

PRINCIPLES OF CRIME PREVENTION, REDUCTION AND CONTROL

DEPARTMENT OF CRIMINOLOGY AND SECURITY SCIENCE



ONLY STUDY GUIDE FOR **CMY2602**

COORDINATED BY: Prof FJW Herbig
COMPILED BY: Prof FJW Herbig
Prof AE Hesselink
Dr M Barkhuizen
Ms GE da Costa
Mr JWJ Janse van Vuuren
Ms M Victor-Zietsman

**UNIVERSITY OF SOUTH AFRICA
PRETORIA**

© 2011 University of South Africa

All rights reserved

Printed and published by the
University of South Africa
Muckleneuk, Pretoria

CMY2602/1/2012–2015

98766325

Contents

	<i>Page</i>
ORIENTATION	(xiv)
THEME I THE EVOLUTION, DEVELOPMENT AND APPLICATION OF CRIME PREVENTION APPROACHES, MODELS AND STRUCTURES	1
I.1 PREVENTION AND CONTROL OF CRIME	3
I.1.1 Introduction	4
I.1.2 Key concepts	4
I.1.2.1 Crime prevention and control	4
I.1.2.2 Crime prevention models or approaches	4
I.1.3 Historical development of crime prevention and control	5
I.1.4 Factors crucial to successful crime prevention	6
I.1.5 Various crime prevention approaches	6
I.1.5.1 The social crime prevention model	6
I.1.5.2 Limiting opportunities for crime	7
I.1.5.3 The community-based crime prevention model	7
I.1.5.4 The biophysical prevention model	8
I.1.5.5 The psychological prevention model	8
I.1.6 Integrated crime prevention models	9
I.1.6.1 Prevention of specific crimes	9
I.1.6.2 Crime prevention and control by means of the criminal justice system	9
I.1.7 Successful programmes	10
I.1.8 Summary	11
I.1.9 Self-assessment questions	11
I.1.10 Self-assessment answers	12
I.1.11 Feedback on activity	12
I.2 PROPERTY CRIMES I: SHOP THEFT AND EMPLOYEE THEFT	13
I.2.1 Introduction	14

1.2.2	Key concepts	15
1.2.2.1	Shop theft	15
1.2.2.2	Employee theft	16
1.2.3	The extent and incidence of shop theft	16
1.2.4	The extent and incidence of employee theft	18
1.2.5	General forms of employee theft	19
1.2.6	Summary	20
1.2.7	Self-assessment questions	21
1.2.8	Self-assessment answers	22
1.2.9	Feedback on activities	22
1.3	NATURE AND CHARACTERISTICS OF SHOP AND EMPLOYEE THEFT	23
1.3.1	Introduction	24
1.3.2	The nature and characteristics of shop theft	24
1.3.2.1	Common characteristics	24
1.3.2.2	Shoplifter motives and typology	24
1.3.2.3	Modus operandi	25
1.3.2.4	Items most commonly shoplifted	26
1.3.3	The nature and characteristics of employee theft	26
1.3.3.1	Common characteristics	26
1.3.3.2	Motives for employee theft	27
1.3.4	Summary	29
1.3.5	Self-assessment questions	29
1.3.6	Self-assessment answers	30
1.4	EXPLANATION OF SHOP AND EMPLOYEE THEFT	31
1.4.1	Introduction	31
1.4.2	Theoretical explanations for shop theft	32
1.4.2.1	Rational choice perspective	32
1.4.2.2	Routine activity theory	32
1.4.2.3	Shoplifting as consumer behaviour	33
1.4.3	Theoretical explanations for employee theft	33
1.4.3.1	Social control theory	33
1.4.4	Summary	34

1.4.5	Self-assessment questions	35
1.4.6	Self-assessment answers	35
1.5	PREVENTION AND CONTROL OF SHOP AND EMPLOYEE THEFT	36
1.5.1	Introduction	37
1.5.2	Prevention of shop theft	37
1.5.2.1	Reporting cases to the police	37
1.5.2.2	Identification of shoplifters	37
1.5.2.3	The layout or design of the shop	38
1.5.2.4	Store detectives and security guards	38
1.5.2.5	Technical and electronic apparatus	38
1.5.2.6	Educational campaigns	38
1.5.2.7	Offenders' perceptions of deterrence	39
1.5.2.8	Addressing crime opportunities	39
1.5.3	Prevention of employee theft	39
1.5.3.1	Personnel selection	40
1.5.3.2	Personnel training	40
1.5.3.3	Creating a positive working environment	40
1.5.3.4	Reducing opportunities for theft	41
1.5.3.5	Determining clear policies	42
1.5.4	Summary	42
1.5.5	Self-assessment questions	42
1.5.6	Self-assessment answers	44
1.5.7	Feedback on activities	44
1.6	PROPERTY CRIMES II: THEFT, BURGLARY, VEHICLE THEFT AND COMPUTER CRIME	45
1.6.1	Introduction	46
1.6.2	Key concepts	46
1.6.3	Theft	47
1.6.3.1	General characteristics	47
1.6.3.2	Selection of targets	48
1.6.3.3	Motives for stealing	48
1.6.4	Vehicle theft	49
1.6.4.1	General characteristics	49

1.6.4.2	Motives for vehicle theft	49
1.6.4.3	Modus operandi	50
1.6.5	Computer crime	50
1.6.5.1	Types of computer crime	50
1.6.5.2	Computer criminals	53
1.6.5.3	Prevention of computer crime	53
1.6.6	Summary	54
1.6.7	Self-assessment questions	54
1.6.8	Self-assessment answers	55
1.6.9	Feedback on activities	55
1.7	BURGLARY (HOUSEBREAKING)	56
1.7.1	Introduction	57
1.7.2	Key concepts	57
1.7.3	Burglary	57
1.7.3.1	General characteristics	57
1.7.3.2	Selection of targets	58
1.7.3.3	Motives for stealing	59
1.7.4	Summary	60
1.7.5	Self-assessment questions	60
1.7.5.1	Self-assessment answers	61
1.7.6	Feedback on activities	61
1.8	CRIMES AIMED AT PROPERTY: VANDALISM	62
1.8.1	Introduction	63
1.8.2	Key concepts	63
1.8.3	Motives for vandalism	63
1.8.4	Types of vandalism	64
1.8.5	The vandal	64
1.8.6	Causes of and an explanation for vandalism	65
1.8.7	Summary	66
1.8.8	Self-assessment questions	66
1.8.9	Self-assessment answers	67
1.8.10	Feedback on activities	67
1.9	CRIMES AIMED AT PROPERTY: ARSON	68
1.9.1	Introduction	69

1.9.2	Key concepts	69
1.9.3	General characteristics	69
1.9.4	Motives for arson	70
1.9.4.1	Revenge, malice and jealousy	70
1.9.4.2	Vandalism or wilful mischief	70
1.9.4.3	Concealment of a crime or a diversionary tactic	70
1.9.4.4	Profit and insurance fraud	71
1.9.4.5	Intimidation, blackmail, terrorism and sabotage	71
1.9.4.6	Pyromania and other psychological motives	71
1.9.5	Theoretical explanation for pyromania	72
1.9.6	Summary	72
1.9.7	Self-assessment questions	73
1.9.8	Self-assessment answers	73
1.10	GENERAL CAUSES OF AND AN EXPLANATION FOR PROPERTY CRIMES	74
1.10.1	Introduction	75
1.10.2	Socioeconomic factors	75
1.10.3	Relative deprivation	76
1.10.4	Opportunity and the economy	76
1.10.5	The theory of differential association	77
1.10.6	Sykes and Matza's neutralisation theory	78
1.10.7	Wilson and Herrnstein's theory	80
1.10.8	Rational decision-making perspective	81
1.10.9	Summary	82
1.10.10	Self-assessment questions	83
1.10.11	Self-assessment answers	84
1.11	PREVENTION OF PROPERTY CRIMES	85
1.11.1	Introduction	85
1.11.2	Improving socioeconomic conditions	86
1.11.3	Situational crime prevention	87
1.11.4	Effectiveness of situational crime prevention	89
1.11.5	Summary	90
1.11.6	Self-assessment questions	90
1.11.7	Self-assessment answers	91

THEME 2: THE ROLE OF THE NATIONAL CRIME PREVENTION STRATEGY IN THE SUCCESSFUL PREVENTION OF CRIME	93
2.1 THE ROLE OF THE NATIONAL CRIME PREVENTION STRATEGY IN THE SUCCESSFUL PREVENTION OF CRIME	94
2.1.1 Introduction	95
2.1.2 Basic premises of the National Crime Prevention Strategy	95
2.1.3 Functioning of the South African National Crime Prevention Strategy	96
2.1.4 The four crime prevention pillars or models	98
2.1.4.1 The integrated criminal justice model	98
2.1.4.2 Crime prevention by means of environmental design and control	99
2.1.4.3 Promotion of community values and education	99
2.1.4.4 Prevention of transnational crimes	100
2.1.5 Points of criticism against the South African National Crime Prevention Strategy	100
2.1.6 Summary	102
2.1.7 Self-assessment questions	102
2.1.8 Self-assessment answers	103
2.1.9 Feedback on activities	103
THEME 3: ROLEPLAYERS IN THE CRIMINAL JUSTICE SYSTEM: THE SOUTH AFRICAN POLICE SERVICE AND CORRECTIONAL SERVICES	105
3.1 THE DEPARTMENT OF SAFETY AND SECURITY	107
3.1.1 Introduction	108
3.1.2 Key concepts	108
3.1.3 Structures falling under the Department of Safety and Security	109
3.1.3.1 Department of Police	109
3.1.3.2 Independent Complaints Directorate (ICD)	109
3.1.3.3 South African Police Service (SAPS)	110
3.1.3.4 The Police Civilian Secretariat	110
3.1.4 The Structure of the South African Police Service	111
3.1.4.1 National level	111
3.1.4.2 Provincial level	112
3.1.4.3 Station level	113
3.1.5 Functions of divisions within the SAPS	114
3.1.5.1 Crime intelligence and crime detection	114

3.1.5.2	Operational services	115
3.1.5.3	Management, financial and administration services	118
3.1.5.4	Human resource management and legal services	118
3.1.5.5	Logistical, evaluation, security and protection services	119
3.1.6	Rank structure of the South African Police Service	119
3.1.7	Summary	120
3.1.8	Self-assessment questions	120
3.1.9	Self-assessment answers	121
3.1.10	Feedback on activities	121
3.2	THE DEPARTMENT OF CORRECTIONAL SERVICES	123
3.2.1	Introduction	124
3.2.2	Key concepts	125
3.2.3	Vision	125
3.2.4	Mission	125
3.2.5	Business philosophy	125
3.2.6	Purpose	126
3.2.7	Structure	127
3.2.7.1	Functional services	127
3.2.7.2	Operational support	128
3.2.7.3	Resource management	128
3.2.8	Unit management approach	129
3.2.9	Classification and special categories of people in prison	129
3.2.10	Functions	133
3.2.10.1	Managing offenders	133
3.2.10.2	Safe custody of prisoners	134
3.2.10.3	The rehabilitation and development of prisoners	135
3.2.11	Approaches to combating crime	138
3.2.11.1	Education and training	138
3.2.11.2	Religious care	138
3.2.11.3	Social work services	138
3.2.11.4	Development programmes	139
3.2.12	Summary	139
3.2.13	Self-assessment questions	139

3.2.14	Self-assessment answers	140
3.2.15	Feedback on activities	140
THEME 4: THE ROLE, FUNCTION AND JURISDICTION OF CRIMINAL COURTS IN THE REPUBLIC OF SOUTH AFRICA		141
4.1	THE ROLE OF THE COURTS IN THE JUDICIAL PROCESS	143
4.1.1	Introduction	144
4.1.2	Definitions	145
4.1.3	The role of the courts in the judicial process	146
4.1.4	The presumption of innocence	146
4.1.5	The criminal courts of the Republic of South Africa	147
4.1.6	Different courts in South Africa	148
4.1.6.1	The regular (ordinary) criminal courts	148
4.1.6.2	Extraordinary (special) courts	148
4.1.7	The jurisdiction of the courts	148
4.1.7.1	The jurisdictions and functions of the criminal courts in South Africa	148
4.1.7.1.1	The Constitutional Court	148
4.1.7.1.2	The Supreme Court of Appeal	150
4.1.7.1.3	The High Courts	151
4.1.7.1.4	Lower courts	152
4.1.8	The role of court officials	154
4.1.8.1	The role of the presiding officer in court cases	154
4.1.8.2	The association (relationship) between presiding officers and the other parties in court	154
4.1.8.3	Control of court proceedings by the presiding officer	155
4.1.9	Summary	156
4.1.10	Self-assessment questions	156
4.1.11	Self-assessment answers	157
4.1.12	Feedback on activities	157
THEME 5: THE ROLE OF TRAFFIC CONTROL AS A COMPONENT OF THE CRIMINAL JUSTICE SYSTEM		159
5.1	Introduction	161
5.2	Administrative functions	161
5.3	Community services	162
5.4	Preventative policing	163

5.5	Repressive (or reactive) policing	163
5.6	Miscellaneous functions	164
5.7	The goals of traffic law enforcement	164
5.8	The organisation of traffic control and enforcement	165
5.9	Division of labour	166
5.10	Law enforcement	166
5.10.1	Primary units	166
5.10.2	Secondary units	169
5.11	Engineering section	170
5.11.1	Primary units	170
5.11.2	Secondary units	170
5.12	Administrative section	171
5.13	Collision management	171
5.13.1	Duty of the driver in the event of an accident	171
5.13.2	Causes of collisions	173
5.13.3	Collision information	173
5.13.4	Collision bureau	173
5.13.5	Collision management information	174
5.13.6	Traffic safety plans (TSPs) and selective traffic enforcement programmes (STEPS)	174
5.13.7	Traffic safety plans (TSPs)	176
5.14	STEPS: problems	176
5.14.1	Implementation of a STEP	178
5.15	Conclusion	179
5.16	Self-assessment questions	179
5.17	Self-assessment answers	180
5.18	Feedback on activities	180
THEME 6: COMMUNITY MANAGEMENT OF HIGH RISK OFFENDERS		183
6.1.1	Introduction to high risk offenders	186
6.1.2	Who are high risk offenders?	186
6.1.3	Can we really know high risk offenders?	187
6.1.3.1	Risk assessment tools	187
6.1.3.2	The problem of risk prediction	187
6.1.3.3	Criteria and evidence for 'dangerousness'	188

6.1.4	Perspectives on risk and dangerousness	188
6.1.4.1	Criminological and legal approaches to risk and dangerousness	189
6.1.4.2	Psychological framing of high risk offenders and dangerousness	190
6.1.4.3	Sociological understanding of risk and dangerousness	190
6.1.5	Conclusion	191
6.1.6	Self-assessment questions	192
6.1.7	Self-assessment answers	193
6.1.8	Feedback on activities	193
6.2	RISK ASSESSMENT: A COMPLEX PRACTICE	194
6.2.1	Introduction	195
6.2.2	Key concepts	195
6.2.2.1	Risk assessment	195
6.2.2.2	Actuarial scales and instruments	196
6.2.2.3	Meta-analysis	196
6.2.3	Why risk assessment?	197
6.2.4	Risk assessment: an inaccurate practice	198
6.2.5	Assessment principles	199
6.2.5.1	The needs principle	199
6.2.5.2	The risk principle	200
6.2.5.3	The responsivity principle	200
6.2.5.4	Criminogenic needs	200
6.2.6	Types of risk assessment	200
6.2.7	Factors related to risk prediction	202
6.2.7.1	Static risk factors	202
6.2.7.2	Dynamic risk factors	202
6.2.8	Community protection through partnership	202
6.2.9	Summary	204
6.2.10	Self-assessment questions	204
6.2.11	Self-assessment answers	205
6.2.12	Feedback on activity	205
6.3	COMMUNITY MANAGEMENT OF HIGH RISK OFFENDERS: RISK MANAGEMENT	206
6.3.1	Introduction	207
6.3.2	Community protection risk management strategies	207

6.3.2.1	Key components of effective risk management	208
6.3.2.2	Supervision and monitoring	209
6.3.2.3	Cognitive behavioural therapy (CBT)	210
6.3.2.4	General notes on risk management strategies	211
6.3.3	Alternative risk management approaches	211
6.3.3.1	'Good Lives' Model (GLM)	212
6.3.3.2	Prevention and opportunity management strategies	212
6.3.3.3	Social inclusion and integration techniques	215
6.3.3.4	Relapse prevention	215
6.3.4	The potential and limits of the two approaches	216
6.3.5	Summary	217
6.3.6	Self-assessment questions	218
6.3.7	Self-assessment answers	219
6.3.8	Feedback on activities	219
6.4	COMMUNITY MANAGEMENT OF HIGH RISK OFFENDERS	220
6.4.1	Introduction	221
6.4.2	Key concepts	221
6.4.3	Risks versus rights	221
6.4.4	Ethical issues	222
6.4.5	Community notification	222
6.4.6	The South African situation	223
6.4.7	Supervision and monitoring	224
6.4.8	Evidence of effectiveness	224
6.4.9	Summary	225
6.4.10	Self-assessment questions	225
6.4.11	Self-assessment answers	226
6.4.12	Feedback on activity	226
	BIBLIOGRAPHY	227

Orientation

Welcome to CMY2602 entitled “Principles of crime prevention, reduction and control”. This study guide concentrates on some topical local and national concerns, and we trust that you will find the information both interesting and informative. We wish you success with this course and hope that you will find the study material useful. We also hope that you will be able to apply your acquired knowledge in your day-to-day activities both in the workplace and as a citizen in a democratic society. Please do not hesitate to contact the course coordinator/s if you have any problems with the content of this study guide or have questions related to your studies.

In compiling this study guide, we have adopted two approaches:

- Firstly, a practical-functional or pragmatic approach to the objectives of criminology. We assume that the subject has important social relevance and thus takes into account a community which demands services. The implication is that we make information available to you for the primary purpose of giving you more insight into, and a better understanding of, the reaction to crime.
- The second objective is to provide you with guidelines to assist in the solving of problems within the criminal justice environment. It is our desire that you master the information supplied in this study guide in such a way that you are able to apply it to your everyday life.

This study guide has been developed in accordance with the principles of curriculum design as outlined in the 1996 curriculum framework (CDWG 1996:11–16). This framework, which emphasises outcomes-based learning, promotes

- learner-centeredness
- lifelong learning
- critical creative thought
- nation building and non-discrimination
- credibility of the higher education system
- quality assurance

This module aims to give you an understanding of society’s reaction to crime. We aim to encourage you to think critically, that is, to expand your knowledge and conceptual areas, to form attitudes and values, and to acquire skills.

With regard to expanding your knowledge and conceptual areas, we hope to lead you to a better understanding of the reaction to crime (a formal reaction from the law enforcement [eg police action] system and an informal reaction [eg fear of crime] in the community).

In this process, we want to help you to think holistically about matters such as crime causation by emphasising the fact that criminal behaviour is seldom caused by a single

factor. It is important to note that crime is usually caused by a variety of factors. We want to foster your active interest in the themes included in this study guide. These themes are often reported on in the press, during radio and television broadcasts, and also on the internet. We hope that you will develop a genuine interest in the factors that cause crime. We would also like you to display a responsible attitude towards reaction to crime by making use of criminological knowledge and related skills in your daily life. By proceeding from the premise that criminal behaviour is determined by identifiable causes, we try to inculcate the principle of cause and effect. We strongly emphasise respect for basic human rights and focus on the rights of both the offender and the victim in the criminal justice process.

Skills acquisition is an essential part of this module. We believe that acquiring skills and reading are necessary if you are to master the learning content. You will be introduced to basic concepts relating to crime causation and crime prevention. You will also be introduced to the objectives and structure of the criminal justice system, which should enable you to develop communicative thought and social skills with a view to exploring and discussing course-related criminological topics in a local and international context. Hopefully, you will be encouraged to draw simple conclusions and form new opinions. We want to teach you to observe (by reading the study guide, and by being sensitive to crime-related matters as reported on in the media and as manifested in your daily environment), to collect information, to summarise it and to arrange it in a meaningful and coherent way.

Outcomes-based outputs

The above outline relates to certain critical (generally formative) and specific (developmental) outcomes or intended results of learning (with respect to knowledge and insight, attitudes and values and skills).

Critical learning outcomes

This module aims to achieve specific critical learning outcomes, and a study of this module should enable you to acquire the following:

- *Criminological literacy.* If you understand the basic concepts of law, the breaking of legal rules, the structure, objectives and functioning of the criminal justice system, crime causation and explanation, and crime prevention, you can identify course-related problems and even develop a critical viewpoint about them using creative thought.
- *Global and contextual perspectives.* You will be required to develop an awareness of what causes crime and how crime can be prevented. We will refer extensively to the National Crime Prevention Strategy, South African law, the South African Bill of Rights and the criminal justice system – this will give you a contextualised perspective on criminological reality.
- *A sense of responsibility.* Open distance learning focuses on self-study; it thus requires a high level of commitment, perseverance and a sense of duty. The self-evaluation component at the end of each study unit provides you with an opportunity to organise and manage your own learning activities.

- *Communication skills.* The topical nature of the course content will hopefully stimulate your interest in the subject content. This will help you to visualise course-related realities and expand your areas of experience so that you can draw elementary conclusions and form new opinions. As part of the module, you will be required to communicate effectively in social discourse on matters such as the punishment of offenders, the rights of criminals and victims in the criminal justice system, crime causation factors and crime prevention. Good writing skills will also help you to express yourself in writing.
- *Reading and research skills.* You will be required to observe accurately (information contained in the study guide and the tutorial letters, as well as national, international and local events) and collect, analyse, order and critically assess information. This will help you to explore criminological topics scientifically and formulate questions when necessary.
- *Collaboration in a group and community context.* You will require the ability to think and reason critically. You will need to identify the causes of crime, make assumptions and discuss these assumptions in a group and/or community context (eg by participating in community protection forums [CPFs] and/or crime prevention programmes).
- *Personal skills.* You will be given the opportunity to develop (to a lesser or greater extent) the following skills:
 - *Learning skills.* You will acquire these skills by ignoring irrelevant information, handling controversial information, drawing conclusions and considering different viewpoints, for example.
 - *Schematic skills.* These skills come into play when important facts have to be separated or correct options have to be selected (eg multiple choice questions (MCQs) in assignments and examinations).
 - *Skills in synthesis.* You will acquire these skills when you become conversant with the procedure of selecting and collecting information from the study guide, summarising it and arranging it to form a meaningful and coherent whole (eg when you prepare to answer multiple-choice questions [MCQs] in the self-assessment exercises).
 - *Acquisition of positive values.* If you focus on basic human rights (the rights of both the offender and the victim) and on concepts such as natural justice, you will develop a comprehensive system of positive law-abiding values such as honesty, good citizenship, sound human relations and freedom.

Specific learning outcomes

When you have completed this module, you should

- comprehend the evolution, development and application of approaches, models and structures in the commission and prevention of crime
- be conversant with the National Crime Prevention Strategy in the successful prevention of crime
- understand the roles and functions of the Departments of Safety and Security and Correctional Services within the criminal justice system
- appreciate the roles and functions of the Departments of Safety and Security and Correctional Services within the criminal justice system

- be *au fait* with South African law and its relationship to the discipline of criminology
- understand the role and functions of the different courts in the judicial process
- be able to recognise the value of traffic control as a component of the criminal justice system
- be familiar with the community management of high risk offenders

Overview of the course

Six themes are covered in this module. Note that the themes are related and should not be studied separately. Here is a brief overview of the course content.

- *Theme 1.* Students are introduced to concepts such as crime prevention and crime control. We look at the changes in society and the impact these changes have on crime, the criminal and the criminal justice environment (social order, social interaction, social life, property and control). We define the concepts “property crimes”, “shop theft” and “employee theft”. We discuss the characteristics, motives and modus operandi of a shoplifter, as well as the employee thief. We look briefly at crimes such as theft, burglary, vandalism and arson. We emphasise the importance and value of an integrated local criminal justice system. We end the theme with information on crime prevention programmes.
- *Theme 2.* In this theme we examine the NCPS as a tool of government to address the crime problem. We introduce you to international norms pertaining to crime prevention. We also identify and evaluate the different roles of the various state departments.
- *Theme 3.* In this theme, we look at the structures of the SAPS and evaluate the SAPS’s effectiveness in preventing crime. We also discuss the powers, functions and duties of provincial commissioners and evaluate the application of the different components (units) within the SAPS.
- *Theme 4.* In this theme we elaborate on the role of the courts in the judicial process and differentiate between lower and higher courts. The functions of the Court of Appeal are explained. We also discuss the functions of the Constitutional Court (as the highest court in a democratic society) and point out the place of the Constitutional Court in our democracy.
- *Theme 5.* In this theme we look at the role of traffic control as a component of the criminal justice system. We explain the features of the organisation of traffic control. We identify and discuss the goals of traffic law enforcement and explain the important role of the traffic engineer in terms of traffic control and future road infrastructure developments. We also discuss issues related to the application of technology in collision management.
- *Theme 6.* In this theme students are exposed to the community management of high risk offenders. Issues discussed include contemporary responses to high risk offenders, risk assessment, risk management and key issues in managing high risk offenders.

The nature of the study package

The study package consists of this study guide and various tutorial letters. The tutorial letters concentrate on administrative matters and assignments. The study material in the study guide is divided into six themes as already explained.

Each theme consists of a number of study units which follow the general introduction to the theme. The introduction gives an indication of what you will learn. You will notice that each study unit starts with specific learning outcomes. These learning outcomes describe what you need to be able to do with the content. We have included some self-assessment questions at the end of each study unit as well as certain activities at strategic points within the text.

Please ensure that you have read **Tutorial Letter 101** before attempting to study the themes in this module.

THEME I

**The evolution,
development and
application of
crime prevention
approaches,
models and
structures**





THEME OUTCOME

Demonstrate an understanding of the evolution, development and application of approaches, models and structures in the commission, prevention, reduction and control of crime.

Assessment criteria

When you have completed this theme you should

- be conversant with terms such as “crime prevention” and “crime control”
- understand how societal changes impact on crime, the criminal and the criminal justice environment (social order, social interaction, social life, property and control)
- be able to recognise the importance and value of an integrated local criminal justice system

STUDY UNIT 1.1

Prevention and control of crime

Prof. FJW Herbig

- 1.1.1 Introduction
- 1.1.2 Key concepts
 - 1.1.2.1 Crime prevention and control
 - 1.1.2.2 Crime prevention models or approaches
- 1.1.3 Historical development of crime prevention and control
- 1.1.4 Factors crucial to successful crime prevention
- 1.1.5 Various crime prevention approaches
 - 1.1.5.1 The social crime prevention model
 - 1.1.5.2 Limiting opportunities for crime
 - 1.1.5.3 The community-based crime prevention model
 - 1.1.5.4 The biophysical prevention model
 - 1.1.5.5 The psychological prevention model
- 1.1.6 Integrated crime prevention models
 - 1.1.6.1 Prevention of specific crimes
 - 1.1.6.2 Crime prevention and control by means of the criminal justice system
- 1.1.7 Successful programmes
- 1.1.8 Summary
- 1.1.9 Self-assessment questions
- 1.1.10 Self-assessment answers
- 1.1.11 Feedback on activity



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to distinguish between the terms “crime prevention”, “crime control” and “crime prevention models or approaches”
- understand the historical development of crime prevention and control
- be able to recognise the main elements of successful crime prevention
- be familiar with the various approaches to crime prevention

Assessment criteria

After completing this study unit, you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.1.1 Introduction

The prevention and control of crime is one of the major reasons for studying the problem of crime. Crime prevention models and programmes do not develop in a vacuum, but are generally based on specific theories and factors that research has shown may lead to criminal behaviour. The effective prevention and control of crime is an important task of both the state and the community in order to create a safe environment for all.

1.1.2 Key concepts

1.1.2.1 Crime prevention and control

Broadly speaking, crime prevention may be described as those measures that are adopted by authorities, the community, commerce and individuals to prevent crime. There are many definitions of crime prevention, but we confine ourselves to the following: crime prevention refers to all the measures taken by way of government policy and private initiative to prevent crime, with the exception of the criminal justice system. These measures are defined as crime control.

1.1.2.2 Crime prevention models or approaches

“Crime prevention models” or “approaches” refer to a number of deliberate plans and actions aimed at preventing or controlling crime. Each crime prevention model consists of a number of related and identifiable programmes (also called methods, strategies or techniques), which may be implemented to prevent crime. Crime prevention models are usually based on specific theories or factors of crime that may have played a part in the commission of crime or victimisation, while programmes have no theoretical basis.

1.1.3 Historical development of crime prevention and control

Crime prevention is not a new concept and has been used for centuries in one or other way (eg locking one's home when going out). Initially, crime prevention was seen mainly as a task for the police, the courts and the correctional services (the criminal justice system).

Since the 1960s, however, crime prevention has moved away from the criminal justice system and now follows a more informal community-based approach. According to Tuck (1988:7), this may be attributed primarily to the community's loss of confidence in the ability of the criminal justice system to prevent or control crime effectively.

The USA took the lead in this respect and in 1971 established the National Crime Prevention Institute (NCPI) under the auspices of the Law Enforcement Assistance Administration (LEAA) in the Department of Justice. The federal government took charge of the NCPI in 1986 with the express purpose of involving communities more effectively in preventing crime.

In England, local crime prevention panels have been in place since 1966 and the Home Office Committee on Crime Prevention was established in 1975 (Tilley in Ovens, Marais & van Vuuren 2003:15). The establishment of the Home Office Crime Prevention Centre and the Research and Planning Unit in 1983, in collaboration with the community, brought significant changes in the area of crime prevention.

Countries such as France, Sweden and Denmark have formalised crime prevention as a community activity. In France, for example, prevention councils have been operating at local, regional and national levels since 1983, while in Sweden and Denmark, national crime prevention councils have been in place since the late 1970s (Graham 1990:3).

In South Africa, the state adopted a National Crime Prevention Plan or Strategy on 22 May 1996. This plan provides for a national institute linked to the National Growth and Development Strategy Office. It advocates an integrated, multidimensional crime prevention model for interdepartmental operation at central, regional and local authority levels. Local community organisations and experts are also involved. These parties have proposed a comprehensive crime prevention model based on the following four pillars:

- 1 The reduction of crime through effective environmental planning and design focusing on designing systems to reduce the opportunity for crime and increase the ease of detection and identification of criminals.
- 2 The enhancement of community values and campaigns to educate the community aimed at changing the way communities react to crime and violence. It involves programmes that make use of public education and information to facilitate meaningful citizen participation in crime prevention.
- 3 Transnational crime prevention strategies for the specific purpose of crime across the borders (eg smuggling, fraud and illegal immigration).
- 4 An effective and integrated criminal justice system. It must provide a sure, clear deterrent for criminals and reduce the risks of reoffending.

1.1.4 Factors crucial to successful crime prevention

Before the 1960s, America's crime prevention strategies focused on social and development programmes. Under the leadership of Martin Luther King during the 1960s, however, a strong civil rights movement arose in the black community. England also renewed its efforts to restrict opportunities for crime, but later realised that it would achieve better results if it implemented a comprehensive crime prevention plan which incorporated a number of crime prevention models.

It is now generally accepted that the following five factors are crucial to successful crime prevention, namely:

- 1 State and community involvement in implementing a comprehensive crime prevention policy.
- 2 A multidimensional crime prevention approach, which incorporates a number of crime prevention models and their various programmes.
- 3 Crime prevention models and programmes based on causation theories and factors which may be operative in crime and victimisation.
- 4 Attention to the uniqueness of crime patterns and causes peculiar to a country or neighbourhood.
- 5 Proper planning and the evaluation of crime prevention programmes (which must also be cost-effective).

1.1.5 Various crime prevention approaches

A number of crime prevention models can be identified in the literature, some of which will be addressed here. Note that crime prevention models may be classified in different ways and that a watertight division between the various models and their programmes is not always possible; in other words, there will always be some overlap (mutual inclusivity).

1.1.5.1 The social crime prevention model

This model, compiled by Graham (1990:18), is based on the premise that socioeconomic structures or systems such as families, schools, churches, recreational facilities and jobs are regarded worldwide as important socialisation structures, as they teach young people to adopt the norms and values of their communities. Accordingly, shortcomings in these structures may contribute to crime. Social crime prevention programmes are therefore designed to help vulnerable groups such as the young, the old, the poor and the unemployed to reduce their risk of turning to crime or becoming victims of crime. The programmes are also designed to eradicate poor socioeconomic conditions and social inequalities, which often lead to crime.

Social crime prevention programmes include

- comprehensive state policies for cleaning up urban and rural areas to prevent squatting, provide better housing, and so on
- labour policies that focus on job provision
- educational policies with a special focus on the development of young children

- family policies, which focus on parental guidance and family skills
- youth policies, which foster responsibility and emphasise education, socialisation and leisure-time activities
- health policies aimed especially at young children, and official drug and alcohol abuse policies

This model is suitable for preventing all forms of crime. Its success, however, depends mainly on longer-term programmes.

1.1.5.2 Limiting opportunities for crime

This model attempts to restrict the opportunities for people to become involved in crime and focuses mainly on potential victims, the community and the physical environment.

Some measures, which help to limit opportunities of people becoming involved in crime, include

- effective urban and environmental planning, as well as the upgrading of squatter and problem areas
- publicity campaigns aimed at making people more security conscious
- designing homes, buildings and business complexes in such a way that access points and visibility are used to reduce opportunities to get involved in crime
- target reinforcement, such as burglar proofing on windows and steering wheel or gear locks for cars
- the removal of targets, such as using credit cards or electronic transfer options instead of cash
- removing the ability to commit a crime, such as electronic scanners at airports to prevent weapons and the like being taken on board aircraft
- supervisors and security guards at access points to buildings
- closed-circuit television in problem areas, such as pedestrian tunnels, and closed-circuit video cameras in business areas
- the prevention of internal crime in commerce and industry, such as fraud, by introducing appropriate security, personnel selection and the training of employees

This crime prevention model is particularly successful in preventing crimes against property, crimes against people (such as robbery and pick pocketing), burglary, theft from business and public premises, shop theft, theft of and from vehicles, and vandalism.

1.1.5.3 The community-based crime prevention model

This model is based on the assumption that crime may be prevented by making potential offenders aware of the risk of being caught in specific neighbourhoods. The following are some examples of community-based crime prevention models: neighbourhood, flat and farm watches; citizen patrols; community policing; business and block watches; street committees; neighbours watching other neighbours' properties; safe houses (houses with notices indicating that people in distress may call

for help if they are threatened on the street); emergency alarms; telephone or two-way radio networks; and so on.

Such programmes are particularly successful in preventing crimes such as robbery; pick pocketing, burglary, crimes against property and car theft.



The South African Police Service (SAPS) is not in a position to prevent crime without the assistance and cooperation of the community.



ACTIVITY 1

Taking into consideration what you have learnt regarding the community-based crime prevention model, determine which, if any, of the above-mentioned initiatives are being applied in your community or neighbourhood. Are these interventions working? If not what do you think are the obstacles?

1.1.5.4 The biophysical prevention model

Biophysical factors relate to the inner processes or conditions that characterise human beings. The common point of departure in this model is that early identification and treatment, especially in the case of problem children, may play an important part in preventing crime. A combination of treatment programmes is often used, for example children with ocular problems are treated medically. They are also often treated for feelings of inferiority (psychological treatment), which may stem from the biological disorder.

There are a number of treatment options available and the option chosen will depend on the type of problem (eg vitamin supplements, diet adjustments and/or medication).

1.1.5.5 The psychological prevention model

This model focuses on inner psychological needs and disorders that may give rise to criminal behaviour. Such behaviour is regarded as an outcome of inner disorders, which often have their origins in early childhood. Attention is also paid to interpersonal problems and poor communication, particularly within the family, as these problems may contribute to criminal behaviour.

A number of psychological treatments (also called psychotherapy or therapeutic interventions) are used in this model and include

- psychological tests, such as intelligence (IQ) and personality tests
- psychotherapy
- reality therapy
- behaviour modification therapy
- crisis intervention
- social casework

1.1.6 Integrated crime prevention models

It is possible to distinguish between two models when dealing with integrated crime prevention models, namely the prevention of specific crimes and the criminal justice system.

1.1.6.1 Prevention of specific crimes

In the prevention of specific crimes, an integrated approach is followed in which a number of factors are seen as contributing to the particular crime. These factors are then treated using appropriate crime prevention programmes. Child abuse is a good example of how an integrated approach may be used. Child abuse may be attributed to alcohol abuse by parents, inadequate parenting and social skills, frustration as a result of unemployment, problematic behaviour exhibited by the child, and so on.

This calls for a multidimensional treatment programme; the treatment programme chosen will depend on the causes that have been identified.



FOOD FOR THOUGHT:

Just imagine what the crime position would be in South Africa if the rate of unemployment were to drop to a single figure?

Some examples of treatment programmes include

- rehabilitation programmes to deal with drinking problems
- training in family and social skills
- psychological treatment designed to deal with emotional problems, such as frustration
- psychological treatment and the acquisition of social skills so as to prevent the development of problem behaviour in children
- techniques for coping with frustration and assistance with finding employment

1.1.6.2 Crime prevention and control by means of the criminal justice system

The criminal justice system relates to legislation, the functions of the police, the courts and the correctional services, and is commonly known as crime control (as already mentioned). The various departments are closely related and effective cooperation is essential if crime is to be successfully prevented and controlled. The general point of departure is that the law regulates human behaviour and must, therefore, be just. There may, for example, be no discrimination against any person or group of people. Accordingly, the police must combat crime impartially in terms of the Bill of Rights as contained in the Constitution. Then courts must impose appropriate, impartial and fair punishment for the benefit of both the offender and the community. It is the task of correctional services to help train and rehabilitate offenders so that they may once again become functional members of society.

Crime prevention model	Focus of model	Effective for which crimes?
Social crime prevention model		All forms of crime, but success depends on longer-term programmes
Limiting opportunities for crime model		
Community-based crime prevention model		
Biophysical prevention model	Focuses on inner processes or conditions that characterise human beings	
Psychological prevention model		
Integrated prevention model – prevention of specific crimes – crime control through CJS All forms of crime

Use this table to summarise

1.1.7 Successful programmes

Research by Poyner (in Ovens et al 2003:49), which evaluated a large number of crime prevention programmes in England, found certain prevention programmes in each of the following settings:

- home burglaries: security guards at apartment blocks
- commercial burglaries: marking of property, lighting in risk areas, door-to-door operations by the police, increased security for drug supplies at pharmacies and public campaigns
- car theft: security guards, observation by staff, closing of streets, electronic access control and steering wheel or gear locks
- robbery: more staff on duty, electronic access control, publicity for projects, security guards, architectural alterations to allow for increased staff observation and focused policing (to a lesser extent)

A study by Sherman, Gottfredson, MacKenzie, Eck, Reuter and Bushway (1998:1) found that the following prevention projects work well in the USA:

- regular home visits by nurses and other professionals, and weekly home visits by teachers of preschool children to combat child abuse

- family therapy and parental guidance for families with at-risk youths and adolescents
- school programmes, such as innovative development programmes, the reinforcement of accepted norms and education in social skills
- trade apprenticeships for former offenders
- increased policing of crime-risk areas
- monitoring and detaining high-risk recidivists
- arresting professional men who abuse their families
- rehabilitation programmes for convicted offenders aimed at risk treatment
- therapeutic community treatment programmes for drug users in prisons

1.1.8 Summary

In this study unit various aspects of crime prevention and control were discussed. We focused on and distinguished between the terms “crime prevention” and “control” and looked at crime prevention models and programmes. In the next and subsequent study units various property crimes are addressed and the material covered in this section is applied to them.

1.1.9 Self-assessment questions

- 1 South Africa’s National Crime Prevention Plan is based on how many pillars?
 - (a) 3
 - (b) 6
 - (c) 4
 - (d) 5
- 2 The criminal justice system (CJS) consists of which principal roleplayers?
 - (a) Civil society, police, courts
 - (b) Police, correctional services, welfare
 - (c) Corrections, police, courts
 - (d) Courts, police, welfare
- 3 Which of the following are included in social crime prevention programmes?
 - (a) Labour policies
 - (b) Health policies
 - (c) Youth policies
 - (d) All of the above
- 4 Which crime prevention model is based on the assumption that crime may be prevented by making potential offenders aware of the risk of being caught in specific neighbourhoods?
 - (a) The social crime prevention model
 - (b) The limiting opportunities for crime model
 - (c) The community-based crime prevention model
 - (d) The biophysical prevention model

- 5 Which crime prevention model is particularly successful in preventing crimes against property and people, burglary, theft from business premises, shop theft and vandalism?
- (a) The psychological prevention model
 - (b) The integrated crime prevention model
 - (c) The biophysical prevention model
 - (d) The limiting opportunities for crime model

1.1.10 Self-assessment answers

- 1 (c)
- 2 (c)
- 3 (d)
- 4 (c)
- 5 (d)

1.1.11 Feedback on activity

Activity 1

Students should reflect on the community crime prevention initiatives that are being carried out in their neighbourhoods or communities and evaluate them in terms of crime prevention effectiveness. By participating in this activity, theory is not only translated into practice, but strategic associations and utilities are revealed.

STUDY UNIT 1.2

Property crimes 1: shop theft and employee theft

Prof. FJW Herbig

- I.2.1 Introduction
- I.2.2 Key concepts
 - I.2.2.1 Shop theft
 - I.2.2.2 Employee theft
- I.2.3 The extent and incidence of shop theft
- I.2.4 The extent and incidence of employee theft
- I.2.5 General forms of employee theft
- I.2.6 Summary
- I.2.7 Self-assessment questions
- I.2.8 Self-assessment answers
- I.2.9 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should

- be conversant with the terms “property crime”, “shop theft” and “employee theft”
- be able to identify the principal elements of each section
- be able to weigh up the incidence of shop and employee theft in a South African and an international context
- appreciate the challenges faced in terms of the extent and incidence of shop and employee theft

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.2.1 Introduction

The term “property crime” or “economic crime” is a very broad concept. Property crime is an umbrella term for crimes that are committed with fiscal gain as the principal motive. There may, however, also be other motives, such as excitement, fun, revenge or the desire to harm or destroy. Property crime includes various types of offence, such as fraud, shop theft, employee theft, common theft, vehicle theft, theft out of vehicles, computer theft, stock theft, burglary (residential and business), arson and malicious damage to property (vandalism).

In most countries, crimes against property tend to be much more common than acts of violence and sexual offences. Although these are perhaps less traumatic for the victim than crimes of violence, economic or property crimes are very costly to the victim and the country as a whole. Economic losses from shoplifting, for example, affect the average consumer through increased prices designed to offset losses suffered by retail merchants, but the impact on merchants is even more significant (Caputo 2004:50). These crimes may also discourage foreign investment and business interest, which has further negative consequences for the national economy. Shop and employee theft should therefore be viewed in a serious light and approached in a resolute manner.



ACTIVITY I

Refer to table I.1 and compare the incidence of property crime (in all its guises) with crimes of violence and other categories of crime in South Africa.

Table 1.1: Crimes in the RSA from April–March 2003/2004–2008/2009

CRIME INFORMATION MANAGEMENT - SOUTH AFRICAN POLICE SERVICE

Crime in the RSA from April to March: 2003/2004 - 2008/2009

Crime Category	April 2003 to March 2004	April 2004 to March 2005	April 2005 to March 2006	April 2006 to March 2007	April 2007 to March 2008	April 2008 to March 2009
CONTACT CRIME (CRIMES AGAINST THE PERSON)						
Murder	19,824	18,793	18,545	19,202	18,487	18,148
Total sexual crimes	66,079	69,117	68,076	65,201	63,818	70,514
Attempted murder	30,076	24,516	20,553	20,142	18,795	18,298
Assault with the intent to inflict grievous bodily harm	260,082	249,369	226,942	218,030	210,104	203,777
Common assault	280,942	287,857	227,553	210,057	198,049	192,838
Robbery with aggravating circumstances	133,658	126,789	119,726	126,558	118,312	121,392
Common robbery	95,551	90,825	74,723	71,156	64,985	59,232
CONTACT-RELATED CRIME						
Arson	8,808	8,184	7,622	7,858	7,398	6,846
Malicious damage to property	158,247	150,785	144,265	143,336	136,968	134,261
PROPERTY-RELATED CRIME						
Burglary at business premises	64,629	56,048	54,367	58,438	62,995	70,009
Burglary at residential premises	299,290	276,164	262,535	249,665	237,853	246,616
Theft of motor vehicle and motorcycle	88,144	83,857	85,964	86,298	80,226	75,968
Theft out of or from motor vehicle	171,982	148,512	139,090	124,028	111,661	109,548
Stock-theft	41,273	32,875	28,742	28,828	28,778	30,043
CRIME HEAVILY DEPENDENT ON POLICE ACTION FOR DETECTION						
Illegal possession of firearms and ammunition	16,839	15,497	13,453	14,354	13,478	14,045
Drug-related crime	62,688	84,001	95,890	104,688	109,134	117,172
Driving under the influence of alcohol or drugs	24,888	29,927	33,116	38,261	48,405	56,165
OTHER SERIOUS CRIME						
All theft not mentioned elsewhere	606,460	536,281	432,629	415,163	395,296	394,124
Commercial crime	55,869	53,931	54,214	61,690	65,286	77,474
Shoplifting	71,888	66,525	64,491	65,488	66,992	80,773
SUBCATEGORIES OF AGGRAVATED ROBBERY FORMING PART OF AGGRAVATED ROBBERY ABOVE						
Carjacking	13,793	12,434	12,825	13,599	14,201	14,915
Truck hijacking	901	930	829	892	1,245	1,437
Robbery at business premises	3,677	3,320	4,387	6,688	9,862	13,920
Robbery at residential premises	9,351	9,391	10,173	12,761	14,481	18,438
OTHER CRIME CATEGORIES						
Culpable homicide	11,096	11,995	12,415	12,871	13,184	12,571
Public violence	979	974	1,044	1,023	895	1,500
Crimen injuria	59,908	55,929	44,512	38,747	33,064	30,355
Neglect and ill-treatment of children	6,504	5,568	4,828	4,258	4,106	4,034
Kidnapping	3,004	2,618	2,320	2,345	2,323	2,535

1.2.2 Key concepts

1.2.2.1 Shop theft

In the literature, the terms “shop theft”, “shoplifting” and “customer theft” are often used interchangeably.

Van der Westhuizen (1990:211) defines shop theft as the unlawful removal of merchandise by customers, whereas according to Steyn (2008:168), the Consumer Goods Council of South Africa (CGCSA) simply defines it as when someone intentionally steals goods offered for sale in a retail store.

Sennewald and Christman (in Herbig 2008:15) define shoplifting as an act of theft from a retailer committed during the hours the store is open to the public by a person who is or appears to be a legitimate customer. Shop theft from retail establishments is an external threat, as it originates from outside the facility.

Shop theft thus amounts to consumers or customers illegally taking merchandise or cash (assets) from a shop and includes the swapping of price tags, consuming merchandise in the store and not paying for it, as well as various irregularities at the cash register.

The requirements for shoplifting are the same as for theft. Only a moveable corporeal thing – in this case merchandise – can be taken or removed from the shop and appropriated unlawfully, that is, without permission. Snyman (1995:501) asserts that the act of appropriation in shoplifting presents some difficulty, as it is difficult to determine when the thief has taken control of merchandise from the shop proprietor. Depending on the security arrangements at the shop, such appropriation may take place the moment the thief conceals the item or once the thief has passed the checkout without paying for the item.

As a practical requirement, not a legal one, Sennewald and Christman (1992:108) propose that the shoplifter be allowed to leave the store before being apprehended. According to the definition, the crime of theft is a specific intent crime and it is helpful, therefore, in establishing intent when the shoplifter leaves the premises with the stolen property. This action disproves any subsequent claim that the shoplifter intended to pay for the merchandise. If apprehended in the store, shoplifters can for example claim that they were looking for a friend to obtain a second opinion before purchasing the item. These claims might have merit unless the shoplifter has left the store without paying for the goods. In some circumstances, it may not be practical or desirable to wait until the shoplifter leaves the store to apprehend them, such as when switching price tags or undertaking fraudulent refunding.

1.2.2.2 Employee theft

A general definition of employee theft is that it is the unauthorised taking of money and/or merchandise by an employee during the course of formal employment and is committed during the performance of duties related to the employee's work-related activities (Robin in Herbig 2008:16).

According to Hollinger and Clark (in Bartol 1999:339), employee theft involves the actual removal of material goods from the organisation and/or counterproductive behaviours (e.g. abuse of sick leave benefits and the misuse of company time like "goofing off"), which results in a reduction of the organisation's production and services.

Steyn (2008:165) regards employee theft as "the unauthorised taking, control or transfer of money and/or property of the formal work organisation perpetrated by an employee during the course of occupational activity which is related to his/her employment".

Both shoplifting and employee theft can be regarded as forms of *malicious shrinkage*. Shrinkage is an umbrella term relating to the losses that occur while companies are

producing, distributing and eventually selling goods to consumers (Beck & Chapman in Steyn 2008:163).



It is important to note that employees can also be guilty of “stealing” a company’s time in addition to its money and/or property, since counterproductive behaviour such as absenteeism, malingering, not completing tasks properly and general tardiness may ultimately lead to a lack of productivity, resulting in a loss of profit.

Please note that employees of a particular business perpetrate employee theft during the course of performing their tasks in the registered working environment. Such employees abuse their access to the premises, money and/or merchandise as well as the trust placed in them. No particular skills are needed to commit employee theft, as opposed to fraud where the perpetrator has to possess certain accounting or computer skills.

In the case of employee theft, the following elements are identified: (i) unlawfulness, which, for the purposes of this crime, means that authorisation or permission is absent during the taking of the money or merchandise, (ii) an actual deed, which consists of the taking and appropriation of a moveable corporeal thing (not a thought or an idea, but money or merchandise belonging to another [the business proprietor] and to which that person has right of possession) with (iii) the intention of depriving the employer permanently of his or her property.

1.2.3 The extent and incidence of shop theft

It is difficult to determine the true extent and incidence of shop theft because staff often exercise discretion in reporting offences. Hindelang (in Herbig 2008:16) believes that the value of the item and the way in which the item was stolen will determine whether the case is filed in the shop’s records and reported to the police. The race, gender and social class of the offender are, according to Bartol (1999:326), not necessarily significant. Determinants that often lead to arrest include the value and resale price of the item, as well as whether the item was stolen in a professional and adroit manner.

A study by Davis, Lundman and Martinez (in Bartol 1999:326) demonstrates that arrests take place not only when valuable articles have been stolen, but also when the offender resists being apprehended, has no permanent local place of residence, and/or resides in a poor neighbourhood. According to Farrington and Burrows (in Bartol 1999:326), in England the age of the offender and the value of the item are taken into consideration before reporting the offence to the police. It has been found that shop managers generally do not (except when caught repeatedly) report young offenders (under the age of 17), older offenders (over the age of 60), those with mental disorders or women in an advanced stage of pregnancy.

The incidence of shop theft varies from shop to shop. A number of studies (Carrol & Weaver 1986:31) show that, internationally, department stores and pharmacies suffer the greatest losses from shoplifting. In South Africa, Naude, Joubert, Grobbelaar and

Maree (1994:14) found that food retailers suffer the greatest losses, while factories suffer the least losses.

According to Bamfield (in Herbig 2008:17), Britain has the highest worldwide levels of stock losses (1,69%), followed by Germany with 1,16%. Switzerland is the country with the least shop theft.



Be cautious. A decrease in incidents (statistics) should not necessarily be regarded as a decrease in the incidence of shoplifting for any given period. A reduction may merely be attributable to a decrease in the number of cases actually reported to the police.

According to Steyn (2008:165), the retail sector, notwithstanding the enormous threat posed by employee theft, still seems to focus its efforts and money on external threats (eg shoplifting) as a result of the perception that these are bigger threats to business, as well as the fact that companies do not want to admit they have a problem with employee theft, since this would be admitting that they do not have control over those who work for them. According to the CGCSA, there has been a definite increase in shoplifting incidents in recent years, which cost the South African retail industry R6 million annually in 2004. With the current economic hardships South Africa is facing this figure can be expected to increase exponentially.

1.2.4 The extent and incidence of employee theft

Theft by employees was initially far less common than theft by customers. As in the case of shoplifting, it is difficult to determine the true extent of employee theft because employee theft like shop theft is not readily reported to the police. A comprehensive study by Hollinger (in Sheley 1995:252) shows that approximately one-third of the employees interviewed acknowledged having stolen goods from their employers during the preceding year. Additionally, more than two-thirds of the research group reported counterproductive behaviour such as alcohol or drug abuse while on duty, misuse of sick leave, prolonged breaks and lunchtimes, as well as slow or poor workmanship. The conclusion may be drawn that the majority of working people commit employee theft at some time in their lives. Similarly, Hefter (in Smit 1990:181) reports that

- one in three employees is actively involved in employee theft
- the majority of employees steal once a year
- nine per cent of employees steal from their employers between four and twelve times a year
- employee theft is investigated by security managers more often than any other breach of security
- one in three bankruptcies may be directly attributed to or is a direct consequence of employee theft

In a study published in 2000, undertaken in order to examine the crime-risk profile of commercial institutions in South Africa, the researchers found that theft by employees represented 52% of crimes most commonly experienced by the 707

enterprises that formed part of the study (Steyn 2008:165). Manufacturers were the biggest victim of employee theft (39,7%), followed by wholesalers (19,7%), the retail non-food sector (17,8%) and the retail food sector (9.4%). These variations can be explained by the characteristics inherent in the specific business activities and the risks to which they are exposed. What is important to note is that only 23,3% of employee theft, compared to 51,3% of customer theft, was reported to the police. It seems, therefore, that companies are more reluctant to report their own staff, which might influence the staff's decision to get involved in theft (fear of criminal prosecution is reduced). This low rate of reporting also means that a higher "dark figure" exists with relation to employee theft, making real estimates impossible (Steyn 2008:166).

The 2001 National Retail Security Survey in the United States of America indicated that employee theft makes up 46% of inventory (stock) shrinkage. This translates into an annual loss for US retailers of \$14,9 billion (Steyn 2008:166). According to the US Department of Commerce, approximately one-third of all business failures each year can be attributed to employee theft (Bank in Steyn 2008:166). They further estimate that almost half of all employees are guilty (in some way) of stealing from their employers.



ACTIVITY 2

In order to translate theory into practice, courteously approach the owners or managers of a few retail outlets (general dealers, mini-markets and/or supermarkets) in your community and tactfully enquire as to what kind of losses they have experienced as a result of shop and employee theft. Ask whether they think it is a problem, as well as which form of theft they regard as more problematic and why. Be sure to mention that you are a criminology student and that you require the information solely for academic purposes. Feel free to share your findings with other students on *myUnisa* and initiate a discussion in this regard.

1.2.5 General forms of employee theft

The ways in which employees commit theft differ depending on where the employee works (eg till operator vs packer), since the assets stolen (money vs stock) and opportunities for theft differ from situation to situation. A study of 2 421 offenders, which analysed the records of four retail companies, indicated that the most frequently occurring offence by employees was theft of cash followed by theft of merchandise (Bamfield in Steyn 2008:167).

The methods used by employees to steal cash or stock at the till include the taking of cash directly out of the cash register; not scanning items for family, friends or colleagues; allowing family and friends to use staff discount card; stealing phone top-up cards; using and deliberately accepting counterfeit money; short-changing customers and taking the money for themselves; stealing credit cards inadvertently left behind by customers; stealing gift cards and discount vouchers; and giving extra change to family and friends (Beck in Steyn 2008:167). Findings also suggest that

when there are multiple users (cashiers) of the same till during the same shift, theft tends to increase since employees know that it will be difficult to prove individual acts of theft. Furthermore, employees often steal small amounts over a period of time so as not to attract attention to the thefts. Beck (in Steyn 2008:167) also found that as the dishonest employee's confidence grows (by not getting caught) he or she will often become progressively greedier.

After the tills, the second most likely place for staff offending to take place is the back room areas (storage, receiving bays etc) of the store. Methods of offending in these areas include the consuming of stock (eg chips, chocolates, soft drinks); taking stock out of the store by walking out of the back entrance with goods either by pretending to have bought them, or waiting for the store to close after hiding items outside the store in rubbish bins during the day and retrieving them after hours when it is dark; putting items in their personal bags and leaving as normal – especially when personnel are not searched; and hiding items until their prices are reduced (especially technological and electronic equipment that is reduced when newer technology or models appear) and then buying them at the much reduced price in addition to using staff discount – sometimes reselling at higher than the reduced price to someone else (Beck in Steyn 2008:167). Generally, staff steal items for their own personal use, but it is not unheard of that staff are part of larger theft rings or syndicates that sell items to third parties.

Other forms of employee theft include:

- Forging receipts – salespeople can charge a customer one sum, ring up another and pocket the difference.
- Hiding receipts – when bookkeeping is sloppy and there is little supervision, employees can keep cash and receipts without ever being challenged.
- Pocketing loose change – small sums of money, such as fees or petty cash, may not be missed.
- Pilfering merchandise – goods purchased by the firm may never be registered and placed on the shelves.
- Fictitious payroll – occasionally personnel managers will authorise salaries for fictitious (invented) workers and then keep this money for themselves.
- Over-billing expenses – managers with expense accounts may submit receipts twice and be reimbursed twice, or inflate actual expenses incurred.

1.2.6 Summary

The elements of theft, namely, unlawfulness, intent and the appropriation of a moveable corporeal thing are requirements for both shop end employee theft. Shop theft refers to theft perpetrated by customers, whereas theft or counterproductive behaviour by the staff of a business is known as employee theft. The true extent of shop and employee theft is difficult to quantify because not all incidents are reported to the police.

Research findings nevertheless indicate that the financial losses suffered by trade and industry are alarmingly high. The caution exercised in reporting incidents of both types of theft should to a large extent be viewed in the light of businesses wanting to

avoid negative publicity, which may harm their image or reputation and possibly lead to auxiliary financial losses.

1.2.7 Self-assessment questions

- 1 In relation to shop theft, which form of business suffers the **greatest** losses in South Africa?
 - (a) Department stores
 - (b) Pharmacies
 - (c) Food retailers
 - (d) Factories

- 2 With regard to shop and employee theft identify the correct statement/s:
 - (a) Incidents of employee theft are reported more readily than incidents of shop theft.
 - (b) The majority of working people commit shop theft at some time in their lives.
 - (c) The most frequently occurring offence by employees is theft of cash followed by theft of merchandise.
 - (d) One in three bankruptcies may be directly attributed to or is a direct consequence of employee theft.

- 3 The ways in which employees commit theft differ depending on which of the following?
 - (a) Where the employee works
 - (b) The age and gender of the employee
 - (c) Type of company for which the employee works
 - (d) The employment period of the employee

- 4 Which of the following can normally be regarded as forms of employee theft?
 - (a) Absenteeism
 - (b) Swapping of price tags
 - (c) Forging receipts
 - (d) Claiming a fraudulent refund

- 5 Which South African business sector suffers the greatest loss as a result of employee theft?
 - (a) Manufacturing
 - (b) Wholesalers
 - (c) Retail (food)
 - (d) Retail (non-food)

1.2.8 Self-assessment answers

- 1 (c)
- 2 (c) & (d)
- 3 (a)
- 4 (a) & (c)
- 5 (a)

1.2.9 Feedback on activities

Activity 1:

Students should identify the various property crime categories and contrast the sum (adding up) of these with the other crime in order to obtain a realistic picture of the property crime phenomenon.

Activity 2:

No specific feedback is given here as students' responses will differ. There is no wrong or right answer to this activity; the intention is to obtain the most authentic results possible and to correlate these with the theory.

STUDY UNIT 1.3

Nature and characteristics of shop and employee theft

Prof. FJW Herbig

- I.3.1 Introduction
- I.3.2 The nature and characteristics of shop theft
 - I.3.2.1 Common characteristics
 - I.3.2.2 Shoplifter motives and typology
 - I.3.2.3 Modus operandi
 - I.3.2.4 Items most commonly shoplifted
- I.3.3 The nature and characteristics of employee theft
 - I.3.3.1 Common characteristics
 - I.3.3.2 Motives for employee theft
- I.3.4 Summary
- I.3.5 Self-assessment questions
- I.3.6 Self-assessment answers



LEARNING OUTCOMES

When you have completed this study unit you should be able to

- identify the general characteristics of shop and employee theft
- recognise the motives for both shop and employee theft
- distinguish between the different types of shoplifter
- understand the modus operandi of the various shoplifter types

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding, knowledge and insight regarding the study material.

1.3.1 Introduction

The public is generally inclined to find justification for theft against trade and industry, especially in the case of a large corporation. A belief exists that these businesses can afford the losses because they are insured against such events, are profitable, can increase prices to compensate for losses and are perceived to take advantage of their customers (Conklin 1999:340). Although both shop and employee theft are detrimental to trade and industry, each of these offences has an individual nature and unique characteristics, which will be discussed below.

1.3.2 The nature and characteristics of shop theft

After highlighting the common characteristics of shoplifting, we will focus on shoplifter motives and typology as well as the items most commonly shoplifted.

1.3.2.1 Common characteristics

Shop theft differs from robbery in that it does not contain an element of violence or threat of violence. It also differs from burglary because there is no need to gain unauthorised access to a building or premises. Shop theft is most commonly an opportunistic crime perpetrated on impulse.

The person who is guilty of shop theft is usually apprehended by members of staff (including store security) or, in some cases, by a member of the public (Naudé 1998:11).

1.3.2.2 Shoplifter motives and typology

When dealing with motives for shop theft, the following question needs to be answered: “Why do people shoplift?” According to Butler (in Herbig 2008:21), people who shoplift are motivated by a series of socioeconomic and/or personal factors. These factors include temptation (Carrol & Weaver 1986), psychological or psychiatric problems (eg depression, stress, senility, the effects of pregnancy and cerebral arteriosclerosis), poverty, a desire for excitement, peer pressure, and the need to outsmart adults. Another motive suggested by Hoffman (in Herbig 2008:21) and Butler (in Herbig 2008:527) is that shop theft can occur owing to political considerations – actions aimed against capitalist institutions – “the system”.

In line with this, Caputo (2004:51) lists the following as motives for shop theft: simple greed, reactions to personal crisis situations, low self-control, unemployment, drug

abuse, divorce and relationship separation, perceived low risk of apprehension, and eating disorders. Any one or a combination of the above-mentioned factors may serve as the motivation for shop theft.

Nevertheless, the motives for shoplifting are largely dependent on the type of shoplifter who commits the theft. According to Smith (in Steyn 2008:168), four types of shoplifter can be identified, namely the *amateur*, the *kleptomaniac*, the *juvenile* and the *professional*.

The amateur steals on impulse, only taking the item because he or she desires it and usually intends to use the item stolen, for example food or clothing. This type of shoplifter, as well as juvenile shoplifters, is usually the easiest type to detect since there is often an absence of planning of the theft.

Juveniles who commit theft usually do so for the thrills related to the offence, as well as to gain status in their peer group. Echoing these sentiments, Caputo (2004:52) states that most shoplifters tend to be non-professionals (amateurs) who are more committed to a conventional way of life, often relying on simplistic methods to steal and who give away or consume that which they have stolen. The problem with both amateur and juvenile shoplifters is that they may evolve into more professional shoplifters if not caught. Research has in fact borne out this fact showing that amateurs eventually become more professional in their techniques as they grow to be increasingly comfortable and expert or skilled in the act.

The professional who steals for economic gain is the hardest to identify since he or she often knows how not to attract attention or arouse suspicion and usually chooses smaller items (eg jewellery) that have higher resale value (Steyn 2008:168). Many professionals are sole competitors, but stealing may be carried out with the assistance of other shoplifters. Such professionals, according to Caputo (2004:52), are frequently involved in other criminal and deviant behaviours, such as credit card fraud and drug use, but only make up a small proportion (approximately 10%) of all shoplifters.

The kleptomaniac shoplifter, although rare, is not unheard of and will usually steal items that hold little financial value because of an urge (psychological pressure) that only decreases when the theft is over and which is often followed by feelings of guilt (Steyn 2008:168). The essential feature of kleptomania is the recurrent failure to resist impulses to steal objects that are not needed for personal use or their monetary value. Stealing is impulsive and irrational and the individual suffering from kleptomania usually steals alone and without help from others. Items stolen are often discarded, given away, or returned (without intending to receive a cash refund) (Caputo 2004:50). Kleptomaniacs experience an increasing sense of tension immediately before the act and then pleasure, gratification or relief from tension during and after the theft. Theft is not committed as a result of anger, resentment or vengeance, and not in response to a delusion or hallucination.

1.3.2.3 Modus operandi

Shoplifting can be seen as a crime of concealment and distraction. Methods of concealment include, but are not limited to, dropping items from the shelf into open bags waiting at the shoplifter's feet, putting items in handbags or baby carriages,

hiding items in rolled-up newspapers and making use of false compartments in items of clothing (such as jackets or soles of shoes), while others cut away the lining of jacket pockets so that they can reach the shelves undetected when placing their hands through the holes – to name a few (Rowell in Steyn 2008:168–169). As these methods clearly indicate, shoplifters are creative and every day find new ways of stealing from retailers. In addition, shoplifters, specifically when working in groups, often distract store personnel in order to leave the shop with the stolen items undetected. This can be done by entering the shop in a group and splitting up in different directions making it difficult to watch everyone. Another method is to send an employee into the store's storage area to find something, then stealing an item and leaving before the employee returns.

1.3.2.4 Items most commonly shoplifted

The truth is that practically anything in a shop is vulnerable to theft, but certain characteristics can make them even more so. Products of higher value (which can be resold), relatively small in size (to facilitate concealment), manufactured by a known company (designer brands) and in great demand by the general public are more likely to be targets of shoplifters (Bamfield in Steyn 2008:169). According to data analysed from shoplifting cases reported to the CGCSA, the items most often stolen included toiletries (especially expensive perfumes), razor blades, camera film, batteries, videos, DVDs, CDs, and tobacco products, especially cigarettes, as well as jewellery items that are small enough to conceal.



It is interesting to note that the above-mentioned products are typically sold at flea markets, which could be a possible area for fencing (getting rid of) stolen goods.

1.3.3 The nature and characteristics of employee theft

Firstly, the common characteristics of employee theft will be highlighted and subsequently the motives for employee theft will be explained.

1.3.3.1 Common characteristics

There is a general trend among employees to steal goods or money from their employers, even if it is only a pen or a pencil for their children. Most employees, therefore, do not consider such theft as serious. Dishonest employees need a motive and an opportunity to steal from their employers. As employees already find themselves in a position where they have access to merchandise and/or cash, it is not necessary, as in the case of a burglar, to first find a suitable target and to gain access to a building. In addition, people who commit employee theft do not need to possess specific skills in order to commit the crime, as in the case of fraud. Few employees who steal from employers have a long-term commitment to their employers or find themselves in dire financial straits at the time of the offence.

The financial cost of this type of theft exceeds the losses suffered by employers. It is

usually the customers or clients that will have to share the burden of the value (rands) stolen by employees. In order for the business to cover its losses, it will usually add the costs for its increased insurance premiums, additional security personnel and equipment necessitated by the thefts, etc. to the price tags of merchandise (goods) sold to its customers (Bennett in Steyn 2008:167). The problem with this strategy is that sooner or later these price hikes will make the retailer uncompetitive with other businesses, meaning a loss of customers. Employee theft then costs both the retailer and its customers, making the retailer more likely to fail than if staff members were honest or better prevention strategies were in place.

1.3.3.2 Motives for employee theft

Understanding the motives for employee theft is a complex issue since explanations of offending differ between types of staff (levels of responsibility and specialisation) and their individual circumstances (Beck in Steyn 2008:166). One motivation might be financial burdens outside the working environment, such as debt, which may well increase the employee's tendency to commit theft. When considering the statement made by National Credit Regulator chairwoman, Pansy Tlakula, that there are approximately 360 000 debt-stressed citizens currently in South Africa and that courts are passing 80 000 default judgments monthly (Nyamakanga 2007), one can see that this could indeed be a contributing factor.

Another motivation for employee theft could be the opportunities that staff are exposed to in the course of their daily duties. Staff are often surrounded by such opportunities within a retail environment, particularly more senior staff, those working after hours or those with minimal amounts of supervision (Beck 2006:7).

The broader working environment within which the employee finds him or herself may also play a big part in his or her initial decision to become involved in employee theft. Studies have shown that workers who are unhappy with their working environment or circumstances have a higher tendency to offend. Often, by rationalising the offence (eg believing that the company or employer will not be harmed and/or deserves to be stolen from – see techniques of neutralisation), the employee will lower his or her own guilt feelings accompanying the theft and thus keep on doing it, usually until he or she gets caught.

Hollinger and Clark (in Greenberg & Tomlinson 2004:442) in fact found that, during a survey of almost 5 000 retail, manufacturing plant and hospital employees, feelings of unfair treatment were among the strongest predictors of employee theft and that there was a very strong link between theft and feelings of injustice in the workplace.

Fischer and Green (1992:368) advance the following employee theft motivations:

- *Revenge*. Employees often believe that their employers have in some way wronged them. Since they do not have the power or the financial means to act against their employers, they steal goods to pay their employers back for the (perceived) injustices they have suffered.
- *Inadequate remuneration*. Employees argue that they are being paid too little for the services they provide; however, instead of negotiating for higher salaries, they supplement their incomes by stealing from their employers. Employees therefore

justify their actions by reasoning that they are entitled to what they steal because they are being underpaid.

- *Self-enrichment*. Employees steal because there is an opportunity at their place of work to take goods that are easy to resell, they then sell the goods for self-enrichment.
- *Assistance to others*. Employees may, for example, steal medication or health care products in order to assist friends or family members who are ill or who are in a less fortunate position.

According to Lydon (in Smit 1990:182), offenders themselves have submitted the following reasons for participating in employee theft: awareness of other employees stealing from the employer (in some cases even employees in higher positions than themselves), personal financial difficulty, the remoteness of being caught, and the belief that if they are caught they will not be prosecuted or punished.

In support of this, the following motivations for employee theft are also advanced by Joubert, Maree and Hesselink-Louw (2005:96):

- *Economic pressure*. It is widely believed that individuals steal after getting into serious financial difficulties, for example after incurring large gambling losses.
- *Demographic aspects*. Many thefts appear to be committed by young inexperienced part-time employees. It is not clear whether it is youth itself that is responsible for the misdeeds or whether young and inexperienced employees have a different orientation to the organisation to that of more seasoned employees. People who identify with the organisation are less likely to steal from it than those who are not really committed to the job or the organisation itself.
- *Opportunity*. Many security systems are contrived in the belief that, given the opportunity, most individuals will steal. There is evidence that the single best deterrent of theft is the perceived chance of being caught. Security experts suggest that failure to follow simple measures to deter theft places an unfair temptation in the path of employees and could easily turn basically honest employees into thieves.
- *Dissatisfaction*. Employees who are dissatisfied with their jobs or the organisation are more likely to steal, for instance in the case of low wages or perceived poor treatment by the employer.
- *Norms*. Employees steal in situations where the prevailing norms condone theft. If everyone in a particular organisation cheats on his or her expense account and it is widely believed that it is really acceptable to do so, this will certainly encourage new employees to cheat on their expense accounts as well.
- *Attitudes towards theft*. Employees who view theft as normal, acceptable or common are more likely to steal. Some individuals steal because it is exciting, others talk themselves into believing that what they are doing is not really theft, or they steal because they believe that everyone else does.
- *Power through theft*. Employees steal to gain a feeling of power, status and/or control, particularly in low-paying, low-status jobs. By stealing from the organisation, particularly when the theft is undetected, the individual demonstrates a level of power and mastery that the job does not provide.
- *Theft as a safety valve*. People work out their frustrations with the organisation by occasionally striking back or letting off steam in the form of minor theft.

- *Instability.* Emotionally unstable employees are more likely to commit theft. This argument implies that dishonesty at work is a form of pathology and that dishonesty as such is a characteristic of the person.

1.3.4 Summary

In studying the nature and characteristics of shop and employee theft, it is important to take into account aspects such as the situational environment and the historical or cultural context of each type of business. This should serve to generate a more comprehensive understanding of the offender/s profile and *modi operandi*. To facilitate understanding and place these issues in more perspective, the ensuing study unit expands on the issues already addressed by focusing on explanations of shop and employee theft.

1.3.5 Self-assessment questions

- 1 Which of the following can be regarded as one of the strongest predictors of employee theft?
 - (a) Feelings of unfair treatment by employers
 - (b) Minimum amounts of staff supervision
 - (c) Theft as a safety valve and a lack of norms
 - (d) Attitude towards theft and opportunity
- 2 Identify the missing words. "Dishonest employees need a ... and an ... to steal from their employers".
 - (a) plan, accomplice
 - (b) trigger, attitude
 - (c) place, accomplice
 - (d) motive, opportunity
- 3 Identify the missing words. "Shoplifting can be seen as a crime of ... and ...".
 - (a) give, take
 - (b) need, greed
 - (c) concealment, distraction
 - (d) revenge, reward
- 4 Which of the following can be regarded as characteristics of a kleptomaniac?
 - (a) They steal for economic gain with or without an accomplice.
 - (b) They account for approximately 10% of all shoplifters.
 - (c) They are the easiest type of shoplifter to detect.
 - (d) None of the above
- 5 Which type of shoplifter will often steal to gain status in his or her peer group?
 - (a) Kleptomaniac
 - (b) Amateur

- (c) Juvenile
- (d) Professional

1.3.6 Self-assessment answers

- 1 (a)
- 2 (d)
- 3 (c)
- 4 (d)
- 5 (c)

STUDY UNIT 1.4

Explanation of shop and employee theft

Prof. FJW Herbig

- 1.4.1 Introduction
- 1.4.2 Theoretical explanations for shop theft
 - 1.4.2.1 Rational choice perspective
 - 1.4.2.2 Routine activity theory
 - 1.4.2.3 Shoplifting as consumer behaviour
- 1.4.3 Theoretical explanations for employee theft
 - 1.4.3.1 Social control theory
- 1.4.4 Summary
- 1.4.5 Self-assessment questions
- 1.4.6 Self-assessment answers



LEARNING OUTCOMES

When you have completed this study unit you should be able to

- demonstrate an understanding of certain theoretical explanations for shop and employee theft

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.4.1 Introduction

As with most crime phenomena, various theoretical criminological approaches can be used to explain shop and employee theft. In this section a concise explanation is

provided of certain fundamental explanatory paradigms applicable to the phenomena under discussion.

1.4.2 Theoretical explanations for shop theft

1.4.2.1 Rational choice perspective

The shop theft phenomenon may be explained in terms of the rational decision making perspective, which identifies the human will as a predisposing factor in the decision to commit a crime. According to Tonglet (2002:337), the rational choice perspective hypothesises that potential offenders calculate the costs and benefits of crime, and select the alternative with the highest utility. Cornish and Clarke (1986) emphasise the similarities in thought processes between, for example, offenders and non-offenders. Potential offenders evaluate opportunities and make decisions on the basis of the possible rewards that may be gained from a criminal activity such as shop theft. Butler (1994:71) argues that the majority of shoplifters weigh up the possible benefits of crime and the possibility of detection or arrest and prosecution (disadvantages) before committing the crime.

The main consideration that points to a process of decision making is the importance of a suitable means of escape. Another element that supports decision making in shop theft is the contemplation of various tactics or means of committing the crime. Stealing specifically requested items also demands definite planning, as the thief first has to find out where the item is available and which shop will be the easiest target; he or she will also have to take into account security systems, security staff and suitable exits. The routine activities perspective in review, therefore, looks at the relationship between the offender and the victim and views crime as a function of a person's everyday behaviour (Barlow 1987:70–71, Williams & McShane 1994:222–223).

1.4.2.2 Routine activity theory

Cohen and Felson's (1979) routine activity theory or lifestyle approach is related to the rational decision-making perspective. Cohen and Felson argue that the likelihood of crime is increased by the presence of three variables, namely the motivated offender, suitable targets and insufficient guards. It is predicted that crime will take place when motivated offenders are in the vicinity of suitable targets, which are inadequately guarded. The absence of one of these variables lowers the likelihood of victimisation. According to this approach, there is no shortage of motivated individuals. People are regarded as inherently self-centred and hedonistic; in other words, most people are prepared to steal. Such motivated offenders commit a crime when the situation or opportunity presents itself.

A suitable target as a variable refers to the form and value of property, the visibility and accessibility of the target, and the vulnerability of the property and people to victimisation. Societal progress and technological developments in particular have meant that products have become more compact and mobile, and this makes the

shoplifter's task considerably easier. Portable computers, television sets, music systems and cell phones are all articles that can be easily stolen.

The third element, namely, guards (guardianship) refers to the protection of targets against victimisation and the extent to which people and businesses place themselves in a position where they are at risk of being victimised. Businesses with deficient guardianship become suitable targets for motivated offenders – opportunities are created for shop theft.

1.4.2.3 Shoplifting as consumer behaviour

Although shoplifting is criminal behaviour, it can also be regarded as consumer behaviour (albeit deviant or aberrant consumer behaviour) in that it is part of people's conduct in their role as consumers. Rational choice theories (rational choice and routine activity) of crime suggest that criminal choice is similar to other behavioural choice. This suggests that shoplifting results from the choices and decisions made in the retail environment, and it could be argued that shoplifting behaviour shares certain similarities with "normal" consumer behaviour in that it results from the coincidence of three factors: a motivated consumer (shoplifter), desirable products and the opportunity to steal them (Tonglet 2002:337).

It has been suggested that shoplifting is not limited to a small criminal subculture; instead it is a surprisingly common method of consumer product acquisition, and this view of the shoplifter as a consumer rather than a distinct criminal type is supported by research which indicates that a significant proportion of consumers steal. For example, studies of apprehended shoplifters have shown that the majority do not have a record of prior criminal behaviour. Self-report studies in fact indicate that over 30% of the respondents surveyed admitted to being involved in shoplifting. In addition, the retail environment has been identified as an important factor in shoplifting behaviour. Consequently, increases in shoplifting have been attributed to modern retailing practices, for example, open displays, self-service and a retail setting that provides opportunities for shoplifting coupled with the low risk of apprehension.

1.4.3 Theoretical explanations for employee theft

1.4.3.1 Social control theory

Although employee theft can be explained in terms of various theoretical perspectives, including economic need (employees need money to supplement their income or for relief of temporary and unforeseen financial dilemmas) (Grey & Anderson-Ryan in Herbig 2008:34), one of the more prominent explanations for employee theft is based on the social control theory.

This theory of employee theft assumes that people are greedy and, therefore, steal as soon as the opportunity presents itself. In other words, people steal because they are in a position where they can steal or because the opportunity for theft exists (Astor in Grey & Anderson-Ryan 1994:202). In terms of this explanation, the incidence of theft is limited to opportunity, and such theft can be controlled only by limiting the opportunities to commit such crimes (Hemphill in Grey & Anderson-Ryan 1994:202).

This explanation requires a conceptual leap, however, which few social scientists are prepared to make, namely that employees steal because they can steal (Hollinger & Clarke in Sheley 1995:252). Social control theories focus on formal and informal social structures in the workplace. According to the aforementioned authors, the role of such structures is to limit criminal behaviour by means of determination and regulation. Formal sanctions imposed by management presume that theft will decrease when negative injunctions are imposed (mainly by dismissing those who steal); positive sanctions, by contrast, are reserved for productivity. Formal and negative sanctions tend to increase employees' complaints about the working environment and, consequently, lead to higher levels of employee theft.

Another viable social control explanation for employee theft and counter-productive behaviour is normative support. Normative support refers to the standards, perceptions and values the work group has established for itself – either with or without the organisation's implicit (or explicit for that matter) approval. In other words, normative support refers to group norms (Bartol 1999:340). According to research findings, employees tend to impose their own informal normative sanctions, which, in turn, determine and regulate acceptable behaviour. Mars (in Grey & Anderson-Ryan in Herbig 2008:34) found that dockworkers draw a clear distinction between shipments from which theft is permissible and those that may not be touched. These workers do not regard certain types of pilferage as theft or those who take such "permissible" goods as thieves. Ditton (in Grey & Anderson-Ryan in Herbig 2008:34) also found that employees at a bakery claimed that they had pilfering rights to take a loaf of bread every day. This "right" is in contrast to the view that theft by salespeople unquestionably constitutes theft. Similarly, Grey and Anderson-Ryan (in Herbig 2008:34) found in their study of employee theft in a restaurant that employees did not regard it as theft when goods belonging to the business were taken (without permission), whereas taking goods belonging to co-workers was regarded as low and mean. In line with this, Gross-Schaefer, Trigilio, Negus and Ro (in Herbig 2008:34) state that the generally negative public perception of the ethical standards of business executives has also contributed to the problem by helping workers feel that employee theft is simply a natural part of business.

In stark contrast to the preceding argument, significant contemporary literature also contains statements that employees do not steal out of need or because they are thieves by nature, but rather because they are unhappy in their jobs or feel that they are being treated unfairly (Jones in Herbig 2008:34; Merriam 1977; Hollinger & Clarke 1983; Lipman & McGraw 1988, in Grey & Anderson-Ryan 1994:202). Gross-Schaefer et al state in this regard that disgruntled or disenfranchised employees are one of the biggest threats to a firm. Employers are quite understandably, however, reluctant to accept this explanation because accepting it would in essence amount to an admission that they themselves play a pivotal role in the causes of employee theft.

1.4.4 Summary

The criminal behaviour of shoplifters may be explained in terms of the rational choice, routine activity and consumer behaviour perspectives. There are of course other theories that can, individually or jointly, be used to explain this phenomenon. These will be encountered in related modules and/or at a more advanced stage of your criminology studies. Employee theft is explained in terms of the social control

perspective, that is, that stealing is the result of greed, a lack of normative support and job dissatisfaction dimensions. Accordingly, these should be regarded as some of the baseline elements contributing to this type of theft.

1.4.5 Self-assessment questions

- 1 Which theoretical explanation of shoplifting regards people as inherently self-centred and hedonistic?
 - (a) Rational choice theory
 - (b) Normative support perspective
 - (c) Routine activity theory
 - (d) Social control theory

- 2 Identify the correct statements with regard to shoplifting.
 - (a) Shoplifting is limited to a small criminal subculture.
 - (b) It is a surprisingly common method of consumer product acquisition.
 - (c) Shoplifters tend to impose their own informal normative sanctions.
 - (d) The majority of shoplifters do not have a criminal record.

- 3 Dismissing employees who are caught stealing is an example of a ...
 - (a) positive sanction
 - (b) negative injunction
 - (c) managerial sanction
 - (d) none of the above

- 4 By which other name is the routine activity theory known?
 - (a) Lifestyle theory
 - (b) Social approach
 - (c) Rational theory
 - (d) Lifestyle approach

- 5 In relation to employee theft, which type of employee can be regarded as one of the biggest threats to a firm?
 - (a) Dishonoured employee
 - (b) Demanding employee
 - (c) Disgruntled employee
 - (d) Disgraced employee

1.4.6 Self-assessment answers

- 1 (c)
- 2 (b) & (d)
- 3 (b)
- 4 (d)
- 5 (c)

STUDY UNIT 1.5

Prevention and control of shop and employee theft

Prof. FJW Herbig

- I.5.1 Introduction
- I.5.2 Prevention of shop theft
 - I.5.2.1 Reporting cases to the police
 - I.5.2.2 Identification of shoplifters
 - I.5.2.3 The layout or design of the shop
 - I.5.2.4 Store detectives and security guards
 - I.5.2.5 Technical and electronic apparatus
 - I.5.2.6 Educational campaigns
 - I.5.2.7 Offenders' perceptions of deterrence
 - I.5.2.8 Addressing crime opportunities
- I.5.3 Prevention of employee theft
 - I.5.3.1 Personnel selection
 - I.5.3.2 Personnel training
 - I.5.3.3 Creating a positive working environment
 - I.5.3.4 Reducing opportunities for theft
 - I.5.3.5 Determining clear policies
- I.5.4 Summary
- I.5.5 Self-assessment questions
- I.5.6 Self-assessment answers
- I.5.7 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should be able to

- appreciate and demonstrate an understanding of the various prevention and control measures pertaining to shop and employee theft

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.5.1 Introduction

In view of the nature, extent and characteristics of shop and employee theft, and the various explanations for these two types of theft, they will be discussed as separate entities.

1.5.2 Prevention of shop theft

As a result of the considerable losses suffered, retailers should make the prevention and detection or control of shop theft a priority. Since offenders plan their actions and target those premises with few guards or protection, Naudé (1976:166–189), Keogh (in Herbig 2008:37), Carrol and Weaver (1986:29), Butler (1994:61–63) and Felson (1994:127) highlight the preventative and control measures that may be introduced to combat shop theft. These measures are aimed at limiting opportunities to commit crimes and increasing security. In offender-based studies, shoplifters' opinions on existing preventative measure are researched.

1.5.2.1 Reporting cases to the police

All shoplifters who are apprehended should ideally be reported to the police. This would increase the public's awareness of shoplifting and could subsequently lead to a decrease in this form of theft. The judicial process should, however, also receive attention as shop owners are often sceptical about the working hours that are lost in bringing a case of shoplifting before the courts. If potential offenders are made aware that they *will* be prosecuted if caught, they may decide that the risks associated with the crime outweigh its benefits.

1.5.2.2 Identification of shoplifters

The presence of staff members in the vicinity of the target area increases the chances of being apprehended or arrested and thus serves as the major deterrent for

offenders. Staff should, therefore, be continually alert to shoplifters' psychological traits and patterns of behaviour, such as excessive nervousness, aimlessly wandering up and down aisles, looking around repeatedly, re-examining an article from time to time, and repeatedly leaving and re-entering the store. Slings for broken arms, large shopping bags, parcels that apparently have to be posted, coats carried over the arm and people with briefcases or rucksacks should also alert the staff.

It is essential for staff to be trained in identifying offenders on the basis of their *modi operandi*, as well as in apprehending or detaining and dealing with shoplifters.

1.5.2.3 The layout or design of the shop

The layout or design of the shop plays a decisive role when offenders consider specific shops as suitable targets. By paying attention to the layout and design of the store, opportunities for theft may be minimised. The use of mirrors, strategic positioning of checkouts, good lighting, a minimum number of cross aisles, parcel counters, and avoiding high shelves, which shield offenders, among other things, can limit shop theft to some extent.

1.5.2.4 Store detectives and security guards

Shoplifters identify a roving guard or store detective watching them in stores as an adequate deterrent, whereas the mere presence of security guards at entrances does not have the same disincentive value. This finding indicates that the deployment of guards between the shelves of a shop acts as an effective deterrent to shoplifters.

1.5.2.5 Technical and electronic apparatus

The above finding indicates that people are far more effective in deterring shoplifters than technical and electronic systems. Nevertheless, methods such as connecting valuable items to an alarm system and enabling shop staff to identify shoplifters with the help of photographic records or advertisements are of particular value. The use of closed circuit television (CCTV) is effective in the sense that it is possible to observe shoppers almost clandestinely and to record the actions of many people at once. Recordings of shoplifting incidents (where there is a high quality recording) could also serve as evidence in cases where offenders are prosecuted.

1.5.2.6 Educational campaigns

A number of researchers have indicated their support for psychological deterrence campaigns, which aim to cause discomfort and reduce an offender's sense of self-assurance. Although such measures have been introduced in several stores, convicted shoplifters have indicated that notices or warnings indicating that shoplifters will be prosecuted have little deterrent effect.

1.5.2.7 Offenders' perceptions of deterrence

Research among convicted shoplifters has shown that, on the whole, the presence of security systems, item inaccessibility, high likelihood of being detected and arrested, and the presence of staff are regarded as the main deterrents to shop theft. However, where these deterrents are largely absent and the store layout or design is conducive to shop theft, such theft is facilitated. Professional shoplifters felt that item inaccessibility and security measures (such as a roving store detective) had a primary deterrent value for shop theft, whereas novices indicated that they did not pay much attention to these measures. Nevertheless, the presence of just one deterrent could succeed in preventing the novice or amateur offender from stealing, whereas professional offenders are more inclined to steal items when they consider the preventative and control measures to be ineffective (irrespective of what they are).

1.5.2.8 Addressing crime opportunities

The banning of free (non-biodegradable) plastic bags in South Africa in May 2003 has increased the occurrence of shoplifting. According to Reid (www.griffithsonline.co.za), the retail sector believes that shop theft could well have tripled since the ban came into effect. Since shoppers can now enter a store with their own bags it is virtually impossible for security officers to check such bags on entry or departure from the store.

A possible solution to the problem is for shops to step back and consider their overall security solution, instead of trying to address isolated issues. This entails evaluating the entire selling cycle from shelf to shopper and from checkout to exit, and ensuring that steps are in place at every point in the cycle to reduce the possibility of loss.



ACTIVITY 1

When you next visit a supermarket or retail store try to identify the shop theft deterrent or preventative measures that are being employed by the company. In terms of what you have learnt above, evaluate their diversity and, if possible, also their effectiveness. What recommendations would you make if approached to comment on shop theft deterrence in the various stores you have visited?

1.5.3 Prevention of employee theft

From a theoretical point of view, it seems that preventative and control measures should be aimed at reducing opportunities for employees to commit crime and dealing with job satisfaction within the workplace. In the next few sections, Curtis (1975:35–38), O'Block, Donnermeyer and Doeren (1991:231), Fischer and Green (1992:304), and Felson (1994:127) make a number of suggestions for preventing employee theft.

1.5.3.1 Personnel selection

The selection of personnel is important in order to prevent and control internal theft by employees. Employee theft is committed by people in both low and high positions. Consequently, staff selection should be taken seriously and the following steps should ideally be followed when selecting potential employees:

- Although applicants should normally be well presented, they should not be judged on their appearance alone.
- Questions should focus on an applicant's inner qualities and characteristics, such as integrity, temperament, tact and perseverance.
- Each applicant's background should be carefully checked.
- During interviews ask probing questions and take note when answers are incoherent and/or ambiguous.
- Job experience is important. All information on the application form should thus be checked thoroughly.
- A polygraph (lie detector) examination is a valuable mechanism whereby employers can determine the veracity (truthfulness) of an applicant's submissions. In this way, opportunists and applicants with ulterior motives are exposed or deterred from applying, which reduces the possibility of costly appointment errors. Polygraph examinations should, however, only be undertaken by polygraph examiners with impeccable credentials who are at least affiliated to a professional body such as the American Polygraph Association (APA).

1.5.3.2 Personnel training

The value of personnel training should never be underestimated. Personnel may be trained and/or educated to prevent and combat crime in the business enterprise. Such training may take place as part of the induction programme. Because informal sanctions are imposed by the staff members themselves, it is essential for the enterprise to bring its formal policy on employee theft and the consequences of such actions to the attention of all employees (for example that any employee suspected of theft will be subjected to a polygraph examination and if found to be dishonest will be dismissed). Crime prevention in the workplace may form part of follow-up in-service training courses.

1.5.3.3 Creating a positive working environment

As mentioned previously, dissatisfied employees are more inclined to steal from their employers. Employers should, therefore, be mindful of this and always strive to ensure job satisfaction. The following factors can be regarded as promoting job satisfaction:

- *Salaries*. Employee theft may be controlled or mitigated if employees are satisfied with their remuneration, because such employees will not be inclined to take goods to supplement their income.
- *Fairness*. All employees appointed at the same level should enjoy equal benefits. The firm's rules and regulations should be clearly defined and should be applied consistently and fairly.

- *Sound human relations.* The manager or supervisor should be a good role model and should set a good example for employees. This person should have insight into the problems and complaints of employees under his or her supervision. Impersonal and negative attitudes towards employees create hostility among workers, which may manifest in dishonesty and theft or pilfering. A positive approach and a caring attitude towards workers help reduce hostile feelings and job dissatisfaction, and may contribute to increased productivity and loyalty.
- *Employee loyalty.* When rules are fair and are applied consistently, employees tend to show greater loyalty to the company, reject unauthorised actions and show less apprehension about being rejected by co-workers. The preventative value of loyalty will be greater than any formal sanctions or physical preventative strategies imposed by management.
- *Reward or recognition for performance.* Superior performance should not pass unnoticed. Rewards may include a handshake or a letter from top management, a merit promotion and/or merit salary adjustments. This ensures job satisfaction because each worker knows that he or she is being appreciated and recognised as an individual.

1.5.3.4 Reducing opportunities for theft

A view exists that workers steal because they have the opportunity to do so. Various researchers believe that this may be controlled, among others, in the following ways:

- strict audit controls by external auditors
- stringent security measures when employees leave the building
- checking employees' purchases (employees may not sell goods to themselves)
- providing all staff members with identification tags
- monitoring supervisors, deliveries and the use of keys, as well as surprise cash counts
- escorting visitors, including suppliers and delivery personnel, while on the premises and banning "gifts" from suppliers
- strictly controlling stockroom areas and the receipt of goods
- developing a system of control for staff shopping and refunds, charge accounts and discounts
- clearly defining staff responsibilities and organising how cash registers, safes and banking will be organised
- operating a petty cash system for items such as stationery and cleaning materials
- periodic polygraph screening examinations (to expose those employees guilty of workplace indiscretions and to sharpen the conscience of employees in general)



Remember: it is possible to install physical obstacles to prevent employee theft, such as alarm systems, systems to secure restricted areas and routine polygraph screening. Be aware, however, that such obvious measures can have a negative effect on morale. While overt tactics to deter theft help prevent losses, they also convey very clearly to employees that they are not trusted. It is not easy to prevent employee theft. The emphasis on human rights in the South African Constitution also has certain implications which should be taken into account when evaluating suitable preventative strategies.

1.5.3.5 Determining clear policies

To reinforce any measures it might implement, a company should distribute clear written policies on ethical behaviour to each employee. These policies should be signed by each employee, including the owner. It should be emphasised that no employee crime will be tolerated. There should also be no double standards at work – all violations should be punished regardless of how important the person or how small the violation.

Some difficult decisions need to be made when formulating policies for theft. Should every employee found stealing be dismissed or prosecuted? Should the punishment fit the nature of the crime or be standardised? Should management be sensitive to extenuating circumstances, such as financial problems? An employer should be aware that severe punishment can sometimes do more harm than good – it may strain employer–employee relationships and cause those who do steal to cover their tracks very carefully.

Employees need to know that a uniform ethical standard applies to everyone in the firm. Therefore, managers should be positive role models for workers. Hence, if management is found, or even perceived to be, dipping into petty cash, fudging expense accounts or taking equipment home, the staff will feel justified in doing the same.

1.5.4 Summary

Measures for preventing and combating shop and employee theft are based on the extent, nature and characteristics of, as well as the explanation for, the specific offences. Countermeasures can be implemented if the reasons for the criminal behaviour are clear. In spite of effective preventative control measures, people remain the most important roleplayers, capable of constantly changing and adapting their *modi operandi*. Measures should, therefore, be re-evaluated and adjusted on an ongoing basis in order to meet the needs of a specific business.

1.5.5 Self-assessment questions

- I Which one of the following methods can be regarded as the most effective in deterring shop theft?
- (a) Presence of a security guard at a store entrance
 - (b) Presence of a roving security guard between shelves
 - (c) Restricting the use of cross-aisles to a minimum
 - (d) Notices warning that shoplifters will be prosecuted

Choose the most correct option:

- 1 (a)
- 2 (b)
- 3 (c)
- 4 (d)

2 With regard to personnel selection identify the correct statement/s.

- (a) Job experience is of little importance.
- (b) Probing questions should be avoided.
- (c) Polygraph examinations are of little value.
- (d) Applicants should not be judged on appearance alone.

Choose the most correct option:

- 1 (a)
- 2 (b)
- 3 (c) and (b)
- 4 (d)

3 Which of the following factors can assist in creating job satisfaction?

- (a) Treating employees differently
- (b) Rewarding performance
- (c) Promoting staff loyalty
- (d) All of the above

Choose the most correct option:

- 1 (a) and (b)
- 2 (b) and (c)
- 3 (c)
- 4 (d)

4 Since the banning of plastic bags in South Africa in 2003, the occurrence of shoplifting is estimated to have ...?

- (a) doubled
- (b) tripled
- (c) quadrupled
- (d) decreased

Choose the most correct option:

- 1 (a)
- 2 (b)
- 3 (c)
- 4 (d)

5 Which of the following can be regarded as effective in reducing opportunities for employee theft?

- (a) Strict control by internal auditors
- (b) Abolishing a petty cash system
- (c) Giving all staff identification tags
- (d) Controlling staff shopping and refunds

Choose the most correct option:

- 1 (a) and (b)
- 2 (b) and (c)

- 3 (c) and (d)
- 4 (d) and (a)

1.5.6 Self-assessment answers

- 1-(b)
- 2-(d)
- 3-(b) & (c)
- 4-(b)
- 5-(c) & (d)

1.5.7 Feedback on activities

Activity 1

No specific feedback is given since students' experiences will differ. There is no wrong or right answer to this activity; the intention is to obtain the most authentic results possible and to correlate them with the theory.

STUDY UNIT 1.6

Property crimes II: theft, burglary, vehicle theft and computer crime

Prof. FJW Herbig

- I.6.1 Introduction
- I.6.2 Key concepts
- I.6.3 Theft
 - I.6.3.1 General characteristics
 - I.6.3.2 Selection of targets
 - I.6.3.3 Motives for stealing
- I.6.4 Vehicle theft
 - I.6.4.1 General characteristics
 - I.6.4.2 Motives for vehicle theft
 - I.6.4.3 Modus operandi
- I.6.5 Computer crime
 - I.6.5.1 Types of computer crime
 - I.6.5.2 Computer criminals
 - I.6.5.3 Prevention of computer crime
- I.6.6 Summary
- I.6.7 Self-assessment questions
- I.6.8 Self-assessment answers
- I.6.9 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to define the terms “theft” and “vehicle theft”
- be *au fait* with the general characteristics of stealing, the selection of targets and the motives for stealing
- understand the general characteristics, motives and modus operandi for vehicle theft
- appreciate the challenges faced with regard to computer crime and criminals

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.6.1 Introduction

This study unit covers property crimes such as theft (common), vehicle theft, computer theft and burglary (housebreaking). The following aspects will be discussed in detail: the incidence, nature, characteristics, modi operandi and explanation for crime, as well as the prevention and control of these particular categories of crime.

Property crimes have far-reaching financial implications, not only for individual victims, but also for the national economy. The high incidence of theft and burglaries creates a feeling of insecurity and fear among the general public. Potential clients and business people avoid doing business in or even frequenting areas with a high crime rate, such as the inner cities. Many businesses have moved away from high crime areas (eg central business districts) to safer suburbs and residential areas. This has resulted in a noticeable decline of certain inner city areas such as Johannesburg, Pretoria and Durban. Attempts at preventing property crimes are, therefore, just as important as combating crimes against the person.

This study unit will commence with a definition of the terms “theft” and “vehicle theft”. The general characteristics of common theft as well as the selection of targets and motives for stealing will then be discussed. In addition, the general characteristics of theft, the motives for vehicle theft and the common modus operandi of thieves will be examined briefly. We will also discuss computer crime and criminals.

1.6.2 Key concepts

Theft may be defined as the unlawful taking, carrying, leading or driving away of property from the possession or constructive possession of another (Sheley 1995:445). Examples include the theft of bicycles or vehicle accessories, pick-pocketing or stealing of any property or articles other than by means of violence or

fraud. Theft also includes attempted theft. Snyman (1995:445) gives the following definition of theft: A person commits theft if he or she unlawfully and intentionally appropriates movable, corporeal property, which

- belongs to and is in the possession of another
- belongs to another, but is in the perpetrator's possession
- belongs to the perpetrator, but is in another's possession and such person has a right to possess it, which legally prevails against the perpetrator's own right of possession provided that the intention to appropriate the property includes an intention permanently to deprive the person entitled to the possession of the property of such property

Appropriation means that the person acts as if he or she is the owner of the thing and has control over it. Moveable refers to the fact that, for example, a tree on a farm may be cut down and removed, whereas the farm itself is an immovable thing. Corporeal means that the thing is a substantive part of the material world. Theft does not, therefore, pertain to appropriating an idea.

According to Snyman (1995:451), there are four key requirements that have to be met before someone can be found guilty of theft in any of its forms:

- *the act of appropriation of a*
- *certain kind of property which is*
- *committed unlawfully and*
- *intentionally*

Vehicle theft refers to the actual or attempted theft of a motor vehicle (*not* the hijacking of a vehicle, which amounts to a form of robbery) and includes the theft of trucks, buses and motorcycles.

1.6.3 Theft

1.6.3.1 General characteristics

When it comes to theft, it is necessary to distinguish between occasional offenders and professional thieves. Occasional thieves commit theft whenever the opportunity presents itself. They are known as, among other things, bums, young punks, squares, hustlers, small-timers or amateurs. Their involvement in crime is sporadic and unsystematic, and their skills are limited. Occasional thieves are looking for smaller gains than professional thieves, and are generally less systematic in planning and executing the crime.

By contrast, professionals or career thieves develop highly skilled techniques, such as the ability to manipulate people. They also plan their crimes beforehand. In addition they are sympathetic towards other professional thieves and develop their own language to reinforce the "we feeling". Professional theft becomes a lifestyle with its own status, traditions and methods and the group develops into a social institution of sorts. In order to carry out theft skilfully and successfully, special techniques are developed and passed on to novices (Barlow 1987:212).

The typical urban habitat of professional thieves is made up of gambling and dance

halls, cheap hotels, brothels, and third-rate pubs, pawnshops, restaurants or theatres. In these environments, young women play an important role in attracting clients who then become the victims of theft and swindles. Professional thieves spend a great deal of time in such environments and usually live in or near the area.

Professional thieves are aware that their lifestyle brings them into conflict with the community, but do not regard themselves as deviant or immoral or as people who have to be treated with contempt.

Professional thieves try to avoid a prison sentence mainly by using the “fix”; the fix attempts to “buy” people (e.g. lawyers, judges, police and court officials) in influential positions in the criminal justice system to influence the legal procedures. Accordingly, the fix manipulates the judicial process. In most large cities, professional fixers deal with many of the legal problems of organised thieves (Barlow 1987:219).

Apart from the fix, another important link is the “fence” – a person who receives the stolen property and sells it after the thief has been compensated. A professional fence buys stolen goods for the purposes of reselling them, acts in a businesslike manner and deals in large quantities of goods. The relationship between a professional thief and a fence is one of mutual support and dependence.

1.6.3.2 Selection of targets

Thieves consider various factors when selecting the targets for their crimes. The form and value of possessions to be stolen are important. They try to establish from which victim they can obtain the most money or value with the least risk of being caught. Bag-snatchers, for example, select their “marks” (victims) according to criteria such as gender, age and race. There is a perception that men carry more money on them than women; that older people carry more money than young people; and that white people have the most money (Conklin 1995:290).

1.6.3.3 Motives for stealing

Stealing tends to be a rational activity (Goode 1994:331). According to Merton’s anomie theory (1968), a nation with high rates of theft has certain characteristics, which include, among others, the following:

- an emphasis on material values
- manifestation of great material differences between the rich and poor
- prominent display of possessions by the affluent
- portrayal of the possessions of the affluent as being attainable by everyone
- it is difficult, if not impossible, for many to attain these possessions legally

The abovementioned features almost guarantee that a given society or nation will have high rates of theft. Even holding a job does not guarantee sufficient income to make a decent living.



Remember: poverty can be considered a major cause of theft. It is important to note, however, that it is not only poor people who steal.

A second reason why people steal is that their jobs are boring and even demeaning. They thus reject their regular jobs, choose to be their own boss and steal from others to make a living (Goode 1994:333). Some people steal in an attempt to run away from a dreary job and grinding semi-poverty.

A third motive is affluence. The greater the abundance of material goods the members of society have, the more there is to steal and thus the higher the rate of property crime.

1.6.4 Vehicle theft

1.6.4.1 General characteristics

Research conducted in the United States of America (USA) in the 1980s showed that 91% of the people arrested for vehicle theft were men. Of those arrested, 64% were white and the rest were black. Most vehicle thieves were young, with 58% being under the age of 18 years (Bartollas & Dinitz 1989:291). In general it appears that car thieves are more intelligent than other juvenile offenders. It was also found that car thieves show greater residential mobility, are more likely to have performed some sort of military duty or to have been detained prior to committing the crime, and have a poor work record. They also found it more difficult to adjust to prison life and showed a higher rate of recidivism (reoffending) than other criminals.

1.6.4.2 Motives for vehicle theft

According to Vetter and Silverman (1986:125), the following four reasons are usually advanced for vehicle theft:

- *Joyriding*. An analysis of vehicle theft shows that vehicles are mostly stolen by young people who use them temporarily for fun and prestige. The offenders are usually teenagers between the ages of 15 and 19 years of age. They also steal vehicles as a dare or as initiation into a gang.
- *For transportation*. A second reason is short or long-term transport, usually in the case of hitchhikers or runaways. Once the offenders have reached their destination or run out of fuel, the stolen vehicle is abandoned.
- *For profit*. A third reason is for profit, that is, to sell the vehicle or its parts for money.
- *For use in the commission of a crime*. Vehicles are sometimes stolen to be used as transport to and/or from a crime scene or scenes.

Vetter and Silverman (1986:125) maintain that professional car thieves steal a vehicle for the express purpose of making a profit by either modifying the vehicle for resale or stripping it to sell the parts. Professional car thieves have been known to approach a car dealer for a test drive, while their real purpose is to copy the serial number of the ignition key so as to have a duplicate key made. The thieves then return at a later stage and steal the vehicle. The advent of more sophisticated, electronic and personalised ignition systems has, however made it more difficult to steal vehicles in this manner.

In South Africa, we can distinguish between the following four types of professional vehicle theft (NCIMC 1996:89):

- *Organised theft of luxury vehicles.* Such theft is carried out by criminals who are paid to steal the vehicles and so enable the owner to make a fraudulent insurance claim.
- *Increasing activities of both local and international crime syndicates.* Stolen vehicles that have been recovered have provided proof that this is a global activity. Vehicle theft syndicates often specialise in a specific type of vehicle. Some firms inadvertently appoint a member of a crime syndicate to a key position without carefully checking the person's background and criminal record.
- *"Chop shops".* Chop shops create a market for stolen vehicles by selling parts or rebuilding vehicles. By the time the vehicle leaves the chop shop, it has been modified or disassembled, which provides a legal outlet for stolen vehicles.
- *For use in other crimes.* A fourth important reason for theft is to use the vehicle to commit other crimes, such as robbing a bank or for executing a cash-in-transit heist. Such offenders who are planning a second type of crime often steal a getaway vehicle and then abandon it shortly afterwards to avoid being traced. The car is usually stolen as close to committing the second crime as possible, so that the crime is committed before the vehicle can be reported stolen.

1.6.4.3 Modus operandi

The National Crime Information Management Centre (NCIMC 1996:9) identifies the following modi operandi when cars are stolen:

- Many car thieves use keys obtained in collaboration with drivers or mechanics at service stations.
- Vehicles are reported stolen fraudulently in collaboration with the owner.
- Vehicle registration numbers are changed and false identification documents corresponding with those of the stolen vehicle are obtained.
- Car thieves have developed a system whereby expired licence disks are collected and forged by removing certain details and inserting false details that correspond with the registration plate of the stolen vehicle.
- Some scrap yards use spray painters to change the colour of stolen vehicles.

1.6.5 Computer crime

Computer crime and the use of computers by criminal gangs is a serious problem worldwide, which threatens national security and creates a wide range of opportunities for modern criminals. Although improvements in computer security are helping to control this type of crime, the problem continues to keep pace with technology.

1.6.5.1 Types of computer crime

There are many different types of computer crime. Such crime can, for instance, be aimed at military intelligence, business links and computer fraud. It includes the

physical theft and destruction of equipment, the electronic sabotage and misappropriation of data and systems, and the outright theft of money through electronic means (Icove, Seger & Von Storch 1995:17). For the purposes of this study unit, the scope is limited to the theft of hardware and software, as well as damage to or destruction of computer equipment. Computer fraud in the form of “phishing” is also briefly examined. The various types of crimes are examined in more detail below.

- *Theft of hardware.* Most people consider hardware to be the computer itself. However, hardware also includes the basic computer (laptop or desktop), computer terminals and other components such as printers, external modems, disks and drives. Computer hardware is an attractive target for thieves because components can be resold with relative ease and are always in demand. Thieves have little difficulty selling hot hardware of any kind because almost everybody is looking for a bargain. This can result in the irrecoverable loss of critical data stored on the devices that are stolen.
- *Theft of software.* Software refers to the components used to do the work, such as the operating system software and application programs (eg processing programs such as Microsoft Word or spreadsheets such as Excel). Application programs are usually purchased from a software supplier, but many organisations develop their own programs to perform functions such as accounting, inventory or order entry. Thieves may take disks containing copies of commercial software, or may steal copies of an organisation’s privately developed software. Should competitors manage to steal a fully developed and working system, they may not need to spend their own time and money developing such a program on their own. It goes without saying that thieves ignore the copyright on software programs.
- *Theft of data.* Hardware and software may be replaceable, but information gathered in the course of doing business may be unique and irreplaceable. When people steal data they are stealing a valuable asset.
- *Sabotage by computer.* Computers control national defence information, the transfer of billions in monetary value on fund transfer networks, medical procedures, airline navigations and many other types of data. If someone illegally gains control of these systems, he or she can do an enormous amount of damage to both the systems themselves and the people who depend on these systems. An example of computer sabotage is planting a virus in an organisation’s computer system, which causes the loss of valuable data.
- *Theft of assets.* Billions in monetary value can be stolen by diverting electronic fund transfers, directly stealing from banks and pension funds, and committing various other types of online fraud.
- *Phishing.* Phishing is a relatively recent form of computer fraud that appears to be proliferating and is becoming progressively innovative. The technical definition for phishing, according to Minnaar (2008:1), is that type of online identity theft that employs an approach to a potential victim via an e-mail in order to steal both a recipient’s personal identity data and financial account credentials. In effect, these e-mails are false and designed to lead recipients to counterfeit websites that aim to trick them into divulging financial data such as account username/s and password/s. This information is then used in various cybercrime activities. Over the years these e-mail scams have exhibited a changing and more innovative approach, from winning the Lotto “millions”, verifying your banking details on an

exact bank replica website to receiving an e-card “greeting” from a family friend, school mate, colleague or even partner, which requires you to click on an Internet address and copy and paste it (the greeting card) into your browser’s address box, enabling “spyware” to be inserted in your computer and ultimately relieving you of your hard earned money.

Example of phishing e-mails:

You have won the UK Lottery International promotion for 2010. Please open the attached document for details of winning and payment procedure. Mrs.Selena Gomez Smith (Online coordinator), The UK Lottery International Promotion Inc.

FIRST NATIONAL BANK

Dear Customer,

You have a pending payment on your FNB Online Bank Account. Please verify your Account information with us for payment approval.

Account: CHECKING/SAVINGS ACCOUNT/ BUSINESS ACCOUNT
Date: 18/10/2010

Insufficient funds
amount: R 920.00
Transaction paid: Yes
Fee assessed: R 90.00

Click on the link below to verify your Account information’s with us, Before this pending payment will be add up to your current account balance.

Account Verification: * **MailScanner detectou uma possivel tentativa de fraude de “173.236.53.234” VERIFY YOUR ACCOUNT & STOP PENDING PAYMENT ***

Important Notice: You are strictly advised to match your information rightly to avoid service suspension.

Thank you for your co-operation.

2005–2010 FIRST NATIONAL BANK

First National Bank, a division of FirstRand Bank Limited. Reg No. 1929 or 001225/06.

An Authorized Financial Services and Credit Provider (NCRCP20)

- *Theft of output.* Computer criminals do not always commit highly sophisticated online crimes. Some computer theft involves simply picking up valuable data on disk, tape or paper and walking away with it.
- *Unauthorised use.* Different types of unauthorised use of computers can occur. Unauthorised people, such as crackers or hackers, who steal passwords or figure out how to bypass them, may abuse a computer system and/or intentionally damage it. Employees may also use the computer system for private activities, for

instance, to balance their private cheque books or to conduct personal business. Basically every time an employee spends time on a computer for non-work purposes he or she is stealing from the company. The problem could easily escalate into copying company software, taking disks and other media for personal use and/or borrowing company laptops for personal use at home (Icove et al 1995:21).

1.6.5.2 Computer criminals

Although perpetrators in all the following categories can be considered to be criminals, the typical “criminal” category focuses on two types of criminal behaviour, namely, espionage, and fraud and abuse.

- *Espionage*. This category of computer crime includes international spies and their contractors who steal secrets from defence, academic and laboratory research facility computers. It also includes industrial espionage agents who work for competitive companies or foreign governments that are willing to pay for information.
- *Fraud and abuse*. Computer fraud will not be considered in any detail here because it essentially falls outside the scope of this study unit. Major organised crime groups are involved in crime as direct source of illegal income and a means of laundering drug money. Criminals realise that they can make a lot of money by committing computer fraud.
- *Vandals*. Computer criminals in this category do not commit crimes for intellectual stimulation or for financial or political gain. Often, these people are angry at a particular organisation and also at life in general. Vandals can be divided into two groups, namely users and strangers. *Users* are those who are authorised to use the system they abuse. Frequently, these people feel wronged in some way and thus react by attacking a company’s assets. Instead of taking an axe to destroy the computer, they use their skills in a more covert way to cause critical damage. For example, they wipe out files, scramble data, initiate viruses, and so on.
- *Strangers* are those who are not authorised to use the system in any way. This group consists of unauthorised users who are able to access a system to which they have no rights to do also in order to do damage. These “outside” vandals are relatively scarce. There are a variety of ways in which a stranger can gain access, ranging from the use of password sniffers to the outright extortion or bribery of authorised users.

1.6.5.3 Prevention of computer crime

By combining physical security with operations security, physical security becomes less predictable and more effective (Icove et al 1995:23). The following section examines specific components of operations and physical security.

- *Identifying risks*. Absolute security is almost impossible for most organisations because they cannot afford the costs associated with it. The process of analysis and decision making in this regard is called risk analysis. This involves identifying the threats to a system, the vulnerabilities of that system and the measures that can be taken to protect the system. Identifying the risks to a system is the first

step in establishing an appropriate computer security program for that system to fight computer crime (Icove et al 1995:23).

- *Physical security.* Physical security protects a physical computer facility such as the building, the computer room and the equipment. Physical security measures can help to prevent the theft of or damage to the equipment.
- *Personnel security.* Personnel security is a broad field of which the prevention of computer crime is just one aspect. The prevention of employee theft and workplace violence also falls into this category. Background checks and careful monitoring (eg by routine polygraph integrity screening tests) on the job are important aspects of personnel security.
- *Computer security.* Computer communications is also a broad field. Communications security includes the protection of mail, fax, telephone and voice-mail communications, as well as the protection of data transmitted from one computer to another across a network connection.
- *Operations security.* Operations security includes two major aspects of computer security, namely
 - 1 ways to increase awareness among potential victims of possible computer crimes
 - 2 ways to keep computer criminals from actually committing a computer crime



ACTIVITY 1

Based on the information provided above with regard to the prevention of computer crime, and in order to put theory into practice, evaluate your own working (or similar) environment and determine what type of computer crime prevention initiatives are in force.

1.6.6 Summary

In this study unit, we discussed the general characteristics of theft, the selection of targets and the motives for stealing. Vehicle theft was described in the same fashion. We looked at the four main reasons for vehicle theft, namely, joyriding, for transportation, for profit and for use in other crimes. We also looked at the various types of computer crime and the different types of computer criminal. Finally, we looked at how to prevent computer crime

1.6.7 Self-assessment questions

- 1 Which of the following can be regarded as motives for stealing?
 - (a) Affluence
 - (b) Poverty
 - (c) Boring job
 - (d) All of the above
- 2 The planting of a virus in an organisation's computer is an example of which type of computer crime?

- (a) Espionage
 - (b) Sabotage
 - (c) Fraud
 - (d) Software theft
- 3 To which motive for vehicle theft does the following excerpt relate? “They also steal vehicles as a dare or as initiation into a gang”.
- (a) For use in the commission of a crime
 - (b) For transportation
 - (c) For profit
 - (d) Joyriding
- 4 With regard to theft, what is the name given to someone who attempts to “buy” people in influential positions in the criminal justice system to influence the legal procedures?
- (a) Fence
 - (b) Accessory
 - (c) Fix
 - (d) Accomplice
- 5 Which of the following can be regarded as key requirements that have to be met before someone can be found guilty of theft in any of its forms?
- (a) Intention
 - (b) Negligence
 - (c) Unlawfulness
 - (d) None of the above

1.6.8 Self-assessment answers

- 1 (d)
- 2 (b)
- 3 (d)
- 4 (c)
- 5 (a) & (c)

1.6.9 Feedback on activities

Activity 1

No specific feedback since students’ evaluations will differ depending on the specific environment assessed.

STUDY UNIT 1.7

**Burglary
(housebreaking)**

Prof. FJW Herbig

- 1.7.1 Introduction
- 1.7.2 Key concepts
- 1.7.3 Burglary
 - 1.7.3.1 General characteristics
 - 1.7.3.2 Selection of targets
 - 1.7.3.3 Motives for stealing
- 1.7.4 Summary
- 1.7.5 Self-assessment questions
- 1.7.6 Self-assessment answers
- 1.7.7 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit, you should be able to

- define and be conversant with the term “burglary”
- identify with the general characteristics of burglary
- understand the process of selecting targets
- appreciate the motives for burglary

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.7.1 Introduction

Burglary is classified as a serious crime in South Africa. As a result of the high incidence, offenders receive severe penalties when convicted by the courts. In this study unit we will define the term “burglary”, give an exposition of the general characteristics of burglary and explain the process of selecting targets. We will also briefly mention the motives for burglary.

1.7.2 Key concept

According to Bartollas and Dinitz (1989:286), the most common definition of burglary is the unlawful access to a structure in order to commit theft.

Snyman (1995:507) defines housebreaking with the intent to commit a crime as unlawfully and intentionally breaking into and entering a building or structure with the intention of committing some crime in it.

Conklin (2007:62) defines burglary as the unlawful entry of a building to commit a serious crime, usually the theft of property. Conklin states further that a burglary might turn into a robbery if the burglar confronts the occupants of the building and uses force to steal, but most burglary involves no such confrontation.

1.7.3 Burglary

1.7.3.1 General characteristics

Burglary is committed chiefly by young people. Research in the USA has shown that almost two thirds of all offenders arrested for burglary were younger than 25 years of age (Bartol 1995:323). Because they are still unsophisticated and inexperienced, they are generally apprehended more easily than more experienced offenders. Many older burglars progress from residential burglaries to shoplifting because they find it less risky and more cost-effective. Furthermore, burglary is largely a male undertaking. Research found that only 9% of burglars arrested in the USA are women.

Approximately two-thirds of burglaries occur at residential homes. Residential burglaries take place both over weekends and during weekdays, while businesses are usually burgled at night. Burglary can be regarded as a passive crime since the offender selects a time and place that minimise the possibility of contact with the victim. Of all types of crime, burglary offers the greatest possibility of success with the least risk. No weapon is required and offenders avoid contact with the victims because they do not want to be identified (Bartol 1995:324), although the use of violence in robberies in South Africa is becoming an alarming trend.

Juveniles are inclined to commit burglaries during the day, especially between 15:00 and 18:00. Female burglars follow a pattern and usually commit burglaries between 10:00 and 11:00 and 13:00 and 15:00 (Bartol 1995:324).

Experienced burglars often gain access via sliding doors, as it is possible to use a crowbar or screwdriver to lift his type of door off its track. Access is quick and silent.

Another means of gaining access is to break a window pane silently and to crawl through the open window. Many burglars are under the influence of alcohol when they commit crimes, as they need liquor to reduce their levels of anxiety and fear prior to the burglary. Most burglars report a moderate intake of alcohol prior to a burglary.

Research (Bartol 1995:327) shows that more than half the burglars who were arrested had accomplices. Studies have indicated that almost two-thirds of the identified burglars had worked in groups of two or more people. Very few offenders collaborated with more than three accomplices. Younger offenders and women use accomplices more than older males. Newburn, T. 2008. *Criminology*. Devon: Willan (2008:461) states that burglary rates tend to be highest where the burglars live and that there is considerable evidence to suggest that offenders do not travel great distances to commit offences.

Amateur burglars steal money or personal items for their own needs, whereas professional burglars steal items with a high resale value, such as electronic equipment, jewellery and fur coats. Professional burglars usually have access to a fence – a component in the professional burglary cycle. They knowingly buy stolen goods from a burglar with a view to resale (Bartol 1995:328).

However, burglars often sell their stolen goods to pawnshops, friends and acquaintances, while others exchange their wares with strangers. Hence, they do not necessarily use the services of a fence. Professional or career burglars who display high technical skill in their occupation have a reputation for personal integrity, are inclined to specialise (e.g. safe cracking), are successful in their work (because they manage to avoid being arrested) and are held in high esteem by other burglars (Barlow 1989:215).

1.7.3.2 Selection of targets

Nee and Taylor (in Bartol 1995:324–325) identify four broad categories of indicators used by burglars:

- *Occupancy*. Some signs which show that a house is occupied include post which has been delivered, parked vehicles, blinds and curtains being opened and closed, and lights being turned on and off.
- *Affluence*. The appearance of a house, its surroundings, the quality of the landscaping, visible furniture as well as the type of vehicle parked outside provide a burglar with an indication as to the wealth of the occupants.
- *Layout of the house*. The layout of the house provides a burglar with cues as to how difficult or easy it will be to reach the house.
- *Security*. Burglars also note the presence of security measures such as fences, palisades, alarm systems, burglar proofing, security gates, window locks and door locks.

In addition to the above, Walker et al (in Newburn 2008:461) are of the opinion that there are various characteristics associated with elevated burglary risk, namely:

- Households without security measures are ten times more likely to be burgled as houses in which measures such as deadlocks on doors and window locks have been installed.

- Households in owner-occupied properties have a much lower risk of victimisation than those in other tenure types such as renting.
- Households that are left unoccupied for five hours or more per day are significantly more likely to be burgled than those unoccupied for shorter lengths of time.
- Households with a higher income are more likely to experience a burglary than those with a lower income.
- Households in areas where perceived physical disorder is high are more likely to be victims of burglary than those in a low-level area.

Bennett and Wright (in Bartol 1995:325) found that virtually all burglaries are planned carefully in advance. Very few burglaries take place impulsively or on the spur of the moment. It is also clear that there is seldom a constant and irresistible urge among burglars to commit this type of crime, in contrast to, say, certain types of arson and shoplifting. Burglary is, therefore, a more rational type of crime with opportunity being the factor that most commonly leads to particular premises experiencing a burglary.

Burglars take two important aspects into account when selecting a target, namely, surveillance and occupancy. In terms of surveillance, attention is paid to the accessibility of the house or premises, the proximity of neighbours and whether or not the burglar can observe the house. Burglars take particular note of the accessibility of the rear of the house. Another aspect is whether the house is occupied, as indicated by lawns being mowed, mail collected, parked cars at the house, and so forth. Continual occupation of a house acts as a deterrent to burglars (Bartol 1995:325).

Burglars take the vulnerability of potential victims into account when selecting their targets. Supermarkets, for example, are regarded as easy targets, while exclusive male clothing stores are not. Burglars exploit situations that present themselves or look for burglary opportunities. Burglars also attempt to minimise the possibility of being arrested, therefore preferring targets that cannot easily be observed by passers-by, neighbours, police or neighbourhood watch patrols.



ACTIVITY I

Assume that you are going to address the local community policing forum (CPF) in your neighbourhood at their next scheduled meeting on the prevention of residential burglaries. In order to prepare for this presentation, and based on what you have learnt in this study unit, observe the extent to which property owners are protecting their premises (or not) in your neighbourhood or community and prepare a (virtual) presentation based on your observations.

1.7.3.3 Motives for stealing

The primary motive for professional burglars is financial gain. If a burglary is conducted efficiently, there is little risk of being arrested and the profits are substantial (Bartol 1995:328). Many professional burglars see the crime as a challenge

to their skills, which need to be constantly developed and refined. Some burglars get very excited when planning the crime and also when committing the burglary.

Many burglars attempt to supplement their regular income in order to improve the quality of their lives. The extra income may also be used for parties and/or to buy alcohol, drugs and/or expensive items. Professional burglars are motivated primarily by money, but also by a sense of self-satisfaction and accomplishment. Although tangible rewards are important, internal reinforcement is a very powerful motivating and regulating factor (Bartol 1995:329).

1.7.4 Summary

In this study unit, we focused on burglary. We defined the term “burglary”, looked at the general characteristics of burglary and then at how burglars select their targets. In the last section, we briefly mentioned the motives for burglary.

1.7.5 Self-assessment questions

- 1 Burglary is committed chiefly by ...
 - (a) older men
 - (b) older women
 - (c) young people
 - (d) middle-aged people
- 2 Which of the following distinguishes an amateur burglar from a professional?
 - (a) They steal items with a high resale value.
 - (b) They steal personal items or money.
 - (c) They make use of the service of a fence.
 - (d) They display a high degree of technical skill.
- 3 To which broad category of indicators used by burglars in the selection of a target does the following excerpt relate: “the quality of the landscaping”:
 - (a) Security.
 - (b) Affluence
 - (c) Layout of the house
 - (d) Occupancy
- 4 Which of the following statements are true with regard to burglary?
 - (a) It is an impulsive crime.
 - (b) Opportunity is important.
 - (c) Surveillance is insignificant.
 - (d) It is a rational type of crime.
- 5 Professional burglars are motivated primarily by which of the following?
 - (a) Money
 - (b) Self-satisfaction

- (c) Accomplishment
- (d) All of the above

1.7.5.1 Self-assessment answers

- 1 (c)
- 2 (b)
- 3 (b)
- 4 (b) & (d)
- 5 (d)

1.7.6 Feedback on activities

Activity 1

No specific feedback since students' assessments of their various neighbourhoods or communities and the content of their virtual presentations will differ. There is no wrong or right answer to this activity, except to obtain the most authentic results possible and to correlate these with the theory and what has been learnt.

STUDY UNIT 1.8

**Crimes aimed at
property: vandalism**

Prof. FJW Herbig

- 1.8.1 Introduction
- 1.8.2 Key concept
- 1.8.3 Motives for vandalism
- 1.8.4 Types of vandalism
- 1.8.5 The vandal
- 1.8.6 Causes of and an explanation for vandalism
- 1.8.7 Summary
- 1.8.8 Self-assessment questions
- 1.8.9 Self-assessment answers
- 1.8.10 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should be able to

- define and be conversant with the concept “vandalism”
- appreciate the motives for vandalism
- recognise the various types of vandalism
- understand and provide an explanation for vandalism

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.8.1 Introduction

The word “vandalism” has been used as a label for a broad range of negative behaviour, including both accidental or trivial incidents, and actual criminal activities. Numerous attempts have been made to categorise these actions to explain why individuals damage or destroy property. Research findings show that vandalism is not a single stereotypical type of crime; rather, it can be categorised into various types. There is a dire need for more research in this field, as most available sources are considerably dated and are typically based on American society.

In this study unit you will be provided with a broad overview of a very complex phenomenon. The study unit will start with a definition of the term “vandalism”. This will be followed by a list of motives for vandalism, the types of vandalism, the characteristics of vandals, and the causes of and an explanation for vandalism.

1.8.2 Key concept

According to Conklin (1995:77; 2007:68), “vandalism is the willful or malicious destruction, injury, disfigurement, or defacement of property without the consent of the owner”. Breaking windows in an abandoned building is an act of vandalism that has little social significance, but vandalising an important painting in an art museum can ruin property of great economic and social value.

Snyman (1995:502) refers to vandalism as “malicious injury to property” and defines the term as follows:

A person commits malicious injury to property if he unlawfully and intentionally damages

- movable or immovable property belonging to another; or
- his or her own insured property, intending to claim the value of the property from the insurer.

The property may either be movable or immovable. Furthermore, the crime cannot be committed in respect of property which belongs to nobody.

1.8.3 Motives for vandalism

According to Geason and Wilson (1990:11), criminologists provide the following list of possible motives for vandalism:

- revenge
- anger
- boredom
- acquisition
- exploration
- aesthetic experience
- existential exploration



An act of vandalism is a complex form of behaviour which can be motivated by a number of factors.

1.8.4 Types of vandalism

Wilson and Healy (in Geason & Wilson 1990:13) categorise vandalism as follows:

- *Acquisitive vandalism*. Damage is inflicted in order to acquire money or property. An example of this type of vandalism is damage to automatic teller machines (ATMs).
- *Tactical vandalism*. Damage is inflicted as a conscious tactic to achieve another end, for example to divert attention away from a particular area so that a crime can be committed unhindered elsewhere.
- *Ideological vandalism*. Damage is inflicted to further a cause or to communicate a message. Slogans on buildings are an example of this type of vandalism.
- *Vindictive vandalism*. Damage is inflicted to get revenge, for example breaking school windows because of perceived unfairness by teachers.
- *Play vandalism*. Damage is inflicted incidentally or deliberately as part of a game or competition, such as seeing who can break the most windows.
- *Malicious vandalism*. Damage is inflicted as an expression of rage or frustration. Scratching the paintwork of expensive cars is an example of this type of vandalism.
- *Innocuous vandalism*. Damage is caused to property that is regarded by youths as being unimportant or having no value. Slashing railway carriage or bus seats is an example of this type of vandalism.

Although the motivation for tactical, ideological and vindictive vandalism is fairly obvious, the motivation for play, malicious and innocuous vandalism is less apparent and this type of vandalism is quite widespread.



ACTIVITY 1

Based on this typology, try to identify acts of vandalism in your community or immediate environment. How common is vandalism in your neighbourhood? Make use of *myUnisa* to interact with other students studying this module and initiate or contribute to a discussion in this regard.

1.8.5 The vandal

Research findings indicate that vandals are usually boys between the ages of 11 and 15, who seldom act on their own. Although girls also commit acts of vandalism, boys tend to be more aggressive. According to Sanders (in Theron 1991:48), acts of vandalism by boys are more often reported than acts of vandalism by girls. The tendency to commit acts of vandalism decreases with age, and only a small

percentage of youths older than 17 years of age continue to vandalise. Adults also commit acts of vandalism by littering the environment with beer cans or cigarette butts, for example. Acts of vandalism can incur great financial cost and should, therefore, be considered a serious problem.

1.8.6 Causes of and an explanation for vandalism

Vandalism is a complex phenomenon that cannot be explained by a single theory. Although various rationales for vandalism can be offered, we will briefly examine only some of the most prominent views.

- *Intrapsychic explanation.* According to Levy-Leboyer (in Theron 1991:49), it is very difficult to identify a direct cause when explaining vandalism because of the intrapsychic or subconscious factors which are often involved. Through acts of vandalism, youths convey their disaffection with the world that adults have presented to them with.
- *Search for adventure, excitement and identity.* The adolescent phase of human development is characterised by a search for adventure and excitement, the need to discover something new and the need to form an own identity. Nilsson (in Theron 1991:49) is convinced that vandalism is not committed with the exclusive aim of causing damage, but rather to derive excitement and pleasure. Adolescents also like to play pranks on people and may cause a great deal of damage to property. Some adolescents try to acquire their own identity in negative ways; for example, using graffiti, youngsters can leave their own unique mark and reveal their own identity. Adolescents also test society's reaction to their behaviour in this way. When young people are bored or unemployed, they tend to commit acts of vandalism to relieve their tedium.
- *Influence of the peer group.* Vandalism usually occurs within a group context. Haskell and Yablonsky (in Theron 1991:49) point out the relationship between vandalism and the youth's involvement in the peer group. Accordingly, vandalism should be seen as a form of social behaviour. By committing acts of vandalism, the group's members are tied more closely together and the individual member obtains status within the group. As a result of the interaction within the peer group, the group's norms and values become more important than those of society. In addition, membership of the peer group ensures immunity to individual feelings of guilt. However, it is important to note that the peer group in this sense is not the same as a gang, as it is more loosely constructed and there is no clear hierarchy. Members of the group are at liberty to join the group, stay or leave according to their own needs.
- *Neighbourhood characteristics.* Public property is targeted more often by vandals than private property. It is thought that public property may have some negative symbolic meaning for the vandal, which may contribute to the building or other object being damaged. In the same vein, terrorists, for example, often target government buildings. The malfunctioning of certain public property, such as a public telephone or parking meter, may cause such frustration that the object is attacked and damaged. The impersonal nature of public buildings can also contribute to vandalism. Very few people feel that they have any share in such buildings and are thus unconcerned about their appearance. On the other hand,

people who find pleasure in their environment can identify with it and respect it. The general rule of thumb is that people will not vandalise something they respect. Neighbourhood characteristics are also determined by, among other things, the number of people per household, the number of single parent families, unemployment, the high mobility of the inhabitants, a negative attitude towards school, a preference for outdoor activities, problems within the family or school and the abuse of alcohol. An American study has shown that schools that are vandalised are generally situated in the lower socioeconomic areas. Alienation from the school system and limited employment opportunities create a feeling of anomie in young people, which forms a fertile ground for vandalism.

1.8.7 Summary

In this study unit, we presented a broad overview of the complex phenomenon of vandalism. We first looked at the term “vandalism” and then mentioned the different motives for vandalism. We then outlined the various types of vandalism. The type of offender who commits acts of vandalism was also briefly alluded to and cases of vandalism were discussed in somewhat broader detail.

1.8.8 Self-assessment questions

- 1 Which of the following can be regarded as a type of vandalism?
 - (a) Aesthetic vandalism
 - (b) Existential vandalism
 - (c) Explorative vandalism
 - (d) Acquisitive vandalism

- 2 To which type of vandalism does the following excerpt relate: “an expression of rage or anger”?
 - (a) Ideological vandalism
 - (b) Innocuous vandalism.
 - (c) Vindictive vandalism
 - (d) Malicious vandalism

- 3 Which of the following are true statements with regard to vandals?
 - (a) Vandals are mostly boys under 11 years of age.
 - (b) Vandals seldom perform acts of vandalism on their own.
 - (c) Vandalism is just as common among boys as it is among girls.
 - (d) The tendency to vandalise does not decrease with age.

- 4 With regard to the causes of and explanations for vandalism, identify the correct statement/s:
 - (a) Vandalism should be seen as a form of social behaviour.
 - (b) Vandalism is influenced by neighbourhood characteristics.
 - (c) The peer group that vandalises property has characteristics that are similar to those of a gang.
 - (d) All of the above

- 5 Which of the following can be regarded as motives for vandalism?
- (a) Anger
 - (b) Boredom
 - (c) Jealously
 - (d) All of the above

1.8.9 Self-assessment answers

- 1 (d)
- 2 (d)
- 3 (b)
- 4 (a) & (b)
- 5 (a) & (b)

1.8.10 Feedback on activities

Activity 1

No specific feedback is given here since students' assessments of vandalism within their own neighbourhoods or communities will differ. Moreover, there is no right or wrong answer to this activity; the intention is to obtain the most authentic results possible and to correlate these with the theory and what has been learnt.

STUDY UNIT 1.9

Crimes aimed at property: arson

Prof. FJW Herbig

- 1.9.1 Introduction
- 1.9.2 Key concepts
- 1.9.3 General characteristics
- 1.9.4 Motives for arson
 - 1.9.4.1 Revenge, malice and jealousy
 - 1.9.4.2 Vandalism or wilful mischief
 - 1.9.4.3 Concealment of a crime or a diversionary tactic
 - 1.9.4.4 Profit and insurance fraud
 - 1.9.4.5 Intimidation, blackmail, terrorism and sabotage
 - 1.9.4.6 Pyromania and other psychological motives
- 1.9.5 Theoretical explanation for pyromania
- 1.9.6 Summary
- 1.9.7 Self-assessment questions
- 1.9.8 Self-assessment answers



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to define and be conversant with the terms “arson” and “pyromania”
- be familiar with the motives for arson
- be able to recognise the various types of arson
- understand and be able to provide an explanation for arson

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice

questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.9.1 Introduction

Arson should be seen as a very serious crime aimed at the destruction of property. The financial losses associated with arson run into millions of rand, and human beings and animals often lose their lives in fires caused by arson. While buildings, fauna and flora can be destroyed in minutes, it may take many years to rebuild the property destroyed or damaged by fire.

This study unit starts with a definition of the terms “arson” and “pyromania” and is followed by the general characteristics and motives for arson. The last section provides a theoretical explanation of pyromania.

1.9.2 Key concepts

The American Uniform Crime Reports (Sheley 1995:188) defines arson as “any willful or malicious burning or attempt to burn with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc”.

Snyman’s (1995:505–506) legal definition of arson is as follows:

A person commits arson if he/she unlawfully and intentionally sets fire to:

- Immovable property belonging to another; or
- His/her own immovable insured property, intending to claim the value of the property from the insurer.

From a South African perspective, therefore, the crime can be committed only in respect of immovable property, such as a building. When moveable property is set on fire, it is classified as injury to property or malicious injury to property.

Pyromania can be defined as “a psychological concept that refers to an irresistible urge or passion to start fires, accompanied by an intense fascination with the flames” (Bartol 1995:349; Louw & Louw 1989:493).

1.9.3 General characteristics

A fire is regarded as arson only if an investigation shows that it has been started deliberately or maliciously. It is very difficult to confirm arson because the evidence is often destroyed in the fire. Even with proof that the fire was started deliberately, the motives for doing so are often unknown (Bartol 1995:348).

Most arsonists are young; approximately two-thirds are under the age of 25 years. Arsonists are often single young males with an alcohol or drug problem. Female arsonists are generally older than their male counterparts and have a history of

alcohol and/or drug abuse, a low level of education, are unmarried and are dependent on state support (Bartol 1995:350).

1.9.4 Motives for arson

The motives for arson are varied. In a comprehensive study of 1016 juveniles and adults who had been arrested for arson and arson-related crimes, Icove and Estepp (in Bartol 1995:350) reported in 1987 that vandalism was the most common motive (49% of the sample), followed by excitement (25%), revenge (14%), concealment of the crime (2%), profit (1%) and other unspecified motives (8%).

Research has, however, consistently shown that the majority of juvenile arsonists are motivated by the desire for revenge against authority figures, for the status that they will gain or to satisfy a desire for excitement. Juveniles generally start fires because they find it exciting, while adults are generally motivated by revenge.

Boudreau and his associates (in Bartol 1995:348–349) identify the following six primary motives for arson.

1.9.4.1 Revenge, malice and jealousy

Arsonists who fall into this category include jilted lovers, hostile neighbours, disillusioned employees and people who want to exact revenge for perceived unfair treatment, fraud or abuse. Alcohol and drugs also play a role in this type of arson. In their investigation, Icove and Estepp (in Bartol 1995) found that about two-thirds of the arsonists who were motivated by revenge had a criminal record.

Female arsonists are motivated mainly by revenge. They tend to act on impulse in reaction to a perceived injustice they have suffered. They often set fire to their own accommodation, as in the case of a female prisoner who repeatedly set fire to her own cell in protest against the treatment she received from the wardens.

1.9.4.2 Vandalism or wilful mischief

It is sufficient to say in this regard that the need to challenge authority and the desire to relieve boredom are two of the most common motives among juvenile arsonists.

1.9.4.3 Concealment of a crime or a diversionary tactic

Researchers such as Robbins and Robbins (in Bartol 1995:349) argue that between 7 and 9% of convicted arsonists started fires in an attempt to destroy evidence of burglary, theft or murder. Offenders in this category expect the conflagration to destroy all evidence of the crime. Some arsonists attempt to conceal their suicides by means of a fire so that their next of kin can claim life insurance. Others attempt to destroy evidence that links them to particular crimes, such as fraud and embezzlement. A fire may also serve to divert the attention of investigating officers while the offenders burgle another building (Bartol 1995:349).

Concealment of a crime by means of arson is committed mainly by young male adults from a low socioeconomic background. They often use alcohol or drugs prior to committing the crime. According to research, virtually all arsonists of this type have previous criminal records.

1.9.4.4 Profit and insurance fraud

This category applies to both professional and semi-professional arsonists. Because profits from arson are big and the responsibility of being caught small, the true incidence of this type of arson is higher than is reflected in official crime statistics. Properties set on fire include residential dwellings, businesses, vehicles, boats and aircraft (Bartol 1995:349). Douglas et al (in Bartol 1995:349) distinguish between two types of offender who commit arson for profit, namely primary and secondary offenders. A primary offender is the dominant personality in committing the crime. A secondary offender is called the “torch for hire” and is usually a male between the ages of 25 and 40 who is generally unemployed. The “torch” usually has a criminal record for a variety of offences, such as burglary, assault and/or public intoxication.

1.9.4.5 Intimidation, blackmail, terrorism and sabotage

This category relates to fires started in order to instil fear or as a warning. Examples include fires started by striking workers to intimidate or blackmail management into meet their demands. Another example is fires started by anti-abortion activists to destroy abortion clinics. Such arsonists are extremists intent on promoting some social, political or religious cause.

1.9.4.6 Pyromania and other psychological motives

Prior to starting a fire, a pyromaniac experiences a build-up of tension. Once the fire is burning, he or she experiences intense pleasure and relief (Bartol 1995:349). Pyromaniacs often leave obvious and clear evidence at the scene of a fire to identify themselves.

An arsonist may be classified as a pyromaniac if he or she has deliberately and intentionally started a fire on more than one occasion. This disorder is rare and is more prevalent among men than women. It is sometimes accompanied by a history of enuresis (bed-wetting) and learning problems (Louw & Louw 1989:493). Pyromaniacs are usually unemployed juveniles or young adults living with their parents. They are socially inadequate and display poor interpersonal skills (Bartol 1995:350).

In their study of 1016 arsonists, Ilove and Estep (in Bartol 1995:352) found that only two offenders could be classified as pyromaniacs. Moreover, pyromania is a motive in only a very small percentage of all arson incidents. Pyromaniacs crave stimulation that can be satisfied only by watching a fire. They usually mingle with the crowd of onlookers at the fire and derive pleasure from the comments of onlookers and the excitement caused by the fire (Bartol 1995:350).

1.9.5 Theoretical explanation for pyromania

The explanation for pyromania differs from explanations for other property crimes, including common arson, because it involves psychological factors that do not play a role in other offences.

Areas to which theorists look for an explanation for pyromania include the offender's personality composition, such as inadequate and poor interpersonal skills (Bartol 1995:350). Such offenders experience high levels of tension or emotional arousal prior to the act, and relief or release of tension after starting the fire and while they are able to observe the fire.

People who start fires repeatedly feel that they have little control over their environments or in their personal lives. They usually come from a socially disadvantaged section of the population and their condition is aggravated by a variety of physical, mental and psychological problems (Bartol 1995:352). In addition, their levels of intelligence and educational achievements are low, which leads to a poor self-image. They often suffer from depression and show suicidal tendencies. The overall image of a person who regularly starts fires is someone who is inadequate, who has failed repeatedly, and who is socially passive and isolated. Accordingly, pyromaniacs start fires in an attempt to gain control over their lives. Pyromania is precipitated by events that have exacerbated the person's poor self-image and feelings of sadness and depression.

Many arsonists stay at the scene of the fire, often raise the alarm themselves and help to extinguish the fire. Sometimes they make heroic attempts to save lives. The recognition this brings increases their self-esteem and establishes a sense of control over their lives (Bartol 1995:353).

Most repeat arsonists progress from starting small fires to starting very large fires. Arson is only one component in the constellation of maladjusted behaviour in these individuals. Many were burnt and abused as children and have learnt that fire is an acceptable means of retribution because they were burnt as punishment.

Orthodox psychoanalytical theorists link sexual excitement to pyromania. Many repeat arsonists also suffer from enuresis. The relationship between sexual arousal and arson is plausible, but there is little evidence that this is the case in the majority of compulsive arsonists (Bartol 1995:351–352).

1.9.6 Summary

In this study unit, we looked briefly at arson as a crime aimed at property. Firstly, we defined the terms "arson" and "pyromania". Then we discussed the general characteristics of arson. This was followed by a detailed discussion on the motives for arson. Finally, we offered a theoretical explanation for pyromania.

1.9.7 Self-assessment questions

- 1 To which motive for arson does the following excerpt relate: “virtually all arsonists of this type have previous criminal convictions”?
 - (a) Pyromania and other psychological motives
 - (b) Profit and insurance fraud
 - (c) Intimidation, blackmail, terrorism and sabotage
 - (d) Concealment of a crime or a diversionary tactic

- 2 Which of the following statements can be regarded as true with regard to the characteristics of arson?
 - (a) A fire is regarded as arson only if an investigation shows it has been started deliberately or negligently.
 - (b) Most arsonists are young; approximately one-third are under the age of 25 years.
 - (c) Male arsonists are generally older than their female counterparts.
 - (d) None of the above

- 3 Identify the correct statement/s with regard to pyromania
 - (a) The disorder is more prevalent among women than men.
 - (b) Sufferers of the disorder usually come from a socially privileged section of society.
 - (c) They often suffer from depression and show suicidal tendencies.
 - (d) They often start fires to gain control over someone else’s life.

- 4 Icove and Estep’s study of juvenile arsonists revealed that revenge as a motive for arson constituted ... of cases examined?
 - (a) 15%
 - (b) 12%
 - (c) 14%
 - (d) 25%

- 5 Which of the following can be regarded as the most common motives among juvenile arsonists?
 - (a) Anger, jealousy and or revenge
 - (b) Relief of boredom and the need to challenge authority
 - (c) Profit and insurance fraud
 - (d) Concealment of a crime or a diversionary tactic

1.9.8 Self-assessment answers

- 1 (d)
- 2 (d)
- 3 (c)
- 4 (c)
- 5 (b)

STUDY UNIT 1.10

General causes of and an explanation for property crimes

Prof. FJW Herbig

- I.10.1 Introduction
- I.10.2 Socioeconomic factors
- I.10.3 Relative deprivation
- I.10.4 Opportunity and the economy
- I.10.5 The theory of differential association
- I.10.6 Sykes and Matza's neutralisation theory
- I.10.7 Wilson and Herrnstein's theory
- I.10.8 Rational decision-making perspective
- I.10.9 Summary
- I.10.10 Self-assessment questions
- I.10.11 Self-assessment answers



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to comprehend the main causes of property crime
- be conversant with the theoretical explanation for the different types of property crime
- be able to apply the theoretical principles of the topics discussed in practice in order to account for the causes of crime

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice

questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.10.1 Introduction

In this study unit, we will look at the main causes of property crime as well as the theoretical explanation for this category of crime.

It is not possible to establish one causative factor for each type of crime. Human behaviour, including criminal behaviour, is influenced by a number of factors and the dynamic interaction of such factors will play a role in this regard. In this discussion, we will briefly explain a few causative factors and discuss related theories.

1.10.2 Socioeconomic factors

The incidence of crime is related to the prevailing socioeconomic conditions in a community. This includes factors such as unemployment, poverty, urbanisation, overpopulation, squatting, and the presence of illegal immigrants, which raises the unemployment level.

Some types of crime, such as white-collar crime, cannot take place unless the offender is in a work environment. This environment creates the opportunity for a crime to be committed. Other types of crime take place because the offender is unemployed and has to steal to survive. Other offenders may find a livelihood in crime that is more profitable than the legitimate jobs available to him or her.

There may be significant differences in this regard between people who are employed, those who are temporarily unemployed and those who have been unemployed for a long period and are no longer seeking legitimate employment.

The fact that a person has an existing criminal record may be one of the reasons for such a person being unable to secure legitimate employment. People who are not legally employed are more likely to commit crimes that may lead to a prison sentence (Conklin 1995:182). Unemployment thus has a reciprocal effect on crime.

Many studies have investigated the relationship between unemployment and crime. Some studies have shown a positive correlation between the two, while others have shown a negative correlation or no correlation at all. Part of the problem is that different measures and data have been used in different investigations. Another problem is that unemployment is only one economic aspect that should be taken into consideration (Barlow 1987:38).

It has been found that the incidence of crime is higher in societies characterised by low minimum wages and high unemployment among young people. Poverty is the inevitable outcome of unemployment and leads to a lack of social standing and self-respect, as well as feelings of helplessness and of having nothing left to lose (Vetter & Silverman 1986:288). In these circumstances, it may become easy to commit a crime such as theft. However, it is important to note that there is no deterministic relationship between poverty and economic crime: many poor people are honest, law-abiding citizens.

In some African states, where a large proportion of the population live in abject poverty, committing crimes such as cattle theft becomes a matter of simple physical survival.

Increased levels of affluence reduce the motivation for crime. The need for crime also diminishes when social conditions improve. By contrast, urbanisation offers opportunities for committing certain crimes such as burglary and theft (Van Dijk 1995:124). Abject poverty and wealth, as such, are not particularly useful predictors of crime.

1.10.3 Relative deprivation

The way in which the poor or unemployed perceive their circumstances is more important than poverty or unemployment as a cause of criminal behaviour. The significant consideration is people's relative standards of living. Poor people living in a wealthy nation resent poverty more than poor people living in a poor nation. Research has shown that the highest incidence of crime may be found in cities where the differences in income between the poor and the rich are the greatest (Conklin 1995:184).

The discrepancy between people's expectations and their abilities may motivate them to break the law. Expectations include material goods and living conditions to which people feel they are entitled, while ability refers to the goods and living conditions which they believe they can achieve and sustain within the prevailing social system (Conklin 1995:184). Crime takes place when people feel they have exhausted all opportunities to achieve their goals and that they have been denied access to legal opportunities to relieve their relative deprivation (Conklin 1995:185).

Relative deprivation increases as expectations rise or when the available means diminish. The conviction that others are receiving more than they deserve in terms of their efforts may create a feeling of inequality. This motivates people to break the law for personal gain (Wilson & Herrnstein 1985:56).



One may thus gain more insight into people's motivations for breaking the law by concentrating on the subjective pain of relative deprivation, including the bitter sense of injustice and inequality, than on the objective pain of absolute poverty.

1.10.4 Opportunity and the economy

A suitable opportunity to commit crime is an important factor in the incidence of property crime, as opportunity determines what can be stolen. The current market value of certain raw materials or articles, for example, also determines whether or not it is worthwhile stealing a particular article. It has also been found that property crime increases as the economy develops. This may be attributed to increased opportunities to commit crimes such as theft. When the market value of gold and

silver increases, for example, there is an increase in the theft of gold and silver jewellery worn by women.

According to Cohen and Felson's opportunity theory (in Lynch & Cantor 1992:337–338), the incidence of crime is determined by

- a motivated offender
- a suitable target and
- the absence of capable guardians

Cohen and Felson (in Lynch & Cantor 1992:337–338) refined the concept of a suitable target by differentiating between four dimensions:

- 1 *Exposure of the target*. This includes the visibility and physical accessibility of the target.
- 2 *Guardianship*. This refers to the ability of people or devices to prevent crimes from being committed.
- 3 *Attractiveness of the target*. This relates to the material or symbolic value of people's possessions or property.
- 4 *Proximity*. This is the physical distance between potential targets and potential offenders.

Lynch and Cantor (1992:355) found that a particular environment or setting influences the extent of guardianship put in place, the extent to which occupants are exposed and the proximity of offenders. Offenders choose their targets by selecting ever smaller areas within larger areas, until they finally decide on a particular household. The behaviour of individuals, which affects their exposure, guardianship and attractiveness as targets, also influences their risk of being victimised.

Lynch and Cantor (1992:355) argue that theft is largely a function of exposure, whereas burglary is a function of guardianship. Guardianship is a more important factor in determining the risk of burglary than in the case of theft. Moreover, the level of social disorganisation in the community influences the risk of victimisation. Research results show that theft is a matter of opportunity, whereas burglaries are planned and constitute a more complex type of crime than theft.

1.10.5 The theory of differential association

The theory of differential association, developed by Edwin Sutherland, attempts to explain why the incidence of crime differs in different groups and why one person turns to crime while another becomes a law-abiding citizen (Conklin 1995:255). The theory consists of nine principles or tenets, not all of which are discussed here.

The first three principles are the most important, namely that criminal behaviour is acquired, that it takes place in interaction with other people during a process of communication and that it takes place in intimate personal groups (Conklin 1995:255).

This theory is particularly appropriate for explaining property crime such as theft and burglary. Members of the subculture of professional thieves teach the skills needed to succeed in specialised thefts to new recruits. The teaching process provides novices with the knowledge they need to recognise opportunities for theft and to plan and

execute the theft. As the criminal subculture deepens, the thieves become increasingly isolated from non-criminal patterns of behaviour.

In the same way, burglars learn specific skills to gain access to a building or open a safe, for example. Pickpockets, on the other hand, learn how to move unobtrusively in public and to use opportunities to steal as they arise. Hand skills are a source of professional pride among pickpockets, and accurate timing, speed, concealing the item, rhythmic movement and dexterity are all skills that pickpockets need to acquire. These skills are combined in “a single, almost instantaneous and practically invisible act of theft” (Conklin 1995:260).

A study in a Canadian prison showed that early involvement in juvenile delinquency is a prerequisite for an adult career as a professional criminal (Conklin 1995:261). Thieves learn as juveniles how to avoid attracting attention when stealing, and what the police reaction to certain crime is likely to be. An investigation into juvenile theft in Great Britain showed that association with other adolescents who had committed property crimes was an important contributory factor in theft by boys, especially if the association had been formed while the boys were still very young and had lasted over a long period of time (Conklin 1995:261).

Another study revealed that more recent friendships have a greater impact on criminal behaviour than friendships formed at an earlier stage. Research shows that criminal behaviour is influenced more strongly by learning from direct observation of the peer group’s behaviour than by learning from the peer group’s attitude (Conklin 1995:261).

One may draw the conclusion, therefore, that younger thieves acquire motivation and skills, and that they eventually become capable of committing crimes on their own.

Professional thieves develop mechanical (manual) and social skills for dealing with victims. They also learn organisational skills, such as planning and executing the crime. These skills are acquired through contact with other prisoners, gang members and thieves who meet recruits in pubs and the like (Conklin 1995:261).

1.10.6 Sykes and Matza’s neutralisation theory

In his research on the decision-making process among property offenders, Tunnel (1992:73) confirms Sykes and Matza’s neutralisation theory. Sykes and Matza distinguish between the following five neutralisation techniques by which criminals attempt to justify their actions (Conklin 1995:210–213):

- 1 *Denial of responsibility.* The offenders deny any personal responsibility for their actions. They maintain that their actions were accidental or caused by factors beyond their control, such as broken homes, parental neglect, poverty, or dependence on alcohol and drugs. These people feel that they are not really in control of their lives. Fences, for example, deny any responsibility for accepting stolen goods by claiming that they themselves have not stolen anything the thieves are the ones who steal.
- 2 *Denial of injury.* The second neutralisation technique is to deny that any harm has been done. Offenders appear to be less sensitive to the effect of their actions on

victims. They see the victim as an object or means to achieve their goals and not as a human being who suffers as a consequence of victimisation. An intruder will argue, for example, that the victim is insured and can claim the loss of property from the insurance company. Offenders use the technique of denying harm to justify their actions. Vehicle thieves, for example, maintain that they only borrowed the vehicle temporarily and did not intend to deprive the owner of the vehicle permanently. Intruders maintain that they steal from the rich to give to the poor.

- 3 *Denial of the victim.* Offenders regard crime as justified revenge against the victim. The victim is seen as the one whose actions are wrong. Thieves may steal from people, for example, whose lifestyles are despised by society, such as prostitutes, alcoholics and ruthless shop owners. Hence, the criminal thinks it is justifiable to victimise certain categories of people.
- 4 *Condemnation of the condemners.* Offenders make the assumption that the motives and behaviour of those who denounce criminals, rather than the motives and behaviour of the criminals themselves, should be condemned. Offenders use behaviour such as police brutality and political corruption to justify their crimes. Many types of offender justify their actions by condemning their denouncers. The looting of shops during protest marches, for example, is justified by blaming unjust treatment and exploitation on the particular political system or corrupt establishment. Fences point out that some of their best clients are judges and police officers.
- 5 *Appealing to higher loyalty.* The fifth neutralisation technique is an appeal to greater loyalty. This is an attempt to justify offences by upholding the demands of the group, such as a juvenile gang which is smaller than society as a whole, but which demands that members conform to standards which are contrary to the law. People who show greater loyalty to the wider social system and legal prescriptions than to particular individuals or smaller groups are more likely to refrain from crime. Juvenile offenders rationalise their actions by blaming them on peer pressure and the need not to let their friends down.

Tunnel (1992:82) also applies these neutralisation techniques to explain the repeat behaviour of offenders in property crimes. Tunnel (1992:82) asserts that offenders use neutralisation techniques before committing offences; in this way they neutralise their concerns, fears and worries that arise as soon as they decide to commit the offences. According to Tunnel, these techniques are not applied as extensively to neutralise guilt as Sykes and Matza found in their study. The decision to commit crime thus takes place in a less rational manner than is generally accepted.

Of the 60 property offenders Tunnel interviewed, 54 (90%) indicated that older offenders had encouraged them to commit a crime by flaunting their successes. The younger offenders assume that the older offenders have weighed the potential risks and benefits of the crime and that their calculations are correct. They rely on the older offenders to do the thinking and consider the potential risks of their actions. In this way they neutralise their own anxiety.

Another neutralising technique used by offenders is to use drugs and alcohol. This helps calm their nerves when deciding to commit the crime. It also enables offenders to overcome their nervousness and participate in daring decisions and events that they would otherwise avoid.

Yet another neutralisation technique is to discuss the decision to commit a crime with other offenders. Such discussions reinforce high-risk behaviour until such time as the crime has been committed. The prospective offenders discuss their *modi operandi* with other offenders and this encourages them to proceed.

Lastly, Tunnel (1992:80) identifies a neutralisation technique known as “putting risks out of mind”. Offenders refuse to think about the negative consequences of their actions or any punishment that may follow their actions. A hardened burglar described this neutralisation technique as follows: “At the time you block out all of those thoughts ... you’ve got to have the money and when you get the money, then you’ll worry after that. It’s just something you do. You block it all out because you know it’s wrong. It’s just a temporary block.”

Thinking of the risks makes it difficult for the criminal to concentrate on the logistics of the crime and this may result in negative consequences for the criminal. Of the offenders included in Tunnel’s study, 38 (63%) had made use of this neutralisation technique. The criminals reason that if they avoid negative thoughts, there will be no negative consequences. Thinking positively helps the offender to carry out the crime. This implies that the threat of punishment cannot serve as a deterrent for hardened or repeat offenders if they make use of this neutralisation technique.

Neutralisation techniques are incompatible with rational decision-making theories.

1.10.7 Wilson and Herrnstein’s theory

In *Crime and human nature*, Wilson and Herrnstein (1985:43) argue that a person’s actions are guided by the anticipated consequences of the chosen action. At any given moment, a person may have to choose between committing a crime or behaving in accordance with the law. The possible consequences of committing a crime are a reward (reinforcer) or a punishment. The consequences of noncriminal behaviour include a profit and loss component.

The rewards for crime naturally include financial gain, but also emotional or sexual satisfaction, the approval of the peer group, resolving a dispute or reinforcing a sense of justice. Other rewards include excitement, the challenge, the satisfaction of successfully carrying out a complicated crime, and so on.

The value of any reward or punishment associated with any action (criminal or noncriminal) is, to some extent, uncertain. Prospective burglars obviously don’t know beforehand what quantity of possessions they will steal and what the exact cash value will be. Rewards and risks that are more certain will have a greater influence on behaviour than ones that are experienced less directly. Rewards and risks that are more immediate will change current behaviour to a greater extent than ones that will be experienced after a long period of time (Wilson & Herrnstein 1985:4445).

If the reward for the crime is considerable and the risk small, and if the reward for noncriminal behaviour is relatively small and the loss relatively large, an individual is likely to decide to commit the crime.

Potential offenders thus weigh up the rewards or benefits and the risks or costs of criminal and noncriminal behaviour before breaking the law.

Many people have a strong conscience which will prevent them from committing a crime most (but not all) of the time. Individuals who commit a crime in spite of strong scruples are people who have difficulty imagining the future consequences of their present actions. Another possibility is that they are so impulsive that they disregard the anticipated future consequences of their actions. In the case of property crimes, it is likely that the possible punitive consequences are too remote to serve as a deterrent.

1.10.8 Rational decision-making perspective

Another approach that emphasises the rewards and risks of criminal behaviour is the rational decision-making perspective. This perspective concentrates on the offender's strategic thinking, his or her processing of information and his or her evaluation of the opportunities and alternatives (Conklin 1995:272). It stresses calculated decision making and is based on the premise that the offender decides how to act after establishing the probable reward resulting from the particular behaviour, for example, burglary.

The rational decision-making perspective pays special attention to specific crimes, because different crimes satisfy different needs. It also includes the processes by which individuals initially decide to break the law, continue with criminal activities and finally resist crime (Conklin 1995:273). Consequently, different factors are present in each phase of a person's criminal career, which influence his or her decision-making process.

Research shows that people who repeatedly commit property crimes do not formally calculate the risks involved in theft; neither do they give careful consideration to the legal alternatives to crime. Their actions relate more strongly to their lifestyle, which is to seek pleasure with a minimum of care about duties and commitments that fall outside their social sphere (Conklin 1995:273). Offenders who commit property crimes believe that it is unlikely that they will be arrested; there is also the belief that, if they are arrested, they will receive a short prison sentence. Prison is seen as a non-threatening environment. Tunnel's (1992:85) research confirms this perception. Chronic property offenders in Tunnel's research group believed that they would either not be apprehended or that their prison sentences would be short; as a result they were not afraid of going to prison. The following table illustrates the rewards and risks associated with crime as seen from the perspective of an offender when deciding whether or not to commit a crime.

Table 2: Rewards and risks associated with theft

Reward	Risks
Money earned from crime.	Being apprehended and punished Loss of freedom if sentenced or a lack of money if a fine is imposed.
Tax free.	Loss of benefits from a legal profession, such as paid vacation leave and medical security

Reward	Risks
Excitement derived from committing the crime	Time needed to acquire criminal skills
Satisfaction of successfully carrying out the crime	Cost of equipment necessary to commit the crime
Much free time	Risk of injury in the course of committing a crime (inflicted by the police or the victim)
Reputation as a successful criminal	Work involved in identifying a target and carrying out the crime
Free lodgings if prison sentence is imposed	Anxiety over punishment Stigma of being labelled a criminal

Source: Conklin (1995:272)

Some criminals believe that crime is more profitable than remuneration for legitimate work. Many criminals, however, continue offending for non-economic rewards, such as the challenge of committing a crime without being caught (Conklin 1995:274).

Another important non-economic reward resulting from crime is excitement. Even being caught may be exciting for the offender. Among juveniles, excitement and relief from boredom are often motives for committing crime. Breaking the rules gives juveniles a feeling of independence or autonomy (Conklin 1995:275).

Risks related to committing a crime include the threat of arrest, conviction and a prison sentence. Offenders plan their crimes so as to minimise the risks. Most offenders – even those who are involved in crime over a long period of time – are eventually arrested. The chances of being arrested for a single crime, however, are relatively remote.

When offenders commit crime over a long period of time and have succeeded in avoiding arrest, they become reckless and overconfident, which then increases their chances of being caught.

In an investigation into why offenders committed the crime of theft, it was found that the excitement of the crime and solidarity with the peer group were considerations in the decision to commit the crime. Money, however, provided the primary motivation. Only 10% of the offenders in the study said that they would continue offending after having provided for their financial needs. The problem is that many people never reach the stage where they feel that their financial needs have been met (Conklin 1995:277).

1.10.9 Summary

In this study unit we looked firstly at socioeconomic factors (eg poverty, unemployment and inadequate physical circumstances) as factors that might contribute to the incidence of crime. The role of relative deprivation was then outlined. Dimensions which influence the propensity to commit a crime (eg

exposure, guardianship, appeal and proximity of the target) were discussed. Subsequently, we provided possible explanations for property crimes in the form of the following theories or perspectives: the theory of differential association, Sykes and Matza's neutralisation theory, Wilson and Herrnstein's theory, and the rational decision-making perspective.

1.10.10 Self-assessment questions

- 1 Identify the missing word: Increased levels of affluence ... the motivation for crime.
 - (a) reduce
 - (b) increase
 - (c) remove
 - (d) balance

- 2 In relation to relative deprivation, identify the correct statement/s.
 - (a) Relative deprivation decreases as expectations rise.
 - (b) Relative deprivation increases when available means increase.
 - (c) The discrepancy between expectations and abilities may motivate people to break the law.
 - (d) All of the above

- 3 To which explanatory theory for property crime does the following excerpt relate? "More recent friendships have a greater impact on criminal behaviour than friendships formed at an earlier age."
 - (a) Opportunity theory
 - (b) Neutralisation theory
 - (c) Differential association
 - (d) Rational decision-making theory

- 4 Identify the correct statement/s with regard to Sykes and Matza's neutralisation theory.
 - (a) Denial of responsibility refers to offenders denying that any harm has been done.
 - (b) Denial of injury refers to offenders denying any personal responsibility for their actions.
 - (c) Both of the above
 - (d) None of the above

- 5 Research has shown that ... is the primary motivation for offenders committing crimes of theft?
 - (a) excitement
 - (b) money
 - (c) solidarity
 - (d) none of the above

1.10.11 Self-assessment answers

- 1 (a)
- 2 (c)
- 3 (c)
- 4 (d)
- 5 (b)

STUDY UNIT 1.11

Prevention of property crimes

Prof. FJW Herbig

- 1.11.1 Introduction
- 1.11.2 Improving socioeconomic conditions
- 1.11.3 Situational crime prevention
- 1.11.4 Effectiveness of situational crime prevention
- 1.11.5 Summary
- 1.11.6 Self-assessment questions
- 1.11.7 Self-assessment answers



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to demonstrate an understanding of the way in which socioeconomic conditions can influence crime
- be conversant with the situational initiatives that can be applied in order to make the commission of crime as difficult as possible
- be able to critically evaluate the effectiveness of different preventative techniques and their application

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

1.11.1 Introduction

In the previous study unit the focus was directed towards the socioeconomic factors

(eg poverty and unemployment) that contribute to criminal behaviour. The explanation for property crimes concentrated on offenders weighing up the risks and rewards associated with committing a particular crime.

In this study unit two main approaches, namely, the improvement of socioeconomic conditions and situational crime prevention, will be discussed. By improving socioeconomic conditions an attempt is made to eradicate the causes of criminal behaviour, while situational crime prevention is aimed at increasing the risks associated with committing a crime and minimising the potential profits arising from the crime.

1.11.2 Improving socioeconomic conditions

The causes of crime are not easy to eradicate. Factors such as poverty, unemployment, a low educational level and relative deprivation cannot be rectified in a short period of time. It is also a time-consuming process because social conditions do not change easily. One useful strategy is to look at countries with a low crime rate and determine what it is that distinguishes those countries from countries with a high crime rate. The latter countries can then attempt to create circumstances similar to those countries with a low crime rate, such as China and Japan.

In China, for example, the opportunity to commit crime was limited by means of careful planning under an authoritarian regime. This created an economy which has made training and a satisfying job available to all. In Japan, workers are often employed by the same company all their lives and the company takes an interest in the welfare of its workers. In recent years, employment mobility in Japan has been increasing, but it still remains far below job mobility in the United States, for example (Conklin 1995:545).

In the United States of America there is a need for a policy to reduce unemployment, stabilise the economy and provide technical skills. Although there is no clear link between unemployment and crime, it is clear that many people who commit conventional crime are unemployed and lack job skills. Consequently, they feel no commitment to the conventional employment establishment. In order to forge a commitment to a social order, job training should include socialisation in work-related skills as well as work techniques (Conklin 1995:545). These skills should include punctuality, the ability to get along with other workers and the willingness to carry out instructions from senior members of staff. One of the important aspects of such training is for trainees to adopt a work routine. Policies that reduce employee turnover and promote workplace loyalty may reduce the crime rate.

In countries with a low crime rate, relative deprivation is usually less prevalent than in those with a high crime rate. In China, for example, control over the mass media limits the population's access to information about the living standards in other countries. Therefore the masses cannot easily compare their living conditions with those of other countries (Conklin 1995:545). The absolute level of economic welfare in a country has a lesser influence on the crime rate than relative deprivation and the discrepancy between current economic welfare and economic expectations. The Chinese are deprived when compared to the American population, but crime is relatively rare in China. The reason for this could be that economic expectations have

not risen because people have not been constantly exposed to higher standards of living.

In contrast, Americans at all levels are exposed to great affluence and the population is under pressure to work hard in order to achieve material success. A person's value is measured by the degree of material prosperity he or she has achieved. Some Americans who enjoy a higher absolute living standard than most Chinese people regard themselves as relatively deprived when compared to other more affluent Americans. This perception may lead to conventional property crimes (Conklin 1995:546). Policymaking in respect of crime prevention should aim to reduce the emphasis on material prosperity as an indicator of personal worth and subsequently to narrow the gap between the poor and the rest of the population.

In South Africa, the apartheid system widened the gap between the "haves" and "have nots". Separate development in respect of education, health, welfare, transport and employment created serious inequality between different population groups. Over the years, socioeconomic conditions in black townships deteriorated and squatter camps, where desperate physical conditions prevail, are still growing as a result of the housing shortage, poverty and unemployment. South Africa's present government has established a democratic administration, which is dedicated to eradicating inequality and improving socioeconomic conditions.

1.11.3 Situational crime prevention

Situational crime prevention is a fairly recent concept and refers to a preventative approach that aims to reduce opportunities to commit crime (Clarke 1992:3). Proponents of the situational crime prevention approach support the view that if offenders first weigh up the rewards and risks of crime, they will subsequently be deterred if it is made as difficult as possible for them to commit the crime.

Situational crime prevention includes measures to reduce the opportunities for crime.

Newburn (2008:579) suggests the following 25 techniques for situational crime prevention.

Increase the effort	Increase the risks	Reduce the rewards	Reduce provocations	Remove excuses
<p>1. <i>Target hardening</i></p> <ul style="list-style-type: none"> Steering column locks and immobilisers Anti-robbery screens Tamper-proof packaging 	<p>6. <i>Extend guardianship</i></p> <ul style="list-style-type: none"> Go out in groups at night Leave signs of occupancy Carry mobile phone 	<p>11. <i>Conceal targets</i></p> <ul style="list-style-type: none"> Off-street parking Gender neutral telephone directories Unmarked armoured trucks 	<p>16. <i>Reduce frustrations and stress</i></p> <ul style="list-style-type: none"> Efficient queues Polite service Expanding seating Soothing music or muted lighting 	<p>21. <i>Set rules</i></p> <ul style="list-style-type: none"> Rental agreements Harassment codes Hotel registration
<p>2. <i>Control access to facilities</i></p> <ul style="list-style-type: none"> Entry phones Electric card access Baggage screening 	<p>7. <i>Assist natural surveillance</i></p> <ul style="list-style-type: none"> Improved street lighting Defensible space design Support whistle-blowers 	<p>12. <i>Remove targets</i></p> <ul style="list-style-type: none"> Removable car radio Women's shelters Pre-paid cards for pay phones 	<p>17. <i>Avoid disputes</i></p> <ul style="list-style-type: none"> Separate seating for rival sports fans Reduce crowding in bars Fixed taxi fares 	<p>22. <i>Display instructions</i></p> <ul style="list-style-type: none"> No parking Private property Extinguish camp fires
<p>3. <i>Screen exits</i></p> <ul style="list-style-type: none"> Ticket needed for exit Export documents Electronic merchandise tags 	<p>8. <i>Reduce anonymity</i></p> <ul style="list-style-type: none"> Taxi driver IDs 'How's my driving?' deals School uniforms 	<p>13. <i>Identify property</i></p> <ul style="list-style-type: none"> Property marking Vehicle licensing and parts marking Cattle branding 	<p>18. <i>Reduce temptation and arousal</i></p> <ul style="list-style-type: none"> Controls on violent pornography Enforce good behaviour on sports fields Prohibit racial slurs 	<p>23. <i>Alert conscience</i></p> <ul style="list-style-type: none"> Roadside speed display boards Signatures for customs declarations 'Shoplifting' is stealing
<p>4. <i>Deflect offenders</i></p> <ul style="list-style-type: none"> Street closures Separate bathrooms for women Disperse pubs 	<p>9. <i>Use place managers</i></p> <ul style="list-style-type: none"> CCTV for double-decker buses Two clerks for convenience stores Reward vigilance 	<p>14. <i>Disrupt markets</i></p> <ul style="list-style-type: none"> Monitor pawn shops Control on classified ads Licensed street vendors 	<p>19. <i>Neutralise peer pressure</i></p> <ul style="list-style-type: none"> 'Idiots drink and drive' 'It's OK to say No' Disperse troublemakers at school 	<p>24. <i>Assist compliance</i></p> <ul style="list-style-type: none"> Easy library checkout Public lavatories Litter receptacles
<p>5. <i>Control tools or weapons</i></p> <ul style="list-style-type: none"> 'Smart guns' Disabling stolen mobile phones Restrict spray paint sales to juveniles 	<p>10. <i>Strengthen formal surveillance</i></p> <ul style="list-style-type: none"> Infrared cameras Burglar alarms Security guards 	<p>15. <i>Deny benefits</i></p> <ul style="list-style-type: none"> Ink merchandise tags Graffiti cleaning Disabling stolen mobile phones 	<p>20. <i>Discourage imitation</i></p> <ul style="list-style-type: none"> Rapid repair of vandalism V-chips in TVs Censor details of <i>modus operandi</i> 	<p>25. <i>Control drugs and alcohol</i></p> <ul style="list-style-type: none"> Breathalysers in bars Server (waiter) intervention programmes Alcohol-free events

Source: Newburn (2008)

1.11.4 Effectiveness of situational crime prevention

Situational crime prevention is aimed mainly at preventing property crime, although it may combat other categories of crime as well. Research has shown that specific initiatives, such as fences, burglar bars, improved street lighting, car alarms and immobilisers, closed-circuit television, as well as tracking systems will prevent theft and burglaries to a large extent.

One of the most frequently voiced criticisms of situational crime prevention measures concerns *displacement* – the idea that the impact of such measures tends to be geographically limited and simply to mean that crimes that would have been committed are now more likely to be committed elsewhere. According to this line of criticism, situational measures do not prevent crime; they merely displace it from one place to another. So serious is this criticism that Clarke (in Newburn 2008:582) has referred to it as the “Achilles heel” of situational prevention. Thus Heal and Laycock (in Newburn 2008:582) argue that there is little point in the policymaker investing resources and effort in situational prevention if, by doing so, he or she merely shuffles crime from one area to the next, but never reduces it. For this reason, the possibility of displacing crime by preventative intervention is a crucial issue for the policymaker.

There are a number of different forms of possible displacement:

- *Temporal* – committing the intended crime at a different time.
- *Spatial* – committing the intended crime in a different place.
- *Target* – switching the crime focus from one target to another.
- *Tactical* – committing the intended crime using a different method.
- *Functional* – committing a different type of crime from the type initially intended.

Pease (in Newburn 2008:582), however, cautions against the easy assumption that somehow displacement undermines the claims of situational prevention. Firstly, identifying displacement, or its absence, is extremely difficult. Thus if in truth displacement is complete, some displaced crime will probably fall outside the areas and types of crime being studied or be so dispersed as to be masked by background variation. In such an event, the optimist would speculate about why the unmeasured areas or types of crime probably escaped displaced crime, while the pessimist would speculate why they did not. No research study, however massive, is likely to resolve the matter. The wider the scope of the study in terms of types of crime and place, the thinner the patina of displaced crime that could be spread across them; thus disappearing into the realm of measurement error.

Secondly, all examples of displacement are not necessarily evidence of failure. Thus, there may be occasions when, as a result of preventative efforts, there is some change in the criminal activities that makes them less harmful (moving the site of a drugs market or a red-light area, for example). This is called crime deflection rather than crime displacement.

Whether or not displacement is likely depends on a number of factors. One of these is what Cornish and Clarke (in Newburn 2008:582) refer to as “choice structuring properties” – in effect the differential nature of the choices faced by offenders under differing circumstances. A study of motorcycle thefts in West Germany found that one of the consequences of the enforcement legislation making motorcycle helmets compulsory was that theft of motorbikes reduced by 100 000. The reason was that

offenders who were unable to steal a helmet at the same time they stole a bike were taking significantly increased risks in going ahead with the theft because they were much more likely to be stopped by the police. The researchers hypothesised that many such thefts were most likely undertaken in order to joyride or for some other temporary use, such as getting home late at night. If this was the case then it was likely that there would be some increase in the theft of cars and bicycles to offset the decline in motorcycle thefts. However, although there was an increase in bicycle thefts, this was both small and temporary (most likely because neither provide the thrill nor, necessarily, a real practical alternative to a motorcycle). The different choices available affect the outcomes and these are “choice structuring properties”.

A final reason for taking a more thoughtful approach toward the impact of preventive efforts is that just as it is possible that they may displace criminal activity from one place to another, it is also possible that they may have positive consequences in places that were not initially targeted. Thus, one of the positive outcomes of situational prevention – in some ways the reverse of displacement – is what has been referred to as the *diffusion of benefits*. Examples include the following:

- Security added to houses in a residential estate that had been repeatedly burgled reduced burglaries for the whole estate, not just for those houses given additional protection.
- Improved street lighting in a housing estate caused crime to decline in both the estate and a nearby one where the lighting was not changed.
- CCTV cameras installed to monitor car parks reduced car crimes as much in one car park not covered by the cameras as it did in the three that were covered.
- Electronic tagging of books in a university library not only resulted in reduced book theft, but also theft of DVDs and other materials that had not been tagged.

One may conclude that situational crime prevention does play an important role in reducing the crime rate. Without, among other things, techniques such as target reinforcement (hardening), access control, removal of targets and enticements, and more intensive surveillance, the crime rate would in all likelihood be much higher.

1.11.5 Summary

In this study unit, we discussed how improving socioeconomic conditions can prevent crime. We, furthermore, examined various situational crime prevention initiatives, their effectiveness and the criticism being levelled against the approach.

1.11.6 Self-assessment questions

- I “Idiots drink and drive” relates to which situational crime prevention technique?
 - (a) Neutralise peer pressure
 - (b) Alert conscience
 - (c) Deflect offenders
 - (d) Discourage imitation

- 2 In countries with a low crime rate, relative deprivation is usually ... prevalent than in ones with a high crime rate?
 - (a) more
 - (b) equally
 - (c) less
 - (d) none of the above

- 3 Tactical displacement refers to ...
 - (a) switching the crime focus from one target to another.
 - (b) committing the intended crime in a different place.
 - (c) committing the intended crime using a different method.
 - (d) committing the intended crime at a different time.

- 4 Situational crime prevention is aimed mainly at preventing which type of crime?
 - (a) Economic crime
 - (b) Violent crime
 - (c) Domestic crime
 - (d) Property crime

- 5 What can be regarded as the main criticism levelled against situational crime prevention?
 - (a) It is extremely expensive.
 - (b) It merely displaces crime.
 - (c) It does not effectively deter criminals.
 - (d) None of the above.

1.11.7 Self-assessment answers

- 1 (a)
- 2 (c)
- 3 (c)
- 4 (d)
- 5 (b)



THEME 2

The role of the National Crime Prevention Strategy in the successful prevention of crime



THEME OUTCOME

Demonstrate an understanding of the importance of the National Crime Prevention Strategy (NCPS) in the successful prevention of crime.

Assessment criteria

When you have completed this theme you should be able to

- understand the importance of the NCPS as a tool of government to address the crime problem
- reflect on the implementation of various techniques discussed in the NCPS
- comprehend the international norms pertaining to crime prevention
- identify and evaluate the roles of the various state departments
- demonstrate an ability to deal with unfamiliar concrete and abstract problems and issues using evidence-based solutions and theory-driven arguments

STUDY UNIT 2.1

The role of the National Crime Prevention Strategy in the successful prevention of crime

Revised by M Victor-Zietsman

- 2.1.1 Introduction
- 2.1.2 Basic premises of the National Crime Prevention Strategy
- 2.1.3 Functioning of the South African National Crime Prevention Strategy
- 2.1.4 The four crime prevention pillars or models
 - 2.1.4.1 The integrated criminal justice model
 - 2.1.4.2 Crime prevention by means of environmental design and control
 - 2.1.4.3 Promotion of community values and education
 - 2.1.4.4 Prevention of transnational crimes
- 2.1.5 Points of criticism against the South African National Crime Prevention Strategy
- 2.1.6 Summary
- 2.1.7 Self-assessment questions
- 2.1.8 Self-assessment answers
- 2.1.9 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should

- have detailed knowledge of the South African National Crime Prevention Strategy
- be conversant with the objectives and proposed programmes of the four crime prevention pillars or models

- appreciate the importance of the NCPS as a tool of government to address the crime problem
- be able to evaluate the implementation of various techniques discussed in the NCPS
- understand the different roles of the various state departments in the NCPS

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

2.1.1 Introduction

South Africa's criminal justice system is in a crisis – it does not have the ability to prevent, process or deter crime. Consequently, countering high levels of criminality in South Africa has become a central focus of government policy. From the mid-1980s, crime in South Africa increased dramatically, peaking in 1996 whereafter it stabilised at high levels. Increasingly, a key component of the government's policy focus on crime control is on preventative actions aimed at undercutting the causes and costs of lawlessness (Shaw 1998:1).

In an effort to address the crime problem in South Africa, the government adopted the National Crime Prevention Strategy (NCPS) in 1996, which provided a framework for a multidimensional approach to crime prevention. The NCPS also provided, among other things, a means by which government departments could integrate their approaches to problems of crime control and crime prevention. The aim is to reduce crime, firstly through more effective and efficient policing as part of an effective justice system and, secondly, through a greater ability to prevent crime.

This study unit will investigate the basic premises of the NCPS, as well as the functioning and pillars upon which the NCPS rests. No discussion is, however, complete without examining the criticism that exists and therefore we will end this discussion by having a closer look at the contributions and the limitations of the NCPS.

2.1.2 Basic premises of the National Crime Prevention Strategy

The NCPS is intended as a comprehensive multi-agency approach to crime prevention. It aims to influence the operations of the Departments of Safety and Security, Justice, Correctional Services, Welfare, Defence, Intelligence, Health and Education. Because the justice system is a single enterprise, the NCPS has established new coordination structures including joint decision making by directors-general and ministers of NCPS departments (Shaw 1998:2–4).

Thus, it is clear that the NCPS is an integrated model which recognises that the state

bears a great deal of the responsibility to prevent crime. The following issues are emphasised in this document:

- Crime prevention requires the cooperation of all roleplayers, including politicians, government departments and members of the community.
- Crime prevention has to operate at various levels – state, provincial and local – in order to cater for the unique needs of the various regions and communities.
- Crime prevention programmes must be based on the fundamental causes of crime, especially the specific factors in South Africa that contribute to crime.
- Crime prevention programmes have to focus on the crime, the offender and the victim.

Any crime prevention programme which ignores one or more of these elements will be doomed to failure.

- The NCPS focuses on four particular prevention models (pillars) in addition to the crime prevention models already applied by various government departments (eg the Department of Welfare's socioeconomic development plan and crime prevention programmes). The current plan concerns itself with crime prevention that is not catered for by other government departments, the growth and development programme or other parties.
- Responsibility for implementing the programme has to reside in the office of the minister charged with the National Growth and Development Strategy.
- The various programmes must be evaluated on an ongoing basis.
- Specific departments must be identified as being responsible for planning and implementing the programmes in cooperation with other government departments.
- In terms of the NCPS, there is a fundamental shift from reactive crime control to proactive crime prevention.

2.1.3 Functioning of the South African National Crime Prevention Strategy

The Minister of Safety and Security has the overall responsibility for the NCPS. The strategy aims to reduce the levels of crime in a sustainable way and wants to achieve this by addressing the causes, as well as the factors and the risks that contribute to the high crime rate.

The initial participants of the NCPS were the Departments of Correctional Services, Social Development, Justice, Safety and Security, Defence, Intelligence and Interior, but subsequently the Departments of Art, Culture, Science and Technology, Education, Transport, Health and Provincial Affairs have also become involved (Fanaroff 1998:22). These departments now take responsibility for implementing the programmes.

Although some programmes fall within the scope of a particular department, most of the programmes span more than one department. A particular department, nevertheless, takes responsibility for its overall operation by

- identifying the roleplayers involved

- ensuring the coordination of roleplayers' plans and compliance with the objectives of the programmes
- ensuring that the various roleplayers' budgets make provision for the programmes
- making the necessary resources available for the programmes
- disseminating information on the programmes
- reporting to the relevant ministers and directors general as well as to the Cabinet Committee for Safety and Security



ACTIVITY 1

Discuss with your fellow students on *myUnisa* the importance of an integrated and coordinated approach to crime prevention in South Africa.

The Ministry of Safety and Security's main objective is to ensure that all state and local institutions provide effective services at national, provincial and local levels.



ACTIVITY 2

Give two reasons why you think the following types of crime should be considered as priority crimes:

- 1 crimes involving firearms
- 2 organised crime: illegal immigration, illegal drug trade, illegal trade in endangered species
- 3 white-collar crime
- 4 violence against women and children
- 5 inter-group conflict and violence
- 6 vehicle theft and hijacking
- 7 corruption in the criminal justice system

In 1998, Cabinet decided that violent crime and corruption should be the priority crimes upon which the NCPS should focus (Fanaroff 1998:22).

The strategy emphasises that crime in South Africa has no single cause and that the causes of each type of crime are unique and demand a unique prevention strategy (NCPS 1996:5). However, the NCPS has identified the following specific factors which play a role in crime in South Africa:

- the disintegration of social control and the negotiated transition to democracy
- the political culture of violence and crime
- justification of crime in political terms
- political conflict and rivalry
- lack of a national consensus on crime
- poverty, unemployment and relative deprivation as a result of apartheid
- particular economic developments in South Africa
- the marginalisation of the youth
- inadequate support and services for victims of crime

- vigilantism, revenge and self-defence units
- specific socio-psychological factors in South Africa
- free access to firearms as a result of wars of liberation in South Africa and neighbouring countries
- gender inequality

Consequently four crime prevention models were adopted.

2.1.4 The four crime prevention pillars or models

The NCPS is a comprehensive programme based on a wide variety of crime factors. The four pillars or models centre on a number of crime prevention programmes and it is important that models be implemented in their entirety to prevent crime effectively. The various government departments concerned with crime prevention have to cooperate in order to prevent overlapping and waste of funds.

We will now discuss the four models briefly and give examples of the various programmes.

2.1.4.1 The integrated criminal justice model

The following are some of the objectives of the integrated criminal justice model:

- to promote the effectiveness of the criminal justice system by focusing on the needs of offenders and victims to improve the credibility of the criminal justice system
- to make the courts accessible to all, especially those who are relatively powerless (eg women, children and victims)
- to promote good interdepartmental liaison, especially in the interests of preventing and controlling crimes identified as high-priority crime (ie crime involving firearms, organised crime, illegal immigration, drug trafficking, poaching, dealing in endangered species, gang-related crime and white-collar crimes)
- to develop an integrated management system in order to promote the successful investigation, prosecution and punishment of high-priority crimes

Some of the recommended programmes include

- the effective management and control of the criminal justice system
- an inclusive crime information and intelligence service
- an effective prosecution policy
- appropriate community service programmes
- diversion programmes for juveniles
- the safe detention of juveniles
- the coordination and rationalisation of laws
- the support and empowerment of crime victims



ACTIVITY 3

Visit any criminal justice institution and find out what programmes they are presenting.

2.1.4.2 Crime prevention by means of environmental design and control

This model is also known as the model which “limits crime opportunities” and focuses on

- restricting the opportunities to commit crimes, especially those where the rates of detection and prosecution are low
- security for homes and shopping centres, upgrading existing areas and security for new structures
- encouraging overall environmental security by means of information and publicity campaigns, especially in the media
- urban development, transport systems and residential areas

Some of the programmes in this model include

- an effective administration and communication programme
- an identification system for marking articles in order to prevent fraud and theft
- a programme for combating vehicle theft
- a programme that focuses on corruption and commercial crime



ACTIVITY 4

Visit your nearest school and find out what crime prevention programmes are presented at the school.

2.1.4.3 Promotion of community values and education

The valuable role the community can play in crime prevention is often underestimated. This model aims specifically at the promotion of community values and education in an effort to prevent crime. Some of the basic premises of this model are to

- inform the community about how the criminal justice system functions
- promote community values and norms that reject crime and violence
- teach non-violent solutions to conflict in the community
- make members of the community aware of steps they themselves can take to reduce the risk of victimisation
- implement school-based programmes that teach life skills, non-violent problem-solving techniques, how the criminal justice system functions and respect for human rights

Some of the recommended programmes include

- public education programmes

- school programmes
- information disseminated via the media
- mediation programmes

2.1.4.4 Prevention of transnational crimes

Some of the objectives of this model are to

- control the smuggling of various commodities, such as drugs and diamonds, and to control the trade in protected species
- control the influx of illegal immigrants
- prevent organised crime
- prevent money laundering

Some of the proposed programmes include

- cooperation with neighbouring states and international organisations such as Interpol
- cooperation with other departments and the public
- increased policing and intelligence control



NOTE

Human trafficking where human beings (mostly women and girls) are trafficked is an example of a transnational crime which is on the increase. These people are trafficked and sold in the same way as drugs and diamonds.

2.1.5 Points of criticism against the South African National Crime Prevention Strategy

Although the South African NCPS is an important development in addressing the crime problem in South Africa, it has a number of shortcomings. The following nine points are regarded as the most significant shortcomings:

- 1 There is no proper infrastructure for implementing crime prevention programmes. Because of the interdepartmental approach of this strategy, it is therefore difficult to establish who is responsible for the various programmes. Shaw (1997:48; 1998:2) points out that although local authorities have been identified as important partners in crime prevention, the nature of their duties have not yet been identified.
- 2 Graham and Bennett (1995:xii) highlight the problems that may arise when a number of departments and institutions have to cooperate in implementing and operating crime prevention projects. They mention inadequate coordination, conflicting priorities, differences between experts on the nature of the problem and how to deal with it, perceived threats in issues of professional autonomy and areas of responsibility, and a lack of knowledge of the role and responsibility of each group. These problems may cause projects to fail.
- 3 Central government should provide comprehensive training for key people; this

training should focus on planning, implementation, affordability and the evaluation of crime prevention programmes. Although a programme might be successful in a developed country, it should not be assumed that it will be successful in a developing country, and therefore information documents should be part of crime prevention plans.

- 4 There is concern about the practical implementation of crime prevention programmes. The feasibility of some crime prevention programmes in a relatively underdeveloped and poor country such as South Africa which lacks both expert human resources and funds are often questioned. These programmes are just one part of the integrated criminal justice system.
- 5 Funding of programmes is a significant source of concern. According to Fanaroff (in Camerer & Kotze 1998:22), funding for the programmes has to come from the budgets of the participating departments and provincial governments. It is doubtful whether they are able to allocate this money for crime prevention projects in view of the large number of pressing community needs for which they need to budget. It is also doubted that crime prevention programmes are a true priority for many of the departments and local authorities (Nedcor ISS Crime Index 1998:8).
- 6 The NCPS is not linked to a time frame and this is detrimental to the implementation of crime prevention programmes. Consequently, community members may lose faith in the strategy, because for them crime prevention is a major priority.
- 7 Although the NCPS identifies a number of specific factors that contribute to crime in South Africa, no attempt has been made to link these factors to the four crime prevention models which have been developed (Naude 1998:25). The strategy also ignores the many universal factors that give rise to crime, as pointed out by Van Dijk (1998:8). This is a serious shortcoming with extremely detrimental effects; in essence, it means that the strategy does not specifically address the causes of crime. The four models could be described merely as policy-driven models that are not really aimed at addressing the causes of crime in South Africa, but instead are aimed at controlling crime in order to prevent it, which is an extremely narrow approach to the crime problem.
- 8 The NCPS is also narrow when compared with the large number of crime prevention models that are being applied globally.
- 9 Not enough attention is being given to the involvement of the youth in crime, especially violent crime (Naude 1998:26). The incidence of violent crime among the South African youth is alarmingly high. Violent crime, especially among juveniles, and the increasing brutality that accompanies such crimes, should therefore be a primary focus of the NCPS.



ACTIVITY 5

Debate the various crime prevention programmes with your fellow students on myUnisa.

2.1.6 Summary

This study unit looked at the premises on which the NCPS is based. We discussed the main objectives of the four crime prevention pillars or models and gave examples of proposed crime prevention programmes.

It is clear that the NCPS has a valuable role to play. However, practical implementation is often problematic and attention should be paid to addressing the concerns regarding the NCPS.

2.1.7 Self-assessment questions

- 1 School programmes are part of the model.
 - (1) promotion of community values and education
 - (2) environmental design and control
 - (3) prevention of transnational crimes
 - (4) integrated criminal justice model

- 2 Diversion programmes for juveniles is a recommended programme for the crime prevention model.
 - (1) promotion of community values and education
 - (2) environmental design and control
 - (3) prevention of transnational crimes
 - (4) integrated criminal justice model

- 3 Which crime prevention model focuses on urban development, transport systems and residential areas?
 - (1) Promotion of community values and education
 - (2) Environmental design and control
 - (3) Prevention of transnational crimes
 - (4) Integrated criminal justice model

- 4 Teaching non-violent solutions to conflict in the community is a basic premise of the model.
 - (1) promotion of community values and education
 - (2) environmental design and control
 - (3) prevention of transnational crimes
 - (4) integrated criminal justice model

- 5 Who has the overall responsibility for the NCPS in South Africa?
 - (1) Minister of Safety and Security
 - (2) Minister of Justice
 - (3) Minister of social development
 - (4) Minister of Defence

2.1.8 Self-assessment answers

- 1 (1)
- 2 (4)
- 3 (2)
- 4 (1)
- 5 (1)

2.1.9 Feedback on activities

Activity 1

The fight against crime cannot be fought in isolation. All possible roleplayers need to work together effectively to create an effective and coordinated crime prevention approach. Too often finger pointing and a lack of effective and coordinated programmes hamper crime prevention instead of promoting it. In addition, it must be remembered that crime prevention is the responsibility of every citizen.

Activity 2

Answers will differ. Students should self-assess their answers by comparing them to those of other students on myUnisa.

Activity 3

Programmes such as awareness of the advantages of diversion and restorative justice are presented. However, there are many other programmes that depend on the area you are from.

Activity 4

Students' answers will differ. Compare yours with other students on myUnisa.

Activity 5

Your discussion will be dependent on your area, but common programmes are those against child sexual abuse, drug abuse and so on.

THEME 3

**Roleplayers in
the criminal
justice system:
the South African
Police Service
and Correctional
Services**





THEME OUTCOME

Demonstrate an understanding of the roles and functions of the Departments of Safety and Security and Correctional Services within the criminal justice system.

Assessment criteria

When you have completed this theme you should

- be able to answer diverse multiple-choice questions in order to demonstrate your knowledge and understanding into the study material
- be knowledgeable on the structure and functioning of the Department of Safety and Security
- be conversant with the South African Police Service (SAPS) and be able to evaluate its effectiveness in preventing crime
- understand the powers, functions and duties of the provincial commissioners
- be able to evaluate the different components (units) of the SAPS
- be knowledgeable on the structure, purpose and functioning of the Department of Correctional Services
- be familiar with the vision and mission statements of the Department of Correctional Services

Overview

The roleplayers in the criminal justice system are those who are responsible for reducing criminal behaviour. A system is a set of interrelated parts that functions independently or jointly in a complex environment with a specific goal in mind (Dantzker 1998:69). The criminal justice system is an open system which consists of various subsystems. In South Africa, the criminal justice system is coordinated mainly by four state departments, namely Safety and Security (police), Justice (courts), Correctional Services (corrections) and Welfare.

In this theme, we look specifically at the SAPS and Correctional Services as roleplayers in the criminal justice system. We will focus on the organisational structure of specialist units as well as the functions and duties of each unit.

STUDY UNIT 3.1

The Department of Safety and Security

Revised by M Victor-Zietsman

- 3.1.1 Introduction
- 3.1.2 Key concepts
- 3.1.3 Structures falling under the Department of Safety and Security
 - 3.1.3.1 Department of Police
 - 3.1.3.2 Independent Complaints Directorate (ICD)
 - 3.1.3.3 South African Police Service (SAPS)
 - 3.1.3.4 The Police Civilian Secretariat
- 3.1.4 The structure of the South African Police Service
 - 3.1.4.1 National level
 - 3.1.4.2 Provincial level
 - 3.1.4.3 Station level
- 3.1.5 Functions of divisions within the SAPS
 - 3.1.5.1 Crime intelligence and crime detection
 - 3.1.5.2 Operational services
 - 3.1.5.3 Management, financial and administration services
 - 3.1.5.4 Human resource management and legal services
 - 3.1.5.5 Logistical, evaluation, security and protection services
- 3.1.6 Rank structure of the South African Police Service
- 3.1.7 Summary
- 3.1.8 Self-assessment questions
- 3.1.9 Self-assessment answers
- 3.1.10 Feedback on activities



LEARNING OUTCOMES

When you have completed this unit, you should

- understand the top structure of the SAPS
- be conversant with the powers, duties and functions of the national and provincial commissioner
- have knowledge of the different levels of the SAPS's structure
- appreciate the various functions of the SAPS
- be knowledgeable on the rank structure of the SAPS

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

3.1.1 Introduction

In South Africa, all citizens have the right to live and work in a safe environment. However, most South Africans do not feel safe. In an effort to safeguard its citizens, every state has some sort of security department. The Department of Safety and Security is not only in the service of the state, but also in the service of the South African nation. Thus it is very important to understand the nature and the working of those agencies responsible for protecting and safeguarding us.

What follows below is a discussion on the structures of the Department of Safety and Security. As the police service is a very important structure, more detailed attention will be given to the structure and functioning of the SAPS.



ACTIVITY I

Have you ever attended a community policing forum? Revise the objectives of community policing and attend the next community policing meeting in your area. Write down your observations.

3.1.2 Key concepts

- Department of Police
This government structure is responsible for overseeing the SAPS and also the Independent Complaints Directorate.
- The South African Police Service
This is a very important Safety and Security structure which is primarily

responsible for crime prevention and the safeguarding of all people in South Africa. It is regulated by the Constitution as well as the South African Police Service Act, Act 68 of 1995.

- **The Independent Complaints Directorate**
This structure is governed by the SAPS Act and is responsible for ensuring the proper and effective investigation of reports of misconduct and offences by members of the SAPS.
- **Police Civilian Secretariat**
A structure established by the Constitution to keep a watchful eye on the management, service delivery and the way in which resources are used by the police service

3.1.3 Structures falling under the Department of Safety and Security

Three structures fall under the authority of the Minister of Safety and Security, namely, the Department of Police, the Independent Complaints Directorate (ICD) and the South African Police Service. The Police Civilian Secretariat is also a structure falling under the Department of Safety and Security, but is more independent as undue influence and biased reporting should be eliminated.

3.1.3.1 Department of Police

The Department of Police was formerly known as the Secretariat for Safety and Security and is one of the departments of the South African government. This department oversees the Independent Complaints Directorate and the SAPS. Currently, the Minister of Police is Nathi Mthethwa, who replaced Charles Nqakula after President Mbeki's resignation in September 2008.

3.1.3.2 Independent Complaints Directorate (ICD)

The Independent Complaints Directorate is governed by chapter 10 of the SAPS Act of 1995. The primary role of the directorate is to ensure that any reports of offences and misconduct committed by the SAPS are investigated in an effective manner. The ICD is further tasked with the following:

- Investigating all deaths in police custody or that result from police action. In such cases, an investigation is conducted to determine whether or not there are any indications of criminal conduct by members of the police. If there are no such indications, the matter is left to the police to investigate; the ICD, however, monitors or supervises such an investigation. If, however, information is obtained that indicates that there was criminal conduct on the part of the police, the ICD takes over and conducts a full investigation. On completion of an investigation, the ICD may recommend to the Directorate of Public Prosecutions and to the SAPS management that a SAPS member be prosecuted.

Although the ICD is operationally independent of the SAPS, it reports to parliament through the Minister of Safety and Security.



NOTE

The ICD regularly publishes the figures of police officials who are under investigation for the commission of criminal offences. It is alarming to note that many of them are also arrested for violent crimes, such as rape or murder. A recent example is where SAPS officials stopped people with the blue lights of their patrol cars, only to rob them. Such behaviour may cause the community to lose respect for law enforcers and law enforcement in general.

3.1.3.3 South African Police Service (SAPS)

Internal security and crime prevention are primarily the responsibility of the SAPS. As a point of departure, one should consult the Constitution of South Africa which makes explicit provisions for the SAPS. It also requires legislation to provide for the establishment and regulation of SAPS. Such legislation is contained in the South African Police Service Act (Act 68 of 1995), which provides (in theory) for an accountable, impartial, transparent, community-oriented and cost-effective police service that maintains high standards of professionalism. The Act also provides for a civilian ministerial secretariat, community police forums and boards, and an independent complaints directorate. The strategic focus, structures and functions of the SAPS will be discussed in more detail in the following sections.

The SAPS is structured at both national and provincial levels and falls under the direction of the national government and the various provincial governments. It is in essence aimed at

- ensuring the safety and security of all people and property in the national territory
- upholding and safeguarding the fundamental rights of every person as guaranteed by Chapter 3 of the Constitution
- ensuring cooperation between the SAPS and the communities it serves in the combating of crime
- reflecting respect for the victims of crime and an understanding of their needs
- ensuring the effective supervision of the SAPS

As mentioned before, the SAPS is thus responsible for creating a safe and protective environment for all the inhabitants of South Africa and must, therefore, meet the objectives of the SAPS in terms of section 205(3) of the Constitution, namely, to

- prevent, combat and investigate crime
- maintain public order
- protect and safeguard the people (inhabitants) of the country and their property
- uphold and enforce the law

3.1.3.4 The Police Civilian Secretariat

The Police Civilian Secretariat was established in terms of section 208 of the

Constitution, and Chapter 2, section 2(1) of the South African Police Service Act 68 of 1995 to serve as a principal advisor to the Minister. It also provides civilian oversight of the governance, service delivery and resourcing of the SAPS.

The philosophy behind the establishment of this structure entails ensuring that the monitoring and evaluation of the SAPS is free from undue influence and that unbiased and transparent reporting is ensured.

3.1.4 The structure of the South African Police Service

The SAPS is structured on a national, provincial and station level. Figure 1 illustrates this structure.

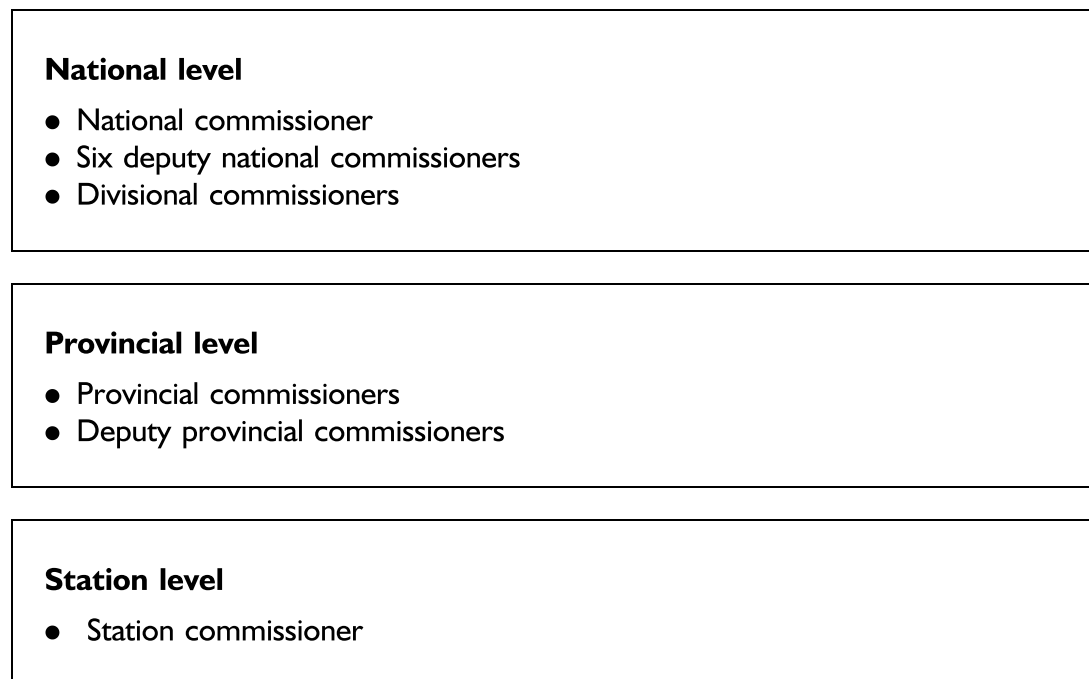


FIGURE 1: Structure of the SAPS

Now that we know that the police functions on these different levels, it is necessary to look at the responsibilities, accountabilities, purposes and functions of the police on the different levels.

3.1.4.1 National level

The national commissioner is the head of the SAPS and is responsible for its control and management. He or she has the power, duty and function to

- develop a plan before the end of each financial year in which he or she sets out the priorities and objectives of policing for the following financial year
- determine the fixed establishment of the SAPS and the number and grading of posts

- determine, after consultation with the board (consisting of the national and provincial commissioners), where members of the SAPS should be located
- organise or reorganise the SAPS at national level into various components, units or groups
- establish and maintain training institutions or centres for the training of students and other members
- establish and maintain bureaus, depots, quarters, workshops or any other institutions of any nature whatsoever which may be expedient for the general management, control and maintenance of the SAPS
- perform any legal act or act in any legal capacity on behalf of the SAPS



FOOD FOR THOUGHT

What are your thoughts on the prosecution of the previous national commissioner of the South African Police? What are your thoughts on the current SAPS national commissioner, Beki Cele's words: "shoot to kill"?

The national commissioner is assisted by six deputy national commissioners who are responsible for the following portfolios: Crime Intelligence and Crime Detection; Operational Services; Management, Financial and Administration Services; Human Resource Management and Legal Services; Logistical, Evaluation, Security and Protection Services; and Internal Audit.

3.1.4.2 Provincial level

The functioning of the SAPS on a provincial level is set out as follows:

(a) Functional activities of the provincial commissioner

Deputy provincial commissioners assist the provincial commissioner with his or her responsibilities within the province as determined by national directives.

(b) Accountability

The provincial commissioner reports directly to the national commissioner.

(c) Purpose

The overall purpose of the provincial commissioner's position is to ensure a safe and secure environment in the province by means of efficient policing as required by relevant legislation, as well as government and departmental policies and directives.

(d) Functions of the provincial commissioner

The primary function of a provincial commissioner is to manage the following crime combating and crime detection functions effectively in the province, namely:

- crime prevention
- community service centres

- detective services
- crime intelligence

The secondary function of the provincial commissioner is to effectively manage the following functions in support of the above primary responsibilities, namely:

- legal services
- logistics
- financial services
- auxiliary services
- communication and liaison services
- human resource management
- management services
- evaluation services



NOTE

In 2006, the SAPS was restructured and the area level of control was abolished. The provincial commissioner now has to attend to that duties that previously fell under the jurisdiction of the area commissioner. Station commissioners now also have greater powers. However, policing experts regret the decision to abolish this important level of control.

3.1.4.3 Station level

This level of responsibility ensures a safe and secure environment in the station area by means of efficient policing as required by relevant legislation, as well as by government and departmental policies and directives. The station commissioner is also responsible for managing the following crime combating and crime detection functions within the station area:

- 1 crime prevention
 - visible policing
 - community service centres
 - detective services
 - a crime information analysis centre (CIAC)
- 2 support services
 - logistics
 - financial services
 - administrative services
 - communication services
 - human resource management
 - management information office



NOTE

Station commissioners report directly to the provincial commissioner.

3.1.5 Functions of divisions within the SAPS

The SAPS has various divisions which offer high-level technical support and information in the field of crime prevention and control. Since new units are established and existing units closed according to need, it is possible that we might not mention all the divisions and units here.

A distinction can be made between operational, investigation and support services. Operational services respond reactively after a member of the public has reported a crime or the unit has uncovered a crime on its own initiative; in other words, they are responsible for crime prevention and control. The task of crime intelligence and crime detection services is to investigate crimes and render additional assistance in the investigation of such cases by providing crime intelligence. Support services such as management; financial and administration services; human resource management and legal services; and logistical, evaluation, security and protection services fulfil a support function in order to assist members of the operational and investigative units and to ensure that they have the necessary training, logistical support, finances and services to perform their functions effectively.

In order to understand where and to whom members of the SAPS deliver their services, it is necessary to investigate these specialised divisions and the services they render to specific sectors of community.

3.1.5.1 Crime intelligence and crime detection

(a) Detective services

- *Organised crime units.* The focus is on organised crime and on serious and violent crime. The emphasis is generally on crime syndicates and not only on specific crimes.
- *Commercial branches* (commerce-related crime)
- *Serious economic offences unit*
- *Detective services* at police station level
- *Interpol.* The purpose of liaison officers is to render effective service delivery in respect of international crime-related liaison and intelligence functions. These officers serve at South African missions abroad.
- *Criminal records centre (CRC).* The function of the CRC is to identify criminals and offenders, verify previous convictions, and identify and link firearms to crime scenes by means of the Integrated Ballistics Identification System (IBIS). The Automated Fingerprint Identification System (AFIS), a computerised database containing details of convicted criminals, was launched in 2002. The Morpho Touch, a handheld device the size of a cellphone, is equipped with a scanner. This scanner scans fingerprints and compares them with prints held in the AFIS database. This device is useful at border posts and roadblocks and in other police operations to determine if a person is a wanted suspect.
- *Forensic Science Laboratory.* Technological advances such as IBIS, the DNA Criminal Intelligence Database, Voice Comparison System Operative, the National Drug Intelligence Database and the National Photo Image System have been incorporated into the scientific support environment of the SAPS.
- *National Bureau for Missing Persons.* The SAPS has launched a missing person

website (<http://za.missingkids.com>) to harness computer technology in the search for missing children. The purpose of the bureau is not to take over the investigation of a missing person, but to render a support service to the investigating officer. A database is generated in which all the particulars of a missing person such as tattoos, scars, hair colour, eye colour and a photograph are stored. Every police official in the country can access the mainframe of the database.

(b) **Crime intelligence**

Crime intelligence is of extreme importance to the police for the successful persecution of crime. Crime intelligence is information that the police obtain to help them to combat crime. The task of this division is to manage the crime intelligence capacity of the SAPS effectively and their functions include drawing up strategic crime reports and establishing crime-pattern analysis capabilities at all levels in the SAPS; establishing and maintaining the network, as well as the undercover crime intelligence-gathering capacity of the SAPS; managing and coordinating crime information by establishing crime desk support for identified clients; introducing counterintelligence measures to ensure that information and personnel are secured; managing the Secret Services Account that was established in terms of the Secret Service Act 56 of 1978; establishing and maintaining an effective performance evaluation and inspection capacity; and establishing and maintaining an effective technical support capacity in the SAPS.

3.1.5.2 Operational services

(a) **Crime prevention**

The aim of this division is to reduce opportunities to commit crime by optimising visible policing and cooperating with the Division: Operational Response Services during the policing of important events. This division is responsible for developing and maintaining a safe working environment for members of the SAPS; developing, maintaining and monitoring policy standards and directives regarding crime prevention and uniformed services in general; and running victim support programmes. It also pays special attention to the following:

- *Community policing.* Community policing has been adopted as South Africa's official policing style. It is based on the premise that a community and its police service are equal partners with shared responsibilities for ensuring safety and security.
- *Captain crime stop* and *adopt-a-cop* programmes. The *adopt-a-cop* programme aims to establish a relationship with schools with regard to crime prevention and to educate children about crime (eg drug and alcohol abuse). *Crime stop*, on the other hand, is a community-oriented service for fighting crime where members of the public may report crimes anonymously without being subjected to the dangers of apprehending criminals or suspects. They may use the share-call number 08600 10111 in this regard.
- *Sector policing.* Sector policing is a practical manifestation of community policing. One police official is allocated on a full-time basis to a sector. A sector is a geographically manageable area within a police precinct for which the police official is responsible. However, all roleplayers are responsible for identifying the

policing needs in that particular sector and in addressing the root causes of crime and the enabling and contributory factors. The responsibilities of the sector police official include determining policing needs; identifying crime problems, crime trends, crime “hot spots” and criminals on a continuous basis in cooperation with other roleplayers; initiating and coordinating policing projects such as special patrols and other safety and security initiatives; activating other roleplayers such as municipalities, government departments and NGOs; addressing local crime problems and, where possible, the root causes of crime; and establishing communication with the community.



NOTE

The commando system was in place for more than 20 years to assist the SAPS in combating crime. By the end of 2008, however, the system was phased out completely and sector policing was introduced to fill the gap.

Partnership policing is the responsibility of the Division: Crime Prevention. This division is responsible for monitoring the implementation of the Domestic Violence Act and for submitting biannual reports to parliament. One of their tasks is to optimise community service centres and police emergency services such as the 10111 call centres, the flying squad and the highway patrol, with the aim of contributing to the creation of a safe and secure environment. A rural safety programme has been developed, involving a number of rural stakeholders (eg women’s groups, traditional leaders, agricultural unions and farm labourers) and law enforcement agencies. The aim of this programme is to understand the criminal dynamics that manifest directly in rural areas and to develop interventions to deal with these specific elements.

Police safety

The Directorate: Police Safety is responsible for developing safety measures to protect the lives of police officials. The community and police safety campaign emphasises organisational concepts of police safety and community support mechanisms or structures. The campaign addresses specific risks and circumstances within policing areas.



ACTIVITY 2

South Africa has the highest rate of police killings in the world. Why do you think this is so? What do you think can be done to foster respect for law enforcement officers in South Africa?

Reservists

The National Instruction for the South African Reserve Police Service focuses on all issues related to reservists. The following four categories of reservists have been identified:

- 1 *Category A: Functional policing.* Reservists will perform functions in all the operational areas of policing, whether at station, area or provincial level.

- 2 *Category B: Support services.* Reservists will perform a specific support function at national, provincial, area and station level and may not be used to perform functional police duties.
- 3 *Category C: Specialised functional policing.* Reservists must have particular skills or expertise which can be used operationally by the SAPS.
- 4 *Category D: Rural and urban sector policing.* Reservists will perform functions in operational facets of policing relating to sector policing in urban and rural areas at station level.



FOOD FOR THOUGHT

Have you ever considered joining the SAPS as a reservist? This is the legal way to help fight crime.

Hostage negotiation

This team responds to hostage and suicide incidents. Hostage negotiators are deployed nationally at station level and ensure quick response to suicide matters.

(b) Operational response

The functions of this division include maintaining public order, managing crowds, preventing cross-border crime by policing all ports of entry into South Africa and facilitating interdepartmental cooperation. This division includes the following units.

- *Air-supported reaction forces.* These are quick-response units which respond to serious and violent crimes such as bank robberies, vehicle hijackings and farm attacks. Air support is also used for aerial surveillance purposes. Satellite-tracking systems have been installed in all SAPS aircraft to enhance the capacity to deal effectively with the theft and hijacking of vehicles.
- *Police divers and the water wing.* While members of this unit respond primarily to drowning incidents, they also participate in crime prevention and community safety activities, assist in flood-stricken areas, and provide a support service at public events such as the Midmar Mile and the Berg River and Duzi canoe marathons.

(c) Operational coordination

This division manages and coordinates big events such as the World Summit and the cricket, rugby and soccer world cups.



FOOD FOR THOUGHT

Just think about the amount of time and planning that went into hosting the soccer world cup in order to make sure that players, tourists and heads of states and other VIPs were kept safe. Why do you think there was a decrease in crime during the period of the world cup?

3.1.5.3 Management, financial and administration services

The aim of this division is to ensure that the SAPS functions according to its mission, priorities and objectives. The division renders management advisory services, develops and maintains a strategic plan for the SAPS, renders internal and external communication and liaison services, and manages information technology.

The Service Delivery Improvement Process (SDIP) is a programme aimed at improving service at all levels of the organisation. The programme ensures the availability of trained facilitators and management teams, and the development of strategic and implementation plans at various levels within the SAPS. The SDIP is employed primarily at station level to identify both crime and organisational priorities. The purpose of the programme is to develop the skills and knowledge required by members during the rendering of services, thereby enabling them to consistently provide policing services of a high standard in a responsible, confident and independent manner and to approach issues requiring policing from a client-centred and problem-solving perspective.

3.1.5.4 Human resource management and legal services

(a) Career management

The function of this division is to render a people-centred human resource service to all personnel. The division deals with personnel planning and development, and performance and remuneration management.



Note

During 2004, the SAPS conducted a needs analysis to determine what skills are needed for effective policing at all levels. As a result of this research, a bachelor's degree in policing practice (BPP) was developed in conjunction with tertiary institutions. This is a career-oriented degree developed specifically for law enforcement officials. The degree is offered by the University of the North West and Limpopo University.

(b) Personnel services

This division is responsible for managing all personnel-related matters in support of the operational priorities of the SAPS. The duties of the division include the effective administration of employment practices, the promotion of fair labour practices, the prevention and effective resolution of disputes or grievances, and the investigation and monitoring of alleged incidents of discrimination and racism.



Note

It is a known fact that a happy employee is a very valuable employee to a company. In light of this, what are your views on the working conditions of police officials and prosecutors?

(c) Training

This division is responsible for all training – from entry level upwards. Some examples of training provided by this division include the optimisation of crime statistics, detective training, crime intelligence, crime prevention, operational response and human resource development.

(d) Legal services

The SAPS employs legal practitioners, as section 206(1) of the Constitution provides that the Minister of Safety and Security must determine national policing policy after consultation with provincial governments. The implementation of government legislation and the enforcement of government policy are the responsibility of the SAPS in terms of its policing mandate. Legal expertise is also required to ensure that the SAPS regulates the conduct of its members.

3.1.5.5 Logistical, evaluation, security and protection services**(a) Security and protection services**

The main functions of this division are to render strict (close) protection services (safeguarding of very important people [VIPs]) and to render static guard duties. During events such as the recent soccer world cup thousands of VIPs visited South Africa and it was essential that these people were adequately protected.

(b) Logistics

This division is responsible for ensuring that procurement and inventory are managed in a cost-effective way. It is also responsible for managing accommodation and radio communication, providing construction support and expert services to the SAPS, and ensuring that the SAPS's vehicle fleet is managed in a cost-effective way.

(c) Evaluation services

This division is responsible for evaluating the quality of service rendered by the SAPS. Its function is to evaluate the operational and organisational functions of the SAPS, to report findings and recommendations on remedial measures directly to top management, to undertake the internal investigation of priority cases of misconduct by SAPS members, to investigate complaints of poor service delivery, and to perform internal audits and inspections with regard to occupational health and safety standards within the SAPS.

3.1.6 Rank structure of the South African Police Service

The SAPS ranking system has changed and, on 1 April 2010, a new ranking structure was adopted. The new ranks, for example “general” and “colonel”, caused a bit of controversy as they have a military connotation which was thought by some to reflect

the SAP of the apartheid era. However, the reason for changing the ranks lies in making the police a paramilitary force in the hopes of fighting crime more effectively.

Non-commissioned officers:

- constable
- sergeant
- warrant officer

Commissioned officers:

- lieutenant
- captain
- major
- lieutenant-colonel
- colonel
- brigadier-general
- major-general
- lieutenant-general
- general

(SAPS. "http://en.wikipedia.org/wiki/South_African_Police_Service [2010-11-22])

3.1.7 Summary

In this study unit, we looked at the structure of the SAPS. The national commissioner is the head of the SAPS and we discussed the powers, duties and functions of the respective commissioners, namely, the national commissioner, the provincial commissioners and the various divisional commissioners.

In the SAPS, a distinction is made between operational units (which are responsible for actions to control, combat and prevent crime), investigative units (which investigate crime-related matters) and support units (which are responsible for the effective functioning of the first two units).

3.1.8 Self-assessment questions

- 1 The primary role of the ... is to ensure that any reports of offences and misconduct committed by the SAPS are investigated in an effective manner.
 - (a) Independent Complaints Directorate
 - (b) Ombudsman
 - (c) SAPS legal division
 - (d) National Prosecuting Authority

- 2 The national commissioner of the SAPS has ... deputy national commissioners?
 - (a) 4
 - (b) 3
 - (c) 2
 - (d) 6

- 3 The determination of the fixed establishment of the SAPS and the number and grading of posts is the responsibility of
- (a) Minister of Safety and Security
 - (b) national commissioner of the SAPS
 - (c) provincial commissioner of the SAPS
 - (d) divisional commissioner
- 4 Crime prevention and Support Services are part of the functions of the ...?
- (a) national commissioner
 - (b) provincial commissioner
 - (c) station commissioner
 - (d) divisional commissioner
- 5 Crime intelligence and community service centres are part of the functions of the ...?
- (a) national commissioner
 - (b) provincial commissioner
 - (c) station commissioner
 - (d) divisional commissioner

3.1.9 Self-assessment answers

- 1 a
- 2 d
- 3 b
- 4 c
- 5 b

3.1.10 Feedback on activities

Activity 1

You should revise the section on community policing that was dealt with in your first year of study. Community policing aims to bridge the gap between the police and the community in that it promotes communication and cooperation between the parties. Through this, the police will be enabled to protect the community better. When you attend the community police forum, you are expected to identify ways in which the community and the police can assist each other, and also to provide valuable inputs.

Activity 2

This activity intends to stimulate thought on why so many police officials are killed in South Africa. You are also requested to do more research on this topic. For various reasons, South African society would appear to be very aggressive. Violence is part of our everyday lives, and criminals will not respect law enforcement officials if they are in the way of their criminal plans. Among many South Africans, there is also deep-

seated resentment against police officials as they are still seen as instruments of oppression and apartheid. Thus, it is necessary to inform South Africans that the police force of the past has changed into a police service, aimed at helping and serving the South African community. The “they–us” attitude which exists between the police and the community should be eradicated as cooperation between them is essential in order to fight crime effectively.

STUDY UNIT 3.2

The Department of Correctional Services

M Victor-Zietsman

- 3.2.1 Introduction
- 3.2.2 Key concepts
- 3.2.3 Vision
- 3.2.4 Mission
- 3.2.5 Business philosophy
- 3.2.6 Purpose
- 3.2.7 Structure
 - 3.2.7.1 Functional services
 - 3.2.7.2 Operational support
 - 3.2.7.3 Resource management
- 3.2.8 Unit management approach
- 3.2.9 Classification and special categories of people in prison
- 3.2.10 Functions
 - 3.2.10.1 Managing offenders
 - 3.2.10.2 Safe custody of prisoners
 - 3.2.10.3 The rehabilitation and development of prisoners
- 3.2.11 Approaches to combating crime
 - 3.2.11.1 Education and training
 - 3.2.11.2 Religious care
 - 3.2.11.3 Social work services
 - 3.2.11.4 Development programmes
- 3.2.12 Summary
- 3.2.13 Self-assessment questions
- 3.2.14 Self-assessment answers
- 3.2.15 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should

- understand the vision, mission and business philosophy of the Department of Correctional Services
- be conversant with the department's structure and directorates
- be familiar with the two basic functions of the department, namely, the managing and the rehabilitation of offenders
- be knowledgeable about the department's approach to young offenders, services and development
- understand how the department approaches the combating of crime

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge, and insight into the study material.

3.2.1 Introduction

The Department of Correctional Services is a department of the South African government and it is responsible for running the South African prison system. It aims to contribute to creating a just, peaceful and safe society (www.dcs.gov.za). It operates in six geographic regions, namely Gauteng, Limpopo/Mpumalanga/North West, the Western Cape, Free State/Northern Cape, KwaZulu-Natal, the Western Cape and the Eastern Cape. The Department has about 34 000 staff and, in March 2009, was responsible for 165 230 inmates in 239 facilities throughout South Africa. Of these 239 centres, eight are female centres, 13 youth centres, 130 male centres and 86 mixed (male and female centres). These prisons include minimum, medium and maximum security facilities. There are also two private prisons in South Africa (Burger 2010:1).

The primary role of the Department of Correctional Services is to conclude the criminal justice process by dealing with offenders who end up in prison or in the system of community corrections. In this process, Correctional Services has the major responsibility of ensuring the safe custody of the country's prison population and also the enormous task of striving to transform these offenders into law-abiding citizens by the time they have served their sentences. Thus, the task of the Department of Correctional Services does not merely involve keeping criminals from society, or to enforce punishment, but also to correct offending behaviour in an environment that is humane, safe and secure. The focus is ultimately to avoid repeat offending or recidivism. However, the process does not stop here as rehabilitation efforts are incomplete without the successful reintegration of offenders upon release. In this context, correction is also a societal responsibility (Burger 2010:1).

In this study unit we will emphasise the structure and functions of the Department. In

order to understand the aims and objectives of this Department, we shall first establish what the vision and mission of the Department of Correctional Services are.



Ms Nosiviwe Mapisa-Nqakula is the current Minister of Correctional Services.

3.2.2 Key concepts

Department of Correctional Services

The Department of Correctional Services is the state department responsible for handling and housing offenders in such a way that rehabilitation and reintegration are promoted.

Unit management

Unit management is employed, which is a management approach in terms of which prisons are divided into smaller, more manageable units.

3.2.3 Vision

The Department's vision is to be "one of the best in the world in delivering correctional services with integrity and commitment to excellence" (DCS annual report 2008/09:4).

3.2.4 Mission

The Department's mission is to, in partnership with external stakeholders, place rehabilitation at the centre of all the activities of the Department through

- "the integrated application and direction of all departmental resources to focus on the correction of offending behaviour, the promotion of social responsibility and the overall development of the person under correction;
- the cost effective provision of correctional facilities that will promote efficient security, corrections, care and development services within an enabling human rights environment;
- progressive and ethical management and staff practices within which every correctional official performs an effective and encouraging role" (DCS Annual Report 2008/09:4)

3.2.5 Business philosophy

The Department's business philosophy aims to ensure

- the safe custody of offenders

- the effective management of risks
- that human rights are upheld and that the principle of human dignity is acknowledged
- the development of offenders based on the belief that they have the potential to function as law-abiding citizens

3.2.6 Purpose

According to section 2 of the Correctional Services Act (Act 111 of 1998), the purpose of correctional services is “to contribute to maintaining and protecting a just, peaceful and safe society” by enforcing sentences in the prescribed manner, detaining prisoners in safe custody and respecting their human dignity, and by contributing to the social responsibility and development of all prisoners.

In an effort to fulfil this purpose, the DCS published a draft White Paper during 2003.

This draft paper aims to reform the DCS into a department in which rehabilitation is central to all its activities, as well as to contribute on societal level (White Paper on Correctional Services 2003:15). In 2005, the White Paper was adopted by cabinet and the DCS started to implement the proposals contained in the draft. Since then, the department has undergone several changes that include policy review and the amendment of the Correctional Services Act (Act 111 of 1998). By the middle of 2009, more than 44 policies had been reviewed and aligned to the White Paper. The department has also ensured that implementation takes place through the training of 400 officials in policy development and implementation (Burger 2010:2). The objectives of the White Paper are the

- safe custody of prisoners
- supervision and control of probationers and parolees in the community
- humane detention and treatment of prisoners
- provision of development services
- reintegration of prisoners into the community
- effective utilisation and management of resources (White Paper on Correctional Services 2003)

The Department has identified eight projects to deliver on its mandate as indicated in the White Paper on Corrections. These projects aim to prioritise objectives and to deliver them within a period of one to 10 years. These projects include the following:

- infrastructure development (procure and manage new facilities and maintain all facilities)
- social reintegration (strengthen offenders’ support system for effective reintegration)
- offender rehabilitation path (analyse infrastructure of identified areas in terms of the human resources (HR), policies, procedures and budget needed to implement the offender rehabilitation path requirements)
- security enhancement (improve safety and security for offenders, personnel, service providers and the public)
- management of awaiting trial detainees (to improve safety and management of remand detainees)

- monitoring, evaluation and reporting (to develop a monitoring, evaluation and support system for the Department of Correctional Services)
- seven-day establishment and job refinement (provide the necessary capacity to HR)
- centres of excellence (provide holistic, integrated and needs-based services that are aimed at creating socially responsible people)

Other projects involve improvements in management and control over factors that play an important role in rehabilitation. This is done by recruiting personnel who are sufficiently trained and rehabilitation orientated (Burger 2010:4).

3.2.7 Structure

The Constitution of the Republic of South Africa provides for a National Department of Correctional Services. It specifies the circumstances under which the Department must operate in order to give effect to human rights. However, it does not directly address the relationship between the justice system and Correctional Services. Addressing this relationship is crucial for integrated justice and rehabilitation. Fortunately, this relationship is addressed in legislation and other policies such as the National Crime Prevention Strategy (NCPS) (White Paper on Corrections 2003).

The political responsibility for the Department is vested with the Minister of Correctional Services. The Department is headed by a commissioner who is assisted by three chief deputy commissioners at the national level (who have specific chief directorates allocated to them) and nine commissioners at the provincial (executive) level. The commissioner reports directly to the Minister of Correctional Services. Each provincial commissioner is responsible for the implementation and execution of policy in each of the nine provinces.

Heads of prisons are responsible for the administration of prisons while heads of community corrections offices are responsible for administration in these offices.

Accountability was built into the Compliance Improvement Plan (incepted in 2005/06). According to this plan, regional offices have to submit bimonthly reports on the performance of management areas (Burger 2010:3).

There are three main subdivisions within the department, namely, CDC Functional Services, CDC Operational Support and CDC Resource Management.

3.2.7.1 Functional services

The overall objectives of this division are to administer services related to offender control and to ensure that development programmes and religious care are available when required.

The offender control section is responsible for the control of prison administration, the physical care of prisoners, control of the system of correctional supervision and the operation of juvenile offender services.

The development programmes section is responsible for psychological and social services, education and religious care.

Note: The Department has identified projects focused on improved service delivery which will continue until March 2012. These projects include

- “improving the management of access of service-providers and other stakeholders to correctional centres,
- improving telephones at all service points, managing the payment of bail and fines at correctional centres
- improving the scheduling of visitations to offenders to support family ties between offenders and their families” (Burger 2010:4)

3.2.7.2 Operational support

This division is responsible for ensuring that support services are provided and that the Department is evaluated by means of inspections and special investigations. The Judicial Inspectorate, which is an independent office under the control of the inspecting judge facilitates the inspection of prisons to ensure that offenders’ rights are respected and reports on any corrupt or dishonest practices in correctional centres. The Inspecting Judge is obliged to report the findings of the Judicial Inspectorate to the Minister of Correctional Services (Section 85 of Act 111 of 1998).

The support services section is responsible for promoting the department’s image, providing legal and logistical services, and promoting efficiency within the department.

The financial services section is responsible for financial administration.

3.2.7.3 Resource management

The overall purpose of this division is to manage resources in the department effectively by providing skilled personnel.

The human resources management section is responsible for the development and training of personnel, as well as the effective deployment and maintenance of staff.

In 2007/08, the department developed and launched the Integrated Human Resource Strategy which is aimed at effective work organisation, recruitment and retention and the development of its employees. Personnel are recognised as a very important asset and much attention is paid to developing the Department as a learning organisation with a culture of respect, service and accountability (Burger 2010:3).

The Asset Procurement and Operating Partnership Systems (APOPS) is part of a public private partnership initiative which involves a contract between the public and the private sectors. In terms of APOPS, a private sector organisation designs, builds, finances and operates a prison and, in return, is paid by government for the available prisoner accommodation. Using this system, efforts are made to make the system more cost-effective and to reduce overcrowding by making accommodation more readily available. In addition, housing conditions are improved.

**Note**

The first contract of this type was signed on 24 March 2000 with the Bloemfontein Correctional Centres (Pty) Ltd for a maximum security facility with 2 928 beds (Cilliers, Marais, Ovens & Van Vuuren 2004:150).

3.2.8 Unit management approach

Since 1994, the department has adopted the principle of unit management in the design of all new prisons. This approach divides prisons into smaller, more manageable units, allowing better control over prisoners and promoting interaction between inmates and officials. Thus, the unit management approach refers to the design and manner in which a prison functions. In a unit management prison, the building is structured into a number of units (Cilliers et al 2004:150). Each unit comprises 40 inmates who are directly supervised by a single member of staff at any given time. The structure of the prison is such that the member of staff can see all cells that comprise a unit from any position within the unit.

Unit management not only improves the structural design, however, it also improves and restructures management. It consequently promotes a holistic management approach, which entails the following:

- more effective observation of prisoner activities with problems being identified in a timely manner
- increasing prisoners' involvement in their own development and encouraging accountability
- providing programmes and interventions that deal with every prisoner's unique needs
- institutional adjustment is targeted, and vocational skills and community reintegration mechanisms are acquired (Cilliers et al 2004:150)

A unit management approach also has the following benefits:

- The approach reduces the number of guards needed to guard the inmates, as one member of staff can directly supervise 40 inmates.
- All problems are confined to the unit in which they originate.
- The approach is cost-effective.
- It reduces the levels of gangsterism and corruption (DCS pamphlet 2000:14).

3.2.9 Special categories of people in prison

In recognition of the fact that the prison population is as diverse as the general population and that the different categories of prisoners have different needs, the department has established a subsection for special categories of people in prison. This needs-base rehabilitation approach implies the provision of appropriate facilities, services and processes for those offenders who fall within special categories. Special categories of offenders include child offenders, female offenders (including mothers with babies), the disabled, the aged, the mentally disabled, first offenders, those with

long or life sentences, and detained offenders who are foreign nationals (White Paper on Correctional Services 2003:77–80).

The categories “disabled” and “old person” are relatively new and the needs of these prisoners are currently being investigated. This investigation includes the creation of a database of disabled inmates and the evaluation of the prison environment in terms of accessibility. We will elaborate on child, female, mothers with babies and HIV-infected prisoners below.

Children in detention

Ideally no child should be detained in correctional centres. Children should, as far as possible, be diverted from the criminal justice system. However, where diversion is not an option owing to the nature of the crime that was committed, children should be accommodated in secure care facilities that are designed for them. Juvenile correctional facilities should comply with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (White Paper on Corrections 2003:77–78).

In terms of section 28(1) of the South African Constitution children have a right:

- “not to be detained except as a measure of last resort;
- if detained, to be detained only for the shortest appropriate period of time;
- to be kept separately from detained persons over the age of 18 years;
- to be treated in a manner, and kept in conditions, that take account of their age;
- to have a legal practitioner assigned to the them by the state, and at state expense, in civil proceedings affecting them, if substantial injustice would otherwise result.”

In terms of young children in prison, the regulations provide that children younger than 18 years be held separately from adult offenders. Those young people with serious behavioural problems and those posing a risk to others should be detained separately for behaviour management. There are currently 13 youth prisons in South Africa and the Department follows a holistic approach, aimed at developing young offenders to their full potential, and separate facilities are very important in this regard (Cilliers et al 2004). Special emphasis is placed on humane detention, as well as on the provision of education, development, rehabilitation and support, and juveniles are encouraged to participate in these programmes. It is important to keep juveniles actively busy, and also to involve them actively in decision making. They must identify with and accept their development plan and take responsibility for their progress.

Principles on which services to young offenders in prison are based

In order to develop and empower young offenders, the Department has to initiate, develop and implement programmes that focus specifically on their unique care, development and treatment needs. To this end, the Department endeavours to

- establish separate facilities for young offenders
- foster the co-responsibility of parents or peers and other significant people (It might happen that young offenders are detained at centres far from their homes. Subsequently, measures should be taken to ensure continued contact with parents and significant others [Cilliers et al 2004:151].)

- promote a culture of development and learning
- follow a holistic approach aimed at the total development of the young person
- follow a structured daily programme
- develop detention packages that accommodate the specific needs and interests of young offenders
- follow a unit management approach with direct supervision
- foster personal responsibility
- foster leadership
- make use of community resources
- establish effective human resource components (DSC pamphlet 2000)

Development programmes for youths in detention

The following programmes are geared to the development of youths in prison:

- education (mainstream and ABET)
- occupational skills training
- vocational training
- entrepreneurial skills development
- recreational programmes
- library services
- social work services
- psychological services
- religious care programmes (DCS pamphlet 2000)

Special measures to protect young offenders include the provision of a distinct uniform as well as a nutrition package specifically tailored for a growing person.



Note

The Correctional Services Act of 1998 provides that children younger than 14 years who are awaiting trial should not be detained in prison. These children should be diverted, or should receive alternative sentences. Where detention is necessary, these children should be detained in detention centres run by the Department of Social Development, and the Department of Education (White Paper on Corrections 2003:77). The Act further provides that children younger than 18 years who are awaiting trial must be sent to court every 14 days for the court to consider its order.

Female offenders

Women constitute a small percentage of South Africa's prison population. When detaining women, the Department takes their role in society and the family and the welfare of society as a whole into consideration. Therefore, the department strives to develop and advance imprisoned women to their full potential. In line with this, women should be trained to enable them to take their place in society and to be financially independent. However, the training and the training facilities that are available to women prisoners are known to be less well resourced than those of

men. This is against the principle of equality before the law and non-discrimination on the basis of gender or sex (White Paper on Corrections 2003:78).



Note

There are currently eight female prisons in South Africa (Burger 2010:1).

Mothers with babies

In previous years, little attention was given to the needs of mothers with babies in prison. The new Act, the Correctional Services Amendment Bill, 2007, provides for the incarceration of women with babies in facilities which are separate from those of other female inmates. It thus provides for separate mother and child units where the child-friendly surroundings are conducive to physical, social and mental care. These units cater for the care, stimulation and development of babies and the baby or young child should be exposed to surroundings and activities that will contribute to normal development. Exposure to “prison life” should be limited in order to prevent institutionalisation (Cilliers et al 2004:151).



FOOD FOR THOUGHT

An example of institutionalisation would be a child’s preoccupation with keys, which are used to open doors in prison so that they can pass from one area to another.

Mothers with infants are allowed to keep their babies with them up to the age of two years.

The Department is constantly upgrading the standard of care provided to mothers with infants and their babies in line with international norms and standards such as section 32 of the Convention on the Rights of the Child, which states that: “state parties shall ensure to the maximum extent possible the survival and development of the child”.



Note

The Department of Correctional Services introduced the Early Child Development Programme in 2008 for the babies of imprisoned mothers. By March 2009, 27 babies between the ages of 0 and 2 had participated in this programme (Burger 2010:5).

Prisoners with HIV/AIDS

Dealing with HIV-infected prisoners has special challenges. Handling problems like separate housing, health care and education are a reality, but the legal implications are perhaps even more problematic. If such a prisoner is housed separately, their right to privacy might be encroached upon as they are immediately identified as being HIV

positive. Separate housing facilities may also restrict their access to work, education and recreation programmes, religious services and so. Their security classification might also present another problem.

One way of solving these problems would be to take the infected prisoner's institutional and health status into account and classify the prisoner on a continuum. Programmes for dealing with such prisoners should be aimed at reducing high risk activity and providing better access to medical care for those who gradually become more ill and frail (Cilliers et al 2004:152).



Note

In 2007/08, four facilities were accredited for the provision of antiretroviral treatment. This brings the total number of accredited facilities to 16 (Burger 2010:5).

3.2.10 Functions

The primary functions of the Department of Correctional Services are to

- ensure that every prisoner who is lawfully detained in a prison be kept there, in safe custody, until lawfully discharged or removed from the prison
- rehabilitate and reform convicted prisoners, and to train them in habits of industry and labour
- perform any duties assigned by the Minister
- perform any work arising from or incidental to the effective administration of prisons

3.2.10.1 Managing offenders

In managing offenders, the Department pursues the following objectives:

- the safe custody of prisoners
- the supervision and control of probationers and parolees in the community
- the humane detention and treatment of prisoners
- the provision of development services
- the reintegration of prisoners into the community



Note

The protection of the community is the primary function of Correctional Services. This is implemented by creating a secure environment for the imprisonment and guarding of prisoners. Thus, the correctional handling strategy is guided by the formulation, development and maintenance of an effective policy for the safe custody of prisoners.

Correctional centres must conform to the standards and requirements of the Constitution as well as the Standard Minimum Rules for the detention of prisoners.



Note

Overcrowding in prisons contributes to various problem and has a direct effect on the safe custody and management of prisoners. In June 2009 the rate of overpopulation in prisons was 142,58% (Parliamentary Monitoring Group 2009:1).

3.2.10.2 Safe custody of prisoners

In dealing with the safety of prisoners one must look at the physical security of the prison, the classification of prisoners and the human resource-based security.

Prison security

Security is one of the core pillars of the legal mandate of the Department of Correctional Services and has received attention as such (Burger 2010:4).

Physical security comprises the prison building itself. Accordingly, the layout of the prison building, closed-circuit television, security fences, and alarm and detection systems are all very important. Moreover, since 1996, new security fencing has been erected around existing prisons in order to provide outer electric fencing, with an alarm detection system and security lighting, which is linked to a central control centre. In addition, walk-through metal detectors and x-ray scanners will be installed at certain identified high-risk prisons (Cilliers et al 2004:153).



Note

In the continuous upgrading effort at correctional facilities, by mid 2009 security fences with motion detectors and CCTV monitors had been installed at 46 correctional centres (Burger 2010:4).



ACTIVITY 1

You have already heard about unit management. Do you think that it can contribute to safer prisons? Explain your answer.

Classification of prisoners

Prisoners are categorised according to the risk they pose to fellow prisoners, staff members and members of the community. Such categorisation should take the impact of incarceration on a human being into account and it should be remembered that the offender's risk can change for better or worse as the sentence is served and the circumstances change (White Paper on Corrections 2003:73). Prisoners are placed in maximum, medium or minimum security categories, depending on the risk they pose; this is also referred to as their custodial classification.

In addition to the custodial classification system and for the purpose of behaviour regulation, sentenced prisoners are further classified into privilege groups, with prisoners in group A receiving most privileges and those in group D the least.

South African prisons are seriously overpopulated in that the number of inmates outweighs the accommodation capacity. As a result of this overcrowding and a lack of maximum prisons, it is not always possible to allocate a prisoner to a suitable prison according to his custody classification. This situation has a direct influence on the security of prisoners.

The Department of Correctional Services has also introduced the following categories of prisons: Closed Maximum Security Unit (C-Max) and Super Maximum Prison (Super Max) (Cilliers et al 2004:153–154).



Note

Pollsmoor Prison in the Western Cape is the biggest maximum security prison in South Africa (www.dcs.gov.za).



ACTIVITY 2

After working through this study unit, discuss the dilemma of children in prison with your fellow students on *myUnisa*. What do you think can be done to alleviate the problem?



Note

The Department of Correctional Services encourages offenders to attend programmes by hosting annual ceremonies in each of the provinces for those offenders who have excelled in their respective programmes.

3.2.10.3 The rehabilitation and development of prisoners

The Department adopts a holistic, multidisciplinary approach to the rehabilitation and development of inmates. It currently provides the following rehabilitation and development services to inmates: psychological, social, educational and religious care services. These services are provided to assist inmates to change their ways and to give them a chance to lead productive lives after leaving prison.

(a) Health and physical care services

Prisoners are members of society and, as such, are entitled to be incarcerated in conditions which are not only humane, but that are also in line with universally accepted health principles. They are dependent on the Department of Corrections for their wellbeing. Imprisonment can have a damaging effect on both physical and mental wellness. Upon admission prisoners are screened for early identification of ill-health and treatment. If necessary, the prisoner can be hospitalised within the prison or referred to external public health facilities. Those providing the health care should be adequately trained (White Paper on Corrections 2003:73).

All prisoners have access to adequate health care; they also receive information on personal hygiene and on general health and medical care. Much emphasis is placed on

Aids awareness campaigns and personnel and offenders receive training in this regard.

All prisoners are provided with a balanced and nutritious diet. They receive three meals a day and provision is made for those with special dietary needs.

(b) Development and support services

One of the Department's major challenges is to ensure that as much as possible is done to develop and support prisoners while they are in the care of Correctional Services. Purposeful intervention by specialised professionals is necessary to enable, assist and empower offenders to improve their total functioning and to optimise their potential.

Some of the development and support services being rendered include the following:

- *Religious care.* This is available to all prisoners irrespective of their beliefs. Religious services are held for all prisoners on a weekly basis.
- *Social work services.* Life skills programmes (eg how to maintain sound family and social relationships) are presented to prisoners on an ongoing basis. Social work services also aim to involve most prisoners in constructive substance abuse programmes. Prisoners are also involved in release preparation programmes which aim to assist them to make a meaningful transition from institutional life to life in the community.
- *Psychological services.* The Department endeavours to place a professional psychological service within the reach of all sentenced prisoners and offenders who are serving their sentences under parole within the community. This service includes
 - suicide risk management
 - psychological intervention when requested by courts of law
 - the psychological counselling of prisoners who are mentally ill and who were previously under psychiatric/psychological treatment
 - the risk management of people who are under supervision inside the community (DCS pamphlet 2000)



Note

There is insufficient psychological help available inside the South African prisons. This has a direct effect on rehabilitation efforts.

- *Education and training.* This training concentrates on the empowerment of inmates. The following programmes that focus on market-related skills, needs-driven competencies and usable knowledge are provided:
 - Literacy and ABET (Adult Basic Education and Training) education. Research shows that 37% of the prison population is illiterate, while 45% is functionally illiterate.
 - Vocational, basic occupational training and entrepreneurial skills training. All training provided must be in line with the Skills Development Act. Correctional Services aims to involve 80% of

- juveniles and 45% of adults with a sentence of two years or less in at least one skills development course.
- Mainstream education in line with NQF (National Qualifications Framework) levels 2 to 4. This provides individuals with the opportunity to study a course of their choice through a correspondence institution.
 - Schooling in recreation, which includes the establishment of at least one library in every management area (prison complex) and instruction on healthy recreation for inmates.

All programmes must comply with the standards of training industries, the Departments of Education and Labour and other recognised education and training institutions.



Note

In 2008, the Department entered into a mass literacy programme with the Department of Education. The programme is called *Kha Ri Gude* which can be translated into “let us learn”.

- *Labour supply.* The objective of this service is to ensure that prisoners are occupied with some or other form of work to capitalise on their potential labour output and to combat laziness. Because of the constraints of a prison environment, suitable work opportunities are not always available. The aim is, nevertheless, to create work opportunities for at least 70% of the sentenced prison population. Where practical and possible, the experience gained in doing this work should promote prisoners’ chances of obtaining similar employment after release from prison. Work opportunities suitable for disabled people are identified and reserved for them. Children under the age of 18 years are not expected to do work that is inappropriate for their age.
- *Industrial products and services.* The offender is required to work to support the Department’s mission to uplift the offender and to reduce government expenditure.

Industrial products and services include the production of food for consumption by offenders, the manufacture of workshop items used by the Department or other government departments, the maintenance of departmental equipment and buildings, and the procurement of accommodation.

With regard to the production of industrial products and services, the Department of Correctional Services strives to meet 60% of its own needs and to provide for 30% of the needs of other government departments.

The provision of quality products and services is done according to sound business principles – the aim is to become self-sufficient. Skilled personnel and artisans are used in the production and maintenance processes.

Adherence to all Acts and regulations, especially the Occupational Health and Safety Act, is ensured in order to create a safe working environment for everybody involved in rendering this service.

3.2.11 Approaches to combating crime

The development and support of prisoners forms an essential part of their incarceration. Various services are made available to them in order to provide for their personal needs and to give them a better chance of leading a productive life after release.

3.2.11.1 Education and training

Community corrections programmes can serve as an alternative form of sentencing. These programmes offer a form of job creation and should also be seen as a rehabilitative tool. It is important to note that there is evidence that links incarceration in prison to recidivism (falling back into crime).

Education and training initiatives must focus on market-related skills. This training should target end-of-sentence prisoners and should focus on the needs of the prisoner and on how he or she can be re-socialised within the community.

Crime awareness and community education campaigns should aim to enlist the support of the local community. Members of the community should be encouraged to offer support to parolees and probationers.

3.2.11.2 Religious care

Chaplains and part-time religious workers should address the issue of crime when speaking with inmates, members of Correctional Services and the community at large.

The public's participation in various awareness campaigns, such as "Child protection week" and "No violence against women" is aimed at combating crime against children and women.

3.2.11.3 Social work services

Life skills programmes teach offenders how to learn. They also focus on interpersonal relationships, problem-solving skills, decision making, functioning in groups and actively participating in social settings. Alcohol abuse programmes teach offenders about alcohol and its impact on social functioning and wellbeing.

Drug abuse programmes focus on drug-related crimes and the prevention of drug abuse.

A sexual offender's programme focuses on sexual offences. Such a programme deals with gender, moral and cultural issues in order to improve the offender's social functioning.

Trauma programmes focus on traumatised offenders and on improving their mental health and emotional wellbeing.

3.2.11.4 Development programmes

The Department of Correctional Services renders services to sentenced prisoners in order to enhance their emotional wellbeing (DCS pamphlet 2000).

3.2.12 Summary

The Department of Correctional Services is a national government department and is one of the four pillars of the criminal justice system. It is headed by a commissioner who is assisted by three chief deputy commissioners, each of whom is responsible for a specific field of activity (ie functional services, resource management and operational support). We briefly discussed these fields and then looked at how the department handles young offenders, how it manages and rehabilitates offenders, and its approach to combating crime.

3.2.13 Self-assessment questions

- 1 Which of the following is part of the purpose of the Department of Correctional Services?
 - (1) provision of development services
 - (2) crime prevention
 - (3) unit management
 - (4) scheduling visitations

- 2 The unit management approach refers to the in which a prison functions.
 - (1) environment and manner
 - (2) circumstances and manner
 - (3) design and manner
 - (4) atmosphere and manner

- 3 What is one of the core functions of the legal mandate of the Department of Correctional Services?
 - (1) Security
 - (2) Classification
 - (3) Reintegration
 - (4) Rehabilitation

- 4 Prisoners are categorised according to
 - (1) the crime they have committed
 - (2) their suicide risk
 - (3) the risk they pose to other people
 - (4) the place where the crime was committed

- 5 The Kha Ri Gude programme is a programme used by the Department of Correctional Services.
- (1) life skills
 - (2) literacy
 - (3) anger management
 - (4) vocational

3.2.14 Self-assessment answers

1 1
2 3
3 4
4 3
5 2

3.2.15 Feedback on activities

Activity 1

Unit management lays the foundation for enhancing prison security. In such units brick walls and specially strengthened windows are generally used. However, more advanced security measures are also applied. These measures include a high security perimeter of double electrified perimeter fence, alarm systems and mobile patrols. the security system also includes electronically integrated security systems such as closed-circuit television systems; alarm and warning systems; specialised locking systems; intercom networks and identification mechanisms for access and movement control.

Activity 2

Children in prison present several problems. You are expected to address these problems and debate whether or not children should be imprisoned.

THEME 4

**The role,
function and
jurisdiction of
criminal courts
in the Republic
of South Africa**





THEME OUTCOME

Demonstrate an understanding of the place of the courts in the judicial process.

Assessment criteria

When you have completed this theme you should

- be able to recognise the differences between the lower courts and the higher courts
- be conversant with the functions of the Supreme Court of Appeal
- understand the functions of the Constitutional Court (as the highest authority in a democratic society)
- be able to deal with unfamiliar concrete and abstract problems using evidence-based solutions and theory-driven arguments

STUDY UNIT 4.1

The role of the courts in the judicial process

Mr JWJ Janse van Vuuren

- 4.1.1 Introduction
- 4.1.2 Definitions
- 4.1.3 The role of the courts in the judicial process
- 4.1.4 The presumption of innocence
- 4.1.5 The criminal courts of the Republic of South Africa
- 4.1.6 Different courts in South Africa
 - 4.1.6.1 The regular (ordinary) criminal courts
 - 4.1.6.2 Extraordinary (special) courts
- 4.1.7 The jurisdiction of the courts
 - 4.1.7.1 The jurisdictions and functions of the criminal courts in South Africa
 - 4.1.7.1.1 The Constitutional Court
 - 4.1.7.1.2 The Supreme Court of Appeal
 - 4.1.7.1.3 The High Courts
 - 4.1.7.1.4 Lower courts
- 4.1.8 The role of court officials
 - 4.1.8.1 The role of the presiding officer in court cases
 - 4.1.8.2 The association (relationship) between presiding officers and the other parties in court
 - 4.1.8.3 Control of court proceedings by the presiding officer
- 4.1.9 Summary
- 4.1.10 Self-assessment questions
- 4.1.11 Self-assessment answers
- 4.1.12 Feedback activities



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to recognise the difference between a lower court and a higher court
- be familiar with the functions of the Appeal Court and the Constitutional Court
- understand the criminal jurisdiction of the different courts
- appreciate what is meant by the presumption of innocence

Assessment criteria

After completing this study unit you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum (Constitution of the Republic of South Africa 1996 sec. 34).

4.1.1 Introduction

By now, you should have an understanding of the functioning and structure of the criminal justice system. In your previous studies on the first- and second-year level, we expanded on the role and functions of the various stakeholders in the criminal justice system and discussed the separation of powers between the judicial, the executive and the legislative authorities. In this module we will pay specific attention to the role of the judiciary; that is, the court system. We will show the place of the court within the criminal justice system and elaborate on the role and functions of the different courts and of the presiding officer's role in the fair adjudication of a case.

Let us recap on the separation of powers:

In terms of the separation of powers, power is divided between the legislative, the executive and the judiciary – each of which have their own respective roles to play.

- (1) The **legislature** enacts (makes or writes) legislation. The national legislature is Parliament, the legislative bodies of the nine provinces are called the Provincial Legislatures, and the local government (municipal) legislatures are called municipal councils.
- (2) The **executive authority** implements (carries out) the legislation and the policies of the particular government (whether it is national, provincial or local).
- (3) The **judiciary (courts)** interprets and applies the law of the land. In South Africa the courts consist of the Constitutional Court, the Supreme Court of Appeal, and the various provincial and local divisions of the High Court, the magistrates' courts in the various magisterial districts, and other courts as set up by Acts of Parliament. Judges are appointed by the President after consultation with the Judicial Services Commission.

4.1.2 Definitions (Van Vuuren 2010:40–43)

Court: A court is a body, often a *government institution*, with the *authority* to *adjudicate legal disputes* and *dispense civil, criminal or administrative justice* in accordance with rules of *law*.

Presumption of innocence: Presumption of innocence means that a person is deemed to be innocent until such time as he or she has been found guilty by a court of law.

Due process: Due process is the principle that the government must respect all of the legal rights that are owed to a person according to the *law*. Due process holds the government is subservient to the law of the land, protecting individual persons from the *state*.

Burden of proof: This term refers to the fact that the state (public prosecutor) must present sufficient and clear-cut evidence to the court that the accused is guilty of the charge against him/her. Burden (weight) of proof (evidence).

Kangaroo courts: This refers to the members of the public taking the law into their own hands where they act as judge (try the accused), jury (decide on guilt or innocence) and executioner (handing out the punishment).

Assessors: Assessors are usually advocates or retired magistrates who assist presiding officers in the High Courts. They sit with the judge during the court case and listen to all the evidence presented to the court.

In camera: In camera refers to the situation where the court orders that it would be in the interests of justice to remove the general public from the court. Only the court officials are then allowed to be present during that specific period of the court case.

Bill of rights: This is a document that sets out the rights of the individual in relation to the state (and, sometimes, also in relation to other individuals and corporations), and which may also provide for the enforcement of such rights. The South African Bill of Rights is contained in chapter 2 of the 1996 Constitution.

Vigilantism: This refers to illegal actions of complainants against the transgressors – taking the law into their own hands by punishing transgressors without a trial.

Constitutional supremacy: This means that the Constitution is the highest law in the land. Although parliament remains the highest legislative body in a system of government with a supreme constitution, any legislation or act of any government body (including parliament) which is in conflict with the Constitution will be invalid. However, constitutional supremacy does not imply judicial supremacy. The courts also have to follow the rules of the Constitution, and merely act as the final guardians of the values and principles embodied in the Constitution. The constitutions of the United States of America, Canada and Germany, as well as the South African Constitutions of 1993 and 1996 are examples of supreme constitutions (www.info.gov.za/aboutgovt/justice/admin.htm – accessed 18 November 2010).

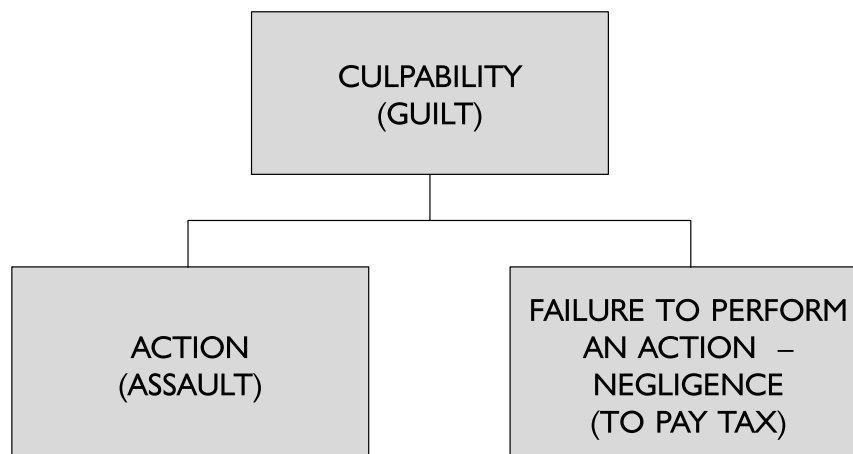
Law suit: A law suit is a civil action brought before a *court* of law in which a *plaintiff*, a party who claims to have received *damages* from a *defendant's* actions, seeks a *legal or equitable remedy*.

4.1.3 The role of the courts in the judicial process

South Africa has criminal and civil courts. In this module we will examine the criminal courts only.

The role of South African courts in the processing of criminal cases begins after a case has been fully investigated by the police and presented to the public prosecutor for a decision regarding prosecution. Once the prosecutor decides to prosecute, the courts come into play. In a criminal trial, the court must make a decision on two matters:

- 1 to determine the culpability of the accused (the question of the guilt or innocence of the accused)
- 2 the meting out of an appropriate sentence (the question of an appropriate punishment in cases where a conviction has been secured)



The Department of Justice and Constitutional Development (through the courts) aims to provide accessible, fair, speedy, cost-effective and quality justice. This is done by means of access to justice for all and through the organisational efficiency (smooth functioning) of the courts.

4.1.4 The presumption of innocence

South Africa is a democratic state founded on the principles of fairness – also in the court system. The **courts function independently from the government** – in the sense that the government (or anyone else) cannot interfere in the adjudication of a case.

According to South African criminal law, there is a “presumption of innocence”, which means that a person is deemed to be innocent until he or she has been found guilty by a court of law. This conviction (determination of guilt) is an objective and impartial official declaration by a court that the state (prosecution) has proven someone guilty by law of a crime in a properly conducted hearing. An accused may be found guilty by a trial court and then be found to be not guilty by a court of appeal, should such higher court find that certain vital evidence in the state’s case had been excluded or should have been excluded during the trial (eg evidence obtained improperly after the accused had been tortured by the police).



Note

We often read in newspapers about cases of murder and rape. **The community is sometimes emotionally involved in the circumstances of the reported case.** They will then toyi-toyi (dance) at the trial and demand that the suspect must be convicted. However, the court can only convict an accused on grounds of evidence that proves that the accused has judicial culpability, as punishing someone for any other reason for committing a crime may be a reflection of kangaroo courts and may even amount to anarchy. The attacks on and murders of “illegal immigrants” during May 2008 in South Africa serve as a good example. The community took the law into their own hands and meted out the death penalty to some of them. It was reported that 42 people died during the xenophobic attacks.



ACTIVITY 1

Read the following excerpt from a newspaper:

In mid-March 1997 the residents of the Umlazi township in the Durban metropolitan area in the KwaZulu-Natal Province tied a 29-year old man to a lamppost and stoned him to death. He had been accused of raping a 21-year-old girl. It was never known whether he in fact did commit the crime.

Discuss this issue with your fellow students on *myUnisa*. What should the residents have done with the suspect?

4.1.5 The criminal courts of the Republic of South Africa

Let us have a closer look at our court system in South Africa. Criminal courts in South Africa are divided into two types, namely trial courts and appeal courts.

- **In trial courts**, evidence is presented to establish the facts of a case, and a decision (verdict) is reached by applying the law to those facts. A trial court is the court where a court case begins, which is why these courts are known as the court of first instance.
- **An appeal court**, on the other hand, has a higher status than a trial court. Here a judge or a panel of judges must decide whether the trial court made any mistakes in the application of the law, and whether those mistakes are of such a nature that the court’s ruling (verdict) should be changed.

According to their jurisdiction, criminal courts in South Africa are further classified into lower and higher courts.

4.1.6 Different courts in South Africa

4.1.6.1 The regular (ordinary) criminal courts

The regular (ordinary) criminal courts are the following:

- Constitutional Court
- Supreme (highest) Court of Appeal
- High courts (including any high court of appeal that may be established by an Act of Parliament to hear appeals from high courts)
 - high courts in different provinces (Provincial divisions)
 - local divisions, for example the Witwatersrand Local Division
- **Magistrates' courts**
 - Regional magistrate's courts
 - District magistrate's courts
- Small Claims Court and any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the high courts or the magistrates' courts

4.1.6.2 Extraordinary (special) courts

These courts hear many different kinds of cases and serve the South African population as a whole:

- Land Claims Court, which deals with land claims
- Family courts, which deal with all family matters, like divorce, domestic violence, child support, and so on.
- Tax courts – deal with all tax-related offences (tax evasion not paying tax, or tax fraud – claiming VAT and not paying it over to SARS)
- Water courts – offences related to water, for example the illegal use of water from rivers by farmers
- Equality courts – where cases of gender inequality are reported
- Disputed resolution committees – in the rural areas, customary chiefs' or headmen's courts still hear disputes, such as disputes over the ownership of cattle. Anyone who is not satisfied with a chief's or headman's decision can take the matter to the ordinary courts.

In the next discussion we will focus on the functions of ordinary criminal courts.

4.1.7 The jurisdiction of the courts

4.1.7.1 The jurisdictions and functions of the criminal courts in South Africa

4.1.7.1.1 The Constitutional Court

The Constitutional Court was established in 1994 in terms of the 1996 Constitution.

The Court held its first session in February 1995. The Constitutional Court is situated in Johannesburg and is the highest court in South Africa, dealing only with constitutional issues.

The Constitutional Court consists of

- 11 judges
- a chief justice
- a deputy chief justice and nine other judges (according to s 167 of the 1996 Constitution)



Note

Such people may serve for a non-renewable term of 12 years, but must retire at the age of 70.

Duties of Constitutional Court judges:

- They are all independent.
- Their duty is to uphold the law and the Constitution, which they must apply impartially and without fear, favour or prejudice.
- The Constitution requires that any matter that comes before the Court should be heard by at least **eight judges**. In practice, all 11 judges hear every case.
- A decision of the Court is reached by a majority vote of the judges sitting in that particular case.
- Each judge must indicate his or her decision.
- The reasons for the decision are published in a written judgment.

Consequences of a decision of the Constitutional Court

No other court can change a Constitutional Court judgment. Even parliament cannot vary the decisions of the Constitutional Court. If the Constitutional Court makes a decision that says a law must be amended or it cannot be passed because it is unconstitutional, parliament can decide to change the law in order to make it constitutional.

Jurisdiction of the Constitutional Court

The Constitutional Court is the highest court in all **constitutional matters**.

The Constitutional Court has the inherent power to regulate process and develop common law.

The judgments of the Court are based on the Constitution, which is the supreme law of the land. They guarantee the basic rights and freedoms of all persons. The Court has the power to declare an Act of Parliament *null and void* if it conflicts with the Constitution and to control executive action in the same way.

Functions of the Constitutional Court

- Anyone wishing to bring a constitutional case before the Constitutional Court usually has to start in the High Court. The case will then be dealt with by the High

Court, which has the power to award relief, including the invalidation of provincial or parliamentary legislation.

- Should the High Court invalidate (cancel) provincial or parliamentary legislation, the order of invalidity must be confirmed by the Constitutional Court before it has any effect. Should the High Court decide not to award the relief sought, the Constitutional Court may be approached on appeal.
- The Court does not hear evidence or question witnesses, nor does it decide directly whether accused persons are guilty or whether damages should be awarded to an injured person; these are matters for the ordinary courts.
- Its function is to determine the meaning of the Constitution in relation to matters in dispute. One consequence of this is that the Court works largely with written arguments presented to it by the parties. The hearings of the Court are intended to address particularly difficult issues raised by the written arguments of the parties.
- The hearings of the Court are open to the public and the press.



Note

The sessions of the Court are as follows: 15 February to 31 March; 1 to 31 May; 1 August to 30 September; 1 to 30 November. It is during these periods that the Court holds public hearings. The bulk of the work of the Court consists of reading and analysing the documents submitted by parties, and preparing judgment.
(www.concourt.gov.za/about.html).

4.1.7.1.2 The Supreme Court of Appeal

The Supreme Court of Appeal sits in Bloemfontein in the Free State. Apart from the Constitutional Court, this is the highest court in South Africa. It only hears appeals from the High Court.

The Supreme Court of Appeal consists of

- a president
- a deputy president
- a number of judges of appeal, which is determined by an Act of Parliament (according to Act 108 of 1996, Section 168). All cases in the Supreme Court are heard by three or five judges.

Jurisdiction of the Supreme Court of Appeal

- The Supreme Court is the highest court of appeal in all except constitutional matters.
- Except for the Constitutional Court, no other court can vary a judgment of the Supreme Court.
- Only the Supreme Court can vary one of its own decisions. However, if parliament does not like the way the Supreme Court has interpreted a law, it can simply change that law.

4.1.7.1.3 The High Courts

High Courts include provincial or local divisions of the High Court and the Circuit Local Division.

Composition and structure of provincial divisions of the High Court

Provincial divisions of the High Court are situated in the following cities:

- Cape of Good Hope High Court – Cape Town
- Eastern Cape High Court – Grahamstown
- Northern Cape High Court – Kimberley
- Orange Free State High Court – Bloemfontein
- Natal High Court – Pietermaritzburg – KwaZulu-Natal High Court
- Transvaal High Court – Pretoria – Gauteng North High Court
- Witwatersrand High Court – Gauteng South High Court
- Transkei High Court – Umtata – Mthatha High Court
- Ciskei High Court – Bisho – Bisho High Court,
- Venda High Court – Sibasa – Limpopo High Court
- Bophuthatswana High Court – in Mmabatho – North West High Court

Each of these divisions, with the exception of Venda, is composed of a judge president and if the President so determines, one or more deputy judges president, and as many judges as the President may determine from time to time.

Local divisions of the High Court

Local divisions of the High Court are situated at the following venues:

- Witwatersrand Local Division – Johannesburg
- Durban and Coast Local Division – Durban
- South-eastern Cape Local Division – in Port Elizabeth

Functions of the High Courts

Assessors

High Courts are presided over by judges in the provincial courts concerned. In very serious criminal cases a judge may appoint two assessors to assist him or her. Assessors are usually advocates or retired magistrates who assist presiding officers in High Courts. They sit with the judge during the court case and listen to all the evidence presented to the court. At the conclusion of the court hearing they give the judge their opinion. The judge does not have to accept the assessors' opinions, but they usually help the judge to reach a decision.

These higher courts are competent to hear

- any type of criminal case
- all the cases that are too serious for a magistrate's court,
- appeals and reviews against judgments in the magistrate's court

Circuit local divisions of the High Court

These are travelling (roaming) courts. Each court is presided over by a judge of the

provincial division. These courts periodically visit areas designated by the judge president of the provincial division concerned.

The jurisdiction of High Courts:

- any constitutional matter not falling within the exclusive jurisdiction of the Constitutional Court.
- cases of a serious nature that the lower courts would not be competent to make an appropriate judgment or impose a penalty
- general jurisdiction, including the decision of appeals from lower courts, and the review of the proceedings of such courts

Penal jurisdiction of high courts

Except where minimum or maximum sentences are prescribed by law, the penal jurisdiction of High Courts is unlimited and includes life imprisonment in specified cases.

4.1.7.1.4 Lower courts

Lower courts deal with the less serious criminal cases. There is usually a magistrate's court in every town. If there is no magistrate's court, detached offices, branch courts and periodical courts have been established in some of the smaller towns in the rural areas. Regional courts also fall under the lower courts.

Regional courts

The Minister of Justice and Constitutional Development may divide the country into magisterial districts and create regional divisions consisting of districts. Regional courts are then established at one or more places in each regional division to hear matters that fall within their jurisdiction.

Jurisdiction of the regional courts

Regional courts have jurisdiction in all matters except treason.

Penal jurisdiction of the regional courts

The penal jurisdiction of the regional courts is limited by legislation. According to section 92 of Magistrates' Courts Act (32 of 1944), regional courts have the authority to impose imprisonment for a period not exceeding 15 years, or a fine not exceeding R300 000 (amount determined by a notice in the *Government Gazette*).



Note

The law has since changed and regional courts can now also impose a life sentence in some instances.

Magistrates' courts (district magistrate's court)

Magisterial districts have been grouped into 13 clusters headed by chief magistrates and, in a few cases, by senior magistrates. All courts function in terms of national legislation, and their rules and procedures must be provided for in terms of national legislation.

Jurisdiction of the magistrates' courts (district magistrate's court)

Regional courts have jurisdiction in all matters except treason. District courts, on the other hand, have jurisdiction in all matters except treason, murder and rape.

Penal jurisdiction of the magistrates' courts (district magistrate's court)

According to section 92 of the Magistrates' Courts Act (32 of 1944), district courts may impose a sentence of imprisonment not exceeding three years, or a fine not exceeding R60 000 (amount determined by a notice in *Government Gazette*).

Court	Offences	Sentence
Constitutional Court	Does not hear any cases – only constitutional matter	Do not impose sentences
Supreme Court of Appeal	It only hears appeals from the High Court.	Can uphold or reject a sentence imposed by the court. Sentences can be altered by the Supreme Court of Appeal (SCA)
Circuit local divisions of the High Court.	Cases of a serious nature where the lower courts would not be competent to make an appropriate judgment or impose a penalty	The penal jurisdiction of the High Courts is unlimited and includes life imprisonment in specified cases
Regional courts	All offences except treason	Imprisonment for a period not exceeding 15 years, or a fine not exceeding R300 000 (amount determined by notice in the <i>Government Gazette</i>)
Magistrates' courts (district magistrate's court)	All matters except treason, murder and rape	Imprisonment not exceeding three years, fine not exceeding R60 000



Note

Judges are appointed by the President on the recommendations of the Judicial Services Commission. Magistrates are appointed by the Minister of Justice and Constitutional Development.

The functions of the magistrates' courts (district magistrate's court):

The magistrates' courts (district magistrate's court) deal with the less serious criminal and civil cases. Magistrates are appointed by the Minister of Justice after holding an examination for prospect candidates. However, some magistrates begin their careers as lawyers. A system of **lay assessors** is being introduced in magistrates' courts; this means that two respected members of the community will sit with the magistrate and help him or her to decide cases. Magistrates' courts can be divided into two different types, namely criminal courts and civil courts. In this section the focus will be on criminal courts.

In criminal courts the state prosecutes people for breaking the law.

4.1.8 The role of court officials**4.1.8.1 The role of the presiding officer in court cases**

The presiding officer (the judge in a High Court and the magistrate in a lower court) refers to the person who is appointed to conduct a trial in a court of law.

- The presiding officer (judge, magistrate) must ensure that matters proceed in an orderly manner and that the various roleplayers treat one another with the necessary respect and regard. The judiciary officer should, in particular, meet the requirements of integrity, fairness, impartiality, dignity and sound judgement.
- The role of the presiding officer may be seen as that of adjudicator (like a referee) of all the facts put before him or her in an adversarial process.
- The presiding officer has to give rulings by applying all relevant legal prescriptions to each particular case.
- Officers do not act arbitrarily (randomly) – their discretionary powers are prescribed, limited and even excluded by law. That is why a court can only convict an accused on the grounds of evidence under oath in the court – not on gossip or public or media speculation.
- Knowledge of the law and skills of jurisprudence are naturally prerequisites, as are training and experience in legal procedures.

4.1.8.2 The association (relationship) between presiding officers and the other parties in court

The presiding officer (referred to as the court) should create an atmosphere that offers the individuals the opportunity to perform at their best and in so doing contribute to law and justice. Let us look at what the relationships should be:

Law practitioners

Every accused in a criminal case is entitled to legal representation. The presiding officer must at all times remain courteous towards law practitioners because, as officers of the court, they are obliged and almost always are prepared to treat the presiding officer with respect.

Public prosecutors

The considerations mentioned in respect of the relationship between the presiding officer and the legal representatives naturally also apply to the relationship between the presiding officer and the prosecutor. It is the duty of the presiding officer to educate and guide state prosecutors who are not very proficient in court procedures.

The public

The importance of the relationship between the presiding officer and the public cannot be overemphasised. The dignity of the court must be honoured at all times. Remember the general public may attend court hearings.

The accused

The trial of an accused must be conducted in his or her presence unless the accused behaves in such a manner that it becomes impossible for the hearing to proceed. The case may only be concluded, however, once the absent accused has returned to the proceedings and has had the opportunity to present his or her evidence to conclude the case.

The accused is the central figure in a criminal hearing and, where possible, the presiding officer must assist an undefended accused. If an accused is not assisted by counsel, the court must ensure that the accused is aware of his or her rights at all times and must afford the accused every opportunity to conduct a proper defence on his or her behalf. The presiding officer must exercise patience with the accused and treat him or her with courtesy at all times.

During the trial no information on the prior convictions of an accused may be put to the court because such knowledge may influence the court to the detriment of the accused.

Once a person has been convicted and the court has dealt with his or her prior offences, the accused is given the opportunity to present evidence in mitigation of sentencing. In less serious cases, mitigating factors are usually put to the court by the accused and his or her legal representative. In serious cases the services of expert witnesses, such as forensic criminologists, are being used increasingly to submit pre-sentencing evaluation reports to the court.

The purpose of a pre-sentencing evaluation report is to show the court who the accused really is, so that individualised penalties may be imposed.

Witnesses

The presiding officer has a duty to protect witnesses against a legal representative who exceeds the limits of cross-examination. The dignity with which the presiding officer acts in such cases will undoubtedly demand respect.

4.1.8.3 Control of court proceedings by the presiding officer

The main way in which the presiding officer is able to exercise control is to ensure

that everything in the court proceeds in an orderly manner. Sometimes the press gives a great deal of publicity to criminal cases, although the press does not have unlimited capacity to do this. Where a hearing takes place in camera (where the court has ordered that it would be in the interests of justice to remove the general public from the court) or in cases where the accused has been charged with certain offences, the publication of evidence may be restricted. Moreover, the presiding officer has the power to prosecute any person who acts in contempt of the court.

4.1.9 Summary

In this module we discussed the role and composition of the court system in South Africa. We distinguished between the different types of court and emphasised once again the supremacy of the Constitution. Students are strongly advised to attend a court hearing to familiarise themselves with the court officials and the way in which a court case is conducted.

The decision of whether a person is guilty of a crime is the unenviable task of the court. The decision will depend, among other things, on whether the state proved the guilt of the accused beyond reasonable doubt because any person who is accused of a crime is presumed innocent until the state has proved the opposite.

4.1.10 Self-assessment questions

1 Select the most correct statement.

- (1) A court is a body, often a *private institution*, with the *authority to adjudicate legal disputes* and dispense *civil, criminal, or administrative justice* in accordance with rules of *law*.
- (2) A court is a body, often a *governmental institution*, with the *authority to adjudicate administrative justice* in accordance with rules of *law*.
- (3) A court is a body, often a *governmental institution*, with the *authority to adjudicate legal disputes* and dispense *civil and criminal justice* in accordance with rules of *law*.
- (4) A court is a body, often a *governmental institution*, with the *authority to adjudicate legal disputes* and dispense *civil, criminal, or administrative justice* in accordance with rules of *law*.

2 Select the most correct statement. Due process ...?

- (1) is the principle that the government must respect all of the legal rights that are owed to a person according to the *law*
- (2) holds the government subservient to the law of the land
- (3) protect individual persons from being abused by the *state*
- (4) all of the above

3 Select the **incorrect** statement with regard to the Constitutional Court:

- (1) The Constitution requires that any matter that comes before the Court should be heard by at least eight judges.
 - (2) In practice, all 11 judges hear every case. A decision of the Court is reached by a majority vote of the judges sitting in that particular case.
 - (3) Each judge must indicate his or her decision. The reasons for the decision are published in a written judgment.
 - (4) Only parliament can change the decisions of the Constitutional Court.
- 4 Select the **incorrect** answer: Which of the following are examples of ordinary courts?
- (1) Constitutional Court
 - (2) Supreme Court of Appeal
 - (3) High Courts (including any High Court of Appeal that may be established by an Act of Parliament to hear appeals from the High Courts).
 - (4) Water courts
- 5 Select the **incorrect** answer:
- (1) All cases in the Supreme Court of Appeal are heard by three or five judges.
 - (2) If parliament does not like the way the Supreme Court has interpreted a law, parliament can amend that law.
 - (3) The trial of an accused may never be take place in his or her absence.
 - (4) In criminal courts the state prosecutes people for breaking the law.

4.1.11 Self-assessment answers

- 1 (4) A **court** is a body, often a *governmental institution*, with the *authority to adjudicate legal disputes* and dispense *civil, criminal, or administrative justice* in accordance with rules of *law*.
- 2 (4) **Due process** is the principle that the government must respect all of the legal rights that are owed to a person according to the *law*. Due process holds the government subservient to the law of the land, protecting individual persons from the *state*.
- 3 (4) Parliament cannot vary the decisions of the Constitutional Court.
- 4 (4) Water courts are extraordinary courts
- 5 (4) The trial of an accused must be conducted in his or her presence unless the accused behaves in such a manner that it becomes impossible for the hearing to proceed.

4.1.12 Feedback on activities

Activity 1

In a democratic society there are structures which are tasked with maintaining law and order. According to our Constitution, a suspect is entitled to a fair trial conducted in an open court and to be represented by a legal representative. The people who committed these atrocities were acting as prosecutor, judge and executioner, thus

bypassing the criminal justice system and creating a society of violence. Such vigilante action indicates that law and order can no longer be maintained in certain areas. Nor is it a pretty sight because of the inherent barbarism of its execution. The residents should have reported the matter to the South African Police Service.

THEME 5

**The role of traffic
control as a
component of
the criminal
justice system**

Mr JWJ Janse van Vuuren



- 5.1 Introduction
- 5.2 Administrative functions
- 5.3 Community services
- 5.4 Preventative policing
- 5.5 Repressive (or reactive) policing
- 5.6 Miscellaneous functions
- 5.7 The goals of traffic law enforcement
- 5.8 The organisation of traffic control and enforcement
- 5.9 Division of labour
- 5.10 Law enforcement
 - 5.10.1 Primary units
 - 5.10.2 Secondary units
- 5.11 Engineering section
 - 5.11.1 Primary units
 - 5.11.2 Secondary units
- 5.12 Administrative section
- 5.13 Collision management
 - 5.13.1 Duty of the driver in the event of an accident
 - 5.13.2 Causes of collisions
 - 5.13.3 Collision information
 - 5.13.4 Collision bureau
 - 5.13.5 Collision management information
 - 5.13.6 Traffic safety plans (TSPs) and selective traffic enforcement programmes (STEPS)
 - 5.13.7 Traffic safety plans (TSPs)
- 5.14 Selective traffic enforcement programmes: problems
 - 5.14.1 Implementation of a selective traffic enforcement programme (STEP)
- 5.15 Conclusion
- 5.16 Self-assessment questions
- 5.17 Self-assessment answers
- 5.18 Feedback on activities



LEARNING OUTCOMES

When you have completed this unit you should

- understand the rendering of community services by traffic officers

- appreciate what the goals of traffic law enforcement entail
- be conversant with the duties of the primary units in respect of traffic law enforcement
- understand the importance of the services that are rendered by the engineering section of a traffic department
- be conversant with the duties of a driver involved in an accident
- understand what causes collisions
- appreciate the value of the traffic safety plans and selective traffic enforcement programmes (STEPS) implemented by a traffic department
- be conversant with the implementation of a selective traffic enforcement programme

5.1 Introduction

There is a general lack of knowledge regarding the role and function of traffic officers in society. Many people have a simplistic view and regard this role as inferior, believing that it does not demand high academic qualifications.



ACTIVITY 1

Before you continue with this study unit, give your opinion about what the role of a traffic officer entails.

Traffic officers are part of the process of social control (order) and can be seen as supervisors who manage people. This task is more complicated than it may at first appear. A traffic officer's functions can be divided into five broad categories:

- administrative functions
- social services
- preventative functions (proactive control)
- repressive functions (reactive control)
- miscellaneous functions



ACTIVITY 2

Give examples of a traffic officer's function under each of these five categories.

5.2 Administrative functions

Traffic officers, particularly line functionaries, spend a relatively large part of their work time performing administrative functions. The following is an indication of these:

- the completion of registers
- vehicle log sheets

- daily, weekly and monthly reports on the activities performed, such as hours spent on patrol, services rendered, prosecutions instituted, etc.
- collision reports, statements, etc.
- departmental reports
- police dossiers (dockets)
- section 34I and 56 notices (Criminal Procedure Act, Act 51 of 1977)

5.3 Community services

Community-orientated services comprise those activities that are performed as a service to the community and up to 70% of available man-hours are spent on these services. Traffic officers often have a negative attitude towards these services, as they perceive them to be the duty of social workers. However, the clientele expects the police authorities to perform these services, which are available 24 hours a day on a highly decentralised basis and are highly visible.

Traffic authorities are also becoming more and more involved in activities that traditionally and historically do not form part of their normal functions. The importance of these services should never be underestimated as they have a direct influence on the image of the police. An increase in crime, socioeconomic issues, political instability and so on, all have an effect on the role and function of law enforcement personnel.

The following are examples of community services:

- traffic point duty
- school point duty
- assistance at collision scenes
- investigation of complaints
- patrols
- provision of information
- assistance to stranded motorists (especially with existing crime levels)
- escorts: ambulance and private vehicles, funerals, abnormal-load vehicles
- assistance during emergency situations, disasters, etc
- protection: dangerous road conditions, excavations
- removal of vehicles and other items that may cause an obstruction or pose a danger
- protection of stolen or lost property
- reporting of dangerous road conditions, road signs, etc
- educating motorists
- providing information through the mass media
- removal and storage of vehicles involved in collisions
- investigation of collisions
- removal of animals and animal carcasses from the roads
- proactive programmes



ACTIVITY 3

Hold a discussion with fellow learners about their feelings regarding the additional duties of traffic officers.

5.4 Preventative policing

The primary aim of the execution of traffic law is to maintain “traffic” order by promoting voluntary compliance with these laws and to protect society against transgressors (Van Heerden 1986:17). This goal is pursued by attempts to eliminate the predisposing and precipitating factors in the causation of crime by means of

- preventative patrols: high visibility
- traffic engineering services
- education: juveniles
- dissemination of statistical information regarding traffic crime and collisions
- propaganda measures
- interaction with client-based groups: local taxi liaison committees etc to facilitate law and order (motivational strategy)
- inspection services: vehicle roadworthiness
- training programmes
- scholar patrol services
- crowd control
- assistance to neighbourhood watches
- prevention of unlawful races and activities
- retesting of incompetent drivers
- patrols: public places such as parks
- crime prevention programmes
- stopping motorists from driving further

5.5 Repressive (or reactive) policing

Repressive policing refers to those activities geared to reinstate order after it has been breached.

This encompasses all activities implemented to identify transgressors and includes attempts to bring transgressors before the judiciary (Van Heerden 1986:17). This process is achieved through

- law enforcement
- investigation and reconstruction of traffic crimes and collisions
- evidence in court
- provision of information (civil litigation)
- inspections
- road blocks
- execution of warrants
- service of processes
- impounding of vehicles and instruments used in crime



ACTIVITY 4

Describe preventative and repressive policing in your own words.

5.6 Miscellaneous functions

Miscellaneous functions include the following:

- escorts: VIPs
- church services (traffic control during funerals)
- delivery of official documents
- impounding of vehicles (lost vehicles)
- rendering of emergency services (first aid)
- traffic counts and studies
- investigations and research projects: assistance
- removal of oil and other substances from road surfaces
- cordoning off roads: hazardous materials
- arranging alternative routes (incident management).

5.7 The goals of traffic law enforcement

Traffic control comprises primarily the policing of traffic order, which in turn is a component of the primary goal of policing in the broader sense of the word, that is, the maintenance of social order in society. Traffic authorities are primarily responsible for the policing of traffic order.

In addition, the following secondary objectives are pursued:

- the maintenance of social order in general
- the promotion of voluntary compliance with the law
- the protection of life and property through traffic safety education and engineering
- the rendering of various services and assistance to the clientele
- crime prevention

Every organisation's reason for existence is substantiated by its objectives (Van Heerden 1986:36): "An organization is a social unit intentionally constructed to seek specific goals." The objectives that are being pursued determine the nature and extent of the institution. Whisenand (in Van Heerden 1986:36) describes it as follows: "An organizational goal is a desired state of affairs which the social unit seeks to realize" whilst "[a]n organization is a structure through which people work as a group".

When the numerous definitions of "organisation" are analysed it would seem that the following are vital for any organisation:

- there must be an organisational structure
- people must be grouped together
- common goals and objectives must be pursued

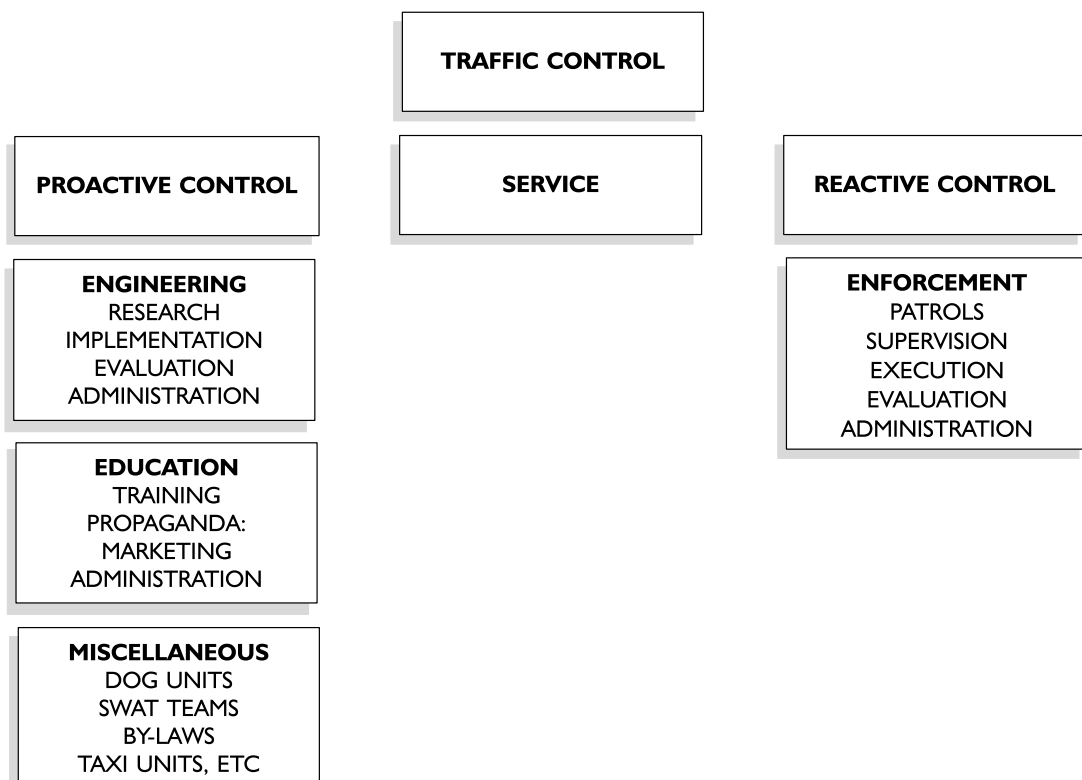
- the organisation must not only be static (structure) but also dynamic (process) by nature

Traffic authorities, like all other open systems, are dependent on input (human and material) from the external environment. This input is then processed in order to provide a product or service. However, if the input is substandard, a substandard product or service results; this is as a result of the cyclical nature of open systems. Accordingly, traffic administrators are responsible to their clientele for rendering more professional services. The interaction between the internal and external occupational milieu, or the role allocator and the role executor, can precipitate potential conflict, which may harm a healthy relationship. It would seem that there is a great deal of ignorance about the true role of traffic policing. The clientele's (the community) perception of traffic officers is stereotypical and centres on a negative connotation which originated in the repressive policing actions taken by officers that were a feature of traffic control in the past. Certain facets of the authorities' actions, such as parking control and speed law enforcement, create particularly antagonistic and hostile attitudes. The image of the traffic occupation is formed during the actual rendering of services.

5.8 The organisation of traffic control and enforcement

Traffic control and enforcement are a collective effort to maintain traffic order on our roads. This control can be either reactive or proactive and traffic authorities are structured in such a way that they serve both goals.

The control of traffic can be indicated schematically as follows (Smit 1982:2):



Organisational structures are established to designate how work is to be divided among the various components of the establishment. Most departments are divided into line and staff functions.

5.9 Division of labour

Most traffic authorities have three main sections: enforcement, engineering and administration. Each of these main sections can be classified further into primary, secondary and administrative units.

5.10 Law enforcement

5.10.1 Primary units

In order to fully understand the following section on law enforcement, you have to ensure that you know and understand the role and function of traffic control.

The primary units of the law enforcement section consist of line functionaries who are grouped together in various combinations commonly referred to as shifts or units. These units can be categorised as protective and remedial.

The proactive units are primarily concerned with the protection of life and property. This is pursued through patrol activities, the minimisation of precipitating factors, protection and other concomitant functions. The largest percentage of the department's personnel is assigned to these units. These units may consist of the following:



ACTIVITY 5

Discuss the meaning of proactive in your own words and say what the role of proactive units in law enforcement will be.

● Patrol units (shifts)

These units are primarily responsible for routine patrols to strengthen the visibility of policing and to maintain a presence. These units are usually able to respond quickly to calls and emergencies. The department's area of responsibility is usually divided into smaller segments. Officers are then assigned to one or more segments depending on various criteria. Patrol units are also responsible for the vast majority of social and community-oriented services. Units may also be deployed to saturate certain locations or areas to eliminate specific problems. Selective enforcement is also an integral part of the functions of these units. Traffic officers deployed at the highest accident times and enforcing the accident causing violations. The deployment of patrol units is based or is supposed to be based on a scientific analysis of collision statistics by appropriately trained specialists.

Certain law enforcement problems may require the use of motorcycle, vehicle or foot patrols. Vehicles may be marked or unmarked for specific application. The use of

traffic officers in civilian clothes is not a recommended practice, nor is the use of unmarked vehicles in certain circumstances.



ACTIVITY 6

Talk to a traffic officer stationed in a patrol unit in your area about the patrol unit's role in law enforcement

- **Saturation enforcement units (control units)**

The following units are established to police specific crimes or problems:

- *Speed control*

One or more units, depending on the size of the department and its objectives, are allocated to control speed. This is done in a variety of ways. The development of a national speed management system is currently being undertaken to assist traffic administrators in this regard.

- *Traffic light control*

This type of unit is usually introduced in larger cities where there is sufficient infrastructure to warrant the exclusive deployment of personnel to observe traffic lights.

- *Environmental control*

These units are primarily responsible for enforcing environmentally oriented legislation, i.e.

- *Noise pollution control*

These units monitor noise emission levels using sophisticated noise measuring devices. This field of enforcement is very selective and requires specialised training.

- *Air pollution control*

Air pollution control units concentrate on the levels of smoke emission, which are also monitored with specialised equipment. These units are usually restricted to the larger departments, especially those with a large proportion of commercial vehicles.

- *Overloading control*

The weighing of vehicles to enforce weight restrictions is also a specialised field of enforcement. Officers in these units receive additional training as prosecution of overweight vehicles has a major economic impact on operators. The purpose of enforcing these restrictions is to protect the road infrastructure.

- Vehicle roadworthiness

Although controlling the roadworthiness of vehicles is a general function, special units may frequently be established to pay particular attention to this matter.

- Parking control

The vast majority of traffic authorities have special units to police parking measures and traffic wardens are generally employed for this type of control. Many authorities place too much emphasis on the policing of economic matters such as parking measures.

- Freeway control

Freeway control is also a function that usually requires special units with special vehicles and equipment. These officers also receive additional training to handle the emergency situations they encounter.

- Miscellaneous units

There are many other areas of policing which may require the establishment of specialised units, for example:

- dog units
- SWAT-teams (special weapons and tactics)
- by-law units (illegal dumping, etc.)
- taxi units

- Remedial units

This type of unit concentrates on the investigation of crime, particularly the investigation and reconstruction of collisions. This function requires an advanced state of specialised training not found in many departments. It is, however, suggested that traffic authorities should engage themselves more in this area, as the SAPS does not have the personnel needed to perform satisfactorily in this field.

Very few organisations have internal investigation units to police the presence of corruption, coercion, and so on.



ACTIVITY 7

Explain why the saturation enforcement units can be considered as proactive units.



ACTIVITY 8

Draw a diagram in which you explain the primary units of law enforcement.

5.10.2 Secondary units

These secondary units, also referred to as staff functions, consist of various units. These units, although not directly involved with law enforcement activities, have a direct influence on the logistical capabilities that enable line functionaries to operate effectively (Van Heerden 1986:113).

- **Communication unit**

This unit, which is commonly referred to as a duty or control room, is primarily responsible for maintaining efficient radio, telephonic and paging contact with operational personnel. It serves as a nerve centre between the various sections in the department. It is responsible for keeping a number of registers, including what is commonly called an “occurrence book”. All matters of importance are recorded in this book for later reference. This unit is also responsible for contacting and dispatching other emergency services.

- **Accommodation and auxiliary services units**

The maintenance of buildings, equipment, vehicles, and so on requires a special unit as it has a direct influence on the effectiveness of operational teams. Equipment used for prosecution purposes must be checked and calibrated regularly for ethical purposes and to ensure that it complies with legislation. The provision of materials, ammunition, and suchlike is another function of these units.

- **Collision bureau**

This unit is responsible for a wide spectrum of duties related to collision management and information, offence monitoring, and others.

- **Photo development services**

The use of camera systems has led to the creation of photo development services. Many departments have a special unit for this purpose or have contracted it out to private companies. The prosecution of offenders is initiated by these units (speed, robots, collisions and training).

- **Warrants and processes**

Warrant units are responsible for the identification and apprehension of offenders who have failed to comply with the legal requirements of prosecutions.

- **Recovery and towing services**

Larger traffic authorities operate a vehicle recovery unit to remove illegally parked vehicles, or those involved in collisions. Vehicles left abandoned in terms of the Road Traffic Act are also removed and stored by this unit. Certain traffic authorities have agreements with private vehicle recovery services to perform this service on their behalf.



ACTIVITY 9

Discuss the different units classified under secondary law enforcement units in your own words.

5.11 Engineering section

Traffic engineering is becoming more important as it contributes to a safer traffic environment. A large variety of complaints are received annually which need to be investigated. Complaints vary from elementary issues to highly complicated matters that require comprehensive investigation by specialists.

5.11.1 Primary units

- **Road marking**

Road marking units are largely responsible for the provision and maintenance of road markings in accordance with the Act and the South African Road Traffic Signs Manual. Road marking is an essential component of the road environment, and is intended to complement the geometrical features of the road and contribute to communication with road users.

- **Road signs**

These units may be combined with road marking units or operate on their own, depending on the size of the department. Signs must also comply with the prescribed minimum requirements.

- **Parking meters and areas**

The maintenance of parking meters and parking area control equipment is another specialised function for which a separate unit may be established. The introduction of electronic parking meters has revolutionised parking control.

- **Traffic light maintenance**

Traffic light maintenance entails the replacement of light bulbs and traffic light lenses, the painting of poles, and so on. More complicated functions are usually the responsibility of the electricity department.

5.11.2 Secondary units

There are also a number of secondary units in the engineering section that are responsible for the functions that supplement the primary units.

- Technical workshop

The technical workshop performs a variety of functions, most notably the following:

- the procurement of road signs
- the design of information signs (according to prescribed standards)
- the purchase of paint and other materials
- the rehabilitation of signs and poles
- the erection of barriers

The following functions are also part of the technical workshop:

- records
- stores
- management of the pound/auctions



ACTIVITY 10

How do you interpret the functions of the engineering section?

5.12 Administrative section

There are many separate units in the administrative section, of which the following serve as examples:

- data capturing
- court documentation
- administration
- training unit (internal and external)

Not all traffic departments are structured in exactly the same manner. The number of units and the degree of specialisation depend on the size of the organisation, the unique problems experienced by the various local authorities, the nature of the problems being experienced, and so on. The vision and mission have an influence on the horizontal division of labour in the organisation.

5.13 Collision management

Collisions normally occur as a result of conflict in the flow of traffic and are usually as a result of human error. The result is damage to property, injuries and often death. In a developing country like South Africa, the cost of collisions is astronomical and may simply be unaffordable. It is therefore imperative that information on collisions be collated as accurately as possible for analysis and, ultimately, use by all interested parties.

5.13.1 Duty of the driver in the event of an accident

Section 118 of the Road Traffic Act, as amended, determines the duties of a driver when involved in a collision. These are as follows:

- I The driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which any other person is killed or injured or suffers damage in respect of any property or animal:
 - (a) shall immediately stop the vehicle;
 - (b) shall ascertain the nature and extent of any injury sustained by any person;
 - (c) shall, if a person is injured, render such assistance to the injured person as he may be capable of rendering;
 - (d) shall ascertain the nature and extent of any damage sustained;
 - (e) shall, if required to do so by any person having reasonable grounds for so requiring, give his name and address, the name and address of the owner of the vehicle driven by him and, in the case of a motor vehicle, the registration or similar mark thereof;
 - (f) shall, if he has not already furnished the information referred to in paragraph (e) to a traffic officer at the scene of the accident, and unless he is incapable of doing so by reason of injuries sustained by him in the accident, as soon as is reasonably practicable, and in any case within 24 hours after the occurrence of such accident, report the accident to any police officer at a police station or at any office set aside by a competent authority for use by a traffic officer, and there produce his driver's licence and furnish his identity number and such information as is referred to in that paragraph;
 - (g) shall not, except on the instructions of and when administered by a medical practitioner in the case of injury or shock, take any intoxicating liquor or drug having a narcotic effect unless he has complied with the provisions of paragraph (f), where it is his duty to do so, and has been examined by a medical practitioner if such examination is required by a traffic officer.
- 8 No person shall in an urban area remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest, until such removal has been authorized by a traffic officer, except when such accident causes complete obstruction of the roadway of a public road, in which event the vehicle involved may, without such authority and after its position has been clearly marked on the surface of the roadway by the person moving it, be moved sufficiently to allow the passage of traffic.
- 9 In any prosecution for a contravention of any provision of this section it shall be presumed, until the contrary is proved, that the accused was aware of the fact that the accident had occurred, and that he did not report the accident or furnish the information as required by subsection (I)(f).
- 10 In this section the word "animal" means any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich.



ACTIVITY 11

Give examples to explain section 118 of the Road Traffic Act.

5.13.2 Causes of collisions

Extensive research has been conducted to determine the causes of collisions. It is now common knowledge that the human factor is responsible for approximately 90% of all collisions, while the vehicle and the road environment contribute 7 and 3% respectively.

Causative factors are explained in more detail as follows:

- insufficient knowledge of the road rules, road environment and technology
- attitudinal deficiencies towards the correct, safe use of roads
- incompetence, especially because South African drivers are not compelled to attend driver education programmes
- unskilled drivers, particularly young and very old drivers
- traffic violations and lack of pedestrian safety
- inconsiderate and aggressive behaviour
- road environmental factors, especially defectively designed roads, insufficient road signs and markings and so on
- vehicle defects

When traffic violations are considered, it is interesting to note the average individual contribution of a few prominent collision causative violations. The most important violations are as follows:

Reckless/negligent driving	18,0%
Speed too high for conditions	16,5%
Failure to stop	11,1%
Alcohol/drugs	3,2%
Insufficient following distance	1,7%
Vehicle defects	2,4%
Other factors	57,1%
Total	100%

One of the oldest principles of traffic policing is that law enforcement should be concentrated (saturated) at those locations where most of the collisions occur, on the days and during the times when they occur, and that attention should be paid to collision causative violations.

This, however, is only possible when traffic authorities have the information needed to make meaningful decisions concerning prevention and enforcement activities.

5.13.3 Collision information

The source of all data in connection with collisions is the Officer's Accident Report (OAR) form. Such a report must be completed for every collision that occurs.

5.13.4 Collision bureau

Most traffic authorities have what is commonly referred to as a Collision or Accident

Bureau. This merely refers to an office or section where all collision reports are received and processed and the data collated for further use. The collated data are then presented in various formats to managerial and operational personnel to satisfy their individual and varying requirements. Prior to the advent of computer systems, it was common practice to maintain pin-maps to visually depict the geographical distribution of collisions.

The information reflected on the OAR forms must be accurate and reliable, as it fulfils a very important function in traffic policing. If information is incorrect, erroneous, inaccurate and wrong decisions may be taken which can lead to personnel resources being wasted.

The most important information for traffic administrators includes the following:

- total number of collisions over a specified period(s)
- any increase/decrease in the number of collisions
- equivalent accident number
- collision trends
- collision costs
- holistic picture of the collision situation.

Middle management (supervisory staff) will probably require the following:

- high frequency collision locations
- types of collision that occur most frequently
- times during which most collisions occur

Traffic engineers, planners and other interested parties will most likely request information on collisions at certain locations or on certain routes. Attorneys and insurance companies usually require information on specific collisions for litigation purposes. Many traffic authorities charge a fee for such information.

Other interested parties that may require collision data include consultants, researchers, business consultants and state prosecutors.

5.13.5 Collision management information

It is important that the following terms with regard to collisions be clearly explained so that all roleplayers know exactly what is meant when they are used:

- collision rates (no. of collisions per 108 kilometres)
- injury index (no. of injuries or deaths per 108 kilometres)
- equivalent accident number (EAN)
- enforcement index
- collision prediction
- productivity index or parameters

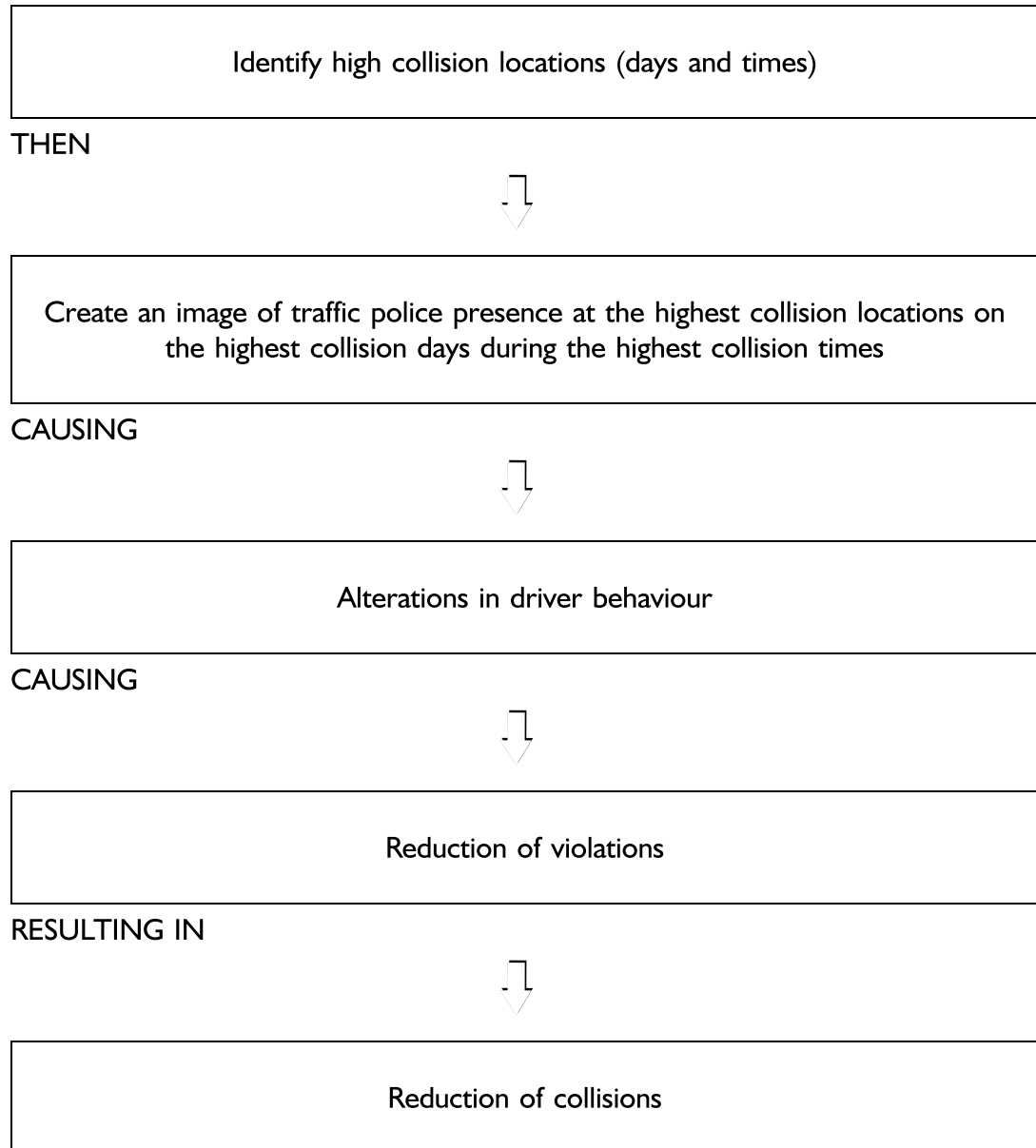
5.13.6 Traffic safety plans (TSPs) and selective traffic enforcement programmes (STEPS)

Almost every traffic authority has some or other method with which attempts are

being made to reduce traffic conflict, offences and collisions. Many authorities have dedicated selective traffic enforcement programmes (STEPS) for this purpose.

All these programmes are based on the following premises (Booth 1980:319)

PREMISES FOR COLLISION PREVENTION



New technology, new methods and better information systems have precipitated adaptations to the conventional thinking relating to traffic safety plans. The traditional methods centred on the principle that traffic patrol activities should be concentrated at high collision frequency locations. This is primarily a reactive approach based on collision data calculated by the collision bureau. Innovative thinking has led to the use of more scientific methods to optimise the deployment of manpower resources. This, then, has initiated a more proactive or preventative approach to law enforcement.

5.13.7 Traffic safety plans (TSPs)

Traffic safety plans (TSPs) are basically a more holistic approach to traffic safety as they encompass all the functional areas. A traffic safety plan is a declaration of intent or an undertaking of the manner in which things are done in order to minimise injuries and damage to property. Such a plan consists of many detailed actions, which must be executed according to a specific programme. The plan serves as a map for the authorities regarding every aspect of traffic safety with reference to

- why things should be done
- what should be done
- how it should be done
- when it should be done

TSPs are important because they

- compel participants to think holistically
- ensure that the requirements of the traffic management system are complied with
- force the compiler to anticipate defects in order to minimise risks timeously
- describe the procedures which must be allowed to integrate the TSPs and functional area plans on all levels to eliminate fragmentation
- consider all relevant productivity factors
- facilitate decision-making processes

The following criteria should form part of a TSP:

- the formulation of a vision
- the formulation of a mission
- the formulation of a grand strategy
- the formulation of goals
- the formulation of objectives
- the formulation of activities
- the identification of the tools to carry out the activities in the plan



NOTE

The TSP should be implemented and evaluated regularly by all relevant roleplayers. It is important to note that these plans are never static and should be adjusted pragmatically to suit local conditions.

It is clear that there is a distinct difference between selective traffic (law) enforcement programmes and TSPs. The latter is a more comprehensive systems approach to traffic safety, whereas a STEP is primarily the efforts of one function area, that is, the traffic control and traffic policing functional area.

5.14 STEPs: problems

The majority of STEPs in South Africa are demanding in terms of manpower

requirements and the administrative monitoring mechanisms which accompany them. The relatively little time available for law enforcement purposes and the extent of the collision problem and other concomitant factors, negate the orderly continuance of STEPs.

Another problem of traffic law enforcement in general and selective traffic enforcement programmes in particular is that results can only be measured and evaluated over extended periods, usually 12 months. The exact cause of collisions are usually not known and the net effect of different law enforcement activities can only be guessed.

It has also been reported that high visibility patrol activities and the requirement that more emphasis be placed on collision causative moving violations are inappropriate as the one negates the other. It is for this reason that when a "critical" few offences are selected for special attention, the use of seatbelts should be included as it is a highly visible law enforcement activity.

Operational personnel are not always knowledgeable about the purpose of STEPs, with the result that they may be efficient but not effective. Officers must be fully informed about all aspects relating to STEPs as well as about any progress made.

Supervisory staff should also be involved in the plan, from the initial planning stage through to the final product. Their valued participation and contributions will ensure a higher degree of commitment. Failure to involve supervisory staff in such matters often leads to the collapse of a strategy or plan as they form the pivotal point of the organisation's activities. It serves no useful purpose if supervisory staff has an action plan but no plan of action.

The lack of strategic planning by traffic authorities can also be considered a serious impediment to the successful implementation of STEPs. The mere introduction of a STEP will not guarantee continued success, even though a reduction in collisions may be experienced over the short term at those localities selected for special attention. A strategic plan for the whole organisation, of which a STEP forms an integral part, will be more likely to achieve greater success.

Manpower shortages are also often cited as a real cause for the failure to introduce or maintain STEPs. This should not, however, be the case, as these shortages actually force enforcement agencies to optimise the resources that are available: the greater the manpower shortages, the greater the need to introduce STEPs.

Misplaced objectives may also lead to the failure of a STEP. Such programmes should be based on sound information such as collision data, offence rates, traffic volumes, and so on. To increase law enforcement activities for those offences that do not really contribute to collisions will serve little purpose. The attainment of objectives should also be monitored regularly to ensure that energy is expended productively.

A lack of uniform policy and a lack of standardisation are probably also major causes for the failure of traffic administrators to involve their institutions in STEPs.

Traffic administrators and officers generally are not properly trained in business and management principles, data metrics, and so on, with the result that they fear changes that may expose their ignorance.

The above-mentioned problems are some of the aspects that will have to be addressed in future to ensure a safer traffic environment.

5.14.1 Implementation of a STEP

The following procedural analysis of the implementation of a STEP has been simplified to illustrate the basic use of collision data:

- identification of the problem
- information about the problem
- indication of possible solutions
- introduction of plans
- information about steps taken
- identification of the problem

Collision data is basically the best barometer for establishing whether there are any specific areas or problems that require attention. Data should be collected over a period of 12 months so that any trends can be identified.

● Information about the problem

The next step is to study and collect as much information as possible about the problems identified. This may require detailed studies and investigation, and as many disciplines and authorities as possible should be consulted. A detailed survey of the area to determine contributing factors is sometimes necessary. Quality control models to determine offence rates should also be implemented.

● Indication of solutions

The information gathered in step 2 will in all probability direct you towards certain solutions. Physical problems regarding the road environment, education and various enforcement actions or combinations thereof will be considered.

● Introduction of plans

The next step is to introduce a detailed plan (STEP) as part of the organisation's traffic safety plan. It has already been said that as many personnel as possible should be involved in order to maximise commitment. Plans should be kept as simple as possible and goals should be clearly stated. Progress should be measured at regular intervals. This search for alternative policing models has culminated in the recent promulgation of amendments to the SAPS Act, Act 68 of 1995, as well as the publication of the Draft White Paper on Safety and Security, both of which deal with policing at local government level.

● Information about steps taken

It is of vital importance that information about steps taken be communicated to all traffic officials involved in STEPs. Apart from the fact that this coordinates steps taken by officers, it also enables managers in charge of these STEPs to monitor and evaluate the effectiveness of the programmes and to determine whether a specific programme has been successful or whether it should be abandoned and/or replaced by a new initiative or programme.

5.15 Conclusion

Not all traffic departments are structured in exactly the same manner. The number of units and the degree of specialisation depend on the size of the organisation, the unique problems experienced by the various local authorities, the nature of the problems experienced, and so on. The vision and mission of the department involved will have an influence on the horizontal division of labour in the organisation.

5.16 Self-assessment questions

- 1 The traffic officer's functions can be divided into how many categories?
 - (1) One
 - (2) Two
 - (3) Three
 - (4) Four
 - (5) None of the above

- 2 Administrative duties of traffic officials include ...
 - (1) the completion of registers
 - (2) vehicle log sheets
 - (3) daily, weekly and monthly reports on the activities performed, such as hours spent on patrol, services rendered, prosecutions instituted, etc
 - (4) collision reports, statements, etc
 - (5) All of the above

- 3 The primary aim of the execution of traffic law is to
 - (1) arrest offenders
 - (2) issue summonses to offenders
 - (3) deter potential offenders
 - (4) maintain "traffic" order by promoting voluntary compliance with these laws and to protect society against transgressors
 - (5) assist the SAPS

- 4 Indicate the incorrect answer. Reactive policing includes the following
 - (1) law enforcement
 - (2) investigation and reconstruction of traffic crimes/collisions
 - (3) evidence in court
 - (4) crime prevention
 - (5) provision of information (civil litigation)

- 5 Indicate the incorrect answer. Miscellaneous functions include which of the following examples?
 - (1) Escorts for VIPs
 - (2) Traffic control
 - (3) Church services
 - (4) Delivering of official documents
 - (5) Impounding of vehicles (lost vehicles)

5.17 Self-assessment answers

- 1 (5)
- 2 (5)
- 3 (4)
- 4 (4)
- 5 (2)

5.18 Feedback on activities

Activity 1

Learners could mention that traffic officers are responsible for the safety of pedestrians and other road users.

Activity 2

Give examples of the traffic officer's function under each of these five categories. (See par 5.25.6 for a detailed discussion on these topics.)

Activity 3

Students can deliberate on the aspect of visibility – the more visible officers are the more it can act as a deterrent for potential violators of road traffic offences. This justifies the additional duties of traffic officers.

Activity 4

Preventative policing refers to all the activities before a traffic offence is committed. Repressive policing refers to crime investigation and therefore any activity that takes place after the offence was committed.

Activity 5

Proactive and preventative policing is the same thing – to be proactive means that actions should be taken before an offence is committed.

Activity 6

Approach any officer and discuss traffic policing with him or her.

Activity 7

Saturation enforcement refers to the “flooding” of an area with traffic officials in order to create the impression that the police are “ever present”. The fact that potential offenders will be deterred makes this unit a proactive unit

Activity 8

Patrol units	Visibility
Saturation enforcement units control units	Speed, traffic lights, and noise and air pollution
Environmental control	Environmentally oriented legislation
Noise pollution control	Prevent too much noise
Air pollution control	Concentrate on the emission of smoke levels
Overloading control	Enforce weight restrictions on trucks
Vehicle roadworthiness	Test of vehicles for roadworthiness
Freeway control	High speed motor cars to patrol free-ways

Activity 9

See par 5.10 2 for a detailed discussion

Activity 10

See par 5.11 for a detailed discussion

Activity 11

Mention any of the duties mentioned in par 5.13.1

THEME 6

**Community
management of
high risk
offenders**





THEME OUTCOME

- Demonstrate an understanding of diverse aspects relating to the community management of high risk offenders as a crime prevention initiative.
- Display an understanding of the origin, development and application of risk assessment as a complex practice.

Assessment criteria

When you have completed this theme you should

- understand the challenges and dynamics relating to contemporary responses to high risk offenders
- appreciate the difficulties and dilemmas encountered in regard to risk assessment
- be conversant with risk management dynamics
- understand the key issues in managing high risk offenders

STUDY UNIT 6.1

Introduction to high risk offenders

Dr M Barkhuizen

- 6.1.1 Introduction to high risk offenders
- 6.1.2 Who are high risk offenders?
- 6.1.3 Can we really know high risk offenders?
 - 6.1.3.1 Risk assessment tools
 - 6.1.3.2 The problem of risk prediction
 - 6.1.3.3 Criteria and evidence for “dangerousness”
- 6.1.4 Perspectives on risk and dangerousness
 - 6.1.4.1 Criminological and legal approaches to risk and dangerousness
 - 6.1.4.2 Psychological framing of high risk offenders and dangerousness
 - 6.1.4.3 Sociological understanding of risk and dangerousness
- 6.1.5 Conclusion
- 6.1.6 Self-assessment questions
- 6.1.7 Self-assessment answers
- 6.1.8 Feedback on activities



LEARNING OUTCOMES

When you have completed this study unit you should be able to

- demonstrate a clear understanding of high risk offenders
- identify some of the problems surrounding risk prediction
- differentiate between the different theoretical perspectives on “risk” and “dangerousness”



ACTIVITY I

Before you start reading this unit, describe briefly in your own words the characteristics of someone who you would consider dangerous or a high risk to society.

.....

.....

.....

.....

6.1.1 Introduction to high risk offenders

In recent years high risk offenders have received a considerable amount of media, policy and practice interest. According to Kemshall (2008:4), the key issues surrounding high risk offenders are the difficulties in identifying exactly who are high risk offenders, the questions surrounding their risk assessment and the problems with risk predictions in the future. In this unit we review the limits to risk prediction and community management of high risk offenders, as this knowledge is vital for criminology and criminal justice students.

6.1.2 Who are high risk offenders?

Broadly defined, high risk offenders are those individuals who have committed a violent or sexual offence, or who have been assessed as likely to do so. This definition, according to Kemshall (2008:5), reflects a preoccupation with offenders likely to offend harmfully against the person, and those committing sexual offences resulting in physical harm or psychological trauma.

However, defining and identifying high risk offenders is no easy task. Kemshall (2008:5) states that both perceptions and definitions of high risk are dependent on the context within which they are used and reflect the culture, ideology and values found within that context. According to the author, risk is not a value neutral term as it encapsulates the values and meanings by those who use it. These meanings can, for example, differ between professional groups, when collaboratively assessing risk, or between the general public and experts, when debating acceptable risk (eg when and where to use nuclear power).

The term “high risk” and “dangerous(ness)” are used interchangeably in some contexts. In the media the term “dangerous(ness)” seems to be dominant as opposed to “high risk”, which is used more in a legal or policy context. The term “dangerous” has also changed into the more popular term “risk”.

Summarise briefly in your own words:

High risk offenders

.....

.....

.....

The problems with defining a high risk offender

.....

.....

.....

6.1.3 Can we really know high risk offenders?

Kemshall (2008:7–8) is of the opinion that the identification of high risk offenders has been, and still is, a problem. This, in the author’s opinion, is the result of three major issues:

- designing and implementing a risk assessment tool capable of reliably and consistently identifying high risk offenders
- differing interpretations of what constitutes “high risk” among practitioners and sentencers
- establishing sufficient criteria and evidence upon which to base judgements about the future

6.1.3.1 Risk assessment tools

Risk assessment tools have historically been described as an attempt to “predict the unpredictable” and to literally “tame uncertainty”. The problem with this approach is that the rarer the behaviour of the high risk offender, the more difficult it is to accurately predict, even though this is just the type of high risk behaviour that criminal justice personnel are expected to predict (Kemshall, 2008:8). In addition, the accuracy of risk assessment tools has also proved to be problematic in terms of maintaining long-term reliability.

6.1.3.2 The problem of risk prediction

According to Kemshall (2008:9–10) prediction has been an ongoing issue in risk assessment. This is largely due to the difficulty in establishing the relationship

between risk factors and subsequent offending. For an offender it may be the range and interaction of various risk factors that is important, and not just their presence or absence. Risk factors can have different impacts – what impacts on one offender does not necessarily impact on another. Furthermore, judgements of risk are open to bias, stereotyping and interpretation, as both professionals and the public make subjective decisions concerning risk prediction.



Look back at your comments in Activity 6.1. In light of this, would you say that the above statement is a fairly accurate assumption?

6.1.3.3 Criteria and evidence for “dangerousness”

When considering the criteria and evidence for “dangerousness”, it is important to consider a number of aspects, especially when deciding whether an offender presents a significant risk. According to Kemshall (2008:12), there is a difference between offenders who have no previous convictions or who are under the age of 18 and those who have previous convictions or who are over 18. In the case of the former, the court

- must take into account *all* such *information* that is available to it about the *nature and circumstances* of the offences
- may take into account any information which is before it about any *pattern of behaviour* of which the offence forms a part
- may take into account any information about the *offender* which is before it

When determining “dangerousness” a number of complex judgements based on the interaction of the offender, the circumstances surrounding the offence, the impact on the victim(s), and a combination of in-depth knowledge of behaviour, attitudes and motivation are required (Kemshall 2008:13). According to Kemshall, while there are significant issues involved in “knowing” high risk or dangerous offenders, policy, legislation and practice are all conducted “as if” we can know them. The number of potentially dangerous offenders is enormous, comprising anyone who has the capacity to act harmfully. The trick is to discern, with a reasonable degree of accuracy and consistency, who might.

6.1.4 Perspectives on risk and dangerousness

Kemshall (2008:30) is of the opinion that the term “dangerous offender” is heterogeneous (or fairly diverse) in the 21st century, but has focused primarily on the sexual and violent offender, in particular those offenders who commit sexually violent and predatory crimes against children (eg paedophiles). However, the category of “dangerous offender” is very flexible, incorporating potential terrorists, asylum seekers, problem youth, the socially excluded, as well as a wide range of sexual and violent offences of varying degrees of seriousness. Kemshall further states that, “every offender is deemed to present some risk – the key is to determine the level of risk and match responses accordingly”.



ACTIVITY 2

Check your local newspapers or ask your parents, friends or other community members whether there are, or have been, any dangerous or high risk offenders released from prison back into your community? If so what is or was the reaction of the community to these offenders?

Air your views on this matter on the myUnisa website for this module – it will be interesting to hear from you!

Dangerousness has had various interpretations and various classes of individuals have been considered dangerous at different points in time. Theoretical approaches to dangerousness have also changed over time. A number of different theoretical perspectives to dangerousness are rooted in the disciplines of sociology, criminology and psychology. These perspectives or approaches illustrate different understandings of, and responses to, dangerousness (Kemshall 2008:30–40):

6.1.4.1 Criminological and legal approaches to risk and dangerousness

The examination of criminological and legal approaches to risk and dangerous offenders reveals an emphasis on a technical understanding of risk, within which risk and dangerousness are framed as objective phenomena if the correct measures and tools can be designed. This perspective on risk has resulted in a constant developing in the pursuit of reliable risk assessment tools to identify dangerous offenders, the “critical few” or high risk offenders. The accurate “capture” of risk is seen as a matter of tool design and integrity of use.

According to this perspective, problems in tool use can be understood as arising from differing conceptualisations of risk rather than as necessarily being due to practitioners’ lack of compliance. In essence, risk assessment tools see the riskiness of an offender as rooted in the behaviour and circumstances of that individual. Brown (2000 in Kemshall 2008:31) describes such a perspective on risk as “fluid” or changeable, running along a behavioural continuum of low to high risk, and triggered by specific circumstances. Such risks are knowable and can be calculated if behaviours and triggers can be measured against known risk profiles produced by the aggregated data on risky populations – fundamentally this is the job that most risk assessment tools do. Behaviours and triggers are also seen as changeable to some degree, thus such tools target offenders for intervention and behavioural programmes, as well as sentencing options. Criminological and legal approaches have tended to individualise risk, centring on the rational individual or actor, characterised as a free-willed individual who engages in crime in a calculated, practical way.

Criminological and legal approaches to risk and dangerousness have contributed risk assessment tools to the justice system and thus a degree of consistency and accuracy to risk assessment. In addition, criminology has also focused on crime opportunities, crime prevention and crime reduction, and introduced a prevention paradigm into

some areas of crime management. This has resulted in the offender being seen as a rational actor, capable of free will and choice, who can be managed, and even changed.

6.1.4.2 Psychological framing of high risk offenders and dangerousness

This approach views risk and dangerousness as the individual, inherent traits of the offender. In essence, risk factors are understood as those factors predisposing the individual to sexual or violent offending. These factors may be within the personality of the individual, a result of mental illness or as a result of childhood experiences or family functioning. While risk and dangerous behaviours are individualised, it is usually in terms of deviation from the norm (or abnormalities) and linked to assessments or diagnoses designed to reveal the reasons for such abnormality. Such assessments are used not only to determine culpability but also to determine treatability.

Psychiatric assessments and treatments often run parallel to psychological approaches, targeted at those high risk offenders deemed to have a mental illness. Psychiatry has attempted to provide typologies of dangerous offenders, for example typologies of serial killers. The question asked by these professionals is – did the offender know what he or she was doing or not? This has an impact on the degree of blame, which in turn may diminish punishment. Mental health diagnoses for high risk offenders can also result in compulsory detainment and treatment in secure facilities, as well as risk prevention and public protection.

Psychology and affiliated disciplines have made a major contribution to the framing and understanding of dangerous offenders. They played an important role in the articulation of problematic behaviours, mental disorders, predisposing factors and triggers, and in the development of increasingly effective treatments and probation interventions for sexual and violent offenders.

6.1.4.3 Sociological understanding of risk and dangerousness

Sociological understandings of risk and dangerousness are eclectic, drawing on a range of theoretical approaches (cultural theory, governmentality theory and social construction approaches) within the broader discipline of sociology.

- *Cultural theory*

Cultural theory examines how some dangers are chosen for attention while others are not (eg the attention to “stranger-danger” in child sexual abuse and the relative neglect of sexual abuse within families). Such a perspective pays attention to the symbolic and cultural meanings carried by risk and danger, and the political rationalities and strategies that underpin them.

- *Governmentality theory*

Governmentality theorists examine risk in the context of surveillance, discipline, and

regulation of populations, and how concepts of risk construct certain norms of behaviour which are used to encourage individuals to engage voluntarily in self-regulation in response to those norms. This is what Kemshall (2008:40) refers to as “responsibilisation” which is essentially a mechanism of social regulation in which individuals are made responsible for their own actions, including their own risks, and for their own self-risk management.

New techniques of surveillance (generally electronic) have been increasingly linked by governmentality theorists to social regulation. Examples of these are the electronic tagging and satellite tracking of offenders; the use of car number plate recognition systems in speeding and CCTV cameras to monitor the movement of paedophiles and so forth.

- *The social construction of risk and the role of the media*

Social construction approaches to risk postulate that “a risk is never fully objective or knowable outside of belief systems and moral positions: what we measure, identify and manage as risk is always constituted via pre-existing knowledges and discourses” (Lupton 1999:29). This is not to say that risks and dangers are not real, but that perceptions of risk and how risks and dangers are selected for importance and attention is significant; for example, the contrast between the media, political and public attention given to children abducted and killed by strangers, and the number of children killed per year by a parent.

The media shape issues, drawing the attention of the public and political figures, and provide a frame of reference against which we measure our own experiences. The media can “champion” causes, validate causes and experiences, demonise particular groups and popularise new fears, risk and dangers. More importantly, the media can also help to find solutions (or inhibit them), mobilise activists and enable or prompt policymakers into action.

The impact of mass media, in particular television, has contributed to what Garland (in Lupton 1999:29) has called a “collective and institutionalised crime consciousness”. Experience of crime and victimisation is an everyday social fact – indeed, it is an expectation of our everyday life, which contributes to our anxiety and fear of crime. We are constantly aware of crime risks and take precautions against them, even though, having done so, we may not feel particularly safe in our communities.

6.1.5 Conclusion

It seems that the terms “risk” and “dangerousness” can be somewhat elusive. In light of this it is important for practitioners, managers and policymakers to understand the different perspectives or approaches and the responses to them. It is also important to understand the views of others regarding risk and dangerousness and how these can be sources of tension and conflict, for example between practitioners and court officials or policymakers and implementers. However, in spite of the latter it is critical that all roleplayers provide critical reflection on current policy developments and penal strategies (Kemshall 2008:46).

6.1.6 Self-assessment questions

Question 1

Kemshall (2008:7–8) is of the opinion that the identification of high risk offenders has been, and still is, a problem. This, in the author’s opinion, is due to three major issues. Identify the correct options:

- (a) Designing and implementing a risk assessment tool capable of reliably and consistently identifying high risk offenders
- (b) Differing interpretations of what constitutes “high risk” among practitioners and sentencers
- (c) The opinions of the police, court officials and medical practitioners about who is potentially a high risk offender
- (d) The contrast between the media, political and public attention given to children abducted and killed by strangers
- (e) Establishing sufficient criteria and evidence upon which to base judgements about the future

Question 2

“This perspective of risk has resulted in a constant developing in the pursuit of reliable risk assessment tools to identify dangerous offenders, the ‘critical few’ or high risk offenders.”

Identify which perspective or theoretical approach the above statement forms part of.

- 1 Psychological approach
- 2 Cultural perspective
- 3 Criminological and legal approaches
- 4 Sociological approach
- 5 Governmentality perspective

Question 3

Complete the sentence with the correct term:

... assessments and treatments often run parallel to psychological approaches, targeted at those high risk offenders deemed to have a mental illness.

- 1 Biophysical
- 2 Psychosocial
- 3 Neurological
- 4 Psychiatric
- 5 Biochemical

Question 4

What does Kemshall (2008:40) refer to as “a mechanism of social regulation in which individuals are made responsible for their own actions, including their own risks, and for their own self-risk management”?

- 1 Responsibilisation

- 2 Self-regulation
- 3 Individualisation
- 4 Rationalisation
- 5 Self-actualisation

Question 5

Complete the following statement correctly by choosing the correct term:

According to the social construction approach the ... can “champion” causes, validate causes and experiences, demonise particular groups and popularise new fears, risk and dangers.

- 1 offenders
- 2 courts
- 3 media
- 4 victims
- 5 youth

6.1.7 Self-assessment answers

- (1) a, b and e
- (2) 3
- (3) 4
- (4) 1
- (5) 3

6.1.8 Feedback on activities

Activity 1

No specific feedback as students' answers will differ.

Activity 2

No specific feedback. Students' answers will differ. Ensure that you engage with other students on *myUnisa* with regard to this question.

STUDY UNIT 6.2

Risk assessment: a complex practice

Prof AE Hesselink

- 6.2.1 Introduction
- 6.2.2 Key concepts
 - 6.2.2.1 Risk assessment
 - 6.2.2.2 Actuarial scales and instruments
 - 6.2.2.3 Meta-analysis
- 6.2.3 Why risk assessment?
- 6.2.4 Risk assessment: an inaccurate practice
- 6.2.5 Assessment principles
 - 6.2.5.1 The needs principle
 - 6.2.5.2 The risk principle
 - 6.2.5.3 The responsivity principle
 - 6.2.5.4 Criminogenic needs
- 6.2.6 Types of risk assessment
- 6.2.7 Factors related to risk prediction
 - 6.2.7.1 Static risk factors
 - 6.2.7.2 Dynamic risk factors
- 6.2.8 Community protection through partnership
- 6.2.9 Summary
- 6.2.10 Self-assessment questions
- 6.2.11 Self-assessment answers
- 6.2.12 Feedback on activity



LEARNING OUTCOMES

When you have completed this study unit you should

- understand the complex nature of risk assessment as a practice
- know why risk assessment is important in corrections
- be able to outline the assessment principles related to risk assessment
- be able to recognise the different types of risk assessment used in a correctional setting
- be able to relate to the factors associated with risk assessment
- understand community protection through partnership

Assessment criteria

After completing this study unit, you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

6.2.1 Introduction

According to Kemshall (2008:49), within a correctional setting accurate risk assessment is essential to the successful identification and management of high risk offenders. Yet, the practice of risk prediction is deemed inaccurate and prone to failure. The dilemma is that no risk prediction scale or instrument can predict recidivism with 100% accuracy. Even if an offender is classified as a high risk offender, the probability of reoffending is still influenced by various factors that desist involvement in criminality (ie personality, personal circumstances, and societal and familial influences), irrespective how reliable the risk assessment instrument may be.

This study unit examines the practice of risk prediction and the accuracy of this phenomenon, and explores the various types and adjacent principles of risk assessment and prediction.

6.2.2 Key concepts

The following key concepts are central to the study unit.

6.2.2.1 Risk assessment

During the 1980s and 90s, political repercussion against “rehabilitation” led to correctional and community supervision agencies assuming a new approach to risk management and specifically risk assessment and prediction, in order to curtail the risks that offenders pose to public order (Siegel & Bartollas 2011:84). Although professionals are presented with an array of tools for risk assessment, challenges arise when trying to choose an appropriate one (Campbell, French & Gendreau

2009:579). In this regard it is postulated by Siegel and Bartollas (2011:243–244) that risk assessment is used to allocate inmates to high, medium and low risk categories. Treatment effectiveness is thought to be maximised by matching inmate needs (ie substance abuse and education) with the proper treatment modality, that is, offender “responsivity” or offender treatability.

According to Hesselink-Louw (2004:27), risk assessment demands a methodical evaluation, analysis and assessment of criminal behaviour in order to determine an offender’s risk of escaping, absconding, bullying behaviour (or own vulnerability), and dangerousness. The risk of recidivating or causing harm to the public, known individuals, staff, or the self is included here. Risk assessment can be applied in order to assist with inmate classification, offender management strategies, therapeutic interventions, parole decision making, community supervision and the sentencing of offenders.

6.2.2.2 Actuarial scales or instruments

Actuarial scales are standardised, objective risk or needs instruments that have been developed through extensive research. These instruments are quantifiable measures of “criminogenic” risks and needs, and are linear in nature. That is, the higher a person scores on the instrument, the greater the individual’s presumed susceptibility for criminal or antisocial behaviour in the future. Actuarial assessments have been shown to be far better than clinical assessment (professional/personal judgement) when predicting the incidence of reoffending. Professional assessors base their predictions of reoffending and dangerousness on these statistical, research-based estimates of risk – that is, an actuarial approach (Hesselink-Louw 2004:4344).

Nonetheless, indecision remains concerning the most appropriate instruments for the prediction of violence given the dissimilarity in item content, purpose, format and administration of method (Campbell et al 2009:571).

6.2.2.3 Meta-analysis

A meta-analysis approach determines which instruments (risk assessment scales or instruments) can be applied most effectively as suitable and valid predictors of potential violence and reoffending behaviour within the correctional environment and in the community. However, a good deal of the discrepancies among prediction studies are is to sampling error, which is the main source of variation in prediction studies. One means of addressing this concern is to conduct meta-analyses, which statistically conclude the main study data to a superior estimation true to population parameters (Campbell et al 2009:570–571).

In layman’s terms a meta-analysis approach is a comprehensive research endeavour that evaluates a plethora of studies (a big sample) on the same research phenomenon in order to determine the validity and accurateness of the scales or instruments used (ie the risk predictors or indicators).

6.2.3 Why risk assessment?

In modern times, the research and practice of risk assessment has shifted from unstructured clinical judgement towards an evidence-based, structured approach. Although this progression began in risk assessment with adult offenders, an increasing number of measures have been developed for assessing risk for violent and general recidivism in youth as well (Olver, Stockdale & Wormith 2009:329–330).

Predicting recidivism is important for several reasons. Firstly, it affords judges, parole boards and probation officers the chance to assess an offender's likelihood to reoffend. Secondly, it allows clinicians and correctional administrators the chance to identify need and risk factors to steer intervention programmes intended to improve an offender's chances of success within the community. Thirdly, recidivism prediction provides community leaders and citizens with information on how released offenders can best be reintegrated into conventional society, with the intention of reducing the chances of relapsing into criminality and also controlling the increasing economic, social and personal cost of crime. Lastly, differentiating between variables that predict recidivism is of fundamental importance to forensic and correctional practitioners and researchers because of its capability of underlining vital offender needs, identifying outstanding offender risks, and determining the central principles of crime causation for use in preventing future criminal activity (Walters 2009:665–666).

The rationale for risk assessment necessitates the following endeavours (Hesselink-Louw 2004:146–147):

- determine the risk of reoffending
- assess the risk posed by an offender (ie self-harm and escape)
- identify the factors that contribute to offending behaviour
- understand an offender's background characteristics to enhance theory and aetiology
- identify the particular conditions under which an offender is likely to behave violently, aggressively or criminally
- assist in an offender's case planning
- safeguard fellow inmates from risk and dangerousness
- understand childhood risk factors to improve treatment planning and treatment responsiveness
- select appropriate targets for effective service delivery
- manage offenders in such a way as to decrease their criminal activity
- determine the probability that correctional inmates will engage in either dangerous or maladjusted behaviours
- minimise negative events and encourage positive ones
- assist in the safe reintegration of offenders into society

In support of this, Olver et al (2009:329) postulate that assessing risk for general and violent recidivism is a universal chore for psychologists and other mental health professionals who work with offenders in the criminal justice and correctional sectors of society. These assessments, in turn, serve important functions, among others to promote public safety; assess risk for general recidivism, identify indicators for intervention, and guide community supervision. For example, an offender identified as posing a high likelihood of potential dangerousness to others might be an ideal inmate for secure custody (to protect the public) and/or intensive treatment (to

reduce risk). Risk assessments also assist in referrals, because they are supportive of assisting sentencing decisions (eg type of disposition, sentence length) or imposing special conditions. Moreover, risk assessments may be used to formulate recommendations for services and a comprehensive assessment can identify relevant risk factors to be targeted for treatment, appropriate intervention strategies, and responsivity issues that may affect the treatment process (eg client motivation). Finally, risk assessments may also assist decision making regarding the management of offenders in justice facilities (eg evaluating risk of harm to staff).



FOOD FOR THOUGHT

Visualise a highly dangerous inmate about to be released into the community who has not been assessed for his or her risk for reoffending. This offender exhibits a history of the following personal characteristics and aspects:

- juvenile antisocial and criminal behaviour
- criminal associates and gang involvement
- alcohol and drug abuse
- limited education and vocational skills
- cognitive distortions
- procriminal attitudes and thinking patterns
- lack of a non-criminal support structure
- unemployment
- a lack of decision-making and communication skills

The likelihood that such an offender will reoffend is high, especially if these aspects have not been intensively addressed in rehabilitation endeavours and therapy. Remember, these aspects can only be addressed once this offender has been effectively assessed, then his or her unique “offender needs” (all aspects listed above) have been determined and addressed in therapy. Once these aspects have been addressed, then they can be eliminated from the offender’s “risk-list”.

6.2.4 Risk assessment: an inaccurate practice

Frequently, within corrections, risk assessment and prediction are made under conditions where there is inadequate information about an offender’s police arrest, charges and circumstances of the crime(s) and practitioners are placed under severe pressure with increased responsibility “to make decisions under conditions of uncertainty” (Kemshall 2008:55). Risk assessment in terms of potential for violence plays a vital role in decision making pertaining to sentencing, release and case management, and the selection of rehabilitation methods to attain risk reduction. The skill to assess risk is facilitated by the use of structured, empirically derived, and theoretically driven instruments – that is, actuarial risk assessment instruments (Campbell et al 2009:568).

The use of risk assessment as a method is challenging in so far as it is vague and indecisive regarding the specific criteria used to identify the degree of risk of an

offender. In general, most offenders are categorised as “low”, “medium” or “high” (maximum) risk offenders. This categorisation is mostly based on (Kemshall 2008:50)

- the likelihood to reoffend and dangerousness (to self and others)
- the seriousness of crime
- the absence or presence of protective factors (ie intelligence, support structure, criminal associations)
- an offender’s motivation to change risky behaviour
- an offender’s ability to self-risk manage (ie to behave, adjust and reform whilst in prison).

In South Africa, these category levels assist in housing or grouping offenders according to their current dangerousness, personality difficulty or problems, protection of self, other inmates and staff, criminal history, attempted and/or actual escapes, the type and severity of crime(s) committed, harm done, and length of imprisonment sentence.



Risk assessment is a fundamental and important function to reduce recidivism and to prevent crime. In South Africa, all offenders deemed dangerous, violent, aggressive or susceptible of future criminality should ideally undergo a comprehensive and scientific-based risk assessment before being released back into society.



ACTIVITY 1

With your acquired knowledge of risk assessment, can you identify any correctional centres in your immediate environment that use risk assessment practices professionally for offenders about to be released into the community and/or for pre-parole purposes? What do you think is needed to employ this vital practice nationally in South African corrections?

6.2.5 Assessment principles

The practice of offender assessment is based on specific principles that facilitate the process of identifying offender needs and assessing risk. Compliance with the risk-need-responsivity principles and identifying criminogenic needs contributes to better risk reduction than when these principles are overlooked or modestly applied for effective case management and risk reduction (Campbell et al 2009:583).

6.2.5.1 The needs principle

Hesselink-Louw (2004:93–94) is of the opinion that the identification of offenders’ needs can change criminal and antisocial behaviour into pro-social conduct, if such identification processes are effectively applied. Thus, the need principle stipulates the type of treatment targets (related to criminal behaviour) that should be addressed to

develop and rehabilitate offenders positively. These treatment targets include, for example, substance abuse (alcohol and drug abuse), medical factors (HIV/Aids, epilepsy), attitudes (pro-criminal thinking patterns), employment (previous unemployment) and psychological factors (cognitive distortions, self-esteem problems).

6.2.5.2 The risk principle

The risk principle maintains that criminal behaviour can be predicted and that it involves matching levels of treatment services to the risk level of an offender. Low risk inmates present a low risk of reoffending, whereas high risk offenders represent a high risk of recidivism. The risk principle also refers to high risk offenders receiving intensive treatment in order to reduce their risk for re-entering a correctional environment. This is accomplished through the assessment of known risks and the evaluation of needs (Hesselink-Louw 2004:147).

6.2.5.3 The responsivity principle

Siegel and Bartollas (2011:243) state that “the responsivity principle maintains that programs should consider offenders’ situations as well as characteristics that may become barriers to success in a correctional program”. In addition, Hesselink-Louw (2004:95) maintains that the responsivity principle refers to delivering treatment programmes and intervention in a style and mode that is consistent with the ability and learning style of an offender. As such, offenders will only benefit from interventions that are meaningful to them and are delivered in a way which is appropriate to the learning style and ability of an offender. Aspects such as offender motivation, compliance, treatment, treatability and treatment effects are important components of the responsivity principle.

6.2.5.4 Criminogenic needs

Factors that place an offender at future risk are often described as “criminogenic” and can be social or personal. Criminogenic factors are also changeable (dynamic) and include education, pro-offending attitudes, criminal associates, substance abuse, unemployment, aggression, and poor problem-solving skills (Hesselink-Louw 2004:94; Olver et al 2009:330).

6.2.6 Types of risk assessment

In custodial settings it is important to determine types of risk, such as risk to the public (ie marginalised groups – women), fellow inmates (ie aggressive behaviour), known adults (ie a previous victim), children, staff (ie threatening behaviour, aggression and assault), self (ie suicidal thoughts or behaviour), escape (ie previous attempts), vulnerability (ie vulnerability to personal victimisation and bullying and aggressive behaviour), control (ie disciplinary adjudications) and previous behaviour (ie violent and aggressive behaviour, or paranoid trends) (Hesselink-Louw 2004:148–149).

Risk and needs assessment commenced with what is known as **first-generation** risk assessment. This method of assessment originated in the mid-20th century and was based on unstructured clinical judgements of risk that were prone to error and bias. In light of these restrictions, **second-generation** risk instruments were developed and offered a standardised assessment that was based on statistically predictive indicators (empirical instruments) aimed at reducing and predicting recidivism. Second-generation instruments included the Violence Risk Assessment Guide (VRAG; Harris, Rice & Quinsey 1993) and the Statistical Information on Recidivism (SIR; Bonta, Harman, Hann & Cormier 1996). Some of these instruments have been criticised because their items were selected with little consideration for their theoretical or rehabilitative value. In addition, most second-generation instruments are composed mainly of “static” risk items. Static risk factors are unchangeable (eg criminal history, age, gender), and an exclusive reliance on static factors for risk assessment has been condemned because these factors do not take into consideration the complexity of recidivism, do not permit measurement of changes in risk over time, and fail to identify areas for intervention (Campbell et al 2009:568–569).

Third-generation risk instruments highlighted the need for prediction models to predict risk and to inform the identification of criminogenic needs that could be targeted for change to reduce recidivism. Examples of third-generation risk scales are the Level of Supervision Inventory – Revised (LSI-R; Andrews & Bonta 1995); the Historical, Clinical, and Risk Management Violence Risk Assessment Scheme (HCR-20; Webster, Douglas, Eaves & Hart 1997); and the Self-Appraisal Questionnaire (SAQ; Loza 2005). These instruments were based on empirically supported risk factors, and item selection was more deliberately determined by theoretical understandings of persistent criminality and violence (Campbell et al 2009:568–569).

Third-generation measures also included dynamic risk factors that can change over time or with the influence of social, psychological, biological or contextual factors (eg intervention). Examples of such risk factors (ie criminogenic needs) are substance abuse, interpersonal conflict and antisocial attitudes. Third-generation instruments have secured a more accurate estimate of violent recidivism risk than second-generation measures (Campbell et al 2009:580).

Recent developments in risk instruments have brought to the fore **fourth-generation** risk assessments that are specifically designed to be integrated into (Campbell et al., 2009:580)

- the process of risk management
- the selection of intervention modes and targets for treatment
- the assessment of rehabilitation progress

These instruments are administered on various occasions and are above all informative because they document changes in specific criminogenic needs that might occur between an offender’s “entrance” into the criminal justice system and his or her “exit” from the criminal justice system. Fourth-generation instruments mainly identify areas of success and positive progress and they highlight intervention strategies that need to be adapted in order to make the most of their potential for risk reduction. Examples include the Level of Service/Case Management Inventory (LS/CMI; Andrews, Bonta & Wormith 2004), the Violence Risk Scale (VRS; Wong & Gordon 2006), Correctional Offender Management Profile for Alternative Sanctions

(COMPAS; Brennan & Oliver 2000), and Correctional Assessment and Intervention System (CAIS; National Council on Crime and Delinquency, 2004). Fourth-generation instruments are said to deliver the strongest predictive estimate of the different generations of assessments for violent recidivism (Campbell et al 2009:580).

6.2.7 Factors related to risk prediction

As stated in a previous section, risk and needs assessment is based on static and dynamic factors. Hanson (2005:214) accentuates the difference between types of risk factor. This is discussed in the following sections.

6.2.7.1 Static risk factors

Static risk factors are unchangeable, historical risk factors and include aspects such as age, gender, marital status, criminal record, early behaviour problems, and race factors that are a given and are part of a person's existence and history (Hesselink-Louw 2004:156).

6.2.7.2 Dynamic risk factors

In contrast, dynamic risk factors are changeable factors that determine aspects and spheres of an offender's life, personality and/or lifestyle where change and personal development is possible. These factors include aspects such as substance abuse, education, pro-criminal attitudes, criminal associations, lifestyle instability, relationship and intimacy problems, cognitive distortions, accommodation and unemployment. These factors are also known as criminogenic factors – that is, factors that need to be effectively addressed to bring about positive change and development within an offender (Campbell et al 2009:580; Hesselink-Louw 2004:154–155). In support of this, Hanson (2005:214) proposes that changes in criminogenic factors or needs correspond to changes in recidivism.

6.2.8 Community protection through partnership

Internationally, formal partnerships for protection originated in the early 1990s, with attention focusing on managing and monitoring high risk offenders once they had been released from prison and reintegrated into the community. These partnerships are known as formal multi-agency public protection arrangements (MAPPA), which inform part of the community protection approach to risk management (Kemshall 2008:67).

Kemshall (2008:69) proposes the following tiered approach for the risk management of offenders about to be released (or still to be in custody for a while) in order to ensure community protection through partnership:

Level 1: Ordinary risk management	Level 2: Local inter-agency risk management	Level 3: Multi agency protection panel (MAP-PA)
Risk is managed by the agency responsible for the offender	Active involvement of more than one agency	For the “critical few”, ie registered sex offenders; violent and other aggressive offenders and repetitive violent offenders
No involvement of other agencies	Higher level of risk because of complexity of managing the offender	MAPPA is responsible for risk management planning
Only an appropriate option for offenders that are “low” or “medium” risk	Level 3 cases can be referred to level 2 when risk of harm deflates	Active partners take joint responsibility for community management of an offender
	Responsible authorities decide on the frequency of meetings, representation, type of active role and quality assurance of risk management	The offenders associated with this level are at high or very high risk of causing serious harm
		Offenders present risks that can be managed through a plan identified by close cooperation at a senior level, owing to complexity of the case/offender and resource commitment it requires
		Likelihood of media scrutiny and/or public interest, need to ensure public confidence is sustained

This type of assessment is also dependent on the following information for example (Kemshall 2008:71):

- *The victim*: past and possible future victims, modus operandi (ie methods used, coercion, stalking, weapons used, threats), circumstances of crime and proximity
- *Conditions and circumstances*: to determine risk of past and future in order to predict high risk circumstances
- *Level of motivation*: to offend and to comply with risk management plan and offender’s own view of his or her risk
- *Consideration of imminence*: linked to the likelihood and opportunity to reoffend
- *Risk determination*: escalating of risks linked to risk management plan prediction – are future risks (increased) foreseen and planned for?

Although the MAPPAs have a legal responsibility to publish annual reports, the publication represents limited communication with local communities, while public commitment to the work of MAPPAs remains unfulfilled and as a result there is low trust and low reliability – these may hold negative consequences for the MAPPAs system. However, Kemshall (2008:72) warns that the “MAPPAs’ lack of accountability to the public and lack of transformation about its operation leaves it potentially isolated from local communities, and the distance between experts and public is problematic in long-term management taboo risks”.

In South Africa, partnerships with local communities are in place in terms of the adopted Circles of Support and Accountability (COSA) model. This joint venture is based on negative public reaction to the release of a sex offender into the community, and awareness that formal supervisory instruments can neither effectively reintegrate sex offenders nor promise public safety. This practice has its origin in faith-based communities offering “circles of support” and responsibility with regard to a sexual offender, that is, offering contact and support (ie a surrogate family) while monitoring the offender with caution. The work of COSA also recognises that many sex offenders are social isolates, and that reintegration following custody is on the whole difficult. Sex offenders are perceived as being open to rehabilitation, although obstacles to effective rehabilitation are recognised and the notion is that without sufficient assistance sex offenders will reoffend (Kemshall 2008:74–75).

COSA is in line with a broadly restorative and re-integrative approach to sexual offending, and aims to develop community safety through the effective reintegration of sex offenders into the community. COSA has been evaluated in Canada and the UK with positive results, with a decrease of 70% in sexual offending. Other countries involved in the COSA approach are the Netherlands, the USA and Bermuda (Kemshall 2008:74–75).

6.2.9 Summary

In this study unit the practice and obstacles pertaining to risk assessment were considered. The focus fell upon the central concepts of risk assessment, the different types of risk assessment, the accuracy of risk assessment as a practice in predicting recidivism, and community protection through partnerships.

6.2.10 Self-assessment questions

- 1 A sex offender about to be released into the community would require a certain level of risk management, namely:
 - (a) Level 3
 - (b) Level 1
 - (c) Level 2

- 2 Risk assessment determines which of the following?
 - (a) Recidivism and possible dangerousness of an offender
 - (b) The strategy used to manage a violent and aggressive offender
 - (c) (c) Options (a) and (b)

- 3 COSA is a formal community partnership based upon which approach?
 - (a) Rehabilitative
 - (b) Assessment
 - (c) Recidivism

- 4 Risk factors, such as employment, substance abuse and criminal associates are representative of ...
 - (a) static factors
 - (b) dynamic factors
 - (c) criminogenic factors

- 5 Third generation risk assessments are aimed at ...
 - (a) identifying theoretically based risk and need factors
 - (b) assessing an offender's rehabilitation progress
 - (c) providing information on an offender based on professional judgement

6.2.11 Self-assessment answers

- 1 (a)
- 2 (d)
- 3 (a)
- 4 (b)
- 5 (b)

6.2.12 Feedback on activity

Activity 1

In order to ensure national benefit and use of a risk assessment tool, the Department of Correctional Services (DCS), needs to develop and research an empirical, standardised, "Africanised" risk assessment tool (in line with indigenous populations, cultures and customs). Such a tool should ultimately be representative of South Africa's unique offender population and crime, political and socioeconomic circumstances. Furthermore, the DCS should employ sufficient professional staff who are trained in risk assessment practices.

STUDY UNIT 6.3

**Community
management of high
risk offenders: risk
management**

Mrs GE Da Costa

- 6.3.1 Introduction
- 6.3.2 Community protection risk management strategies
 - 6.3.2.1 Key components of effective risk management
 - 6.3.2.2 Supervision and monitoring
 - 6.3.2.3 Cognitive behavioural therapy (CBT)
 - 6.3.2.4 General notes on risk management strategies
- 6.3.3 Alternative risk management approaches
 - 6.3.3.1 'Good Lives' Model (GLM)
 - 6.3.3.2 Prevention and opportunity management strategies
 - 6.3.3.3 Social inclusion and integration techniques
 - 6.3.3.4 Relapse prevention
- 6.3.4 Potential and limits of the different two approaches
- 6.3.5 Summary
- 6.3.6 Self-assessment questions
- 6.3.7 Self-assessment answers
- 6.3.8 Feedback on activities



LEARNING OUTCOMES OF THIS UNIT

When you have successfully completed this unit, you should

- understand the types of strategy and intervention that are used by partnerships in the community management of high risk offenders

- appreciate the risk management strategies used in the “community protection model”
- be able to identify the emerging alternative strategies
- be conversant with the potential and limits of each approach

Assessment criteria

After completing this study unit, you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the learning outcomes of this study material.

6.3.1 Introduction

This study unit examines the strategies and interventions used by partnerships to deliver protection in the community management of high risk offenders. Kemshall (2008) examines a few risk management techniques which include the following:

- community protection measures (such as sexual offender registration, electronic tagging)
- restorative and reintegrative measures (such as Circles of Support, preventative and opportunity management strategies and social inclusion and integration techniques)

This unit will focus on some of the main risk management strategies used by the community protection model and some of the alternative strategies with regard to restorative and integrative approaches.

6.3.2 Community protection risk management strategies

This type of risk management centres on the protection of the community; accordingly, it stresses controlling and restrictive measures for the offender. The methods of supervision are usually rigorous, including monitoring techniques and corrective programmes that are founded on principles of cognitive behavioural therapy (CBT).

Kemshall (2008:86) gives an example of some restrictive measures: a sex offender may have a restriction against using certain leisure facilities (eg swimming pools) and approaching local schools, and may have, as a condition, to reside in a certain place (eg a hostel). She explains that these conditions limit the opportunity for offenders to commit offences and to “groom” their victims, but unfortunately these conditions can sometimes have an adverse affect. The HMIP (Her Majesty’s Inspectorate of Probation) thematic on sex offenders found that sex offenders that were restricted from certain areas were then in social isolation, especially from their own families and support networks, and this also led to a lack of reintegration.

The community protection model often views risk management as working with

unmotivated offenders and therefore aims to protect victims at all costs by containing offenders within the community and restricting their opportunities to reoffend.

6.3.2.1 Key components of effective risk management

According to Kemshall (2008:87), the following are a few key components of effective risk management:

Key component	This entails the following:
Proactive planning	Before a high risk offender is released from prison the following issues should be dealt with. Firstly, appropriate licence/parole conditions should be created, accommodation should be secured, victim protection and support work needs to take place and surveillance and reporting requirements should be set up.
Police intelligence	To monitor grooming and targeting activities and to identify offender networks
Boundaries and swift enforcement	Although these written contracts are not legally binding, contracts with offenders could reinforce conditions and hold these offenders to account for programme attendance and compliance with conditions, for example, rapid parole recall.
Targeted surveillance	To establish key contacts and offender movements and to provide evidence of further offending and evidence to justify recall
Supervised accommodation	Crucial for effective risk management. It provides stability and can be combined with curfews, CCTV surveillance, electronic monitoring and high levels of staff contact.
Accredited programmes	Programme selection must be done with great care as part of a wider risk management strategy.
Victim protection	Providing relevant information, personal alarms, rapid response police numbers and restraining orders.
Addressing criminogenic and welfare needs	Failure to meet the basic offender needs can undermine the risk management plan.

Source: Adapted from Kemshall (2003); Kemshall et al (2005; 2006)

Kemshall (2008:87–88) states that a typical risk management package for a paedophile on release from custody could resemble the following:

- electronic tagging
- supervised accommodation

- restriction of access to school locations
- identification and intensive one-to-one work on key triggers (eg mood changes, attitudes to and the sexualisation of children)
- use of local police intelligence on offending networks and surveillance of key movements
- victim empathy work (adapted from Kemshall et al 2005; 2006)



What can you remember?

Key component	This entails the following:
Proactive planning
.....	To monitor grooming and targeting activities and to identify offender networks
Targeted surveillance
.....	Crucial for effective risk management. It provides stability and can be combined with curfews, CCTV surveillance, electronic monitoring and high levels of staff contact.
Victim protection

Joan van Niekerk, a manager at Childline South Africa, affirms that the best risk management strategy in their experience is a system of close monitoring that involves a team – both therapy and a well-trained authority figure, such as a parole officer and a close family member, who is willing to engage as a partner in the rehabilitation process – without taking any responsibility for maintaining safe behaviour away from the offender him- or herself (Van Niekerk 2010).

6.3.2.2 Supervision and monitoring

One of the important activities of the community protection model is the supervision and monitoring of offenders. With reference to the *SA Yearbook 2007/08* (www.justice.gov.za), Justice and Correctional Services, the contravention of parole conditions leads to interventions such as correctional programmes, stricter conditions, increased supervision and revocation of the parole. Monitoring in these instances would include visits to the parolee’s home and workplace, telephonic liaison and consultations at the Community Corrections Office. Two difficulties regarding supervision of high risk offenders as mentioned by Kemshall are a lack of

resources and an overemphasis on restrictions. Porporino and Fabiano (in Kemshall 2008:88) mention that practitioners have reported that offenders lack incentive to change when their needs remain unmet or when restrictions are overly intrusive. Therefore a motivational approach to offenders is advocated, emphasising a “meshing of motivational principles into the fabric of offender management”. This leads us to the CBT for offenders.

6.3.2.3 Cognitive behavioural therapy (CBT)

This treatment is designed to assist offenders in changing their criminal behaviour by managing their thinking patterns, feelings and attitudes. According to Kemshall (2008:89–90) CBT programmes targeted at sex offenders tend to focus on

- changing patterns of deviant sexual arousal
- correcting distorted thinking and educating offenders in the “cycle of abuse”
- educating offenders about the effects and impact of abuse
- increasing social competence
- victim empathy
- controlling sexual arousal
- reducing denial
- relapse prevention
- problem recognition and problem solving
- skills practise for improving interpersonal relationships

An article entitled “I am a paedophile” written by De Bruyn (2008:68) describes an interview that was conducted with Clive Andrew, on parole for “sexually molesting a child under the age of consent”. Raymond Bekker, Clive’s therapist who is illustrated in the article, is a supporter of CBT. He states: “If you can make the paedophile understand that his actions are the result of unacceptable thought patterns ... we can start to work on managing those thought patterns, and creating a new environment and support structure.” However he says that this intervention should take place at least ten days after an assault before denial and minimisation build up. Some of the factors that Kemshall also stresses are that the timing of interventions, programme integrity and relapse prevention can be crucial to the correct treatment methods and programmes. She suggests that after programmes have ended, offenders need to be taught self-risk management techniques and strategies for managing their own problematic behaviours.



ACTIVITY I

The following is an excerpt from the above-mentioned article:

For a paedophile who is willing to change, the most incredible thing is to hear someone say “I believe you can”. If a platform is created for perpetrators to come forward, they can be helped to function honestly within the community. It was from this premise that the therapy group Clive and Raymond began as “a self-management system for sexual offenders”. ... Their group, which advocates ongoing intensive therapy along with honest confession, has, according to Clive and Raymond, produced a significant drop in re-offenders (De Bruyn 2008:68).

Taking CBT principles and the lesson above into account, what are your thoughts on this excerpt?

6.3.2.4 General notes on risk management strategies

According to MacLean (in Kemshall 2008:91), risk management strategies should also provide for the following:

- strong incentives for individuals to manage their own behaviour
- strong incentives to attend and comply with therapy and programmes
- a thorough system of supervision with regular reassessment
- clear boundaries for acceptable behaviour and enforcement
- integrated management of custody, therapy and community services

Some of the critical success factors of excellent programmes and interventions delivered with integrity are

- appropriate targeting
- programme integrity (deliver the content as intended)
- committed programme tutors
- support for the programme by key workers
- appropriate relapse prevention planning (Kemshall et al 2006)

Owing to criticism of the punishment paradigm we will now look at some alternative risk management approaches that are rooted in restorative justice.

6.3.3 Alternative risk management approaches

As most alternative risk management approaches are rooted in restorative justice, let us first look at what restorative justice is from a South African perspective. The following was extracted from the Restorative Justice website (www.rjc.co.za) from their homepage under the heading, “Restorative Justice vs. ‘other’ criminal justice”. Conrad Brunk cites the following as the “building blocks” of an effective criminal justice system:

- 1 Protection of innocent law-abiding citizens. In other words, maintaining a moral society that encourages people to obey the law and deters them from breaking the law.
- 2 Offenders should receive their just deserts. Punishment should fit the crime and be neither more nor less than the offenders deserve.
- 3 It should redress the injustice done by the criminal. The wrongdoer should right the wrongs.
- 4 Punishment should not make the offender a worse person rather a better one.

The rehabilitation approach model tends to see offenders as either patients or victims or both. Either way, they are not seen as being morally responsible for offences committed. Restorative justice is sometimes aligned with rehabilitation theory, although the two are worlds apart. The term “rehabilitation” is far too weak to capture the power and intensity of the meaningful and profound changes that take

place in those who participate in restorative justice processes. Restorative justice treats offenders as responsible moral agents (unless of course that is clearly not the case). An offender who has taken responsibility for repairing the harm done to victims, and now has restored the trust and confidence of the community is “rehabilitated” in a far broader sense than one who has undergone individual therapy.

Kemshall (2008:95–101) mentions a few alternative strategies, namely, the Public Health Approach (PHA), the Good Lives model (GLM), prevention strategies such as The Derwent Initiative (TDI) and Tackling Alcohol-related Street Crime (TASC). For the purpose of this study unit we will focus on the GLM and the prevention and opportunity management strategies.

6.3.3.1 Good Lives Model (GLM)

McCulloch and Kelly (in Kemshall 2008:95) state that the GLM “proposes a more holistic and constructive way of conceptualizing and engaging with offenders, focusing less on individual offender deficits and more on the personal, inter-personal and social contexts required to enable offenders to live and sustain a good life”.

The Risk Management Authority (RMA) in Scotland has incorporated the GLM into their approach to high risk offenders. They propose that there should be a dual focus in supervision, firstly promoting rehabilitation and secondly reducing harm while restricting liberty and engaging an offender in the process of change.

In a study regarding effective risk management of MAPPA (in Kemshall 2008:104), the findings indicated that the balance between external and internal controls was the key to effective risk management. Kemshall concludes that engaging the offender and emphasising the GLM underpinned the best practice observed in the study. One area where success was achieved was in reintegrating sex offenders back into housing and employment, and reintegrating young sex offenders back into education. Offenders confirmed that they appreciated this more holistic approach to their supervision.

6.3.3.2 Prevention and opportunity management strategies

The prevention and opportunity strategies are extremely helpful in managing offenders. Craven (in Kemshall 2008:97) applies this approach to sexual “grooming”, that is, the targeting of children for sexual abuse by offenders. The preventative measures should target, among other things, the following:

- identifying potential offenders at the onset of their sexual interest in children
- intervening with these potential offenders as they begin grooming behaviours
- intervening once they are grooming the child

Stop it now! is a helpline working in the UK. This organisation provides public awareness by distributing pamphlets that describe grooming behaviours and this also assists parents in identifying problematic sexual behaviours in their children.

Van Niekerk (2010) states the following, “There is little research on monitoring as a management strategy but there was a strong recommendation from the SA Law Reform Commission’s Sexual Offences Project Committee that monitoring should be

included in legislation.” In relation to prevention and opportunity management strategies in South Africa, read the following article from the *Fairlady* website and indicate what preventative measures parents could take to protect their children from sexual offenders.



<http://www.fairlady.com/search?q=June+2008%2C+protect+your+children>

Protect your children

How to keep your children safe from sex offenders

Email Print Facebook Twitter Digg Stumble it



The Sexual Offences Act came into effect on 16 June 2008 in South Africa. Chapter 6 stipulates that all adults who work with children need a certificate stating that they are not on the National Register for Sex Offenders. The Register is not accessible to the public, but you can as a parent request to see their certificate. A person will be on the Register if they have been convicted of committing a sexual offence against a child at any time in their life, or if they have had allegations of sexual misconduct lodged against them that have passed through a court. This goes for crimes and allegations inside and outside SA. Employers such as schools, babysitters, crèches, Sunday schools and sports clubs must get certificates for all their employees. If an individual operates alone or heads up a company entrusted with the care of children, you must insist on seeing their certificate

Warning signs

There is a pattern to the way paedophiles approach children online. **PRINT** these warning signs out and stick them on your child's computer:

- 1 Flattery and Friendship – they will ask for a non-sexual picture and invite you to chat in a private chat room.
- 2 Relationship development – they will ask about personal problems and issues and pretend they are a friend.
- 3 They will ask who has access to the computer, when they know they can't be detected; they will ask where the computer is (ie where the house it is).
- 4 They will build a sense of love and trust – “you can tell me anything” is a common trick.
- 5 They will start sexually explicit conversations that can start with questions like “Have you ever been kissed?” and include requests for sexually explicit pictures.
- 6 They will suggest meeting up offline.

NB: They will lie about their age!

At risk.

According to Child Safe, 80% of sexual molesters are known to the child or the family. Children who are vulnerable are

- taught that they don't have a right to say “no” to an adult
- are naive about sex
- have no plan when in danger
- are left alone for long periods
- live in single-parent families

Paedophiles say they

- most likely know the child
- do not look “weird” or “dirty”
- come from any racial and social group
- are good at making friends with children – they offer to teach them to play a musical instrument, take them on outings and so on
- give them gifts to soften them up
- target single-parent families where the mother is grateful for any outside help
- find victims through babysitting
- hang around public swimming pools, schools, arcades, parks, fast food chains and malls
- target Internet chat rooms

Devise an escape plan with your child:

- Use direct language to talk about body parts and what parts are wrong for others to touch.
- Teach them to say “NO!” loudly and clearly; practise it with them.
- The UK charity Kidscape recommends the “Yell, Run, Tell” rule: make a fuss, run away and tell a teacher or a trusted adult.
- Tell them never to go into public toilets alone.
- Teach them the difference between a gift and a bribe.

- Teach them that there's good and bad in everyone, and people they think are "good" can hurt them.

If you suspect something, NEVER make the child feel guilty. Contact *Childline* for more info.



ACTIVITY 2

What preventative measures could parents take to protect their children from sexual offenders?



There are also a few risk management strategies listed in this article, can you recognise them?

- 1 Ensuring that all sexual offenders are listed on a national register.
- 2 According to Chapter 6 of the Sexual Offences Act, all individuals who work with children should have a certificate indicating that they are not on the register.
- 3 Parents are allowed to enquire about such certificates.
- 4 Contacting Childline comprises what type of strategy?

6.3.3.3 Social inclusion and integration techniques

The restorative approach emphasises social inclusion and reintegration. According to the *SA Yearbook* (www.justice.gov.za), the Department of Correctional Services (DCS) facilitates the correcting of offending behaviour and is responsible for the general development of all offenders as part of their rehabilitation, including those subject to community corrections. The participation in rehabilitation programmes prepares offenders for reintegration into society as productive, well-adapted and law-abiding citizens. In 2006/07 a Correctional Sentence Plan was finalised; this plan includes the implementation of six programmes that will address offence-specific crimes resulting from aggressive behaviour, sexual offences and substance abuse. These programmes will be compulsory for all offenders due for release in order to prepare them for social reintegration. Amongst others, two of the key strategies of the development and rehabilitation processes are the engaging of community organisations to assist with development programmes for offenders and the promoting and implementing of restorative justice principles to ensure the involvement of offenders, victims and the community.

Reintegrative approaches can be applied to serious crimes, as they promote genuine engagement with offenders and assist in the process of change; they hold offenders accountable for their actions; and victims and communities are empowered by becoming part of the solution (Kemshall 2008:102).

6.3.3.4 Relapse prevention

Relapse means the backsliding of the offender who then perpetrates the problem behaviours or the offending again. Relapse prevention is seen as a key component of

successful risk management strategies. Relapse prevention comprises the attempts to prevent the offender from backsliding and these programmes will target, among others, the following:

- negative attitudes and antisocial feelings for example, victim blaming,
- justifying offending or behaviours as a legitimate way to get what is wanted,
- situations of high risk (such as contact with children)

Remember Activity 1? Here are two more interesting issues regarding relapse prevention (De Bruyn 2008:69):

‘Clive states that “[p]aedophiles are masters of deception. You have to be ever-vigilant; the moment you relax, you’ll fail”. International research confirms that Paedophiles must admit their urges and confront them in group therapy. Counsellors will help them restructure their lives so that they don’t come into contact with children. In order to prevent relapse the offender would need to continue in programmes of self-regulation and self-risk management, as this would help the offender to recognise any signs of relapse and to act accordingly’ (De Bruyn 2008:69).



ACTIVITY 3

The most recent sexual offender case in South Africa was about Cezanne Visser, also known as “Advocate Barbie”. She was sentenced to a seven-year jail sentence in February 2010 for eleven sex charges. However, in March 2010 she appealed the sentence arguing that she had low self-esteem and that she was naïve. Hypothetically, what type of risk management strategies would you suggest if she were to be released?

6.3.4 The potential and limits of the different two approaches

Howard Journal of Criminal Justice, Vol. 46, No. 3, pp. 289–302, July 2007

A study entitled: “Evaluating the effectiveness of professionally facilitated volunteerism in the community-based management of high-risk sexual offenders: Part I: effects on participants and stakeholders” was conducted by Wilson, Picheca and Prinzo (2007), who evaluated the data from the Circles of Support and Accountability (COSA) pilot project in south-central Ontario, Canada. The following findings were established:

- The COSA initiative has had a profound effect on all stakeholders: offenders, community volunteers, affiliated professionals, and the community at large.
- Being involved in a COSA project appears to have greatly assisted many high-risk sexual offenders released into the community in remaining crime-free, with many reporting that they would likely have returned to offending without help from COSA.
- Community volunteers involved in the project reported a perceived increase in community safety as a result of COSA, as well as a belief that core members were motivated to succeed in the community.
- Professionals and agencies (for example, police officers, social services

professionals, administrators and other similar professionals) identified increased offender responsibility and accountability, as well as enhanced community safety.

- Survey results obtained from members of the community at large showed substantial increases in perceived community safety in knowing that high-risk sexual offenders in the community were involved in the project.

Initiatives like COSA have definitely made a positive impact, however, McAlinden (in Kemshall 2008:107) argues that the restorative approach is not necessarily mutually exclusive:

“The restorative or reintegrative justice paradigm does not have all the answers. It is often met with controversy, particularly where “gendered and sexualized violence” (Hudson 2002) is concerned. In the absence of workable alternatives, however, there is a need to extend the use of restorative justice to difficult societal problems, like children sexual abusers and child sexual abuse. Its potential benefits for improving the safety of victims, for providing relief for communities and for rehabilitating offenders may mean that it is worth careful experiment” (Kemshall 2008:107).

In order for these types of programme to be successful, a multi-agency approach is needed. An audit conducted by the Scottish Government entitled, “Serious violent and sexual offenders: the use of risk assessment tools in Scotland” (www.scotland.gov.uk) focused on multi-agency risk management. As one prison psychologist explained:

If we were able to develop good written multi-disciplinary risk management plans that are short, medium and long term so that there are plans for within the establishment, plans for when someone leaves and that the targets are set for each professional within the multi-agency group and those plans are reviewed as the prisoner progresses through the system I think that would be a good way forward in terms of bringing in more disciplines into the risk management process.

6.3.5 Summary

This study unit explored the various risk management strategies offered by the community protection model and some of the re-integrative approaches. The unit focused on the rehabilitation and re-integrative purposes of alternative risk management approaches with a special emphasis on preventative strategies and relapse prevention, and an evaluation of a COSA pilot project.

The two approaches mentioned by Kemshall (2008) were discussed, namely, community protection measures (such as sexual offender registration and electronic tagging) and the restorative and re-integrative measures (such as Circles of Support, preventative strategies and social inclusion and integration techniques). Kemshall promotes a more balanced, human and integrative approach to the risk management of high risk offenders and she therefore argues for a “blending” of these two approaches, which leads us to study unit 6.4.

6.3.6 Self-assessment questions

- 1 The community protection model views risk management as follows:
- (a) Risk management stresses controlling and restrictive measures for the offender.
 - (b) The aim is to protect the community.
 - (c) Its corrective programmes are based on Cognitive Behavioural Therapy techniques.

Which one of the following options is correct?

- (1) All of the above is correct.
 - (2) Only b is correct.
 - (3) a and c are correct.
 - (4) a and b are correct.
- 2 Which of the following is **not** a key component of effective risk management?
- (1) Targeted surveillance
 - (2) Victim information
 - (3) Addressing criminogenic and welfare needs
 - (4) Proactive planning
- 3 According to the article, "Protect your children", which statement is **incorrect**?
- (1) According to Child Safe, 20% of sexual molesters are known to the child.
 - (2) Chapter 6 of the Sexual Offences Act states that all adults who work with children needs to have a certificate stating that they are not on the National Register.
 - (3) Parents can request to see the certificate.
 - (4) One of the escape plans devised for children is to tell them never to go into public toilets alone.
- 4 Consider the following two remarks:
- (a) The Department of Correctional Services (DCS) facilitates the correction of offending behaviour and is responsible for the general development of all offenders.
 - (b) Re-integrative programmes cannot be applied to serious crimes, as they do not promote genuine engagement with offenders.

Which of the following options is **correct**?

- (1) a and b is correct.
 - (2) Only b is correct.
 - (3) a is correct and b is incorrect.
 - (4) Only a is correct.
- 5 In view of the limits to the risk management approaches, McAlinden (in Kemshall 2008:107) argues that the restorative approach is mutually exclusive.
- (1) True
 - (2) False

6.3.7 Self-assessment answers

- 1 Option 1 is correct.
- 2 Option 2 is correct.
- 3 Option 1 is correct.
- 4 Option 4 is correct.
- 5 Option 2 is correct.

6.3.8 Feedback on activities

Activity 1

If you re-read section 6.3.2.3 you will note that the CBT programmes are designed to help sex offenders actually focus on a few areas that are essential for their rehabilitation. Let us look at the relapse prevention focus area. When reading the excerpt of the article that was provided, one finds that the self-management system for sexual offenders that Clive and Raymond had started has, according to them, produced a significant drop in re-offending. However, are there statistics to prove this assumption or is it just their word in support of their programme?

I look forward to hearing your thoughts on this activity, so please discuss it further with your fellow students on the discussion forum on *myUnisa*.

Activity 2

What preventative measures could parents take to protect their children from sexual offenders?

One obvious preventative measure is to ensure that the person caring for your child has a certificate proving that he/she is not on the National Register for Sex Offenders. Another preventative measure could be for a parent to teach their children some of the warning signs, such as point 4, sex offenders often build a sense of love and trust, lying to the child by saying “you can tell me anything”.

There are many other preventative measures and I look forward to hearing your thoughts on them, so please discuss it further with your fellow students on the discussion forum on *myUnisa*.

Activity 3

After discussion with Ms van Niekerk, the Manager of Childline, regarding some of the best risk management strategies in South Africa, with her permission I quote the following:

The best risk management strategy in our experience is a system of close monitoring that involves a team – both a therapy and a well-trained authority figure such as a parole officer and a close family member who is willing to engage as a partner in the rehabilitation process without taking any responsibility for maintaining safe behaviour away from the offender him/herself.

What other risk management strategies can you think of? I look forward with anticipation to hearing your thoughts on this activity, so please discuss it further with your fellow students on the discussion forum on *myUnisa*.

STUDY UNIT 6.4

**Community
management of high
risk offenders**

Ms E Joubert

- 6.4.1 Introduction
- 6.4.2 Key concepts
 - 6.4.2.1 High risk offenders
- 6.4.3 Risks versus rights
- 6.4.4 Ethical issues
- 6.4.5 Community notification
- 6.4.6 The South African situation
- 6.4.7 Supervision and monitoring
- 6.4.8 Evidence of effectiveness
- 6.4.9 Summary
- 6.4.10 Self-assessment questions
- 6.4.11 Self-assessment answers
- 6.4.12 Feedback on activity



LEARNING OUTCOMES

When you have completed this study unit you should

- be able to explain what is meant by a high risk offender
- understand the key issues surrounding high risk offenders
- be familiar with the South African situation
- recognise the effectiveness of managing high risk offenders

Assessment criteria

After completing this study unit, you should be able to answer diverse multiple-choice questions in order to demonstrate your understanding and knowledge of and insight into the study material.

6.4.1 Introduction

Public protection against high risk offenders (violent and sexual crimes) is a sensitive and contentious issue, attracting much media and political attention. Risk management and public protection failures elicit public outcry against probation options for high risk offenders. Management of high crime offenders entails the use of restriction and surveillance and the prioritisation of victim and community rights over those of the offenders.

6.4.2 Key concepts

6.4.2.1 High risk offenders

Defining high risk offenders is no easy task. The definition of “high risk” is located in the context within which it is used (Kemshall 2008:4). “High risk offenders”, for the purpose of this study unit, will refer to offenders who have committed a violent or sexual offence. More attention will be paid to sexual offences involving children.

6.4.3 Risks versus rights

The community management of high risk offenders is no easy task. The feelings of the community refer in the first place to feelings of indignation and outrage over a hideous crime that has been committed. However, the community should know that the courts consider it a priority to create a living space where community members’ lives and possessions are safe. Despite this, community interests play a prominent role and court outcomes (sentencing) do not always satisfy community expectations. Accordingly, vigilantism may be a natural response but should be discouraged through community education.

When a high risk offender released on parole commits a crime, tension between the risks and rights of the offender arise. The authorities (such as politicians, courts, and prison, parole and probation services) involved should maintain as their top priority a focus on public protection. The prisoner’s right to be kept in prison or released on parole should be balanced under the European Convention, United Nations, and African Charter of Human Rights.

Sex offender registers are uncommon across the European Union but in the United States of America the public is entitled to community notification, that is, disclosure of information about sex offenders, hereby indicating that the rights of the community are more important than the rights of the offender (Kemshall 2008:111).

In Australia, the Serious Sex Offenders Monitoring Act (2005) allows for post-custody supervision and compulsory treatment for up to 15 years. In South Africa the Sexual Offender Register came into effect in June 2008. For more information go to www.defenceweb.co.za

6.4.4 Ethical issues

Prediction of risk is challenging for the practitioners, such as criminologists and social workers, tasked with risk assessment. Risk assessment tools can be fallible as expressed by Monahan (Kemshall 2008:113):

Imagine that one person in 1000 will kill. Imagine also that an exceptionally accurate test has been devised which can predict with 95% accuracy those who kill and those who will not. In a population of 100 000, out of 100 who would have killed 95 will be correctly identified. Out of the 99 900 who will not kill, 4995 will be identified as potential murderers. The cost of the wrongly identified is enormous.

Practitioners managing high risk offenders will be required to balance the rights and the safety of victims and the public against the rights and safety of offenders. This is applicable where offenders reside near to, or begin to “groom” (prepare for abuse) children or potential victims. In essence, this means that the offender’s right to privacy can be overridden to prevent further crime and to protect potential vulnerable victims (children and the mentally disabled). The following example clearly illustrates the latter: In North Wales, the police disclosed a couple’s previous convictions for child sexual abuse to the management of the caravan park in which they were living (Kemshall 2008:115).

6.4.5 Community notification

Registers should contain the sexual offenders’ addresses, personal information, offence history and employment. These registers are administered by the police. In the UK, the Sex Offender Register does not extend to public disclosure. However, in the USA community disclosure is a federal law and applies in all states, requiring states to make relevant information on released offenders available to the public (Kemshall 2008:115).

Will members of a specific community be able to function normally if they receive multiple sex offender warnings? These members will have to balance everyday life while at the same time trying to protect themselves and their families. They may experience feelings of fear, anxiousness and resentment which are often intensified by the media.

Cohen and Jeglic (in Kemshall 2008:115) have identified four different notification models:

- 1 The first model is based on a three-tier model of dangerousness: low risk, moderate risk and high risk.
- 2 The second model uses notification by a designated agency.

- 3 The third model requires sex offenders to carry out notification under the supervision of state agencies.
- 4 Members of the community are required to make a request for information.

The evaluation of the effectiveness of community notification in protecting children and communities against sexual offenders is difficult. Problems encountered are the following: implementing community registration; difficulties in enforcing registration and notification; sex offenders “going underground”; inaccurate information on registers and the draining of police resources (Kemshall 2008:116).



FOOD FOR THOUGHT

30 sex offenders who were interviewed revealed that fear of community retribution made them less likely to register and they also indicated that stress, fear and anxiety may be precursors to relapse and may lead to higher rates of recidivism (Zevitz & Farkas in Kemshall 2008:117). Offender perceptions on community notification vary, for example Tewksbury and Lees (2007 in Kemshall 2008:117) found in their research that offenders understood the rationale for a register but indicated that they would like to distinguish themselves from dangerous and predatory offenders. Sample and Bray (in Kemshall 2008:117) found that sex offenders had different re-arrest patterns and also different levels of risk. Sex offenders indicated that the length of registration had a negative influence on treatment seeking and rehabilitation. Registration also led to social stigmatisation, loss of employment, relationships and housing, and physical assaults and harassment.

6.4.6 The South African situation

South Africa's Sexual Offenders Register came into effect in June 2008, and has been operational since June 2009, in terms of the Criminal Law, Sexual and Related Matters Amendment Act, of 2007. It is administered by the Department of Justice and Constitutional Development.

The Minister of Justice and Constitutional Development, Mr J Radebe, announced that the following information regarding the particulars of convicted offenders would appear on the register:

Regarding historical convictions, the records of various government departments, including the South African Police Service's Criminal Record Centre regarding criminal convictions; the Department of Correctional Services regarding sentenced offenders and the Department of Health regarding persons who are alleged to have committed sexual offences against children or mentally challenged, but who were declared as State Patients in terms of section 77 and 78 of the Criminal Procedure Act, 1977, are being scrutinised, to ensure the inclusion of the relevant offenders' names, onto the National Register for Sex Offenders (<http://www.search.gov.za>).

The primary aim of the register is to prohibit sexual offenders from being employed

in work involving children. Unfortunately, no specific job or personality profiles can describe sexual offenders per se, making it harder to seclude them from ordinary people.

According to www.iol.co.za/index.php?art_id=vn20070811083319757C, the names of 315 convicted sexual offenders have been submitted to a national register for sex offenders. Their details are not open to the public, only people who employ others who work with children can apply to the registrar to see if their prospective employee is on the register. The proposed register will contain the details of those who have been convicted of sexual offences against a child, whether in or outside South Africa

(<http://www.dailynews.co.za/index.php?fSectionId=500&fArticleId=3233106>).

Joan van Niekerk, Childline South Africa's national coordinator, is of the opinion that only the names of convicted offenders will be captured in this register, whereas the Children's Act protection register will capture those found guilty by any legal forum, including the Children's Court and Civil Court (www.iol.co.za/index.php?art_id=vn20070811083319757C).



FOOD FOR THOUGHT

It is well documented that sexual offences are not reported regularly. Only one in nine sexual offences is reported and of these only a six or seven percent conviction rate exists. If these statistics are true it means that many sexual offenders will fall through the cracks, and could end up working with children.

6.4.7 Supervising and monitoring

Supervision and monitoring are seen as essential for the effective monitoring of high risk offenders. Global positioning (GPS) electronic monitoring has been used in the USA to counter registration non-compliance and to track offenders who "go underground" (Kemshall 28:123). Supervision can also enhance offender accountability and responsibility for their actions, and facilitate review of progress. Melloy (2005 in Kemshall 2008:124) studied 917 sex offenders on probation and found that social controls, a committed partner and stable accommodation with social support factors ensured success on probation.

6.4.8 Evidence of effectiveness

Emerging studies sound a caution on the evidence emanating from the community management of high risk offenders. Areas for caution are the negative impact of community notification, restrictive conditions and costly supervision. Solutions to the problem differ; often more attention is paid to the victim and communities and less to the offender. In essence, this means that the impact of community protective legislation does not always lead to a decrease in recidivism. Kemshall (2008:125) is of the opinion that there is a paucity of evidence on the effectiveness of studies and that

such studies are on a small scale; hence, this is an area that would benefit from future research.



ACTIVITY 1

Read the following case study: Your neighbour's four-year-old daughter was brutally assaulted and murdered by a convicted sexual offender (who also lived in the neighbourhood) who was out on parole. The community protested against this attack by marching to the court where the alleged offender appeared. Now test the reaction of two friends, relatives or neighbours by asking them the following questions:

- 1 Would the community allow the offender to return to the neighbourhood? (List their reasons pertaining to the "yes" or "no" answer.)
- 2 Would the community be willing to become part of the restorative justice (reconciliation rather than punishment) initiative? (List their reasons pertaining to the "yes" or "no" answer.)

6.4.9 Summary

Community management of high risk offenders in South Africa is not yet a well-established practice. However, the establishment of a national sex offender register will assist in identifying and monitoring paedophiles, which in the long run will not only contribute to crime prevention, but also to a decrease in recidivism.

6.4.10 Self-assessment questions

- 1 When we refer to the management of high risk offenders, who should always enjoy first priority regarding safety and protection?
 - (a) The offender's family
 - (b) The community
 - (c) The offenders
 - (d) The children
- 2 Research by Zevitz and Farkas (2005 in Kemshall 2008) revealed that sex offenders list the following factors as reasons leading to their relapse:
 - (a) Fear of community retribution
 - (b) Stress, fear and anxiety
 - (c) Stress, harassment and unemployment
 - (d) Stress and social stigmatisation
- 3 According to Melloy (2005 in Kemshall 2008), success on probation can be ensured if offenders acquire some or all of the following:
 - (a) A committed partner; stable accommodation and social support
 - (b) A stable job; stable accommodation and social support

- (c) Admitting to responsibility, stable accommodation and social support
 - (d) Social support; a committed partner and community support
- 4 What is the primary aim of keeping a register for sexual offenders?
- (a) To ostracise them from communities where the crime took place
 - (b) To supervise and monitor them on a daily basis
 - (c) To protect the community from repeat offences
 - (d) They should not be employed in work involving children
- 5 Who will have access to the information submitted by the National Register for Sex Offenders?
- (a) Relatives of the victim
 - (b) Community members
 - (c) Employers who work with children
 - (d) The National Crime Prevention Strategy

6.4.11 Self-assessment answers

- 1 (b)
- 2 (b)
- 3 (a)
- 4 (d)
- 5 (c)

6.4.12 Feedback on activity



ACTIVITY 1

Students should first of all familiarise themselves with community management of high risk offenders with specific reference to the South African situation. By asking these two questions students will not only be testing the general knowledge of their respondents on the important issue of high risk offenders per se, but also how to manage these high risk offenders in one's community.

Bibliography

- Achilles, M & Amstutz, L. 1999. Victim services and VOM programs: can they work together? *Connections* Winter (4):10.
- Adams, TF. 2004. *Police patrol: tactics and techniques*. Englewood Cliffs, NJ: Prentice-Hall.
- Adler, F, Mueller, G & Laufer, W. 1994. *Criminal justice*. New York: McGraw-Hill.
- Ang, RP & Huan, VS. 2008. Predictors of recidivism for adolescent offenders in a Singapore sample. *Criminal Justice and Behavior* 35(7):895–905.
- Barefoot, JK. 1990. *Employee theft investigation*. Boston: Butterworths
- Barlow, HD. 1987. *Introduction to criminology*. Fourth edition. Boston: Little Brown.
- Barlow, HD. 1990. *Introduction to criminology*. New York: Harper Collins.
- Barnett, R. 1997. Restitution: a new paradigm of criminal justice. *Ethics* 87(4):279–301.
- Bartol, CR. 1995. *Criminal behavior: a psycho-social approach*. 4th edition. Englewood Cliffs, NJ: Prentice Hall.
- Bartol, CR. 1999. *Criminal behaviour: a psycho-social approach*. 5th edition. Englewood Cliffs, NJ: Prentice Hall
- Bartollas, C & Dinitz, S. 1989. *Introduction to criminology: order and disorder*. New York: Harper & Row.
- Basson, D. 1994. *South Africa's interim Constitution*. Cape Town: Juta.
- Bazemore, G. 1993. Designed work experience as an alternative for serious offenders. *The Justice Professional* 7(2):47–69.
- Bazemore, G & Cruise, P. 1995. Reinventing rehabilitation: exploring a competency development model for juvenile justice intervention. *Perspectives*, Fall:12–21.
- Bazemore, G & Maloney, D. 1994. Rehabilitating community service: toward restorative service in a balanced justice system. *Federal Probation* 58(1):24–34.
- Bazemore, G & Umbreit, M. 1995. Rethinking the sanctioning function in juvenile court: retributive or restorative responses to youth crime. *Crime and Delinquency* 41:296–316.
- Bazemore, G & Washington, W. 1995. Charting the future for the juvenile justice system: reinventing mission and management. *Spectrum, the Journal of State Government* 68(2):51–66.
- Beck, A. 2006. *Staff dishonesty in the retail sector: Understanding the opportunities*. ECR Europe White Paper. Brussels. December.
- Beeld. 2008. Pretoria streekhof lee Iste lewenslange vonnis, 23 January, p 5.
- Bilchik, S. 1998. *Guide for the implementing of the balanced and restorative justice model*. OJJPD Report. Washington: US Department of Justice.
- Bologna, J & Shaw, P. 1997. *Corporate crime investigations*. Boston: Butterworth-Heinemann.
- Botha, CJ, Coetzee, MR & Van Vuuren, JWJ. 1995. *Manual for Police Science I*. Pretoria: University of South Africa
- Braithwaite, J. 1997. *Restorative justice: assessing an immodest theory and a pessimistic theory*. Toronto: University of Toronto Press.

- Brown, SE, Esbensen, F & Geiss, G. 1996. *Criminology: explaining crime and its context*. Second edition. Cincinnati, Ohio: Anderson.
- Brown, P. 2008. I am a paedophile. *Fairlady*.
- Bruce, D. 1997. Community safety and security: crime prevention and development at the local level. *African Security Review* 6(4):114.
- Burger, D. 2010. Correctional Services. <http://www.gov.za/aboutgovt/justice/corrections.htm> (2010/08/06).
- Camerer, L & Kotze, S (Eds). 1998. *Special report on victim empowerment in South Africa*. Halfway House: ISS.
- Campbell, MA, Freanch, S & Gendreau, P. 2009. The prediction of violence in adult offenders: A meta-analytic comparison of instruments and methods of assessment. *Criminal Justice and Behavior* 36(6):567–590.
- Caputo, GA. 2004. Treating sticky fingers: an evaluation of treatment and education for shoplifters. *Journal of Offender Rehabilitation* 38(3):49–68.
- Carrol, J & Weaver, F. 1986. Shoplifters' perceptions of crime opportunities: a process tracing study, in *The reasoning criminal: rational choice perspectives on offending*, edited by DB Cornish & RV Clarke. New York, NY: Springer-Verlag.
- Cilliers, C, Marais, CW, Ovens, M & Van Vuuren, JWJ. 2004. *Study guide for CJS 304*. Pretoria: University of South Africa.
- Clarke, RV (Ed). 1992. *Situational crime prevention: successful case studies*. New York: Harrow & Heston.
- Coalition of NGO and civil society organs. 1998. Press statement on the occasion of the release of the TRC final report. 29 October:12.
- Cohen, LE & Felson, M. 1979. Social change and crime rate trends: a routine activity approach. *American Sociological Review* 6(4):588–608.
- Conklin, JE. 1995. *Criminology*. 5th edition. Boston: Allyn & Bacon.
- Conklin, JE. 1999. *Criminology*. 6th edition. Boston: Allyn & Bacon.
- Conklin, JE. 2007. *Criminology*. Boston: Pearson.
- Conner, C. 1998. *Restorative justice: law, religion and conflict transformation*. Boston: Boston Theological Institute.
- Clarke, RV & Cornish, DB. 1986. *Reasoning criminal-rational choice perspectives on offending*. Secaucus, NJ: Springer-Verlag.
- Curriculum Development Working Group. 1996. *Curriculum framework for general and further education and training: discussion document*. Pretoria: National Department of Education.
- Curtis, LA. 1975. *Violence, race and culture*. New York: Lexington Books.
- Dantzker, ML. 1998. *Criminology and criminal justice: comparing, contrasting and intertwining disciplines*. Boston: Butterworth-Heinemann.
- Davids, G. 1992. *Making amends: mediation and reparation in criminal justice*. London: Routledge.
- Department of Correctional Services. 1997. *Annual report 1997*. Pretoria: Government Printer.
- Department of Correctional Services. 1999. *Annual Report 1999*. Pretoria: Government Printer.
- Department of Correctional Services. 2002. *Annual Report 2002*. Pretoria: Government Printer.
- Department of Correctional Services. 2006. *Annual Report 2006*. Pretoria: Government Printer.

- Department of Correctional Services. 2000a. *Pamphlet 2000: an introduction*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000b. *Pamphlet 2000: education and training*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000c. *Pamphlet 2000: into the millennium and beyond*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000d. *Pamphlet 2000: presentation on the development of communication strategy to combat crime*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000e. *Pamphlet 2000: psychological services*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000f. *Pamphlet 2000: religious care*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000g. *Pamphlet 2000: social work services*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000h. *Pamphlet 2000: young offenders*. Pretoria: Directorate of Communication Services.
- Department of Correctional Services. 2000i. *Pamphlet 2000: we serve with pride*. Pretoria: CPT Books.
- Department of Correctional Services. Overview www.dcs.gov.za (2010/08/06)
- Dignan, I. 1999. Restorative crime prevention in theory and practice. *Prison Service Journal* 123:25.
- Ekblom, P. 1986. *Prevention of shop theft: an approach through crime analysis*. United Kingdom: Home Office.
- Fanaroff, B. 1998. Putting the National Crime Prevention Strategy (NCPS) in context, in *Special report on victim empowerment in South Africa*, edited by L Camerer & S Kotze. Halfway House: ISS.
- Felson, M. 1994. *Crime and everyday life: insight and implications for society*. Thousand Oaks, Calif.: Pine Forge Press.
- Fischer, RJ & Green, G. 1992. *Introduction to security*. Boston: Butterworth-Heinemann.
- Galaway, B & Hudson, J. 1996. *Restorative justice: international perspectives*. Monsey, NY: Criminal Justice Press.
- Geason, S & Wilson, PR. 1990. *Preventing graffiti and vandalism*. Canberra, ACT: Australia Institute of Criminology.
- Geldenhuys, T & Joubert, J (Eds). 1996. *Strafregesproes-handboek*. Kenwyn: Juta.
- George, C. 1999. Victim's support perspective on restorative justice. *Prison Service Journal* 123:12–14.
- Gilham, JR. 1992. *Preventing residential burglary: toward more effective community programs*. New York: Springer.
- Gilling, D & Barton, A. 1997. Crime prevention and community safety: a new home for social policy? *Critical Social Policy* 52:63–83.
- Gilling, D. 1999. Community safety: a critique, in *Papers from the British Criminology Conference*, edited by M Brogden. Queens University, Belfast, 15–19 July.
- Glick, L. 1995. *Criminology*. Boston: Allyn & Bacon.
- Goode, E. 1994. *Deviant behavior*. 4th edition. Englewood Cliffs, NJ: Prentice-Hall.
- Gottfredson, MR & Hirschi, T. 1990. *A general theory of crime*. Stanford, CA: Stanford University Press.

- Graham, J & Bennett, T. 1995. *Crime prevention strategies in Europe and North America*. Helsinki: Academic.
- Greenberg, J & Tomlinson, EC. 2004. *The methodological evolution of employee theft research. The DATA cycle in the dark side of organizational behavior*, edited by Ricky W Griffin and Anne M O'Leary-Kelly. San Francisco, CA: Jossey-Bass.
- Gustafson, D. 1997. Facilitating communication between victims and offenders in cases of serious violent crimes. *The International Community Corrections Association Journal on Community Corrections* 8:44–49.
- Hamber, B. 1996. The need for a survivor-centered approach to the Truth and Reconciliation Commission. *Community Mediation Update* 9:13.
- Hamber, B. 1997. Truth: the road to reconciliation? *Cantilevers: Building Bridges for Peace* 13:13.
- Hanson, RK. 2005. Twenty years of progress in violence risk assessment. *Journal of Interpersonal Violence* 20(2):212–217.
- Harris, K. 1993. Moving into the new millennium: a feminist perspective on justice reform, in *Criminology as peacemaking*, edited by HE Pepinsky & R Quinney. Bloomington, Ind.: Indiana University Press.
- Herbig, FJW. 2008. Property crimes I: shop theft and employee theft, in *Principles of crime prevention, reduction and control: only study guide for CMY202F*, compiled by T Jansen van Vuuren & FJW Herbig. Pretoria: University of South Africa.
- Hesselink-Louw, AE. 2004. Criminological assessment of prison inmates: a constructive mechanism towards offender rehabilitation. Unpublished doctoral thesis, University of South Africa (Unisa), Pretoria.
- Hillsman, S & Greene, G. 1992. The use of fines as an intermediate sanction, in *Smart sentencing*, edited by J Bryne, A Lurigio & J Petersilla. Newbury Park, CA: Sage.
- Hollinger, RC & Clarke, JP. 1983. *Theft by employers*. United States: US Dept of Justice. <http://www.justice.gov.za>
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=994430##
Howard Journal of Criminal Justice 46(3):289302, July 2007
- Icove, D, Serger, K & Von Storch, WR. 1995. *Computer crime: a crimefighter's handbook*. Sebastopol, Calif.: O'Reilly & Associates.
- Institute for Security Studies. 2000. www.gatedcomsa.co.za/crimeprevhtm. (31/01/2010)
- Katz, J. 1988. *Seductions of crime: moral and sensual attractions in doing evil*. New York: Basic Books.
- Kemshall, H. 2008. *Understanding the community management of high risk offenders*. Glasgow: Bell & Bain.
- Kurki, L. 1999. *Incorporating restorative and community justice into American sentencing and corrections in sentencing and corrections: issues for the 21st century*. Washington: National Institute of Justice.
- Lab, SP. 2004. *Crime prevention: approaches, practices and evaluations*. Fourth edition. Cincinnati, Ohio: Anderson.
- Lambrechts, DS & Prinsloo, JH. 1999. The South African Police Service and municipal police services: a legal comparison. *Acta Criminologica* 12(1):51–56.
- Lawrence, R. 1991. Re-examining community corrections models. *Crime and Delinquency* 37:449–464.
- Liebman, M. 1999. Restorative justice for families. *Prison Service Journal* 123:14–17.
- Llewellyn, J & Howse, J. 1998. *Restorative justice: a conceptual framework*. Ottawa: Law Commission of Canada.

- Local Government Management Board. 1996. *Survey of community safety activities in local government in England and Wales*. London: Home Office.
- Louw, DA & Louw, AE. 1989. *Diverse psigologiese toestande, in Suid-Afrikaanse handboek vir abnormale gedrag*, onder redaksie van DA Louw. Johannesburg: Southern.
- Lynch, JP & Cantor, D. 1992. Ecological and behavioral influences on property victimization at home: implications for opportunity theory. *Journal of Research in Crime and Delinquency* 29(3):335–362.
- Makkai, T & Braithwaite, J. 1994. Reintegrative shaming and compliance with regulatory standards. *Criminology* 32:361–385.
- Marshall, T. 1998. *Restorative justice: an overview*. London: Restorative Justice Consortium.
- Mbigi, L & Maree, J. 1995. *Ubuntu: the spirit of African transformation management*. Randburg: Knowledge Resources.
- McElroy, SL, Hudson, JI, Pope, HG & Keck, PE. 1991. Kleptomania: clinical characteristics and associated psychopathology. *Psychological Medicine* 21(1):93–108.
- McLaughlin, E & Muncie, J. 2001. *Controlling crime*. London: Sage.
- McShane, M & Williams, F. 1992. Radical victimology: a critique of the concept of victim in traditional victimology. *Crime and Delinquency* 38:258–271.
- Merriam, DH. 1977. *Employee theft*. Newark, NJ: National Council on Crime and Delinquency.
- Merton, RK. 1968. *Social theory and social structure*. New York: Free Press.
- Messmer, H & Otto, H (Eds). 1992. *Restorative justice on trial: pitfalls and potentials of victim-offender mediation*. Norwell: Kluwer.
- Miller, A. 1995. A time to remember. *Odessey* 19:4.
- Minnaar, A. 2008. You've received a greeting e-card from ... The changing face of cybercrime e-mail spam scams. *Acta Criminologica* 2:92116.
- Mqoke, RB. 1995. Customary law and human rights. *The South African Law Journal* 1995:364–365.
- Naude, CMB. 1976. *Consumer shoplifting in supermarkets: a criminological study*. Pretoria: University of South Africa. (Dissertation).
- Naude, CMB. 1990. *Shop theft prosecutions in the South African retail trade*. Pretoria: University of South Africa.
- Naude, CMB. 1998. Postmodern criminology in South Africa. *Acta Criminologica* 2:1929.
- Naude, CMB, Joubert, SJ, Grobbelaar, MM & Maree, A. 1994. *SA businesses as victims of crime*. Research Report Department of Criminology. Pretoria: University of South Africa.
- Naude, CMB, Prinsloo, JH & Martins, JH. 1999. *Crimes against the South African business sector*. Institute for Criminological Sciences. Pretoria: University of South Africa.
- National Crime Prevention Strategy (NCPS). 1996. *A summary document*. Pretoria: Department of Safety and Security.
- Nedcor, 1996. *The Nedcor Project on Crime, Violence and Investment*. Johannesburg: Nedcor.
- Neser, J (Ed). 1993. *Penitentiary penology*. Second edition. Johannesburg: Lexicon.
- Neser, J. 1997. *Reaction to crime in criminology: Study Guide 1 for KRM1005 (Introduction to Criminology)*. Pretoria: University of South Africa.

- Newman, DJ & Anderson, PR. 1998. *Introduction to criminal justice*. Boston: McGraw-Hill.
- Newman, G. 1999. *The relevance of the National Crime Prevention Strategy for sustainable development in South Africa*. www.csvr.org.za (28/01/2010).
- Nyamakanga, R. 2007. Country is still trapped in debt, says Regulator. *Business Day* 10 July.
- O'Block, RL, Donnermeyer, JF & Doeren, SE. 1991. *Security and crime prevention*. Boston: Butterworth-Heinemann.
- Olver, M, Stockdale, KC & Wormith, JS. 2009. Risk assessment with young offenders: a meta-analysis of three assessment measures. *Criminal Justice and Behavior* 36(4):329–353.
- Ovens, M, Marais, CW & Van Vuuren, JH. 2003. *Proactive criminal justice: Study Guide CJS2035*. Pretoria: University of South Africa.
- Parliamentary Monitoring Group. 2009. <http://www.pmg.org.za/report/20090916> (2010/08/13)
- Pittman, K & Fleming, W. 1991. *A new vision: promoting youth development*. Washington: House Select Committee on Children, Youth and Families.
- Pranis, K. 1993. *Restorative justice: back to the future in criminal justice*. Minnesota: Citizens Council.
- Pranis, K. 1997. Communities and the justice system: turning the relationship upside down. *UOMA Quarterly* January:1–7.
- Rapport. 2003. 8 June.
- Reid, ST. 1991. *Crime and criminology*. Fort Worth, Texas: Holt, Rinehart & Winston.
- Restorative Justice Consortium. 1999. Manifesto of the restorative justice consortium. *Prison Service Journal* 123:7–8.
- Rodwell, R & Hamber, B. 1998. *New nation*, 24 May.
- Roodbol, J. 1995. Vehicle hijacking in South Africa: are there practical solutions? Paper presented at a conference with the theme “Security 95” on 8 June 1995, Sanlam Auditorium, University of Pretoria, Pretoria.
- Ross, R. 1996. *Returning to teachings: exploring aboriginal justice*. Toronto: Penguin.
- Service Charter for Victims of Crime in South Africa: The consolidation of the present legal framework relating to the rights of and services provided to victims of crime (www.doj.gov.za; www.gov.za (2010/03/29)).
- Shapiro, C. 1990. Is restitution legislation the chameleon of the victims' movement? in *Criminal justice, restitution and reconciliation*, edited by B Galaway & Human Rights: Durban: South Africa.
- Steyn, C. 2008. A security risk management approach to stock shrinkage in the retail sector: a preliminary review. *Acta Criminologica, CRIMSA Conference special edition* (2):162–174.
- Strategy 2000. An end to carnage on South Africa's roads, Ministry of Transport, 3 May.
- Sykes, G & Cullin, F. 1992. *Criminology*. Second edition. New York: Harcourt, Brace, Javanovich.
- The Department of Justice and Constitutional Development's Website: SA Year book 2007/2008, Justice and Correctional Services. Accessed on 29 March 2010
- Theron, XX. 1991. Vandalisme in kriminologiese perspektief. *Acta Criminologica* 4(1):47–54.
- The Truth and Reconciliation Commission. 1999. *Fact sheet: reparations*. Johannesburg: Centre for the Study of Violence and Reconciliation.

- Toch, H. 2010. I am not now who I used to be then: risk assessment and the maturation of long-term prison inmates. *The Prison Journal*, 90(1):411.
- Tonglet, M. 2002. Consumer misbehaviour: an explanatory study of shoplifting. *Journal of Consumer Behaviour* 1(4):336–354.
- Tuck, M. 1988. Crime prevention: a shift in concept. *Research Bulletin* 24:58.
- Tunnel, KD. 1992. *Choosing crime: the criminal calculus of property offenders*. Chicago: Nelson-Hall.
- Tutu, D. 1995. Interview on Track of the Nation, SABC Radio, 28 April 1994.
- Umbreit, M & Coates, R. 1993. Cross-site analysis of victim-offender mediation in four states. *Crime and Delinquency* 39:565–585.
- Umbreit, M. 1996. Family group conferencing comes to the US: a comparison with victim-offender mediation. *Juvenile and Family Court Journal* 46(1):29–39.
- Umbreit, M. 1997. *Restorative justice*. St Paul, Minn.: Center for Restorative Justice and Mediation.
- Umbreit, M. 1998. Avoiding the marginalisation and McDonaldization of victim-offender mediation, in *Restoring juvenile justice: changing the context of the youth crime response*, edited by G Bazemore & L Walgrave. New York: Criminal Justice Press.
- Umbreit, M & Coates, R. 1998. *Multi-cultural implications of restorative justice: potential pitfalls and dangers*. St Paul, Minn: Center for Restorative Justice and Mediation.
- Umbreit, M & Greenwood, J. 1997. *Criteria for victim sensitive mediation and dialogue with offenders*. St Paul, Minn.: Center for Restorative Justice and Mediation.
- Van der Merwe, H & Hamber, B. 1998. What is this thing called reconciliation? Paper presented at the Goedgedacht Forum with the theme “After the Truth and Reconciliation Commission”. Cape Town, 28 March.
- Van der Westhuizen, J. 1990. *Forensiese kriminalistiek*. Second edition. Durban: Heinemann.
- Van Dijk, JM. 1995. Opportunities for crime: a test of the rational-interactionist model, in Crime and economy. Report presented to the 11th Criminological Colloquium.
- Van Dijk, JJM. 1998. Criminal victimisation: a global view. Paper presented at the International Conference with the theme “Surveying Crime: A Global Perspective”. November, Rome, Italy.
- Van Heerden, JJ. 1986. *Inleiding tot Polisiekunde*. Pretoria: University of South Africa.
- Van Heerden, TJ, Smit, BF & Silverman, IJ. 1986. *Criminology and crime: an introduction*. New York: Harper Collins.
- Van Vuuren, JW. 2004. *Human rights and the criminal justice systems: only study guide for CJS 304-A*. Pretoria: University of South Africa
- Van Vuuren, JWJ. 2007. *Policing IV: manual for Policing IV students*. Tshwane University of Technology: Pretoria.
- Van Vuuren, JWJ. 2009. *FET First Criminal Justice Structures and Systems*. Northcliff: Troupant.
- Van Vuuren, JWJ 2009. *Traffic law enforcement*. Centurion: Secudac.
- Van Vuuren, JWJ. 2010. *Understanding the criminal justice system*. Northcliff: Troupant.
- Van Vuuren, JWJ & McShane, MD. 1994. *Criminological theory*. Englewood Cliffs: Prentice Hall.
- Wilson, JQ & Herrnstein, RJ. 1985. *Crime and human nature*. New York: Simon & Schuster.

- Wilson, Picheca and Prinzo 2007. Evaluating the effectiveness of professionally facilitated volunteerism in the community-based management of high-risk sexual offenders: Part 1: effects on participants and stakeholders. *Howard Journal of Criminal Justice* July 46(3):289–302.
- Wilson, RJ, Picheca, JE & Prinzo, M. (n.d.) Social science research network: evaluating the effectiveness of professionally-facilitated volunteerism in the community-based management of high risk sexual offenders.
Accessed on 30 March 2010
<http://www.mcgraw-hill.co.uk/html/0335219985.html>
- Understanding the management of high risk offenders: Hazel Kemshall (De Montfort University)
Accessed on 23 March 2010
<http://www.rjc.co.za>
<http://www.scotland.gov.uk/publications/2002/11/15734/12654>
- Serious violent and sexual offenders: the use of risk assessment tools in Scotland.
Accessed on 23 March 2010
- Yazzie, R. 1994. Life comes from it: Navajo justice concepts. *New Mexico Law Review* 24:175–190.
- Zehr, H. 1990. *Changing lenses: a new focus for crime and justice*. Waterloo: Herald Press.
- Zehr, H. 1997. What is restorative justice? *VORP News Service*, 10 January:15.