

Reflections on the First Year of the National Crime Prevention Strategy

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The National Crime Prevention Strategy: Background

The development of the National Crime Prevention Strategy (NCPS) began after the South African President, in his opening of Parliament address in 1995, called for more attention to be paid to solving the problem of crime. The Ministry of Safety and Security responded to this call with a dual approach: the police were asked to develop an operational plan for improved and intensified policing (this became known as the Community Safety Plan) and the civilian staff of the ministry were tasked with developing a longer-term crime reduction approach. The early phase of developing this long-term approach was led by one of the minister's civilian advisors, who drew together a small team of civilian experts on crime and policing matters. When this committee proposed the development of a wide-ranging anti-crime strategy, a new group of government officials was set up to take forward the development process. This later group of officials and consultants from six government departments,¹ chaired by another of the minister's civilian advisors, became known as the NCPS strategy team.

The development of the NCPS was a slow and painful process, reflecting a universal lack of experience in crime prevention and a lack of experience in working co-operatively in an interdepartmental style. Participation from most departments was erratic and it was hard to secure commitment to the process in the absence of clear political commitment and direction. By the end of 1995, an outline of a proposed national crime prevention strategy was presented to Cabinet, who mandated the team to proceed with the development of the strategy.

At about the same time, the government responded to increasing public pressure about crime and the crisis facing the criminal justice system by allocating R200-million from the Reconstruction and Development (RDP) Fund² to projects which would accelerate criminal justice reforms. This provided both an incentive and gave impetus to the NCPS process, whilst also raising what would become quintessential debates in the NCPS about the relationship between the criminal justice system and crime prevention, and between short- and long-term approaches. This was also one of the first symbolic links between the NCPS and the RDP; emphasising a developmental paradigm for crime prevention in South Africa. These links were made again when the

NCPS was included as one of the six pillars of the government's national growth and development strategy.

The NCPS was eventually passed by Cabinet in May 1996.³ Although the initial deadline for the strategy team had been the end of March 1996, finalisation of the strategy had been delayed by the request of African National Congress (ANC) Cabinet members to include a new chapter on current and short-term steps against crime. This was the first demonstration of the political leadership's concern to be seen to be responding to intense public pressure about crime. The NCPS was endorsed by all three parties then in the Cabinet, which was a major contributing factor to the warm media reception which it received on publication.

The initial communication of the strategy was distorted by the virtually simultaneous publication of the South African Police Service's (SAPS) "Police Plan" for 1996/97. This was the first time the police had published their plans for the financial year and the event received a great deal of media attention. The police plan primarily emphasised reactive policing issues and did not draw on the preventive approaches contained in the NCPS. The publication of two major anti-crime policies within a fortnight of each other served to confuse the public and the media, and undermine the government's intended message about a new commitment to long-term and comprehensive prevention approaches to the problem of crime. The policy framework provided by the NCPS envisages crime prevention as the shared task of all sectors of government and civil society. It sees prevention happening on four "fronts" represented by the four pillars of the strategy:

- enhancing the deterrent (preventive) effect of the criminal justice system by increasing efficiency and certainty in the system;
- blocking opportunities for crime in physical environments and in systems by redesigning environments and systems, using an approach known as crime prevention through environmental design (CPTED);
- public education programmes about crime and its prevention, as well as programmes aimed at changing the moral climate of the society into one which does not tolerate violence or law-breaking; and
- tackling the multinational dimensions of the crime problem through more effective border security and building strong and developmental relationships with neighbouring and friendly countries.

Thus, the NCPS provides a broad architecture within which specific problems of crime should be "disaggregated" in order for appropriate prevention strategies to be developed. The crimes of major concern to the government were identified as:

- crime involving firearms;
- organised crime;
- white-collar crime (economic crime);
- gender violence and violence against children;
- violence associated with intergroup conflict;
- vehicle theft and hijacking; and
- corruption within the criminal justice system.

The four-pillar framework and the seven priority crimes should be viewed as a matrix in which each of the pillars offers a variety of methods to prevent each type of crime, thus building a range of "tools" which would, over time, reduce the occurrence of that type of crime.

Aims of the NCPS

The NCPS – as part of a broad developmental approach – aims to reduce the levels of crime in South Africa by:

- building and integrating a comprehensive policy framework to guide various government departments, as well as shape and rationalise the way in which they utilise scarce financial resources;
- generating an understanding of the objective of preventing rather than merely controlling crime, which is shared by all governmental and non-governmental stakeholders;
- setting out a programme which identifies priority areas for action; and
- maximising community participation in crime prevention and building confidence in all South Africans that crime will be reduced.

These are all very substantial demands and expectations, especially on a government going through a difficult and thorough process of democratic transformation. Both because of this, and because of the deeply-rooted nature of crime in South Africa, the NCPS does not seek to merely adopt "quick fix" or remedial measures which cannot offer a sustainable reduction in crime, but rather attempts to generate targeted, specialised and prioritised short-, medium- and long-term programmes which recognise that safety is a basic need of all South Africans. In so doing, the NCPS also aims to prioritise the needs of victims of crime.

Principles Underlying the NCPS

The policy framework provided by the NCPS was underpinned by a set of principles aimed at informing the approach taken to crime prevention in any setting in South Africa. These principles are outlined below.

- The problem of crime cannot be solved by government alone. Crime prevention fundamentally requires partnerships with a range of non-governmental role-players.
- Tackling crime requires more resources than the criminal justice system⁴ alone can provide. The NCPS suggests a move away from traditional approaches to crime control based on notions of "security" and criminal justice, to a new approach which emphasises social rather than state prevention.
- The focus of prevention efforts, and of the criminal justice system in particular, should be on victims, rather than on the traditional pursuit of offenders.
- Effective prevention strategies are based on a differentiated and "disaggregated" approach to crime – an approach which begins with a careful analysis of each crime problem, followed by the development of strategies appropriate to the particular problem.

- New crime prevention approaches must be based on a recognition of public fear of crime, and must build confidence.
- All prevention programmes require a set of social values and mores which are intolerant of, and resistant to, crime. All prevention efforts must contribute to changing attitudes of citizens towards law-breaking and co-operation with the justice system.
- All prevention efforts must be congruent with the constitutional arrangements and, in particular, the Bill of Rights.

Key Issues in the Implementation of the NCPS

This part of the chapter reflects on the achievements and challenges in interpreting and implementing the NCPS in the first year after the adoption of the strategy. This is not a comprehensive review of activities, but a thematic reflection on the success of the crime prevention initiative.

Policy Development and Delivery

The NCPS was framed as one of the six pillars of the government's national growth and development strategy and was deliberately identified as a long-term plan. This link made explicit a developmental approach to crime prevention and emphasised the long-term nature of the crime prevention project. Locating the NCPS within the context of the national growth and development strategy made it vulnerable to the same ambitions as other large-scale development policy initiatives. The virtual demise of the RDP,⁵ the limping performance of the Masakhane Campaign, and the overloaded expectations placed on new and vulnerable local government institutions for delivery (to mention but a few examples), rather than being attributable to any lack of commitment on government's part, are all evidence of the gap between policy and delivery – an inability on government's part to match the demands of visionary new policy-making with the technical and financial capacity to implement these policies.

There are two key components to this fundamental problem. On the one hand, since its incumbency, the ANC government – in large part drawing on its traditional intellectual power-base within non-governmental organisations (NGOs), the trade unions and the universities – has recruited into the ranks of government a uniquely powerful intellectual capacity for creative and innovative policy-making. Government has thus developed a remarkable ability to generate visionary policy pertaining to virtually every dimension of its operations and political concerns. On the other hand, government's capacity to implement these policy visions has been entirely dependent on either inexperienced new recruits who have proved frequently to have little capacity to drive and operate state bureaucracies, or officials inherited from the old order who themselves have often been either passively or actively resistant to implementing the policies of a new political leadership, or who have simply been incapable of making such a policy shift.

Added to this are the sustained budgetary constraints which demand a difficult process of prioritisation, both at the policy-making level, as well as at the implementation stage. Prioritisation is necessary if the massive task of redressing historical inequities at the social, political and economic levels is to be undertaken. The original NCPS proposed a set of no fewer than 17 national programmes, each with its own identified lead department. Some of these programmes were also

extremely broad and ambitious, for example: a programme to re-engineer the criminal justice system; one to redesign the whole system of criminal justice information management; and the development of national prosecutorial policy. In the first implementation phase of the NCPS, this original list of priorities was renegotiated with assistance from management consultants provided by Business Against Crime.⁶

The tension between the ambitious nature of the NCPS as a policy and the limits on the government's capacity to deliver, has important implications. Firstly, the gap between government's capacity to generate sophisticated policy visions and its capacity to implement such policy may in fact contribute to frustrated popular expectations. Secondly, this gap between expectations and delivery may also reflect a fundamental problem with government's approach to policy-making. Such policy development, although visionary, may have failed to adequately prioritise short-term, deliverable objectives which resonate closely enough with grassroots needs and which are achievable within tight budgetary constraints.

In the third instance, these tensions may in some cases reflect a growing gulf between voters and their public representatives, and an inability to influence or affect elected representatives or government officials who do not perform. The danger inherent in this latter perspective is that it limits the role of the organs of civil society to a rather indirect lobbying and advocacy function, which, in turn, accommodates the spectre of, at worst, growing unchecked corruption and mismanagement within government administration, or, at best, decreasing accountability and increased failure to perform. (This also may have implications for the "partnership" approach to crime prevention which is so important to the NCPS.)

Interdepartmental Co-ordination

One of the most innovative features of the NCPS is its attempt to establish cross-cutting programmes between various government departments. In particular, this is considered essential in respect of the departments of the criminal justice system, precisely because these departments should become part of an integrated and interdependent whole. The strategy also promotes the rationalised utilisation of resources through the elimination of wasteful overlap and through maximising impact via co-ordination between government departments – in partnership with organs of civil society.

Since Cabinet passed the NCPS, some significant advances have been made in respect of the partnership aspect of crime prevention. However, whilst the building of government-civil society partnerships has been substantial, the creation of partnerships between various governmental departments has been less effective.

In this respect, Shaw argues that:

the greatest strength of the NCPS – its inclusive and comprehensive nature – also holds the potential to be its greatest weakness. The very complexity and wide-ranging nature of the strategy suggests that co-ordination and leadership will be critical success factors.⁷

Whilst accurately identifying a primary problem facing effective implementation of the NCPS, Shaw nonetheless risks the critical mistake of assuming that the key to success lies in co-ordination, thereby ignoring the extent to which co-ordination is in fact often motivated as a substitute for absent capacity. Yet, in essence, the challenge remains in that the NCPS demands methods of operation which are anathema to the traditional manner in which government operates.

Cross-cutting policies and programmes demand horizontal lines of accountability across departments, whereas government is grappling with just sustaining vertical lines of authority. Most obvious in this regard is the key institutionalised problem of competition between departments for scarce budgetary resources. This actively inhibits any co-operative and co-ordinated ventures. The magnitude of the challenge which results is enormous and any programme must be critically weighed against, on the one hand, its realism, and on the other, its strategic priority status. In terms of the need for co-ordination, it is arguable that this is a clear priority within the criminal justice system which will only be functional once it starts to operate as an integrated whole.

In this regard the NCPS was meant to be based on an almost "costless" rationalisation of budgetary allocations. But the harsh reality is that – in any event – it is not possible to engage in budgetary rationalisation processes of this nature if departmental representatives to the NCPS are not in control of their budgets. There is considerable room for debate between policy-making based on available resources and existing capacity on the one hand, and demand-driven budgeting through the re-prioritisation of spending on the other. The substantial problems and debates in this arena cannot be fully considered here. Suffice it to say that the central task of the medium-term expenditure framework⁸ for the justice/security cluster is to attempt to define the objectives of the NCPS as the main business of all the relevant departments, through rationalised budgetary measures.

An equally substantial problem which plagues the implementation of the NCPS is the related problem of translating interdepartmental co-ordination and co-operation at the national level into an operational reality down the line in the various departments and provinces. This latter objective demands at least two specific things. Firstly, it demands the upgrading of technical skills to accommodate the broadened mandate, responsibility and know-how necessary to effect the necessary change in traditional and entrenched organisational and operational practice (thereby ensuring that the thrust towards co-ordination does not merely serve as a false substitute for absent capacity). Secondly, it presumes that such directives emanating from a new political leadership (the ministers and directors-general) will necessarily be carried out through the line departments – an assumption which is less than reliable.

In addition to policy and budgetary co-ordination, there are also potential problems with the methods which are being used to establish and sustain *operational co-ordination* between NCPS departments. The model for this level of co-ordination is based on a broader version of the co-ordination traditionally carried out by the Joint Security Staffs (JSS). The JSS was a structure of the previous regime, made up primarily of senior police and defence force commanders. The new National Operational Co-ordinating Committee (NOCOC) will also include other departments which are part of the criminal justice system. There may be potential dangers in the establishment of an independent operational command centre which may not be subject to political control or civilian oversight. The distinction between "policy" and

"operational" matters is often false, and is used to buttress the security forces against political direction by the new government under the guise of preventing "political interference" in the criminal justice process. The potential political and constitutional risks of the new "operational co-ordination" arrangements will require careful monitoring.

A final problem with interdepartmental co-ordination revolves around the quality and rank of the personnel mandated by each of the government departments to manage the crime prevention work of that particular department. Although ministers and directors-general agreed in principle that each department should dedicate at least one senior official full-time to the task of co-ordinating and managing the NCPS, this has not happened in all departments. The result is that some departments fall behind on their responsibilities and become "weak links" in the co-ordinating circle. This problem is exacerbated by the tensions which occasionally arise between ministers or directors-general, and by unilateral actions taken by one department without prior discussion through NCPS co-ordination structures. Grand notions of interdepartmental co-ordination in fact rest on very fragile foundations, and can easily be derailed by lack of participation or consultation.

Pressure for Short-term Action and Quick-fix Solutions

The NCPS specifically noted the limitations of "quick-fix" solutions⁹ as being restricted to the realm of crime control, rather than servicing the wider objectives of crime prevention. In this respect, despite the fact that the original NCPS document recognised the importance of effective crime combating and reactive policing as preventive deterrents, it nonetheless failed to adequately integrate short-term and long-term action plans.

This subjected the NCPS to disproportionate popular pressure and allowed it to be labelled as "yet another plan" with few perceived immediate benefits. This problem was perhaps compounded by the duplicate planning process in the Department of Safety and Security at the time of the release of the NCPS. This meant that a central aim of the NCPS – to create a sense of confidence that crime would successfully be reduced – was also undermined as the victimised public lost faith in government's ability to resolve the problem. It was primarily the failure to integrate meaningful and confidence-building short-term interventions into the NCPS within its first year – which could be defended by government – which contributed to this political pressure.

The effect of this was a significant failure to integrate government's new and creative paradigm for crime prevention into the popular discourse. The long- and medium-term crime prevention objectives, the emphasis on crime as a social rather than a security issue, the attempt to establish a victim-centred system of restorative justice rather than a state-centred system of punitive justice all fell victim to the immediate demand for more reactive crime combating measures.

The pressure for "quick-fix" solutions provides a direct impetus for the kind of activities undertaken by the criminal justice system. The concern to develop long-term, sustainable measures which prevent offending and which prevent people, particularly youths, from becoming criminals, really suffered from the popular and political pressure to implement short-term criminal justice measures which, by their very nature, revolve around crimes already committed. Perhaps there is no more important dynamic for crime prevention policy-makers to manage than this constantly

presumed tension between the demand for instant results and longer-term strategies and interventions.

Prevention or Reaction: The focus on criminal justice

Crime is a complex phenomenon that derives from a combination of personal choice, family circumstance, economic conditions and much more. We should not expect the criminal justice system to correct all antisocial behaviour or to solve all (or any) of our social problems – it is simply too blunt an instrument for such complicated tasks. We cannot expect the criminal justice system to create strong families, deliver jobs, or provide hope to young people.¹⁰

One of the NCPS's great innovations was in resisting the temptation to restrict crime prevention to the realm of the criminal justice departments alone. This approach lay at the root of the creative strategy based on an integrated, cross-cutting approach from the various departments of government. However, in the first year of implementation, popular pressure for tough criminal justice solutions had substantially impacted on the interpretation and implementation of the crime prevention strategy. Virtually no action has been taken on the two "social" pillars of the strategy, with all the available funding to date already devoted to the reform of the criminal justice system and to border control.

It could be argued that this is a necessary strategic choice through which government focuses on "getting the criminal justice departments right", before embarking on any other programmes. However, evaluations of crime prevention approaches elsewhere in the world all point to various forms of social expenditure being far more effective if invested in crime prevention than if used to increase criminal justice expenditure.

The tendency to revert to a criminal justice focus in crime prevention is unsurprising, given the risky and intangible nature of many forms of social crime prevention and the dependence of decision-makers on militarised and intelligence-led analyses of the crime problem. It is also driven by a lack of experience and confidence in social forms of crime prevention among government officials (particularly the "new" political elite). This is in sharp contrast to the wealth of experience which the South African security establishment has in repression, incarceration, and developing militarised "solutions" to social problems.

Criminal Justice Reform and Integration

Having criticised what we view as an over-emphasis on the criminal justice aspects of the NCPS, we now examine the form that the activities circumscribed by this pillar have taken. Other aspects of criminal justice reform, such as new legislation which did not originate from the NCPS, are not discussed here.

The original NCPS document proposed nine national programmes under the pillar on the criminal justice system:

- *re-engineering the criminal justice process*: aimed at integrating the management of the criminal justice process in order to make it more effective and therefore increase its deterrent effect;
- *criminal justice information*: to improve information-sharing and thereby improve the efficiency of the criminal justice system;
- *crime information and intelligence-gathering*: to improve the quality and management of crime intelligence as well as publicly-available information about crime;
- *prosecutorial policy*: to develop guidelines for all prosecutors to enhance consistency in the criminal justice system;
- *appropriate community sentencing*: to provide meaningful alternatives to prison sentences for minor offenders, thus reducing the burden on the Department of Correctional Services;
- *diversion for minor offenders*: to divert minor offenders out of the criminal justice system at an early stage, and provide them with experiences which would minimise their chances of re-offending;
- *secure care for juveniles*: to provide appropriate custodial facilities for juveniles to prevent them being corrupted or brutalised by adult criminals;
- *synergising and rationalising legislation*: to ensure that the country is governed by one coherent set of criminal procedure legislation (this was particularly relevant with regard to former homeland territories which had had separate criminal jurisdictions); and
- *victim empowerment and support*: to make the criminal justice system more accessible and sensitive to the needs of victims, as well as to address more broadly the negative impact of crime on victims.

Implementation of reforms in the criminal justice system was driven in large part by the availability of R200-million to fund these projects. Due to the inability of the criminal justice departments to agree on priority projects on which the money should be spent, Business Against Crime was asked to provide technical expertise to assist in identifying the main points of crisis and leverage in the system. This investigation was carried out by Andersen Consulting¹¹ who recommended eight areas for priority intervention:

- *enterprise management*: an integrated management system for the criminal justice "enterprise", including joint management of financial and human resources;
- *enterprise information management*: information management and information technology for the criminal justice system;
- *crime reporting, monitoring and investigation*: the handling and management of cases and evidence;
- *justice process and administration*: management systems for court procedures and for witnesses, to improve efficiency and reduce delays;
- *social support*: a victim empowerment and support programme;

- *juveniles*: implementing the recommendations of the Inter-ministerial Committee on Youth at Risk (IMC),¹² particularly in respect of establishing secure care facilities for juvenile offenders;
- *sentence enforcement*: a rehabilitation programme for prisoners, emphasising mainly the acquisition of literacy and numeracy skills; and
- *border control*: activities aimed at improving border control and controlling the movement of goods and people in the sub-region.

All of the projects identified in this priority list were put into action during 1997, with differential levels of progress having been made. A major achievement was the commencement of work on an integrated criminal justice information system. However, in some of the policy areas identified in the original NCPS document – prosecutorial policy, appropriate community sentencing and the rationalisation of legislation – no progress had been made by the end of 1997. This is probably due to various factors, including a lack of capacity in the Department of Justice, sensitivities around the independence of the judiciary and the prosecution service, and the slow pace of organisational restructuring of the justice system. The relationship between the ministries which drive the NCPS (and in particular Justice and Safety and Security) and the Attorneys-General are highly politicised, which also makes interventions in the area of legal policy more sensitive.

Despite the lack of progress in some of the policy areas, the NCPS has successfully taken up a number of new areas of work:

- an analysis of the procedures and problems in the bail system;
- a plan to minimise escapes from custody and from prisons; and
- a review of the status of awaiting-trial prisoners, and an analysis of the systems used to manage these prisoners.

These new areas of work reflect the fact that many of the most serious problems in the criminal justice system occur at the interface between departments, and not within the confines of one department. The NCPS has provided a new opportunity to address these problems and find solutions, without leaving one department with all the blame and burdening it with all the problem-solving work.

One of the main weaknesses of the original NCPS was its silence on the issues of recidivism and rehabilitation. Approximately 60-70% of prisoners in South Africa's jails are likely to have been there before, or to return on a similar conviction. This suggests that the prison system is in fact more criminogenic than it is a deterrent. The implementing structures of the NCPS have to date not come up with any new interventions in the area of rehabilitation of offenders. This should become a major new national priority, otherwise all other efforts at improving the criminal justice system will be in vain.

National Programmes and Priority Crimes

The NCPS's concern to develop "disaggregated and specialised" solutions to different crime types has been substantially pursued and – at the policy level, at least – is apparent in the establishment of a wide range of specialised national programme teams. Detailed problem analysis and strategy development is being undertaken by these teams in respect of a number of the national priority crimes:

- organised crime, including its increasingly diversified impact and its links to violent crime and to the drugs trade;
- border control and crimes associated with cross-border activities;
- corruption in the criminal justice system;
- vehicle crime; and
- trade in firearms and crimes involving firearms.

In spite of this wide range of issues and priorities, there remain some critical gaps in the NCPS priority crime list, in particular, the absence of programmes to deal with drug-related¹³ and gang-related crime. Also, the original national priorities have not been tackled with equal vigour – crimes against women and children have been subsumed under the national victim empowerment programme. This reflects the traditional ghettoisation of issues affecting women, children and victims, and indicates a lack of interest in what are probably the most prevalent violent crimes in South Africa. The issue of violent crimes arising out of intergroup conflict (such as taxi wars and the KwaZulu/Natal conflict) has not been taken on by the NCPS structures, probably because of the political sensitivities surrounding these particular crime problems. This is not to say that there is no government action on these conflicts. Rather, such action generally takes a reactive "fire-brigade" form, and little energy is put into developing long-term preventive solutions which fall outside the political realm. There is also very little movement on the critical issue of corruption in the criminal justice system.

There is no doubt that the task of prioritising one type of crime over another is an unenviable one. There are significant variations in crime across geographical region, class and age. To choose rape as a priority over car-jacking may jeopardise political support from the luxury-car driving captains of industry, even though rape may indeed be the more prevalent and damaging crime type. Even the initial categories of priority crimes as described in the NCPS were unsatisfactorily broad, reflecting the Cabinet's unwillingness to make the kind of tough choices necessary to draw up a realistic short list of priorities for crime prevention. What does come through clearly from the list, however, is an emphasis on serious violent crime as a main concern of the government. It is important to acknowledge that NCPS priorities have also shifted and have been responsive to short-term demands; for example, in respect of the need to deal with violence in the Tsolo/Qumbu area in 1997. Such occasions may provide useful opportunities to incorporate more preventive approaches into the strategies developed in response to particular situations.

Implementing the NCPS at the Local Level

The problems of co-ordination discussed above do not only present themselves at the interdepartmental level, but, arguably, also around regional and local level interventions and variations in crime. The express intention of the NCPS, based on a recognition of the local and regional variations in crime and crime priorities, was simply to develop a policy skeleton which – in part, through provincial crime prevention summits¹⁴ – would be fleshed out at the local and provincial levels. This approach assumes shared policy objectives (those of the NCPS) at all tiers of government, and provides opportunities for co-ordination between provincial and local initiatives. It also creates the space for variations in regional priorities and strategies.

It was a key intention of the NCPS to provide a comprehensive policy framework as a guide to provincial governments and local authorities for establishing partnerships with NGOs, community organisations and the private sector. A key problem in this context, however, is the danger of effectively extending an "unfunded mandate" to these levels of government to actually implement crime prevention strategies. The lack of funding to support or pilot crime prevention schemes on the ground is compounded by the lack of expertise and management capacity in most of the provincial and local governments. The principle of integrated interdepartmental work is also difficult to apply at provincial and local levels where national government departments (such as Justice and Defence) are not represented.

The Ministry of Safety and Security in 1997 commissioned¹⁵ a study of the possible decentralisation of policing and related functions. The main outcomes of this study are likely to be contained in the 1998 White Paper on Safety and Security.¹⁶ The report makes no specific reference to the NCPS, despite the clear objective of the NCPS to become operational at a provincial and local level. The NCPS has a range of sections which specifically refer to the roles and responsibilities of provincial and local government in the implementation of the strategy, yet none of these objectives were specifically considered in the course of the study and in the final report. The report does engage with crime prevention objectives and possibilities at the local level, and speaks much of the language of the NCPS (for example, it deals with issues of environmental design), but it does not actually refer to it.

The study confronted the problem of "how the additional function of crime prevention [can] be provided for" at the local level, and argues for specific criteria to assess which municipalities could take on this function. Included in these is an argument that:

the allocation of the function should not impede the municipality's obligation to administer traffic and parking matters (... and that ...) the allocation of the function should not impede the achievement of the developmental duties of municipalities in that a municipality must structure and manage its administration, budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community.¹⁷

Added to this, the report proposes new legislation¹⁸ so that certain crime prevention functions may be undertaken by municipal police services. These include the prevention of crime through the visible presence of law enforcement officials by means of point duty, and foot, vehicle or other patrols; the education of communities; and the rapid response to crimes where delays in the South African Police Service responses may result in harm. The report goes on to argue that no such legislative empowerment is required in respect of crime prevention through target hardening such as environmental design, design of safer cities, community education and awareness, involvement in partnership projects, and streamlining the strategies of the administration in accordance with the local priorities of the community.

In none of this is any reference made to the NCPS and the cross-departmental approach which it proposes. It seems that, at a policy level, the Ministry of Safety and Security is itself unclear about the use value of local authorities as the main vehicle for crime prevention at a local level. One possibility is that there may be a return to the use of criminal justice structures, such as local police stations or community police forums, as the "home" of local crime prevention initiatives, rather than local authorities. Debate around the role and resourcing of local governments in the provision of safety and security and, particularly, in crime prevention, can be expected to continue during and after the publication of the Safety and Security White Paper in 1998.

NCPS Communications

Perhaps one of the greatest deficits of the NCPS has been the failure to translate crime prevention into a popular discourse and a vision which could be effectively integrated into police practice. Despite the analytical insights contained in the policy document, it has remained abstract and inaccessible. It can be argued that this has severely encumbered government in its attempt to defend the policy, especially in the context of high levels of popular political pressure and emotion in response to the problem of burgeoning violent crime.

Quite apart from the media strategy issues, there have been wider implications arising from the nature of policy-making in the case of the NCPS. Policy on crime prevention must be seen to be tough, down-to-earth and implementable, but must not sacrifice the vision or the longer-term goals associated with the NCPS. However, this vision itself has to accommodate political reality and popular expectations, whilst, at the same time, be translatable into popular discourse.

It was a stated objective of the NCPS¹⁹ to create a shared understanding amongst South Africans of what crime prevention involves and to encourage a longer-term preventive approach to crime prevention. Section 1.2.1.4 of the NCPS sets out the aim of developing a common vision around crime prevention "which can be embraced by the whole of society". This was deemed to be essential in providing a beacon for collective action by civil society and creating a shared optimism in the fight against crime. Apart from the obvious need to integrate highly visible short-term interventions which clearly accord with the longer-term vision of the NCPS, a failure to develop this vision, rests, at least in part, at the level of communications and the inability to translate the NCPS into a popular discourse, or into a workable frame of reference for police members on the ground.

The consequent lack of public awareness, understanding and support for the NCPS has undoubtedly contributed to increased popular and political pressure on government and has detracted from the impact and vision of the strategy.

Furthermore, failure to translate the document into a blueprint for all affected state departments has contributed to it being treated as an "add-on" to the programmes of most departments, instead of as a key guiding programme. This failure of internal communication has also created the space for a kind of "dual policy-making" within the departments involved in the NCPS: instead of each and every programme being claimed as an opportunity to advance the objectives of the NCPS, there have been subtle splits and a perceived lack of mutual accountability (between policy-makers

and operational line managers) over the framing and marketing of interventions around crime.

Crime Prevention and Human Rights

The defence of human rights is a critical issue for the NCPS, because it directly concerns the impact of the Constitution on criminal justice practice. The original NCPS document was explicit about the need to defend constitutionally enshrined rights from the ravages of popular anger about crime.

In this context, the massive potential impact of secondary victimisation was clearly anticipated by the NCPS – it spoke very loudly to the impact of violent crime on families, friends, colleagues and witnesses of direct victims. This cumulative impact has understandably contributed to high levels of popular frustration and anger and has manifested as popular pressure and resistance to government's policy, plans and constitutional commitments. The effect has undoubtedly been to depress popular confidence in democratic governance.

It has also resulted in a dangerous resistance to the individual rights enshrined in the Bill of Rights, based on the popular perception that new human rights provisions merely service perpetrators and not the victims of crime. In this context, the initial defensive utterances of the Minister of Justice on the bail issue sacrificed the integrity of a hard-hitting crime prevention approach which could operate within the confines of constitutionally enshrined rights.

A primary contributory factor here is the perceived crippling effect of constitutionalism on effective police work and prosecutions – because, in the absence of *effective* training, police officers and prosecutors simply do not understand what they can and cannot do practically. In this respect, the 1996 SAPS Internal Environment Survey²⁰ offers some interesting insights in relation to human rights perceptions amongst SAPS members. It found that 72% of SAPS respondents believed that the Bill of Rights applied to all police activities. Of the respondents, 46% argued that the rights of suspects/the accused should not be protected by the Bill of Rights. A large proportion (38%), said they believed that the Bill of Rights only protected criminals, but it is suggested that this sample is heavily reflective of the concerns of the detective branches. Only 20% of police members surveyed said that they had attended a lecture about human rights, while 58% indicated that they had not even read a document on the issue. However, 90% of respondents felt that it was important for them to learn more about the Bill of Rights.

The real failure of government has been in its inability to place the needs and rights of victims at the centre of the crime prevention strategy. In this regard, it has failed to deal with both popular and police perceptions that rights only service the needs of perpetrators. The harsh reality, it can be argued, is that a relatively weak state in transition is unable to assert the universal and crime-preventive benefits of the Bill of Rights in the context of growing popular pressure and insecurity.

The Focus on Victims

The NCPS is a policy which prioritises victims and puts them at the centre of the crime prevention enterprise. There are several reasons for this, including an assertion

that victim aid and empowerment is a critical proactive intervention in cyclical patterns of crime and violence. The failure of effective victim empowerment within the criminal justice system is also a key factor in stimulating vigilantism or "private justice" and, as such, is linked to the loss of public confidence in the criminal justice system.

Victim-centred crime prevention is critical to effective criminal justice and to community safety in South Africa. This is so, not merely for the sake of public relations or to prevent the revictimisation of victims within the criminal justice process – although this is a critically important aspect of victim-centred policing. Rather, international experience has clearly demonstrated that effective management of direct and indirect victims and witnesses is a crucial tool in the armoury of routine police investigation,²¹ which is the lead-in to all other criminal justice processes.

In the midst of "perpetrator-obsessed" punitive public opinion regarding crime, the victim-centric aspect of the NCPS must not be lost. The relative failure to develop a popular understanding of victim empowerment as a proactive rather than merely a remedial aspect of crime prevention is a significant problem for the implementation of the NCPS.

Partnerships with Civil Society

The important initiative advanced by the NCPS to build partnerships between government and civil society in seeking to develop effective crime prevention, has already been noted. However, in practice, this approach was naive to the disproportionate influence which could be brought to bear by well-resourced and interest-based lobby groups (such as big business). It is suggested that the implementation of this partnership-based approach has not realised its potential in expanding capacity-building partnerships between government and the NGO sector, in particular, despite the often stated intentions of the NCPS in this regard. It is arguable that this has resulted in many of the noble constituency-based objectives of the NCPS – in relation to women, children, the youth and victims – being substantially underdeveloped or under-utilised.

It may be important to reassert the need for expansion and greater diversity in the forging of institutional partnerships. However, once again, the capacity problems must be acknowledged: it is only if government departments develop the capacity to manage these partnerships effectively that there is any guarantee against them simply becoming powerful civil society lobby groups wanting to shape the enterprise around their own specific interests. In particular, perceptions that the government is primarily concerned with building relationships with well-resourced business interest groups must be guarded against – without sacrificing these important partnerships.

Measuring and Monitoring the Success of the NCPS

Shaw argues that the NCPS, being as broad as it is, is immune to measurement, and he is critical of the notion that success will be equated with a flurry of activity. He rather cynically suggests that it will be measured by meetings rather than any real decrease in crime. Put another way, success will be measured by "outputs rather than outcomes".²²

In the final analysis, the only sustainable mechanism for building meaningful co-operation and co-ordination, is the development of forms of accountability which foster integrated operational approaches. One suggestion is to establish performance indicators which measure performance and success for the whole criminal justice system, rather than for the SAPS only. Blockages would still have to be remedied in particular departments (such as investigative capacity within the SAPS or the problem of escapes from prisons). This approach has key implications for promotions criteria and performance-based evaluations of personnel in the NCPS departments, as well as for limitations imposed by the operations and approaches of authorities such as the Public Services Commission and Treasury.

A major problem is that some of the NCPS's key cross-cutting performance indicators are really only measurable in the medium term, and therefore potentially fail to provide career-based incentives or disincentives. It is only by monitoring and evaluating on a short-term basis, that it is possible to secure short-term improvement in interventions and operations. Some of the potential key performance indicators may include:

- *Evaluation based on the percentage of **serious** reported crimes which do result in convictions and sentences.* However, there is a danger that if this approach was extended to all crime types, it could substantially undermine diversion strategies and other community-based restorative justice interventions, because police and justice officials would have an incentive to prosecute and secure convictions and prison terms instead of to divert.
- *Percentage recidivism (percentage of offenders who re-offend).* This would be a great test of both social welfare and corrections interventions and programmes. However, it would rely heavily on criminal justice information systems (which do not yet exist) for monitoring and tracking offenders, and this would have to be balanced against the constitutional rights of the accused, their rights to privacy, etc.
- *Increased reporting rates, as compared against the data on "real" crime rates revealed by victimisation surveys.* If simple police recording rates were to be relied on to measure performance, then this may create a dangerous incentive for SAPS members and public prosecutors to record and report on particular serious crimes in order to enhance their personnel evaluations. It also runs the risk of undermining the impetus towards investigation-based convictions and away from confession-based convictions. However, as a counter-balance, the employment of this indicator could also act as an important incentive to conduct better investigations, reduce the proportion of charges withdrawn during trials, and increase the conviction rate.
- *Other possible indicators include:* processing times for cases going through the criminal justice system; the number of successful prosecutions of offenders involved in crime syndicates; monitoring of the success/failure of opposed bail applications; the extent of diversion; and public perceptions of safety as tested via victimisation surveys. Most of these indicators would have the potential to generate unintended behavioural results which must be carefully assessed.

A more general problem to be considered here is that in order to translate these performance indicators into incentives for career advancement (along with disincentives for failure), one must be able to reduce the information to an individual level; for example, determining how many of the cases investigated by a particular detective resulted in successful prosecutions. Such an approach would require more substantial institutional transformation, including the creation of a performance-based evaluation system of individual members. This would also require sophisticated

systems of monitoring and direct internal communication – both of which are largely absent in the criminal justice agencies at present.

The problem with measuring the success of the crime prevention initiative is simply that it requires demonstrating that something did not happen. This is not only methodologically complex, but also difficult to "sell" to anxious politicians who require more concrete successes in the fight against crime to appease a sceptical public.

Conclusion

This evaluation of the NCPS may appear to be a rather premature judgement of government's inability to match implementation plans to the policy analysis which underpins the NCPS. This is especially so in view of the fact that a long-term strategy such as the NCPS, after so short an implementation phase, can really only be evaluated according to its outputs, rather than its results.

However, in considering the lessons and implications of the NCPS, our intention is to generate a view which is considerably more self-critical of the role of policy-makers, and to provoke further consideration of the benefits and challenges of long-term preventive approaches to crime.

It is acknowledged, however, that despite the limited resources available for, and the somewhat skewed focus of implementation of the NCPS to date, a great deal of progress has been made.

Government has recognised the need for co-ordination in respect of crime. It is beginning to understand the social dimensions of the crime problem, and not simply treating it as a security problem. The lack of communication around the NCPS initiative has shrouded both its achievements and its failures, but this is likely to improve, which will increase public scrutiny and accountability in relation to crime issues.

The breadth of the NCPS demonstrates the power of South Africans to envision solutions to their problems. South Africa does have a rather unique crime problem, as well as complex criminal justice, constitutional and political arrangements which would daunt crime prevention practitioners most anywhere else. The NCPS provides a range of possible solutions to the make-or-break issue of crime in South Africa, and it requires that both government and civil society be courageous enough to choose unfamiliar solutions to the all too familiar problem of crime.

Notes:

¹ The interdepartmental strategy team was made up of officials from the Departments of Safety and Security (police and civilian), Justice, Correctional Services, Welfare, Defence, and Intelligence (National Intelligence Agency (NIA), South African Secret Service (SASS) and the National Intelligence Co-ordinating Committee (NICOC)).

² This government fund financed new projects initiated as part of the Reconstruction and Development Programme (RDP).

³ <http://www.sacs.org.za/gov/projects/ncps/test/ncps.htm>

⁴ When we refer to the criminal justice system we refer to four main government departments: Welfare, Safety and Security, Correctional Services and Justice. Institutions such as the Attorneys-General, the judiciary and the Public Defence Service would be accessed through the Department of Justice.

⁵ <http://www.polity.org.za/lists/rdpdocs.html>

⁶ Andersen Consulting and Business Against Crime. 1996. "Re-engineering the criminal justice system: pre-scoping exercise. Final report." Pretoria: Andersen Consulting. (Unpublished.)

⁷ Shaw, M. 1997. *South Africa: crime in transition*. Paper no. 17. Midrand: Institute for Security Studies. p. 5.

⁸ The medium-term expenditure framework is a tool used by government to enhance rational planning and fiscal discipline.

⁹ Department of Safety and Security. 1996. *National Crime Prevention Strategy*. Pretoria: Department of Safety and Security. See Paragraph 1.2.1.7.

¹⁰ Donziger, S.R. (ed.). 1996. *The real war on crime*. New York: Harper Perennial. p. 61.

¹¹ Andersen Consulting/Business Against Crime, *op cit*.

¹² The Inter-ministerial Committee on Youth at Risk (IMC) was an initiative of the Ministry of Welfare.

¹³ See the first draft of a proposed national drug control strategy (developed entirely independently of the NCPS) at <http://www.sacs.org.za/gov/welfare/home/welfhp.htm>

¹⁴ Provincial crime prevention summits were held in each province during 1997 to disseminate the NCPS and to identify provincial crime priorities and provincial programmes for action.

¹⁵ The Committee on Decentralisation of Policing Functions, Devolution of Political Authority, Municipal and Metropolitan Policing and Civilian and Political Oversight (referred to as the Committee on Decentralisation of Policing Functions) was chaired by Kehla Shubane of the Centre for Policy Studies, Johannesburg.

¹⁶ The full first report of this study is contained in the report of the Committee on Decentralisation of Policing Functions, Ministry of Safety and Security, Pretoria, 1997.

¹⁷ Department of Safety and Security. 1997. "Report of the Committee appointed by the Minister for Safety and Security on Decentralisation of Policing Functions, Devolution of Political Authority, Municipal and Metropolitan Policing and Civilian and Political Oversight." Pretoria: Department of Safety and Security. (Unpublished.) p. 25.

¹⁸ Section 5.2.26.10 of the Report of the Committee on Decentralisation of Policing Functions.

¹⁹ NCPS, paragraph 1.2.1.2.

²⁰ South African Police Service. 1996. "Internal Climate Study." Pretoria: SAPS. (Unpublished.)

²¹ "Victims are the main source of information about crimes and criminals. Over half of all crime known to the police comes from reports by victims" (Donziger, *op cit.* p. 217).

²² Shaw, *op cit.* p. 6.

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