The war against the causes of crime

Advocacy for social crime prevention in the face of tougher law enforcement

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Since the release of the National Crime Prevention Strategy (NCPS) in May 1996, social crime prevention has been a key concept in debates about how to address the problems of crime and violence in South Africa. Many in the civil society policy community firmly believe that social crime prevention, if properly implemented, will be effective in addressing crime and violence. Since the late 1990s there has also been a pervasive sense of disappointment and frustration amongst those who support social crime prevention about what is perceived as a failure of the state to back this agenda. There is a view that this is due to the fact that the state favours 'law enforcement', because it holds out the promise of quick results. It is true that the issue of social crime prevention is entirely absent from the current government discourse on crime, which is characterised by a strong emphasis on robust policing measures. But is it true that the main obstacle to social crime prevention is a law enforcement orientated mindset on the part of government – or are there other obstacles to the social crime prevention agenda?

This article aims to contribute to the debate about the obstacles and challenges to implementing social crime prevention in South Africa. It does so by engaging briefly with three questions:

- How can the state response to crime in the post-1994 period be characterised?
- What are the obstacles to social crime prevention in South Africa?
- Is it correct to assume that social crime prevention strategies could contribute (significantly) to solving the problem of crime and violence in South Africa?

Before attempting answers to these questions it is important to clarify what we mean by social crime prevention.

SOCIAL CRIME PREVENTION

The interest in social crime prevention emerges partly from evidence that the criminal justice system, though a critical component of any society's response to crime, ultimately can only partially prevent crime.[1] In addition, the process of criminalisation – by which people are labelled as 'criminals' through measures such as arrest, prosecution, and incarceration – frequently reinforces the tendency or disposition that some individuals have towards criminal behaviour.[2] It is commonly accepted that a balance is necessary between social crime prevention interventions and law enforcement. But what is social crime prevention?

For the purposes of this article social crime prevention can be understood as those strategies and measures which (i) are carried out by organisations or agencies (both state and non-governmental) outside of the criminal justice system (CJS) with the aim of reducing the risk factors for criminal and/or violent behaviour;[3] or, (ii) if they are located within or linked to the criminal justice system, focus on improving the resilience of perpetrators against further involvement in crime.

South African and international literature about crime[4] points to the interaction between a range of individual, familial and societal factors that influence individual behaviour. These factors, that in combination or separately influence behaviour to commit crime or not commit crime, are referred to as risk and resilience factors.

The social crime prevention agenda received a boost in 2008 with the establishment of an initiative calling itself Action for a Safe South Africa (AFSSA). AFSSA's programme of action framed social crime prevention within eight potential areas of intervention, including, but not limited to:

- Investment in early childhood (e.g. through preschool enrichment programmes, home visitation programmes and parenting support)[5]
- Measures to reduce domestic violence and improve parenting
- Providing quality after-school care to learners
- Addressing alcohol-related crime through reducing the sale and marketing of alcohol

The social crime prevention agenda is broad and also encompasses law enforcement aspects such as reducing the number of firearms in society. However, as partly reflected in AFSSA, there appears to be some kind of emerging consensus about the need to focus on 'developmental' crime prevention, which involves a range of possible interventions intended to optimise the ability of children and young people to grow into physically and emotionally healthy adults who are able to lead pro-social lifestyles and engage in a positive way with educational and other opportunities.

This approach is informed both by international evidence as well as domestic studies of crime and criminals. Developmental crime prevention measures include a spectrum of interventions. For instance, they may include interventions with young pregnant women in disadvantaged communities to inform them about the potential damage of alcohol use to their unborn children. They may also include a variety of other interventions focused on parents or pre-school or school-going children, as well as programmes with young adults intended to support them in acquiring work-related skills.[6]

The approach to understanding social crime prevention that is put forward here is therefore narrower than that put forward in the NCPS. The NCPS appears to have conceived of social crime prevention in very broad and expansive terms. For instance, analysts who were involved in the development of the NCPS spoke of it as incorporating an 'emphasis on crime as a social rather than a security issue' and 'the attempt to establish a victim-centred system of restorative justice rather than a state-centred system of punitive justice'.[7]

CHARACTERISTICS OF STATE RESPONSES TO CRIME, POST-1994

A simplified analysis of the trajectory of crime prevention policy in South Africa since 1994 would have it that until the late 1990s social crime prevention was, at least in theory, considered to be an important element of crime combating, but that subsequently there has been a wholesale shift to a focus on law enforcement.

The NCPS itself included an analysis of crime as a product of social forces, yet fell short of carrying forward this analysis into its proposals.[8] The most credible and detailed proposals put forward by the NCPS related to strengthening the criminal justice process on the basis that 'an effective and legitimate criminal justice system is a vital foundation for crime prevention and the protection of human rights'. The other proposals within the NCPS are a long way away from what can be called a full agenda for social crime

prevention, though they do include a call for measures to address 'public values' as well as environmental design to 'reduce the opportunities for crime and facilitate law enforcement'.[9] The focus on the criminal justice system that emerged in the period subsequent to the NCPS might therefore be seen partly as a product of the emphasis on the criminal justice system within the NCPS itself, as well as being a response to severe and sustained public pressure on the state to respond to high levels of violent crime.

A more coherent social crime prevention agenda was put forward by the 1998 White Paper on Safety and Security. Alongside an emphasis on strengthening law enforcement and criminal justice reform, the White Paper motivated for 'developmental crime prevention' aimed at young people and families; situational crime prevention; and 'community crime prevention' to be targeted at specific geographic areas.[10, 11] Though the White Paper was approved by Cabinet in September 1998, none of these social crime prevention policies were given any impetus by government. Shortly afterwards the Secretariat for Safety and Security, the body that had developed the White Paper, was downgraded and marginalised in terms of its contribution to crime prevention policy.

Antony Altbeker has argued against the idea that state policy has been law enforcement orientated. He suggests that there has been a failure of law enforcement and attributes this to an established orthodoxy within the state which gave emphasis to (not necessarily 'social') crime prevention. Altbeker's argument is that there has been limited investment in key elements necessary for a law enforcement agenda to succeed, most notably the development of the criminal justice system's detective and prosecution capacity.[12] Yet, in so far as a crime prevention agenda has been pursued within the police or other government departments, it cannot be said that this has been pursued with any rigour, if at all. Within the SAPS, for instance, crime prevention has tended to be associated with implementation of the Domestic Violence Act or victim empowerment, and there cannot be said to have been any clearly articulated understanding of the police role in proactive crime

prevention.[13] Though it is true that the NCPS was often referred to by politicians and others on public platforms, the term NCPS was more of a euphemism for some undefined comprehensive crime policy, rather than signifying any concrete programme of interventions.

While the detective service has not until recently been the subject of focused investment, there has been enormous investment in the criminal justice system. Since the early 1990s this has been partly directed towards massive expansion of the number of serving members of the SAPS. In their analysis of the NCPS Simpson and Rauch point out that from the start there was tension between the long-term developmental approach and the reactive policing approach. The publication of the police's annual strategy document at the same time as the public release of the NCPS undermined the message that the NCPS had intended to promote, namely that long-term strategies to prevent crime were an important aspect of the overall approach to crime reduction.

A weak state

What tends to be ignored by both camps within this debate is that ineffectiveness has been a characteristic not only of the criminal justice system, but of very large parts of the public service. For instance, as in the criminal justice sector, South Africa has made massive investments in education by the standards of countries at similar levels of economic development, but with very poor results. There are several systemic reasons for the problems with delivery and the dysfunctionality of government departments. In Karl Von Holdt's analysis[14] of the reasons for the dysfunctionality in the public health system, which appear relevant to the criminal justice system, these include:

- Understaffing and shortages of resources related to the ways in which the budget is managed.
- Poor institutional and system design. In the case of hospitals, personnel are managed in silos so that the overall functionality of the entire institution is not the priority of any particular manager.

- The imperative to ensure the racial transformation of state departments creates a situation where skills are not the most important criteria for appointment. A low premium is thus placed on skills (Von Holdt refers to it as ambivalence to skill). This is exacerbated by the fact that in the context of a skills shortage there are numerous opportunities for 'upward mobility'. Combined with the fact that promotion is not linked to performance, and that there is no clear career pathing related to merit, this means that government employees move 'onwards and upwards' between departments, rather than developing skill and knowledge within a specific department.
- Related to this focus by staff on upward mobility rather than on the delivery of services, is an absence of a 'culture' of service.
- Finally, Von Holdt refers to a breakdown of discipline, something that has been reported as being a feature of the SAPS.[15]

The new administration under Jacob Zuma has signalled that issues of delivery, and alongside this, skills and competence, are to be given more importance. But it is not clear whether this will indeed result in a shift of priorities, as the questions of racial redress in South Africa are still politically and socially important. Indeed, without purposeful changes to the culture of management and consistent improvements to recruitment and promotion processes throughout state institutions, a commitment from the top is unlikely to have a major impact on delivery. It may be that the best that can be hoped for are modest improvements in the functioning of public sector institutions.

Other facets of state criminal justice policy

Despite this, it is important to acknowledge that developments within the criminal justice arena have not been one-dimensional. A number of highly sophisticated policy instruments, including the Domestic Violence Act (1998), the Firearms Control Act (2000), and the Child Justice Act (2009) have now become part of South African law. While the implementation of all these measures takes place, in whole or in part, within the CJS environment, they are all sophisticated violence and crime prevention measures.[16] These measures give the lie to the idea that criminal justice policy is wholly law enforcement orientated.

Rather than being characterised as primarily 'law enforcement' or 'crime prevention' orientated, in some ways the primary characteristic of state crime prevention policy, particularly in the post-1999 period, has been its impoverishment. Notwithstanding the fact that some sophisticated policy measures have been introduced, there has been an absence of an overall approach orientated towards the development and implementation of measures in all relevant departments (not only the CJS) that are likely to have a meaningful impact on crime. In addition to this, the criminal justice environment has until relatively recently been characterised by poorly conceived and badly executed measures, such as the 'slash and burn' approach to specialised units.

In summary, the state policy environment has been characterised by a strong focus on the criminal justice system. A combination of factors, including weak management and leadership and a related lack of properly conceived policies, has undermined the impact of the investment in this system. Furthermore, despite the introduction of creative legislative measures, and a rhetorical commitment to the NCPS, there has been little tangible investment in social crime prevention by national government.

WHAT ARE THE OBSTACLES TO CONSOLIDATING A SOCIAL CRIME PREVENTION AGENDA IN SOUTH AFRICA?

The above analysis implies that the principal obstacle to the consolidation and implementation of social crime prevention measures has been the weakness of the state rather than a firmly law enforcement orientated agenda.

As suggested by the discussion above, it is not possible, nor accurate, to characterise the

approach of the state to crime as simply 'law enforcement orientated'. Politicians and police leaders have used 'tough on crime' rhetoric, but this has not been a consistent feature of criminal justice in South Africa and has often been more a reflection of the absence of a coherent policy direction rather than the statement of a clear agenda.

However, since the criminal justice review process (initiated in 2006), there has indeed been a shift towards strengthening the crime investigation and prosecution process, albeit with limited success. Yet political leaders and policy makers are not altogether unsympathetic to the social crime prevention agenda. For instance, during 2009 the Department of Social Development has been involved in developing a crime prevention strategy and has been investing in community-based youth development and after school care projects. More generally, it might reasonably be assumed that many state officials see the large financial investment that has been made in education and social grants partly as an investment in reducing crime. Indeed, state policy in South Africa is strongly socially orientated.

What nevertheless seems to be true is that the awareness of social crime prevention within those components of government that are specifically focused on crime (i.e. the criminal justice ministries and departments) is absent. The current focus is on escalating the 'war on crime' through the criminal justice system. There are no references to the need for social crime prevention measures within this discourse, and the discourse characterises criminals as 'other' or outside of 'normal' society. While the Justice, Crime Prevention and Security (JCPS) cluster of cabinet until recently included the ministers of social development and education, it has now been restructured to exclusively involve the ministers involved in security and criminal justice. But even when they were part of the JCPS, the role played by the 'social' ministers was of a secondary nature. The Department of Social Development has been involved in developing a social crime prevention strategy, but it is clear that this is not seen as a matter of urgency or a priority within

government's overall response to crime. The ANC's election manifesto of 2009 was exclusively focused on strengthening the criminal justice system and community cooperation with the criminal justice system.

In addition to this, the state does face increasing pressure on the fiscus. There are thus questions about what type of investment in social crime prevention is necessary in order for such investment to achieve results, and whether such investment is possible in the current environment. And where will the funds come from? Social crime prevention advocates may argue that investments should be made in social crime prevention rather than in policing or other aspects of criminal justice, even though they acknowledge that law enforcement is also important. These arguments may become even more difficult to make now that massive expansion of the SAPS has dramatically increased the CJS's portion of the state salary bill. But there needs to be a discussion and debate about what should be regarded as satisfactory levels of investment in the CJS.

It remains an open question whether the current move towards strengthening law enforcement will be associated with real improvements in security. Even if there are substantial reductions in crimes such as murder, rape or robbery, in coming years it is likely that the reasons for these declines will be fiercely debated. It may be anticipated that the strengthening of law enforcement will have some impact on reducing crime levels. At the same time, because it does not address the underlying causes of crime, and because it also reinforces the disposition that individuals may have towards criminality, these effects will be limited.

The underlying premise of social crime prevention is that well-implemented social crime prevention interventions in fact offer results that are more beneficial to society, in the long term, than law enforcement based approaches alone. Yet the tension remains that social crime prevention measures do not offer the same immediate satisfaction as visible strengthening of law enforcement for the electorate. As Rauch and

Simpson argued, 'Perhaps there is no more important dynamic for [social] crime prevention policy-makers to manage than this… tension between the demand for instant results and longer-term strategies and interventions.'[17]

Social crime prevention advocates tend to avoid acknowledging the simple merit of law enforcement systems: that they resolve the immediate threat to the general public presented by perpetrators (many of whom have a deeply rooted investment in criminality) by incarcerating them. This is because social crime prevention advocates are often focused on motivating why social crime prevention is better than law enforcement in the face of the apparent impossibility of shifting the state's narrow focus on law enforcement. However, it is likely that improvements in the functioning of the criminal justice system may contribute to creating political space for social crime prevention approaches. As indicated, the NCPS itself argued that an effective criminal justice system provides a 'vital foundation' for crime prevention. Social crime prevention advocates can share common ground with those advocating for improved law enforcement, subject to the acknowledgement that improved law enforcement on its own will not yield the desired results.

Unfortunately the social crime prevention agenda often seems to be intangible and vaguely defined. This is an inherent conceptual difficulty of the social crime prevention field, as there is no clear way of delineating the boundaries of that field. Furthermore, measures such as the provision of primary and secondary education or social grants, though not specifically targeted at addressing crime, may also contribute to reducing crime levels. In South Africa, where it is now widely acknowledged that the provision of education is fraught with problems, it is not a straightforward matter as to how basic improvements in the education system or other aspects of the social crime prevention toolkit should be prioritised relative to each other. While these are difficult questions, if it were possible for social crime prevention advocates to mobilise behind a more tightly focused and clearly defined set of policy

measures, this might considerably enhance their potential impact. That might include identifying which aspects of what the state already delivers qualify as social crime prevention, and acknowledging them as achievements towards the development of a fuller programme of social crime prevention.

IS IT CORRECT TO ASSUME THAT SOCIAL CRIME PREVENTION PROVIDES A POTENTIAL SOLUTION TO THE PROBLEM OF CRIME AND VIOLENCE IN SOUTH AFRICA?

We need to consider whether a 'sophisticated' social crime prevention agenda (which also acknowledges the importance of law enforcement) actually provides the hope of a 'solution' to the high levels of crime and violence. Assessing this is complicated by the fact that it is not clear where social crime prevention measures begin and end. For instance, it is widely acknowledged that inequality is a key driver of violence in South Africa. Yet measures to address inequality have not featured on the agenda of those promoting social crime prevention, no doubt because this falls partly within the field of economics, an area in which many crime prevention practitioners have limited expertise.

The social crime prevention discourse in South Africa also tends to be strongly shaped by international crime prevention discourse, particularly the 'risk and resilience' concepts referred to earlier, and there is a growing body of South African research on these issues.[18] Yet it is reasonable to ask whether there are other factors that fall outside the established discourse that should be seen as contributing to the problem of violence in South Africa. The specific question here is about the legacy of South Africa's history of institutionalised racism and racialised social engineering, and its role in contributing to violence and crime. Arguably the problem of violence might be seen, at least in part, as a manifestation of the psychological legacy of racial colonialism. This may indicate that there are issues of 'historical trauma', redress, internalised racism, representation, or recognition, that are not usually

recognised as part of the social crime prevention agenda, and that need to be integrated into our understanding of the causes of crime. In other words, there may be factors contributing to crime that are not recognised through the established conceptual frameworks of those in the social crime prevention field.

These questions should challenge us to seek clarity about the level or type of change that needs to take place in South Africa if we are to reduce violence and crime. There is clearly much that can be gained from the insights that have emerged from the crime prevention discourse in Western countries. Yet there is also a need to be open to understanding to what extent specifically South African historical, political and economic factors feed into our problems of crime and violence. Exploring the role that factors of this kind play, and considering the kinds of interventions that may be needed to address them, should form part of the social crime prevention agenda. If crime and violence reflect in part 'structural problems', or issues of social psychology, then this may indicate that the social crime prevention agenda needs to be located within a dialogue about the need for other, perhaps deeper, levels of change within South African society.

CONCLUSION

In recent years social crime prevention advocates have tended to become disillusioned with the limited success of advocacy and with what can be achieved by working through the state. However, there is very little hope for long-term success if the state is not part of the process of addressing the socio-economic, political and historical factors that contribute to high levels of crime. Key questions include to what degree there is scope for the state to take greater ownership and responsibility for driving a sophisticated social crime prevention agenda, and to what degree social crime prevention advocates can effectively engage with the state.

While regressive measures (such as policing that ignores human rights) should be opposed, it would appear important that social crime

prevention advocates become more skilled at articulating the relative role of a social crime prevention agenda alongside the need for law enforcement, rather than setting themselves up in opposition to the latter.

In addition, in order for any social crime prevention advocacy to have an impact it would appear important that such advocacy both reflects clearly articulated and focused policy proposals, and ensures that the proposals match the resources and skills available to the state and communities.

More generally, social crime prevention advocates need to consider broadening their engagement with actors other than the state to include social movements or other civil society formations such as trade unions, and should explore more fully the political, historical and economic factors that are not currently part of the established crime prevention discourse.

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NOTES

1   See L Muntingh, Punishment and deterrence: Don't expect prisons to reduce crime, *SACQ* 26 (2008), 3-10.
2   See for instance E Pelser, How we really got it wrong – understanding the failure of crime prevention, *SACQ* 22, (2007), 3-4.
3   Note that to be classified as social crime prevention implies therefore that measures are targeted at addressing the problem of crime and violence. Measures such as improvements in primary or secondary education, which have multiple objectives, are not social crime prevention in terms of this definition.
4   A van der Merwe and A Dawes, Youth risk assessment: gaps in local knowledge and directions for future research, *Journal of Child and Adolescent Health* 19(1), 2007, 57-94. See also C Ward, Young people's violent behaviour: Social learning in context' in P Burton (ed), *Someone stole my smile: An exploration of the causes of youth violence in South Africa*, Cape Town: Centre for Justice and Crime Prevention, 2007. See Van der Merwe and Dawes, Youth risk assessment: gaps in local knowledge and directions for future research; L Leoschut and P Burton (eds) *How rich the rewards? Results of the 2005 national youth victimization study*, Monograph Series 1, Cape Town: Centre for Justice and Crime Prevention, May 2006; C Ward, *"It feels like the end of the world": Cape Town's young people talk about gangs and community violence*, Report to the

Institute for Security Studies on the child participation study in support of the COAV Cities Project, Cape Town: Human Sciences Research Council, 25 August 2006. P Burton, L Leoschut and A Bonora, *Walking the Tightrope: Youth resiliency to crime in South Africa*, Cape Town: Centre for Justice and Crime Prevention, 2009.

5   *Action for a Safe South Africa: What every South African can do to build a safe country*, Sandton: South Africa the Good News, 2009, 49.

6   See C Gould, To measure and what to measure: Towards assessing the impact of social crime prevention projects, *SACQ* 26 (2008), 21-26.

7   G Simpson and J Rauch, Reflections on the first year of the National Crime Prevention Strategy, in G Maharaj (ed) Between unity and diversity, essays on nation-building in post-apartheid South Africa, Cape Town: David Philip, 1999. Available at http://www.csvr.org.za /index.php?option=com_content&task=view&id=542 (accessed 20 October 2009), 9.

8   B Dixon, Cosmetic Crime Prevention, in B Dixon and E van der Spuy (eds), *Justice Gained – Crime and Crime Control in South Africa's Transition*, UCT Press, Cape Town, 2004, 163-192.

9   Ibid.

10 Department for Safety and Security, In Service of Safety – White Paper on Safety and Security, 1999-2004, Department for Safety and Security, 1998, 21.

11 One way of categorising crime prevention measures is to distinguish them as either 'social' or 'situational' 'Social' measures might be seen as measures that work with perpetrators or potential perpetrators to assist them or deter them from (further) offending. 'Situational' measures in part involve reducing or removing opportunities to commit crime. All crime prevention measures do not fall neatly into either of these categories. For instance, some see victim empowerment measures, which can have 'social' or 'situational' elements, as an important form of crime prevention. (See Introduction in E Pelser (ed), Crime Prevention Partnerships – Lessons from practice, Pretoria: ISS, 2002:4).

12 A Altbeker, *A Country at War with Itself: South Africa's Crisis of Crime*. Johannesburg and Cape Town: Jonathan Ball, 2007.

13 D Bruce, G Newham and T Masuku, In service of the people's democracy – An assessment of the South African Police Service, Centre for the Study of Violence and Reconciliation, 2007, 108-111.

14 K van Holdt (forthcoming) 'The South African Post-Apartheid Bureaucracy: Inner Workings, Contradictory Rationales and the Developmental State' in O Edigheji (ed), *Constructing a Democratic Developmental State in South Africa – Potentials and Challenges*, Cape Town: HSRC Press.

15 See A Faull, Need or greed? Corruption and integrity management in a Gauteng police station, *SACQ* 28 (2009), 11-20.

16 In this analysis we are concerned to characterise crime prevention policy development in SA in terms of its 'social crime prevention' and 'law enforcement' content, and do not engage with other key aspects of policy such as questions pertaining to the independence of the judiciary or allegations of manipulation of investigative units.

17 Simpson and Rauch, Reflections on the first year of the National Crime Prevention Strategy.

18 See for example Burton et al, *Walking the tightrope*.