

SA Crime Quarterly

No. 1 July 2002

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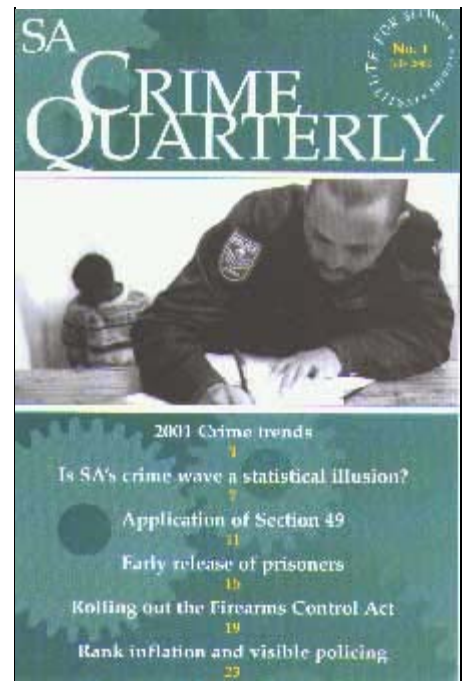
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**This publication is funded by**

Hanns Seidel Stiftung  
USAID  
European Union  
US Embassy  
The Ford Foundation  
Standard Bank



## **2001 CRIME TRENDS:**

### **A turning point?**

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**Published in SA Crime Quarterly No 1, July 2002**

Between 1997 and 2000 there was a steady increase in the annual number of recorded crimes. The first nine months of 2001 saw an end to this trend. During 2001 the rate of increase in recorded crime diminished markedly. Moreover, for the first time in years, violent crime increased at a lower rate than most other crime categories. Given these encouraging figures, is South Africa beginning to win the war against crime? While the latest numbers look promising, talk of a victory is premature. There has to be a sustained decline in the levels of most serious crimes to reduce the country's crime levels to acceptable levels.

At the time of writing, statistics reflecting crimes recorded by the South African Police Service (SAPS) have been released covering the period up to the end of September 2001.

The most recent set of crime statistics, covering the July-September 2001 period, was released at the end of 2001. These third quarter figures for 2001 are significant as they are the first set of crime statistics collected by the police's Crime Information Analysis Centre (CIAC), making use of a new but undisclosed methodology, whereby crime statistics are said to be collected in a more accurate manner. Readers will recall that a moratorium on the release of crime statistics was imposed by the late Safety and Security minister Steve Tshwete in July 2000, and only lifted almost a year later.

The July-September 2001 figures were released as part of the statistics for the first three quarters of 2001. This does not allow for a comparison of only the third quarter 2001 figures with the same three-month period during previous years. Nevertheless, it would appear that the moratorium has not resulted in unexpected changes to crime figures. The available 2001 crime statistics do not contain any surprises or significant changes to long term trends in individual crimes.

South Africa's official crime statistics are widely regarded as comprehensive and certainly as the most detailed and reliable of all countries on the African continent. Statistics on the number of crimes recorded by the SAPS at national level right down to station level have been publicly available since 1994. A remarkable achievement, considering the history of policing in the country.

### **Interpreting crime statistics**

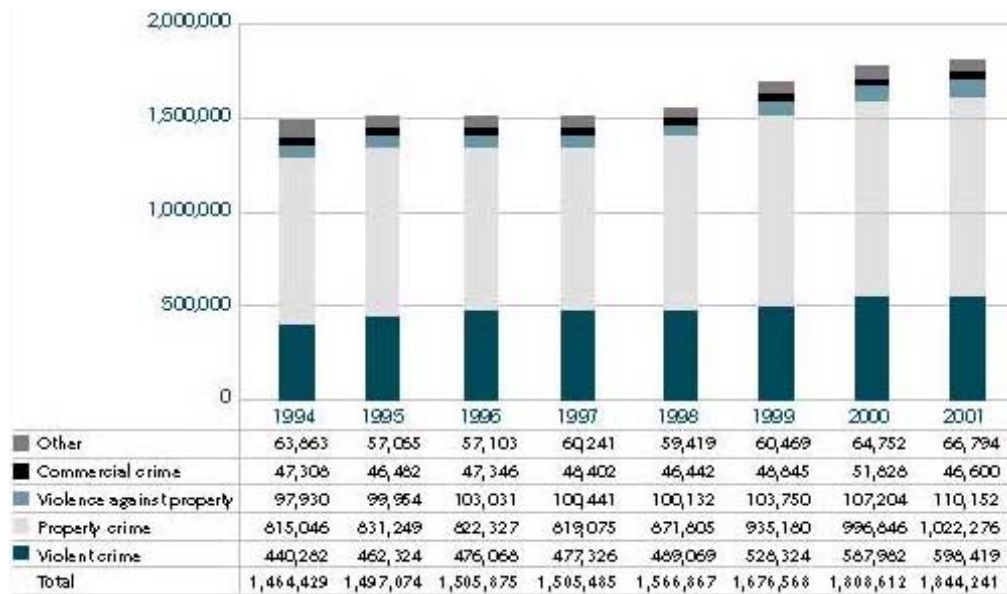
When analysing the crime statistics that follow below, it is important to remember that recorded crime levels undercount the real levels of crime, as unrecorded crimes are not reflected. For crime to make it on to the official police records two things need to happen. Firstly, victims or witnesses must report it to the police. Secondly, the police must record the crime in their records.

According to Statistics South Africa's 1997 national Victims of Crime Survey, crimes involving valuable and insured property are mostly reported. For example, 95% of vehicle thefts, 60% of vehicle hijackings and 59% of burglaries are reported. Less serious property crimes and interpersonal violent crimes are more often not reported than reported. Thus, only 41% of robberies, 38% of assaults and 28% of theft of personal property are reported (see Improved crime reporting, in this issue, for comments about how reporting affects police crime statistics).

### **National picture**

During the first nine months of 2001, 1 844 000 crimes were recorded by the SAPS; up from 1 464 000 over the same nine month period in 1994 (Figure 1). If the January-September period for 2001 is compared with that of 1994, the number of recorded crimes increased by 26%.

**Figure 1: Number of crimes recorded by the police, Jan-Sept 1994-2001**

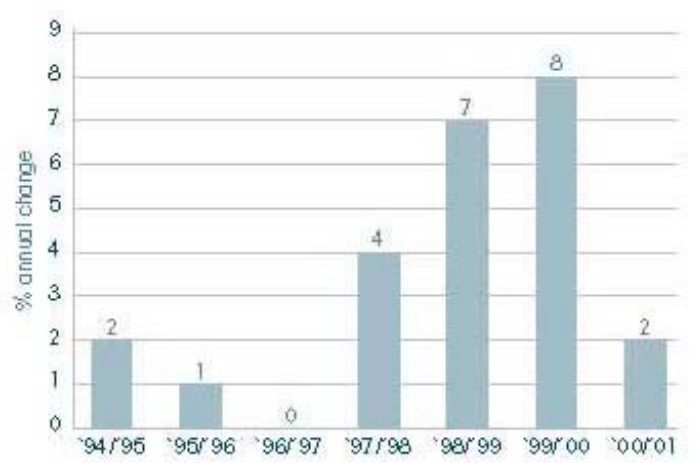


While the number of recorded crimes has increased since 1994, there has been little change in the relative proportions of the different crime categories. For example, in the period January-September 1994, violent crimes comprised 30.1% of all crimes recorded. During the January-September 2001 period this had increased to 32.5%. All other crime categories experienced a slight decline as a proportion of the overall number of recorded crimes. Property crimes make up the largest proportion of recorded crimes – approximately 55% of the total.

#### Change over time

While recorded crime increased between 2000 and 2001, the rate of increase is slowing down. If the first nine months of 1997 are compared with 1998, recorded crime increased by 4%. Thereafter, recorded crime increased by 7% (1998/99) and 8% (1999/00). The January-September 2001 period experienced a 2% increase compared to the same period in 2000 – the lowest year-on-year increase since 1996/97 (Figure 2).

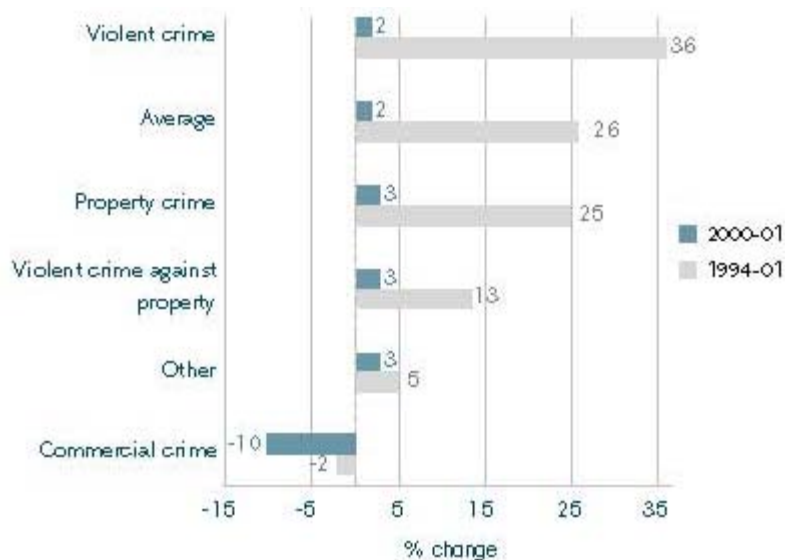
Figure 2: % change in number of crimes recorded, Jan-Sept 1994-2001



While the figures indicate a slowing down in the rate of increase of recorded crime in 2000/01, it needs to be remembered that this is occurring at a point where recorded levels of violent crime are extraordinarily high. The time period is too short, moreover, to draw a firm conclusion whether the trend will continue to the extent that recorded crime levels will enter a sustained period of decline.

In the January-September period between 1994 and 2001 the number of recorded violent crimes increased by 36%, more than any other crime category (Figure 3).

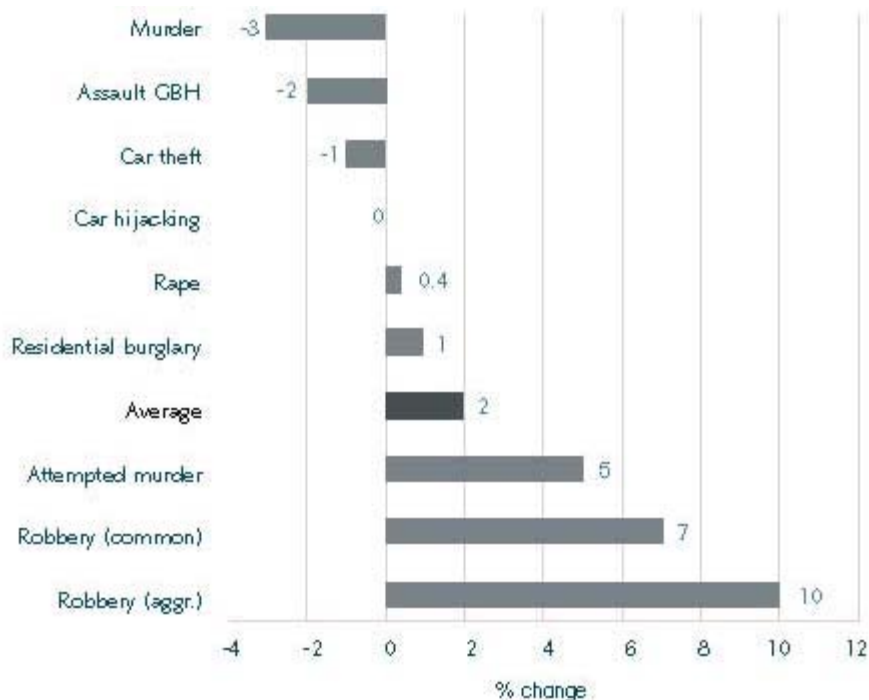
Figure 3: % change in the number of crimes recorded, Jan-Sept 1994-01 and 2000-01



However, between 2000 and 2001 (again, for the period January-September) violent crime increased by 2%. Both the number of property crimes and violent crimes against property such as arson and malicious injury to property, increased to a greater extent (3%). Drunk driving offences, and drug and firearm related offences – categorised as 'other' also increased by 3%, while commercial crimes (primarily fraud) decreased by 10%.

Not all crimes increased or decreased at the same rate for the January-September period between 2000 and 2001. Robbery with aggravating circumstances and common robbery experienced the greatest increase of 10% and 7% respectively (Figure 4). Robberies with aggravating circumstances are robberies involving a dangerous weapon, including bank robberies, cash-in-transit heists and vehicle hijackings. Common robberies involve mainly muggings, as well as the snatching of handbags, jewellery and cell phones.

**Figure 4: % change in selected crimes recorded, Jan-Sept 2000-2001**

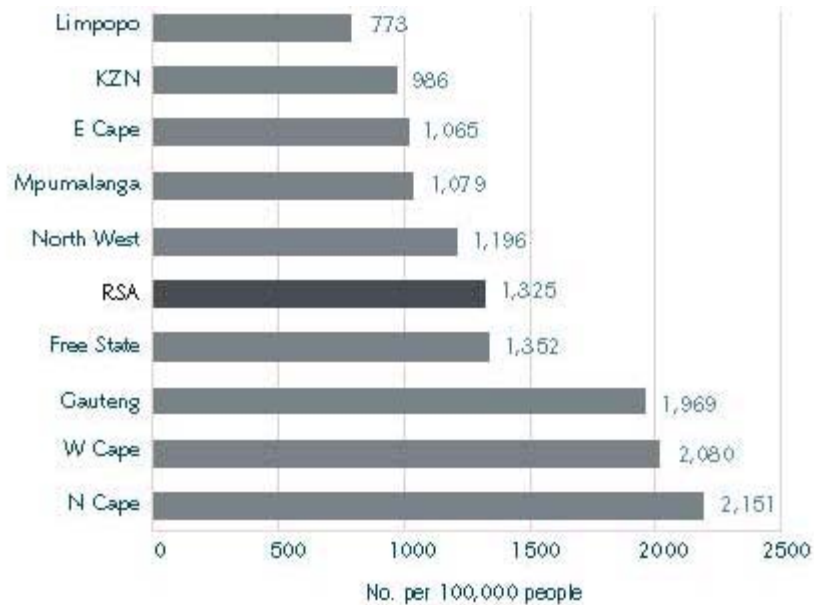


Recorded murders decreased by 3%. This is a continuation of a trend whereby the yearly number of murders has been declining since 1994. Disconcertingly, however, recorded attempted murders are up by 5%. Assault with the intent to inflict grievous bodily harm (assault GBH) decreased by 2% and car theft by 1%. Encouragingly, vehicle hijackings – a crime that instills a high level of fear amongst the public – did not increase over this period.

#### Violent crime in the provinces

Measured on a per capita basis, the violent crime rate for the January-September 2001 period is highest in the Northern Cape. In that province 2 151 violent crimes were recorded for every 100 000 people resident (Figure 5). In other words, the average resident of the Northern Cape stood a 2.15% chance of becoming a victim of a recorded violent crime during the first nine months of 2001. By comparison, the average South African faced a 1.3% chance of becoming a violent crime victim.

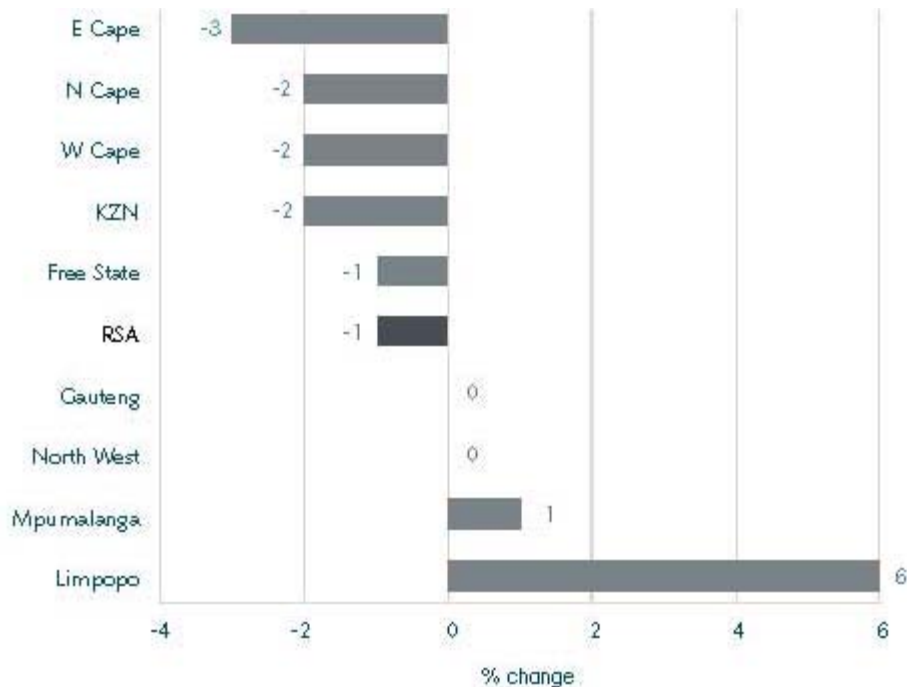
**Figure 5: Violent crime rate in the provinces, Jan-Sept 2001**



Recorded violent crime is spread unevenly over the country's nine provinces. Residents of the Northern Cape, Western Cape and Gauteng, for example, were more than two-and-a-half times as likely to become a victim of a recorded violent crime during the first nine months of 2001 than Limpopo residents.

However, this provincial disparity might slowly be changing. While the violent crime rate was lowest in Limpopo, the province experienced the greatest increase (6%) in the rate of recorded violent crime during January-September 2001, compared to the same period in 2000 (Figure 6). Mpumalanga, another province with a low violent crime rate, was the only other province that experienced an increase (1%) in the rate of recorded violent crime over the abovementioned period.

**Figure 6: % change in violent crime rate, Jan-Sept 200-2001**

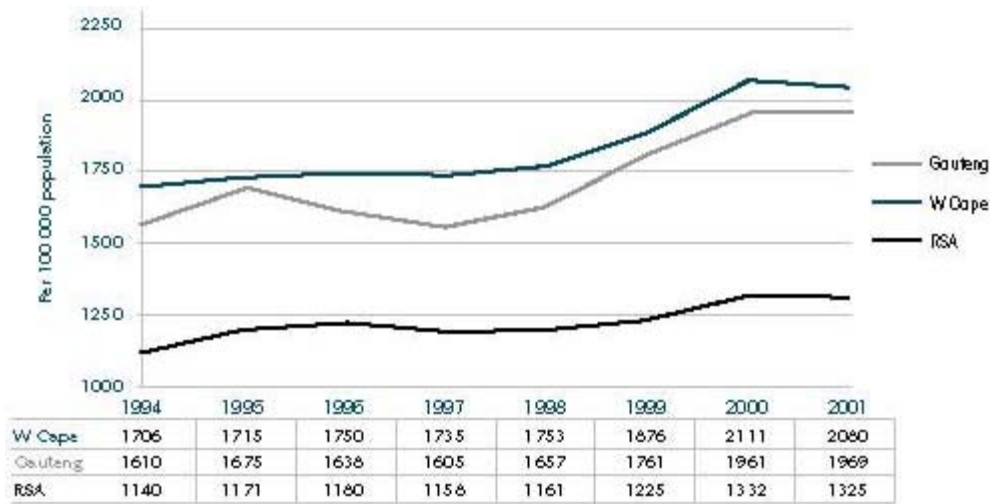


The Eastern Cape recorded a 3% decrease in its violent crime rate, followed by the Northern Cape, Western Cape and KwaZulu-Natal (all 2%).

#### Violence in the Western Cape

Contrary to popular belief, the per capita rate of violent crime has since 1994 been consistently higher in the Western Cape than in Gauteng. That is, since 1994 the average resident of the Western Cape has been at greater risk of becoming a victim of a recorded violent crime than the average Gauteng resident (Figure 7).

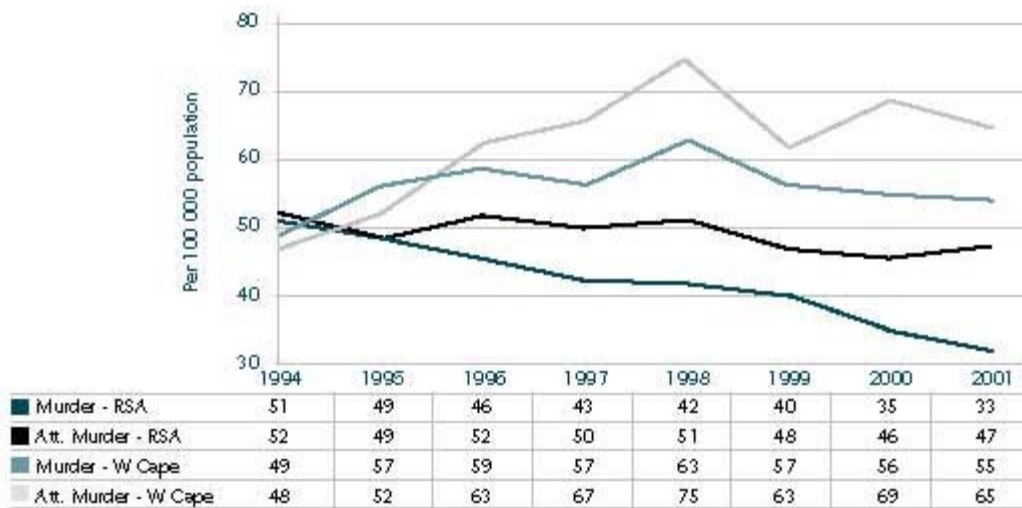
**Figure 7: Violent crime rate in Western Cape and Gauteng, Jan-Sept 1994-2001**



The changing levels of the violent crime rate in the Western Cape between 1994 and 2001, January-September period, are closely paralleled with those in Gauteng and the country as a whole. The late 1990s experienced a significant increase in violent crime rates in all three geographical areas, followed by a stabilisation or decline in the 2000/2001 period.

While national murder and attempted murder rates have declined since 1994, the opposite has been the case in the Western Cape. For the period January-September 1994 the Western Cape had lower rates of murder and attempted murder than the country as a whole (Figure 8).

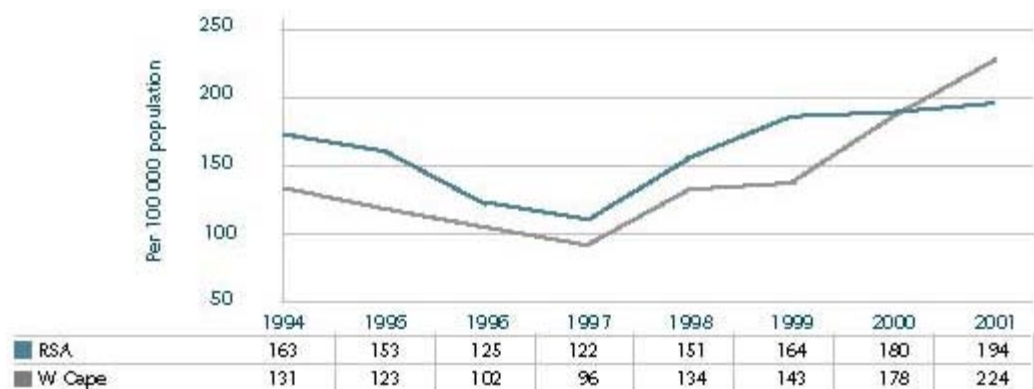
**Figure 8: Murder and attempted murder rate in South Africa and Western Cape, Jan-Sept 1994-2001**



However, in 2001 (January-September) the Western Cape's murder rate was 67% above the national average, while the province's attempted murder rate was 38% higher than the national average.

The Western Cape has experienced a significant increase in the rate of robberies with aggravating circumstances. During January-September 1994 the Western Cape's rate of aggravated robberies was 24% lower than the national average. In 2000 the province's aggravated robbery rate was roughly the same as that of the country as a whole. In 2001, the aggravated robbery rate in the Western Cape was 16% higher than in the country as a whole (Figure 9).

**Figure 9: Aggravated robbery rate in South Africa and Western Cape, Jan-Sept 1994-2001**



Similarly, the recorded vehicle hijacking rate in the Western Cape has more than doubled between 1994 and 2001, January-September, from six incidents per 100 000 residents to 13 incidents. Nationally, vehicle hijacking rates are higher but much more stable. The national vehicle hijacking rate increased marginally between 1994 and 2001, from 24 to 25 incidents per 100 000 of the population.

## Conclusion

The recorded crime figures for the first three quarters of 2001 contain good news. Recorded crime is increasing at its lowest rate in years. When measured on a per capita basis violent crime – long a trademark of crime in South Africa – decreased between 2000 and 2001.

While the country needs good news about crime, South Africans should not be fooled into believing that the country is about to enter an era of low crime levels. The first nine months of 2001 witnessed an average of 55 murders, 137 rapes, 558 robberies and 1 350 assaults a day – and that is before unrecorded crime is taken into account.

Clearly crime levels have to actually decrease – and decrease for sustained periods of time – before the country reaches acceptable levels of crime. Moreover, levels of serious violent crime in the Western Cape are showing disturbing trends.

## Source documents

All statistics in the graphs are provided by the SAPS CIAC, see [www.saps.gov.za](http://www.saps.gov.za)



## **IMPROVED CRIME REPORTING:**

### **Is South Africa's crime wave a statistical illusion?**

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**Published in SA Crime Quarterly No 1, July 2002**

Is crime in South Africa really on the increase, or is the spiralling crime rate a product of improved reporting? It was not unexpected that the arrival, in 1994, of a democratic government should lead to a dramatic increase in crime reporting. Police statistics show that commonly underreported crimes have been going up, while those most likely to be reported (murder, car theft, and business burglary) are in decline. This suggests that improved performance by the police (which encourages reporting by the public) may be responsible for the 'increase' in crime in recent years..

The South African Police Service (SAPS) claims that it has stabilised crime far in advance of targeted dates, but uses a very weak line of argument in support of this contention. Comparing old 'unreliable' statistics with new, 'still unreliable' statistics, the state uses recorded crime rates to make its case, sidestepping the fact that, in terms of raw numbers:

- Overall crime levels are still on the increase.
- Recorded crime in many significant categories, such as robbery, is still increasing dramatically.
- Recorded crime in some regions – the Western Cape in particular – is soaring. (See 2001 Crime Trends, this issue.)

Furthermore, in refuting claims that South Africa is the 'crime capital of the world', the SAPS trots out a range of spurious comparisons in their most recent quarterly statistical report:

- Murder rates are compared between Washington, D.C., the city with the highest murder rates in the US, and Pretoria, which has the lowest murder rates of any major city in South Africa – presumably on the basis that they are both capitals.
- Johannesburg is compared to Diadema, Sao Paulo, Brazil in 1999, not on the basis that the two areas are in any way comparable, but because Diadema is one sliver of the world that once had a higher murder rate.
- 'Very serious violent crimes' make up just over 10% of overall crime, with the bizarre conclusion that the 'chances of becoming a victim of serious violent crime are just over one out of ten crimes reported to the police'.

However, just because the SAPS makes some questionable arguments, it does not mean that their central contention – that crime is not as bad as the numbers make it seem – is wrong. The greatest problem with claims that crime has stabilised is not the argument, but the subject matter.

### **What crime rates tell us – or not**

Crime rates, or the number of crimes recorded by the police, are notoriously unreliable as a reflection of the real crime situation, and even worse as an indicator of police performance. This is because crime rates rely on members of the public reporting crime, and the police recording it. The way in which this is done varies between regions and over time.

The extent to which reporting rates can affect crime rates is illustrated in the following counterintuitive examples from the United Nations Development Programme statistics:

- Canada has the second highest rate of recorded rape in the world (267 per 100 000), second only to Estonia in the UNDP statistics.
- The rate of drug crimes in Switzerland (574 per 100 000) is more than 10 times that of Colombia (40 per 100 000).
- The rate of total crimes in Denmark (10 508 per 100 000) is more than five times that of the Russian Federation (1 779 per 100 000) and more than 100 times that of Indonesia (80 per 100 000).

The fact that declining crime rates are not an indicator of the real crime situation raises questions about the manner in which the SAPS has benchmarked declines in recorded crime.

### **Crime rates: a measure of police performance?**

Good police performance could conceivably impact on the crime rate in a variety of ways, one being an increase in the number of crimes recorded – the basis on which crime rates are determined. This is obvious in areas such as drug offences, where the number of crimes recorded is almost exclusively reliant on proactive police work, but it is also true for a range of other types of crime that may be picked up on patrol and which would otherwise go unreported.

The use of recorded crime as a performance measure in the current South African context is especially problematic, as research in this country has shown that upwards of 50% of crime in many important

categories goes unreported (Table 1). Historic distrust between the police and the public has led to the failure of many communities to report crime, and as this situation improves (partly due to successful police outreach and performance), it will affect the crime rate. This is particularly true for interpersonal crimes such as domestic violence and rape, where growing consciousness of human rights, teamed with a more victim-friendly legal and procedural framework, should enhance reporting.

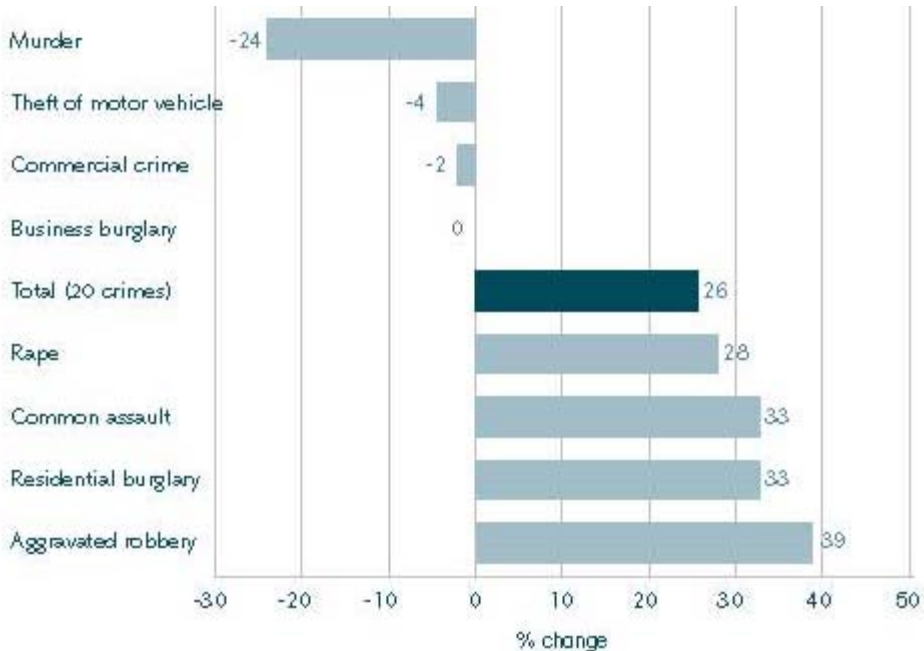
**Table 1: Reporting rates of crime according to victimisation surveys, 1997/98**

|                 | Durban | Pretoria | Cape Town | National | Africa average |
|-----------------|--------|----------|-----------|----------|----------------|
| Murder          | 90%    | 88%      | 93%       | -        | -              |
| Robbery         | 45%    | 48%      | 48%       | 41%      | 41%            |
| Burglary        | 72%    | 80%      | 80%       | 59%      | 59%            |
| Car theft       | 81%    | 89%      | 93%       | 95%      | 89%            |
| Assault         | 39%    | 48%      | 42%       | 38%      | 34%            |
| Sexual offences | 54%    | 57%      | 36%       | 47%      | 25%            |

The increase in reported crime since 1994 may well be due in part to the progressive enfranchisement of the majority of the population, including greater access to commodities that are known to boost reporting, such as vehicles, telephones and property insurance.

But, while commonly underreported crimes have been on the increase since 1994, crime rates that both internationally and locally show the highest levels of reporting (murder, business burglary, and car theft) have actually been in decline in South Africa (Figure 1).

**Figure 1: Percentage change in total recorded crime, January-September, 1994-2001**



Source: SAPS Crime Information Analysis Centre

### The impact of new patterns of reporting

It is unusual for murder rates to decline while other forms of violent crime are increasing, and this trend is particularly striking because the percentage of murders committed with a firearm has increased. Thus it appears that the number of non-firearm assaults that resulted in death has decreased dramatically, while at the same time non-lethal assaults have allegedly increased.

A similar paradox is seen with the divergent trends in residential burglary (up by a third since 1994) and business burglary (stable). This incongruity suggests that much of South Africa's post democracy crime wave could simply be the recording of crimes that had been hidden in the past.

Good police work in South Africa means finding those hidden crimes, and, as police succeed in fulfilling this function, crime rates will necessarily go up. The operational policing strategy adopted under national commissioner Jackie Selebi is largely based on high density operations in high crime areas, such as roadblocks and raids, which can be expected to turn up much unreported crime, for instance possession of contraband, firearms offences, and violations of immigration laws. This effect is further enhanced when legislation (such as the recent Domestic Violence Act) requires the recording of incidents that might have otherwise been left undocumented.

This last example calls to mind the ways that using recorded crime as the primary performance indicator creates a perverse incentive for the police to hide the real crime situation.

### Manipulation of crime rates

If the police are told to show a reduction in the crime rate, it is easy to simply avoid recording a range of crimes they encounter, and domestic violence provides a good example of the way that using the crime rate as a performance measure can backfire. In many domestic violence situations, the complainant can easily be discouraged from filing a complaint, and international studies have shown that most domestic violence calls are resolved without a case being opened. This is particularly true in South Africa, where consciousness of civil rights and gender equality is only now developing. The easiest way for the police to reduce the crime rate is simply to do nothing but record only those crimes where a case number is absolutely mandatory, such as cases involving deaths or insured property.

### Conclusion

This, clearly, is not an objective we would like the police to pursue. To avoid such a trend, we need to come up with other indicators of good police performance, and reduce the hype that surrounds crime figures. They do not reflect reality and they certainly do not reflect police performance. An international policing expert, Bayley (1994) clearly demonstrates that no matter what the police do, no matter how many uniforms flood the streets, they cannot reduce recorded crime. We need to look beyond simplistic notions of the functioning of the police and realise that numbers often conceal more than they reveal.

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## HOW MUCH MIGHT IS RIGHT?

### Application of Section 49 of the Criminal Procedure Act

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**Published in SA Crime Quarterly No 1, July 2002**

In 1998 the South African parliament voted on the issue of the use of force when effecting an arrest, in order to bring standards of practice in line with the rest of the democratic world. Four years later the law still has not been signed by the state president, largely due to protests by the ministers of Justice and Constitutional Affairs and Safety and Security. The issue has been before the Constitutional Court and in May 2002, this court did what the executive was afraid to do, striking down parts of the Section and clarifying "reasonable force". But the court ruling still did not go as far as the legislation in protecting citizens.

The 1998 amendment to the legislation governing the use of force when making an arrest sparked debate and dissent: is it realistic to limit the use of force against suspected criminals in such a violent society? With our high rate of police murders, can we afford to limit their options when confronted with violent offenders?

These are important questions, but the real issue is why, in nearly four years, there have been no answers. In a country with the highest murder rate in the world, resolving the question of when lethal force can legitimately be used, should be a priority. The delay and consequent lack of clarity has fuelled uncertainty in the minds of the police and public. Misinformation about what the amendment will mean in practical terms, abounds.

The indecision surely increases the risk faced by police officers who must make decisions within seconds about how to react in dangerous situations. The sooner the police are trained to use force effectively and legally when making an arrest, the sooner they can reduce their own risk of harm, and ensure that cases proceed successfully through the criminal justice system.

#### **Amendment of Section 49**

The use of force in effecting arrests by the South African Police Service (SAPS) has not escaped controversy. Section 49 of the Criminal Procedure Act 51 of 1977 states that in the event that a suspect resists arrest or flees, the arresting officer may, "in order to effect the arrest use such force as may in the circumstances be reasonably necessary to overcome the resistance or prevent the person concerned from fleeing."

The Act goes further to state that if the person is being arrested for a schedule 1 offence (see box on page 12), or if the arresting officer has reasonable ground to suspect that such an offence has been committed, and the arresting officer is unable to effect the arrest or prevent the suspect from fleeing by other means either than by killing him, "the killing shall be deemed to be justifiable homicide".

It is this latter section that was challenged on the grounds that it contravenes the South African Bill of Rights. The subsequent debate resulted in the adoption of an amendment to Section 49 by parliament in 1998.

This amendment states that the arrestor may not use force that is intended to cause death or grievous bodily harm unless he or she has reasonable grounds to believe that:

- Force is immediately necessary for self-protection from imminent death or bodily harm of the arrestor or the person assisting the arrestor, or
- There is substantial risk that if the arrest is delayed the suspect will cause future harm or death, or
- The offence for which the arrest is sought is in progress and involves the use of life-threatening violence or a strong likelihood that it will cause grievous bodily harm.

The effect of this new section is to restrict the use of deadly force in arrest situations to self-defence or necessity.

Schedule 1 offences include amongst others: treason, sedition, public violence, murder, culpable homicide, rape, indecent assault, bestiality, robbery, kidnapping, child-stealing, assault when a dangerous wound is inflicted, arson, malicious damage to property, breaking with intent to commit an offence, theft, consciously receiving stolen property, fraud, forgery, escaping from lawful custody as well as any conspiracy or incitement to commit any of the above offences.

**Schedule 1 offences** include amongst others:  
treason, sedition, public violence, murder,  
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assault when a dangerous wound is inflicted,  
arson, malicious damage to property, breaking  
with intent to commit an offence, theft,  
consciously receiving stolen property, fraud,  
forgery, escaping from lawful custody as well  
as any conspiracy or incitement to commit  
any of the above offences.

The amended Section 49 has however not yet been passed into law, as at the time of writing it had not been signed by the state president; this implies that the old Section 49 is still in force.

This article comments on the reasons for the delays around the passing of the bill into law and considers the outcome of some court cases that involve the use of lethal force in particular and other kinds of force in general.

### Why the delays?

One of the most obvious reasons for the delay is that the use of force when making an arrest is inherently controversial. The violent nature of South African criminal activity brings members of the SAPS into situations where the use of lethal force is often needed. This in turn necessitates advanced training and skills in the use of lethal force. On the flip side there is the high number of people who are injured or killed by the SAPS. Between 1997 and 2000 well over 1 500 people were killed by the police in South Africa, and many more injured.

Despite this worrisome figure, government has resisted the implementation of the amendment to Section 49. In February 2002 there was an announcement that the amendment would finally come into effect, but implementation was once again called off.

President Thabo Mbeki indicated that the amendment was subject to further discussion by some components of the criminal justice system, notably the justice department and the police. In March 2002 the ministers of Safety and Security and Justice discussed the matter and agreed that the amendment would not be implemented in its current form. The late minister Tshwete insisted that the new Section 49 was placing the police at risk of massive assault from criminals. Around the same time commissioner Jackie Selebi also indicated that the SAPS was not ready to implement the amendment.

However, the old legislation is indeed unconstitutional, because it assumes that suspects are guilty until proven innocent. The longer the confusion surrounding this issue exists, the longer the uncertainty for the police continues, resulting in police who are reluctant to carry out their duties with confidence. Conversely, it also poses the danger that more suspects continue to be shot by the police.

The argument that the new Section 49 endangers the lives of the police in the line of duty is flawed. While South Africa's rate of police killings is higher than that of countries like the United States, most of these deaths occur off duty. On average 235 police officials were killed per year in South Africa between 1994 and 1999. About 64% of these officials were killed off duty and 36% were killed in the line of duty.

It is also alleged that the amendment unreasonably limits the use of force. However, the new section does allow force to be used in situations of self-defence or necessity, not only of the arrestor but also if the suspect might 'cause future harm or death'.

### Waiting for the courts to decide

Another key reason cited by the police for delaying the passing of the amendment into law, is the necessity to wait for the outcome of two court cases. The first is the case of Govender v the Minister of Safety and Security which was heard on 16 March 2001 (although it was filed as early as 1995). The second is the constitutional court judgement in the case of the State v Walters and others, which was decided in May this year.

The Walters case is the watershed case that dealt with the constitutional validity of the old Section 49. It came before the Constitutional Court on 15 November 2001. The key question in this case is whether there are any circumstances in which it would be justifiable to shoot a fleeing suspect. And, if there are such circumstances, how they are defined in law, given the Bill of Rights. It is therefore dealing with issues of police effectiveness in upholding safety and securing arrests.

The Walters case involved the shooting of a fleeing burglar by two civilians. The prosecution in the case challenged the actions of the shooters under the reinterpretation of Section 49 by the Supreme Court of Appeal in the case of Govender v the Minister of Safety and Security. The court in that case found that:

"Section 49(1) of the Act must generally speaking be interpreted so as to exclude the use of a firearm or similar weapon unless the person authorized to arrest, or assist in arresting, a fleeing suspect has reasonable grounds for believing that the suspect poses an immediate threat of serious bodily harm to him or her, or a threat of harm to members of the public; or that the suspect has committed a crime involving the serious infliction of grievous bodily harm."

In the Govender case the policeman on duty fired at a 17-year old suspect after several warning bullets had failed to make him stop. The suspect and his passenger were driving away in a vehicle which police had verified was stolen. They gave chase but the suspects did not stop.

In accordance with this interpretation, the judge was of the view that the police officer acted unlawfully in shooting and wounding the youth. An order was thus granted that the appeal succeed with costs and the matter was referred back to the court for the quantification of damages claimed.

In the May 2002 ruling, the Constitutional Court essentially upheld the Supreme Court of Appeal finding, striking down subsection two and reinterpreting "reasonable use of force" along Govender lines. The Constitutional Court also notified the executive that it could not use its right to determine the date of promulgation to block legislation passed by parliament.

### Preparing to implement the new Section 49

The Section 49 amendment may not be politically popular, but the delays are costly for police officers on the ground – and by implication the public. Once new laws are passed by parliament and signed by the President, they must be enforced. The pressure on the police (in this case) to constantly re-train and build capacity among its members to cope with the ever-changing legislative framework, is significant.

The delay in signing off on the amendment has meant that SAPS members have not been to any training in preparation for the implementation of the new Section 49. According to the SAPS, the department has been waiting for the outcome of the constitutional court judgement in the Walters case.

There is however an indication that the SAPS has already prepared the training programme material. They have also approached the justice department to verify whether that department's interpretation of the new section is congruent with that of Safety and Security. At the time of writing the justice department had not yet responded to the SAPS.

### Conclusion

South Africa's constitution has been hailed as one of the most liberal in the world in the way that it upholds human rights. There is, however, a huge gap between what is happening on the ground and what the constitution espouses. These undue delays about the passing into law and eventual implementation of the new Section 49 is an example of the circumvention of our constitutional democracy from the highest level of government.

Clinging to relaxed standards on the use of lethal force in effecting an arrest in a society that has been engulfed in a violent past, is not just a human rights issue. It also involves perpetuating the culture of violence that our Bill of Rights seeks to uproot. The insistence on maintaining outdated standards on the use of force reflects the emphasis in the SAPS, since 1999, on tough law enforcement approaches. If these measures mean increased use of violence by the state, their effectiveness will be undermined in the long run.

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## EMERGENCY MEASURES:

### Early releases to alleviate prison overcrowding

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Published in SA Crime Quarterly No 1, July 2002

The current overcrowding in South African prisons has necessitated the move away from a strictly retributive approach to offending behaviour, to that of rehabilitation and restoration. Another solution to the overcrowding problem has been the early release of certain categories of offenders. This has not been met with much support. It is however becoming increasingly clear that locking people up does not solve the problem of crime but could even exacerbate it. The result is that even more people are locked away, thus putting a strain on the capacity and effective management of prisons.

The growing prison population is the most important influence on the outputs and budget of the Department of Correctional Services. At least 60% of the budget is spent on incarceration and administration. The department has estimated an increase of 225 600 prisoners by 2004/5, which is likely to have serious budgetary implications. Currently there are 33 000 people employed by the department to manage 176 000 prisoners in cells designed to accommodate 105 000 people (Figure 1).

Figure 1: Number of DCS personnel and prisoners, 1994-2000



Source: Department of Correctional Services

As of early this year a number of prisons were populated by well over 200%. Bizana prison in the Eastern Cape is overpopulated by 587%, Umtata Medium C prison by 338% and Louis Trichardt prison in the Northern Province by 286%. The increase in prison population requires increased capacity and new ways of managing prisoners.

### Long term plans to reduce overcrowding

The department has identified various projects aimed at reducing overcrowding, thereby reducing casualties and communicable diseases and assisting in the rehabilitation of offenders. These include:

- Introducing a restorative justice approach.
- Enhancing rehabilitation strategies.
- Introducing private prisons.
- Improving community corrections.
- Introducing unit management.

Notwithstanding the above, and despite increased capacity in the department, the problem of overcrowding will require more drastic measures. To this end there are other legislative processes that can be utilised. These are however, the responsibility of the justice department and the judiciary in particular.

For instance, overcrowding could be reversed if the courts were more flexible and innovative when attending to cases. There are several offences, such as urinating or drinking in public, that do not necessarily require a sentence of imprisonment. For such offences, and many others, there are a number of statutory provisions that allow magistrates to use alternative punishments in order to reduce the inflow of prisoners. These include:

- Use of non-custodial sentences such as monetary compensation for the victim, community service, and submitting to treatment.
- Correctional supervision.
- Placement of juveniles in the custody of a suitable person (a parent or guardian).
- Suspension of sentences.

- Discharge with a reprimand.

## Releasing prisoners as a solution

The office of the Inspecting Judge and the Department of Correctional Services have undertaken another important development in an attempt to reduce overcrowding.

In September 2000, 8 451 unsentenced prisoners who were liable for a bail amount of R1 000 or less were released to ease overcrowding. During November of the same year the National Council of Correctional Services recommended an advancement of parole to be granted to all prisoners excluding aggressive and sexual offenders. As a result of this recommendation 3 000 prisoners were released.

In February this year 20 000 awaiting trial prisoners were granted bail by the courts. The fact that they were granted bail implies that the courts believe they pose no danger to the community upon their release. It is this category of prisoners that has been identified for early release from prison in order to help reduce overcrowding. This does not mean that their cases are withdrawn, but simply that they need not remain in prison where they exacerbate overcrowding. They will await trial outside as do many other accused who can afford to pay bail.

The office of the Inspecting Judge and the Department of Correctional Services have managed the release of more than 10 000 prisoners since 1999. This year, on application by the head of Pollsmoor maximum prison, 198 awaiting trial prisoners were released in terms of the newly inserted section 63a of the Criminal Procedure Act, 51 of 1977.

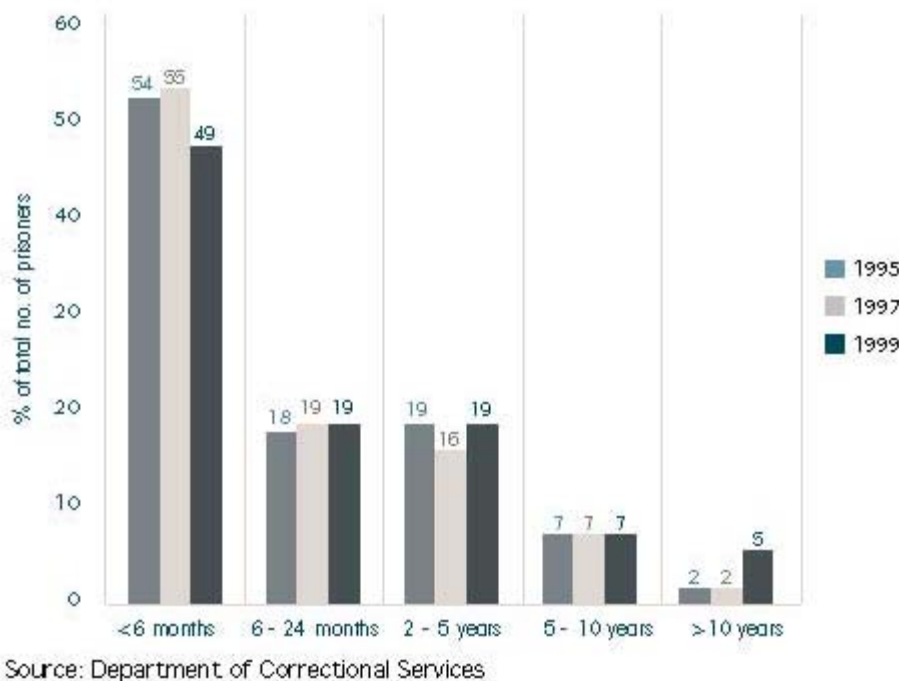
## Is early release a problem?

These early releases triggered a huge outcry among the South African public. The general sentiment seems to be that all people in prison are criminals who deserve lengthy sentences. While it may be true that those who commit crime need to take responsibility for their actions and should be punished in some way, it must be borne in mind that most prisoners do return to the community after spending time in jail.

Despite the minimum sentencing legislation, which provides for lengthy sentences, many people are still given lesser sentences than set out in the statute books. The current parole policy further ensures that people spend less time in prison than the sentence handed down to them may have stipulated.

More importantly, most people currently in prison are serving terms of no more than ten years. The majority of sentences are less than six months, followed by sentences ranging from six months to two years, and sentences of two to five years. Between 1995 and 1999, only 7% of sentences were between five and ten years, while less than 5% of sentences were more than ten years (Figure 2). It is therefore certain that most of those incarcerated will return to the community sooner rather than later.

Figure 2: Duration of prison sentences, 1995-99



## In search of solutions other than prison

Current prison conditions do not allow for the rehabilitation and reintegration of the offender. This is demonstrated by the high levels of recidivism. Although there is no exact data available on repeat offending, the minister of Correctional Services estimates it to be around 55%. The National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO) puts this figure much higher in areas where they have operated, at 80-90%. Either way, these figures indicate a high rate of recidivism.

Thus the smaller the chance to rehabilitate prisoners, the higher the probability of recidivism. It follows that even more people will be incarcerated – which in turn will necessitate the building of more prisons, a solution that has so far proven inadequate. Until such time that our incarceration policy is matched with policies of rehabilitation and restorative justice, there

will never be enough prison space to accommodate offenders.

For example, two private prisons have been built, in Mangaung in the Free State and in Louis Trichardt in the Northern Province. In addition, two new state-owned prisons will be completed by April 2004 to increase prison accommodation. The two private prisons and the two state prisons together will house approximately 12 000 prisoners – yet they will not even provide a quarter of the accommodation that is currently needed.

## Conclusion

As the last outpost of the criminal justice system, the prisons have very little control over their intake. The Department of Correctional Services is charged with hosting offenders who have been or are going through the criminal justice system, but decisions regarding sentencing – which determine how long they will be in prison – rest with magistrates and judges. There seems to be little regard by the judiciary for the consequences of their decisions on prisons.

In the final instance the Department of Correctional Services cannot make a significant contribution to crime prevention merely by being reactive. Perhaps this situation can be rectified by enhancing their rehabilitation strategies in partnership with communities and other departments, such as the Departments of Justice and Constitutional Affairs, Education, Labour, and Trade and Industry. The successful rehabilitation of offenders will be measured by the decrease in the rate of repeat offending.

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## **GETTING A GRIP ON GUNS:**

### **Rolling out the Firearms Control Act**

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**Published in SA Crime Quarterly No 1, July 2002**

The use of guns in crime remains high in South Africa. The annual report of the National Injury Mortality Surveillance System (NIMSS) for 2000 found that death caused by firearms is higher in South Africa than death occurring through road traffic accidents or any other external cause of non-natural death. The government maintains that controlling firearms remains a priority and is focusing on the implementation of the Firearms Control Act. But is regulating the civilian ownership of guns the right way to make South Africa less vulnerable to guns and gun crime?

The Firearms Control Act of 2000 was drafted to replace the out-of-date and much modified 1969 Arms and Ammunition Act. The new legislation is slowly being rolled out, with some articles already in force, and others pending the official date of commencement by proclamation.

Inevitably, the new legislation has drawn fire from interest groups on both sides of the firearm debate in South Africa. Groups advocating a comprehensive clampdown on licensed guns in South Africa believe the legislation has not gone far enough. On the other hand groups identified with the interests of sports shooting and hunting have stated that the legislation is focusing on responsible gun users and avoids taking action to stop the illicit gun market in the country.

Irrespective of which side of the debate one takes, the approach of the government to the adoption of the Firearms Control Act is a pragmatic response to a complex situation. Research carried out in anticipation of the drafting of the legislation pointed to some areas where the 1969 Act was clearly inadequate. The new Act attempts to address these and, in addition, attempts to clarify the legal and illegal uses and ownership of firearms; a step that should be welcomed by all.

#### **South African firearm statistics**

Unfortunately, South African firearm statistics are some of the grimmest on record. The NIMSS report, which is based on data collected from 15 mortuaries in five provinces, recorded 18 876 fatal firearm injuries in 2000, estimated to account for 24-29% of all non-natural deaths in South Africa during that 12 month period. By comparison, 23% of deaths were due to all motor vehicle collision categories combined.

For more than 44% of the firearm fatalities the manner of death was homicide, followed by accident (35%) and suicide (9%). Men were most likely to be the victim of homicide (49%) while women were most likely to be killed in accidents (44%). More than half of all homicides recorded (4 372) were inflicted by guns, followed by 2 547 committed with sharp instruments (e.g. knives).

Although the figures are lower, firearms are also used in suicides by both men (37%) and women (25%). The leading form of suicide for men is hanging (42%) and for women, poisoning (32%). According to the NIMSS report, suicide rates are increasing nationally, and it can be expected that the use of firearms in suicide will also increase.

The use of firearms in crime also continues to increase. One of the arguments among those opposed to the new Act is that the weapons used in crime are illegally held and that government should therefore not be focusing on legal gun owners. However, research published in the Nedbank-ISS Crime Index 5(5), 2001, the most recent available, shows that in an analysis of police dockets, 665 weapons per 100 000 owned were lost in 1998, from a total licensed firearm pool of 4.5 million, including 3.5 million licensed to individuals. One may assume that many of these weapons, especially those lost through theft or robbery, enter the illegal market.

#### **Public opinion on guns**

Research carried out by the ISS in various communities in South Africa and nationally by the Human Sciences Research Council (HSRC), has found that public opinion is in favour of stricter controls on firearms, and is often for a complete ban on gun ownership.

The HSRC study found that almost 60% of South Africans believe that civilian ownership of guns should be banned. Those most in favour of a ban were black respondents (61%), while 38% of whites supported such a ban.

Surveys conducted among communities in Gauteng, Eastern Cape and KwaZulu-Natal have shown similar results. In three areas, Lekoa-Vaal, Tsolo-Qumbu and KwaMashu, survey respondents reported that firearm possession was increasing. This was largely because guns were more accessible to those who wanted them, but also because people were arming themselves out of fear of rising crime and violence. Across all three communities, there was clear support for stricter control over firearms and for communities to be free of guns.

#### **What the new Act does**

The Firearms Control Act is part of a co-ordinated government response to dealing with firearms in South Africa. The purpose of the Act is to:

- Prevent the proliferation of illegally possessed firearms.
- Prevent crime involving the use of firearms by improving control over legally possessed firearms and providing for the removal of illegally possessed firearms from society.
- Control the supply, possession, safer storage, transfer and use of firearms.
- Detect and punish negligent or criminal use of firearms.

Establish an effective system of firearms control and management.

The Act regulates the possession, use and transfer of firearms for individuals and business but excludes weapons owned by the state (e.g. police and military weapons).

The Act prohibits possession of some types of weapons, and defines when, and under what conditions, firearms may be owned.

Briefly, the Act:

- Prohibits fully automatic firearms (e.g. assault rifles, such as the AK-47).
- Prohibits firearms that have been modified, such as semi-automatic weapons that have been changed to fully automatic or where the length of the barrel of a gun has been shortened (e.g. sawn-off shotguns).
- Restricts the number of weapons an individual may possess to one weapon for self-defence and a total of four firearms for self-defence and occasional hunting and sports shooting.
- Requires each firearm to be licensed individually.
- Requires competency certificates, proving knowledge of the Act, practical tests and training (see box below).

The competency certificate must show the following:

- ♦ The make of weapon in question.
- ♦ That the person applying:
  - Is over 21 years of age.
  - Is a South African citizen or permanent resident.
  - Is of 'stable mental condition' and not inclined to violence.
  - Is not addicted to drugs or alcohol.
  - Does not have a criminal record, inside or outside South Africa.
  - Has not been convicted of a list of crimes, including violence or sexual abuse, or physical or sexual abuse within domestic relationships.

- Establishes a five-year renewal system for competency certificates.
- Establishes a renewal system for all new and existing firearm licenses, with a five-year renewal period for weapons acquired for self-defence, and ten years for firearms licensed for hunting or sports shooting.

Once the 2000 Act is in force, existing licence holders will have a grace period of five years during which the existing licence will remain valid. However, in that time people owning more than one weapon for self-defence, any prohibited weapons, or a total of more than four weapons, will be required to dispose of the additional or prohibited weapons.

| PROVISION                                                                                                                                                                                                         | 1969 ACT                                                                                                                                                                                                 | 2000 ACT                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum age requirement                                                                                                                                                                                           | 16 years                                                                                                                                                                                                 | 21 years                                                                                                                                                                                                                                                                                                                                                                          |
| Number of firearms allowed per person by category: <ul style="list-style-type: none"> <li>• Self-defence</li> <li>• Occasional hunting/sports shooting</li> <li>• Professional hunting/sports shooting</li> </ul> | Unlimited                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Self-defence: 1 handgun (not fully automatic) or 1 shotgun (not fully or semi-automatic)</li> <li>• Occasional hunting/sports shooting: total of 4 firearms, with only 1 handgun</li> <li>• Professional hunting/sports shooting: unlimited but requires sworn statement from accredited hunting/sports shooting organisation</li> </ul> |
| Competency certificate                                                                                                                                                                                            | Not required                                                                                                                                                                                             | Required <ul style="list-style-type: none"> <li>• 5-year renewal for self-defence</li> <li>• 10 years for other categories of licence</li> </ul>                                                                                                                                                                                                                                  |
| Knowledge test of Act                                                                                                                                                                                             | Not required                                                                                                                                                                                             | Required                                                                                                                                                                                                                                                                                                                                                                          |
| Training and practical test                                                                                                                                                                                       | Not required                                                                                                                                                                                             | Required                                                                                                                                                                                                                                                                                                                                                                          |
| Safe-storage for firearm and ammunition                                                                                                                                                                           | Yes                                                                                                                                                                                                      | Yes                                                                                                                                                                                                                                                                                                                                                                               |
| Lending firearms                                                                                                                                                                                                  | With permission of licence holder for up to 14 days or under supervision of license holder                                                                                                               | Under immediate supervision of licence holder                                                                                                                                                                                                                                                                                                                                     |
| Declaration of person unfit to possess firearms (after a licence has been issued)                                                                                                                                 | <ul style="list-style-type: none"> <li>• Expressed intent to kill or injure self</li> <li>• Mental condition, addiction to drugs or alcohol</li> <li>• Conviction of firearm-related offences</li> </ul> | <ul style="list-style-type: none"> <li>• Protection order issued against licence holder under Domestic Violence Act</li> <li>• Expressed intent to kill or injure self or any other person with gun or other dangerous weapon</li> <li>• Mental condition, addiction to drugs or alcohol</li> <li>• Failure to keep firearms safely</li> </ul>                                    |
| Renewal period for licence                                                                                                                                                                                        | None                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• 5 years for self-defence</li> <li>• 10 years for other categories of licence</li> </ul>                                                                                                                                                                                                                                                  |

#### Next steps

At the time of writing only certain provisions of the 2000 Act have entered into force. Those relate to:

- The definition of firearms.
- The purpose of the Act.
- Taking of body prints (e.g. finger or palm prints) and samples for investigation.
- Penalties for failing to comply with the Act.
- The establishment of firearm-free zones.

Currently, the regulations contained in the Act are being finalised, as are some of the structural changes that will allow full implementation of the Act. At this stage there is no public information available on the proposed date for the promulgation of the Act, amid growing concern over the delay in implementation.

In terms of the Act all licensing, appeal, import and export information is kept in the Central Firearms Register, maintained by the South African Police Service. The introduction of the new legislation is requiring a overhaul of the existing computer system. In addition, the new Act establishes Designated Firearms Officers (DFOs), who will be responsible for, among other things, checking applications for licenses and verifying competency certificates. These officials are currently being trained in the application of the Act as a precursor to its full implementation.

## Conclusion

The Firearms Control Act is designed to make the process of owning a firearm in South Africa legally and responsibly more clear to both the user and the police. At the same time the law attempts to reduce the likelihood of weapons moving from the legal trade into the illicit market. The responsibilities of licensed owners are far more clearly spelled out in terms of safe storage and responsible use of weapons, and there are stricter regulations governing the import, export and in-transit transfer of firearms in South Africa.

The Act will be a challenge to implement as it establishes new restrictions on ownership, introduces limits on the numbers of weapons that may be owned, and requires renewal of licenses and competency certificates. This is part of the reason why the government has taken a pragmatic approach to its implementation, rolling out the new Act more slowly than some desired.

As with all legislation, the success of the Act will rely on how it is applied, and both government and civil society have a role in monitoring the implementation of the Act. In addition, government must continue to pursue the reduction of illicit firearms in South Africa, acting forcefully to remove these weapons and penalise those found using them. Other areas that need attention are the loss of state-owned firearms from the police and SANDF, and the continuing efforts to improve policing and public security so that the factors that drive people to possess weapons for self-defence are reduced. It is only through a comprehensive approach to a complex problem that the responsible use and control of guns in South Africa will be realised.

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## EVERYONE'S AN INSPECTOR:

### The crisis of rank inflation and the decline of visible policing

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Published in SA Crime Quarterly No 1, July 2002

South Africa currently has five and a half times more police inspectors than constables. This has resulted in a classic demonstration of the adage 'too many chiefs and not enough Indians' and has contributed to the collapse of field supervision in the South African Police Service. Recent moves to laterally transfer 7 000 senior military personnel will not help the situation, and present training plans, though ambitious, will not assist much. A radical rethink of the organisation is needed to optimise member strength on the streets.

The South African Police Service (SAPS) suffers under a glut of management unparalleled in the world. Rank has become virtually meaningless among non-commissioned officers, and this has resulted in a near collapse of field supervision in some areas.

As Figure 1 illustrates, the SAPS has five and a half times more inspectors and nearly four times as many sergeants than constables. This distribution is absurd in terms of the functional responsibilities associated with these ranks internationally. Sergeants are generally assigned to supervise teams of constables, while inspectors are responsible for shifts of sergeants. Figure 2 shows the typical chain of command found in American police departments.

Figure 1: Rank distribution in the SAPS, Dec 2001

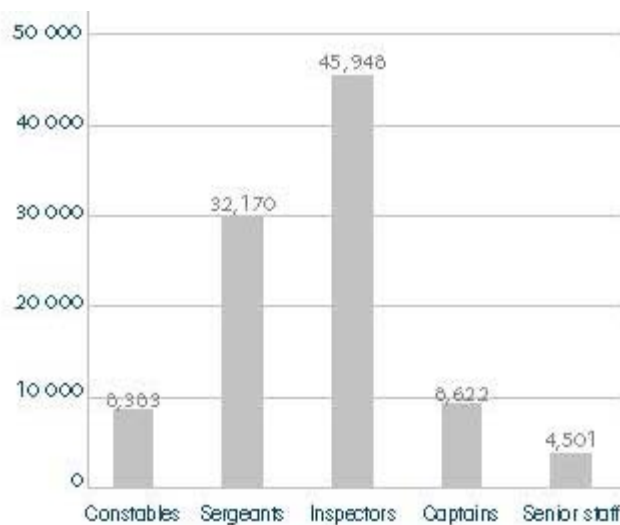
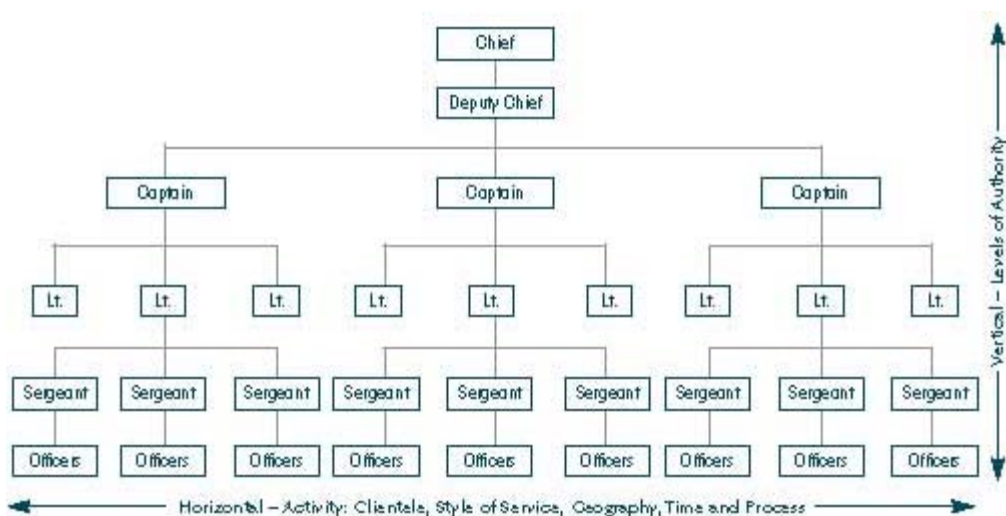


Figure 2: Typical US rank hierarchy



Source:

C Swanson et al, Police administration structure, processes and behaviour, Prentice Hall, New Jersey, 2001

The South African distribution of rank jars sharply with international norms. The ratio of sergeants to

constables is 1 to 4.5 in Australia, 1 to 5 in Britain, 1 to 4 in Canada, and 1 to 6.4 in the US. This situation is completely inverted in South Africa. Sergeants and constables comprise 94.5% of all members in Australia and 91% in Britain. In South Africa, they comprise only about a third of total staff. The result is that there is no real differentiation of function between non-commissioned officers, with inspectors commanding whole squads of other inspectors, some senior in experience to their supervisors.

### **Too many chiefs**

At the bottom end, rank seems to be more a designation of pay scale than function. This would not be a problem if authority were associated with job title rather than rank, but this does not seem to be the case either. The blurring of rank on the bottom end stands in contrast to the situation among the higher ranks, where 'rank grading' (the association of a particular job with a particular rank) is maintained. Once they achieve the rank of captain, members are essentially promoted out of field duty. This means that new management positions have to be created to accommodate an ever growing pool of commissioned members, whether these desk posts are needed or not.

Aside from creating a great deal of unnecessary bureaucracy, the loss of the meaning of rank has practical consequences in the field. The virtue of a military-type structure is that every incident has a clear line of responsibility associated with it:

- Constables are dispatched to calls for assistance. As the responding members, they are responsible for the incident until relieved by a superior officer.
- More serious calls require the response of the constable's supervisor, a sergeant. The sergeant is responsible for all activities of his constables, and will be held to answer for any failure to supervise.
- Any situations that require higher-level discretion are referred to the inspector in charge. The inspector is ultimately responsible for the activities of the sergeants and their constables.

If a constable makes a mistake, fails to perform, or is involved in misconduct, the whole operational chain of command is ultimately held to answer. This dynamic assures vigilant monitoring of each and every member, monitoring that is currently lacking in the SAPS. It also ensures a co-ordinated response to emergencies, something that only becomes possible with a clear distribution of authority.

### **Top-heavy and costly**

The ratio of supervisors to workers also has cost implications because senior staff cost more. According to the British Audit Commission, costs of ranks above constable absorbed 43% of the budget for personnel, and just a 2% reduction in salaries for these members would allow 1 000 more constables to be hired. While precise figures are not available, the situation is much more extreme in South Africa, where top ranks earn ten times what starting constables earn, and 93% of the service has a rank higher than constable.

The bloating of supervisory ranks is the result of at least four distinct processes:

- Mass retirements and restructuring.
- Lateral transfers.
- Union pressures.
- Affirmative action.

Once democracy became imminent, many ideologically committed members left the service, particularly those whose rank and training made them marketable in the private sector. They were joined by those who felt that it was in their best career interest to retire from the service, given anticipated affirmative action, the uncertain future of the police, the projected expansion of the private security market, and attractive 'golden handshakes' intended to make room for lateral transfers.

Paradoxically, the loss of these members contributed to the present bloating, as it allowed a redistribution of responsibilities to an even greater body of transferred personnel. Ideological transformation also created more jobs for planners and administrators, many of whom were of rank. The final result of restructuring was the creation of four fully staffed levels of management – national, provincial, area, and station – despite that fact that most real authority remained highly centralised.

Aside from the loss of experienced staff, another problem confronting the police post-apartheid was integrating 11 separate police departments. Members of former homeland police departments were not required to have the same level of training or skill as the regular police, but they were transferred laterally when the 11 departments merged. In other bids to bolster numbers, subsequent waves of integration occurred, making thousands of under-trained and inexperienced 'kitskonstables' and security guards ranking members of the SAPS.

In terms of the present promotion policy, members are led to expect promotions at regular intervals among the lower ranks. Promotion is seen as a right, not a privilege. Strong police unions make firing of under-performing members very difficult, and station managers are not allowed to dismiss personnel on their own authority. Thus, any member willing to wait out the years is likely to find him- or herself an inspector before long, regardless of performance.

Affirmative action also feeds into the management glut. In 1999 the late Minister Tshwete proclaimed that 50% of staff in key management positions would be black by the end of the year. Clearly, this kind of agenda requires the rapid promotion of black members, even if there are no vacant positions into which they can be promoted.

### **Short of strength on the ground**

The problem has been exacerbated by the lack of new intake on the bottom end. The size of the South African police has been in decline since 1994. A 1996 assessment suggested full police strength for the

country should be 161 755 – present staffing levels are about 25% less than that. Ambitious plans to train 16 000 members in three years have been given budgetary approval. But the capacity of the police to train this number of new members is dubious. Instructors are scarce and many of the college buildings are in such a poor state of repair that it is unlikely they could be used. Training even a thousand members a year would be a stretch without compromising standards, but management is committed to passing five to seven times this number through the system. The consequence will be, once again, an expansion of raw numbers at the expense of quality.

Unfortunately, it is unlikely that even if things go off as planned that police visibility will be expanded appreciably. Natural attrition at this stage is about 5 000 members a year. This means that even with the training blitz, the SAPS will only achieve the desired 1997 staffing levels by 2005.

Furthermore, it takes a massive growth of uniformed numbers to create an enhanced street presence. Bayley (1994) applies the 'ten-for-one' rule to estimate the number of members needed to increase visible policing strength. Taking into account that only a fraction of members engage in visible patrol and that only a fraction of those are on the streets during any given shift, Bayley estimates that 10 new members need to be trained to increase visible policing presence by one member.

This situation is likely to be far less favourable in South Africa, where the proportion of the police assigned to street work is relatively small. Bayley builds his estimate on the assumption that 70% of police personnel is assigned to patrolling the streets. However, in South Africa, detectives comprise 18% of the service and civilians 17%, and about 8% of the total staff is assigned to head office functions in Pretoria. None of the aforementioned perform visible patrols. In addition, a sizeable proportion of station-level uniformed staff are assigned to other duties, such as the client service centre, guarding holding cells or public buildings, and administrative tasks.

Thus, assuming no one retires in the next three years, the recruitment drive of 16 000 members will result in an increased visible policing strength of only 1 600 members, spread among over 1 200 station areas. But factoring in attrition, it is likely that only 1 000 new members will be gained. Each station area may then experience an enhanced field presence of less than one new member apiece.

In yet another bid for a quick-fix solution, Defence Minister Mosiuoa Lekota recently announced the lateral transfer of 7 700 members of the South African Defence Force to the police. These members are no longer 'combat ready' because they are older than 30 years of age, which also suggests that they are senior members holding rank. Clearly, this is the last thing the SAPS needs at this point – more under-trained, inexperienced managers to command a diminishing pool of operational staff. While such a transfer may suit the ends of the SANDF, releasing it from its responsibility for a large pool of inactive members, it would spell disaster for the SAPS.

## Conclusion

Restoring order to the rank chaos will require a reassessment of the current ranking structure. Either the lower ranks need to be consolidated and captains assigned to the field, or a new rank, perhaps that of lieutenant, needs to be created to provide field supervision. While pay raises should not be rescinded, it is essential that some order be made of the rank structure as soon as possible.

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