

INTRODUCTION

The provision of information about crime in South Africa remains a controversial and challenging business. Crime statistics the world over are a source of much debate. In South Africa the issue receives special prominence because of the violent nature of many criminal acts. The defensiveness of the police on the issue and their reluctance to release information fuel the national obsession with crime statistics.

Notably, the year long moratorium on the release of crime statistics imposed by the then Minister of Safety and Security, Steve Tshwete, in July 2000 aroused public suspicions, and achieved little more than diverting attention away from the questions that really matter. Why is South Africa so violent? What are the police doing to fight crime—and are they succeeding? Are the courts assisting, in a fair and efficient manner, those who register their case with the justice system? Should an accused, who cannot afford to pay bail of R500, spend five months in a cell designed to hold 54 people but which is instead crammed with over 300? And if convicted to a prison term, does punishment under these conditions make prisoners less likely to offend again?

Despite increased government spending on the police, courts and prisons, and the creation of many new laws and policies, public feelings of safety are not improving and the criminal justice system struggles to perform effectively. This being the case, South Africans—in government and civil society—should worry less about the crime statistics, and more about what can be done about the problem.

These are the types of issues that the Institute for Security Studies' (ISS) criminal justice monitoring service covers. The service is an independent source of information for both the public and government on crime, the whole of the criminal justice system, and public opinion. It aims to:

- provide easy access to, and understanding of, crime information;
- look beyond crime statistics to the performance of the criminal justice system as a *whole*;

- consider the performance of the police, courts, and prisons taking into account their budgets, capacity and workload—in other words, what they actually do; and
- assist in improving operations, strategy and policy.

A key objective of the criminal justice monitoring service is to assist in improving the functioning and performance of the police, courts and prisons. The focus on performance stems from a shift in attention generally in the country from policy development to delivery.

Various pieces of legislation aim to help departments to do this: the Public Service Regulations (1999) and the Public Finance Management Act of 2000 (PFMA) require each department to assess the impact of policy, strategy and legislation. The PFMA and accompanying Treasury Regulations also require that each department present to parliament a strategic plan, including goals and targets, against which the budget will be decided and performance measured. To meet these goals and targets, departments must produce service delivery programmes which set out standards for the level and quality of services to be provided. The provision of these services should be regularly measured.

Apart from the legal requirement, measuring performance is important for accountability—it is the only way that taxpayers and the general public can be sure that the criminal justice system is delivering on its promises. Tracking performance also enables senior managers to continuously improve the effectiveness of their officials.

Performance measurement must however be approached with caution. Decisions about what to measure should be based on a sound understanding of, first, what the police, courts and prisons *actually* do, and second, what they *should* be doing. Gung-ho approaches can result in unrealistic or simply incorrect targets being set. And because the indicators selected inevitably dictate performance, the end result can be officials actively pursuing the wrong objectives. The key is to avoid setting perverse incentives by being clear on what exactly a department hopes to achieve, and what specific activities will ensure that these outcomes are achieved. All this must be considered against the backdrop of the capacity and workload facing the department.

This monograph touches on all these issues. It begins with a review of the latest crime trends and statistics. These figures set the scene for considering the performance of the criminal justice system. Indeed, the number of recorded

crimes most accurately represents the workload of the police. The monograph then systematically covers, for the police, courts and prisons, several factors pertinent to a discussion of performance in 2001/2002:

- what was promised by the leadership;
- actual and possible indicators for measuring performance;
- the workload and resources available;
- how the department performed; and
- future issues to watch.

The ISS' criminal justice monitoring service aims to provide an annual update of this information, in the form of a 'year in review' seminar and monograph such as this one. Government departments release performance-related data at different times of the year. Some departments released relevant information up to the end of 2001 only well into 2002, while data for the complete 12-month period covering 2002 had not been released by all the departments at the time of writing. Official figures and statistics used in this monograph are the latest available ones at the time of writing.