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Safety and security: Do the ANC and the DA advocate for more of the same or a shift in policy?

Greetings

Safety and security: Do the ANC and the DA advocate for more of the same or a shift in policy?

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In May 2014 South Africans will, for the fifth time since the start of democracy, be asked to elect their leaders. Safety is a high priority for many South Africans and those voters who will consider political parties' election manifestos or most recent policy documents before they vote will certainly examine whether recommended policies will successfully address crime. Despite an overall reduction in reported crime of about 20% since 2002,[\[1\]](#) recent statistics confirm that the majority of South Africans believe that crime levels have actually remained stable or increased.[\[2\]](#) Contributing to the perception that the crime situation has not improved are regular media reports on challenges faced by the country's criminal justice system (CJS), including police (in)efficiency and violence, court efficiency, prisoner unrest, and corruption by law enforcement personnel. Against this background, many voters appear to support a "tough on crime" approach defended by government. However, crime levels remain one of the highest in the world,[\[3\]](#) and people do not feel safe.

Against this background, this newsletter analyses the crime reduction policies of two main political parties, the African National Congress (ANC) and the Democratic Alliance (DA).[\[4\]](#) This newsletter does not purport to conduct a comprehensive review of the CJS and of all the policies that should be put in place to respond to the challenges it faces, but broadly looks at the approach of the DA and the ANC to crime fighting and crime prevention and to the different stakeholders of the CJS.

From the outset, it should be noted that the relevant ANC policy documents (Mangaung Resolutions and Recommendations on Peace and Stability from the 4th National Policy Conference) are much briefer than the DA Policy on Safety, Crime and Justice. Regarding policy, the ANC summarises what it sees as its key priorities in the security sector in four pages, whereas the DA outlines, in 61 pages, its entire approach to safety and security. The DA appears to leave no stone unturned, whereas the ANC is silent on the vast majority of issues the government has to deal with. It makes the comparison between the two parties' policies at times difficult. It will also be difficult to hold the future ANC-led government accountable and monitor its performance, since one does not know what its stance is on most issues relating to safety and security. The newsletter therefore assumes that the ANC would continue with the current government policy. Also, because of a lack of substance of the relevant ANC documents, the newsletter draws on the ANC-led government's 2012 National Development Plan (NDP),[\[5\]](#) which has received broad-based support across the political spectrum and an excellent basis to develop sound policy on safety and security.[\[6\]](#)

This newsletter first gives a brief history of the successive government policies on crime. It then looks at whether crime is an election priority for both the ANC and the DA. The third section examines which recommendations the ANC and the DA make in relation to the criminal justice system, and ends with a

brief examination of promoted crime prevention strategies.

1. Brief reminder of government policies on crime

The government's National Crime Prevention Strategy (1996) (NCPS) recognised that, in order to successfully combat crime, government should not solely focus on reactive interventions involving mainly law enforcement and the CJS, but that reducing crime needs the intervention of all three tiers of government and that of broader civil society; better cooperation between the departments composing the CJS (i.e. the South African Police Service (SAPS), the National Prosecuting Authority (NPA), the courts and the Department of Correctional Services (DCS)); that not all crimes require the same response; that crime prevention needs to focus on both the victim and the perpetrator and that a successful policy should focus on both crime patterns and the fear of crime. The NCPS outlined four "pillars" on which crime prevention should be focused: re-engineering the CJS; reducing crime through environmental design; reinforcing community participation, values and education, and addressing transnational crime.^[7] This policy was complemented by the White Paper on Safety and Security (1998), which reflected a policy direction aimed at reinforcing the efficiency of law enforcement, redesigned the approach to crime prevention and recommended institutional reform in all three tiers of government to better achieve the aims of the NCPS.^[8]

However, these two policies required long-term coordinated interventions and, when government was faced with increased crime levels and societal discontent, it focused its policy interventions almost exclusively on the "tougher" aspects of the NCPS by largely shifting its attention to crime fighting, accompanied by a new rhetoric from senior government officials including Ministers and the President, declaring "war on crime" and questioning the constitutional rights afforded to criminal suspects.^[9] This was coupled with the adoption of SAPS' National Crime Combating Strategy (2000) (NCCS), which focused on reducing or stabilising crime, in particular in high crime-level areas, through reinforced capacity and resources, and on improving crime perceptions and public confidence in the police. Under the NCCS, short-term policing interventions would, however, be coupled with medium-term "softer" crime prevention interventions.^[10] In the same period, several legislative amendments were adopted aimed at reinforcing this "tough on crime approach": bail and parole conditions were made more stringent, and mandatory minimum sentences were provided for certain violent crimes.^[11] To this day, this "tough on crime" approach remains the government's official policy.

In 2008, Cabinet adopted a "Seven-Point Plan" following a review of the South African criminal justice system, aimed at reinforcing the CJS.^[12] The review concluded that the country's criminal justice system was dysfunctional at the investigation, court and incarceration stages, and made seven recommendations to address these dysfunctions. These were: adopting a single vision and mission for the CJS; centralising and better coordinating the different stakeholders in the CJS; modernising court processes; developing a single modernised database; better train and retain staff (including hiring additional staff), and reinforce community participation in the fight against crime. However, the Plan disappeared from the spotlight in 2009,^[13] and despite continuous efforts made to implement the Plan,^[14] it currently receives limited public political support and does not appear to constitute government priority. In 2010, government adopted twelve "government outcomes" or priorities on which government ministers' performance agreements should be aligned. One of these is that "all people in South Africa are and feel safe".^[15] As noted above, although crime levels might have been reduced, the fear of crime has increased; something the next government would need to tackle.

The NDP has a different approach and insists that building safe communities requires long-term social crime prevention strategies that look at the causes of crime and require coordination not only of the departments in the Justice, Crime Prevention and Safety (JCPS) cluster, but also of the other departments that are in charge of education, economic development, social cohesion, poverty alleviation, health, or urban design.^[16] The NDP recognises that reactive policing cannot be the sole crime-fighting tool, that substantive engagement with communities is necessary to fight crime, and recommends the rapid implementation of the Seven-Point Plan.^[17]

2. ANC and DA: What crime strategies constitute election priorities?

The ANC's 2014 Election Manifesto (ANC EM) states that the party, if elected to power, will focus on five priorities, one of them being 'fighting crime and corruption' (corruption is a crime but political parties tend to separate both issues).^[18] Increased pressure from many corners of society against perceived escalating profiteering from state coffers by those in power, whether at the local, provincial and national

level, especially since Jacob Zuma became president in 2009, and the perceived lack of accountability of those highest responsible for these abuses,[\[19\]](#) might explain that corruption fighting is more a priority than it was in previous elections.[\[20\]](#) The ANC EM states that the previous ANC governments have brought an overall reduction in crime levels, especially violent crime,[\[21\]](#) and that it will continue to do so.[\[22\]](#) However, as noted above, the ANC electoral documentation lacks detail on which measures exactly the next ANC-led government would adopt to address crime. The “tough on crime” approach, favouring reactive interventions by the CJS that would yield short-term results, dominates the government’s political discourse and will likely continue to do so. The ANC policy would therefore more likely be the continuation of the government’s policy, rather than a “softer” multi-sectorial coordinated long-term approach advocated by the NDP.

The DA’s 2014 Election Manifesto (DA EM) spells out the party’s two core priorities for the next five years: creating ‘opportunities for all’ and setting up an economy that will create the conditions for drastic job creation. Under the first priority, the DA prioritises safer communities by putting ‘250 000 properly trained police officers on the streets’.[\[23\]](#) The chief priority of the DA is therefore to expand visible policing, a measure that can be seen as both crime preventive and crime combative. The DA policy also recognises that social interventions are needed to address the causes of crime.[\[24\]](#) However, much of the policy document focuses on crime combatting, i.e. even its crime prevention strategies mainly involve the CJS, and are actually crime detection strategies.[\[25\]](#) The DA policy, although presented as one integrating elements of crime prevention and crime combating, would mostly focus on a crime combating strategy. This is reflected by its use of the language of “war on crime” and “tough on crime approach” and its willingness to increase the overall capacity of the criminal justice system by advocating for employing more police[\[26\]](#) (identified as a crime prevention strategy), increasing prison space,[\[27\]](#) adopting guidelines for minimum sentences for serious crimes, and adopting stringent bail procedures.[\[28\]](#) These are all reactive approaches to the problem of crime.

Important to note when analysing the ANC and DA policies is that law enforcement is primarily a national competence, one the ANC will most likely exercise for the next five years. The DA will probably govern one or more provinces, and will therefore have limited impact on the functioning of the CJS in particular. However, provinces are in charge of delivering social crime prevention programmes, managing community policing forums, and can exercise oversight over the police. They are also in charge of the administration of other government services which could have an impact on crime, such as basic education, social development including youth programmes and substance abuse, urban planning, health services, or housing. This said, these latter categories are largely dependent on framework policies decided at national level.

The government policies outlined above systematically insist that crime perception has to be improved (over and above actual crime figures). Crime perceptions can be improved with better public confidence in the CJS, including better performance of the system; fighting corruption in the CJS and better access to information on processes, rights, or procedures victims are involved in.[\[29\]](#) It remains to be seen whether decisive action will be taken by the next government to address crime perception, which can most probably better be fought by soft measures rather than tough policing methods and stringent legislation.

Finally, neither party recommends a radical shift from the government’s current crime strategy, questions its actual efficiency and success in reducing crime nor, and maybe most importantly, whether they expect the crime situation to worsen. But poor economic growth, job shedding, continued inequalities, an increasing number of unskilled and unemployed youth, continued levels of social discontent, violent service delivery protests, and lack of confidence in the police do not bode well for crime levels. The question must therefore be asked whether the country will face a second crime wave in the near future, a question none of the political parties address.

3. What plans for the criminal justice system?

As already noted, both the ANC and the DA would address safety and security in South Africa by primarily focusing on the CJS, in particular on the police, which they see mostly as a crime combating tool, and by being “tough on crime”. As noted above, the 2008 Cabinet’s Seven-Point Plan also made recommendations to address the dysfunctional CJS, primarily focused around integrating and better coordinating the different stakeholders of the CJS, but that the implementation of this Plan has received limited support, despite the NDP recommending its urgent implementation[\[30\]](#) and the ANC EM insisting that it will ‘accelerate the integration of the criminal justice system’, ‘continue to improve the detection of crime and efficiency in the courts’ and improve ‘the capacity of the police, prosecutors, legal aid and courts’,[\[31\]](#) which are priorities contained in the plan. It is unclear whether substantive steps have already been taken by the ANC government to address the three priorities in a comprehensive and holistic

manner.

This section will examine which policy recommendations the ANC and the DA make in relation to the CJS, and whether these address the most pressing issues.

3.1. Police

Although policing experts insist that policing cannot be the sole tool to prevent or combat crime,^[32] both the DA and the ANC see SAPS as the key tool to fight crime in the country. SAPS is currently faced with a severe crisis of legitimacy, as indicated by numerous surveys indicating the public's lack of trust and confidence in the police,^[33] caused by police brutality, violence and corruption, publicised events such as the Marikana massacre, the deaths of Andries Tatane and Mido Macia, or its role in responding to violent service delivery protests, to name a few. The question is then whether the ANC or the DA recommend a radical overhaul of the police to fix the system and provide it with the necessary support to allow it to fulfil its mandate while ensuring that it complies with the governance and human rights standards imposed by our Constitution. To expect SAPS to play a meaningful role while it lurches from one crisis to the next is unrealistic.

The DA, as well as the NDP, insist that *police professionalism and performance* should be improved by improving recruitment processes and training of SAPS employees; reinstating specialised units; stopping political appointments, and demilitarising the police.^[34] The DA further recommends boosting SAPS financial and material resources to better detect and investigate crime.^[35] The DA^[36] and the ANC^[37] also seek to improve police management, although the DA calls for more decentralisation and the ANC calls for a single national police service, reflective of their political profiles. As will be outlined in subsection 3.5 below, the DA also calls for enhanced accountability of corrupt and criminal SAPS officials. As noted above, the DA EM states that it will make communities safer by putting 250 000 police officers on the streets (its policy document recommends having a total SAPS staff of 250 000, which is slightly different) and provide them all with adequate training. The ANC EM also recommends reinforcing the capacity of the police, but none of the ANC documents address training.^[38] Currently, SAPS has a staff contingency of 197 946. Of these, 155 531 are uniformed SAPS members and can therefore be on the streets, and 42 415 are civilians who occupy administrative or other office positions.^[39] Therefore, if the DA wanted to effectively put 250 000 SAPS officers on the streets, and considering it would keep the same ratio between uniformed and administrative positions, it would need a total staff of about 320 000, therefore employing an extra 120 000 SAPS members. Since the average cost of a SAPS employee is R 237 000 a year, this additional hiring would cost the taxpayer R 28.4 billion a year.^[40] The current SAPS budget is R 63.2 billion rands;^[41] this policy measure alone (and, as outlined in this newsletter, the DA recommends many more) would therefore require a 50% increase in the SAPS budget. In addition, the DA would "adequately train" these 250 000 SAPS officers that are on the streets. It is indeed pointless to hire more SAPS if they are not adequately trained, which is one challenge currently faced by SAPS. It is unclear what training programme the DA has in mind, i.e. the duration, the frequency and, maybe most importantly, the capacity required for such a massive training programme. Quality training and re-training comes at a high cost, and would have to be added to the R 28.4 billion already spent on salaries for additional staff. This is clearly unaffordable and, even if it was, there is no guarantee that such spending on a government department in crisis would actually deliver on reducing crime. This is an illustration of the general lack of costing or prioritisation of most DA policy recommendations in relation to safety and security.

To summarise, both the DA, and to a limited extent the ANC, make recommendations to reinforce SAPS capacity and profile. However, the ANC does not recognise that SAPS is a department in crisis needing a structural overhaul, whereas the DA attempts to balance supportive policy recommendations (more resources where it is needed) with more aggressive solutions (rid SAPS of corrupt and criminal elements). Neither, however, appear to recognise that SAPS would need the support of other government departments in order to fulfil its mandate without being overstretched. For example, SAPS has to intervene when violent service delivery protests take place, and are then seen by disgruntled communities as one of those responsible for the lack of service delivery. However, SAPS only intervenes after other government departments failed to deliver on their mandates. If these government departments were publicly taking responsibility for service delivery failures, it would assist in reinforcing public confidence in the police.

3.2. Courts and the NPA

As noted already, the implementation of the Seven-Point Plan would greatly improve the capacity and functioning of the courts, which are faced with long and delayed trials caused in part by a lack of coordination within the CJS, exacerbated by skills shortages.

Reinforcing the *efficiency and capacity of the courts* also features prominently in the DA policy and in the NDP, and to a certain extent in the ANC policies. Both the DA and the NDP insist on reinforcing judicial governance (i.e. accountability and independence). Both the ANC and the DA recommend improving case flow management and reducing backlogs (including to reduce *the length of remand detention*), and better access to justice, especially for the poor.^[42] The DA also insists on prosecutorial independence, and reinforcing the role of victims in the CJS.^[43] Despite the Seven-Point Plan concluding that the system was dysfunctional, the ANC supports a strategy aimed at providing additional resources to a dysfunctional system rather than improving the system and better utilising existing resources. The lack of critical examination of the system, similar to that of the police, reflects a certain superficiality.

An example of a DA policy recommendation that would facilitate coordination between the different stakeholders of the CJS is the provision of a *modern technology and an integrated information system*, through which SAPS, the courts and DCS would have access to the same database.^[44] The DA also recommends making this information available to civil society, which would allow it to analyse the data to monitor performance and make adequate policy recommendations. Using IT facilities and improve case-flow management has been a government aspiration since the mid-1990s but has unfortunately not delivered on promises.

3.3. Sentencing and prisons

Both the ANC and the DA make some recommendations to improve the prison system, although the opaque world of prisons attracts less interest from the general public and therefore from electoral documentation. Despite improvements in recent years, South African prisons are still faced with poor conditions of detention, violence, corruption, severe overcrowding, lengthy periods of remand detention, and limited access to rehabilitation programmes. Both the ANC and the DA address some of these issues. The DA policy, as well as the NDP, recognise that *prison overcrowding* is an issue, insisting that it "increases inmate violence" ^[45] and "limits opportunities for rehabilitation",^[46] but the DA recommends building more prisons to address the issue (while also recommending alternative, non-custodial, sentences and better management of remand detainees),^[47] whereas the NDP states that building more prisons is not an economically viable or short-or medium term option, and rather recommends focusing on alternative sentences.^[48] However, overcrowding has largely been caused by increasingly lengthy periods of remand detention, a link none of the political parties make.^[49]

Lengthy remand detention is nevertheless noted as a challenge by both the DA and the ANC, and both recommend improving case flow management and cooperation between the police, the courts and correctional services to reduce the length of remand detention.^[50] The DA further recommends strengthening alternatives to remand detention, such as bail or electronic tagging, as well as strengthening regular review by the courts of remand detention.^[51] The introduction of custody time limits and the automatic review by courts of bail decisions are measures which would reduce lengthy and unnecessary periods of remand detention.^[52] Automatic review every three months is a DA recommendation,^[53] and the recently gazetted Chief Justice's Norms and Standards for the Performance of Judicial Functions determine that criminal matters should be finalised in a maximum period of nine months.^[54] For the rest, other issues affecting conditions of detention are not addressed.

Unfortunately, *governance within correctional services* is only briefly touched upon. Very little is said about severe human rights violations in prisons.^[55] Neither the NDP, nor the ANC or DA policies refer to the findings of the Jali Commission,^[56] and the DA policy is the only document addressing the issue of corruption and maladministration in prisons specifically. To that end, the DA recommends reinforcing prison visits by judges and Members of Parliament; beefing up the mandate of the Judicial Inspectorate for Correctional Services (JICS); ensuring better consultation with civil society (for policy recommendations and to provide services) and the private sector (to provide services); ensuring more stringent recruitment processes, provide training, develop staff-retention strategies, allocate more staff to correctional facilities rather than administrative positions and ensure better dialogue with unions.^[57] The NDP indirectly touches upon governance issues in correctional facilities; for example, it recommends reinforcing accountability frameworks in all state institutions where people are detained to avoid sexual abuse.^[58]

Finally, the ANC links recidivism to the quality of *rehabilitation programmes* and the decisions by parole boards and to address this, recommends strengthening parole boards and case management committees and reinforcing community (including victims) involvement in social reintegration and parole processes.^[59] Although the ANC recognises that rehabilitation programmes must be improved, it does not make any concrete recommendations in this regard, and does not see DCS as a key stakeholder to improve these. The DA goes into detail on how it sees successful rehabilitation, by firstly recommending reducing overcrowding (although, as noted above, overcrowding is much more severe in remand

detention than in sentenced facilities), and secondly reinforcing human and financial capacities of rehabilitation programmes and putting all sentenced inmates to work. As for reintegration, the DA recommends the creation of halfway facilities, amending the provisions of the Criminal Procedure Act to expedite the expungement of criminal records to those sentenced for non-violent crimes, and supports the introduction of 'second chance legislation' that would assist in reintegrating offenders by working with communities, families, victims, civil society organisations and the private sector who would assist inmates in societal and employment reintegration. Second chance legislation is an option already envisaged by government.^[60] The NDP recognises that both the quality and the access of rehabilitation programmes should be improved, that DCS is the key role player in improving rehabilitation and reducing recidivism, but also that communities are crucial in assisting in reintegration.^[61]

Overcrowding and pre-trial detention are DCS challenges on which it has limited impact, since inmates intake is determined by police arrests and court sentences. Therefore, DCS would greatly benefit from better coordination of the CJS which, as mentioned before, is not the chief priority of the ANC or the DA, despite both addressing it in their electoral documentation.

3.4. Corruption within law enforcement

Fighting corruption dominates both ANC and DA policies and election priorities. The fight against corruption (a criminal offence) is not solely focused on the safety and security sector; much corruption takes place in the government procurement systems or the delivery of basic services, for example. However, with high levels of corruption within law enforcement agencies, in particular at the hands of SAPS,^[62] it is important to examine whether political parties are addressing this specific issue.

The ANC EM emphasises combating corruption. However, its six priorities for tackling corruption mostly revolve around tender awarding processes and collusion with government officials.^[63] The ANC again does not comprehensively examine the issue of corruption but only outlines certain priorities and its focus does not appear to be on corruption in law enforcement.

The general anti-corruption DA policy is in part similar to that of the ANC.^[64] However, the DA also specifically addresses corruption within law enforcement agencies, pointing to the fact that corruption especially amongst SAPS undermines public trust in the police. The DA advocates for a "zero-tolerance approach" to corruption within SAPS, would reinstate the successful SAPS Anti-Corruption Unit,^[65] would empower the Independent Police Investigative Directorate (IPID) to investigate cases of corruption and would encourage whistleblowing.^[66] It would also commission research into prison corruption to better understand, and address, the problem.^[67]

Finally, the NDP allocates an entire chapter to corruption fighting, but focuses on general corruption fighting only (and does not specifically address the issue of corruption within law enforcement agencies), by outlining the need to reinforce, and possibly modify, state anti-corruption agencies, clean up the government procurement systems by reinforcing oversight and accountability, and address the societal behaviour to corruption.^[68]

3.5. Oversight and accountability

The DA, but also the NDP, address *oversight and accountability* within law enforcement. As mentioned above, both the DA and the NDP aim to improve police professionalism, which goes hand in hand with better compliance and more consistent disciplinary action for non-compliance with the SAPS disciplinary code.^[69] The DA harshly criticises police violence, brutality and criminality (including corruption). Further recommendations not yet mentioned include reinforcing regulations for public order policing, setting up a commission of inquiry to understand systemic impunity within the police and ensuring that police officers accused of committing crimes are suspending pending investigation, and are imposed sanctions commensurate to the offence committed.^[70] Similar, although weaker, recommendations are made in relation to DCS, which were addressed in sub-section 3.3.^[71] In relation to existing oversight structures, as already mentioned, the DA policy recommends reinforcing the mandates of both the IPID and the JICS (the IPID should also be given space to actually fulfil its current mandate) and would adopt legislation similar to its *Community Safety Act* in the Western Cape, which allows provincial authorities to exercise their constitutional mandate to oversee police activities, if it were to govern other provinces.^[72] The NDP recommends that IPID play a role in ensuring the ethical behaviour of SAPS.^[73]

However, the main accountability and oversight challenges are that the existing internal and external oversight structures lack the needed political support and willingness to ensure that they can fulfil their mandate without fear or favour and that their decisions are implemented or recommendations followed. IPID's mandate was recently reinforced, but it is yet to be seen whether its investigations will result in

more SAPS officials being disciplined or prosecuted. JICS' mandate is in dire need of restructuring, an issue that has been examined by the Portfolio Committee on Correctional Services in recent years.^[74] Furthermore, the skills and capacity of both mechanisms need reinforcement. However, nothing seems to indicate that reinforcing accountability and oversight over law enforcement agencies will become an increased priority for the ANC. Finally, it is interesting to note that references to the Civilian Secretariat of Police, an internal oversight body mandated to direct policing policy, is absent from all documents examined in this newsletter. One can therefore wonder whether the institution is still relevant to the eyes of those in power and, in order to avoid the unnecessary duplication of oversight mechanisms, could be envisaged to be incorporated within IPID.

4. Which crime prevention strategies are promoted in the election manifestos and recent policy documents?

Crime prevention strategies are usually described as interventions done at the level of families, communities, schools, labour markets, urban planning, policing, and the criminal justice system after arrest, with the aim to prevent crime from taking place.^[75] With the exception of the criminal justice system and policing, which were examined in the previous section, the ANC and/or the DA have identified three initiatives that can be seen, in this framework, as crime prevention initiatives. As mentioned earlier, crime prevention is neither the ANC nor DA's priority approach to addressing crime, and their policies and manifestos do not emphasise a crime prevention focus. Their strategies outlined below are therefore not envisaged as a holistic crime prevention strategy but rather secondary interventions. They nevertheless deserve mention.

Firstly, the ANC and the DA recognise the important role of community participation and Community Police Forums (CPFs) in preventing and detecting crime, and that these structures need to be reinforced, a recommendation also contained in the NDP.^[76] The DA further recommends a reinforcement of the private security industry's capacity and community sponsorship for stronger police presence in those communities.^[77] The booming private security industry plays an important role in addressing crime. However, the DA's recommendation that wealthier neighbourhoods pay for stronger police presence is problematic policy, since police presence is a public service, and the State should be the only one deciding on financial and human resource allocation and distribution of this service.

Secondly, the ANC and the DA address the issue of the youth who, especially when faced with poverty and unemployment, or when exposed to drug and alcohol abuse or living in a violent environment, will themselves be more exposed to crime, whether as victims or perpetrators.^[78] As mentioned above, it could be a reason for a second crime wave in the near future (a point no political party makes). Also, young offenders, if incarcerated, even for a short period of time, will be more likely to be exposed to a lifetime of crime.^[79] The policy recommendations of both political parties (and of the NDP) focus on skills development for unemployed youth;^[80] to orient youth at risk and young offenders towards diversion programmes and/or to sentence those who have committed non-violent crimes or petty offences to non-custodial sentences,^[81] or to conduct further research to better understand violence among the youth, whether they are victims or perpetrators.^[82] Finally, the DA and the NDP recommend that diversion programmes^[83] and alternative sentences be rolled out to a wider spectrum of minor or first-time offenders (not solely the youth), in order to combat overcrowding, recidivism and the cycle of crime.^[84]

Thirdly, both the ANC and the DA address tertiary crime prevention, which were outlined in the subsection 3.3 above.^[85]

5. Conclusion

By way of conclusion, it should firstly be underlined that the scope of the ANC and DA documents are so different, the DA ones being much more comprehensive, that comparing them was difficult, even for the dedicated voter wanting to make an informed electoral choice. Ultimately, the DA presents a complex message and the ANC an oversimplified one.

The DA documents contain a vast number of recommendations and it is obvious that, if in government, the DA would be unable to implement them all. The DA does not indicate which ones it would prioritise, and could be held accountable for not implementing all of its policies. Its policy documentation is mostly informed by research produced by leading civil society organisations in the sector, who usually advocate for a balanced approach to the problem of crime. But the DA mainly recommends a "tough on crime" approach, not informed by existing research, but more likely by what its supporters want to hear. This

dual approach is most unfortunate, as it might result in conflicting positions when it comes to implementation. Finally, the DA appears to have done very little costing of its policies, and less so analyse which of its recommendations would put more or less pressure on the fiscus. The DA appears to support more and tougher law enforcement, without considering what it would cost the taxpayer, and whether less costly alternatives exist.

The ANC documentation is too insubstantial to enable a critical analysis of the party's approach to crime prevention and crime combating, but rather summarises a few priorities, and in generally light on concrete recommendations.

Both the ANC and the DA espouse a crime-combating approach, focusing on the CJS and in particular on a strong police presence and intervention. Neither embrace a human rights approach to crime prevention or crime fighting. The "tough on crime" approach is probably what most voters want to hear, regardless of which party they support, but experts have questioned the effectiveness of existing policies in reducing crime and crime perception. Therefore, the question remains as to whether the election manifestos are based on evidence of the kind of policies that successfully address crime and crime perception, or rather what parties believe their electorate would find palatable. Many policy documents adopted by the ANC government, such as the NCPS, the White Paper on Safety and Security, the Seven-Point plan and the NDP, all contain sound recommendations to improve the crime situation, in particular focused on putting in place long-term measures that will have an effective impact on crime and crime perception, by improving coordination within the CJS and implementing crime prevention strategies involving other government departments. Despite the obvious that something is not working with current policies, neither the DA nor the ANC recommend a radical departure from these, or at a minimum an assessment of whether they work. Both are generally unimaginative, but for a different reasons. The ANC is too general, too vague and too incomplete, whereas the DA seems to speak to its support base, emphasising a law and order approach. Both only use very little scientific evidence on what works, or at least propose novel approaches supported by some scientific evidence. Finally, neither the ANC nor the DA appear to suspect that the crime situation will worsen. Therefore, we are most likely to see more of the same, or worse, in the next five years.

[1] ISS "Fact sheet: Explaining the official crime statistics for 2012/13" 20 September 2012, available at http://www.issafrica.org/crimehub/siteimages/2012_crime_stats_factsheet.pdf (accessed 23 January 2014). The "politics" around crime statistics go beyond the scope of this article. For further reading, see for example Brodie N "A guide to crime statistics in South Africa: what you need to know" 12 September 2013, available at <http://www.issafrica.org/crimehub/news/a-guide-to-crime-statistics-in-south-africa-what-you-need-to-know> (accessed 23 January 2014) ; ISS "FACTSHEET South Africa: Official crime statistics for 2012/13", available at <https://africacheck.org/factsheets/factsheet-south-africas-official-crime-statistics-for-201213/> (accessed 23 January 2014); ISS "Miscalculations in the 2013 National Crime Ratios" 20 September 2013, available at <http://www.issafrica.org/crimehub/news/miscalculations-in-the-2013-national-crime-ratios> (accessed 23 January 2014); Makgale SM "SAPS stand by crime statistics" 21 September 2013, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=406212&sn=Detail&pid=71619> (accessed 23 January 2014).

[2] Govender M "The paradox of crime perceptions" 46 SACQ 2013 at 49.

[3] UNODC *Study on Intentional homicide, count and rate per 100,000 population (1995 - 2011)*, available at <http://www.unodc.org/unodc/en/data-and-analysis/homicide.html> (accessed 31 January 2014).

[4] The ANC documents used are the Recommendations from the 4th National Policy Conference of June 2012 (ANC *Recommendations from the 4th National Policy Conference* June 2012), the Recommendations from the 53rd National Conference, which was held in Mangaung in December 2012 (ANC *53rd National Conference. Resolutions* December 2012) and its 2014 Election Manifesto (ANC *2014 Election Manifesto*). The DA documents used are its Policy on Safety, Crime and Justice of December 2013 (DA *Policy on Safety, Crime and Justice* December 2013) and its 2014 Election Manifesto (2014 *Election Manifesto*).

[5] National Planning Commission *National Development Plan 2030. Our Future - Make it Work* 2012.

[6] The ANC claims that its election manifesto was drafted with the aim of implementing the NDP: Nandipha K "NDP forms basis of ANC election manifesto, to Cosatu's discontent" *Mail & Guardian* 16 September 2013 at <http://mq.co.za/article/2013-09-16-ndp-forms-basis-of-anc-manifesto-to-cosatus-discontent> (accessed 31 January 2014); the DA has provided broad support to the plan: "National Development Plan: Full DA Response" at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=268385&sn=Detail&pid=71616> (accessed 31 January 2014).

[7] Rauch J "Changing step: Crime prevention in South Africa" in Pelsler E (ed) *Crime Prevention Partnerships: Lessons from Practice* ISS Pretoria 2002 9 at 11-13; Newham, G. *A Decade of Crime Prevention in South Africa: From a National Strategy to a Local Challenge* CSVR research report 2005.

[8] Rauch (fn 7) at 19-20.

[9] *Ibid.* at 21-23; Muntingh L and Dereymaeker G *Understanding Impunity in the South African law Enforcement Agencies* CSPRI Research Paper, p. 25-28.

[10] Rauch (fn 7) at 23-25.

[11] Shonteich M "Criminal Justice Policy and Human Rights in the New South Africa" 2003 QUTLawJJI 20, available at

<http://www.austlii.edu.au/au/journals/QUTLJJ/2003/20.html> (accessed 03 March 2014).

[12] Presentation by the Department of Justice and Constitutional Development to the Portfolio Committees on Justice and Constitutional Development and Safety and Security, 5 August 2008, available at http://www.justice.gov.za/CJSReview/20080821_CJSRslideshow_4aug08_part1.pdf and http://www.justice.gov.za/CJSReview/20080821_CJSRslideshow_4aug08_part2.pdf (both accessed 19 February 2014).

[13] Lancaster L "Twenty years of justice reform in South Africa: what is there to show for it?" *ISS Today* 23 July 2013, available at <http://www.issafrica.org/iss-today/twenty-years-of-justice-reform-in-south-africa-what-is-there-to-show-for-it> (accessed 20 February 2014).

[14] See for example the recent briefing by the Departments of Justice and Constitutional Development and Correctional Services, the National Prosecuting Authority and Legal Aid South Africa to the Portfolio Committee on Correctional Services on progress made in implementing the Seven-point plan: Meeting of the Portfolio Committee on Correctional Services of 11 February 2014 *PMG report* available at <http://pmg.org.za/report/20140211-criminal-justice-system-review-constituent-departments-and-entities-progress-reports> (accessed 03 March 2014).

[15] The Presidency of South Africa "The Outcomes Approach" available at <http://www.thepresidency.gov.za/pebble.asp?relid=1905> (accessed 20 February 2014).

[16] NPC *NDP* 2012 (fn 4), p. 393-396 and 404.

[17] NPC *NDP* 2012 (fn 4) p. 387-389, 394 and 404.

[18] The other ones are 'creation of more jobs, decent work and sustainable livelihoods for inclusive growth; rural development, land reform and food security; education, [and] health': ANC *2014 EM* (fn 3) slide 5.

[19] See for example, the latest report of the Auditor General that found that government incurred R2bn in wasteful expenditure, R26.4bn in irregular spending and R2.3bn in unauthorised spending in the financial year 2012/13: Hlongwane S "Is this when the bleeding of public funds ends" *Business Day* 6 February 2014, available at <http://www.bdlive.co.za/opinion/columnists/2014/02/06/is-this-when-the-bleeding-of-public-funds-ends> (accessed 28 February 2014). Also, although no resource summarises the successive scandals that have marked ANC local, provincial and national governments in recent years, the following article depicts the repetitiveness of the situation quite well: Munusamy, R. "A new South African syndrome – Scandal Fatigue" *Daily Maverick* 30 January 2013. Available at <http://www.dailymaverick.co.za/article/2013-01-30-a-new-south-african-syndrome-scandal-fatigue> (accessed 3 February 2014).

[20] Corruption wasn't prominent in the 2009 Election Manifesto: ANC *2009 Election Manifesto* p. 6.

[21] See footnote 1 for references to sources discussing the veracity of this statement.

[22] It will do so by improving the criminal justice system, reinforcing community interventions to fight crime, prioritise the fight against crimes against women and children, and improving the detection of crime and efficiency of the courts ANC *2014 EM* (fn 3) slide 45.

[23] DA *2014 EM* (fn 3), p. 7. The DA policy recommends having a total SAPS staff of 250 000: DA *Policy* 2013 (fn 3), p. 6.

[24] DA *Policy* 2013 (fn 3), p. 5.

[25] These include reinforcing cooperation between law enforcement at different tiers of government and between SAPS and communities; enhancing the role of the private security industry; allowing (wealthier) communities to sponsor stronger police presence where they live or work; identifying communities more prone to crime in order to receive additional police presence and using technology to prevent and detect crime: DA *Policy* 2013 (fn 3), p. 6-13 and 27-28.

[26] DA *Policy* 2013 (fn 3), p. 6 and 24.

[27] DA *Policy* 2013 (fn 3), p. 49.

[28] DA *Policy* 2013 (fn 3), p. 44.

[29] Du Plessis A and Louw A "Crime and Crime Prevention in South Africa: 10 years after" 2005 *CJCCJ* 427 and 436-437.

[30] NPC *NDP* 2012 (fn 4) p. 388-389.

[31] ANC *2014 EM* (fn 3) slide 45.

[32] See for example Sherman L "Policing for crime prevention" in *What works, what doesn't, what's promising. A report to the United Nations Congress* (1998), available at <https://www.ncjrs.gov/works/chapter8.htm> (accessed 5 March 2014); NPC *NDP* 2012 (fn 4) p. 394.

[33] See for example Wale K *Confronting Exclusion: Time for Radical Reconciliation. SA Reconciliation Barometer Survey: 2013 Report* p. 19, available at <http://reconciliationbarometer.org/wp-content/uploads/2013/12/IJR-Barometer-Report-2013-22Nov1635.pdf> (accessed 11 March 2014); Pitjeng R "Survey: Few young people trust police" available at <http://ewn.co.za/2013/12/05/Black-and-coloured-youth-dont-trust-police> (accessed 11 March 2014); Kuper J "35% of South Africans scared of the police – futurefact" 5 March 2013, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=362317&sn=Marketingweb+detail&pid=90389> (accessed 11 March 2014).

[34] NPC *NDP* 2012 (fn 4) p. 389-393; DA *Policy* 2013 (fn 3) p. 6-9, 24-25 and 44-45; DA *2014 EM* (fn 3) p. 57.

[35] DA *Policy* 2013 (fn 3) p. 8.

[36] DA *Policy* 2013 (fn 3) p. 11-12 and 15-16.

[37] ANC *Policy Conference* 2012 (fn 3) p. 14 and ANC *Mangaung Resolutions* 2012 (fn 4) p. 35.

[38] ANC *2014 EM* (fn 3) slide 45.

[39] SAPS *2012/13 Annual Report* p. 12.

[40] *Ibid.* p. 166.

[41] *Ibid.* p. 190.

[42] ANC *Mangaung Resolutions* 2012 (fn 4) p. 34; DA *Policy* 2013 (fn 3), p. 34-42; DA *2014 EM* (fn 3) p. 61; ANC *2014 EM* (fn 3) slide 45; NPC *NDP* 2012 (fn 4) p. 403 and 453-454.

[43] DA *Policy* 2013 (fn 3) p. 34-42.

[44] DA *Policy* 2013 (fn 3), p. 19-24; DA *2014 EM* (fn 3) p. 57 and 61.

- [45] NPC NDP 2012 (fn 4) p. 402.
- [46] DA Policy 2013 (fn 3), p. 46.
- [47] DA Policy 2013 (fn 3), p. 47-49; DA 2014 EM (fn 3) p. 62.
- [48] NPC NDP 2012 (fn 4) p. 403.
- [49] Redpath J *Presentation at the Round Table on Remand (Pre-trial) Detention* 23 May 2013, slide 12.
- [50] ANC Mangaung Resolutions 2012 (fn 4) p. 34; DA Policy 2013 (fn 3) p. 48-50.
- [51] ANC Mangaung Resolutions 2012 (fn 4) p. 34; DA Policy 2013 (fn 3) p. 49-50.
- [52] Ballard C *Research report on remand detention in South Africa: An overview of the current law and proposals for reform* CSPRI research report 2011 p. 20-24.
- [53] DA Policy 2013 (fn 3), p. 50.
- [54] Office of the Chief Justice *Norms and Standards for the Performance of Judicial Functions* Government Gazette No. 37390 of 28 February 2014, at 5.2.5. (ii).
- [55] The most recent report of such violence refers to severe torture and other forms of ill-treatment imposed upon inmates at St Albans in the Eastern Cape, which allegedly took place earlier this month: Raphaely C "Inmates beaten, shocked, tortured" 13 March 2014, available at <http://www.iol.co.za/news/crime-courts/inmates-beaten-shocked-tortured-1.1660477#.UyO52X07bMI> (accessed 17 March 2014).
- [56] Jali J *et al Final report of the Commission of Inquiry into Alleged Incidents of Corruption, Maladministration, Violence or Intimidation into the Department of Correctional Services Appointed by Order of the President of the Republic of South Africa in terms of Proclamation No. 135 of 2001, as Amended* (Durban 2005).
- [57] DA Policy 2013 (fn 3) p. 54-55 and 58-59.
- [58] NPC NDP 2012 (fn 4) p. 398.
- [59] ANC Policy Conference 2012 (fn 3) p. 13 and ANC Mangaung Resolutions 2012 (fn 4) p. 34. The words "among other things" were added in the Mangaung Resolutions.
- [60] DA Policy 2013 (fn 3), p. 51-57; DA 2014 EM (fn 3) p. 62; see Minister of Correctional Services Sibusiso Ndebele Budget Speech 2013/14, 29 May 2013, available at <http://www.dcs.gov.za/UploadedFiles/Address%20by%20%20Minister%20Sibusiso%20Ndebele%20at%20the%20Budget%20Vote%20Speech.pdf> (accessed 07 March 2014).
- [61] NPC NDP 2012 (fn 4) p. 387, 402 and 403.
- [62] Newham G and Faull A *Protector or Predator? Tackling Police Corruption in South Africa* (ISS Monograph No. 182 Pretoria 2012).
- [63] Firstly, it will pursue private companies engaged in corrupt activities; secondly, prohibit all public servants and public representatives from doing business with the State, and intensify measures aimed at prosecuting corrupt officials; thirdly, change the process to adjudicate "major" tenders, to make it more transparent, centralised and efficient; fourthly, make all corrupt officials liable for losses incurred; fifth, request that any ANC member or public representative found guilty by a court of law step down, and sixth, "further enhance" the capacity of corruption fighting agencies, identified primarily as the Public Protector, the Special Investigative Unit and the Hawks: ANC 2014 EM (fn 3) slides 44 and 45. See ANC Policy Conference 2012 (fn 3) p. 33 and ANC Mangaung Resolutions 2012 (fn 4) pp. 32 and 71.
- [64] The DA recommends excluding public officials from doing business with the State; excluding corrupt officials from future State employment; strengthening anti-corruption agencies and reinstitute an institution similar to the Scorpions; tightening public spending on "perks" for officials; setting up a "cooling-off" period for public officials who go and work for a private company related to the official's previous public position, and conduct regular lifestyle audits of public officials: DA Policy on Governance, p. 17-20 ; DA Policy 2013 (fn 3), p. 28 and 44-45. See also DA 2014 EM (fn 3) p. 57.
- [65] The highly effective SAPS Anti-Corruption was disbanded when Jackie Selebi was National Commissioner; he was later found guilty of corruption by a court of law: Newham G and Faull A *Protector or Predator? Tackling Police Corruption in South Africa* (ISS Monograph No. 182 Pretoria 2012) 29 to 35.
- [66] DA Policy 2013 (fn 3), p. 9-10.
- [67] DA Policy 2013 (fn 3), p. 54-55.
- [68] NPC NDP 2012 (fn 4) p. 445-455.
- [69] NPC NDP 2012 (fn 4) p. 389-391 and 394; DA Policy 2013 (fn 3) p. 8-9.
- [70] DA Policy 2013 (fn 3), p. 8-11; DA 2014 EM (fn 3) p. 57 and 60. To read more about impunity within SAPS and DCS, see Muntingh L and Dereymaeker G (fn 9).
- [71] DA Policy 2013 (fn 3), p. 54-55
- [72] DA Policy 2013 (fn 3), p. 10-11 and 54-55; DA 2014 EM (fn 3) p. 63.
- [73] NPC NDP 2012 (fn 4) p. 390. IPID's current mandate obliges it to investigate serious allegations of criminal offences against police officials, including deaths in police custody and as a result of police action, assault, rape by a police officer or in police custody, torture, and corruption by an individual police member. IPID is authorised to investigate systemic corruption within the police: Independent Police Investigate Directorate Act 1 of 2011, s28.
- [74] Meeting of the Portfolio Committee on Correctional Services of 31 October 2012 *PMG report* available at <http://www.pmg.org.za/report/20121031-strengthening-judicial-inspectorate-correctional-services-stakeholder> (accessed 03 March 2014); Meeting of the Portfolio Committee on Correctional Services of 18 September 2013 *PMG report* available at <http://www.pmg.org.za/report/20130918-strengthening-judicial-inspectorate-for-correctional-service-iics-interaction-iics-department-correctional> (accessed 03 March 2014).
- [75] Sherman L *et al. Preventing Crime: What works, what doesn't, what's promising. A report to the United States Congress* 1997 available at <https://www.ncjrs.gov/works/wholedoc.htm> (accessed 4 March 2014).
- [76] DA Policy 2013 (fn 3), p. 16-18; DA 2014 EM (fn 3) p. 57; ANC Policy Conference 2012 (fn 3), p. 14; NPC NDP 2012 (fn 4) p. 387-388 and 404.
- [77] NPC NDP 2012 (fn 4) p. 405; DA Policy 2013 (fn 3), p. 17-19.
- [78] NPC NDP 2012 (fn 4) p. 106 and 398-399.
- [79] Aizer A and Doyle J *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned*

Judges (2013), available at <http://nber.org/papers/w19102#navDiv=6> (accessed 20 February 2014).

[80] ANC 2014 EM (fn 3) slide 23; ANC Mangaung Resolutions 2012 (fn 4) p. 14 and 24; DA Policy on Economic Inclusion, p. 15.

[81] NPC NDP 2012 (fn 4) p. 392 and 403; DA Policy 2013 (fn 3), p. 14-15.

[82] NPC NDP 2012 (fn 4) p. 399 and 401.

[83] Diversion is an order issued by the prosecutor or a court by which an offender is not sentenced (and therefore avoids having a criminal record) but is mandated to follow a "diversion programme", which might consist of community service, individual counselling, or other social programmes. See for example <http://www.nicro.org.za/services-and-statistics/> and <http://www.nicro.org.za/interventions/> (both accessed 14 March 2014).

[84] NPC NDP 2012 (fn 4) p. 404; DA Policy 2013 (fn 3), p. 46-47.

[85] Tertiary crime prevention initiatives are the initiatives taken to avoid recidivism. Indeed, most inmates do not spend an entire life in prison and will reintegrate their communities, families, look for jobs, after their incarceration, when they are prone to reoffending: Newham, G. *A Decade of Crime Prevention in South Africa: From a National Strategy to a Local Challenge* CSVR research report 2005 p. 3.