democratisation and violence, it is clear that violent crime has a significantly fracturing effect on society. It impedes the state's ability to deepen and consolidate democracy, and undermines its legitimacy in the face of its perceived incapacity to respond effectively to violence. Violence also undermines the development of shared spaces of social citizenship, as citizens retreat in the face of violence to increasingly parochial forms of social organisation.

Lastly, and more pragmatically, drawing on insights from countries experiencing similar problems of violence and democratisation enables us to explore and compare, in the context of the resource constraints in the global South, the most appropriate interventions to respond to violent crime. Importantly, if we are seeking to deepen and consolidate democracy, we need to explore the most effective ways of responding to violence in a democratic environment that do not rely on a

return to authoritarian and violent modes of response, such as has occurred in Brazil,[5] and hence significantly undermine the very processes of democratisation they are allegedly intended to defend.

CRIME AND TRANSITION

It has been widely noted that many societies that have experienced a transition from authoritarian to democratic rule, as was the case in South Africa, have experienced a rapid escalation in crime rates, including violent crime. Continents and countries that have since the 1970s experienced this correlation between democratisation and rising rates of crime and violence include Latin America, the former communist states of Eastern and Central Europe, as well as democratising states in Africa, most notably South Africa itself. Ironically, while more countries than ever before have attained democracy in the sense of constitutionalism and multiparty electoral competition, substantial evidence shows that global rates of violent crime have also surged. In a recent cross-national study of homicide victimisation rates in thirty-four countries, LaFree and Drass found that on average, homicide rates doubled during the last four decades of the twentieth century.

Another study of homicide levels in 44 countries for the period 1950-2000 shows that increases in violent crime have been especially pronounced in precisely those regions of the world in which democracy has recently taken hold, including Latin America, Eastern Europe, the 'breakaway' republics of the former Soviet Union, and Sub-Saharan Africa.[6]

The study further indicates that countries transitioning between autocratic and democratic regimes experienced a significant increase in homicide rates. In the former Soviet Union, homicide rates tripled between 1988 and 1994, after the collapse of the communist state. Critically, a significant proportion of this violence, as in South Africa, was interpersonal violence.

The authors of a study on the Soviet Union draw on Durkheim to explain these trends. They argue that, 'distinct from the effects on violence of rapid social change and anomie, Durkheim argued that during periods of acute political crisis, interpersonal violence will increase due to the threat to collective sentiments posed by the crisis'.[7]

Durkheim's modernisation theory is the most famous sociological theory explaining variation in homicide rates. The social and economic transformation a country goes through in the process of development and modernisation is seen as having important consequences for violent crime rates. Traditional forms of status relations, role allocations, social organisation and control are disrupted and ultimately destroyed as masses of people leave their rural homes and flood into the anonymous urban conglomerates. The resulting alienation of people, who are often faced with unemployment or under-employment and poverty, and the lack of social integration (so-called anomie) or social capital, leads to increased crime rates, including violent crime rates. Modernisation theory predicts that strong economic growth raises homicide rates as it disrupts traditional modes of social organisation and control.[8]

It is evident that this conception of modernisation theory underpins current understandings of violent crime in the South African context. There is increasing reference to the breakdown of social cohesion and social capital, which is perceived to have created an anomic context in which violent crime is likely to occur. Shaw notes in this vein, '[A]part from generating particular forms of criminality (most notably the organised variety), transitions also have important impacts on the social controls present in any society. In many instances a weakening of these provides an environment that may be more conducive to criminality.'[9]

It is in this context that we have seen over the past few years the increasing use of the concept of 'social cohesion' within the policy environment. It is argued that in order to reduce levels of violence, we need to transform the ways in which citizens relate to one another as citizens.

However, in South Africa and in postcolonial societies in general, this notion of 'good citizens' who police themselves in terms of a commonly held set of norms and values, runs aground in a context that has historically been characterised by multiple overlapping systems of social authority and normative regimes. As the Nigerian political scientist Ekeh and others have noted, the African colonial experience, and in particular the experience of indirect rule, creates multiple spaces of rights and obligations and ethical conduct that are not necessarily concordant with the juridical rights and obligations normatively articulated in a document such as the South African Constitution.

It is in this context that we see the impact of violent crime in creating forms of community that are at odds with unifying nation-building efforts of governments. The result is balkanised zones of governance and citizenship in the global South: in informal settlements, gated communities, vigilante groups and gangs.

Areas most affected by violent crime also tend to be the areas most affected by everyday or structural violence. In Brazil they are the *favelas*. The informal settlement of Kibera in Kenya is now the second largest area in Africa (after Soweto) described as a 'slum' by UN-Habitat.[10] In South Africa, the areas most affected are black communities in mega-townships, mostly working class, with high levels of unemployment and poverty. In contexts of ongoing socio-economic deprivation, 'community' can thus become an identity that coheres around a notion of marginalisation and social exclusion. People identify themselves as victims of a lack of delivery and poor local government representation and service, and see themselves as a community in opposition to the state. In the South African context this has been most explicitly articulated in so-called 'service delivery protests'. According to a study conducted by the Freedom of Expression Institute, by May 2007 fifteen recorded protests were being held *per day* somewhere in South Africa – excluding unrecorded protests.[11]

In a survey of violent crime in the sprawling metropolis of Lagos, Nigeria, it was found that, faced with high incidence and fear of crime, 'many communities and individuals took several measures to reduce their feeling of vulnerability and minimise risk of victimisation. Eighty one percent of the respondents said that vigilantes existed in their communities, while seventy seven percent reported that the vigilantes were paid for their services'.[12] In South Africa there has also been an increasing emergence of vigilante groups across the country, both more formally organised groupings such as the People Against Gangsterism and Drugs in the Western Cape, and similar groups in KwaZulu-Natal that started out as community neighbourhood watches, some of which have taken on violent and racialised forms. 'Community' in the case of Pagad and the neighbourhood watches in Chatsworth speak to the recovery of a religious and racially hegemonic social morality fraying at the seams as a result of substance abuse, gangsterism and poverty.[13]

In less organised forms there have been sporadic violent outbursts of community action against criminals or those suspected of having committed crimes. Black South African townships, suffering the structural violence of poverty and unemployment, have also cohered around that which comes from outside and threatens, or is perceived to threaten or impede, the life chances of local citizens. Within this category of external threats are those who are seen to be taking prospective jobs and income generating opportunities, or undercutting local business people by selling staple goods at a cheaper price within townships and informal settlements. The target around which 'community' coheres in this particular instance becomes foreign Africans, designated colloquially as *Amakwerekwere*, who have become victims of xenophobic violence.

On the other hand, middle class residents are able to mobilise resources, information, technologies, and organisation in defence of their residential security. This has led to the proliferation of 'gated communities'. Typically these have involved setting up access control around older neighbourhoods, and blocking off a street or blocks of streets, organised by residents within an

area. Private security guards are employed to regulate the inward and outward movement of people and vehicles within a neighbourhood.

VIOLENT CRIME AS A THREAT TO DEMOCRATIC LEGITIMACY

The lack of confidence in state agencies providing adequate levels of safety has led to an increasing 'privatisation' of security on a global scale, either through the formal security industry in middle class areas, or the alternative forms of social ordering that emerge in poorly resourced and badly policed townships, slum areas and informal settlements. In these contexts the perceived incapacity of the state to provide adequate security, as it either retreats from these spaces of insecurity or is seen to be an explicit part of the problem through corruption or violence, leads to the unravelling of 'one of the foundational myths of modern societies: namely that the sovereign state is capable of providing security, law and order, and crime control'.[14] As Perez argues,

> The failure to deepen democracy and rule of law and to extend citizenship rights across all social sectors shakes public confidence in the police and judicial system, weakens the rule of law, and increasingly undermines support for democracy.[15]

Democratic societies rule through consent rather than outright coercion, and therefore rely on the acceptance of the authority of the state. The authority of the state is dependent on the legitimacy of its rule, and this in turn requires a positive disposition towards it from citizens. One of the core responsibilities of a state, underpinned by a human rights approach, is the protection of the 'right to life'. The way in which the state protects this right can impact on its long term legitimacy and authority. High levels of violent crime, murder and assault indicate that the state might not be adequately creating the environment for a safe and secure community, therefore impacting on its capacity to govern effectively.

In this environment, the forms of 'community' that emerge are often mobilised against an 'other' that increasingly fosters separation. In her study of spatial separation in Cape Town, Charlotte Lemansky observes that, based on the Latin American experience, 'walls and gates have reinforced a vicious cycle of poverty and exclusion by concentrating the poorest social groups in spaces with minimal economic and political leverage… Furthermore, enclaves do not just respond to difference and fear, but actually deepen segregation and reinforce fear by excluding difference and limiting social mixing, thus increasing paranoia and mistrust between groups.'[16] In this study it became clear that the view of the middle class white area was that 'crime originated from outside the community'.[17] The community could therefore establish a level of 'trust' and social relations that bound them together in relation to an external threat. They could collectively keep a look out for this 'threat', and draw on and develop practices and technologies in order to do this. Similarly, in her study of gated communities in Sao Paulo, Caldiera noted that the 'withdrawal of the upper classes from public space into enclaves leads to the emergence of a discourse associating criminality and poverty, and generates stereotypical images of the poor as inherently "dangerous"'.[18]

These imaginaries of the poor, as those to be placed outside the spatial zones of safety, means relinquishing the shared social space of citizenship, and narrowing of conceptions of rights and obligations. In her work on Brazil, Scheper-Hughes noted the mutually determining relationship between the fate of the urban poor and the fears of the middle classes:

> Meanwhile, the affluent and the powerful, tucked away in gated communities and in homes protected by armed guards and mechanical surveillance reminiscent of medieval fortresses safely imagine themselves as endangered rather than as endangering populations.[19]

Under siege, the middle classes do not see the proportion of wealth at their disposal as directly of consequence to the level of fear they live with in a society with stark material inequalities.

The residential spaces of safety of the middle classes are accompanied by fortified enclaves where work takes place, as well as consumption and leisure. These zones are connected by road and transport systems that favour the wealthy, creating an interlinked 'fortified network', which could eventually 'disembed' the city. The trend towards malls, highways, and transport systems like the Gautrain project, which favours the middle classes, may be indications of this trend in South Africa.

Thus the forms of social cohesion that violent crime is creating shows signs of being at odds with the forms of social cohesion envisioned and assumed by policies of the national government. While there are positive community formations to manage risk, poor communities are also showing signs of cohering around marginalisation, social exclusion, xenophobia, and susceptibility to gender and sexual violence. Violence, as experienced by middle class communities increasingly pessimistic about the state's capacity to provide safety, shows signs of creating enclave communities with privatised security, which could lead increasingly to cohesion around fear of 'the poor'.

If social cohesion continues in these fragmented and mutually exclusive spatial zones, social polarisation will continue to create racially separate 'publics', with different benefits, rights and obligations, and fragmented experiences of citizenship.

AN INTERNATIONAL PERSPECTIVE ON VIOLENCE AND DEMOCRATISATION

Countries in Latin America and Africa are experiencing many similar processes as a result of globalisation, regional migration and the urbanisation of human settlements, which are impacting on citizenship and democratisation at local levels. As Smith argues, writing about the growth of vigilante violence in Nigeria 'in response to perceived failures of government'[20] since the inauguration of the country's first civilian government in 16 years in 1999:

> public optimism that democracy would ensure economic growth and political growth has given way to frustration… perhaps nothing symbolises the disappointments of democracy more than the all-consuming public concern that crime is rampant and out of control. The intense sense of insecurity that pervades the country, expressed most clearly in concerns about violent crime, represents larger anxieties about economic deprivation and political insecurity. Crime is portrayed as both the cause and consequence of the nation's ills.[21]

In this context in Nigeria, 'vigilantism's popularity is a response to a widely shared sense that recent political and economic reforms have led to greater inequality and injustice…'[22]

In Latin America similar concerns are evident, as Perez asserts: 'Across Latin America…fear of crime and perceptions of social disorder are widespread'.[23] The often coercive response of the state to the escalation of crime in these relatively recently democratised societies has, 'far from solving the problem… engender(ed) a spiral of corruption and violence which leads many citizens to opt for private measures, whether private security agencies or vigilantism'.[24] This has led to what some analysts have called 'uncivil' democracy. James Holsten argues in this vein that during what Samuel Huntington has characterised as a 'third wave' of democracy, the proportion of uncivil democracies to the total number of electoral democracies doubled:

> In such uncivil democracies, violence, injustice, and impunity are norms. As a result, uncivil electoral democracies share significant features of citizenship. Their institutions of law and justice undergo delegitimization; violent crime and police abuse escalate: the poor and ethnically other are criminalized, dehumanized, and attacked; civility and civil protection in public spaces decline; people abandon the public to retreat behind private security; and illegal measures of control receive massive popular support. Across the nation-state, the civil components of citizenship are unevenly and irregularly distributed among citizens.[25]

It is in this context that international comparative studies with a range of other countries that have undergone recent processes of democratisation, and are characterised by high levels of inequality, could help shed significant light on how we understand the processes and nature of violent crime in the South African context – which might be unique but is not exceptional. Secondly, an international perspective on the problem would also provide for the sharing and assessment of forms of intervention that could be most suitable. Thus, 'a cross-national perspective holds important lessons in understanding not only the unique features of each society but also the degree to which similar processes of political, economic or social change produce similar outcomes in terms of crime levels and problems of police reform'.[26]

NOTES

1 Africa, Central and Latin America, and most of Asia - collectively known as the global South - face great challenges and offer real opportunities. Political, social, and economic upheaval are prevalent in many of these nations; at the same time, the populations of the global South and their emerging markets offer immense hopes for economic growth, investment, and cultural contribution. The global South includes nearly 157 of a total of 184 recognised states in the world, and many have less developed or severely limited resources. Unfortunately, the people of these nations also bear the brunt of some of the greatest challenges facing the international community in the next millennium: poverty, environmental degradation, human and civil rights abuses, ethnic and regional conflicts, mass displacements of refugees, hunger, and disease.

2 D Apter, *The legitimization of violence*, Basingstoke: Macmillan in association with UNRISD, 1997.

3 Amartya Sen is a Nobel Prize winner in economics and recent author of the book, *Identity and violence: the illusion of destiny,* New York: W.W Norton, 2006.

4 See for example, Jean and John. L. Comaroff (eds), *Law and disorder in the postcolony*, University of Chicago Press, 2006.

5 T Caldeira, *City of walls: crime, segregation and citizenship in São Paulo*. Berkeley, CA: University of California Press, 2000.

6 G Lafree and G Tseloni, Democracy and crime: a multilevel analysis of homicide trends in forty four counties, 1950-2000, *The ANNALS of the American Academy of Political and Social Science* (605), 27.

7 A Pridemore and S-W Kim, Democratization and political change as threats to collective sentiments: testing Durkheim in Russia, *The ANNALS of the American Academy of Political and Social Science* (2006), 82.

8 E Neumayer, Good policy can lower violent crime: evidence from a cross-national panel of homicide rates, 1980-97, *Journal of Peace Research*, 40 (6), 2003.

9 M Shaw, Crime, police and public in transitional societies, *Transformation*, 49, 2002, 2.

10 The strange allure of the slums, *The Economist*, 5 May 2007.

11 S Delaney, *Amandla! Protest in the New South Africa* (2007), http://www.fxi.org.za/ content/view/83/51/ (accessed 10 December 2008).

12 E E Alemika and IC Chukwuma, Criminal victimisation and perceptions of crime in Lagos metropolis, *Nigeria, Clean Foundation Monograph 1* 2005, http://www.cleen.org/LAGOS%20CRIME% 20SURVEY.pdf (accessed 9 November 2008).

13 S Pillay, Problematizing the making of good and evil: gangs and PAGAD, *Critical Arts*, 16 (2), 2002.

14 D Garland, The limits of the sovereign state, *British Journal of Criminology*, 36 (4), 1996.

15 P Perez, Democratic legitimacy and public insecurity: crime and democracy in El Salvador and Guatemala, *Political Science Quarterly*. 118 (4), 2003-4, 628.

16 C Lemanski, A new apartheid? The spatial implications of fear and crime in Cape Town, South Africa, *Environment and Urbanization*, 16 (2), 2004, 107.

17 K Landman, *Gated communities in South Africa: building bridges or barriers?* Paper presented to conference on Private Urban Governance, http://www.gatedcomsa.co.za docs/bridges_barriers.pdf (accessed 6 June 2008), 2002, 173.

18 T Caldiera, Building up the walls: the new pattern of spatial segregation in Sao Paulo, *International Social Science Journal,* 147, 2000, 55.

19 N Scheper-Hughes, Dangerous and endangered youth, *Annals of the New York Academy of Science*, 13 (46) 2004, 14.

20 D Smith, The Bakassi boys: vigilantism, violence, and political imagination in Nigeria, *Cultural Anthropology*, 19 (3), 2004, 429.

21 Ibid.

22 Ibid.

23 P J Perez, Democratic legitimacy and public insecurity, 628.

24 Ibid.

25 Ibid.

26 Ibid, 1.

Finding the right balance

Immediate safety versus long-term social change

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South Africa has a reputation as one of the most violent societies in the world, despite the fact that overall levels of crime have consistently come down since 2001. In this and other developing countries, crime exacts a high cost in terms of health and security and has the potential to scupper the attempts of governments to fulfil their responsibilities in addressing poverty and inequality.[1] This article argues that there is an urgent need to develop policies that balance the immediate need for safety and security with the long-term objective of achieving systemic social change. It describes an intervention undertaken by the Open Society Foundation for South Africa in collaboration with three provincial departments of Safety and Security that aims to explore ways in which a dual approach of keeping citizens safe in the context of current levels of crime, and simultaneously developing models for long term crime reduction, can be achieved.

The recently published book: *Action for a Safe South Africa* offers us a vision of a society in which:

- Our children play safely in beautiful parks
- Our women walk easily to and from work
- Our public transport system offers safe passage to local and foreign tourists
- Our pavement cafes flourish and sound with relaxed laughter
- Our townships and suburbs reflect the amazing spirit of our people
- Our rural roads offer us the amazing vistas of our beautiful country[2]

A wonderful vision, indeed. In stark contrast, however, our country still faces serious challenges from unacceptably high levels of serious and violent crime. The June 2008 South African Police Service national crime statistics[3] cemented South Africa's reputation as one of the most violent societies in the world, despite the fact that overall levels of crime have consistently come down since 2001. In this and other developing countries, crime exacts a high cost in terms of health and security and has the potential to scupper the attempts of governments to fulfil their responsibilities in addressing poverty and inequality.

In this context there is an urgent need to explore, understand and navigate the continuum between criminal justice (and the role of the state), crime prevention, and the struggle to adhere to international human rights norms and standards. In doing this we need to address a combination of

theoretical and practical questions in relation to criminal justice, such as: How do we negotiate the tension between the project to promote safety and the project to promote democracy? In other words, how does one ensure the safety of the citizenry without a concomitant negative impact on its right to the free and unfettered enjoyment of political and civil liberties? What are the main social and political processes that initiate and drive change in criminal justice systems?

Current concerns in South Africa include the introduction of increasingly repressive criminal justice legislation; decreasing levels of access to information held by criminal justice agencies (notwithstanding enabling legislation offering the contrary); and the weakening of institutions established for the purposes of promoting human rights (e.g. the Human Rights Commission).

SOUTH AFRICA'S APPROACH TO MANAGING THE CRIME PROBLEM

Crime prevention[4] is recognised internationally as a key component, along with law enforcement, of an effective response to promoting safety.[5] In South Africa, however, despite having one of the highest crime rates[6] in the world, our support for crime prevention has been patchy at best.[7] In contrast, strengthening the criminal justice response to crime has been the focus of consistent attention over the 14 years post apartheid. The criminal justice budget has grown from R14 billion in 1995 to R71 billion in 2009.[8] South Africa's per capita spending on criminal justice (USD 130) is double the international average.[9]

While this investment may have contributed to the rates of recorded crime in most categories decreasing since 1995 (with murder down from its high of 67,9 per 100 000 to 38,6 per 100 000 in 2008), this has not ensured a safe, secure and peaceful environment for citizens. In addition to being very expensive in monetary terms, the primary focus on law enforcement as the way to counter crime and ensure safety has resulted in an increasingly militarised society. This is demonstrated by the fact that police numbers are set to increase (again) from the already high current level of 183 000 to over 200 000 by 2012, making South Africa a country with one of the largest police agencies under single command in the world. Yet, despite this, South Africans spend ever greater amounts on private security. It is estimated that the R14 billion private security industry employs 300 000 active registered security guards.[10]

Besides growing the police service, other measures have been introduced to counter crime, such as minimum sentences and restrictive bail conditions. This has resulted in an extremely high prison population: with 164 957 inmates our prisons are hugely overcrowded, with all the concomitant problems. South Africa's incarceration rates are among the highest in the world. Approximately 350 in every 100 000 South Africans are in prison.[11]

In much the same way as the state has responded to high levels of crime by increasing punitive measures, citizens too have hardened their attitudes to crime over the past six years. The number of South Africans who believe that social development should be prioritised to address property crime fell from 62 per cent in the 2003 ISS National Victim Survey to 52 per cent in 2007. Corroborating this, both the 2003 and 2007 surveys show that because South Africans increasingly perceive crime to be motivated by greed rather than real need, their response is to suggest that there is a need to increase the punitive response to crime rather than to spend on social development.[12]

Yet, despite the massive amount spent on law enforcement by the state, South Africans do not feel safer. The 2007 victim survey also confirmed a steady decline in perceptions of safety since 1998. Almost 60 per cent of interviewees for the 2007 survey felt crime levels had increased over the past four years with fewer people reporting feeling safe walking around their neighbourhood.[13]

Jody Kollapen, chairperson of the South African Human Rights Commission, notes,

> If anything, this [punitive] stance has exacerbated an over-reliance on criminal justice processes in responding to the social ills of the nation. A more balanced approach – one that recognises the need to protect society but also the necessity to advance social cohesion and development must be adopted.[14]

He goes on to argue that while we need to retain the capacity to protect society against those who represent a threat, we should guard against the tendency to overextend the criminal justice system and the expectation that it should remedy problems brought about by poverty and inequality.[15]

Similarly, Marc Mauer, director of the Sentencing Project in Washington DC, argues that one cannot place crime prevention and law enforcement at opposite ends of the spectrum in an either/or situation. He makes the point that the discussion about how to reduce crime has become polarised between advocates of long-term solutions versus those who seek immediate results, and points out that this is not a useful dichotomy.

> On the one hand, we would be foolish to believe that we can create a fair and just society without addressing systemic issues such as poverty and racism. However, if we only wait until those issues are resolved, we will fail to meet the urgent needs of improving safety on a daily basis. In this regard, we need to seek models of programmes and policies that can provide short-term benefit while building constituencies and approaches for long-term systemic change.[16]

The classic example of this polarisation in South Africa is the demise of the National Crime Prevention Strategy (NCPS). Drafted in 1996, the NCPS explored an approach to addressing crime and violence that sought to understand and address the social, economic and historical drivers behind the crime and violence plaguing the country. In doing so it created a framework within the spirit of the Reconstruction and Development Programme of supporting interventions that would address the risk and resilience factors associated with many crime types, ultimately seeking to prevent them.

By 1999 the NCPS was for all intents and purposes, shelved in a series of developments that clearly demonstrated the ascendance of the law enforcement agenda. These included the downgrading of the National Secretariat for Safety and Security, the lead agency in the development of the strategy, its absorption into the police, and the rising dominance of the National Crime Combating Strategy of the SAPS. The non-implementation of the subsequent 1999 White Paper on Safety and Security, which gave specific policy direction to many of the aspects of the NCPS, and the fact that it has since lapsed, effectively shut the strategy down in all but name.

Commenting six years later, Frank refers to a legacy characterised by lack of clarity in government about crime prevention, the devastating impact of a lack of skills and capacity in expanding the quality and reach of social crime prevention interventions, and the inability of the country to make use of key leverage points, in particular investing in children from an early age.[17]

Despite the policy direction that government has taken since 1994, the discourse on managing crime has to some extent matured in recent years and has started to acknowledge the role of both law enforcement and crime prevention in making South Africans safe. Networks of civil society practitioners such as Action for a Safe South Africa have continued to mobilise around the prevention agenda, while government has also developed and facilitated some efforts at promoting a prevention agenda, ranging from Urban Renewal to provincial Crime Prevention Strategies.

In his 2009 budget speech Trevor Manuel announced a significant increase in social spending. The largest adjustments to spending plans go to poverty reduction: R25 billion has been added to provincial budgets, mainly for education and health care, and R13 billion for social assistance grants and their administration. R4 billion has been added to the school nutrition programme and R2, 5 billion to municipalities for basic services.[18]

Meanwhile, considerable knowledge has been built up by civil society practitioners in a range of prevention fields, including efforts to address alcohol and drug abuse, promote diversion, support early childhood development, improve safety at schools, develop sport and recreational facilities, and support young mothers and families at risk.

The challenge for many, however, remains how this new knowledge can be brought to scale and attract considered state investment over the time periods required to demonstrate results. The balancing act for the state right now is one of keeping citizens safe against the backdrop of high levels of serious and violent crime while simultaneously providing committed resources and support to long-term social change.

Commentators such as Dixon[19] warn against conflating crime prevention and social policy – he argues that issues like appropriate and adequate recreational facilities should be prioritised and addressed in their own right and should not only receive attention because of a possible link to their crime prevention utility. This said, efforts to mitigate and respond to crime go beyond the mandate of the police and must logically make the link between crime prevention and social spending. Social crime prevention must be a priority that is integrated across a range of government departments, most immediately the departments of social development and education.

THE OSF-SA PROJECT

Over the past ten years the Open Society Foundation for South Africa (OSF-SA), has invested extensively in building knowledge in crime prevention in the fields of school safety, violence against women, and local safety. The Foundation is motivated by the fact that the results of a singular law enforcement approach have been mixed at best, and the increasingly punitive stance adopted by criminal justice role players could exacerbate underlying social and economic issues that contribute to the high levels of crime in South African society. It has therefore employed the lessons emerging from its past work in the development of a new strategy to support crime prevention in three communities in South Africa.

The multi-year 'Crime and Safety Project' includes a substantial component on evaluating safety. It is also an attempt to show that effective partnerships between government communities and civil society are essential for crime prevention. The programme is informed by the 2002 United Nations Guidelines for Crime Prevention[20] and its eight core principles, namely:

- Government leadership
- Socio-economic development and inclusion
- Cooperation and partnership
- Sustainability and accountability
- Knowledge base
- Human rights and rule of law
- Interdependency
- Differentiation (recognising the different needs of communities and sectors of the community)

OSF-SA is working in partnership with provincial governments in three provinces and has signed Memoranda of Understanding (MOUs) with the Department of Community Safety in Gauteng, the Eastern Cape and the Western Cape. These MOUs outline the roles and responsibilities of each party in the implementation of the project in three sites that were identified by the provinces as being 'crime hotspots'; namely Orange Farm in Gauteng, Nompumelelo in the Eastern Cape, and Elsie's River in the Western Cape.

ORANGE FARM, NOMPUMELELO AND ELSIE'S RIVER

The three sites are diverse in terms of size, demographics, structural design and social context. However, they share many common problems, including poverty, underdevelopment, high rates of HIV/AIDS and social and economic inequities.

Orange Farm

Orange Farm is one of the largest townships in South Africa. Located 45 kilometres south of Johannesburg, with an estimated population of one million, it is often referred to as one of the most indigent urban settlements in South Africa. Today the township is still considered to be fairly underdeveloped with the majority of residents facing significant socio-economic challenges, despite considerable infrastructural investments (e.g. the building of the new police station, railway station and victim support centre) over the past years. Recent statistics show that no less than 40 per cent of the population is under the age of 18 years and that many do not have access to proper health care, education and recreational facilities. Consequently a substantial proportion of these young people are said to engage in crime and violence as well as substance abuse. Reportedly high numbers of teenage pregnancies and HIV/AIDS infection are further obstacles to the development of the Orange Farm community.

Against this backdrop the dichotomy of crime prevention and law enforcement is clearly illustrated. Policing strategies to arrest intoxicated teenagers for being drunk in public has served to keep them safe over periods when they are vulnerable to victimisation, but vital access to treatment and support to address the dangers of substance abuse is lacking, causing residents and police to repeat the same patterns of binge drinking and arrest weekend after weekend.

Nompumelelo

Nompumelelo by contrast is a small settlement located within the relatively wealthy suburb of Beacon Bay in urban East London in the Eastern Cape. The township has come a long way from its informal beginnings and has seen significant development of low-income housing. However, its history as a temporary abode for those who wanted to be nearer to their places of employment continues to haunt it. The population swells by thousands during the week. These weekday migrants place a considerable burden on an already overstretched infrastructure; have a negative impact on community cohesion (which was demonstrated in residents' response to the safety audit); and are an eager market for the thriving shebeens.

Elsie's River

Elsie's River is located approximately 12 kilometres from the Cape Town city centre and has an estimated population of 150 000. A large proportion of the area consists of low-income housing such as council flats and semi-detached homes, and the area is characterised by overcrowding. It is also estimated that 34 per cent of the population is unemployed and that the majority of people who are employed are low-income earners. Elsie's River is renowned for its gang activity and high levels of crime.

Elsie's River, like Orange Farm (and unlike Nompumelelo), has seen significant support for social crime prevention. It was the site of the Cape Flats Renewal Strategy, which introduced a comprehensive programme of environmental and social programmes. Unfortunately its legacy is largely a monument to our wavering and often fickle support for crime prevention, as the plans and interventions have not been evaluated or followed up. Initial efforts have been superseded by ever-new strategies aimed at social transformation and gang reduction, making the design of any subsequent intervention a painstaking task of sifting through what has been done, what has been achieved and where value can be added.

HOW TO CREATE A VIABLE AND REALISTIC SAFETY PLAN?

In light of the significant challenges outlined above, OSF-SA opted for a considered, methodical approach to this work. In keeping with the tested methodology of basing the intervention on evidence and knowledge, safety audits were undertaken at each of the sites.[21]

The researchers doing the safety audit were required to be mindful of all elements of a crime; namely the offenders, the victims, and the locations in which crimes take place. Qualitative and quantitative research methods were used to collect data and statistical information; complemented by well-placed interviews and focus group discussions with community groups.

In particular the audit provided for:

- The profile of the community (location, demographics etc)
- The nature and level of recorded crime in the identified community
- The specific safety concerns in the community
- The state resources available to address these concerns
- Current non-state resources to address these concerns
- Current interventions, the impact of these interventions and the challenges still faced
- A database of stakeholders and role players in the community as well as the institutional mechanisms in place to support broad multi-stakeholder safety initiatives

The information captured during the audits has had a dual utility. It has elicited from the range of partners, the buy-in and commitment necessary for successful implementation, and it has also provided baseline data for subsequent evaluations in each of the sites. Unsurprisingly, the findings from the audits support the need for a broad approach to addressing crime that encompasses not only the transformation of criminal justice institutions, but also changing public attitudes towards crime and addressing the underlying socio-economic factors that feed both crime and perceptions on the acceptability of crime.

Working with the audits, OSF-SA has set about developing detailed site-specific safety plans. This has been done in collaboration with a multi-disciplinary project team of community members and local and provincial government departments at each site. In many ways the teams mirror the multi-disciplinary Community Safety Forum structures currently being mooted by government as a potential vehicle for crime prevention delivery.

While many of the interventions identified in the plans fall squarely within the mandate of local stakeholders, OSF-SA will use its grant-making capacity to support civil society interventions that are aimed at meeting some of these objectives. Even here, multi-utilities are being sought. Not only will the investments seed the safety plans, but the lessons for government in working with civil society to implement aspects of the strategy will be particularly useful in understanding the elements of successful partnerships, and integrating the experience and expertise of civil society into general government service delivery. Success in this instance is defined by targeted, sustainable support that meets defined objectives of a safety strategy with measurable impact.

THE PAUCITY OF ROBUST LONGITUDINAL EVALUATION DATA

A weakness in South Africa's growing knowledge and understanding of crime prevention is the paucity of robust evaluation and particularly longitudinal evaluations tracking progress over time. This in turn has an impact on the development of policy to promote crime prevention as a viable strategy for making South Africa safe. Recognising this, and as a part of its contribution to developing knowledge on crime prevention, law enforcement and safety, the OSF-SA has introduced a parallel component to the project: the development and implementation of a longitudinal evaluation across all three sites.

As the first step in setting up the evaluation system, a comprehensive set of safety indicators is being developed and tailored to the needs of each of the provinces and individual sites, stakeholders and service providers. This individualised tailoring for role players will allow various service providers, for example health services or the police, to track and report on their progress towards implementing the safety plan in a manner that feeds into a system for tracking progress across the safety plan generally. Using these

indicators, an assessment will be undertaken of the crime and safety project at each of the sites on an annual basis. This will provide the foundation for a detailed longitudinal evaluation of the intervention and impact over time. Importantly, the indicators will be constructed off a generic template that will allow for an easy transfer of the methodology to other sites.

The development and implementation of a sound monitoring and evaluation system will have value both for the evaluation of the impact of the safety plans in Orange Farm, Elsie's River and Nompumelelo, but also, more importantly, for the future management of safety strategies more broadly. Through the implementation of a sound monitoring system the OSF-SA hopes to be able to clearly demonstrate the utility of a crime prevention approach alongside that of law enforcement.

CONCLUSION

International research tells us that efforts to mitigate and respond to crime must be balanced by longer-term systemic changes aimed at addressing the *causes* and *drivers* of crime. Bringing about these changes goes beyond the mandate of the police, to encompass a range of stakeholders and disciplines. Social crime prevention must be a priority that is integrated across a range of government departments, most immediately the departments of social development and education.

If we look at efforts to promote diversion, build safety at schools and expand our social support networks, it can be said that significant progress has been made. We need to support these efforts consistently over time and ensure that interventions are evaluated so that we can understand the type and level of impact being made and adjust our strategies accordingly. We should put behind us the days of simply replacing one five-year crime prevention strategy with another. Rather, we need to evaluate the successes and challenges of our efforts and learn from the experience. The wealth of knowledge in civil society can make a significant impact if effectively supported. It is in this area that the OSF-SA project can provide new insights.

NOTES

1 J Irish-Qhobosheane, See no evil, hear no evil, the social economy of organised crime in Mozambique, *SAIIA,* 2008.
2 What every South African can do to build a safe community, *Action for a Safe South Africa*, SOUTH AFRICA – the Good News (Pty) Ltd, December 2008, 25.
3 See http://www.saps.gov.za/statistics/reports/crimestats/2008/crime_stats.htm (accessed February 2009).
4 L Sherman, *Thinking about crime prevention*, in D Gottfredsen, L Sherman, D MacKenzie et al, *Crime, what works, what doesn't, what's promising,* University of Maryland, 1996. Sherman makes the point that the debate over crime often treats 'prevention' and 'punishment' as mutually exclusive concepts, polar opposites on a continuum of 'soft' versus 'tough' responses to crime. He says: 'The science of criminology, however, contains no such dichotomy. It is as if a public debate over physics had drawn a dichotomy between flame and matches. Flame is a result. Matches are only one tool for achieving that result. Other tools besides matches are well known to cause fuel to ignite into flame, from magnifying glasses to tinder boxes. Similarly, crime prevention is a result, while punishment is only one possible tool for achieving that result.' This paper argues that there needs to be a balance between these various tools.
5 Guidance on local safety audits, European Forum for Urban Safety, 2007.
6 The murder rate at 38,6 per 100 000 population is far in excess of an international average of five per 100 000. See J Burger and H Boshoff, The state's response to crime and public security in South Africa, *ISS Research Report*, Pretoria: ISS, 2008, http://www.issafrica.org/dynamic/administration/file_manager/file_links/STATECRIME.PDF?link_id=24&slink (accessed February 2009).
7 See C Frank, The role of education, health and social development in preventing crime, *ISS Monograph* 126 October 2006.
8 National Treasury. Estimates of national expenditure 2009, Pretoria: National Treasury, 2009.
9 In 2005 South Africa spent US$130.00 per person on criminal justice, compared to an average by the rest of the world of US$ 66.00. See A Altbeker, Paying for crime: South African spending on criminal justice, *ISS Occasional Paper* 115, Pretoria: ISS, July 2005.
10 R Taljaard, Private and public security in South Africa, *ISS Monograph* 146, Pretoria: ISS, July 2008.
11 International research indicates that rates of incarnation have no significant impact on levels of crime – see M Tonry, Crime does not cause punishment, Keynote address at the OSF-SA Conference on Sentencing in South Africa, Sentencing in South Africa conference report, Open Society Foundation for South Africa, 2006, 4-6.
12 R Pharoah, National Victims of Crime Survey, *ISS Occasional Paper* 175, Pretoria: ISS, December 2008.
13 Pharoah, National Victims of Crime Survey.

14 J Kollapen, Approach to crime fails democracy, *Mail and Guardian* 22–28 June 2007.
15 Kollapen, Approach to crime fails democracy.
16 See the OSF-SA conference report: Sentencing in South Africa, October 2006.
17 Frank, The role of education, health and social development in preventing crime.
18 Budget Speech 2009 by the Minister of Finance, Trevor A Manuel, available at http://www.info.gov.za/speeches/2009/09021114561001.htm (accessed February 2009).
19 B Dixon, Development, crime prevention and social policy in post-apartheid South Africa, *Critical Sociology*, 26(1), 2006, 169-191.
20 UN Economic and Social Council Action to promote effective crime prevention, Guidelines for crime prevention UN ECOSOC, July 2002.
21 The safety audit is an important tool in reaching a common understanding on crime and its causes in a particular area. See Making South Africa safe, a manual for community based crime prevention and guidance on local safety audits, European Forum for Urban Safety, 2007.

The nature of the beast

A critical discussion of profiling

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The criminologist's inquiry into the causes of crime is complex and multifaceted. The process by which individuals become criminals must be identified; social behaviour in general, and the specific context in which the crime was committed, should receive attention. The study of all crimes involves not only investigations into the motivation of offenders, but also into the roles of victims and bystanders, as well as the physical and social context within which crime takes place. It is with all of these factors in mind that criminologists embark on the arduous task of developing a profile for society's most feared – the serial killer.[1]

A criminologist needs to view a criminal event or process holistically. This would include the precursors to the event, including the environmental and situational factors that bring people together in time and space; the event itself; the interaction between the participants and how this influences the outcome of the event; the aftermath of the event, including reporting it to the police and their response; the harm caused to the victim; correctional steps taken; as well as the long-term consequences of the event in respect of public reaction to the event and amendment of laws. The criminal event therefore includes the entire process, including the precursors or precipitating factors, the situation, the course of events and reporting the case, the judicial process and correctional actions.

PROFILING THE SERIAL KILLER

A 2005 FBI Symposium on serial murder came up with the following definition of serial murder:

The unlawful killing of two or more victims by the same offender(s), in separate events.[2]

The search for a single personality type of serial killer has not yet been fruitful, and is unlikely to bear any fruit. Indeed, psychologists who provide profiles of serial killers who are still at large, based solely on personality variables, are at best engaging in invalidated clinical judgment and unsubstantiated hunches.[3] Rather, profile information should be based on the collected knowledge of all sectors of criminology, psychology, sociology, anthropology and psychiatry, as well as from the disciplines of political science, history, and economics.

Criminal profiling is a form of retro-classification, in other words, an attempt at classification by working backwards. It can at best be viewed as a strategy to narrow the field of options and generate educated guesses about the perpetrator. Much profiling is really only guesswork based on hunches and anecdotal information accumulated

through years of experience. It is often full of error and misinterpretation. Furthermore, very rarely does profiling on its own provide the specific identity of the offender – nor should it be intended to. Profiling can merely suggest the kind of person that might have committed the crime under investigation, but certainly not the identity of the specific person. It stands to reason that one can never generalise in these matters – human nature is unique and each person has their own personality make-up.

As such, there is no such thing as a profile of serial killers – no single description that covers all cases and explains who the killers are and why they kill. The behavioural scientists who study serial killers define them narrowly as killers who, over a period of time, slay three or more victims, compelled by an inner drive that finds release only in killing. But given that there are as many kinds of compulsions as there are motives for killing, it follows that there are as many kinds of serial killers as there are motives.

Despite this, serial killers do appear to share some common characteristics. The overwhelming majority have at least average intelligence, most are male (but not all) and they usually suffer from one of two kinds of pathology – they tend to be either psychopaths or psychotics.

A very small minority of serial killers are psychotic; in other words, individuals who fail to perceive reality correctly. Symptoms could include that they hear voices or see visions, or sometimes both. In the case of serial killers suffering from psychosis, murder is a symptom of their madness. David Berkowitz, the infamous 'Son of Sam' murderer, who terrorised New York City in the 1970s, was such a killer. However, most serial killers are not insane.

Psychopaths – also labelled sociopaths or antisocial personalities – do not suffer from mental illness but from a character flaw. They have a firm grasp of reality, know right from wrong, and know that killing is wrong. But they simply don't care. Psychopaths lack a vital component of the human personality that most take for granted – a conscience. They may have no conscience at all, or it may be the case that their conscience is too weak to inhibit the violence they commit. Psychopaths kill without guilt and without remorse.

No one knows for certain what factors contribute to the creation of a psychopathic killer. Some theories stress genetics – an inborn predisposition to kill. Others favour an environmental explanation; factors in an individual's upbringing that make him a killer. Many experts believe the truth lies in a combination of genetics and environment – the age-old debate about 'nature versus nurture'.

Perhaps a psychopathic serial killer's most frightening quality is his ability to live unnoticed among fellow humans. He appears normal. He may even be intelligent and charming – and probably has to be to enable him to lure his victims. Ted Bundy, who killed countless young women, was this sort of psychopath. Two traits are often present in psychopathic killers: a sexual abnormality (as written about extensively by Dr Miki Pistorius), and an all-consuming need for power. Killing may satisfy such killers sexually, and at the same time it satisfies their need for control – the ultimate control over life and death. Simply put, killing gives them pleasure. They kill because they want to. They kill because they can and because they like it.

WHAT MOTIVATES THE SERIAL KILLER?

The more one considers the typological problems serial killers raise, the more it becomes clear that not all serial killers can be labelled as easily as the above discussion suggests. Very often the motives of serial killers are not clear at all, and these motives vary between serial killers. There have been attempts made by criminologists to classify serial murderers into a typology based on motive. Four major types were identified:

- Visionary type – which would include those who are for example operating on the basis of a 'directive from God'
- Mission orientated type – those who believe

there is a particular group of people that must be destroyed or eliminated
- The hedonistic type – those who strive for pleasure and thrill seeking, and feel that people are objects that can be used for their own enjoyment. They gain considerable pleasure from the murder event itself
- The power/control type – those who strive to get satisfaction by having complete life and death control over the victim. Sexual components may or may not be present, but the primary motive is extreme power over the helpless victim

Later, two more types were added to the list:

- Recognition seeker – killing primarily for the challenge of it and for the recognition the killer receives from the media, and
- Material gain-seeker, who kills serially for money and material rewards – for instance women killing their husbands for the insurance monies or doctors killing patients whom they know had mentioned them in their wills[4]

A problem we as psychologists and police officers have to face, is that much of what we know about serial killers is gained through interviews conducted with them after they have been incarcerated, which severely limits what we can know. Imprisonment changes people dramatically – they become institutionalised, manipulate and say what they believe you as researcher would like to hear. The person who committed the crimes has changed, often completely, and the researcher must at all times be aware of that fact.

SERIAL KILLERS, OR NOT?

Finally, there are several current examples of cases that fall outside the traditional classification of serial killer, but which should cause us to pause for thought:

The media has recently reported extensively on the case of Chinese manufacturers that were found guilty of wilfully adding melamine to baby food – while knowing it would kill. Two manufacturers responsible were in fact sentenced to death for their role in the contamination. They killed more than three babies over a period of time, implying that according to the definition of a serial killer, they would qualify as such. Their motive was clearly greed. Should they be labelled as serial killers?

Likewise, Eugene be Kock was found guilty and sentenced to life in prison for causing, over a period of time, the deaths of many political opponents during apartheid. His killings were certainly not motivated by anything remotely sexual. A need for power, maybe? Or was he simply acting on the command of his superiors? Should he, and others who were never prosecuted but who were responsible for similar atrocities, be considered serial killers?

Finally, think about taxi and bus drivers who have no apparent regard for human life – and who cause multiple accidents over a period of time in which people lose their lives. Are they perhaps psychopaths or serial killers?

We could extend this list of questions almost infinitely to include those who order mass killings; people in leadership positions who exercise enormous control over their followers and 'inspire' them to commit murder. History is filled with examples – Stalin, Hitler, Idi Amin, Pol Pot, Slobodan Milosevic, Saddam Hussein, Osama Bin Laden, Robert Mugabe; to name but a few. Are the soldiers who commit mass bloodshed on the behalf of these men merely soldiers – or are they themselves deadly serial killers?

The question is: where we should draw the line? To this there are no easy answers.

NOTES

1 This paper was read at a Southern Business School seminar on serial killings, held at the Monash University (SA) on 17 February 2009.
2 R Morton (ed), Serial murder – multi-disciplinary perspectives for investigators, Behaviour Analysis Unit, National Center for the Analysis of Violent Crime,

http://www.fbi.gov/publications/serial_murder.htm, 2005, (accessed 6 March 2009).

3 C Bartol, *Criminal behaviour: a psycho-social approach*, New Jersey: Prentice Hall, 1995.

4 Ibid.

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