Building safer communities

The criminal justice system is to have a single set of objectives, priorities and performance-measurement targets. Further implementation of the seven-point plan will receive greater interdepartmental coordination.

Demilitarise the police. The police should be selected and trained to be professional and impartial, responsive to community needs, competent and inspire confidence.

An integrated approach to safety and security will require coordinated activity across a variety of departments, the private sector and community bodies, the latter to include revitalised community-safety centres.

All vulnerable groups including women, children and rural communities should enjoy equal protection and their fear of crime should be eradicated through effective, coordinated responses of the police, business, community and civil society.

INTRODUCTION

Personal safety is a human right. It is a necessary condition for human development, improved quality of life and enhanced productivity. When communities do not feel safe and live in fear, the country's economic development and the people's well being are affected, hindering their ability to achieve their potential. This is acute in the case of women, who are more vulnerable and less likely to achieve their potential in unsafe environments.

High crime levels have slowed South Africa's social and economic development. Although recent crime statistics released by the South African Police Service show a downward trend, especially in murder rates, the figures are still unacceptably high.[1] Violence against women, such as domestic violence and rape, has not been arrested significantly and trafficking of children for prostitution and drugs is still an unrecorded phenomenon. For people living in South Africa to feel safe, they need this downward trend to be accelerated in all categories of crime. Civil society organisations, community policing forums and criminologists must assist the police to determine the cause of the prevalence of crime, and police must use crime combating strategies that produce results.

Safety and security are directly related to socioeconomic development and equality. A safe and secure country encourages economic growth and transformation by providing an environment conducive to employment creation, improved education and health outcomes, and strengthened social cohesion. The socioeconomic status of women in urban and rural areas affects their experiences of their constitutional rights and their recourse to justice when those rights are infringed. Infrastructure and access to sustainable livelihoods are also related to the safety of women, especially in rural areas. Communal toilets, no toilets or open toilets provide an opportunity for gender-based crimes. Walking long distances through unsafe areas leaves rural women vulnerable to sexual offenders. The safety of communities should therefore be measured by the extent to which the most vulnerable in society, women in particular, feel and are safe from crime and the conditions that breed it.

Although there are links between South Africa's high poverty rate and its high crime levels, most poor people do not resort to crime. It is organised syndicates that launder money, deal in drugs and smuggle guns. Mob criminals are not necessarily from poor communities. Poor people are, however, often exploited by crime syndicates due to their vulnerability, as seen in poor coastal areas where abalone smuggling is rife. A distinction should therefore be made between so-called crimes of need and crimes of greed in terms of responses by the criminal justice system. Access to justice should relate to more than the efficiency of the criminal justice system in arresting, prosecuting and convicting offenders. The country should address rehabilitation through correctional services from an institutional point of view, and in society, through community and societal transformation processes. Active citizenry, an efficient criminal justice system and effective coordinated partnerships with civil society and the private sector are key components of a sustainable strategy for citizen safety.

VISION 2030

In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the streets and children play safely outside. The police service is well-resourced and professional, staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence, and respect the rights to equality and justice.

How to achieve it

Achieving this vision requires a well-functioning criminal justice system, in which the police, the judiciary and correctional services work together to ensure that suspects are caught, prosecuted, convicted if guilty, and securely incarcerated and rehabilitated. There are five priorities to achieve a crime-free South Africa:

○ **Strengthen the criminal justice system.** A safe South Africa needs a strong criminal justice system. This requires cooperation among all departments in the Justice, Crime Prevention and Security (JCPS) cluster. We believe the correct implementation of the recommendations in the *Review of the South African Criminal Justice System*[2] will go far in dealing with the system's current weaknesses.

○ **Make the police service professional.** A professional police service is essential for a strong criminal justice system. We propose linking the police code of conduct and a code of professional police practice to promotion and disciplinary regulations. Recruitment should attract competent, skilled professionals through a two-track system. (See 'Selecting for excellence and professionalism' below.)

○ **Demilitarise the police.** The decision to demilitarise the police force, moving away from its history of brutality, was a goal of transformation after 1994. The remilitarisation of the police in recent years has not garnered greater community respect for police officers, nor has it secured higher conviction rates. Certainly, a paramilitary police force does not augur well for a modern democracy and a capable developmental state. The Commission believes that the police should be demilitarised and that the culture of the police should be reviewed to instil the best possible discipline and ethos associated with a professional police service. The police require capacity and skills to become more competent, professional and efficient. The community would then see them as a resource that protects them and responds to people's needs, based on the laws of the country.

○ **Increasing rehabilitation of prisoners and reducing recidivism.** Successful reintegration of released prisoners into society is largely dependent upon the quality of rehabilitation programmes and conditions into which they are released. Correctional Services play a vital role in rehabilitating prisoners and reducing recidivism by preventing prisoners from relapsing into criminal activity and in so doing, putting the safety of the community at risk.

○ **Build safety using an integrated approach.** Achieving long-term, sustainable safety requires tackling the fundamental causes of criminality. This would mean mobilising state and non-state capacities and resources at all levels, and citizen involvement and co-responsibility.

Increase community participation in safety. Civil-society organisations and civic participation are essential elements of a safe and secure society. The Constitution provides for municipalities to be responsible for the creation of safe and healthy communities. This objective can be achieved through the establishment of community safety

centres in communities where women, children and the youth are most vulnerable. Community policing forums should be strengthened to have effective oversight of police at precinct level. This requires a concerted programme of capacity building and training of community representatives on the community police forums. Special emphasis should be placed on the oversight functions of community policing forums.

Strengthen the criminal justice system: the seven-point plan

Inspiring public confidence in the criminal justice system is necessary to prevent crime and increase levels of safety. Public confidence is eroded by perceptions that criminals escape the law; that arrests do not lead to convictions; or that prisoners escape easily from courtrooms or correctional facilities. The most effective deterrent to criminality is an efficient and effective criminal justice system.

The 2007 *Review of the South African Criminal Justice System* recommended a seven-point plan that was adopted by Cabinet. The plan set out a modernised, efficient and transformed system. It included a new coordinating and management structure at every level, from national to local; greater cooperation among the judiciary and the magistracy, the police, prosecutors, correctional services and the Legal Aid Board; and initiatives such as empowering community police forums. The Office for Criminal Justice System Reform began implementing the plan. The plan contains seven transformative changes to the criminal justice system and requires full, integrated and holistic implementation to achieve the stated outcomes.

○ **Adopt a single vision and mission,** leading to the JCPS creating a single set of objectives, priorities and performance-measurement targets for the criminal justice system.

○ **Establish, through legislation or by protocol, a new and realigned single coordinating and management structure** for the system, flowing seamlessly from Cabinet to each court. Appoint a person from the Executive as head of the structure with coordination and management functions, but not executive powers.

○ **Make substantial changes to the present court process** in criminal matters through practical, short- and medium-term proposals to improve the performance of the courts, especially the regional courts.

○ **Put into operation priorities** identified for the component parts of the system, which are part of, or affect, the new court process, especially as it pertains to improving capacity.

○ **Establish an integrated and seamless information and technology database** or system, or both, for the national criminal justice system, containing all information relevant to it. Review and harmonise the template for gathering information relating to the criminal justice system.

○ **Modernise, in an integrated and holistic way, all aspects of systems and equipment.** This would include fast-tracking the implementation of current projects and modernisation initiatives. Technology should be used to increase efficiency across the board, and particularly to eliminate bottlenecks in the criminal justice system. This should include investigation-docket management systems, court-case management systems and parole management systems, including the monitoring of parolees to ensure better integration and rehabilitation. Technology for preventing and investigating crime should be prioritised to prevent it from happening in the first instance, and to expedite investigations through increased forensic capacity, better crime-scene investigation and analysis of current and future threats to safety.

- **Involve the public in the fight against crime** by introducing changes to community policing forums thereby expanding its role to deal with all matters in the system, such as policing outcomes, support to correctional supervision of out-of-court sentences and parole boards.

Departments in the justice and crime prevention system have been reporting on the implementation of the seven-point plan. However, the country needs greater systemic and institutional coherence among these departments. The seven-point plan should be viewed as a package that must be implemented holistically. Individuals at a very high level must interrogate, evaluate and monitor the implementation of the strategy. To succeed, it must be well-coordinated, with dedicated budgets and an implementation plan involving all departments in the cluster. Its aspects must be executed in tandem with stipulated timeframes and evaluated against intended outcomes. Without coherence, the seven-point plan's purpose will be defeated and resources wasted. Most of all, citizen safety will be compromised and confidence in the capability of the state jeopardised.

The Commission therefore recommends that:

- Departments in the JCPS cluster immediately align their strategic plans with the seven-point plan.
- The project manager appointed to the Office for Criminal Justice System Reform coordinates the plan's activities and programmes to ensure that the JCPS departments implement the seven-point plan in sync.
- Dedicated budgets for each participating department be established and outcomes reported on in relation to the plan.
- Continuous monitoring by the JCPS cluster and regular reporting on the plan's implementation to Cabinet is institutionalised.

- The overall implementation of the plan be evaluated annually and assessed against its overarching objectives.

A professional police service – a key component of the criminal justice system

The South African Police Service's aim to develop professionalism and discipline among its members should be welcomed and supported. Some steps have already been taken, such as developing a code of conduct. The South African Police Service should integrate this code with its human resource systems and non-adherence should have consequences for its members. The professional obligations of the police should be spelt out clearly to avoid blurring of roles and functions. For example, police perform functions that should be the responsibility of the Department of Social Development, such as mediating domestic disputes and relocating homeless people. While these social challenges have a security dimension, the primary responsibility for addressing them should lie with social workers, with police playing a supporting role.

Professional police uphold the integrity of the police service. They are knowledgeable about the law and their roles, carry out their functions competently, and understand their responsibility to serve communities. In this way, they earn public respect and support and the rule of law is upheld by citizens.

The Commission recommends the professionalisation of the police by enforcing the code of conduct and a police code of ethics, appointing highly trained and skilled personnel, and establishing a body to set and regulate standards.

Code of conduct

In the short term, the code of conduct should be included in the disciplinary regulations and performance appraisal system. The police service

and the metropolitan police authority should provide all their members with a copy of the code of conduct. This should be linked to all human-resource management systems and members should be required to sign a copy of the code, which is kept in their personal file. Periodic checks should be conducted to ensure that the code of conduct is understood and practiced.

Disciplinary cases involving a breach of the code should be dealt with as a priority. Police-service members charged with misconduct should be required to leave their station immediately until allegations are tested and cases finalised.

A code of professional and ethical police practice should be developed and prescribed through regulations. Police members should be trained and tested in its application. This should be a compulsory course and failure to pass should lead to suspension or dismissal from the service.

The South African Police Service and metropolitan police should be viewed as professionals, working in a skilled occupational group to protect the public. They are the only agencies mandated to use necessary coercive force. Ethical conduct should be practiced to maintain the public perception of policing as a professional institution.

The professional police practice code should state that the officers' fundamental duties are to the Constitution. They are to serve the community, safeguard lives and property without discrimination, protect the peaceful against violence and the weak against intimidation, and respect the constitutional rights of all to equality and justice.

The code should also prescribe the off-duty obligation of police officials to honour the badge as a symbol of public trust. Internal and external oversight bodies should be able to request a review of the

professional ethics of an individual, unit or section of police and law enforcement agencies. Sanctions could be imposed, such as the withdrawal of commission.

Mandated oversight bodies should monitor adherence to professional ethics and recommend appropriate sanctions where necessary. The Independent Police Investigative Directorate and the Policing Board would also play a role.

National policing board

A national policing board should be established, with multi-sectoral and multidisciplinary expertise. It should set standards for recruiting, selecting, appointing and promoting police officials and police officers. The board should also develop a code of ethics and analyse the professional standing of policing, based on international norms and standards.

Selecting for excellence and professionalism

A professional police service conforms to minimum standards for recruitment, selection, appointment and promotion. Provision can be made for a two-stream system of recruitment.

As soon as possible, all officers should undergo a competency assessment and be rated accordingly. This rating should differ from police ranks. For example, a captain remains a captain, but the competency test determines if he/she meets the competency standard for a captain. Officers who do not meet the standard should not be promoted or appointed to a higher level until they attain the required level of competence for that rank.

A two-stream system should be developed in the next five years to create a high calibre of officers and recruits who are capable of being trained for effective professional policing. The basic police stream would allow for the recruitment and selection of non-

commissioned officers, who could progress through training and experience to the positions of warrant officer or inspector, or any level below a commissioned officer.

There should be objective testing against set standards to reward experience and competence. Non-commissioned members should be supported and mentored by commissioned officers. Peer sanction promotes professional behaviour, and is an effective counter to corruption. Such outcomes are only possible if officers command mutual respect.

Direct recruitment to the officers' stream should be based on set criteria, followed by further training and testing for candidate officers. Officers should be commissioned when all criteria are met. The basic stream and officers' stream could be flexible, allowing aspiring officers to work towards meeting the criteria for appointment to the officers' corps. Similarly, officers should lose their commissions if they fail to meet the standards.

The National Commissioner of Police and Deputies should be appointed by the President on a competitive basis. A selection panel, established by the President, should select and interview candidates for these posts against objective criteria. The President should appoint the National Commissioner and Deputies from recommendations and reports received from this selection panel. This would enhance the incumbents' standing in the eyes of the community and increase the respect accorded them by their peers and subordinates.

Training for professionalism

Renew focus on strengthening the capacity and training of detectives and specialised investigators, particularly in the fields of forensics, ballistics and crime-scene investigations. These specialised units should be deployed when and where they are most needed – during peak crime periods and in high-risk areas.

Re-establish specialised units staffed with highly trained and professional police officers, to respond to changing crime trends such as narcotics, cyber crime, human trafficking, crimes against women and children, and international crime syndicates. Technology development has greatly influenced crime patterns and the commission of crime. Bank robberies can now be committed using computers anywhere in the world. Social networks lure victims and people are drawn into pyramid schemes through sophisticated international scams. Police training needs to keep abreast of these developments. Superior instruction standards and partnerships with the private sector and universities would increase police competence.

Deploy officers according to crime patterns and trends. Officers should be available outside office-hours to direct operations, investigate crime and supervise staff. Office-hours should not apply to policing; senior staff should always be available to resolve crime matters with speed and efficiency.

Community policing as a philosophy, methodology and practice should be emphasised and

strengthened in police training programmes and systems for evaluation of police effectiveness. This evaluation should feed back into the training programmes for continuous improvement.

Demilitarising the police force

Civilianising a highly militarised and politicised police force was a transformation objective after the 1994 elections. It was considered necessary to professionalise the police, establish a rapport with communities, develop confidence and trust in the police, and promote positive community-police relations. The goal was to transform the police from a paramilitary force to a police *service* that meets all the criteria of a civilian professional entity. Demilitarisation required changes in police insignia, military ranks and force orders to create a civil police service as the first phase of community policing. The second phase consisted of changing policing methodologies from a "kradadige"[3] style to one which placed the community at the centre of policing through community policing. This required consultation with the community at a local level about their crime concerns and safety needs. "Problem-solving policing"[4] followed which promoted diversion of youth and first time offenders of minor crimes to agencies and programmes geared at preventing crime. Intelligence driven policing was added as a more sophisticated methodology which

replaced random patrols to policing of hotspots.[5] Finally, sector-policing was added as a geographical orientation of the police in respect to personnel and resources which were allocated to areas within police precincts based on policing needs. All these reforms were intended to improve community policing and reduce crime through applying modern policing methodologies and to improve community safety. Police responsiveness to community needs should always be at the heart of policing outcomes. That is the main difference between a police force and a police service.

From 2000 however, the police service gradually started resembling a paramilitary force. This process was formalised with the reintroduction of military ranks in 2010. It took place against the backdrop of increasing violent crime, high levels of community frustration and fear, and a perception that the old military police ranks would command greater respect from communities. However, these arguments are inconsistent with the police's mandate in a modern democracy. They also neglect the challenges of developing greater competence and skills in the police to respond to growing complexity and changing patterns of crime. The police will earn public respect if they are efficient and effective, and display a professional approach to combating crime. The culture of the police and a professional ethos are

interlinked; ethos relates to the skills and competence of the institution and culture relates to the approach, values and discipline of its members.

"The most obvious problem with the militarization of civilian policing is that the military and the police force have two distinctly different tasks. The military's job is to seek out, overpower, and destroy an enemy. Though soldiers attempt to avoid them, collateral casualties are accepted as inevitable. Police, on the other hand, are charged with "keeping the peace", or "to protect and serve". Their job is to protect the rights of the individuals who live in the communities they serve, not to annihilate the enemy."[6]

Good management and strategic leadership are crucial to organisational stability, morale and integrity of any police institution. The South African Police Service has undergone radical shifts in the last 17 years, dramatic changes to the leadership following the charges of corruption against one national commissioner, and mismanagement and a pronouncement of lack of fitness to head the police against another. The impact of serious charges against senior members of the police needs to be assessed so that negative consequences can be mitigated. Morale is a very important aspect of the police culture. Measures should be put in place to ensure that the morale is high, discipline is maintained and respect for leadership and subordinates alike permeates the institution.

Police discipline is based on command and control, whereas discipline in a *modern* police organisation is based on self-discipline and leadership. The South African Police Service has been under strain as a result of serial management crises over the past few years. Coupled with organisational rank changes to military ranks without any or further training in judgement, discretion and professional conduct, these crises have had a detrimental effect on police culture and subcultures. The recent case where members from a police unit in Cato Manor were charged for allegedly executing suspects could be cited as an extreme example of a police subculture that developed out of a lack of professionalism and a perceived impunity.

The Commission therefore recommends that the South African police force be demilitarised. This is a short term objective which should happen in the immediate term. Furthermore, the organisational culture and subcultures of the police should be reviewed to assess the effects of militarisation, demilitarisation, remilitarisation and the serial crises of top management.

An integrated approach to building safety

In discussing crime, the danger is to focus on policing as the only solution. It is necessary to move from a narrow law-enforcement approach to crime and safety, to identifying and resolving the root causes of crime. To achieve this, South Africa will have to mobilise state and non-state capacities at all levels, which requires an integrated approach, with active citizen involvement and co-responsibility.

A holistic view of safety and security

Crime results from several interrelated societal elements that predispose some individuals or groups to certain types of activity. A study by the World Bank in 2010 confirms that "there has been a growing consensus among policy-makers that violence is not simply a security issue but that it has deep social and economic roots and consequences".[7] An effective and efficient response to violent crime requires a holistic approach to community safety that takes the causes of crime into consideration and responds to specific causal factors. This approach is often considered too complex, time consuming and long term. However, sustainable community safety is a long-term issue. It requires coordinated efforts – high levels of analysis of crime patterns and trends, using crime intelligence and leadership to command and direct policing responses. It also requires other

departments, local government and civil society to participate.

Crime prevention and community safety pose a daunting challenge to all spheres of government – the temptation is to fall back on a "more police, bigger guns" approach. Short-term results are neither sufficient nor sustainable. To develop a framework for community safety and crime prevention, the interrelated factors set out below must be considered:

○ Underlying root causes, such as poverty, inequality, unemployment, and a variety of temptations and motivations to engage in criminal activity should be addressed. Although research has shown the complex relationships among these factors, it is clear that the higher their confluence, the more motivated people are to commit criminal offences.

○ The lack of social cohesion, inadequate care of children and a failure to accept and internalise "good" societal norms are leading causes of crime.

○ Opportunity and motive: for example, the availability of targets (vulnerable people or properties), the availability of weapons (tools of criminal trade), situational factors (such as spatial or environmental design), and the availability of accomplices (organisational requirements).

An effective safety strategy will involve taking a systems view of all these factors and pinpointing the interventions that will greatly improve safety, with the best return on human, technical and financial resources. It will also be crucial to identify which agencies and institutions across government departments, civil society and the private sector are best placed to lead and contribute to these interventions.

Several attempts have been made to implement a more holistic approach to community safety and crime prevention. This includes the National Crime Prevention Strategy of 1996 and its variations. Although this incorporated cutting-edge international thinking and was widely recognised as sound, it was never fully institutionalised as a comprehensive strategy.

In March 2000, the National Crime Combating Strategy superseded this policy and advocated a very different approach, focusing on criminal-justice resources. As a result, police were inappropriately envisaged as an all-purpose agency, rather than a highly specialised resource to be deployed strategically. This has led to a police agency that is stretched beyond its capacity, with a mandate that is impossible to fulfil, and disenchanted police officers with fragile authority and legitimacy. The goal now is an integrated strategy, followed from planning to consistent implementation, with monitoring by, and support from, all relevant role players. Leadership, coordination, monitoring, reporting and accountability are the elements for success. The criminal justice system is currently the primary focus, concentrating on existing and would-be offenders. It functions primarily through punishment, which aims to deter future criminality and, in the case of imprisonment, prevent further criminality by putting offenders out of action. It is for this reason that a greater emphasis is placed on the police as a primary role player in the criminal justice chain. It cannot be expected of society to display active and responsible citizenship and utilise its resources and time to engage in activities to promote citizen safety when the police are considered inept, unprofessional and unresponsive.

An effective criminal justice system is a necessary condition to promote safety and security effectively, but it is insufficient on its own. More is required for sustainable and effective solutions to crime and insecurity. The police play a vital role in protecting citizens by intervening, using reasonable coercive force where necessary to stop harmful actions,

support victims and bring offenders before court. An effective criminal justice system improves safety, while other departments address socioeconomic conditions of human development. The contributions of these multi-agencies must be coordinated to sustain the gains of an integrated strategy. Any significant decline in crime should be evaluated and the reasons examined, so that it can be maintained, repeated and increased. For this to happen successfully, greater community involvement should actively be encouraged especially from vulnerable sectors that are more prone to being victims of crime.

SAFETY OF WOMEN, THE GIRL-CHILD, CHILDREN AND THE YOUTH

Safety of women

Gender-based violence in South Africa is unacceptably high. This has consequences for women and girls and their ability to achieve their potential in every sphere of social and productive life. Gender-based violence in all its forms denies women and girls the opportunity to achieve equality and freedoms as enshrined in the Constitution. If this continues unabated it will impede the nation's ability to achieve its growth and development potential. The Commission recognises the importance of having a gender perspective when recommending strategies to attain prosperity and equality in South Africa.

Gender-based violence is defined as violence that targets individuals or groups of individuals on the basis of their gender, and is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedom on the basis of equality with men.[8] Gender based violence also impacts transgendered communities, gays and lesbians severely and as such they need to have representation on community policing forums to articulate their safety needs. Hate crimes against gays and lesbians have been a silent threat to the safety of a very vulnerable sector of society.[9] Qualitative indicators need to be developed to measure the progress made to secure the safety of potential victims of gender based violence and the existing quantitative measures need to be expanded to include all categories of vulnerable people.

Many institutions, locally and internationally, including the Medical Research Council, Amnesty International, the United Nations and advocacy groups have released very alarming statistics on gender-based violence. An overall approach to eliminate gender-based violence is to address all facets of society that cause and condone such behaviour. Among other remedies, an effective

criminal justice system is needed to address gender-based violence where and when it occurs. Preventing it from occurring requires a concerted effort from all sectors of society to address social, economic and political inequality among men and women. The criminal justice system should be oriented towards the most vulnerable in society. As such, the success of the criminal justice system should be measured against its ability to protect the most vulnerable in society. The Sexual Offence Amendment Act should therefore be expedited and the application there of reviewed periodically to ensure that all aspects of sexual violence is covered by the Act as an effective deterrent.

Cultural and religious practices which condone inequality of the sexes to the extent that gender-based violence is tolerated and even encouraged should be addressed head-on by government, religious and cultural bodies and society as a whole. In submissions to the National Planning Commission, attention was drawn to the fact that discrimination is perpetuated by traditional beliefs upheld in the

criminal justice system, the government, education, law, politics, the media, the public and at home. It was further stated that this inequality and discrimination has become so pedestrian and institutionalised, that some women are unable to even imagine, much less expect, a different life.[10] Any programme to attain social cohesion in society should narrow the inequality divide between men and women with measures in place to ensure that women, girls, people with disabilities and any other group at risk of discrimination, are able to enjoy their rights enshrined in the Constitution.

Safety of children

The South African government is signatory to the Convention for the Elimination of Discrimination Against Women and children (CEDAW). While girls may have the same gender-specific needs as women, they may have safety needs particular to childhood. This should be recognised in policies and practices of government departments. Infrastructure at schools should be designed with the safety of girls in mind. The location of toilet facilities at schools can elicit feelings of safety or fear of being harmed in high risk areas. For some girls, the very absence of toilets at school is a threat to their safety. The same applies to public facilities and amenities. Privacy and safety are core requirements for girls and women in society.

Children's rights to a safe and secure environment are protected by the Constitution. However, it is not enough to guarantee the safety of children. On paper, children's safety is a legal and moral re-quirement and an area of concern and interest to parents, government and society. South Africa, burdened by poverty and inequality, is challenged to realise this Constitutional imperative, particularly considering the number of child-headed households and Aids orphans in the country. In these instances the state's duty of care stretches to the effective mon-itoring of and support to surrogate parents. Mesures

to mitigate the potential threat to child safety under these conditions need to be explored fully.

School safety

In the Child Support Grant Evaluation Report 2010, drugs and alcohol abuse as well as crime in general and gang activities in particular, are among the main reasons for high school dropout rates. Gangsterism at schools is a growing phenomenon. The sale and use of drugs at schools are related to gangsterism. It places many learners at risk from both a safety, and an educational, point of view. Although urgent, this problem should be handled decisively, yet carefully, to avoid short-term solutions. The safety of learners at school and in the community requires a well-coordinated approach between the education department, police and local government.

School authorities and local government should take responsibility for the safety of learners, children, teenagers and youth within their specific mandates. Safety measures should be tailored to their specific needs. Safety of learners, girls in particular, should be components of any safety audit or strategy related to school infrastructure, and should form part of minimum standards set for all schools. School governing bodies should appoint an official to assess and report on safety measures and make recommendations for their improvement. Immediate and urgent security matters should be escalated to the Member of the Executive Committee for Education.

Premiers should report to the Provincial Coordinating Committee on all matters relating to safety of learners, including the nature or lack of infrastructure, to promote and share best practice of safety measures at schools. This report should be open to the public and allow for public comment.

More research and policy analysis should be done to establish accountability of public officials (and offices) for the safety of girls and children in general, with respect to the state's duty of care when children are at school. Where some measures exist, further analysis should ensure the desired outcomes are sustainable. A monitoring and evaluation system for school-management accountability should be developed to address these needs. Safety measures at schools should enhance learning outcomes and not replicate prisons where learners are educated behind burglar guards and metal detectors. A sustainable school safety model within the context of the social and geographical environment should be developed by the school governing body and monitored by the provincial departments of community safety.

The Commission recommends the following:

Conduct independent context studies and opinion surveys to gather information on perceptions of safety and fear of crime. The studies should be facilitated by the department of community safety in that province, or the Premier.

The findings of the studies should be shared with all stakeholders and should be factored into policing plans, local government development plans and the criminal justice system. Communication to communities and stakeholders about safety plans should be aimed at reducing fear and increasing the responsibility for safety to all role players including citizens.

Local government should report on environmental designs aimed at addressing the safety of women, children and other vulnerable groups. Local government should have a safety budget and an annual plan to this end. Grime, graffiti, poor or no street light, dark and dingy alleys, derelict buildings, open waste etcetera, create fear and a propensity for crime. Community activism and a responsive citizenry should be encouraged in this area.

The police service should develop plans that deal with safety risks and account for the increase in safety and reduction of fear alongside crime statistics reports. Crime statistics will provide the quantitative basis for reporting by the police service and metropolitan police, and community-safety levels will provide the qualitative indicators.

Further research should be conducted on qualitative measures and indicators to evaluate the safety of vulnerable groups, the prevalence of xenophobia, and of hate crimes against gay and lesbian people, and people with disabilities.

Further research should be done on child-headed households and children without proper parental care so that effective mitigation strategies to secure safety among the most vulnerable in society are developed.

Legislation on human trafficking should be expedited to address the fragmentation in legal frameworks and instruments.

The Sexual Offences Act should be amended urgently to strengthen the criminal justice departments' response.

Accountability frameworks should be developed for government departments to prevent sexual abuse and assault from occurring in state facilities. These should apply where a department is responsible for the care and safety of citizens; at schools and educational facilities; government facilities at municipal level; and any facility where government is assigned the role of custodian, such as a correctional institution.

Support to non-governmental organisations who engage in citizen safety should be stepped up. The Department of Social Development should facilitate consultations with non-governmental and business sectors to map out effective partnerships to eliminate sexual offences, domestic violence and child abuse as priority crimes.

The Department of Justice and Constitutional Affairs has a training and placement programme for Court Preparation Officers.   The programme has produced good results and should be increased to assist in effective victim preparation to secure convictions of sexual offence perpetrators.

Domestic violence is a complex issue which should be addressed in a multi-faceted way. Education of both women and men should be undertaken with social partners and the private sector. The private sector has a very important role to play since work hours and productivity are negatively affected as a result of domestic violence. The effective implementation of the Domestic Violence Act (1998) requires adequate budgeting for such education and awareness training as well as training of police and justice officials.

Local government and the Department of Social Development should establish safe shelters for

women and girls who require temporary accommodation when exposed to domestic violence or who are at risk of such exposure.

Sustainable school-safety models within the context of the social and geographical environment should be developed by school governing bodies. The community police forum should monitor the school-safety plan at community level. The provincial departments of community safety should monitor and support the school-safety plans for the respective provinces.

Provinces should provide comprehensive reports on school safety to the Provincial Coordinating Committee. These reports should be assessed by a presidential committee with a feedback loop to the provinces for corrective action.

Safety of youth

The safety of young people should be of interest to all involved in shaping the future of the country. Most young people around the world would like to express themselves in places and spaces of their choice and cherish the freedom to enjoy their youth. If they feel unsafe and are hindered by violence or threat to life and property, a very significant stage of their lives is stifled.

In South Africa, the youth are often the main victims and perpetrators of crime. In an analysis of police murder dockets of a national sample of 1378 cases in 2009, it is clear that interventions need to be done by the criminal justice departments, arts and culture, social development, economic affairs and local government to curb this trend. Importantly, the youth should be engaged in the solution to the problem.

Demographics of victims indicate that young, black males are most affected. Young people should therefore be engaged in programmes that promote taking responsibility for their own safety. Resources

to do this should be mobilised from the public and private sector, creating a partnership to support a comprehensive long-term programme.

The youth can only take co-responsibility if government is seen to be taking the lead to resource and support their initiatives and actions. Benevolent surveillance and mutual care among the youth should be promoted. In simple terms, they should look out for each other. Furthermore, they should be encouraged to approach government and the private sector on such measures that would promote their safety.

In the analysis undertaken in 2009 by the South African Police Service of a sample of murder dockets referred to above, the youth presented very high in the sample. Below are the tables reflecting race and gender of victims, and age and occupation of murder victims.

FIG 12.1 RACE OF VICTIMS			
Race	Number	%	% Known
African	1198	86.9	87.5
Coloured	132	9.6	9.6
White	25	1.8	1.8
Asian	14	1.0	1.0
Unknown	9	0.7	
Total	1378	100	100

Source: South African Police Service, 2009

The majority of the victims whose race could be established were Africans followed by coloureds and whites. When compared to the population figures,[11] it is clear that more attention should be given to the causal factors of homicides. Such an analysis should inform a homicide prevention strategy that should direct the interventions of the police and other relevant departments. Alcohol- and substance-abuse as well as anger-management programmes for youth should be implemented at an early stage in schools and as part of diversion programmes for youth at risk of offending.

FIG 12.2 GENDER OF VICTIMS

Gender	Number	%	% Known
Male	1174	85.2	85.6
Female	198	14.4	14.4
Unknown	6	0.4	
Total	1378	100	100

Source: South African Police Service, 2009

There is a disproportionate division in the gender of victims of murder with males accounting for the majority. In most cases male victims were murdered by males and to a lesser extent by females. In the case of females murdering males, it could be attributed to domestic-related issues resulting in females killing their male partners, while males are more likely to cause the death of other males during social interaction. The link between assault and homicide should be drawn. Repeat assault should be cause for alarm and early interventions should be made. Although it may be difficult to trace a distinct pattern of murder cases, it would still be useful to analyse the circumstances which give rise to the prevalence of murder in certain communities. The South African Police Service, through their crime-intelligence division, therefore should produce an analysis of murder, assault, rape and all categories of contact crime as a standard tool for crime prevention strategies. This analysis should be made available to the broader crime prevention community to promote timely interventions and community

supported strategies.

The highest age category of victims fall within a demographic that should potentially be most active economically and socially. In the majority of cases, the relationship between victims and offenders were known. For victims falling in the age category of 0 to 10 years, it was found that they were murdered by their parents of which 63.6 percent pertain to incidents of the concealment of birth. With regard to victims between the ages of 11 and 20 years, in 49 percent of cases a relationship between the victim and offender could be established where the offender was an acquaintance/ person known by sight. A further 19.6 percent were murdered by friends and 5.8 percent by boy/girlfriends. Research should be done on how interpersonal relationships could improve and be free of violence. Special attention should be given to young women on reproductive health and alternatives to child rearing.

The figure above indicates that 46.4 percent of those victims whose occupational status was known were employed, while 39.3 percent were unemployed and 9.3 percent were students or scholars. Pensioners accounted for 3.5 percent of the victims and people who are self-employed for 1.6 percent. It was further established that pensioners are more vulnerable to be killed during the commission of other crimes, as in the cases of 38.5 percent of

FIG 12.3 AGE OF VICTIMS

Age	Number	%	% Known
0 –10	19	1.4	1.6
11–20	166	12.0	13.8
21 –30	477	34.6	39.6
31 – 40	289	21.0	24.0
41 – 50	133	9.7	11.0
51 –60	75	5.4	6.2
60 +	46	3.3	3.8
Unknown	173	12.6	
Total	1378	100	100

Source: South African Police Service, 2009

FIG 12.4 OCCUPATION OF VICTIMS
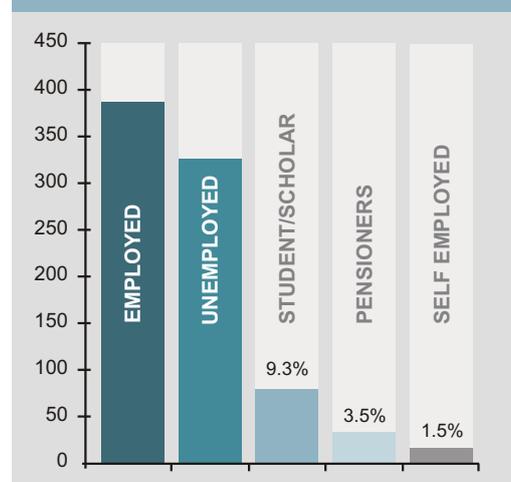
Source: South African Police Service, 2009

pensioners murdered, compared to 15.9 percent of all the victims involved in the study.

Consumption of alcohol and drugs by victims

From the information contained in the dockets, it was established that at least 28.2 percent of the victims had used alcohol or drugs prior to the incident. A further breakdown of alcohol consumption or drug use according to gender indicated that 31.1 percent of the male victims had used alcohol or drugs, compared to 17.0 percent of the female victims. It was found that the highest incidence of consumption among murder victims occurred in the age group of 31 – 40 years followed by the age group of 21 – 30 years and the age group of 20 years and younger.

The analysis of murder dockets paints a grim, but clear picture. There needs to be a greater mobilisation of resources to establish and promote safety among the youth, who should be part of the solution and have ownership of the outcomes. Positive values must be propagated by role models who promote lifestyle attributes of care, responsibility and integrity, which are pronounced, visible and within reach of the youth.

The Commission recommends that:

More work should be done by the Youth Commission, departments of social development, criminal justice departments, civil society and the private sector to develop an integrated plan linking social cohesion and safety among youth to a focus on eliminating crime. Research into best practice of existing models (inner city New York, Rio de Janeiro and selected multi-cultural cities) could be undertaken in partnership with metros to develop models for safe spaces for youth in cities.

There should be linkages between youth mobilisation for safety, education and civic responsibility, job creation and skills development, and social cohesion. A pilot programme to address

these elements in an integrated manner should be undertaken with the relevant stakeholders.

The relationship between drugs, alcohol and violence requires an in-depth study. Specific projects should be developed by the JCPS cluster to address these issues comprehensively and decisively.

Rural safety

Access to justice and the safety of rural and farming communities demand special attention. Farming communities and rural areas are very far from national and provincial government, business and non-governmental resources which expose them to crime and safety risks. Rural police stations are often isolated and responsible for vast areas. Attendance to domestic violence complaints and child protection are affected by distance and availability of resources. Infrastructure, telephony or roads for example, impact police response times which increase the risks to potential victims. Distances from the courts impose a burden on witnesses and availability of legal aid could compromise the administration of justice. The full bouquet of services from the criminal justice system therefore, is not readily available to rural and farming communities compared to services to urban areas. A national rural safety strategy was crafted by the South African Police Service to address these risks. This strategy is aimed at farmers, farm workers and the broader rural community. The National

Rural Safety Strategy was constructed through a consultative process involving key institutions and stakeholders.

The commission recommends that:

The National Rural Safety Strategy of the South African Police Service, a comprehensive strategy, should be implemented in its totality. Stakeholders who were party to the drafting of the plan should assist in monitoring the implementation of the strategy to ensure the effectiveness there of and new stakeholders such farm workers committees and Farm Watch[12] should be brought on board. Communication tools and early warning systems should be prioritised to address the impediment of distance and infrastructure. Technology and social media should be explored for this purpose. Examples of successful implementation of technology and mobilisation of rural communities for crime prevention should be explored further. Safety and crime prevention training and capacity building workshops should be provided to farmers and farm workers jointly. Safety plans for each farm should be developed taking on board the safety needs of everyone especially the most vulnerable and most exposed. Farm watch structures should be beefed up and supported by the local police station. Farm and rural safety structures should be supported by the business community especially those operating in the agricultural field.

Improving rehabilitation and reducing recidivism

The ideal society is one where citizens are safe from crime and can lead productive lives without fear. However, the impact the criminal justice system has on community safety warrants attention. The conditions within which inmates are kept have a strong effect on their behaviour upon release and have consequences for the way in which prison and prisoners are viewed. Overcrowding in prisons increases inmate violence and recidivism. This in turn could further lower overall levels of community safety. "Recidivism is the relapse into criminal activity and is generally measured by a former prisoner's return to prison for a new offence. Rates of recidivism reflect the degree to which released inmates have been rehabilitated and the role correctional programmes play in reintegrating prisoners into society."[13]

Recidivism is mainly caused by barriers to re-entry upon release. Prisoner re-entry into the community is a problem for many reasons. First, the number of prisoners released has increased considerably over the past two decades. Second, the communities to which offenders return are less stable and less able to provide social services and support to these large number of returning prisoners. Third, there are not enough prison rehabilitation programmes available to meet inmate needs in terms of quantity and quality. Fourth, the focus is on supervision and monitoring rather than casework and support by parole and release officers of prisoners re-entering society. This has compounded the problem of lack of programmes.

Reducing overcrowding to promote community safety

Prisons in South Africa have historically been overcrowded. However, due to increased crime and greater efficiencies in the criminal justice system since 1994, the prison population has exploded. This has an adverse effect on crime management and reduction since overcrowding of prisons in itself can lead to increased crime. As prisons become more overcrowded, inmates report higher levels of assault. Placing more prisoners in the same number of cells creates harsher conditions that ignite and promote violence and increase gang power. Warder-to-inmate ratios are affected negatively and supervision of inmates decreases as a result. These conditions increase the prisoners' propensity to violence and decrease the prospects for effective rehabilitation. In

turn, the safety of communities is more at risk upon release of prisoners from overcrowded conditions. Addressing overcrowding of prisons is therefore a priority community-safety issue.

The commission recommends that:

○ Substance-abuse treatment during imprisonment should be stepped up. Substance-abuse programmes before release should be a component of any pre-release programme given the relationship between drug abuse and the commission of crime in the broader society. Substance abuse is a widespread problem among the prison population with re-addiction after release a frequent cause of recidivism and a barrier to obtaining stable employment.

○ Education and training programmes should be extended to increase the chances of employment and reintegration of released prisoners. Correctional Services are implementing skills training programmes which should be increased. A proactive relationship between correctional services and business should be directed to appropriate skills development to increase the chances of released prisoners being absorbed into the economy.

○ Capacitate community organisations to assist in sustaining rehabilitation of former prisoners and assist with reintegration into the community. Civil society can play an invaluable role in the continued rehabilitation of former prisoners and the prevention of re-offending. Civil society organisations need to be identified, vetted and adequately resourced to do this. Vetting should be compulsory for those organisations working with sex offenders.

○ Overcrowding of prisons should be addressed as a matter of urgency. Building more prisons would be extremely costly and impractical and will not address the situation of overcrowding in the short to medium term. The best, practical and necessary way to address overcrowding is through assessment, categorisation and placement of prisoners in appropriate "out of prison sentence" programmes and correctional supervision based on clearly defined and objective criteria. Alternative sentencing regimes should be addressed with the Department of Justice and Constitutional Development and the efficacy thereof monitored on a regular basis.

○ The population of awaiting-trial prisoners must be reduced drastically. Increased use of technology is important to monitor awaiting-trial prisoners to ensure attendance in court and prevent at-risk suspects from committing crimes or endangering community safety. The use of tagging and tracking of awaiting-trial prisoners should be explored as an alternative to incarceration.

○ Youths in prison should be addressed by Correctional Services as a priority focus for restorative justice based on their crimes and their propensity for rehabilitation. Their chances to make a meaningful and productive contribution to society should be increased through the value of these programmes and post-prison conditions. Diversion programmes remain critical to reducing overcrowding, and rehabilitation.

Implement strategies known to work

A coordinated and holistic approach to safety and security is achievable. Some aspects of this approach have been seen during the 1994 elections and the 2010 soccer World Cup. Safety and security strategies for these events successfully aligned resources with appropriate solutions across the

security spectrum. The roles of the agencies involved were clearly defined, and mandates and protocols were understood. Equally important was the recourse given to citizens for inefficiencies or delivery gaps. Community support for any safety strategy is extremely important.

Community participation in safety

Civil-society organisations and civic participation are elements of a safe and secure society. Community problem-solving during the xenophobic violence of 2008 is an example of non-state mobilisation to resolve conflict and potential criminality. At the time, the police acted as the stabiliser, while civil society and other state departments were problem-solvers. The partnership was negotiated through coordinating structures at various levels of the state, community-based agencies such as church organisations and civic associations. A sustainable strategy requires greater clarity on various roles and a resourced coordinating mechanism that will bring state and non-state policing agencies together to secure safety and build cohesion. The state is best placed to play this role and account to citizens.

The Municipal Systems Act (2000) provides for local government to promote a safe and healthy municipal environment. Community safety centres, promoted by the Secretariat for Police and provincial departments of community safety, should be revisited to give effect to this provision. Local municipalities must work closely with all state and non-state bodies to establish their safety needs and develop strategies to fulfil them. They should develop safety audits or barometers with communities to inform their responses. These could include better street lighting, removing rubbish dumps and hazardous waste and municipal by-laws to increase community safety and wellness.

These initiatives should involve the youth and could be run by sectors, such as education, sports, arts and culture, and social welfare, coordinated by community safety centres. Local government should thus use its Constitutional mandate creatively and innovatively. At local level, communities should feel empowered to take part in making their environment safer and more secure. Communities should be consulted on housing and business developments in their locale and their inputs on the spatial planning of the physical environment, safety designs and layout of these projects should be solicited. These measures for community involvement in safety from a crime prevention point of view should be regulated by municipalities at a local level. Specialised skills for safety design could be sourced where capacity is lacking. Universities and non-governmental organisations specialising in this field should be contracted to assist local communities.

Universities and technical colleges should develop courses to promote urban design that will take account of safety in future housing developments and carry out corrective designs in established housing developments.

The Community Safety Volunteer Programme has been implemented in Gauteng, the Western Cape and KwaZulu-Natal with some success. The programme uses volunteers as marshals at schools, clinics, railway stations and parking lots. In the Western Cape, volunteers were also highly effective in the Child Safety Programme, which developed a rapid-response system to track missing children. When the Department of Community Safety in the Western Cape wanted to close the School Safety Volunteer Programme, principals, teachers and learners protested because the community felt safer with the volunteers.

The Commission recommends that the police service and metropolitan police further develop the Community Safety Volunteer Programme as part of a

community empowerment programme for safety. Volunteers should be deployed to at-risk schools, health clinics, pension- and grant-payment points, taxi ranks, parking spaces, open fields, areas with poor street lighting or public congestion, and generally unsafe areas. These volunteers are not substitutes for visible policing and do not carry out any police functions. They provide safety to the public only through visibility and safety in numbers – where they themselves are not put at risk. The volunteers are also contact-points for the police and other departments, providing up-to-date accounts of community needs, fears and feedback.

The programme should be included in the budgets of local governments, the metropolitan police and provincial departments of community safety. The provinces that have already successfully started using these volunteers should extend their existing capacity, skills and experience. All nine provinces need to develop the ability to deliver this programme.

CONCLUSION

As part of a safety strategy, these proposals should be implemented alongside carefully considered and effective law-enforcement interventions driven by the criminal justice system. Continuing to strengthen the cost-effectiveness of the system – including the police, prosecutors, courts and prisons – is important.

Law enforcement provides the institutional mandate required to improve safety. However, it does not, and cannot, provide a total response. South Africa has to mobilise its communities to play a role in their own safety. The private sector already supports local initiatives, providing technological support with closed-circuit television cameras or information technology. Private security initiatives have been carrying out joint operations with police and taking part in joint patrols and check points with neighbourhood watches. These initiatives should be supported and extended.

The proposals will need dedicated budgets and regular cost-benefit analysis to ensure that the public gets the necessary return on investment of public resources. Community police forums should undertake accountability checks to ensure that the police are accountable to the communities they serve. The forums should also provide feedback to the police on public perception of safety and fear of crime.

The proposals to mobilise and integrate the knowledge and capacity to implement safety solutions require leadership, which will allay public fears and increase perceptions of safety. Increased reporting on safety outcomes and progress will instil confidence in government's ability to protect the public and create conditions for freedom of movement and safety. Such initiatives, as part of an integrated strategy, can reverse the cycle of crime that has become a constant feature in South Africa, skewing the narrative about the nation's capabilities and potential. Safety involves the criminal justice system, local government, community, and private sector and role players involved in economic and social development. Only an integrated approach will make safety and security a reality for South Africans in 2030.

NOTES

1. South African Police Service (2001). 'South African Police Service Crime Statistics' in *South African Police Service Crime Report 2010/2011*.

2. De Lange J (2007). *Review of the South African Criminal Justice System*. Report to Cabinet.

3. "Kragdadige" is an Afrikaans word meaning heavy-handedness and was commonly used to refer to the type of policing during apartheid.

4. Problem-solving policing was borrowed from the Canadian approach to policing in 1995 in the South African Police Service. This approach required a very close cooperation with Social Development and Local Government as recipients of youth at risk of committing crime. Without effective diversion programmes, this approach cannot work.

5. "Hotspots" are areas where crime is frequently committed.

6. Balko R (2006). *Overkill –the Rise of Paramilitary Police Raids in America*: p15. Washington, DC: Cato Institute.

7. World Bank (2010). *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*.

8. Women's Legal Centre. Available at (accessed 4 July 2012).

9. Hate crimes refer to threats, harassment or physical harm and is motivated by prejudice against someone's race, colour, religion, national origin, ethnicity, sexual orientation or physical or mental disability.

10. ibid.

11. Statistics South Africa. *Mid-year population estimates: 2009*. Available at http://www.statssa.gov.za/ (accessed 27 July 2009).

12. Farm Watch structures are similar to Neighbourhood Watch Structures. They consist of unarmed, trained volunteers who are organized at a local level to conduct patrols and report to the police.

13. McKean L and Ransford C (2004). *Current Strategies for Reducing Recidivism*. Centre for Impact Research.