

EXECUTIVE SUMMARY

In 2001 the Institute for Security Studies (ISS) established a criminal justice monitoring service to assist government and non-government organisations, the media and researchers to access information relevant to monitoring, evaluating and improving the performance of the criminal justice system in South Africa. Given South Africa's high crime rate, and the response of the state to this, an independent and comprehensive monitoring, analysis and evaluation capacity supports those operating inside and outside of government to contribute meaningfully to the reduction of the high levels of crime and violence in the country.

This monograph evaluates the performance of each of the three core criminal justice system departments: Safety and Security, Justice and Constitutional Development, and Correctional Services. This is done for the period 2001/2002 (i.e. January 2001 to December 2002). The performance of every department is evaluated separately focusing on what the department's senior policy makers promised, appropriate departmental performance measurements, and the workload and resources of the department.

Chapter one analyses the latest available official crime statistics at the time of writing. During the 2001/02 financial year 2.5 million crimes were recorded in South Africa, some 25% more than in 1994/95. While recorded crime increased rapidly in the late 1990s, a less than 1% increase during 2001/02 may indicate that crime levels are beginning to stabilise. Nevertheless, levels of recorded violent crime remain extremely high. For example, during the 12-month period of the 2001/02 financial year, some 21,500 murders were recorded—an average of almost 60 a day or one murder every 25 minutes.

Measured on a per capita basis, the crime rate during 2001/02 was highest in the Western Cape, followed by Gauteng and the Northern Cape. The average resident of the Western Cape stood an almost 10% chance of becoming a victim of a recorded crime in 2001/02; in Limpopo it was a low 2.5%.

The budget allocation of the criminal justice system departments is analysed in chapter two. The share of the national budget apportioned to the criminal

justice system has remained fairly constant since 1994, ranging between 9% and 11% of gross national expenditure. In the 2002/03 budget year R30.4 billion was allocated to the three core criminal justice departments, with the largest share going to Safety and Security (63%), followed by Correctional Services (23%) and Justice and Constitutional Development (14%).

Chapter three focuses on the performance of the Department of Safety and Security. Evaluating the performance of the South African Police Service (SAPS) is complicated by the fact that the goals of the police service are often vague, and information about police performance is not always made public. Any variation in the number of crimes recorded cannot be ascribed primarily to police action.

During the period under review (January 2001–December 2002) the police's work was made more onerous as the number of functional police members declined to its lowest level since 1994. Nevertheless, SAPS operations resulted in an impressive number of arrests and the seizure of contraband, while the number of investigated cases referred to court reached a post-1994 high during 2002.

The performance of the Department of Justice and Constitutional Development (which encompasses the National Prosecuting Authority) is evaluated in chapter four. While the performance of the prosecution service was blemished during 2001 by the high number of case withdrawals, the situation improved in 2002.

At the end of 2002 there was a backlog of almost 200,000 cases in the country's criminal courts—an increase of 10% compared to 2001. Such a high backlog of cases has a negative impact on the average case cycle time which, in turn, undermines the prosecutions' chances of obtaining convictions and infringes the rights of incarcerated awaiting trial accused. The case backlog was a consequence both of the low productivity of the average magistrates' court during 2001/02, and the massive increase in cases referred to court during 2002.

Chapter five deals with the performance of the Department of Correctional Services. During the period under review the department's workload (the number of prisoners) increased faster than its resources (wardens and available cell accommodation). At the end of 2002 the country's prisons were holding some 185,000 inmates in a system built to house 111,000. Remarkably, given the level of overcrowding, escapes during 2001/02 were at a post-1994 low.

Partly due to the efforts to reduce overcrowding by the Department of Correctional Services and the Judicial Inspectorate of Prisons, the increase in the number of unsentenced prisoners was reversed during 2001 and remained stable during 2002. Between 2001 and 2002, unsentenced prisoner numbers increased by only 2%, while the number of sentenced prisoners rose by 19%.

In the concluding chapter it is argued that the three criminal justice system departments performed satisfactorily during the period under review. However, sustained improvements in performance are hampered by capacity constraints. Without changing some of the policies that inform the decisions of senior criminal justice managers and engendering a more holistic decision-making approach that take the interests of the system as a whole into account, more prosecutors, magistrates, court rooms and prisons are required to significantly boost the system's performance. As money is in short supply, inexpensive alternatives to more personnel and buildings need to be explored.

As a result of its central position in the criminal justice process, the performance of the prosecution service is crucial to the smooth running of the whole system. On a strategic level policy makers may be well advised to choose to divert any additional spending on corrections to the prosecution service so as to lower the case backlog in the courts and reduce the number of awaiting trial prisoners.