

8. Public perceptions of the police and the courts

Key findings

- Public perceptions of the Malawi Police Service and of the country's courts are overwhelmingly positive
- Despite limited public access to the police and the low levels of police visibility, 70.3% of the respondents reported that they believed the police were doing a good job, while less than one third (29.7%) thought otherwise.
- Public perceptions of the police are not based on the levels of crime that exist in particular regions
- Access to, and interaction with the police appears to improve public perceptions of the police – more than half of the respondents (55%) who had visited a police station, reported that this had improved their opinion of the police
- As with the police, public perceptions of Malawi's courts are very positive – 87.7% of the respondents indicated that they believed that the courts were performing their duties satisfactorily.
- Widespread public trust in the courts was reflected again as 85.5% of the respondents indicated that they were satisfied with the way the courts sentence perpetrators of crime.

The Malawi National Crime Victimisation sought to assess public perceptions of the core institutions of the criminal justice system, namely the police and the courts.

However, assessment of these perceptions needs to be approached with caution. This is because these are the perceptions of members of the public who may not have had direct contact with the police or the courts at all. Their perceptions would therefore be shaped by factors that have little or nothing to do with policing, or the administration of justice, factors such as media reporting, personal communications or general feelings of safety and fear of crime. Indeed, local and international studies have shown that ethnicity, neighbourhood context (such as the level of poverty and instability),

and feelings of political alienation and disempowerment often affect perceptions of the police.

Nevertheless, public perceptions of the effectiveness of the police and the courts provide an important context as these general perceptions can influence the extent to which people are willing to engage with the criminal justice system and participate in initiatives aimed at reducing crime.

8.1 Public perceptions of the police⁴¹

Before inquiring into public perceptions of policing in Malawi, the survey sought to assess public access to the police.

Respondents were asked if they knew where their nearest police station was. Bearing in mind that much of Malawi is rural, and the role that buildings such as police stations and clinics play in the life of rural areas, it was not surprising that 95.5% of the respondents indicated that they knew where their nearest police station was.

However, for most of the respondents (40.5%), their nearest station was more than two hours walk away, and for a further 23.8% between an hour and two hours away. This suggests that access to police stations is relatively difficult for most Malawians, but again, this is often the case in rural areas of any country. The relationship between development, urbanisation and access to police is further highlighted by the point that 63.2% of the respondents in the Northern Region (in social terms the least developed) were most likely to have to walk for more than two hours to get to their nearest station as opposed to 42.5% of the respondents in the Central Region, and 33.6% in the Southern Region. Respondents residing in the

41 Given the context in which this survey was conducted, the statistics in this section as well those on public perceptions of the courts should be treated with caution. Malawi is still currently in transition from a one party state, and the primary regulatory agencies of the state are still closely associated with the government and the governing party. The enumerators who conducted the survey were identifiable, through their t-shirts and id-cards, as employees of the National Statistical Office, an agency of the state. Also, the enumerators accessed households in the villages through the village head-men, who are often politically aligned. Finally, the survey was conducted as Malawi began to prepare for a general election in 2004. These factors would, in all likelihood, have impacted on the manner in which respondents answered questions regarding the police and the courts.

rural areas were more likely to need to walk for longer periods of time to reach their nearest police station than residents of Malawi's urban areas.

It is not only the police station that appears far from reach for most Malawians – more than half of those interviewed (57.7%) reported that they never see a policeman in uniform in their area, and another one fifth (17.8%) reported that they see a policeman only once a month. Seeing a police officer in uniform in the rural areas is far less common than seeing one in the urban areas: just 3.4% of the respondents in the rural areas reported seeing a police officer in uniform once a day, while 26.3% of urban residents indicated they saw a uniformed police officer once a day.

Despite the limited access to the police and the low levels of police visibility, most Malawians tend to think highly of their police. In total, 70.3% of the respondents reported that they believed the police were doing a good job, while less than one third (29.7%) thought otherwise.

Interestingly, women respondents were more likely to believe that the police were doing a good job (73.9%) than were men (67.7%).

The reasons provided by respondents for this very positive view of the police were:

- police commitment to their jobs (36.6%);
- their professional response at the scene of crimes (22.8%);
- their timely response to requests for assistance (22.5%); and
- their trustworthiness (16.1%).

For the roughly one in three respondents who thought the police were not doing a good job, the main reasons were:

- not coming into the area where they are meant to be patrolling (28.8%);
- corruption (20.2%);
- releasing criminals too early (19.9%);
- lack of adequate resources (9%);
- don't respond on time (8.7%);
- laziness (4.2%);
- collusion with thieves (3.6%); and
- the police don't recover stolen goods (3.5%).

It is interesting to note that public perceptions of the police are not based on the levels of crime that exist in particular regions – despite the greater experience of crime in the Central and Southern Regions and the very low levels of crime in the Northern Region, respondents in the Southern Region were statistically more likely to view the police as doing a good job than those in the Central Region, or those living in the Northern Region.

Despite the limited access to police stations, more than one third of those interviewed (36.2%) had visited their nearest police station. Moreover, it appears that this access to, and interaction with the police improved their perceptions of the police. More than half of the respondents (55%) who had visited a police station, for one reason or another, reported that this had improved their opinion of the police, while a little less than one third (31%) reported that their visit to the station did not change their opinion of the police. This is indicated in Figure 35 below.

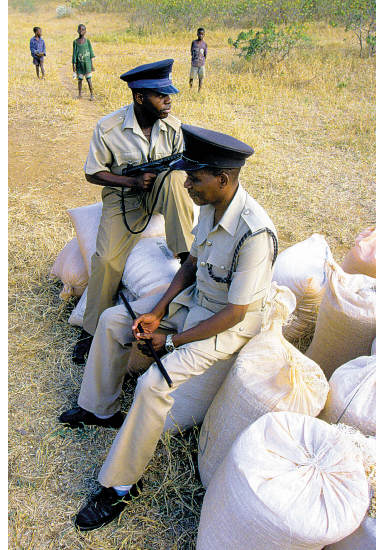
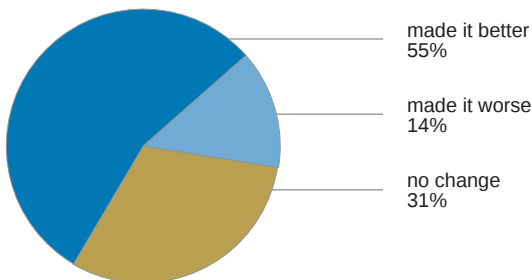


Figure 35 Change in perceptions of police following a visit to a police station (n=2,471)



When asked if they would report a crime that they had witnessed or knew about to the police 85.4% of the respondents indicated that they would report it to the police. This directly contradicts the respondents' actual rate of reporting to the police, which, as indicated above is low. Nevertheless, the main reasons provided by the respondents for this were:

- it would help to make the area safer (34.3%),
- it is the police's responsibility to arrest criminals (28.6%),
- to help stop crime (20%), and
- because it is the public's duty (12%).

However, for the 15% of respondents who indicated that they would not report a crime they knew of to the police, the main reasons were:

- fear of reprisals (42.9%, or 426 respondents)
- it is none of my business (29.9%)

It is interesting to note that, although women were more likely to indicate that they thought the police were doing a good job, more men were likely to say that they would report crime to the police (88.4%) as opposed to women (81.5%).

The relatively large number of people who indicated that fear of reprisals would prevent them from reporting a crime to the police suggests a level of violence or retribution from criminals that is not evident in the analysis of the experience of crime in Malawi. Interestingly, this response is most common in the Central Region (54.6% of those who gave this answer live in the Central Region), followed by the Southern Region (37.8%) and finally the Northern Region (7.6%).

As a final measure of public confidence or trust in the police, respondents were asked if they would teach their children to approach a police officer for help if they were lost or in trouble. 89.7% of the respondents answered that they would teach their child to approach a police officer when in trouble or lost.

In summary then, at face value, the vast majority of Malawians appear to believe that their police are doing well and trust that they will continue to do so.

8.2 Public perceptions of the courts

In the survey, questions similar to those asked about the police were asked regarding the courts.

As with the police, the vast majority of respondents knew where their nearest court was – 87.1% of those interviewed knew where their nearest magistrates court was located.

Public access to these courts followed that of access to the police stations – 50.7% of the respondents reported that it would take more than two hours walking to reach the nearest court, and another 22.1% reported that it would take between one and two hours. As with the police, respondents in the Northern Region are most likely to have to walk in excess of two hours to reach their nearest court, and residents of rural areas are likely to have walk further than people living the urban areas to reach a court.

As with the police, public perceptions of Malawi's courts are very positive. In total, 87.7% of the respondents indicated that they believed that the courts were performing their duties satisfactorily.

The main reasons provided by respondents for this very positive view of the courts were:

- the courts make fair decisions (55.6%);
- the courts are impartial in the way they deal with cases and accused (24%); and
- the courts are hard on criminals (12.3%).

For the 12.3% of those interviewed who felt that the courts perform inadequately, the main reasons were:

- courts are biased or favour people that they know (39.9%);
- courts take too long to complete a case (20%);
- courts are too lenient on criminals (19.8%);
- courts are inconsistent in handling cases (13.8%);
- courts are corrupt (8.1%); and
- courts lack of resources (5.7%).

As with the police, respondents in the Southern Region are statistically most likely to feel the courts are performing adequately, followed by those in the Central Region, and then respondents in the Northern Region.

Interestingly, and despite the equally limited access, more of the respondents had been to a court than those who had been to a police station – 42.5% of the respondents had been to court.

The main reasons given by respondents for going to a court were:

- to observe court proceedings (66.2%);
- to be a party to a case (23.3%); and
- to be a witness in a case (8.9%).

As a final measure of public confidence or trust in the courts, respondents were asked if they were satisfied with the manner in which the courts sentence perpetrators of crime. Widespread public trust in the courts was reflected again as 85.5% of the respondents indicated that they were satisfied with the way the courts sentence perpetrators of crime. Public satisfaction with sentencing was higher in the rural areas (86.7% of the respondents) than in the urban areas (78.7%).

The main reasons provided by the respondents for this positive view were that:

- the courts hand down sentences fitting the crime (59.7%);
- the courts are fair in handling cases (27.6%);
- the courts are efficient, that is, justice is administered reasonably quickly (6.6%); and
- the courts are honest, they are not corrupt (6%), neither of which impact directly on sentencing.

For the 14.5% of the respondents who were dissatisfied with the manner in which the courts sentenced perpetrators of crime, the main reasons were that:

- courts are corrupt (35.4%);
- courts are too lenient (25.9%);
- courts release perpetrators too soon (22.2%); and
- cases drag on too long (14%).

Again, the region in which the respondents resided was significant in determining satisfaction with court sentencing, with those on the Southern Region most likely to express satisfaction, and those in the North least likely to be satisfied with the way the courts sentence perpetrators.

In summary, the vast majority of Malawians appear to be satisfied with the manner in which the courts operate, are confident that they administer justice impartially and trust that they deal with offenders appropriately.