A Conceptual Analysis of Strategies to Reduce Violent Crimes in a Democracy: A South African Perspective

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KEYWORDS Abuse. Brutality. Human Rights. Leadership. Policing Styles

ABSTRACT After many years of dictatorial policing in South Africa, South Africans expected a paradigm shift in policing from a 'force' to a 'service'. Today, in addition to the failure of providing democratic policing, police officials are found guilty of human rights violations and are accused of violent and abusive actions while attending to their duties. In this paper the researcher looks at the present-day failures in policing violent crimes and to analyse strategies to strengthen democratic policing. The researcher used media reports, literature and police officers' experiences to study the failures in policing violent crimes in a democratic South Africa to come up with strategies to strengthen democratic policing. The researcher found that the use of arbitrary policing powers and other concomitant failures influenced the increase in violent crimes in South Africa. This paper is therefore aimed at improving the control of violent crimes by strengthening democratic policing.

INTRODUCTION

In 2014 and 2015, police officers in the United States of America (USA) – one of the leading democracies in the world – killed 1152 people during police action (Police Violence Report 2015). During the same period, the Independent Police Investigative Directorate (IPID) of South Africa reported 396 deaths resulting from police action. Most of these deaths occurred in Kwa-Zulu Natal, followed by Gauteng (IPID 2016). In many instances, police officers are accused of gross human rights violations and abuse. The manner in which policing is conducted is a concern to South Africans.

In the majority of cases, the community, academics and the mass media are critical of the manner in which crimes are handled by the South African Police Service (SAPS) (Mkhize 2015). The police are often accused of using pre-1994 (apartheid) policing tactics in a democracy (Shabangu 2013). According to the Statistician General of South Africa, anger, money, jealousy and an unequal society are the main drivers of violent crime in South Africa (Magnus 2016).

In the present-day South Africa, the majority of citizens are aware of their constitutional rights, and have a tendency to question police action when and where the need arises. These questions include whether the police could have prevented damage to property, injuries and loss of life if they had acted differently (Albrecht et al. 2015). It is difficult to answer these questions without knowing the mood and emotions of the adversaries in any situation.

Because policing violent crimes in South Africa have become increasingly complex, a more effective and innovative police service directed at strengthening democratic policing is needed. According to Telep (2012), the police have to be proactive if they want to succeed in preventing violent crimes in a democracy. They have to use specific strategies that differ from traditional policing methods. This will help them to come up with customised solutions to combat violent crimes. It is within this context that the researcher collected data primarily from media reports, literature study and the experiences of police officers to look at ways of strengthening democratic policing.

Objectives

The researcher's objective with this paper is to look at the present-day failures in policing violent crimes in a democracy and analyse strategies to strengthen democratic policing.

MATERIAL AND METHODS

The researcher collected qualitative data from media reports, literature and the experiences of police officers. A deductive approach to data analysis was followed to address the prob-

lem of a lack of democratic policing. The data provided explanations for the failures in policing violent crimes in South Africa and were used to look at ways of improving democratic policing in the country.

RESULTS

The research results are presented in the form of themes that emerged from the qualitative data.

Democratic Policing of Violent Crimes

The many themes that pertain to the concepts of democratic policing and violent crimes include equality, fairness, protection, consensus, partnership, working together, responsiveness, service, accountability and transparency. These can be considered as standards for practising effective, democratic and professional policing. A democracy is dependent on its criminal justice system, more specifically the police service to maintain law and order and facilitate a free society. The democratic system is based on the value of human rights, which brings us to the point that the consent of the citizens should be the heart of democratic policing and community policing. This means that the police should operate with the consent and approval of the people (The Organization for Security and Co-operation in Europe 2015).

According to political analyst Imraan Baccus in Marriah (2015), "in many African countries there had always been a link between democratisation and an increase in violent crimes" (Marriah 2015).The militarisation of the police and the 'shoot to kill' debacle caused by former National Police Commissioner Bheki Cele only escalated police violence. South Africa will not be able to resolve its very real crime problem without radical police reforms (Marriah 2015). When police officials are sometimes confronted with violent situations that require sensitivity, they end up using maximum force or more force than is necessary. Thus violence is used against violence, and these actions lead to police brutality and criminal charges being preferred against the police (Afrika and Hofstatter 2015).

When researching violent crime in any society, it is important to know exactly what violent crimes are on the increase and what action should be taken to address them. Crime statistics revealed that murder cases moved up from 16 259

cases in 2012/13 to 17 805 cases in 2014/15. Murder cases showed an increase of 1546 additional cases for this period (Crime Statistics 2015). In 2012/13, 827 children were murdered and 21 575 children were assaulted in South Africa. In terms of violence against women, 2266 women were murdered and 141 130 women were assaulted. During this same period 13 123 men were murdered (Gould 2014). About 49 of the murders during this period were committed by children and 884 by youths between the ages of 18 to 25 years. This amounted to 49 people per day and one person every 30 minutes. During the same period, 86 police officers were murdered and 1537 were attacked (Marriah 2015).

Murders are a social issue and not easy to reduce through policing alone (Marriah et al. 2015). This is because about 70 percent of murders occur between known people, and they occur as a result of particular socio-economic and political factors. These crimes are often referred to as interpersonal crimes. About 20 percent of killings result from aggravated robberies, while intergroup conflicts and vigilantism make up the rest. According to the Police Minister and the National Commissioner of Police, many murders are committed by friends, acquaintances and in families; police only arrive after the fact. Murders are also attributable to high levels of violence in society, taxi violence, mob justice and violent protests (Merton 2015).

When violence is used during residential burglaries, the charges are often changed by the police to residential robberies, which are much more serious than residential burglaries. Residential robberies involve murdering and raping the occupants of the residence and even shooting infants or family members before depriving them of their property (Zinn 2010). In 2013/14, residential robberies increased to 19 284 cases (7.4%) from the previous year 2012/ 2013 which had 17 950 cases. This represented an additional 1334 families against whom violence was used. During 2013/2014 an average of 53 families were being robbed daily. Residential robberies increased from 17 950 cases in 2012/2013 to 20 281 cases in 2014/ 2015 an additional 2331 cases (Crime Statistics 2015).

SAPS do not show domestic violence as a separate crime in their crime statistics and domestic violence crimes do not have separate crime codes. As a result, these crimes are not measured accurately or given the same status

as violent crimes in the national crime statistics. Most domestic violence cases are recorded as interpersonal crimes such as assault or assault with the intention to cause grievous bodily harm, attempted murders and murders (Machisa 2015). According to the statistics, there was a drastic increase of these crimes from 2012/13 to 2014/15. To give academics and researchers a much more accurate picture of all reported cases of domestic violence, the researcher is of the view that these cases should be registered separately from other interpersonal crimes (Vetten et al. 2008).

Before 1994, the rights of domestic violence victims was given little attention in the South African criminal justice system as compared to other crimes of violence. The National Crime Prevention Strategy (NCPS), implemented since 1996, provided for a more victim-centred criminal justice system (Simpson and Rauch 1999). According to a 2008 report of the Institute of Security Studies, the NCPS did not address and/or was not linked to the underlying socio-economic causes of crime (Burger and Boshoff 2008). Despite increases in the most serious categories of violent crime for the past three years, South Africa lacks clear strategies to reverse this dangerous trend (Marriah et al. 2015).

Societal Factors Not Addressed by State Institutions

Crime prevention is the responsibility of everyone in the country, not only the police. Socio-economic conditions, inequality, child-abuse, negative parenting, easy access to firearms, alcohol/drug abuse and corruption in the criminal justice system are some of the societal factors that support violence (Seedat et al. 2009). In many cases, the abuse of alcohol and drugs contribute to violent behaviour. Although there is a belief that people who consume alcohol and drugs are more likely to project violent behaviour towards others, this does not mean that everyone who consumes alcohol and drugs are violent in nature. Drugs such as mandrax, cat, cocaine powder, dagga and '*nyaope*' are most popular in South Africa. Criminologists found a nexus between the age of person and violent crime. They found that many perpetrators who are arrested for violent crimes are mainly the youth (Montesh and Berning 2014). Amongst other types of violent crimes, the youth are often in-

volved in burglaries, residential robberies, theft and street robberies. They use the stolen property to buy drugs (Naik and Serumula 2015).

Firearms, especially handguns are easily available in South Africa, because of the porous nature of our South African borders. This creates a passage for criminal syndicates to smuggle firearms both heavy calibre rifles, shotguns, machine guns and handguns. Because of their oversupply into the country, these guns are sold cheaply to criminal elements, who use them to commit violent crimes (Schönteich and Louw 2001).

People living in townships, hostels and villages are more at risk of being victims of murders as a result of street robberies. On the other hand, people living in the suburbs are more at risk of residential robberies and burglary (McCafferty 2003). Similar to other countries, domestic violence in South Africa is committed across geographical, religious, racial and gender boundaries; it is prevalent in both urban and rural areas (World Health Organization 2015).

Democratic policing requires that all the responsible state institutions, including the police, be committed to the rule of law and take cognisance of their powers in the prevention of crime. The NCPS provided for state institutions to make a contribution to the prevention of crime, in support of the SAPS (Simpson and Rauch 1999). According to a 2008 report of the Institute of Security Studies, the NCPS failed to address the underlying socio-economic causes of crime as a result of poor participation by the responsible state institutions (Burger and Boshoff 2008).

Violent crime in any society impacts negatively on businesses and their personnel, profits and productivity. Investor confidence becomes eroded. Violence experienced at home affects adult victims' ability to work and increases fear; children's performance at school and health are affected.

Lack of Respect for Law and Order

Laws are legislated to encourage responsible behaviour. South Africans' attitudes towards the laws of the country and policing is projected in different ways, such as the people who talk on their cell phones while driving, those who drive without a driver's licence or under the influence of alcohol and drugs, teachers who still administer corporal punishment at schools, and

government officials who are involved in private taxi businesses and violate traffic rules on a daily basis (Gould 2014).

Daily experiences with poor service delivery and unsatisfactory interactions with employees of state institutions slowly erode citizens' confidence in these institutions, including the police. This is exacerbated by the criminal justice system's delay in meting out justice. Many citizens view "[j]ustice delayed as justice denied" (Gould 2014). Perhaps more significant are lawmakers who should set an example but instead demonstrate disrespect for the rule of law and value of life. If these lawmakers act with impunity by flouting the laws of the country or try to avoid being prosecuted, one cannot expect citizens to obey the law (Gould 2014).

The police have a duty to prevent, combat and investigate crime to protect and secure the inhabitants of the country and their property, and to uphold the law. It may sometimes be necessary that the police use force in upholding their duty. The amount of force used, must however be proportional to the prevailing situation. Excessive or unnecessary force is prohibited and could constitute police brutality (Meyer and De Vries 2008). According to Pruitt (2010), a shift towards democratic policing is not an easy task. Such a big paradigm shift in the police system requires change in the chain of command of the organisation. According to Pinto and Wiatrowski (2006), many police officials do not act with legitimacy, transparency, accountability and commitment to human rights. The assumption is that the police are not currently trained to address violent crimes using democratic policing principles, nor have the right police officials been recruited and trained to do democratic policing. Instead, police officers who were trained during the apartheid era and liberation movement cadres with military training were merged into SAPS. Many of the members from these groups are not people centred but rather militaristically centred (Meyer and De Vries 2008).

Reform of Apartheid-era Policing

The present state of violent crimes in South Africa and in particular South Africans' attitudes towards the criminal justice system need to be understood within the context of South Africa's past history (Gould 2014). During the reform of apartheid-era policing, a number of laws were abolished and new laws had been promulgated (Govender 2015). One of the main challenges for the incoming South African government in 1994 was to reform the police into a legitimate organisation based on democratic values and principles (De Vries 2008). This resulted in the weakening of many criminal justice functions that were in conflict with democratic values and principles. The violent effects of the past, in addition to years of marginalisation and isolation from political participation, and the culture of violence in the homes and neighbourhoods, has inculcated violent behaviour, which is now being used as a means of solving domestic and social conflicts (Govender 2015).

Recidivism

The Department of Corrections estimates about 47 percent of South Africa's criminal population are responsible for 80 percent of all violent crimes in South Africa (South African Catholic Bishops' Conference on Recidivism 2012). This is supported by Montesh and Berning (2014). Due to personal and socio-economic reasons, recidivists re-offend. Lack of appropriate policies and support systems to assist in the reintegration of offenders into their peer group, families and communities is seen as a primary reason for recidivism. Some of the other reasons include the manner in which their peers, family and communities interact with the recidivist. If the reintegration of the offender into the social environment fails, the recidivist looks back to prison life as some place more attractive than the social environment (South African Catholic Bishops' Conference on Recidivism 2012).

Community Policing Subsumed into Other Forms of Policing

Based on the principles of the community-based participatory approach, insight on the vital role that the community can play in preventing residential burglaries and house robberies is important. Crime should be studied in a social context in order to improve community participation, ensure that people share their experiences and concerns, and encourage "shared ownership of the crime problem" (Spinks et al. 2004). It was because of this growing concern that community policing forums were legislatively established in South Africa to ensure constant com-

munication between the police and communities regarding crime issues (South Africa 1996).

Community policing was initially intended to take policing to the people and bring back legitimacy to the police organisation, but it soon became institutionalised and incorporated into other forms of policing. In essence, community policing lost its focus when sector policing was introduced by SAPS, presumably in support of community policing. Sector policing seems to be failing in many communities due to lack of resources (Minnaar 2010).

Different Policing Styles

Since 1994, the police leadership has been characterised by different leadership styles. Leadership is a mutual process: leaders affect workers workers affect leaders. In addition, organisational factors such as the organisation's objectives, finances, technology and the nature of the work affect leadership (Milkovich and Boudreau 1988). Before 1995, South Africa had geo-political policing (for example the KwaZulu-Natal and Lebowa police agencies; homeland policing in the Transkei, Bophuthatswana, Venda and Ciskei). The different policing agencies were amalgamated into one single police service. Today we still have *differentiated policing* (traffic and military policing) and *parallel policing* (private security) (Govender 2012). From 2009 to 2012, the police were intent on ending violent crime by applying the maximum force allowed by law. During this time, there was an increase in incidents of police brutality – and an increase in the killing of police officials (Khobane 2010).

Restructuring SAPS

The Resolution Seven restructuring process during 2003, carried out under the leadership of the National Commissioner and his top management, inhibited service delivery through the centralisation of specific policing functions. The biggest mistake in this restructuring process was closing specialised units such as the narcotics units, vehicle theft units, child and family violence units, and the area commissioner's offices. This was tantamount to taking away policing from the people (Burger 2015; Burger and Boshoff 2008).

Lateral appointments of people with no police training, experience or related qualifications were made. Instead of giving them civilian support service appointments with applicable salaries, they were given senior management positions with police ranks to manage experienced police officials performing the core business of policing. They had to perform strategic tasks (for example restructuring the police service and supporting policing with operational plans) and many of them left the service prematurely on discovering that their strategic decisions impeded service delivery and demotivated police officials (Govender 2012).

Displacement of Goals

Different operational strategies were implemented, but not monitored or evaluated, and eventually displaced with others – without conducting any impact analysis on what had been implemented (Pruitt 2010).

Experiences of Police Officers

Senior police officers from the United Kingdom (UK), USA, Nigeria and South Africa shared their experiences of democratic policing from a police leadership position. They were interviewed individually by independent interviewers. In response to the main question (Do you have democratic policing in your country?), their responses were as follows:

- **Interview 1** took place in January 2011 with a senior police officer from the West Yorkshire Police Department in the UK. The respondent answered: "Yes, I believe that it is the democratic right of those elected in power to determine the relationship between the police and the public, and that's been one of our great strengths since the days of Sir Robert Peel" (Heslop 2011).
- **Interview 2** took place in April 2011 with a senior police officer from Washington DC in the USA. The respondent stated: "Yes, we need to be the protectors, because once you give up that right, you are not getting it back. That's an awesome responsibility we should not take lightly" (Chapman 2014).
- **Interview 3** took place in January 2010 with a senior police officer from Abuja in Nigeria. The respondent answered: "Yes, the term 'democratic policing' emphasises that policing must support democratic values, including, but not limited to, inalienable hu-

man rights such as life, liberty, and the pursuit of happiness" (Aremu 2014).

- **Interview 4** took place in February 2012 with a senior police officer from Gauteng in South Africa. The respondent answered: "Yes, at a fundamental level, democracy talks about involving people. As the police, we are not elected but appointed to deliver a service. There should be no issues about partnership development and promoting a human rights ethos in our policing" (Ngantweni 2014).

DISCUSSION

It appears from the media reports, literature and experiences of the police officers that in a democracy such as South Africa, we still need to do a lot more work to ensure that democratic policing is implemented to the satisfaction of all citizens. In spite of the operational strategies and legal reforms that have been implemented in South Africa, South Africans continue to experience unacceptably high levels of violent crimes. Critics argue that there should be behavioural change and attitudinal change on the part of the police and communities (Marks 2003). It is evident from the research results that the primary failures in policing violent crimes in a democracy are as follows:

- **Absence of Community Involvement**. The restructuring of SAPS should be done in consultation with the community. The needs of the broader community should be considered in the restructuring process (Newham 2005). Structure should follow strategy, rather than the opposite. The top-heavy restructuring of SAPS was also criticised by suspended National Commissioner Phiyega (Prince and Msomi 2015).
- **No-service Style of Policing**. SAPS is fundamentally a civil service and not a military force. According to Van Heerden (1982), the military style of policing based on the Hopkins War Theory has an obvious affinity with the quasi-military nature of policing and the belief that the police are the first line of defence against the criminal (Van Heerden 1982). The South African Police Force was always associated to the military style, because of its structure, training and weapons (Newham 2005). Unfortunately, this military

style of policing was reinforced by the leadership in 2009 (Khobane 2010).

- **Trained Incompetence**. The training does not concentrate on developing, at an individual level, an apolitical, neutral and professional police official. It ought to be determined if the incompetence lies with the facilitators/lecturers or within the curriculum or tutoring policy (Govender 2010).
- **Displacement of Goals**. Displacement of goals emphasises a shift from the primary aim of maintaining law and order to reinforcing secondary and administrative functions. Working with lateral appointees with no police training and experience poses a challenge to police officers. The daily challenge for the police official at police station level is to conform to the bureaucratic virtuosity and still concentrate on day to day policing, doing his/her best to satisfy the communities at large (Govender 2010).
- **Closed Structure**. SAPS may be regarded as a closed structure because it operates in isolation from the external environment. It seems unaffected by the increase in violent crimes and the media reports on police brutality. The organisational hypersensitivity to all forms of criticism, whether internal or external, intensifies secretiveness and there is further loss of contact with the external milieu (Crystal 2016).
- **The Doctrine of Minimum Force Is Not Encouraged**. The police are statutorily bound to the doctrine of minimum force. Public support will be in favour of the police if they show restraint when attending to criminal incidents. The doctrine remains a key behavioural element of professional policing. Strict adherence to this important doctrine is vital. It must be accepted that the rule of law remains supreme (Council for the Advancement of the South African Constitution 2015).
- **Violation of Personal Rights**. It is a challenge for the police official to ensure that he/she upholds the rule of law, after years of arbitrary policing powers since the apartheid era. The South African Constitution safeguards individuals against any practice that degrades his/her status, restricts his/her freedom, or annoys or harasses him/her. The Constitution protects the individual against unlawful search and seizure of property;

unlawful arrest, imprisonment or detention; and enforced confessions or obtaining admissions through illegal methods. In so doing, it helps to preserve democratic values in a democracy (Council for the Advancement of the South African Constitution 2015).

The researcher conceptually analysed the following strategies to help reduce violent crimes in a democracy such as South Africa.

Strategy 1: Violent Crime Risk Assessment

A Violent Crime Risk Assessment control document for violent crimes should be designed and developed for each police station area in South Africa. It should form the basis for the development of strategies to reduce violent crimes (Lavoie et al. 2009).

Strategy 2: Policing models

Community Crime Prevention

Community activities in crime prevention should be reinforced through community based participatory activities and public education. This will help reduce violent street crimes in society. Public education should take place at community police forums, schools, workplaces and at religious institutions (Tulane University 2015).

Interdepartmental Teams

A multi-agency approach should be introduced to address the biological, psychological and social factors giving rise to the violence and abuse. Counselling and treatment for both the perpetrator and the victim, where necessary. There should be a shift from reaction to prevention (Thorpe 2014)

Specialised Units

The SAPS Detective Branch should consist of specialised units with specialised skills to address different forms of violent crimes and to provide incident response with greater consistency (Burger 2015).

Strategy 3: Crime Intelligence Led Policing

Policing informed by crime intelligence entails getting to know the enemy's activities. The focus should be on preventing violent crimes at hotspots and flashpoints, and using informants, undercover agents and unconventional investigation methods to identify transgressors, target offenders who are responsible for multiple transgressions and share information with private security companies (Govender 2015).

Strategy 4: International Relations and the Harmonisation of Legislation

It is important to build good international relations and ensure the harmonisation of laws (Newburn et al. 2008).

Strategy 5: Education and Training

Education and training is important to improve the proactive and reactive policing of violent crimes in a democracy (Newburn et al. 2008).There should therefore be greater emphasis on personal skills and on the handling of conflict (Van Eyk 1993). There should be an education and training programme directed at improving the efficiency of every police official (Govender 2010).

CONCLUSION

The populace view in South Africa is that our laws have substantially changed for the better. The Constitution of the Republic of South Africa protects the rights of all South Africans by ensuring that all are treated equally before the law. In reality this has been very difficult to achieve. South Africans have seen increases in the most serious categories of violent and organised crime with very little strategic direction from police leadership. This is seen as one of the primary failings of police leadership.

RECOMMENDATIONS

Smarter and more accountable policing is the answer for reducing violent crime in a democracy. The Community should become more involved in reducing opportunities by conducting risk assessments on their homes, businesses and the social environment. The police alone cannot reduce violent crimes. It requires that SAPS work more closely with other state institutions, business and the community. The right calibre of police officers should be recruited and

equipped with democratic policing knowledge, skills and attitudes. The police should work with all stakeholders to find solutions to problems in policing. Police officers should see themselves as protectors of the constitutional rights of individuals.

ACKNOWLEDGEMENTS

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