

Conference report National and international perspectives on crime and policing

Towards a coherent strategy for crime reduction in
South Africa beyond 2010



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Foreword

In December 2010 the Crime and Justice Programme of the Institute for Security Studies held the first of what we hope will be an annual conference to explore issues relating to crime and its prevention. The conference, titled 'Towards a coherent strategy for crime reduction in South Africa beyond 2010', brought together researchers, academics, criminal justice practitioners and policymakers to discuss and debate the latest research findings from South Africa and elsewhere.

Crime, particularly violent crime, is a deeply complex problem, with multiple causes and 'solutions'. Identifying 'what works' and what doesn't in reducing violent crime, improving policing practices, and supporting victims is no simple task. It is also rare to find agreement amongst 'experts' about what the priorities are and how the problem of crime should be theorised about and tackled. Yet, it is vital that researchers, academics, practitioners and policymakers have opportunities to hear different perspectives, weigh the evidence that is available from research and forge relationships through networking. Such forums also help us to refine our thinking and research agendas.

This publication – a peer-reviewed collection of ten papers presented at the conference – represents a small sample of the numerous papers delivered on that occasion. The remaining papers were not included because they will be published elsewhere in the course of 2011, for example in the *South African Crime Quarterly*.

The papers in this collection present data and theory about the factors that contribute to causing crime and its reduction; and consider issues relating to policing.

In the first contribution Keith Soothill and Brian Francis consider four theories about what could reduce crime. They then reflect the debate that raged about why crime rates fell in the early 1990s, most notably in New York, but also in other Western countries. They draw together the theory and evidence to reach the conclusion that if we are to reduce crime, 'the pivotal issue is whether one can develop a society in which all persons feel that they have a stake and, thus, develop internal controls to resist crime. The development of more prisons and more intrusive policing – measures of external controls – is a sad reflection of a failure to do this.'

Closer to home, Michael O'Donovan takes on the debate about whether poverty or inequality are to blame for the high rate of property and violent crime in South Africa. The findings of his statistical analysis suggest that the urban spatial planning and development that historically separated South Africans by race, and also by income level, and which is yet to be reversed in any significant way, is one of the factors that drives property crime.

Jean Redpath presents the findings of a victimisation survey which was complemented by focus group discussions in Galeshewe (in the Northern Cape). The results of the research reaffirm the findings from other studies that single, young men are disproportionately both the victims and perpetrators of crime. The findings offer further interesting and sometimes counter-intuitive insights into the dynamics of crime and victimisation in Galeshewe and demonstrate the utility of local victimisation surveys for informing strategies to reduce crime.

Kopano Ratele and his colleagues from the Medical Research Council present data from the National Mortuary Surveillance System collected between 2001 and 2006. They consider what the data can tell us about male homicide victimisation in four South African cities where male homicide rates are high.

Malose Langa's work with young men from Alexandra township in Gauteng offers important insights into the views and experiences of those who choose not to accept dominant notions of masculinity characterised by risk-taking, violence, and displays of machismo. Given the high levels of young male victimisation and crime perpetration in South Africa, this research is unfortunately a rare example of work being undertaken towards developing an understanding of the formation of masculine identity in urban spaces. It is hoped that this paper will stimulate discussion about how that gap can be addressed.

David Bruce has been conducting research and writing about policing in South Africa for more than a decade. His analysis of the effect of the dominant hardline approach to policing and crime adopted over the past two years in South Africa should provide police managers with pause for thought. Indeed, his paper raises serious concerns about whether we are sliding backwards towards the kind of abusive policing that was characteristic of apartheid. He shows that improving policing and addressing crime cannot be achieved through the unrestrained use of excessive force and while police display disregard for the human rights of civilians and crime suspects.

Sanja Kutnjak Ivković and Adri Sauerman write about the ongoing challenge of police corruption in South Africa. They draw on the results of a survey amongst police officers from seven provinces which sought to shed light on the 'code of silence' that prevents policemen and women from reporting corrupt activities of their colleagues. Their work adds to the body of research on the conditions that allow police corruption to flourish and the constraints to dealing with it effectively.

Elrena van der Spuy's paper makes a welcome break from the serious and troubling issues related to South African policing raised by the preceding papers. Rather, she offers an insightful and thought-provoking analysis of policing practice during the FIFA World Cup and why it was such a success.

Changing subject and continents, the publication concludes with two papers by US academics, Sheldon Zhang and Gabriella Sanchez. Zhang has conducted research amongst sex workers in the Mexican border town of Tijuana to determine the nature of women's experiences in the industry and how they got there. He interrogates the utility of the concept of trafficking in reflecting the lived experiences of sex workers. His research findings are in fact very similar to the findings of research undertaken by the ISS and the Sex Workers Education and Advocacy Taskforce in Cape Town in 2008 and 2009. As such his paper contributes to our understanding of the complexity of dealing with sex work through regulation and law enforcement in a reasonable, fair and humane manner, while protecting those who suffer exploitation and abuse. Gabriella Sanchez contributes to this discussion by reflecting the experiences of migrants in Arizona. She argues that the focus on human trafficking by law enforcement agencies and politicians has opened the space for violations of migrant workers' rights and resulted in increased marginalisation and stigmatisation of this vulnerable group.

The publication spans a wide range of topics that I hope are of interest to all readers who have an interest in crime prevention and policing. I believe that it is an important contribution to the discourse about crime and policing in South Africa. I hope you will too.

Chandré Gould
April 2011

Considering paradigms of crime reduction in different contexts

Keith Soothill and Brian Francis*

ABSTRACT

This paper consists of three parts. First we focus on four theoretical perspectives of crime reduction and consider the implications of the longitudinal study by Soothill et al.¹ These 'paradigms' relate to parental child-rearing methods; structural factors of the family during adolescence; geographical segregation; and individual resource deficits. They are considered risk factors for first-time convictions for shoplifting, burglary and violence. Each offence type is considered separately.

The second part focuses on the debate about 'why crime rates fell' in many developed countries and the type of explanations put forward. The main authors considered are Conklin,² Levitt³ and Zimring.⁴ We point to the remarkable contrast between the factors discussed in the first part of the paper and the factors discussed by these authors who emphasise, among others, the importance of an increased prison population and an increase in the number of police officers.

The final part of the paper connects the different sets of results presented in the first two parts. We maintain that the pivotal issue is whether one can develop a society in which all persons feel that they have a stake and, thus, develop internal controls to resist crime. The development of more prisons and more intrusive policing – measures of external controls – is a sad reflection of a failure to do this.

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INTRODUCTION

This paper consists of three parts in considering the issue of crime reduction. First, we focus on theoretical perspectives of crime reduction and then we engage in the debate about 'Why crime rates fell' in many Western countries. The final part tries to connect what seem to be rather different sets of results presented in the first two parts.

Elsewhere⁵ we have stressed how over the past century or so, criminology has been the crucible for generating various theories about criminal behaviour. There has been an important tradition in developing perspectives that are directly relevant to the issue of crime reduction. Scholars such as Hope⁶ and Kahn⁷ have tried to put some order into the tremendous range of perspectives which have special relevance to crime reduction. This paper considers four paradigms derived from this body of work: a focus on parental child-rearing methods; a focus on structural factors relating to the family during adolescence; the notion that criminal behaviour is linked to localities/neighbourhoods; and, finally, a focus on the resource deficits of individuals.

Our own recent work⁸ assesses which of these perspectives or paradigms is the most important if one is trying to reduce first-time offending for specific offences. We use Denmark as our social laboratory as that country has a particularly rich source of administrative data which has enabled us to test which of the paradigms are likely to be the most effective in reducing crime in a country.

This last phrase, 'in a country', is crucial, for we are not confident that the results in one country necessarily transfer to the experience of other countries. In other words, the social and cultural contexts of different countries may also be pivotal in thinking about crime reduction. What is appropriate in one country may not be appropriate in another. Nevertheless, the experience of one country may still be helpful in providing clues as to the way forward in another country. It provides a way of thinking about crime reduction.

The second part of the paper considers a different tradition that again has a long history, but has come to the fore in the last two decades as the discussion about the apparently falling crime rates in the Western world has come to public notice. Here, the focus is on what we can *do* to deviants in terms of social control – that is, what are the effects of more policing, what if we imprison more offenders and so on. In other words, this discourse is much more about the social *response* to crime than about the characteristics and, indeed, the problems of the offenders themselves. Of course, the two discourses are not quite as separate as indicated and there may be some overlap. Journalists and politicians from time to time deplore the so-called break-up of the family which relates to child-rearing patterns, while calling for more police to deal with public disorder caused by youngsters roaming the streets late at night. Nevertheless, one can analytically distinguish between these two rather separate traditions. The third and final part of the paper considers what the connections are, if any, between these two approaches to crime reduction and whether it is more appropriate to identify connections rather than conflict between the two traditions.

Perspectives of crime reduction: lessons from Denmark

Our work⁹ has focused on the following four major and well-known paradigms for crime reduction:

- Relating to parental child-rearing methods
- Relating to structural factors relating to the family during adolescence
- Relating to localities/neighbourhoods
- Relating to individual resource deficits

A crucial issue is whether these apparently competing paradigms make specific or independent contributions to the explanation of criminal behaviour and, thus, to crime reduction. Understanding the relationships between the various paradigms helps to identify the most appropriate focus in attempting to reduce crime.

In theorising about crime there has been a tendency to consider the onset of general offending behaviour. We contend that the start of each of the forms of criminal activity may have different precursors. In our study we chose to focus upon three types of crime – violent offences, shoplifting, and burglary – which have widespread prevalence. They are essentially crimes open to all in the sense that they can be committed by anyone – unlike, say, embezzlement (where employment is a prerequisite) or drink-driving (where access to a car is a prerequisite). With no such structural constraints, the interest is whether the various paradigms have the same explanatory power for each of these three offences. *In short, are there different precipitating factors for the onset of these three offences?*

We need to stress that focusing on risk factors has its problems.¹⁰ For example, some risk factors (for example, parental substance abuse, child-in-care) are comparatively infrequent. Therefore, it takes large samples to study the associations in order to disentangle potential confounding effects. For this reason, *national* birth cohorts that provide large numbers to analyse are particularly helpful. In our earlier paper we probed a *national* cohort of males born in 1980 and who were registered and living in Denmark on 1 January 1994; this cohort was followed up to the end of 2005. Hence, it excludes all males born in Denmark in 1980 but who emigrated or died prior to the ‘census date’ of 1 January 1994. However, the series includes males born in 1980 who immigrated into the country before 1994. For this study national administrative registers with information based on each individual’s contact with public services, together with their parents and other family members, were linked together by the use of a unique personal identity number.¹¹

We identified three potentially confounding variables – gender, Danish citizenship and prior convictions – which correlate with both the outcome variables and the paradigm risk factors and which needed to be controlled for. We controlled for gender by limiting the study to males.¹² The latter two were controlled for by including them in the statistical models, but they do not have a risk factor interpretation as these variables cannot be used for determining crime reduction policies. Age was controlled for by the use of a specific statistical method – discrete time Cox modelling – which fits a separate parameter for each age.

The outcome factors were the first-time conviction of the three offences of interest – violent offences, shoplifting, and burglary. Analyses were carried out using the total national birth cohort, which includes 29 944 males and their parents.¹³ Among those born in the year 1980, the number of males who by the end of 2005 were convicted of shoplifting was 1 989, those convicted of burglary was 1 324, while 1 901 were convicted of violence. For the crime of shoplifting, the numbers may seem low but the focus here is on convictions – lesser crimes, such as shoplifting, are likely to have court diversionary procedures, such as cautions. For each offence, the occasion of their *first* conviction for that offence is considered. Convicted males could be members of more than one of these three series.

The statistical method used – a form of discrete time Cox analysis - allows individual changes in risk factors over the life course to be assessed.¹⁴ Here we present some examples showing the relationship between the risk factors and the paradigms. So, for example, child abuse or neglect is shown as a variable relevant to Paradigm 1 (relating to parental child rearing methods), while ‘didn’t pass basic schooling level’ is a variable directly relevant to Paradigm 4 (relating to individual resource deficits).

In fact, although a rich dataset, the availability of appropriate data is always a constraint. Hence, some of the paradigms are represented by a fuller list of risk factors than others – for instance, Paradigm 1 had ten risk factors, but Paradigm 2 had only five risk factors. Hence, the available risk factors may not fully reflect the virtues of a particular paradigm and so one cannot too readily pronounce the demise of a particular paradigm.

The following is a summary of results:

- All the four paradigms examined seemed to make a contribution towards explaining crime and criminal behaviour in Denmark.
- Some risk factors seemed to have stronger links with particular offences. So, for example, under the ‘parental child rearing’ paradigm, ‘domestic violence’ has a stronger link to violence; ‘children being in care’ has a stronger link with burglary; and ‘family separation’ has a stronger link with shoplifting. Why this seems to be the case is not clear from the analysis, but it does suggest that different variables may influence the development of certain kinds of offending behaviour.

Table 1 The relationship of risk factors and paradigms

Risk factors	Paradigms			
	1	2	3	4
<i>Social background</i>				
Parental substance abuse	X			
Parental mental illness	X			
Domestic violence	X			
Parental suicidal behaviour	X			
Child abuse or neglect	X			
<i>Family background</i>				
Child in care ('looked-after children')	X			
Family separation	X			
<i>Intergenerational transfer</i>				
Mother teenager	X			
Mother convicted	X			
Father convicted	X			

<i>Educational qualifications of parents</i>				
Mother has no vocational qualification		X		
Father has no vocational qualification		X		
<i>Parental employment and poverty</i>				
Parental unemployment > 21 weeks		X		
Poverty (<40% of median income)		X		
Parental disability pension		X		
<i>Disadvantaged area</i>				
Disadvantaged area			X	
Rented housing (not self-owner)			X	
<i>Individual resources</i>				
Unemployment > 21 weeks				X
Didn't pass basic schooling level				X
Not in process of training or education				X
Not graduated				X
Poverty (<50% of median level)				X
Psychiatric disorder				X
Attempted suicide				X
Drug addicted				X
Alcohol abuse				X

Notes

Paradigm 1: Parental child-rearing methods

Paradigm 2: Structural factors relating to the family during adolescence

Paradigm 3: Neighbourhood characteristics

Paradigm 4: Individual resource deficits

The advocates of these various paradigms can take heart from the fact that all can be shown to make some contribution to the explanation of criminal behaviour and, thus, to crime reduction. However, the point that some paradigms may explain more than others is crucial in discussing strategies for effecting crime reduction. In short, there is likely to be more widespread benefit in focusing on structural issues within a society which have widespread impact (such as unemployment and the lack of vocational qualifications) rather than the more individual deficits (such as a psychiatric disorder or even drug addiction) that may affect fewer people.

We carried out a counterfactual analysis (for example, Canache et al¹⁵) to try to quantify how many of the number of first time offenders of a particular type (for instance, 1 989 shoplifters, 1 324 burglars, or 1 901 violent men) are 'caused' by a given risk factor. This approach is controversial but it does provide an estimated reduction in the numbers becoming an offender of a particular type (that is, of shoplifting, burglary or violence) if a given risk factor is assumed not to be present and assuming that the relationship is directly causal. Table 2

provides some examples indicating that, if, for instance, ‘domestic violence’ was eliminated, while all other background characteristics remained constant, then the outcome would have the greatest impact on crimes of violence. In contrast, if being in care (that is, children who are the responsibility of the state in terms of their child care) was eliminated, then the outcome would have the greatest impact on the offence of burglary. However, these reductions are comparatively minor compared with the impact of eliminating the variable ‘not graduated’ where the reduction numbers seem potentially huge and which seems especially relevant to the offence, so eliminating around one-half of the violence offenders. It needs to be recognised that the causality here is especially suspect as individuals graduating are likely to have more personal resources – which are not represented in the model – than those not.

Table 2 Examples of direct counterfactual reductions in crime when certain risk factors are eliminated

Risk factors	Direct counterfactual reduction in offenders for specific offences		
	Shoplifting	Burglary	Violence
Domestic violence	89	79	148
Child in care	145	202	66
Family separation	380	261	381
Not graduated	647	831	985
Total first convicted	1 989	1 324	1 901

The counterfactual approach is by no means watertight, but gives valuable insights, providing a guide as to what seems worth concentrating on in order to achieve widespread reductions in the crime rate. However, ours is not a popular conclusion for at least two reasons. Firstly, there needs to be the recognition that there is no ‘easy fix’ or ‘magic bullet’ which is on offer to reduce crime. Secondly, focusing on structural issues within society – which we argue would have the greatest impact on crime reduction – are potentially more costly to implement economically than focusing on individual needs with some limited psychological interventions.

So what happens in terms of explanations when a country genuinely seems to have a reduction in crime rates? What are the explanations called upon? What are the reasons posited? That is the focus of the second part of this paper. In moving to this new focus, we also change our examination from convicted offenders to police recorded crime.

The debate about ‘why crime rates fell’ in the United States and Canada

It is not just one country that has recently experienced a fall in crime rates – the crime rates in many countries appear to have fallen. We use the word ‘appear’, for it could be that people have lost faith in the criminal justice system and are simply not reporting crimes to the authorities. If this happens, then there is an apparent fall in the crime measured by official statistics. However, while that certainly can happen, it seems an unlikely explanation in this case. The phenomenon of falling crime rates seems too widespread. Many countries are reporting a fall in crime rates and, specifically, several are pointing to a fall in the homicide

rate, which is usually considered to be a more reliable measure than most crime indices and also tends to be used as a measure of the stability of a country. First, however, what is the evidence of a fall in crime rates?

A fall in crime rates?

Not unusually, international interest in this topic was sparked by events in the United States. It has been stressed by many commentators that during the 1990s the United States experienced the most dramatic decline in the rate of crime per 100 000 inhabitants since World War II. This fall in crime rates had not been predicted but there is little doubt that it happened. According to the FBI's *Uniform Crime Report*,¹⁶ from 1990 to 2000 the rate of crime per 100 000 inhabitants in all of the seven main categories of crime decreased dramatically in the United States, ranging from 23% in the case of larceny to 44% in the case of aggravated assault. Homicide rates plunged by 43% from the peak in 1991 to 2001, reaching the lowest levels in 35 years.¹⁷ Commentators such as Zimring¹⁸ even suggested that these numbers may be an underestimate of the decrease in crime rates because the household survey carried out by the Bureau of Justice Statistics estimated general decreases between 44% and 65%.

The fall prompted much interest at both academic and public levels. Two important books – John E Conklin's *Why crime rates fell*¹⁹ and Franklin E Zimring's *The great American crime decline*²⁰ – have probably provided the most sustained analysis of the situation in terms of general crime rates. Both Conklin and Zimring focus on the United States, but particularly on New York City, where the decline was twice as great as the national average. In addition, an influential article by Steven Levitt was published in the *Journal of Economic Perspectives*.²¹ Conklin's and Levitt's accounts focus almost exclusively on the United States, while Zimring notes the equally dramatic decreases in crime rates in Canada. In Canada, during the same period, all of the seven main categories of crime saw dramatic rate decreases, ranging from 13% in the case of robbery to 62% in the case of serious assault. Zimring's focus on Canada is important as his comparison of Canada and the United States proves crucial in challenging some arguments based on the United States alone. However, the narrow focus on North America (that is, the United States and Canada) only sidelines the scale of the decline in the Western world (England and Wales, for instance, experienced almost a decade of falling crime although the start date of the decline came later, from the mid-1990s). The insistence on focusing on North America also undermines the recognition that explanations pertinent to the United States may not have a wider application. As Zimring notes, the experience of the United States is not so unique as some commentators have seemed to suggest.

Explanatory theories

There has been no shortage of explanatory theories about the fall in crime rates in the United States. Some point to increased incarceration rates, whilst others ascribe it to the booming economy. Some appeal to changing demographics, whilst others credit the increased access to legal abortion. The problem has been that these explanations (and the many others) have not been examined systematically, though headline writers have enjoyed using the wide range of possible explanations. In short, the media have been able to cherry pick and place before their readers and viewers those explanations which are more likely to appeal to popular prejudices. In contrast, actual evidence is in short supply and this is the knowledge gap which Conklin, Levitt and Zimring address in their various ways.

Media interest

Levitt²² usefully presents a list (see Table 3) of the most frequently cited reasons for the crime decline cited in major newspapers over the period 1991-2001. Levitt explains that ‘the single most frequent explanation given is the innovative policing strategies put into place. The crime decline is also frequently attributed to increased imprisonment, changes in the market for crack cocaine, the aging of the population, tougher gun control laws, the strong economy, and increases in the number of police.’²³

Table 3 Media explanations for the decline in crime in the 1990s, ranked by frequency of mentions

Explanation	Number of mentions
Innovative policing strategies	52
Increased reliance on prisons	47
Changes in crack / other drug markets	33
Aging of the population	32
Tougher gun control laws	32
Strong economy	28
Increased number of police	26
<i>All other explanations</i>	34

Source: Based on a LexisNexis search of articles written about the national decline in crime in leading United States newspapers over the period 1991–2001.²⁴

Types of explanation

Before considering the evidence, it is useful to note the types of explanations which are seriously discussed by the three sets of commentators – Conklin,²⁵ Levitt²⁶ and Zimring.²⁷ In trying to answer the question: ‘Why did crime rates fall in the 1990s?’, Conklin focuses on the police, the prisons, drugs, firearms, age structure, institutions and community, while Zimring mainly considers the increase in incarceration rates, the decrease of young males as a percentage of the population, and the booming economy. Levitt considers ten factors and presents six commonly suggested and plausible theories – the strong economy of the 1990s; changing demographics; better policing strategies; gun control laws; laws allowing the carrying of concealed weapons; increased use of capital punishment – but he maintains that in practice they do not appear important in explaining the decline of crime rates. In contrast, he identifies four factors – increase in the number of police; the rising prison population; the receding crack epidemic; the legalisation of abortion – that he maintains explain the decline in crime.

Levitt also indicates the estimated contribution of various factors to the decline in crime in the 1990s. In addition, he shows what he calls the ‘certainty level of estimated impact’ giving his appraisal of how speculative the estimates are for each of the factors considered. In fact, focusing on homicide, violent crime and property crime, he considers the percentage change that each factor accounts for over the period 1991–2001. So, for example, there is a

43% downward change in the UCR reported crime for homicide over the period 1991–2001. Levitt maintains that four factors – increases in the prison population, legalised abortion, increases in the number of police and the decline of crack – contribute 12%, 10%, 6% and 5,5% respectively, and so adding cumulatively to 33,5% (with just 10% of the decrease ‘unexplained’).

In terms of ‘certainty level of estimated impact’, Levitt places ‘increases in the prison population’ in the HIGH certainty level, ‘increases in the number of police’ and ‘legalized abortion’ in the MEDIUM certainty level, and ‘the decline in crack’ in his LOW certainty level. Levitt’s careful accumulation of evidence about the various factors seems very impressive.

Conklin’s work had both an impact at the time and continues to get media coverage. Recently, in an article in *Time* magazine entitled ‘What’s behind America’s falling crime rate’, Von Drehle notes that, ‘In his book *Why Crime Rates Fell* ... John Conklin concluded that up to half of the improvement was due to a single factor: more people in prison.’²⁸ While there is a bit of media hyperbole, the statement does not fundamentally distort Conklin’s position. Conklin concludes that ‘on the basis of the evidence examined in this book, I believe that the rising rate of incarceration was probably the most important reason that crime rates fell after 1991.’²⁹ This conclusion comes after a discursive examination of various other factors.³⁰ Conklin’s conclusion comes close to Levitt’s conclusion, except that Levitt strongly promotes his espousal of the importance of legalised abortion. The argument about the effect of legalised abortion made by Levitt states that the underlying theory essentially rests on two premises: unwanted children are at greater risk of crime, and legalised abortion leads to a reduction in the number of unwanted births.³¹

In his book Conklin mentions Zimring’s earlier conversion to recognising the validity of the declining crime rates in the United States. In 1997 Zimring is cited as saying: ‘I have been a sceptic. But now, because of the length of the decline, its magnitude and the number of places it is occurring, I think I am experiencing a foxhole conversion.’³² Ten years later Zimring published his book which, in effect, challenges an emerging consensus.

Zimring stressed in his conclusions that his is ‘a book without a bottom line.’³³ Nevertheless, he points to the combination of increased prison populations, a strong economy, and appropriate demographics as creating a very favourable condition for a decline in crime rates. The latter two elements are in contrast to Levitt, who argues that the economy and demographics make a negligible contribution.

In terms of adjudicating between the various contributions of Conklin, Levitt and Zimring, Zimring begins to be the more convincing simply on account of his recourse to a comparative analysis, which is methodologically interesting. Hence, Zimring finds that, although a historically high number of incarcerated persons and decreasing crime rates coincided during the 1990s in the United States, the same was not true for Canada, which experienced similar declines in crime rates. Canada’s prison population remained relatively stable, while the prison population in the United States grew significantly. In fact, by this type of analysis, Zimring systematically challenges other explanations so that he comes to the conclusion that no one explanation will be sufficient. To take another example: the booming economy explanation is seductive and Zimring certainly points to some empirical evidence to suggest there is a relationship between crime rates and economic growth. Curiously, however, while Canada experienced declines in the crime rate in the 1990s similar to the United States, Canada did not experience the same economic boom as the United States. In fact, Canada’s

unemployment rate was higher during the 1990s than it was during the 1980s when their crime rates increased. So perhaps – following Zimring – it is all much more complicated than these analysts sometimes seem to suggest.

Explaining the decline in the crime rates in the United States in the 1990s remains contentious, but there are at least three points to stress. These analyses of the falling crime rate in the US are important and are the type of issue which criminologists should be addressing. One needs to heed Zimring's 'euphoric fallacy' – that is, 'the urge to assume that declines are inevitably caused by human agencies', and to note the dangers of 'the more powerful the vested interests of criminal justice actors to see their efforts as a cause of the benefits of lower crime rates'.³⁴ Hence, advocates of the supposed success of the police and prisons are difficult to resist. One needs to recognise the methodological shortcomings of some existing work. Zimring has pointed to the importance of considering comparative work. However, he also points to the dangers of relying on policy based on work derived from 'some of the weaker statistical techniques associated with regression analyses over time'.³⁵ Nevertheless, as Conklin³⁶ notes, 'it would be quite surprising if the imprisonment of half a million more prisoners in 1999 than in 1991 had not affected crime rates.' We return to this issue in the next section.

Our next concern, however, is the remarkable contrast between the factors that were discussed in the first section of this paper – which focused on risk factors, such as those associated with social and family background, individual resources and so on – and the second section – which highlighted a rather different set of factors, including the importance of an increased prison population and an increase in the number of police officers. In other words, none of the commentators talking about the decline in the US crime rates speculates about improved child-rearing, that people are no longer living in disadvantaged areas or that people have accumulated more in individual resources which will help them to resist the temptation of crime. Such possibilities are not mentioned.

Connections rather than conflict between the two traditions?

We now need to try to connect what seem to be two rather different sets of results emanating from the first two sections of the paper. To some extent they can also be identified as emanating from two separate traditions – one stems from a more ameliorative tradition of trying to make things better for offenders and potential offenders, while the other stems from a more social protection/social defence tradition which considers what society must do to protect itself from harm and potential harm. How can these two sets of results and two traditions be reconciled in some way?

Firstly, there are some important distinctions that need to be recognised from the outset. The work outlined in the first section is at a micro-level focusing on individuals in a birth cohort. In contrast, the work outlined in the second section is more at the macro-level using aggregated rates. However, perhaps more importantly, there are very different constituencies being considered in the two types of analysis. Our work which we report on in section one focuses on the influences *prior to the first conviction*, while the work being reported upon in the second section largely focuses on crime in general where, as we shall see, the contribution of *persistent* offenders is crucial. Additionally, the first section focuses on those caught and prosecuted, whereas the second focuses on recorded crime, whether or not solved. These various constituencies need to be unpacked and, using estimated figures from England and Wales as an exemplar, one needs to consider the numbers in each constituency.

In other countries the proportions may be different from this example, but the underlying principles will remain sacrosanct.

In a famous study in which around four hundred boys from an area in the south-east of London (England) were followed up from early childhood to the age of 50, Farrington and his colleagues³⁷ found that 7% of the males in his series accounted for around half of all the convictions up to the age of 50. This finding has similarities with the estimate of Soothill et al³⁸ that around 4,7% of the males aged 10 to 46 in the population had been ‘persistent offenders’ at some point in their lives.³⁹ As Soothill et al⁴⁰ stress elsewhere, this figure is not static and one can identify certain trends and patterns that characterise the body of ‘persistent offenders’ in England and Wales. Age, however, is crucial: ‘Both male and female offenders’⁴¹ who are first convicted at a young age are much more likely to become persistent offenders than their older counterparts. Hence, there is merit in trying to target young offenders in attempting to break the offending cycle.⁴²

In fact, in England and Wales there is much more good news about offenders than is generally recognised. If we consider official conviction data, persistence seems to be a fairly unusual phenomenon, for most people seem to have only one court appearance. Indeed, of the 11 068 *convicted* persons in the 1953 Home Office birth cohort, 50,2% of males and 74,3% of females have only one appearance resulting in a conviction.⁴³ So, for most, one court appearance is, thankfully, the end of the story in terms of appearing in the official crime statistics. However, some, mostly males – as we have already indicated – go on to appear on many occasions. Of those males convicted at least once in the 1953 cohort, 16,4% have a second court conviction but no more, while a further 22,5% have three or more.⁴⁴ Of course, when one includes females – who have a lower proportion of convictions – the figures of recidivists become lower.

Presenting the figures for England and Wales, one can therefore roughly say that out of every 100 persons, the following is likely to take place.

Box 1 Types of conviction history for every 100 persons born in 1953 in England and Wales

67 persons – not convicted	
17 persons – convicted once	} around 50% of all convictions
5 persons – convicted twice	
8 persons – convicted three times	
3 persons convicted four or more times	} around 50% of all convictions

The actual proportions are likely to vary from country to country, but the principles will remain the same. In confronting the figures presented in Box 1, there are at least three major tasks:

- 1 Making the group who are *not* convicted at all (currently around 67%) as large as possible. This is the issue of **onset**.
- 2 Making the group who are convicted (currently around 33% of the population) be only one-time offenders, rather than becoming persistent offenders. This is the issue of **recidivism**.

- 3 Dealing with the group who are convicted on four or more occasions (around 3%⁴⁵ of the persons who contribute around 50% of the total *convictions*). This is the issue of **persistence**.

The general fallacy is to believe that these tasks can be addressed in the same way. In broad terms, the discourse relating to tasks (1) and (2) tends to focus on persons (that is, preventing persons from becoming offenders), while the discourse relating to task (3) largely focuses on offences (that is, reducing the number of offences). In fact, while seemingly different, both sets of discourses are *prevention* discourses – the first discourse focuses on trying to reinforce acceptable behaviour and, where appropriate, to change people, while the second discourse focuses on how to respond to persons who refuse to behave acceptably.

In theoretical terms, this distinction has been fully recognised in the development of the sociology of deviance. Edwin Lemert's famous distinction between primary and secondary deviance⁴⁶ is relevant. Lemert's primary deviance relates to questions of why persons commit deviance in the first place, while secondary deviance relates to questions of how and why persons persist in deviance (that is, the movement from the first to the second court appearance and, for some, a movement to subsequent convictions).

Our recent work has focused on primary deviance and has revealed that there is a set of influences which are useful in promoting good behaviour and/or making young people more resilient to bad influences. The calculations in this work relate to the increased likelihood of preventing a *first* conviction. While most of the favourable influences are likely to be more beneficial 'across the board', that is, in preventing all types of crime, we have also demonstrated that some of the influences are likely to be more beneficial in preventing some types of crime than others. In fact, in England and Wales, despite misgivings about the crime rate, we are remarkably successful in containing the crime problem. Seventeen out of 20 persons in the population will either have none or only one court appearance resulting in a conviction for a standard-list offence.⁴⁷ In other words, over four out of five persons contribute very little to the crime problem in England and Wales. While some youngsters (particularly males) may be troublesome for a while, they are not 'the crime problem'. However, in confronting 'the crime problem' in its initial stages, rather than proposing for more policing and more prisons to come into play, there is still scope for more normal positive influences, such as good parenting, good education and job opportunities, to be influential.

The interest for 'liberal criminologists' is to increase the proportion of the population who will have no or only one conviction. However, one needs to recognise that trying to get fewer to be convicted at all (that is, increasing the figure of 67% who are not currently convicted) is a very worthwhile goal, but presents a long-term effort. Changing social circumstances and improving life chances are not things that can be altered overnight. In short, the results and outcomes are likely to be generational rather than instant.

An alternative approach – which is essentially what Conklin, Levitt and Zimring are embracing – is to focus on how to deal with the 3 in 100 persons who at some stage in their lives are actively involved in crime (that is, those who have four or more convictions). There are various ways of dealing with this 'crime problem', but there has largely been an emphasis on the social response to crime – how we police people, whether we imprison more people and so on. The discourse is not about changing people, but about containing people – whether by increased police observation or by removing people from society.

Importantly, however, increased police observation and removing people from society are activities that can be altered overnight. The outcomes may be more immediate but the consequences may also be generational in the sense of adversely affecting the life chances of their children.

In short, it would be unwise to deny that implementing more draconian measures on certain targeted groups can have an impact. Targeted groups can be operative, because a comparatively low proportion of people commit a lot of crime. However, having said that, no one is all that skilled in predicting which of the persons convicted on, say, two occasions will go on to be reconvicted on several more occasions. In short, the curse of prediction is the likelihood of false positives – that is, lots more persons are likely to end up in prison than need to on grounds of public protection.

It is at this point that one needs to raise the issue of social cost. Again the recent article in *Time* magazine provides a vivid clue:

‘Increased sentencing in some communities has removed entire generations of young men from some minority communities,’ says San Francisco police chief George Gascón. ‘Has that been a factor in lowering crime? I think it probably has. I think it also probably has had a detrimental effect on those communities.’⁴⁸

The article goes on to vividly remind us that:

Prison is expensive, demoralizing and deadening ... Prisoners leave saddened parents, abandoned mates, fatherless children. Of course, in many cases, those families are better off with their violent relatives behind bars. But a court system that clobbers first-time offenders with mandatory sentences – sometimes for non-violent crimes – will inevitably lock up thousands of not-so-bad guys alongside the hardened criminals.⁴⁹

In short, the unintended consequences of imprisoning more and more people need to be both recognised and addressed. The social and economic costs are enormous – indeed, involving the next generation in a deleterious way, for many of the persons imprisoned have children who will suffer.

Wanting low crime rates is, of course, understandable, but the social cost of achieving that goal in a particular way must be taken into account. In fact, there is no doubt that one can manufacture low crime rates. Many totalitarian countries seem to have low crime rates, but living in such countries may be a high price to pay. What democratic countries, in contrast, should be hoping to achieve is a populace that exercises *internal* control (in other words, they want to conform).

Wanting to conform means that people recognise that they have much to lose if they fail to conform. Social control theorists – a set of theorists not yet considered in this paper – have much to tell us about why persons might develop the option of choosing crime and deviance. In fact, social control theory has long history. As Box⁵⁰ pointed out, it was Hirschi⁵¹ who first suggested, and found empirical support for, the argument that there are three elements in social bonding – attachment (‘a human being’s capacity to become affectively involved with another person and hence sensitive to his/her thoughts, feelings and expectations, particularly in regard to their relevance for his/her own behaviour’),⁵² commitment

(‘commitment refers to the *rational* element in the social bond. This concept enables us to make adequate allowance for the fact that most individuals do not persist in lines of activity unless there is something in it for them, even if that something is the negative reward of avoiding severe costs’)⁵³ and beliefs (that is, ‘the human capacity to evaluate and take a stand on moral and social issues’).⁵⁴ Hirschi’s point is that ‘if these fail to develop or are broken, then the individual has an option of choosing deviance.’⁵⁵ Sadly, it seems evident that the social bonds of around three in 100 persons in England and Wales who together contribute around one-half of the total convictions have failed to develop or have been broken. Without any intervention in relation to this group the outcomes are clearly disastrous for society – that is, more crime. The intervention of incapacitation, among other things, may well produce results in terms of lower crime rates. However, this is a solution which produces permanent outcasts who must be locked up for long periods. The real failure with this group has been much earlier, that is, the failure to produce social bonding whereby *internal* rather than *external* control is operative.

The failure among criminologists such as Conklin, Levitt and Zimring is to recognise that criminals cover a wide range from those who have crossed the line for the first time to those who are hardened criminals. Their efforts have focused on social response issues such as policing and imprisonment, and pointed to ways of containing the problem of hardened criminals. However, their prescriptions are dire ones which rely principally on more *external* control, that is, more intrusive policing, more prisons, and so on. They neglect the focus on helping persons to build up their own stake in society and, thus, develop *internal* controls whereby they can resist the temptation to commit crime.

Finally, we wish to point to the most disappointing outcome of Zimring’s recent book. In his concluding chapter Zimring highlights ‘Seven lessons from the 1990s.’ Lessons 1 to 6 are unexceptional. However, Lesson 7 needs to be challenged:

Lesson 7: *Whatever else is now known about crime in America, the most important lesson of the 1990s was that major changes in rates of crime can happen without major changes in the social fabric*

While indeed it may be true that one can achieve lower crime rates by massive investments in measures of *external* control – that is, by high incarceration rates (the United States has one of the highest incarceration rates in the world) and more intrusive policing – is this the way that one wants a society to develop? Is it desirable? Essentially this approach disenfranchises a significant minority to penal waste bins and damages whole communities. The communities that are in trouble tend to have a vast range of other problems, such as health and housing, and it is myopic to see ‘the crime problem’ in isolation.

In fact, we wish to endorse the WHO’s *World report on violence and health*⁵⁶ – which espouses a public health approach to violence – and to widen it to crime in general. The crucial stance of a public health approach is to focus on prevention, that is, preventing diseases or illness from occurring rather than dealing with the health consequences. What this means is that a structural improvement in society will bring more gains (in crime, health and housing etc.) in the longer term than simply removing hardened criminals from society, which is a short-term solution.

CONCLUSION

In summary, our message is a simple one. It is dangerous to ignore the issues raised in the first half of this paper. They are principally directed at preventing persons becoming criminals in the first place. Failure to confront these issues will mean that there will continue to be more persons in the pool of offenders who might 'graduate' to becoming persistent offenders. The pivotal issue is whether one can develop a society in which all persons feel that they have a stake and, thus, develop *internal* controls to resist crime. The development of more prisons and more intrusive policing is a sad measure of the failure to do this.

NOTES

- 1 K Soothill, M N Christoffersen, M Azhar Hussain and B Francis, Exploring paradigms of crime reduction: an empirical longitudinal study, *British Journal of Criminology* 50(2) (2010), 222–238.
- 2 J E Conklin, *Why crime rates fell*, New York: Allyn and Bacon, 2003.
- 3 S D Levitt, Understanding why crime fell in the 1990s: four factors that explain the decline and six that do not, *Journal of Economic Perspectives* 18(1) (2004).
- 4 F E Zimring, *The great American crime decline*, New York: Oxford University Press, 2007.
- 5 Soothill et al, Exploring paradigms of crime reduction.
- 6 T Hope, *Perspectives on crime reduction*, Aldershot: Ashgate, 2000.
- 7 A J Kahn, From delinquency treatment to community development, In Paul F Lazarsfeld, W H Sewell and H Wilensky (eds), *The uses of sociology*, London: Weidenfeld and Nicolson, 1968, 477–505.
- 8 Soothill et al, Exploring paradigms of crime reduction.
- 9 Ibid.
- 10 For a detailed description of our methodology see Soothill et al, Exploring paradigms of crime reduction.
- 11 The population-based registers used in this study have been described elsewhere (M N Christoffersen, B Francis and K Soothill, An upbringing to violence? Identifying the likelihood of violent crime among the 1966 birth cohort in Denmark, *Journal of Forensic Psychiatry* 14(2) (2003), 367–381; M N Christoffersen, K Soothill and B Francis, Who is most at risk of becoming a convicted rapist? The likelihood of a rape conviction among the 1966 birth cohort in Denmark, *Journal of Scandinavian Studies in Criminology and Crime Prevention* 6(1) (2005), 39–56), but they are essentially the following: Population statistics; Medical register on vital statistics; Unemployment statistics; Educational classification module Social Assistance Act statistics; Integrated Database for Labour Market Research; Crime statistics, Income compensation benefits; Fertility database; National inpatient register; and National psychiatric register. After all the information had been linked, the personal identity numbers were erased in order to preserve anonymity. None of the participants was contacted, thus sensitive information was preserved without disturbing the involved individuals.
- 12 Focusing on males provides larger proportions who are convicted. In Denmark, only 8,3% of females are listed in the crime register by the age of 25 years (B Kyvsgaard, *The criminal career: the Danish Longitudinal Study*, Cambridge: Cambridge University Press, 2003). Furthermore, as a demonstration study, it was decided to consider males rather than females as criminological theories have traditionally largely developed with males in mind.
- 13 The children's personal identity number is the key which links the children to their parents whether they are living together, married, or not. Information from registers has been collected for each calendar year, and information about the child and the parents is combined to one record for each child.
- 14 Soothill et al, Exploring paradigms of crime reduction.
- 15 D Canache, J J Mondak and E Cabrera, Voters and the personal vote: a counterfactual simulation, *Political Research Quarterly* 53(3) (2000), 663–676.
- 16 See the FBI Uniform Crime Report data tool online at <http://www.ucrdatatool.gov/>.
- 17 Levitt, Understanding why crime fell in the 1990s, 163.
- 18 Zimring, *The great American crime decline*.
- 19 Conklin, *ibid*.
- 20 Zimring, *ibid*.
- 21 Levitt, *ibid*.
- 22 Ibid.
- 23 Ibid, 163.
- 24 Ibid, 164.

- 25 Conklin, *Why crime rates fell*.
- 26 Levitt, Understanding why crime fell in the 1990s.
- 27 Zimring, The great American crime decline.
- 28 David Von Drehle, What's behind America's falling crime rate, *Time*, 22 February 2010, <http://www.time.com/time/magazine/article/0,9171,1963761,00.html>, 1 (accessed 4 November 2010).
- 29 Conklin, *Why crime rates fell*, 200.
- 30 In his book Conklin considers explanations that propose the decline in rates was the result of :
- Less reporting of crime to the police, or less recording of crime by the police (Chapter 2)
 - A natural cycle in crime rates (Chapter 2)
 - More effective policing (Chapter 4)
 - More use of incarceration (Chapter 5)
 - Changes in the market for illegal drugs, especially crack (Chapter 6)
 - Changes in the attitudes of young people (Chapter 6)
 - Reduced access to, or use of, firearms (Chapter 7)
 - Changes in the age distribution of the population (Chapter 8)
 - Improved economic conditions (Chapter 9)
 - Increased participation in community organisations (Chapter 9)
- 31 Levitt, Understanding why crime fell in the 1990s, 181–182.
- 32 Conklin, *Why crime rates fell*, 4.
- 33 Zimring, The great American crime decline, 195.
- 34 Ibid, 41.
- 35 Ibid, 41.
- 36 Conklin, *Why crime rates fell*, 200.
- 37 D P Farrington, J W Coid, L M Harnett, D Jolliffe, N Soteriou, R E Turner and D J West, *Criminal careers up to age 50 and life success up to age 48: new findings from the Cambridge Study in Delinquent Development*, 2nd edition, Home Office Research Study 299, 2006, <http://www.psychblog.co.uk/ForensicPsych/OriginalStudies/16456515851247828851.pdf> (accessed 4 November 2010).
- 38 K Soothill, E Ackerley and B Francis, The persistent offenders debate: a focus on temporal changes, *Criminal Justice* 3(4) (2003), 389–412.
- 39 This figure is derived from using data from the Home Office Offender Index up to 1999, where Soothill et al (The persistent offenders debate) define a 'persistent' offender as having convictions for standard-list offences on at least four occasions over a maximum of 11 years.
- 40 K Soothill, C Fitzpatrick and B Francis, *Understanding criminal careers*, Cullompton: Willan, 2009, xv & 204.
- 41 In this paper we have not discussed female offenders in any depth. Soothill et al (The persistent offenders debate) estimate that only 0.4 per cent of the females aged 10 to 46 in England and Wales become persistent offenders as defined in note 39 above.
- 42 Ibid, 83.
- 43 See Tables 5a and 5b in J Prime, S White, S Liriano and K Patel, Criminal careers of those born between 1953 and 1978, UK Home Office Statistical Bulletin 4/01, 2001.
- 44 Again females are a contrast to males. For females, the figures are 12.3% having a second court conviction but no more, while only a further 5.4% have three or more. The difference between males and females shows the importance of considering males and females separately (Soothill et al, *Understanding criminal careers*, 81–82).
- 45 This estimate varies from the 7% indicated by Farrington et al (*Criminal careers up to age 50 and life success up to age 48*) as accounting for around half of all convictions in their series. However, their sample is drawn from a working-class area of south-east London. The proportion for the country as a whole is likely to be lower.
- 46 E M Lemert, *Human deviance, social problems and social control*, Englewood Cliffs, NJ: Prentice-Hall, 1967, 40–66.
- 47 Broadly speaking, the 'standard list' consists of all indictable offences and the more serious summary offences. Convictions for non-standard list offences can appear on the Offenders Index when they occur at a court appearance where there is also a finding of guilt for a standard list offence.
- 48 Von Drehle, *What's behind America's falling crime rate*, 2.
- 49 Ibid.
- 50 S Box, *Deviance, reality and society*, 2nd edition, London: Holt, Rinehart and Winston, 1981.
- 51 T Hirschi, *Causes of delinquency*, California: California University Press, 1969.
- 52 Box, *Deviance, reality and society*, 123.
- 53 Ibid, 128.
- 54 Ibid, 130.

55 Ibid, 123.

56 World Health Organization (WHO), *World report on violence and health*, Geneva: WHO, 2002, http://www.who.int/violence_injury_prevention/violence/world_report/en/ (accessed 26 October 2009).

The correlates of victimisation in Galeshewe and implications for local crime prevention

Jean Redpath*

ABSTRACT

During 2010 the Centre for Justice and Crime Prevention (CJCP) conducted a victimisation survey in Galeshewe, in Sol Plaatje Municipality (Kimberley). The variables explored included demographic ones such as age, gender and marital status; service delivery variables such as access to housing and water; and community participation variables such as participation in sport. Correlates of victimisation were explored by regression analysis and subsequently supplemented by qualitative data. The resulting analysis confounds some common assumptions regarding crime prevention and has important implications for local crime prevention in urban township contexts.

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INTRODUCTION

A safety plan for Galeshewe (population ca 100 000) in Sol Plaatje Municipality (Kimberley) was developed by the Centre for Justice and Crime Prevention (CJCP). This paper draws from the research report prepared for the municipality by the author on behalf of CJCP.

Galeshewe's rates of violent and violent economic crime are higher than both the South African average and the Sol Plaatje average. This suggests that the risk of violent crime is higher for people living in Galeshewe than elsewhere in South Africa, in keeping with the finding that urban township areas in South Africa are more at risk of crime.¹ However, such area-level analysis cannot tell us about risk at the individual level *within* such areas. What are the risks faced by individuals who live in Galeshewe relative to each other? This is the question this paper seeks to answer.

METHODOLOGY

CJCP conducted a survey of 800 respondents asking respondents whether they had ever been a victim of six categories of crime (theft, robbery, assault, burglary, hijacking and sexual assault). A number of variables related to the crime as well as demographics, service delivery and behaviour were recorded. Regression and multivariate analysis was carried out. Modified focus group sessions were also conducted with victims of crime selected randomly from crimes reported to police in the last year. Of 300 victims of crime invited, 39 attended sessions designed to record key information relating to the crime they had experienced. Finally, interviews were held with key informants from stakeholder organisations in Galeshewe to complement the survey results.

RESULTS

Overview

Correlates of victimisation emerged from the analysis which suggest that being a victim in Galeshewe is not random. Furthermore, characteristics frequently presumed to be 'good' or 'bad' at the area level were found to have different effects at the individual level. For example, while it is often theorised that social capital activities such as youth group and sports participation work to prevent crime at the area level, the analysis showed that at the individual level participation in these activities may increase the personal risk of individuals in areas such as Galeshewe. Similarly, the survey found that a range of service delivery variables expected by some theorists to have an impact at an area level, were generally found not to be significant at the individual level. These included:

- Living in a shack
- Living in a house
- Living in an RDP house
- Living in a household of four or more
- Going hungry
- Having a toilet in the home
- Being unemployed
- Having to collect water outside the home
- Living in a household which receives a social grant²

The findings suggest service delivery indicators are generally *not* a risk factor for individual victimisation in Galeshewe. This may seem counter-intuitive, particularly to those who espouse social crime prevention views. However, these results speak to the overall risk experienced by specific individuals in the Galeshewe context, and not to the impact of changes to the context, with which social crime prevention is concerned.

This is not to imply that improvement in service delivery will necessarily reduce crime rates. Universal social grant provision (desirable for reasons of redress, equity, etc.) may have negative consequences for crime prevention via increased disposable income for alcohol and drug use. However, this is beyond the scope of this paper. What the survey results do mean is that for any individual currently living in Galeshewe – given the current levels of, for example, social grant provision – whether their household receives a social grant has no impact on whether that individual is likely ever to be a victim of crime in Galeshewe.

The exceptions to the general irrelevance of service delivery indicators to *individual* risk in Galeshewe was that increasing distance from a police station was correlated with greater risk of victimisation of more than one type of crime:

- Long travel time to police station (>30 minutes) (12% v 8%) (50% increase in risk)

This suggests that in Galeshewe the proximity of the police is relevant to risk of victimisation at the individual level. It suggests the police are able to provide some measure of protection within a perimeter of influence, but it also suggests that their perimeter of influence does not cover the whole of Galeshewe.³

Multiple victimisation

Almost half (48%) of all crimes counted by the survey were committed against people who were victims of more than one crime type.⁴ Yet only 10% of the sample population experienced more than one crime, 20% experienced only one type of crime, and 70% experienced no crime. This means half of the crimes counted in the survey were committed against only 10% of the sample population.⁵

Furthermore, multiple victimisation results in poorer reporting rates. Some 78% of victims of only one type of crime in the last year said they reported the most recent to the police compared to only half (50%) of multiple victims. These findings suggest that crime prevention initiatives in Galeshewe which succeed in preventing past victims of crime from being re-victimised in future may have a disproportionate impact, in reducing crime rates as reflected in victimisation surveys.⁶

Correlates of victimisation

Five statistically significant demographic and behavioural risk factors and one protective factor emerged in relation to being a victim of crime in Galeshewe.⁷ The independent effect of these significant risk factors is listed below in order of magnitude or effect.

Increasing risk:

- Being age 27–31 (43% ever-victim versus 31% among persons of other ages) (39% increase in risk)

- Having ever taken drugs (41% ever-victim versus 30% among the drug-free) (37% increase in risk)
- Being male (39% ever victim versus 29% of women) (34% increase in risk)
- Having completed high school (38% versus 30%) (27% increase in risk)

Decreasing risk:

- Having children (40% ever victim among those without children versus 31% among those with children) (23% decrease in risk)

With 'victimisation in the last year', 'having ever taken drugs' did not retain its significance, possibly because 'having ever taken drugs' may relate to behaviour in the past. An additional protective factor emerged in relation to victimisation in the last year – being married. Among the unmarried, 31% are victims of crime compared to 24% among married people who are victims of crime – a 23% decrease in risk. In other words, around 1 in 3 unmarried people are victims of crime compared to 1 in 4 married people.

These factors seem to suggest that persons who have stronger social ties are less at risk of crime. It may be theorised that such persons are less likely to engage in behaviours which place them at risk of crime. This suggests that risk in general is partly determined by the behaviour of the victim.

Regression analysis in relation to multiple victimisation resulted in an additional protective factor, relevant to multiple victimisation that did not emerge as relevant to lifetime victimisation: being partnered, or having children at a young age.

- Being partnered: persons who are single are more than twice as likely as persons of more complicated marital status (married, divorced, widowed) to be victims (13% victims among singles versus 6% among others) (117% increase in risk).

Three contextual risk factors emerged as having an impact on the risk of victimisation:

- High perceived prevalence of graffiti (17% v 9%) (89% increase in risk)
- Long travel time to police station (>30 minutes) (12% v 8%)(50% increase in risk)
- Access to libraries (12% v 8%) (50% increase in risk)

These demographic and behavioural risk factors were also considered together in a multivariate analysis. All the factors listed above operated in the same direction even when considered together. This suggests that the risk factors are robust.

While increasing age was generally associated with less risk of crime, two trends were observed in this data with age 31 being the turning point. Some 30% of those aged 18–27 were victims of crime in the last year, 34% among those aged 27–31, and 19% among those older than 31. This suggests that 27–31 is a key age in relation to victimisation.

The descriptors of 'likely Galeshewe victim' are similar to those identified in other research for perpetrators in the Northern Cape.⁸ This suggests that the social gap between victims and perpetrators generally is small.⁹ Interpreted together with the findings on marriage and having children, the result suggests persons more willing to engage in risky behaviours. It is tempting to ascribe the observed trends to 'crime between people who know each other',

that is, disputes and the like. However the data showed around half of those who had ever been victims did not know the perpetrator(s) of the crimes committed against them.

These demographic variables were found not to be significant in relation to 'ever' or 'in the last year' victimisation:

- Having the first child at age younger than 18
- Leaving school due to pregnancy
- Being Tswana speaking
- Being Afrikaans speaking
- Being coloured
- Being black

Factors relating to the environmental context of the individual were also tested. Three factors were found to be significantly associated with a respondent ever being a victim of crime:

- Perceived very easy access to alcohol (35% v 24%) (46% increase in risk)
- Perceived easy access to marijuana (37% v 27%) (37% increase in risk)
- Perceived inadequate refuse collection service (39% v 31%) (29% increase in risk)

Victimisation in the last year revealed the following to be relevant:

- Perceived easy access to marijuana (27% v 18%) (33% increase in risk)
- Perceived adequate refuse collection (21% v 31%) (32% reduction in risk)
- Perceived adequacy of schooling (22% v 29%) reduction in risk (24% reduction in risk)

Perceived easy alcohol and drug access, and perceived adequate refuse collection and schooling, are the only contextual factors likely to have an impact at the level of the individual. While theory postulates that these factors will have an impact at the level of the community (communities with easier access to alcohol/drugs are less safe than communities with limited access), these results suggest that the impact will be felt even at the level of the individual. In addition, while receiving a grant will not affect whether a person in Galeshewe is victimised, the results suggest that living in an area of poor refuse collection will affect that person's risk of being a victim of crime.

Not found to be significantly correlated to victimisation were the following contextual factors:

- Prevalence of fights
- Access to other drugs
- Access to knives
- Access to guns
- Access to malls
- Access to sports grounds
- Access to community halls
- Access to a tele-centre
- Access to mosques or churches
- Access to libraries
- Access to psycho-social support
- Access to skills development

These results do not imply that changes to the community *context* in relation to these factors will have no impact on crime, only that in the current Galeshewe context, an individual's access to, for example, skills development is likely to have no impact (positive or negative) on an individual's risk of ever being a victim of crime.

Further factors tested related to individual's current forms of interaction with the community, or involvement in 'social capital'. The following emerged as risk factors for ever being a victim of crime:

- Participating in sports (47% v 32%) (47% increase in risk). The relationship between victimisation and sport participation holds if the analysis is limited to men, but not if it is limited to women. In other words, sports participation is a risk factor for victimisation for men but not for women. This was explored in some detail in the qualitative focus groups with youth, victims, and with the head of the local soccer federation.
- Being a member of a *stokvel* (47% v 33%) (42% increase in risk).
- Being a member of a youth group. However, the relationship does not hold if the analysis is restricted to younger persons. Hence this result appears to relate to the youth of respondents rather than their membership of youth groups.

For victimisation in the last year, increased risk also related to participating in sports, being a member of a *stokvel*, burial society or of a youth group.

Because crime types have been amalgamated in the above analysis, more numerous types (such as assault) determine the trend. Specific crimes have their own trends. For robbery alone, the analysis suggests risk factors speak both to the individuals' propensity to place themselves at risk (being male, key age), as well as of their living in environments conducive to robbery (far from police, easy access to dagga, frequent turnover of people, poor refuse collection). For housebreaking, being male, married or having children fall away as factors. However two remain: the respondent being of key age, or having completed high school. These factors may relate to likely perceptions of their suitability as targets of crime.¹⁰

Selected key informant results

Participation in sports is frequently promoted as a crime prevention mechanism – the slogan of the Northern Cape Department of Sport is 'a child in sport is a child out of court'. The results however show sport participation as a risk factor for victimisation. The role of football – the major sport for young men in Galeshewe – was consequently explored during the qualitative research. Some of the qualitative evidence appears below:

Football people are angry people. There are riots at football grounds. Clubs attack each other about goal disputes. In fact most crime is conducted by football people – they think they are 'big men' and get easily involved in crime, they easily get angry. They are also involved in drugs and often smoke ochre pipes before a game.

Football players lack self-esteem. Many kids aged 11–15 are vulnerable to crime and easily learn wrong things. Coaches tend to coach only football and not life skills. At night players go to taverns taking the issues of the game with them. Part of the problem is that football is only started here at teenage [sic] when kids are particularly open to peer pressure. If it was started earlier children could learn the game positively. Another problem is 'club-hopping' – players go to clubs outside

their areas. Players should have to play for the clubs where they come from, so parents and neighbours can oversee their practices.

Players who are in prison are there because they like to wear new things, and so they steal. Also because sometimes they are 'over-happy', over-excited and commit crimes because of peer pressure.

Although letters have been sent to the Health MEC, programmes on for example HIV and life skills are only carried out at schools and not with footballers, and so the players are not reached. Even women's teams are beginning to take drugs and get involved in disputes. Politics also plays a role.

[Crime prevention actors] must also be careful not to get involved with arranging games for hooligans and gangsters, providing food and clothes to tsotsis. Why should players keep ties with their clubs if being bad gets you to go to play and get food and clothes for free? They don't get food and clothes at their clubs. Anything done from a crime prevention perspective with football must be done with existing clubs and federations and must not undermine existing programmes or provide perverse incentives.

Both the quantitative and qualitative input on the role of sports suggests that sports and football are not necessarily either protective or positive in reducing crime in contexts such as Galeshewe. This suggests crime prevention interventions which seek to employ sport need to be carefully managed and perhaps avoided in some contexts not able adequately to manage the associated outcomes. This does not imply that sports may not be beneficial for reasons not related to crime prevention.

Modified focus group results

Prompted by the finding that a small proportion of people are repeatedly victimised, a further semi-quantitative exercise was held with groups of victims of crime.¹¹ More than half (53%) of the victims in these groups had been victims of crime before the most recent event, some by the same perpetrator or perpetrators (even when excluding domestic violence victims). Victimisation tended to occur during usual behaviour such as walking or standing in the street. Some 56% (22) of the crimes took place in 'police-able' places such as streets, parks, in the neighbourhood, and in taverns. Those previously victimised were more likely (62%) to have had their recent crime occur in less police-able places such as homes, other residences, at parties, at work, or in shops. Even if domestic violence victims are excluded, the majority of repeat victims (56%) had their crime occur in such places. By contrast, some 77% of first-time victims had their most recent crime occur in a police-able place.

CONCLUSION

While these findings speak particularly to the Galeshewe context, other township areas are likely to exhibit similar findings. The most important findings from the research as described above are as follows:

- A man aged 27–31 who has ever taken drugs, is childless and unmarried and has completed high school is far more at risk of crime in Galeshewe than a woman aged 45 with

two children and who has never taken drugs or finished high school. Personal familial ties are the best antidote to becoming a victim of crime.

- The extent of multiple victimisation suggests that protecting past victims of crime from future crime may have a disproportionate crime prevention impact. Such interventions are likely to be victim-specific.
- Social capital activities such as sports may have unintended effects and service delivery may have no crime prevention effects at the individual level at all. Indeed the qualitative evidence suggests 'obvious' solutions may be part of the problem. Sports initiatives must be carefully crafted and implemented if they are to avoid reinforcing criminogenic behaviour.

These findings encourage crime prevention interventions in township contexts primarily towards strengthening family bonds and protecting past victims of crime.

NOTES

1 See the paper by Michael O'Donovan in this volume.

2 These were in relation to both 'ever victimisation' and 'victimisation in the last year'.

3 The variable was not statistically significant when considering victimisation ever or victimisation in the last year, but only in relation to multiple victimisation.

4 While only just over a third of people indicated that they had ever been a victim of these crimes, a quarter had been a victim of these crimes in the last 12 months. A factor increasing the 'last year' rate may be the tendency of respondents to 'telescope' their experience of crime – to include crimes which occurred more than 12 months previously in the 'last year'. Telescoping does not account for the apparently low lifetime victimisation rate. A factor reducing the lifetime victimisation rate may be the tendency of respondents to forget crimes which occurred a long time in the past (thus reducing the 'victim ever' figure). But such collective amnesia surely cannot account on its own account for the phenomenon.

5 Because the survey only counted the most recent of each type of crime, the true extent to which victims may have been repeatedly victimised cannot be established.

6 The findings also suggest that if the reporting trends observed above remain unchanged, the impact of a successful intervention aimed at preventing re-victimisation is likely to be reflected to a less pronounced degree in recorded crime rates compared to the impact reflected in victimisation surveys.

7 All results are to the 95% confidence level unless otherwise stated.

8 See for example D Mistry, R Snyman and M van Zyl, *Social fabric crime in the Northern, Cape*, Institute for Human Rights and Criminal Justice Studies, Technikon South Africa, September 2001, <http://www.unisa.ac.za/contents/docs/fabric.pdf> (accessed 1 March 2010).

9 Readers interested in results by type of crime may contact the author (redpath@iafrica.com).

10 Those interests in the detail of crime-specific results should contact the author.

11 The design of this process is the subject of a forthcoming paper by J Monson, G Nodoboia and J Redpath.

Crime, poverty and inequality in South Africa: What the data shows

Michael O'Donovan*

ABSTRACT

Using census data and detailed crime statistics the correlation between crime rates and socio-economic conditions is analysed at a police precinct level. This analysis shows that there is no statistically significant correlation between the level of inequality in a precinct and its level of crime. It can also be seen that, as a rule, precincts with low crime levels tend to have lower levels of reported crime. However, there is a strong correlation between the income difference between adjacent precincts and the crime rate. In other words inequality between precincts seems to drive crime rates rather than inequality *per se*. This can be attributed to an urban topography which is still strongly influenced by apartheid planning. Apartheid planning ensured that precincts of markedly different social and economic characteristics are placed in proximity to each. This can undermine the normal constraints on anti-social and criminal behaviour. It is this heritage of apartheid – rather than any other – that contributes to high crime rates.

*Michael O'Donovan is an independent researcher.

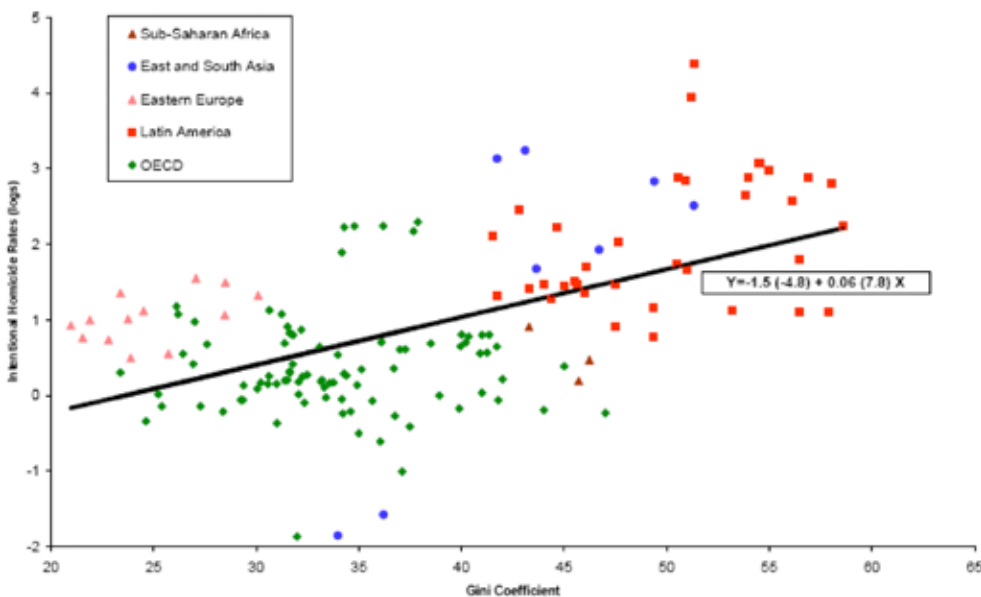
INTRODUCTION

It is widely believed that poverty and inequality are at the heart of South Africa’s extraordinarily high crime rate. The attribution of crime to what is clearly a heritage of apartheid has intrinsic moral appeal – even if it offers little practical insight as to how to address the problem. The conviction that there is a clear link between inequality, poverty and crime rates is pervasive and peppers political pronouncements, academic writing, and the popular press. While some proponents of the view draw on international experience others adopt more simplistic reasoning. For example, in 2009, 142 ‘pre-eminent South African academics’ wrote an open letter to the Canadian Chargé d’Affaires asserting that:

... it is simply untrue that white people are being targeted (by crime) disproportionately. Black South Africans are much more likely to be victims of crime, largely because they are less able to afford the protections and security measures which most white South Africans, as still privileged citizens, are able to acquire.¹

This statement reduces the complex social, economic and demographic dynamics underpinning vulnerability to crime to a simple matter of households’ ability to invest in security measures. More articulate is the recent CSVr report, *The violent nature of crime in South Africa*. That report draws on international experience which shows, at the level of country comparisons, a clear link between income inequality within a country and rates of violent crime. The CSVr report² draws heavily on Fajnzylber et al.³

Figure 1 Income distribution and intentional homicide rates, 1965-1994 (five-year averages)



Source: P Fajnzylber, D Lederman and N Loayza, What causes violent crime?, cited in Altbeker, *Adding injury to insult*, 16, http://www.csvr.org.za/docs/study/4.Book_SocioEconomic_20_03_2009.pdf (accessed 20 April 2011)

The above graph drawn from Fajnzylber et al shows a positive correlation between country rates of violent crime and levels of inequality. The CSVr report states:

If Fajnzylber et al (2000) is anything to go by, that [sic] the quantitative size of the coefficient is large, meaning that the impact of changing levels of inequality on changing levels of crime is relatively large. Thus, Fajnzylber et al estimate that, everything else being equal, a 1% decline in inequality should lead to a 1,5% decline in murder rates.⁴

The CSVr give reasons as to why this empirically observed relationship is not only credible but also insightful. They point to the negative impact inequality has on societal values, on individuals' sense of grievance and on the legitimacy of state organs. To a greater or lesser extent these factors 'justify' the criminal behaviour or the high crime rate as a result of an external cause.

However, an analysis of available South African data allows for a more nuanced understanding of the relationship between inequality and crime. There is sufficient data available to systematically explore the relationship between poverty, inequality and crime rates among areas within South Africa. To explore this relationship we need to revert to the station level crime statistics that are regularly released by the South African Police Service (SAPS). This allows for comparisons between the number of crimes reported in over one thousand police station areas and the social and demographic characteristics of residents of that precinct.

By restricting the analysis to the last year in which a census was conducted, errors arising from migration, demographic change or economic development can be eliminated. For this reason the analysis presented here is restricted to the year of the latest South African census – 2001. Presumably the fundamental 'social causes' of crime will be relatively fixed and the results for 2001 remain informative for 2011.

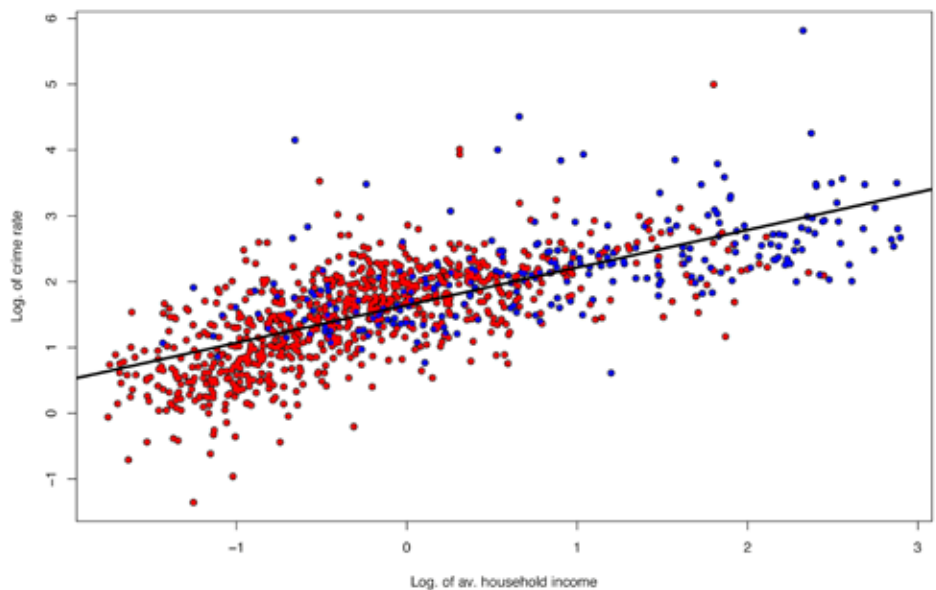
COMPARING CRIME RATES AND POVERTY LEVELS

The 2001 census data allows for the crimes reported at 1 043 police stations to be compared to the demographic and economic profiles of the residents in each precinct. It is thus possible to explore the relationship between the number of crimes reported and, inter alia, the age and gender profiles of residents, their economic and employment status, their income distribution patterns and even the level of orphaning. These demographic, social and economic measures can then be tallied against the crime data published by the SAPS. Since it is reasonable to assume that victims resided in the precinct where the offence took place the SAPS data indicates the level of victimisation in the precinct and should not be taken to indicate the predisposition of those residents to committing offences.

Unfortunately a simple correlation of victimisation rates (the number of crimes reported per 10 000 residents) to census information does not yield readily interpretable information. This is largely because both victimisation rates and the relevant socio-economic variables often do not follow the familiar 'bell curve' distribution needed for easy interpretation. Fortunately the data can usually be transformed into the familiar 'normal' form by taking logarithms of the relevant rates. Once the data transformations have been made, the relationship between, for example, average income, inequality and crime levels becomes clearer.

The relationship between crime rates (all serious crimes reported to the SAPS) and average income (logged) for each of the 1 043 precincts is illustrated in Figure 2.

Figure 2 Relationship between crime rate and average income



Source: Compiled by the author

From the graph it is apparent that there is a clear relationship between precinct crime rates and the average income of the precinct. The relationship is both statistically significant and has some explanatory value. In essence about half the variation in crime rates can be explained by the average income of the precinct alone. Lower average income clearly correlates to lower crime rates. In other words, poor precincts, as a rule, have less crime than wealthier ones.

Violent and non-violent offences

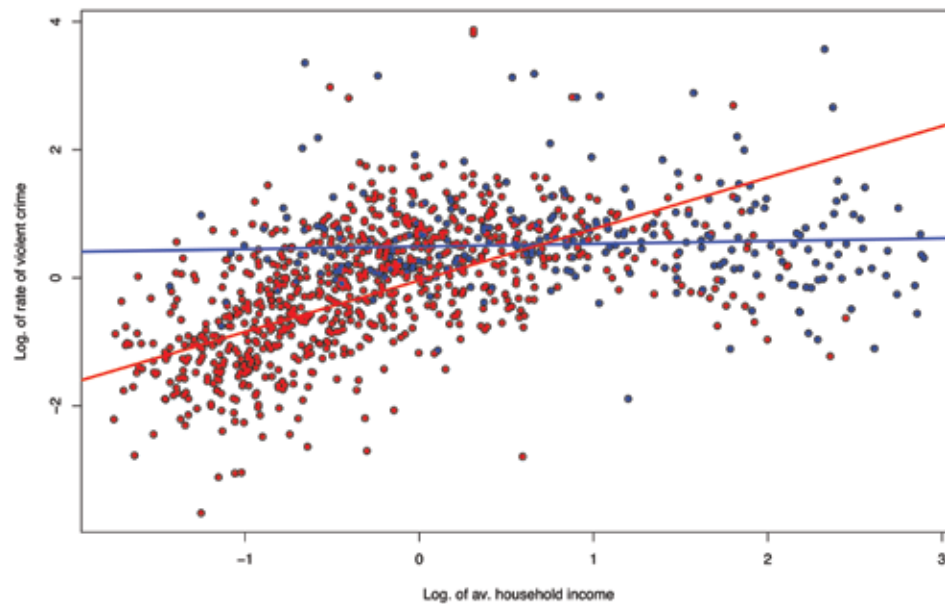
The vast majority of offences reported to the SAPS relate to property and other non-violent offences. Consequently the relationship between average income and crime rates illustrated above is dominated by non-violent crimes like theft and fraud. If a distinction is drawn between non-violent and violent crimes, the relationship between income and crime yields further insight.

Indeed, when rates of violent crimes are examined a different pattern becomes evident. This relationship is illustrated in Figure 3. The graphic suggests that there are two distinct patterns in rates of violent crime:

- The dominant pattern appears in the left half of the graph. Among these precincts the rate of violent crime increases with the income of the precinct. For this group the relationship between rates of violent crime and income levels is consistent with that observed for non-violent crime.
- The second pattern pertains to those precincts in the upper half of the graphic. Among these precincts increases in income correspond to neither an increase nor a decline in rates of violent crime.

Thus for residents in the first group, lower average income corresponds to lower rates of both violent and non-violent crime. For people in the second group, increases in average income tend to correspond to increased rates of property crime but not an increase in the rate of violent crime. One interpretation is that greater affluence among households ensures that they are able to thwart any additional exposure to violence.

Figure 3 Violent offences



Source: Compiled by the author

SUPPLEMENTARY EXPLANATIONS

The trends observed above indicates that it cannot be axiomatically asserted that poverty *per se* causes crime and the reason for the apparent correlation between crime rates and average income should be sought elsewhere. However, given the strength of the observed correlation it is likely that this unidentified 'cause' of crime will itself be strongly correlated to income. Only a strong correlation between this unknown factor and income would allow for the observed relationship to come to the fore. One promising alternative explanation relates to urbanisation levels.

In South Africa, as elsewhere in the developing world, there is a positive correlation between the proportion of the population living in an area and the average income of that area. The more urban the population, the higher the average income and, as reflected above, the higher the rate of crime. Putting this statement the other way – the more rural the population, the lower the crime rate and the lower the average income level. It may thus simply be that urbanisation gives rise to higher crime rates. Because of the correlation between urbanisation and income it appears that higher incomes 'cause' crime.

Unfortunately the relationship is not as simple as it first seems. As a rule fully urbanised precincts with high incomes tend to have higher rates of property crime than fully urbanised precincts with lower incomes. In other words the rate of property crime increases with income even after full urbanisation is reached – that is, there is an 'income effect' not explained by urbanisation levels. The question then arises as to why the rate of non-violent

crime continues to rise with income even after the population is fully urbanised. Urban households are, as their income increases, obviously able to devote more resources to security. But it seems that the opportunities for theft rise faster than the ability of households to protect their property. By contrast the investment in security is seemingly sufficient to ward off any additional risk of violence.

An intuitive candidate for further explaining the relationship between poverty and crime rates is that of 'inequality'. As mentioned earlier in the article, inequality is thought to exacerbate feelings of alienation, deprivation or injustice. These affronts facilitate the de-legitimation of the state, aspirational frustration, and the dissolution of the sense of community. This, in turn, allows for higher crime rates as the constraints on anti-social and criminal behaviour are weakened, the power of the state undermined, and the moral justification for being law-abiding wanes.

The empirical evidence of the impact of inequality (within localities and between localities) on crime levels can be measured, once again, by comparing census and SAPS data at station level. What the analysis shows is that there is no empirical correlation, within precincts, between inequality and crime rates. The relationship between the Gini coefficient and violent crime rate (logged) is illustrated in Figure 4.

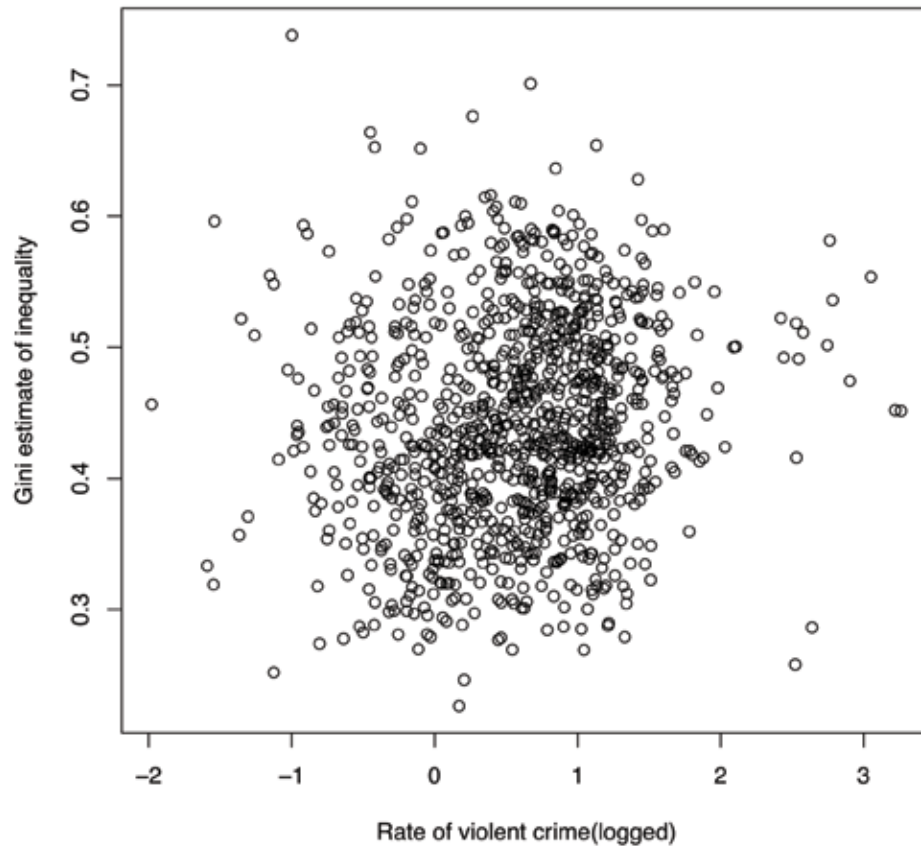
It is apparent from the graphic that greater inequality levels within precincts do not correspond to systematic increases or decreases in the rate of violent crime. A similar absence in direction is also evident for non-violent crime rates.

While many may find the lack of correlation between inequality and crime rates within precincts suspect, there are compelling reasons why such a correlation should never have been expected. In particular poor areas/precincts typically have higher levels of income inequality than wealthier areas do. Given that poor areas have lower crime rates it could easily be anticipated, *ceteris paribus*, that areas of high inequality would have lower crime rates as well.

When the analysis is extended to exploring the correlation between crime rates in a given precinct to the social, economic and demographic features of neighbouring precincts further insight is gained. Indeed such analysis reveals that one of the most reliable predictors of high crime levels in a precinct is the size of the income gap between it and the poorest neighbouring precinct. Specifically – the greater the gap in income difference between the precincts the higher the rate of property crime rate in the more affluent area.

Consequently it is the urban topography (in which socially distinct areas of dramatically differing income levels are located adjacent to each other) that explains why, in fully urbanised precincts, crime rates continue to rise with income. The South African urban landscape is replete with instances where adjacent precincts are typified by massive economic, social, demographic and political differences. It was apartheid's policy of 'separate development' that resulted in the juxtaposition of communities marked by massive differences in the social, economic and demographic profiles. This topography, and thus the current crime profile, is thus a clear heritage of apartheid planning and the associated racial segregation.

Figure 4 Relationship between inequality and rate of violent crime



Source: Compiled by the author.

CONCLUSION

This paper presents clear evidence that neither poverty *per se*, nor income inequality within areas, is behind South Africa's high levels of violent crime. It also prompts the question whether development *per se* will eventually result in the desired reduction in crime levels. In summary the article shows that:

- There is a clear correlation between average precinct income and crime rates.
- Within precincts, low average incomes correspond to low rates of both violent and non-violent crime
- Despite the strength of the correlation, income offers a poor *causal* explanation for crime rates
- Urbanisation, which is strongly correlated to income, offers a sounder explanation for the trends observed.
- While inequality within precincts does not contribute to crime levels, inequality *between* precincts does so significantly.

If poverty and inequality were the cause of high crime rates then the national development agenda of reducing levels of both poverty and inequality should contribute to the lowering of the crime rate. Under this condition development, *per se*, becomes imbued with the virtue of reducing exposure to violence. However, if poverty and inequality do not, as argued

above, cause crime then development itself may not necessarily result in a safer society. Making South Africa a safer place then surely rests, at least in part, on analysts and policy-makers ceasing to presume what the causes of crime are and by placing greater emphasis on addressing the effects of spatial planning that separates rich from poor as distinct social groups.

NOTES

- 1 J Myburgh, Did 142 academics and others get it wrong on crime?, *Politicsweb*, 15 September 2009, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=143475&sn=Detail> (accessed 30 March 2011).
- 2 Antony Albeker, *Adding injury to insult: how exclusion and inequality drive South Africa's problem of violence*, Report on Component 4 of a study conducted by the Centre for the Study of Violence and Reconciliation (CSVR) for the Justice, Crime Prevention and Security (JCPS) cluster, 2008, 16, http://www.csvr.org.za/docs/study/4.Book_SocioEconomic_20_03_2009.pdf (accessed 20 April 2011).
- 3 P Fajnzylber, D Lederman and N Loayza, What causes violent crime?, cited in Albeker, *Adding injury to insult*, 16.
- 4 Albeker, *Adding injury to insult*, 15.

Is it race, age or sex? Masculinity in male homicide victimisation in South African cities

Kopano Ratele, Mariëtte Smith, Ashley van Niekerk and Mohamed Seedat*

ABSTRACT

This paper describes homicide magnitude and demographics and offers an explanation of homicide victimisation in four of the largest cities in South Africa. The study analysed 40 907 homicides registered by the National Injury Mortality Surveillance System (NIMSS), from 2001 to 2006, in Cape Town, eThekweni/Durban, Johannesburg and Tshwane/Pretoria, with further analyses performed on 36 543 homicides where detailed data is available. Male homicide victimisation rates in the cities are much higher than the global average. There was a 7,5:1 male–female death ratio for the aggregated data with a disproportionate number of black and coloured homicide victims. White victims had the highest mean age of the male groups while black and coloured male homicide victims were significantly younger. Overall the highest homicide rate was of men in their twenties and thirties. The highest homicide rates were of black males, followed by coloured males, with the highest rates observed in Cape Town and the lowest in Tshwane/Pretoria. Firearm discharge was the external cause of death in more than half of the victims, followed by death caused by sharp objects then by blunt objects. Among male coloureds, sharp objects were the leading cause of death. The study shows that homicide victimisation is largely a sex/gender-, race- and age-related phenomenon.

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INTRODUCTION

Lethal interpersonal violence poses a major social and health problem in South Africa, with homicide rates higher than those for most other countries.¹ Approximately half of the estimated 59 935 violence- and transport-related deaths in South Africa are the result of interpersonal violence.² A central characteristic of this violence is the disproportionate representation of males, both as victims and perpetrators, with the highest homicide levels observed among older teenagers and young adult males.³ In the Mthatha area, Eastern Cape Province, for instance, the age group 21–30 years had the highest homicide rate between 1993 and 2005.⁴ Similarly, from 2001 to 2006 the Cape Town metropolitan area reported among the highest homicide rates in the world, especially for male youth.⁵

International and local research indicates that homicide victimisation varies across race, geographical region and sex.⁶ For example, several studies show that while most homicide victims are black, the highest rates are registered among men and women who were classified coloured within apartheid nomenclature.⁷ Thomson, for instance, showed racial differences in homicide and stated that 'the coloured population has the highest homicide rate in South Africa'.⁸ Seedat and colleagues said 'although most homicide victims are black the highest rates are reported in men and women who under apartheid were classified as coloured'.⁹ Leggett argued that 'the Western Cape has by far the nation's highest rate of murder: 85/100,000 citizens in 2002/3. By comparison, second place Gauteng had 59/100,000, and the national average was 47'.¹⁰ However, according to the most recent SAPS report, 'the highest ratio of murder reported during 2009/2010 was recorded in the Eastern Cape, followed by the Western Cape, KwaZulu-Natal and the Northern Cape'.¹¹ In the preceding year the Eastern Cape and KwaZulu-Natal had the highest rates, followed by the Western Cape and Gauteng.

In their report on the Cape Town metropolitan area Groenewald and her colleagues point out the striking disparities in the homicide rates in different health districts or areas, 'from the relatively low levels of under 26,1/100 000 population in the Southern districts to 110,5/100 000 in Khayelitsha'.¹² Although there has been some racial integration since the advent of democracy, the Cape Town metro is still in large measure segregated along racial and socio-economic lines, with districts with the highest rates (Khayelitsha) being black areas and the southern districts covering largely white areas under apartheid geographic segregation such as Constantia, Fish Hoek and Kommetjie, or coloured middle-class areas such as Retreat. Other research comparing levels of homicide across cities and between provinces indicates that the proportions of homicide are higher in Cape Town and eThekweni/Durban, which in turn are significantly higher than those of Johannesburg and Tshwane/Pretoria.¹³

The main external cause or weapon used in homicide appears to have changed recently. Older reports from the NIMSS (National Injury Mortality Surveillance System) showed firearm-related injuries as the leading cause of homicide; of late, NIMSS reports indicate that more homicides result from stab wounds although this varies according to geography and race.¹⁴ Sharp objects followed by firearms and blunt objects were the leading external causes of male homicides in 2007.¹⁵ These weapons have been used in fighting between men, with this typically occurring in the context of entertainment linked to alcohol consumption.¹⁶

This article describes the magnitude and demographics of homicide victimisation in four of the largest cities in South Africa, namely Johannesburg, Tshwane/Pretoria, eThekweni/Durban, and Cape Town. Our focus is on the associations between race,¹⁷ sex, and age, and

homicide victimisation. The article contributes to the development of an evidence base from which policy and practice may be informed to prevent homicides, and specifically male homicide.

METHODOLOGY AND ANALYSIS

Data were obtained from NIMSS. The data are collected from each site by the staff of the forensic laboratories and/or the staff of the Safety and Peace Promotion Research Unit, initiated as presidential lead programme and co-directed by the Medical Research Council and the University of South Africa. The data are cleaned, collated and stored in a central database at the Medical Research Council. The NIMSS uses existing medico-forensic investigative procedures, namely post-mortem reports and chemical pathology laboratory results to compile information. The information is combined into a single data form consisting of 21 items. For every non-natural death that enters the forensic medico-legal system in the participating facilities the NIMSS classifies the primary medical cause of death using the International Classification of Diseases version 9. All deaths classified as homicide for the period 2001–2006 were identified and cases selected for four major urban conurbations of South Africa – Cape Town, eThekweni/Durban, Johannesburg and Tshwane/Pretoria – where the NIMSS has full coverage.

Data were analysed using STATA 10.1. Descriptive statistics for age, sex, race of victim, city where the incident occurred and external cause of death were calculated in the form of frequency distributions and percentages. Differences in mean age were assessed with the Kruskal Wallis test. Age-standardised homicide rates per 100 000 were calculated using the standard world population.¹⁸ Six-year homicide rates were calculated for the different sex, age and racial groups, as well as per city using population figures calculated as follows. The populations by age, sex and race for each of the cities were obtained from the community profile data sets of the 2001 census. Provincial yearly population estimates for Gauteng, KwaZulu-Natal and the Western Cape were projected using the ASSA 2003 (Actuarial Society of South Africa, <http://www.assa.org.za>) model from 1985 to 2011, by age sex and population group. Using these projected population estimates for each year, exponential population growth rates were calculated for each province by age, sex and race group between 2001 and 2006, assuming an exponential rate of change in the provincial populations. The populations for the cities were then projected exponentially using the estimated provincial growth rates, Gauteng for Johannesburg and Tshwane/Pretoria, KwaZulu-Natal for eThekweni/Durban, and Western Cape for Cape Town.

RESULTS

Between the period 1 January 2001 and 31 December 2006 a total of 40 907 homicide deaths were recorded at forensic pathology laboratories in the four cities. The analysis was conducted on the 36 543 cases where sex, race and age were known. Approximately 88% ($n = 35\,874$) of homicide victims were male, 11,7% (4 782) were female and for 0,6% (251) the sex was unknown. Over the study period, there were 7,5 male deaths for every female death in the combined data for the four cities. Table 1 shows the race distribution of 40 469 homicide victims where race was documented and indicates a disproportionate number of black and coloured homicide victims, more so in the black population group.

Table 1 Race, sex, and mean age distribution of homicide victims in four major South African cities, 2001–2006

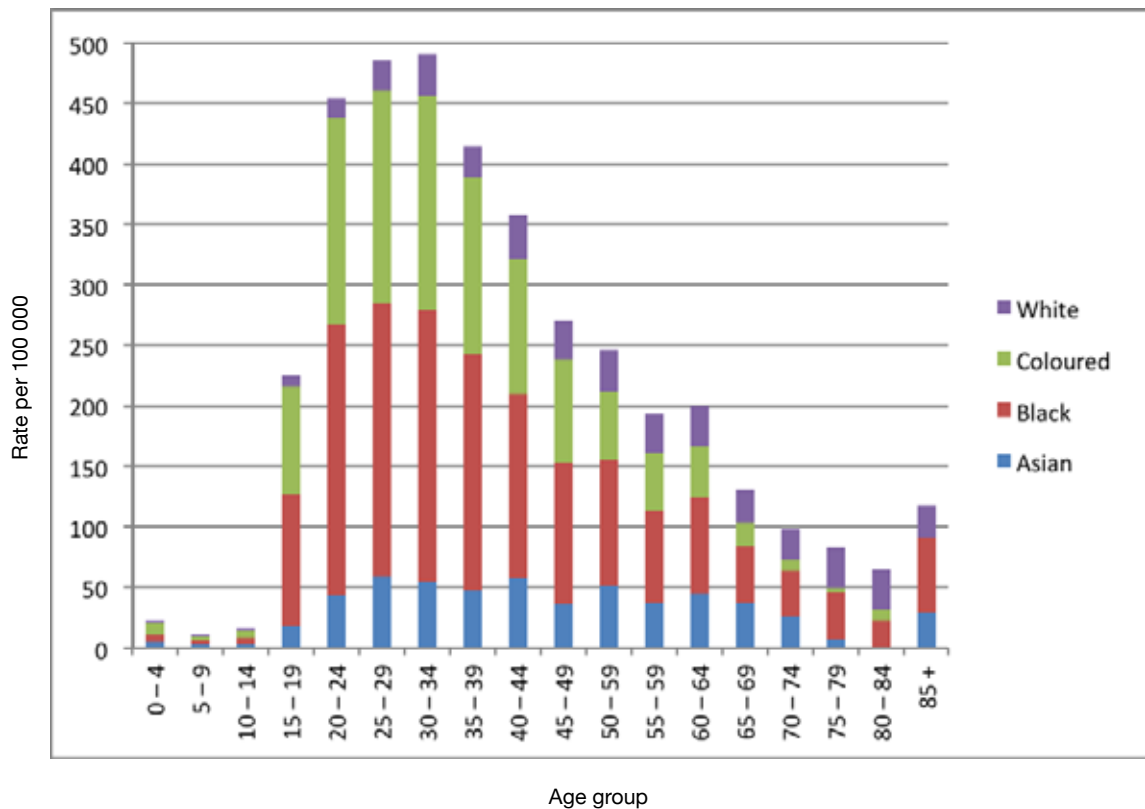
	N	Mean age in years: males (SD)	Mean age in years: females (SD)	% of total homicide	% of total population
Black	32 309	30,5 (10,1)	31,8 (13,2)	79,8%	60,4%
Coloured	5 472	30,6 (11,0)	32,2 (13,6)	13,5%	16,0%
Asian	999	36,7 (14,1)	40,7 (19,4)	2,5%	7,5%
White	1 689	44,6 (16,5)	49,6 (21,1)	4,2%	16,1%

The mean age of white male homicide victims was higher than that of all the other male groups (44,6 years, SD 16,5). The mean age of the black and coloured homicide victims was lower at 30,5 years (SD 10,1) and 30,6 years (SD 11) respectively. Comparatively, the mean age of white female victims was higher than the mean ages of black and coloured homicides. The oldest homicide victim was a 97-year-old white female, with a total of 116 homicide victims younger than one year old.

Male homicide victimisation rates start rising from the age group 15–19 and drop below the 15–19 rates in the 55–59 age group. Figure 1 shows that overall the highest male homicide victimisation rate in urban South Africa between 2001 and 2006 was of males between the ages of 30 and 34, followed closely by those of males between 25 and 29, then 20 and 24 and 35 and 39. The highest rates were among black males followed by coloured males, with Asian/Indians and whites having the lowest rates. For black males the highest rates were indicated for men aged between 25 and 29 (226/100 000), followed by those aged 20–24 (225,0/100 000) and then 30–34 (224,5/100 000). In the coloured group males aged 30–34 had the highest homicide rates (177,6/100 000) followed closely by males between 25 and 29 (176,00/100 00). The rates for males of Asian/Indian descent were considerably lower than for black and coloured males and the risk is relatively evenly spread out across the age groups.

White males had considerably lower rates compared to black and coloured males. White male homicide rates also started rising between 15 and 19 years (9,5/100 000), but was relatively more uniformly distributed after the ages of 20–24. The highest rates for white males were within the age group 40–44 (35,8/100 000), followed by the rate for ages 50–54 (34,6/100 000) and 30–34 (34,0/100 000).

Figure 1 Six-year male homicide rate per 100 000 by age group and race, 2001–2006



Similar to male homicide victimisation rates, rates for female homicide victimisation start rising from the age group 15–19 (Figure 2). However, the female homicide picture is more complex, with two peaks evident. Figure 2 shows that the homicide rates for females were highest among those aged 25–29, followed by ages 30–34, 35–39, and 40–44. Rates in the groups over 75 years were also high. The highest rates were among black females, followed by coloured females. The age group 30–34 had the highest homicide rate among female blacks (26,1/100 000) and the age group 25–29 had the highest rate among female coloureds (24,1/100 000).

Figure 2 Six-year female homicide rate by100 000 per age group and race, 2001–2006

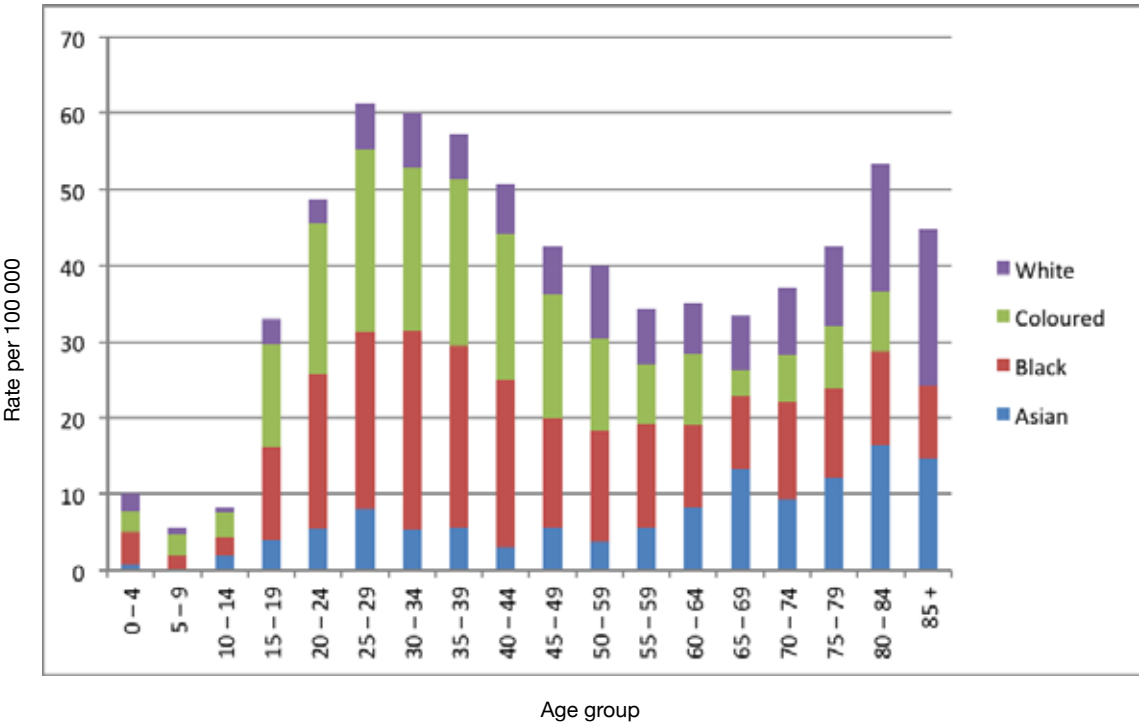
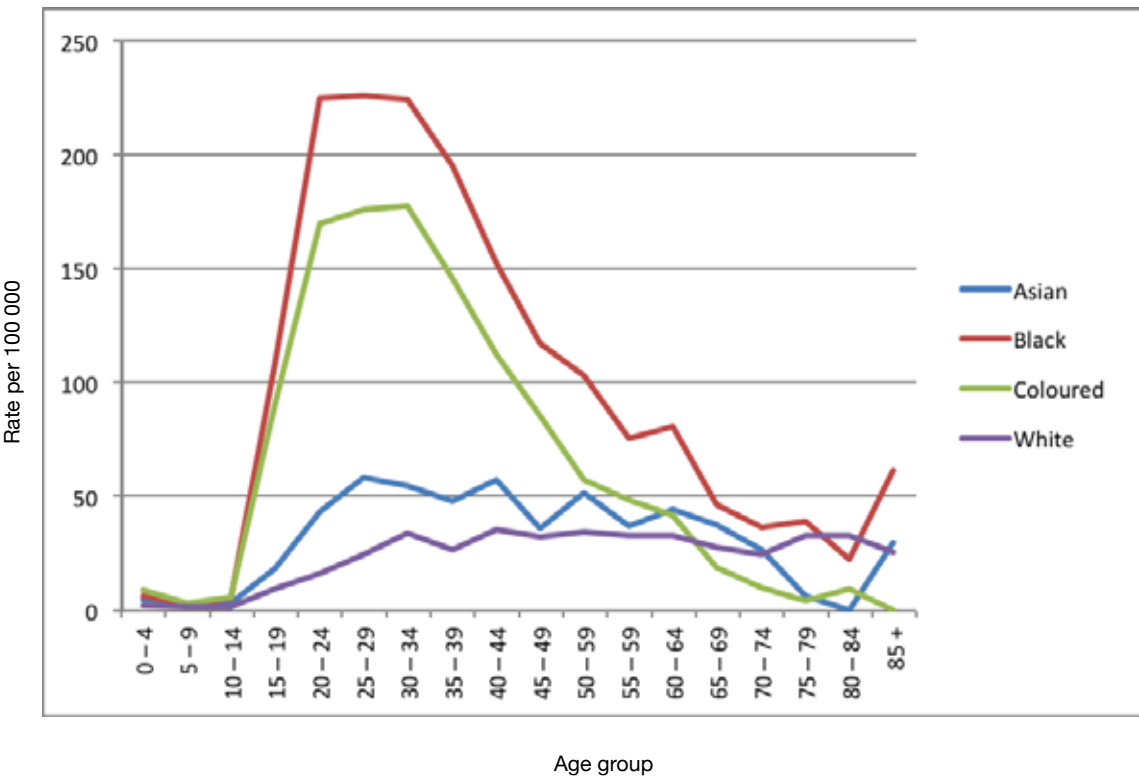


Figure 3 shows the total male homicide rates across all cities. While the rates among older males are similar, the rates among younger males are starkly different, with black and coloureds having considerably higher homicide rates.

Figure 3 Male homicide rate per 100 000 by race and age group, 2001-2006



Figures 4–7 show male homicide within the four cities. The figures reveal that the highest crude male homicide rates were those in Cape Town (117,0/100 000; CI 114,8–119,1), followed by eThekwni/Durban (106,8/100 000; CI 104,7–108,9), Johannesburg (67,6/100 000; CI 66,0–69,2), and then Tshwane/Pretoria (40,1/100 000 CI 38,3–41,9).

Figure 4 Male homicide rate per 100 000 by race and age group, Cape Town, 2001–2006

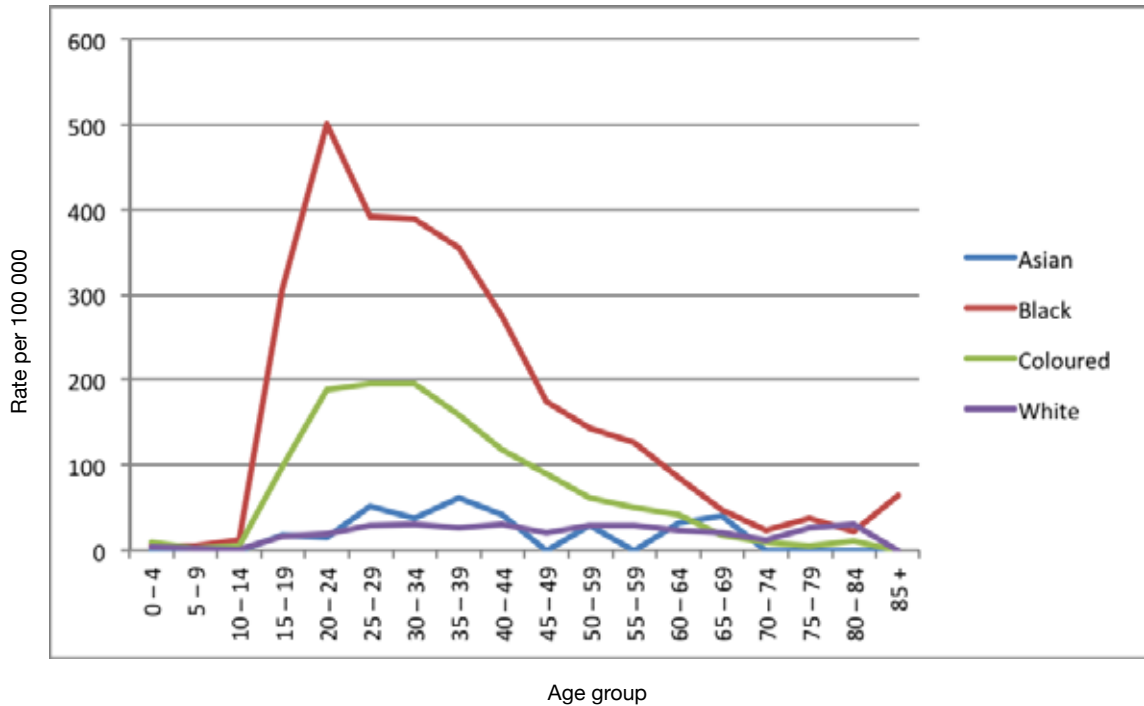


Figure 5 Male homicide rate per 100 000 by race and age group, eThekwni Durban, 2001–2006

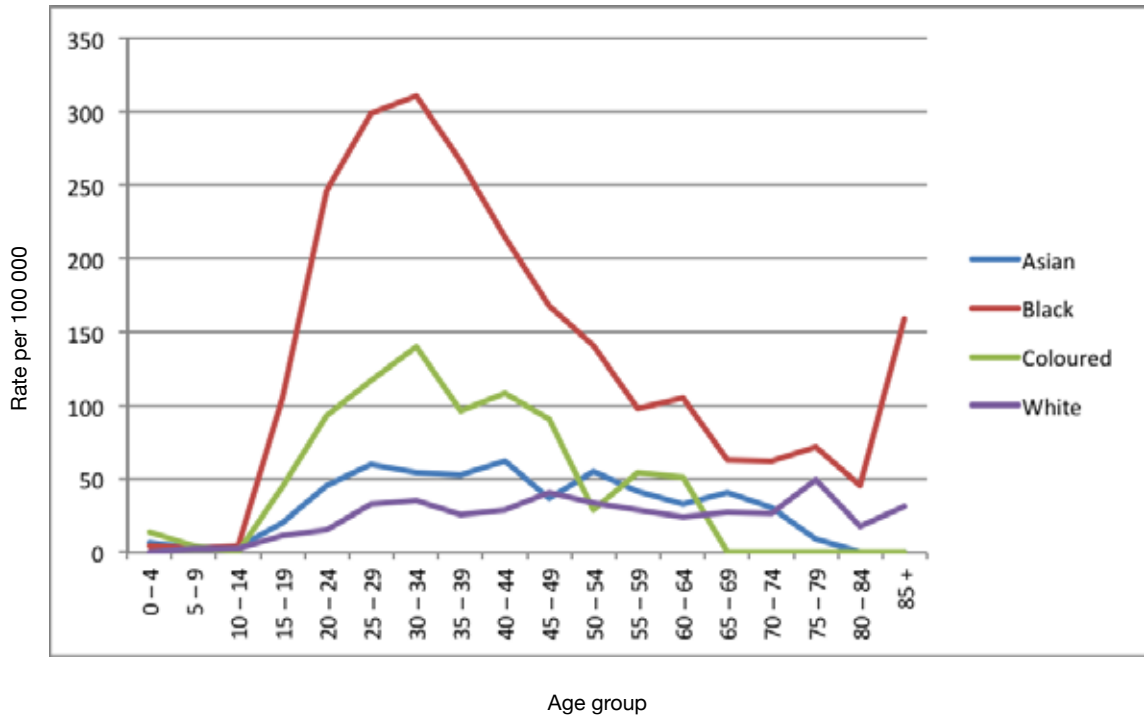


Figure 6 Male homicide rate per 100 000 by race and age group, Johannesburg, 2001–2006

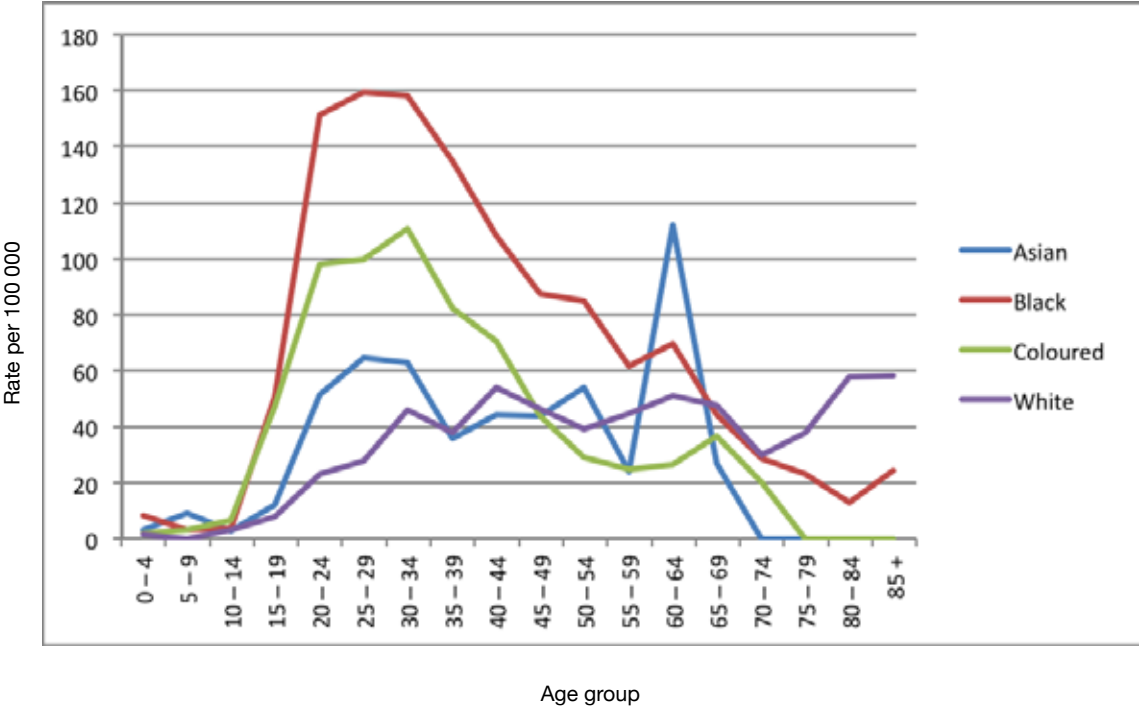


Figure 7 Male homicide rate per 100 000 by race and age group, Tshwane/ Pretoria, 2001–2006

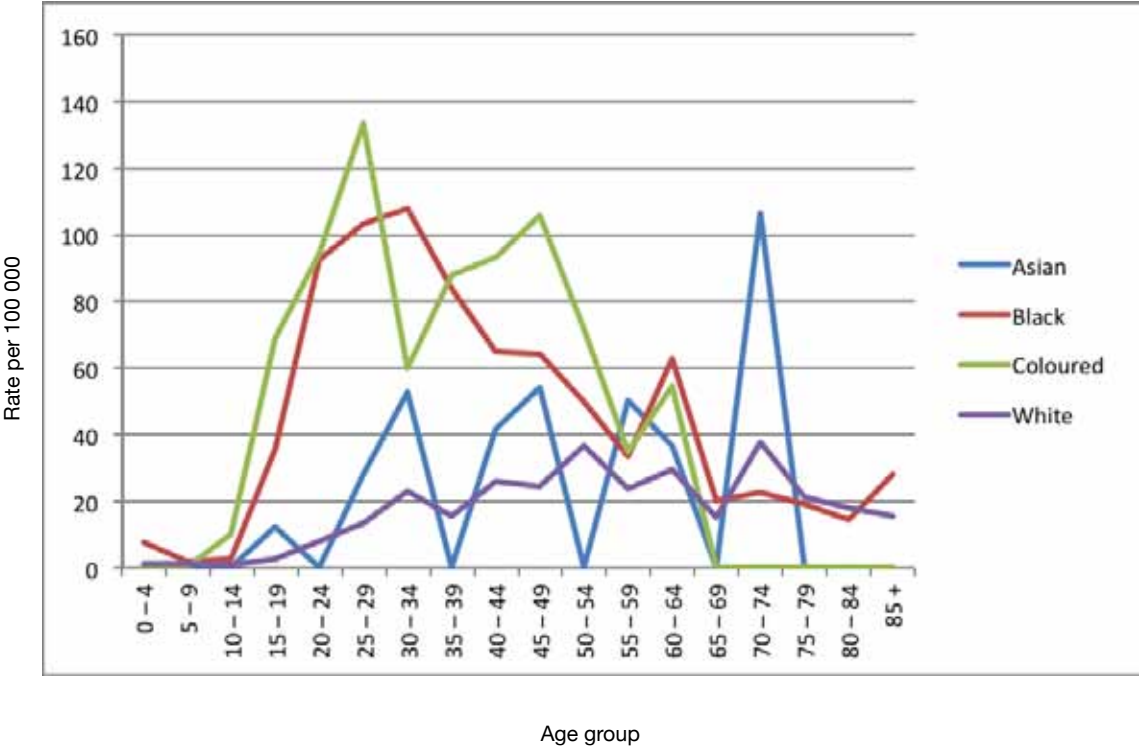
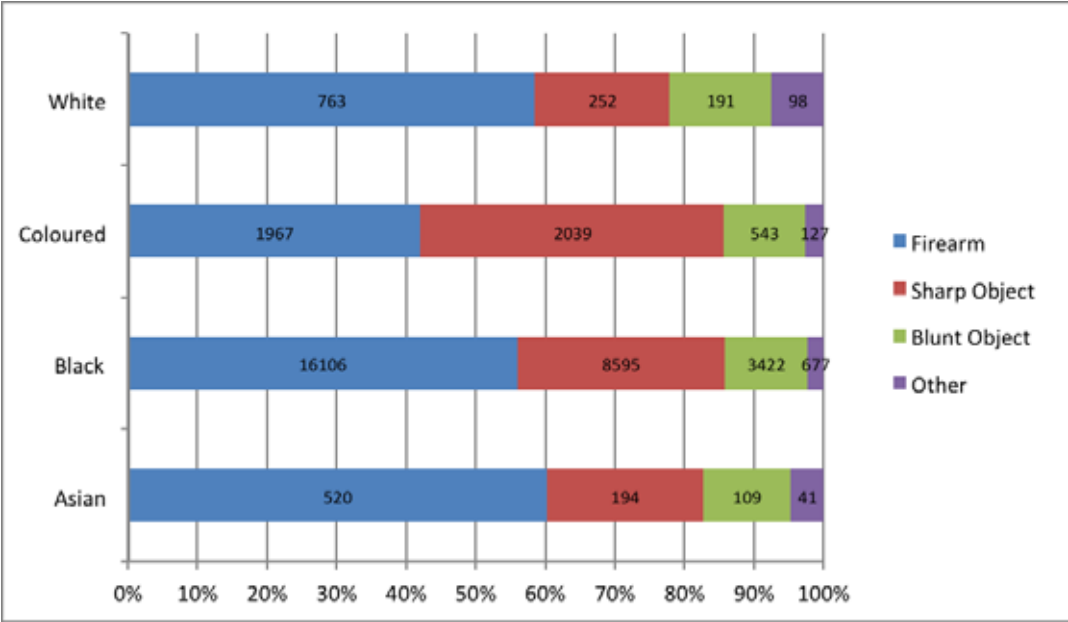


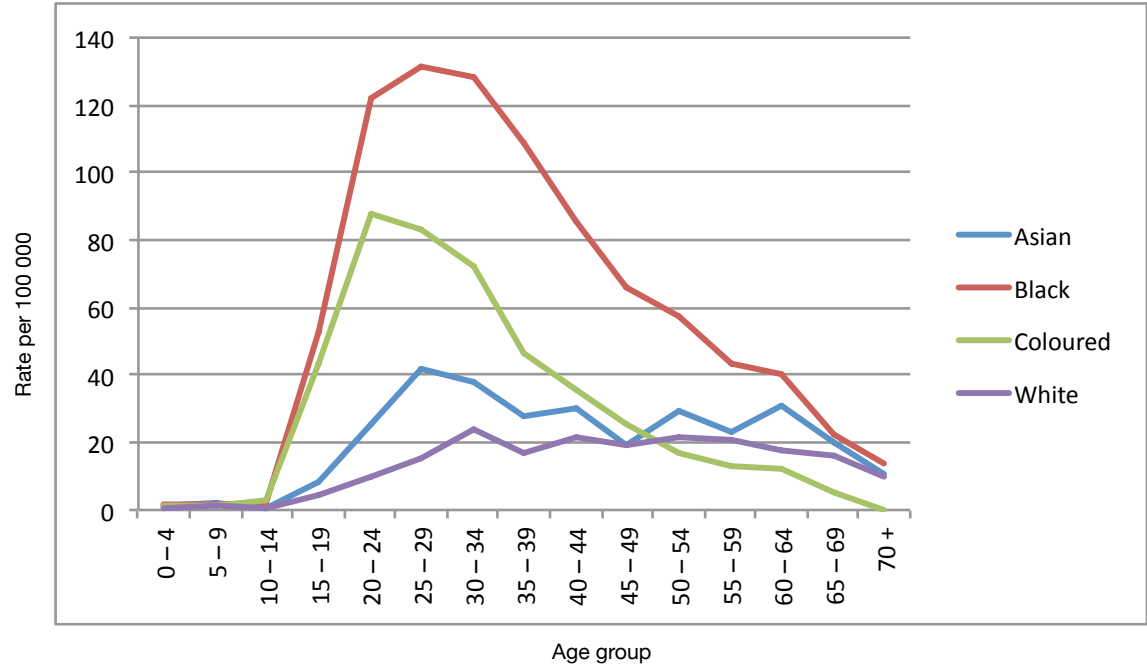
Figure 8 shows the relative distributions of the different external causes of homicide death for the different race groups. Overall firearm discharge was the cause of death in more than half (53,4%) of the victims, followed by sharp objects then by blunt objects. In contrast, male coloured homicides are distinguished by the fact that sharp objects were the leading external cause of death.

Figure 8 External cause of male deaths by race, 2001–2006



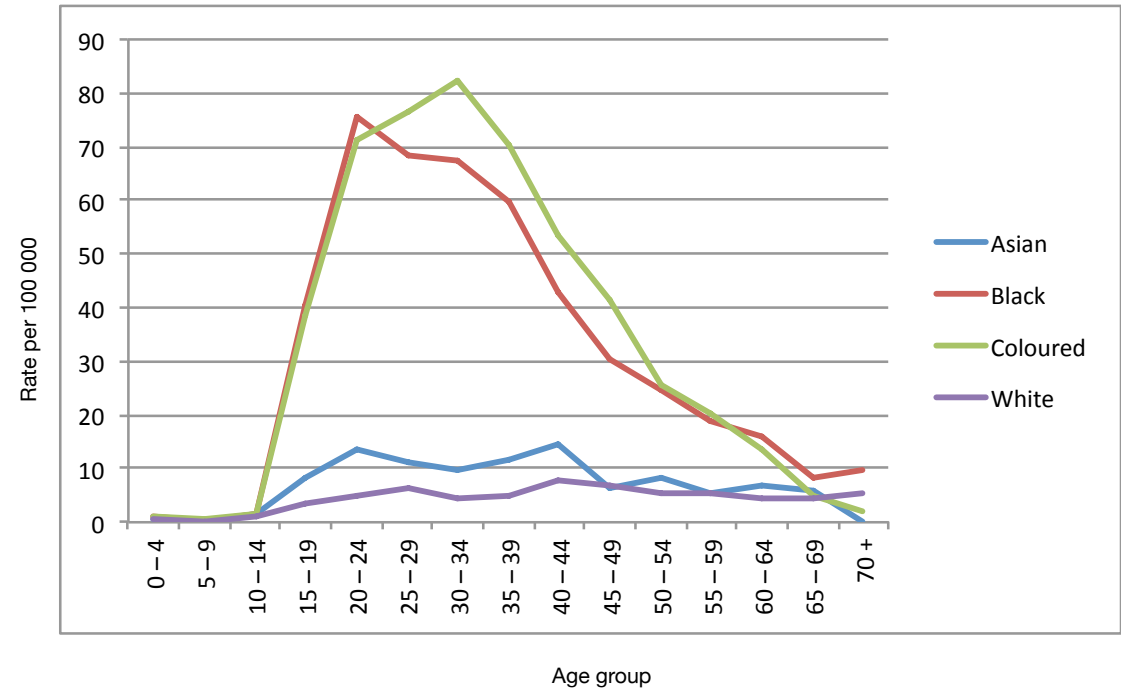
The highest rates for firearm homicide in males were seen in the black group, across all age groups, with the peak rate in the 25–29-year group (131,7/100 000; 95% CI 127,4–136,1) (Figure 9). Peak rates in the coloured group were seen in the 20–24-year group (87,7/100 000; 95% CI 79,7–96,4). The highest firearm homicide rates in whites were seen in the group 30–34-year old (23,9/100 000; 95% CI 19,5–29,1) and for Asians in the 25–29-year-old group (41,6/100 000; 95% CI 33,5–51).

Figure 9 Male firearm homicide rates per 100 000 by race and age group



The peak rates for sharp object homicide in males occurred among coloureds in the age group 30–34 (82,4/100 000; 95% CI 73,8–91,7) and among blacks in the age group 20–24 (75,6/100 000; 95% CI 72,1–79,2) (Figure 10).

Figure 10 Male sharp object homicide rates by 100 000 per race and age group



DISCUSSION AND CONCLUSION

This study reports that male homicide victimisation in four major cities in South Africa ranges from 40,1/100 000 (CI 38,3–41,9) in Tshwane/Pretoria to 117,0/100 000 (CI 114,8–119,1) in Cape Town. These rates are high compared to the global male homicide rate of 13,6/100 000.¹⁹ Despite the significant decline in reported murder cases in South Africa reported by the police for the period 2000/01 to 2006/07 (from 47/8 to 40,5/100 000; with the 2009-2010 national rate reported to be 34,1 per 100 000)²⁰, this study indicates that death from violence in metropolitan South Africa remains an acute social problem. The study also shows that the problem of fatal violence is driven by the ongoing preponderance in male homicide victimisation.

In South Africa homicide is dramatically higher among males, at a ratio of 7,5 male deaths to every female one. This is considerably higher than the ratio of 2,8 male to every female homicide in Africa, or the ratio of 3,4 for poor countries.²¹ Homicide rates are highest amongst blacks followed by coloured males, specifically young adults in these groups. The high levels of homicide in Cape Town indicate the high levels of homicide of both black and coloured males in that conurbation. The present study differs from earlier studies that showed coloured males to be most vulnerable. As this study describes the distribution of homicide victims by race at the level of cities it departs from the findings by others²² who describe the racial nature of homicide but in smaller communities and neighbourhoods or for different periods to the present study. The aggregated findings in the current analysis may therefore mask even greater concentrations, particularly of black and coloured homicide victimisation, in specific neighbourhoods in these South African cities.

The majority of male homicides were in the 15–44 year age group, and highest amongst 25–34 year olds, although with some variation across the areas, with for instance Cape Town reporting its highest male homicide rates in an even younger age category, between 20 and 24 years (at 500 homicides/100 000). The emphasis of homicide amongst young males is widely reported in other settings.²³ This study also indicates older vulnerable male groups in specific cities, particularly amongst Asians/Indians in Johannesburg and Tshwane/Pretoria.

South African studies have associated young male homicide with a recreational culture involving alcohol. Men are especially involved in culturally sanctioned binge drinking, which in recent years has been exacerbated by the increased availability and accessibility to commercial alcoholic beverages, increasing affluence, and the introduction of high alcohol content industrial brews.²⁴

Overall, the majority of deaths from violence were caused by firearm injuries, followed by sharp object injuries (highest external cause among coloured males) and blunt force injuries. Despite the recent success of gun control initiatives, there remains widespread access to unlicensed or stolen guns, high acquisition of handguns by citizens for self-defence, and the reported losses of considerable SAPS and Metropolitan Police firearms.

A range of explanations have been offered for the high levels of homicide in South Africa. Macro, social and psychological explanations emphasize 'poverty and unemployment, patriarchal notions of masculinity, vulnerabilities of families and exposure to violence in childhood, widespread access to firearms, alcohol and drug misuse, and a weak culture of enforcement and failure to uphold safety as a basic right',²⁵ according to Seedat *et al.* Others like Meel contend that young males 'have an inherent risk-taking tendency, which is often

boosted by alcohol and drugs.²⁶ Naudé's evolutionary psychological argument suggests that intrasexual competition between males may lead to the use of violence and other risk behaviours as a strategy used by a males to defeat rivals and raise their status in the eyes of females and eventually sexually possess them, which in turn puts males at higher risk than females from violence victimisation.²⁷ The higher the number of single males in the population and the more stratified the society, the higher the sexual competition between males and the higher the levels of male violence against other males and females. Ratele contends that 'practices that some men engage in within particular social, economic and neighbourhood contexts to express their manhood and demonstrate fearlessness – "badness", carrying weapons, and behaviours around alcohol usage – heighten vulnerability to or perpetration of violence.'²⁸ For O'Flaherty and Sethi 'murder can be a preemptive act driven by the fear of being killed.'²⁹

This study indicates that homicide victimisation in urban South Africa is sex/gender-, race- and age-related. Male homicide victimisation tends to involve firearms, sharp and blunt objects. Dominant constructions of masculinity in the country, across racial groups, are predicated on marked gender hierarchy, with demonstrations of toughness, bravery and defence of honour, which readily translates into risk-taking behaviours and the privileging of a readiness to fight rather than to resolve differences peacefully.³⁰ The high homicide rates among black and coloured young men indicates that support for risk-taking constructions of masculinity is higher among these groups, which in turn renders them vulnerable to deadly force. For some men, authority over women and children is assumed to be a rightful part of social relations and estimations of manhood. Contests of domination between men rely upon use of force. In a context characterised by high youth unemployment, young men commonly carrying weapons and abusing substances, fights in defence of honour and for status often occur, resulting in serious injuries and fatalities.

The findings have implications not just for policing, but also for broader policies of education, urban governance, economics, social development, employment and of course gender transformation. Therefore more gendered attention by the state and civil society still needs to be paid to physical violence against young, black and coloured males.

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‘Crime does not pay’: contradictions and internal tensions in promoting non-violent masculinities amongst adolescent boys in Alexandra Township, South Africa

Malose Langa*

ABSTRACT

In terms of the existing studies,¹ many violent crimes are committed by young males between the ages of 14 and 24 years. This paper reports on a study in which individual and group interviews were conducted with school-going adolescent boys between the ages of 14 and 19 years in two high schools in Alexandra Township, South Africa. The purpose of the study was to explore how this group of adolescent boys negotiate multiple expressions of township masculinity. The findings show that not all township boys celebrate criminalised masculinity. Some boys reject violent notions of what it means to be a ‘real’ township boy, but their views are not popular. As a result, many of these boys find themselves feeling undermined and ambivalent in embracing alternative voices of masculinity that are non-violent. Recommendations are given on how to promote healthy alternative young masculinities that are non-violent, non-sexist and non-risk-taking.

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INTRODUCTION

In recent years, criminologists and policymakers have begun to explore why boys and men dominate crime statistics.² Violence – particularly violent youth crime – is something that genuinely worries South Africans. Some research studies have noted with alarm the ‘enormous numbers of young people involved in crime.’³ According to the 2009 Annual Report of the Department of Correctional Services, a total of 27 682 prisoners are between the ages of 14 and 24 years (64% of all prisoners).⁴ This suggests that this age group is over-represented in prison.

In many studies, it has been found that violent crime is linked to notions of hegemonic masculinity.⁵ Hegemonic masculinity is the term used to refer to the prevailing cultural stereotypes of what it means to be a man/boy.⁶ This involves being aggressive and violent as a way of proving one’s bravery and manhood. So engaging in violent crime is also seen as a way of asserting one’s masculinity. It seems notions of criminalised masculinity are celebrated among young male South Africans in some sectors of the population,⁷ but there is an emerging literature that shows that some adolescent boys are able to resist peer pressure to comply with violent dominant or ‘hegemonic’ practices of masculinity. This is not an easy process, however, as these boys experience mixed feelings about their masculine identities.⁸

This paper presents select findings of a research project in which individual and group interviews were conducted with 32 school-going boys between the ages of 14 and 19 over a period of eight to ten months. The aim of the research was to explore how adolescent boys in Alexandra Township in Gauteng, who live in a predominantly working-class environment, negotiate the kinds of multiple expressions of masculinity identified in studies of masculinity.⁹

In talking or writing about violent crime in South Africa, attention is often given to violent township boys. This may create the impression that all township boys are violent or are involved in criminal activities.¹⁰ Jensen found that people tend to associate black adolescent boys with gangs, crime and violence because they relied on racial and class stereotypes.¹¹ Alternative voices of masculinity that are non-violent are often neglected and marginalised in the existing academic literature and media reports on crime. The main contribution of this paper is to argue that not *all* boys in townships such as Alexandra are involved in crime or gangs. The paper explores the strategies that these boys employ to defy and reject dominant norms of what it means to be a ‘real’ township boy; it reveals the internal contradictions and emotional costs of being a different boy who consciously adopts non-popular masculine positions; and finally offers practical recommendations that can be implemented to assist young adolescent boys to negotiate all challenges of boyhood and also the transition into healthy manhood.

ON BEING A ‘REAL’ BOY IN ALEX

All the boys in the study agreed that there were different ways of ‘being a boy’ and that some boys were more popular than others. For example, it was reported that some boys (namely boys classified as *tsotsis*)¹² were very popular for missing classes, defying teachers’ authority, and bringing weapons to school. It was also reported that these boys belonged to gangs and were likely to commit violent crime. They were seen as embracing the notions of what it is to be a ‘real’ township boy. However, another group of boys challenged the view that township masculinity is about violence. As described by the boys in the extracts below, they rejected

and subverted the automatic association of township masculinity with violent crime as normative among adolescent boys living in predominantly black townships such as Alexandra.

You know people always think boys in Alex are violent or steal. Not all of us steal or are involved in crime.

It is stupid to think that being violent or being a criminal made one a 'real' township boy in Alex.

Not everyone is a criminal here [referring to Alex]. Crime does not pay. Crime does not have guarantees. So there are many problems when it comes to crime. In crime, you can be a wanted. There is this thing that you cannot escape the long arm of the law. Even after ten years if you are a criminal; you got this via crime, I do not care how long it takes, but then as you also know; you live by the gun, you die by the gun ... So with education you know that I didn't take someone's life to get this car.

It is evident in the above narratives that some of the boys in Alexandra Township reject the dominant conceptions of township black adolescent boys as 'violent'. Many of these boys embraced masculine voices that were non-violent, non-risk taking, and school orientated. However, they also felt marginalised because their non-violent voices were not as popular as those of *tsotsi* boys, who were also popular with girls. They were being taunted and called derogatory names such as 'losers', 'teachers' pets' or 'bookworms'. As a result, as described in the extracts below, some of these boys experienced conflicting emotions and ambivalence about their non-violent masculine identities:

I don't know, these girls of these days, when they see a boy drinking, smoking and missing classes, they get proud of the boy ... I wouldn't say I am popular, I wouldn't say I am a loser. I feel that I am in between.

... You [don't] do your homework, you become popular amongst the girls. And the girls would like you that this guy. Yes, being like in between, you wouldn't impress people doing bad things. And again you wouldn't be that guy that doesn't socialise, like you lock yourself out.

Many boys who embraced non-violent masculinity spoke about being 'in between' as one of the discursive strategies that they employed to cope with the emotional costs of being 'different'. These boys argued that it was better to be a 'simple guy' who was neither popular nor a 'loser'. However, being in the middle constituted a dilemma as they wanted to do well academically, but, at the same time, they wanted to be considered 'real' township boys.

It was evident that being 'different' was not a simple process and involved conscious management of one's behaviour and the perceptions of others. These boys were also caught between two opposing masculine positions in attempting to ensure that their tough and socially integrated township masculinities were kept intact while simultaneously endeavouring to maintain their academic success. They had to manage both internal and external battles. Being a 'different' boy is a complex emotional process characterised by feelings of contradiction and ambivalence. It is therefore important that these adolescent boys be assisted in maintaining healthy alternative voices of masculinity.

BEING FUTURE-ORIENTED AS A PROTECTIVE FACTOR

The context of Alexandra, a working-class urban township, should be taken into account when attempting to understand some boys' negative attitude towards academic success and likely participation in criminal behaviour. Many boys in Alexandra believe they have no control over their future and are demoralised by the lack of future prospects. Because of the perceived absence of future prospects or employment opportunities, they see their involvement in crime as the only alternative option in the present rather than focusing on academic achievement, which is seen as bearing fruit only in the future.

However, it also became evident in the study that academic success for some boys was the main protective factor against risk-taking behaviours such as involvement in crime. This is similar to Barker's findings among boys in Brazil, Jamaica and the United States, that young adolescent males who performed well academically were less likely to be involved in risk-taking behaviours such as gang violence.¹³ It was also evident in the present study that adolescent boys who embraced non-violent voices of masculinity generally displayed a high degree of self-reflection. These boys were aware of peer pressure to conform to certain practices that expressed violent township masculinity, but were able to rebuff the pressure. This is well illustrated in the interview with Themba,¹⁴ a 16-year-old boy. He mentioned that when *tsotsi* boys tease him that he is a bookworm, he consoles himself by telling them: 'Let's put five years down the line and see what is going to happen; who is going to be a bookworm, who is going to wash whose car, who is going to be whose garden boy, who is going to ... you know stuff like that.' Themba seemed to be coping well and resisting peer pressure to engage in criminal activities. He said that he sees education as an investment for the future. He believes that he is currently in an inferior position but later he will be in a superior position. All these boys who tease him now would be working as his servants, washing his cars, and working as 'garden boys' in his big house. In his fantasy, this would be payback time.

Brett, another 16-year-old boy, mentioned feeling hurt when *tsotsi* boys at school call him a 'fool' because he is always reading and doing his school work. He recounted that the coping strategy that he uses is to ignore all these negative comments and concentrate on his goal of becoming a civil engineer. It was evident in the study that many academic-oriented boys were concerned about the future, represented by an ideal lifestyle in which they would be able to leave the squatter camps of Alexandra Township for the neighbouring suburbs of Sandton and Sunninghill. However, all their narratives also point to the tension that many non-violent boys experienced in negotiating the paradoxes of township masculinity. Their narratives proliferated with contradictory sentiments and ambiguities as it is not easy to be a 'different' boy who adopts non-popular and non-violent masculine positions. This confirms Frosh, Phoenix and Pattman's study that the process of being a different boy who adopts non-popular positions is not an easy step, as it involves discrimination and being called derogatory names for not complying with traditional views of township *tsotsi* masculinity.¹⁵ Yet, despite these difficulties this group of adolescent boys expressed significantly higher levels of optimism and confidence about the future than their *tsotsi* male peers who were more involved in anti-school behaviours such as missing classes and defying teachers' authority.

It can therefore be concluded that having educational aspirations and valuing academic achievement as it has been found in other similar studies appear to be powerful protective factors in resisting involvement in risk-taking behaviours such as substance abuse, crime and violence.¹⁶

CONCLUDING REMARKS AND RECOMMENDATIONS

The findings in this study show that being a different boy is 'hard work'.¹⁷ So it is important that youth interventionists who work with boys across the spectrum are aware of the kinds of pressure that young boys face in their everyday lives. It was evident in this study that at least two factors were implicated in a willingness to take up alternative positions: a hopeful or positive future orientation, and having a clear and strong sense of self, or personal identity that was maintained independently of peer recognition or affirmation. It is therefore important that intervention programmes are developed in and out of school to assist and support adolescent boys to negotiate multiple voices of masculinity.

It was evident that interviews in this study helped the participants to reflect more deeply on what it meant to be a boy in Alex. It is important that adolescent boys are given safe spaces to talk about their inner feelings and emotions. Discussions with adolescent boys should take place in settings where the boys can present their concerns and doubts without fear of criticism and ridicule in order to challenge the notions of township masculinity linked to risk-taking violent behaviours. The fact that the researcher in the present study was non-judgmental seemed to enhance the participants' insight.

The present study also showed that some of the adolescent boys were strongly future orientated and that this was important in the willingness to sacrifice alignment with dominant or popular positions in the present and thus to entertain non-hegemonic or alternative identity positions. Their narratives revealed positive signs of change, ambition and the aspiration to achieve certain career goals. Many of the academic boys in the interviews were not sure if they would be able to access institutions of higher learning when they completed their schooling due to a lack of finances at home. It is important for the state (especially the Department of Education) to recognise this in aiming to promote more constructive, productive, and positive expressions of township masculinity. Career counselling services should also be provided in helping adolescent boys to make informed career decisions.

Finally, the findings in this article revealed emerging positive images and views of youthful masculinity in Alex which should be popularised in the mainstream literature and media. This will help in challenging the negative portrayal of black boys in public discourses about violent crime in the 'new' South Africa. It is therefore important that public spaces (especially in the media) are created to publicise and celebrate non-hegemonic norms of black and township masculinity. A focus on voices of resistance will promote the realisation that not all township boys are inherently violent and risk taking, as was certainly evident in this study.

NOTES

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- 11 S Jensen, *Gangs, politics and dignity in Cape Town*, Johannesburg: Wits University Press, 2008.
- 12 *Tsotsis* is township lingo for boys who engage in criminal activities.
- 13 Barker, *Dying to be men*.
- 14 All names used in the article are pseudonyms to maintain the participants' confidentiality and privacy.
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Where to from here? An argument for respectful policing in South Africa

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ABSTRACT

This paper is concerned with questions about the nature of policing in South Africa in the light of the problem of widespread serious violent crime. It is partly motivated by statistics on people killed by police in KwaZulu-Natal that suggest that some police in the province are placing reliance on the use of extra-legal methods to address violent crime. But extra-legal methods are likely to be counter-productive for various reasons and the paper therefore argues for another kind of policing that is more likely to be effective in addressing violent crime. In engaging with questions about the police response to violent crime, the paper first puts forward an argument that serious violent crime in South Africa is underpinned by a sub-culture of violence and criminality. In addressing violent crime the police response should be defined by a focus on armed violence (violence involving weapons such as firearms and knives) and sexual violence. The paper argues that characteristics of the sub-culture of violence and criminality and the communities within which this sub-culture is located motivate for a type of policing that combines an emphasis on professionalism, particularly in the use of force, with respectfulness.

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INTRODUCTION

One of the attributes of the transition to democracy in South Africa was a strong focus on police transformation. Transformation was partly understood to be concerned with ensuring that the South African Police Service (SAPS) was more representative of the population of South Africa in terms of race and gender. But it was also concerned with questions of how policing was to be governed and carried out. Transformation initiatives therefore involved the creation of a number of mechanisms of accountability whilst also emphasising human rights, community policing, crime prevention and problem solving. Various attempts have been made to reflect on and evaluate the impact of these initiatives¹ and it is certainly not the concern of this paper to do this. Suffice to say that while all this had some impact on policing in South Africa, the impact was constrained by high levels of violent crime, inadequately skilled police and the complexity of policing communities dominated by multiple social problems and emerging from a history of oppressive policing.²

This paper is informed by the view that there is no longer a properly considered approach which guides policing in South Africa. While in many instances police may still be doing their work effectively, there is little in the way of a coherent vision of policing which is articulated at a leadership level. Since the late 1990s many attempts at reforming police have focused on organisational restructuring, on improving efficiency, or the nature of the rank structure. The recent period has also to some degree been characterised by a 'tough on crime' rhetoric. While approaches to policing are not uniform throughout the country there is evidence that, in parts of South Africa, this is being translated into a type of policing which places reliance on the use of force.

FATAL SHOOTINGS BY POLICE IN KWAZULU-NATAL

According to Independent Complaints Directorate (ICD)³ statistics, deaths as a result of shootings by the police reached their lowest levels nationally, since 1997/98, in 2005/06. Yet, in the four years since then there has been a dramatic rise in the number of these deaths with the total number having increased by over 100% (102%) from 281 to 568 in 2008/09 (the highest figure recorded by the ICD since it started operating) before declining slightly in the following year to 524.⁴

The biggest factor driving this increase has been a massive increase in the number of these shootings in KwaZulu-Natal (KZN). KZN has made the greatest contribution to the increase of shooting deaths by police during this period, with these deaths increasing in the province by 173%, from 75 in 2005/06 to 205 in 2009/10. These statistics raise the question whether sections of the police in KwaZulu-Natal may have adopted an approach which is defined by the belief that extralegal methods are not only justified, but in fact necessary to address violent crime.⁵ In terms of this kind of approach the rhetoric of acting within the law is merely used for 'presentational' purposes. Police who follow this approach, however, believe that the methods which are sanctioned by law 'don't work' and foreground their 'crime fighting' mission within the paradoxical formulation that in order to fight crime effectively it is necessary to act outside of the law.

A report on police violations of human rights in the mid-1990s documented a pattern of the killings of people in suspicious circumstances in KZN. Those killed were often in the process of being arrested or were already in custody. In a number of cases people who had been arrested and held in custody were booked out for purposes of investigation. They were then

killed in circumstances in which, it was alleged, they had either tried to flee or suddenly attacked police.⁶ One policeman told a commission of inquiry that it was common knowledge in the unit which he worked that ‘suspects were “taken out” and when a killing was going to occur. Shortly thereafter the suspect would be shot in self defence by a member of the unit, while trying to escape.’⁷ One statistic which suggests that practices of this kind continue in KwaZulu-Natal is that the sub-category of shooting deaths to which KZN makes the greatest contribution is deaths ‘during escape’. KZN accounts for 42% of all deaths recorded in this category during the five-year period 2005/06 to 2009/10,⁸ though the province is not disproportionately affected by escapes from custody.⁹

As a result of indications that current crime statistics are unreliable it is difficult to comment with any confidence on current crime trends and therefore difficult to know what impact this approach (if it is being followed) is having on levels of violent crime in KwaZulu-Natal.¹⁰ Yet whether or not there may be any gains in reducing crime which come from this kind of policing there are also a number of serious potential risks including:

- An increase in civilian casualties including both innocent bystanders and others who may be mistakenly identified as ‘wanted’ persons and then killed or otherwise brutalised. KwaZulu-Natal for instance currently accounts for a very high proportion of the deaths of ‘innocent bystanders’ recorded by the ICD as a result of police shootings in South Africa each year. In 2008/09 the 12 killings of bystanders in KZN constituted 38% (37,5%) of killings of bystanders in that year. In 2009/10 the nine deaths of innocent bystanders represented 56% of all deaths in this sub-category nationally.¹¹
- A police organisation in which some forms of unlawful behaviour are tolerated provides cover and justification for police to engage in other forms of unlawful behaviour. This kind of ‘crime fighting’ may provide cover for the settling of personal scores or the advancement of personal interests. For instance, police who are involved in corrupt networks may use killings which are portrayed as legally justified as a means of protecting or advancing the corrupt enterprises in which they are involved.

Any possible improvements in security that may result from this approach are likely to be accompanied by increases in police intrusiveness and oppression. This kind of policing may have support from those who believe that the police need ‘to get tough on crime’ and are likely to be those who have limited exposure to its negative consequences. But the impact of policing approaches of this kind are likely to be felt more directly amongst the more marginal members of a community, thus reinforcing a residual sense of hostility towards, and alienation from, systems of authority. As a result, this type of approach is likely to reduce the ability of police to build public confidence and public trust amongst these community members. These are arguably the people with whom the police have the greatest need to build relationships in order to impact on crime and violence.

Related to this, if those who are charged with upholding the law are seen to disregard the law and hold it in contempt, it undermines efforts to build respect for the law. One KwaZulu-Natal ICD investigator spoke of the community he works with in rural KZN as knowing the police only as people who regard themselves as being ‘above the law’.¹² Even where the targets of their use of force are violent criminals, police should only use lethal force where it is both justified by law and necessary, and should refrain from doing so when this is not the case. Otherwise, they are themselves violating and acting in defiance of the law. If the police regard the law with contempt it detracts from the motivation for anyone else to respect it. If this type of policing takes a toll on innocent victims, provides a cover for unlawful police

violence and corruption, creates a gulf between the police and the people that they are supposed to serve, and undermines respect for the law, can it be regarded as 'effective'?¹³ Since South Africa continues to suffer from high levels of violent crime – is there another approach which has the potential to enable the police to effectively address violent crime without these kinds of negative consequences?

DEFINING CHARACTERISTICS OF SERIOUS VIOLENT CRIME IN SOUTH AFRICA

Police responses to violent crime should be informed by an understanding of the nature of the problem of violent crime. In an effort to develop an argument about how police should address the problem of violent crime, this paper draws on and develops the analysis put forward in a recently released study on violent crime in South Africa by the Centre for the Study of Violence and Reconciliation.¹⁴

Whilst 'violent organised crime'¹⁵ involving more sophisticated criminal groups is part of the problem of violent crime in South Africa,

... the greater part of the problem of stranger violent crime in the metros¹⁶ (particularly that which takes place outside of the suburbs in townships and inner city areas) is associated with young men who tend to be invested in some kind of criminal identity and associate with other like-minded people, but cannot be said to be part of any organised crime groups or syndicates. Those involved fall across a spectrum which includes criminals who operate as individual rapists or robbers, to large numbers affiliated to mainly informal but sometimes more formal groups or gangs. Many of these young men are associated with informal groups and these are the key drivers of the problem of aggravated robbery. They may also tend to be associated with many of the group rapes which in Gauteng, for instance, tend to be stranger crimes.¹⁷

Rather than being a problem of violent organised crime, serious violence is therefore rooted in what might, for want of a better term, be described as a sub-culture of violence and criminality,¹⁸

... which has consolidated itself in the township and inner city areas of metropolitan South Africa. Addressing this sub-culture is a critical part of addressing violent crime in South Africa. This is also important because 'many of those who are now involved in the more sophisticated type of organised robbery groups also would have first 'learnt the ropes' of robbery as street robbers working with friends or other peers in informal groups. Even the problem of violent organised crime associated with some of the more sophisticated and daring aggravated robberies can itself be seen to have most of its roots in the broader [sub]-culture of criminality and violence which has institutionalised itself in these areas.'¹⁹

It is therefore at this level that most policing efforts must be concentrated.

One of the defining features of the sub-culture is the prominent role played by weapons. 'The ability to operate and achieve credibility within this [sub]-culture is strongly related to one's readiness to resort to extreme violence with a weapon.'²⁰ Though not restricted to those affiliated with the sub-culture, armed violence (violence involving weapons such as

firearms and knives) is therefore emblematic of it. Even where it takes the form of acquaintance violence the fact that an individual is involved in an incident of violence with a weapon suggests strongly that they are associated with this subculture and involved in other forms of violent crime. Those involved in robberies with weapons often tend to be implicated in acquaintance violence, with the same weapons being used.²¹ In poorer communities where the numbers of robberies with firearms are high, other acquaintance violence with firearms is also high. Likewise in communities where knife violence is high this is manifested both in stranger and acquaintance violence.²² The involvement of many perpetrators of armed violence therefore cuts across boundaries between 'stranger' and 'acquaintance' violence.

THE FOCUS OF THE POLICE IN ADDRESSING SERIOUS VIOLENT CRIME

The problem of armed violence (taken as emblematic of the sub-culture of violence and criminality) provides an entry point for police responses to serious violent crime. "The heart of a strategy to address violent crime in the metros should therefore be a broad ranging strategy focusing on perpetrators of armed violence."²³ Along with armed violence it is appropriate that sexual violence should also be regarded as a priority whether or not the perpetrators are armed.²⁴ Offenders who engage in armed violence and perpetrators of sexual violence are those who give the current epidemic of violent crime in South Africa its most malevolent edge, cause the greatest harm, and contribute the most to fear of crime in South Africa.

The key focus of police efforts to address armed violence and sexual violence should therefore be on bringing perpetrators of these violent crimes to trial and having them successfully prosecuted. Law enforcement should therefore focus on the incarceration of repeat offenders who will continue to commit these crimes. This is not to argue against integrating restorative justice-type or other rehabilitation-type measures into the criminal justice response in appropriate circumstances. It is also not to argue against the importance of using other 'social crime-prevention' measures to address the social factors which give rise to this sub-culture,²⁵ but merely that the central role of the police in addressing violent crime is to ensure that crimes involving armed violence or sexual violence are properly investigated and that where possible the perpetrators of these crimes are held accountable before courts of law.

Due to the fact that the perpetrators of these crimes are often involved in multiple forms of violent crime, in apprehending and convicting (or taking other appropriate measures²⁶) perpetrators of one type of serious violence, one is often likely to be apprehending and convicting the perpetrator of other types of serious violence as well.²⁷

THE TYPE OF POLICING THAT CAN BE MOST EFFECTIVE

In focusing on the perpetrators of armed violence and sexual violence police should not lose sight of the need to understand the sub-cultural milieu within which these perpetrators are frequently located and should have an approach to their work which enables them to work effectively within this context.

In so far as this milieu is distinguished by the high premium given to possession and use of weapons, it implies that police must be trained, equipped and supported in order to be able to effectively defend themselves against those who respond to their interventions by means of violence. Nevertheless it would be a mistake to think that this means that police interventions will be adequate if they are merely guided by an aggressive and confrontational 'fight

fire with fire' type of attitude. It should also not be taken as a justification for extrajudicial executions or other unlawful actions, but as motivation for improving the professionalism of the police in dealing with perpetrators who use or threaten violence against them.

But what is required from the police is not just the capacity to obtain the upper hand in encounters with suspects who violently resist their interventions. What is required is that they carry out their law enforcement activities with an awareness and sensitivity to the conditions which enable the sub-culture of violence and criminality to thrive. Most notably the context of poverty and relative disadvantage within which it develops feeds into a phenomenon in terms of which those who are located within the sub-culture of violence and criminality tend to be characterised by identities which are 'oppositional' in nature.²⁸ The defining feature of these oppositional identities is that they are built around a sense of antagonism to official institutions and derive nourishment and sustenance from conflict with the representatives of these institutions, with imprisonment, for instance, serving as a badge of honour amongst peers.²⁹ Policing which is harsh and oppressive is likely to nurture these identities and create solidarity between members of these groups.

But what sustains this sub-culture is not simply the 'oppositional identities' of those located within it but also broader attitudes of ambivalence to the law within the communities within which it originates. These attitudes provide a supporting environment that enables the sub-culture to flourish. Thus it has been found that:

The proliferation of crime is partly sustained as a result of the fact that practices that sustain crime, and people who are involved in crime, are socially accepted in many communities. Reports have documented a phenomenon in terms of which known criminals are widely tolerated, or even admired, particularly if they are perceived as preying on people from other communities. This forms part of a culture that also condones other illegal practices, such as the purchase of stolen goods, illegal reconnections and corruption.³⁰

This phenomenon would appear to resemble that documented in the US where research has found evidence of 'legal cynicism' in disadvantaged neighbourhoods in which residents are ambivalent toward the law and social norms in the context of extreme structural disadvantage.³¹ In these 'structurally disadvantaged areas' residents are often reluctant to contact the police because of negative police and citizen interactions³² and hold the view that the criminal justice system is 'unfair and discriminatory'.³³ In particular 'cultural attenuation' and beliefs in 'procedural injustice' are fed by the unjustified stops, harassment, rough treatment at the hand of police, and the 'dishonest and lackadaisical police' which youths in these areas encounter.³⁴

If these factors are salient to our understanding of what it is that sustains violent crime in current-day South Africa then it implies that policing should be carried out in a way that seeks to weaken, rather than reinforce, the sense of exclusion that nurtures the oppositional identities which underpin the sub-culture of violence and criminality. At the same time it should aim to challenge the ambivalent attitudes to the law that characterise the communities within which this culture is located.

This highlights the need for policing which is carried out fairly and respectfully. There is some evidence 'that the manner in which people are treated by agents of the criminal justice system contributes not only to respect for [the criminal] justice [system] but to respect for

the law itself'.³⁵ Essentially this means that people are more likely to voluntarily obey the law if they believe that agents of the criminal justice system will act towards them in a fair way.

This is not to suggest that respectfulness and fairness alone will enable the police to be effective, but rather to emphasise the importance of understanding the dynamic inter-relationship between police effectiveness and their relationships with community members. Police who do their jobs badly cannot earn public respect. If laws are not enforced they have no authority. So, ineffective policing is likely to undermine not only respect for law enforcement agents but for the law itself. At the same time police who interact with members of the public in an abrasive, disrespectful way will firstly reinforce the oppositional hostility to authority of marginalised young people linked to the criminalised sub-cultural milieu. This behavior will also not gain credibility for the police with other community members. Without public respect the ability of police to obtain public cooperation is also profoundly limited, detracting from their ability to impact on crime. Public respect is more likely to be obtained by policing which is both responsive and fair.³⁶ Communities where police are regarded as approachable are likely to cooperate more with the police.³⁷

While some might see this as just another argument for 'community policing' it is important to distinguish the type of policing which is motivated for here from what has come to be regarded as community policing in South Africa. The latter has to a large degree involved the police in establishing relationships through Community Police Forums with what are often elite pro-police sections of communities. By contrast the defining feature of the respectful and fair policing which is motivated for here is its concern with the approach which police take to their daily interactions in enforcing the law, whether these are with suspects or other people such as victims, witnesses or other ordinary community members.³⁸

As two international policing scholars have said, 'the great effectiveness multiplier in the use of state power against violence is the allegiance and support of the public'.³⁹ Police who do their jobs in an oppressive manner cannot win this allegiance and support and therefore cannot do their jobs well. Oppressive and abusive policing may therefore ultimately undermine the objective of addressing violent crime.

The type of policing which is required is therefore firstly policing which carries authority and which takes seriously the potential need for police to have recourse to the use of force, whether this is of a lethal or a non-lethal nature. At the same time it is policing which also takes very seriously the fact that police must be subject to the law. It is therefore not a kind of policing which places reliance on extralegal methods and is therefore obviously also not characterised by corruption. Rather it is policing which emphasises the need for police to carry out their interactions with members of the public in such a manner as to earn the respect and support of the public for the mission of the police. Respectfulness and responsiveness themselves are a means of securing public respect. Civilian respect for the police is a means of securing the willingness to obey the law as well as cooperation with the police.

NOTES

1 See for example: Antony Albeker, *A country at war with itself*, Johannesburg: Jonathan Ball, 2007; David Bruce, Gareth Newham and Themba Masuku, *In service of the people's democracy – an assessment of the South African Police Service*, Johannesburg: Centre for the Study of Violence and Reconciliation & Open Society Foundation for South Africa, 2007; Eric Pelser, *The challenges of community policing in South Africa*, ISS Occasional Paper 42, Pretoria: Institute for Security Studies, 1999, <http://www.issafrica.org/Pubs/Papers/42/Paper42.html> (accessed 5 April 2011); D Gordon, *Transformation and trouble*, Ann Arbor, Mich: University of Michigan Press, 2006; Janine Rauch, *Police reform and South Africa's transition*, Centre for the Study of Violence and Reconciliation, <http://www.csvr.org.za/docs/policing/policebeforemandsouth.pdf> (accessed 24 February 2011); Mark Shaw, *Crime and policing in post-apartheid South Africa*, Cape Town: David Philip, 2002; Jonny Steinberg, *Thin Blue*, Johannesburg: Jonathan Ball, 2008.

2 Steinberg, *Thin Blue*, 2008.

3 It is likely that during 2011 the name of the organisation will be changed to the Independent Police Investigative Directorate as a result of the passage of a Bill which is currently before Parliament.

4 Figures are compiled from ICD annual reports available at <http://www.icd.gov.za>.

5 Johan Burger, Are we seeing the beginnings of police vigilantism in KwaZulu-Natal? *ISS Today*, 1 March 2010, http://www.iss.co.za/iss_today.php?ID=904 (accessed 24 February 2011); David Bruce, *An acceptable price to pay*, Cape Town: Open Society Foundation, 2010, 19–21 (see also case 2 in Annexure A), http://www.osf.org.za/File_Uploads/docs/CJI_Occasional_Paper_8.pdf (accessed 24 February 2011).

6 Network of Independent Monitors, The Trauma Centre for Victims of Violence and Torture, Independent Board of Inquiry, *Breaking with the past? Reports of alleged human rights violations by South African Police, 1990–1995*, Johannesburg: NIM, TCVVT, IBI, 1995, 171–206.

7 Ibid, 188.

8 ICD statistics indicate that there were 79 deaths in this category in KwaZulu-Natal during this five year period accounting for 11% of all killings by police in shooting incidents. In the rest of the country there were 107 such deaths accounting for 7% of all killings by police in shooting incidents. See also Johan Burger, Are we seeing the beginnings of police vigilantism in KwaZulu-Natal? *ISS Today*, 1 March 2010, http://www.iss.co.za/iss_today.php?ID=904 (accessed 24 February 2011).

9 SAPS statistics indicate that during the five-year period 2005/06 to 2009/10 period KwaZulu-Natal accounted for 15% of escape incidents (584 out of 3 998) and 15% of escapees (963 out of 6 297). (Figures for 2005/06 are from *Annual report of the South African Police Service 2005/06*, 72; figures for 2006/07 onwards are from *Annual report of the South African Police Service 2009/10*, Pretoria, 91. Both are available at <http://www.saps.gov.za>.)

10 David Bruce, 'The ones in the pile were the ones going down': the reliability of current crime statistics, *South African Crime Quarterly* 31 (March 2010), 9–19, <http://www.issafrica.org/uploads/CQ31Full.pdf> (accessed 5 April 2011); Johan Burger, Chandré Gould and Gareth Newham, The state of crime in South Africa: an analysis of the SAPS crime statistics for 2009/10, *South African Crime Quarterly* 34 (December 2010), 3–12, <http://www.issafrica.org/uploads/CQ34Full.pdf> (accessed 5 April 2011).

11 For a case of a mistaken identity killings see for instance case 24 in Annexure A of Bruce, *An acceptable price to pay*. Pages 29–30 of the latter report also discuss obstacles facing the ICD in investigating cases involving the use of lethal force.

12 Interview by author with ICD investigator, Durban, 28 June 2010.

13 The arguments for and against official law breaking are examined more thoroughly in David H Bayley, Law enforcement and the rule of law: is there a tradeoff?, *Criminology and Public Policy* 2(1) (2002), 133–154.

14 In February 2007 the Centre for the Study of Violence and Reconciliation (CSVR) was commissioned by the South African government to carry out a study on the violent nature of crime in South Africa. Altogether seven reports were produced as part of the study, two of which were released in August 2008 and the remaining five on 9 November 2010. The work by the CSVR which is cited below was work produced as part of this study.

15 Centre for the Study of Violence and Reconciliation (CSVR), *Tackling armed violence: key findings and recommendations of the study into the violent nature of crime in South Africa*, 2010, 31, http://www.csvr.org.za/docs/study/6.TAV_final_report_13_03_10.pdf (accessed 24 February 2011). See also South African Police Service, *The crime situation in South Africa* (published as part of the 2009/10 *Annual report*), 19, http://www.saps.gov.za/saps_profile/strategic_framework/annual_report/2009_2010/3_crime_situation.pdf (accessed 24 February 2011).

16 The study concludes that violent crime is more concentrated in the 'metros', that is, the metropolitan areas of South Africa.

17 CSVR, *Tackling armed violence*, 31.

18 In the CSVR report the term 'culture of violence and criminality' was used. For various reasons (one of these being that the report also refers to a broader phenomenon of a 'culture of violence' in South Africa) it seems preferable

to use the term 'sub-culture of violence and criminality' to characterise this phenomenon though neither term is ideal.

19 CSVr, Tackling armed violence, 31.

20 Ibid, 35–36.

21 Ibid, 32–36; Democracy and Governance and Child, Youth and Family Development Units of the Human Sciences Research Council, *Case studies on perpetrators of violent crime*, 2008, 62–67, http://www.csvr.org.za/index.php?option=com_content&task=view&id=1373&Itemid=200 (accessed 23 November 2010).

22 CSVr, Tackling armed violence, 26

23 Ibid, 56.

24 Note that the CSVr report cited above merely argues that armed violence should be a priority. The argument was revised to motivate for armed violence and sexual violence to both be the focus of attention. See CSVr, Press statement: The Study on the Violent Nature of Crime, 9 November 2010, http://www.csvr.org.za/index.php?option=com_content&view=article&id=2447:press-statement-the-study-on-the-violent-nature-of-crime-91110-&catid=56:latest-news&Itemid=23 (accessed 25 November 2010).

25 See for instance CSVr, Tackling armed violence, 58–61, for proposals on other crime prevention measures.

26 In certain cases, particularly those involving child offenders, the most appropriate measures would involve following the procedures provided for in the Child Justice Act, Act 75 of 2008.

27 CSVr, Tackling armed violence, 56.

28 Elijah Anderson, Synopsis of the street code, in Eric A Stewart and Ronald L Simons, The code of the street and African-American adolescent violence, *Research in brief*, Washington, DC: National Institute of Justice, February 2009, 1, <http://www.ncjrs.gov/pdffiles1/nij/223509.pdf> (accessed 25 February 2011).

29 Catherine L Ward, 'It feels like the end of the world': Cape Town's youth talk about gangs and community violence, ISS Monograph 136, 2007, 32.

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Measuring the code of silence among the South African police: findings from an SAPS supervisor survey

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ABSTRACT

Successful democratisation of the South African Police Service (SAPS) should result in the police not only abiding by the rule of law in general, but also having an affirmative obligation to protect citizens' civil rights. One of the key methods of curtailing police misconduct – be it biased policing, police corruption, the use of excessive force, or other violations of human rights – is controlling the police code of silence. Based on the results of the 2005 survey of 379 police officers from seven provinces and autonomous territories, we empirically measure the contours of the code of silence. We report that the code of silence does not protect all misconduct equally and find that a substantial minority of SAPS supervisors in our sample would protect many forms of police corruption from exposure. We also provide an in-depth analysis of the relation between the extent of the code of silence and views of discipline fairness. This methodology can be utilised by police administrators to explore the contours of the code of silence in their agencies and guide efforts to limit the code of silence.

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THE CODE OF SILENCE AND ITS CONTOURS

The academic literature largely defines 'the code of silence' as an informal prohibition of reporting misconduct committed by fellow police officers. The code of silence is a central part of police culture and exists to a certain extent in every police agency. It is a consequence of the paramilitary environment in which a mixture of solidarity, loyalty, and mutual trust develop among police officers. The code of silence has been documented in many police agencies, including the New York Police Department,¹ the Philadelphia Police Department,² and the Los Angeles Police Department.³ Prior research has also demonstrated its existence.⁴

The norms of the code of silence vary from agency to agency. In the agencies characterised by widespread misconduct, be it corruption, excessive force, or other forms of misconduct, the code of silence tends to be strong.⁵ Klockars and colleagues surveyed police officers in thirty US police agencies and reported dramatic differences across the agencies.⁶ The respondents were confronted with eleven hypothetical cases describing corruption and the use of excessive force, and asked to provide their evaluations of seriousness, appropriate and expected discipline, and reporting practices for such forms of misconduct.⁷ Based on the results of the police integrity survey, Klockars and colleagues selected two agencies on the opposite ends of the integrity spectrum, and reported that the strength of the code of silence, measured as the percentage of police officers who would not report misconduct, could vary by as much as 40%.⁸

The code of silence could also vary across different units within the same police agency.⁹ While supervisors may be less likely to protect misconduct in silence,¹⁰ their adherence to the code is detrimental to the agency's integrity because they have a crucial role in controlling the code and fostering a culture of accountability among their subordinates.

It was also found that the code does not apply equally to all forms of misconduct¹¹ and, within the same form of misconduct, to all cases.¹² Klockars and colleagues explored the contours of the code across fourteen countries and found that the code of silence seems to be more likely to protect less serious cases of misconduct.¹³

The results of several research studies suggest that the contours of the code of silence vary across the world,¹⁴ even within the same geopolitical region and within different agencies within the same region.¹⁵

There have been no nationwide attempts to measure the code of silence in the South African Police Service (SAPS). Newham¹⁶ studied police officers' willingness to report misconduct in one station in Johannesburg. He surveyed 104 police officers and presented them with eleven hypothetical scenarios based on the model developed by Klockars and Kutnjak Ivković.¹⁷ In six out of eleven scenarios, the majority of the respondents indicated that they would tolerate such behaviours in silence.¹⁸ In two additional scenarios only a weak majority (50–53%) said that they would report their colleagues' behaviour. Thus, in only three out of the eleven scenarios, depicting the most serious forms of corruption (for example, bribery from a speeding motorist, bribery for a late bar close, crime scene theft),¹⁹ a strong majority of police officers (two-thirds or more) said that they would report the behaviour of their colleagues. The police officers' assessments of their fellow police officer adherence to the code indicated that the officers expected their colleagues to adhere to the code even more than they themselves said they did; in only one scenario did the respondents estimate that the majority of their fellow police officers would report the behaviour.²⁰

In this paper we explore the contours of the code of silence among SAPS officers. We present the analyses of a survey of 379 police officers from seven South African provinces. The officers were surveyed while they attended training sessions at the SAPS training centres. We study their own adherence to the code of silence and their perceptions of others' adherence to the code.

CONTROLLING CORRUPTION AND THE CODE OF SILENCE IN THE SOUTH AFRICAN POLICE SERVICE

Although police agencies rarely engage in any activities that specifically target the code of silence, it stands to reason that any internal or external anti-corruption effort, at the very least, should have an indirect effect on the code of silence. Consequently, we describe these control measures and relate them to the code of silence.

The disturbing reality of the SAPS's reaction to, and tolerance of, corruption is sketched in both media accounts²¹ and research studies.²² Underlining this poor state of internal affairs, Faull suggests that corruption within the SAPS is 'widespread, widely acknowledged, but seldom acted upon' and that the organisation 'has since 2002 lacked an applied corruption fighting strategy.'²³ Reasons for the lack of such a systematic approach toward corruption control in general, and toward the control of the code of silence in specific, appear to be widespread, ranging from a historical legacy of unchecked violence and a strong code of silence to the presence of a substantial proportion of police officials with criminal records in its ranks – not only former apartheid police officials (the product of a sunset clause that guaranteed police officials, among others, continued employment for five years after the first democratic elections) but also a substantial number of former homeland police officials with criminal records. Within this newly formed police agency of considerable size (close to 140 000 at the time), 14% of its members had criminal records, and most had much more experience in regime maintenance than in crime detection and investigation.²⁴

Police corruption initially received serious attention during 1996 when, in response to a study of corruption levels within the SAPS, the first National Anti-Corruption Unit (ACU) was established. This measure would prove very effective in curbing the escalating instances of police corruption – by 2001 the ACU had received 20 779 complaints of police corruption and had arrested 3 045 SAPS members.²⁵ In early 2002 however, the ACU was incredulously closed down, with the official reasoning from the National Police Commissioner Jackie Selebi that its functions were duplicated by the Organised Crime Unit (OCU). Ironically, at about the same time, KwaZulu-Natal's head of the OCU was convicted on corruption charges stemming from an ACU investigation.²⁶ Reflecting on this SAPS strategy six years later, Bruce concludes that 'not only has the SAPS actively undermined its corruption control mechanisms but it has done so whilst management systems, which constitute the basic mechanism of control, have been undermined.'²⁷

Throughout the decade of initial reform following the SAPS' establishment in 1995, a number of independent, civilian-led bodies formally oversaw policing and its accountability within the country. Unfortunately, increased police resistance to external investigations²⁸ and numerous structural problems (such as understaffing and a lack of authority over police disciplinary measures) prevented these bodies from having a profound effect on service delivery and corruption complaints.²⁹ Encouraging, however, is the present effort to pass legislation concerning one of these bodies – the Independent Complaints Directorate (ICD). In terms of the draft Independent Police Investigative Directorate Bill, a new

strengthened entity – the Independent Police Investigative Directorate, IPID – will replace the ICD as the investigative body concerning allegations of misconduct or offenses committed by SAPS members. It is foreseen that the thrust of the IPID's work, in the process of conducting investigations, shall be to address systemic problems within the SAPS with a view to recommending appropriate interventions.³⁰ In fact, the sum of the SAPS' inability to root out criminal activities within its ranks is steadily eroding its operational effectiveness. At present, the resulting financial burden on the SAPS indicates that a staggering portion of the SAPS' 2008/2009 budget – almost 20% – was allocated to the accumulated contingent liability of civil claims against its members.³¹ In monetary terms, this portion roughly reflects the annual remuneration of what could have been an additional 75 000 police officials to the Service.³² Nevertheless, the SAPS insists that 'a considerable effort has been made to put mechanisms in place to detect alleged cases of corruption and to implement restorative actions aimed at dealing with potential shortcomings that may result in or contribute to corruption.'³³

More recently, Bheki Cele – the present National Police Commissioner – supported this notion by adamantly claiming that the police are dealing swiftly with corruption and criminals or 'bad potatoes' found within their ranks by stating that 'a stern warning has to be sent to those who think that being in the police means you can do as you wish, you can treat people with contempt ... there are such potatoes.'³⁴ Despite these claims, the public still seems far from appeased. According to the Institute for Security Studies' 2003 National Victims of Crime Survey (NVCS), the police was evaluated as a prominent initiator of acts of corruption amongst the public service departments. The 2007 NVCS indicates similar victimisation trends, with 18% of corruption victims implicating the police as the perpetrator.³⁵ Vigneswaran and Hornberger corroborate the public perceptions created by such research by commenting that public confidence in the police is low.³⁶

This troublesome state of affairs continued unabated when, in March 2008, the National Prosecuting Authority (NPA) officially charged Jackie Selebi – the then National Police Commissioner, Interpol president, and the driving force behind the abolishment of the ACU – with corruption and defeating the ends of justice related to his alleged links with key figures of organized crime syndicates.³⁷ The ANC-led government, with its newly elected president, Jacob Zuma, at this stage had already expressed dissatisfaction over the way the Scorpions – the NPA's elite investigative unit – operated, accusing them of 'Hollywood style tactics.'³⁸ Shortly after the Selebi scandal, the government suspended the head of the NPA on grounds of incompetence and started disbanding the Scorpions.³⁹

During 2009, this investigative void was filled by the newly established Directorate for Priority Crime Investigations (DPCI), also referred to as the *Hawks*, with functions such as the prevention, combating and investigation of national priority offenses with a particular focus on serious organized crime, serious commercial crime, and serious corruption; targeting 'what police call the *criminal high flyers*.'⁴⁰ The already suspicious rationale behind the switch from the Scorpions to the Hawks got murkier still with the appointment of the head of the DPCI – a former operative of Umkhonto we Sizwe (the ANC's former military wing).⁴¹ The present uncertain climate toward anti-corruption investigations, created by the South African government with the unceremonious closure of the ACU and the effective disruption and replacement of the NPA's investigative capabilities, certainly raise worrisome questions regarding government bodies' – such as the SAPS – ability and ultimate willingness to report acts of corruption. At the time of this writing, the former National Police Commissioner Jackie Selebi had indeed been found guilty on corruption charges involving R1,2 million

(roughly US\$165 000) and had received a fifteen-year prison sentence. He indicated his intention to file an appeal against the sentence by stating that the ‘case is far from over’.⁴²

METHODOLOGY

The questionnaire developed by Klockars and Kutnjak Ivkovich⁴³ contains descriptions of eleven hypothetical scenarios, focusing primarily on police corruption (for example shake-down, bribery, kickback, theft, internal corruption) and use of excessive force. Each hypothetical scenario is followed by a series of seven identical questions about the behaviour described in the questionnaire (such as seriousness, appropriate discipline). The question we use in this paper focuses on the code of silence.

The questionnaire was used successfully in a number of countries across the world, including the United States, England, Canada, Japan, and Pakistan.⁴⁴ Newham used the questionnaire to survey police officials working in a police station in Johannesburg, South Africa.⁴⁵

In July and August of 2005, we surveyed SAPS supervisors attending training sessions at the SAPS training centres. The response rate was about 85%. The sample included 379 supervisors across South Africa (120 from the Western Cape, 40 from the Eastern Cape, 40 from the Free State, 40 from Kwazulu-Natal, 19 from Gauteng, 80 from Mpumalanga, and 40 from North-West).

Most respondents were assigned to detective/investigative units (37,2%), special operations (21,9%), or patrol (19,3%). The majority of the respondents were employed in either medium-sized police stations with 76–200 sworn officers (37,7%) or large police agencies with 201–500 sworn officers (24%). All respondents were ranked officers and most were employed in supervisory positions (83%). About one-half of the respondents had been police officers for more than ten years (50%), and another 42% had between three and ten years of police experience.

CONTOURS OF THE CODE OF SILENCE

Among the survey questions, the respondents were asked whether they would report a fellow police officer who engaged in the behaviour described in the questionnaire, as well as whether other officers in their station would report such behaviour. The answers ranged on a five-point Likert scale from ‘definitely not’ to ‘definitely yes’.

The results (Table 1) show that the code of silence does not cover all the behaviours equally; the percentage of the respondents who said that they would not report varied from almost 50% to as little as 15%. Police officers were more likely to say that they would protect the acceptance of gratuities (Scenario 2 – Free meals, discounts on beat; Scenario 4 – Holiday gifts from merchants) and off-duty employment (Scenario 1 – Off-duty security system business) than they were to say that they would protect a crime-scene theft (Scenario 5 – Crime scene theft of watch), bribery (Scenario 3 – Bribe from red light violator), or internal corruption (Scenario 7 – Supervisor: holiday for tune-up). Even for severe violations, such as a theft (Scenario 11 – Theft from found wallet), about one-quarter of the officials said that they would not report.

Their own adherence to the code and their perceptions of their fellow officers’ likelihood of reporting were statistically significantly different in nine out of eleven scenarios (Table 1).

Although the differences were not large in numerical terms (the value of the percentage difference was below 10%), in all of these scenarios the respondents assumed that other officers would be more likely to adhere to the code than they would.

Table 1 Supervisors’ own perceptions of reporting and perceptions of others’ reporting

Scenario number and description	Own reporting	Others’ reporting	Value of the percentage difference	McNemar Chi-Square Test
	Percentage not reporting (rank)	Percentage not reporting (rank)		
Scenario 1 – Off-duty security system business	47,7% (1)	47,7% (2)	0,00	0,00
Scenario 2 – Free meals, discounts on beat	36,4% (4)	41,5% (4)	5,1	2,68
Scenario 3 – Accepting bribe from red light violator	18,1% (10)	23,5% (11)	5,4	4,01*
Scenario 4 – Holiday gifts from merchants	42,0% (2)	48,2% (1)	6,2	5,02*
Scenario 5 – Crime scene theft of watch	16,4% (11)	25,1% (10)	8,7	12,01**
Scenario 6 – Auto repair shop 5% kickback	26,4% (7)	32,9% (8)	6,5	6,15*
Scenario 7 – Supervisor: holiday for tune-up	22,6% (9)	32,1% (9)	9,5	12,43***
Scenario 8 – Cover-up of police DUI accident	40,4% (3)	46,9% (3)	6,5	5,10*
Scenario 9 – Drinks to ignore late bar close	25,6% (8)	34,5% (7)	8,9	11,01**
Scenario 10 – Excessive force on car thief	34,5% (5)	40,2% (5)	5,7	4,12*
Scenario 11 – Theft from found wallet	27,2% (6)	36,1% (6)	8,9	9,23**

* $p < ,05$; ** $p < ,01$; *** $p < ,001$.

MULTIVARIATE MODELS OF THE CODE OF SILENCE

We further explore the code of silence with logistic regression analyses for each scenario in which the respondents’ own willingness to report is the dependent variable (Table 2). The bottom line is that only one variable was statistically significant across all eleven scenarios: the respondents’ perceptions of own reporting were strongly related to the perceived likelihood that other officers in their station would adhere to the code of silence. The odds that the respondents who thought that others would report said that they would report

misconduct themselves are 2,03 to 6,86 times higher (depending on the scenario) than those of the respondents who thought that others would not report (Table 2).

Perceptions of own seriousness were crucial for seven scenarios, most of which were evaluated as less serious (for example Scenario 4 – Holiday gifts from merchants; Scenario 2 – Free meals, discounts on beat). The odds that the respondents who evaluated these behaviours as more serious would say that they would report misconduct are 2,55 to 6,57 times higher (depending on the scenario) than those of the respondents who evaluated the scenarios as less serious. Views about appropriate (but not expected) discipline were also significantly related to their willingness to say that they would report. The odds that the respondents who advocated more severe discipline would say that they would report misconduct are 2,95 to 4,48 times higher (depending on the scenario) than those of the respondents who advocated less severe discipline.

In three out of the four least serious scenarios (see Table 2), estimates of others' views on seriousness mattered as well, sometimes in addition to, and sometimes instead of, own views of seriousness. The odds that the respondents who thought that others evaluated these behaviours as more serious would say that they would report misconduct themselves are 2,07 to 2,51 times higher (depending on the scenario) than those of the respondents who thought that others evaluated these behaviours as less serious.

The estimates of expected discipline and assessments of whether something was a violation of official rules have been statistically significant in only one or two scenarios (see Table 2). Both instances in which assessments of rule-violating behaviours (Scenario 7 – Supervisor: holiday for tune-up; Scenario 3 – Bribe from red light violator) were statistically significant involved scenarios in which the respondents' own evaluations of seriousness were not statistically significant.

Lastly, out of the two demographic variables included in the models, length of service showed a more consistent relation. In particular, in five out of eleven scenarios (see Table 2), the odds that respondents who have been with the police for less than ten years would say that they would report misconduct themselves are 0,14 to 0,50 times *lower* than those of the respondents who were with the police for more than ten years.

Table 2 Logistic coefficients from the regression of willingness to report on respondents' attitudes and background characteristics¹

	Scenario 1 – Off-duty security system business		Scenario 4 – Holiday gifts from merchants		Scenario 2 – Free meals, discounts on beat		Scenario 8 – Cover-up of police DUI and accident	
	Beta	se	Beta	se	Beta	se	Beta	se
Violation of rules ²	-0,133	0,269	0,318	0,307	0,353	0,276	0,417	0,291
Own seriousness ³	1,627 ***	0,300	1,287 ***	0,327	1,491 ***	0,300	1,298 ***	0,366
Others' seriousness ³	0,840 **	0,276	0,235	0,299	0,728 *	0,290	0,837 **	0,295
Appropriate discipline ⁴	0,349	0,286	1,028 **	0,323	1,340 ***	0,301	0,465	0,314
Expected discipline ⁴	0,522	0,293	0,264	0,324	-0,419	0,322	0,538	0,312
Others' reporting ⁵	0,708 **	0,264	1,791 ***	0,299	1,027 ***	0,288	1,257 ***	0,285
Length of service: ⁶								
Less than 2 years	-0,241	0,488	-1,085 *	0,528	-0,705	0,478	-0,217	0,520
3–10 years	0,201	0,304	-0,280	0,329	-0,276	0,321	-0,529	0,317
Rank: ⁷								
Inspector	0,852 *	0,383	-0,867 *	0,412	0,088	0,394	0,496	0,392
Captain and above	0,446	0,361	-0,825	8	0,396	0,375	0,319	0,366
Constant	1,149 **	0,417	3,561 ***	0,500	2,659 ***	0,463	2,176 ***	0,433
Pseudo R ²	0,394		0,515		0,415		0,452	

* $p < ,05$; ** $p < ,01$; *** $p < ,001$

1 The dependent variable is coded as follows: 0 = no; 1 = yes.

2 Violation of rules is coded as follows: 0 = no; 1 = yes.

3 Own and others' seriousness is coded as follows: 0 = not serious; 1 = serious.

4 Appropriate and expected discipline is coded as follows: 0 = none or verbal reprimand; 1 = written reprimand or more severe discipline.

5 Others' reporting is coded as follows: 0 = no; 1 = yes.

6 Length of service is coded as follows: 0 = above 10 years; 1 = 2 years or less; 2 = 3–10 years.

7 Rank is coded as follows: 0 = Sergeant; 1 = Inspector; 2 = Captain and superintendent.

[Table 2: Continued]

	Scenario 10 – Excessive force on car thief		Scenario 6 – Auto-repair shop 5% kickback		Scenario 7 – Supervisor: holiday for tune-up		Scenario 9 – Drinks to ignore late bar close	
	Beta	se	Beta	se	Beta	se	Beta	se
Violation of rules ²	-0,228	0,292	0,348	0,355	0,738 *	0,332	0,425	0,317
Own seriousness	0,938 **	0,334	0,960 *	0,391	0,411	0,393	-0,063	0,412
Others' seriousness	0,564	0,297	-0,128	0,367	-0,006	0,356	0,125	0,338
Appropriate discipline	0,564	0,297	1,500 ***	0,367	1,267 ***	0,338	1,366 ***	0,340
Expected discipline	0,814 *	0,316	-0,105	0,418	0,458	0,360	-0,055	0,345
Others' reporting	1,595 ***	0,275	1,665 ***	0,323	1,628 ***	0,329	1,745 ***	0,306
Length of service:								
Less than 2 years	-0,025	0,506	0,032	0,555	-1,949 **	0,567	-0,046	0,550
3–10 years	0,198	0,309	-0,702 *	0,355	-0,752 *	0,377	0,308	0,341
Rank:								
Inspector	0,426	0,387	-0,566	0,427	0,574	0,429	0,308	0,391
Captain and above	0,710	0,369	-0,467	0,420	0,100	0,405	1,031 *	0,403
Constant	1,648 ***	0,422	3,231 ***	0,505	3,199 ***	0,502	1,672 ***	0,443
Pseudo R2	0,393		0,430		0,410		0,343	

* $p < .05$; ** $p < .01$; *** $p < .001$

[Table 2: Continued]

	Scenario 11 – Theft from found wallet		Scenario 5 – Crime scene theft of watch		Scenario 3 – Bribe from red light violator	
	Beta	se	Beta	se	Beta	se
Violation of rules ²	0,294	0,326	0,436	0,392	0,766 *	0,356
Own seriousness	1,882 ***	0,409	0,396	0,480	0,517	0,440
Others' seriousness	0,578	0,326	-0,120	0,426	0,921 *	0,361
Appropriate discipline	1,086 **	0,343	1,243 **	0,441	-0,090	0,440
Expected discipline	0,645	0,341	0,949 *	0,456	0,663	0,376
Others' reporting	1,066 **	0,307	1,925 ***	0,360	1,227 ***	0,321
Length of service:						
Less than 2 years	0,623	0,574	-1,502 *	0,594	-1,447 *	0,560
3-10 years	-0,243	0,340	-1,299 **	0,438	-1,054 **	0,391
Rank:						
Inspector	0,109	0,399	-0,654	0,470	-0,170	0,442
Captain and above	0,186	0,394	-0,964 *	0,473	-0,434	0,423
Constant	2,477 ***	0,451	4,518 ***	0,616	3,573 ***	0,512
Pseudo R ²	0,405		0,379		0,299	

* $p < .05$; ** $p < .01$; *** $p < .001$

CONCLUSION

The control of the code of silence is a crucial segment of a successful control of police misconduct. Police corruption and its control remain open issues in South Africa. The victimisation surveys conducted in the period 2000–2009 revealed that corruption was the second most prevalent crime in South Africa and that the police and traffic departments seemed to be the two agencies whose officials were most likely to request bribes from the public.⁴⁶ Corruption seems to affect all parts of the SAPS structure. In 2010, the former police commissioner, Jackie Selebi, was convicted to fifteen years' imprisonment.⁴⁷

Our research indicates that a strong minority of our respondents, mostly police supervisors in the SAPS, adhered to the code of silence and was not willing to report even the most serious forms of police corruption. At least one out of four supervisors would allow police bribery, theft from a crime scene, and theft of money from a found wallet to continue without reporting it and/or expected that others would not report it either. The problem lies not only in the fact that they are personally directly or indirectly approving such conduct, but also in the fact that they are thereby not performing their supervisory functions that their organisation may expect them to perform. If they are not performing the supervisory functions, they are allowing corruption to flourish.⁴⁸

What matters most for the decision whether to adhere to the code of silence is not what discipline the SAPS will mete out for such violations, but how likely they perceive others to report such misconduct. The expected discipline carried little weight because they expected either no discipline or mild discipline⁴⁹ and, in the best case, it had quite a limited deterrent effect. Their own personal views mattered much more than the expected discipline did; in a number of scenarios, their own evaluations of behaviour seriousness and views about appropriate discipline were relevant. The selective adherence to the code of silence in the best case results in sporadic accountability and is highly susceptible to biased enforcement of laws and differential treatment of citizens.

NOTES

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Crime prevention during ‘states of exception’: extracting lessons from the 2010 FIFA World Cup event¹

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ABSTRACT

Mega-events pose particular challenges for security. The mega-event, we may argue, constitutes a ‘state of exception’ (out of the ordinary) that allows for special measures, special mechanisms and special resources to be created. The strategies devised and the operational actions pursued in attempts to make the mega-event ‘safe’ may have a longer-term impact on the provision of safety and security at the domestic level. The domestic legacies of mega-event security are worth exploring. This paper turns to the recent South African experiment in securing the 2010 FIFA World Cup sport event, describes key features of security governance and considers – in a speculative and interpretative fashion – the legacies posed at the level of philosophy, structures and practices for crime prevention in years to come.

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INTRODUCTION

On the eve of Africa's very first sporting mega-event, to be held in South Africa, there was no shortage of apocalyptic visions of an impending criminal anarchy, from high levels of violent predatory crime to sophisticated crime syndicates and even the possibility of terror attacks. In the end things turned out not quite as expected. The country was not plunged into darkness. There were no electricity failures, crime rates appeared to drop, and hooligans stayed home *en masse* thanks to the efforts of international authorities. No terrorist threats materialised and strikers – in the spirit of national unity – waited until well after the last game of the tournament before downing tools.

The only labour threat that really constituted a challenge – briefly – came from private security personnel contracted to act as 'stewards' inside stadiums. The state moved in swiftly. It fired some teargas canisters and rubber bullets, removed striking workers and replaced them with hundreds of South African Police recruits.² In doing so, the state re-asserted its political authority and organisational capacity to take charge of security at all the major soccer stadiums. The symbolic importance of this bold assertion of the role of the state in the fractured world of modern security was not lost on observers.

It is at this point that one is tempted to borrow from Giorgio Agamben's notion of a 'state of exception'.³ States of exception are similar to states of emergency (otherwise known as political states of siege) during which exceptional legislation is promulgated, governmental procedures (often) end up transcending the rule of law, and the rights and freedoms of citizens are curtailed. For Agamben the 'state of exception' has taken on international proportions in the new millennium. To be more specific: the global war on terror approximates a globalised 'state of exception' in which security has become a dominant paradigm of governments. As he puts it: 'The declaration of the state of exception has gradually been replaced by an unprecedented generalization of the paradigm of security as the normal technique of government.'⁴

The mega-event constitutes a complex security challenge, and it is increasingly approached as a 'state of exception' deserving of special legislation, special measures, specific strategies and dedicated budgets. The securitisation of the 2010 FIFA World Cup event relied, one is tempted to argue, on the ideas and practices associated with managing a 'state of exception'. This made possible the construction of a security machine – at once centralised and decentralised – with access to generous resources. The machine itself was guided by the principles of robust saturation, thick surveillance, ongoing intelligence and rapid operational responses to 'incidences' in spatially designated areas. The security machine internalises the logic of risk management and precautionary governance. Allow me to elaborate.

MEGA-EVENTS AND SECURITY

In the world that we inhabit today, the mega-event is here to stay. Since 1982 mega-events have grown spectacularly. Mega-events, says Maurice Roche, 'are large-scale cultural (including commercial and sporting) events, which have a dramatic character, mass popular appeal and international significance'.⁵ Such events put extraordinary demands on public and private service delivery by host nations. Over the past decade the delivery of safety and security, in particular, has become a key concern. In fact, in the post-9/11 environment, the governance of security of mega-events has emerged as one of *the* critical issues.⁶ Vulnerability to terror attacks constitutes one facet of the challenge. Vulnerability to 'systems failures,'

as Jennings and Lodge⁷ argue, is another. To such challenges host nations need to respond with bold strategies for managing risks and with operational capacity to deliver on such strategies.

Issues relating to the security governance of mega-events have only recently begun to attract scholarly attention.⁸ One can expect future research to unravel 'the complex cross-cutting governance arrangements straddling statutory, public and private sectors' during mega-events, and to examine the impact of risk-based security thinking and action for domestic law enforcement beyond the event itself.⁹

There is an expanded logic, so argue Boyle and Haggerty,¹⁰ which informs planning for sport mega-events. Guided by the notion of 'incalculable risk' and preparing for unknown events, thinking 'outside the box' is now considered a key approach to securing mega-events. Post 9/11 there has been wide spread recognition of 'asymmetric threats'¹¹ and 'novel, unforeseeable and catastrophic' forms of terrorism.¹² Within this configuration security can no longer be subject to calculable and actuarially based risk assessments for risk itself has become 'unknowable'. This broadening of the notion of risk may mean that an ever wider purview of disorderly behaviour becomes targets of surveillance.

MEGA-EVENTS AND SECURITY COOPERATION

The quest for security during mega-events has given security *cooperation* an altogether new impetus. Using South Africa's hosting of the 2010 FIFA World Cup as an example, this paper considers the nature and extent of such cooperation. Here the emphasis is on state-centred forms of cooperation at the level of security planning and coordination, police training, and the exchanges of intelligence (international to national; national to regional; and regional to local). As the discussion will illustrate, a wide variety of mechanisms and actors – each with its defined mandate and dedicated resources – played a contributing role within the complex jigsaw of security.

Mega-events provide powerful and very particular incentives for cooperation. Four features of mega-events provide insight into such incentives. In the first instance, the securitisation of mega-events increasingly relies on international benchmarking of 'best practices' and a robust exchange of security templates and operational practices from one event to another. Tight monitoring of host nation organisational and operational capacities contributes to a form of global managerial 'accountability'. The penalties for non-compliance, and the dire consequences attached to 'failure', provide very powerful incentives to invest resources and to streamline organisational capacities at the national level. A second feature is that mega-events focus surveillance and operational capacities – situated at international, regional and local levels – on a unifying security objective. The common objective of 'making the game safe' creates a singularity of focus which transcends the usual sectarian impulses so often embedded in international liaisons and intra-governmental cooperation. A third feature concerns the unlocking of resources. Access to resources allows for an unprecedented expansion of technological infrastructure and the deployment of manpower on a scale not easily matched for domestic crime control. In the case of mega-events, efficiency and effectiveness are linked to generous budgets – comparatively speaking. Finally, mega-events project national security capacity into the international spotlight where failure to 'deliver' is associated with wide-ranging social costs. Success in security governance is one factor on which the national reputation of the host country hinges. The political and cultural dividends to be reaped from staging a safe event mobilises stakeholders in unprecedented ways.

INTERNATIONAL BENCH MARKING AND RISK MANAGEMENT

The mega-event is a transient one. But it provides an exceptional moment for concentrating security capacities. After the event the security knowledge and practices move on to the next location. Nations eager to bid for mega-events, as noted above, can draw on past practices. There is no need to reinvent the security wheel. Increasingly standardised security templates are circulated and transferred from one mega-event to another. The opportunities for benchmarking, packaging and trading in security artefacts are legion. One influential example of the standardisation of strategic frameworks and contingency plans illustrates the point quite well. The *European Union Handbook on international police cooperation for football matches* recognises the multi-agency character of managing football events. The handbook sets out to maximise the 'effectiveness of police cooperation' by creating guidelines for information management; event related preparations; cooperation *during* the event; and cooperation between police, criminal justice and prosecuting agencies.

The South African case illustrates the multiple exchanges which have been underway as early as 2005 with study visits by teams from the South African Police Service observing mega-events security as far afield as Korea, Japan, Germany and Brazil.¹³ Deliberate international lesson-drawing was part and parcel of the preparation of South Africa's elaborate security strategy. The host city cooperation programme between Germany and South Africa greatly facilitated the quest for emulating best practices. In terms of this programme provision was made for experts (in this case no fewer than 70) to advise South Africa on a wide range of organisational matters relating to the FIFA World Cup 2010. A further example of the exchange, for example, in standard operating procedures is to be found in the handling of mass casualty incidences in stadiums and public viewing areas.¹⁴

Successful cooperation in the context of mega-events requires organisational capacity on a huge scale. Here the capacity of the state itself is critical. Such cooperation is enacted through carefully demarcated and well-resourced mechanisms. Such mechanisms may be situated at the transnational, international, regional and domestic levels. For mega-events cooperation and coordination has to extend beyond security institutions as well as beyond public institutions. Intra-state cooperation between security and other structures (involving the South African police, defence force, municipal police, intelligence agencies, disaster management, and health and welfare agencies) is required.

'ALL HANDS ON DECK AND ALL EYES ON THE BALL': REGULATORY FRAMEWORKS

The key regulatory frameworks include the 2010 FIFA World Cup South Africa Special Measures Act, No 11 and No 12 of 2006. These Acts were meant to give legal substance to the various provisions contained within the Organising Association Agreement between FIFA and the South African Football Association as agreed to in 2004. The purpose of Act 11 was to 'give effect to the Organising Association Agreement between FIFA and SAFA and the guarantees issues by the Government to FIFA for the hosting and staging of the 2010 FIFA World Cup South Africa; and to provide for matters connected therewith'. The Act contains provisions on a range of matters¹⁵ and provides the Minister of Safety and Security with responsibility and authority to make regulations aimed at securing the overall event. The responsibility for the provision for security is carved up both spatially and institutionally. The Local Organising Committee assumed responsibility for order and safety in and around stadiums and the training grounds of participating member associations. This included the

responsibility for access control and crowd management inside stadiums. The South African government through the South African Police Service took responsibility for the activation of JOINT structures and for the coordination and provision of national security and law enforcement. They were also tasked with the provision of support to the Local Organising Committees in fulfilling its brief around event security. A detailed security matrix was developed to map and assign responsibilities.

The Acts created the broadest of legal frameworks. The detail of security planning and delivery came to be stipulated in a staggering number of strategic documents which had been refined over a period of four years. A General Safety and Security Plan was submitted to FIFA in June 2008. Over the next two years the plan was refined. In the first week of May 2010, Deputy National Police Commissioner Andre Pruis of the SAPS unveiled a detailed security plan to the Portfolio Committee of Safety and Security. His presentation revealed a plan of staggering density. The 'war machine' was being assembled with precision on a very wide front. Land, air and sea space were to be brought under constant surveillance. To 'sanitise airspace,' Commissioner Pruis said, fighter jets would undertake air sweeps. Airports were to be placed under constant monitoring and ships would be escorted by police into harbours. Joint border patrols would rely on the deployment of SAPS and SANDF personnel as well as Interpol and SARPCCO colleagues. Special task forces, bomb squads, national intervention units and seven medical battalions were on permanent standby to deal with 'any possible chemical, biological and radiological threat'. Expansive simulation exercises brought personnel from the SAPS and SANDF together for specialised training in the run-up to the Confederation Cup. The deployment of members of the SANDF was at the time described as the biggest deployment exercise in many years. Ten-kilometre cordons were wrapped around stadiums. Emergency points were established on highways and provision was made for mass evacuation areas should disaster strike. The multifaceted plan against terrorists, hooligans, organised criminals and ambush marketers seemed elaborate. In addition, the national focus – as the Minister put it – would be on 'domestic extremism'. This, he explained, included strike action and service delivery protests.

With such a comprehensive security plan at its disposal, with thousands of law enforcement officials visibly walking the beat, and with specialised security formations waiting in the wings for things to go wrong, at least parts of South Africa resembled a 'theatre' over which hovered a complex surveillance machinery reliant on visual images, electronic messages, optic fibres and ordinary human eyes and ears.

Operational planning which was initiated in 2004 was developed by a Joint Operational and Intelligence Planning Committee, assisted by a support team that worked in close contact with the Security Directorate of the FIFA Organising Committee.¹⁶ Part and parcel of the security plan involved the large-scale *activation* (as opposed to the creation) of various structures such as the multi-disciplinary Justice, Crime Prevention and Security Cluster. The most important of these included the National Joint Operational and Intelligence Structure (NATJOINTS) with representation from 22 government departments. The NATJOINTS operated around the clock in twelve-hour shifts from Snake Valley, at a military basis outside Pretoria. The 'war room' had at its disposal state-of-the-art technology.

At daily meetings held at the Joint Operational Committee intelligence reports received from levels down the line were considered, operations reviewed and issues identified which required attention. Chaired by Andre Pruis, with the support of the SAPS Soccer World Cup Committee, this structure reported directed to the National Commissioner.

This national structure was duplicated at provincial and local levels. The Provisional Joint Operational Centres (PROVJOCS) communicated with Cluster Joint Operational Centres as well as Venue Operational Centres (VOCs). A constant flow of information – up and down the chain, back and forth from periphery to centre, to and fro between structures – took place. Over such information laboured many an analyst. ‘Intelligence’ had to make sense of the daily raw data and format it for consumption suitable to developing contingency and action plans.

A second structure of importance was that of the International Police Cooperation Centre. Described as a ‘new’ South African invention, the IPCC provided a mechanism to which 200 police officials from 27 playing countries were affiliated. This structure, based at Burgers Park Hotel in Pretoria, took responsibility for the coordination of the activities of foreign police and their operational deployment, in support of the SAPS, to soccer stadiums. In terms of the regulations, foreign police had a strictly advisory and monitoring function. The non-executive mandate was explicitly defined. As a consequence operational authority and command remained invested in national security organs with domestic criminal law and the standing regulations of the national police prevailing at all times.

Interpol too played a critical role during the 2010 FIFA World Cup. It deployed its largest ever International Major Events Support Team, which consisted of 50 experienced officers from 32 countries in support of the SAPS. These officers were posted at airports and border crossings and deployed to hotels and matches. The team was linked via the I-24/7 global police communications systems to Interpol’s secure network to help identify threats relating to terrorism, hooliganism and serious crime.

Prior to the World Cup event, exchanges between Interpol and SAPS involved security briefings in Lyon, France. In March 2010 Interpol also hosted the first security-themed meeting of its kind focusing on the challenges for the World Cup in Zurich. This event was attended by Interpol, chiefs of police, heads of security and police liaison officers from 32 World Cup participating countries. At this elaborate meeting the SAPS had an opportunity to convey its security planning approach to international colleagues for consideration.

Representatives from the Southern African Development Community’s police chief network, the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), in turn established a joint operational centre within the IPCC with linkages to the NATJOC. Within SARPCCO circles the responsibility lay in enacting the regional security component of the overall national security plan and for coordinating deployment of security services to police border posts and assisting with monitoring of people and criminal networks.

Every participating football team was allocated a Team Security Liaison Officer (TSLO) and a Close Protection Officer (CPO) – all hand-picked from the Special Task Force of the SAPS and National Intervention Units. Each of these members was subject to sophisticated tailor-made training in securing facilities, counter-intelligence, diplomatic protocol and close protection.¹⁷ In the run-up to the event international exchanges in training took place aimed at building specific capacities within the South African security sector. So, for example, the Gendarme model of public order training was imported by French instructors to the pockets of the South African police. This in itself signalled a significant departure from the former reliance on Belgian models of public order policing – without any debate on the matter.¹⁸ The FBI too continued its long-standing training in the policing of terror and money

laundering. The European Union again sponsored the Germans to provide operational commander training of mega-events to the SAPS.¹

After the conclusion of the World Cup, Interpol described inter-agency cooperation as a huge success. The head of the IMEST initiative said that 'South Africa established a high threshold' and South Africa provided a 'blueprint for future major events in relation to police preparation and processes'.²⁰ The 'security plan' utilised by South Africa was a 'winning one'.²¹ Prepared for a range of eventualities, the threats of terror, hooliganism and serious (organised) crime did not materialise. Incidents dealt with during the duration of the World Cup within the identified security 'enclaves' (hotels, transport routes, training venues, fan parks and stadiums) were relatively minor. The policing strategies relied on a combination of 'high' intelligence, thick surveillance through the utilisation of CCTV cameras and satellite images fed from helicopters into control rooms, as well as saturation policing through the deployment of large numbers of visible police.

FROM SECURITY TO CRIMINAL JUSTICE COORDINATION

The template for cooperation did not stop at the front line of the police. Court personnel too were brought into the orbit of coordination. After all, access to security had to be synchronised with access to justice.²² In 2008 it was reported that 'the South African Police Service, the Department of Justice and Constitutional Development and the Department of Correctional Services had agreed on an integrated plan for the arrest, court appearance [and] the brief detention of offenders during match games'.²³ The fast-tracking of judicial arrangements and court practices are increasingly a feature of mega-events. In setting up 56 dedicated World Cup courts (modelled on German experiments) in close proximity to sporting venues, South African court practitioners too had a role to play in fast-tracking justice for those found guilty of violating either FIFA-specific regulations (relating to ambush marketing in particular) or for transgressions of national criminal law.²⁴ The dedicated courts were meant to deliver 'swift justice', as the Minister of Justice and Constitutional Development, Jeff Radebe, put it.

In agreeing to such cooperation, criminal justice practitioners were fulfilling a requirement stipulated by FIFA. This again opened up the space for judicial cooperation between host institutions and their international counterparts. As set out in the *European Union handbook*,²⁵ international cooperation between and actual exchange of court personnel has become standard practice.

In a report on the functioning of the special courts, Radebe reported that for the duration of the World Cup a total of 223 accused persons involving 172 cases appeared before the 56 courts. Of these, 80,8% were disposed of, of which 60,4% resulted in convictions. Theft and the unlawful selling of FIFA World Cup tickets constituted a significant proportion of the cases processed. At the time of his report he promised that the model itself would be 'interrogated' with the view to duplicating some of its features into court procedures in South Africa.²⁶

RESOURCES FOR SECURING THE MEGA-EVENT

Mega-events provide opportunities for modernising and expanding security surveillance systems on an unprecedented scale. In South Africa too the 'war chest' (as President Jacob Zuma called it) has been put to generous use over the past three years. Finance Minister

Trevor Manuel's 2009 budget made provision for a stadiums development grant of R1,9 billion and an additional R3,2 billion awarded to offset shortfalls and host city operating grants (in total R718 million) over two years. The SAPS was allocated R1,35 billion to provide maximum security – for both the Confederation Cup and the World Cup.²⁷ This included R665 million for the procurement of special equipment and R640 million for the deployment of personnel.²⁸ Part of the latter portion made provision for the deployment of an additional 4 100 officers with an anticipated police strength of 190 000 for the SAPS by 2010. In addition, police reservist numbers doubled in the run-up to the World Cup. State of the art information and community technology was procured as well as crowd-control equipment, sniper weapons, advanced bomb-disabling equipment, helicopters, water cannons, BMWs for highway patrol, body armour and hundreds of cameras. Four mobile command centres with an anticipated cost of R6m each were part of the infrastructure.²⁹ For the duration of the event all leave was cancelled and force levels boosted to allow police to work in twelve-hour shifts for seven days a week.

SECURITY LEGACIES BEYOND THE MEGA-EVENT

Mega-events are transient but their effects are not. Mega-event security in any specific urban locality also leaves within the host environment a legacy of ideas and practices which may shape the pursuit of safety and security at the local level. Guilianotti and Klauser³⁰ are particularly concerned with the security legacy of sport mega-events. For them a security legacy refers to 'a range of security-related strategies and impacts which continue to have significance beyond the life of the sport event'.³¹ They go on to identify different kinds of security legacies, at the level of security technologies, new security practices, new policies and legislation and the impact of security considerations on urban architecture – all of which are relevant to the South African case too.

If 'South Africa was never to be the same again after the World Cup', could the same be said of its security and justice system more widely?³² What indeed would be the institutional legacies of the large-scale and expensive experiment in World Cup security, for the very institutions charged with the responsibility of making South Africa safer for its own citizens? Will the international re-branding of the country as a safe and hospitable space find its echo amongst its citizens too? There were promises to this effect forthcoming from both the political centre and from police headquarters. The security armament acquired with Cup security in mind, so the rationalisation went, would benefit the nation after the event. After July 2010 domestic priorities would simply replace World Cup priorities. The Minister of Police urged that the 'momentum' achieved during June–July to be sustained so as to render the country safe(r). At the end of July police management met to plan the 'way forward after the World Cup'.³³ The content of these discussions is yet to be made public. But in thinking of possible security legacies I would like to conclude with some broad observations.

Thick surveillance and the attraction of technology

Reliance on security technology in pursuit of event security is likely to have longer-term repercussions with an amplification of previous trends towards technology-based crime control and prevention. High-tech surveillance systems are likely to become an enduring feature of crime prevention in life beyond 2010 – provided, of course, that their optimal utilisation can be afforded. The World Cup event left what one observer called 'the biggest surveillance footprint for Cape Town', and also taught 'us the importance of information management. This is what needs to be sustained.' There is much wisdom in this statement.³⁴ Technology on

its own may well be nice to have but it will remain pretty useless unless the information can be managed, collated, analysed and then translated into action. This brings us to the virtues of intelligence-led policing.

Robust intelligence

The 2010 FIFA World Cup event provided an opportunity for experimentation in intelligence-orientated policing on a grand scale. There is no other *recent* South African precedent for the concerted deployment of intelligence data, networks and operational capacities situated at the transnational, international, regional and national levels. One would expect that there is more to the intelligence exchange than what has been made known for public consumption. In a country battling the effects of high levels of violent and organised crime, one may be excused for anticipating the preventative use to which sophisticated surveillance and intelligence *may* be put in making inroads into more organised forms of criminality and corruption. Few would scoff at the domestic benefits to be reaped from intelligence-led policing beyond July 2010.

A re-establishment of public police primacy in the business of security governance

World Cup events, argue Dauncey and Hare, provide an opportunity for states to re-assert themselves into the business of governance. Mega-events provide an opportunity for the legitimisation of central state control.³⁵ The Security of the 2010 World Cup assigned the primary coordinating role to the South African Police Service as the state's guarantor of security. As such it occupied the central position within the wider hub of the security establishment. The display of the organisational capacity of the police has bolstered what has become a rather embattled institution plagued by skills deficiencies, bad morale, case overload and widespread corruption. Whether strength can be drawn for focusing energies on domestic crime priorities remains to be seen. What should not come as a surprise is the belief in the virtues of saturation policing as an antidote to crime.

The post-World Cup 'hangover' to which a Metro police officer referred may serve as a rude wake-up call that the policing the state of 'exception' cannot serve as a template for policing a state of normality. As the interviewee put it: 'You can't maintain that kind of momentum because you don't have that kind of budget. We are in for a hell of a *babalas* ("hangover").'³⁶

Coordination of security and justice

A defining feature of the organisational approach in the lead-up to and during the World Cup was the effective mobilisation of security agencies and networks. The success of this cooperative experiment and of the capacity for 'interoperability' thus stands in contrast to prior long-standing difficulties of coordinating actions both within and across government departments. Whilst the networks of cooperation may be difficult to sustain, some police were quick to comment on the future importance of personalised linkages forged during the event, for business as normal. Contacts have been established across departments and friendships have taken root and should not be underestimated. The importance of personalised networks for getting the job done, after all, is well recognised in the international police literature. But informal networks – much like formal security networks – need to be subject to the principles of 'good governance'. Which brings this discussion by way of conclusion to a final issue namely *accountability* in the delivery of security for mega-events.

Accountability

The *European Union handbook*³⁷ sets a policy framework for police cooperation at different levels. But it states only briefly that such cooperation should be guided by the principles of 'legality and proportionality'. There is no interpretation of the concepts of 'legality and proportionality' and their relevance for building transnational security capacities. In developing contexts, where neither the existence nor exact meaning of concepts such as legality and proportionality of actions aimed at security should be taken for granted, issues relating to accountability remain critical. When inserting the question of accountability into our consideration of 2010 FIFA World Cup security, it remains to be seen whether South Africa's 'success' in securing the event may assist or undermine the search for 'safety' of the country's citizens in years to come. Clearly the possibility of sustaining 'best practices' will boil down to matters of political economy. Not only were the economic dividends of holding the World Cup vastly overrated, but the negative impact of financial spending on World Cup security on crime control and prevention after the event, was grossly underestimated. As one Metro police officer³⁸ put it:

There was a massive demand for security services and after the World Cup there has been nothing except a massive financial crisis. All the local authorities overspent on their budgets ... now we are cash strapped ... we are sitting with thousands of rands of debt ... The momentum has stopped. The focus has disappeared. The cooperation too has collapsed. The turf battles have re-emerged. The intelligence-style policing is gone. It is all gone. Yes, gone.

CONCLUSION

One is tempted to conclude that South Africa's engagement with the 2010 FIFA World Cup provides an interesting case study of a much wider phenomenon of 'securitisation'.³⁹ At the tail end of the 20th century much has been written about the ways in which social and political concerns have become subjected to processes of securitisation at the level of discourse and actual institutional practices. A multitude of actors and institutions – situated at the local, regional and international level – may partake in such processes.

As the focus of world soccer now shifts to a different spatial location, Brazil, we could do well to track how security concerns about potential threats and multifaceted risks, and the development of precautionary and pre-emptive tactics devised to counteract such concerns, travel from one location to the next. Comparative analyses may well assist in mapping the kinds of implications which processes of securitisation of mega-events hold for everyday life in normal, as opposed to exceptional, times.

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Sex trafficking in a border city: stories from Tijuana, Mexico

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ABSTRACT

This paper reports findings from a three-year study involving 220 interviews with sex workers in Tijuana, the largest northern border city in Mexico. Women from diverse social and economic backgrounds entered into commercial sex, the vast majority of whom chose prostitution for financial reasons regardless of how they rationalised the sex industry. Many were under tremendous pressure to feed their children or to assist their families in interior Mexico. With limited education and few skills, these women applied the only resource readily available to achieve the best financial outcome they thought possible. They exercised agency and negotiated the best possible deal in life under the circumstances. Findings in this study point to a complex social and legal problem that requires not moralistic rhetoric but empirically sound policies to combat exploitation and protect women's rights towards self-actualisation and welfare.

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BACKGROUND

The topic of human trafficking, particularly the trafficking of women and children for the purpose of sexual exploitation, has attracted attention across the world. Victims reportedly come from diverse backgrounds, often aspiring to improve their life circumstances or to escape civil unrest. Some leave their home countries on their own, while others, often children and women, are tricked into believing the promises made by traffickers of better education and employment opportunities elsewhere.

Although most authors recognise the difficulties in studying the secretive world of human trafficking, there are no shortages of estimates on the severity and scale of the trafficking industry. The business of sex trafficking is thought to be the third largest illicit enterprise in the world following arms dealing and drug trafficking.¹ Some estimate that human trafficking generates close to \$12 billion annually.² The most-quoted figures are probably those published in the US State Department's annual Trafficking in Persons Reports (TIP reports), which are widely circulated among government agencies, non-government organisations (NGOs), and research entities around the world.³ The United Nations Office on Drugs and Crime also claims that human trafficking activities are so pervasive and rampant that 'virtually every country in the world is affected by these crimes'.⁴ Governments from around the world have been mobilised to pass legislation and sign the UN convention, under the UN's global initiative to combat human trafficking.⁵

However, a few researchers in the West recently have begun to challenge many of the assertions in the published literature, pointing out the scant empirical foundation upon which most of the sensational claims have been made about the severity and scale of trafficking activities.⁶ In a recent comprehensive literature review, Goździak and Bump⁷ found more than 700 publications on the topic of human trafficking, of which only 39 could be considered empirical. Most of the so-called empirical studies relied heavily on interviews with 'key stakeholders' (that is, advocacy groups and law enforcement agencies).⁸

Sex trafficking in Mexico

With a few exceptions, prostitution is outlawed everywhere in the US. However, prostitution is legal but regulated in Mexico. Tijuana, the largest northern city in Mexico that borders San Diego (California), would make an ideal place for sex trafficking activities. The city has long been a favourite weekend destination for the military personnel based in San Diego as well as college students who cross the border to drink and party because of its lax alcohol control. Tijuana and San Diego share the busiest border in the US, with more than 14 million vehicles and 40 million people crossing each year.

Tijuana's red-light district consists of a few square blocks not far from the border crossing. Prostitutes working in Tijuana have long been suspected of being lured from small towns in interior Mexico or other Latin American countries by traffickers and pimps. Local human rights groups and social service agencies claim that few women working on the street operate as freelancers. Ugarte, Zarate and Farley estimated that in the period 2000–2002 'approximately 135,000 Mexican children have been kidnapped and trafficked into illegal adoption, prostitution, and pornography'.⁹ Prostitutes working in Tijuana at any given time numbered in the thousands.¹⁰

METHODS

This paper is based on a three-year study conducted in Tijuana's red light district that attempted to examine the presence and nature of sex trafficking activities in the city. Data gathering relied on traditional qualitative techniques including snowball referrals, in-depth interviews, and field observations. To consider all possible aspects of human trafficking within the region, this study adopted a holistic approach in 'covering as much territory as possible about a culture, subculture or program' in the city.¹¹ All interviews were guided by semi-structured questionnaires, combining both quantitative and qualitative items. Structured questions (with fixed responses) were used to capture common elements for statistical analysis, such as demographics, common experiences during trafficking process, and financial arrangements. To capture unique individual experiences, many questions were open-ended with prompting phrases. All interviews with Tijuana sex workers were conducted by a team of female interviewers who were themselves local residents. Interviewers went through a series of intensive training on human subject protection protocols and field interview techniques. They were allowed discretion as to how and when to ask sensitive questions (such as initial entry into prostitution, personal finance, prices for various sex acts, and condom use), while remaining true to the intent of the questions.

Because of the emphasis on obtaining first-hand information from those directly involved in the sex industry, this study did not seek referrals from advocacy groups, law enforcement agencies, or women's shelters for subject recruitment purposes. Instead, sex workers were recruited in two health clinics, one public and one private, that were providing medical screening to Tijuana's sex workers so they could obtain the so-called 'sanitary card' to work in the business. Subjects were approached by the interviewers in the waiting area inside the clinics. Upon completion of an interview, the subject was asked to refer her friends in the sex trade to this study. As a result, a combination of convenience sampling and snowball referrals was used in the recruitment of the subjects. Readers therefore should be mindful of the limitations in the sampling strategy when interpreting the study findings.

ANALYSIS AND FINDINGS

Migrants to the city

As shown in Table 1, the vast majority of the women interviewed in this study (about 94%) were Mexican nationals. The remaining 6% came from countries such as El Salvador, Guatemala, Honduras and Uruguay. Among Mexicans, the majority came from *outside* Baja California, the state where Tijuana is located. Those who claimed to be from Baja California only made up about 16% of the total sample (or 34 in total). The next four top migration states in the sample were Puebla (23, or 11%), Sinaloa (24, or 11%), Veracruz (14, or 6%), and Jalisco (13, or 6%). All of these states have long histories of northbound migration. The demographic profiles suggest that most sex workers in Tijuana were indeed migrants.

Table 1 Demographic profiles of the interviewed prostitutes

	Frequency	Percentage
Country of origin		
Other than Mexico	14	6,4
Mexico	206	93,6
Age		
Under 18	7	3,2
18–20	68	30,9
21–29	94	42,7
30–35	28	12,7
Over 35	23	10,5
Marital status		
Single	186	84,5
Married	9	4,1
Divorced/separated	16	7,3
Widowed	3	1,4
Cohabitation	6	2,7
Education		
College graduate	6	2,7
Some college	24	10,9
High school	74	33,6
Middle school	68	30,9
Elementary school	34	15,5
No formal education	8	3,6
Missing/refused to answer	6	2,8
Number of children		
None	99	45,0
One	51	23,2
Two	39	17,7
Three or more	31	14,1
Total	220	100,0

As expected, the majority (73,6%) of these women were in the age category considered ‘prime’ for the sex trade, between 18 and 29 years old. There were, however, a few outliers. The oldest member of the sample was a 65-year-old woman from Zacatecas. As expected from this group of largely young women, the vast majority (186 or 84,5%) were single. Another 16 (or 7,3%) were divorced or separated, and three were widowed. In other words, most subjects in this study were on their own. Of the whole sample, only 15 subjects (or 6,8%) were either married or cohabitating with someone at the time of the interview.

Although the vast majority of the women were single or on their own, they nonetheless faced daunting financial responsibilities. A total of 121 women, or 55% of the sample, had at least one child. A sizeable group, 31 (or 14,1%) women, had three or more children. With so many mouths to feed, the financial pressure was palpable. Such was the story of a woman

from Sinaloa, a mother of five at the age of 29. With only elementary school education, her options were limited when she arrived in Tijuana. She worked at a *maquiladora* (that is, a foreign invested manufacturing company) in Tijuana for some time, but could not stand the long hours and low pay. She quit her job at the factory and soon found that her job in the sex industry offered more pay and flexible hours. Her story was not unique.

The majority of the women in this study (142 or 64,5%) received somewhere between a middle and high school education. What was interesting was that a sizeable number of the group, 30 in all (or 13,6%), had some college education. In fact college-educated women outnumbered those without any formal education in this study. Those with higher education were mostly in escort services, which commanded much higher wages. Findings in this study suggest that women with higher education tended to work in more lucrative establishments of the sex industry. It would make sense for escort service owners to choose educated women who could hold conversations and appear competent as companions to their selective customers.

As for the reasons of migration to Tijuana, most women cited that their move was mostly economically driven. Of the reasons listed, the majority (61%) were either pursuing a better life in the city or responded to job offers, as shown Table 2. A few others (11%) were planning to cross the border into the US. Roughly 20% of the group claimed to be local residents or were those who followed their families to the city at a very young age.

As the largest Mexican city along the US–Mexico border, Tijuana appeared to garner special appeal to migrants from other parts of the country, with a promise of greater job opportunities and the prospect of a better life. For the women who were already in the sex industry, Tijuana was an easy choice of destination because of the earning potential. A 31-year-old woman from Guatemala said her clients in her home country told her that the best money in the business was in the north, where she could earn dollars not pesos. She started working in a ‘gentlemen’s club’ at age 21 as a waitress and remained in the business since.

Table 2 Journey to Tijuana

	Frequency	Percentage
Primary reason for migration to Tijuana		
Job offer	43	19,5
Relative or friend asked	20	9,1
Pursue a better life	89	40,5
Possible migration to US	25	11,4
Not applicable*	43	19,5
Person most responsible for leaving hometown		
Immediate family members	37	16,8
Relatives	37	16,8
Friends	57	25,9
Acquaintances	15	6,8
Coyotes	3	1,4
Self-initiated	18	8,2
Not applicable or unknown**	53	24,1

Paid smuggling fee		
Yes	6	2,7
No	214	97,3
Physically or sexually assaulted during journey to Tijuana		
Sexually assaulted	1	0,5
Physically and sexually assaulted	4	1,8
None or not reported	215	97,7
Total	220	100,00

*Subjects who were born in Tijuana or came to Tijuana with families at a young age.

**Subjects who were native to Baja California or did not know the responsible parties.

In the majority of the cases, these women followed a familiar migration pattern to this northern border city – through existing kinship or social networks. When asked about the person who was most responsible for their northbound migration, most reported relying on their familial and social contacts, with friends being their first migration resource (26%), followed by immediate family members (16%) and relatives (16%). Their journeys were mostly well planned with places to stay and people to greet. Either they themselves or their helpers had the financial wherewithal to make the travel arrangements. For these women, their journey was mostly unremarkable, although not all were happy with what was waiting for them in Tijuana.

In a few cases, however, the journey to Mexico's northern border was nothing short of hellish. Five women interviewed in this study, two from El Salvador and three from Guatemala, reported that they had been raped, robbed, or beaten along the way. One was raped by the smuggler who was paid to provide transportation services but decided to take advantage of the women in the group, while another was almost raped by a Mexican border patrol official. Some of them endured hunger and thirst while walking barefoot for long stretches of road and others were robbed by armed gangsters roaming the roads along the Mexican southern border in search of easy prey. Enduring sexual violence became a means of survival for these women.

Without exception, these women had no established familial and migration networks. They were subjected to all the hardships that male migrants had to endure, plus a gender-based vulnerability that gangsters, smugglers, and immigration officials alike were eager to exploit. These foreign nationals had all attempted but failed to cross into the US. Without legal paperwork to work in Mexico, they had few choices. Working in the sex trade became a necessity to survive and to prepare for future attempts at crossing the border.

Entry into the sex industry

Although different in their personal circumstances, most entered the sex trade for financial reasons. Referrals from friends and acquaintances were the primary method to find jobs in the sex industry. A few women ventured into the business on their own, asking for employment at strip dance clubs. Most reported few problems getting hired, since commercial sex was in constant demand of fresh faces.

Significant efforts were made in this study to probe the circumstances under which these

women entered into the sex trade, looking for evidence of deceit, fraud or coercion, explicit or implied. Of the 220 women interviewed in this study, the majority (163 or 74,1%) claimed to have made the choice to enter the sex industry on their own because of the earning potential. According to these women, the sex industry offered the best possible financial prospect for their circumstances. As shown in Table 3, these women worked in a variety of venues, including strip clubs (or table dances), street prostitution, massage parlours, and escort services.

Although the majority entered into prostitution on their own, 26 of the women (or 11,8%) reported that they had been either forced or pressured into prostitution, at least initially. The perpetrators were pimps, husbands/boyfriends, and male relatives. The methods used to coerce these women into prostitution ranged from false promises of marriage to rape by male relatives to threats to tell the women's families. One common scheme involved the false promise of work in a modelling agency or as a cleaning maid. Once the women were lured into Tijuana, the traffickers changed their stories. Without any friends and relatives, these women invariably 'agreed' to sell their bodies as a means of survival.

Table 3 Trafficking and prostitution

	Frequency	Percentage
Initial entry into prostitution		
Self-initiated	163	74,1
Recruited by sex industry	7	3,2
Pressured by husband/boyfriend	12	5,5
Pressured by debtor (for example coyote)	11	5,0
Talked into prostitution by friends/acquaintances	27	12,3
Ever been forced into prostitution		
Yes	26	11,8
No	194	88,2
If forced into prostitution, by whom?		
Not applicable (self-initiated)	191	86,8
Pimp/coyote	10	4,5
Husband/boyfriend	7	3,2
Friends	3	1,4
Other	9	4,1
Primary work location		
Strip clubs	104	47,3
Street	71	32,3
Massage parlours	12	5,5
Escort service	25	11,4
Other	8	3,6
Violence in current work		
Yes	47	21,4
No	173	78,6
Total	220	100

DISCUSSION

Findings in this study point to a complex social and legal problem that has only become even more so in a globalised world. Sex trafficking does occur, but most likely under unique and individual circumstances. How and why women enter into sex work – which is socially stigmatised if not legally prohibited – is far more complex than what has been portrayed in much of the anti-trafficking literature. Some prostitutes are trafficked as children because they are desired in the twisted world of paedophiles. Others escape abusive family relationships only to find themselves ensnared by pimps who turn them into human ATM machines. Still others simply find the earning potential in prostitution difficult to turn away. Commercial sex is an enormously complex social phenomenon.

Sex trafficking coalesces closely with a stigmatised commercial activity that is prohibited in many countries but tolerated in others. It is a highly charged and complex issue whether sex in and of itself may be perceived as a commodity or treated as a means to material ends (such as money, food, shelter, or gifts), or whether sex is best practised within the context of love and romance, or whether sex must only serve its primary biological function of procreation. The boundary of what is or is not permissible sex has become much more expanded and convoluted today than it has ever been in human history. Such debate will go on forever. But the fact remains that many women, such as the majority in this study, choose prostitution simply as a way to improve their life circumstances. Within the context of financial necessity, which also includes many other forms of labour, many women are actually content with their ability to stand on their own, free from familial dependency and male constraints. But a few fall prey to men (and sometimes women) adept at taking advantage of the financial or emotional vulnerabilities of women and children. In between these two extremes of the continuum lie many more reasons for how and why women enter into the sex trade.

Many women, as found through hundreds of conversations with our interviewers, were actually content with their work arrangement and financial returns from selling sex. They often self-organised, referred work to one another, and shared strategies to protect themselves against unruly clients or to extract maximum returns for their services. Even after repeated probing by the interviewers, the majority of these women did not perceive themselves as helpless victims of any abuse. This observation does not imply that the prostitutes in this study loved what they were doing and did not want to quit. On the contrary: the majority of women in this study had definite plans to leave the business. They were focused on their financial goals and clear-headed about the prospect of prostitution as an occupation.

This study questions the empirical validity of the sensational claims made by the news media and NGO reports about the widespread global slave trade, at least within the Mexican context. The current anti-trafficking campaign appears largely dominated by a narrative that is long on moral indignation but short on pragmatic and economically viable alternatives to the large number of women struggling in the sex trade. Such a moralistic discourse infantilises women and denies the possibility for agency and self-actualisation. It is time for governments and advocacy groups to acknowledge the complexity of this social problem and explore policies that can minimise exploitation and increase protection for these women.

NOTES

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Implications of the enforcement of anti-human trafficking law: the SB 1372 experience in Maricopa County, Arizona

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ABSTRACT

Adopted in 2005, Arizona's anti-human trafficking statute was intended to serve as a deterrent for human smugglers operating in the state. Proposed by religious groups concerned with the potential tie between child prostitution and the smuggling of undocumented immigrants, and fuelled by the anti-immigrant rhetoric of the state, the statute showed from its inception a clear emphasis on the immigration status of those impacted by trafficking. This paper analyses the implementation and impact of the anti-human trafficking statute in Maricopa County, Arizona. The statute has led to the conviction of more than a thousand undocumented immigrants, who have been charged with committing their own human smuggling, and to the condoning of racial profiling practices within local law enforcement agencies. It has also led to the emergence of new predatory practices within fracturing smuggling organisations. The analysis relies on narratives from men and women directly impacted by the statute, and on the probable cause statements included in police and agency reports. As South Africa prepares to consider legislation on the prevention and combating of trafficking in persons, it is crucial to consider the potential rights violations that can arise from the implementation of anti-trafficking policies. This paper offers insights for scholars and policymakers on the potential implications of the implementation of anti-trafficking policies upon vulnerable populations.

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INTRODUCTION

Arizona's Congress approved its first anti-human trafficking statute in 2005 in response to the strong anti-immigrant rhetoric prevailing in the state and the work of community-based and religious groups that were concerned over the alleged increase in child prostitution and its potential connection to the smuggling of undocumented immigrants. While the law was intended to curtail the activities of those who were allegedly involved in sex trafficking, the statute has instead been used against undocumented immigrants by charging them with the commission of their own human smuggling.

This paper argues that the statute has had little impact on sex trafficking (in the sense that the number of sex trafficking convictions has not increased perceptibly). Rather it has facilitated the proliferation of racial profiling and discriminatory practices among local police agencies. In short, Arizona's anti-human trafficking statute has simply allowed for the criminalisation of undocumented immigrants in transit, has fuelled the anti-immigrant sentiment in the state, and has contributed to the sensationalism surrounding sex trafficking. This paper is informed by a research project based on legal case analysis and fieldwork conducted in Maricopa County, Arizona, involving human trafficking legislation and responses to human smuggling operations from 2006 to 2010.

GEOGRAPHIC CONTEXT OF ARIZONA

Arizona is one of four US states that share a border with Mexico. In the mid-1990s the US Immigration and Naturalization Service implemented operations aimed at reducing the flow of undocumented immigrants into the country (Operations Gatekeeper and Hold the Line). As a consequence entire sections of the US–Mexico border along the states of California and Texas were effectively sealed – albeit only temporarily.¹ The government's intention was to redirect the flow of undocumented immigrants into the Arizona desert in the hope the harsh elements would eventually discourage unauthorised crossings.²

The operations were ineffective. First, they failed to provide a long-term solution to the flow of undocumented migrants. They have also had devastating humanitarian consequences. Thousands of undocumented immigrants in transit die in the Arizona desert each year, while many more endure risks, violence and danger.³ An unintended consequence of this was the emergence of a local human smuggling market as a result of a growing demand for assisted, unauthorised crossing services along the only potential crossing point: Arizona.⁴ The state is now the busiest human smuggling operations hub in the United States, according to the US Department of Immigration and Customs Enforcement (ICE),⁵ which also estimates the majority of undocumented crossings into the US take place along the Arizona border.

The growing visibility of activities related to human smuggling in Arizona has caused much concern among the public, as evidenced by the degree of media and policy coverage.⁶ This concern has played a role in the emergence and creation of laws and in the adoption of policing practices that impact the everyday lives of immigrants and US citizens of Latino origin, who due to their heritage have been socially constructed as alien and foreign. These enforcement practices have involved the government's endorsement of racial profiling and discrimination. In 2010 Arizona's governor signed Senate Bill 1070, which authorises local enforcement agencies to inquire about a person's immigration status if the person is suspected of being in the country illegally. SB 1070 also grants officers the power to inspect an

individual's immigration documents, in pre-emption of US federal law. While a series of injunctions prevented some of the law's most controversial sections from going into effect, its passage has had a severe impact upon the already tense interactions among communities in the state.

THE ANTI-HUMAN TRAFFICKING STATUTE

SB 1070 is only one of the many laws that regulate the troubled relationship between immigrants of Latino origin and law enforcement agencies in the state. SB 1372, the anti-human trafficking statute, was signed into law by former Arizona governor Janet Napolitano in August 2005 with the overwhelming support of all members of Congress. The laws' primary emphasis was on typifying sex trafficking as a crime and outlined severe sanctions against those involved in its facilitation. While the state had laws in place targeting sexual abuse and sexual exploitation of children, no law had until then explicitly addressed the trafficking of persons for sexual purposes.

The passage of the anti-human trafficking statute was a victory for its proponents – Jonathan Paton, an incoming Republican member of the Arizona Legislature, and a coalition of multiple community-based and religious organisations led by Peggy Bilsten, a popular ex-councilwoman. The coalition had for some time been advocating for anti-sex trafficking legislation in the state and in fact some of its members were deeply involved in the aggressive US-led efforts to combat sex trafficking worldwide that followed the signing of the Victims of Trafficking and Violence Protection Act (TVPA) in 2000 and the endorsement of the Bush administration of anti-sex trafficking programmes.⁷

In the Phoenix metropolitan area, members of the coalition had campaigned locally to create awareness of what they referred to as 'child sex slavery'.⁸ Relying on unverified, anecdotal accounts, the coalition promoted tales of young victims and children being sold by their amoral and greedy families to sexual predators, or of sadistic pimps who would first enslave our lonely teens to then keep them in animal-like conditions to traffic them sexually.⁹

The imagery that accompanied the rhetoric proved effective in generating some concern among the public – particularly among a middle class increasingly afraid of unscrupulous criminal organisations led by 'foreigners' (a proxy for immigrants) waiting for an opportunity to rape and enslave white women and children. But despite the coalition's efforts to generate momentum for anti-sex trafficking legislation, Arizona's Congress was more concerned with controlling the seemingly unstoppable 'spread' of undocumented immigration and the growing reports of smuggling-related violence that dominated the media waves. Local TV channels and newspapers had already caught on the hype of 'border violence' emerging from the ongoing battles among criminal groups in Mexico and dedicated whole newscasts to showcase the sensationalistic tales of smuggling-related violence and to glorify the troubling responses of law enforcement officers, who would justify beatings, raids, shootings and even deaths as part of their efforts to stop the barbaric, bloodthirsty gangs of Mexican smugglers invading the state.¹⁰

Around the same time the Bush administration prioritised anti-trafficking efforts by alleging potential connections between transnational crimes (that is, smuggling and trafficking) and terrorism,¹¹ this as part of the homeland security initiatives that followed 9/11. In response, the anti-sex trafficking rhetoric shifted from calls for the criminalisation of human trafficking to the urgent need to designate it a national security threat. Echoing the tactics used by

other anti-trafficking groups – namely the reliance on over-generalised and unsubstantiated claims from ‘key informants’¹² – members of Arizona’s anti-human trafficking movement used every available opportunity to warn the public about the national security threats posed by Mexican human smuggling groups. Bilsten would go as far as stating that Mexican human smuggling groups were responsible for the kidnappings of young Arizonan women who were then sold to local pimps,¹³ an assertion that was never proven. Many other anti-sex trafficking advocates also stated that human smuggling operators worked alongside terrorists. This not only added to the post 9/11 anti-immigrant paranoia but also facilitated the perception that citizens and residents of Latino origin are likely to commit terrorist acts.

When introduced in early 2005 the anti-trafficking bill proposed the designation of human trafficking for sexual purposes (‘to knowingly recruit, entice, harbor or obtain another person with the intent to engage in prostitution by force’)¹⁴ as a dangerous crime and created severe penalties to those who trafficked with children (defined as minors under the age of 15). The bill also established protection and restitution parameters regarding trafficking victims. The bill included a definition of human smuggling, which was conceptualised as ‘the transportation or procurement of transportation by a person or an entity that knows or has a reason to know that the person or persons transported are not permanent resident aliens or persons otherwise lawfully in the state.’¹⁵

Unlike the trafficking section of the statute and despite Jonathon Paton’s (the bill’s proposer) declaration that the bill intended to penalise the human smugglers ‘who leave migrants in the desert to die’¹⁶ the section on smuggling did not establish or recognize the potential for victimization as an element in human smuggling, placing instead special emphasis on the immigration status of those involved in smuggling.

This apparent incongruence did not stop enactment of the bill in August 2005, perhaps because even though Paton was keen on anti-trafficking efforts, his main concern was ultimately the protection of his constituents’ interests, which centred on the protection of *their* homeland – broadly understood as the border Arizona shared with Mexico. Paton, who had run his campaign calling for the securitisation of the US–Mexico border and against undocumented immigration, claimed the people in his district were simply tired of ‘being besieged by undocumented immigrants’.¹⁷

IMPLICATIONS OF THE ANTI-TRAFFICKING STATUTE

By late 2010, a report on the status of anti-sex trafficking efforts in Arizona proudly announced that SB 1372 had led to the indictment of 82 sex traffickers. What the report failed to mention was that the human smuggling section of the same statute had by 2009 resulted in one thousand convictions involving undocumented immigrants charged with committing their own human smuggling. In a political move criticised by legal experts, the statute had been used to convict not just human smuggling facilitators, but the men and women who rely on their services: undocumented immigrants in transit.

Since early March 2006, the Maricopa County Attorney had used the smuggling definition of the anti-human trafficking statute to charge with conspiracy the undocumented immigrants who travel with the assistance of a human smuggling facilitator. This practice seemed aimed at generating popular support during an especially contentious election year and took place as part of a well-orchestrated series of county-wide immigration enforcement operations.

The first case to be prosecuted under the statute involved the arrest of a large group of undocumented immigrants as a result of an unjustified stop. While driving on a road, an undocumented Latino immigrant had passed by a police officer without making eye contact. Angered by the driver's disregard for authority, the officer proceeded to conduct a stop despite lacking probable cause (the reasonable belief that a person had committed a crime). After approaching the vehicle the officer realised the driver was transporting 19 undocumented immigrants, all on route to Phoenix. The day after the arrest all passengers and the driver were charged under the anti-human trafficking statute and eventually convicted for human smuggling. This case was appealed unsuccessfully by pro-immigrant advocates and law scholars concerned with the interpretation of the law.¹⁸

Following the success of the first conspiracy case, local law enforcement agencies have continued to conduct anti-human smuggling operations throughout the Phoenix metropolitan area, relying on unjustified stops. Racial and class-based profiling practices are consistently used by law enforcement in the commission of these actions. Court documents show officers conduct stops on the basis of a suspect's 'dirty or soiled clothes', 'tired or scared look', 'smell of illegal immigrant', 'alien appearance', 'listening to Mexican music', 'wearing work clothes', etc. Most stops occur along randomly selected sections of highways and roads, arbitrarily designated by law enforcement as 'smuggling corridors'. The parameters under which such designation is made are vague and not disclosed in the legal record, but are continuously used in court to justify stops and questionings of individuals suspected of being involved in human smuggling. The operations have disproportionally involved the questioning of Latino residents and citizens along roads and highways, infringing their right to freedom of movement.

Sentencing data also reveal the impact arrests have on detainees' right to expedited justice. The overflow of smuggling cases in the Maricopa County jurisdiction has caused severe delays in local courts. A recent survey of 97 cases prosecuted under the anti-human trafficking law revealed that, on average, undocumented immigrants charged under the statute faced a 90-day wait before their cases could be heard in court.¹⁹ Given that the majority of detained immigrants show no violent tendencies and lack a criminal past, this demonstrates that those detained pose no threat to the public and their incarceration is unwarranted – particularly in those cases where charges are eventually dismissed for lack of evidence. The cost of housing non-violent detainees for non-violent offenses is also an unnecessary expense given the dire economic situation faced by the county. According to press reports, Maricopa County disbursed an estimated \$6,7 million to cover the expenses associated with the incarceration of the first thousand undocumented immigrants prosecuted under the statute.²⁰ The estimate did not include court-related costs.

The practices involving the enforcement of the anti-human trafficking law amount instead to an exercise of immigration control characterised by the conduct of discretionary stops based largely on ethnicity and class; by the use of intimidation to demean and subordinate those who are stopped; by restricting the freedom of movement of specific groups on the basis of their appearance, but not others in the same vicinity; by reinforcing stereotypes of immigrants as alien, foreign, inferior and criminal; and by placing limitations on people's access to fair and impartial treatment before the law.²¹

DISCUSSION AND CONCLUSIONS

The creation and enforcement of the anti-human trafficking statute in Arizona has failed to address the initial concerns of its advocates, most likely because the security threats it targeted were non-existent. While the implementation of the law raises serious concerns over the future of race relations in Arizona, its original proponents – including the religious groups who once so passionately advocated for the protection of women and children – have refrained from condemning the xenophobic, discriminatory practices it has generated.

By failing to identify victims, the smuggling definition of the statute provides no access to any kind of significant relief for those who may find themselves in danger as a result of their involvement in smuggling. This, along with the designation of smuggling as tied to immigration status, creates categories of deservedness on the basis of citizenship, and deprives vulnerable groups of the most basic legal and humanitarian protections.

The anti-human trafficking law has become an immigration enforcement mechanism that not only criminalises undocumented immigrants, but rather increases their victimisation and vulnerability. Undocumented immigrants' dependence on underground markets to secure their trans-border travel has transformed them under the law into criminals not worthy of the protections given to the much more deserving – and yet virtually non-existent – victims of sexual trafficking.

In summary, Arizona's efforts to criminalise human trafficking echoed those taking place in other jurisdictions, which have consistently coupled moral concerns over prostitution²² to national security discourses,²³ and for which the only measurable results have been convictions. In Arizona, tensions over border security and the xenophobic perceptions involving immigrants have facilitated and justified the racialised enforcement of a poorly constructed anti-sex trafficking statute. This process has been fuelled by the collective fears emerging from the discourse of broken borders and national security, which characterises undocumented immigrants as security threats to the homeland. The anti-human trafficking statute has not been used to address the alleged dangers of sex trafficking but to further define notions of deservedness on the basis of race, class and immigration status.

The law has also functioned as a mechanism to reinforce racial and cultural stereotypes of Latinos in the state, and as a powerful reminder of their second-class citizenship. The experiences of men and women arrested as part of the anti-human trafficking enforcement reveal the clear forms of profiling and intimidation Latinos are forced to endure in the state and show us how abuse and harassment continue to define their everyday experiences. A discussion of the implications of federal/state collaboration in immigration enforcement is outside the scope of the present work, but the analysis of the use of the anti-human trafficking law as a form of immigration enforcement in Maricopa County is only one example of how racism and 'nativism' operate as part of immigration enforcement practices nationwide. These kinds of analyses take added urgency as xenophobic sentiment in the form of anti-immigrant legislation grows in and extends to other parts of the country.

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