

CHAPTER 4

VICTIMS' VIEWS: INSIGHTS FROM AN INNER-CITY VICTIM SURVEY

Ted Leggett

The feasibility of any restorative justice initiative hinges on the willingness of the offender, the victim and the community to cooperate. After years of dramatic newspaper headlines, the interest of the South African public in any programme that might appear 'soft on crime' is questionable. Conflicts have already surfaced between government and a largely conservative populace over issues like the death penalty. As a result of widespread concern about crime and violence, the Mbeki administration has made sure that those given responsibility for criminal justice issues talk a tough line. Harsh legislation on sentencing and bail has also been passed, prompted in no small part by perceived public opinion.

Surprisingly, public surveys have indicated that the South African public might be more reasonable than the politicians believe. While favouring lengthy sentences, they are not insensitive to the need for rehabilitation. In a 1999 survey in the Eastern Cape, for example, three quarters of the respondents felt prison should be harsher on criminals, but 59% said rehabilitation should be the most important goal of imprisonment.⁴⁸ Most (83%) felt juveniles should not be exposed to the adult corrections system. As part of the same study, focus groups revealed a strong interest in forced labour during incarceration, but also broad support for education programmes for inmates.

A 2001 survey for the National Prosecuting Authority showed that the majority of respondents (62%) felt sentencing of criminals to be too lenient.⁴⁹ As in the Eastern Cape survey, however, there were stark differences between regions and ethnicities. For example, 81% of whites felt that sentences were too lenient, while only 58% of blacks agreed. Similar results, both in terms of the perceived leniency of sentences and the variations between races, were found in a recent national victim survey.⁵⁰

But these are general opinion polls, based on hypothetical perpetrators and victims. More pertinent are the views of those who have actually suffered,

because no form of restorative justice can succeed without victim satisfaction. The following article is based on the views of crime victims as to the outcomes they would most desire from the criminal justice process. In considering the data, two caveats are necessary:

- The survey was not conducted with the express purpose of assessing public views of restorative justice. As a result, for the purposes of this monograph, the findings should be considered indicative rather than decisive.
- The opinions discussed below do not represent the whole country. Rather they cover one of the areas most affected by crime – the Johannesburg inner city area. The results are therefore likely to present more extreme views than would be reflected in a national opinion survey.

The Inner-Johannesburg victim survey

In mid-2002 a 1,100 household victim survey was conducted in the Johannesburg Central and Hillbrow police station areas, one of the most crime-ridden areas of the country. Respondents were asked their opinion on a range of crime and justice issues, particularly their recent experiences of crime.⁵¹

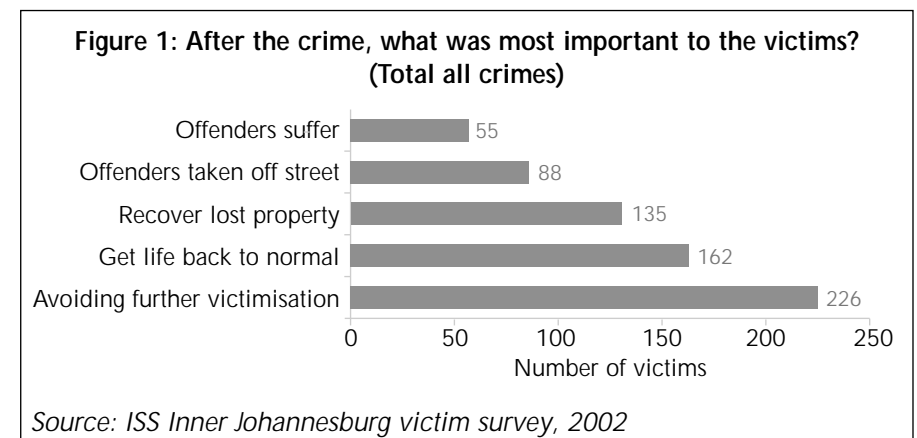
In addition, victims of vehicle theft, hijacking, residential burglary, assault, murder, and robbery were asked a detailed set of questions about the most recent incident they experienced, and the state's response to the crime. At the end of the questionnaire, they were asked two questions that touched on restorative justice issues:

- *After the crime, what was most important to you?* A pre-coded menu of choices was provided, one of which could be selected. Certain crime types provided alternatives, for example, victims could chose 'restoration of lost property' where appropriate. The choices presented were:
 - getting life back to normal;
 - avoiding being victimised again;
 - removing the criminals from the street;
 - seeing the criminals suffer.
- *If possible, which of the following would you be interested in?* Respondents were allowed to choose as many options as they liked from the following list:
 - telling the criminal how you feel;
 - the criminal showing remorse;
 - receiving personal counselling;

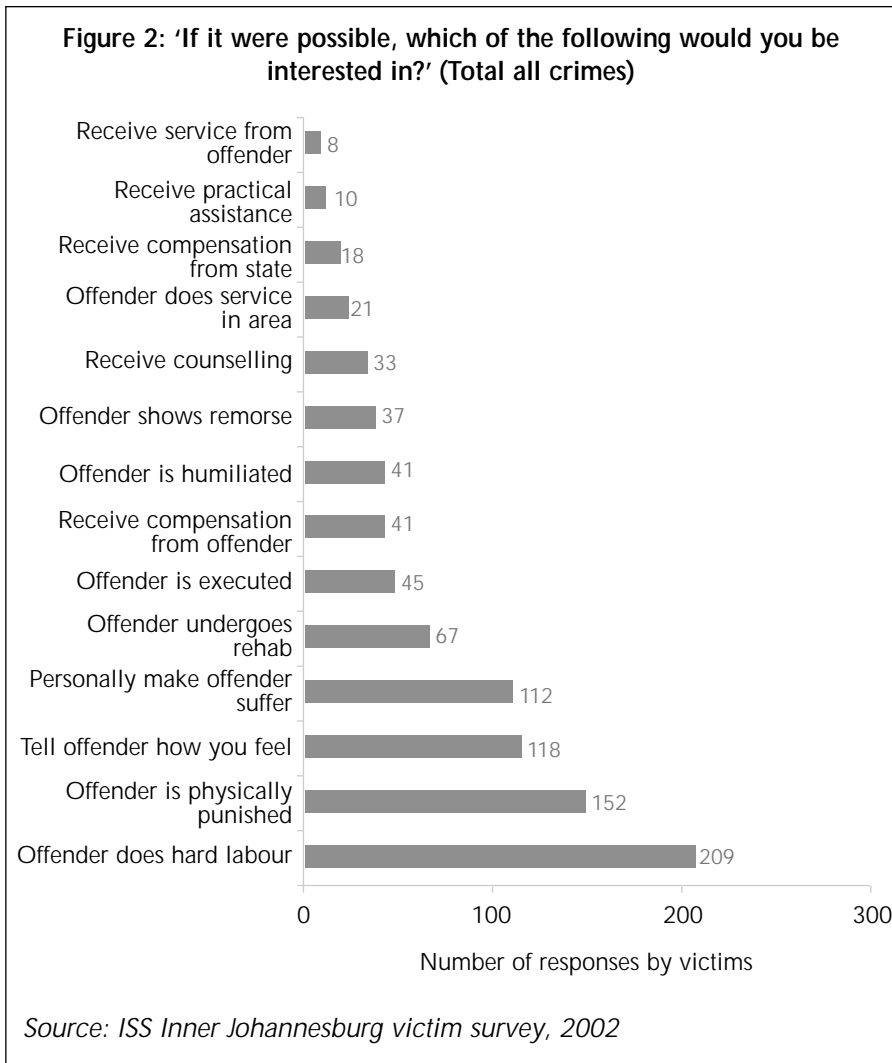
- receiving (appropriate) practical assistance (such as transportation);
- receiving repayment from the government;
- receiving repayment from the criminal;
- receiving some form of service from the criminal;
- seeing the criminal do service in your area;
- the criminal undergoing rehabilitation;
- the criminal doing hard labour;
- seeing the criminal humiliated;
- seeing the criminal physically punished;
- personally making the criminal suffer;
- seeing the criminal executed.

These questions were asked immediately after the respondent had recollected a recent experience of victimisation to the interviewer. The crimes described were serious, often involving great loss of property, severe injury, or other significant trauma. As a result, it might be expected that responses would be extreme and vindictive.

Instead, the results were somewhat more equivocal. With regard to the first question, most victims simply wanted to avoid future incidents of this sort and to see their lives 'return to normal'. Some victims wanted their stolen property to be recovered, and occasionally the incapacitation of a particular offender, but rarely did it involve a paramount desire to see that the offenders suffer (Figure 1). Similar findings were reported in the 2003 National Victims of Crime survey, with victims most commonly wanting to 'get their lives back to normal' after the crime.⁵²



With regard to the second question, the victims favoured a mix of retributive and restorative options, with the most popular choices being having the offender do hard labour (209 mentions), seeing the offender physically punished (152 mentions), telling the offender how the victim felt (118 mentions) and personally making the offender suffer (112 mentions) (Figure 2).



As might be expected, however, victims' choices varied by offence category.⁵³ In general, victims of robbery were quite retributive, victims of burglary strongly valued the return of their property, and victims of assault favoured restoring relationships.

Robbery

Although only a quarter of robbery victims prioritised getting the perpetrator off the street and being made to suffer (Figure 3), most preferred strong retribution for the offender if caught. The three most popular choices were hard labour, physical punishment, and personally inflicting suffering. There were only 33 mentions of rehabilitation (Figure 4). Clearly, this is a crime that evokes strong feelings among victims. Unless they are fully aware of the benefits of the restorative justice approach, few may be interested in these options.

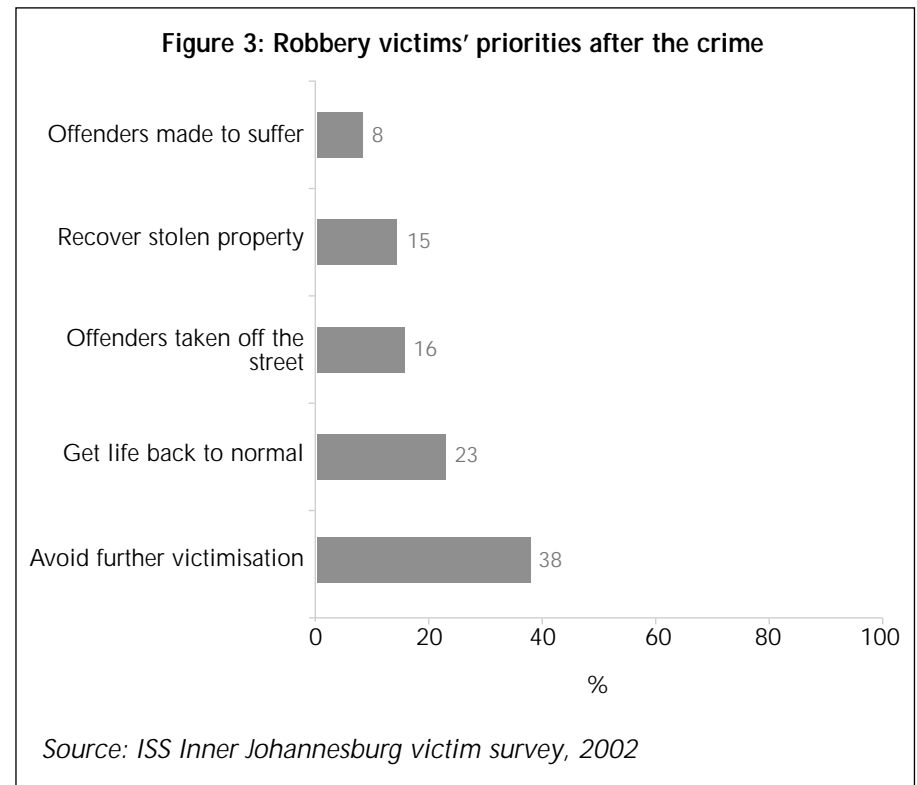
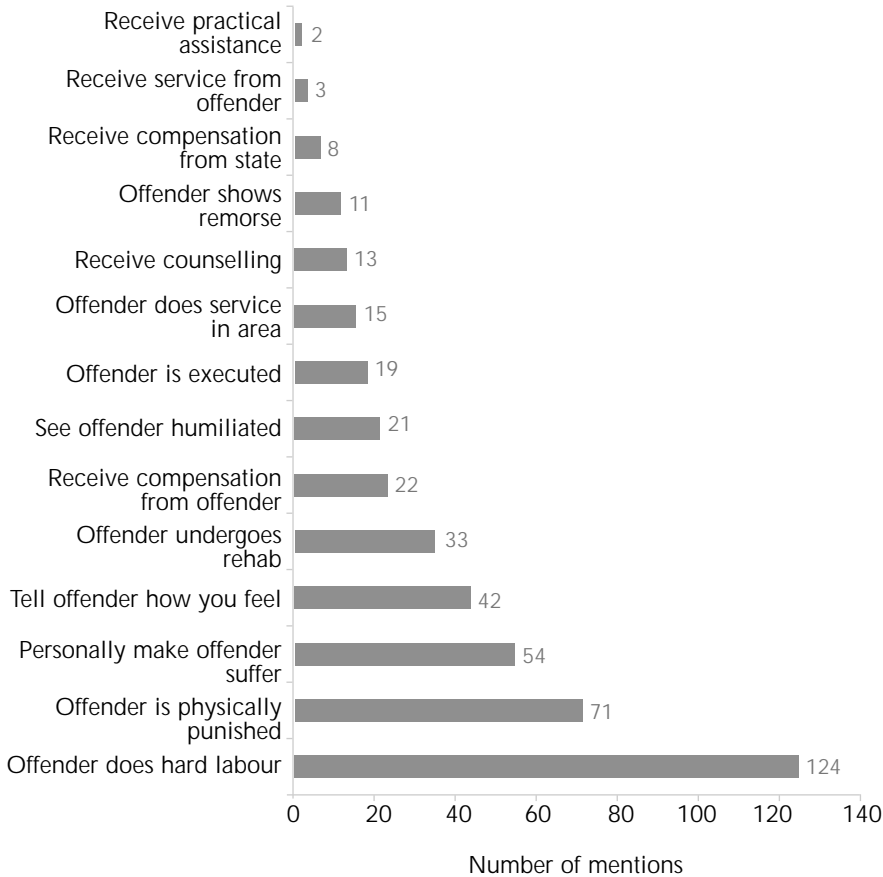


Figure 4: Robbery victims' outcome preferences

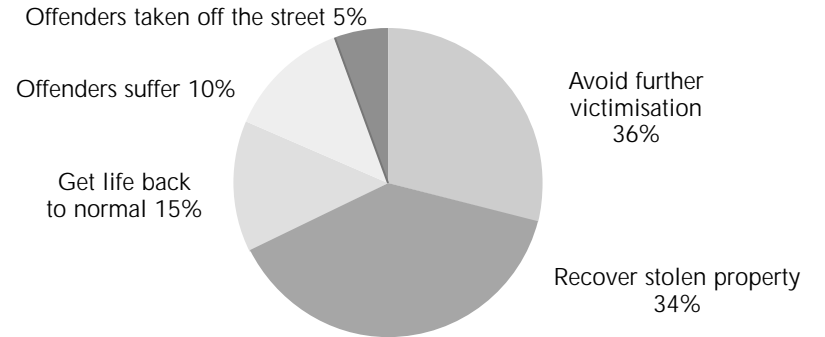


Source: ISS Inner Johannesburg victim survey, 2002

Burglary

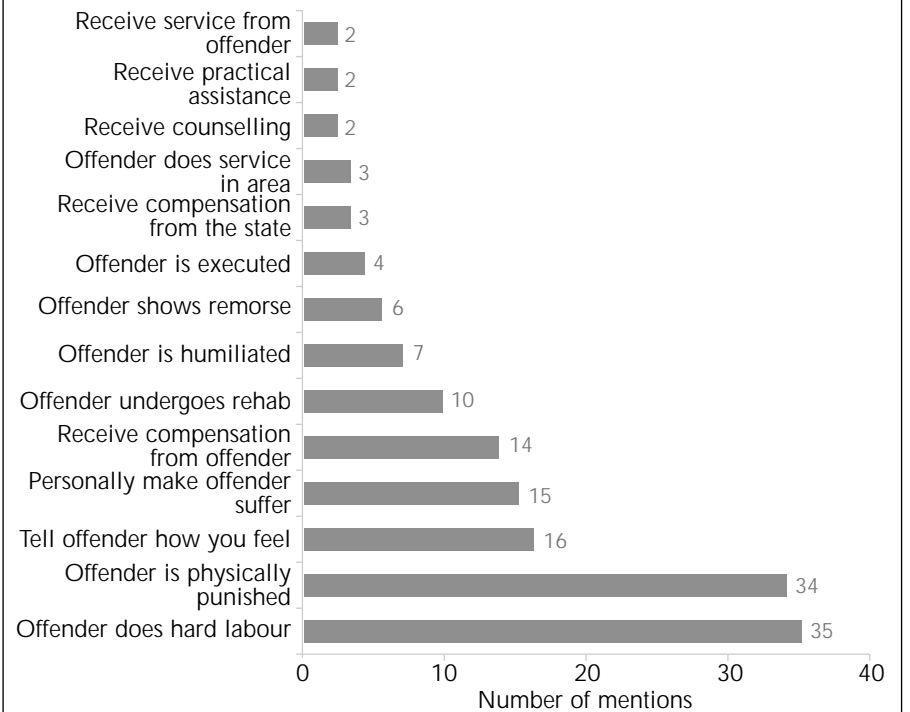
Victims of burglary emphasised recovery of property (34%), and only 15% were concerned with the offender (Figure 5). A disturbingly high portion of these victims was interested in physical punishment of the offender if caught, however. Nearly equal numbers were interested in the following options: compensation, telling the offender how they felt, and personally punishing the offender (Figure 6).

Figure 5: Burglary victims' priorities after the crime



Source: ISS Inner Johannesburg victim survey, 2002

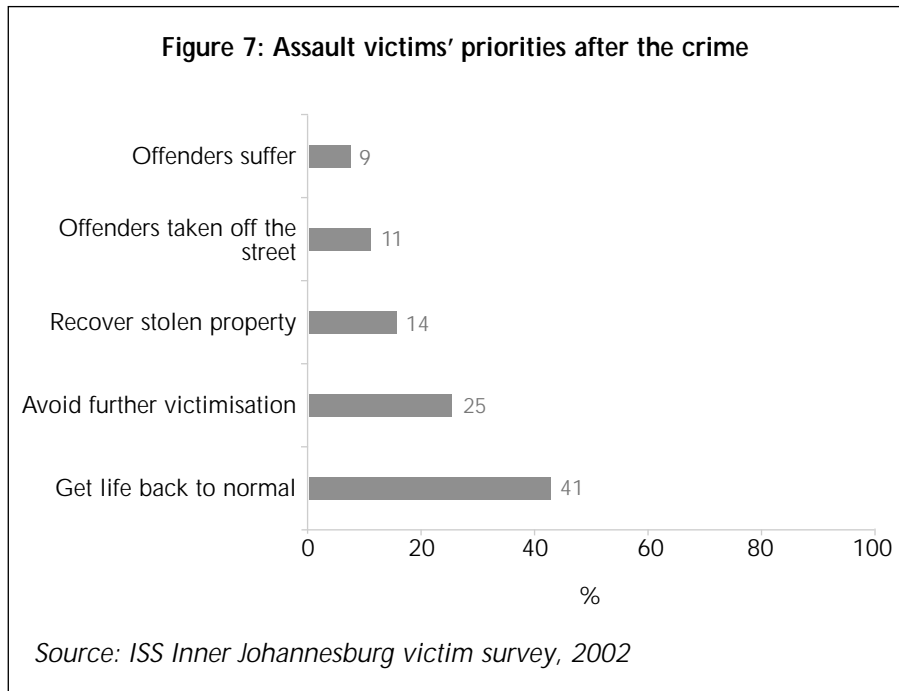
Figure 6: Burglary victims' outcome preferences



Source: ISS Inner Johannesburg victim survey, 2002

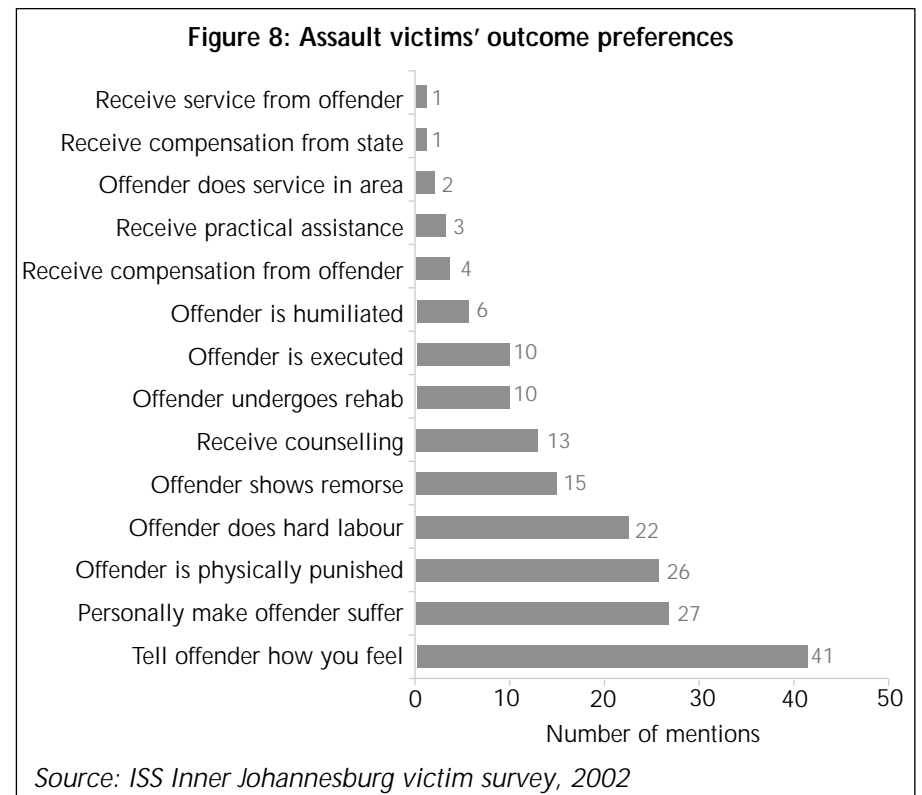
Assault

The survey results suggest that assault is clearly a crime of extremes, depending on who the perpetrator is. More than for any other crime, getting life back to normal was the most selected priority (Figure 7). None of the victims who identified the perpetrator as their spouse or lover wanted the assailant physically punished, but many others did. For victims of all types of assault, telling the perpetrator how they felt received the most mentions (41), followed by a range of more aggressive responses (Figure 8).



Vehicle theft and hijacking

After the crime, 35% of car theft victims said that recovering their property was the most important thing to them, followed by 29% who said they most wanted to avoid being victimised again. Seventeen percent said they just wanted life to get back to normal, 15% were most concerned that the criminals be taken off the street, and the remaining 4% wanted the offenders to suffer for their deeds.



In terms of the outcome they most preferred, seeing the criminals do hard labour for their crime received 15 mentions, followed by seeing the criminal physically punished (12 mentions), telling the criminal how they felt (9 mentions), and having the criminal undergo rehabilitation (7 mentions).

The trauma of a car hijacking is evident in that 50% of victims said their main priority after the crime was to avoid further victimisation, with the next most common priority being getting life back to normal (22%). Equal proportions (12.5%) thought that recovering the stolen car and seeing the offender behind bars was important, while only 3% said the hijackers should be made to suffer.

The post-crime desires of hijacking victims were strikingly different from those who experienced vehicle theft. Ensuring the perpetrators do hard labour, and personally making them suffer both received 7 mentions. Equal numbers (5 mentions) were interested in seeing the hijacker executed as were those who

thought the offender should undergo rehabilitation. Equal numbers (4 mentions) were interested in seeing the criminal physically punished and telling the criminal how they felt.

Conclusion

As was the case in previous polls, this study reveals that victims in inner Johannesburg are not as single-mindedly retributive as many would believe, particularly considering that the area experiences among the highest crime rates in the country. Their first priority is generally to normalise their lives and avoid future experiences of crime. For the most part, seeking vengeance ('making the criminals suffer') was not the main concern.

When asked what the consequences for the perpetrators should be, however, victims' attitudes were more divided between restorative and retributive actions. As in the Eastern Cape study, a strong interest was expressed in hard labour for offenders and in physical punishment. Significantly for restorative justice practitioners was victims' consistent interest, across offence types, in telling the offender how they felt. This is an important aspect of restorative justice approaches, and one that is rarely possible in the formal criminal justice process.

But these responses must be considered in context. All the crimes queried were serious, and victims were asked to comment immediately after reliving the experience in some detail. Giving hypothetical responses to a survey is different to dealing with real and immediate choices. In short, the questions, while perhaps more relevant than a general opinion poll, were far from perfect for the purposes of assessing public opinion about restorative justice.

Nevertheless, we can safely conclude that some of the most victimised South Africans in the country are still open to more creative approaches to resolving criminal incidents. At the same time, although many victims in this study appeared receptive, policy makers and practitioners will need to skilfully market the concept of restorative justice, not only to the public, but also to police officials, prosecutors and the judiciary.