

## NOTES

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1. For a detailed analysis of the 2001/02 criminal justice system budget see M Schönteich, *Justice the winner: The 2001/2002 criminal justice budget*, *Nedbank/ISS Crime Index* 5(1), January–February 2001, Institute for Security Studies, Pretoria, pp 25–28.
2. *2002 Estimates of National Expenditure, Safety and Security*, vote 24, National Treasury, Pretoria, 2002, p 11.
3. *Australian Crime: Facts and Figures*, Australian Institute of Criminology, 2001.
4. Section 205(3), Constitution of the Republic of South Africa Act 108 of 1996. See also preamble of the South African Police Service Act 68 of 1995.
5. *2001 Estimates of National Expenditure, Safety and Security*, Vote 23, National Treasury, Pretoria, 2001, p 479.
6. *Annual report 2000/2001*, Department of Safety and Security, Pretoria, 2001, (page unnumbered).
7. See, for example, the comment by the late Minister of Safety and Security, Steve Tshwete, during the Safety and Security and Independent Complaints Directorate Appropriation Bill Budget Votes, delivered to the National Assembly on 7 June 2001: “The cutting edge in the government’s overall strategy to bring down levels of crime in our country is the South African Police Service.” This policy has not changed with the passing of minister Tshwete, as indicated in the statement of the present Minister of Safety and Security, Charles Nqakula, to the media on 22 August 2002: “Lest we forget: our strategy talks mostly to crime prevention”.
8. *2002 Estimates of National Expenditure, Safety and Security*, vote 24, National Treasury, Pretoria, 2002, pp 533–546.
9. *2001 Estimates of National Expenditure, Safety and Security*, vote 23, National Treasury, 2001, Pretoria, p 480.
10. For a critique of the NCCS see E Pelsler, *Operation Crackdown: The new policing strategy*, *Nedbank/ISS Crime Index* 4(2), March–April 2000, Institute for Security Studies, Pretoria, pp 7–10.
11. *2001 Estimates of National Expenditure, Safety and Security*, vote 23, National Treasury, Pretoria, 2001, p 479.

12. *2001 Estimates of National Expenditure*, Safety and Security, vote 23, National Treasury, Pretoria, 2001, p 479.
13. *Annual report 2000/2001*, Department of Safety and Security, Pretoria, 2001, p 4.
14. *Annual report 2000/2001*, Department of Safety and Security, Pretoria, 2001, p 4.
15. *2002 Estimates of National Expenditure*, Safety and Security, vote 24, National Treasury, Pretoria, 2002, p 538.
16. For England and Wales, see D Povey and S Rundle, *Police Service Strength, England and Wales*, Home Office Statistical Bulletin 23/01, 30 September 2001. For Australia, see Australian Institute of Criminology, 2001, op cit. For Canada and the United States, see *Police personnel and expenditures in Canada*, Statistics Canada, 2001.
17. M Schönteich, The dangers of youth? Linking offenders, victims and age, *Nedcor/ISS Crime Index* 3(5), September–October 1999, Institute for Security Studies, Pretoria, pp 22–28.
18. Povey and Rundle, op cit; *News release: Mid-2000 population estimates for England and Wales*, National Statistics Office of the United Kingdom, 2001.
19. Fax, Divisional Commissioner (logistics) H M Hlela, 11 February 2002, Pretoria, paragraph 2.1.
20. Fax, Divisional Commissioner (logistics) H M Hlela, 11 February 2002, Pretoria, paragraph 2.1.3.
21. For detailed studies of the South African detective service, see J Redpath, *Leaner and meaner? Restructuring the detective service*, ISS Monograph Series 73, Institute for Security Studies, Pretoria, May 2002; A Altbeker, *Solving crime. The state of the SAPS detective service*, ISS Monograph Series 31, Institute for Security Studies, Pretoria, November 1998.
22. J Simmons, et al, *Crime in England and Wales 2001/2002*. Home Office Statistical Bulletin 7/02, 2001.
23. D Bayley, *Police for the Future*, Oxford University Press, Oxford, 1994.
24. See T Leggett, Improved crime reporting: Is South Africa's crime wave a statistical illusion?, *SA Crime Quarterly* 1, Institute for Security Studies, Pretoria, July 2002, pp 7–9.
25. S Tshwete, Parliamentary media briefing by the Justice, Crime Prevention, and Security Cluster, Cape Town, 11 February 2002.
26. *The reported serious crime situation in South Africa for the period January–September 2001*, <[http://www.saps.org.za/8\\_crimeinfo/200112/report.htm](http://www.saps.org.za/8_crimeinfo/200112/report.htm)> (10 October 2002).

27. C Nqakula, Budget Vote Speech by the Minister for Safety and Security, National Assembly, 13 June 2002.
28. These figures refer to Operations Crackdown, Tsipa, Lancer (aimed at terrorism in the Western Cape), Slasher (aimed at gangs in the Cape Town coloured townships), and Akanthus II (aimed at farm attacks). *Annual report of the National Commissioner of the South African Police Service 1 April 2001 to 31 March 2002*, Department of Safety and Security, Pretoria, 2002, p 124. *Annual Report 2000/2001*, Department of Safety and Security, Pretoria, 2001, pp 15–20.
29. Data supplied by the Crime Information Analysis Centre and SAPS Management Services.
30. The data for the years 1996–1999 is from the police’s Crime Information Analysis Centre, while the 2000 to 2002 data is from the NPA’s Court Management Unit.
31. Independent Complaints Directorate annual reports, <<http://www.icd.gov.za/>> (10 October 2002).
32. Independent Complaints Directorate 6<sup>th</sup> annual report, 1 April 2001–31 March 2002, <<http://www.icd.gov.za/>> (10 October 2002).
33. Independent Complaints Directorate 6<sup>th</sup> annual report, 1 April 2001–31 March 2002, p 41, <<http://www.icd.gov.za/>> (10 October 2002).
34. *Annual report of the National Commissioner of the South African Police Service 1 April 2001 to 31 March 2002*, Department of Safety and Security, Pretoria, 2002, p 60.
35. *Annual report of the National Commissioner of the South African Police Service 1 April 2001 to 31 March 2002*, Department of Safety and Security, Pretoria, 2002, p 23.
36. Section 165, Constitution of the Republic of South Africa Act 108 of 1996. For background information on the South African legal system generally see R Malherbe, The legal system and the judiciary, in: A Venter (ed), *Government and politics in the new South Africa. An introductory reader to its institutions, process and policies*, J L van Schaik, Johannesburg, 1998, pp 83–108.
37. See <<http://www.doj.gov.za/about/adminjustice.htm>>.
38. The Department of Justice and Constitutional Development’s responsibilities also include—but are not covered in this review—the provision of legislation, facilitating the delivery of services by constitutionally independent institutions (e.g. South African Human Rights Commission, Commission on Gender Equality, and the Truth and Reconciliation Commission), and the administration of civil justice.
39. Section 179(2), Constitution of the Republic of South Africa Act 108 of 1996.
40. *Annual Report 2001*, National Prosecuting Authority of South Africa, Pretoria, 2002, p 57.

41. *2002 Estimates of National Expenditure*, Justice and Constitutional Development, vote 22, National Treasury, Pretoria, 2002, p 509. *2001 Estimates of National Expenditure*, Justice and Constitutional Development, vote 22, National Treasury, Pretoria, 2001, pp 456–457.
42. *2001 Estimates of National Expenditure*, Justice and Constitutional Development, vote 22, National Treasury, Pretoria, 2001, p 463.
43. *2002 Estimates of National Expenditure*, Justice and Constitutional Development, vote 22, National Treasury, Pretoria, 2002, p 521.
44. Auxiliary and associated services includes the Judicial Services Commission, the Magistrates Commission, the South African Human Rights Commission, the Commission on Gender Equality and the Truth and Reconciliation Commission.
45. *2001 Estimates of National Expenditure*, Justice and Constitutional Development, vote 22, National Treasury, Pretoria, 2001, p 459.
46. Department of Justice and Constitutional Development, medium-term strategic framework (2000–2005), court services, <<http://www.pmg.org.za/docs/2002/appendices/020528court.htm>>.
47. The data for this Figure comes from two different sources. The data for the years 1996–1999 is from the police's Crime Information Analysis Centre, while the 2000–2002 data is from the NPA's Court Management Unit. The NPA has been collecting court-related performance statistics since mid-1999. Compared to the police, the NPA is more intimately involved with what happens in the country's courts. Consequently use is made of NPA court-related statistics whenever these are available. Readers should note, however, that the CIAC and NPA statistics do not always coincide. Thus, for 2000 the NPA recorded 307,547 prosecutions compared to the police's 271,057. No CIAC prosecution statistics for 2001 and 2002 had been released by the police at the time of writing.
48. New plan to 'chop' farm attacks, *Pretoria News*, 14 February 2001.
49. *Annual Report 2001/2*, National Prosecuting Authority, Pretoria, 2002, annexure B.
50. E-mail from Advocate Marelize Potgieter, NPA Court Management Unit, 17 March 2003.
51. Over 95% of all criminal trials take place in the magistrates' courts (also known as the lower courts). There are two types of magistrates' courts: regional courts and district courts. The vast majority of serious crimes such as murder, rape, aggravated robbery and car theft are prosecuted in the regional courts. Less serious offences such as assault, shoplifting, malicious injury to property and driving related offences are prosecuted in the district courts. Only the most serious crimes such as serial murders and particularly violent rapes are usually prosecuted in the high courts.

52. *National Prosecuting Authority of South Africa Policy Manual*, Pretoria, October 1999, pp B.22–B.25.
53. Section 92(1), Magistrates' Courts Act no. 32 of 1944, as amended, read with GN R1411 (Government Gazette 19435) of 30 October 1998.
54. For a discussion of the various reasons why cases are withdrawn see M Schönteich, *Lawyers for the people. The South African prosecution service*, ISS Monograph Series 53, Institute for Security Studies, Pretoria, March 2001, pp 93–94.
55. Interview, Advocate Marnus Steyn, Court Management Unit, National Prosecuting Authority, 23 October 2000, Pretoria.
56. The conviction rate being the number of cases convicted as a proportion of the number of cases prosecuted.
57. During 2002 a very small proportion of cases (0.01% or 9,990 cases) dealt with by the prosecution service were diverted.
58. G Chuenyane, *Prosecutors struggle with load*, *Sowetan*, 12 October 2000.
59. *Annual Report 2001/2*, National Prosecuting Authority, Pretoria, 2002, annexure B. The average court hours exclude district and regional periodical courts.
60. *Annual Report 2001/2*, National Prosecuting Authority, Pretoria, 2002, p 28.
61. B Ngcuka, National Director of Public Prosecutions, briefing to Portfolio Committee of Justice and Constitutional Development, Cape Town, 5 June 2002, <<http://www.pmg.org.za/viewminute.php?id=1774>>.
62. *2003 Estimates of National Expenditure*, Justice and Constitutional Development, vote 24, National Treasury, Pretoria, 2003, p 548.
63. *Annual Report 2001/2*, National Prosecuting Authority, Pretoria, 2002, p 45.
64. *2003 Estimates of National Expenditure*, Justice and Constitutional Development, vote 24, National Treasury, Pretoria, 2003, p 548.
65. *2003 Estimates of National Expenditure*, Justice and Constitutional Development, vote 24, National Treasury, Pretoria, 2003, p 548.
66. Department of Justice and Constitutional Development, medium-term strategic framework (2000–2005), court services, <<http://www.pmg.org.za/docs/2002/appendices/020528court.htm>>.
67. *2003 Estimates of National Expenditure*, Justice and Constitutional Development, vote 24, National Treasury, Pretoria, 2003, p 549.
68. Department of Justice and Constitutional Development, medium-term strategic framework (2000–2005), court services, <<http://www.pmg.org.za/docs/2002/appendices/020528court.htm>>.

69. *2003 Estimates of National Expenditure*, Justice and Constitutional Development, vote 24, National Treasury, Pretoria, 2003, p 553.
70. *Department of Correctional Services Annual Report 2001/2002*, Department of Correctional Services, Pretoria, 2002, p 57.
71. *2001 Estimates of National Expenditure*, Correctional Services, vote 19, National Treasury, Pretoria, 2001, p 397.
72. *Department of Correctional Services annual report 2000/2001*, Department of Correctional Services, Pretoria, 2001, p 15.
73. *2001 Estimates of National Expenditure*, Correctional Services, vote 19, National Treasury, Pretoria, 2001, p 397.
74. B Skosana, Minister of Correctional Services, Parliamentary Media Briefing, 12 February 2001, Cape Town. See also B Skosana, presentation to the Select Committee on Security and Constitutional Affairs, 20 February 2002, Cape Town.
75. *2002 Estimates of National Expenditure*, Correctional Services, vote 20, National Treasury, Pretoria, 2002, pp 450–456.
76. *2002 Estimates of National Expenditure*, Correctional Services, vote 20, National Treasury, Pretoria, 2002, pp 445.
77. *2002 Estimates of National Expenditure*, Correctional Services, vote 20, National Treasury, Pretoria, 2002, p 445.
78. *2002 Estimates of National Expenditure*, Correctional Services, vote 20, National Treasury, Pretoria, 2002, p 462.
79. *Department of Correctional Services Annual Report 2001/2002*, Department of Correctional Services, Pretoria, 2002, p 21.
80. *Office of the Inspecting Judge Annual Report, 2001/2, Prison & Prisoners*, Cape Town, 2002, p 9.
81. *Office of the Inspecting Judge Annual Report, 2001/2, Prison & Prisoners*, Cape Town, 2002, p19.
82. *Office of the Inspecting Judge Annual Report, 2001/2, Prison & Prisoners*, Cape Town, 2002, p 20.
83. *2002 Estimates of National Expenditure*, Correctional Services, vote 20, National Treasury, Pretoria, 2002.
84. E-mail, Gideon Morris, Judicial Inspectorate of Prisons, 15 October 2002.
85. L Muntingh, *After Prison. The Case of Offender Reintegration*, ISS Monograph Series 52, Institute for Security Studies, Pretoria, March 2001, p 54.
86. B Skosana, Minister of Correctional Services, Parliamentary Media Briefing, 12 February 2001, Cape Town.

87. E-mails, Gideon Morris, Judicial Inspectorate of Prisons, 15 October 2002 and 4 March 2003.
88. B Skosana, Minister of Correctional Services, Parliamentary Media Briefing, 12 February 2001, Cape Town.
89. *Department of Correctional Services Annual Report 2001/2002*, Department of Correctional Services, Pretoria, 2002, p 70.
90. Media statement by B Skosana, Minister of Correctional Services, Cape Town, 19 August 2002.
91. *2001 Estimates of National Expenditure*, Correctional Services, vote 19, National Treasury, Pretoria, 2001, p 398.
92. Government Gazette, Vol.435, No. 22718, 27 September 2001, Cape Town. See also *The Mercury*, 27 July 2001.
93. <<http://iafrica.com/news/sa/140007.htm>>.
94. *2002 Estimates of National Expenditure*, Correctional Services, vote 20, National Treasury, Pretoria, 2002, p 444.
95. See KC Goyer, *HIV/AIDS in prison. Problems, policies and potential*, ISS Monograph Series 79, Institute for Security Studies, Pretoria, February 2003.
96. See M Schönteich, *Making courts work. A review of the IJS Court Centre in Port Elizabeth*, ISS Monograph Series 75, Institute for Security Studies, Pretoria, October 2002.
97. For an exposition of this argument see M Schönteich, *Tough choices: Prioritising criminal justice policies*, *ISS Paper* 56, Institute for Security Studies, Pretoria, May 2002.
98. The construction cost of a prison is approximately R200,000 per prisoner space. The recently constructed Malmesbury prison, which can accommodate about 1,000 prisoners, cost R280 million to build.