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THE SOUTH AFRICAN NATIONAL CRIME PREVENTION STRATEGY: OVERVIEW AND CONTEXTUAL ANALYSIS

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ABSTRACT

The article provides an overview of the main interventions proposed in the South African National Crime Prevention Strategy (NCPS) as well as a discussion of the aims and principles of the strategy in the context of sociological/criminological theories of crime, philosophical theories of punishment, and patterns and strategies for controlling crime in Western societies. The main themes addressed are: crime and human rights, crime control vs. crime prevention, crime as security issue vs. crime as social issue, retributive justice vs. restorative justice, and community-based crime prevention and criminal justice.

INTRODUCTION

The National Crime Prevention Strategy (NCPS) was launched in 1996, in the words of Acting President Thabo Mbeki (1996), "as part of government's endeavour to eradicate the unacceptable levels of crime in our country". As such it is a historically important document, being the first attempt to "establish a comprehensive policy framework which addresses all policy areas which impact on crime and to develop a common vision around crime prevention" and at the same time proposing a fundamental paradigm shift in the handling of crime.

Although the strategy has received wide journalistic coverage, the same does not hold true for academically oriented publications (e.g. Shaw 1997). This article aims to: (i) give a brief overview of the main interventions proposed in the strategy (ii) discuss the aims and principles which underly the strategy and (iii) to contextualise and evaluate the strategy against the background of relevant theoretical insights as well as international patterns and strategies of crime control. Although this broader context is not specifically addressed in the NCPS, the aim is to indicate that such linkages (intentionally or unintentionally) do exist. In the following discussion the second and third aims will largely be integrated.

OVERVIEW

The interventions against crime proposed by the NCPS centres on four pillars and a list of high-priority crimes. Central to the strategy are the following four areas of concern or **pillars**, each incorporating specific **national programmes** (16 in total):

Pillar 1: The criminal justice process: The broad aim of this area is the transformation of the departments involved in the criminal justice process to advance the **legitimacy and effectiveness** of the process. More specifically this entails national programmes aimed at: re-engineering the criminal justice process (e.g. streamlining, new systems, training personnel); criminal justice information management; crime information and management; prosecutorial policy; appropriate community sentencing; diversion programmes for minor offenders; secure care for juveniles; rationalisation of legislation; and a victim empowerment programme.

Pillar 2: Reducing crime through environmental design: In this case the aim is to **reduce the opportunities for crime** through national programmes which focus on: design and maintenance

of the physical environment; the development of a new national identification system; motor vehicle regulation; the reduction of opportunities and increasing detection and apprehension of persons involved in corruption and commercial crime.

Pillar 3: Public values and education: It is envisaged that crime levels can be reduced by creating a **moral climate and attitudes opposed to crime and violence** among the public as well as promoting a greater willingness of **citizens to take responsibility for crime**. This pillar encompasses two national programmes: a public education programme and a school-based education programme.

Pillar 4: Trans-national crime: It is realised that in an era of globalisation efforts should also be made to **limit the influence of international and regional criminal syndicates**. Two national programmes, transnational organised crime and border control and ports of entry, target this area of growing international concern.

Against a background of limited resources it was also decided to **prioritise specific crime categories** which have the most damaging effects on communities. These are: crime involving firearms; organised crime; white-collar crime and corruption; gender violence and crimes against children; violence associated with inter-group or political differences; vehicle theft and hijacking; and paramilitary activity. It is envisaged however, that this list will be supplemented in the light of specific **regional and local needs**.

AIMS, PRINCIPLES AND CONTEXT

In what follows an attempt is made to analyse the NCPS in terms of the aims and underlying principles as indicated in the policy document itself. This will be supplemented by insights drawn from the broader context of sociological/criminological theories of crime, philosophical theories of punishment, and patterns and strategies for controlling crime in Western societies.

The analysis will concentrate on the following themes: crime and human rights, crime control vs. crime prevention, crime as security issue vs. crime as social issue, retributive justice vs. restorative justice, and community-based crime prevention and criminal justice. These themes form part of the paradigm shift in crime prevention proposed by the NCPS. Another area of major concern addressed by the NCPS, i.e. the efficiency and effectiveness of the criminal justice system, will not be treated separately, but will be included in the discussion where deemed relevant.

- **Crime and human rights**

Part of the paradigm shift envisaged in the NCPS is viewing safety as a basic need. This involves "a shift from seeing safety and security as an enabling condition for economic growth and development, towards the realisation that it is an essential precondition to the protection of rights, liberty and the pursuit of happiness" (Department of Justice: 7).

It should be remembered, however, that the Bill of Rights enshrined in the South African Constitution forms the background against which the NCPS must be implemented. In practise this implies that certain crime prevention measures may be rejected or at least be debated due to conflicts with the Bill of Rights. The current public debates on the death penalty, bail for apprehended offenders, the right of prisoners to vote in the parliamentary election and police violence against suspects are four cases in point which emphasise the fact that that the ground rules of the 'crime control game' have changed. The fact that these issues are debated indicates, however, that the ground rules are not always accepted by the public or at least they are

interpreted differently. From this perspective the "common vision" envisaged by the NCPS and referred to in the introduction is clearly more a vision than a reality.

- **From crime control to crime prevention**

It is accepted in the NCPS that the criminal justice system largely deals with crimes that have already been committed and in practise it thus reacts to crime. This aspect of handling crime is defined as **crime control** (pp. 4-7) and is viewed as a short-term process.

In terms of current theories of punishment[1] this can be approached from the angle of **deterrence** or by posing the question as to what extent people will refrain from criminal behaviour due to punishment or the threat of punishment. Of relevance here is one of the main findings of deterrence research, i.e. that the most crucial dimension of punishment which has an effect on levels of offending is the **certainty** that offenders will be apprehended and punished, which places the spotlight on the effectiveness of the criminal justice process (see Liska, 1981 for a review of relevant research).

As stated above one major focus of Pillar 1 of the NCPS is improving the effectiveness of the criminal justice process, through, among other things, the successful investigation, prosecution and punishment of offenders. Presently this is an area of major concern as there has been a decline in the conviction rates for various crime categories since 1992/93 (Oppler & Louw 1997:E7-E12). The current problem is partially due to incompetent investigation by the police and inexperience on the part of prosecutors.

A major thrust of the NCPS, however, is the long-term strategy of **preventing crime** before it actually happens. Although deterrence, especially general deterrence, also holds implications for prevention, various other aspects of the strategy are relevant: (i) One of the aims of the national programme for victim empowerment and support proposed as part of Pillar 1 is crime prevention. It is argued that empowerment of victims will reduce repeat victimisation and that support for victims will address dissatisfaction which often leads to vengeance and cycles of violence and crime. The lead agency to develop a national programme for victim empowerment is the Department of Welfare and some steps have already been taken in this direction, including a national conference in 1998 (see various articles in *Social Work Practice* 1:98).

(ii) Pillar 2: Reducing crime through environmental design is wholly aimed at crime prevention. Viewed from an international perspective the attention given to this approach places South Africa on par with other Western societies regarding approaches to crime prevention (Garland, 1996). On a theoretical level this links with the influential **theory of situational crime prevention** which forms part of the broader control perspective (Clarke 1995).[2] Assuming that criminals rationally calculate the costs and benefits before actually committing crimes, it is argued that by **limiting the opportunities for crime** (victims, targets and facilitators, e.g. guns), thereby increasing the effort and risk and reducing the rewards of crime, many crimes can be prevented. (iii) Pillar 3: Public values and education rests on the assumptions that crime can prevented through **self-control and public participation in crime prevention**, e.g. community policing, which can also be linked to the control perspective referred to above. Theoretically the importance of **lack of self-control** is currently associated with the work of Gottfredson and Hirschi (1990). Starting from a rational choice perspective, they argue that crime results from unrestrained human tendencies to seek pleasure and avoid pain, and that unless people are properly socialised, mainly in the family, they will tend to criminality. (The aspect of public participation will be discussed separately - see 'The shift to a community based criminal justice system' below). (iii) Pillar 4: Trans-national crime, which also devotes attention to the international dimension of crime prevention.

- **Crime as security issue vs. crime as social issue**

Traditionally the main approach to crime in South Africa has been to view it as a security issue which mainly involves the security services. The NCPS proposes a shift in emphasis toward the view that **crime is fundamentally a social issue**. Two aspects of this view will be discussed, i.e. the social causes of crime and the multi-agency approach in handling crime.

Chapter 4 of the NCPS gives an overview of various factors which are seen to cause crime in South Africa. For present purposes a full discussion of that analysis is not necessary. What is relevant is that the factors mentioned all fall within the social domain (including economic and political factors). A further relevant distinction is that between "root causes" and "enabling factors". The NCPS mainly deals with the enabling factors such as deficiencies in the criminal justice system and limiting the opportunities for crime referred to above.

The question thus remains: **what about the root causes of crime which all are mainly of a social nature**? In this regard it is important to remember that the NCPS, and safety and security more generally, is but one aspect of the more comprehensive governmental policy to promote growth and development. The NCPS was drawn up with full knowledge that it will have to go hand in hand with economic development, as underdevelopment is related to the crimes committed by large sections of the population.

Perhaps the most thorny issue here is the **role of welfare provision in limiting the crime rate**. Although the welfare state did not succeed in bringing crime levels down as expected, this does not necessarily imply that welfare provision is irrelevant to crime reduction. Downes (1994), in a recent analysis of youth crime in Europe, reaches the conclusion that criminal justice policies introduced by governments make little difference to crime levels. This is not only due to the fact that crime levels are mainly influenced by social, economic and political factors, but importantly also by **the quality of the supporting services which surrounds the justice system**. It thus appears as if crime is contained more effectively by a **social approach**, implying "policies which attempt to achieve high levels of well paid, high productivity jobs, ensure a minimum wage, redistribute wealth through progressive taxation and provide adequate educational, health and social services to their citizens. This, it appears, promotes social' cohesion, reduces social marginalization and limits status frustration". Unfortunately in the present economic climate and demographic composition of South Africa such policies are highly problematical.[3]

Also implied in the emphasis on crime as a social issue is the **handling of crime within a multi-agency approach**. This refers to the view that in the light of the multi-faceted nature of the crime problem all relevant 'role-players' should be involved in an integrated effort to reduce crime levels. This implies a shift away from an exclusive criminal justice approach towards the inclusion of, not only other relevant departments in central government (e.g. Welfare, Health, Home Affairs), but also provincial and local government as well as civil society.

While this theoretical perspective is currently in vogue among Left Realists,[4] in government circles it was applied as part of the welfare approach to crime which dominated in Europe during the 1950s and 1960s (O'Malley & Palmer 1996). According to Gilling (1994), it was also reaffirmed during the 1980s as part of government strategy to prevent crime in Britain. On the basis of his own research in Britain he has expressed certain reservations regarding the multi-agency approach. One issue relates to differences in interpretation of what 'crime prevention' means – these differences usually amount to a confrontation between proponents of 'situational' approaches which focus on limiting the opportunities for crime and 'social approaches' which focus on economic development and welfare provision. These debates are often exacerbated by

political differences, inter-agency stereotypes and ignorance regarding the motives of other agencies. 'Social approaches' are also often marginalised due to short-term methodological considerations of monitoring and evaluation - the issue being that 'social approaches' are mostly long-term and their effectiveness more difficult to evaluate.

- **A state-centred justice system vs. a victim-centred restorative justice system**

Reference has already been made above to the focus on victim empowerment in the NCPS. This focus should further be placed in the econtext of two of the national programmes proposed as part of Pillar 1 of the NCPS, i.e. appropriate community sentencing and diversion programmes for minor offenders which entail, among other things, a shift away from retribution as punishment (see note 1) towards a system of restorative justice.

According to Zehr (1996), **retributive justice** in its "pure" form is characterised by an adversarial and authoritarian process between the state and the offender. The aim is to establish the offender's guilt, followed by the administration of pain (punishment). The theory forms part of the **liberal** tradition, emphasising the rational, autonomous individual who is held responsible for her/his behaviour and must receive his or her 'just deserts' on transgressing the law. **Restorative justice**, on the other hand, is characterised by a reconciliatory process involving the victim and offender along with the community and state with the aim of establishing needs and obligations. As such it importantly provides for **restitution/reparation** to be made to the victim by the offender. Restorative justice forms part of the **communitarian** tradition, which opposes the individualistic slant of liberalism and emphasises interdependency characterised by mutual obligation and trust, which are interpreted as a matter of group loyalty rather than individual convenience (Braithwaite 1989:86).

In criminological theory Braithwaite recently gave a theoretical rationale for the practice of reparation in his theory of **reintegrative shaming** (Braithwaite 1989; Dignan 1994). Extending labelling theory, Braithwaite argues that offenders should be reintegrated into society and not stigmatised and rejected (disintegrative shaming) as often is the case in a retributive approach. Reintegrative shaming entails the process of showing disapproval for the offender's deed(s) by law-abiding citizens, while maintaining a relationship of respect and ultimately forgiveness. It is important to note that reintegration only takes place after repentance by the offender and is accompanied by reparation.

In effect the above implies a bifurcation of the criminal justice process into a 'hard' and 'soft' end. Serious offences will be dealt with in the 'traditional' manner by the state and in terms of 'traditional' theories of punishment, e.g. retribution, deterrence, incapacitation and possibly rehabilitation. Less serious offenders, on the other hand, will be dealt with terms of restitution and rehabilitation. In the latter context the Department of Welfare and NGOs concerned with child welfare and rehabilitation will play a major role in as far as juveniles are concerned.

- **The shift towards community-based crime prevention and criminal justice**

An important theme common to the three trends discussed above is the acceptance in the NCPS of the principle that there should be **greater community involvement in crime prevention and the criminal justice process**. This can be explained by distinguishing between the three sectors of the criminal justice system, i.e. policing, the judiciary and correctional services.

As far as **policing** is concerned it is envisaged as part of the public education programmes in Pillar 3 of the NCPS that members of the public should involve themselves in community policing structures and ultimately practise self-policing (self-control). Linked to this is also the emphasis placed on greater awareness by the private sector and members of the general public of

measures to be taken to protect themselves from victimisation (situational crime prevention) - Pillars 2 and 3.

The shift towards community involvement in the **judicial process** presently entails the extension of the use of assessors to include lay members of communities and also the institution of community courts. Community courts are intimately linked to the idea of restorative justice discussed above. Other options would be the institution of a jury system and lay magistrates (Omar 1996).

Regarding the **correctional process** there is a shift towards deinstitutionalisation and diversion of less serious offenders (especially juveniles). Deinstitutionalisation refers to the use of community-based alternatives to prison sentences, while diversion refers to dealing with offenders outside the (state) justice system altogether. In practice both options largely entail the same programmes, e.g. community service, empowerment schemes. Another option here is to receive inputs from the community, especially victims, when decisions regarding parole must be made in the case of prisoners.

The above is in line with what Cohen (1985) referred to as the movement to destructure the control of deviance, which became influential in Western industrialised nations from the 1960s. From that perspective it may be described as a transformation of three dimensions of the control system which developed at the end of the 18th and beginning of the 19th century. These dimensions are: a movement towards state involvement in and professionalisation of control, as well as the segregation (incarceration) of deviants from society. In its most radical form the destructuring movement proposes a reversal of these trends and aims to establish a totally informal control system in the hands of the community - no state and professional involvement and no incarceration. As is the case in other Western societies, what is proposed in the NCPS does not entail such a total destructuring as radicals envisage.

Also of relevance here are the discourses of privatisation of services and responsibilitisation of citizens (Garland 1996; O'Malley & Palmer 1996). These recent discourses and associated policies aim to curtail the role of the state and emphasise the point that citizens ought to take greater responsibility for their own lives.

The movement towards community-based crime prevention and criminal justice raises at least four questions. Firstly the question can be asked to what extent the state can relinquish its power to the community in an era where crime has become an issue high on the political agendas of many countries. It would appear that in the last analysis 'the community' expects the state to handle the thorny issue of crime prevention. In a perceptive analysis of current trends in Britain, Garland (1996) shows that the British government is constantly pressurised by the public to adopt a strong law and order approach despite the rhetoric of community-based alternatives.

A second related issue is the capacity or otherwise of communities to become involved in crime prevention. This is especially true for areas which experience the highest rates of crime and violence. Not only do they lack the financial means to afford security devices and services, but in many instances the social integration for concerted action is also absent. In addition to this, involvement in organised community crime prevention endeavours also involves the real threat of danger. The issue of social integration or lack thereof raises the third question: what does 'community' mean? Many of the community-based interventions presume consensus within the community, while the reality often is the opposite. It is highly questionable whether consensus is always an obtainable goal in contemporary societies and this places a question mark behind the attainability of the NCPS's aim to provide a "common vision around crime prevention". A related issue is the tendency to romanticise the community. Community values and traditions are

not intrinsically good. Communal action can also take in the form of vigilantism and local values may clash with central values of the democratic state, e.g. the South African constitution and specifically the section on human rights.

A fourth issue which has received extensive academic analysis is the problems associated with community-based alternatives to imprisonment. Some of the main issues are the discretionary powers of those in control of the diversion process, the implications for the principle of due process of the law and the retention of negative effects, e.g. labelling which these programmes are supposedly to avoid. (See Muntingh, 1995 for an overview of the major issues involved.)

CONCLUSION

The NCPS can be seen as an effort to move away from the more state-centred and authoritarian 'law and order' approach of the previous regime in South Africa. As such it is an effort to forge a link with trends in western thinking regarding the handling of crime and criminal justice in general. It is doubtful, however, whether the NCPS will provide a common vision around crime prevention as is the intention of the government. As is the case in other Western societies, it can be expected that there will be continuous pressure to revert to control measures associated with the 'law and order' approach. This can currently be seen in the debates on safety and security between political parties in South Africa and also public opinion on the issues involved.

Although it is commonly assumed that a major function of the criminal justice system is the reduction of crime levels, it can also be viewed from other perspectives, e.g. punishment can be seen as culturally expressive (Garland 1991). Seen in this light the NCPS is not only an instrument for safety and security, but certainly reflects the type of culture the government would wish to develop in South Africa, e.g. the values associated with human rights and community involvement. The dilemma, however, is that criminality and public reactions to criminality often tend to subvert these values.

NOTES

The article is based on a paper presented at the 1998 Congress of the South African Sociological Association, Rand Afrikaans University, Johannesburg.

[1] In the context of criminal law the theories of punishment are philosophical views on the justifications for punishment and ultimately the purpose of criminal justice. In discussions of these theories a distinction between absolute and relative theories is often made. Absolute theories see punishment as an end in itself - the dominant approach currently being the idea of retribution. Although the word has various senses, 'retribution' has recently been associated with the liberal tradition, emphasising the rational, autonomous individual who is held responsible for her/his behaviour and who must receive 'just deserts' on transgressing the law. The administration of punishment redresses the imbalance created by the injustice which accompanies the offending behaviour. In terms of the relative theories punishment must have utilitarian function. The functions most commonly referred to are: rehabilitation, deterrence (specific deterrence is based on the assumption that punishment will deter the punished offender from further criminal behaviour, while general deterrence is based on the assumption that the threat of punishment will deter the general public from committing possible offences) and incapacitation, e.g. the death penalty or long-term incarceration which limits the capacity of the offender to reoffend (Rabie & Strauss 1981; Snyman 1995; Clarkson & Keating 1994).

[2] The control perspective in criminology and the sociology of deviance is based on the assumption that there is always a possibility that people will deviate from norms, e.g. due to

unsuccessful socialisation or, in terms of the rational choice perspective, due to the greater profitability of deviance relative to conformity. People will thus only conform if they are controlled or, stated differently, lack of control becomes the crucial factor in explaining crime and deviance (Curran & Renzetti 1994).

[3] Economic development and welfare provision, of course, do not address the issues of white-collar crime and corruption. These offences are intimately linked to the opportunities created by the occupational structure of contemporary economies, more specifically the large proportion of the public working in modern organisations which are the main sites in which these types of offences are committed.

[4] Left Realism is one approach within the larger Critical/Marxist perspective in criminology. Left Realists are critical, however, of the neo-Marxist position that the basic motive for crime is political and that the solution to the crime problem in capitalist societies lies in the radical transformation of capitalism into communism/socialism. They see this position as idealistic and propose their own realistic solution to the crime problem. This entails, among other things, the reform of capitalist societies and dealing with crime by giving attention to all relevant factors associated with crime (the square of crime: the state and its agencies, informal control/the public, the offender and the victim) in a multi-agency approach (Young 1996).

REFERENCES

BRAITHWAITE, J 1989. **Crime, shame and reintegration**. Cambridge: Cambridge University Press.

CLARKE, RV 1995. Situational crime prevention. **In**: TONRY, M & FARRINGTON, DP (eds) **Building a safer society: Strategic approaches to crime prevention**. (Crime and justice: a review of research, vol. 19). Chicago: University of Chicago Press.

CLARKSON, CMV & KEATING, HM 1994. **Criminal law: Text and materials** (3rd ed). London: Sweet and Maxwell.

COHEN, S 1985. **Visions of social control**. Cambridge: Polity Press.

CURRAN, DJ & RENZETTI, CM 1994. **Theories of crime**. Boston: Allyn and Bacon.

DEPARTMENT OF JUSTICE 1996. **National crime prevention strategy**. Pretoria: Department of Justice.

DOWNES, D 1994. Serious diversions: Youth crime and justice in Europe - the lessons from Britain. Social work in Europe, 1, 2. **In**: McLAUGHLIN, E & MUNCIE, J (eds). 1996. **Controlling crime**. London: Sage.

DIGNAN, J 1994. Reintegration through reparation: a way forward for restorative justice? **In**: DUFF, A *et al*. (eds). **Penal theory and penal practise: Tradition and innovation in criminal justice**. (Fullbright papers, Vol. 15). Manchester: Manchester University Press.

GARLAND, D 1991. **Punishment and modern society**. Oxford: Clarendon Press.

GARLAND, D 1996. The limits of the sovereign state. **The British Journal of Criminology**, 36(4):445-471.

GILLING, DJ 1994. Multi-agency and crime prevention: Some barriers to collaboration. **The Howard Journal**, 33(3):246-257.

GOTTFREDSON, MR & HIRSCHI, T 1990. **A general theory of crime**. Stanford: Stanford University Press.

LISKA, AE 1981. **Perspectives on deviance**. Englewood: Prentice-Hall Inc.

MBEKI, TM 1996. Media statement by acting president Thabo Mbeki. May 22, Cape Town. Office of the executive deputy president TM Mbeki.

MUNTINGH, L 1995. Diversion: A critical view. **NICRO Research Series**, (2):38-53.

O'MALLEY, P & PALMER, D 1996. Post-Keynesian policing. **Economy and Society**, 25(2):137-155.

OMAR, AM 1996. Transformation of the justice system in South Africa. **Imbizo,** 1:10-15.

OPPLER, S & LOUW, A 1997. Declining convictions: An emerging crisis. **NEDCOR ISS Crime Index no. 1**: E7-E12. Halfway House: Institute of Security Studies.

RABIE, MA & STRAUSS, SA 1981. **Punishment: An introduction to principles** (3rd ed). Johannesburg: Lex Patria Publishers.

SHAW, M 1997. South Africa: Crime in transition. **ISS occasional paper**, no 17. Halfway House: Institute for Security Studies.

SNYMAN, CR 1995. **Criminal law** (3rd ed). Durban: Butterworth.

YOUNG, J 1996. Incessant chatter: Recent paradigms in criminology. In: MAGUIRE, M; MORGAN, R & REINER, R. **The Oxford Handbook of Criminology**. Oxford: Clarendon Press.

ZEHR, H 1996 Justice alternatives: A restorative perspective. **Imbizo**, 1: Supplement: 2-4.