

UNIVERSITY OF ZULULAND



**Perceptions of Communities on the Dysfunctions and Ineffectiveness of
Criminal Justice System in the Durban Central Cluster**

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Administration and Law at the University of Zululand**

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ABSTRACT

The purpose of the study was to establish the community perceptions on the dysfunctions and ineffectiveness prevailing in the criminal justice system in the Durban Central Cluster area. Five different methods have been used to test the current perceptions of the community on the entire spectrum of departments falling under the jurisdiction of the Criminal Justice System. An empirical exit interview with clients from the Community Service Centre was conducted at four police stations. Most answers were positive except for when the respondents had to answer questions on corruption and the fact that the police have not been fair and independent in the dispensation of justice.

The second method was to study newspaper reports circulated in Durban over a two-year comparative period. Most reports were positive in favour of all departments in the CJS. Contrary to the popular belief that the media was biased and negative towards the CJS, the total negative stories or articles accounted for less than seven percent.

The third aspect that was examined was to test the opinion of twelve prosecutors as a focus group to test their perceptions of the police, courts and correctional services. The results showed that the investigators were overburdened and hence did not, in many cases, pay proper attention to the finer details of investigation techniques. There exists a very good relationship with all departments in the CJS and they collectively participate in many forums to settle problematic issues.

A case docket holds the entire history of the sequence of investigations and the evidence and this was the fourth aspect that was researched. The research audit team concluded that it was clear that the cases under investigation were given the necessary attention with differing levels of diligence, competency and success. There was however room for improvement.

The last aspect was the research into the complaints by members of the public into poor service at grassroot level of operational members of SAPS. After the complaints were recorded and investigated, the majority of complainants were satisfied with the outcome.

In the final analysis, it would appear that the CJS enjoys some support from the community but there are also clear areas for improvement with regards to efficiency and effectiveness.

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LIST OF ABBREVIATIONS

CJS	Criminal Justice System
CSC	Community Service Centre
CPF	Community Policing Forum
CFMF	Case Flow Management Forums
DCS	Department of Correctional Services
DSW	Department of Social Welfare
JOINTS	Joint Operational and Intelligence Coordinating Committee
NDP	National Development Plan
NGO	Non-Governmental Organizations
NPA	National Prosecuting Authority
NDPP	National Director of Public Prosecutions
PDPP	Provincial Director of Public Prosecutions
RSA	Republic of South Africa
SAPS	South African Police Service
SPP	Senior Public Prosecutor
VOCS	Victim of Crime Survey
FGD	Focus Group Discussion

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CHAPTER 1

INTRODUCTION

1.1. BACKGROUND

Since the advent of the South African democracy in 1994, significant changes have been implemented in line with the country's constitutional imperatives. The Constitution of the Republic of South Africa (RSA) of 1996 is the supreme law of the land and any act or conduct inconsistent with it is invalid or unlawful. The Bill of Rights binds all arms of government into compliance, including the judiciary. Prior to the advent of this democratic system of governance, the country followed a repressive natured approach towards the Criminal Justice System (CJS), wherein the culture of human rights was largely absent. The police, the courts, the judiciary and correctional services needed to be transformed to meet the guarantees set out in the Constitution. Many of their previous approaches and actions now had to be re-examined to ensure compliance. The highly successful transformation from an apartheid system to a democratic system in South Africa was a huge challenge. To date, it is still the envy of even the most progressive and established constitutional democracies of the world.

The South African Criminal Justice System (CJS) is premised on laws from the many established criminal justice systems of the world. This is a requirement in terms of Section 39 of the Constitution of the Republic of South Africa of 1996 which stipulates that, "the courts and other legal bodies when interpreting the Bill of Rights must consider international law and may consider foreign law". For example, South Africa has a highly developed modern criminal justice system modelled on Roman Dutch law and with an influence from English law. Over the years, experiences were drawn from other established legal systems too. It must be emphasised that whilst rights are guaranteed in the Constitution, they are not absolute and can be limited by law. In terms of section 36 of the Constitution, the criminal justice system is empowered to deal with violations within the framework of existing legislation.

Crime is defined as an unlawful human conduct which causes pain and suffering to other human beings and is punishable by the State. The State, in dealing with criminal violations, does so through the Criminal Justice System (CJS), which is composed of the police, the courts, the

judiciary and correctional services. Other role players include legal representatives and the Department of Social Welfare (DSW) and Non-Governmental Organizations (NGOs).

In dealing with persons who have committed crimes, the State needs to prove its cases within the rules of evidence and the Criminal Procedure Act 65 of 1955. Criminal conduct is sufficiently proved if the evidence produced is proven beyond a reasonable doubt, and in civil matters, if the onus is discharged on the balance of probabilities. The White Paper on Policing states that, “the South African Police Service must as a result continue to work collaboratively and in support of the initiatives of others within the criminal justice and intergovernmental sectors and civil society in the prevention of crime and the provision of community safety” (RSA, 1990: 9). The White Paper also supports the National Development Plan (NDP, 2014: 362-363), which stresses the need for a modernised, transformed and efficient criminal justice system and a professional and highly skilled police service, who value their job.

It is important to note that the entire government machinery is starting to energise and cooperate more to bring about a fundamental change within the criminal justice system. This is evident from the minutes of a meeting titled “Review of the South African Criminal Justice” presented to the Portfolio Committees on Justice and Constitutional Development and Safety and Security on 19 February, 2009 (RSA, 2009).

This study gives a critical account of the current state of the system, as well as developing strategies to deal with the ineffectiveness and dysfunctions in the current system. It is very promising since this objective is directed from Parliament and the portfolio committee will play a major role. The Parliamentary Committees have already expressed concerns with detectives at station level and identified the following problems:

- Dockets continue to be lost or stolen.
- There is a general lack of feedback to complainants on ongoing investigations.
- Inadequate use is made of informers by detectives and very few informers are registered.
- Crime scene management is not properly implemented and leads to evidence not being collected and protected correctly.
- The management of SAPS 13 stores (evidence stores) remains a concern.

The Durban Central area extends from the north of Umdloti river mouth to the South of Umbilo river and to the east of the Durban harbour to the west of Sydenham/Reservoir Hills. It is one of the most densely populated and has a well-developed world-class sporting and tourist facilities. The city attracts millions of tourists to sporting events and conferences at its premier venues. There are several thousand students, public commuters and workers that enter the city on a daily basis. It has the highest concentration of people during peak times than any other area in the entire province of KwaZulu-Natal. In addition, more than half a million people undertake their journey to the city centre for business, shopping and leisure on a daily basis. The Ethekwini Transport Authority released a traffic volume report (2013:20-24) which highlighted the growth in traffic and passenger patterns in the city centre and surrounding areas. The area has several kilometres of pristine beaches, several sports stadiums and museums that attract tourists. Each year more than 360 events take place in the precinct attracting local, provincial, national and international visitors. The city is credited with hosting top class events, and at one time there being 20 heads of state in attendance. This large city which has an approximate population of one million people is serviced by eight fully established police station and seven satellite stations. The total size of the area is 60 square kilometres (Annual Plan of Cluster Stations, 2015).

1.2 A BRIEF REVIEW OF PERCEPTIONS ABOUT THE CJS

According to Louw (1997:138), there exists a perception that crime has increased following the attainment of democracy in South Africa and the government is failing to address the problem. The fear of crime is increasing and the feeling of safety and security has rapidly diminished.

Every country has a paramount responsibility of creating a safe and secure environment for its citizens. Public confidence is absolutely essential and critical if the entire criminal justice system is to succeed and become a deterrent to criminal behaviour. According to the Victims of Crime Survey (2016/2017:12), there was an estimated total of 1 468 278 crime incidents which were experienced by 1 153 984 individuals. This suggests that each individual on an average encountered more than one crime incident.

An ineffective and dysfunctional criminal justice system, among other problems, contributes to emigration, and cripples the tourism industry and negatively impacts on investor confidence.

The challenge confronting the criminal justice system in South Africa after 25 years of democracy, which is the transformation of the CJS as a weapon of oppression to one of protection of the community, still persists.

Public perceptions may be influenced by a number of factors but classical stereotypes are influenced by mass social media to a very large extent. The more negative perceptions harboured can see a direct impact in terms of declining trends in support for the system; according to Kinsley, Lea and Young (1986), for policing to be effective it must galvanize the support of the community. According to Matthew and others, published in the Home Affairs Stastical bulletin 18/11 (2010:14), public perception of the police is very important. Positive perceptions of police trust and fairness promote engagement and compliance, and if people do not believe that their local police are fair, the police lose legitimacy and people's connections with the police and other agencies are eroded."

The effectiveness and efficiency of the South African Police Service (SAPS) in combating crime is questioned by Maseko (2010). From the minutes of meeting on the 13 October 2011 (RSA, 2011), the former Deputy National Commissioner for the SAPS, Major General Lebeeya, with the Portfolio Committee for Safety and Security, pointed out that the following issues were the most pertinent in-service delivery:

- Corruption – SAPS had a serious challenge in addressing corruption.
- Case load – the heavy work load led to short cuts being taken to the detriment of investigations.
- Resources – the detectives were not sufficiently resourced.
- Quality of investigation and discipline must improve.
- Training must be a priority.

A report published by the Institute for Security Studies in the 6th International Conference on the 16th of October 2015, stated that the National Prosecuting Authority (NPA) and National Director for Public Prosecutions (NDPP) are integral to the realization of the right to equality before the law, equal protection and benefit of the law and a fair trial, and the fact that no NDPP has served the full term of office and that there exists perceptions and allegations of questionable decisions (Pikoli, 2015).

Mr Vusi Pikoli, former National Director of Public Prosecutions, at the 6th Conference of the Institute of Security Studies on 15 October 2015 while delivering his keynote address on *“Reflections on the rule of law and criminal justice in South Africa”*, stated that when the police are perceived to have failed to execute their mandate in terms of the Constitution, its problem must be dealt with irrespective if the fear of crime is real or perceived (Pikoli, 2015). He further emphasised that authority and legitimacy can be easily eroded when there is a breakdown of trust and confidence from the community, often leading to vigilante attacks (Pikoli, 2015).

Public trust and confidence are earned. It is the conduct and diligence displayed by all the role players in the criminal justice system that create this public confidence and trust in the criminal justice system.

According to Bruce (2000:4), “Effective Crime Investigation and prosecution and the link between witness and victim issues, since the advent of democracy the conviction rate dropped from 318, 000 in 1993/1994 to 261, 000 in 1994/1995 and to 218, 000 in 1995/1996, this represents a 31 percent decline”. This indicates a decline in performance in terms of conviction of perpetrators.

Since the criminal justice process represents the problem of crime and dealing with criminality, it has to deal with it decisively or lose the faith and confidence of the community. The high level of crime experienced in South Africa requires an effective and efficient approach to dispensing justice. The gathering of credible evidence in proving the case beyond a reasonable doubt is critical in the quest to obtain support from communities and victims.

Major General Charles Johnson who was the National Head of Detective Service at the Pretoria Head Office of the SAPS indicated that at least 25 percent of the detectives were not trained. Further, Senior Chief Director of Court Services in the Department of Justice, Pieter du Rand, said poor detective work was the main reason for low conviction rates because the SAPS often presented weak cases. In the very same report, Johan Burger, a senior policing researcher from the Institute for Security Studies, indicated that detectives were overworked.

The crime prevention and enforcement model in South Africa very much originated from the National Crime Prevention Strategy (NCPS) and the National Development Plan (NDP:2014). Therefore, this study perceives the need to expound this research further and to take into account the perceptions of the community.

The perceptions of the communities on the dysfunctions and ineffectiveness of the criminal justice system (CJS) are important to the policy making process. These perceptions are recorded from time to time by the Victims of Crime Survey, for example:

- Some 60 percent of the households responded to the Victims of Crime Survey in 2016/2017 that police would not and could not do anything if they had reported housebreaking to the police.
- The Victims of Crime Survey 2013/2014 and 2016/2017, undertaken by the Department of Statistics, focused on people's perceptions and experiences of crime, as well as their views regarding their access to, and effectiveness of the police service and the criminal justice system and response to crime. In both 2013 and 2016 the study found that more than 40 percent of respondents indicated the increased violent crime in their respective areas of residence.
- More than 60 percent were satisfied with the manner in which the police and the courts did their work. This was attributed to factors such as the response time of the police in attending to complaints, visibility in the area, conviction and sentencing of criminals.

In all three surveys, an overwhelming majority of more than 70 percent believed that police corruption increased with greed being the sole motive (Statistic SA, 2013, 2016). In KwaZulu-Natal, 41,8 percent of households attributed corruption for their dissatisfaction with the police (Statistic SA, 2013, 2016; Lehohla, 2013-2016).

In a crime statistical report by the Ethekwini Municipality (2015/2016:14), it listed Durban Central, Point, Berea and Durban North as four of the top ten stations having the highest crime rate per capita per 100 000 persons (RSA, 2017).

The Criminal Justice Review of the Parliament (2015:06) identified a fragmented and dysfunctional criminal justice system with high levels of weakness and unaccountability which include (RSA, 2015):

- Different legislative and policy frameworks and mandates.
- Gaps in policies and legislation.
- An absence of an integrated system and formal co-ordination structures.
- A lack of congruent objectives, measurements and performance indicators.
- Instances of inadequate capacity and/or incorrect resource allocation.

The position of the Head of the National Prosecution Authority (NPA) has been changed more than five times and this, according to Iole Matthews (2009:99) has serious implications. “The discontinuities have resulted in uncertainty, low morale and constantly changing allegiances”. As can be seen in daily media reports of recent, the implication of these changes is in the main negative towards the criminal justice system (CJS). The overall performance of the CJS has to be tracked from the perspective of the victim, who are rarely included in any data collection process.

According to Lukas Muntingh (2009:203), the components of the criminal justice system are closely linked, even if inter-sectorial cooperation remains a persistent challenge. The same author identified overcrowding, lack of capacity, policy confusion, irrational budget, corruption and maladministration as some of the challenges that influenced negative perceptions of the people about CJS.

According to the Institute for Security Studies, the criminal justice system has experienced serious capacity problems and nearly every single department in this environment appears to be overloaded and overwhelmed by the sheer volume of matters that have to be attended to (Gould 2009:217-230). There are far too many case dockets that have been allocated to a single police investigator, making it challenging to give proper and professional attention to it. The processing of crime scenes is a crucial aspect of criminal investigation and here too the resources have been limited.

It is becoming increasingly evident that the prosecutorial and investigative skills within all justice environments have been a major challenge and there is a dire need for developing and training of junior members. Many of the skilled professionals are leaving the CJS to pursue more lucrative employment elsewhere. This is contributing to the caseloads being increased.

There are serious tensions and differences of opinions on issues of policies of the departments, for example, while the White Paper on Corrections seeks to rehabilitate offenders, the legislation on sentencing imposes harsh minimum sentences with no room for deviations.

Although only a small proportion of citizens has direct face-to-face contact with a police officer each year (Langan *et al.*, (2001), citizens still have opinions about the quality of policing in their community (or state or nation), and hundreds of public opinion polls have attempted to measure these opinions (Gallagher *et al.*, 2001).

The police have endured challenges to their legitimacy since their inception, and people have widely varying opinions on the extent to which they view the police as legitimate and worthy of compliance. A recent summary of research on fairness and effectiveness in policing emphasized the importance of police legitimacy in the eyes of the public, pointing out that it can “be created or undermined by their behaviour” (Skogan and Frydl, 2004: 297).

Effective social control depends upon the voluntary compliance and cooperation of citizens who perceive the police and the courts as having legitimacy; trust is a core value in determining legitimacy. Public trust is important to the police service, particularly in democratic societies where the police have to earn legitimacy for their actions from citizens. Effective police work requires satisfactory and confidential relationships with citizens.

The international literature suggests that there is large variation in the degree of trust of the police within and between societies, including in the United States - Sharp and Johnson, (2009), the United Kingdom Jackson and Bradford (2010) and other European countries (Kaarianen, 2007).

According to the Mail & Guardian publication on the 30 March 2008, Judge Puis Langa, speaking at the Durban University of Technology, on the role of the judiciary and its relationship with the media said, “The courts do not want a media that is uncritical and that is over respectful and that the independence of the judiciary and the freedom of expression are the two pillars of an open and democratic society” (Mail & Guardian, 2008).

Sherman (2002: 6) pointed out that the public expect criminal justice to be fair, reasonable and effective. The question is, what is the expectation of the public and what factors affect public confidence and how much of public opinion is built on personal experiences? Whether public expectations are reasonable is also a matter of comparison. However, the community has high expectations of the criminal justice system, which it feels should be met. Sherman (2002:2) also argued, “that the factors affecting public confidence in the criminal justice system have as much or more to do with changes in society and culture than they do with the conduct of the criminal justice officials”.

Currently, there exists no proper tool to accurately measure public trust and confidence in the criminal justice system. Sherman (2001:36) concluded that the following domains affect public trust and confidence in the criminal justice system: the conduct and practices of the criminal justice

system, the changing values and expectations of the culture the system serves, and the images of the system presented in electronic media.

1.3 PROBLEM STATEMENT

Despite impressive strides made by the South African criminal justice system to provide quality service delivery in order to satisfy the need for justice in the communities, more needs to be done as this is evident from the speech of the President of South Africa, Mr T.M. Mbeki, where he insisted that government policies to combat crime are in place but the execution of those policies by the police and court needs improving (Carmichael, 2007). The South African criminal justice system is not immune to issues of service delivery since it has been under tremendous pressure amid a barrage of complaints that have been directed at the entire criminal justice process.

Accusations have been levelled that the criminal justice process only serves the rich and connected persons and that the average member of the community do not enjoy any rights and benefits. According to the South Africa's Deputy Chief Justice, Chief Justice Dikgang Moseneke, often times, proper access to justice is usually dependent on one's bank balance (South African Human Rights Commission (SAHRC, 2015).

This notion is further supported by Mr Justice Malala in a report published in the Mail & Guardian on the 14 November 2014 where he stated, "the wheels of justice will only turn for those with money". He further stated, "justice is swift if you are rich and non-existent if you are poor. Worse, it seems that the justice system is rigged in favour of the rich" (Mail & Guardian: 2014).

The new democracy in South Africa ushered changes which contributed to the many challenges related to police management. The white paper on Criminal Justice supported by the National Development Plan makes provision for a modernised, transformed and efficient criminal justice system and a highly professionalised police service. The National Development Plan calls for the community to be safe and feel safe.

The satisfaction, or dissatisfaction, of the community seems to be influenced to a large extent by influences from the print and electronic media, social networks and through individual contact. Many of the cases investigated by the SAPS and prosecuted by the NPA are of very poor quality due to poor preparation, skills and investigation. Although crime has decreased in the country, as

evident from the Annual Report of the SAPS (2016), the perception of high crime remains unaffected. There is a perception that the SAPS do not provide accurate data on crime to the community and in most cases the true crime rates are not recorded and often manipulated. The community is not safe and do not feel safe. There are number of serious crimes committed in the Durban area.

A large proportion of reported crime has remained undetected for the reasons (RSA, 2013) outlined hereunder:

- Many cases are closed because of the poor collection of evidence and investigation.
- The number of charges referred to court were low when compared to the number of crimes reported.
- Capacity problems contributed to poor performance: there is an insufficient number of crime scene experts/forensic experts/detectives and poor crime intelligence gathering.
- Poor choices were made in respect of policy and resource allocation.

The Correctional Services Department (CSD) has come under serious criticism for the early release of prisoners and inconsistent application of parole conditions and rules. The limited detention facility and a very high number of awaiting trial detainees are problematic. Correctional supervision and parole/probation options are limited and rehabilitation impaired. There are too few correctional facilities and the question of early release on parole is problematic (RSA, 2012).

The Minister of Justice and Correctional Services, Mr Micheal Masutha (2016:08), pointed out that, “Overcrowding is still one of the major inherent challenges that the Department is faced with due to a continuous increase in the inmate population within DCS correctional centres”.

According to an article published in the Advocate, (Hannes, 2005:03), “the overcrowding is due to our huge prison population. 4 out of every 1 000 South Africans are in prison. We are one of the worst countries in the world, and the worst in Africa, in our use of incarceration.” He further argued that the growth of the prisoner population can be attributed to the length of the sentence and the minimum sentence legislation.

1.4 OBJECTIVE

The primary objective of this study is to understand the perceptions about the CJS, and their causes in general, and to suggest possible remedies. More specifically, the study aims to:

1. Examine the levels of client/police/prosecutor's perception about the criminal justice system.
2. Determine the causes of negative perception about the criminal justice system.
3. Examine the extent to which community emotions and perception are influenced by print media reports.
4. Identify short-, medium- and long-term solutions that would enhance the effectiveness of the criminal justice system through a multi-agency approach.

1.5 RESEARCH QUESTIONS

Some of the important research questions of the study are as follows:

1. What are the current levels of perception about the criminal justice system?
2. What are the causes of the negative perceptions of the criminal justice system?
3. To what extent are the community emotions and perception influenced by print media reports?
4. What are the short, medium and long-term solutions for the effectiveness and efficiency of the criminal justice system through a multi-agency approach?

1.6 THE NEED FOR AND SIGNIFICANCE OF THE STUDY

The criminal justice system has come under a barrage of criticism for their non or mediocre performance in several cases, mostly those reported in the media. The perceptions have been created that only the rich and connected have access to the criminal justice system, as their cases get priority because of media attention. These reports were followed by another report in the Mail & Guardian, published 14 November 2014, where the author, Justice Malala, was scathing in his assessment of the CJS. He stated "the wheels of justice will only turn for those with money and

that justice is swift if you are rich and non-existent if you are poor. Worse, it seems that the justice system is rigged in favour of the rich” (Mail & Guardian, 2014).

This perception of justice that it has a price and poor citizens can therefore never have it, is a scary one for the democratic system. One needs to delve into this and understand community needs.

It is obvious that poor perception leads to poor and untrustworthy behaviour from people which makes the task of police more difficult. It is therefore, necessary to understand the perception of the community in general about the CJS. The current study is an attempt in this direction.

Secondly, a study about the effectiveness of the CJS and its perceptions in the society and media is lacking. Many studies in parts have focused on specific departments of the CJS, such as the police or the prosecutor. A comprehensive image of the CJS, and its perception in the society, has not been addressed as yet. This necessitates undertaking a study such as this one.

Thirdly, an understanding of the causes of a poor or good perception of the CJS would reveal the community’s needs and the community’s validation of the CJS and its various functioning. This will help rebuilding proper policy insights for making a better performing CJS. Although the criminal justice system deals with only a fraction of the crime that is committed, the public mistakenly look to the criminal justice system to eliminate the crime problem. Hence better public understanding of both the causes of crime, the role of police, prosecutors, courts and the correctional services will eliminate misunderstandings and perceptions. The process must be aimed at instilling confidence in the system.

1.7 STRUCTURE OF THE STUDY

The study follows the following structure: Chapter One detailed the background of the criminal justice system in South Africa and gave a brief review of the perceptions about the CJS. Chapter Two exposes the most important roles and functions of the departments of the South African CJS, namely the SAPS, NPA, the judiciary, correctional services, Legal Aid and Representation and the Department of Social Welfare. The methodology which covers the research philosophy, research design, research methods, selection of the study sample, sampling techniques and the research approach is detailed in Chapter Three. Chapter Four focuses on the analysis of results of the exit interview with 105 community members, 23 police officers, 5000 articles published in the media,

and the analysis of 50 police case dockets and 25 complaints analysis from the community. Lastly, the key findings and analysis of the entire study and with recommendations, as well as limitations, for the improvement of service delivery are all detailed in Chapter Five.

1.8 DEFINITIONS

A few specific terms which are used in this study and which have specific meaning are highlighted below.

Perceptions: are not necessarily true but is shaped in a way that people tend to believe it as true.

These can be based on popular public opinions, fake scientific studies, media reports etc. Emotions can also lead to the public taking sides on specific issues, and thus influencing perception (Wikipedia 2018, Wisegeek 2018).

Criminal justice system (CJS): it is a group of specific role players who are empowered by law to undertake certain roles independent of each other from the time to time. This commences when a crime is committed to the time when the offending person is convicted or acquitted of the crime. It finally ends with the sentencing or release after serving a prison sentence. The following departments make up the CJS: The South African Police Service, the National Department of Prosecutions, the Judiciary, the legal representatives, Department of Correctional Service, and the Department of Social Welfare.

Community Service Centre (CSC): This centre is established at every police station and at times operates as a satellite to provide a service to the communities. This is the first point of contact for any violation of the law, and is where the crime is recorded and administered into the Crime Administration System. Here a victim is assisted and a case docket is registered to a particular crime category.

National Joint Operational and Intelligence Operational Centre (JOINTS): This is a critical structure that was established by the national government to enhance state resources and build healthy working relationships. All departments of the CJS have representation on this body and meetings are chaired by the South African Police Service and co-chaired by the South African National Defence Force.

Case Flow Management Forum (CFMF): This forum is established at the local level of the criminal justice system and its role is to effectively and efficiently manage the operation of all the courts it serves in a particular district. These meetings are held on monthly basis with all role players of the CJS to find means and methods in which to improve service to its clients.

CHAPTER 2

THE ROLE AND THE FUNCTIONS OF THE CRIMINAL JUSTICE SYSTEM

The criminal justice system in South Africa consists of the South African Police Service, the National Director of Public Prosecutions, the Judiciary, the Correctional Services and the supplementary Social Welfare Service in government. The role and function of the CJS is discussed in Section 1; followed by the discussion on the process of the criminal justice system in Section 2. The effectiveness of the CJS is explored in Section 3, while Section 4 focuses on the summary of the chapter.

2.1 ROLE AND FUNCTION OF THE CRIMINAL JUSTICE SYSTEM

The CJS, with all its branches, is responsible for dealing with criminal matters from preventative, investigative and corrective perspectives. The role of the CJS cannot be over-emphasised as it is often said to be the ‘thin line’ between justice and chaos. The justice system will always be under the scrutiny of the media and community. Even perceived levels of corruption in the CJS will compromise its role and function. The CJS should guard the community’s rights based on fairness, truthfulness and balanced judgement. A schematic presentation of the criminal justice process is shown in Figure 2.1. A brief discussion on each of the departments in the CJS is arranged below.

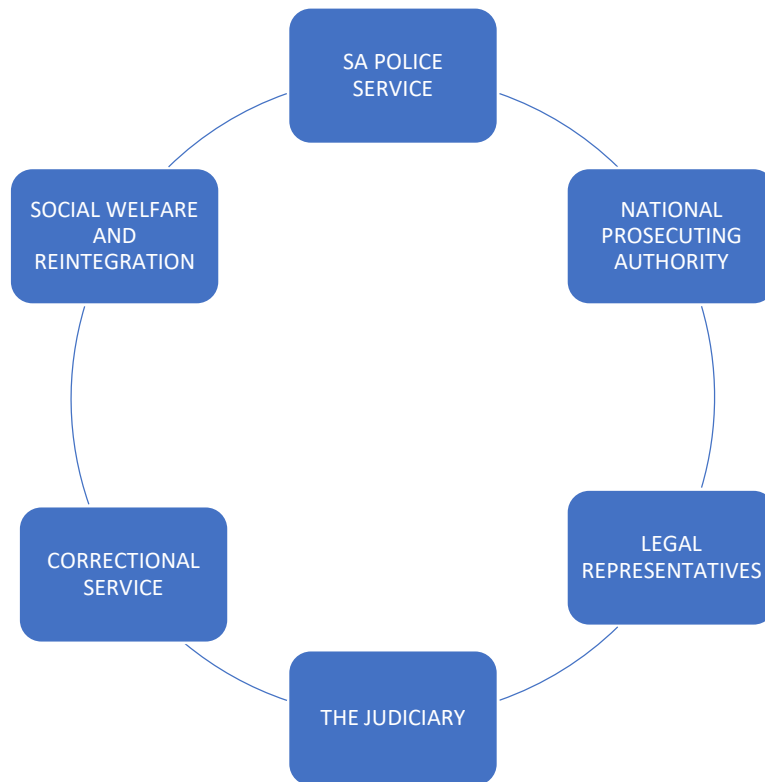


Figure 2.1: A Schematic Presentation of the Criminal Justice Process in South Africa

2.1.1 The SAPS

The SAPS is a centralized policing agency comprising of 151834 trained police officers and 42896 administrative staff (SAPS, 2015 Annual Report:34). They are further divided and distributed into provinces, clusters and stations. Various units perform different types of functions but the main units are: Visible Policing, Crime Intelligence, Detective Branch, Specialized Services and Administration. Members are identified by a military rank structure, where the wearing of uniforms and the carrying of firearms is mandatory. Detective and crime intelligence personnel work in civilian clothing to do their investigations with a level of covert cover.

The South African Police Service in Durban Central Cluster, according to Colonel Gavin Coetzer (2017-10-10) of the Organizational Development, Provincial Head Office KwaZulu-Natal, has 2 521 police offices, 506 civilian staff and a vehicle fleet of 692, (2017-10-10) this information was obtained through a telephonic enquiry by the researcher on 10th October 2017.

The Durban Metro Police according to Director Rajen Chin (2017-10-10) has approximately 730 police officers and a fleet of 227 vehicles, this information was derived from a telephonic interview

by the researcher on the 10th October 2017. The functions of the police, as derived from Section 205 of the Constitution of the Republic (SAPS, Annual Report 2013/2014: 25), are as follows:

- to prevent, combat and investigate crime,
- to maintain public order,
- to protect and secure the inhabitants of the Republic and their property,
- to uphold and enforce the law.

2.1.2 The National Prosecution Authority (NPA)

The NPA is a national apex body for the prosecution of those who are the alleged perpetrators of crime. The NPA has a decentralised capacity in provinces and regions. The role and functions are prescribed in detail in the National Prosecution Act, (Act 32 of 1998) with specific powers. The authority to prosecute is vested with the NPA and all criminal proceedings are done on behalf of the State. The NPA represents all victims and complainants. They also have the power to discontinue the prosecution and give decisions on the sufficiency of evidence when the police produce dockets for decision. The Provincial Head in KwaZulu-Natal of Director of Public Prosecution is currently Ms Sophie Noko. She has appointed several Chief Senior Public Prosecutors and Control Prosecutors for each and every region.

The Senior Public Prosecutor for Durban is Mr Gonasagren Naidoo, who has 88 prosecutors under his control. Several prosecutors are allocated to each district and recently, specialist prosecutors are appointed to prosecute high profile matters. There are traffic, maintenance, and children's courts, as well as criminal.

2.1.3 The Judiciary

The judiciary is totally independent with its own role and function. It is not subject to any influence from any institutions or individuals. The presiding officer is neutral and has to listen to the State and defence presenting their evidence and putting up their arguments. In the final analysis, the merits of the case are decided upon and a finding is made based on the evidence that is presented to the court.

In a criminal hearing, the case is deemed to have been proved beyond a reasonable doubt if at the end of the trial there exist sufficient direct or indirect evidence, and/or the absence of rebutting

evidence, then the accused can be convicted or released. In civil matters, a case is be proven on a balance of probabilities (De le Ray, 2007:74).

District and Magistrates Courts are presided over by Magistrates and the High Courts are presided over by Judges. There are also circuit courts and periodical courts that move from area to area to preside over matters. Each province has a Judge President who is selected for appointment by the Judicial Service Commission. The different types of courts are highlighted in Figure 2.2. District courts would normally hear less serious cases, such as shoplifting, drunken driving and those cases where a sentence of less than 3 years and/or R60 000 fine may be imposed. Here we also find the Children's Court, Maintenance court, Small Claims Court and Traffic Court. The Regional Court has more experienced magistrates and prosecutors and deals with cases that are of a more serious nature, such as aggravated robberies, rape, etc. This court has a jurisdiction to impose a maximum sentence of up to 15 years imprisonment and a fine of R300 000 in terms of the Criminal Law (Sentencing) Amendment Act 38 of 2007.

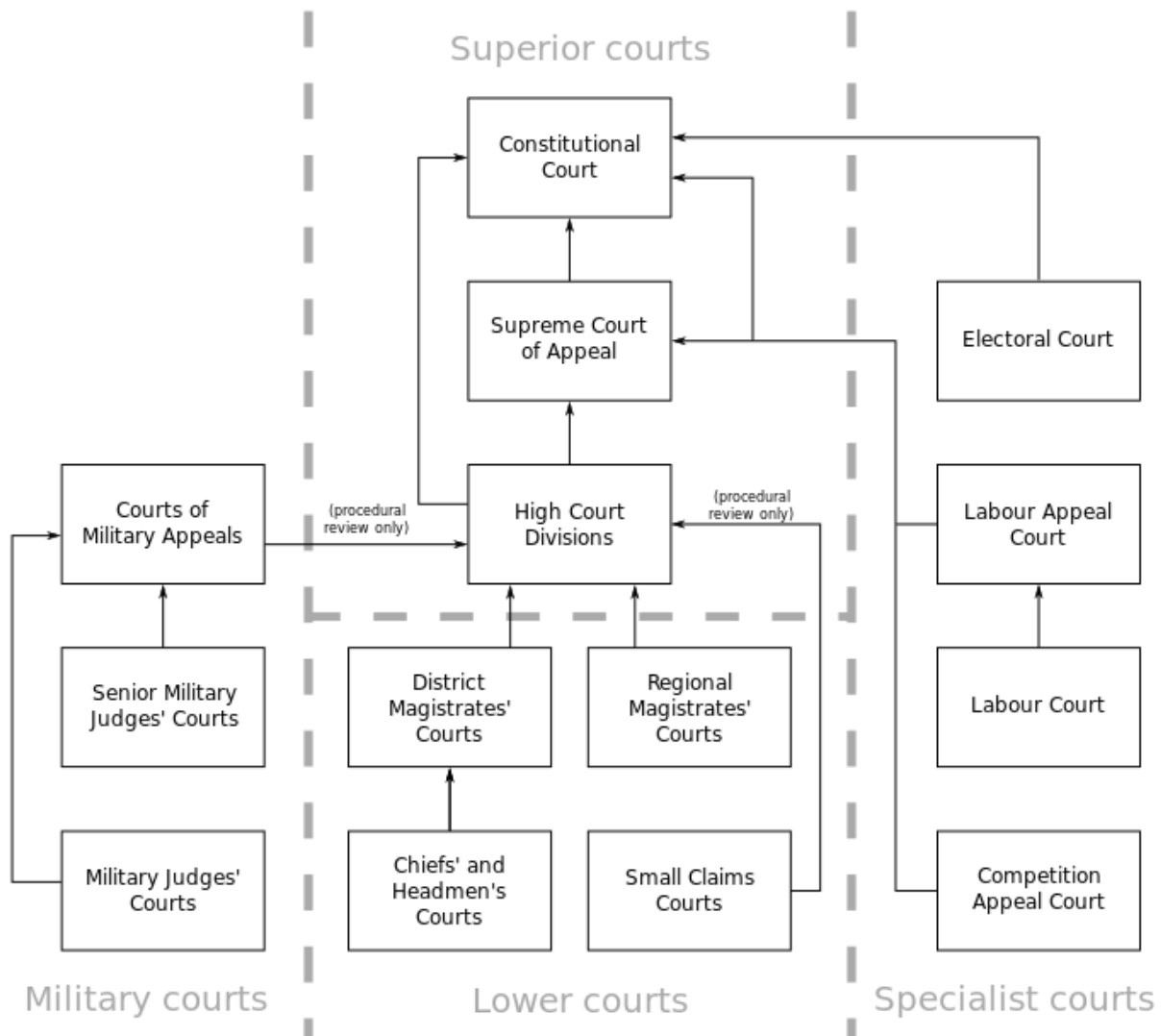


Figure 2.2: A Schematic Diagram of Courts in South Africa

Source: Htoni (2001)

A High Court hears only very serious matters, such as murder, serial rape and other serious matters referred to it by the National Director of Public Prosecutions (NDPP) or the Provincial Director of Public Prosecutions (PDPP). There is also the Appeal Court in all the provinces that hear appeals and review matters from lower courts.

The Supreme Court of Appeal in Bloemfontein hears appeal matters. The Constitutional Court hears only matters relating to challenges on the issue affecting the Constitution. Matters can also be referred to it by the President to establish if any laws can stand up to constitutional scrutiny. All decisions of courts, except the Constitutional Court, can be subjected to a review process.

2.1.4 Legal Representation

Legal representatives are persons who represent the accused in the court and are empowered as such in terms of the Constitution of the Republic of South Africa, 1996. They are attorneys and advocates who are either appointed by the State (Legal Aid) or are privately appointed legal practitioners to represent the accused in the criminal justice system. They can represent the accused for release on bail before a court appearance or during the court appearance. The accused can be granted bail by the police for specific crimes before a court appearance. An after-hour bail application can be made.

2.1.5 Department of Correctional Services

The Department of Correctional Services derives its mandate from the Constitution of the Republic of South Africa and the Correctional Services Act (Act 111 of 1998). Its mandate is set out below as to:

1. Ensure that the remanded detainees are held under secure, safe and humane conditions conducive to participation in the court process.
2. Ensure society is protected thorough the incarceration of offenders.
3. Rehabilitate and reintegrate the offender back into the community.

In KwaZulu-Natal, there are 42 correctional centres, of which four are inactive due to renovations and repairs. During the year under review, the national average inmate population was 161 984, in comparison with an approved bed space of 119 134, clearly indicating a serious overcrowding of almost 20 percent (RSA, 2016: 31-32).

Considering that the prison population showed an increase from 153 968 to 160 280, is indicative that the current strategies are simply not assisting in down managing the prison population. This is despite the fact that community supervision increased from 67 585 in 2012 to 69 703 in 2016 (RSA, 2016:33).

2.1.6 Department of Social Welfare

This department plays a critical role in providing a support role for the CJS in terms of care and services to victims of crime. In addition, they play a leading role in juvenile justice and reintegration of offenders into the community. They assist the courts with professional reports.

2.2 THE PROCESSES OF THE CRIMINAL JUSTICE SYSTEM

The CJS process commences when a crime is committed and someone is harmed. The alleged victim, or the complainant, reports the matter to the police where a detailed statement is taken outlining what had occurred.

The facts deposed in the affidavit would expose the four elements of the crime, namely: Was the act prohibited by law? Is the act unlawful? Is there any fault (*mens-rea*)? Is there a sanction for the act in terms of the law? If so, it would be incumbent upon the police to:

- Investigate the matter.
- Visit the scene of the crime.
- Interview and obtain all evidence from witnesses.
- Collect and gather all evidence necessary for a prosecution.
- Arrest the perpetrator/s, and release on warning or bail with a date to appear before the court.
- Issue summons for a court appearance. The SAPS have the discretion of whether to arrest or not.

The United Nations Drug and Crime Agency Handbook also supports the view that ineffectiveness on the part of the police will ultimately result in a loss of confidence from society and that professional policing through consultation is productive rather than having to resort to a repression style of policing (UNDOC 2011:33-146).

The National Prosecuting Authority Act 1998 (Act No. 32 of 1998) provides the prosecuting authority with the power to institute criminal proceedings on behalf of the State and to carry out any necessary functions incidental to instituting criminal proceedings. At a localized level, prosecutors are appointed to carry out the mandate of the NPA and to act in the interests of the victims.

Following an arrest, the accused appears before the court and the prosecution takes place. The prosecution is initiated by the prosecutor on behalf of the State. A charge sheet is produced and the charges are read out to the accused and he or she is required to plead to the charges.

The judge(s) decide on the weight of evidence and establishes if the State had discharged its onus of proving the guilt beyond a reasonable doubt, or in civil cases, on a balance of probabilities. At

the end of the trial, a verdict is given of either guilty or acquitted/discharged. If the person is guilty, then he or she is given a sentence by the court after hearing mitigation arguments. The sentence could vary depending on the seriousness of the matter and the circumstances of the accused. He or she could be sentenced to a prison term, given a fine or a suspended sentence or both sentences.

The accused, if sentenced to a prison term, is handed over to the Department of Correctional Services to commence his or her incarceration. He or she is then put through various programmes until he or she is released and reintegrated into the community, either after completion of his or her sentence or released earlier on parole. Integration with the community then takes place and the process is then complete. The entire criminal justice process is demonstrated in the Figure 2.3 below.

Various departments in our criminal justice system are interlinked and intertwined. Efficient functioning requires an integrated and holistic approach to this system as a whole. They are interdependent on the process flow of work from each other. It is this intertwined, and sometimes complicated system of which the community has a very high expectation to deal effectively with the criminal element in the country.

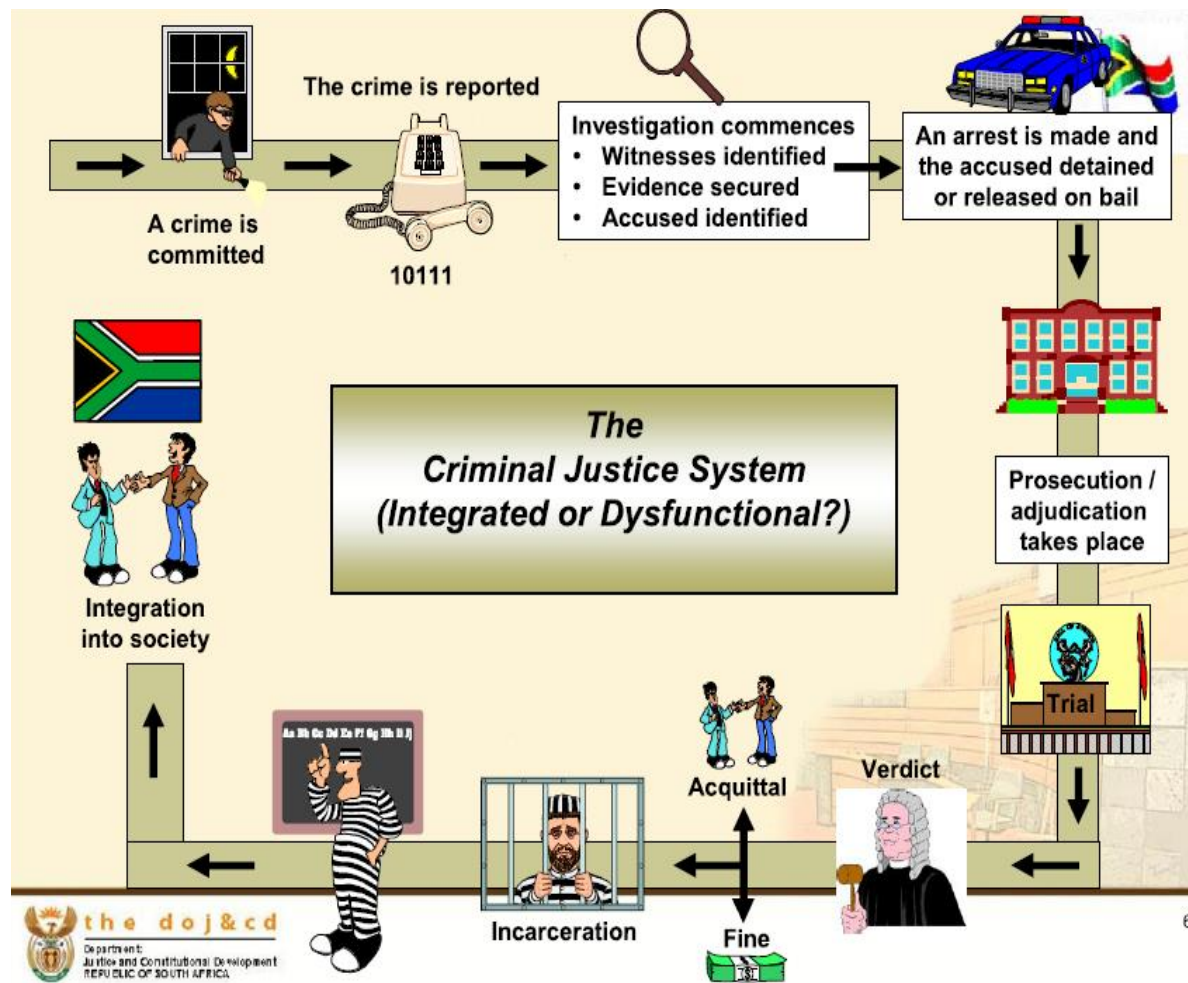


Figure 2.3: A Schematic Presentation of the Criminal Justice Process

Source: Department of Justice and Constitutional (2010: 6)

2.3 MODELS OF EFFECTIVENESS OF CJS

Crime is any unlawful human conduct accompanied by fault and which is punishable by the State. The criminal justice system as an authority has the responsibility of balancing the rights of individuals and acts on behalf of the State to repair such violations. The effectiveness of the CJS is paramount as it stands between chaos and order in any democracy. Ineffectiveness can give rise to loss of credibility and give rise to vigilante activities were communities may take the law into their own hands. Society expects that the CJS must restore law and order among the communities through the application of the rule of law. The police, through the various powers in terms of the law, prevent crime, preserve law and order and investigate crime. The judiciary, through the

application of the rule of law, ensure that the offender has a cause to answer, the correctional services enforce the incarceration of the offender and social welfare attempt the reintegration of the criminal back into society. The effectiveness of the CJS is judged by a few sets of criteria; they are discussed as follows:

Criminal justice is a wide field that encompasses many departments and structures within the State institution and it cannot operate as a single entity on its own without the support of others, and more importantly without the community. Justice must be regarded as a single entity and cannot be judged as a compartmentalised entity. There must be synergy between all role players to ultimately achieve the wider objectives of the system and not the interests of a specific department.

Likhwareni (2015:34) provided some insights into factors associated with the perceptions of the CJS. The findings implied that households who perceived that the level of crime decreased or remained the same were more likely to be satisfied with police than those in whose area it is believed that crime had increased. The fact that a community may be satisfied with the police does not necessarily mean that they will attend court proceedings to ensure the success of the CJS. The studies no doubt provide and suggest areas for improvement of services to increase public support and confidences in the services.

Assessing the effectiveness of an organization is seen as a multidimensional concept which requires such an organization pursuing complex, multiple and often conflicting goals. In the CJS, some measurement of effectiveness includes: crime rate, arrest rate, rate of convictions, and sentences among others. The knowledge of the theoretical perspective underlying the effectiveness of an organization is important for this study. They are briefly discussed here.

2.3.1 The Goal Model

This is the most common theory of the study of the effectiveness of an organization. Effectiveness is seen as the degree to which an organization achieves its goal (Etzioni, 1964:8). According to the theory, an organization is seen as a rational entity with a specific goal(s). Such an organization is motivated to achieve those goals and the progress towards them that can be measured. It is important that all strategic and operational plans and outputs are integrated into a proactive and reactive approach.

Goals affect job performance, direct attention and action, mobilize energy, and motivate people to develop new strategies that will enable them to perform effectively (Lunenburg, 2011). There are currently various statutory bodies that test and measure the effectiveness of the CJS, such as the *Parliamentary Portfolio Committees* of the various departments, Judicial Commissions and several private non-governmental organizations. Each department is obliged at the commencement of each financial year to have a measurable plan to fit in with its legal obligations.

The Police Service is primarily concerned with the prevention of crime, the investigation of crime and maintaining public order. Their effectiveness is judged by the number of arrests made, revenue collected, and the absence of crime in the precincts. Their effectiveness is also measured through the annual release of statistics in Parliament and the media, and the successes reported in the media of arrested suspects wanted for serious crime. The recent release of crime statistics showed an increase in several categories of crime and the ability of the police to prevent crime was questioned from various sources through the print and electronic media.

The courts' effectiveness is also measured by various public and non-governmental organizations on its committed performance outputs, such as reducing backlogs, fast tracking of cases for trial, etc. The courts have come in for serious criticism for poor sentences, release on bail, withdrawal of cases, acquittals, etc.

The correctional services committed itself to reduce the number of inmates in prison and prevent overcrowding. Like all other departments, it is also held to account.

2.3.2 Internal Process Model

The internal process model is concerned with the internal activities of an organization. Effectiveness is seen as the ability to excel at internal efficiency, coordination, motivation, and employee satisfaction. Under the internal process model, the internal health of an organization is a measure of its effectiveness. The question of remuneration and other benefits are critical to ensure the retention of skills and expertise in the CJS. Joint working relationships are critical to ensure a successful and a stress-free environment for all departments. In this respect, there are several meetings to proactively and reactively address challenges in the various departments and create synergy.

2.3.3 Constituency Approach Model

According to the constituency approach, effectiveness is explained as the ability to satisfy multiple strategic constituencies, both within and outside the organization, such as communities, businesses, clients, resource providers and suppliers (Cameron, 1981). For example, the model stresses the importance of a good relationship between the police and the prosecutor's office or might explain the reason why public defenders often maintain good relationships with their supposed adversaries in the courtroom.

Crime has far reaching consequences for the victims and it can influence perceptions of the services rendered in the CJS. The community is represented in various structures that have been established to enhance efficiency and through the development of a problem-solving approach, for example CPF's, Business Against Crime, etc.

2.4 CHAPTER SUMMARY

In this chapter, it was noted that for the maintenance of order it is required that all role players within the CJS work in unison, where all efforts are synchronised to address the social behaviour of communities to ultimately strive towards a voluntary obedience to law. Should any of the role players be dysfunctional, then the entire CJS will be compromised. Currently, there are several forums and meetings that address the issue of joint working relationships, such as the JOINTS, and the Case Flow Meeting Forums. In the following chapter, the researcher will discuss the methodology utilized to establish the levels of perceptions within the community.

CHAPTER 3

RESEARCH METHODOLOGY

In order to reach an objective conclusion pertaining to the subject of the study it is necessary to apply recognised research methods and tools. The researcher had decided to undertake this exercise by applying the methods, tools and techniques as discussed in the following paragraphs. The chapter is divided into 6 sections. Section 1 gives details about the research philosophy and methods, while the selection of the study sample is presented in Section 2. Sampling technique used in the study is presented in Section 3. Furthermore, data collection tools are highlighted in Section 4, while the ethical consideration and chapter summary are presented in Sections 5 and 6 respectively.

3.1 RESEARCH PHILOSOPHY AND RESEARCH METHODS

The study assesses the perceptions of the local communities about the criminal justice system in South Africa, particularly the two pillars i.e. the police service and court prosecution services in Durban. As such, this proposed study is embedded in an interpretive or social constructivist philosophy which views reality as a construct created by the mutual inter-relationships between individuals and the environment. Creswell (2009) and Babbie and Mouton (2001:74) defined research design as a plan or blueprint of how one intends to conduct a research. It explains what, where, when, how much and by what means an inquiry or a research study will be conducted. The nature of the problem under study necessitated application of a descriptive research design. The main purpose of using descriptive research designs builds on portraying peoples' insights, socially constructed beliefs, norms and perceptions, with regard to the perceptions of the local communities about the criminal justice system in South Africa, particularly the two pillars of the police service and the court prosecution in Durban.

The case study research method was used for this study. Stake (1995) conceived a case study to be a pursuit of understanding a bounded system, emphasizing the unity and wholeness of that system, but confining the attention to those aspects that are relevant to the research problem. In this study, Durban was utilized as a case study. The unit of analysis were the communities located

within this municipality. The criteria for the selection of sample case studies are three-fold. The first criterion involved the magnitude of the problem related to the criminal justice system in South Africa, particularly the two pillars i.e. police service and court prosecution services in Durban. The second criterion was the availability of documentary evidence to explore the nature and genesis of the problem in order to draw systematically the logical conclusions. And thirdly, there should be a possibility of recurrence of the problem which exacerbates the tension between communities, the SAPS, the prosecution and the courts.

Since descriptive research seeks to understand people's insights, beliefs and attitudes, this study intends to utilize qualitative and quantitative approaches to research. Mason (2002) viewed it as an exciting and a highly rewarding activity as it engages the interaction between the researcher and the participants to get reliable information from individuals about their feelings. This however, will be supplemented by quantitative analysis of data collected through the use of a questionnaire.

Each approach has its own methodology, which stems from different philosophical assumptions that shape the ways in which researchers approach problems, collect and analyse data. The two qualitative and quantitative approaches are very complimentary to each other, and their combined application optimizes both reliability and validity, methodological rigorousness and the robustness of the study (Babbie, 2000).

The suggested methodologies for respective objectives of the study are discussed below.

Objective one focused on the current level of perceptions and attitudes of the public in general, police officers and public prosecutors. This objective had been achieved using two types of interviews, namely: face to face exit interviews of 105 clients at 4 police stations in the Durban cluster with the aid of a Likert scale questionnaire, 23 frontline police officers at the same four police stations in the Durban cluster, and 12 prosecutors through a focus group discussion. The interviews focussed on the perception of the clients, police officers and prosecutors of the CJS.

Objective two, which sought to identify the causes of negative perception about the CJS, was achieved through using the face-to-face exit interviews of community members using the Likert scale questionnaires. This interview was administered to members of the community who exited the police stations after receiving service at the CSC. Police officers from the CSC were also be asked to state their views on the questionnaire regarding their perception of the CJS and the

community. This will be complimented by the responses from prosecutors during the focus group discussion.

Objective three was achieved through a review of already existing information and data. In this context, two databases were used: (1) A Victim Offender Survey (VOS) for various years, and (2) print media output. In addition, an analysis of case dockets was undertaken to assess the quality of investigation in the docket. The last was, the analysis of 25 complaints that were lodged by the victims of poor service delivery by the police. An analysis of perception trends over the years will be conducted and discussed.

Objective four was achieved through the analysis and discussion of the results obtained from objective one to three and also the responses from the focus group discussion.

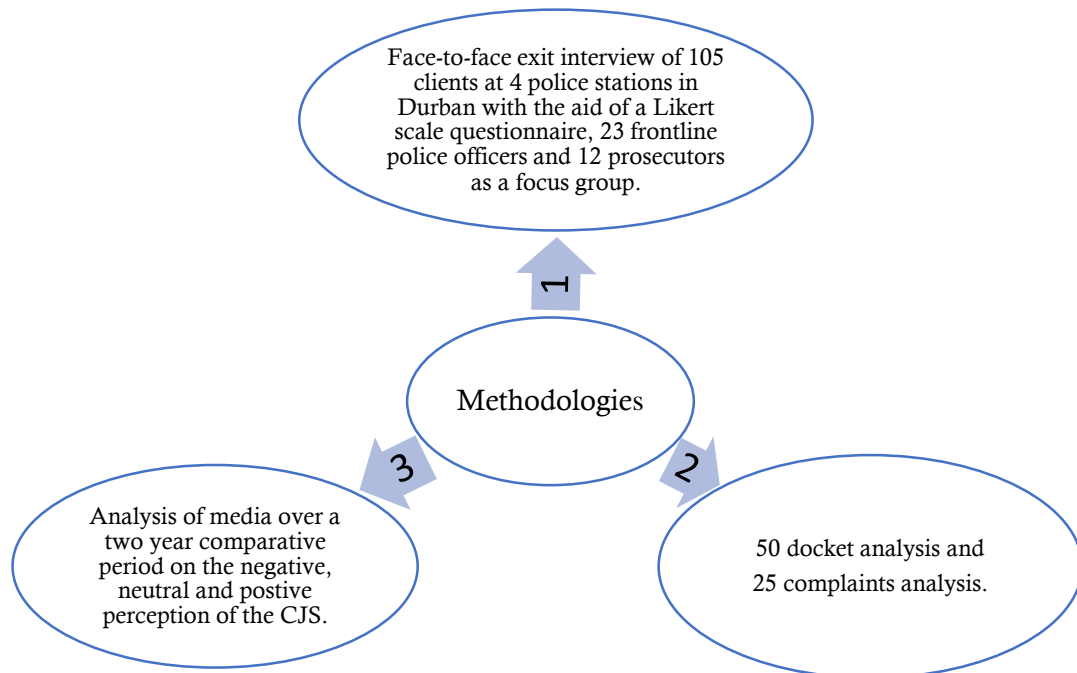


Figure 3.1: A Schematic Presentation on the Summary of the Research Methods

3.2 SELECTION OF A STUDY SAMPLE

The sample size for this study was 140 respondents. Stratified sampling, as one of the probability sampling techniques, was done to generate a sample of 105 community members who had been

affected by the stated problem, and 23 members of South African Police Service, plus 12 members of the Prosecution Services in Durban.

Table 1.1: Details of Sampling Information for the Study

NO.	SAMPLE PARTICULARS	POPULATION	SAMPLE
1	Community members	250 000	105
2	Police officers	3200	23
3	Focus group – prosecutors	88	12
4	Written complaints from the public	250 000	20
5	2-year published articles in the print media	5000	All

Source: Estimation

3.3 SAMPLING TECHNIQUES

Both probability and non-probability techniques have been used for this study. The study has employed convenient sampling in selecting 12 court officials as key informants and 23 police officers who were interviewed through the use of an interview guide. The study employed probability sampling to select a list of 105 community members who were involved under the study through the use of lottery methods.

In convenience sampling, subjects happen to be in the right place at the right time. A convenience sample is the use of readily accessible persons in a study (De Vos 1998:199; LoBiondo-Wood and Haber, 1998:253). Any person who happens to cross the researcher's path, and meets the inclusive criteria set for the study, gets included in a convenience sample. In the case of this study, police officers and court officials were readily available as a sample.

3.4 DATA COLLECTION TOOLS

A number of data collection tools were used in the study which includes document review, questionnaires, focus group discussion, and interview. They are explained as follows.

3.4.1 Documentary Review/Analysis

This technique of data collection involves subjecting documents related to the topic under study to deep and critical analysis. In this study, official documents such as dockets of cases decided by the court were critically reviewed. Information obtained from newspapers, journals, and books on the subject matter were further reviewed, and the major points have been summarized. The information that was obtained from these sources has been used to check for consistency of information generated through questionnaires and structured interview schedules.

3.4.2 Questionnaires

The study administered semi structured questionnaires, containing both closed and open-ended questions to avoid a bias in the results. While open questions invite free responses from respondents, closed questions only allow respondents to choose from alternative responses provided. Questionnaires were distributed to different groups of the community. The questions were short and to the point, yet with flow that the respondents could use to provide quick and accurate information. Questionnaires were chosen to be used because of the ability for collecting a lot of information within a relatively short time.

3.4.3 Focus Group Discussion (FGD)

The purpose of using the FGD guide is to obtain in-depth information from prosecutors on the problems they may have experienced of the criminal justice system in Durban. A set of open-ended questions in English served as a guide for the FGDs to probe for clarification. A total of 12 prosecutors participated in the FGDs.

3.4.4 Interview Guide or Schedule for Key Informants

Neumann (2000) argued that face-to-face interviews have the highest response rates. Interviewers also can observe the surroundings and can use non-verbal communication and visual aids.

The purpose of using an interview schedule is to enable the researcher to get more information directly, and clarify some questions and arguments regarding gaps arising from informal local community settings, as well as formal administrative structures of municipalities that limit the roles of ward committees in the study area.

The instrument proved to be useful and appropriate for collecting information from religious leaders, community leaders, and retired key public officials who have experience with the

problems within the CJS. The use of an interview guide was aimed at supplementing data gathered from questionnaires, documentary review and focus group discussion guides. Oral consent was sought from the respondents before the interviews were conducted.

3.4.5 Data Processing and Analysis

Since both quantitative and qualitative research methods were employed in this study, a sequential data analysis was preferred, whereby qualitative data were analysed before quantitative data. Generally, qualitative data analysis begins early in a research project when collecting data (Berg, 2007). In contrast, when the field exercises were completed, all quantitative information collected was coded, organised, analysed and converted into percentages, tables, and figures by using the Statistical Package for Social Sciences (SPSS), version 18.

3.4.6 Validity and Reliability of Research Instruments

Since this study is a qualitative and a quantitative one, it ensured validity by giving a fair, credible, honest, and balanced account of social life experienced by the people being studied. In addition, the use of internal and external criticism to determine whether the evidence is real or if people believe it to be has been employed. This research has ensured reliability by facilitating the proper training of researchers, formulating precise levels of measurement, such as questionnaires and interview guides which are explicit, unambiguous and uncomplicated. In addition, it has used pilot tests before it undertook an effective data collection.

3.4.7 Data Sources, Data Collection and Sampling

Two well-structured questionnaires were administered. One was administered in 4 police stations in Durban for 105 clients (Appendix 1) for community and the other for 23 frontline police officers (Appendix 2) to get information on the service delivery of the CJS.

The questionnaires are divided into three sections each. The first sections focussed on the demographic features of the respondent. The second sections focussed on public/police officer's/prosecutors' perception of the CJS using a Likert scale, while the third section is based on open-ended questions.

Other data sources that were also consulted and utilized were the:

- Interviews with heads of departments on the perceived problem, as well as members of the community to determine their satisfaction (Appendix 3A and 3B)
- Analysis of media articles over a two-year comparison period (Appendix 4)
- Data from dockets and another documentary analysis (Appendix 5).
- Crime Administration of the SAPS.
- The court case flow management records and raw data of departments.
- Complaints from public on poor response or complaints of poor service delivery.
- Statistics and various annual reports of departments.
- Independent Security Studies.
- Helen Suzman Foundation.

The exit interview (questionnaire Appendix 1 and 2) process is certainly the most reliable as the views of the persons who have suffered poor service were canvassed. These were conducted at police stations in the Durban area. Only persons who were serviced by the SAPS were sampled.

These interviews forms were designed with the assistance of senior commanders in various departments. The entire work was supervised by the SAPS psychologists and in-service trainees.

No interviews were conducted by the researcher or with police officers. The interviews were conducted by students who had either completed a tertiary education or were receiving experiential training at the SAPS. In addition, they were required to certify that they would not unduly influence respondents during the interview process. Each of the persons assisting with the interviews were required to sign an undertaking to the effect that they would not to disclose any information acquired during the interview process.

Complaints from members of the community on poor service delivery records are available from the departmental records. All complaints are registered in terms of the government archive rules and process. Feedback forms are attached to files.

The exit interviews were directed in terms of a format, such as the origin of the complaint, nature of the complaint e.g. domestic violence, presidential hotline, were the complaints finalized, and was there discipline or corrective action taken.

Senior managers and political principals were interviewed to canvass their views and influence on the development of future policy directions. These interviews were undertaken by the researcher.

Media articles were researched and collected. The analysis was done in terms of negative, positive and neutral article types influencing perceptions of the CJS.

Members of SAPS at Operational level, the Senior Director and staff of Public Prosecutions in Durban, the staff of Community Safety and Liaison, and of Durban Metro Police were respondents.

There was no specific technique followed in the choice of person completing the questionnaire, in order to enhance the quality of the sample and the research of real experiences at the CJS service points. Most of the individuals who participated in the interview were persons who had been subjected to contact with the respective departments and those that had not come into direct contact were accessed through the crime administration system and were requested to undertake a telephonic interview/email completion of the survey.

All students assisting with the conducting of the interview process were guided by the researcher and had to sign an undertaking of non-disclosure and also undertook not to unduly influence the responses of the interviewee.

No interviews were conducted by members of the South African Police Service or the National Prosecuting Authority to ensure and reinforce integrity of the process.

3.5 ETHICAL CONSIDERATIONS

The researcher read the University policy and procedures on research ethics and its policy and procedures on managing and preventing the acts of plagiarism and the researcher understand their content. The purpose of the research is to investigate the perception of communities on the dysfunction and ineffectiveness of the criminal justice system in the Durban Central Cluster Station. The study employed the use of questionnaire to gather information on the criminal justice system in the Durban area. The survey required the respondents to provide their names, household income and qualifications. However, information generated through this process was used for administrative purposes only.

The personal information of the respondents was not made public as only general trends were analysed. The names of police officers that were interviewed were required so as to ascertain that they were employees of the SAPS. Written permission was obtained from the Provincial

Commissioner of the SAPS KwaZulu-Natal. She had no objection to the granting of this permission.

Written permission was also obtained from the Chief Senior Public Prosecutor, Durban Magistrate and Regional Court, and Head of the Department of Community Safety and Liaison. All the above-mentioned individuals and departments agreed to support this research.

All material used in this thesis has been appropriately acknowledged.

Due cognisance has been given to ensure that all information is dealt with in the strictest confidence.

Where information is likely to impact negatively on current court cases, the facts of the matter were left out or it shall be deleted from any subsequent publication until the matter is no longer *sub-judice*.

Consent was obtained for all material that has been used. There was no conflict of interest in the development of this thesis.

There will be no claims to intellectual property rights and the intellectual property will rest with the University.

Material of other authors have been acknowledged. All students who assisted with research were debriefed and counselled where necessary.

The researcher has found that the tools, and techniques were adequate to solicit the information required, without any influence exerted on the respondent. This has enabled the researcher to conduct a comprehensive analysis to test the levels of perceptions. In the next chapter, a detailed discussion will follow on the empirical findings which will give an insight into the findings of the exit interview, the media analysis, the focus group discussion, docket analysis and complaint analysis.

An ethical clearance certificate was issued by UZREC before the commencement of the study which is included as Appendix 6.

3.6 CHAPTER SUMMARY

The researcher has found that the tools, and techniques were adequate to solicit the information without any influence exerted on the respondent. The research instruments were fair, credible and balanced. The response was reliable since the interviews were undertaken by in-service and employed graduates. This has enabled the researcher to conduct the comprehensive analysis to test the levels of perceptions. In the next chapter a detailed discussion will follow on the empirical findings which will give an insight into the findings of the exit interview, the media analysis, the focus group discussion, docket analysis and complaint analysis.

CHAPTER 4

RESULTS AND DISCUSSION

The results and discussion of findings from the analysis are presented in this chapter. The discussion is covered under five Sections. Section 1 is devoted to the discussion on the arrangement of current the perception of the police, prosecution and community regarding the CJS; this meets the first objective of the study. Section 2 discusses the causes of negative perception of the CJS. The extent that the media influences the community perceptions about the CJS is explained in Section 3; this meets the third objective of the study. Section 4 provides a set of recommendations to improve and enhance community perceptions based on the findings in Sections 1 to 3; this meets the fourth objective of the study. The last Section 5 provides a chapter summary.

4.1 ASSESSING THE CURRENT PERCEPTION OF THE POLICE, PROSECUTION AND COMMUNITY REGARDING THE CRIMINAL JUSTICE SYSTEM

This empirical analysis is based on a study to establish the current perception of the police officers, prosecutors and the community on the effectiveness of the CJS in the Durban Area, KwaZulu-Natal Province, South Africa. The population sample was twenty-three police officers and twelve prosecutors from Durban.

4.1.1 Perceptions of the Police and Prosecutors of the CJS

4.1.1.1 Perceptions of Police

4.1.1.1.1 Demographic features

There were 23 officers, comprising of eight females and fourteen males who completed the questionnaire. This population sample represents 34.8 percent females and 60.9 percent males of the number sampled respectively, while one person did not disclose his/her gender (See Table 4.1). Other demographic information from the sampled population are the ages of the respondents, their marital status, levels of education and income levels.

Table 4.1: Frequency Distributions of Respondents Based on Sex, Age, Education and Income

Sex			Age in Years			Levels of Education			Income levels		
Gender	Freq	%	Age Group	Freq	%	Groups	Freq	%	Income Groups	Freq	%
Female	8	34.8	18-30	5	21.7	Matric	14	60.9	R5000- R10500	3	13.0
Male	14	60.9	31-40	9	39.1	Degree/ Dip	7	30.4	R10,501 - R16,500	11	47.8
			41-55	9	39.1	Postgrad.	1	4.3	R16501- R20500	3	13.0
Total	22	95.7				Total	22	95.7	Above R20,500	4	17.4
Missing Value	1	4.3				Missing Value	1	4.3	Total	21	91.3
									Missing Value	2	8.7
Total	23	100	Total	23	100	Total	23	100	Total	23	100

Source: Estimation

The result presented in Table 4.1 revealed that with four age groups categories of 18-30, 31-40, 41-50 and above 55, there were no respondent which fell among the last age group of above 55, signifying that all the respondents were in an active labour force group, some nine respondents fell with the age groups of 31-40 and 41-55 each, and only five of them were in their prime of 18-30 years of age. This means that although the entire population are in their very active years of employment, only about 21.7 percent of them were actually at their early stages of employment (See Table 4.1). The majority at 78.3 percent of the entire sample population has probably had sufficient experience in the job, judging from their ages (See Table 4.1). It could therefore be said that most of the respondents did represent the true picture of the perception inherent in the police service given their number of years of experience. However, the ages in years of the respondents could be insufficient to make a robust conclusion that our sampled population represents a true picture of the dominant perception in police service; therefore, further tests would be required to justify this claim.

The levels of education could be a useful guide to authenticate this claim. If the majority of the respondents were well-educated, that is, having an education level of attaining a degree and above,

it can therefore be judged that their responses would, to a great extent, capture the true picture of the dominant perception of the police service on their jobs. However, the sampled statistics of the population reveal that out of four different educational groups of up-to-grade-nine, matric, degree/diploma and postgraduate, less than 35 percent of the entire population were graduates, whereas about 60.9 percent were not (See Table 4.1). This result is not valid to make an academic conclusion of a rational/reasonable picture of the perception of police service as the views of many of the respondents may be biased, may be based on sentiments and feelings rather than on logical reasons based on facts and proof.

The income groups ranging from R5,000 to above R20,500 of four different income groups, segmented into an interval of about R5,500, revealed that three respondents out of twenty-one respondents earn an income of between R5,000-R10,500; eleven respondents earn between R10,501-R16,500; another three respondents earn between R16,501-R20,500, and four respondents earn above R20,500. This represents 13, 47.8, 13 and 17.4 percent of the actual respondents, respectively (See Table 4.1). The missing value shows that two people out of a sample population size of twenty-three did not reveal their income status.

Table 4.2: Frequency Distributions, Marital Status, Job Satisfaction, Police Efficiency and Police Integrity of Respondents

Marital status			Job satisfaction			Police job efficiency			Police integrity		
Status	Freq	%	Job Status	Freq	%	Groups	Freq	%	Groups	Freq	%
Single	13	56.5	Others	2	8.7	Others	2	8.7	Others	2	8.7
Married	6	26.1	Yes	17	73.9	Yes	16	69.6	Yes	14	60.9
Widowed	1	4.3	No	2	8.7	No	4	17.4	No	5	21.7
Divorced	3	13.0	Uncertain	2	8.7	Sometimes	1	4.3	Uncertain	2	8.7
Total	23	100	Total	23	100	Total	23	100	Total	23	100

Source: Estimation

The marital status of the respondents is presented in Table 4.2. The result as presented revealed that 56.5 percent and 26.1 percent of the respondents are single and married respectively, while the remaining 13 and 4.3 percent are divorced and widowed in that order. With respect to job satisfaction, the majority (73.9 percent) affirmed that they are satisfied, while on the other hand,

8.7 percent disclosed that they are not satisfied with their job. The results as presented in Table 4.2 also indicate that the police job has been efficient. This is because majority (69.6 percent) of the respondents affirmed that the police have been efficient. The remaining 17.4 percent and 4.3 percent opined that the police job has not been efficient and or sometimes efficient respectively (See Table 4.2). With respect to the integrity of the police, majority (60.9 percent) of the respondents affirmed that the police have integrity. On the other hand, 21.7 percent believed that the police do not have integrity (See Table 4.2).

4.1.1.1.2 Likert scale analysis

This section focuses on the different views and perception of Police Officers and Prosecutors on the CJS. There are seven unique statements that try to explain how the police officers and prosecutors perceive the CJS out of which the respondent will choose whether he/she agrees, strongly agrees, disagrees, strongly disagrees or is uncertain about a particular statement (See Table 4.3).

Table 4.3: Frequency Distributions on the Perception of a Police Officer & Prosecutor on the CJS

	Statement 1		Statement 2		Statement 3		Statement 4		Statement 5		Statement 6		Statement 7	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
S. Disagree	3	13.0	2	8.7	2	8.7	6	26.1	6	26.1	3	13.0	9	39.1
Disagree	5	21.7	6	26.1	5	21.7	4	17.4	5	21.7	4	17.4	4	17.4
Uncertain	7	30.4	3	13.0	6	26.1	3	13.0	2	8.7	3	13.0	3	13.0
Agree	7	30.4	10	43.5	9	39.1	9	39.1	6	26.1	8	34.8	6	26.1
S. Agree	1	4.3	2	8.7	1	4.3	1	4.3	4	17.4	5	21.7	1	4.3
Total	23	100	23	100	23	100	23	100	23	100	23	100	23	100

Source: Estimation

The first statement inquires to know if the police officer perceives the CJS to be efficient and effective in the dispensation of justice. The analysis reveals a kind of a uniform response between those that agree/strongly agrees and those that disagrees/strongly disagrees. To be more specific, 34.7 percent agrees/strongly agrees that they are efficient and effective in the discharge of justice, whilst also another 34.8 percent disagrees/strongly disagrees that they are not efficient whereas 30.4 percent were uncertain whether they are efficient or not (See Table 4.3). Looking at their knowledge and competency in statement two, the greater percentage of the respondents of about

52.2 percent believes that they are competent and knowledgeable compare to 34.8 percent who feels otherwise whereas only 13 percent were uncertain (See Table 4.3).

Statement three tries to buttress statement one and two by looking at the CJS fairness in the dispensation of Justice which to a great extent explains their level of efficiency and competency. This result was consistent with that obtained in the first two statements given that 39.1 percent believed they are fair compared to 34.7 percent who also believed that they are efficient in discharging justice; again, 30.4 percent said that they disagree/strongly disagree on their fairness compared to about 34.8 each who believes that they were neither efficient nor competent in the dispensation of justice (See Table 4.3). Based on these findings, we can deduce that the issue of police perception about the CJS level of efficiency, competency and fairness in the dispensation of justice is still very dicey as a relatively equal number of respondents affirm a positive and negative view about them. Therefore, the public's view about the CJS becomes necessary.

Statements four to seven evaluates the public's perception about the CJS, how clients' readiness to offer bribe and social status influences the CJS, and the independency of the CJS in the dispensation of justice respectively. In statement four which evaluates the public's perception of the CJS, 43.5 percent each agree/strongly agrees and disagrees/strongly disagrees that the public's view of the CJS is a true reflection of what it is whereas only 13 percent were indifferent (See Table 4.3). In terms of whether the clients' readiness to offer a bribe does influence the CJS and whether the clients' social status does influence the CJS, it is evident that 43.5 and 56.5 percent respectively answered in the affirmative, 47.8 and 43.5 percent respectively answered otherwise whereas 8.7 and 13 percent respectively were indifferent (See Table 4.3).

Finally, on this note, statement seven inquires to know if the CJS has been independent in the discharge of justice or not. More respondents believe that they were being influenced in the discharge of justice therefore they are not independent since less than 50 percent of the total respondent says otherwise (See Table 4.3). These findings portray a picture of the true view of the CJS by both the police service and how the public perceives it.

4.1.1.1.3 Correlation analysis of the perceptions of Police Officers and Prosecutors of the CJS

A correlation result was also carried out to compare the perceptions of police officers and prosecutors of the CJS. The result is presented in Table 4.4

Table 4.4: Correlations Analysis of Perceptions of Police Officers and Prosecutors of the CJS

		Statement 1	Statement 2	Statement 3	Statement 4	Statement 5	Statement 6	Statement 7
Statement 1	Pearson Correlation	1	.927**	.265	-.073	-.273	.050	.435*
	Sig. (1-tailed)		.000	.111	.370	.103	.410	.019
	N	23	23	23	23	23	23	23
Statement 2	Pearson Correlation	.927**	1	.243	-.060	-.213	.045	.539**
	Sig. (1-tailed)	.000		.132	.392	.165	.420	.004
	N	23	23	23	23	23	23	23
Statement 3	Pearson Correlation	.265	.243	1	.267	-.086	-.140	.426*
	Sig. (1-tailed)	.111	.132		.109	.348	.263	.021
	N	23	23	23	23	23	23	23
Statement 4	Pearson Correlation	-.073	-.060	.267	1	.186	.018	.245
	Sig. (1-tailed)	.370	.392	.109		.198	.467	.130
	N	23	23	23	23	23	23	23
Statement 5	Pearson Correlation	-.273	-.213	-.086	.186	1	-.174	-.018
	Sig. (1-tailed)	.103	.165	.348	.198		.213	.467
	N	23	23	23	23	23	23	23
Statement 6	Pearson Correlation	.050	.045	-.140	.018	-.174	1	-.027
	Sig. (1-tailed)	.410	.420	.263	.467	.213		.451
	N	23	23	23	23	23	23	23
Statement 7	Pearson Correlation	.435*	.539**	.426*	.245	-.018	-.027	1
	Sig. (1-tailed)	.019	.004	.021	.130	.467	.451	
	N	23	23	23	23	23	23	23

** . Correlation is significant at the 0.01 level (1-tailed). * . Correlation is significant at the 0.05 level (1-tailed).

Source: Estimation

The result as presented in Table 4.4 shows that there is a highly positive and significant correlation between statement one and two, which measures the extent of the efficiency and competency of the CJS. This means that as the CJS becomes more and more knowledgeable and competent, the more efficient and effective they will be in the dispensation of justice.

This view is further justified by a negative correlation between the levels of the CJS effectiveness/competency and the chances of being corrupt in statements one and four, statements

one and five, statements two and four, and statements two and five respectively, although they were not statistically significant.

For instance, in the case of the negative correlation between statement one and five, it implies that as the CJS becomes more and more efficient and effective in the dispensation of justice, the less likely clients' readiness to offer bribes will influence it. This is juxtaposed with the positive and significant correlation between statements one, two and three with statement seven. It implies that the better efficient, competent and fair the CJS becomes, the more independent they also become. That is, they will not be influenced in the dispensation of justice.

4.1.1.1.4 The impact of police officers' income level on job satisfaction

Finally, a cross-tabulation test was carried out to find out how income levels of the police officers relate to their job satisfaction. This is necessary as it will give the proportion of police officers who are satisfied at different income levels and those who are not, thereby presenting a picture of the chance of police officers being corrupt. The argument here is that job satisfaction depends to a great extent, though not exclusively, on the ability of an individual to earn at higher income level. This is of particular importance, especially to public officer holders, as that will determine the likelihood of being corrupt to a great extent. If a greater percentage of the police officers under different income levels are satisfied at their present income levels, it therefore follows that the corruption tendency or propensity within the police service will be highly minimized. The result is presented in Table 4.5.

Table 4.5: Income levels * Job Satisfaction Cross-tabulation

			Job Satisfaction				Total
			Others	Yes	no	uncertain	
Income levels	R5000-R10500	Count	0	3	0	1	4
		% within Income levels	0.0%	75.0%	0.0%	25.0%	100.0%
		% within Job Satisfaction	0.0%	20.0%	0.0%	50.0%	19.0%
		% of Total	0.0%	14.3%	0.0%	4.8%	19.0%
	R10,501-R16,500	Count	2	7	0	1	10
		% within Income levels	20.0%	70.0%	0.0%	10.0%	100.0%
		% within Job Satisfaction	100.0%	46.7%	0.0%	50.0%	47.6%
		% of Total	9.5%	33.3%	0.0%	4.8%	47.6%
	R16501-R20500	Count	0	2	1	0	3
		% within Income levels	0.0%	66.7%	33.3%	0.0%	100.0%
		% within Job Satisfaction	0.0%	13.3%	50.0%	0.0%	14.3%
		% of Total	0.0%	9.5%	4.8%	0.0%	14.3%
	R20,501 and above	Count	0	3	1	0	4
		% within Income levels	0.0%	75.0%	25.0%	0.0%	100.0%
		% within Job Satisfaction	0.0%	20.0%	50.0%	0.0%	19.0%
		% of Total	0.0%	14.3%	4.8%	0.0%	19.0%
Total	Count		2	15	2	2	21
	% within Income levels		9.5%	71.4%	9.5%	9.5%	100.0%
	% within Job Satisfaction		100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total		9.5%	71.4%	9.5%	9.5%	100.0%

In this study, income levels were divided into four categories: the first category falling within the range of R5,000 – R10,500, as low-income earners; the second category of R10,501-R16,500, as medium low-income earners, the third R16,501 – R20,500, as medium high-income earners, and finally, the fourth category of above R20,500, as high-income earners.

Job satisfaction is grouped into four categories as well. The respondents have the option of answering: 1) Yes, I have job satisfaction; 2) No, I don't have job satisfaction; 3) Uncertain, I can't say if I have job satisfaction or not; and 4) Sometimes I do have job satisfaction.

The results of the cross-tabulation show that 75 percent of police officers within a low-income group have job satisfaction; 20 percent of respondents with job satisfaction are low income earners, whereas 14.3 percent of the total number of low-income earners have job satisfaction.

This result is also the same for high income earners, where 75 percent of police officers within the high-income group have job satisfaction; 20 percent of them with job satisfaction are high income earners whereas 14.3 percent of the total number of high-income earners and have job satisfaction. The results vary between the two medium income groups with a lesser percentage of the

respondents reporting job satisfaction in the medium-high group than in the medium-low income group. This is consistent with the expectation that a higher income level will make an individual want to have more and more income, thereby creating some kind of dissatisfaction.

The result further shows that 33.3 percent of medium-high income earners do not have job satisfaction, 50 percent of people without job satisfaction are medium-high income earners and 4.8 percent of the respondents are medium-high income earners and they do not have job satisfaction.

The conclusion is almost true of respondents with high income earners who do not have job satisfaction, except for the fact that only 25 percent of high-income earners do not have job satisfaction, compared to 33.3 percent in medium-high income earners. This implies that job satisfaction depends greatly on the level of income and many people among the respondents are satisfied with their current job and income level.

The conclusion is that although income is not a sufficient condition to judge whether people in the CJS have job satisfaction or not, it is, however, a necessary condition. Moreover, the findings show that higher job satisfaction is fulfilled at the low- and high-income levels. This could be because people at the low-income level could be those who are just starting their careers, usually with low qualifications, and therefore they tend to be comfortable with their current income and current job status, however, this condition changes as they advance in their career and hence, they tend to be more and more dissatisfied with their income and job status until they reach the peak of their career. This explains why most people within the medium-low and medium-high income levels are less satisfied with their job than others in other groups.

4.1.1.2 Perception of the Prosecutors

The criminal justice system is activated by the commission of a crime and terminates with the conviction, sentence and subsequent re-integration of the offender into the community. In the focus group interview, Mr Gonasagren Naidoo, the Chief Senior Public Prosecutor of Durban, indicated that Durban is the largest city in the province of KwaZulu-Natal, and the third largest in the Republic of South Africa. He services 12 Regional Courts and 16 Districts Courts, one Child Justice Court, two Traffic Courts, one Reception Regional Court, and one Deportation and Illegal Immigrant Court. A total number of 88 prosecutors service the Durban courts.

During the focus group discussion, and from the prosecutor court roll and the SAPS Liaison office, it was established that for the period 1 April 2016 to 30 March 2017, the prosecutors' pool dealt with the following dockets (See Table 4.6):

Table 4.6: Workload of Prosecutors' Court Roll

Total dockets handled	18967 dockets.
Not placed on roll A class (serious)	828 were referred back for investigation and 188 were struck off the roll and classified as having no prospect of a prosecution.
Not placed on roll B class (less serious)	1730 withdrawn cases, 874 referred to the prosecutors' pool, 628 of which were struck off the roll, and 150 were as a result of poor statements. 350 were dealt with as alternative dispute resolution and a further 356 dealt with as diversion matters.
Decision dockets received	7627 of which 4775 were finalized and the balance of the 2852 were sent back for further investigations to the police.
Late dockets for court	171 dockets were brought later than the prescribed three days before the next court appearance or trial date.

Table 4.7: Alternative Dispute Resolution Matters for 2016/2017 for Durban Court

COURT	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
DURBAN	478	513	569	514	529	414	513	496	294	398	411	501

Source: Estimation

The Annual Report 2017 of the NPA refers to the declining experience levels and inadequate training within the detective service. This placed a greater burden on the prosecutors to guide investigations by providing specific instructions for compliance to investigating officers. Experienced prosecutors are now screening dockets and reviewing cases which may negatively impact on the number of new cases that can be enrolled. Case review teams have been established at most urban offices.

If one looks at the production of the Durban court and the fact that less than 10 percent of its matters are not be enrolled, then one can assume that the first appearance dockets produced sufficient evidence to place the matter before a Magistrate, either for a remand or bail application.

The Chief Senior Public Prosecutor, Mr Gonasagren Naidoo, said that between 1 January 2016 and December 2017, the prosecution team handled more than 47 310 applications for considering an alternative dispute resolution (ADR) or the withdrawal of matter from the roll (See Table 4.7).

The focus group played an important role in determining the level of cooperation between the SAPS and other members involved in the CJS. In addition to problem issues, questions were prepared in advance for the 12 prosecutors who were to attend the focus group discussion. This group session was chaired by the Chief Senior Public Prosecutor, Mr Gonasagren Naidoo. A total of 12 prosecutors attended (Appendix 3B) and the purpose of the session was outlined to them and they expressed their willingness to participate in the research. Below are verbatim responses obtained during the focus group discussion.

4.1.1.2.1 Response of Prosecutors of their Perception of the Police during the Focus Group Discussion

- *The police are overworked considering the volume of cases allocated to each investigating officer. Arrests get delayed due to shortage of police investigators.*
- *Poor investigations result in the loss of confidence in the police. Lack of training, poor statement taking and crime scene management are problematic. Forensics, LCRC and other evidence is not optimally used.*
- *The police feel that the courts grant bail even when bail is opposed with sufficient grounds. They feel that courts are stressing more on the rights of the accused than those of victims and the interest of society and bail is granted where the accused persons whose addresses have no fixed abode and address cannot be verified. They do not investigate bail information as soon as possible and do not understand the reasons to oppose bail.*
- *Police attending crime scenes take poor statements, handwriting is illegible and statements are badly framed and incoherent and sometimes does not disclose all the elements of a crime. They do not follow up on the chain of evidence and provide additional statements to formulate a prima facie case.*

- *The crime scene investigation by the first responder and the crime scene manager are problematic as they overlook important forensic evidence.*
- *Too much time has elapsed until the identification parades are held thus complicating the identification process in most cases the complainant cannot remember after such a long time. Witness are not subpoenaed in time resulting that they don't arrive at court and cases being withdrawn or struck off roll.*
- *The community has a perception that the police are in cahoots with criminals and that they do not do their jobs properly.*
- *SAPS do not transport or bring witnesses to court.*
- *Underpaid and easily corruptible and detectives not available on trial date.*

4.1.1.2.2 Response of Prosecutors of Their Perception of the Court, During the Focus

Group Discussion

- *Insufficient evidence to prove a case beyond a reasonable doubt to establish a guilty or not guilty finding. Refusal by Magistrates for accede to more than two remands.*
- *Court cases must be speedily finalized. Too much emphasis is placed on number of finalized cases rather than the quality of cases finalized.*
- *Late arrival of awaiting trial prisoners to appear on time on the date of trial.*
- *Non-availability of foreign interpreters resulting in cases being withdrawn or stuck of roll.*
- *The community feels the courts on the side of the criminals and not the community. People are not getting justice and criminals are getting lenient sentences.*
- *The community is the last person the courts listen to and grant bail too easily and it's better for the community to take law into their own hands.*
- *Court finalization rate is very low, too few hours are actually worked producing high backlogs. It takes too long to finalize cases.*
- *Courts must ensure justice it sometimes is lenient and have become results driven.*
- *Lack sufficient staff and not enough supervision.*
- *District Courts seem reluctant to impose harsh sentences and most to the time impose suspended sentences. Magistrates sometimes do not apply their minds and are too quick to acquit.*

- *Judiciary deviates from the prescribed minimum sentences without justification. SAPS very rarely involved in giving evidence in aggravation of sentence.*
- *Rights of the victims have no recourse.*
- *Lack of transcribers when proceeding is recorded.*

4.1.1.2.3 Perceptions of Prisons by Prosecutors

- *Prisons are overcrowded and bursting on their seams and there is additional pressure on courts to finalize cases or release awaiting trial prisoners on bail or on warning regardless of the fact that the courts cannot detain awaiting trial prisoners without good cause or reasons.*
- *Prisoners are released on early parole after serving a part of their sentence and prisons do have rehabilitation officers to report on offenders. Too much corruption and prisoners are too hasty let out early.*
- *Prisoners are not brought on time for trial and sentenced prisoners are not brought to court for pending matters against sentenced prisoners.*
- *They commit crimes and become repeat offenders and graduate from minor to very serious crime.*
- *No reform program for criminals. Community and victims complain that sentences are not just and fair.*

4.1.1.2.4 Response of Prosecutors of Their Satisfaction Level Regarding the Sentence Meted Out to Criminals

- *Victims are not satisfied with the sentences meted out.*
- *Courts are not doing everything in their power to impose proper punishment to offenders.*
- *Courts are sometimes too lenient to accused persons and it don't serve the purpose to deter and rehabilitate.*
- *Some accused are given appropriate sentences only to find that that person is considered for parole and released and commit further serious crimes.*
- *Courts must also take into consideration the compensation order of Section 300 of the Criminal Procedure Act to give the victim some relief that they were consulted and catered for in the system.*

- *No consistency in the meting out of sentences and differ from magistrate to magistrate using their own discretion.*
- *Magistrates are too lenient in meting out sentence.*
- *In very serious cases in both district and regional courts accused is sentenced to a fine or suspended sentence.*

4.1.1.2.5 Response of Prosecutors of Their Perception of the Alternative Dispute Resolution Mechanism

- *There needs to be a ceiling on how many ADR's can be completed for one single accused.*
- *There needs to a system where the ADR matters are recorded to prevent further crime and ensure that justice is done. Not to be granted for sexual offences nor should they be put on NICRO programs.*
- *ADR must be done strictly for less serious cases and ADR request application form must be more comprehensive and contain more detail of the case.*
- *Section 103 of the Firearms Control Act must be applied and followed through when accused applies for a firearm license after a successful ADR.*
- *Police officers must explain to parties the process of ADR when conducting interview for first information of crime. Stricter screening process must be made applicable and all parties must be given the option to exercise it.*
- *Settling though ADR assists in releasing time to focus on more serious prosecution matters.*
- *The pro forma must be used and placed in the dockets and court records with the charge sheet.*
- *Where NICRO programs are unsuccessful the Investigator must inform court to place matter back on roll.*
- *All previous convictions or profile must be placed before ADR decision is taken.*
- *Must be used as a means for compensation in terms of Section 300 of the Criminal Procedure Act.*
- *It has a disadvantage when victims use it to for financial gain or extort money from the perpetrator.*
- *The ADR can be used as a means by the perpetrator to show remorse and repent for his wrongful conduct.*

- *Prosecutors must ensure that repeat offenders are not considered for this program.*
- *ADR matters should ideally be withdrawn before the matter is considered, as this can be placed back on the roll at a later stage but cannot be done after pleadings.*

4.1.1.2.6 Response of Prosecutors of Their Perceptions Regarding the Standard of Police Investigation

- *In some cases, dockets are poorly investigated even when the prosecutors raise query or guide the investigation it takes too long to finalize investigation and bring it back to the Prosecutor.*
- *DNA and Forensic results are a serious problem hence the finalization of cases is delayed or often cases are withdrawn.*
- *Admissible evidence must be produced, often this is not the case and there is a need for training. Investigation are often incomplete and insufficient evidence to enrol the cases.*
- *Late dockets hamper the working of the reception courts.*
- *Dockets must be brought to court within the prescribed three days before appearance to allow opportunity to study the evidence in the dockets.*
- *The tampering of evidence at the scene is problematic as well as the tampering of serial numbers on certain serial items.*
- *The first appearance docket, evidence produced does not implicate the accused in any way as other statements are still outstanding. Often on the A1 is in the docket.*
- *Branch Commanders are failing to execute their responsibility by checking dockets before they are sent to court, thus dockets come in a poor state.*
- *Police officers must know how to investigate the complicated and serious crimes.*
- *Integrity of samples and Forensic evidence and chain of evidence is often lacking.*
- *Witness preparation is often poor due to them not being present in court.*
- *Cases are produced with corroborating evidence such as J88, Photos, Drunken driving chain statements etc.*
- *There is a general lack of eye witness statements.*
- *The first crime scene responder does not frame proper statements – elements of crime are missing. Sometimes no statements from the crew.*
- *Some police officers are meticulous and take pride in their work. Others don't.*

4.1.1.2.7 Response of Prosecutors of Their Perception of the Granting of Bail by the Court

- *The sentences are too lenient and do not serve as a deterrent and rehabilitation. In cases where appropriate sentences are given, they are released on parole defeating the object of a sentence.*
- *Courts are reducing sentences where compensation is paid to the victim, courts must also consider the rights of the victims.*
- *Victims are further subject to harassment and often have to relocate when the accused are released on parole.*
- *Political killings and taxi violence matters bail should not be easily granted.*
- *Community demands incarceration of the accused and fail to understand that even though bail is opposed the courts are still at liberty to release the accused.*
- *Communities do not understand the legal and Constitutional imperative on the rights of individuals. They need to be educated. Communities must understand that bail is not punishment. On the other hand, were bail is refused certain communities will agitate for bail to be granted.*
- *They must understand that bail is different from trial.*
- *The release on bail can also have the opposite effect where communities become involved in vigilante activities and take law into their own hands.*
- *Recently many cases have shown communities actively showing their displeasure on the granting of bail by demonstrating publicly and even within court precincts.*
- *Often investigation officers fail to produce evidence against granting of bail on their first appearance.*
- *During bail hearings the investigation officers are unprepared when communities are in court. This presents a poor picture of the judicial system as a whole.*

4.1.1.2.8 Response of Prosecutors of Their Perception on the Relationship between the Criminal Justice System Role Players and the Departments Linked to the Joint Crime Prevention and Security Cluster (JCPS)

- *Relationship and communication among all stakeholders are good and good communication is necessary at an interpersonal level.*

- *Department of Social Welfare need to improve their turnaround time for court related matters.*
- *Regular workshops are needed especially when new legislation is passed, so that all have a good understanding of what is required for service delivery.*
- *Good relationships exist at senior manager level but lacks at the grass root where service delivery is key.*
- *There is a need to share information on crime, modus operandi and suspects.*

4.1.1.2.9 Response of Prosecutors of Their Perception Related to Remuneration for Prosecutors

- *Pathetic hence the community do not follow this profession.*
- *Pay is good but skills retention is still problematic.*
- *The issue of overtime must be addressed.*

The focus group agreed with the views expressed above and were at pains to point out that the positive relationship between the police officers and prosecutors were evident in difficult matters being successfully prosecuted. It appeared that there exists harmonious structures between the police and the prosecutors.

4.1.2 Perception of the Audit Team Regarding the Investigation of Case Dockets

A case docket is opened by the SAPS at the CSC when a complaint is lodged, following the commission of an act or omission prohibited by law. The case docket holds all essential evidence in the docket. The “A” clip of the docket contains all evidence relating to the reported crime. The “B” clip contains all correspondence and other non-evidential matters. The “C” clip would provide a history and a sequence of all enquiries and investigations done.

All detective commanders are required to comply with standing orders of the SAPS, which requires commanders to oversee and endorse the quality of investigations before dockets are submitted to court. They should also provide guidance to investigating officers on ensuing investigations, monitor progress and ensure the timely submission of dockets to court. Recently, the investigation diary has proved to be critical correspondence between commanders and the prosecutors. Each commander had to certify that the docket presented to the prosecutor to and from court was physically inspected by him and that he or she was satisfied with the state of the investigations.

The request for the docket analysis arose out of the 2014 budget speech in the KwaZulu-Natal legislature, where it was announced that the department would develop a monitoring tool to assess the detection rate, the reasons for undetected cases and identify gaps in the police investigations.

Ngidi Incorporated was commissioned by the Member of the Executive Council of Transport, Community Safety and Liaison, KwaZulu-Natal, to undertake a docket analysis for the period of 2016 to determine the effectiveness and efficiency of police investigations. This was to be done by using an assessment tool that was developed by the Department of Community Safety and Liaison, in conjunction with SAPS. A total of 50 dockets were to be analysed, however, the SAPS refused access to the dockets based on the possible challenges to legal protection of identity and the information of the victims. The researcher was part of the team and participated in the docket analysis on behalf of the SAPS.

It was agreed that a list of questions would be prepared and handed to the SAPS who would then complete a questionnaire after studying the dockets. The SAPS team was headed by the researcher, assisted by his immediate detective staff to complete the process.

The methodology followed was simply to collect dockets from various identified police stations and assess each docket. The research called for 50 dockets to be audited and assessed on the quality of the investigations. A general template (Appendix 5) was created for the various categories of crime, such as contact crime, property crime, contact related crime, crimes dependent on police action and sexual offences crime.

In the light of the restrictions placed on disclosure of private information from dockets, the team handed the template to the SAPS with already identified case numbers for completion of the questionnaire.

The case dockets were collected and brought to a central point where the questionnaires were completed by independent SAPS members, including the researcher, who had no interest in the dockets. This was done to ensure integrity in the findings in the questionnaire.

The template / tool required the following information:

- Generic details of the dockets, such as station name, case reference number, etc.
- Victim profile.
- Perpetrator profile.

- Crime profile.
- Social and medical assistance.
- Visit of scene by commissioned officer.
- Obtaining of all relevant statements.
- Level of experience and training.
- Availability of arrest and chain statement.
- Presentation of expert reports.
- Duration of investigations.
- Visits by forensic experts to the scene of the crime.
- Tasking of informers.
- Docket inspections by senior police officers.

The research team concluded that it was clear that the cases under investigation were given the necessary attention with differing levels of diligence, competency and success. There was room for improvement. The following factors hampered the effectiveness of the investigation:

- Failure to follow up important clues and evidence, e.g. failure to obtain medical reports from doctors, no comparison samples taken from suspects for forensic analysis, witnesses and suspects named in statement were not interviewed, etc.
- The statements taken by the CSC was of a poor quality resulting in retakes of the statement and placing the victim under unnecessary trauma again. Elements of the crime are excluded from statements.
- A few detectives were shown to rely on victims and families to inform the detectives on the whereabouts of suspects, rather than use the conventional methods of tracking suspects.
- The right to subpoena witnesses was not utilized.
- Cases where the investigations are incomplete and were sent to court.
- There was a lack of guidance of the junior members by the senior officers.
- Adopting an easy way out to close investigations rather than persevere to make arrests.
- The ADR system was misused and was offered in some serious cases.

The following recommendations were made for better and improved quality of service:

- There needs to be further training of police officers in practical policing issues such a statement taking, interviewing tactics and forensic awareness.

- Senior officers should ensure that case dockets inspections are done and written guidance is given to junior members.
- A spirit of professionalism needs to be instilled among both the uniformed and detective police officers.
- There must be a result-driven work ethic.
- The ADR system should not be initiated by the police. A commissioned officer should ensure that the SAPS approve the ADR request before it goes to court.
- The team should in future be allowed access to the dockets, following the signing of a confidential and a non-disclosure binding contract.
- There should not be a failure to follow up important clues, leads and evidence, e.g. not obtaining medical reports, taking comparison DNA samples from the accused, and eye witnesses and suspects not interviewed.
- The victim statement should not be of poor quality, which often necessitates a retake which can be emotional for the victim. Biographical details must be complete.
- There should not be reliance by detectives on the victims to supply information on the whereabouts of suspects.
- The relevant laws should be used to obtain the testimony of non-cooperative witnesses.
- Incomplete investigated dockets should not be sent to court. There should be better guidance of junior investigators so that cases are withdrawn or struck off the roll.
- There should not be a tendency to close dockets undetected rather than to bring perpetrators to justice.

The team concluded in saying that despite the shortfalls, the review was valuable and demonstrated important trends. This process was a good initiative and may help to gauge police effectiveness and productivity. It may further assist in putting in motion remedial action to enhance investigation problems.

4.1.3 The Perceptions of the Community of the Criminal Justice System

In this study, the perceptions of 105 members of the community was obtained through exit interviews at four police stations in Durban. These community members were provided a service prior to the completion of the questionnaire, thus enabling them to give a fresh account of their experience. The questionnaire was administered by members of the SAPS, the social service section and graduate intern staff of the SAPS. The following are the findings of the study.

4.1.3.1 Findings of the Exit Interview at Police Stations

Below are the findings of the community following their experience of service delivery at the four police stations.

Table 4.8: Ages of the Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
18-30 Years	32	30.5	30.5	30.5
31-40 Years	41	39.0	39.0	69.5
Valid 41-50 Years	21	20.0	20.0	89.5
56 and above	11	10.5	10.5	100.0
Total	105	100.0	100.0	

The ages of the respondents were presented in Table 4.8, the result shows that 41 (39 percent) of the respondents were aged 31-40 years, followed by 32 (30.5 percent) aged 18-30 years, 21 (20 percent) aged 41-50 years and 11 (10.5 percent) aged 56 and above. This shows that all the respondents are below 40 years.

Table 4.9: Gender of the Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Male	62	59.0	59.0	59.0
Valid Female	43	41.0	41.0	100.0
Total	105	100.0	100.0	

The result as presented in Table 4.9 shows that both genders were adequately represented in the survey although males are in the majority. This is because, of the total sample of the respondents, 66 (59 percent) were males, while the remaining 43 (41 percent) of the respondents were females.

Table 4.10: Highest Educational Qualification of the Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Up to grade 9	9	8.6	8.6	8.6
Matriculation	46	43.8	43.8	52.4
Degree/Diploma	35	33.3	33.3	85.7
Postgraduate	14	13.3	13.3	99.0
Others	1	1.0	1.0	100.0
Total	105	100.0	100.0	

The result, as presented revealed in Table 4.10, shows that the majority (43.8 percent) of the respondents possess only a matriculation certificate. This is followed by those who possess a degree/diploma, which constituted 33.3 percent of the total respondents. Only 13.3 percent do possess a postgraduate degree, while the remaining 8.6, and 1 percent possess other qualifications or those with qualifications and up to grade 9 respectively.

Table 4.11: Monthly Household Income of Respondents

	Frequency	Percent	Valid Percent	Cumulative Percent
Below R2, 500	17	16.2	16.2	16.2
R2, 501 - R4,500	15	14.3	14.3	30.5
R4, 501 - R6, 500	19	18.1	18.1	48.6
R6, 501 - R7, 500	14	13.3	13.3	61.9
R7, 501 and above	40	38.1	38.1	100.0
Total	105	100.0	100.0	

The result as presented in Table 4.11 revealed that a majority of 38 percent of the entire respondents' monthly household income is R7, 501 and above. This is followed by those who earn between R4, 501, and R6, 500 with 18.1 percent. The remaining 16.2, 14.3 and 3.3 percent earns below R2,500, between R2, 501 and R3, 500, as well as between R6, 501 and R7, 500, respectively. The income distribution exhibited a level of income inequality between the high-income earners and the low-income earners.

Table 4.12: Marital Status of the Respondents

	Frequency	Percent	Valid percent	Cumulative percent
Single	48	45.7	45.7	45.7
Married	48	45.7	45.7	91.4
Valid Widowed	5	4.8	4.8	96.2
Divorced	4	3.8	3.8	100.0
Total	105	100.0	100.0	

The marital status of the respondents is presented in Table 4.12. The results reveal that 45.7 percent of the respondents are single and married respectively, while the remaining 4.8 and 3.8 percent are widowed and divorced respectively.

The following tables and discussion refer to the responses of the community to the various questions in the questionnaire.

Table 4.13: The Service You Received at the Police Station was Good

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	7	6.7	6.7	6.7
Disagree	32	30.5	30.5	37.1
Valid Uncertain	5	4.8	4.8	41.9
Agree	33	31.4	31.4	73.3
Strongly agree	28	26.7	26.7	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents on the service they received at a police station is presented in Table 4.13. The results show that more than half (58.1 percent) of the respondents were of the opinion that they received good service from the police station. In contrast, 37.2 percent affirmed that they did not receive good service from the station, while the remaining 4.8 percent were uncertain.

Table 4.14: The Police Personnel at the Police Station were Competent and Knowledgeable

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	9	8.6	8.6	8.6
Disagree	29	27.6	27.6	36.2
Uncertain	7	6.7	6.7	42.9
Agree	36	34.3	34.3	77.1
Strongly agree	24	22.9	22.9	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents on the competence of the police personnel at police station are presented in Table 4.14. The results as presented show that more than half (57.2 percent) of the respondents were of the opinion that police personnel at the police station were competent and knowledgeable.

In contrast, 36.2 percent were of a contrary view. They responded that police personnel at the police station were not competent and knowledgeable, while the remaining 6.7 percent were uncertain.

Table 4.15: The SAPS Employees were Neatly Attired

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	5	4.8	4.8	4.8
Disagree	23	21.9	21.9	26.7
Uncertain	3	2.9	2.9	29.5
Agree	42	40.0	40.0	69.5
Strongly agree	32	30.5	30.5	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on the appearance of SAPS employees are presented in Table 4.15. The result as presented shows that more than two-third (70.5 percent) of the respondents opined that SAPS employees was neatly attired. In contrast, 26.7 percent were of a contrary view, since they disagreed that SAPS employees were neatly dressed. The remaining 2.9 percent were not sure.

Table 4.16: The Police Personnel Communicated to Me in a Language of My Choice

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	8	7.6	7.6	7.6
Disagree	32	30.5	30.5	38.1
Valid Uncertain	5	4.8	4.8	42.9
Agree	32	30.5	30.5	73.3
Strongly agree	28	26.7	26.7	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on the medium of communication employed by the police personnel is presented in Table 4.16. The results as presented show that the majority (57.2 percent) of the entire respondents are of the view that the police personnel communicated to them in the language of their choice, while the remaining 30.5, 7.6 and 4.8 percent disagreed, strongly disagreed or were uncertain respectively.

Table 4.17: The Physical Appearance of the Police Station was Visually Appealing

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	4	3.8	3.8	3.8
Disagree	28	26.7	26.7	30.5
Valid Uncertain	6	5.7	5.7	36.2
Agree	45	42.9	42.9	79.0
Strongly agree	22	21.0	21.0	100.0
Total	105	100.0	100.0	

Source: Estimation

The result, as presented in Table 4.17, revealed that the majority of the respondents (65.7 percent) affirmed that the physical appearance of the police station was visually appealing. 26.7 percent disagreed, 5.7 percent were uncertain, while the remaining 3.8 percent strongly disagreed.

Table 4.18: Police Personnel Were Courteous and Understanding in Listening to Your Complaints

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	9	8.6	8.6	8.6
Disagree	30	28.6	28.6	37.1
Valid Uncertain	11	10.5	10.5	47.6
Agree	31	29.5	29.5	77.1
Strongly agree	24	22.9	22.9	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether the police personnel were courteous and understanding in listening to clients' complaints is presented in Table 4.18. The results as presented show that the majority (52.4 percent) of the entire respondents opined that the police personnel were courteous and understanding in listening to their complaints. On the other hand,

37.1 percent were of a contrary view. They affirmed that police personnel were not courteous and understanding in listening to their complaints. The remaining 10.5 percent were indifferent.

Table 4.19: Police Personnel Advised You Properly Regarding Your Complaints

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	7	6.7	6.7	6.7
Disagree	35	33.3	33.3	40.0
Uncertain	12	11.4	11.4	51.4
Agree	30	28.6	28.6	80.0
Strongly agree	21	20.0	20.0	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether police personnel advised clients properly regarding their complaints is presented in Table 4.19.

The results show that the majority (58.6 percent) of the entire respondents were of the view that the police personnel did advise them properly regarding their complaints. However, 40 percent were of a contrary view, and they opined that they did not get the right kind of advice they expected from the police personnel. Lastly, the remaining 11.4 percent were uncertain.

Table 4.20: The Police Have Been Fair and Independent of Justice

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	24	22.9	22.9	22.9
Disagree	41	39.0	39.0	61.9
Uncertain	11	10.5	10.5	72.4
Agree	20	19.0	19.0	91.4
Strongly agree	9	8.6	8.6	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether the police have been fair and independent in the dispensation of justice is presented in Table 4.20. The results as presented show that the majority (61.9 percent) of the entire respondents agreed that, the police had not been fair and independent in the dispensation of justice. This should be a cause of worry to the administrators of the CJS, as well as other stakeholders within the CJS. Nevertheless, just a little above a quarter (27.6 percent) affirmed that the police had been fair and independent in the dispensation of justice. Lastly, the remaining 10.5 percent were uncertain.

Table 4.21: The CJS Has Been Effective and Efficient in the Dispensation of Justice

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	35	33.3	33.3	33.3
Disagree	36	34.3	34.3	67.6
Uncertain	9	8.6	8.6	76.2
Agree	15	14.3	14.3	90.5
Strongly agree	10	9.5	9.5	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether the CJS has been effective and efficient in the dispensation of justice is presented in Table 4.21.

The results show that the majority (67.6 percent) of the entire respondents were of the view that the CJS had not been effective and efficient in the dispensation of justice. In contrast, less than a quarter of the respondents were of the view that the CJS had been effective and efficient, while the remaining 8 percent were uncertain.

Table 4.22: Police Officers Are Efficient

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	51	48.6	48.6	48.6
No	54	51.4	51.4	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether the police officers are efficient in the delivery of their duties are presented in Table 4.22. The results as presented show that a majority (51.4 percent) of the entire respondents were of the view that the police officers were not efficient in the discharge of their duties. However, 48.6 percent were of a contrary view; they opined that the police officers were efficient in the discharge of their duties.

Table 4.23: Police Are Overburdened

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	60	57.1	57.1	57.1
No	42	40.0	40.0	97.1
Uncertain	3	2.9	2.9	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether the police are overburdened are presented in Table 4.23. The results as presented show that the majority (57.1 percent) of the entire respondents believed that, the police were overburdened with so many responsibilities. Probably, this may be one of the reasons for them not being effective and efficient. However, 40 percent are of a contrary view; they opined that the police were not overburdened. The remaining 3 percent were indifferent.

Table 4.24: Police Are Corrupt

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	57	54.3	54.3	54.3
No	44	41.9	41.9	96.2
Uncertain	4	3.8	3.8	100.0
Total	105	100.0	100.0	

Source: Estimation

The responses of the respondents based on whether the police are corrupt or not are presented in Table 4.24. The results as presented show that the majority (54.3 percent) of the entire respondents believed that, the police were corrupt. Conversely, 41.9 percent were of a contrary view and they opined that the police were not corrupt, while the remaining 4 percent was indifferent.

4.1.3.2 Perception and Service Delivery Complaints

The SAPS has established a Service Complaints Centre to assist the community in receiving optimal service and also to reduce complaints against the police relating to poor service delivery. This is aimed at reducing any dissatisfaction levels among the community. These complaints can vary from poor service delivery regarding communication, response, investigations, police negligence, and police misconduct and complaints against the SAPS members.

These complaints may originate from various statutory bodies such as the Independent Police Investigative Directorate, the Public Protector, the Presidential Hotline, the Minister of Police, the Premier of the Province, the MEC for Community Safety and Liaison, the Secretariat both at national and provincial government level, the media, local police station community service centre (CSC), Station Commander, Cluster Commander's office or Provincial Complaints Coordinators: Management Intervention.

For the purpose of this study four police stations were chosen from the Durban Central Cluster and the following reflects the findings of the research. In 2015, there was small number of complaints on service delivery that was reported to the police, while in 2016 there was a larger sample.

The sample of complaints received between January to October 2015 were as follows according to area:

- Durban Central 10
- Point 5
- Berea 5
- Durban North 5

Table 4.25: Origin of the Complaints 2015

ORIGIN OF COMPLAINT	DURBAN	BEREA	POINT	DURBAN NORTH	Total
COMMUNITY MEMBERS	9	3	6	2	20
IPID	0	2	0	0	2
MEC OFFICE	0	0	0	0	0
NATIONAL COMMISSIONER	1	0	0	0	1
PRESIDENTS HOTLINE	1	0	0	1	2
PUBLIC PROTECTOR	0	0	0	0	0
PUBLIC SERVICE COMMISSION	0	0	0	0	0
NEWSPAPER ARTICLES	0	0	0	0	0
NATURE OF COMPLAINT					
POOR COMMUNICATION	2	0	0	0	2
POOR ATTENDANCE OF COMPLAINT	0	0	0	0	0
POOR INVESTIGATION	1	3	1	1	6
POOR RESPONSE	1	1	1	0	3
CRIME BY MEMBERS	0	0	0	0	0
POLICE MISCONDUCT	6	1	2	4	13
RESOLUTION OF COMPLAINT					
SATISFIED	8	3		1	12
NOT SATISFIED	2	1	3	0	6
FURTHER INVESTIGATION	0	0	3	3	6

Source: SAPS complaints data base

The sample of complaints received between January to October 2016 were as follows, according to area:

- Durban Central 10
- Point 5
- Berea 5
- Durban North 5

Table 4.26: Origin of the Complaints 2016

ORIGIN OF COMPLAINT	DURBAN	BEREA	POINT	DBN NORTH	Total
COMMUNITY MEMBERS	22	5	13	6	46
IPID	0	0	0	0	0
MEC OFFICE	0	0	0	0	0
NATIONAL COMMISSIONER	0	0	0	0	0
PRESIDENTS HOTLINE	0	0	0	0	0
PUBLIC PROTECTOR	0	0	0	0	0
PUBLIC SERVICE COMMISSION	0	0	0	0	0
NEWSPAPER ARTICLES	2	0	1	0	3
NATURE OF COMPLAINT					
POOR COMMUNICATION	2	0	3	0	5
POOR ATTENDANCE OF COMPLAINT	0	0	0	0	0
POOR INVESTIGATION	4	1	3	2	10
POOR RESPONSE	2	1	1	0	4
CRIME BY MEMBERS	0	0	0	0	0
POLICE MISCONDUCT	15	3	7	4	29
RESOLUTION OF COMPLAINT					
SATISFIED	20	4	12	5	41
NOT SATISFIED	1	0	2	1	4
FURTHER INVESTIGATION	3	1	0	0	4

Source: SAPS complaints data base

The complaints analysed for January to October 2015 reveal that the majority of 20 complaints (81.48 percent) originated from members of the community who were not satisfied with the level of service and therefore sought intervention from a higher authority to resolve their issues (See Table 4.25). Of the other four (less than 20 percent), two originated from the office of the National Commissioner, one from the Presidential Hotline and one from the Public Service Commission (See Table 4.25). The Presidential Hotline and the Public Service Commission were established to ensure that service is delivered at the grass roots level, when it fails or the standards are not met, and their intervention in rectifying the matter becomes warranted.

The nature of the complaint is very crucial to the SAPS as this assists them in addressing the problems through direct interventions at the most basic level and to formulate policies and instructions for members to follow to better understand the needs of the clients or communities they service.

In 2015, a total of 13 cases fell under the category of police misconduct, as a general term that could not be fitted into any of the other categories (See Table 4.25). Poor investigation counted for the second highest reason for the complaints. The other two categories have a smaller number of issues about which was complained.

Any complaint lodged with any statutory government monitoring agency or lodged directly with SAPS must be resolved to the satisfaction of the person lodging the complaint. The SAPS have processes in place where commissioned officers are required to investigate the complainant and ensure that the complainant is satisfied. These files are inspected by Commanders to ensure that the required high standard is maintained in cases where complaints are lodged.

The next question dealt with whether the complainant was satisfied with the manner in which their complaints were dealt with, and if not, what other processes were followed to ensure that the complaints were finalized within a reasonable time frame. Only 6 complainants (24 percent) expressed their dissatisfaction of the investigation of their initial complaint. 12 complainants (48 percent) were satisfied and 6 complainants (24 percent) were incomplete and required further investigation (See Table 4.25).

Based on the complaints analysed for January to October 2016 reveal that of the 49 complaints registered, the majority totalling 46 (93.87 percent) originated from members of the community who were not satisfied with the level of service and sought intervention from a higher authority to

resolve their issues (See Table 4.26). The remaining 3 (6.03 percent) originated from newspaper articles (See Table 4.26).

The nature of the complaints is crucial to the SAPS as these assists in addressing the problems through direct interventions at a basic level and to formulate policies and instructions for members to follow to better understand the needs of the clients or communities they service.

In 2016, a total of 19 (59.18 percent) cases fell under the category of police misconduct as a general term that could not fit into any of the other categories (See Table 4.26). Poor investigation which is the second highest category of complaints received, accounted for 19.4 percent of the total complaints (See Table 4.26). The other two categories which are poor communication and poor response make up the remaining 5 percent and 4 percent respectively (See Table 4.26).

Only 4 complainants (8.16 percent) expressed their dissatisfaction with investigation of their complaint (See Table 4.26). On the other hand, 41 complainants (83.67 percent) were satisfied; however, 4 complainants (8.16 percent) were incomplete and required further investigation (See Table 4.26).

Although the number of complaints showed an increase in 2016, as compared to 2015, it must be emphasized that the police management succeeded in keeping the dissatisfaction at a very low level. From a high of 24 percent recording dissatisfaction in 2015, it decreased to 8.16 percent in 2016. This is no doubt highly commendable especially in the light of the high demands placed on policing in South Africa.

4.2 CAUSES OF NEGATIVE PERCEPTIONS ABOUT THE CJS

4.2.1 Corruption

Public confidence is absolutely essential and critical if the criminal justice system is to succeed and be a deterrent to criminal behaviour. The results of the exit interviews of 105 respondents from the community as indicated in this research show that the majority (54.3 percent) of the entire respondents are of the view that the police are corrupt. On the other hand, 41.9 percent are of a contrary view; they opined that the police are not corrupt, while the remaining 4 percent are indifferent. Although the media analysis has identified less than 30 cases of corruption in ten

months in the research it only refers to cases reported on and not necessarily on those that were committed.

In all three Victim of Crime surveys by Statistics South Africa (2014,2015,2016), an overwhelming majority of more than 70 percent believed that corruption in the police increased. This corruption is basically caused by the drive for financial gain or enrichment by these officers. In KwaZulu-Natal, 41.8 percent of households attributed corruption for their dissatisfaction with the police and were of the opinion that courts were not corrupt.

4.2.2 The Influence of Poorly Investigated Dockets on Perceptions

Examining the report of the Audit committee team that analysed the dockets, this study revealed that the cases under investigation were given the necessary attention with differing levels of diligence, competency and success. Although, there was room for improvement, the study revealed that there was a general failure to obtain the very basic of information and evidence that was required for a successful prosecution. The quality of statements was of a generally poor quality and this was believed to have been caused by lack of training and in-service guidance to junior members. The ADR was misused and investigation officers often appeared to have initiated the process to finalize matters.

The findings of this Audit committee reports¹ was also supported by the focus group discussion with 12 prosecutors. The prosecutors, during the focus group discussion, identified poor investigation, poor statement taking, and lack of expertise on crime scenes as well as the poor collection of forensic samples and results as a serious problem among investigators.

4.2.3 Perceptions and the Service Delivery Complaints of the Community

The complaints analysed reveal that the majority of complaints originated directly from members of the community that complained of one or other service with which they were not satisfied.

The nature of the complaint is crucial to the SAPS and they have made serious efforts in trying to minimize the complaints and put mechanisms in place to deal with these complaints. Other complaints were related to poor investigation and police misconduct and failure to attend to

¹ The team were as follows:

The Provincial Commissioner of SAPS represented by the Researcher and his team of Detectives from Provincial Head office, The Legal officer for the Department of Community Safety and liaison, Three representatives from the consulting company Ngidi INC and the Provincial Director of Prosecution in KZN as an advisory service

complaints. Poor investigation counted for the second highest matter which was complained about. In response to the question dealing with whether they were satisfied that the police had resolved their complaints, the majority indicated that they were satisfied with the manner in which their matters were resolved. Although, there was an increase in complaints from 25 in 2015 to 49 in 2016, the police management was able to increase the satisfaction level from 48 (24) percent in 2015 to 83.67 (8.16) percent in 2016 respectively. Nevertheless, the result indicates that there are still levels of dissatisfaction in the community which needs to be attended to.

4.3 MEDIA INFLUENCE ON COMMUNITY PERCEPTION OF THE CJS

The media plays a major role in keeping the citizenry abreast of current events and raising awareness of various issues in any society. It also has an extremely significant impact on the people, who are influenced by what they see on television, hear on the radio or read in the newspapers or social media.

Media monitoring is the process of reading and analysing the editorial and advertorial content of the media and determining trends on specific topics or matters of interest to society.

In conducting this research, it was intended to establish to what extent the print media, if at all, influences the perceptions of the community. To undertake this, it was essential to review a wide range of media publications over a minimum of six months.

The approach here was to study all media publications circulating in Durban that published articles. The period 1 January to 30 October 2016 was chosen in comparison to the same corresponding period for the previous year.

In this research, English, Afrikaans and IsiZulu language print media, circulating in the Durban Central Cluster area, were analysed. The Zulu version of the articles were translated into English by the Corporate Communications Department of the SAPS.

The following newspaper reports were analysed:

- Natal Mercury - Daily English medium with a circulation of 26 185 copies.
- Daily News – Daily English medium with a circulation of 24 278 copies.
- Isolezwe – Daily IsiZulu medium with a circulation of 95430 copies.

- Business day – Daily English medium with a circulation of 21555 copies.
- Post – Weekly English medium with circulation of 40154 copies.
- Sunday Tribune – Weekly English medium with a circulation of 55389 copies.
- Daily Sun – Weekly English Medium with a circulation of 174483 copies.
- Natal Witness - Daily English Medium with a circulation of 13651 copies.
- Citizen – Daily English Medium with a circulation of 43480 copies.
- New Age – Daily English Medium, circulation not specified.
- Sowetan – Daily English Medium with a circulation of 80010 copies.
- Ilanga – Daily Zulu Medium with a circulation of 72635 copies.
- Sunday Times – Weekly English Medium with a circulation of 262569 copies.
- City Press – Weekly English Medium with a circulation of 71790 copies.
- Rapport – Weekly Afrikaans Medium with circulation of 124845 copies.
- Saturday Independent – Weekly English Medium with a circulation of 37489 copies.

For the purposes of this study, a total of 5 299 articles that were published in the print media between 1 January to October 2015 and 1 January to October 2016, were analysed. The analysis was done on published articles on the various departments in the CJS. It was premised that these articles would have some influence in shaping the perceptions of communities.

The analysis was divided into three broad categories: positive, negative and neutral articles.

Positive articles were those that reflected very positively on the CJS. These articles were largely favourable and generally reported on positive aspects such as a decrease in crime, high visibility operations in high crime areas, good investigations, good convictions, and refusal of bail in high profile cases, etc. Any article about a shootout with criminals was well received by the community and so were incidents where police reacted swiftly to high profile crime incidents. It also related to the other stories where officials went beyond their scope of duty to perform some meritorious deed.

Negative articles reflected poorly on the CJS, such as the inability of departments to protect the community, withdrawal of cases, acquittals, release on bail or parole of criminals, and an increase in crime in the area, etc. There were, in some cases, articles on the arrests of police, prosecutors and other officials connected to the CJS for corruption and defeating the ends of justice. The police were accused of exceeding the bound of moderation during an arrest or when the police acted

illegally. Other articles reported that suspects were released by the court without placing matters on the roll. The early release of prisoners on parole was a matter that was criticized on a regular basis.

Neutral articles were of a general nature that related to more news on general crime issues, fires, social events, soft news, marches and protest, court appearances, etc.

Here often serious motor vehicle accidents were reported on but this could also be viewed as negative when police do not take blood samples from the accused, straight after the accident or before the expiry of the mandatory two hours as required by the law.

The analysis was categorized in this table as follows:

Table 4.27: Number of Articles Published 2015

JAN - OCT 2015 CATEGORY OF ARTICLES PUBLISHED	POSITIVE ARTICLES	NEGATIVE ARTICLES	NEUTRAL ARTICLES	TOTAL
CURRENT ISSUES				
SAPS MANAGEMENT AND MINISTRY	20	47	30	97
SAPS RELATED NEWS	42	49	36	127
SAPS OPERATIONS/ INVESTIGATIONS	243	70	593	906
HAWKS/IPID INVESTIGATIONS	7	15	7	29
CRIMES AGAINST WOMEN AND CHILD	28	3	74	105
GANGS/ DRUGS /TAXI AND POLITICAL	8	2	85	95
CORRUPTION AND FRAUD	2	18	0	20
COURT MATTERS	32	23	441	496
CONVICTIONS	54	1	79	134
STRIKES, PROTEST AND DEMONSTRATION	9	1	82	92
GENERAL	33	3	575	611
TOTAL	478	232	2002	2712

On weekly basis, more than 1 million copies of printed newspapers were distributed throughout the country, and if the electronic media of radio, television and if social media is considered, then one can assume that more than fifty percent of listeners, readers and viewers are influenced by the media. There is then a very high probability of the media influencing and shaping the community perceptions.

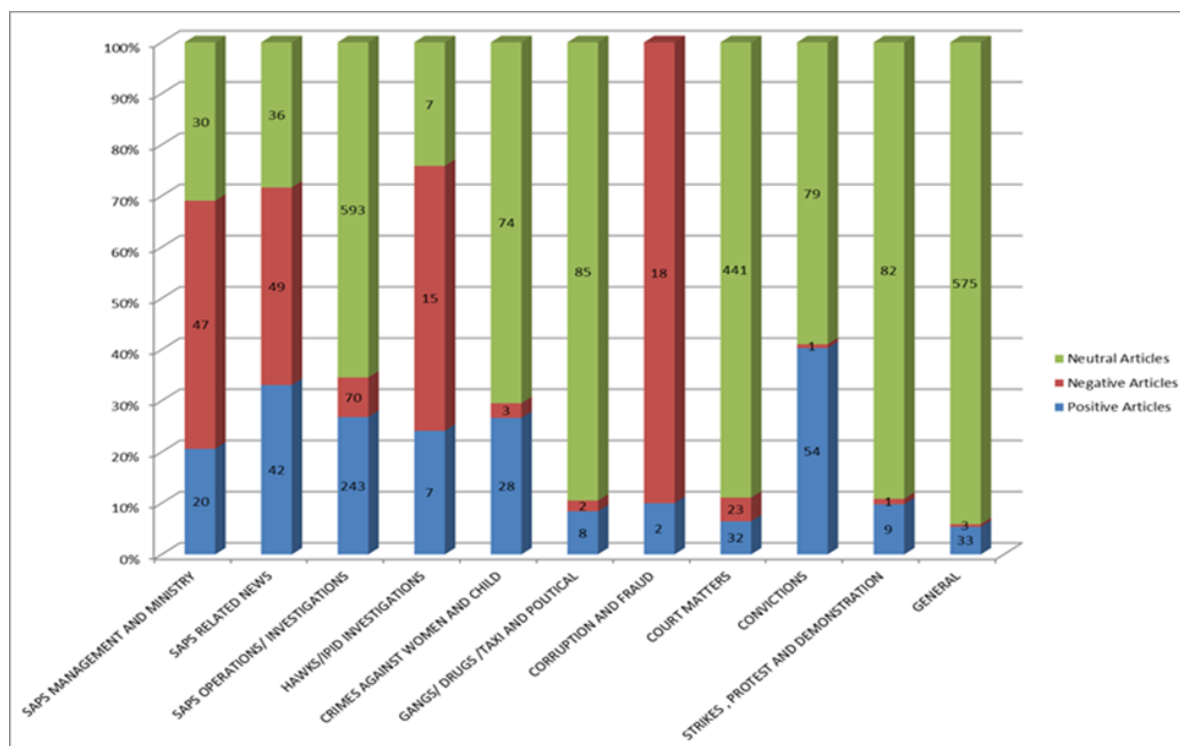


Figure 4.1: Categories of Articles in 2015 in Terms of Negative, Positive and Neutral

Source: Estimation

During the period January to October 2015 under review, a total of 2 712 articles were researched and categorized into eleven current and topical issues. The majority of the articles, of almost 80 percent, referred to articles on the SAPS operations and investigations, court matters and general categories. For this period, the positive articles accounted for 17.62 percent, while the negative articles accounted only for 8.55 percent and the neutral articles on the accounted for more than 73.82 percent.

Contrary to the popular belief that the media is always negative toward the CJS, this research indicated that only 8.55 percent were negative articles thus disproving the perception that the media is negative towards the CJS. The negative articles related mostly to cases of corruption or

allegations of complicity in serious criminal conduct. A fair amount of coverage was given to the arrest and suspension of the two senior officers in the SAPS. There were also some reports of the poor quality of investigation and prosecution. A very small number related to the justice and correctional services. The issues surrounding the suspension of top officials, such as Mr Mwebi and Ms Jiba of the NPA, and the suspension of General Booysen and Ngobeni of SAPS, were evident in the media.

Table 4.28: Number of Articles Published 2016

JANUARY TO JUNE 2016 CATEGORY OF ARTICLES	POSITIVE ARTICLES	NEGATIVE ARTICLES	NEUTRAL ARTICLES	TOTAL
CURRENT ISSUES				
SAPS MANAGEMENT AND MINISTRY	15	4	3	22
SAPS RELATED NEWS	11	27	1	39
SAPS OPERATIONS/ INVESTIGATIONS	281	69	1,100	1450
HAWKS/IPID INVESTIGATIONS	17	3	15	3
CRIMES AGAINST WOMEN AND CHILD	0	0	40	40
GANGS/ DRUGS /TAXI AND POLITICAL	1	0	82	83
CORRUPTION AND FRAUD	1	0	3	4
COURT MATTERS	4	8	407	419
CONVICTIONS	0	0	152	55
STRIKES. PROTEST AND DEMONSTRATION	3	0	105	108
GENERAL	1	0	363	364
TOTAL	334	111	2271	2587

Source: Estimation

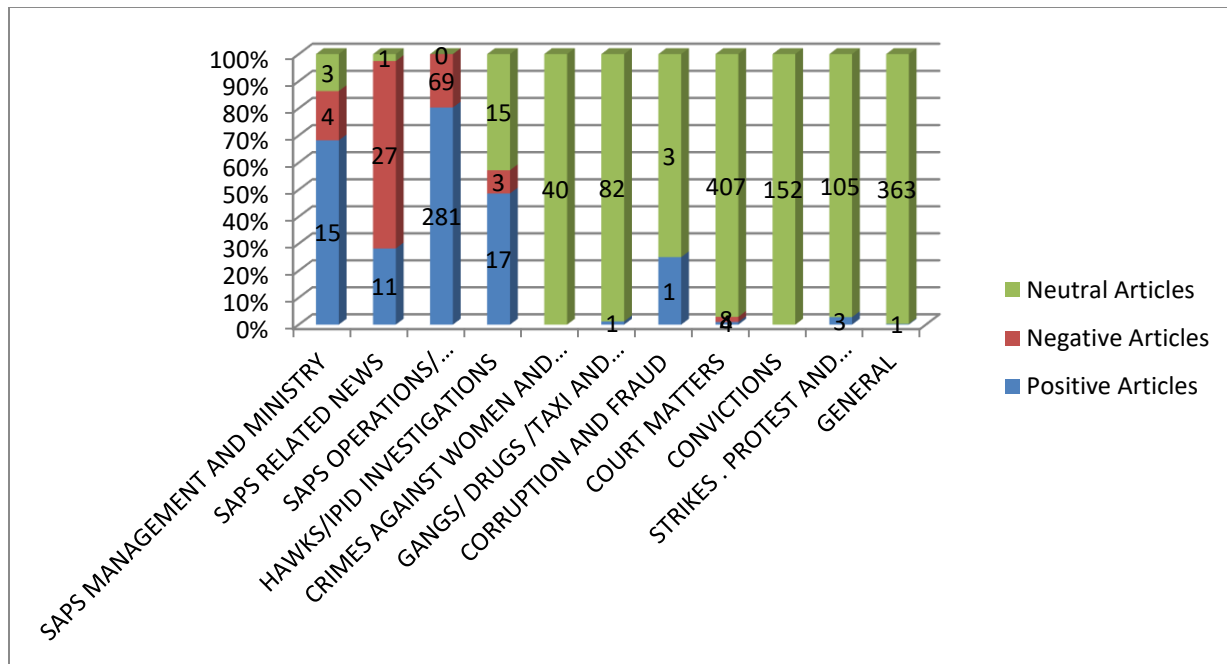


Figure 4.2: Categories of Articles in 2016 in Terms of Negative, Positive and Neutral

Source: Estimation

During the period January to October 2016, a total of 2 587 articles were researched and categorized into eleven current and topical issues, as per the previous year. The majority of the articles again referred to the SAPS operations and investigations, court matters and general categories. For this period, the positive articles accounted for 12.91 percent, while the negative articles accounted only for 4.29 percent, again disproving the perception that the media was biased or negative towards the CJS. The neutral articles accounted for more than 87.78 percent. The negative articles related mostly to cases corruption or allegations of complicity in serious criminal conduct. A fair amount of coverage was given to the arrest and suspension of the two senior officers in the SAPS. There were also some reports of poor quality of investigation and prosecutions. A very small number related to the justice and correctional service departments.

Table 4.29: 2-Year Comparison of Published Articles

YEAR	POSITIVE	NEGATIVE	NEUTRAL	TOTAL
2015	478	232	2002	2713
2016	334	111	2271	2587
DEVIATION	-144	-121	+269	-126

Source: Estimation

When comparing both years, it is evident that the reporting on matters on the CJS the reporting numbers were lower in 2016, although the neutral articles increased in number.

The positive articles dropped by 144 reports and more importantly, there was a drop of 121 negative articles published. This indicates that the negative articles decreased by 35.27 percent, dispelling the notion that the media are negative or biased towards the CJS.

From the analysis over these two years and if the average is considered, it is clear that the positive articles accounted for 15.26 percent, while the negative articles accounted only for 6.17 percent and the neutral articles accounted for more than 80.84 percent. This clearly provides evidence that contrary to the perceptions and the belief that the media is negative toward the CJS in its reporting.

4.4 RECOMMENDATIONS TO IMPROVE SERVICE AND ENHANCE COMMUNITY PERCEPTIONS

This section provides recommendations in respect of the findings that have been made. Six recommendations are made in respect of the findings under the various categories as referred to in paragraph 4.1, 4.2, and 4.3 *supra*.

4.4.1 The media's role in the fight against crime cannot be over emphasized as it plays a very influential role in shaping public perceptions. A short-term recommendation is that the CJS communications' capacity must be expanded to be able to develop strategies on internal, external and media communications. Full time communication personnel must be employed to market and promote the CJS, especially at the level of the NPA and the Department of Correctional Services where it is lacking. This effective communications

strategy must be based on reliable information to inform the public accurately as possible on the problems within the CJS.

4.4.2 As a medium-term strategy, consideration should be given by the CJS to approaching higher learning institutions to conduct regular research on various subject matters. This would not only empower students at the institutions but will serve as a cost-effective method for the departments. In the long-term, the entire CJS must embark on market research on an annual basis to test, monitor and rectify any misconceptions and perceptions of the community. There must be a programme of events to educate the public on various themes of the CJS and utilize public education and information in facilitating meaningful citizen participation in crime prevention.

4.4.3 The entire CJS must invest in the training of staff, especially on new trends employed by the criminal elements. As a start, the NPA and SAPS must commence with a workshop format training of all detectives and first responders to improve the taking of complete statements to accurately record the elements of the alleged crime.

A more detailed curriculum should be developed for refresher courses on an ongoing basis and especially when new laws are passed in Parliament. The SAPS must develop a *modus operandi* training manual for prosecutors and establish a *modus operandi* data base. In the short-term prosecutors must be updated weekly on the *modus operandi* of criminals and crime trends. An annual workshop should be held with the senior management of the CJS, not only to develop joint strategies but to cement relationships at a senior level.

4.4.4 Corruption within the criminal justice system contributes to a general climate of lawlessness, and serves to undermine the legitimacy and effectiveness of the criminal justice system. The majority of the community view corruption as a serious issue and tangible steps must be implemented to deal with this matter. In the short term, there must be focused attention on the intelligence gathering and investigation of corruption related matters and the establishment of national and provincial anti-corruption units. Medium-term solutions would be to establish a toll-free number to receive information on crime ('tip offs') from the public. The CJS must develop a comprehensive anti-corruption strategy to deal with this problem. In addition, a lifestyle audit and vetting of all senior employees in crucial positions must be undertaken by the CJS. It is recommended that a team comprising of police and prosecutors be assembled to investigate corruption in the

entire CJS structure. The Independent Police Investigation Directorate could also play a role in this team.

- 4.4.5 The majority of respondents indicated that the police are not efficient in the discharge of their duties and the probable cause of their ineffectiveness and inefficiency is that detectives having a high work load and are being overburdened. The workload must be reduced by prioritising specific types of cases, such as serious violent crimes, and serious fraud and other economic crimes.

In the medium term, a uniform investigation unit should be established that will focus on less serious matters that are currently being investigated by detectives. These would be cases such as reckless and negligent driving, motor vehicle collision, minor assault cases and service of court processes. In the long term, a study should also be done to establish what other functions, such as certification and commissioning of documents and completion of minor traffic reports, are performed by the SAPS. These should be delegated to other government departments, such as traffic investigations to Road Traffic Inspectorate or the Metropolitan police.

- 4.4.6 In the short term, the SAPS and NPA should undertake an impact analysis study on Alternative Dispute Resolutions and referral matters. They should jointly develop a legal opinion on the ADR and the impact it has on the Firearms Control Act. This is especially relevant when a person is considered for an ADR following the commission of a contact crime and then applies for firearms' licence.

4.5 CHAPTER SUMMARY

In this chapter, the 105 community responses from the exit interview, responses of the 23 police officers, two-year comparative print media analysis, 12 prosecutors focus group discussion, 50 dockets and 25 complaints analysis provided adequate information to successfully complete this research. The researcher succeeded in achieving the objective set out in the study. In the following chapter a brief discussion will follow on the findings of the research, recommendations and conclusion.

CHAPTER 5

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

This chapter presents a summary of findings, recommendations and conclusion of the study. The chapter is divided into 7 sections. Section 1 provides a summary of findings based on the first objective which is aimed at examining the level of client, police and prosecutor's perception about the criminal justice system. The summary of findings on the causes of negative perception about the criminal justice system is presented in Section 2, while summary of findings on the extent to which community emotions and perceptions are influenced by print media reports is presented in Section 3. Section 4 provides a summary of the short-, medium- and long-term solutions to address the problems in the CJS. The conclusions and policy implication of the study is presented in Sections 5, while the limitations of the study and areas for further research are presented in Sections 6 and 7 respectively.

5.1 THE LEVEL OF CLIENT, POLICE AND PROSECUTORS PERCEPTION ABOUT THE CRIMINAL JUSTICE SYSTEM.

The first objective of this study is to examine the level of the police, prosecutors, clients and community perception about the criminal justice system. The summary of the findings is presented in sub-section 5.1.1, 5.1.2, 5.1.3 and 5.1.4 respectively.

5.1.1 Findings on the Police Perceptions of the CJS

1. With regards to whether police officers perceive the CJS to be efficient and effective in the dispensation of justice, the finding was that it was not conclusive as an equal number of responses were for and against this question.
2. On the question of knowledge and competency of the CJS, the majority believes that they are competent and knowledgeable.
3. In respect of fairness in the dispensation of justice by the CJS only one third of the respondents indicated that they are fair and efficient in discharging justice, therefore the answer was in the negative

4. The public's perception about the CJS, on the clients' readiness to offer bribes, the finding was 43.5 percent in agreement that they do offer bribes.
5. On the question of influence on the independency of the CJS in the dispensation of justice, the majority answered in the affirmative.

5.1.2 Findings on Prosecutor's Perceptions of Police Officers, Courts and Correctional Services

1. The police are overworked considering the volume of cases allocated to each investigating officer.
2. There is a general lack of training, poor statement taking and crime scene management. The police attending crime scenes take poor statements, which are also illegible, badly written, and incoherent. They do not follow up on the chain of evidence, nor provide additional statements to formulate a *prima facie* case.
3. Police are underpaid and easily corruptible.
4. Too much emphasis is placed on the number of finalized cases rather than the quality of cases finalized.
5. The finalization rate is very low, with poor court hours and high backlogs.
6. District Courts seem reluctant to impose harsh sentences and most of the time impose suspended sentences and the courts deviate from the minimum sentences without justification.
7. Prisons are overcrowded, prisoners are released on early parole and prisons do not have rehabilitation officers to compile reports on offenders.
8. There is no ceiling on how many ADR's can be completed for one single accused.
9. There is no process in place in respect of declaration of unfitness to possess a firearm, Section 103 of the Firearms Control Act on matters finalized as ADR.
10. The tampering of evidence at the scene of crime is problematic, as well as the tampering of serial numbers on certain serial items. The integrity of samples, forensic evidence and chain of evidence is often lacking.
11. The departments do not share information on crime, modus operandi and suspects, which needs to change.
12. The prosecutors are not satisfied with their salaries and skills retention is problematic.

5.1.3 Findings of Clients Perception through the Analysis of Dockets

1. The finding here was that the cases under investigation were given the necessary attention with differing levels of diligence, competency and success. However, there was room for improvement on the investigation of crimes, in statement taking, presenting evidence in court and crime scene management.
2. There needs to be more focussed attention on training to take better quality of statements and improve crime investigation.
3. A more structured approach should be adopted in considering the alternative dispute resolution.

5.1.4 Perceptions of the Community

In the category of written complaints from members of the community, 83.67 percent indicated that they were satisfied with the manner in which police handled their complaints. Only 8 complainants (16.33 percent) expressed their dissatisfaction of the investigation of their complaint. Other perceptions are summarized as follows:

1. The results show that the majority of the respondents are of the opinion that they received good service at the police station.
2. On the competence of the police personnel at police station, more than half (57.2 percent) of the respondents are of the opinion that the police personnel at the police station were competent and knowledgeable.
3. The results show that more than two-thirds (70.5 percent) of the respondents are of the view that the SAPS employees were neatly attired.
4. The police were given a positive result on the medium of communication employed by them in communicating to respondents in the language of the client's choice. The majority (57.2 percent) of the respondents are of the view that the police personnel communicated to them in a language of choice.
5. The majority of the respondents (65.7 percent) affirmed that the physical appearance of the police station was visually appealing.
6. Based on whether the police personnel were courteous and understanding in listening to clients' complaints, the majority (52.4 percent) of the respondents agreed.

7. The majority (58.6 percent) of the respondents are of the view that the police personnel do advise them properly regarding their complaints.
8. On whether police have been fair and independent in the dispensation of justice, the majority (61.9 percent) of the respondents disagree and are of the view that the police have not been fair and independent in the dispensation of justice.
9. The responses of the respondents based on whether the CJS has been effective and efficient in the dispensation of justice the majority (67.6 percent) say the CJS has not been effective and efficient in the dispensation of justice.
10. The majority (51.4 percent) of the respondents are of the view that police officers are not efficient in the discharge of their duties.
11. The responses of the respondents based on the whether the police are overburdened show that the majority (57.1 percent) of the respondents are of the view that the police are overburdened with too many responsibilities.
12. The majority (54.3 percent) of the respondents are of the view that the police are corrupt.

5.2 FINDINGS ON THE CAUSES OF NEGATIVE PERCEPTION ABOUT THE CRIMINAL JUSTICE SYSTEM

The second objective of this study is to determine the causes of the negative perception about the CJS. The results of the exit interviews of 105 clients who were served in the CSC, revealed that the police are corrupt. This result was also supported by the victim crime survey carried out by Statistic South Africa with over 70 percent of the respondents affirming that corruption in the police has increased. This view is majorly influenced by their dissatisfaction with the police and the entire CJS. Furthermore, it was discovered that poorly investigated docket does cause a negative perception about the CJS. Based on the audit committee report, it was revealed that there was a general failure to obtain the very basic of information and evidence that was required for a successful prosecution.

5.3 FINDINGS ON THE EXTENT TO WHICH COMMUNITY EMOTIONS AND PERCEPTION ARE INFLUENCED BY PRINT MEDIA REPORTS

The third objective of this study was to examine the extent to which community emotions and perception are influenced by print media reports. From the analysis over two years and if the average is considered, it was clear that the positive articles accounted for 15.26 percent, while the negative articles accounted only for 6.17 percent and the neutral articles accounted for more than 80.84 percent. Contrary to the populist belief that the media is negative toward the CJS, the negative articles related mostly to cases of corruption or allegations of complicity in serious criminal conduct. A fair amount of coverage was given to the arrest and suspension of the two senior officers in the SAPS. There were also reports of poor quality of investigation and prosecution. A very small number related to the Justice and Correctional Service Department.

5.4 SOLUTION STRATEGY THAT WILL ENHANCE THE EFFECTIVENESS OF THE CJS

In order to enhance the effectiveness of the CJS in the short-term, a concerted effort must be made to improve the communication capacity of the CJS with respect to internal, external as well as media communication. This effective communications strategy must be based on reliable information to inform the public accurately as possible on the problems and successes within the CJS.

As a medium-term strategy, there must be collaboration between the CJS and the educational institutions or research centres for joint research on the various challenges facing the CJS so as to produce early identification of trends and possible solutions. This would not only empower students at the institutions but will serve as a cost-effective method for the departments. In the long-term, the entire CJS must embark on market research on an annual basis to test, monitor and rectify any misconceptions and perceptions of the community. There must be a programme of events to educate the public on various themes of the CJS and utilize public education and information in facilitating meaningful citizen participation in crime prevention. Furthermore, there must be regular training and workshops put in place for effective and efficient service delivery of the CJS.

5.5 CONCLUSION AND POLICY IMPLICATIONS

This study has highlighted the expectations and perceptions of clients of the CJS. Improvement in the service, and the constant assessing of its service charters in line with the service outputs, are critical to ensure a satisfied client. By better understanding the needs of the client, many misconceptions of the service levels can be eliminated and thus eradicate negative perceptions.

The efficiency and effectiveness of the criminal justice process involves amongst other things the probability of successful investigation, prosecution and punishment for priority crimes. It must be fulfilled within a few months, from the time of reporting the crime to the conviction and sentencing of the criminal. This will not only serve as a deterrent but also do a great deal to improve and enhance the public confidence in the CJS. It has been shown that the CJS has achieved instances of excellence in certain categories. Clearly, it has to develop the means to address the issues identified in this study.

Currently there are no policies governing the relationship between the different departments except a memorandum of understanding between the SAPS Provincial Commissioner and the Provincial Director of Public Prosecutions. A detailed policy needs to be set out for the departments and especially in those areas where there must be joint co-operation and where the functions of one department are interlinked with that of another.

It is proposed that the National Justice and Crime Prevention Cluster develops or redesigns policies for implementation on the challenges identified in the CJS. These policies must be made operational all at levels.

The CJS has progressed from a repressive to democratic criminal justice system, but even so, it still has to work hard to gain public support and credibility.

5.6 LIMITATIONS

The researcher was initially given permission to conduct an analysis of 500 dockets by the National Commissioner of SAPS, but this was later withdrawn citing legal challenges that may materialize in terms of the protection of private person's information. (A docket analysis of 56 dockets, during

a previous study by the researcher and the provincial government, was used). This led to the reliance of information though completing a questionnaire. The information gathered though the questionnaire was of some assistance in making a finding. However, the entire contents in docket were read by the SAPS research team which included the Researcher of this study, with the necessary authority under cover of the law.

In the future, it will be proposed that the Research and Development Division of the SAPS be involved in supporting the research of dockets. At the time the permission was granted the Research and Development Division was not established in the SAPS.

Another limitation was that the focus should be directed at a larger population sample to obtain a better picture of the functioning of the CJS. It is suggested that in the future all departments of the CJS be consulted in the development of the questionnaire for the Victim of Crime Survey. This would assist in ensuring that a more structured response is obtained so as to assist the CJS to eradicate problem areas of negative perception through proper strategies and duplication of other studies.

5.7 RECOMMENDATIONS FOR IMPROVEMENT AND FURTHER RESEARCH

It is recommended that a further in-depth study should be conducted on service delivery and its impact on clients within the entire CJS. This would determine the extent of client satisfaction with the service of each entity separately. This research should be expanded to include the entire province, if not the entire country.

A more detailed analysis of violent crimes and response times would be beneficial to address negative community perceptions. In terms of the response times, the SAPS must show urgency in attending to crimes and this could positively influence community perceptions. The quicker the crime scenes are attended the more positive will be response from the clients.

The prosecution must be able to provide information on how many of those matters that were withdrawn or stuck off the roll were again placed back on the court roll. It would be helpful to draw comparisons between those cases where the accused persons pleaded guilty and those that were convicted on the evidence which was proved beyond a reasonable doubt.

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APPENDICES

APPENDIX 1: Questionnaire 1 - Exit Interview at Police Stations

QUESTIONNAIRE 1: PERCEPTION OF COMMUNITIES ON THE DYSFUNCTION AND INEFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM IN THE DURBAN CENTRAL CLUSTER STATION FOR 100 CLIENTS

INHLOLOMBUZO 1: IMIBONO YOMPHAKATHI NGOKUNGASENZI KWEKHONO NOKUNGAZWAKALI KWEZOBULUNGISWA NEZINHLAKA ZALO ESABELWENI SEZITESHI EZIMAPHAKATHI NETHEKU KUMAKHASIMENDE ANGAMAKHULU AMANE.

The purpose of this study is to establish the current perception of the communities on the ineffectiveness of the CJS (police, courts and prison) in Durban Area. The responses will be used for administrative purposes only. Please be assured that all information provided will be kept confidential. Thank you

Inhloso yalesisifundo ukusungula imibono yomphakathi yamanje

ngokungasebenzi kweZobulungiswa nezinhla ka zalo (amaphoyisa, izinkantolo namajele) endaweni yaseThekwini. Izimpendulo zizosetshenziselwa izinhla ka zokuphatha kuphela. Ngicela ukunikezela ukuthi lonke ulwazi olunikeziwe.

luzogcinwa luyimfihlo. Ngiyabonga

Section A: Personal Demographic Information

Isigaba A: Ulwazi oluphathelele nomuntu

Please cross (x) one block for each question

Ngcela ufake isiphambano (x) ebhokisini elilodwa ngombuzo ngamunye

1.1 Please indicate your age category 1.1 Ngicela ukhombise isigaba seminyaka yakho	
18-30	
31-40	
41-55	
56 and above 56 nangaphezulu	
1.2 Gender 1.2 Ubulili	
Male Owesilisa	
Female Owesifazane	
1.3 Highest education qualification 1.3 Izinga lemfundo ephakeme	
Up to grade 9 Ufike ebangeni lesishiyagalolunye	
Matriculation Matikuletsheni	
Degree/Diploma Isitifiketi seziqo zemfundo ephakeme	
Post graduate Usazogogoda	
Other: Specify Okunye: Chaza	

1.4 Monthly household income 1.4 Imali engenayo endlini/ ekhaya ngenyanga	
Below R2500 Ngaphansi R2500	
R2500-R4500 Phakathi R2500-R4500	
R4501-R6500 Phakathi kukaR4501-R6500	
R6501-R7500 Phakathi kukaR6501-R7500	
R7501 and above R7500 nangaphezulu	
1.5 Marital Status 1.5 Isimo sakho somshado	
Single (never married) Awukaze ushade	
Married Ushadile	
Widowed Uwumfelokazi/Umfelwa	
Divorced Uhlukanisile	

Section B: Public Perceptions of the CJS

Isigaba B: Imibono yomphakathi ngeZobulungiswa nezinhloko zalo

Particulars Imininingwane	Statements Izitatimende	Strongly Disagree 1	Disagree 2	Uncertain 3	Agree 4	Strongly agree 5
Statement 1 IsEstatimende 1 (sokuqala)	The service you received at the police station was good. Usizo oluthole esteshini samaphoyisa besigculisa					
Statement 2 Istatimende 2 (sesibili)	The police personnel at the police station were competent and knowledgeable. Abasebenzi estiteshini samaphoyisa banekhono nobungcweti					
Statement 3 Istatimende 3 (sesithathu)	The SAPS employees were neatly attired. Abaqashwa bakaSAPS bebegqoke ngobunono					
Statement 4 Istatimende 4 (sesine)	The police personnel communicated to me in my language of choice Abaqashwa basamaphoyiseni bangikhulumise ngolimi engizikhethele lon					
Statement 5	The physical appearance of the police station was visually appealing Ukubukeka kwesiteshi samaphoyisa bekuhlaba umxhwele					
Statement 6	Police personnel were courteous and understanding type in listening to your complaints					

	Abaqashwa basemaphoyiseni bebewuhlobo oluqikekelayo futhi oluqondayo ekulaleleni isikhalazo sakho					
Statement 7	Police personnel advised you properly regarding your complaints Abaqashwa basemaphoyiseni bakululeke ngokugculisayo mayelana nesikhalazo sakho					
Statement 8	The police have been fair and independent in the dispensation of justice. Amaphoyisa abe nobuqiniso nokuzimela ekuhambiseni inqubo yobulungiswa					
Statement 9	The CJS (police, courts and prison) has been effective and efficient in the dispensation of justice. iCJS (amaphoyisa, izikantolo namajele) ibenempumelelo nokuqeqesheka ekuhambiseni inqubo yezobulungiswa					

Section C: Open Ended Question

Isigaba C:

1. Do you think police officers are efficient in the delivery of their duties?

Ucabanga ukuthi amaphoyisa awenza ngendlela engculisayo yini umsebenzi wawo?

.....

If yes, give reasons.....

Uma uvuma, nikeza izizathu

2. Do you think that police are overburdened in discharging their duties?

Ucabanga ukuthi amaphoyisa agqilazekile ekukhululekeni emsebenzini yawo?

.....

3. Do you think that the police are corrupt?

Ucabanga ukuthi amaphoyisa akhohlakele?

APPENDIX 2: Questionnaire 2 – Interview with Police Officers at Front Line Service

QUESTIONNAIRE 2: INTERVIEW OF CSC FRONTLINE POLICE OFFICERS

INHLOLOMBUZO 2:

The purpose of this study is to establish the current perception of the police officers and

Inhloso yalolucwaningo ukuthola imibono yamanje ngamaphoyisa

prosecutors on the effectiveness of the CJS (police, courts and prison) in Durban Area. The responses will be used for administrative purposes only. Please be assured that all information provided will be kept confidential. Thank you.

nabashushisi ekuqeqeshekeni kwe CJS (amaphoyisa, izinkantolo namajele)

Izimpendulo zizosetshenziselwa izinhloso zokuphatha kuphela.

Ngicela ukunikezisa ukuthi lonke ulwazi olunikeziwe. Ngiyabonga.

Section A: Personal Demographic Information

Isigaba A: Ulwazi oluphathelele nomuntu

Name

Igama

Rank

Isikhundla.....

Please cross (x) one block for each question

Ngicela ufake isiphambano (x) ebhokisini elilodwa ngombuzo ngamunye

1.1 Please indicate your age category 1.1Ngicela ukhombise isigaba seminyaka yakho	
18-30	
31-40	
41-55	
56 and above 56 nangaphezulu	
1.2 Gender 1.2 Ubulili	
Male Owesilisa	
Female Owesifazane	
1.3 Highest education qualification 1.3 Ibanga eliphezulu kwezemfudo	
Up to grade 9 Kuze kufike esigabeni sebanga 9	
Matriculation	
Degree/Diploma	
Post graduate	
Other: Specify	

Okunye; Chaza	
1.4 Monthly income	
1.4 Umholo wanyanga zonke	
Below R5000	
R5000-R10,500	
R10501-R16500	
R16501-R20500	
R20501 and above	
R20501 nangaphezulu	
1.5 Marital Status	
1.5 Isimo somshado	
Single (never married)	
Awukaze ushade	
Married	
Ushadile	
Widowed	
Umfelokazi	
Divorced	
Uhlukanisile	

Section B: Police Officers and Prosecutors Perception on the CJS

Isigaba B: Imibono yamaphoyisa nabashushisi ngeCJS

Particulars Imininingwane	Statements Istatimende	Strongly Disagree 1	Disagree 2	Uncertain 3	Agree 4	Strongly agree 5
Statement 1 Istatimende 1	The CJS has been efficient and effective in the dispensation of justice. iCJS (amaphoyisa, izikantolo namajele) ibenempumelelo nokuqeqesheka ekuhambiseni inqubo yezobulungiswa					
Statement 2 Istatimende 2	The personnel at the CJS are competent and knowledgeable. Abaqashwa beCJS banekhono nolwazi nobungcweti					
Statement 3 Istatimende 3	The CJS is fair in the dispensation of Justice. ICJS inobuqiniso ekuhambiseni inqubo yezobulungiswa					
Statement 4	Public perception of the CJS is a true reflection of what it is.					

	Imibono yoMphakathi nge CJS iwumcabango wokuyikhona					
Statement 5 Istatimende 5	Clients' readiness to offer bribe do influence the CJS. Ukuhlala elungele ukunika isifumbathiso kwamakhasimende nakho kunomthelela kwiCJS					
Statement 6 Istatimende 6	Clients' economic/political/ social status does influence the CJS. Ezomnotho/ezepoli tiki/ezokuhlaliswa kwabantu kunomthelela KUCJS					
Statement 7 Istatimende 7	The CJS has been independent in the dispensation of justice. ICJS ibizimele ekuhambiseni inqubo yezobulungiswa					

Section C: Open Ended Question

Isigaba C:

1. Are you happy working as a police officer?

Uyakujabulela ukusebenza njengephoyisa?

.....

2. Do you think police officers are efficient in the delivery of their duties?

Ucabanga ukuthi amaphoyisa akuqeqeshekele ukwenza umsebenzi wawo??

.....

If yes, give reason.....

Uma uvuma, nikeza izizathu.....

.....

3. Do clients approach police officers with bribes?

Ucabanga ukuthi amakhasimende aqala inkulumo ngezifumbathiso?

.....

4. Do you think that the police are Corrupt?

Ucabanga ukuthi amaphoyisa akhohlakele?.....

5. How would you like to see the CJS improve?

Ungathanda ukubona ICJS ithuthuka kanjani?

.....

APPENDIX 3 A: Questionnaire 3 – Focus Group Discussion with Public Prosecutors

QUESTIONNAIRE 3: PLAN FOR FOCUS GROUP DISCUSSIONS

INHLOLOMBUZO 3: UHLELO LWENGXOXO YEQEMBUTHIZENI

Major thoughts and ideas for discussion will involve the following questions:

Imicabango ebalulekile nemibono okuzoboniswana ngayo izohlanganisa imibuzo elandelayo:

Section A: Questions common across all focus groups

Isigaba A: Imibuzo ejwayelekile kuwowonke amaqembu akhethekile

1. Perception of police/courts/prisons
Ukuqonda kwamaphoyisa/izinkantolo/amajele
2. Satisfaction level of sentences meted to accused
Ukugculisa kwezigwebo ezinikwa abanamacala
3. Alternative dispute resolution
Okwenziwa okuhlukile kwimpikiswano yezixazululo

Section B: Special questions for specific focus group

Isigaba B: Imibuzo ekhethekile yeqembu thizeni

1. Standard of investigation (Prosecutor group)
Izinga lokuphenya (Iqembu labashushisi)
2. Criticism of granting bail (Community)
Ukungxekwa kokunikwa kwemali yesibambiso kumboshwa ecaleni
Relationship between CJS and the secondary department linked to the Joint Crime
Ubudlelwano phakathi kweCJS nomnyango ophezulu ohlangene neJoint Crime
Prevention and Security (JCPS) cluster (Government NNDP). Are you properly remunerated for it?
Iqoqo lezokuvikela nokuphepha (JCPS) (Government NNDP) Ukhokheleka ngokwanele na?

[illegible]

APPENDIX 4: Media Articles Analysis Tool

MEDIA ANALYSIS TOOL 2015 AND 2016

January To June 2016	Positive Articles	Negative Articles	Neutral Articles	Total
Category of Articles				
Current Issues				
Saps Management and Ministry				
Saps Related News				
Saps Operations/ Investigations				
Hawks/IPID Investigations				
Crimes Against Women and Child				
Gangs/ Drugs /Taxi and Political				
Corruption and Fraud				
Court Matters				
Convictions				
Strikes. Protest Demonstration				
General				
Total				

APPENDIX 5: Case Docket Analysis Tool

DOCKET ANALYSIS QUESTIONNAIRE

Date	
Name of police station	
Name of Coordinator	
Docket CAS number	

CHECKLIST

Contents of the docket	Tick or Cross
Victim's/complainant's Statement (A1)	
First Report of Crime / Witness statements	
Visit to the Scene of crime / Statement	
Arrest Statement	
Withdrawal Statement (Check for court date Stamp) on form to authenticate	
SAPS 69 Fingerprint form dispatched	
J88 Medical Report attached	
J50 Warrant of Arrest – executed	
Nolle Prosequere	
Investigation diary notes and entries	

COMMENT

1. Is the victims / complainant's statement comprehensive
2. Who recorded the statement, is it the SCS or Crime Scene manager
3. Are the diary notes comprehensive?
4. Are the Commander instructions being followed up and adhered to?
5. Are there additional statements attached in the case dockets?

VICTIM'S PROFILE

DESCRIPTION	RESPONSES	COMMENTS
Age		
Gender		
Race		
Disability		
Location of crime, specify actual site/ hotspot		
Date of crime		
Day of the week		
Time of the incident		
Reported within 72 hours - YES / NO		
Date case reported to SAPS		
Suspect related /Not related. Specify		
Medical Legal Examination (J88) YES / NO		
Clinic or Hospital. Specify Name		
Any Evidence forwarded to SAPS laboratory		
Referral to Victim Empowerment YES / NO		
Forensic Reports attached in the case of minor		
Age assessment report YES / NO		
Counselling referral letter made(adults) YES/ NO		
Court support and preparation YES/NO		
Victims Withdrawal of case YES/ NO reasons		

VICTIM'S COMMENTS

.....

.....

.....

.....

.....

PERPETRATOR'S PROFILE

DESCRIPTION	RESPONSES	COMMENTS
Gender		
Disability		
How many victims		
Relationship with victim		
Previous Convictions		
Weapons used guns, knives etc.		
Description of suspects. Identity Kit used		
Suspect arrested / Not arrested		
Bail granted YES/NO		

PERPETRATOR'S COMMENTS

.....

.....

.....

FINAL OUTCOME OF CASE

DESCRIPTION	RESPONSE	COMMENTS
RESTORATIVE JUSTICE		
Diversion		
Mediation		
SAPS		
Undetected – reasons		
COURT		
Court withdrawal reasons		
Nolle Prosequere reasons		
Conviction		
Sentence specify		
Other specify		
Date case concluded		

FINAL OUTCOME COMMENTS

.....

.....

.....

ORIGIN OF COMPLAINT	DURBAN	BEREA	POINT	DURBAN NORTH
----------------------------	---------------	--------------	--------------	-------------------------

COMMUNITY MEMBERS

IPID

MEC OFFICE

NATIONAL COMM

PRESIDENTS HOTLINE

PUBLIC PROTECTOR

PUBLIC SERVICE COMM

NEWSPAPER ARTICLES

NATURE OF COMPLAINT

POOR COMMUNICATION

POOR ATTEN OF COMPLAINT

POOR INVESTIGATION

POOR RESPONSE

CRIME BY MEMBERS

POLICE MISCONDUCT

RESOLUTION OF COMPLAINT

SATISFIED

NOT SATISFIED

FURTHER INVESTIGATION

APPENDIX 6: Ethical Clearance Certificate

**UNIVERSITY OF ZULULAND
RESEARCH ETHICS COMMITTEE**
(Reg No: UZREC 171110-030)



RESEARCH & INNOVATION

Website: <http://www.unizulu.ac.za>
Private Bag X1001
KwaDlangezwa 3886
Tel: 035 902 6731
Fax: 035 902 6222
Email: DlaminiA@unizulu.ac.za

ETHICAL CLEARANCE CERTIFICATE

Certificate Number	UZREC 171110-030 PGM 2018/498														
Project Title	PERCEPTIONS OF COMMUNITIES ON THE DYSFUNCTIONAL AND INEFFECTIVENESS OF CRIMINAL JUSTICE IN THE DURBAN CENTRAL CLUSTER STATIONS														
Principal Researcher/ Investigator	B Naidoo														
Supervisor and Co-supervisor	Prof DD Tewari														
Department	Public Administration														
Faculty	CAL														
Type of Risk	Low Risk- Desktop data collection														
Nature of Project	Honours/4 th Year			Master's		x	Doctoral			Departmental					

The University of Zululand's Research Ethics Committee (UZREC) hereby gives ethical approval in respect of the undertakings contained in the above-mentioned project. The Researcher may therefore commence with data collection as from the date of this Certificate, using the certificate number indicated above.

Special conditions:

- (1) This certificate is valid for 2 years from the date of issue.
- (2) Principal researcher must provide an annual report to the UZREC in the prescribed format [due date- 25 June 2019]
- (3) Principal researcher must submit a report at the end of project in respect of ethical compliance.
- (4) The UZREC must be informed immediately of any material change in the conditions or undertakings mentioned in the documents that were presented to the meeting.

The UZREC wishes the researcher well in conducting research.

Professor Gideon De Wet
Chairperson: University Research Ethics Committee
Deputy Vice-Chancellor: Research & Innovation
25 June 2018

CHAIRPERSON
UNIVERSITY OF ZULULAND RESEARCH
ETHICS COMMITTEE (UZREC)
REG NO: UZREC 171110-30

25-06-2018

RESEARCH & INNOVATION OFFICE

APPENDIX 7: Letter of Request

G.P.-S. 002-0222

SAP 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X94

Reference Nr Verwysing	3/34/2
Navrae Enquiries	Lt-Col GJ Joubert
Telefoon Telephone	012-393 3118
Faksnommer Fax number	012-393 3178

**STRATEGIC MANAGEMENT COMPONENT
HEAD OFFICE
PRETORIA**

The Provincial Commissioner
KWAZULU-NATAL

(Attention: Col Van der Linde)

**RE: RESEARCH REQUEST: PERCEPTIONS OF THE COMMUNITY ON THE
DYSFUNCTIONS AND INEFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM IN THE
DURBAN CENTRAL CLUSTER AREAS; MASTERS DEGREE; UNIVERSITY OF ZULULAND:
RESEARCHER: B NAIDOO**

1. The research request of Maj Gen B Naidoo, pertaining to the above mentioned topic, refers.
2. The objective of the research is to assess the levels of public satisfaction/dissatisfaction with the service rendered by the criminal justice system in the Durban Central Cluster Areas (see proposal attached).
3. The researcher intend to conduct 500 face to face exit interviews with clients exiting the Community Service Centre at four police stations in the Durban Area. Questionnaires will be distributed amongst 100 police official to test their perceptions on the court system. In order to test the relationship between the Prosecutor and Group Commanders, 500 police dockets will be analysed.
4. The proposal was perused according to National Instruction 1 of 2006 by this office and it is recommended that permission be granted for the research subject to the final approval and further arrangements by the office of the Provincial Commissioner: KwaZulu-Natal, and that the undertaking be obtained from the researcher prior to the commencement of the research that –
 - 4.1. the research will be at his/her exclusive cost;
 - 4.2. he/she will conduct the research without any disruption of the duties of members of the Service and where it is necessary for the research goals, research procedure or research instruments to disrupt the duties of a member, prior arrangements must be made in good time with the commander of such member:
 - 4.3. he/she will donate an annotated copy of the research work to the Service and
 - 4.4. the researcher should bear in mind that participation in the interviews must be on a

**RE: RESEARCH REQUEST: PERSEPTIONS OF THE COMMUNITY ON THE
DYSFUNCTIONS AND INEFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM IN THE
DURBAN CENTRAL CLUSTER AREAS; MASTERS DEGREE; UNIVERSITY OF ZULULAND:
RESEARCHER: B NAIDOO**

voluntary basis.

With kind regards,


**MAJOR GENERAL
HEAD: STRATEGIC MANAGEMENT
M MENZIWA**

Date:

2015/07/02

South African Police
Service



Suid-Afrikaanse
Polisiediens

Umbutho Wamaphoyisa Aseningizimu-Afrika

Our Reference / U Verwysing / Inkomba Yakho

My Reference / My Verwysing / Inkomba Yami

Enquiries / Navrae / Buza

Telephone / Telefoon / Ucingo

Fax No / Faks No

25/7/12/2/3 (299)

Colonel A.D. van der Linde / CAC R. Moodley

031 – 325 4841 / 6116

031 – 325 6022

THE PROVINCIAL COMMISSIONER

KWAZULU-NATAL

P O BOX 1965

DURBAN

4000

The Cluster Commander
South African Police Service
DURBAN CENTRAL


Attention: Major General B. Naidoo

RE: RESEARCH REQUEST: PERCEPTIONS OF COMMUNITIES ON THE DYSFUNCTION AND INEFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM IN THE DURBAN CENTRAL CLUSTER STATIONS: MASTERS DEGREE – UNIVERSITY OF ZULULAND: MAJOR GENERAL B. NAIDOO

1. Attached, please find Head Office minute 3/34/2 dated 2015-07-02 regarding permission to conduct the above-mentioned research.
2. Recommendation to conduct the said research has been granted in terms of National Instruction 1/2006 (SAPS Research Policy).
3. Approval from the office of the Provincial Commissioner is hereby granted to conduct the said research police at stations within the Durban Central Cluster, namely SAPS Berea, SAPS Durban Central, SAPS Durban North and SAPS Point only.
4. Paragraph 4 of minute 3/34/2 dated 2015-07-02 from the Office of National Strategic Management must be adhered to.

RE: RESEARCH REQUEST: PERCEPTIONS OF COMMUNITIES ON THE DYSFUNCTION AND INEFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM IN THE DURBAN CENTRAL CLUSTER STATIONS: MASTERS DEGREE – UNIVERSITY OF ZULULAND: MAJOR GENERAL B. NAIDOO

5. Attached, please find statement of undertaking that must be completed and returned to this office (MoodleyRohine@saps.gov.za) prior to the commencement of the research study.
6. For any queries, please contact Colonel A.D. van der Linde on the following numbers:
 - Office: 031 325 4841
 - Cell: 082 496 1142
7. Thank you


.....MAJOR GENERAL
DEPUTY PROVINCIAL COMMISSIONER: HUMAN RESOURCE MANAGEMENT:
KWAZULU-NATAL
L.N. NGEMBE

DATE: 16/07/2015