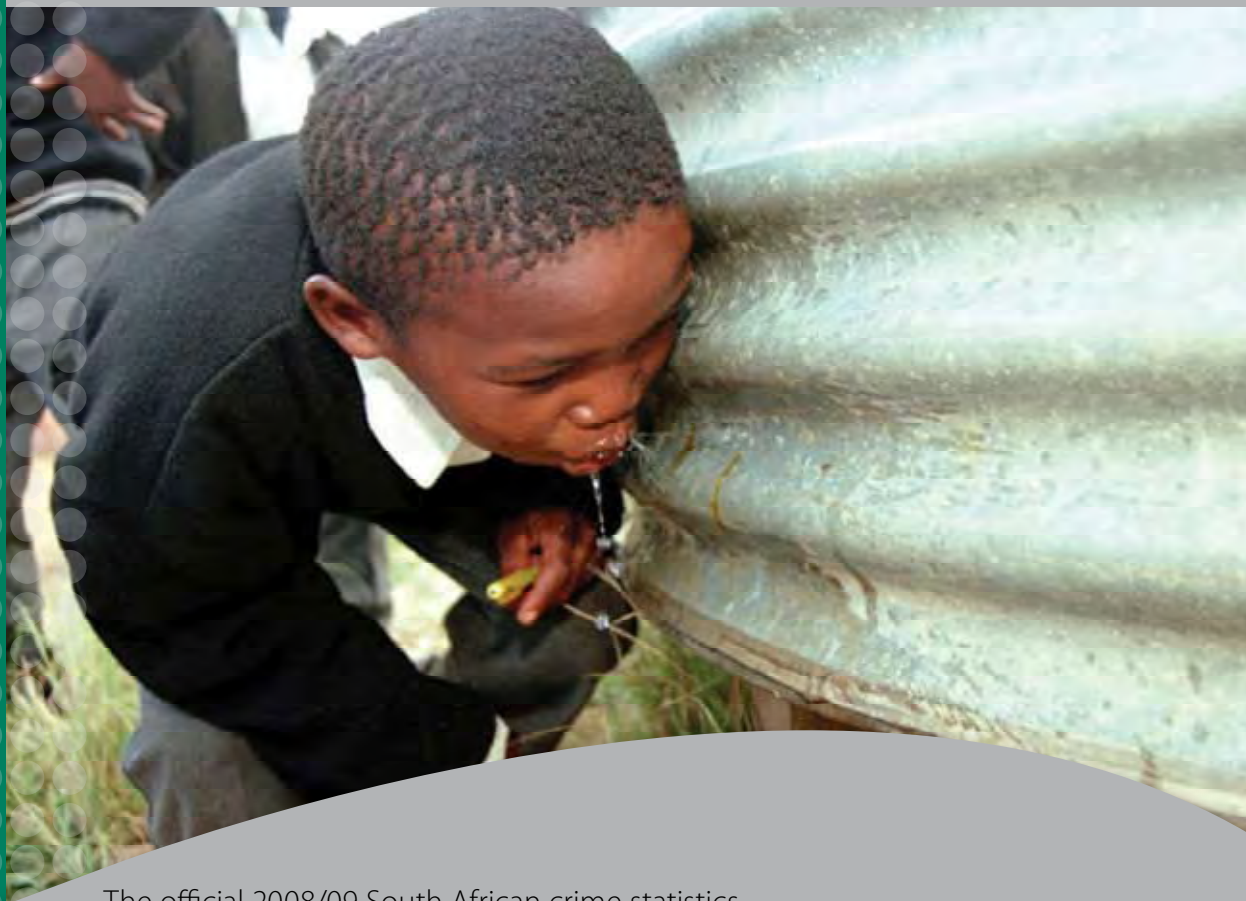


SOUTH AFRICAN CRIME QUARTERLY



The official 2008/09 South African crime statistics

Advocacy for social crime prevention

Implementing the right to information laws

Participatory action research with police in South Africa

Race, class and violent crime in South Africa

Interview with Judge Deon van Zyl



No 30 • Dec 2009

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Editorial

In this final edition of SACQ for 2009 we bring you a collection of articles that deal with an apparently disparate range of issues. Yet, a common thread running through this edition is an attempt to grapple with civil society's approach to influencing and informing the state's response to crime through research and analysis; and how this can be made more effective.

The SAPS crime statistics released in September for the period May 2008-May 2009 show that the need to find effective long-term solutions to violent crime in South Africa is urgent. As Johan Burger documents in his article, the crime statistics show that for the first time in five years the trend towards lower crime levels has been bucked; crime is on the rise.

The combination of rising crime, economic strain, increasing mass action by the poorest South Africans for services to be delivered and a weak bureaucracy places the new administration under tremendous pressure. Under these conditions civil society's role in monitoring and supporting democracy is especially important. President Zuma has been harsh in his criticism of ineffective civil servants, and promises to clean up government – especially local government. He faces an uphill battle, but his efforts are welcome. The media's exposure of inappropriate public spending on luxury cars and hotel accommodation is a valuable contribution to ensuring clean government.

Mukelani Dimba argues in his contribution to this edition that the use and effective implementation of access to information and whistle blowing legislation is also a vital component of our democracy. He offers an assessment of the way in which criminal justice departments have fared in responding to requests for information and protecting those who blow the whistle on corruption.

As far as crime is concerned, the state has responded by increasing the budget for the police, increasing the number of police members and adopting harsh rhetoric against crime and its perpetrators. While these measures are intended to bolster the police's ability to catch criminals, we need to make sure that the combination of pressure to show results and harsh rhetoric from political leaders does not result in a neglect of human rights. Yet it is not time to forget the importance of crime prevention, both through law enforcement and through targeted social interventions. Monique Marks argues in her article that it is also an important time to find a place for researchers to positively influence police practice. Gould and Bruce argue for a balance between law enforcement and social interventions, and grapple with how social crime prevention can be placed back on the agenda of the state.

In the coming year the research and policy community face the challenge of holding the ear of the state. In order to do so it will be necessary to ensure that the information and advice offered is both strongly grounded in reality as well as based on evidence. It is perhaps a good moment to be seeking a strong coherent national research agenda that addresses the specific information needs of the state.

Chandré Gould

Worrying trends

The official 2008/09 South African crime statistics

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The South African Police Service (SAPS) released the official crime statistics for 2008/2009 on 22 September 2009. As usual the statistics drew huge media and public interest. This article provides an overview of the key trends and offers an analysis of the statistics. Key trends include that the overall crime rate, after a five-year respite in which there was a downward trend, is on the increase; as are the so-called 'trio crimes' (house robberies, business robberies and car hijackings) and truck hijackings. This article briefly considers the controversy around the validity of the police's crime statistics and notes a few lessons from Colombia.

In spite of allegations, suspicion and, in some cases, evidence that the police manipulate the crime statistics, the annual release of the crime statistics by the South African Police Service (SAPS) continues to engender huge media and public interest. This is probably because it is the only official indication of how safe or unsafe we are. The figures recorded by the South African Banking Risk and Information Centre (SABRIC) and the Consumer Goods Council of South Africa (CGCSA) for crimes such as bank and cash-in-transit robberies, ATM attacks and business robberies, allow us, in a limited number of cases, to verify the credibility of the police's crime figures. The results of the ISS victim survey (conducted every four to five years) are an additional source of data that allows for a comparison of the trends evident from the police statistics.

The 2008/9 crime statistics present a worrying trend. After five consecutive years of seeing a consistent decrease in the overall rate of crime, it appears that this year crime is again on the increase. As indicated by the graph in Figure 1, the

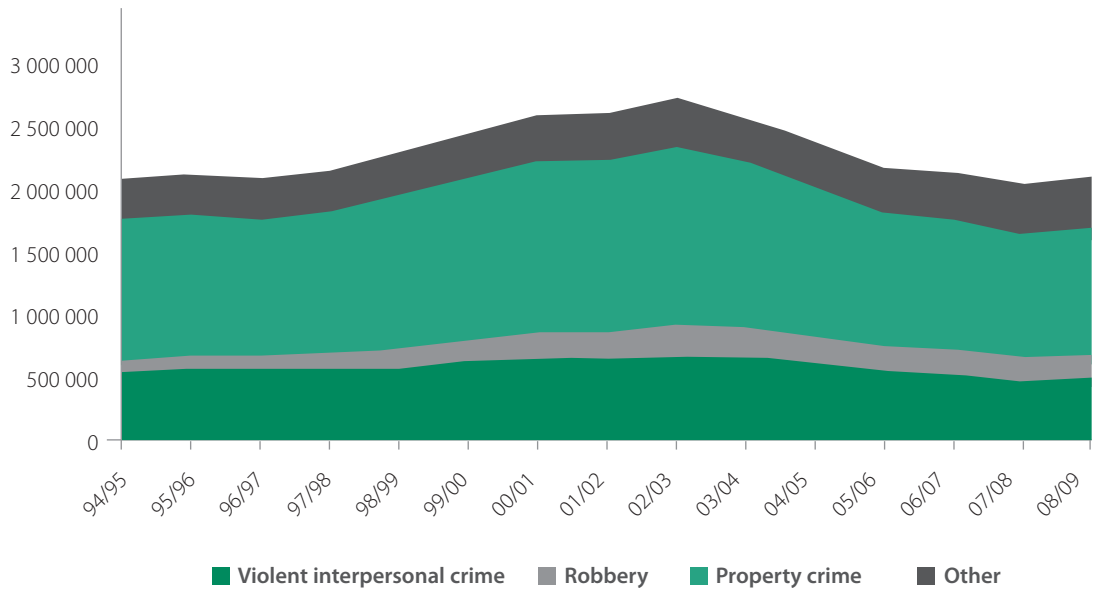
rate of decrease, which started in 2003/04 (when our crime rate peaked), already showed signs of slowing down in 2006/07 and 2007/08. In the 2008/09 reporting period the trend is clearly upward. The second major worry about the latest crime figures is the continued increase in the so-called trio crimes (house robberies, business robberies and car hijackings), and truck hijackings. For the first time also the first two of these trio crimes increased in all nine provinces, while car hijacking increased in seven provinces.

This article briefly considers the controversy around the validity of the police's crime statistics before discussing in more detail some of the worrying trends emerging from this year's crime report.¹

HOW CREDIBLE ARE THE SAPS CRIME STATISTICS?

The short answer to this question is that we simply don't know. Over the past few months there were a number of media reports relating to allegations that the police are manipulating the crime

Figure 1: Overall crime rate in SA (20 most serious crimes)



statistics. At least ten police stations were identified where crime statistics are not being recorded accurately: five in the Western Cape, four in Gauteng and one in KwaZulu-Natal.² According to a report in the Cape Times, Lennit Max, MEC for Community Safety in the Western Cape, requested the Independent Complaints Directorate (ICD) to investigate allegations that crime statistics were being manipulated at Paarl, Paarl East, Mbekweni and Wellington police stations.³ He claims that according to his information, fifty-six rape cases reported at the Paarl police station over a two-year period had not been registered as criminal cases. At the Paarl East police station nineteen rape cases were allegedly reported and not registered; in Mbekweni sixteen rape cases; and in Wellington eight rape cases. In addition, according to Max, there are also allegations of serious crimes being registered as less serious offences at the Oudtshoorn police station. Serious allegations of manipulation were also made against the station commissioner of the Mountain Rise police station in KwaZulu-Natal.⁴

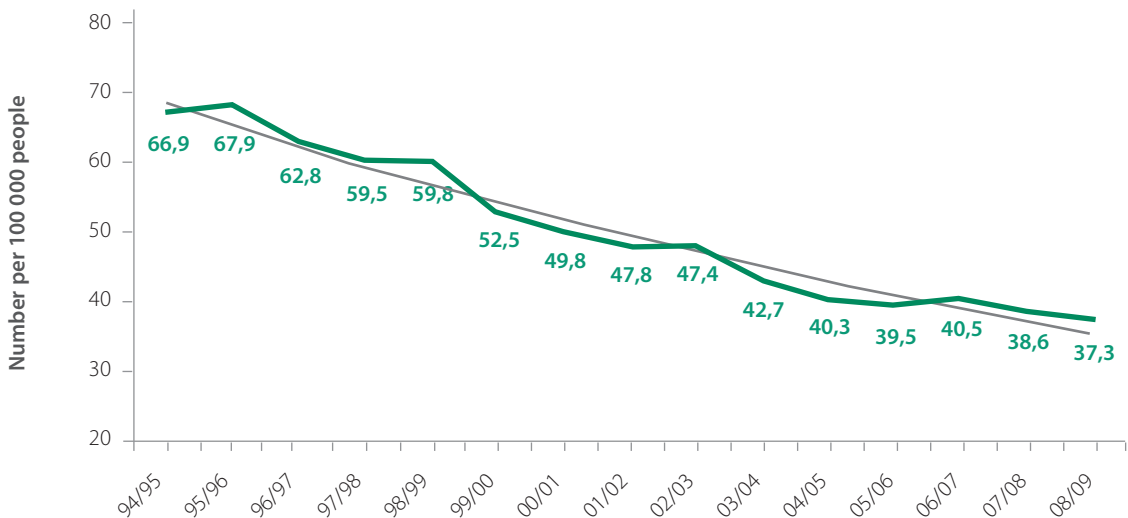
The ten or eleven police stations mentioned here make up less than one per cent of the 1 116 police stations nationally, and the impact of manipulation at only these stations will have almost no impact on the national figures. But

there are growing fears that the manipulation of crime statistics may be more widespread, even though there is no evidence to substantiate this. For the time being we have to accept the SAPS crime figures as at least fairly credible. However, there are other data that, at least to some extent, support the police's analysis of crime trends. In particular the data of SABRIC largely corroborate that of the SAPS for certain crime types.

According to SABRIC's Annual Threat Assessment for 2009, bank robberies decreased by 16,8 per cent between 2007 and 2008 (SAPS – 29,2 per cent decrease); cash-in-transit robberies decreased by three per cent (SAPS – 2,3 per cent decrease); burglary increased by 35 per cent (SAPS figure for burglary at non-residential premises – 11,1 per cent increase); and ATM attacks increased by 5,9 per cent (SAPS – 9,5 per cent increase).⁵

The 2007 ISS Victim Survey, which showed a 12 per cent decrease in South Africa's overall crime rate since 1998, also provides some support for the SAPS statistics.⁶ The victim survey found that 22 per cent of respondents experienced a crime in the twelve months preceding the survey, compared to 25 per cent in 1998, while 3,6 per cent indicated that they were victims of robbery, compared to 2,4 percent in 1998. The police's crime statistics show

Figure 2: Murder rate



a decrease of approximately 24 per cent in the overall crime rate between 2002/03 and 2007/08 (Figure 1). The victim survey however showed that crime decreased at a lower rate (12 per cent) and over a longer period (since 1998) than the rate (24 per cent) indicated by the police's figures since 2002/03.

In summary, there clearly are some legitimate concerns about the credibility of the police's crime statistics, but overall the general trends indicated by these statistics are corroborated by independent data. This allows us, albeit with caution, to draw a few critical conclusions from the 2008/09 crime statistics and to determine what the most worrying trends are.

THE WORRYING TRENDS IN THE 2008/09 CRIME STATISTICS⁷

Although murder continues its downward trend of the last fourteen years (Figure 2), it remains a concern at 37,3 per hundred thousand, compared to the latest 'global homicide rate' estimated at 7,6 per hundred thousand.⁸ The most notable increases are in the aggravated robbery category and in particular in three of its seven sub-categories, the so-called trio crimes (house robberies, business robberies and car hijackings).

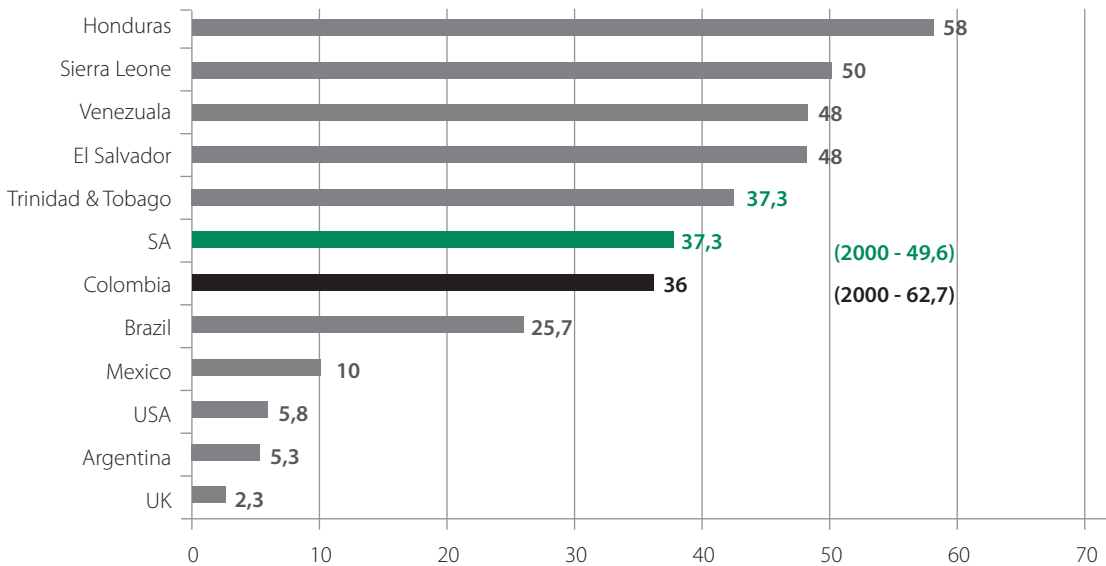
The third worrying trend relates to increases in crimes targeting the business sector.

Murder

The good news about the murder rate is that it achieved an overall decrease of 44 per cent since it peaked at 67,9 per 100 000 in 1995/96 (Figure 2). The current rate is 37,3. In real figures this translates to 18 148 murders; 1,8 per cent down from 18 487 in the previous reporting period. The sad news is that at this rate it will take us at least another ten to twelve years to reach even the 'global homicide rate' of 7,6, unless we find a way to reduce crime, violent crime in particular.

Figure 3 provides the murder rate for twelve countries, including South Africa.⁹ There is, of course, a long list of countries with murder rates below one and two per 100 000, and probably a few with murder rates above or comparable to that of Honduras. But due to the unavailability, non-reporting or even non-existence of credible crime figures for all countries, it is impossible to determine precisely where South Africa would fit on a global scale for homicide or murder. It is encouraging to note that a country such as Colombia, that in 2000 had a murder rate of 62,7,

Figure 3: Murder rate: Some international comparisons (2008)



was able to bring that rate down by 43 per cent to 36 per 100 000 within the relatively short space of eight years. By comparison, in 2000 South Africa's murder rate was 49,6 and during the same period we only managed to reduce our murder rate by 26 per cent. From these figures it is obvious that something positive is happening in Colombia that is worth looking at.

According to Mayra Buvinic, chief of the Social Program Division of the Inter-American Development Bank (IDB), Colombia's success is due to initiatives such as the Peaceful Coexistence and Citizen Security Program that was implemented in a number of Colombian cities, including Bogota, Cali and Medellin; and given financial assistance by the IDB.¹⁰ In these initiatives five key factors were crucial:

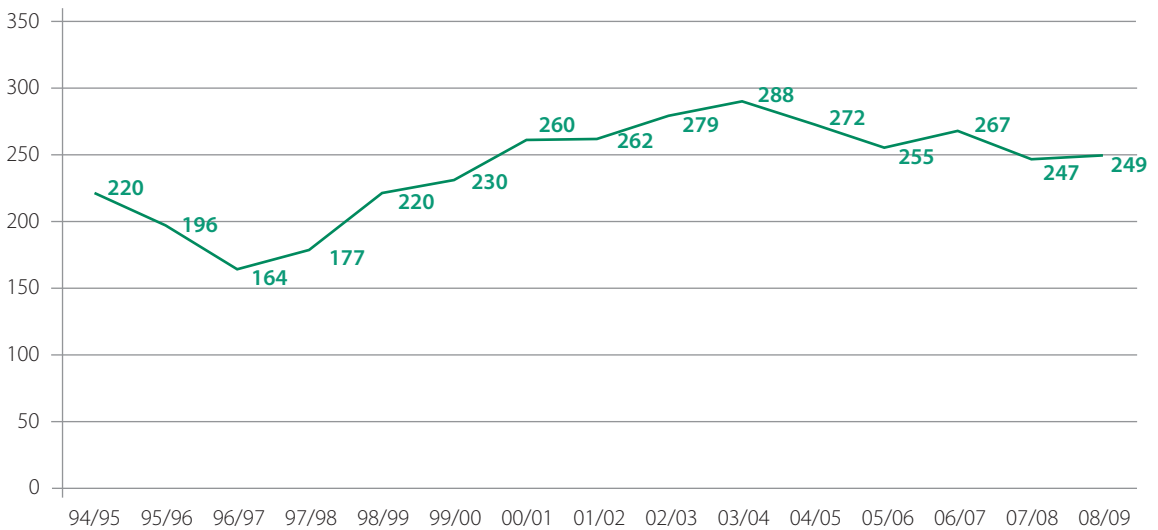
- Political commitment, especially in relation to the complex institutional and social changes that were required.
- Improving the performance and professionalism of the police. This was achieved *inter alia* through the allocation of more resources and improved training.
- Security was treated as only one component of a broad social strategy. Law enforcement of the 'crack-down' type had a limited effect and was

rather designed to complement measures to improve public transport and road safety; to provide safe recreational areas; and to upgrade infrastructure and services in low-income neighbourhoods.

- In Bogota law enforcement agencies established better cooperation and coordination.
- Bogota also focused on community involvement such as the 'Frentes de Seguridad' (neighbourhood crime monitoring committees). This greatly enhanced the legitimacy of the police.

The Colombian focus on social and infrastructure development, and on improving service delivery in poor or low-income communities, should be considered against the background of service delivery protests in South Africa in the last few months. In a recent docket analysis by the SAPS, representing a sample of 1 348 murder cases nationally for the period April 2007 to March 2008, the impact of social behaviour on the prevalence of murder was confirmed.¹¹ The analysis showed that almost two thirds (65,4 per cent) of these murders happened as a result of specific forms of social behaviour; 26,3 per cent was the result of criminal activities; 6,9 per cent was the result of group behaviour (vigilantism, gang activity or taxi violence); and 1,5 per cent was

Figure 4: Aggravated robbery rate



caused by accidental killings. A logical assumption would be that this is also true for various other violent crimes.

Violent crimes other than murder also decreased significantly. According to Gareth Newham, special projects manager in the Gauteng Department of Community Safety, violent crime in general in Bogota decreased by 75 per cent between 1996 and 2001.¹² This was possible because of the reasons mentioned above, but also because of greatly improved crime intelligence that saw the arrest and detention rates of wanted criminals increase by 500 per cent.

Aggravated robbery

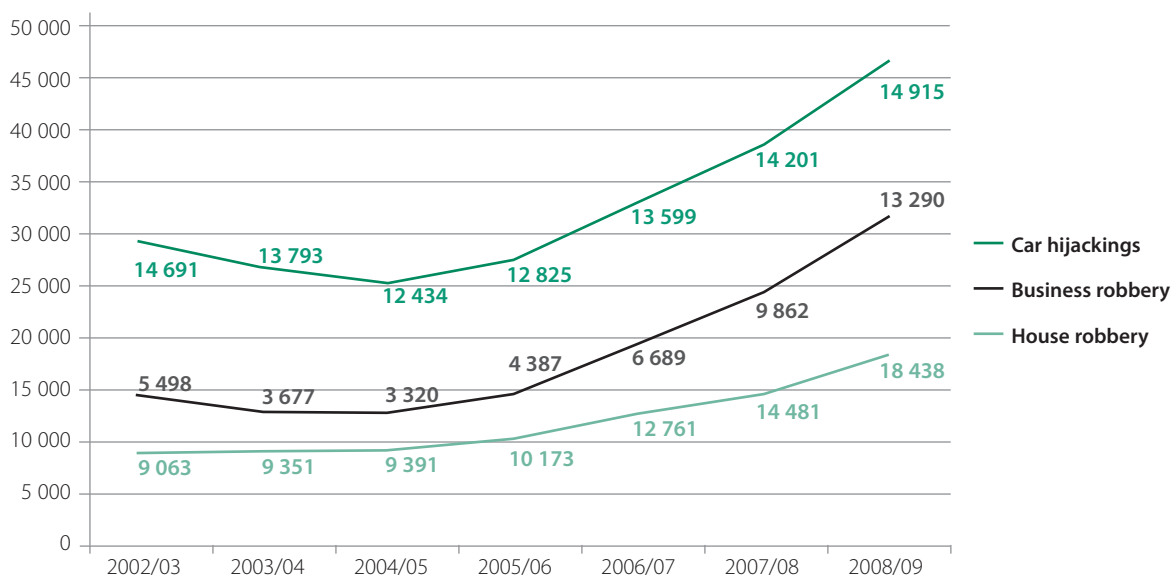
Unlike murder, and in spite of periodic and relatively small decreases, aggravated robbery remains at a level between 200-300 per 100 000 (Figure 4). The current figure of 249,3 is up by 0,8 per cent from the 2007/08 figure, after a decrease of 7,4 per cent the year before. As indicated in Figure 4, this is 52 per cent up from where we were (164) in 1996/97 when aggravated robbery was considered a major crime threat. This crime category comprises seven sub-categories and it is in particular the trio crimes that cause the biggest concern. The other four

sub-categories of aggravated robbery are street robbery (-7,4 per cent), cash-in-transit robbery (-2,3 per cent), bank robbery (-29,2 per cent) and truck hijacking (+15,4 per cent).

The trio crimes are currently South Africa's biggest crime threat and it is obvious that whatever we are doing to fight them is not working. This is not only a reflection of police performance, but the result of a combination of factors, including the performance of the criminal justice system and government in general.

The graph in Figure 5 clearly shows how all three the trio crime types have been increasing over the last number of years. The increases appear to be gaining momentum, probably because of the development of another extremely worrying trend. Both house robbery and business robbery have increased in all nine provinces, and car hijacking in seven provinces. In some provinces the increases are much faster than in others. Limpopo, for example, previously regarded as a stable province with relatively low levels of violent crime, now experiences some of the highest increases in trio crimes. Measured over a three-year period, from 2006/07 to 2008/09, the trio crimes in Limpopo and the Eastern Cape registered huge increases (Table 1).

Figure 5: The Trio crimes



Although Gauteng continues to lead the other provinces with the highest incidence of trio crimes, there was also a marked reduction in the rate at which these crimes increased in that province.¹³ The increases in trio crimes in Gauteng over the last three years (2006/07-2008/09) are shown in Table 2.

After Gauteng, KwaZulu-Natal is the province with by far the highest incidence of trio crimes.

This province continues to show increases that are higher than the national average increase for these crimes (Table 2).

The three graphs in Figure 6 clearly show the enormity of the problem in relation to the trio crimes in Gauteng and KwaZulu-Natal, but it also shows that these crimes have increased in all the other provinces in the last financial year. The only exception is the decrease in car hijacking in the

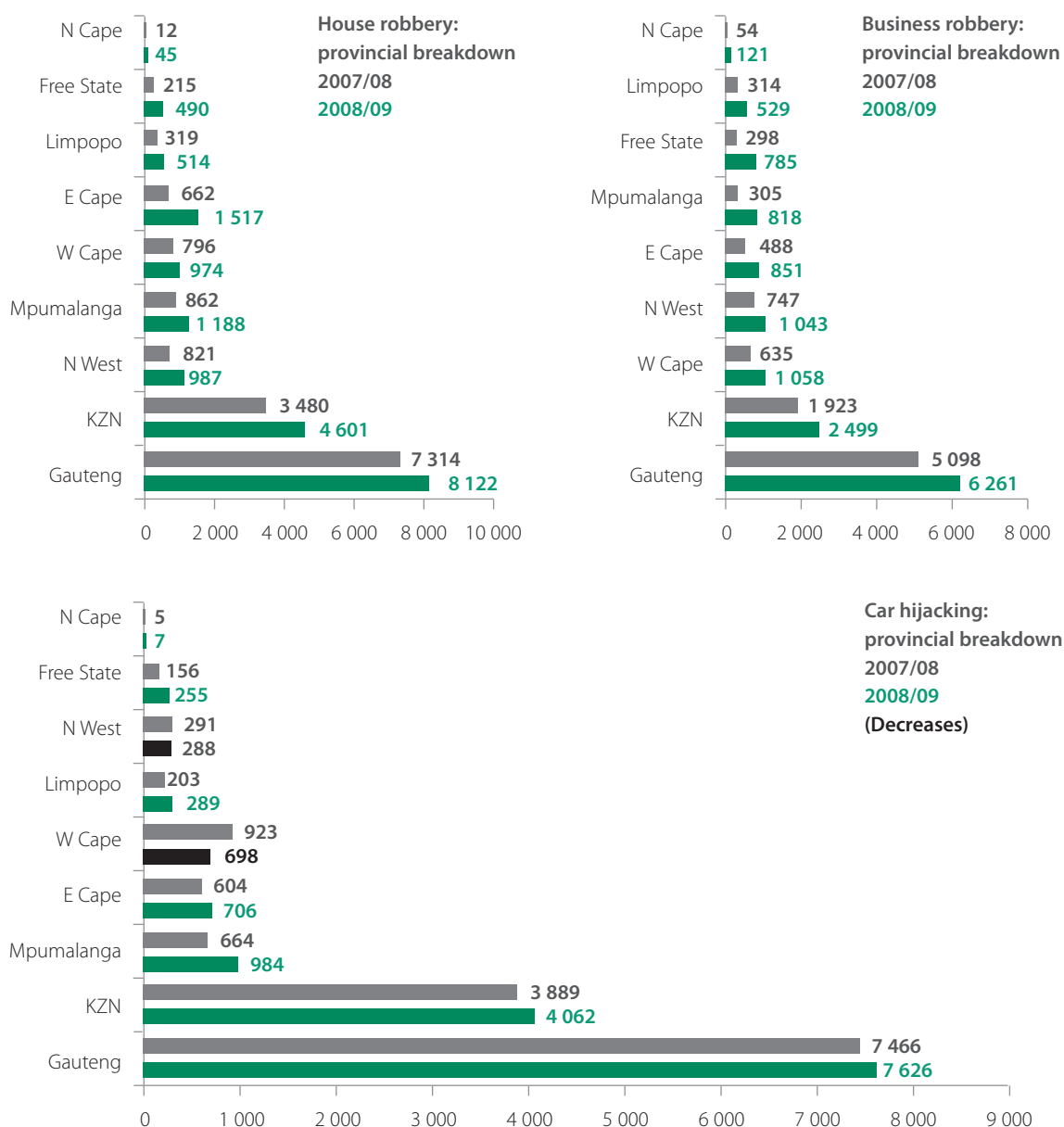
Table 1: Trio crimes in Limpopo and Eastern Cape

	2006/07	2008/09	% increase	National average % increase
Limpopo				
House robberies	162	514	217%	44%
Business robberies	83	529	537%	108%
Car hijackings	196	289	47%	9%
Eastern Cape				
House robberies	344	1 517	340%	44%
Business robberies	241	851	253%	108%
Car hijackings	607	706	16%	9%

Table 2: Trio crimes in Gauteng and KwaZulu-Natal

	2006/07	2008/09	% increase	National average % increase
Gauteng				
House robberies	7 732	8 122	5%	44%
Business robberies	4 492	6 216	38%	108%
Car hijackings	7 314	7 626	47%	9%
Kwa-Zulu Natal				
House robberies	2 667	4 601	72%	44%
Business robberies	997	2 499	150%	108%
Car hijackings	3 563	4 062	14%	9%

Figure 6: Trio crimes per province



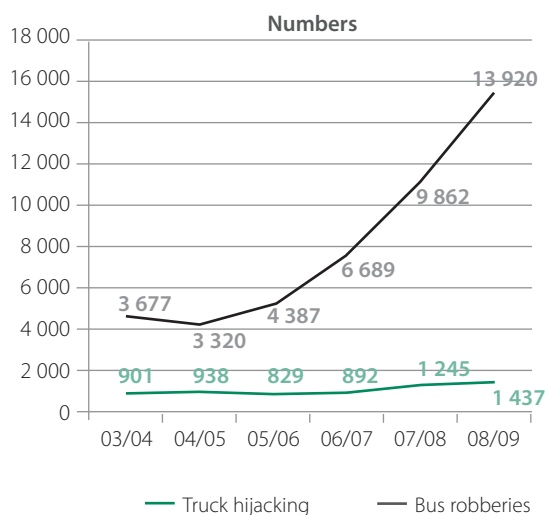
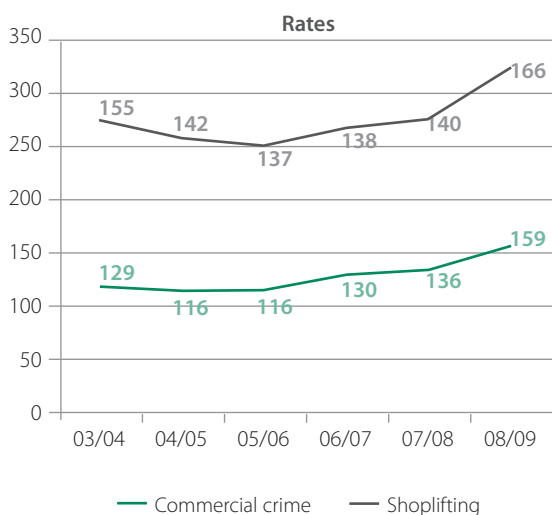
Western Cape (24,4 per cent) and North West (one per cent).

Crimes against the business sector

The two graphs in Figure 7 highlight four crimes that are clearly aimed at the business sector, and all four of these have been on the increase over the last four to five years. To this can be added burglary at non-residential premises (largely business premises).

Commercial crime has increased by 18,7 per cent in the last financial year and by 44 per cent since 2004/05. Shoplifting has increased by 20,6 per cent in the last financial year after remaining at more or less the same rate for the last four years. Burglary at non-residential premises increased by 11,1 per cent in 2008/09 and by 25 per cent since 2004/05. In contrast, burglary at residential premises increased by 'only' 3,7 per cent in 2008/09 and the overall rate since 2004/05 is down by more than ten per cent.

Figure 7: Crimes against the business sector



As discussed above, business robberies are increasing at an even faster rate than house robberies. In the last financial year this crime type increased by 41,1 per cent and by 54 per cent since 2004/05. The hijacking of trucks, which has an obvious business connotation, increased at a faster rate than anything else. In the 2008/09 financial year truck hijackings increased by 15,4 per cent, and overall by 319 per cent since 2004/05.

It is perhaps too early to conclude that there is a correlation between the increased targeting of the business sector and the current economic recession, but there are a few indicators that appear to point in that direction. For example, in a September 2009 press release by the Consumer Goods Council of South Africa the following observation is made:

... in shoplifting the spread of incidents is much more even, reflecting the levels of poverty in Eastern and Northern Cape and other rural communities. This is coupled to a swing towards the shoplifting of food, which is indicative of the effects of the recession.¹⁴

In addition, Professor Haroon Borhat, who teaches economics at the University of Cape Town, said in a briefing to Parliament on 25 September that South Africa was now the 'most unequal society in the world' with a significant increase in income

inequality.¹⁵ According to him this is, in the long run, bad for growth and a threat to social stability.

CONCLUSION

The above statistics and discussion presents us with four key messages:

- That sub-categories of violent crimes, and in particular aggravated robbery, of house and business robbery and car hijacking, are dangerously close to becoming out of control.
- That although the targeting of the business sector is not new, the increases in crimes relating to this sector are significantly higher than with other crimes, and have serious economic and social implications.
- That whatever we are doing to combat these crimes is not working.
- That building on the lessons from Colombia, the situation can be turned around if we have the will and if we understand that fixing the criminal justice system, and in particular the police, important as it is, is not enough.

What appears to be necessary is an integrated, overarching and well-coordinated approach that includes efforts to address the problems of the criminal justice system, while addressing inequality and other social problems.



NOTES

- 1 The full crime report (crime statistics) of the South African Police Service (SAPS) is available at www.saps.gov.za. On the SAPS homepage, it can be accessed under documents or under publications and reports in the SAPS 2008/09 Annual Report. Power Point presentations on the crime statistics are also available on the ISS website at www.issafrica.org.
- 2 How cops fiddle crime statistics, *Sunday Times*, 4 July 2009.
- 3 Max attacks police boss, *Cape Times*, 24 June 2009.
- 4 Mountain Rise crime statistics questioned, *The Witness*, 23 September 2009.
- 5 SABRIC, Annual Threat Assessment 2009: An Overview of Developments during 2008 and Considerations for Future Prospects, March 2009, 29-30. The SAPS figures in brackets were inserted by the author from the SAPS Annual Report for 2008/09, available at: <http://www.saps.gov.za>, 5-6. (Accessed 15 October 2009). It must be pointed out that with burglary SABRIC only records incidents relating to bank property, whereas the SAPS records burglary of all non-residential property. That may also explain the big difference in the percentage increases. The SAPS figures for ATM attacks were provided by Director N Seimela in his presentation at an ISS seminar in Pretoria, 8 October 2009.
- 6 Antoinette Louw, Results of the 2007 national victim survey, presented at a seminar hosted by the Institute for Security Studies, Pretoria, 8 May 2008.
- 7 For purposes of this article the 10,1 per cent increase in the 'All sexual offences' category will not be discussed as a trend. This is a new crime category that replaces 'rape' and 'indecent assault' as a result of the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007). This Act created a number of new crimes and, unless these crimes can be disaggregated, comparisons with the period before December 2007 are nonsensical.
- 8 The estimated global homicide rate is included in a recent report by the Geneva Declaration on Armed Violence and Development and based on international homicide figures in 2004. Wikipedia, 'List of countries by intentional homicide'. Available at: http://en.wikipedia.org/wiki/List_of_countries_by_intentional_homicide. (Accessed 22 September 2009).
- 9 Ibid, 2-6.
- 10 M Buvinic, Against the odds, IDB America, 16 October 2009. Available at: <http://www.iadb.org/idbamerica/index.cfm?thisid=2849>. (Accessed 16 October 2009).
- 11 South African Police Service, *Annual Report 2008/2009*, Head Office, Strategic Management, Pretoria, 2009, 10-11.
- 12 G Newham, presentation at an ISS seminar on the 2008/09 South African crime statistics, Pretoria, 8 October 2009. Also: South Africa: Country looks to Colombia to roll back crime, *Business Day*, 15 October 2009.
- 13 See Gareth Newham's article, The Gauteng Aggravated Robbery Strategy, in *SA Crime Quarterly* 29 (2009).
- 14 M Broughton, Director: Crime Prevention Programme and Shopping Centre Security Initiative of the Consumer Goods Council of South Africa, Press Release, 22 September 2009.
- 15 South Africa has widest gap between rich and poor: Study finds SA now falls below Brazil, *Business Report*, 28 September 2009.

The war against the causes of crime

Advocacy for social crime prevention in the face of tougher law enforcement

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Since the release of the National Crime Prevention Strategy (NCPS) in May 1996, social crime prevention has been a key concept in debates about how to address the problems of crime and violence in South Africa. Many in the civil society policy community firmly believe that social crime prevention, if properly implemented, will be effective in addressing crime and violence. Since the late 1990s there has also been a pervasive sense of disappointment and frustration amongst those who support social crime prevention about what is perceived as a failure of the state to back this agenda. There is a view that this is due to the fact that the state favours 'law enforcement', because it holds out the promise of quick results. It is true that the issue of social crime prevention is entirely absent from the current government discourse on crime, which is characterised by a strong emphasis on robust policing measures. But is it true that the main obstacle to social crime prevention is a law enforcement orientated mindset on the part of government – or are there other obstacles to the social crime prevention agenda?

This article aims to contribute to the debate about the obstacles and challenges to implementing social crime prevention in South Africa. It does so by engaging briefly with three questions:

- How can the state response to crime in the post-1994 period be characterised?
- What are the obstacles to social crime prevention in South Africa?
- Is it correct to assume that social crime prevention strategies could contribute (significantly) to solving the problem of crime and violence in South Africa?

Before attempting answers to these questions it is important to clarify what we mean by social crime prevention.

SOCIAL CRIME PREVENTION

The interest in social crime prevention emerges partly from evidence that the criminal justice system, though a critical component of any society's response to crime, ultimately can only partially prevent crime.¹ In addition, the process of criminalisation – by which people are labelled as 'criminals' through measures such as arrest, prosecution, and incarceration – frequently reinforces the tendency or disposition that some individuals have towards criminal behaviour.² It is commonly accepted that a balance is necessary between social crime prevention interventions and law enforcement. But what is social crime prevention?

For the purposes of this article social crime prevention can be understood as those strategies and measures which (i) are carried out by organisations or agencies (both state and non-governmental) outside of the criminal justice system (CJS) with the aim of reducing the risk factors for criminal and/or violent behaviour;³ or, (ii) if they are located within or linked to the criminal justice system, focus on improving the resilience of perpetrators against further involvement in crime.

South African and international literature about crime⁴ points to the interaction between a range of individual, familial and societal factors that influence individual behaviour. These factors, that in combination or separately influence behaviour to commit crime or not commit crime, are referred to as risk and resilience factors.

The social crime prevention agenda received a boost in 2008 with the establishment of an initiative calling itself Action for a Safe South Africa (AFSSA). AFSSA's programme of action framed social crime prevention within eight potential areas of intervention, including, but not limited to:

- Investment in early childhood (e.g. through preschool enrichment programmes, home visitation programmes and parenting support)⁵
- Measures to reduce domestic violence and improve parenting
- Providing quality after-school care to learners
- Addressing alcohol-related crime through reducing the sale and marketing of alcohol

The social crime prevention agenda is broad and also encompasses law enforcement aspects such as reducing the number of firearms in society. However, as partly reflected in AFSSA, there appears to be some kind of emerging consensus about the need to focus on 'developmental' crime prevention, which involves a range of possible interventions intended to optimise the ability of children and young people to grow into physically and emotionally healthy adults who are able to lead pro-social lifestyles and engage in a positive way with educational and other opportunities.

This approach is informed both by international evidence as well as domestic studies of crime and criminals. Developmental crime prevention measures include a spectrum of interventions. For instance, they may include interventions with young pregnant women in disadvantaged communities to inform them about the potential damage of alcohol use to their unborn children. They may also include a variety of other interventions focused on parents or pre-school or school-going children, as well as programmes with young adults intended to support them in acquiring work-related skills.⁶

The approach to understanding social crime prevention that is put forward here is therefore narrower than that put forward in the NCPS. The NCPS appears to have conceived of social crime prevention in very broad and expansive terms. For instance, analysts who were involved in the development of the NCPS spoke of it as incorporating an 'emphasis on crime as a social rather than a security issue' and 'the attempt to establish a victim-centred system of restorative justice rather than a state-centred system of punitive justice'.⁷

CHARACTERISTICS OF STATE RESPONSES TO CRIME, POST-1994

A simplified analysis of the trajectory of crime prevention policy in South Africa since 1994 would have it that until the late 1990s social crime prevention was, at least in theory, considered to be an important element of crime combating, but that subsequently there has been a wholesale shift to a focus on law enforcement.

The NCPS itself included an analysis of crime as a product of social forces, yet fell short of carrying forward this analysis into its proposals.⁸ The most credible and detailed proposals put forward by the NCPS related to strengthening the criminal justice process on the basis that 'an effective and legitimate criminal justice system is a vital foundation for crime prevention and the protection of human rights'. The other proposals within the NCPS are a long way away from what can be called a full agenda for social crime

prevention, though they do include a call for measures to address 'public values' as well as environmental design to 'reduce the opportunities for crime and facilitate law enforcement'.⁹ The focus on the criminal justice system that emerged in the period subsequent to the NCPS might therefore be seen partly as a product of the emphasis on the criminal justice system within the NCPS itself, as well as being a response to severe and sustained public pressure on the state to respond to high levels of violent crime.

A more coherent social crime prevention agenda was put forward by the 1998 White Paper on Safety and Security. Alongside an emphasis on strengthening law enforcement and criminal justice reform, the White Paper motivated for 'developmental crime prevention' aimed at young people and families; situational crime prevention; and 'community crime prevention' to be targeted at specific geographic areas.^{10, 11} Though the White Paper was approved by Cabinet in September 1998, none of these social crime prevention policies were given any impetus by government. Shortly afterwards the Secretariat for Safety and Security, the body that had developed the White Paper, was downgraded and marginalised in terms of its contribution to crime prevention policy.

Antony Altbeker has argued against the idea that state policy has been law enforcement orientated. He suggests that there has been a failure of law enforcement and attributes this to an established orthodoxy within the state which gave emphasis to (not necessarily 'social') crime prevention. Altbeker's argument is that there has been limited investment in key elements necessary for a law enforcement agenda to succeed, most notably the development of the criminal justice system's detective and prosecution capacity.¹² Yet, in so far as a crime prevention agenda has been pursued within the police or other government departments, it cannot be said that this has been pursued with any rigour, if at all. Within the SAPS, for instance, crime prevention has tended to be associated with implementation of the Domestic Violence Act or victim empowerment, and there cannot be said to have been any clearly articulated understanding of the police role in proactive crime

prevention.¹³ Though it is true that the NCPS was often referred to by politicians and others on public platforms, the term NCPS was more of a euphemism for some undefined comprehensive crime policy, rather than signifying any concrete programme of interventions.

While the detective service has not until recently been the subject of focused investment, there has been enormous investment in the criminal justice system. Since the early 1990s this has been partly directed towards massive expansion of the number of serving members of the SAPS. In their analysis of the NCPS Simpson and Rauch point out that from the start there was tension between the long-term developmental approach and the reactive policing approach. The publication of the police's annual strategy document at the same time as the public release of the NCPS undermined the message that the NCPS had intended to promote, namely that long-term strategies to prevent crime were an important aspect of the overall approach to crime reduction.

A weak state

What tends to be ignored by both camps within this debate is that ineffectiveness has been a characteristic not only of the criminal justice system, but of very large parts of the public service. For instance, as in the criminal justice sector, South Africa has made massive investments in education by the standards of countries at similar levels of economic development, but with very poor results. There are several systemic reasons for the problems with delivery and the dysfunctionality of government departments. In Karl Von Holdt's analysis¹⁴ of the reasons for the dysfunctionality in the public health system, which appear relevant to the criminal justice system, these include:

- Understaffing and shortages of resources related to the ways in which the budget is managed.
- Poor institutional and system design. In the case of hospitals, personnel are managed in silos so that the overall functionality of the entire institution is not the priority of any particular manager.

- The imperative to ensure the racial transformation of state departments creates a situation where skills are not the most important criteria for appointment. A low premium is thus placed on skills (Von Holdt refers to it as ambivalence to skill). This is exacerbated by the fact that in the context of a skills shortage there are numerous opportunities for 'upward mobility'. Combined with the fact that promotion is not linked to performance, and that there is no clear career pathing related to merit, this means that government employees move 'onwards and upwards' between departments, rather than developing skill and knowledge within a specific department.
- Related to this focus by staff on upward mobility rather than on the delivery of services, is an absence of a 'culture' of service.
- Finally, Von Holdt refers to a breakdown of discipline, something that has been reported as being a feature of the SAPS.¹⁵

The new administration under Jacob Zuma has signalled that issues of delivery, and alongside this, skills and competence, are to be given more importance. But it is not clear whether this will indeed result in a shift of priorities, as the questions of racial redress in South Africa are still politically and socially important. Indeed, without purposeful changes to the culture of management and consistent improvements to recruitment and promotion processes throughout state institutions, a commitment from the top is unlikely to have a major impact on delivery. It may be that the best that can be hoped for are modest improvements in the functioning of public sector institutions.

Other facets of state criminal justice policy

Despite this, it is important to acknowledge that developments within the criminal justice arena have not been one-dimensional. A number of highly sophisticated policy instruments, including the Domestic Violence Act (1998), the Firearms Control Act (2000), and the Child Justice Act (2009) have now become part of South African law. While the implementation of all these

measures takes place, in whole or in part, within the CJS environment, they are all sophisticated violence and crime prevention measures.¹⁶ These measures give the lie to the idea that criminal justice policy is wholly law enforcement orientated.

Rather than being characterised as primarily 'law enforcement' or 'crime prevention' orientated, in some ways the primary characteristic of state crime prevention policy, particularly in the post-1999 period, has been its impoverishment. Notwithstanding the fact that some sophisticated policy measures have been introduced, there has been an absence of an overall approach orientated towards the development and implementation of measures in all relevant departments (not only the CJS) that are likely to have a meaningful impact on crime. In addition to this, the criminal justice environment has until relatively recently been characterised by poorly conceived and badly executed measures, such as the 'slash and burn' approach to specialised units.

In summary, the state policy environment has been characterised by a strong focus on the criminal justice system. A combination of factors, including weak management and leadership and a related lack of properly conceived policies, has undermined the impact of the investment in this system. Furthermore, despite the introduction of creative legislative measures, and a rhetorical commitment to the NCPS, there has been little tangible investment in social crime prevention by national government.

WHAT ARE THE OBSTACLES TO CONSOLIDATING A SOCIAL CRIME PREVENTION AGENDA IN SOUTH AFRICA?

The above analysis implies that the principal obstacle to the consolidation and implementation of social crime prevention measures has been the weakness of the state rather than a firmly law enforcement orientated agenda.

As suggested by the discussion above, it is not possible, nor accurate, to characterise the

approach of the state to crime as simply 'law enforcement orientated'. Politicians and police leaders have used 'tough on crime' rhetoric, but this has not been a consistent feature of criminal justice in South Africa and has often been more a reflection of the absence of a coherent policy direction rather than the statement of a clear agenda.

However, since the criminal justice review process (initiated in 2006), there has indeed been a shift towards strengthening the crime investigation and prosecution process, albeit with limited success. Yet political leaders and policy makers are not altogether unsympathetic to the social crime prevention agenda. For instance, during 2009 the Department of Social Development has been involved in developing a crime prevention strategy and has been investing in community-based youth development and after school care projects. More generally, it might reasonably be assumed that many state officials see the large financial investment that has been made in education and social grants partly as an investment in reducing crime. Indeed, state policy in South Africa is strongly socially orientated.

What nevertheless seems to be true is that the awareness of social crime prevention within those components of government that are specifically focused on crime (i.e. the criminal justice ministries and departments) is absent. The current focus is on escalating the 'war on crime' through the criminal justice system. There are no references to the need for social crime prevention measures within this discourse, and the discourse characterises criminals as 'other' or outside of 'normal' society. While the Justice, Crime Prevention and Security (JCPS) cluster of cabinet until recently included the ministers of social development and education, it has now been restructured to exclusively involve the ministers involved in security and criminal justice. But even when they were part of the JCPS, the role played by the 'social' ministers was of a secondary nature. The Department of Social Development has been involved in developing a social crime prevention strategy, but it is clear that this is not seen as a matter of urgency or a priority within

government's overall response to crime. The ANC's election manifesto of 2009 was exclusively focused on strengthening the criminal justice system and community cooperation with the criminal justice system.

In addition to this, the state does face increasing pressure on the fiscus. There are thus questions about what type of investment in social crime prevention is necessary in order for such investment to achieve results, and whether such investment is possible in the current environment. And where will the funds come from? Social crime prevention advocates may argue that investments should be made in social crime prevention rather than in policing or other aspects of criminal justice, even though they acknowledge that law enforcement is also important. These arguments may become even more difficult to make now that massive expansion of the SAPS has dramatically increased the CJS's portion of the state salary bill. But there needs to be a discussion and debate about what should be regarded as satisfactory levels of investment in the CJS.

It remains an open question whether the current move towards strengthening law enforcement will be associated with real improvements in security. Even if there are substantial reductions in crimes such as murder, rape or robbery, in coming years it is likely that the reasons for these declines will be fiercely debated. It may be anticipated that the strengthening of law enforcement will have some impact on reducing crime levels. At the same time, because it does not address the underlying causes of crime, and because it also reinforces the disposition that individuals may have towards criminality, these effects will be limited.

The underlying premise of social crime prevention is that well-implemented social crime prevention interventions in fact offer results that are more beneficial to society, in the long term, than law enforcement based approaches alone. Yet the tension remains that social crime prevention measures do not offer the same immediate satisfaction as visible strengthening of law enforcement for the electorate. As Rauch and

Simpson argued, 'Perhaps there is no more important dynamic for [social] crime prevention policy-makers to manage than this... tension between the demand for instant results and longer-term strategies and interventions.'¹⁷

Social crime prevention advocates tend to avoid acknowledging the simple merit of law enforcement systems: that they resolve the immediate threat to the general public presented by perpetrators (many of whom have a deeply rooted investment in criminality) by incarcerating them. This is because social crime prevention advocates are often focused on motivating why social crime prevention is better than law enforcement in the face of the apparent impossibility of shifting the state's narrow focus on law enforcement. However, it is likely that improvements in the functioning of the criminal justice system may contribute to creating political space for social crime prevention approaches. As indicated, the NCPS itself argued that an effective criminal justice system provides a 'vital foundation' for crime prevention. Social crime prevention advocates can share common ground with those advocating for improved law enforcement, subject to the acknowledgement that improved law enforcement on its own will not yield the desired results.

Unfortunately the social crime prevention agenda often seems to be intangible and vaguely defined. This is an inherent conceptual difficulty of the social crime prevention field, as there is no clear way of delineating the boundaries of that field. Furthermore, measures such as the provision of primary and secondary education or social grants, though not specifically targeted at addressing crime, may also contribute to reducing crime levels. In South Africa, where it is now widely acknowledged that the provision of education is fraught with problems, it is not a straightforward matter as to how basic improvements in the education system or other aspects of the social crime prevention toolkit should be prioritised relative to each other. While these are difficult questions, if it were possible for social crime prevention advocates to mobilise behind a more tightly focused and clearly defined set of policy

measures, this might considerably enhance their potential impact. That might include identifying which aspects of what the state already delivers qualify as social crime prevention, and acknowledging them as achievements towards the development of a fuller programme of social crime prevention.

IS IT CORRECT TO ASSUME THAT SOCIAL CRIME PREVENTION PROVIDES A POTENTIAL SOLUTION TO THE PROBLEM OF CRIME AND VIOLENCE IN SOUTH AFRICA?

We need to consider whether a 'sophisticated' social crime prevention agenda (which also acknowledges the importance of law enforcement) actually provides the hope of a 'solution' to the high levels of crime and violence. Assessing this is complicated by the fact that it is not clear where social crime prevention measures begin and end. For instance, it is widely acknowledged that inequality is a key driver of violence in South Africa. Yet measures to address inequality have not featured on the agenda of those promoting social crime prevention, no doubt because this falls partly within the field of economics, an area in which many crime prevention practitioners have limited expertise.

The social crime prevention discourse in South Africa also tends to be strongly shaped by international crime prevention discourse, particularly the 'risk and resilience' concepts referred to earlier, and there is a growing body of South African research on these issues.¹⁸ Yet it is reasonable to ask whether there are other factors that fall outside the established discourse that should be seen as contributing to the problem of violence in South Africa. The specific question here is about the legacy of South Africa's history of institutionalised racism and racialised social engineering, and its role in contributing to violence and crime. Arguably the problem of violence might be seen, at least in part, as a manifestation of the psychological legacy of racial colonialism. This may indicate that there are issues of 'historical trauma', redress, internalised racism, representation, or recognition, that are not usually

recognised as part of the social crime prevention agenda, and that need to be integrated into our understanding of the causes of crime. In other words, there may be factors contributing to crime that are not recognised through the established conceptual frameworks of those in the social crime prevention field.

These questions should challenge us to seek clarity about the level or type of change that needs to take place in South Africa if we are to reduce violence and crime. There is clearly much that can be gained from the insights that have emerged from the crime prevention discourse in Western countries. Yet there is also a need to be open to understanding to what extent specifically South African historical, political and economic factors feed into our problems of crime and violence. Exploring the role that factors of this kind play, and considering the kinds of interventions that may be needed to address them, should form part of the social crime prevention agenda. If crime and violence reflect in part 'structural problems', or issues of social psychology, then this may indicate that the social crime prevention agenda needs to be located within a dialogue about the need for other, perhaps deeper, levels of change within South African society.

CONCLUSION

In recent years social crime prevention advocates have tended to become disillusioned with the limited success of advocacy and with what can be achieved by working through the state. However, there is very little hope for long-term success if the state is not part of the process of addressing the socio-economic, political and historical factors that contribute to high levels of crime. Key questions include to what degree there is scope for the state to take greater ownership and responsibility for driving a sophisticated social crime prevention agenda, and to what degree social crime prevention advocates can effectively engage with the state.

While regressive measures (such as policing that ignores human rights) should be opposed, it would appear important that social crime

prevention advocates become more skilled at articulating the relative role of a social crime prevention agenda alongside the need for law enforcement, rather than setting themselves up in opposition to the latter.

In addition, in order for any social crime prevention advocacy to have an impact it would appear important that such advocacy both reflects clearly articulated and focused policy proposals, and ensures that the proposals match the resources and skills available to the state and communities.

More generally, social crime prevention advocates need to consider broadening their engagement with actors other than the state to include social movements or other civil society formations such as trade unions, and should explore more fully the political, historical and economic factors that are not currently part of the established crime prevention discourse.



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NOTES

- 1 See L Muntingh, Punishment and deterrence: Don't expect prisons to reduce crime, *SACQ* 26 (2008), 3-10.
- 2 See for instance E Pelser, How we really got it wrong – understanding the failure of crime prevention, *SACQ* 22, (2007), 3-4.
- 3 Note that to be classified as social crime prevention implies therefore that measures are targeted at addressing the problem of crime and violence. Measures such as improvements in primary or secondary education, which have multiple objectives, are not social crime prevention in terms of this definition.
- 4 A van der Merwe and A Dawes, Youth risk assessment: gaps in local knowledge and directions for future research, *Journal of Child and Adolescent Health* 19(1), 2007, 57-94. See also C Ward, Young people's violent behaviour: Social learning in context' in P Burton (ed), *Someone stole my smile: An exploration of the causes of youth violence in South Africa*, Cape Town: Centre for Justice and Crime Prevention, 2007. See Van der Merwe and Dawes, Youth risk assessment: gaps in local knowledge and directions for future research; L Leoschut and P Burton (eds) *How rich the rewards? Results of the 2005 national youth victimization study*, Monograph Series 1, Cape Town: Centre for Justice and Crime Prevention, May 2006; C Ward, "It feels like the end of the world": Cape Town's young people talk about gangs and community violence, Report to the

- Institute for Security Studies on the child participation study in support of the COAV Cities Project, Cape Town: Human Sciences Research Council, 25 August 2006. P Burton, L Leoschut and A Bonora, *Walking the Tightrope: Youth resiliency to crime in South Africa*, Cape Town: Centre for Justice and Crime Prevention, 2009.
- 5 *Action for a Safe South Africa: What every South African can do to build a safe country*, Sandton: South Africa the Good News, 2009, 49.
 - 6 See C Gould, To measure and what to measure: Towards assessing the impact of social crime prevention projects, SACQ 26 (2008), 21-26.
 - 7 G Simpson and J Rauch, Reflections on the first year of the National Crime Prevention Strategy, in G Maharaj (ed) *Between unity and diversity, essays on nation-building in post-apartheid South Africa*, Cape Town: David Philip, 1999. Available at http://www.csvr.org.za/index.php?option=com_content&task=view&id=542 (accessed 20 October 2009), 9.
 - 8 B Dixon, Cosmetic Crime Prevention, in B Dixon and E van der Spuy (eds), *Justice Gained – Crime and Crime Control in South Africa's Transition*, UCT Press, Cape Town, 2004, 163-192.
 - 9 Ibid.
 - 10 Department for Safety and Security, *In Service of Safety – White Paper on Safety and Security, 1999-2004*, Department for Safety and Security, 1998, 21.
 - 11 One way of categorising crime prevention measures is to distinguish them as either 'social' or 'situational' 'Social' measures might be seen as measures that work with perpetrators or potential perpetrators to assist them or deter them from (further) offending. 'Situational' measures in part involve reducing or removing opportunities to commit crime. All crime prevention measures do not fall neatly into either of these categories. For instance, some see victim empowerment measures, which can have 'social' or 'situational' elements, as an important form of crime prevention. (See Introduction in E Pelsler (ed), *Crime Prevention Partnerships – Lessons from practice*, Pretoria: ISS, 2002:4).
 - 12 A Altbeker, *A Country at War with Itself: South Africa's Crisis of Crime*. Johannesburg and Cape Town: Jonathan Ball, 2007.
 - 13 D Bruce, G Newham and T Masuku, *In service of the people's democracy – An assessment of the South African Police Service*, Centre for the Study of Violence and Reconciliation, 2007, 108-111.
 - 14 K van Holdt (forthcoming) 'The South African Post-Apartheid Bureaucracy: Inner Workings, Contradictory Rationales and the Developmental State' in O Edigheji (ed), *Constructing a Democratic Developmental State in South Africa – Potentials and Challenges*, Cape Town: HSRC Press.
 - 15 See A Faull, Need or greed? Corruption and integrity management in a Gauteng police station, SACQ 28 (2009), 11-20.
 - 16 In this analysis we are concerned to characterise crime prevention policy development in SA in terms of its 'social crime prevention' and 'law enforcement' content, and do not engage with other key aspects of policy such as questions pertaining to the independence of the judiciary or allegations of manipulation of investigative units.
 - 17 Simpson and Rauch, Reflections on the first year of the National Crime Prevention Strategy.
 - 18 See for example Burton et al, *Walking the tightrope*.

The power of information

Implementing the right to information laws

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South Africa boasts what has been referred to as the gold standard of constitutional development in terms of its constitutional reforms, its bill of rights, its access to information act, its protection of whistle blowers and the elaboration of other civil, political, social and economic rights. However, a number of state institutions have faltered on the bedrock of implementation of these reforms, especially the implementation of laws aimed at promoting the public's access to information held by the state, and providing for protection of individuals who raise concerns about corruption and fraud in these institutions. This article explores the mixed fortunes of two criminal justice departments in the implementation of these laws.

The year 2010 will be important to South Africa for more than just the World Cup soccer spectacular that the country will be hosting. 2010 will also mark a significant milestone in the country's efforts at transforming itself from a secretive police state to an open democracy. This will be the year marking a decade after two of the country's key right-to-information laws (RTI laws), called the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and the Protected Disclosures Act No. 26 of 2000 (PDA), were passed by the country's second democratically elected parliament.

Shortly after the Nelson Mandela administration took office as South Africa's first democratically elected government in 1994, a five-member Task Group on Open Democracy was appointed. The brief of the task group was to investigate how the interim constitution's promise for an open society and democracy could be made reality through enabling legislation. The Task Group issued a

preliminary report early in 1995 setting out in detail its legislative intentions and proposals as well the principles underlying its approach to drafting. The policy proposals of the task group included laws on:

- Freedom of information
- Protection of whistleblowers
- Protection of privacy, and
- Open meetings

By August 1995 the Task Group had produced a draft bill that contained provisions covering the four areas of the policy proposals. The mantle was soon to be taken over by South Africa's democratically elected Constitutional Assembly, which adopted the final Constitution in 1996. By the time the Constitution of 1996 was adopted the right of access to information had been extended to include both public and privately held information and guaranteed by the following clause:

[E]veryone has the right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.²

The constitution also required that legislation be passed by Parliament to give effect to the right of access to information. More importantly, in terms of the transitional arrangements contained in the Constitution, there was a further stipulation that the legislation envisaged in terms of Section 32 (2) of the Constitution had to be passed by Parliament within three years of the coming into effect of the Constitution.³

However, civil society campaigners for the law had to contend with what was later referred to as a 'slow and tortuous progress', which started with the tabling of the formal draft bill – the Open Democracy Bill – in Parliament in 1997, and was concluded with the enactment of PAIA and the PDA in 2000. In order to meet the constitutional deadline of February 2000 for the passage of the Open Democracy legislation, Parliament decided to split the access to information and whistleblower sections of the Open Democracy Bill and process them as two separate acts to be considered by two sub-committees of Parliament. The access to information section of the Open Democracy Bill became the Promotion of Access to Information Bill, which became the Public Access to Information Act (PAIA). The whistleblower section of the Open Democracy Bill became the Protected Disclosures Bill and later the Public Disclosures Act (PDA). A policy decision was taken by the executive to drop the open meetings sections entirely, and the privacy section is currently being considered by Parliament.⁴

IMPLEMENTATION BY THE SAPS AND DEPARTMENT OF CORRECTIONAL SERVICES⁵

There is evidence to show that the less information officers know about the law, the higher the possibility that they will err on the side of caution by either refusing access to

information, or simply ignoring the request.⁶ The rate of mute refusals (ignored requests) in South Africa has been around 52 to 60 per cent over the five year period between 2003 and 2008,⁷ an unacceptably high rate.

On the other hand, the better trained the officials are in the law, the better they are in applying the exemptions that limit application of the right of access to information, and the better they are at defending their decisions. The 2008 Access to Information Index shows that only two per cent of requests receive a formal refusal in terms of the PAIA, and of the requests that are not ignored an overwhelming 98 per cent of them were granted either in full or partially.⁸ This is consistent with the Open Society Justice Initiative-Open Democracy Advice Centre (ODAC) RTI monitoring reports between 2003 and 2006, which found that only one to two per cent of the requests received written refusals. This is below the international average of three per cent.⁹ This is a good result, because it shows that there are a low number of formal refusals. It does however hide a bigger problem, that most public institutions prefer to simply ignore a request (as evidenced by a high rate of mute/deemed refusals) instead of refusing it directly and formally as is required by the law.

Institutions that have made resources available for the implementation of the Act and for training officials, such as the South African Police Service (SAPS), are the top performers. The SAPS receives the highest number of requests for information (over 20 000 per annum at the last count), yet they have refused only one per cent of those requests. Over the eight-year period of implementation of PAIA, after having received tens of thousands of requests, the SAPS has only once been sued for information and the court found that its refusal was justified.

SAPS's implementation of PAIA demonstrates that officials need not see the law as something that may be a liability to the interests of the institution. Rather, a competent application of the exemptions regime can promote both the right to information while protecting the interests of the

organisation. It is worth noting that the coordinating information officer at SAPS is not a legal practitioner. This demonstrates what can be achieved if information officers are well trained in the Act and enjoy support from their superiors, which is the case at SAPS.

Unfortunately the example of the SAPS is not the rule. Some key criminal justice departments have not set the best example for compliance with right to information laws. This seems to reflect the lack of commitment by senior management to implementation of the Act, and the result is reluctance on the part of many public officials to provide information where there is a perception that this may open up public bodies to litigation.

Over the past five years ODAC has been dealing with requests by prison inmates¹⁰ to assist them to access information. Since ODAC re-launched its Right to Know help line over five years ago, the organisation has continued to receive calls from inmates who complain about not having access to court records that they need to prepare for appeals or parole hearings. It is the policy of the Department of Justice that such documents are made available to the prisoners, but at a cost to cover expenses such as photocopying of documents or transcription of trial proceedings. Some of these costs run into thousands of rands, meaning that those who cannot pay are disadvantaged as their access to justice is limited.

In one case handled by ODAC, the organisation assisted a prisoner to acquire his court transcripts through PAIA. The inmate had initially attempted to acquire the records from the court where he was sentenced and was asked to pay close to R4 000. When ODAC requested the records from the Mankwe Magistrate's Court in the North West on his behalf in terms of PAIA, the records were supplied without a need for any payment because of fee exemptions built into PAIA. When ODAC received the information, the organisation assumed that a precedent had been established. However, a couple of months later the clerk of the court wrote back to ODAC to ask for a return of the documents because they had been released in error. The official had assumed that ODAC was

part of the Legal Aid Board, which has the privilege to obtain these records without payment of reproduction fees. This experience indicated that an inmate who, for whatever reason, is unable to rely on the Legal Aid Board, cannot afford to pay for reproduction of the records or cannot afford the services of a private legal representative, is unable to access information related to his or her trial. This is an unjustifiable limitation of a person's access to justice, and is not in keeping with the spirit of the law and the constitutional provisions for access to information and access to justice.

There have also been problems in relation to the release of information by the Department of Correctional Services, which brought embarrassment upon itself when it refused to release the Judicial Inspectorate of Prisons' report on the death of an inmate due to AIDS-related illness. The court finally settled the matter when the presiding judge ordered the release of the documents that had been requested by the Treatment Action Campaign. Moreover, the judge made some important remarks in relation to the Department of Correctional Services, noting that:

The papers in this case demonstrate a complete disregard by the Minister and his department of the provisions of the Constitution and PAIA which require that records be made available. There is no indication in the first respondent's [the Minister's] papers that the Department complied with its obligations under PAIA at any stage... Only after proceedings were instituted did the Minister and the Department attempt to justify failure to hand over the report and then on spurious grounds. It is disturbing that the first respondent has relied on technical points which have no merit and instead of complying with its constitutional obligations has waged a war of attrition in the court. This is not what is expected of a government Minister and a state department. In my view their conduct is not only inconsistent with the Constitution and PAIA but is reprehensible. It forces the applicant to litigate at considerable expense and is a waste of public funds.¹¹

This rebuke of a senior government leader is directed towards an attitude that is quite prevalent in the public service. There have been instances where officials have discouraged applicants from filing formal PAIA requests for information and advised them to 'just ask nicely' for it. There is a view that using formal PAIA procedures to make requests for information shows that the person making the request is being confrontational or adversarial. In those instances the applicants are often bullied into 'asking nicely'.

Civil society organisations that are active in the promotion of usage of PAIA, such as the Open Democracy Advice Centre (ODAC), the South African History Archive (SAHA) and the Freedom of Expression Institute (FXI) do encounter instances where even well established and reputable NGOs who work with government departments on various projects request them to assist in making 'anonymous requests', for fear of losing a seat at the table or a foot in the policy formulation door. Organisations and researchers do this in order to shield themselves from a possible backlash from the departments they work with, should they be seen to be taking the 'confrontational step' of seeking the information in terms of PAIA. A clear demonstration of this is the fact that crime statistics continue to be seen as graces that are dispensed annually from Pretoria. Instead of taking the fight for this information to the Ministry of Police and from thence to the courts, you find local police stations slipping the information on the sly to the local community policing forums, local media, researchers and opposition politicians. It is an outrage that the public has to resort to these hush-hush arrangements while the country continues to boast a golden standard access to information law.

WHISTLE-BLOWING

Political leaders have given more attention to the whistle-blowing aspect of the right to information than to the access to information aspect. The former Minister of Public Service and Administration during the Mbeki

administration, Geraldine Fraser-Moleketi, is on record as saying blowing the whistle on corruption is a patriotic duty of every citizen. Her ministry supported the rollout of the Public Service Commission's extensive training project for government officials on the whistleblower protection legislation contained in the PDA.¹² The Minister of Justice under former President Kgalema Motlanthe, Enver Surty, is also on record as stating that whistleblowers have to be protected.¹³ Organisations that promote the protection of whistleblowers have been brought on board as partners with government and business in multi-sectoral initiatives such as the National Anti-Corruption Forum, where ministers of government and leaders from business and civil society meet as equals in determining and implementing the country's anti-corruption strategy.

Unfortunately some of Fraser-Moleketi and Surty's cabinet colleagues have let them down in practice. The most notable case was that of the former Minister of Correctional Services, who not only hounded whistleblowers out of the department, but also earned a stern rebuke from the courts for trampling on the right to information.

In one case Dr Paul Theron, a former sessional doctor at Pollsmoor Prison, and Mr Slingers, a nurse at Pollsmoor, reported poor medical conditions at the prison to the Judicial Inspectorate and to the Parliamentary Portfolio Committee for Correctional Services. This resulted in an inspection at the prison. The DCS reacted and Dr Theron was suspended from his sessional duty at Pollsmoor Prison for contacting the Judicial Inspectorate and the Portfolio Committee.¹⁵ Slingers was dismissed for not returning all expired medication to the pharmacy. ODAC brought an urgent court application against the Department of Health (DoH) to lift Theron's suspension and referred an unfair labour practice to the Bargaining Council. A settlement agreement was reached and DoH lifted the suspension, but told Theron that the Department of Correctional Services would not allow him to return to work. ODAC then brought another

urgent application against the Department of Correctional Services, asking for Theron's return to Pollsmoor Prison. The order was granted by the court. ODAC legal representatives accompanied Dr Theron to Pollsmoor so that he could report for duty, but he was refused entry to work. He was told that nobody senior enough was able to meet with him to allow him in, as they were not on the premises. The following day Theron again reported to Pollsmoor. ODAC tried to negotiate with the authorities but was told that DCS would not let Theron back as they wanted to appeal the interim order. More litigation between Theron and DCS ensued, including a defamation lawsuit by the former Minister against Dr Theron. Ultimately Theron won the case against his removal from Pollsmoor, but the fight against DCS took such a toll on his health and personal circumstances that he decided it would be better to move to a different public health facility.

POLITICAL WILL¹⁵

Many of the gains in the realisation and promotion of the right to information in South Africa were only achieved as a result of the tremendous tenacity of civil society organisations that saw access to information as a cornerstone of transparent, participatory and accountable governance. However, these efforts by civil society organisations would have been futile had it not been for the opening up of political space during the period of transition from the apartheid system to democracy. Unfortunately, post the liberation euphoria, the right to information regime has not been seen by political leaders as a means to strengthen democracy.

Looking back at the last eight years since PAIA and the PDA were enacted, the South African experience shows how important it is to maintain levels of political will after enactment of the law. It does appear that the executive assumed that passage of the law was in and of itself enough to promote access to information.

The best way of demonstrating political will in making an RTI law succeed is by allocating resources to the proper implementation of the law.

This has not been the case across the board in South Africa. Not enough resources have been allocated to supporting the access to information regime. For example, between 2000 and 2003 hardly any money was allocated to official public awareness campaigns on these laws.

There has not been a sense of strong political leadership on the compliance with, and implementation of, the PAIA. Throughout the nine-year term of his administration, former President Thabo Mbeki failed to make any significant public statements on PAIA, despite the fact that he had sponsored the enactment of the legislation as deputy president during the Mandela administration. None of the Ministers of Justice – five different ministers from the time the law was passed in 2000 to the present – have publicly expressed their views on the law. In fact, in private conversations some ministers have expressed an opinion that the law is a political liability for the ruling party, especially since some of the most prominent users of the law are groups that are considered to be their chief detractors, such as the Democratic Alliance, investigative journalists and NGOs such as the Treatment Action Campaign and the Institute for Democracy in South Africa (which, in its capacity as a pro-democracy watchdog, is given to asking the ruling elite what many perceive as rather uncomfortable questions regarding the conduct of the country's public affairs and state governance).

Related to the issue of the law being used by government detractors, is the incorrect perception held by senior government officials and political leaders that the law is an elitist instrument and therefore cannot be regarded as a national priority in terms of the government's development agenda. This is a spurious argument because it dismisses the fact that access to information is a cross-cutting issue that plays a significant role in the ability of poor communities to access public services and resources. This has been clearly demonstrated by groups and communities who have sought to use access to information in order to access and protect their rights to health services (e.g. anti-retroviral

medication for people with HIV/AIDS), housing, and clean and drinkable water.

CONCLUSION

In the field of socio-economic justice, RTI laws create a basis for contestation and justification of government's decisions on resource allocation. In the field of criminal justice RTI laws can create a means through which access to justice can be made easier and more meaningful. In both cases, RTI allows for a fair and reasonable manner of decision-making. In this area, the late Professor Etienne Mureinik's remarks are quite apposite:

If the new Constitution is a bridge away from a culture of authority, it is clear what it must be a bridge to. It must lead to a culture of justification – a culture in which every exercise of power is expected and justified, in which the leadership given by government rests on the cogency of the case offered in defence of its decisions, not the fear inspired by the force at its command. The new order must be a community built on persuasion, not coercion.¹⁶

The experience of the last eight years in the implementation of RTI laws in South Africa shows that while we can see in the horizon signs of the culture foretold by the good legal scholar, the walk across Mureinik's bridge is a mighty long one still.



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NOTES

- 1 A Puddephatt, Unpublished opening address at the 2nd Annual Open Democracy Review Conference held in Cape Town, South Africa on 10-12 October 2002.
- 2 Section 32 of the Constitution of the Republic of South Africa, Act No. 108 of 1996.
- 3 The Constitution of the Republic of South Africa was adopted in 1996 and came into effect on 3 February 1997.
- 4 The Protection of Personal Information Bill was released for public consultation on 14 August 2009.
- 5 This section borrows heavily from an unpublished country report on the implementation of RTI laws in South Africa compiled by the Open Democracy Advice Centre and commissioned by the World Bank, 2009.
- 6 Report on the Golden Key Awards 2009 by the South African Human Commission and the Open

Democracy Advice Centre, 2009. Johannesburg, 10-26; Public Service Commission State of the Public Service Report, Pretoria: PSC, 2006, 50.

- 7 Open Society Justice Initiative, Transparency & Silence: A Survey of Access to Information Laws and Practices in 14 Countries, New York: Open Society Institute, 2006, 47-48.
- 8 Report on the Golden Key Awards 2009, 10-26.
- 9 Open Society Justice Initiative. Transparency & Silence, 51.
- 10 M Dimba, Implementation of the Right-to-Information Laws by Criminal Justice Agencies, unpublished speaking notes prepared for the Open Society Foundation's Justice Leadership Roundtable meeting, Cape Town, 2009.
- 11 In *Treatment Action Campaign vs Minister of Correctional Services and the Judicial Inspectorate of Prisons*, 18379/2008, 30 January 2009.
- 12 L Ensor, Whistleblowing is a patriotic duty, says Fraser-Moleketi, *Business Day*, March 29, 2007.
- 13 F Rabkin, Legal cover for whistle-blowers, *Business Day*, November 26, 2008.
- 14 Theron's employer was the Department of Health but he was located within DCS. DCS demanded his suspension. When the matter went to the courts, the Courts found that both the DCS and DoH were to be regarded as Theron's employers and therefore assumed all responsibilities of an employer towards him. DoH lifted his suspension but DCS refused to allow him back within the prison grounds.
- 15 Unpublished World Bank report, Implementation of RTI laws, 2009.
- 16 E Mureinik, A Bridge to Where? Introducing the Interim Bill of Rights, *South African Journal of Human Rights*, 10(1) (1994), 31-32.

Dancing with the devil?

Participatory action research with police in South Africa

MONIQUE MARKS

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At the present moment, major changes are being proposed to the way that policing should be done in South Africa. These changes do not seem to be informed by any research agenda or by a long term strategic approach aimed at 'smarter policing'. This paper reflects on the possible partnerships that (academic) researchers and police could form with the shared objective of bring about change in police organisations. These collaborative research arrangements are undoubtedly difficult. Police and academic researchers continue to operate in silos and the two groups have distinctive institutional cultures, which are sometimes at odds with one another. However, as this paper tries to demonstrate, collaborative research is possible. This article is in many ways a personal reflection on my own research collaborations with the police using a participatory action research approach.

We have recently been informed through the mass media that policing in South Africa is likely to change dramatically in the near future. We are told that the police are likely to be remilitarised; that police should 'shoot to kill' with far less caution than current legislation allows for; and that our police service should now be called a police force. We have also been informed that municipal and city police will be incorporated into the SAPS to facilitate shared resources and to centralise accountability. Those critical of what lies ahead have provided a few reasons as to why these new proposals have been made. Suggestions include that key government actors are populist and that government is trying to put forward a strong hand in appeasing those who will be travelling to South Africa for the World Cup.

Another suggestion is that the proposed changes are what the police actually want, and that these changes will increase police morale and effectiveness. Given that there is so much uncertainty in

South Africa as to 'what kind' of police we want, this debate is likely to rage on. However, what we can conclude with some certainty is that these new proposals for 'beefing up policing' are not informed by evidence-based research. Nor are they the result of joint research partnerships between police (particularly at leadership levels) and researchers. This is lamentable because, as is the case with any practitioner enhancement programmes, 'good' policing results from collaborations between researchers and the police.

The status quo in South Africa (i.e. police planning in the absence of research collaboration) flies in the face of current international trends. In recent decades, across the world, collaborative working and research relationships between police and academics have become fairly common. Police and academic researchers have come together with the shared aim of making police more effective, developing crime combating strategies, and creating new and better educational avenues for the

police. In places like Australia and the United Kingdom these relations have been formalised through institutionalised links or through the creation of research institutes 'owned' by both police and researchers.

While there can be no doubt that there have been significant shifts in the nature of police/academic relations in the past decade, it would be wrong to assume that the real organisational and cultural differences that interfere with the collaborative enterprises between these two groupings no longer exist. The challenges that were noted by policing scholars from the 1960s remain real today. What has changed, though, is that police and academic researchers have become less alien to one another. Even so, they are not yet bedfellows.

This article argues that police and academic researchers can become real collaborators and friends with a shared commitment and mission. What I hope this paper demonstrates, through a very personalised account, is that deciding how one works with police (what approach or method to use) is informed as much by the outcomes one hopes to achieve as it is by the personalities of the researchers themselves. The personality of the researcher impacts on the nature and extent of change that s/he is able to effect in collaborative projects with the police. Secondly, while research work with the police should be oriented toward making the police more effective, more reflective, more oriented toward rights based policing, and better able to use their limited resources, change outcomes do not have to be dramatic. Change often occurs in small shifts rather than through dramatic rifts. Change comes from individuals doing and seeing things differently and acting as role models for others in their organisational world.

In this article I challenge common academic concerns about researchers developing an 'over-rapport'¹ with those they are trying to study. To the contrary, my belief is that good research relations and outcomes between police and academics unfold when researchers are prepared to mix various self-identities and be aware that they have multiple positionalities.² Being reflective

multi-dimensional people provides academics with a greater possibility of bringing about change within police organisations. Creating a space for multi-dimensional positionalities also provides police officers with the ability to make use of the privileged position that academics have as knowledge producers.

In writing I have engaged in a process of what Margaret LeCompte refers to as 'an ethnography of the mind'. In so doing, I have tried to determine what motivates us (researchers and police officers) in our engagement with one another, and how we remain acutely aware of our own interpretive and interventionist biases. We have had to subject ourselves to 'the highest form of disciplined honesty'.³

EXPOSING OUR MULTIPLE POSITIONALITIES

Over the past twelve or so years I have worked with police in a variety of different circumstances, both in Australia (where I lived for three years) and in South Africa. I will refer to two particular engagements with the police in this particular paper – my work with the Public Order Police (POP) unit and my engagement with the Police and Prison Civil Rights Union (Popcru). In both these engagements I have opted not to work as an outsider, but rather as someone who goes into the field to learn about the police world view and to share with the police concerned critical insights and observations informed by theoretical debates and research training.

In my view, being 'in the field' and being part of change processes is vital to really understanding the dynamics of an organisation like the police, or their representative bodies (the unions). The notion of praxis underlies my view of what good research is about. Research optimally should feed into social change. Effecting social change is only possible when worldviews come together, especially between unlikely collaborators like police officers and academic researchers.

What has this meant in real terms? It has meant being present with the police in good and bad

times. It means having to prove yourself as a researcher who is knowledgeable about your field, but also open to learning from the police. It means creating an environment where police and researchers are open to learn from one another. And, to achieve all of this, what is often required is a 'crossing over' from the researcher-practitioner relationship to relationships that embody friendship and even intimacy. Members of both the Durban POP unit (as it was then known) and of Popcru are my advisors, they are my sources of knowledge, they are my greatest critics, but they are also some of my closest and most trusted friends. This did not occur 'naturally' but rather emerged through working together as partners with shared concerns, prepared to acknowledge the challenges of our differing experiences, knowledge bases and points of view.

The challenge for police is to accept 'strangers' like academic researchers into a foreign world and to trust that they have their best interests in mind. For researchers, the challenge is to be in places that are sometimes uncomfortable, compromising and even dangerous. It means being able to find shared concerns but also to be able to confront with confidence by not acquiescing to a police mindset. Researchers are not there to simply service the police. They are there to challenge, to collaborate, to shift boundaries and create new ways of thinking and acting. In both my work with Popcru and with POP, an initial awkwardness led quickly to a sense of familiarity and a quick breaking down of any notion that academics lived in ivory towers far removed from the lives of ordinary people. But this only comes if both sides are prepared to embrace one another's humanity, their sense of commitment to better practice, and a willingness to respectfully tussle with one another's perspectives in ways that are non-defensive.

AN ALTERNATE WAY OF DOING POLICE RESEARCH – THE PARTICIPATORY ACTION RESEARCH MODEL

European police scholar, Maurice Punch, has argued for some time that ideally there should be

a positive and constructive engagement between the police and the universities. According to him, such an engagement would allow 'academics to scrutinise their theories in the "real" world, and policemen [to] test their practical experience against intellectual generalisations'.⁴ But until fairly recently, such 'ideal' relationships seldom existed.⁵ However, across the world, in the past ten or so years, the value of more collaborative and equalised relationships between police and academics has been promoted and even achieved. There are numerous examples of this.

In Australia, the Victoria Police have successfully exploited a uniquely Australian governmental research funding programme, designed to encourage university researchers to work with the public and private sector in the development of useful, applied research-based knowledge. Through this scheme the Victoria Police were able to collaborate with various academics (suitably successful in research track records and congenial to partnering them) in competitively applying for a limited set of federal government research resources.⁶

Another example is the Scottish Institute for Policing Research (SIPR). The SIPR describes itself as 'a strategic collaboration between twelve of Scotland's universities and the Association of Chief Police Officers in Scotland, funded by the Scottish Funding Council, offering a range of opportunities for conducting relevant, applicable research to help the police meet the challenges of the 21st century and for achieving international excellence for policing research in Scotland'.⁷

There are a number of other similar type institutions across the world. There are also many smaller scale structured collaborative arrangements between police organisations and academic researchers/departments whose aim it is to improve police practice and enhance security outcomes.⁸ Yet, even in places where great strides have been made, there are still a host of considerations that need to be accounted for in attempting to forge 'equal' research partnerships between police and academic researchers. Academics and police are still learning to work

together, to find common ground, and to see past the professional identity barriers. Three key challenges are likely to plague police/academic collaborations for some time to come, in South Africa and beyond.

In the first instance, there is likely to be ongoing strain between the police need for immediate action and the need of academic researchers for deeper, critical reflection.⁹ Consequently, researchers will have to reconsider what constitutes valuable outputs, while not having to abandon 'academic freedom'. Like the universities, police organisations will need to value long-term strategic visions alongside short-term interventions.¹⁰ Secondly, the research capacity on the part of the police may be limited. While police are well placed to identify problems, it may be more difficult for them to engage on an equal footing in research design. Their input into the types of methodologies and methods to be used might be restricted, as may their ability to actually conduct research. Third, and related to the second limitation, is the fact that police practitioners have little time for extensive reflection or writing about their work. This is particularly, but by no means exclusively, the case for rank-and-file police. Ongoing forums for reflection and analysis will better equip the police for independent reflection and may whet their appetite for such reflections in the future.¹¹

Very few researchers (whether anthropologists, sociologists, psychologists or criminologists) are tooled up for working collaboratively with, or for dwelling within the world of, 'others'. Researchers march into 'the field' armed with concepts and theories (if we are lucky), and usually with preconceived ideas about how things do or should work. For researchers to forge partnerships with police and to have a say in the changes that are required, calls for a very different approach. Researchers need to 'permit themselves to experience the reframing of the "really real"'.¹² This means letting go of concerns about objectivity and bias. It means moving away from deeply entrenched ideas that researchers should be detached and 'neutral'. It requires an active effort from both police and academic researchers

to remove the 'artificial boundaries between researcher, activist, teacher and person'.¹³

How researchers actually *do* participatory action research (PAR) varies. The 'doing' can include using ethnographic methods. But it can also involve more distant participant observation methods such as observing operations and events, facilitating joint problem-solving processes, and working with police members in thinking through future possibilities. Police and academic scholars can also jointly devise and analyse survey instruments. Whatever approaches and methods are used, working within a PAR framework means being flexible and adaptable in achieving shared change outcomes. The ultimate measure of good PAR is creating a space for police and academics to dialogue, and through this dialogue to analyse, reflect and challenge one another's point of view. Good PAR leads to shared theoretical frameworks for understanding, and strategies that 'fit' with such theorisation.

Those who follow a PAR approach tend to work from the inside of police organisations, rather than from the outside. They adopt mixed positionalities as they present sometimes as researchers, sometimes as advocates, sometimes as challengers and sometimes as change agents. I have come to realise that these are not contradictory positionalities, but reflect the different aspects of their personas as well as the changing requirements of working for change with police organisations. I have a deep appreciation for the knowledge and experience of police as active change agents. While I value theory driven interventions, I know that theories need to be interrogated by lived realities. I have also come to realise that to really understand police work and to contribute to making changes within it, requires an involvement with the police beyond in-and-out interviews or drop-in surveys.

Those who adhere to PAR frameworks work together with the police with a basic acceptance that police knowledge has an equal (though different) value to scholarly knowledge. A PAR approach allows for the possibility of practitioners and academics opening themselves to real

dialogue, to interpersonal conflict, to struggling (personally and professionally) to achieve shared outcomes. It encourages a mutual respect for one another's knowledge and capacities. To achieve this, significant amounts of time need to be spent together as researchers and practitioners. To do this effectively, both police and academic researchers need to let go of what Schweder refers to as 'presumptive universals'.¹⁴ Police need to be part of identifying the research programme, developing questions to be asked, analysing findings and problem solving. Police are not simply 'tellers of stories',¹⁵ they are also listeners and script designers. They are deliberators and knowledge producers, as much as they are knowledge beneficiaries.

PERSONALITIES AT WORK – REFLECTING ON THE UNTHINKABLE

Academic researchers enter police organisations with their own personal ethnographic histories. They are shaped by the people they work with, the ideas they are exposed to, and their broader personal experiences and preferences.¹⁶ The way we do research and the types of research endeavours we choose to engage in is as much dictated by our training and our knowledge base as it is by our individual personalities. The truth is that not all social researchers would choose to be out at night with paramilitary police units or toying with police unionists. Many would prefer to understand police/community relationships through documentary analyses or by doing archival research. And there are social researchers who adhere to the belief that researchers should maintain some distance from those they research to be able to provide 'objective' analysis. This is not an understanding of social research that I share.

If researchers are to choose to use a PAR approach they have to be prepared to practice what LeCompte refers to as 'disciplined subjectivity'.¹⁷ They must know what they bring to the research field, what they can cope with, and what the conscious and unconscious sources of their predispositions are. And the police need to

be comfortable with the personalities that researchers bring into their organisations.

The truth is that members of the POP unit would not have given the time of day to a researcher who was timid and not prepared to participate in the daily life (both the good and the bad) of the unit. In addition, given that the unit had not been open to researchers previously, a researcher who really wanted to understand and assist with change processes had to demonstrate integrity, *verstehen* (interpretive understanding) and a good knowledge of the policing field. Being a woman researcher in this police unit required me to share knowledge in an accessible way, while at the same time being somewhat flirtatious, and game for almost anything. Similar personality traits were important in my work with the police unions.

There are considerable consequences that might result from working collaboratively in research-based change processes with this approach in mind. It means that relationships that might have started off on a 'professional' basis might become highly personal. Equally, police and academics can find themselves in the unlikely situation of acting in solidarity with those previously considered the 'other', even the enemy.

I had to deal with these difficulties in my own work with the police. I began working with Popcru as a young academic activist who had often been on the receiving end of police brutality. I started out as an advocate for police labour rights, believing that police were workers and that police were more likely to respect the basic rights and freedoms of others if they were afforded these rights themselves. To work with the police unions (many of whose members had been part of the state police agencies at the height of apartheid), I had to find the 'good' in police officers.

In my early working years with Popcru, I had to prove that there was an alignment between my research interests and the goals of Popcru. Through my advocacy role and through contributing directly to policy and shaping

Popcru programmes, I became a 'friend of Popcru'. Through actively engaging with Popcru in research and policy programmes and participating in Popcru-led forums, I became a trusted collaborator. Through my years in doing research on, with and for Popcru I have found myself being called upon to assist with writing official documents such as annual reports, and even formulating speeches and press releases. The recent General Secretary of Popcru has even co-authored an article published in an international journal. This is not to say that the relationship has always been smooth. I have had heated debates with Popcru about their refusal to take a stand when the corruption case against former commissioner Selebi first emerged. I have argued with them about their political allegiances. I have been openly and publicly critical of their lack of proactive engagement in police and criminal justice policy. But the relationship holds because we share common goals and a commitment to a research agenda.

My 'cosy' relationship with the police union is somewhat unique in the South African context and has given rise to questions from other researchers and scholars about my 'over-familiar' relationship with the union. I have been interrogated about my sensibility in working so closely with police unions who are often viewed by ('progressive') researchers as being obstructive with regard to reform, and conservative in the demands they make. Despite these criticisms I remain an advocate for the police union movement, a position that is often not popular with policing scholars who align themselves with critical criminology.

Acknowledging these unspoken aspects of doing research with police with a shared vision of change (big or small) may raise eyebrows. But it is important to reflect on what makes collaboration possible, to think more about how as a researcher one is able to get close and personal with police in a non-instrumental way. Being flirtatious, being intrepid, being open to learning and to teaching are all traits that have opened up collaborative relations and enterprises. What is equally important, both from the perspective of the police

and academic researchers in collaborative endeavours, is to be able to confront with confidence.

Academics and police will not always be in agreement on the way they see the world, policing strategies or theoretical frameworks. Part of being able to work together across vast occupational divides is being confident about what you know, being flexible about what you can learn from one another, and being prepared to be confrontational when points of view conflict. For both police officers and academic researchers, real collaborative working relationships require taking risks, acknowledging weakness, feeling at home in each other's occupational spaces, and letting go of the need to monopolise knowledge production and truth. Lastly, working within a PAR framework requires all actors to be committed to developing the capacities of individuals and of the organisation.

SEARCHING FOR OUTCOMES – THE SMALL STUFF COUNTS

PAR has at its heart a concern with effecting change. This is achieved via the 'engagement of participants within and beyond the research encounter'.¹⁸ The broad anticipated outcomes of PAR approaches are participatory working arrangements, social improvement (better policing and enhanced security) and knowledge production (new ways of thinking and problem solving around safety issues). PAR outcomes reach far beyond academic papers and conference papers, opting rather for a focus on non-hierarchical knowledge.¹⁹

When we think about change as an outcome, this does not necessarily mean major structural or organisational change. As we are all aware, big-scale change is difficult to achieve. Getting all actors on board a participatory endeavour is difficult to achieve. This is especially the case in hierarchical organisations like the police where cultural and structural change is slow, always requiring authorisation and buy-in from those at the apex of the organisation. In trying to effect police organisational change, it is important to

work closely with powerful individuals. But the truth of the matter is that real power lies at the bottom of the police organisation, where professional discretion is used at the coalface of every-day street policing.²⁰ For any change to occur and take hold there needs to be joint thinking about outcomes and challenges, as well as oversight of projects between academic researchers and practitioners.²¹

Police organisational change should not be viewed as a parabolic leap in organisational structure, managerial style and strategic direction. Rather, change occurs in 'waves', in bits and pieces, in new little ways of thinking and acting which, if strung together properly, can buzz as exemplars of organisational innovation. What should be at the heart of PAR outcomes is identifying and establishing the conditions that allow for the introduction of new ways of thinking and acting on the part of individual and group members of the police, regardless of rank. For this to occur we need to focus on change from a micro-cultural perspective, and highlight that ways of thinking and ways of acting are mutually constitutive.²² In thinking of police as individual change agents it is important to employ research methodologies that promote the capacity of police officers to resist, accommodate and shape police organisational reform. PAR is premised on the belief that police cultural change is possible and that rather than coming necessarily from the top downwards, it tends to bubble upward and outward as small groups of police officers engage with new possibilities and reconfigured social arrangements.²³

Through working with Popcru and other police unions across the world, new sensibilities have been formed about the important link between police rights and democratic policing practice. Working with police union leaders in joint research projects has created the space for police unionists to think more critically about their programmes and their defensive stance with regard to change. Doing PAR with police unions from South Africa, Australia, New Zealand and the United States has led union leaders to rethink the role of non-state or auxiliary groupings in

creating safer communities. It has also created the space for police unions to open their previously closed organisations to the gaze of researchers.

My three-year engagement with the Public Order Police unit in Durban also led to more micro-level change. Over the years members of this very closed and maligned unit came to see that there was value in having an 'outsider' provide a considered view of what was taking place in the unit and what changes needed to still be made to reach 'transformation' policy goals. Discussions between myself and platoon commanders allowed for a consideration of alternate ways of managing platoons more in line with participatory values. My direct engagement, as an ethnographer, with all aspects of the unit's work, provided police with a new lens through which to understand academic researchers, not as distant cynics, but as engaged partners.

CONCLUSION

In South Africa we already have an excellent network of policing scholars and researchers, many of whom have worked very closely with the police and with police policy makers. What we lack, however, is discussion and reflection about how we do research with and on the police. What is equally missing is reflection on how we forge collaborations that lead to new and more thoughtful police practice and considered solutions to the significant problems of crime and social disorder that we face in South Africa.

What we are facing at present is a situation where police leaders and policy makers are developing plans without accounting for (or trusting) the possibilities that PAR type collaborations could bring. We are in a place where police officers on the street are receiving conflicting messages about what is expected from them. To overcome these problems we require police and researchers to commit themselves to participatory action research programmes aimed at more informed, smarter policing. This needs to occur at both the most localised level and the highest levels of decision making and planning. More 'in the field' research work needs to be done to understand the

dilemmas that the police face, and we need to share time and space with them to learn about what informs the decisions that they make. At higher levels, what is required is a policy think-tank made up of researchers, practitioners and politicians who can come together to identify problems, develop research programmes, interpret findings and strategise waves both big and small.

Our current crisis in policing is an indication that both police and researchers have failed to find ways of coming together to share knowledge, forge trusting and respectful partnerships and engage in robust debates without this leading to ruptures and fall-outs. I declare myself a failure in this regard as I retreat into my small academic world when I hear about 'new' regressive remedies (from the top) to old problems.



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NOTES

- 1 D Fuller, Part of the action, or 'going native'? Learning to cope with the 'politics of integration', *Area*, 31 (3) (1999), 221.
- 2 Ibid.
- 3 M LeCompte, Bias in the biography: Bias and subjectivity in ethnographic research, *Anthropology and Education Quarterly*, 18 (1) (1987), 43.
- 4 M Punch, Researching police deviance: a personal encounter with the limitations and the liabilities of field work, *The British Journal of Sociology*, 40 (2) (1989), 184.
- 5 J Brewer, *Inside the RUC: Routine Policing in a Divided Society*, Oxford: Clarendon Press, 1991.
- 6 See M Marks and D Bradley, Nexus Policing: Reflections and imaginings, Paper presented at the conference on Nexus Policing: Partnership for Safer Communities, hosted by the Victoria Police and The Australian National University, Melbourne, July 2008.
- 7 Available at <http://www.sipr.ac.uk/> (accessed 22 March 2009).
- 8 See for example M Innes, Reinventing Tradition? Reassurance, neighbourhood security and policing, *Criminal Justice* (4) (2004).
- 9 M Ainscow, T Booth and A Dyson, Understanding and developing inclusive practices in schools: A collaborative action research network, *International Journal of Inclusive Education*, 8(2) (2004).
- 10 Marks and Bradley, Nexus Policing: Reflections and Imaginings.
- 11 Ibid.
- 12 R Schweder, The surprise of ethnography, *Ethos*, 25 (2) (1997), 153.
- 13 Fuller, Part of the action, 223.
- 14 Schweder, The surprise of ethnography, 154.
- 15 R Eversole and R Routh, Collaborative research as an anti-poverty tool: a research partnership between police and indigenous Australians, *Development and Practice*, 15 (5) (2005), 633.
- 16 M LeCompte, Bias in the biography, 43.
- 17 Ibid.
- 18 R Pain and P Francis, Reflections on participatory research, *Area*, 35 (1) (2003), 46.
- 19 Ibid.
- 20 D Bayley, *Police for the Future*, New York: Oxford University Press, 1994; E Reiss-Ianni & F Ianni, Street cops and management cops: The two cultures of policing, in: M Punch (ed), *Control in Police Organization*, Cambridge, MA: MIT Press, 1983.
- 21 Pain and Francis, Reflections on participatory research, 46.
- 22 J Wood and D Bradley, Embedding partnership policing: What we've learned from the Nexus Policing Project, *Police Practice and Research: An International Journal*, 10(2): 133-144.
- 23 Ibid.

Race, class and violent crime in South Africa

Dispelling the 'Huntley thesis'

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Brandon Huntley was granted asylum in Canada earlier this year based on the argument that whites are disproportionately affected by crime in South Africa. The decision was generally condemned, but it did receive support from various groups and individuals including Afriforum, the Freedom Front and James Myburgh (editor of Politicsweb). In this article we show the flaws in Huntley's argument by presenting evidence from several sources that demonstrate that black and poor people are disproportionately the victims of violent crime in South Africa. We are concerned that painting whites as the primary victims of South Africa's social ills is unproductive, ungenerous and potentially hampers the appropriate distribution of resources to alleviate crime. Furthermore, in order to move the debate on crime in South Africa into a more productive direction, we also describe the Social Justice Coalition (SJC) – a relatively new community based organisation that aims to mobilise communities around improving safety and security for all in South Africa, regardless of race or income. Campaigning for novel pragmatic and coordinated community and government responses to the broader lack of safety and security in the country, the SJC focuses on the introduction and development of basic infrastructure and services as a means of reducing crime.

Everyone in South Africa is affected by crime, and the consequent sense of insecurity that comes with living in fear. Some encounter it directly, others through the experiences of friends and family, and just about all of us through news media, which routinely reminds us of the abundant violence that has come to characterise our society. Yet despite this collective concern, far too little has been done both to mobilise people across class, gender, national and racial barriers to advocate for improved crime reduction strategies; and to call on all people in South Africa to contribute personally towards creating safer communities. The recent case of South African Brandon Huntley, who earlier this year received refugee

status in Canada, has exposed the divided perceptions of crime across race and class. Huntley's lawyers reportedly convinced an immigration review board that 'the ANC government was failing to protect the white minority from criminal violence perpetrated by black South Africans'.¹ Consequently, 142 academics signed an open letter to the Charge d'Affaires of Canada in South Africa denouncing the decision, stating,

The outrageously distorted representation of contemporary South Africa does not square with the realities in our country, by any factual measure. While the crime rates in South Africa

are high as a consequence of numerous interrelated factors – many of which are the working through of the past brutalization of our society by the system of white supremacy, and none of which relate to inherent criminal tendencies in black people – it is simply untrue that white people are being targeted disproportionately. Black South Africans are much more likely to be victims of crime, largely because they are less able to afford the protections and security measures which most white South Africans, as still privileged citizens, are able to acquire.²

But Huntley's argument was sympathetically received by many in the white community. The Freedom Front Plus stated, 'For the ANC to label the decision of Canada to grant the South African, Brandon Huntley, asylum status, as racist, is in itself racist.'³ Afriforum is considering intervening as an *amicus* (friend of the court) in support of Huntley if his case is appealed.⁴ James Myburgh, the editor of *Politicsweb* (a popular political news and opinion website) has disputed the facts of the academics' open letter. He uses the findings of victimisation surveys to argue that contrary to the claim made in the open letter, it is in fact whites – and lately Indians – who are disproportionately affected by crime. Myburgh's argument is the most articulate presentation of what we call the Huntley Thesis: the argument that whites are disproportionately affected by crime (perpetrated by blacks).

In what follows, we present evidence suggesting that Myburgh and the advocates of the Huntley thesis are most likely wrong. We cannot definitively disprove it, because data on crime are incomplete and insufficiently categorised by race. Nevertheless, the available evidence, as far as we can determine, shows that although all races and classes in South Africa are unduly affected by crime, black and poor people are disproportionately affected.⁵ Myburgh questions why 'over a hundred of our top academics appended their signature to a document without (apparently) interrogating its factual accuracy?'⁶ We show that it was reasonable for the

academics' letter to state that 'black and poor people are much more likely to be victims of crime,' particularly if one infers, reasonably, that they were referring to serious and violent crime.

It would be fair to assert that the vast majority of society acknowledges that crime affects all races and classes, but it is also our duty to acknowledge that it affects some more than others. We can think of two reasons for making this point. Firstly, it has a bearing on where resources for alleviating crime should be concentrated. Currently financial resources for the crime response (much of it private – approximately R46 billion per year⁷) are primarily spent on affluent areas. Secondly, the view that whites are being disproportionately victimised needs to be debunked. Whites are not the primary victims of South Africa's social ills, and propagating the view that they are encourages ungenerous politics that refuses to acknowledge the responsibility whites have to address past wrongs. This is epitomised by Huntley's case.

WORKING TOGETHER TO CREATE SAFER COMMUNITIES

The use of populist rhetoric and unsubstantiated claims when addressing the issue of crime – or any other social issue, for that matter – is dangerous and irresponsible. It fosters a deep fear and mistrust along class and racial lines and ignores the legacy left by apartheid. It hampers integration, promotes racism (amongst black and white), and supports inequality – all of which often morph into the fear and contempt that ultimately leads to the failure of individuals and the state to discuss and address the root causes of critical social issues.

A new approach in garnering productive community and state responses to crime is currently being piloted by the Western Cape-based Social Justice Coalition (SJC), a grassroots organisation formed in 2008 as a response to the xenophobic violence and subsequent displacement and mistreatment of thousands of immigrants. Its membership has grown steadily,

and includes people from an array of economic and racial backgrounds, stretching from Green Point – the well known, gentrified and affluent 2010 World Cup host suburb – to Khayelitsha, a lesser known and underdeveloped poor working class area. The 20 kilometres separating these two areas are relatively inconsequential for they are truly worlds apart, yet the respective residents regularly sit down together to discuss their concerns, most of which are shared.

One year on, the SJC focuses on working towards safety and security for all – citizen and immigrant, white and black, rich and poor. The SJC's campaign work is fundamentally based on the understanding that ensuring safety and security requires active citizens and communities, an understanding of the law and its application, and a more pragmatic state approach than the oft-held disproportionate focus on criminal justice. Improving the quality of the justice system and police service is understood to be important, but street lights, access to proper ablution facilities, after school child care, and pedestrian friendly streets can significantly improve the lives of many, and lead to a lower incidence of exposure to crime. Community members engage with each other, local policy makers and members of the legal/policing fraternity on a regular basis through lectures, workshops, awareness drives and campaign work.

The bulk of the SJC's membership resides in Khayelitsha, where just 38 per cent of inhabitants live in what are loosely defined as 'formal structures',⁸ 20 per cent live with immediate access to water,⁹ 65,1 per cent with access to flush/chemical toilets, and a significant number without electricity¹⁰ Unemployment is currently estimated at over 50 per cent.¹¹ Very few homes are serviced by functioning streets or lighting; and the landscape constantly changes due to flooding, fires and migrant labourers looking for work in the city, rendering it difficult to protect residents and police the area.

The SJC's provincial office in Khayelitsha attempts to actively assist victims of crime and poverty on a daily basis. Women are frequently

beaten and raped walking to the toilet or fetching water from taps not more than 50 metres from their homes, children are routinely injured or killed by cars and taxis that hurtle through their backyards, alcohol abuse is rife, illness and death from waterborne diseases such as diarrhoea are common, houses are frequently lost to fire and flooding, and contact crime is ever present. These burdens pervade every crevice of a township that is overwhelmingly black and poor,¹² but are often accepted as being part of everyday life. Little faith or trust is instilled in the police or the courts and residents see the situation as being impervious to any response instigated by government or the community.

The inadequate provision of these and other basic amenities, along with failures in the criminal justice system, serves to exacerbate the broader deficit in safety and security, and results in several constitutional rights being routinely violated (this is true everywhere but particularly in poor areas). For instance: Section 12 of the Bill of Rights, which refers to freedom and security of the person, calls for all 'to be free from all forms of violence from either public or private sources'.¹³ The sense of insecurity and heightened risk levels in Khayelitsha contribute to the broader generation of victims and perpetrators of violent crime.

Our arguments against Myburgh's articulation of what we have called the Huntley thesis follow below.

GAUGING THE DISTRIBUTION OF CRIME

Myburgh relies on national victimisation surveys (NVSs) produced by the Human Sciences Research Council (HSRC),¹⁴ Institute for Security Studies (ISS),^{15,16} and Markinor¹⁷ as the fundamental basis of his argument.

Michael O'Donovan, author of a paper on the ISS's most recent NVS (cited by Myburgh), notes how 'opinion surveys cannot, by any stretch of the imagination, provide an objective measure of changes in crime rates',¹⁸ and that they are important insofar as they reflect 'respondents'

beliefs'. It is imprudent for researchers or policy makers to rely solely on these methods and results to estimate the extent and nature of crime. Numerous contradictions between opinions and reality routinely arise that warn against using such data irresponsibly. As O'Donovan points out, these '[contradictions] point to the limits of generalising victimisation surveys to the population as a whole.'¹⁹

Taking simplified snapshots from victimisation surveys will ultimately fail to provide an adequate yardstick or gauge of the distribution of crime. By extension, using opinions to extrapolate the extent of actual crime (by using 'crime' as a uniform variable) will always fail to distinguish between serious violent crime and less invasive property-related crime. Practitioners of these surveys assert that differentiation does take place, but the inclusion of sample questions that ask whether someone has been a 'victim of crime' – as included in the 2007 ISS and Markinor surveys – can be very misleading when used in isolation. Myburgh's analysis thus fails to differentiate between crime categories (and the severity thereof); assumes that respondents are homogenous and equally responsive to questioning; and uses such findings as evidence to argue that particular groups are being disproportionately affected. There is sufficient additional evidence to doubt the ability of NVSs to support this conclusion.

Firstly, the very concept of crime or criminality can be relatively subjective, as indeed is the case with 'victimhood'. Some respondents to NVSs classify the *threat* of violence as a criminal act, while others might only classify its *use* as criminal.²⁰ In addition, the distinction between perpetrator and victim can also be somewhat blurred in cases such as assault.

Secondly, there is strong evidence showing that reported victimisation levels tend to increase with education, which is obviously (and particularly in South Africa) linked to income. A study in the United States showed that people with university degrees recalled three times as many assaults as those with a high school education.²¹ It is

conceivable that over-exposure to a particular crime category amongst certain NVS respondents (in this case people with little education) may result in lesser infringements – such as assault – not qualifying as 'criminal'. This has also been observed in studies illustrating how various developed cities/countries have produced higher victimisation rates than poorer countries with higher levels of recorded crime.²²

Thirdly, reporting of property-related and violent crime tends to differ significantly, based on various circumstances. When a given sample is questioned on exposure to violent interpersonal crimes such as assault and sexual abuse (particularly when it involves a non-stranger), the results are likely to reflect a significant under-reporting of actual exposure, due to a reluctance to report sexual abuse, child abuse, general assault and domestic violence.

Moreover, there might be differences in the way poor and relatively wealthy respondents perceive property-related crime. Relatively wealthy people have more items of value, and are able to afford insurance, which requires reporting such crimes to the authorities. This might mean they are more likely to be conscious of, or remember, thefts they have experienced in the period covered by the NVS.

We think it fair to conclude that, while victimisation surveys provide some illustration of the level of fear and the extent of crime as a loosely defined variable, they cannot be used on their own to conclude who is worst affected and by extension, which group is most in need of intervention. They might work to a very limited extent with regard to property crime, but are unable to adequately shed light on incidence of assault, attempted murder and sexual abuse.

WHAT THE STATISTICS TELL US

We have looked at several sources in an attempt to break down crime by race. Given the impossible task of accurately quantifying the level of serious crimes (including sexual offences and assault) using official statistics – due both to under-

reporting and poor or unavailable police data – the best indicator we have to gauge the level of violent crime is death by non-natural causes, and homicide rates in particular. And while assaults and even attempted murders may often go unreported, very few murders do.

In 2008/2009 18 148 people in South Africa were murdered. This amounts to 37,3 people per 100 000, or just under 50 per day.²³ The evidence we have examined indicates that the victims are disproportionately African and coloured working class people. Young men are also disproportionately represented in the murder statistics. We examined Statistics South Africa (Stats SA) mortality data to determine the breakdown of murders by race. Our analysis is inconclusive but it indicates that victims are disproportionately Africans and coloureds.

Stats SA has released several mortality reports since 2000, one of which provides data on unnatural deaths broken down by race.²⁴ This report published the results of a detailed analysis of a 12 per cent sample of death notification forms from 1997 to 2001.²⁵

There is no specific murder category. Instead we examined unnatural deaths, which includes murders, suicides, motor accidents, poisonings, etc. The largest category of unnatural deaths is unfortunately titled 'Unspecified'. Until 2000 'unspecified' was the largest cause of death overall, after which it was overtaken by AIDS. Table 1 shows the percentage contribution to the South African population for each race during this period. Table 2 shows the unspecified unnatural deaths broken down by race in the sample. As can be seen, the race groups are affected by crime in approximately equal proportion to their contribution to population. However, the data are very limited because an additional 13 946 unspecified unnatural deaths, i.e. 45 per cent, were classified as 'other or unknown' race.

Nevertheless, one category of unnatural death does indeed shed light on the relative

Table 1: Percentage contribution to South African population for each race 1997-2001²⁶

Race	% contribution
African	76,7
Coloured	8,9
Indian	2,6
White	10,9

Source: Stats SA

Table 2: Contribution by race towards unspecified unnatural deaths 1997-2001

Race		% contribution
African	13 100	78,06
Coloured	1 730	10,31
Indian	325	1,94
White	1 627	9,69
TOTAL	16 782	100

Source: Stats SA

Table 3: Male deaths by assault 1997-2001

Race		% contribution
African	1 230	81
Coloured	209	14
Indian	18	1
White	54	4
TOTAL	1 511	100

Source: Stats SA

proportion of murders per race group: death by assault.

Table 3 shows deaths by assault for males broken down by race. This shows that African and coloured men are disproportionately affected. However, again an additional 432 deaths in this category were classified as 'other or unknown' race.

Myburgh quotes what he regards as a racist statement towards whites by the late Dullah Omar in February 1999. He then writes: 'It is an open question whether [the ANC's] racialist propaganda would have given the green light to criminals to cross over the colour line en masse.'²⁷

It is far-fetched to imply that an obscure statement by a minister would have been sufficient to encourage cross-racial crime. But furthermore, evidence from the Stats SA report shows this cannot be the case. Unnatural deaths are decreasing, or at worst stabilising (and this is confirmed by follow-up Stats SA reports and police murder statistics) amongst all groups. Myburgh's implied theory of increased attacks on whites due to the ANC's racial rhetoric is consequently unfounded.

More compelling data come from the Medical Research Council (MRC). In an investigation into female homicide rates in South Africa in 2004,²⁸ the MRC used national mortuary data to determine that 2,8 of every 100 000 white women die as a result of murder, whereas 8,9 Africans and 18,3 coloureds meet the same fate. This shows, that at least for women, Myburgh is very likely wrong and the academics are right. Black women are disproportionately murdered.

Another recent study by the Centre for The Study of Violence and Reconciliation (CSVR) analysed homicide rates in high-risk areas in Kwazulu-Natal, Western Cape, and Gauteng,²⁹ using a representative sample of police dockets. Of the sample 85 per cent of homicide victims were black, nine per cent were coloured, five per cent Asian and one per cent of victims were white.

CAPE TOWN: A CASE STUDY

Cape Town is the South African city that best exemplifies the uneven distribution of resources that renders this country one of the least equal societies in the world in terms of income.³⁰ Its demography is stratified more than any other city along geographic lines – a remnant of the Group Areas Act. It also happens to fall into one of the most violent provinces in the country, and is the city in which Huntley resided. We have analysed Cape Town's crime data to illustrate the extent of serious and violent crime, and who is most affected by it.

A recent study carried out by the City of Cape Town³¹ contains a breakdown of crimes under

investigation by each police district in the year 2007/2008. The results indicate a significant disparity between homicide and rape cases in low-income areas when compared to wealthier and traditionally white communities. It was found that of the 58 police districts in the city, five police districts account for over 44 per cent of murders – Nyanga (13,18 per cent), Harare Khayelitsha (8,67 per cent), Khayelitsha (8,47 per cent), Gugulethu (7,58 per cent), and Delft/Belhar (6,1 per cent).³² This is illustrated graphically in Figure 1.

A similar scenario emerges with rape cases: Five police districts account for 34 per cent of reported rape cases, Nyanga (7,97 per cent), Harare (6,91 per cent), Mitchell's Plain (6,83 per cent), Khayelitsha (6,75 per cent) and Delft/Belhar (5,28 per cent).³³ This is illustrated graphically in Figure 2.

Looking at these graphic representations we can immediately tell that for both rape and murder, the lowest number of reported cases occurs along the Atlantic Seaboard (Camps Bay, Sea Point, etc); and along a corridor of affluence that stretches from Simon's Town in the south to the prosperous southern suburbs (Constantia, Claremont, etc.), and then east through the northern suburbs to the city limit. There is indeed a higher incidence of rape and murder cases in certain areas in the northern suburbs that include middle-class white and coloured suburbs, but this can be explained by the fact that they are large geographic areas that also include large poor and working class communities.

Property crime is the exception to the rule, although rather than targeting whites or minority groups (as argued by Huntley and Myburgh), perpetrators tend to target areas that are economic hubs, and areas that are adequately saturated with consumers. The main areas affected by business crimes include the city centre, Bellville, Mitchell's Plain and Parow – all of which have numerous shopping centres and businesses and vary in terms of racial composition.

When using another dataset compiled by the MRC in cooperation with the City of Cape Town³⁴

to conduct a broader analysis by sub-district, considerable disparities in the rates of fatal injuries occur across all categories (Figure 3). Most striking is the comparison of homicide rates – from the relatively low levels of under 26,1/100 000 population in the southern district to 110,5/100 000 in Khayelitsha. The former encompasses some of Cape Town's wealthiest residents and a large white population, while the latter contains some of its poorest residents, and is predominately black. These areas also correspond in terms of the lowest and highest rates of road traffic fatalities, which further highlights the effect that a lack of physical infrastructure can have on community safety.

CONCLUSION

As we have emphasised, the data are incomplete and the evidence not conclusive. Nevertheless, the available evidence indicates that the burden of serious crime is disproportionately absorbed by black and poor South Africans. Brandon Huntley's argument to Canadian immigration authorities is not supported by available facts.

Fighting over resources is unlikely to produce positive results for anyone, but it is our duty to acknowledge the realities of our past and present if we are to succeed in creating a safe and secure future for all people living in South Africa.

Figure 1: Spatial distribution of reported murders by police precinct (2007/08)³⁵

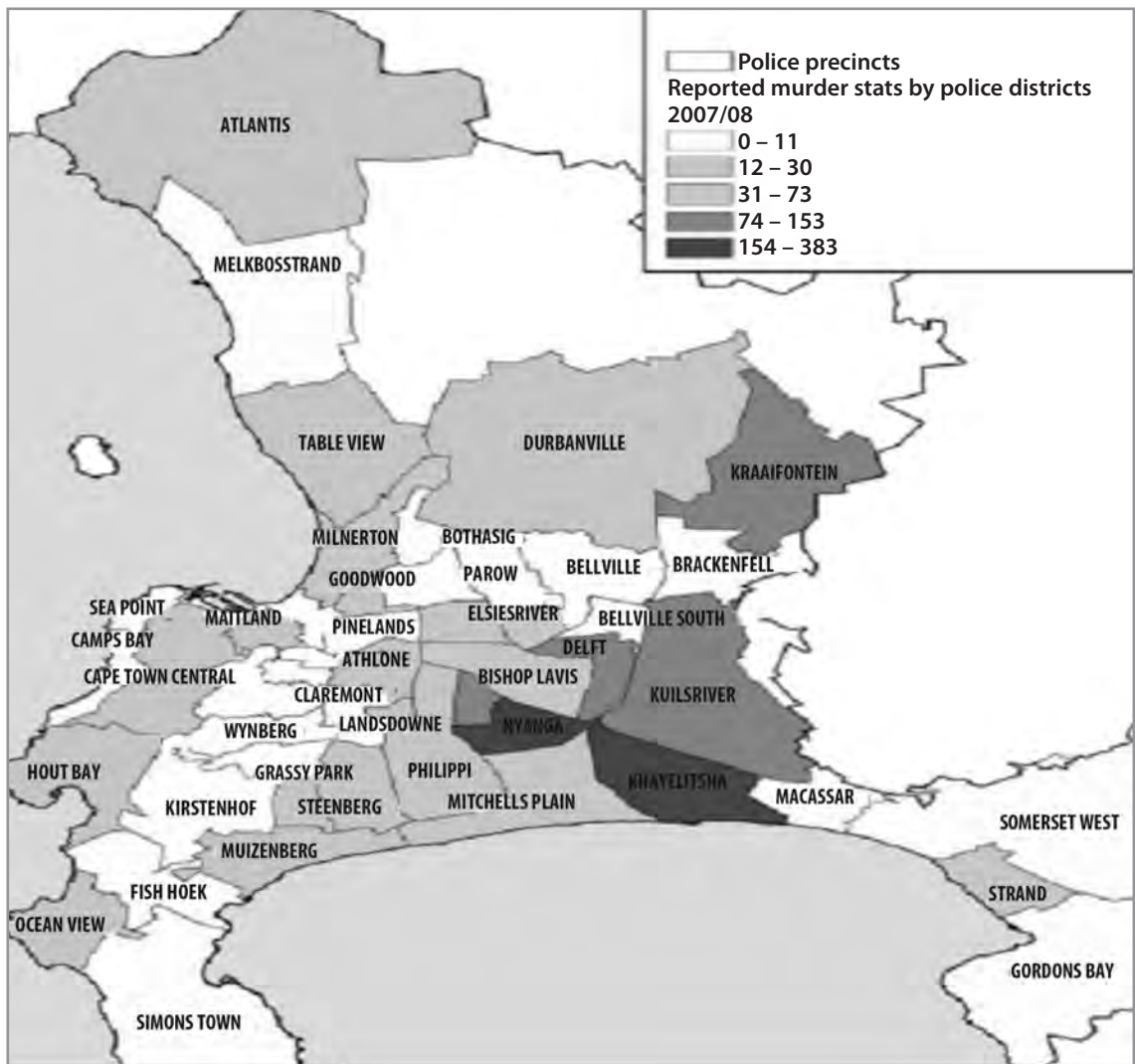


Figure 2: Spatial distribution of reported rape by police precinct (April to December 2007)

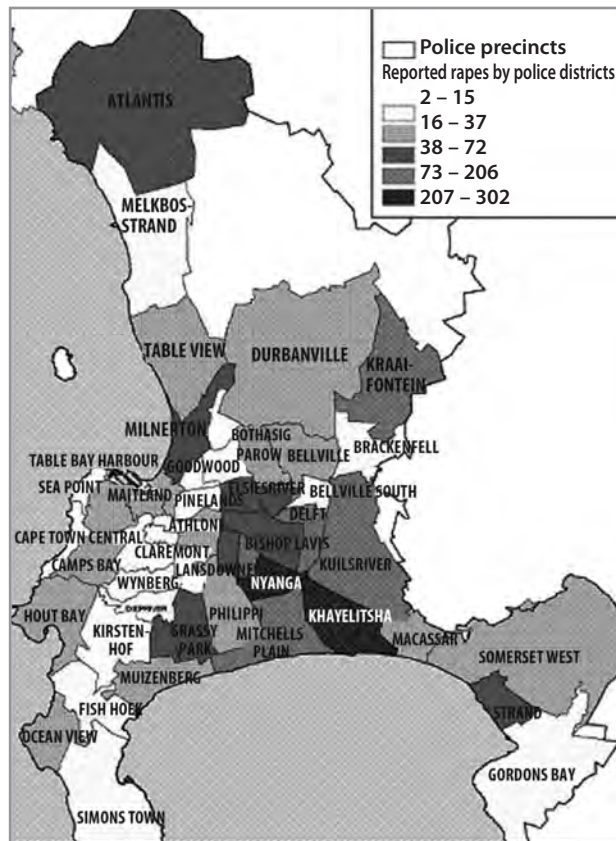
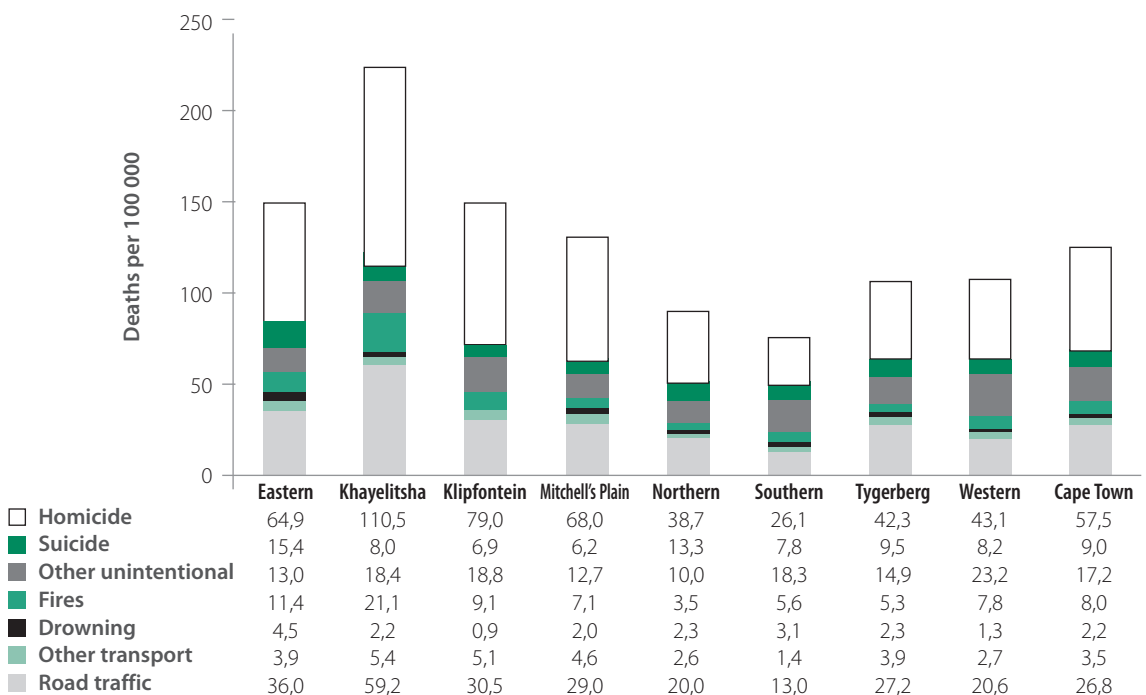


Figure 3: Age-standardised death rates (pooled estimates) due to injuries by sub-district, Cape Town 2003, 2004, 2006³⁶





NOTES

- 1 J Myburgh, Did 142 academics & others get it wrong on crime, 2009, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=143475&sn=Detail> (accessed 15 October 2009).
- 2 Open letter to the Charge d'Affairs of Canada in South Africa (undated). Available at <http://www.politicsweb.co.za/view/politicsweb/en/page71651?oid=143169&sn=Detail> (accessed 17 November 2009).
- 3 Freedom Front Plus Statement on Politicsweb. ANC Racist About Asylum Status in Canada – FF+, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=141668&sn=Detail> (accessed 10 October 2009).
- 4 Afriforum Statement on Politicsweb: Afriforum Seeks To Intervene In Canada Asylum Case, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=142486&sn=Marketingweb+detail> (accessed 10 October 2009).
- 5 Ninety per cent of people under the poverty line (earning less than R924pm) are black.
- 6 B Holtmann, Breaking the Cycle of Crime and Violence: Essential Steps to a Safe South Africa, 2009, <http://www.safesouthafrica.org.za/the-model.html> (accessed 13 October 2009).
- 7 Myburgh, Did 142 academics & others get it wrong on crime.
- 8 Sub-Directorate Population Development in the Research and Population Directorate Department of Social Services and Poverty Alleviation, The Population Register Update: Khayelitsha, 2006.
- 9 Statistics SA, Census 2001: Census in Brief, 2001.
- 10 Ibid.
- 11 City of Cape Town data referred to in Poswa and Levy, Migration study in Monwabisi Park (Endlovini), Khayelitsha, City of Cape Town, 2006.
- 12 Statistics SA, Census 2001: Census in Brief.
- 13 South African Constitution, Bill Of Rights, Section 12, 1996.
- 14 R Humphries, Crime, National Opinion Survey, Human Sciences Research Council, 1999.
- 15 B Burton et al, National Victims of Crime Survey South Africa 2003, *ISS Monograph* 101, July 2004.
- 16 National Victimisation Survey, Institute for Security Studies, 2007.
- 17 M Harris & S Radaelli, Paralysed by fear: Perceptions of crime and violence in South Africa, *SACQ* 20 (2007).
- 18 M O'Donovan, South Africans' perceptions of the police and the courts: Results of the 2007 National Victims of Crime Survey, *ISS Occasional Paper* 176, December 2008.
- 19 Ibid.
- 20 Ibid.
- 21 W Grove et al, Are Uniform Crime Reports a Valid Indicator of the Index Crimes? An Affirmative Answer with Minor Qualifications, *Criminology* 23 (3) (1985).
- 22 Ibid.
- 23 SAPS, 2009 at http://www.saps.gov.za/saps_profile/strategic_framework/annual_report/2008_2009/2_crime_situation_sa.pdf
- 24 Causes of death in South Africa 1997-2001: Advance release of recorded causes of death, Stats SA: 2002.
- 25 Nathan Geffen used this report to debunk Rian Malan and, by proxy, President Mbeki's pseudoscientific views on AIDS statistics. See http://www.tac.org.za/newsletter/2004/ns20_01_2004.htm (accessed 20 October 2009)
- 26 Myburgh, Did 142 academics & others get it wrong on crime.
- 27 State of South Africa's Population Report 2000, 73, <http://www.info.gov.za/otherdocs/2000/population.htm> (accessed 20 October 2009).
- 28 S Mathews et al, A National Study of Female Homicide in South Africa, MRC Policy Brief 5, 2004.
- 29 Streets of Pain, Streets of Sorrow, CSVR, 2008.
- 30 H Bhorat, Business Report 2009, <http://www.busrep.co.za/index.php?fSectionId=552&fArticleId=5181018> (accessed 15 October 2009)
- 31 J Gie, Crime in Cape Town: 2001-2008, A brief analysis of reported Violent, Property and Drug-related Crime in Cape Town, City of Cape Town, 2009.
- 32 Ibid.
- 33 Ibid.
- 34 P Groenewald et al, Cause of death and premature mortality in Cape Town, 2001-2006. Cape Town: South African Medical Research Council, 2008.
- 35 Gie, Crime in Cape Town: 2001-2008.
- 36 Groenewald et al, Cause of death and premature mortality in Cape Town, 2001-2006.

On the record...

Interview with Judge Deon van Zyl, Inspecting Judge, Judicial Inspectorate of Prisons

In October the Judicial Inspectorate of Prisons (JIOP) released its annual report for 2008/9.¹ In this interview the Inspecting Judge, Deon Van Zyl, spoke to Chandré Gould about the report and about key problems identified by the JIOP.

Chandré Gould (CG): Many of the problems identified in the JIOP's annual reports over the past five years at least remain consistent, year in and year out. How will the JIOP hold the DCS and other relevant departments accountable for attending to the problems identified and implementing the recommendations?

Judge Deon van Zyl (DvZ): Well the moment you say 'hold accountable' I have to react and say that there is no way we can hold them responsible because that is not our mandate. We would hope that they would react because they would like to receive a more positive report the next year. But we cannot hold them responsible.

CG: Isn't that a problem?

DvZ: Well, to an extent it is. As a judge you can make a ruling in a case; but our mandate is quite circumscribed by the Act. We can report on Correctional Centres and on the treatment of inmates and anything related to that, but we cannot require a particular response. We report to the Minister and to the Parliamentary Portfolio Committee on Correctional Services and we will bring the report to the attention of the Deputy Minister and to provincial MECs, but it is up to them to act.

CG: One of the problems seems to be that recommendations made by the JIOP are not acted on; and even legal requirements (e.g. for prisons to report segregation and solitary confinement) are not adhered to. What are you going to do about this?

DvZ: Well, once again the best we can do is report this. As things presently stand we do usually get an immediate reaction. The head of a centre does not want to be investigated by his head office and therefore they tend to react quickly when we bring a matter to their attention. I have experienced very few problems in this regard.

CG: The JIOP and the Independent Prison Visitors (IPVs) visit prisons, but there are no published minimum standards against which conditions in correctional centres can be measured. For example when visiting a prison, how do the IPVs or the JIOP determine whether a health care system is good or bad – are there set standards against which this can be measured?

DvZ: We have certain benchmarks against which conditions in correctional centres are measured, most noticeably the Correctional Services Act 111 of 1998, the Regulations and the White Paper. IPVs are given these benchmarks when they are appointed, and they report against them. We do get a good idea from their reports about the conditions in specific centres. There are 237 operational correctional centres and we deal with a large number of reports. Generally though, I believe that we have a good idea of what is going on and we report that to the Minister.

We do find that conditions vary tremendously between prisons.

CG: Is this because of variable competence of heads of prisons?

DvZ: It has more to do with resources and the extent to which money is being spent on a particular centre. For example, prisons are reliant on the Department of Public Works to come and do repairs. Sometimes prisons have to wait months or even years before the Department of Public Works responds. In that situation the heads of centres may be excellent but there is little they can do. They can't compel the Department of Public Works to act.

In our report we do point out which centres function well, and why, and readers can draw comparisons from that. Of course the human element always plays a role, but it is not the only thing that affects the quality of a centre. We try to distinguish between centre-specific problems which are experienced at some correctional centres, and so-called systemic problems such as lack of rehabilitation programmes, work opportunities, shortage of staff, etc. which are problems being experienced at almost every correctional centre in the country.

CG: How will the JIOP use its existing and expanded mandate to stop torture in prisons?

DvZ: When you speak of torture it is something that is very clearly defined in international law (in the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention against Torture). In my experience over the past 18 months I have not encountered anything that could be defined as torture. I haven't been persuaded that there is a problem of torture in South African prisons. Of course there may be incidents that are not brought to our attention, but I don't believe that this is a problem at this stage. It may be that conditions under which inmates are held could amount to torture, but even in this case I have no reason to believe that conditions are so bad at any of our prisons.

CG: How do you see your role in investigating and reporting on corruption?

DvZ: Well before the previous amendment to the Act, the whole question of corruption in the Department of Correctional Services was something to which the JIOP had reference. Just before the Jali Commission of Inquiry Judge Fagan (the then Inspecting Judge) was requested to look into the problem of corruption. As it is now the Act only indirectly refers to corruption and we don't see the investigation of corruption as our role, unless there is a direct link between corruption and the treatment of inmates.

CG: You refer in the introduction to the Annual Report to the fact that the large number of Awaiting Trial Detainees (ATDs) is the greatest contributor to overcrowding. You say that many of these ATDs are people who are remanded in custody on the basis that the police are supposedly undertaking investigation into their role in a crime. Yet, you say that 'in a substantial number of cases the person is later released because there is not sufficient evidence of their involvement in the crime'. This is something that clearly needs to be addressed, but the responsible authority would be the police. What will you be doing about this problem?

DvZ: I think that the way in which arrests are being carried out leaves much to be desired. The Criminal Procedure Act only allows for a person's freedom to be curtailed through incarceration if there is a reasonable suspicion that he or she has been involved in a crime. As it is now people are being arrested left, right and centre because they are in the vicinity of a crime; then a long and drawn out investigation ensues. In many cases people are being arrested when there is not proper justification for the arrest. This is very serious. The right to freedom is a constitutional right and the curtailment of freedom should be a measure of last resort.

The problem is that at the present stage police performance is generally measured by the number of arrests that are made, whereas the Department of Justice (DoJ) measures success by the number of convictions achieved. There is a huge difference between these two approaches. Only a tiny percentage of arrests (I mean single

digit) eventually result in conviction and this is not being properly addressed. The DCS can't do anything about this, but the Department of Justice can.

When someone is arrested they have to appear before a magistrate within 48 hours of being arrested. It is the magistrate's job to determine whether there are good reasons for the person having been arrested in the first place. This is not happening. Now the prosecutors (who are also officials of the DoJ) ask for a postponement at the first appearance on the basis of the need for further investigation. I'm not convinced that the prosecutors are checking whether the investigations are actually taking place and whether they are making any progress. The investigating officer (a police member) should satisfy the prosecutor that there is an investigation under way and that it is making progress. The prosecutor must in turn convince the magistrate of this. If a postponement is then granted it is essential, at the resumed hearing, that the test should be applied even more stringently. Yet in practice there are multiple postponements, and I am not convinced that either the prosecutors or magistrates are ensuring that there is progress in the investigations.

This is even worse when there are children involved. I was recently at Grootvlei prison in Bloemfontein where there were 14 and 15 year-olds who had been in detention for up to a year while investigations were apparently going on. This is in direct conflict with a child's right, in terms of section 28(1)(g) of the Constitution, not to be detained except as a measure of last resort and then only for the shortest appropriate period of time. The only basis on which continued incarceration should be permitted is where there is strong *prima facie* evidence that the child was involved in a crime and there is evidence of progress in the investigation.

This is a huge part of the ATD problem. I believe that the ATD population can be reduced by 50 per cent if proper procedures are followed. That is why the relevant cluster (DCS, Police and DoJ) must direct its attention unequivocally to making

progress. The cluster meets regularly but it seems that much time is spent on discussion and too little on action.

Members of the Judicial Inspectorate regularly attend High Court and Lower Court case management meetings but these are not always useful or productive. In my respectful view there is not sufficient achieved at these meetings, which are frequently time-consuming and expensive. But they are not as expensive as keeping detainees in prisons. Bear in mind that it costs about R70 000 to keep a detainee incarcerated for a year. If they are detained for a year or more and then released, there will necessarily be a huge waste of taxpayer's money.

Section 105A of the Criminal Procedure Act makes provision for plea bargaining and alternative sentences, especially in cases of lesser offences, e.g. first time offences and petty offences. Such offenders should not be incarcerated. If they are prepared to plead guilty they could, for example, be sentenced to community corrections or victim compensation, in which event they would be enabled to make amends to the community for the offences they have committed. This is the essence of restorative, as opposed to retributive, justice. I am not sure that judicial officers are considering plea-bargaining sufficiently. Until they do so they will generally impose custodial sentences rather than alternatives and the problem of overcrowded prisons will continue.

I've been in contact with the Minister and Deputy Minister of the DCS, and also with the Deputy Minister of Justice, about these matters. I hope also, in the course of time, to exchange ideas with the Minister of Justice and the Minister of Police. Such meetings can be extremely informative and useful.

CG: You also refer in the Annual Report to the fact that there has been a marked increase in the number of inmates serving sentences in excess of five years (from 49 per cent in 1998 to 67 per cent in 2009) and a growth of 1 023 per cent in inmates serving life sentences. You suggest that

there is a need to develop accurate forecast models. Yet it seems as though the root of this problem is the minimum sentencing legislation?

DvZ: Absolutely. The forecast is meant to deal with the huge influx of long-term inmates. But, there should not have been such a huge increase of inmates with long sentences in the first place. The legislative determination of the length of a sentence is, in my respectful view, totally unacceptable. Numerous calls have been made, by judges and other lawyers, for the repeal of the minimum sentence legislation, but unfortunately it still continues and with it the increasing number of long-term detainees.

Judges who have heard all the evidence in a case are, generally speaking, in the best position to apply their discretion and to decide on an appropriate sentence. The statutory determination of minimum sentences must of necessity interfere with the exercise of judicial discretion, which constitutes one of the most important functions of a judge. It is quite correct that different judges may impose different sentences. If, however, the sentence should be regarded as inappropriate, there are a number of safeguards, in the form of appeals at various levels, for reconsideration of such sentence.

Not only has minimum sentence legislation given rise to a huge increase in the number of offenders serving long-term sentences, but it has also served a retributive rather than a restorative purpose. This is not in line with the principles enunciated in the White Paper on Corrections of 2005, which focuses on rehabilitation and reintegration on the basis of restorative justice. I would like to see the minimum sentence legislation struck from the statute books and an unfettered discretion returned to the judiciary in regard to the sentencing process.

CG: You have noted that there were 982 so-called natural deaths in custody during 2008/9 – that is a lot of people who are dying in prison when in theory they should have been allowed to die at home on medical parole. This matter was of course recently brought to the public's attention

when Shabir Shaik was released from prison on medical parole. What is the position of the JIOP?

DvZ: We have made a recommendation suggesting that the definition of who qualifies for medical parole should be revisited. It is very difficult, if not impossible, for anyone, even an experienced medical doctor, to determine when someone is in the final stage of a terminal illness. I've seen over and over again people in prison who are so ill that they are unlikely to recover. By that stage they are shivering, unable to get out of bed and not responding to questions. There may, of course, be reasons other than the existing legislation for the continued detention of seriously ill inmates until they die. One of these is that families often can't afford to take them in and care for them. Not all cases are like the Shabir Shaik or Colin Stanfield cases where their families could take them in and provide them with first-class care.

One factor which should, in my view, be considered in redefining the requirements for medical parole, is the constitutionally protected dignity of the inmate. I have been given to understand that the National Commission for Correctional Services (NCCS) has requested Judge Ian Farlam to investigate and report on the revision of requirements for medical parole. I have no doubt that this, and other, issues will be adequately addressed.

CG: On the face of it, the recommendation that you make in the Annual Report regarding changing of floor space norms in order to reduce overcrowding, seems to offer a neat solution, especially to DCS. Yet, it is based on the assumption that inmates are no longer merely being warehoused, and held in their cells most of the time. There is little indication at this stage that the DCS can actually deliver on the White Paper's rehabilitation requirements – that being the case do you think that given the current realities this solution can actually work without further prejudicing inmates?

DvZ: Well look, if inmates are going to spend 23 hours in their cells, our recommendation to

revisit the floor space norms won't work. But inmates should be given fresh air and should be able to work outside during the day. Cells should just be for sleeping in, and if that is the case you don't need much space in which to place a bed. This suggestion will, however, only work if DCS introduces a system of working during the day. Working, not hard labour of course, will provide inmates with exercise and fresh air. It will keep them busy, help to make them fit and they could even be paid for their work. In addition, it could assist in developing their skills, by which they would be able to reintegrate more easily into society on release.

CG: So, if this is such a good solution why is it not being done?

DvZ: I am of the view that too much emphasis is being placed on security and on preventing escapes at the cost of allowing inmates to work and participate in programmes. And although DCS achieved excellent results with their strategy to reduce escapes we have now reached a point of diminishing returns. To continue with the spending of millions of rands to reduce escapes by such small margins such as one per 10 000 is wasteful. Such money should rather be used to build workshops, classrooms, etc. We believe that offenders should be working to improve the centres where they are incarcerated. This would also be in line with the DCS's statutory duty to move towards self-sufficiency.

I have raised this in discussions with the Chair of the Parliamentary Portfolio Committee on Correctional Services, Mr Vincent Smith, and also with the Minister and Deputy Minister of Correctional Services. They all appear to be positively disposed to the idea, but agree that there is a lot of work to be done before it can become a reality.

CG: Finally, is there anything else that you would like to bring to the attention of SACQ readers?

DvZ: In the Annual Report² we speak about the problem relating to how deaths in prisons are classified – either as natural or unnatural. There

are currently far too many deaths in correctional centres. The question is why? The Correctional Services Act as amended does not define 'natural' or 'unnatural' deaths. Heads of Correctional Centres regard all deaths by natural causes (i.e. those which are not caused, for example, by violent assaults or murders) as natural deaths. But this does not cover the case where a seriously ill person does not receive the required or prescribed medication and consequently dies. This should not, in my view, be classified as a natural death. There should be a physical examination of all persons admitted to correctional centres and, where necessary, they should be given the medication they require. We would therefore, like to see that every death in a correctional centre should be investigated and be subject to a post mortem examination and an inquest.

CG: Who would do such an investigation?

DvZ: The DCS should ensure that proper independent investigations take place and statutory provision should be made for such cases. We are directing attention to this problem in the Annual Report.

NOTES

- 1 The Inspecting Judge of Prisons, Judge Deon Hurter van Zyl, *Annual Report for the Period 1 April 2008 – 31 March 2009*, Cape Town: Judicial Inspectorate of Prisons, 2009.
- 2 Ibid, 24.



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