

CHAPTER 5

PUBLIC PERCEPTIONS ABOUT CRIME PREVENTION AND CRIMINAL JUSTICE

Key points

- South Africans rely extensively on the state for protection against crime and for victim support: few take additional measures to protect themselves or their property, a minority participate in community anti-crime initiatives, and the police and hospitals are seen as the main sources of help for victims of violence.
- One quarter of those who knew of a community protection group in their area said this group physically punishes criminal suspects. Estimates are that nearly 1,5 million South Africans have witnessed violent punishments by such vigilante groups.
- Knowledge of, and participation in, CPFs is low, but those living in urban and rural areas were more likely to be involved in CPFs than those in the metros.
- Physical access to the police and courts is generally good, but remains a problem in rural areas and for black South Africans.
- Only a small majority think the police are doing a good job, but these views are influenced by a range of factors not all of which are about policing. One factor that is clearly within the ambit of the police is response time: this was the key issue influencing both positive and negative perceptions of the police.
- As other studies have shown, views of court performance are much more favourable among those who have been to court than among the general public. And although access to courts is better in metro and urban provinces, satisfaction was lowest in these areas.
- Sentencing is the key issue about which the public formed their opinions of the way courts deal with suspects.

As discussed in chapter four, public perceptions about crime and about what is being done to solve the problem cannot be ignored by policy makers. To the extent that perceptions influence behaviour, public views about the criminal justice system can assist or hinder the work of police and prosecutors. If people believe the justice system can help them recover from victimisation or prevent further offending, and their treatment by officials is acceptable, they are more likely to report crime to the police, cooperate with detectives and participate in court cases. Conversely, if people believe the police and courts

are indifferent to the needs of victims, or are incompetent, unfair or corrupt, they are unlikely to participate voluntarily in the justice system.

The impact of perception is not only important for state attempts to reduce crime, however. Safety and crime prevention depend as much on the actions of individuals, families, communities and organised civil society, as government. Examples of such actions are not walking in unlit areas at night, installing burglar bars, joining a neighbourhood patrol or helping the local business improvement project clean up neighbourhood streets. But civil society does not always respond to crime in constructive ways. Vigilantism is the result of the public losing faith in government's ability to offer protection, with destructive consequences for the functioning of the criminal justice system.

In an attempt to explore these issues, this chapter covers survey results on:

- what individuals have done to protect themselves and their households;
- public attitudes towards, and participation in, community anti-crime initiatives, including community police forums and vigilantism;
- perceptions about access to and performance of the police and courts;
- views on victim support.

Individual and household protection

Respondents were asked what measures they had taken to protect themselves or their households from crime and violence. Only 39% could mention specific measures, which means that most South Africans (61%) have none of the usual means of protecting themselves or their homes.

The most likely type of protection was some sort of physical protection (or 'target hardening') for the home (33%) such as burglar alarms and bars, electric fences, gates, etc. Only 6% said they employed a private security company, while 3% carried weapons for protection, 2% installed alarms or immobilisers on their vehicles, 2% joined self-help or protection groups, and 1% purchased dogs specifically for security.

There were significant differences between the race groups, with Indian and white South Africans much more likely to take measures to protect themselves and their property. Among black respondents, 70% had taken no protection measures, as was the case for more than half of the coloureds (55%). By comparison only one tenth of Indians (11%) had done nothing, and 5% of whites had no protection measures. This trend may be related to supply and demand: not only was the level of fear higher among the Indian and white

population, and feelings of safety much lower, but Indians and whites were more likely to be able to afford household and individual protection.

Of those who had taken protection measures, a sizeable majority overall (75%) felt safer as a result. However, only a small majority (54%) of Indians who had taken any measures felt safer, as opposed to 95% of coloureds, 80% of whites, and 74% of blacks.

Community anti-crime initiatives

The growth of both the private security industry and of vigilante activity are indicators of the popularity of non-state forms of policing. The extent to which people use the services of private security companies or resort to vigilante activity is an expression of both their fear of crime and their faith in the state's ability to protect them. Seen from this point of view, it is encouraging that only 26% of South Africans said that a group or organisation, other than the police, exists in their area to provide protection against crime. This could suggest that levels of confidence in the formal justice system are still quite high, and that the use of private security is limited to a small sector of the population who can afford it.

The existence of legitimate community 'protection groups' can also be a positive indication of civil society taking responsibility for crime prevention at the neighbourhood level. From this standpoint, the fact that only a quarter of South Africans said such a group exists in their area is not positive. It suggests that people rely too heavily on government to protect them from crime—a situation that is unlikely to produce a safer society.

Vigilante activity

Respondents who said a group exists in their area to provide protection against crime were asked a range of questions about the group that help to distinguish vigilante activities from other anti-crime initiatives. Referring to the most active of these groups, the majority (61%) were described as volunteer groups. Just over two thirds (34%) said a fee was paid for the services of the group (suggesting that the organisation could be a private security company, although some known vigilante groups like Mapogo-a-Mathamaga do charge for their services).¹⁹

At least one quarter of these groups appear to be vigilante organisations, because 25% of respondents said the group administers physical punishment to suspects. These results indicate that although in the minority, many South

Africans have direct experience with vigilantism—a worrying trend that ought to be monitored over time to track changes in public confidence in the justice system.

Vigilante activities were most common in predominantly black areas, with black respondents being most likely to report that local protection groups do not charge a joining fee, and do administer punishment to suspects. In total, more than three quarters (76%) of blacks who reported the existence of a protection group in their area said a joining fee was not charged, as opposed to 70% of coloureds, 43% of Indians, and less than one fifth (19%) of whites.

Such organisations appear to be most common in Mpumalanga and KwaZulu-Natal, with almost two out of five respondents (39%) in the former and a little under one third (31%) in the latter reporting such activity.

A recent study argued that the root of vigilantism lies in both the perceived and real inadequacies of the formal criminal justice system rather than in historical or cultural legacies.²⁰ Research into the growth of Mapogo-a-Matamaga and the reasons for its widespread support (across race, class, political persuasion, and the urban-rural divide) shows that people enlist Mapogo's services when they lose faith in the formal justice system, or simply do not understand how it works (which in itself reflects poor service, as access to justice includes informing people about how the system works). This would explain why more black people in the survey report vigilante activity: criminal justice services and access to justice are still weakest in areas inhabited by black South Africans and in rural areas. Further, as later discussions will show, perceptions of police performance were low in Mpumalanga and KwaZulu-Natal.

Reports of groups meting out punishment were not pure hearsay: more than one third (37%) of those who said they knew of groups who administer punishment in their area had actually seen members of the group apprehending a suspect, and one fifth (19%) had seen the group administering physical punishment. This translates into 1,477,644 South Africans over the age of 16 who had actually seen a community protection group physically punish a criminal suspect.

KwaZulu-Natal and Mpumalanga again stand out from the other provinces, although not by much: 24% of those reporting such groups in KwaZulu-Natal had actually seen punishment administered, with 22% in Mpumalanga, 20% in Gauteng and 19% in Eastern Cape saying the same. The province where the

fewest people said they had actually seen punishment administered was North West (9%) (Table 11, Appendix 2).

Direct experience of vigilantism was higher among people living in urban areas than other area types: 52% of those in urban areas who said their local protection group administers punishment had actually seen members of the group apprehending a suspect, followed by those in traditional rural (27%) and then metro areas (19%). The same relationship exists between those who saw the group administering physical punishment and the type of area in which they live: half (50%) who reported such a sighting live in urban areas, 26% in traditional rural, 21% in metros and just 3% in farming areas.

Community police forums

Community police forums, as one type of community anti-crime initiative, ought to exist throughout the country as a result of legislation that compels the police to establish forums. The South African Police Service Act of 1995 formally established and detailed the functions of Community Police Forums (CPF's). These bodies were to be established at station, area and provincial level, primarily to enable police-community liaison and communication. Despite a concerted effort by the SAPS, research in certain parts of the country has shown that the success of the CPF's and their reach into the communities they are intended to represent has been limited.²¹

In order to test public knowledge of and participation in CPF's across the country as a whole, questions were included in the survey on these issues. Less than half (45%) of South Africans said they know what a Community Police Forum is. This correlates with the findings of a previous study in 44 police priority station areas in 2001, in which 44–49% reported knowing what a CPF is.²² In the 2003 National Victims of Crime survey, whites were most likely to know what a CPF is (54%), followed by blacks (45%), Indians (42%) and then coloureds (30%). Those living in urban areas (47%) followed by traditional rural areas (44%) were most likely to know what a CPF is, with only 41% in the metropolitan and 30% in farming areas saying this was the case. When analysed according to province, respondents in Gauteng, followed by Limpopo and Eastern Cape were most likely to know what a CPF is, while those living in Northern Cape were least likely (Table 12, Appendix 2).

Participation in and understanding of CPF's was also low, again echoing the findings of previous studies. Of those who knew what a CPF is, half (51%) reported that there was a forum in their area, and a little over one fifth (23%) had ever attended a meeting. In the 2001 survey, fewer people (35%) said a

CPF was operating in their area, although participation was higher, with 45% saying they participated in the structure in 2001.²³

Interestingly, in the 2003 National Victims of Crime survey, those in rural areas were most likely (53%) to say there was CPF in their neighbourhood, followed by those in urban (52%) and then farming areas (46%). Those in metros (41%) were least likely to report a CPF in their area.

Coloured South Africans were most likely of the race groups to report a CPF in their area (55%), followed by whites (53%), blacks (50%) and then Indians (46%). This suggests that although whites were the most likely to know what a CPF is, this is probably based more on better access to media and possibly better police dissemination of information than on actual experience of, or interaction with, a CPF.

Those who had lived in their area for ten years or more were significantly more likely to participate in their CPF: one quarter of those who participated had lived in their area for this length of time, as opposed to one tenth of those who had lived in their area for less than one year. No difference was found between home-owners and tenants in the likelihood of participating in a CPF.

As has been discussed in other studies on community policing, these trends probably reflect a combination of generally low participation in community structures as well as insufficient state support for the forums and concept of community policing.²⁴

Perceptions about the police

The survey included questions about physical access to police, as well as police performance. It is important to note that no differentiation was made in the questionnaire between the SAPS and other types of police officers, such as municipal police or traffic police. It is, however, likely that in most parts of the country, respondents would interpret 'police' to mean the SAPS, given the size of the organisation and the fact that it has, until recently, been the only traditional police service in the country. In the metropolitan areas, results are more likely to be based on views of both SAPS and municipal police because most of the metros have established their own police services.

Access to the police

Respondents were asked a range of questions about their physical access to the police, including whether they know where the nearest police station is and if so, how long it takes them to get there using their usual mode of

transport. Questions were also included about how often the police are seen on duty and in uniform in the respondent's area of residence.

According to the results, physical access to the police is good: the vast majority (97%) of South Africans knew where the nearest police station is. In almost two thirds (66%) of cases, respondents said the nearest police station is less than 30 minutes away using their usual mode of transport. This is higher than might be expected, and suggests that the police have improved accessibility to their services.²⁵ Another 23% of South Africans said they live within one hour, but more than 30 minutes away from their nearest police station.

Comparative survey data

In the 1998 victim survey, the question of access to police stations was explored slightly differently. Survey respondents were asked how many kilometres away their nearest police station was. More than two out of five respondents reported it was between one and five kilometres away, while a little under one fifth reported it was between five and ten kilometres away (see table below).

Distance	% of South Africans
Less than 1 km	12.7
1-5 km	41.1
5-10 km	19.7
10-15km	8.7
More than 15 km	14.5

Source: Victims of Crime survey, Statistics SA, 1998

Access varied significantly according to race, area type and province. Black South Africans were most likely to have to travel further to reach their nearest police station. In total, one tenth (11%) of blacks travelled between one and two hours, and more than one quarter (27%) between 30 minutes and one hour to their police station, while only 3% of whites travelled in excess of one hour to their nearest station.

This racial profile correlates with the fact that those closest to police stations live predominantly in metro and urban areas, with those in farming areas further away, and those in traditional rural areas travelling furthest to reach their nearest police station (Figure 24). Unsurprisingly, many more of those

Figure 24: Length of time it takes, on average, to get to the nearest police station using usual mode of transport, by area type

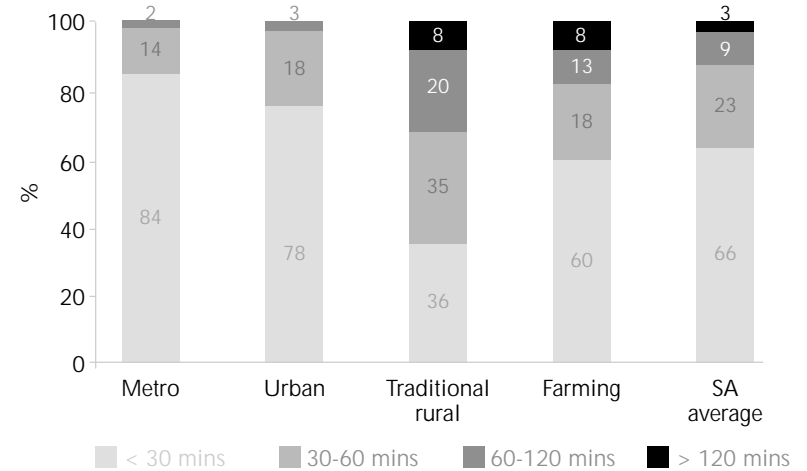
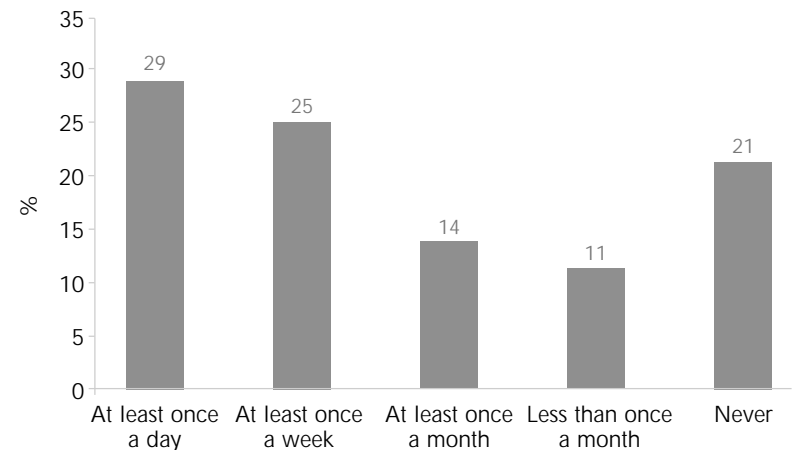


Figure 25: How often police are seen, in uniform and on duty, in the respondent's area of residence



living in the highly urbanised Gauteng and Western Cape provinces were closer to police stations than those in other provinces, while more of those in rural Limpopo and Eastern Cape were further away from a police station (Table 13, Appendix 2).

When asked how often they see the police on duty and in uniform in their area, respondents were most likely to say they see a police officer at least once a day. This was followed by one quarter who reported seeing the police at least once a week. While these results are encouraging, it is a matter of concern that one fifth said they never see a police officer on patrol in their area (Figure 25). Although a direct comparison with the 1998 victim survey is not possible because the questions were asked a little differently, it is interesting how similar the results were (see text box).

Comparative survey data

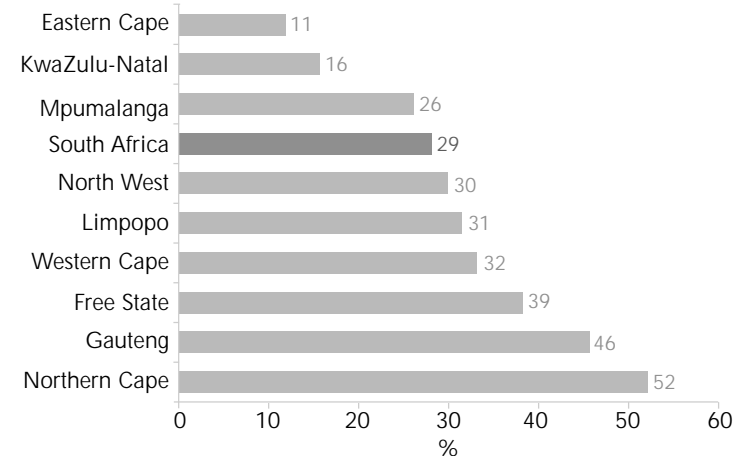
In the 1998 survey, respondents were asked how often a police officer passed by in their immediate neighbourhood either by car or on foot. More than one quarter reported that a police officer passed by at least once a day, followed by more than one fifth who reported that an officer never passed by. Another fifth claimed that an officer passed by at least once a week.

Frequency	% of South Africans
At least once a day	28.6
At least once a week	20.3
At least once a month	14.1
Less often than once a month	11.6
Never	21.8

Source: *Victims of Crime survey, Statistics SA, 1998*

Coloured South Africans see the police more frequently than other groups, with 34% saying they see an officer once a day, as opposed to 31% of blacks, 17% of whites, and just 9% of Indians. Similarly, coloureds (28%) were more likely to see the police once a week than black (26%), white (17%) or Indian (12%) respondents. These results seem counter-intuitive given the earlier findings that whites lived much closer to their nearest police station than blacks. It is however possible that policing strategies differ between residential areas, or that coloured and black residents see police officers more often

Figure 26: Respondents who see police once a day, in uniform and on duty, in their area of residence, by province



because they are more likely to use public transport and walk in their neighbourhoods than are whites and Indians.

Table 10: Police to population ratios, by province

Province	Ratio
Northern Cape	1:320
Western Cape	1:343
Gauteng	1:350
Free State	1:360
North West	1:492
KwaZulu-Natal	1:571
Mpumalanga	1:606
Limpopo	1:743
South Africa	1:450

Source: *SAPS Head Office, February 2004*

In terms of the provinces, those living in the Northern Cape were most likely to see an officer once a day, while those in the Eastern Cape were least likely to see the police (Figure 26 and Table 14, Appendix 2). This may reflect the police to population ratios in the provinces, as the Northern Cape has one of the best ratios, with one police officer to 320 citizens (Table 10).

The type of area in which South African's live is significant in determining the frequency with which they see police officers in uniform and on duty. This is probably related to the resources

available to the police, as well as population density in the various areas. While those in metro (37%) or urban areas (37%) were most likely to see an officer at least once a day or at least once a week (26% and 27% respectively), those in traditional rural areas were least likely to see the police once a day (14%), and those in farming areas least likely to see them once a week (14%).

Views of performance

Respondents were asked whether they had had official contact with the police, either by visiting the nearest police station, via telephone or when the police were on patrol. The point of these questions was to ascertain whether such contact had improved their perceptions of the police or not. Almost half (46%) had visited a police station in the last three years, and a little less than one third (32%) had been in official contact with the police.

Of those who had been in contact with the police, more than half (56%) reported that the contact had changed their opinion of the police, and of these, slightly more than half (54%) said their opinion had improved. A little more than one tenth (12%) claimed their opinion remained unchanged, while just over one third (35%) said it had made their opinion worse. Of all the provinces, those in Free State (75%) were most likely, by quite some margin, to report an improved opinion of the police. Respondents living in Gauteng (42%) were least likely to say that their contact with the police had improved their opinion of the organisation (Table 15, Appendix 2).

Disaggregation by race also shows significant variations in these trends. The majority of black South Africans (63%) reported an improvement, while only 46% of coloureds, 34% of whites and less than one tenth of Indians said their opinion improved. Given that access to the SAPS as well as police resources tend to be poorest in predominantly black areas (for example in rural Eastern Cape or KwaZulu-Natal), one would expect people in these areas to be least satisfied with the police compared to those in urban, wealthier and historically advantaged areas. Instead, the converse is true: Indian and white respondents (who fit into the latter category) were least likely to report an improvement in their opinion of the police after some contact with them.

This reflects the trends along racial lines identified earlier, in which black and coloured South Africans tend to be more positive about crime and safety issues generally than white and Indian South Africans. It is possible that these views are less about specific policing issues and more a reflection of general sentiment about safety and governance in the country. Different expectations among the race groups no doubt also play a role. Whites, for example,

probably feel much more vulnerable now than they did before 1994. Having said this, the consistently negative attitudes among the Indian population towards the police, and about safety in general, need to be explored further. It is possible that some of these views are based on changes in the quality and quantity of policing resources in Indian areas since 1994.

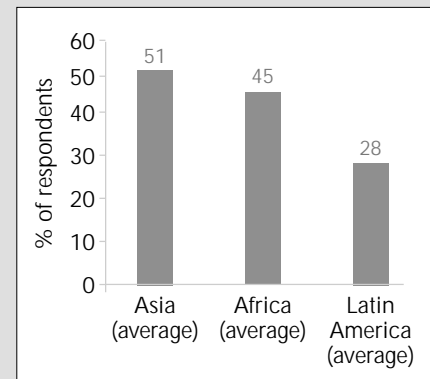
Perceptions of police performance were also tested in a question to all respondents about how they think the police are doing in their area of residence. Just over half (52%) of South Africans said the police are doing a good job in their area, while more than two out of five (45%) thought they are doing a bad job.

Comparative survey data

In the 1998 survey, South Africans were asked a slightly different question about general police performance. Survey respondents were asked if they were "satisfied that the police are controlling crime in their neighbourhood". Only 38% responded that they were satisfied. In a survey conducted in 44 of the SAPS' priority police station areas in 2000, 54% of those interviewed said the police were doing a good job in their area—a figure which correlates closely with the 2003 National Victims of Crime survey results.

Source: Victims of Crime survey, Statistics SA, Pretoria, 1998; E Pelser, J Schnetler and A Louw, *Not Everybody's Business: Community Policing in the SAPS' Priority Areas*, ISS Monograph Series No 71, ISS, Pretoria, March 2002.

South Africans' perceptions of the police can be compared to other countries using the ICVS survey results. Bearing in mind that these are city rather than national surveys and thus represent the views only of urbanised populations, South Africa compares favourably with the developing countries surveyed. The figure adjacent depicts the city averages for those who said "the police are doing a good or fairly good job of controlling crime in my area" for developing countries in 2000.

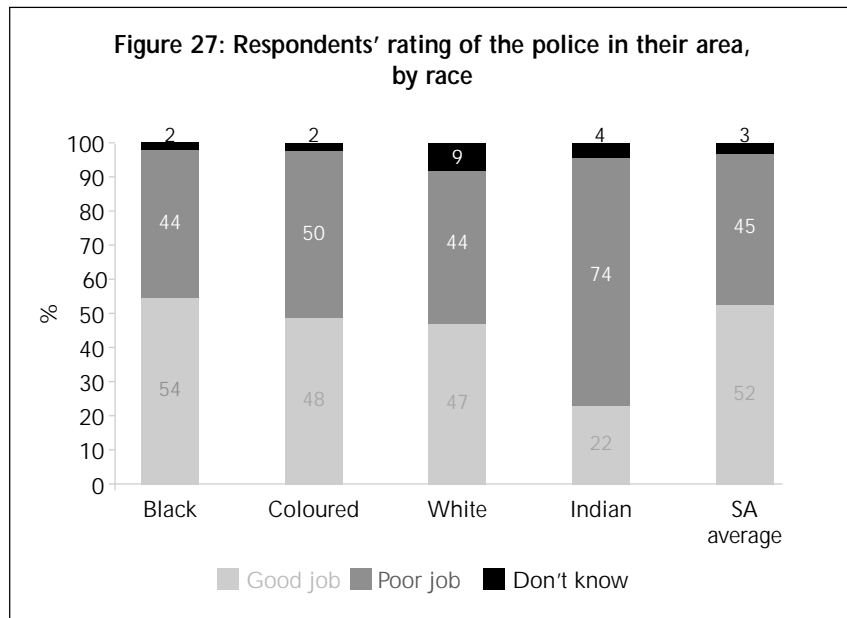


Source: AA del Frate and van Kesteren, *The ICVS in the developing world*, *International Journal of Comparative Criminology*, 2(1), 2003.

Perceptions of the police varied significantly according to race, province and area type. The same racial trends as those discussed above were found: black South Africans were more likely to say the police are doing a good job than any others, with very few Indians providing a positive assessment of the police in their area (Figure 27).

Those living in the Free State were most likely to think the police are doing a good job in their area, followed by those living in the Northern Cape and Limpopo (Figure 28). Conversely, those in Gauteng were least likely to think this, followed by those in KwaZulu-Natal and the North West. The negative perceptions of the police in KwaZulu-Natal may be related to the high percentage of Indians who thought the police are doing a poor job, as the majority of Indians were surveyed in this province. Indeed, almost four out of five (79%) Indians in KwaZulu-Natal felt that the police are doing a poor job—a larger proportion than any other race group within any other province.

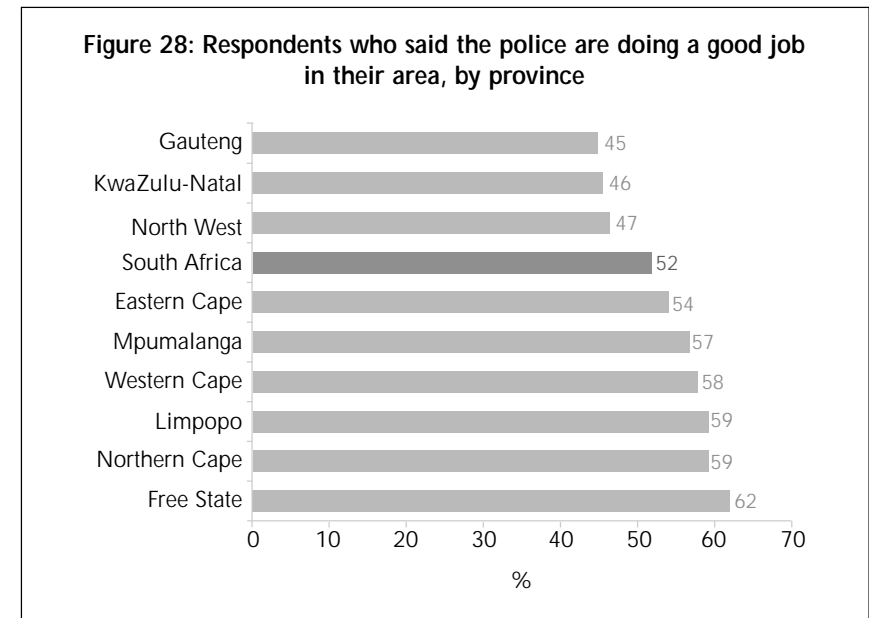
It is noteworthy that Gauteng has the third highest police to citizen ratio in the country (see Table 10), better access to the police than other provinces according to the survey, and nearly half of its residents said they see the police

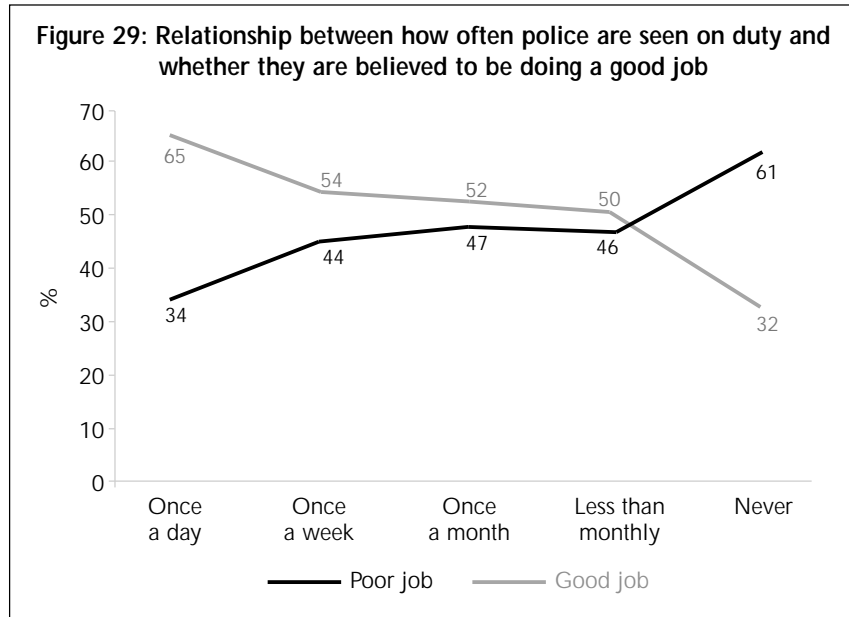


on duty once a day. Nevertheless, public opinion of police performance was lowest in Gauteng of all the provinces. This may be due to high crime rates in the province and higher public expectations of the police—possibly even fuelled by their high visibility.

The provincial results suggest that increasing police numbers and visibility *per se* will not necessarily improve public perceptions of the police. However, when statistics for the country as a whole are analysed, it would appear that a positive relationship does exist between police visibility and perceptions that the police are doing a good job (Figure 29). Most of those who see the police once a day in their area said the police are doing a good job. This percentage declines steadily as the police are seen less frequently, with only 32% who never see the police rating their performance as 'good'. For those who thought the police were performing poorly, the converse trend is true.

Views of the police also differed among area types. Despite media reports about the extent and violent nature of farm attacks and criticisms of the police from this constituency, those in the farming areas were most likely to think the police in their area are doing a good job (65%), followed by those in the

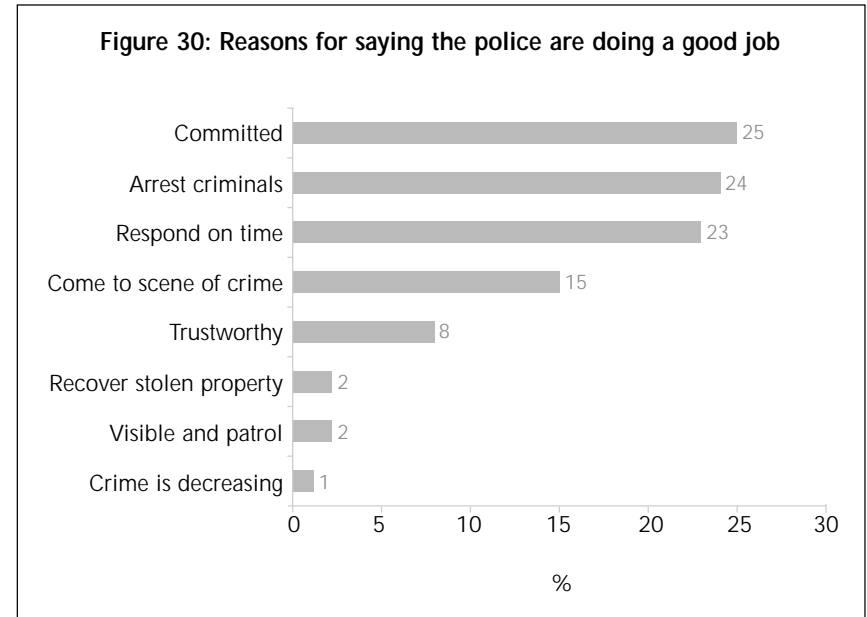




traditional rural areas (55%), urban (50%) and finally metropolitan areas (47%). While the question asked in the 1998 survey was slightly different to that in this study (see text box on p77), it is interesting that in 1998 the trend, by settlement type, was similar. Those living on commercial farms were also most satisfied “that the police were controlling crime in their neighbourhood”, followed by those in other non-urban areas such as small villages and traditional areas.²⁶

Other factors—over which the police do not have direct or sole control—that can influence perceptions of their performance are whether the public think crime is on the increase, how safe people feel, and whether they have actually been a victim of crime. The survey data showed that all these factors influenced views of the police. Throughout South Africa, those who thought crime had decreased over the past three years were more likely to think the police are doing a good job (65%) than those who thought crime had increased (44%).

Similarly, those who felt safe walking alone in their area after dark were significantly more likely to think the police are doing a good job (66% of those



who felt “very safe” and 60% of those who felt “fairly safe”) than those who felt unsafe (56% of those who felt a “bit unsafe” and 46% of those who felt “very unsafe”). Direct experience of crime also had an impact on perceptions of police performance, with a higher percentage (55%) of those who had not been victims of crime over the preceding year saying the police were performing well than those who had been a victim (41%).

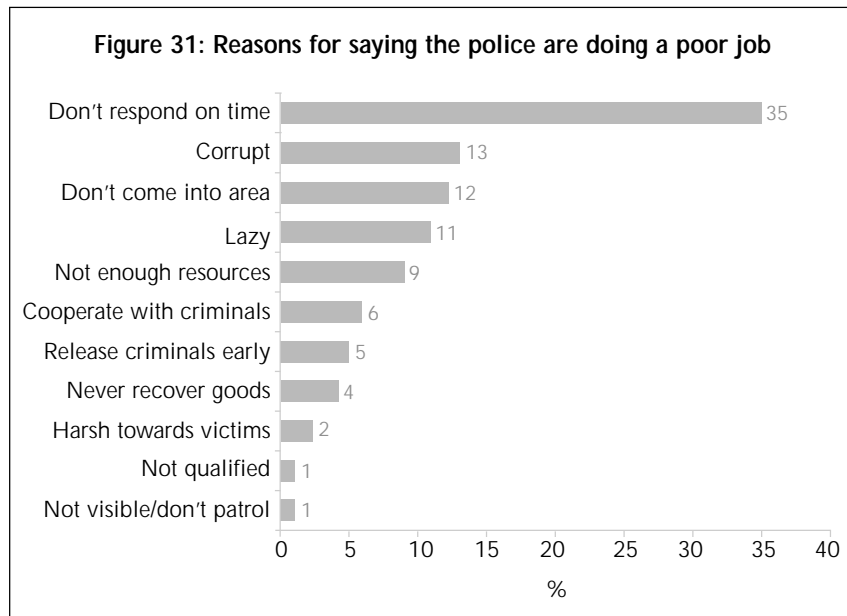
Respondents were asked to explain their positive and negative perceptions of the police. The most common reasons for thinking the police were doing a good job were that they are committed, arrest criminals, and respond on time (Figure 30).

When asked why they thought the police were performing poorly, the most common reason by a wide margin was that they do not respond on time. Response time was one of the main issues raised to explain both good and bad performance, which suggests that this is probably the key factor influencing perceptions of the police. Other reasons for criticising police performance were that they do not have a presence in respondents’ area of residence, and are lazy (Figure 31).

The views among the race groups varied more with respect to why the police are doing a poor job than why they are performing well. For black and coloured respondents, the fact that the police do not respond on time was the most common problem raised, while for Indians and whites the lack of resources was the main issue.

Those South Africans living in traditional rural areas were mostly of the opinion that the police do not come into their area, while in the farming areas the lack of resources was the most commonly cited reason for poor performance. In urban areas, corruption was most common, and in the metros, laziness was seen as the main reason for poor police performance.

Significantly, there is no relationship between those who thought that the police are doing a poor job because they respond too late, and those who live further from the nearest police station. This suggests that poor response times are not a result of the long distances that the police might need to travel to reach complainants.



Comparative survey data

In a survey of 44 priority police stations in 2000, the most common reasons for unhappiness with police performance were:

- the police are corrupt;
- the police are slow to respond;
- the police are lazy, and
- the police are unhelpful.

Source: E Pelsler, J Schnetler and A Louw, *Not Everybody's Business: Community Policing in the SAPS' Priority Areas*, ISS Monograph Series No 71, ISS, Pretoria, March 2002.

Two final indicators of public perceptions of policing were included in the survey. The first sought to establish views about the specialised search-and-seizure type operations the SAPS has been conducting in recent years. The second was more experimental and aimed to test levels of public trust in the police.

Less than one quarter of respondents (23%) reported that there had been a specialised police operation (commonly known as 'Operation Crackdown') in their area in the past three years. This is not surprising given that the SAPS' National Crime Combating Strategy, of which Crackdown-type operations are a part, only focuses on 10% of all police station areas in the country. Of those who said there had been such an operation, almost two thirds (64%) thought it had helped to reduce crime in the area.

Trends for the various provinces and area types varied significantly. More people in the Free State (32%) knew of a specialised operation than in any other province. This was followed by Gauteng (28%) and the Western Cape (28%). By comparison, only 13% in Limpopo knew about Crackdown-type operations (Table 16, Appendix 2). Similarly, 33% of those living in the metropolitan areas said there had been an operation in their area, followed by 26% in urban areas, 20% in farming and 15% in traditional rural areas.

The experimental question aimed at testing public trust in the police asked respondents whether they would teach their children, when lost or in trouble, to approach a police officer for help. Almost all South Africans (91%) said they would do so, with slight variations between provinces and race groups.

Those in Limpopo were least likely (86%) to say they would teach their child to approach a police officer for help, while those in the Western Cape (96%)

were most likely (Table 17, Appendix 2). Reflecting the racial trends in views of safety and police performance identified throughout this monograph, coloured (94%) and black (92%) South Africans were more likely to teach their children to ask police officers for help than Indians (84%) and whites (77%).

Perceptions about the courts

As in the section on policing, the public was asked a similar set of questions about their physical access to the courts, as well as their views of court performance.

Access to the courts

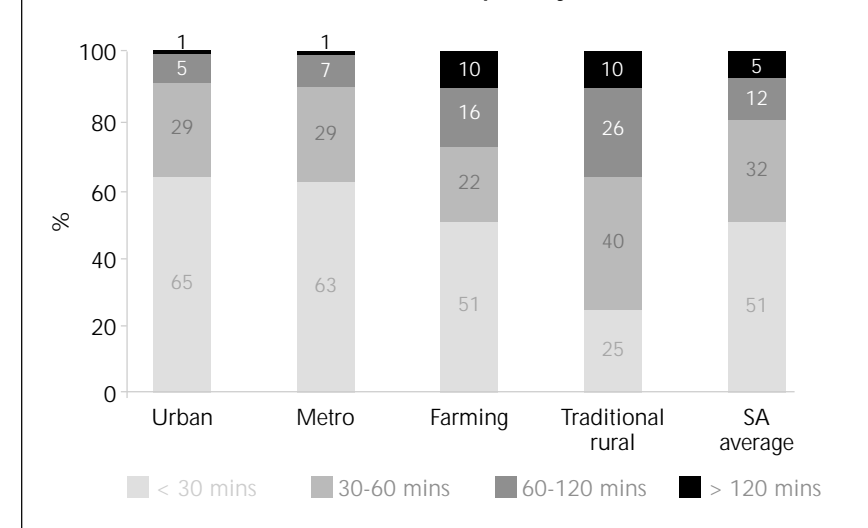
Respondents were asked whether they know where the nearest magistrate's court is, and how long it would take them to reach the court using their usual mode of transport. The vast majority (84%) said they know where the court is, with half (51%) reporting that it would take them less than half an hour to get there using their usual mode of transport. Another third (32%) said it would take between 30 minutes and one hour to reach the court, while a little more than one tenth (12%) would have to travel more than an hour, but less than two hours.

Although there was very little difference among the race groups in knowledge of where the nearest court is, Indian and white South Africans were much more likely to live within a short travelling distance of the court than blacks and coloureds: 90% of whites and 81% of Indians said it takes them less than 30 minutes to reach the nearest magistrate's court, compared to 62% of coloureds and only 43% of blacks.

There was very little difference in knowledge of where the nearest court is between those living in urban and rural areas. However the province that people lived in was more relevant. Those living in KwaZulu-Natal were least likely to know where their nearest court is located, followed by those in Gauteng and Mpumalanga. Respondents in Northern Cape were most likely to know the location of the nearest court (Table 18, Appendix 2).

As would be expected, it took respondents living in the more rural provinces longer to reach their local court. Those in the Eastern Cape and Limpopo were most likely to have to travel long distances, while those in Gauteng and Western Cape travelled for the shortest time (Table 19, Appendix 2). These results correlate with those analysed according to urban and rural areas: respondents living in the metropolitan and urban parts of the country were

Figure 32: Length of time taken to reach nearest magistrate's court using usual mode of transport, by area



most likely to travel for less than 30 minutes to reach their nearest court, while those in traditional rural areas had to travel for much longer (Figure 32).

Views of performance

Respondents were asked three sets of questions about court performance:

- whether they think the courts generally are performing adequately;
- whether they are satisfied with the way courts generally deal with perpetrators of crime; and
- for those who had actually been to court in the past three years, whether they were satisfied with the service provided by the prosecutor and magistrate (or judge).

The first two questions were asked of the general public, while the third was asked of only those respondents with direct experience of the courts. As in the case of questions on police performance, this distinction enables an analysis of the opinions of those who have actually used the service in question, as well as those who have not.

On the whole, South Africans' viewed the performance of the courts slightly more positively than that of the police. When asked whether they thought the

courts generally are performing their duties adequately, well over half (59%) said they were.

Comparative survey data

A national survey conducted by the HSRC in 2001 examined “levels of satisfaction and dissatisfaction of South Africans with their post-apartheid governance ... their degree of trust in the three tiers of government under which they now live and in some of the institutions spawned by the new democratic dispensation”. The questions were slightly different to those in the 2003 National Victims of Crime survey but the results are nevertheless instructive.

Respondents in the HSRC survey were asked “to judge their relative degrees of trust in a variety of civil institutions, including the national government, police and court system”. The courts were judged slightly more favourably than the police: 45% expressed trust in the courts compared to 40% for the police and 39% for the local police station.

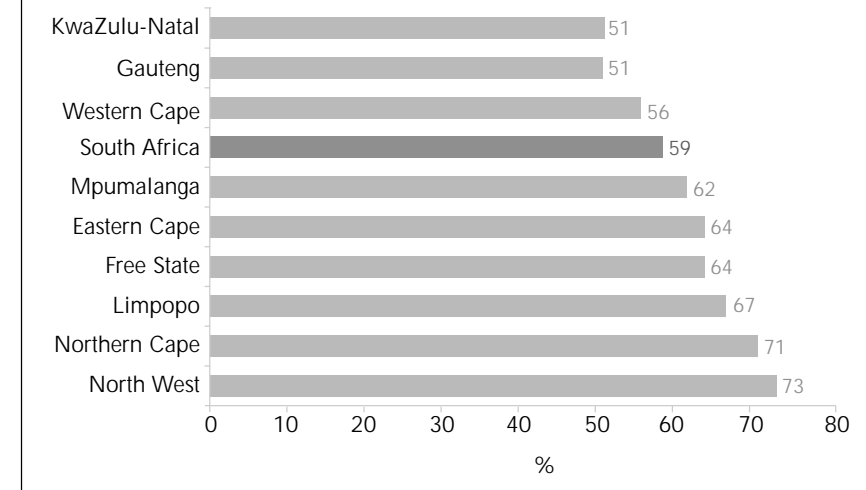
Source: AM Habib & CM de Vos, *Public attitudes in contemporary SA: insights from an HSRC survey*, Cape Town, Human Sciences Research Council, 2002.

Views about court performance differed significantly between race groups and among people living in different areas and provinces. While most black (63%) and coloured (59%) South Africans said the courts are performing adequately, only a third of Indians (33%) and whites (33%) thought this was the case. This again reflects the trends discussed earlier on feelings of safety and police performance, in which Indians and whites were consistently more negative than blacks and coloureds.

Interestingly, those living in the metros (46%) and urban areas (58%) were much less likely to think the courts are doing well, than those in traditional rural (64%) and farming areas (69%). This trend is also reflected in the attitudes at a provincial level. Those provinces where the major metros are located (Gauteng, KwaZulu-Natal and Western Cape) were least likely to feel that the courts are performing their duties adequately. The best ratings came from respondents in the rural provinces such as North West, Northern Cape and Limpopo (Figure 33).

In the second question of the general public, respondents were asked whether they were satisfied with the way courts generally deal with perpetrators of crime. Just over half (51%) said they were, with almost as many (45%) expressing their dissatisfaction.

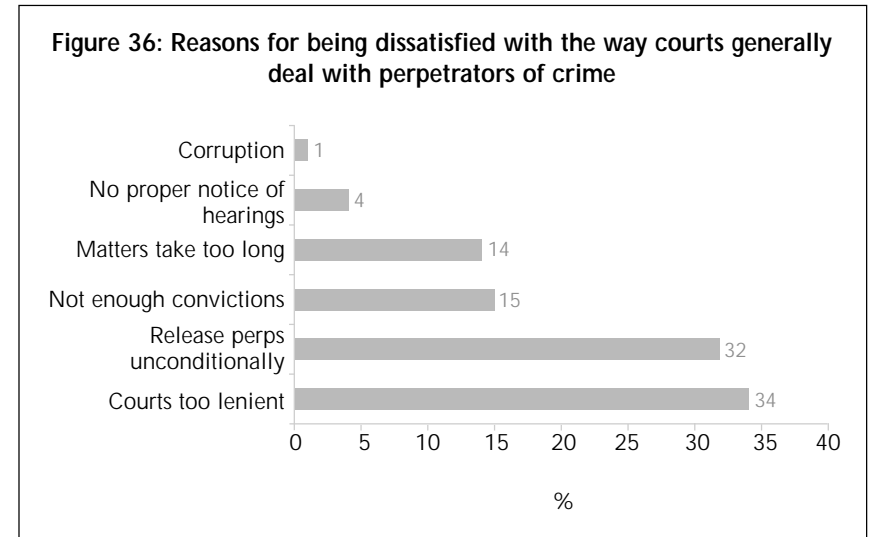
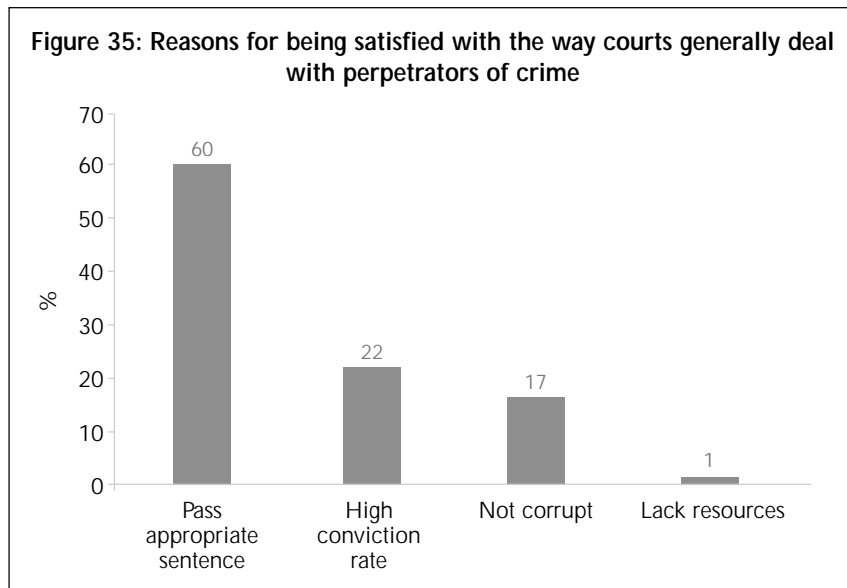
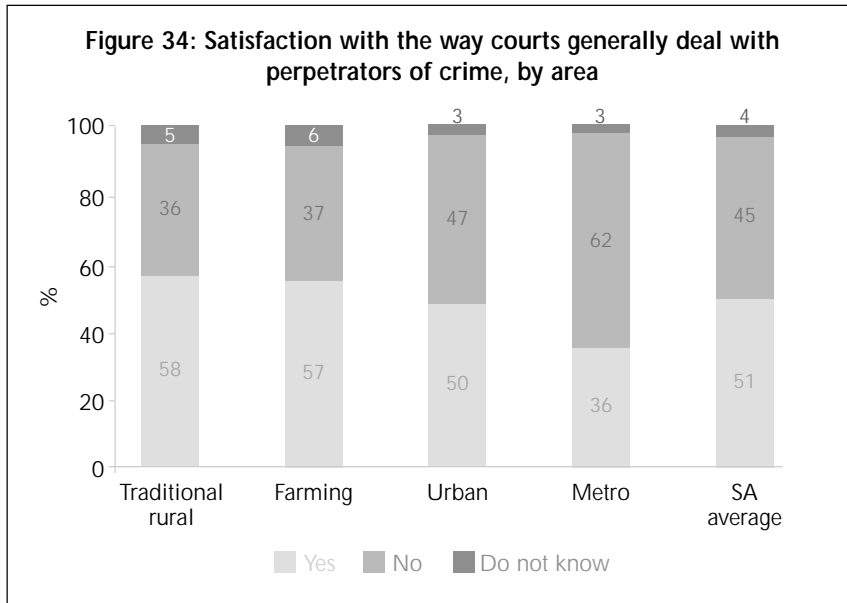
Figure 33: Respondents who said the courts generally are performing their duties adequately, by province



The trends according to race, area type and province were very similar to those discussed above. A majority of black South Africans (58%) were satisfied with the courts' handling of perpetrators, compared to 47% of coloureds, 26% of Indians and only 16% of whites.

South Africans living in metro areas (36%) were much less satisfied than those in urban (50%), farming (57%) and traditional rural (58%) areas (Figure 34). In keeping with this trend, those in the provinces where the metros are located were least satisfied of all, with those in the more rural provinces most satisfied with the way courts deal with perpetrators: at the bottom of the satisfaction scale was Western Cape, KwaZulu-Natal, and Gauteng, while North West and Limpopo had the most satisfied residents (Table 20, Appendix 2).

When asked to explain their reasons for being either satisfied or dissatisfied with the way courts generally deal with perpetrators of crime, answers tended to focus on the sentencing of perpetrators. Almost three out of five of those who expressed satisfaction with the court system thought the courts passed appropriate sentences, while a little over one fifth thought that the courts achieved a good conviction rate. A little under one fifth praised the courts because they were not corrupt (Figure 35).



Among those who were dissatisfied with the courts, the most common reason, as for the positive responses above, related to sentencing, with over a third of respondents saying the courts are too lenient (Figure 36). Almost as many criticised the courts for releasing perpetrators unconditionally.

When asked whether they had actually been to court in the past three years, a little over one fifth (22%) of respondents said they had, predominantly just to attend (i.e. to watch the proceedings) (46%). Three out of ten (31%) were party to a case, and a little more than one tenth (13%) were witnesses in a case. A handful (0.01%) admitted having to attend court because they had “sinned.” These results are similar to those of a service delivery survey conducted in the courts in 2001 (see text box on p90).

The trends varied among the race groups and between provinces and areas. Coloured South Africans were most likely to have attended court (25%), with almost as many blacks saying they had been to court (23%). Significantly less whites (17%) and Indians (17%) had attended court in the past three years. For reasons that probably relate to access, those living in metro (26%) and urban areas (24%) were more likely to have attended court in the past three years than those in farming (20%) or traditional rural areas (17%). Respondents from the Free State were most likely to have attended court during this period, while those in Limpopo were least likely (Table 21, Appendix 2).

Comparative survey data

A service delivery survey conducted by the ISS for the National Prosecuting Authority in 2001 found that of the general public living within a three kilometre radius of courts in South Africa, 49% had been to court over the previous three years. This figure is much higher than the 22% recorded in the 2003 National Victims of Crime survey, probably because the 2001 survey was conducted primarily in urban areas. Like the 2003 survey however, the most likely reason for people attending a court case was just to watch (27%), or because they were the victims of crime (20%). Less than one fifth (17%) were witnesses in a case, and a little over one tenth (12%) admitted to being the accused in a case.

Source: P Burton, *Assessment of public and client opinion of the National Prosecuting Authority*, Unpublished data report, ISS, Pretoria, 2001.

Of those who had been to court over the past three years, the majority (70%) were happy with the overall service of the prosecutor or state advocate dealing with the case. A similar proportion (71%) was happy with the magistrate or judge that presided over the case.

The trends according to race were similar to the other findings on performance discussed in the monograph thus far. Black (71%) and coloured (73%) South Africans were much more likely to say they were satisfied with the service of the prosecutor than whites (58%) and Indians (48%). Results on service provided by the magistrate or judge were almost identical to those pertaining to the prosecutors.

Respondents living in different parts of the country were, however, not equally complimentary about the service they received. Just over two thirds of those in metro (67%) and urban areas (69%) were satisfied with the service of the prosecutor compared to 74% in traditional rural and 77% in farming areas. This reflects the earlier trend for people living in the metro and urban areas to be less positive about court performance generally than those in rural areas. The differences were less significant with respect to service provided by the magistrate or judge, although metro respondents were still slightly less satisfied than the rest. The provincial trends showed similar differences between the views of rural and urban respondents, although with less extremes between the provinces than for the general public perception questions above (Tables 22 and 23, Appendix 2).

Overall, the results on performance indicate that levels of satisfaction were much higher among those who had actually been to court than among the

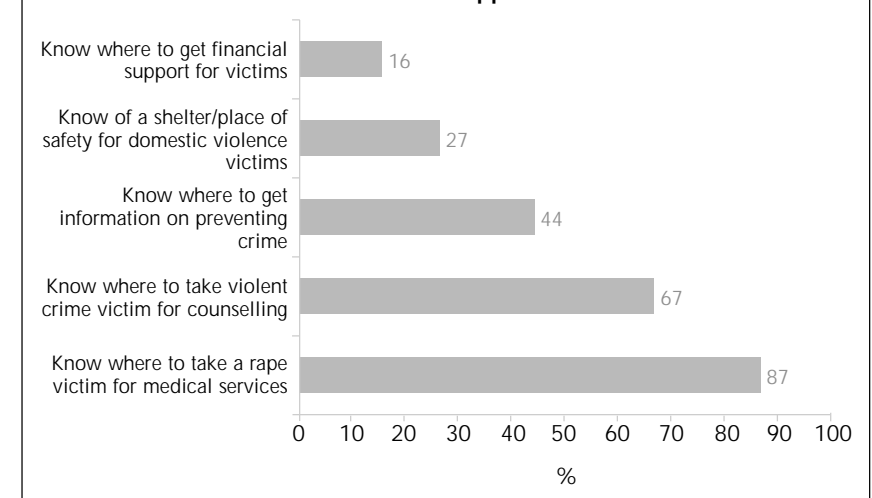
general public. As discussed above, only 59% of the overall sample thought the courts generally were performing adequately, and even less (51%) were satisfied with the way courts generally deal with perpetrators of crime. This compares to the 70% who had actually attended court who were satisfied with the service provided by prosecutors, and as many (71%) who were satisfied with the magistrates or judges.

These trends suggest that to some extent the opinions expressed in general questions about the 'police' and 'courts' reflect views of the criminal justice system as a whole, or even of government broadly, rather than specific departments. This could explain the consistent differences in opinions of the police and courts among the race groups noted throughout the monograph. According to this trend, black and coloured South Africans were more positive than Indian and white South Africans—a pattern that has been identified in other studies exploring perceptions of government.²⁷

Perceptions about victim support services

A range of victim support services exist in South Africa. These are services offered by both government and non-government agencies to those who have been victims of crime, and most commonly include trauma counselling, and

Figure 37: Respondents who knew where to take victims for various forms of support



in some instances medical assistance for victims of violent crimes. The survey aimed to test respondents' awareness about the existence of these services.

Respondents were asked if they knew where to take victims of various types of crime for support. Those who said they did were then asked to name the source of victim support. The vast majority of South Africans knew where to take a rape victim to access medical services (Figure 37). Most also knew where to take a victim of violent crime to receive counselling. However, only slightly more than one quarter knew a place of safety or a shelter in their area where they could take someone who had been a victim of domestic violence. Unsurprisingly given that there is no state support of this nature, few people knew where to take a crime victim for financial support.

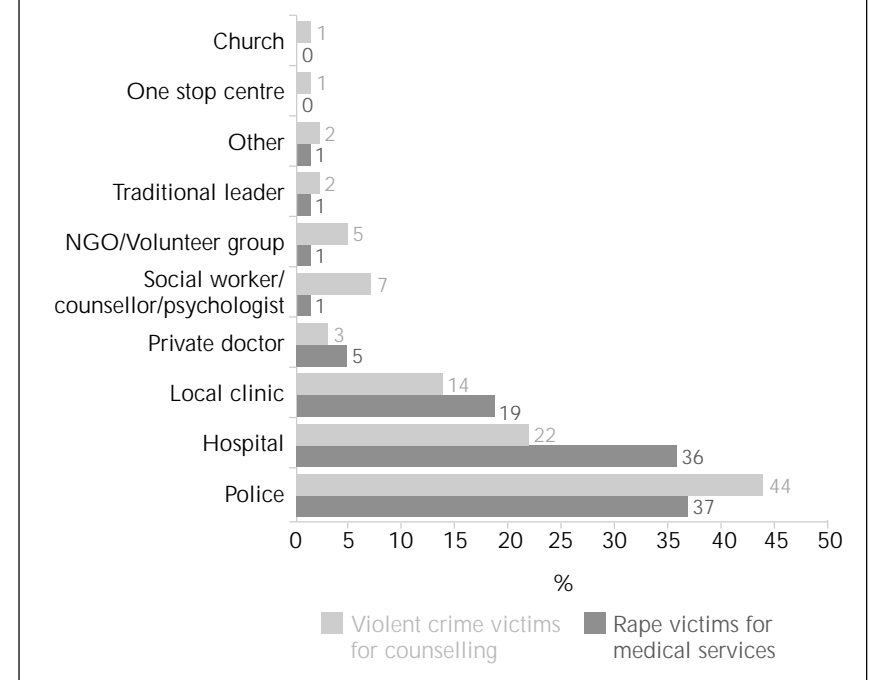
When asked to explain where specifically they would take victims, the majority of respondents identified the police and medical services as the main source of assistance. For rape victims in need of medical help, 37% said they would go to the police, and 60% identified various medical services including hospitals, the local clinic, and a private doctor (Figure 38). Similarly, nearly half (44%) of respondents said they would take violent crime victims in need of counselling to the police, with 39% naming various medical services.

Those who knew about a local shelter or place of safety were asked who was responsible for running it. Most respondents said the shelter was run by the state (57%), followed by NGO or volunteer groups (25%).

Of those who knew where to take a victim for financial support, most identified the police (63%), followed by an NGO or volunteer organisation (13%). A few respondents mentioned churches, Muslim societies, the Red Cross and unspecified government offices. The police were also identified as the most common source of information on how to avoid becoming a victim of crime, with 86% saying they would go to the police for this kind of information.

The results indicate the extent to which the public rely on the police for a wide range of services, not all of which can be considered 'traditional' policing activities (such as medical assistance, counselling and even financial support). Respondents no doubt understand that these are not the functions of the police. But since the police are generally the first port of call for all crime problems, people clearly expect the police to be of some assistance, even if

Figure 38: Places where respondents would take rape and violent crime victims for support



this means providing referrals and advice. Although there is a danger that the police can become overburdened by attempts to provide such a wide range of non-core services, SAPS policy is nevertheless to provide victim support where possible. The survey results suggest that this policy is necessary, and that staff at all police stations should be able to assist victims with referrals and to work collaboratively with medical and other victim support service providers. In the case of rape victims, the fact that 60% of respondents indicated that they would take victims to medical service providers (hospitals and clinics) supports the government's initiative to establish one-stop rape care centres at hospitals and clinics.

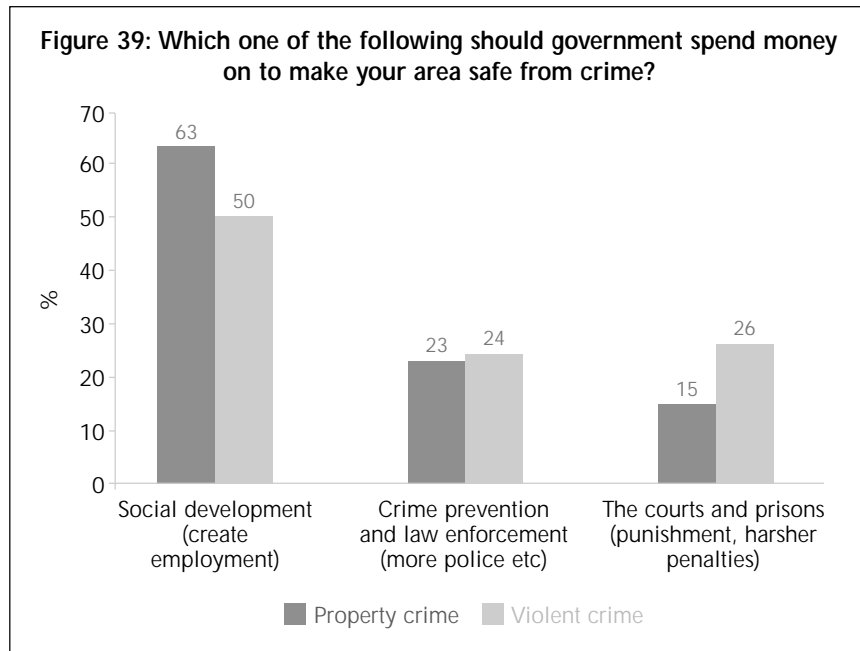
Views on how government should deal with crime

Having canvassed public opinion on a range of community initiatives as well as the performance of the police and courts, it is useful to consider what South

Africans think government should do to make their area safer from crime. Respondents were given a choice of three options, and asked which one government should spend money on to reduce crime in their area of residence. The three options were: crime prevention and law enforcement (including more police), the judiciary and courts (including harsher sentences, punishment and prisons), and social development (including creating employment).

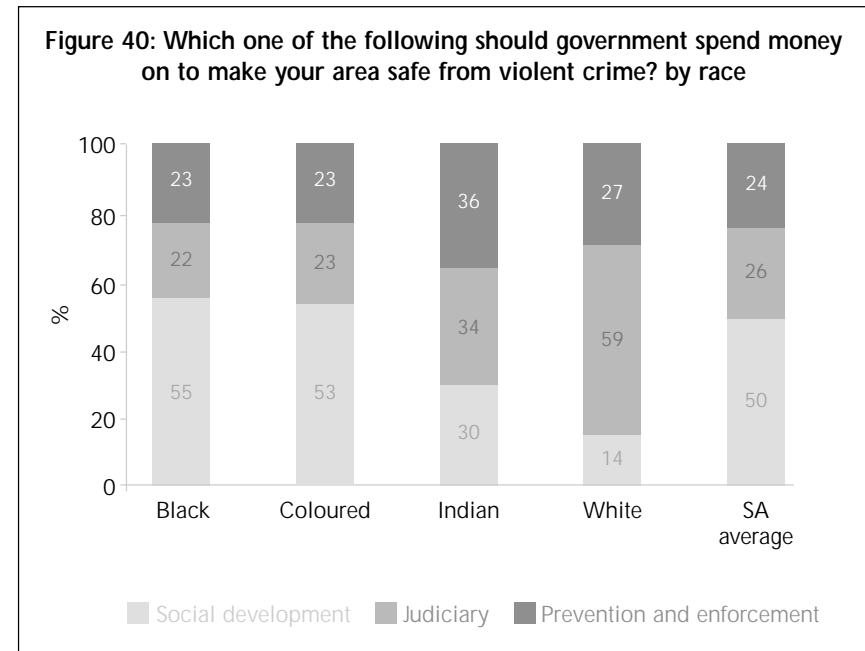
In the case of property crime, more than three out of five respondents said government funds should be spent on social development (Figure 39). This was followed by more than one fifth who identified crime prevention and policing as important, and finally just over one tenth who suggested the judiciary and courts.

The trends for violent crime were similar, although respondents were more likely to think government should focus on the judiciary and courts. Given the extent to which South Africans fear violent crime and the perception that these crimes are less about 'need' than are property crimes as discussed in chapter four, it is not surprising that the public see harsher sentences and punishment



as a solution to violent crime. It is nevertheless interesting that for both violent and property crime, social development is overwhelmingly viewed as the solution to crime, despite the fact that greed and non-financial motives were most often considered the motivation for these crimes (see chapter four). While South Africans' understanding of what constitutes social development may be broad, the view possibly exists that adequate employment might obviate greed as a motivation for crime. It is also likely that those who live in conditions of poverty and under-development have an intuitive understanding of the links between crime and a lack of development.

A clear relationship exists between race and the likelihood of citing social development as government's priority in addressing crime. For both violent and property crime, black and then coloured respondents were significantly more likely to identify social development as the area of greatest need. Whites were more likely to suggest an emphasis on crime prevention and law enforcement for dealing with property crime, whereas Indians were most likely to adopt a punitive approach, suggesting a focus on the judiciary and courts (Figure 40). In the case of violent crime, Indians were most likely to



suggest crime prevention and law enforcement, while whites were most likely to be punitive.²⁸

Given the racial trends, it is unsurprising that those most likely to suggest social development as a priority lived in the poorer provinces, specifically KwaZulu-Natal, Limpopo, Mpumalanga and the Eastern Cape (Tables 24 and 25, Appendix 2). Similarly, people living in traditional rural areas were most likely to suggest social development, while crime prevention and enforcement were most common in the metropolitan and urban areas. The judiciary and courts (including harsher sentences and punishment) were identified as the priority for dealing with crime by people living in the farming areas.

Implications of the survey results

Individual and community initiatives

The results show that South Africans rely extensively on government for protection against crime. While it is normal for citizens to expect protection from the police and courts, it is also widely accepted that government will not be able to prevent crime without the assistance of individuals, communities and organised civil society.

South Africans therefore need to be encouraged and assisted to take measures to protect themselves and their households from crime. The survey results suggest that this will help to alleviate fear of crime. Also, given that housebreaking is the most common crime in the country and that basic target hardening could have prevented most burglaries (see chapter six), such measures can help to reduce burglary levels. Affordability is likely to be the main obstacle for many South Africans. While some measures like installing burglar bars can be undertaken relatively cheaply, creative ways of securing homes will need to be found for the majority of the population, like ensuring that housing contractors include basic target hardening measures in the planning of low cost housing.

Individual protection is not just about target hardening however. Local police, together with community organisations and local government, need to embark on awareness campaigns to encourage people to consider their personal safety on a daily basis. This may include for example, avoiding crime hotspots, not walking alone in dangerous areas or at night, or locking doors and windows at night or when away. The focus of these efforts, and those mentioned above, needs to be on black and coloured South Africans, who were significantly less likely to have taken protection measures than Indians and whites.

Tracking the prevalence of vigilante activity

The results indicate that many South Africans have direct experience with vigilante activity. For the reasons discussed above, this is a worrying trend and one that needs to be monitored as systematically as possible. Currently no such information exists and few studies are being conducted on the issue. A database on vigilantism would provide a reliable indicator of public support for, and access to, the criminal justice system.

Monitoring vigilantism is not, however, easy. Those that survive the attacks are unlikely to report the incident to the police for fear of further violence from their accusers, because they may well be implicated in the crime, and because of fears that police will not be supportive of their plight. Bystanders and witnesses of vigilante acts are equally unlikely to report to the police for similar reasons. It is nevertheless possible to combine several indicators, such as the survey data used here, with police and court records, media reports and case study material.

Policing

Improving response times

Many of the views on policing appear to be an expression of general sentiments about safety and governance rather than specific issues relating to the police. One exception is the matter of police response times. This emerged as the key issue influencing both positive and negative perceptions of the police. It was also the most common problem raised by black and coloured respondents. Improving response times may be difficult without substantial additional resources, particularly in the rural areas and for black South Africans who have to travel the furthest to reach a police station.

The police could make a good start on addressing this issue simply by keeping track of response times and perhaps using them as individual performance indicators. This could be done fairly easily in station areas where computer-aided dispatch is in place, such as through the 10111 service. Elsewhere, commanders in charge of responding units should keep track of where their vehicles are and what activities their subordinates are pursuing at any given time. Where tardiness cannot be adequately explained, disciplinary action could be taken. The public should be encouraged to report excessively slow responses, just as they would report bad driving with delivery vehicles or pizza orders that show up late. Members of the public should also be given an estimated response time when they call for assistance, and be given reasons

for prolonged delays. Prioritising response times could have positive knock-on effects with regard to enhancing field accountability among uniformed members. Supervisors would be required to have some sense of staff locations, and the need for enhanced field communications (particularly hand-held radios) would become manifest.

Investigating negative attitudes towards the police

The consistently negative attitudes among Indian respondents need to be explored further. These opinions do not just affect policing—similar trends were found regarding views of crime and safety in general, and of court performance. However, the fact that so few Indians said they see the police on duty in their area once a day (just 9% compared to 29% of all South Africans) suggests that these perceptions may be based on real policing issues. The possibility that the quality and quantity of policing resources in Indian areas has changed since 1994 needs further investigation, particularly in urban KwaZulu-Natal where most Indians live.

Another trend that needs investigation is public perception in Gauteng towards the police. Several questions about police performance in the survey elicited the most critical responses from people living in this province, despite the fact that access to the police is among the best in the country, people are more likely to see the police on duty once a day than in most other provinces, and the police to population ratio is good. These negative perceptions may relate to higher expectations of the police in a province notorious for violent crimes like car hijacking and home burglaries. But given Gauteng's economic importance for the country and its concentration of police and government resources, speculation on the issue is too risky for the SAPS.

Courts

Improving service delivery and perceptions of courts in the metros

People living in KwaZulu-Natal and Gauteng were least likely to know where their nearest magistrate's court is, and together with those in the Western Cape, were least likely to say the courts are performing adequately. Three of the country's major metropolitan areas are located in these three provinces, which accounts for the fact that views of court performance were worse in the metro areas than among urban and rural respondents surveyed. While it is unsurprising that people are more inclined to know the location of the magistrate's court in small towns and rural areas,²⁹ the finding that public perception of the courts is lower in major cities is reason for concern.

This negative perception may be linked to the race trend highlighted throughout the monograph, in which Indians and whites—many of whom live in metro areas—are more critical of police and court services than blacks and coloureds. It is also possible that people in the metros simply expect more from service providers. High levels of violent and property crime in the metros, coupled with extensive and often sensationalistic media coverage of events, adds to peoples' expectations that justice should be done swiftly. The courts are responsible for meting out justice, and any failure to do so, whether actual or perceived, results in increased public dissatisfaction with their performance.³⁰ The Department of Justice and Constitutional Development should nevertheless focus on improving its public image in the major cities. This could be done in a variety of ways, including:

- proactive engagement with the media on controversial cases, especially on the question of sentencing;
- providing victims and their families with sufficient information on the progress of the relevant case, including information on bail and the outcome of the case;
- appointing well trained and experienced prosecutors to man reception courts, remembering that first impressions count;
- improving the case flow management systems in the courts with the aim of decreasing the turnaround time of cases;
- training prosecutors to enable them to effectively and constructively engage with victims and the public;
- appointing more court preparation officials tasked with making court users' experience of the trial as pleasant as possible.

Sentencing as a key factor influencing views of the courts

Sentencing was the main issue about which the public formed their opinions, both positive and negative, of the way courts deal with suspects. This is not particularly surprising given the way the question was phrased in the survey ("are you satisfied with the way courts generally deal with perpetrators of crime?"). Nevertheless, the Department of Justice and Constitutional Development should take note of the findings in its efforts to improve its public image (especially in the metropolitan areas), and raise awareness about how the justice system works (see points above and below).

Better communication of successes, particularly of tough yet appropriate sentences, would assist in enhancing the image of the courts. To this end, the media should be encouraged to report on sentences handed down in trials, rather than just the arrests and convictions as is often the case. But the

Department should not underestimate the importance of also providing reasons for why some cases result in an acquittal or why a lenient sentence was passed. Although the public want tougher sentences, the broader interests of justice will be better served by explaining the 'leniency' rather than just broadcasting the harsh sentences. As discussed in the point below, public awareness of how the justice system works is low, and assisting people to understand how and why court decisions are made is as important as being seen to be handling offenders decisively.

Raising public awareness about how the justice system works

When asked if they were satisfied with the courts' handling of perpetrators, no respondents mentioned the importance of receiving a fair trial. Together with widespread public concern about violence, a significant drop in the number who feel safe, and a preference for harsher sentences, it is likely that South Africans will increasingly define the justice system's success in terms of how punitive it is in handling offenders. This not only sidelines important aspects of the justice process (such as the right to a fair trial) but also undermines support for other equally effective ways of dealing with perpetrators, such as diversion.

The criminal justice system is moving towards finding alternative solutions to imprisonment, especially when dealing with child offenders. The Child Justice Bill will soon be in force, and will provide a legal framework that will result in thousands more child offenders being diverted away from the criminal justice system. There is a clear need to educate the public about how the courts function, what their objectives are, and why the rights of the accused as well as the victims need protecting. Without this, it is likely that diversion will be seen as just another example of how the courts "unconditionally" release offenders. Nearly one third of survey respondents criticised the courts for "releasing perpetrators unconditionally", making it the second most common complaint about how the courts deal with perpetrators after saying they are too lenient. This suggests that the public do not understand the bail and sentencing processes.

The Department of Justice and Constitutional Development needs to proactively engage the media on the issue of bail. Other forms of public education are also necessary and could include discussions in schools, and regular radio or television slots that debate the issue. In the case of controversial bail releases and acquittals, all public relations relating to such cases should be handled by the Senior Public Prosecutor concerned or by the

head office of the National Prosecuting Authority. In doing so, media releases should be prepared and distributed as soon as possible.

The Department could also consider producing mini court process guidebooks for all persons that come into contact with the courts. On entering the criminal justice process, the witness (or victim), expert, support person and even the accused, could be provided with a handy guide outlining how the system works, including issues related to bail and sentencing.

Victim support

The public rely heavily on the police for a wide range of non-core services, such as medical assistance, counselling and even financial support. The SAPS policy to provide victim support where possible is thus important, although care should be taken to guard against overburdening the police with duties they are not generally trained to perform. The following will be important for those involved in providing victim support:

- Police and medical officials in hospitals and clinics must be trained to assist victims and to refer them to more specialised service providers.
- Systems of referral must be established and regularly updated, in both police stations and hospitals.
- One-stop victim support centres would serve the public well if located at police stations or hospitals.
- In order to share the load between an overburdened government sector and under-resourced independent victim support agencies, collaborative and supportive working relationships are essential.
- Increased support for, and advertising of, the organisations specialising in victim support is necessary to reduce the public's reliance on the police.