

MOTOR VEHICLE THEFT:

A COMPARATIVE STUDY

BY

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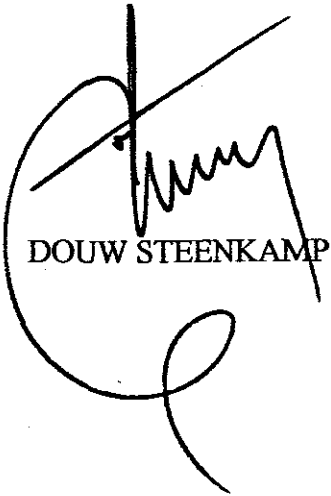
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Date of Submission: January 1999

DECLARATION

I declare that the dissertation: "Motor vehicle theft: A comparative study" is my own work both in conception and in execution. All the sources that I have used or quoted from have been acknowledged by means of complete references.



DOUW STEENKAMP

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OPSOMMING

Hierdie ondersoek behels 'n studie van motordiefstal en motorkapings in KwaZulu-Natal en die Wes-Kaap vir die tydperk 1 Januarie tot 31 Desember 1995. Die onderhawige studie is empiries gefundeer en vir hierdie doel is daar gebruik gemaak van 'n inligtingskedule om data uit polisie saakdossiere te onttrek vir statistiese ontleding en beskrywing. Data afkomstig van 'n vorige Honeursstudie wat in die Wes-Kaap van stapel gestuur is, is ook by hierdie ondersoek betrek vir vergelykende doeleindes. Die steekproef behels 1331 gevalle van motordiefstal en -kaping in KwaZulu-Natal terwyl 372 gevalle in die Wes-Kaap by die ondersoek betrek is.

Sleutelbevindings voortspruitend uit hierdie ondersoek is soos volg:

- (1) Blanke manlike slagoffers tussen die ouderdom van 31 tot 35 jaar het dit die meeste ontgeld as gevolg van motordiefstal en -kapings in beide Provinsies.
- (2) Die profiel van die deursnee oortreder van motordiefstal en -kaping behels 'n werklose, Swart manlike persoon tussen die ouderdom van 21 tot 40 jaar.
- (3) Die temporale frekwensie van motordiefstal en -kaping dui daarop dat die meeste slagoffers gedurende Maart, Augustus en Oktober geviktimiseer is in KwaZulu-Natal, terwyl Oktober, September en Mei die maande was wat die grootste hoofbrekings vir slagoffers in die Wes-Kaap veroorsaak het. In KwaZulu-Natal is die meeste voertuie op 'n Donderdag in die vroeë aand gesteel of gekaap, terwyl hierdie tendens in die Wes-Kaap 'n hoogtepunt bereik het op 'n Vrydag gedurende die vroeë oggend.
- (4) Toyota, gevolg deur Mazda, Nissan / Datsun en Ford sedan-motors was die mees gesogte voertuie vir motordiewe en -kapers.

Die volgende aanbevelings word voorgedra:

- (1) Groter gemeenskapsbetrokkenheid by die voorkoming van hierdie tipe misdade het onafwendbaar geword. In hierdie verband kan die bemagtiging van plaaslike gemeenskappe deur middel van gemeenskapspolisieforums 'n uiters belangrike rol speel. Dit kan onder andere 'n groter misdaadbewustheid by die gemeenskap ontlok. Gedeelde verantwoordelikheid in soverre dit die veiligheid van mense en eiendom betref, kan suksesvolle ordehandhawing slegs ten goede kom.
- (2) Veiligheidsmaatreëls wat die installering van anti-diefstal toestelle insluit, behoort groter byval te vind by die publiek.
- (3) Gespesialiseerde Voertuigdiefstaleenhede behoort, in die lig van die lae persentasie voertuigdiefstalsake wat na die houe verwys is, meer doeltreffendheid aan die dag te lê – in aggenome die beskikbaarheid van moderne tegnologie.
- (4) Polisie-betrokkenheid by misdaadsindikate behoort ernstige aandag te geniet en, waar moontlik, met wortel en tak uitgeroei te word.
- (5) Vooruitgang sonder navorsing is ondenkbaar. Groter skakeling tussen die polisie en tersiêre instellings (Kriminologie departemente en die Technikon SA) sal veel daartoe bydra om kundigheid op die gebied van wetenskaplike navorsing tot voordeel van suksesvolle polisiëring aan te wend.

SUMMARY

This investigation entails a study of motor vehicle theft and hijacking in KwaZulu-Natal and Western Cape for the period of 1 January till 31 December 1995. The present study is empirically founded and for this purpose an information schedule has been implemented to capture data from police case dossiers for statistical analysis and description. Data forthcoming from a previous Honours study in the Western-Cape have also been incorporated for comparison purposes. The sample consists of 1331 cases of motor vehicle theft and hijacking in KwaZulu-Natal, while 372 cases in Western Cape were included in this investigation.

Key findings emanating from this investigation are as follows:

- (1) White male victims in the age category 31 – 35 years were the most victimised through motor vehicle theft and hijacking in both Provinces.
- (2) The profile of the average offender of motor vehicle theft and hijacking comprises an unemployed African male person between 21 – 40 years.
- (3) The temporal frequency indicates that most people in KwaZulu-Natal were victimised during March, August and October, while October, September and May caused the most suffering for victims in the Western Cape. Thursdays and specifically early mornings in KwaZulu-Natal seems to be the most popular for motor vehicle theft and hijacking. In the Western Cape this tendency peaked in the early mornings of Fridays.
- (4) Toyota followed by Mazda, Nissan / Datsun and Ford sedan vehicles were the most popular objects for motor thieves and hijackers.

The following recommendations have been made:

- (1) Greater community involvement in the prevention of these types of crime has become inevitable. In this regard empowerment of local communities through Community Police Forums could play an important role. Such involvement could stimulate greater crime awareness among the community. Shared responsibility as far as the security of people and their property is concerned, could positively influence successful order maintenance.
- (2) Security measures which including the installation of anti-theft devices should be prioritised by the public.
- (3) Specialised Vehicle Theft Units should, in the light of the low percentage motor vehicle theft cases referred to courts, be more efficient – considering the availability of modern technology.
- (4) Police involvement in crime syndicates should receive serious attention and, where applicable, be totally eliminated.
- (5) Progress without research is futile. Greater liaison between the police and tertiary institutions (Criminology departments and the Technikon SA) will do much to stimulate scientific research in the interest of successful policing.

CHAPTER ONE

GENERAL ORIENTATION TO THE STUDY

1.1 INTRODUCTION

Crime remains an indisputable fact of life for many if not most, members of modern society. Crime has continued to increase in the Western Cape and KwaZulu Natal regardless of whether crime is measured by official records (police statistics) or victimisation surveys. Most individuals turn to society for help in alleviating crime and their fear of it. Society in turn has established the criminal justice system with its three interrelated components (police, courts and correction) to prevent crime in its totality. The ability of the criminal justice system to combat or prevent crime has been criticised by both its proponents and opponents. One has only to look at the alarming trend in crime statistics over the past few years to notice the failure of the criminal justice system to do little more than process law violators and victims through an infusing maze of legal procedures.

The police, courts, corrections and other systems components need help. Crime is a societal problem. Throwing more money at the criminal justice system will not improve its ability to stop crime. Therefore, crime prevention should be given top priority. Community planning, architecture, neighbourhood action, security planning, education, etc., have a potential impact on the levels of crime and the fear of it. Prevention of crime without proper analysis of the real state of affairs is absolute futile.

Vehicle theft (including vehicle hijacking through robbery) is a crime which is assuming alarming proportions in South Africa. A vehicle is the most valuable movable asset of the majority of inhabitants. The fact that South Africa is the only country in Africa, south of the Sahara desert, in which vehicles are manufactured creates a practice for the vehicle thief and his accomplices.

1.2 RATIONALE FOR THE STUDY

People resident in South Africa are daily confronted with extensive media reports on the escalation of the serious crime rate. Newspapers (written media) and television (electronic media) are constantly in the forefront to account for criminal actions involving the most serious crimes, such as murder, rape, armed robbery, hijacking of motor vehicles, etc. The devastating influence of South Africa's high crime rate on the economy of the country has become general knowledge. The theft of motor vehicles has risen out of all proportions and as such, also has a tremendous negative impact on the economy. For instance, during 1997, South Africa encountered a loss of 109 737 motor vehicles and car hijackings. It stands to reason that the loss of motor vehicles through theft runs into millions of rands. A frequency distribution of motor vehicle theft in South Africa is portrayed in Table 1.1.

TABLE 1.1
FREQUENCY DISTRIBUTION OF MOTOR VEHICLE THEFT IN SOUTH AFRICA*: 1990 - 1997

YEAR	FREQUENCY					
	STOLEN		HIJACKED		TOTAL	
	N	%	N	%	N	%
1990	62 950	9.78	5699	5.01	68 649	9.06
1991	63 521	9.86	7599	6.68	71 120	9.39
1992	69 171	10.74	13 371	11.76	82 542	10.89
1993	84 196	13.08	15 818	13.91	100 014	13.20
1994	91 788	14.25	17 580	15.46	109 368	14.44
1995	90 241	14.01	18 633	16.39	108 874	14.37
1996	90 502	14.05	16 850	14.82	107 352	14.17
1997	91 571	14.23	18 166	15.97	109 737	14.48
TOTAL	643 940	100	113 716	100	757 656	100

*INFORMATION SUPPLIED BY HEAD OFFICE, S.A. POLICE SERVICE, PRETORIA.

Apart from the fact that the high crime rate and general lawlessness deter potential investments in South Africa, the crime situation has also become an embarrassment for South African diplomats abroad, causes a wide range of emigration among Whites and an intolerable level of fear of crime in general (Beeld, 15 December 1995, p.4).

Another media report entitled "Motorkapers ontsien niks en niemand nie", is but one example of the cruelty which describes how motor vehicle owners are dispossessed of their vehicles. Many drivers of motor vehicles are being shot dead in cold blood (Rapport, 29 October 1995, p.5). The high crime rate, especially that of car hijackings in Gauteng, has caused the police to take extraordinary responsive measures. One such example is the donation of several high-speed BMW motorcars by BMW (SA) to the South African Police Service to curb this type of crime.

The South African Police found it even necessary during the late 1980's to become a member of the International Association of Auto Theft Investigators (IAATI) of which the author was also a member. The primary objective of having joined forces with this Association is to keep abreast with new criminal tactics and to also exchange ideas and knowledge regarding the phenomenon of motor vehicle theft. A week long international conference of IAATI was held during March 1994 in Cape Town where delegates from around the globe attended and exchanged views/ideas on how to curb and investigate vehicle theft. A similar IAATI conference took place during 1995 in Nelspruit, where delegates mainly concentrated on Southern Africa States, with the aim to co-operate in the prevention and investigation of vehicle theft. Both conferences were attended by the author of this document.

No scientific study into vehicle theft and hi-jackings has been done in South Africa before, and for that reason the researcher deemed it necessary to undertake this study. Factual information has been secured by means of an information schedule which was tailored to fit the purpose of this study (see par. 1.6.2.5). Any investigation of this nature yields certain deficiencies and shortcomings. In the first instance, it has been impossible to include all reported cases of vehicle theft and hi-jackings in the Western Cape and KwaZulu Natal in this study. This would account

for too large an amount of information that would have had to be examined. Secondly, all reported cases in South Africa could not be involved (included) in the investigation due to the cost factor, etc. For this reason, the researcher deemed it fit to restrict the reported cases to that of the two areas described in paragraph 1.4.1.

1.3 AIMS OF THE STUDY

The aims of this study are as follows:

- ◆ To bridge our substantive knowledge with regard to motor vehicle theft as a monistic crime.
- ◆ To render a descriptive analysis of motor vehicle theft as a property crime in KwaZulu- Natal and the Western Cape.
- ◆ To render a demographic “profile” of the victims of motor vehicle theft.
- ◆ To describe and analyse the characteristics of motor vehicle thieves – in short, to provide a demographic “profile” of such offenders.

It should be noted that it is not the intention of this investigation to facilitate specific verdicts regarding the perceptions of people on motor vehicle theft. The research findings only reflect the information of those cases included in the sample group.

1.4 RESEARCH DELIMITATION

The delimitation of the area in an exploratory research of this nature is very important to ensure that the area(s) of choice provide a variety of information so that significant deduction can be made in respect of the phenomenon of motor vehicle theft by means of statistical analysis. It further contributes to the possibility of comparison studies.

1.4.1 SPATIAL DELIMINATION

The demarcation of the area in exploratory research of this nature is most important in order to ensure that the area of choice will provide a variety of information from which important general deductions for use in comparative studies, can be made (Makibelo 1995:9). Spatial delimitation implies the ecological distribution of a social phenomenon (e.g. theft of motor vehicle) in a specific area.

The present investigation is confined to two areas in *KwaZulu Natal*, and two areas in the *Western Cape*, namely :

- ♦ *Umbilo*, a suburb area consisting of residential units and industrial components. Umbilo is situated adjacent to but west of Berea and east of Maydon Wharf, and forms part of the greater Durban Metropolitan Area.
- ♦ *Empangeni*, situated north on the North coast of Zululand, approximately 170 kilometres north of Durban and 15 kilometres west of Richards Bay.
- ♦ *Claremont*, a suburb area consisting of residential units as well as industrial components. Claremont is situated adjacent to but north of Wynberg and south of Mowbray, and forms part of the greater Cape Town Metropolitan area.
- ♦ *Paarl*, including Paarl East, situated in the Boland, approximately 50 kilometres North East of Cape Town. In the discussion to follow, reference will be made only to Paarl.

1.4.2 QUALITATIVE DELIMITATION

Due to the statistical descriptive nature of the research project and after having decided to include the areas listed in par. 1.4.1 all police case dockets relating to motor vehicle theft (crime code 57371 on the Crime Administration System, CAS, of the South African Police Service) and armed robbery involving the hijacking of motor vehicles (crime code 54011 – 54038 on the CAS) were scrutinised and analysed.

Other forms of theft, e.g. theft of valuables out of motor vehicles, theft of bicycle, etc. were not considered for inclusion in this study.

1.4.3 QUANTITATIVE DELIMITATION

The present study in KwaZulu-Natal involves 1331 cases of motor vehicle theft either through ordinary illegal removal (theft) of motor vehicle or hijacking of such vehicles through the application of violence or threats of violence. This research covers the period 1 January till 31 December 1995. Likewise, the study in the Western Cape which comprises the analysis of 372 cases of motor vehicle theft and hijacking, was also executed over the period 1 January till 31 December 1995. The researcher is, therefore, satisfied that both areas provide acceptable grounds for comparison in terms of time and space. Furthermore, both areas comprise each one urban and one rural area, example:

- ◆ Western Cape: Claremont (urban) and Paarl (rural);
- ◆ KwaZulu-Natal: Umbilo (urban) and Empangeni (rural).

1.5 RESEARCH APPROACH

According to Van der Westhuizen (1977:2) criminological research has four distinctive objectives, namely:

- ◆ description;
- ◆ explanation;
- ◆ prediction; and
- ◆ control (symbolical) over the incidence and fluctuation of the crime problem.

The research approach in this investigation is *positivistic* in nature. As a subject of epistemology, methodology is the science of finding out, which also constitutes the set of procedures used in the research to process errors of observation, interpretation, false generalizations, dependency on authority and inappropriate use of evidence (Futrell & Roberson 1988:85).

Approach in scientific research can be defined as the global view of the research when studying crime. This approach presupposes a given attitude to the field of criminological investigation and the study object in particular, and also to science in general. Attitude refers to the researcher's faith in universality of cause and effect, in other words, the question "why"? Attitude also refers to an intense desire to know, a fruitful imagination and the love of experimental investigation. A scientific attitude is the capacity to ask important questions and formulate fruitful hypotheses (Van der Walt, Cronje & Smit 1985:163).

The general approach as far as functional policing is concerned, is positivistic in nature. Alant, Lamont, Maritz and Van Eeden (1981:199), define positivism as : "...a theory of knowledge based on the assumption that facts exist as inherent attributes to things; that controlled sensory perception is the only way of knowing and that knowledge has as its primary aim the discovery of the laws according to which society (reality) operates".

To Hughes (1980:16), positivistic orthodoxy refers to philosophical epistemology (i.e. the nature of phenomena and the procedures for determining their existence) which represent the intellectual approach in the social sciences. This positivistic approach consequently leans heavily on epistemology which recognises observation as the only means of viewing the "outside world". Epistemology devotes theory of knowledge, i.e. the ways in which man learns of the existence of "things", whether through discussion, experience, etc. It consequently also includes the establishment of the truth (Alant et al. 1981:197). Epistemology also refers to the nature of things and phenomena (serious crime) as they occur in social reality (society) and the procedures employed for establishing their existence. In summary, then, it could be stated that epistemology is the theory of knowledge which investigated the nature, origin and bounds of knowledge (Hughes 1980:16). In this regard, Babbie (1989:6) maintains that *epistemology is the science of knowing; methodology (a subfield of epistemology) might be called the "science of finding out"*. In the present study the researcher implemented the analytical research method, supported by the technique of mass observation.

Ontology, on the other hand, may be defined as a philosophical view of the “world” as it is, in other words, how “things” relate to one another in society (Alant et al. 1981:199). Hughes (1980:16) writes: “Claims about what exists in the world almost inevitably lead to issues about how what exists may be known”. Ontology and epistemology are therefore inseparable. Hughes (1980:16) opines: “Quite clearly, ontological issues and epistemological ones are not unconnected”. Ontology deals with the essence of “things”, i.e. with its essential characteristics with a view to determining the basic nature of every “thing” that exists.

Positivism, which is predominantly natural science orientated, regards social reality in which phenomena occur as a unified whole, in that the same methods of study may be applied to all phenomena. Study methods in natural science and social orientations consequently have much in common: both require the same precision and objectivity. In positivism the method of study is extremely important. To the positivist, science refers to a technique or method which promotes the attainment of reliable knowledge of any perceivable phenomenon in the world which may be used for purposes of control and prediction. Further characteristics of positivism are, inter alia, the following:

- ◆ all directly, observable things or facts, together with the correspondences and relationships between them which may be established through reason without exceeding the empirical limits are regarded as positive. Belief in the sensory perception of empirical phenomena (empiricism) plays a dominant role; and
- ◆ positivism aspires to practical knowledge of and control over nature as opposed to the speculation of, for instance, meta-physics.

Positivism has particular significance within the framework of the social sciences, particularly with regard to the study of social problems (such as crime). The point of departure is that the application of the methods and results of the natural sciences in the field of human relations will ensure a new level of efficiency and order in society, since social problems may be eliminated in this manner (Potgieter 1983:2).

1.6 RESEARCH METHODOLOGY

Research methodology refers to the study of particular method(s) used by a researcher. Van der Walt, Cronje and Smit (1985:159) maintain that research methodology is essential because the researcher must account for his/her starting point, methods, findings and applications.

Thus, the aim of research methodology is to stress the qualitative dimension of research by identifying strategies and methods by means of which the scientific character and credibility of the results of research may be enhanced (Garbes 1983:1).

Van der Walt et al. (1985:160) maintain that research methodology aims at the following:

- ◆ studying of research procedures and setting of standards;
- ◆ selection of suitable research procedures and techniques; and
- ◆ facilitating the task of the researcher in the selection of subjects, clarification of terms, explication of research subjects, systematisation of empirical findings and writing of reports.

There are three major research methods available to criminologists when conducting criminological research in general and the study of the crime phenomenon in particular. The present investigation is based on a specific research method and technique that have been selected to achieve particular goals.

Binder and Geis (1983:12) write that: “...*methodology may be considered a set of procedures designed to achieve clear thinking ...the search for truth and understanding, and these priceless results can be achieved by a vast variety of approaches that cannot be expressed as a pre-ordained, simple formula*”(italics added).

Methodology is the logic of scientific procedure (Merton 1968:140). In this regard, Bailey (1987:32) opines that: “By *methodology* we mean the philosophy of the

research process. This includes the assumptions and values that serve as a rationale for research and the standards or criteria the researchers use for interpreting data and reaching conclusions". A clear definition of the researcher's methodology becomes necessary in determining important factors such as how he or she writes hypotheses and what level of evidence is needed to make the decision whether or not to reject them (Bailey 1987:32).

Methodology represents an overall evaluation of the researcher's work procedure according to certain norms. These norms relate to the methods and techniques of scientific investigation. For this reason, methodology is not only considered to be normative, but also descriptive and comparative. The aims of methodology are inter alia the following -

- ◆ it makes a study of existing research procedures and standards (norms) as well as the evaluation thereof;
- ◆ it is a means according to which applicable standards, procedures and techniques could be selected; and
- ◆ it simplifies the task of the researcher with regard to the selection of topics, clarification of terms (concepts), explication of research procedures, the systematising of empirical findings and the writing of research reports (Van der Walt et al. 1985:174 – 175).

1.6.1 RESEARCH METHODS

Research methods are ways in which research work is done in a given field of investigation (Van der Walt 1964:93). A method is the way by which perceptible general is transformed to tested and systematic theory.

According to Dreyer (Mqadi 1992:8 – 9), the goal of every research is based on the assumption that all behaviours and events are orderly and that they are effects which have discoverable causes.

Research is thus formal, intensive systematic application of the scientific method of the study problem, a systematic attempt to provide answers and questions; and a search for truth.

The scientist in research employs scientific methods in order to explain, predict and control the phenomenon. Through the use of research methods, the researcher can realise the phases of the research process which include the collection of data systematisation, processing and explanation (Van der Walt et al. 1985:168 – 169).

The choice of a method of research is of the prime importance. The method of research chosen should, however, not lead to bias and the research should not be forced into such a method for the sake of methodology design (Van der Westhuizen 1982:3).

According to Fitzgerald and Cox (1987:39), research methods are the specific techniques the researcher uses to implement the plan and collect data.

There are basically three types of research methods in criminological research namely:

- ♦ the method of case analysis;
- ♦ the method of mass observation; and
- ♦ the analytical method.

Although these methods are distinguishable from one another, they do work as complementary methods.

Fundamentally the researcher in criminology has the choice of three methods of research.

1.6.1.1 The methods of case analysis

The method of case analysis is an in-depth study of the individual. It is a method used on the *individual-human level* to gain knowledge of and insight into the phenomenon crime and what is associated with it (Van der Walt et al. 1985:170). The perceptible

particulars of a case are studied with the aim of demonstrating the structural or functional factors responsible for its existence (descriptive), determination of its relation to other factors (explanatory), gaining new knowledge and testing the validity of existing knowledge and hypotheses. The case analysis method could, therefore be regarded as a particularistic method (Van der Walt et al. 1985:170).

Bailey (1987:298) points out that the case analysis method allows the researcher to select samples that illustrate the points he or she wishes to make. Thus, the method lends itself to qualitative rather than quantitative analysis.

Quetelet (1797 – 1974) was the first investigator to point out that crime is a social phenomenon which can be explained by analysing data (crime statistics). He also pointed out that one of the most remarkable facts disclosed by crime statistics, is the consistency with which crime in general, and also particular types of crimes, occur annually with the same regularity, and are punished with the same type of punishment. Furthermore, there is a constant relation between crimes investigated and convictions. The proportion of criminals who are not brought to justice because of lack of evidence or because they are not discovered, also remains constant. Whereas Quetelet applied the method of mass observation (criminal statistics) to explain and predict the crime phenomenon at group level, Lombroso used the case study method to analyse crime as an individual phenomenon (Van der Walt 1964:118). Each of these methods implies a unique and independent approach to the study of crime as a social phenomenon, which normally leads to particularistic findings and pronouncements. Since the criminologist is expected to produce generally valid and acceptable findings and conclusions, criminology as the scientific study of the crime problem in all its ramifications needs its own unique contemporary method of research. The pattern of a typical criminological research method should therefore, leave room for both the group level and the individual approaches to the study of crime and the emphases should be on the achievement of objectives rather than on the collection of data. It should also allow ample room for a possible synthesis of the group and the individual research methods and for designing new and expanding existing definitive measuring, data collection and data processing techniques (Van der Westhuizen 1977:2 – 3).

The collection of statistical material on crime is one of the most common features of criminological research. The criminologist who uses statistical techniques often limits himself to the most elementary of such techniques. Much of his work in this field consists of drawing fairly obvious, though often useful conclusions from the official figures. This is done by calculating percentages from the figures presented to make it easier for the reader to grasp the significance of the conclusions and to follow the crime movements over a period of time. From the official statistics, the researcher can further elaborate the picture given in the official volume, for instance, by determining inter alia, the age and sex ratios of criminals over a given period of years for specific offences thereby laying the foundations for further research (Ndabandaba 1987:5 – 6).

1.6.1.2 The method of mass observation

Van der Walt et al. (1985:174) say:

“...A case study is an attempt to define social processes... whereas mass observation method provides deeper insight into the social situation by indicating the scope, regularity and degree of associations” (italics added).

The method of mass observation is used when the researcher regards crime as a mass phenomenon. This method is also known as the statistical method. Statistics are indispensable for the criminologist and their value lies at the descriptive level, i.e. description of the nature and extent of crime. Statistics serve an important function at the applicative level for control purposes (Van der Walt et al. 1985:172 – 174).

1.6.1.3 The analytical method

Van der Westhuizen (1977:3), says that the analytical method is –

“a scientifically planned way of research that can be used as a method in criminology to transform the scientifically knowable to science after the study object, the research technique used and the goal to be reached in the investigation have been placed in criminological perspective”.

This research method is used when the researcher observes crime as a combination of individual-human and social phenomena. This method is “unrelated” and is thus known as a *non-particularistic method*. By implementing the analytical method, the case analysis and mass observation methods are synthesised in which they lose their status as research methods and become techniques of the analytical method (Van der Walt *et al.* 1985:174 – 175). The analytical research method, which is non-particularistic in nature, meets all the above-mentioned requirements and, with a view of establishing and securing the identity of criminology, it should be applied as frequently as possible (Van der Westhuizen 1977:3). Van der Westhuizen (1977: 3 – 4) identified four general functions of the analytical method :

- ◆ ***Goal-achievement function*** - It is goal-directed and makes provision for descriptive analyses using descriptive techniques; explanatory analyses using explanatory techniques; and applicative analyses using prediction and control techniques.
- ◆ ***Adaptive function*** – Because the analytical method is committed to the various objectives of an investigation (and thus also of generalisations and theories), the researcher can right from the outset lay down a meaningful relationship between fact and theory.
- ◆ ***Integrative function*** – The analytical method is non-particularistic. It enables the investigator to adopt a neutral position and enables him/her to study the crime phenomenon on both group and individual-human level, thereby rendering the opportunity of synthesising the analyses into comprehensive generalisations and systematic theories.
- ◆ ***Pattern maintenance function*** – The analytical method respects and preserves recognised methodological principles and approved techniques of description, explanation, prediction and control, and yet leaves ample room for change, technical refinement and innovation. The two most widely accepted prediction techniques in criminology are categorisation and extrapolation. Both techniques can be implemented for predicting group or individual behaviour (Van der Walt *et al.* 1985:4).

The present study into motor vehicle theft and hijacking employs the analytical research method. The implementation of this method allows the researcher to either employ the individual-human (case study method) or the group (observation method) approaches or both. Mass observation will be implemented and put into practice as a statistical technique to the analytical research method. The choice for having implemented this statistical technique resides in its ability to analyse, describe, interpret (explanation) and apply mass information (data) pertaining to motor vehicle theft and hijacking forthcoming from official data sources such as police case dockets (see Annexure C for an example of the front cover of a case docket).

1.6.2 RESEARCH TECHNIQUES

Research techniques are aids in scientific research methods. According to Cilliers (1967:59), techniques are used by the social scientist to enable him or her to observe phenomena that cannot be satisfactory observed by the senses alone.

Techniques used in research are chosen or designed by the researcher with the sole purpose of securing valid data. This means that the technique(s) used must be reliable, i.e. they must produce the same measurement upon repeated testing, and must be valid, i.e. the results the techniques produce must be applicable to other populations under the same or different conditions. Techniques in social research are subsidiary to research methods. Different types of techniques can be used jointly and supplement each other. The following are techniques that are used in the investigation:

1.6.2.1 The documentary study techniques

Documentary study techniques are otherwise known as literature study technique. This technique is important to any research, for the researcher must be aware of the activities of other past researchers in the same field of study before him (Leedy 1980:69).

Documentary sources include books, reports, articles in periodicals, diaries, biographies, auto-biographies and other unpublished material (Van der Walt et al.1985:212 – 214).

The review of existing literature may prove beneficial for various reasons:

- ◆ To reveal similar investigations and show how collateral researchers have handled them.
- ◆ It can reveal the sources of data that may not have known before.
- ◆ Provides new ideas and assist in evaluating ideas of other researchers.
- ◆ Enables the researcher to view his or her study in historical and associative perspective (Leedy 1980:66).

The purpose of documentary study is two-fold. It serves as an aid to scientific study to broaden knowledge as a criterion in studying social phenomena and to verify knowledge acquired. The present investigation has made use of this technique.

The following documents were studied with the aim of gaining knowledge of and insight into the causes of vehicle theft:

- ◆ **Books and articles** – Several books and articles dealing with vehicle theft have been consulted with the aim of establishing the causes of vehicle theft, victim typologies, methods of vehicle theft, types of vehicle theft and the police role in the investigation of vehicle theft. These books and articles contained in the bibliography have been consulted in order to understand the crime of vehicle theft in other parts of the world and to establish whether similar situations have taken place in Claremont, Paarl, Umbilo and Empangeni.
- ◆ **Official documents** – Police case dockets (SAPS 3) were scrutinized (observed) and information pertaining to the crime of vehicle theft have been extracted for the purpose of analysis, description and explanation. Police case dockets reflect the first information of crime (FIC), i.e. sworn statements of victims of vehicle theft and hijacking, eye-witnesses, circumstantial evidence, etc. They also include full particulars regarding the demographic information of victim(s) and offender(s), a description of the offence committed, property dispossessed, value recovered, etc. Further, it also renders information pertaining to the courts, sentence, previous convictions (SAP 69) and special investigative methods applied by the police (e.g. dactyloscopic prints, ballistic investigations on fire-arms, etc.). In short, police

dossiers represent a store-room of knowledge, suitable to be utilised in any scientific investigation of this nature. If it happens that these Police case dockets are seen only as another “administrative hazard”, the researcher would not be able to give a true reflection of the subject under investigation.

1.6.2.2 Statistical techniques

Statistical techniques are basically techniques by which certain characteristics or qualities of a phenomenon are quantified, processed, summed up and condensed with the object of constructing a numerical description or a statistical picture of that phenomenon (Van der Westhuizen 1982:80). Statistical techniques are broadly divided into descriptive and inferential statistics.

1.6.2.3 Descriptive statistics

Descriptive statistics describe the perceptible characteristics of a sample on the relationship among variables in a sample (Babbie 1989:63). Huysamen (Mthembu 1994:15) opines that the purpose of descriptive statistics is to reduce a large amount of data physically and to facilitate drawing conclusions about them. In the present study, descriptive statistics are used to describe:

- ♦ frequency distribution of data;
- ♦ central tendencies of data;
- ♦ and variability of data.

Due to the exploratory nature of the present study, only descriptive statistics will be implemented to portray the frequency (nature and extent) of data relating to vehicle theft and hijacking. For this purpose, raw scores (indicated as N) and percentages (%) will be used to present the data on vehicle theft in tabular format. In addition, cross correlations will also be implemented in order to allow for two or more variables to be plotted against each other in a statistical-logical manner by means of bivariate statistical tables.

1.6.2.4 Sampling

Unlike large and advanced social surveys, the present study confines itself only to the analysis of police case dossiers containing statistical information about vehicle theft (including hijacking). However, for the sake of clarity, researcher deemed it necessary to follow the basic rules of sampling – purely to create theoretical perspective and to eliminate any possible distortion that might prevail in regard to the procedures followed to secure such reliable data. It has therefore been regarded useful and informative to briefly highlight some of the elementary terms and concepts normally associated with sampling (as far as this research project is concerned). The following terms and/or concepts should highlight the importance of the present study within the framework of the social survey method.

Babbie (1989:163) defines **sampling** as the process of selecting observations, while Taylor (1986:179) views it as “...a process of systematically selecting units [case dossiers] for study”, but added that “...sampling procedures apply nearly to all [other] research approaches”, and finally concluded that sampling “...refers to a family of procedures researchers use to select cases for study from a larger population of cases” (Taylor 1986:183). Sampling usually revolves around either probability or non-probability procedures.

♦ Population versus sample

Broadly speaking, “...a population consists of the entire set of people or objects or numbers in which we [researchers] are interested at a particular time” (Binder & Geis 1983:239). **Sample** refers to a subset or portion of the total population (Bailey 1987:85).

♦ Sampling element versus sampling unit

An **element** is “...that unit about which information is collected and that provides the basis of analysis” (Babbie 1989:169). A **sampling unit** refers to that set of elements considered for selection in some stage of sampling. Elements and units of analysis are often the same in a given study, though elements refer to sample selection and units to data analysis (Babbie 1989:169;170). Although Cilliers (Van der Walt et al 1985:191) opine that the researcher does not always find it possible to make observations of all

the units or cases in the population. Since the aim of science revolves around the formulation of general statements about empirical reality, the researcher has to pay attention to the method of making deductions from a limited number of units or cases and extend it so that it can be representative of the whole population. These units or cases must be a sound reflection of the “whole” in all its facets, i.e. the qualities of the units or cases must hold for the universe. Sampling methods can be classified into those that yield probability samples and those that yield non-probability samples. In the former type of sampling, the probability of selection of each respondent is known. In the latter type, this probability is not known. Suchman (1967:318 – 319) points out that when selecting the sample, the researcher must have knowledge of the following:

- ◆ Population characteristics and some method of identifying them.
- ◆ The purpose of the study.
- ◆ The number of variables to be analysed.

Purposive (judgemental) sampling: Bailey (1987:94) defines this technique as allowing the researcher to choose “respondents” best meeting the purpose of the study, according to own judgement, without the restrictions of fulfilling a specific quota, or choosing the most convenient “respondents”. Babbie (1989:204) concurs by saying that purposive or judgmental sampling is based on the researcher’s own knowledge of the population, its elements and the nature of the aims of the research. In short, it is based on the researcher’s judgment and the purpose of the study.

Although various techniques of probability and non-probability sampling are discussed in textbooks dealing with social research, the researcher deemed it necessary to only highlight **purposive or judgmental sampling** as a non-probability sampling method used in the present study. Purposive or judgmental sampling analogously afforded the researcher the opportunity to implement this kind of non-probability sampling technique for the following reasons:

- 1) Nature and extent of population and sampling. In most other social surveys researchers usually select elements from a population for interviewing or filling out of questionnaires which constitutes the population. Typically in social survey

research, elements could, among people, also include other kinds of units such as families, social clubs, institutions, case dossiers, etc. (Babbie 1990:72).

- 2) Knowledge of population and its elements. In the present study, a **structured information schedule** has been implemented to gather data from a known population, namely police case dossiers dealing with vehicle theft over a given period (see par. 1.4.3). Each case dossier constitutes an element of the population (total number of case dossiers).
- 3) Aims of the study. Paragraph 1.3 clearly indicates the exploratory nature of the present study which rules out the implementation of sophisticated probability sampling techniques. Babbie (1989:80) provides excellent reasons for undertaking exploratory studies:
 - ♦ it satisfies the researcher's curiosity and desire to gain knowledge of and insight into vehicle theft as a property crime in particular and as a social problem in general;
 - ♦ to test the feasibility of undertaking more sophisticated future studies into vehicle theft and car hijacking; and
 - ♦ to refine the research methods and techniques for use in future analyses.

In summary then, it should be clearly stated that the present survey (and the findings emanating from it) do not represent any meaningful population, making generalisations (as in the case with probability sampling) unnecessary and even inappropriate. Bailey (1987:99) regards the researcher's skill and prior knowledge to choose a suitable sample and units of analysis as the most important advantage of purposive of judgmental sampling. In this regard, the researcher's skill, prior knowledge of the research problem and his subsequent proficiency are to be found in his 16 year and 6 month of active service in the erstwhile South African Police (SAP) and the current South African Police Service (SAPS) – in the capacity of branch commander of the vehicle theft branches at Empangeni (KwaZulu-Natal Province) and Paarl (Western Cape Province), as officer (2nd in charge) / investigating officer at the vehicle theft branch Cape Town and as investigating officer at the vehicle theft branch Durban. He has retired from the SA Police Service with the rank of Superintendent.

1.6.2.5 Data collection techniques

Fitzgerald and Cox (1987:89) identify three basic techniques for gathering information, namely direct observation, communication with others about what they have observed and learnt from recorded sources. The collection of data in this investigation has been facilitated and obtained with the consent from the Station Commissioners of Claremont, Paarl, Umbilo and Empangeni. Such consent to admission to police case dockets constitutes one of the most important ethical elements of the data collection phase. Prior permission to execute this study in KwaZulu-Natal has also been obtained from the Provincial Commissioner, S.A. Police Service, Durban. For data collection, an information schedule (content analysis schedule) (see Annexure A) was used as an instrument for the collection of data. This instrument is most suitable for the collection and analysis of data kept by police and prisons (cf. Potgieter, Mqadi & Khoza 1992). Along with the information schedule, researcher also devised a coding sheet (see Annexure B), which was used to transfer data from police dossiers on to it for easy and convenient loading onto the computer. The Windows '98 Microsoft Excel version was used for data analysis.

1.7 DEFINITION OF CONCEPTS

According to Van der Westhuizen (Mqadi 1992:26), it becomes imperative to scientifically define all the relevant terms and concepts. All definitions must be true, unambiguous, must be free of contradictions, must be clear, must be positive, and adequate and not be tautological. Concepts are mental abstractions representing mental constructions of reality. Concepts are abstracted from the physical material world (Hy, Feig & Regoli 1983:2). Definitions are statements of what something is and they take two forms. Nominal and operational definitions are those that describe a concept in terms of operational and nominal definitions that are stated in measurable terms (Hy et al. 1983:3). The following terms and concepts are thus defined to eliminate any possible distortion that might prevail.

1.7.1 Crime

Osterburg and Ward (1992:3) define crime as:

“.....an act committed or omitted in violation of law forbidding or commanding it, and for which punishment is imposed upon conviction”.

Vetter and Silverman (1986:6) define crime as:

“..... Any social harm made punishable by law”.

“Crime is a violation of the criminal law, that is, a breach of the conduct code specially sanctioned by the state, which through its legislative agencies defines crimes and their penalties, and through its administrative agencies prosecutes offenders” (Fairchild 1994:73). In the present study, the juridical definition of crime as outlined by these authors will be used to describe vehicle theft and hijacking.

1.7.2 Difference between violent and property crimes

Violent crimes involve direct face-to-face confrontation between offender and victim. Violence, force, inflicting fear and pain are elements in violent crimes, for example, rape, murder and assault. The person himself is the target and the victim.

Although robbery is viewed a property crime, the elements in violent crimes are also present in the crime of robbery. There are cases where the crimes of burglary and robbery resulted in crimes of rape, assault and even murder. But generally, in property crimes, the property of the owner is the target and not the owner himself, i.e. theft and burglary (housebreaking).

1.7.3 Theft

According to Burchell and Mitton (1991:485), theft consists in an unlawful contractatio with intent to steal a thing capable of being stolen.

Snyman (1989:467) defines theft as:

“....consisting in the unlawful and intentional appropriation of another’s movable corporal property belonging to the perpetrator himself but in respect of which somebody else has a particular right of possession.”

“Theft is the unlawful taking, carrying, leading, or riding away of property from the possession of another” (Bennet & Hess 1981:342). It follows from these definitions that motor vehicle theft refers to the unlawful and intentional appropriation of the motor vehicle of another person who has lawful ownership of it with the intent to steal it or to rob it by means of violence (hijacking). Vehicle hijacking could be defined as the unlawful and intentional theft of a motor vehicle through the application of violence or threat of violence.

1.7.4 Robbery

The complete legal definition of robbery indicates that it is the unlawful and intentional application of violence or threats of violence in order to allow property to be stolen from the victims’ immediate control (Justice College Publications 1991:2).

Snyman (1989:491) defines robbery as:

“....the unlawful, intentional and violent removal and appropriation of movable corporal property belonging to another. It is customary to briefly describe the crime of robbery as **theft by violence**”.

Gilbert (1986:202) and Abadinsky (1987:57) regard robbery as the unlawful taking of property of another from his or her person or immediate presence by the use of force or intimidation, which includes:

- ◆ using a firearm;
- ◆ using a knife or cutting instrument;
- ◆ using other dangerous instruments;
- ◆ strong-arm robbery (“mugging”).

1.7.5 Victim

The concept “victim” can be traced to ancient cultures and the earliest languages. In the original meaning of the term, a victim was a person or an animal that was put to death during a ceremony in order to appease some super-natural power or deity. Currently, in everyday use, the term includes all those who experience injury, loss, or hardship due to any cause, namely accident victims, cancer victims, flood victims and victims of discrimination and other socio-political and economic injustices like *apartheid* (Karmen 1996:2 – 3).

1.8 THE RELEVANCE OF THE STUDY TO CRIMINOLOGY AND CRIMINAL JUSTICE

Hagan (1988:5) opines that criminology is the scientific study of crime and criminals *“for it is in this field that some of the most important theoretical ideas we have about our society and its workings are put to very concrete and important tests”*.

Reid (1982:17) informs us that the French anthropologist Paul Topinard, an outspoken critic of Lombroso’s theory (Binder and Geis 1983:10), was the first person to coin the term “criminology”, and described it as that body of knowledge concerning crime as a social phenomenon, the development by society of criminal law and its use to define crime, the causes and consequences of law violation and the use of scientific methods in criminology.

Siegel (1989:11) points out that the crime problem became the focal point of study in America during the late 1960’s when academic programs devoted their attention to the study of the criminal justice system. Although the terms “criminology” and “criminal justice” may seem similar, there are major differences between them. Criminology explains the etiology, extent and nature of crime in society, whereas criminal justice refers to agencies of social control that deal with crime and juvenile delinquency. Further, while criminologists are mainly concerned with the causes and consequences of crime, criminal justice exponents are mainly engaged in describing, analysing and explaining the behaviour of the agencies of justice, namely the police, courts and corrections (prisons). Since both directions are crime-related, they do overlap to a certain extent. Criminologists, especially those interested in Penology, must be aware of how the agencies of justice operate and how they influence crime and criminals.

Similarly, criminal justice experts cannot begin to design programs of crime prevention or rehabilitation without understanding something of the nature of crime.

Other authors claim that Penology and Police Science are both professional fields in Criminology. “*Police Science* is an applied scientific discipline particularly important in the execution of a given social function. It is its nature as an applied science that emphasises its social relevance and role-boundness or occupational alignment” (Van der Walt et al. 1985:43 – 44). It can, therefore, be accepted that studies in policing may be regarded as an application of a system of knowledge within the framework of scientific criminology. Gould, Kleck and Gertz (1992:1) resolve the tension between criminology and criminal justice by stating that people (practitioners) in criminal justice simply will have to accept the scientific point of view of criminology. Although the terms “criminology” and “criminal justice” seem to create a semantic distinction, Gould et al. (1992:1) argue that the reason why there may have been tension between these concepts in the past, is that criminological theory has excluded much that is important to criminal justice and conclude: *“The tension arisesbecause of a difference in purpose: criminology ‘is dedicated to the explanation of crime and to doing something about it in response to the explanations’, while criminal justice is dedicated to establishing who done it and responding with punishment, or, more broadly, with control”*.

Van der Walt et al. (1985:44) define policing as “that act of power in the formal social control structure by which internal order (through enforcement of laws) is maintained in agreement with the principles of legal competence and individual rights”. In the present investigation, therefore, policing is regarded as an applied function within the framework of criminological methodology, conceptualisation and system of knowledge.

Van der Walt et al. (1985:24 & 48) further describe the study field of criminology as the science dealing with the crime phenomenon in its totality, namely crime, criminal, victim and criminal justice but claim that penology and police science are integral professional fields of study within a criminological framework. Regoli and Hewitt (1996:771) define criminal justice system as the interrelated subsystems comprising the police, courts and corrections created to respond to crime and criminal activities.

1.9 ORGANISATION OF THE STUDY

The present investigation is presented in the following sequence:

Chapter 1 deals with the general orientation to the study which outlines the general introduction, rationale for the study, aims, delimitation, research methodology and definition of concepts to be used in this investigation.

Chapter 2 is an exposition of the role of the police in society, with specific reference to the definition of role, restrictions upon police, policing styles, etc.

Chapter 3 renders an exposition of the juridical aspects of theft and robbery that is, elements of this type of crime together with prominent decided cases.

Chapter 4 renders a theoretical exposition of vehicle theft which includes an exposition of criminological explanation theories with regard to vehicle theft. In the last section of this chapter, the researcher gives some insight into the suspect method of operation.

Chapter 5 contains the statistical description and analysis of vehicle theft and vehicle hijackings.

Chapter 6 entails the most important findings, conclusions and recommendations.

1.10 SUMMARY

This research is the first of its kind undertaken in KwaZulu-Natal to highlight the issue of vehicle theft and hijackings. The value of the research resides in bridging our substantive and methodological knowledge of motor vehicle theft as a property crime.

The National Crime Prevention Strategy (NCPS), established by the National Cabinet in 1995 as one of the six pillars of the National Growth and Development Strategy, identified motor vehicle theft and hijacking as one of seven key crime categories. Except for institutional research into "priority crimes" (including motor vehicle theft and hijacking) by the South African Police Service, no scientifically based research

into motor vehicle theft outside the SAPS has been conducted recently. Research by the SAPS revolves mainly around general crime trends and patterns, without calculating victim and offender profiles, temporal distribution of motor vehicle theft, mechanical precautionary measures taken by vehicle owners, victim-offender relationship, injuries sustained by victims, etc. In short, researcher is of the opinion that this investigation may contribute towards developing an appropriate measuring instrument, capable of capturing complete data pertaining to this crime which will allow for descriptive analyses, statistical comparison of date, etc., which could be related to contemporary criminological explanatory theories.

CHAPTER TWO

THE POLICE ROLE IN SOCIETY

2.1 INTRODUCTION

The primary function of the police in a pre-democratic South Africa has been to control the population, to ensure that it accepts and obeys unpopular statutory directives, and to ensure that the population does not challenge the very existence of the State. Where the police have acted as the “guardian of the people”, this has, more often than not, been an attempt to generate the space necessary for it to satisfy its primary task, namely the protection of the capacity of the State (Erasmus, 1991:7). The façade of a “peoples force” has been maintained at enormous cost. In this way, the police have been used as a primary party political instrument to establish, maintain and expand divisions in the South African society. After 2 February 1990, policing changed drastically. Policing mainly Black people was thus primarily a process of enforcing, in the most literal sense of the word, the ideology of apartheid. Formal policing in the eighties was largely a paramilitary activity particularly in those branches of the police force that policed the Black population.

Much of the recent writings about the role of the police have revolved around the proper role of the police in the community. Recent literature on the police role reflects the following areas of concern:

- ◆ the problem of definition of the police role;
- ◆ the relationship between social changes and the police role;
- ◆ the professionalisation of the police; and
- ◆ contrasting perceptions of the police role.

The high degree of national social ferment and a growing tendency for critical self-evaluation by those within the law enforcement community have caused the definition of the police function to be severely criticised in the last decade. Unfortunately, the police find themselves "in the middle" of disputes which they did not cause and are responsible for the enforcement laws which they did not create (Gabor and Low 1973:385).

The police role, just like any social role, has developed side by side with societal requirements essential for its future existence. The social structure determines the diversity of roles and ensures that those roles are internalised by all members through formal and informal control of behaviour. All members of society are controlled mainly by being socialised so that roles are fulfilled in the expected way through habit and pretence.

The major characteristics of society, according to Krech, Crutchfield and Ballachey (1962:308), is that of an organised collectivity of interacting people whose activities become centered around a set of common goals, and who tend to share common beliefs, attitudes and modes of action. To achieve these aims, all members of society will have to be conditioned to respond in a prescribed manner to a particular situation. Society lays down the rules and roles which are to be followed. The roles must be clearly defined and understood so that the regulations of the relations between people in related situations will be effected with minimum of conflict (Mayet 1976:24).

In human societies around the world which may and often do, exhibit marked differences from one another, the role of the police is not, in the words of Lee "... the creation of any theorist, nor the product of any speculative school, it is the child of centuries of conflict and experiment" (Whitaker 1979:8).

During these centuries of conflict and experiment, the role and functions of those responsible for social control, i.e. the police in today's terminology, have undergone many changes. These changes have reflected the changing nature and demands of society. Different types of societies, or even different styles of life within single societies, even in the modern world, make distinctly differentiated demands on the police. One might contrast, for example the differences in the daily round policemen

stationed in a Karoo town, like Colesberg, and the hyperactive lives led by policemen in a high density urban area like Hillbrow in Gauteng.

Kirkham and Wollan (1980:353), inform us that the linkage of the police with social control is evident in the use of the word 'police', which origin is the ancient Greek word, 'politeia' which, in turn, is the root of the words 'polity', 'policy' and 'politics'. This links the police by definition to the political community ('polity'), to its governing purposes and principles ('policy') and to the activities, science, art and conduct of public affairs ('politics'). An early meaning of police does not only point to an organisational (institutional) connotation but also to the functional aspect of policing which includes the regulation and control of a community (order maintenance), safety, health, morals, etc.

2.2 THE ROLE CONCEPT

A role is something performed by a person in a given position (Geary 1975:45). In each and every situation there are role fulfillers and role assigners. According to Van Heerden (1982:41), an individual role-fulfiller is not an isolated practitioner of the role, because his patterns of action are determined by the institution within which he acts. A role concept can also be defined as a "...set of expectations, held by individuals or groups of individuals, regarding the behaviour and attributes of a role incumbent" (Geary 1975:47), whilst Killinger & Cromwell (1975:212) describes role as "...a unit of culture referring to the rights and duties, or normatively approved patterns of behaviour for the occupants of a given position".

Role is a generic concept for all the social sciences and is used as a conceptual tool in analysis of behaviour. Heinz Eulau (1963:40) observed that:

"The concept of role is familiar to most people. We speak of the father's role, the teacher's role, the minister's role, the judge's role, and so on. What we mean in all of these instances is that a person is identified by his role and that in interpersonal relations activating the role, he behaves, will behave or should behave in certain ways. In looking at a man's social behaviour or judging it, we do so in a frame of reference in which his role is critical".

The above definitions expose two aspects of the concept of role, the *objective* and the *subjective*. Eulau and Sterling both emphasised the 'expectation' of those observing the role, and thus define it subjectively.

In applying the concept of role to the task of the police, it is evident that the subjective expectations of the public may vary from person to person, from class to class and from community to community, and that such subjective evaluations of the role of the police might be in stark contrast to what the police role is intended to be, bearing in mind that the institution (i.e. the police force) has a normative functional pattern which is based upon an objective concept of the role of the police (Van Heerden and Potgieter 1982:19). The varying expectations of the public regarding the role of the police may result from personal experiences of police actually performing their duties. These authors observed that:

"If these expectations are unrealistic – whether this results from experience, prejudice, negative attitudes or whatever – the general role concept, too, will be unrealistic".

Examples given by these writers of experiences that result in a negative role concept are the following (Van Heerden and Potgieter 1982:19):

- ◆ *The incidence of crime and the absence of visible police protection services create the impression that repression and prosecution take precedence over the protection of persons and property.*
- ◆ *A negative attitude or unsuccessful investigation of a serious crime gives the impression that the police are more interested in applying norms of convenience or mere harassment than in enforcing the penal code.*
- ◆ *Indifference and failure to heed the appeals for help make the police appear incompetent to meet the society's needs for service.*
- ◆ *Misuse of discretion bordering on discrimination gives the impression that the police are only concerned with the interests of certain groups.*

The subjective concept of the role of the police cannot be disregarded, and it is necessary that it be noted from time to time in order that operational role activities of the police can be re-structured in order to re-enforce the objective concept of the role in the minds of the allocators (i.e. the public). The subjective concept of the role of the police should never, however, replace the objective concept of that role (Van Heerden and Potgieter 1982:19).

2.2.1 The problem of defining the police role

Defining the police role in contemporary South Africa is not an easy task. In an oligarchy in which the legitimacy of the state has been increasingly challenged over the past decade, both nationally and internationally, policing takes on a different character from policing in liberal democracies. The hangover of colonial conquest, according to Steytler (1987:57), is still strongly evident in the style of policing the disenfranchised majority, both within the racially separate, isolated townships and in their activities within the homelands. As stated earlier, formal policing in the late eighties had thus become largely a paramilitary activity, particular in those branches of the police service that policed the Black population. This is probably why Black people perceived the police as the "instrument" of the erstwhile White minority government which protected the status quo.

The role assigner (society) has certain expectations of the police, and if these are not met, the whole relationship becomes disturbed. The actual role of the police is that of social control and maintenance of order. This can be regarded as the real and objective meaning of the role. Evaluation of the role can also stem from personal experiences which, in general, are concerned with only a certain aspect of the total police task. The action of the role-fulfiller stems from the normative functional pattern of the institution. Policing before 1990 had been very legalistic, formal and generally punitive (Shearing & Mzamane 1990). A police service appropriate to the new, democratic South Africa, should be responsive to the needs and concerns of members of society.

2.2.2 The origin of the police role

From the earliest times there has been a very close connection between internal and external control. Internal control in the family, the clan and later, in small communities, was achieved by enforcing absolute conformity to the rules of behaviour under the strong leadership, first of the father of the family, later the patriarch of the clan and ultimately the chief of the tribe. Social control was very simple because of the homogeneity of these groups and because the rules of behaviour were limited in scope. For example, there were few social class distinctions, personal bonds were strong, the living area was limited, people were in complete agreement on moral issues, there were few social institutions and economical interests and occupational specialisation was limited. As a result of the outbreak of the Industrial Revolution, these groups grew and developed in such a way that social control was no longer possible to be executed by the leaders of the families and the tribes. There was an increase in economy and occupational specialisation resulted in great differences of class and status; relationships were depersonalised and moral consensus dwindled. With the decline of moral consensus and the introduction of written rules of behaviour, the emphasis began to shift increasingly to the executive role in society. Social control still rested mainly on the principle of individual responsibility, but from time to time isolated officials were appointed to supplement this system of control. Due to this, a sort of "military police force" emerged which in peace time upheld the rules and regulations (Van Heerden 1982:20-21).

Later, the system of collective responsibility, where every individual was responsible for the behaviour of his fellow man and the group responsible for every individual, was introduced. This system worked well, but with the growth of cities and the increasing mobility of city-dwellers, its shortcomings became apparent. According to Van Heerden (1982:22), groups tended to conceal or protect wrongdoers to avoid the risk of having to pay restitution.

The state of disorder increased to such an extent that there was a need for organised policing. According to Van Heerden (1982:25), individual rights would be upheld while guaranteeing society against disorder. Peel's approach to centralised and organised policing made the concept more acceptable to both the government and the

public just at the time when the movement for human punishment and prison reform was at its height. Sir Robert Peel, who is regarded as the “father” of modern policing, also supported Patrick Colquhoun’s ideas. According to Skolnick (1966:2), Peel’s most important proposition was that disorder was largely the result of inefficient policing and the preservation of internal security and maintenance of individual rights should be entrusted to specialist policemen rather than the military forces.

Peel’s newly established unit, known as the “Bow Street Runners” was confronted with outspoken opposition and criticism, inter alia that –

- ◆ organised policing was regarded as undemocratic, especially because it meant placing power in the hands of a particular group;
- ◆ the existing laws were sufficient to control human behaviour and for this reason, organised policing would have been superfluous; and
- ◆ the public of London regarded Peel as a potential dictator (Van Heerden, 1982:26).

One of Peel’s most important counter-arguments was that the laws did indeed make provision, not only for the preservation of order but also for the restoration of order by determining *when, where, how and by whom this was to be done*. He pointed out that suppression was not the primary purpose of policing in a democratic society and that it was, to the contrary, a social service with the primary task of preventing crime. Peel’s most important underlying principle of his argument was that organised policing should be seen as a process of transition from enforcing order by means of gross physical compulsion to achieving order at the public’s desire haunting activated public acceptance and appreciation of the personal and communal advantages of social order (Van Heerden 1982:26).

Samaha (1989:151) opines that “Sir Robert Peel’s leadership mandated publicly funded police forces throughout England ...they continued to maintain order and provide services ...organised along “chains of command”, capable of deployment in large and small groups...”.

2.3 **ROLE THEORY**

What appears to be the first systematic empirical study of the police applying sociological role theory, was done by Preiss and Ehrlich (1966). Their study of a state police agency emphasised the complexity of the police role as a result of confusion and ambiguity in role perceptions by police officers themselves. Trial-and-error learning (through occupational socialisation) and “playing it by ear” have been identified as *intrinsic* elements of police role behaviour. Certain dilemmas faced by police officers are part of the police organisational structure. These researchers also found differing perceptions among police officers at the same or different levels of the organisation. Police officers also differed in their perception in regard to what others (public) required of them in their role performance. Lack of adequate guidelines, clearly defined organisational goals and effective supervision have been singled out as major causes of role conflict. In turn, police officers (especially patrolmen) are perplexed in their attempt to determine their responsibilities and, as a result, turn to informal communication channels and also tend to apply personal values and interests as criteria for decision-making. Soon, police officers are left to themselves to decide whether to be technically proficient or decently sensitive to people when performing their role in society (Radelet & Carter 1994:132 – 133). Cain (Radelet & Carter 1994:133), an English sociologist, was adamant in pointing out that the role of the police must be defined in terms of their key practice, namely the task of maintaining social order.

2.3.1 **Police role and professionalism**

Police professionalism is often only associated with the police officer’s role in society. The peace-keeping (proactive) function of policing requires such qualities as intelligence, common sense, friendliness, courtesy and patience as attributes of professionalism, while the law enforcement function requires attributes which are conducive to this function, for example, courage, respect for superiors, reliability, honesty and obedience. Both law enforcement (reactive policing) and peace-keeping (proactive policing) appear to be police role orientations necessary for police-citizen interaction. A law enforcement orientation emphasises, *inter alia*, what members of a community should do to assist the police in detecting crime and criminals, providing

information, etc. A peace-keeping orientation (proactive policing) is more inclined to emphasise what the police and the community can or should do together as partners in a close-knit alliance. Here, mutual trust and respect form the essence of community partnership with crime prevention being the most important objective. Professionalism has two characteristics. On the one hand, professional recognition and status appears to be a matter of community attitudes, namely whether the police occupation is a profession or not. If the public accepts the police as being professionals, this recognition serves as a certification of competence – a “license to practise policing”. On the other hand, relativity serves as a measure of the degree of professionalism among police officers when performing their role (Radelet & Carter 1994:139).

What makes a profession or a professional? In this regard, Radelet and Carter (1994:139) singled out two important features which are also important as far as the present discussion is concerned. First, the mission of the police role, clearly setting out the department’s philosophy (or values statement) should articulate the vision and policies inherent in the policing approach. Values are the beliefs that guide an organisation and the behaviour of its employees – in short, they provide the organisation with a reason for existing. Police institutions which are powerfully influenced by their values and policing styles (the way in which the role is fulfilled) usually reflect a department’s values. These values of police institutions are usually publicly stated. The following values of the St. Petersburg, Florida Police Department in the United States serve as an example of the expressed departmental philosophy (Peak & Glensor 1996:115, 147-148):

- ◆ striving towards achieving policing excellence;
- ◆ professionalism – police officers themselves obey the law and place their highest priority of human life, human rights and property;
- ◆ quality service – rendered through developing a partnership with citizens to resolve neighbourhood problems and the improvement of the quality of life of all citizens;
- ◆ developing mutual trust and respect; and
- ◆ commitment to prevention of crime, sensitivity towards crime victims and detection of crime.

Second, a profession is client-oriented, promising to be community-driven instead of being incident-driven. A productive partnership with the public ensures service delivery to all citizens in a non-partisan manner (Radelet & Carter 1994:139). These authors also emphasise the following additional features of a profession offered in the literature on professionalism: specialised knowledge, proficiency and skills attained through education and training; leadership qualities; developing an esoteric language and a distinctive terminology, symbols, artifacts and journals; and professionals enjoy considerable autonomy in their decisions (so-called professional judgment). All these features have a distinct influence on role fulfillment (Radelet & Carter 1994:139).

There appears to be an avalanche of literature dealing with police professionalism. However, its role-related dimensions are more important as far as this chapter discussion is concerned. In this regard, Skolnick (1966:260) pointed out that increased efficiency of police officers should be regarded the most important pillar of sound police-community interaction. Murphy (1992:113 – 114) adamantly stated that: “It is a cardinal principle of democratic societies that ultimate responsibility for peace, good order and law observance rests with the community of citizens of that society, not with an organized police force”. The role of the police should be to aid and supplement community efforts – not to supplant them. Murphy (in Bizzack 1992:113) shares Bayley’s (1996) view that: “American policing is a failure...”, most probably because they do not prevent crime, and ironically, “A community which abandons its basic duty to police itself, to a professional police service, will soon find that the police can hope to provide no more than a bare modicum of public order and security, and this only through such repressive measures that the basic liberties of a free people are eroded, and the very democracy that the police seek to preserve, is endangered” (Murphy, in Bizzack 1992:113 – 114). About two decades ago, Murphy and Plate (1977:260) clearly suggested that, while the police cannot prevent crime all by themselves, it would be far better if they understood their [limited] potential and spoke clearly and honestly to the public about it. Instead, they have mislead the public, simply because they have failed to understand their proper role and they have failed to educate the public. This explains in all probability why the police have contributed more to the “problem” rather to its solution and, by doing so, kept on defending the status quo when basic change is needed.

Jenkins (1978:6) related the idea of role-fulfillment to two major characteristics needed among police officers to be successful in performing their role and functions. While the bulk of screening practices used in the recruitment process demonstrate "...a rather cardboard reliance on basic intelligence and agility tests ...relatively few police agencies seek [police] applicants with character levels high in ...salesmanship and idealism...". The former characteristic is needed to get along with and relate to the public when performing their role, and the latter to insulate individual police officers from corruptive behaviour "...and a very frustrating judicial system". Leonard (1951:6) has, almost a half century ago, exerted himself on the issue of low quality of police personnel selected to exercise police power and authority in society and the negative effect it might have on the professionalisation of the police service. According to this author, sound public relations suffered and negative public attitudes prevailed – especially in the wake of sub-standard police personnel who became easy prey for corruptive behaviour and low service delivery output.

Radelet and Carter (1994:157) are adamant when they say that "...it is not the infrastructure of the [police] organization which makes a person 'professional', but the individual ...attitudes of workers [police officers] toward their responsibilities, the attitude of [police] leaders with respect to how they guide the organization..."

2.4 THE PRINCIPLES OF POLICING

The purpose of the principles of policing in a democracy is to create in all citizens an awareness of the personal and collective advantages of social order (Mayet, 1976:30). Through the awareness and understanding of the role, all citizens *may* be activated in maintaining order in society. The following principles (on which Sir Robert Peel's newly established unit was organised) are generally applied to contemporary police agencies in Western democracies (Sullivan, 1971:11) –

- ◆ The police must be organised in a stable and effective way, on a semi-military basis.
- ◆ The police must be subject to Government control.

- ◆ A scarcity of crime is a sign of effective policing – activities must therefore centre upon prevention.
- ◆ News about crime should be disseminated with the hope of activating assistance from the public.
- ◆ The work demands temporal and spatial decentralisation.
- ◆ Emotional control is indispensable; controlled, determined action produces better results than brute force does.
- ◆ A good appearance commands respect.
- ◆ Selection and training are the basis of efficiency.
- ◆ For the sake of public security, every policeman must have a number.
- ◆ The Head Office must be centrally situated and easily reached.
- ◆ Policemen should be appointed on a probationary basis.
- ◆ With a view to the effective distribution of manpower, police registers must be kept.

2.4.1 Role division – Trias politica of Montesquieu

Society is made up of human beings fulfilling a large variety of roles. If society is to be harmonious, these roles must complement each other and be in a state of continuous interaction with one another.

Each role contains its specific duties and obligations. These must be carried out in order that society (i.e. the public and the role allocator) may continue to be harmonious. The role of the police is but one of the roles played out in society, and therefore is part of a pattern of role interaction which goes to make up society. There are roles in society which are more closely related to the role of the police than others. These are roles which are performed in the function of the administration of justice. There is, within this function, a division of roles which serves to provide the required guarantee of freedom of the individual which so exercised the minds of the pioneers of police reform. This division of roles, first proposed by the Baron de Montesquieu (1689 – 1755), divided the task of government into three interrelated parts: the legislative, the executive and the judicative. Each part, or sub-system, contributes towards the maintenance of justice in the society – the judiciary function. The result is

that no one part can be exercised in a way which would imperil the rights and freedom of the individual. The role of the police falls within the judicative part or sub-system (Van Heerden 1986:4 – 6).

2.4.2 Role Content

There are differences amongst scholars and criminal justice practitioners about the precise content of the policing role in society. The following definitions appear in the literature:

- ◆ The word police is currently used to identify that institution of social control which for the community, attempts to prevent crime and disorder and preserve the peace, and which, for the individual attempts to protect life, property and personal liberty (Van Heerden 1986:42).
- ◆ “In the broad sense, the term police connotes the maintenance of public order and the protection of persons and property from the hazards of public accidents and the commission of unlawful acts; specifically it applies to the body of civil officers charged with the maintenance of public order and safety and the enforcement of the law, including the detection and suppression of crime” (Encyclopaedia Britannica 1980:105).
- ◆ “The prevention of crime and disorder and the prevention of peace; and the protection of life and property and personal liberty” (Killinger and Cromwell 1975:211).
- ◆ “The average policeman today is called upon to play not one role but a wide variety, ... only a tiny minority of work is concerned with crime. A police officer needs something of the experience of an arbitrator, a social worker, a lawyer and a doctor, without being trained as any of them” (Whitaker 1979:60).

As the above definitions show, policing is a social service which is directed towards maintaining harmony and order in the society. The power wielded by the police in the performance of their duties derives from the members of the society who delegate that power to ‘authority’ (the state, or, where appropriate, the local community). The policies to be implemented by the police are, accordingly, laid down by the authority

concerned in accordance with the requirements of the citizens and with a view to the safety, security and freedom of the citizens. The policies adopted by authority will reflect its judgement of the requirements of the citizens and the best use of available resources; but the police, in performing their duties should be constantly aware that the executive branch of government will be held accountable for the manner in which their duties are performed, and should strive to perform those duties in a manner consistent with the constitutional rights of the individual citizen.

In terms of the preamble of South African Police Service Act (Act 68 of 1995), the content of the police role includes the following:

- ◆ to ensure the safety and security of all persons and property in the national territory;
- ◆ to uphold and safeguard the fundamental rights of every person as guaranteed by Chapter 3 of the Constitution;
- ◆ to ensure co-operation between the Service and the communities it serves in the combating of crime;
- ◆ to reflect respect for victims of crime and an understanding of their needs; and
- ◆ to ensure effective civilian supervision over the Service.

These functions should be executed in a manner which complies with the basic principles of policing and "...extend to whatever interferes with the internal security, order, comfort and economy; to the removal of nuisances and obstructions, to the repression of disorder, the protection of the peaceful citizen and his daily and nightly vocations, the maintenance of the public health and of due observance of the local and general laws intended for the municipal government and regulations" (Wade 1972:2).

Social order refers to day-to-day interactions between members of the community and has been defined as "... A system of people, relationships and customs operating smoothly to accomplish a society's tasks" (Horton and Hunt 1964:140).

For society to operate smoothly, sources of friction, which are inevitable and perpetual concomitant of human interaction at all levels, (political, religious, family, economic,

sexual, generational, cultural, ethnic, racial, linguistic and choice of life-style) must be minimised and mediated. These societal and individual differences threaten the safety of the individual, society and even the state. The police must cultivate the best possible relationships between themselves and members of the community, on the basis of mutual consideration and respect. As Clift (1956:20) puts it:

"...by attending to the 1001 little things that come to their attention each day. These range all the way from complaints about children, to violations of minor regulatory measures which may require a Solomon-like arbiter to settle the questions satisfactorily. No one of the average officers' problems is sufficient alone, but, taken together, they can be sufficiently provocative to cause a serious breach of the peace".

To achieve and to keep on achieving, day after day, the difficult and complicated goals which the police accept as their role in society, it is essential that they keep in mind the objective role laid down for them. Impartiality in the enforcement of laws and in dealing with individuals in any capacity is a crucial factor. Thus, bias and prejudice or discrimination of any kind, whether social, political, racial or of any other origin demeans and diminishes the police and the role they play in maintaining social order, and may, indeed lead to dissension and disorder in the community.

2.4.3 Role fulfillment

Sovereignty of the law implies impartiality, fairness and equality in the application of the law. If policing is defined as the maintenance of order under the law, the inference is that policing guarantees the rights of every individual to impartial, fair and equal treatment regardless of all distinctions not known to the law such as class, race, culture, language, etc. Respect for individual rights is inseparable from the concept of order. The fulfillment of the police role cannot, therefore, be attained in an arbitrary way. The functional content of the role of policing in the society entails the scrupulous observance of guaranteeing of the rights of the individual. It should be noted that the sovereignty of the law should be served as an end in itself in all policing activity in spite of the complexity of the role content of policing (Van Heerden 1986:59 – 60).

2.4.4 Objective role versus subjective role

Today's police role is faced with diverse problems. The main reason for this is that the police are confronted with a multitude of "communities" (especially amongst Blacks). Policing Black people was primarily a process of enforcing in the most literal sense of the word, the ideology of apartheid and less a process of protecting them from victimisation by criminal elements (Scharf 1989:206). The problem amongst Black people becomes evident when the police function with divergent interests, so that attempts to appease on some factions may create animosity and hostility in others. Some factions demand law and order to the point of violating legal principles while others stress the primacy of procedural regularity. The police are faced with a constant dilemma of either employing improper procedures to attain community goals, or regulating to prevent the attainment of such community expectations.

The functions of the police should be executed in accordance with the basic principles of policing and extend to whatever interference with the internal security, order, comfort and economy; to the removal of nuisance and obstructions to the repression of disorder, the protection of law-abiding and peaceful citizens and his daily and nightly vocations. In fulfilling these functions, the emphasis should fall on the proactive or preventive objective of policing rather than reactive policing to obtain co-operation and support in securing the safety of the individual, his property and social order. The *objective concept* of the police role refers to the purely historical and philosophical meaning of the role content, i.e. maintenance of law and order. This viewpoint is not characterised by personal interest, emotions, individual expectations, needs and experiences. The subjective role will always be present because of the heterogeneity of the society in which policing occur. The perception of different groups such as political, socio-economical and ethnic groups will never be the same. Every group will attach its own meaning to the role concept according to its own experience and attitude. The lower class will perceive the police as enemies because of seeing them very often in their as a result of a high crime rate. The high crime rate may be caused by social and economic factors, for example unemployment and slums. More arrests will be made in a lower class area whereas the higher and middle class may regard the police as friends, and protectors because very often crime is committed in this area.

Because policing does not occur in a vacuum, social contact creates a certain meaning to policing. During this contact an experience may be gained that the police cannot successfully investigate certain cases because of their inefficiency or being biased. The failure of the police to respond quickly to the situation and to render protection services too can create a poor image of the police, e.g. the Boipatong Massacre of 18 June 1992, whereby there was an allegation that the police had been warned hours prior to the slaughtering but failed to attend. The meaning (subjective) which may be attached by the victims and the community at large might be that the police are siding with the Inkatha Freedom Party (IFP). Misuse of discretion bordering on discrimination gives the impression that the police are only concerned with the interests of certain groups (Botha, Coetzee and Van Vuuren 1989:80). The meaning attached to the role of the police unfortunately will never be the same amongst all the groups. The police are being blamed from both angles. According to the Sowetan, 16 June 1992, p.2 "...the question is not whether the police had a legitimate reason for returning sticks and shields to the IFP on Monday, it was the timing that was unforgivable". The returning of the weapons created the impression that the police favoured the IFP and, yet, failure to return the so-called "traditional weapons" was going to make the IFP blame the police. Police duties unfortunately, unlike other duties, are performed mainly in an environment of anti-social behaviour and among people whose attitudes are often antagonistic, conflicting and prejudiced.

The *subjective concept* of the police role cannot be avoided and cannot be ignored because it can have a negative impact on policing. The subjective role of the police must never replace the objective concept. The police must not view the criticisms of the public as empty but note them from time to time so that the operational role activities can be revised in an attempt to establish the true meaning of the role in the midst of the allocator. The police should strive to maintain a good relationship with the public. Good relationships between people in society are the basis of behavioural norms laid down for keeping order. Orderly society is based on sound relations and the police are explicitly responsible therefore through their role. Conflict causes disorderly conduct and chaos, while good community relations, especially between different racial and other groups, leads to harmony and a reduction in crime and disorder (Mayet 1976:36). To achieve this goal the police role must entail the impartial enforcement of laws and always bear in mind that those laws should be

enforced on behalf of all people. On the other hand, any prejudice or discrimination due to social, political, racial or other reasons when executing the police role, may only create dissension within the community.

The police, since being part of the power structure or government, would never have avoided criticism as the majority of the public were against the government which was not democratically elected. The police were seen as extending apartheid and maintaining the status quo. As previously constituted, the police were unlikely ever to gain the confidence of ordinary people in "apartheid laws which had no moral content" (Arthur Gavshon, Weekly Mail, June 5-11, 1992). The police and the government are seen as "brothers". "If the government had the will, there is a way to end the violence", (Arthur Gavshon, Weekly Mail, June 5-11, 1992). This simply means the police can successfully stop violence if their main brother (government) instructs them to do so. But still on this point, it is not a case between the police and the government, but all citizens. To successfully curb violence, every member of the community should take part in preventing crime. The visibility of the police in the community can only deter crime temporarily because as soon as the police move away from that area, potential criminals are likely to proceed with their mission. What is more important is the environment in which all members of society feel themselves to be involved with the problem of crime. *Crime is a community problem which is committed in the community, by members of the community and sometimes in the presence of the members of the community.* Co-operation or help from the public can only be attained if the public are involved in the whole process. There is no point in creating an artificial, good image. The public must be kept informed at all times. This can only happen if there is a good partnership between the police (active partner) and the public (passive partner).

2.4.5 Police Service and Police Force: The effects on the police role

When these two functions are placed on a scale, *police force has got more weight than police service*. This is so because the police department is militarily designed and the police suffer from its association with the state whose interest it serves. Because the police were indoctrinated to be loyal to the government of the day, they were enforcing and executing oppressive laws. More emphasis was on the enforcement role than on the service role until in February 1990 when President De Klerk irreversibly changed the course of South African political history. The change brought about by the initiation of De Klerk's reform initiatives is of a very specific kind with particular consequences for the functioning and the image of the police. What he did in effect, was to decree the previous state out of existence. The previous constitution together with its supporting legislation was premised on the principles of societal segregation. The role of the police was to exercise potentially violent supervision over the population of a state. It was able to do so because it exists, as a social institution, as a product and a function of the legitimacy and legality of the state. The existence of legally constituted states and communities are absolute preconditions for the existence of the police (Bordau 1967:26). It is for this reason that the police to an extent unrivalled by any other organ of state, is – and is perceived to be – an appendage of the state, existing for the enforcement of the laws of the state and the protection of the capacity of the constitutional government of the state to govern (Erasmus 1991:7).

According to Van Heerden (1982:49), a *police force* has a reactive character because it is inclined towards the penal and deterrent elements of social control. *This function is executed through arrest, detention, interrogation and prosecution of law violaters*. Arrest statistics constitute the basis of efficiency and consequently, the police are viewed as suppressors, enemies or simply as “law officers”. *Police service* on the other hand, has much in common with law execution and portrays a more pro-active character. *Absence of crime is usually regarded as the yardstick of efficiency, accompanied by a generally positive public image of the police, the degree of support and assistance forthcoming from the public and the extent to which goal realisation (maintenance of the social order) is regarded as a partnership concern*. Within this frame of reference, the police are usually viewed as advisers, peace officers and friends (Van Heerden 1982:49 – 50).

Police force rather than *police service* is the most challenging issue confronting contemporary policing. *To ignore this problem is to expose the department and the country to physical, moral and economical danger.* Healing the wounds and building a society in which people of diverse backgrounds live as members of one family are, for instance, the most pressing issues confronting the South African Police Service. Prejudice and discrimination have created a disparity in standards of living.

2.4.6 **Police Service versus Police Force**

These related functions refer, on the one hand, to protection (prevention/maintenance of the peace) and on the other hand, to coercive control (law enforcement). They are interrelated objectives but not identical. They might conveniently be viewed as two extremes on a continuum or spectrum of activities (Weston and Wells 1972:43).

Acting as a service, the police preserve and protect the society; acting as a force, they impartially apply the provisions of the law by detection, investigation, arrest, detention, and prosecution. The position occupied by policing institutions on this continuum is determined by the degree to which either extreme is emphasised at the expense of the other. The contrasting positions have been summarised by Van Heerden and Potgieter (1982:23 – 24) as follows:

<u>LAW EXECUTION</u>	<u>LAW ENFORCEMENT</u>
Consists mainly of crime prevention (i.e. proactive or preventive policing).	Orientated towards reactive or repressive policing (i.e. criminal investigation).
Resides in persuasive control (i.e. has a positive connotation).	Is a form of coercive control (i.e. has a negative significance).
Refers to police service based on support and aid from the public.	Refers to police force based on arrest and prosecution.
Policeman regarded as a friend, advisor and peace officer.	Policeman regarded as enemy, suppressor and enforcer of the law.
Much room for discretion (e.g. warning for minor offences).	Little or no room for discretion (e.g. action strictly according to the letter of the law).
Efficiency not measurable in terms of arrest statistics but in the absence of crime, favourable public image of the police, degree of community support and partnership between the police and the public.	Efficiency measured in terms of number of arrests, prosecutions and convictions etc.
Dependent on public co-operation.	An exclusive police function (i.e. disregard public interference).
Maintenance of social order not the sole task of the police.	Order maintenance is the sole task of the police.
Geared towards voluntary compliance of the law.	Geared towards compulsory (coercive) obedience to the law.

2.4.7 Styles of Policing

Four possible styles of policing are identified in the literature:

2.4.7.1 *The war style*

This style, advocated by Hopkins (1972:32), is to be deplored. This theory views the police as the first line of defence against crime in the society. The criminal is the enemy, to be defeated by whatever means are available at any cost, including the administration of punishment (which is not, in terms of the tripartite doctrine discussed above, a police function at all). The concept is a travesty of the true functions of policing and should be regarded as a sober warning of degeneracy of the police function rather than as a model.

2.4.7.2 *The watchman style*

The watchman style emphasises order maintenance under discretionary action. Minor offences are overlooked whilst major offences are purposefully repressed. Protection of persons and property through patrol and protection services constitute the core of the style. Effectiveness of policing is inversely related to arrest statistics.

2.4.7.3 *The legalistic style*

This style of policing emphasises law enforcement. Concrete situations are viewed from the legalistic viewpoint, and all infringements, including legal misdemeanours are formally dealt with at the expense of energy and time which might otherwise be spent on patrolling and protection. Discretion plays no or little part in this approach. Arrest statistics and administrative skills are highly evaluated.

2.4.7.4 *Service style*

This style combines the above two approaches and modifies each. The style attempts to encapsulate the mid-position on the continuum mentioned above, i.e. between law enforcement and law execution. Discretion plays an important part with regard to

prosecution and alternatives to arrest (e.g. warning, bail, etc.). Police action is frequent but not formal. The key objective is the maintenance of order in co-operation with the public. Public opinion is thus carefully taken into consideration. This style of policing, in all probability, creates the venue for the implementation of community policing as a new model typifying the role orientation of the police in a democratic society. Community policing affords the police and the public to jointly identify and solve social problems (such as crime) through interactive decision-making at Community Police Forums (Cf. Peak and Glensor 1996).

2.4.8 Police and discretion

In earlier descriptions of the police role, reference has been made to the importance of good judgement and discretion. Some writers consider the police role to be that of arbiters. The question is 'How is the law to be executed?' – **passively or extensively?** More (1975:81) defines discretion as circumspection, judiciousness and even the freedom or authority to take decisions. Also implied in this definition, is the ability to judge. Discretion also entails the freedom to choose between action and in-action within the limits of one's authority (Davis 1971:4).

The central difficulty which arises here is the basis on which discretion is to be exercised in order to avoid a situation where discretion becomes discrimination. Some authors take the view, that the way out is to prosecute indiscriminately, i.e. without the use of discretion. However, it is undeniably the case that to deny discretion would result in the over-burdening of the police, the courts and the prisons. Discretion means consideration and good judgement, and the freedom to exercise both. Discretion enables the police officer to decide to act or not to act. The freedom to use discretion does not permit of distinction which erode equality before the law of every individual (Van Heerden 1986:52).

Discretion may be limited or qualified in several ways. For example, some actions are specifically prohibited in the law. In such cases, discretion is specifically excluded in the matter of execution of the law, but not necessarily in the manner of execution, i.e. the decision whether or not to arrest. Patrick (1972:6) notes that in cases where

universal rules of conduct apply, such as murder, rape and high treason, there is no margin for discretion, while in cases of legal misdemeanours discretion is appropriate.

Since the final objective of the law is to ensure that lawlessness is as far as possible obviated, Radelet (1977:90) argues that the individual should be dealt with in a way which will persuade him to give up lawless behaviour, even if this entails declining to prosecute. Yet another way in which discretion might be exercised is in regard to the attitude of the victim. The following circumstances are noted by Van Heerden and Potgieter (1982:26) –

- ◆ private settlement;
- ◆ disinterestedness;
- ◆ lack of involvement;
- ◆ time-consuming legal actions;
- ◆ police incapacity to solve cases;
- ◆ negative police attitude at time of report;
- ◆ triviality of cases; and
- ◆ darker motives – such as a wish to take unlawful private action or to derive private advantage from (not) reporting the crime.

Another form of discretion discussed in the literature is ‘institutional discretion’ which flows from the impossibility of total law enforcement. Since the institution must elect to enforce the law more rigorously in some respects rather than others, passive enforcement results, i.e. partial enforcement. Finally, it is obvious that the ‘line functionary’ , or the policeman doing the job, must often make the final decision on whether to act or not. His judgement will often be affected by his experience of such factors as court actions, public attitudes, fear of reprisals and the situation in which he finds himself, as well as by his own short-comings and personal attitudes (Van Heerden 1986:54).

2.4.9 Peace keeping and community service

As pointed out in the introduction to this chapter, the first legally sanctioned role of the police in Britain was that of preserving the peace, and that this role had roots in antiquity. Bent and Rossum (1976:5), pointed out that crime fighting is a relatively recent development for police forces, and in many ways is a feature of the twentieth century. Peace-keeping is simply maintaining public safety, and provides the police with a broad mandate from controlling full-scale rioting, at one end of the scale, to 'rescuing kittens from trees'. These authors also point out that some of the peace-keeping activities may be more properly termed 'service functions', especially those involving care or attention to the private or family needs of members of the community. One of the most difficult problems which confront the police in the performance of these duties is intervention in domestic quarrels which may be 'volatile and dangerous'. Often the participants turn on the officer to intervene.

Bent and Rossum (1976:5), go on to say that: "With the stresses of urban living and the breakdown of primary social control institutions – such as the family, the church, schools – government agencies are now expected to fulfill a number of social service functions. The police, as the most visible symbol of government authority, have been generally acting as a *social agency of last resort* – particularly after 5 p.m. and on weekends – for the impoverished, the sick, the old and the lower socio-economic classes". This statement is fully supported by the author of this document due to his more than sixteen years experience in the erstwhile South African Police as well as the new democratic South African Police Service. For some, such efforts still sound more like social work than police work. Traditionalists sincerely believe that the proper police response to serious crime is embodied in the tough "cop" rolling up to the scene, sirens blaring, even though that may only account for a fraction of the time spent on the job. Faced with this ambitious list of other duties that community service demands, traditionalists asks, why the police? Proponents of community service argue instead, **who better?**

It is indisputable that the service role of the police, combined with the crime-fighting role, pose a perplexing problem to the police of understanding and reconciling professional requirements and personal attitudes and convictions. This aspect of police

work has been emphasised in some recent television productions, such as the well-known 'Hill Street Blues', rather than the conventional 'cops and robbers' themes of older series. Observing that the police operate under conflicting sets of rules and demands in their multiple capacities, one writer (Campbell 1970:226)), argues that "... both the individual police officer and the police community as a whole find not only in consistent public expectations and public reactions, but also inner conflict growing out of the interaction of the policeman's values, customs, and traditions with his intimate experience of the criminal element of the population. *The policeman lives on the grinding edge of social conflict, without a well-defined, well-understood notion of what he is supposed to be doing there*"(italics added).

2.5 RESTRICTIONS UPON POLICING

The authority which the police possess in society is delegated to them by society itself via the constitutional processes by which the authority itself is legitimated and legalised. This authority is governed by rules and principles which constitute restrictions of policing. The police do not possess absolute power, neither are they empowered to act arbitrarily, tyrannically, or in a discriminatory fashion; to do so would be to implicate the state in such action and thereby to compromise the state, its authority and the entire democratic foundation of the state and society. The direct and inevitable result of such action would be the opposite of the objective to which the police aspire, namely the maintenance of order. Arbitrary and unrestrained action by the police would lead to antagonism between police and public, anarchy and chaos, insecurity and instability (Van Heerden 1986:58 – 59).

The police do not possess unlimited powers. Restrictions are placed upon what they may do and what they may not do. Laws define the limits of individual conduct but at the same time set limits to the control that can be exercised over such conduct. The law is not an end in itself (Radelet 1977:75). Properly understood, it is a means to higher ends in human affairs, such as good order, justice and individual liberty. The delegation of authority thus goes hand in hand with the limited power to fulfill the delegated function. This means that the police who receive their authority from the citizenry, are not free to exercise their delegated powers exactly as they see fit. Restrictions should

not be confused with impediments. According to Mayet (1976:37), restrictions refer to the limited delegated authority and the constitutional rights of individuals.

The famous American judge, Louis D. Brandeis, is quoted as follows by Black (1969:170): *"If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to be a law unto himself; it invites anarchy. To declare that in the administration of criminal law, the end justifies the means – to declare that the government may commit crimes in order to secure the conviction of a private criminal – would bring terrible retribution"*.

2.5.1 Police authority

Authority, according to Van Heerden (1982:62), is the warrant to perform certain actions while occupying a certain position. The police occupy an executive position, from which they are empowered to maintain social order in accordance with the expectations implicit in that order. The actions they are authorised to perform are limited to this delegated area.

In a democracy, the authority of the police is derived from the Weberian principle and concept of legitimate power. In short, it is argued the police obtain the right to use force to execute the laws of a state by agreement with the inhabitants of the state. According to Reiman (in Erasmus 1991:10) "...the authority of the police can be viewed as a perceptual loan of the community's own power to the agents of law enforcement – a loan which pays a dividend in increased freedom". Inherent to this conceptualisation of police authority is an assumption that there is broad consensus that the police uphold laws that reflect the will of the people. Police authority has got limits and is indicated by the codes of conduct contained in criminal and statutory law, regulations and ordinances. Action is justified only when the dispute act is subject in this way to legal control. To act outside the law is to exceed the limits of authority and is not permissible. This kind of authority can have a negative effect on the policeman's role because it can lead to isolation by the members of the community and also self-isolation by the policeman. Authority renders policing a unique character. Authority is not only symbolically present in the uniform and weapons of the policeman but actually vested in

his very person. This handicaps the police in their dealing with the public and he is confined to his colleagues.

The police officer is delegated power and authority to decide how to control the behaviour of citizens. While exercising this power and authority it is important for the policeman to bear in mind that only by obtaining respect of the citizen will his authority be respected. The misuse of power and authority by the police will dent their image and make their working environment more hostile and unhealthy. The police officer cannot rely upon the authority attached to his uniform, but in dealing with subjects must establish a personal authority to prove what a good guy he is, or what a dangerous one. For the relationship between the policeman and the non-criminal subjects to serve both parties' ends, they must understand each other. They must both be members of a community, sharing values and modes of communication (Banton, 1964:168). It is also important for the policeman to remember that the antagonism which he often encounters is not necessarily directed at him, but the symbol of authority (government) which he represents. The most visible fighters in especially black townships were the youth, who perceived the police as their enemy. The police were then likely to conflate their image: youth, criminal and radical elements were all equated with the enemy.

But while there is presently greater pressure for the police to do their work in a manner consistent in keeping with the norms of a democratic state, there are two important features of our society which are likely to incline them to continue their old style of authoritative policing. Leaving aside entirely the cop-culture that constitutes the hangover from the apartheid era (Steytler 1990:37), the seeds are sown by the apartheid era in generating very sizeable, marginalised, informal (indigenous) ordering structures and ordering processes.

Banton (1964:147), defines police authority also as "...the warrant to perform certain actions while occupying a certain position". Van Heerden (1986:62) points out that although the concepts 'authority' and 'power' are used synonymous, there are differences of meaning between these concepts. *Authority includes power, but power does not necessarily imply authority. Police power refers to the right or competence of the police to perform certain acts on the basis of the authority they possess.*

Police authority is rooted in the delegation of power to the state by its citizens. Police officers have a dual responsibility in maintaining order in the society: as ordinary citizens they are bound to observe the rules by which the individual is bound in society; and as police officers they enjoy the authority conferred upon them, and must meet the obligations imposed upon them as representatives of the citizens. The power delegated to the police relates only to the executive functions of the judicature, and specifically to the functions of the police (Van Heerden 1986:62 – 63).

The effect of this limitation is that the authority of the police to control behaviour is circumscribed by various laws which prescribe, prohibit or permit the execution of this authority. In South Africa, limitations on police actions are laid down by statute in terms of the Criminal Procedure Act (Act No. 51 of 1977), and the Constitution (Act 108 of 1996). In the exercise of the authority delegated to him, the policeman must constantly bear in mind that his authority will only be respected if citizens hold him, his actions and authority in high regard. Such regard cannot be won by violence, force or by threats. It should be borne in mind that accountability is the basic principle underlying the delegation of authority and power. A policeman is required to account to the authorities, the society, and the institution.

2.5.2 **Individual rights**

Every citizen in a democratic society enjoys fundamental, inviolable rights to privacy and freedom. Basic rights are not absolute, but are restricted when the exercise of rights interferes with the rights of others, the social order and peace and harmony. It follows that in certain (not necessarily uncommon) situations, freedom is sacrificed in the interests of collective security. In these situations it is the task of the police to maintain the balance between individual rights and collective security (Van Heerden 1986:60 – 61).

The concept of individual rights, one of the foundation stones of the ideal of liberal democracy, derives from the 17th century and in particular from the philosophical writings of John Locke (1632 – 1704). Three fundamental rights constitute the doctrine of individual rights:

- ◆ Freedom of the individual: The recognition of human dignity, freedom of religious worship, freedom to engage in economic activity, and freedom under the law.
- ◆ Restricted government: Limitations placed on the power of government and the manner and scope of the exercise of authority; the rule of law (i.e. sovereignty of the law).
- ◆ The rights of ownership of private property: Private property of the individual is protected against unauthorised use, trespass or seizure (Epstein 1970:330).

In Britain, the United States and many Western and other countries, the rights of the individual are enshrined in a Bill of Rights. There was no Bill of Rights in South Africa prior to the inauguration of the Government of National Unity, since the rights of the individual have been protected under the Republican Constitution as well as under a number of statutory laws. From time to time there was agitation in South Africa for the passing of a Bill of Rights, now promulgated in terms of the Constitution, Act 108 of 1996, in which the rights of the individual would be encapsulated, in the belief that such a specific piece of legislation would provide a surer guarantee of individual rights. It was, however, believed that the then appointed Transitional Executive Council (TEC) had already given due consideration to the incorporation of a Bill of Human Rights within the frame of a new democratic constitution for South Africa. It is appreciated that:

- ◆ Freedom of the individual is intrinsically bound up with individual rights; the individual is guaranteed protection against deception, oppression and intimidation by fellow citizens and by the state. This guarantee is backed up by the power of authority to enforce individual rights by penal and statutory laws, proper trials and impartial law enforcement.
- ◆ Freedom also entails the rights of individuals, groups and institutions to impart and exchange information concerning themselves to others. This right is assured under the right to privacy. In terms of this right, restrictions are placed on the authority of the police to use methods of detection which impinge on privacy such as lie detectors, truth serums, surveillance, wire tapping and similar procedures as mentioned by Van Heerden (1986:60 – 61).

Inevitably, in the course of investigations, the police are obliged to use techniques (excluding the above-named) which temporarily encroach upon the rights of the individual to privacy. But such encroachments are authorised on the understanding that they may only be employed if the police have reason to suspect the commission of crime. In line with the doctrine of individual rights, the arrest of an individual should be carried out with the minimum application of physical force and discomfort to the individual. Any application of force is justified only when resistance is offered. Firearms may only be used when the life of the officer is in danger or when an offender tries to escape. The protection of the rights of individuals is a crucial function of the police. It follows that in the execution of their duties, the rights of the individual must, under all circumstances, be a prior determinant of the manner of execution of those duties. To act in a manner prejudicial to the rights of the individual would be to transgress against the principles underlying the establishment of policing as a function of authority (Van Heerden 1986:61 – 62).

2.5.3 Law and morality in police work

Banton (1964:146) makes the following comment on the role of morality in police work: “The observer who tried to predict, from a knowledge of the criminal law alone, what actions an ordinary policeman would take, would not be very successful. To explain what the policeman actually does, it is necessary to see his actions as being governed much more by popular morality than by the letter of the law; most often morality and the law coincide, but when they do not, it is usually morality which wins”.

The proposition may seem startling insofar as it appears to conflict with the notion that the role of the police is to ensure the enforcement of the law. But a moment's reflection will show that police recognition of the force of ‘popular morality’ is nothing but recognition of the principle that the police function best when they use their discretion sensitively and intelligently in order to maintain the best possible relations with the public in the complex task of preserving the peace. Banton's examples of popular morality at work illustrate the attitudes which the police would ignore only at their cost:

“...it is right that people should have a little extra leeway on Christmas eve; right that roughnecks and criminals should be treated more severely;

right that a man who is bullying his unoffending wife should receive some correction” (Banton 1964:146).

One reason why policemen will try to work within the popular morality is that they should persuade rather than prosecute. Moreover, there is the expectation of the public that the police will exercise moral authority as well as legal power. In other words, the action of the police must be seen to be ‘rightful’. Rightful action carries the endorsement and the sympathy of the community because it supports the norms by which the community judges not only the actions of other members, but also of the police, who are themselves members of the community. It is very much in the interests of the police to persuade offenders to abide by these societal norms.

It should also be noted that popular morality is not a uniform conception throughout the entire state, and that even within single communities it is subject to change over time. Here again, Banton’s (1964:147) example illustrates this point well:

“A generation ago a policeman could punish a troublesome juvenile by giving him a good cuff on the head, or he could clear up a case of wife assault by giving the offender a taste of his own medicine.Public opinion used to support such sanctions.Now it no longer does so”.

One of the reasons for changes is that the public may lose confidence in the impartiality or good judgement of the police. The reasons for this may be simple abuse by the police of the trust of the public, or more complex (e.g. politics may enter the picture). *Whatever the case, maintaining the peace becomes much more difficult when formal measures must always be taken against offenders.*

2.6 THE ENVIRONMENT OF THE POLICE ROLE

Environment means conditions outside the individual, i.e. either the sum total of the natural and social world consisting of objects, things and people in which the individual finds himself, or only those parts which influence him (Van Heerden 1982:82). The environment can be physical or psychological.

The society where policing takes place is heterogeneous which shows a great range of variation in differential perceptives related to the police role and its functions. In this environment there are mutual expectations from both parties and this may lead to mutual relationships. If the expectations are not met this may affect the relationship. At times the expectations may be distorted.

The physical environment of the police is mainly dangerous, unhealthy, aggressive and anti-social in nature. It is in this environment that criminals and disorderly situations are constantly encountered. There is no doubt that as the legitimacy and monolithic control of the state is being challenged, so are the actions and policies of the major state-controlled institutions, including the police and the justice system which are increasingly questioned and slowly brought to task. The daily contact with this anti-social and law transgressors puts a policeman in a predicament. In fact, he tends to regard all citizens as potential criminals, treating them with resentment and isolating themselves from the public whom they see as enemies rather than friends. Under such conditions a sound partnership or community alliance will be difficult to be accomplished, implemented and sustained. Mayet (1976:44) has indicated that this danger does not only refer to the imminent danger with which the individual policeman is confronted in the performance of his duties, but also in the society itself. As a result, they tend to withdraw from the rest of society in their private lives. The attitude, prejudice towards and distorted perceptions of the public about the police contribute towards this unhealthy environment. Because policing is an open structure in one way or another, there should be contact with the members of the public. This contact can be favourable or unfavourable. It can be said, without any doubt, that the external occupational environment has a negative effect upon both the police and the public. The public's expectations are influenced by the environment and by the actions of the police, while the police are influenced by their occupational environment, both internal and external (Van Heerden 1982:104). It is quite understandable that both the police and the public should see themselves as misunderstood and maltreated.

Since policing is a social service function, it could be expected that the citizens who have delegated the task of maintaining order to the police, also have the right to examine the fulfillment of their role critically, not only as far as the degree of orderliness in society is concerned, but also as far as their individual rights are protected and to

recommend any change if necessary. It is imperative that the police should view any criticism objectively and endeavour to bring about the necessary changes which may bridge the gap with society.

For the environment to be healthy and conducive, the police have to break with the past and actively propagate the establishment of a new social accord which would engineer spontaneous societal support for the police force and for the members thereof in the execution of their duties. As an institution, the police must enter the political fray once more to negotiate its release from that realm of social conduct (Erasmus 1991:14). Whereas the police have previously avoided the political rhetoric and actively practised politics, the reverse is now required under a democratic dispensation. The police would be called upon to vocally support the primary interest of the population over that of the state while, at the same time, conducting itself in the execution of its functions with absolute political impartiality. In effect, the police are required to manifest a level of political acumen which would never, under normal circumstances, be demanded or expected of it. The question, of course, is how do the police create a healthy environment. It will be argued that conditions, as they presently exist, are indeed conducive to the redefinition of the image of the police on a scale and within a time-frame which has previously not been possible and will probably never again be possible. The police force is both part of the problem and part of the solution (Van Heerden 1982:104 – 105).

2.7 SUMMARY

The role of the police is not easy; it has never been and probably never will be, considering the nature of their adversary. An understanding of the changing police role in the community is fundamental to any police officer. Several people feel that the police are called upon to perform too many tasks unrelated to the law enforcement. The police, being those appointed members of society delegated with the task of maintaining order, enforce the necessary laws in order to control societal behaviour. For the police to enforce the laws successfully and work harmoniously with the community, need to review themselves to see where they have failed. There is no reason why the police, collectively speaking, should make their own task more difficult. Traditional police methods should be changed. Their ideology of serving or being seen as the extension of

the government must change. The police must cease the pretence that it is not an extension of the state power structures. It needs to admit its involvement in the past political arena and, for so far as it is possible, "come clean" on such involvement. Paradoxically, the worse the confessions made by the police, the greater the probability that it will be met with forgiveness.

On the other hand, the police role should not be treated as an isolated entity. The public also too need to change its perception towards the role of the police and the two entities will work as a team. The police on their own cannot solve the community's problems. The maintenance of law and order is the responsibility of all citizens. All members of the community must make a commitment to actively enhance its own safety and the maintenance of law and order. The police should view any criticism objectively in order to bring about the necessary changes which may bridge the gap in their relationship with society (Mayet 1976:46). This will create respect for the law enforcement officer and relationships and attitudes may be cultivated and deviant behaviour may be restricted.

The purpose of policing is not absolute. According to Van Heerden (1982:57), it is not a case of enforcing the law at the expense of social order, but of executing the law for the sake of social order.

People living in a democratic society want their rights always to be respected in impartial and lawful ways. The public always complain that the police do not respect their individual rights when making arrests and interrogation and these may have a serious effect on crime prevention. At times the police may use "undercover"(clandestine) methods to obtain information. This does not set a good example with the public, and it can prevent the public from coming forward with information.

To maintain order is sometimes to create disorder and this was clearly proven and demonstrated in 1976 during the Soweto riots. What these civil actions also indicated was a need for a co-operative, rather than a conflict-orientated, model of policing.

Relations with the public must at all times be maintained in a manner reflecting the principle that the police and the public are inseparable. Police officers must adhere to the executive function of policing and refrain from taking it upon themselves to perform judicial functions such as making authoritative decisions as to guilt or innocence. For the public to respect them, and for the partnership to be maintained, depends on the integrity of policing.

State President FW de Klerk, besides unbanning the political organisation of the left, also “reclaimed control of the state from the security establishment” (Nathan and Phillips, 1992:3). The influence of the military and military thinking was further diminished by substantial budgetary cuts and exclusion from negotiation teams. Security legislation was amended to be less draconian while still providing for detention without trial. In removing the police from the arena that he called political, De Klerk believed he could depoliticise the police.

CHAPTER THREE

JURIDICAL ASPECTS OF THEFT AND ROBBERY

3.1 INTRODUCTION

Although theft is one of the best-known crimes in our law, it is not easy to describe its constituent elements in general terms. There are a number of reasons for this.

In the first place, theft in South African law covers a far wider field than it does, for example, in English, American or Continental law. In the second place, being a common-law crime, its basic principles were established some two thousand years ago in Roman times: to meet the demands of modern economic intercourse these principles have to be extensively adapted. To add to the confusion, the development of the crime index in South Africa was greatly influenced by English law differ from those in Roman Dutch Law.

The elements of the crime are still essentially the same as in Roman and Roman-Dutch law. The elements of the crime which must be established in every case of theft, whether its form, are (a) an act in respect of (b) a particular type of property (res or thing) which is performed (c) unlawfully and (d) intentionally (Snyman 1989:468).

Robbery or *rapina* was regarded in common law as an aggravated form of theft, namely by means of violence. Today it is regarded as a separate crime, distinct from theft, although all requirements for theft apply to robbery too. It is sufficient, as far as these requirements are concerned, to point out the following: as in theft, only the movable corporeal property in commercio can form the object of robbery. The owner of a vehicle must not, of course, have consented to the taking and X must have known that consent was lacking. Thus he does not commit robbery if using violence, he takes property belonging to another in the bona fide though erroneous belief that it is his own property which he had lost but was now found (Snyman 1989:492).

3.2 ELEMENTS OR JURIDICAL REQUIREMENTS OF THEFT

For the purpose of this study it is essential to highlight certain relevant juridical requirements pertaining to theft. For the purpose of this discussion the researcher deemed it necessary to make use of the description of theft and robbery as outlined by Snyman, C.R.(1989). Criminal Law (Second Edition). Further, in dealing with theft as a common law crime (mala in se), only certain relevant concepts will be highlighted.

As indicated earlier, theft consists in the unlawful and intentional appropriation of another's movable corporeal property, or of such property belonging to the perpetrator himself but in respect of which somebody else has a particular right of possession (Snyman 1989:467). Henceforth, the following brief discussion of the elements of theft:

3.2.1 An act (Contrectatio)

In Roman and Roman-Dutch law the act required to commit theft was described as a contrectatio – originally meant the handling or touching of an object.

Contrectatio (the term used to describe the act), requires the physical handling of the property – involving at least touching it. South African courts ruled in several cases, however that an object can be stolen without being touched or physically handled (Snyman 1989:472).

3.2.2 The property

According to South African common-law authorities only movable, corporeal property in commercio (available in commerce) can be stolen. Thus, one cannot steal a part of a farm (which is immovable) by moving its beacons or fence. Parts of immovable property which have become movable by separation can however, be stolen, such as corn-cobs which have been picked and trees cut down for firewood(Snyman 1989:476).

3.2.3 Unlawfulness

The unlawfulness of the appropriation may be excluded by grounds of justification such as negotiorum gestio, necessity or consent (e.g. while one's neighbour is away on leave his house is threatened by floodwaters. His furniture may then be removed and stored elsewhere until he returns)(Snyman 1989:478).

3.2.4 Intention – General

It is firmly established that the form of mens rea required for theft is intention. The crime can never be committed negligently. The intention must relate to all the requirements for the crime contained in the definition of the proscription, as well as the unlawfulness (Snyman 1989:478).

3.2.5 Unlawful temporary use of a thing – not theft

This element constitutes a situation where X uses Y's property (e.g. car) without his permission but only temporary, and then return it to Y. At common law X could then be guilty of furtum usus. What was "stolen" was not the property itself, but its use. In such a case, X does not intend to deprive Y of his property permanently. He only wishes to utilise it temporarily.

There are two qualifications to the rule that furtum usus does not constitute theft:

- ◆ to abandon another's property after use, without caring whether the owner will ever get it back, does constitute theft;
- ◆ the taking of another's res fungibilis (that is, a thing which is consumed by use, but can be replaced by something similar, for example a box of tomatoes, a sack of coal or a can of oil) is regarded as theft, even if X intends to give back a similar res fungibilis (Snyman 1989:483).

3.2.6 Theft – a continuing crime

Theft is a continuing crime (*delictum continuum*). This means that the theft continues as long as the stolen property is in the possession of the thief. The rule has two important effects. The first is procedural in nature: if X steals a car in an area falling outside the territorial jurisdiction of the court he is nonetheless guilty of theft and may be tried and convicted if he is found in possession of the stolen car within the court's territory. The second effect of the rule is that no difference is made between perpetrators and accessories after the fact (Snyman 1989:488).

3.3 ELEMENTS OR JURIDICAL REQUIREMENTS OF ROBBERY

As pointed out earlier, the elements or juridical requirements constituting robbery are the same as for theft. However, certain aspects will be highlighted to eliminate any possible distortion.

According to Kaser (1968:215) “robbery developed from a delict of violence against private property committed by gangs, and probably derived from the ancient *iniuria*”. According to Thomas (1981:360) “theft with violence was given a special *actio vi bonorum raptorum*, and thereafter came to be treated in itself, in the praetorship of M. Lucullus in 76 B.C. During the high classical period robbery was conceived of as a purely penal action. During the post-classical period it was treated as a ‘mixed’ penal action, and its importance was now strongly diminished by the fact that severe criminal penalties were laid down for all crimes of violence. (Van den Bergh, Van den Bergh & Erasmus 1992:1 – 2).

Iustinianus (IV 2 II VI) draws a clear distinction between theft and robbery:

Qui res alienas rapit, tenetur quidem etiam furti (quis enim magis alienam rem invito domino contrectat, quam qui vir rapit? ideoque recte dictum est eum improbum furem esse)... et generaliter dicendum est, ex quibus furti actio competit in re clam facta, ex isdem causes omnes habere hanc actionem.

(Robbery is chargeable also as theft; for who deals with the property of another more against that other's will than the robber? And thus the description of the robber as an audacious thief is a good one... In fact, it may be said generally that where, supposing property to be taken secretly, the action of theft will lie, the action on robbery will lie at suit of the same person, if it be taken with violence.)

According to Voet (67 8 1) robbery is the fraudulent handling, with violence and with the object of making a gain, either of a thing itself, or of the use or possession of it. It is thus a type of somewhat shameless theft. On account of it the action on goods seized by violence has been provided. According to Van Leeuwen (4 37 2) robbery is open theft accompanied with violence, and punished by death (Van den Bergh et al. 1992:2).

3.3.1 Violence or threats of violence

In Thabata 1946 (2) PH H 160 (O); Pachai 1962 (4) SA 246 (T) 249 and Duarte 1965 (1) PH H 83 (T) it was decided that the victim's resistance ought to have been overcome and the property (res or thing) then obtained by applying violence against the victim's person. In Makoena 1975 (4) SA 295 (O) it was decided that if X (robber) injures Y (victim) and then takes away the property from the victim's person while the victim is physically incapacitated (overwhelmed), robbery is likewise committed, provided that X (robber) already formed the intention to deprive Y of his property at the time of the attack.

In Exparte Minister of Justice: In re R v Gesai: R v De Jongh 958 – 959; Moloto 1982 (1) SA 844 (A) 850 B-C and Kgoyane 1982 (4) SA 133 (T) it was decided that, in the absence of actual physical violence, a threat to apply violence against Y if he/she does not hand over the property is sufficient to constitute robbery. This decision has the effect that Y (victim) had to submit to the taking of his/her property because his/her will had been overcome by fear. Thus, Y (victim) need not to be physically incapacitated or put out of action to defend him-/herself.

Threats of violence can be expressed in verbal language or could be implied. In McDonald 1980 (2) SA 939 (A) for instance, McDonald dressed like a robber, ambushes Y and Z (victims) in a shop's office, orders Y to hand over money and assaults Z to prevent him from escaping the attack on Z must be viewed as an implied threat by the robber (X) of physical harm to Y if he does not hand over the money. The question whether Y's will is overcome by fear will be judged subjectively.

3.3.2 Violence and taking: The casual link

According to Snyman (1989:493) the property must be obtained by X as a result of the violence or threat of violence. The premise is that the violence must precede the taking and that robbery is not committed if the violence is used to retain a thing already stolen or to facilitate escape. If this happens X commits theft and assault. According to Snyman the rule that the violence must precede the taking must however be qualified: robbery may in certain circumstances be committed even though the violence follows the completion of theft. This will be the case if, having regard to the time and place of X's act there is such a close link between the theft and the violence that they may be regarded as connecting components of one and the same action.

In Yolela's Case X was found in possession of Y's property before he could leave Y's house and X's ensuing assault on Y was regarded as closely connected with the process of taking the property and X convicted of robbery.

3.3.3 Action element

Handbag Snatching

In S v Mogale 1978 (2) SA 412 (A), the Appellate Division regarded handbag snatching as robbery – the application of violence by means of a sudden attack. This decision was followed in S v Sithole 1981 (1) SA 1186 (N), S v Mofokeng 1982 (4) SA 147 (T) and S v Witbooi 1984 (1) SA 236 (C). In the latter case, the court decided that resistance on the part of the victim is not necessary, because the action (sudden attack) of the robber is precisely intended to eliminate any form of resistance by the victim. It follows that this kind of robbery (street mugging) is usually executed by

means of surprise. Thus, emphasis is no longer being placed on resistance as such but rather on the violent action of the offender – S v Mkhanyane 1980 (3) SA 245 (O).

3.3.3.1 Threats of violence

Robbery by means of threats of violence required and unlawful threat accompanied by immediate physical violence projected against the victim. Robbery is not constituted where the intended harm is a future directed condition, or in cases where the threat of physical harm is directed toward another person other than the victim, or where the victim is threatened with disbandment, defamation or even prosecution. Such action could most probably be regarded as extortion.

The theft of the victim's property or valuables should be preceded by violence or threats of violence – S v Malinga 1962 (3) SA 589 (T). This opinion was, however, not upheld in S v Molelo 1981 (1) SA 1002 (A). The Appellate Division took the standpoint that the existence of a close relation between the theft and the application of violence could also imply that violence need not necessarily be applied before committing theft. Likewise, assault of the victim could also follow after theft was committed. It seems therefore, that the sequence of events does not play a vital role in the case of robbery. What is important, is the fact that physical violence or threats of violence should accompany the dispossession of the victim's property or valuables.

In Ex parte Minister of Justice: In re S v Seekoei 1984 (4) SA 690 (A), the Appellate Division concluded that it is not a necessary requirement for theft (taking away of victim's property). Theft can be committed in the presence of the victim. In this case, the victim was assaulted and then tied up. With the aid of a key which was taken from the victim, property belonging to the victim had been removed from his store, two kilometres from the place of attack. The court upheld that the distance between the place where the attack was carried out and the place where the theft occurred, should not be regarded a stumbling block in ascertaining whether the crime of robbery was constituted or not. This decision eradicated the establishment and artificial requirement for robbery, namely that the property to be removed, should be under the direct control of the victim or in the immediate environment of the victim.

3.3.3.2 Unlawfulness

The removal of objects (like personal property) from a person arrested by a police official does not constitute the crime of robbery – even not so if reasonable force is used to remove such property.

3.3.3.3 Intent

To constitute the crime of robbery, mens rea is an essential element with regard to the violence or threats of violence inflicted as well as theft of movable property. The robber's intention to inflict violence or force must relate to his intention to unlawfully deprive the victim of his/her property.

3.3.3.4 Punishment

The punishment for robbery may be death if aggravating factors are present. Section 277(1)(c)(i) of the Criminal Procedure Act, 51 of 1977, stated (when the concept of aggravating circumstances prevailed – and the death sentence was compulsory) that aggravating circumstances in the case of robbery are (i) the wielding of a firearm or any other dangerous weapon; (ii) the infliction of grievous bodily harm; or (iii) a threat to inflict grievous bodily harm by the robber before, during or after the crime: It is anticipated that South African courts will, inter alia, still use these factors to determine whether aggravating factors are present.

3.4 SEMIOTIC PERSPECTIVES OF CRIME

The following discussion represents some of the different streams of semiotic thought; it is for obvious reasons impossible to discuss all the schools of thought. The basic methodological tenets, as formulated by De Saussure and Peirce, nevertheless manifest themselves in one or the other form in the works of Greimas (Patte 1976; 1978), Barthes (Hervey 1982), Hervey (Hervey 1982), Benson (Benson 1987; 1988), and Eco (Eco 1979a; 1979b).

Semiotics, the science of signs, deals specifically with the issue of how meaning is created by a 'sender', and how meaning is generated in the mind of the 'receiver'. These concepts, now virtually clichés in the discipline of Communication Science, are used here merely as familiar beacons on our tour through the semiotic web of crime. The ideas of above mentioned scholars will be used as torches with which we can negotiate our way through the labyrinthine web of unlimited semiosis (Van den Bergh, Van den Bergh & Erasmus 1992:9 – 10).

The view of Hervey (cf:1982), is accepted that any event and everything, be it verbal or a verbal, which signifies (generates meaning) is a semiotic object and falls within the ambit of semiotic studies, e.g. emotions and feelings, sounds, smells, gestures, events, etc.

This view allows the researcher to move beyond the constraints set by a more conventional semiotics such as that of De Saussure (i.e. only signals from conventional systems intended for communication are semiotic), Hervey (cf:1982)(i.e. only cases of deliberate, intentional, and conventional forms of communication – everything that forms a system of communication – are semiotic). In line with semiotic theory, the view is also accepted that each and every crime signifies (creates meaning), and thus is a text, whether the wrongdoer intended to signify something, or not.

Illustration

One evening in a dark alley in Durban, X robs A. X approached A when he, with his wallet and car's keys in his one hand, walked up to his car. X brandished a pistol and threatened A, who handed over his wallet, watch and car's keys to X. X also instructed A to lie down on the tar road. This act of robbery is not merely a legal and criminological matter, but also a semiotic text, in that the event constitutes a text which generates different meanings. Different actors in this drama attached different meanings to the event, e.g.

- ◆ A decided never to visit that part of Durban at night again – the robbery ‘taught him a lesson’, i.e. conveyed meaning to him, and that is that that particular part of Durban is a *dangerous place*;
- ◆ A decided never to visit that part of Durban alone – he got the message that if one is alone, one will be the victim of a robbery. It is thus better to take one or two, preferably strong and vicious looking, friends along. The presence of friends will of course convey the perception (meaning) among intended robbers that they will not get off easily;
- ◆ A decided never to take his watch and wallet along when entering that part of Durban – these items are ‘invitations’ to robbers, i.e. the items carry the message that the would be victim has something of value on him and that he is a possible source of monetary *gain*;
- ◆ X saw A, that A is alone, that A has a watch and a wallet – all these perceptions conveyed messages about A to X, on the grounds of which he acted.

The drama has not ended though! After A’s ‘voluntary’ handing over his watch and wallet, and just before X could make off with the loot, A sprang into action. As a 5th Dan karate expert, A virtually demolished X. He leaves X on the ground, bleeding profusely from a broken nose. His watch and wallet recovered, A proceeds on his way. Once again many meanings were generated:

- ◆ X decides never to rob a karate expert again – he admits to himself that he does not have sufficient physical strength to enter into combat with a karate expert;
- ◆ A feels satisfied – by catching out a robber and smashing him up, thus reassuring himself that his training in karate has paid off;
- ◆ A feels himself superior to other people;
- ◆ X decides to make sure next time that the would be victim really is a weak wimp;
- ◆ X “got the message”(i.e. created the meaning) that not all weak and wimp-looking guys are really weak.

One can imagine a virtually innumerable amount of meanings that would have been created if more actors were present, e.g. onlookers (other students, academis staff),

X's friends, A's friends, the police , etc. In all these actors too the event of robbery would have created meanings.

Keep in mind that X had no intention to convey a message to A; he merely wanted to rob A of his valuables. The act of robbery though, is a semiotic event as it lead to the creation of meanings.

As mentioned, semiotics specifically deals with how meaning are created, and not so much with the question what the meanings are – the what meanings are aspect falls under hermeneutics, the science of interpretation.

One could speculate on how meanings were created in the case of X and A, the karate expert. For these purposes one has to give regard to the concept of unlimited semiosis. Eco, Benson and other semioticians all agree on this aspect of semiotics. When man, as structuring agent in this seemingly chaotic reality generally known as 'life', perceives something, he (unconsciously) brings some rationality into play, thus enabling him to 'understand' or 'make sense of' what that which was perceived. Thus the process of unlimited semiosis starts. This process ends either in some action, or until man loses interest and proceeds to the next datum that manifests itself to his mind.

In this process of unlimited semiosis the mind moves from one association to another until a satisfactory meaning is reached, or until the mind terminates the effort due to, for instance, lack of interest.

If one considers X, the robber, one could speculate on how meaning was created when he saw A and decided on robbing A. Although one cannot 'look into the mind' of another, one can speculate by looking into 'conventional meaning-creators in society', e.g. a gold watch on a persons arm creates the meaning of wealth as one knows that gold is a sigh of wealth; a measly looking wimp-like person is a sign of physical weakness – surely only burly, well-built people are strong? All of these meanings are built into a 'conventional' social semiotic system (cf. Austin, Barthes).

The fact that these meanings arise from a conventional semiotic system, does not preclude the possibility that X generated meanings (for himself) based purely on a subjective (and thus non-conventional) basis, e.g. due to a childhood experience gold signifies, for X, punishment and he has this obsession to strip people of golden items with the aim of destroying such items. Thus it is often difficult to ascertain how unconventional meanings are generated.

3.4.1 Greimas' structural semantics

In line with the above drama, we will firstly and briefly look at a Greimasian type of analysis of the event.

The structural semantic method of Greimas has as one of its aims the identification of the underlying and implied structural relationship that exists between concepts. It thus attempts to disclose the depth semantics of concepts.

The main elements of robbery are: 1 *theft* (the appropriation of something capable of being stolen with the intent to appropriate for oneself and 2 *violence* (Van den Berg et al. 1992:13).

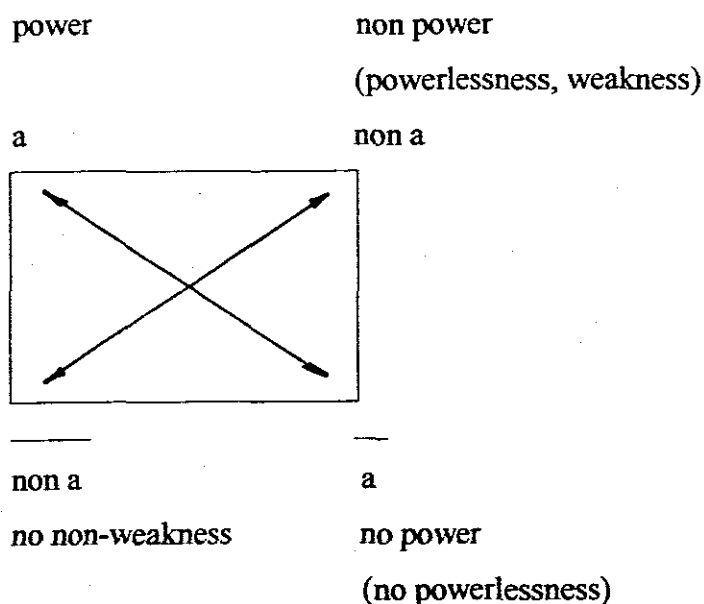
3.4.1.1 The structural elements of robbery

- 1 Acquisition, by power, of property / of people
 acquire property by power
 acquire people by power
- 2 Control, by power, of people / property
 control people through power
 control property through power

It is clear from the above the nucleus of robbery is the component of power: acquisition by power, and control by power. The other concepts (property, people, acquisition, control) are by no means irrelevant, but in robbery these are all dependent upon the concept of power.

3.4.1.2 The Seomatic Square of Greimas et al.

The seomatic square is a relation of homologized contradictions.



The semiotic square indicates that the components of weakness and non-weakness (power and powerlessness) are integrated into the concept of power (Van den Bergh et al. 1992:11 – 15).

3.4.1.3 The discourse of robbery

The robber, by successfully fulfilling his desire through a deed, signals to the victim/society that he is in power/empowered. It furthermore conveys a signal (meaning, message, perception) to society about the health of society itself – the powerlessness or weakness of society, and the strength or power of the criminal. If the robber is hindered though (caught, chased away), the message is: society is powerful/strong, and the robber is weak. As mentioned, communication without the intention to communicate nevertheless creates a semiotic object. In this text of robbery, meaning is created by the victim, society, bystanders, readers of media, other candidate robbers, etc. (Society being the victim, friends, students, academics, would-be robbers, disciplinary committee – maybe police as well, and society at large.) But, the act of robbery creates a social and juridical imbalance, an imbalance of power

which will not be tolerated by society, and society expects and requires a restoration of the balance, through the process of prosecution, i.e. through law. The robbery as social text is incomplete if the social expectation of restoration is left unsatisfied and unfulfilled; it is like a syntactic incomplete sentence – a sentence without a verb, a sentence without a full stop (Van den Bergh et al. 1992:15).

The full text of robbery thus is: the deed (robbery) + the process of prosecution. The identification of the victim, his arrest/summons to appear at disciplinary hearing, his acquittal or his conviction and sentence, thus the process of prosecution as a whole, appears to be a most determining aspect as far as the creation of (social) meaning is concerned. It forms part of the greater text of robbery.

Therefore:

- ◆ robbery plus the process of prosecution signifies the power of society and the powerlessness/weakness of the robber, and
- ◆ robbery minus the process of prosecution signifies the powerlessness/weakness of society and the power of the victim.

Viewed from the perspective of the latest trends in the execution of judgements in South Africa, it seems as if the politically motivated and jurisprudentially, and perhaps criminologically irrational release of even hard-core criminals, too forms part of the full text. In other words, to the text of robbery plus the process of prosecution which is supposed to signify the power of society, another subtext is attached – the absolute failure of justice and the judicial system in society (and this is not seen only from a retributive theoretical viewpoint). Thus the above statements could be changed to:

- ◆ robbery plus the process of prosecution and plus the effective execution of the sentence signifies the power of society, and
- ◆ robbery plus the process of prosecution but minus the effective execution of the sentence signifies the weakness of society (Van den Berg et al. 1992:15 – 16).

Logically, it thus falls into the same category as the second statement above; the ineffective execution of sentence is the same as the absence of prosecution as a whole. But, an even stronger nuance is present – the perception (nowadays) that any sentence

by the court is futile as criminals are released in any case. Through crime, society is made aware of its weaknesses and its strengths (Van den Bergh et al. 1992:16).

3.5 CONCLUSION

In this chapter, issues pertaining to theft and robbery, have been outlined. Robbery is a composite crime consisting of theft and assault. Robbery could be used as a paradigm for all crimes, not merely because both things (property) and people are components, but also because the power and the weakness of society and its members are manifested.

The power, and the weakness of society is tested and attested by crime. **It is not so much the severity of a crime that attests to the health of society, but the way in which society deals with such crime.** Each and every criminal act, be it a traffic offence, theft of a motor vehicle, vehicle hijacking or be it high treason, poses a challenge to society, and conveys messages (meanings) to society itself about its (i.e. society's) inherent power, and its inherent weakness.

CHAPTER FOUR

CRIMINOLOGICAL EXPLANATION THEORIES

4.1 INTRODUCTION

Some researchers have tried to explain crime on the basis of factors situated within the individual himself (individual-orientated theories), whilst others have sought the causes of criminal behaviour in the environment and in particular the social environment.

These investigations have resulted in the construction of numerous theories, some of which have been highly praised or severely criticized by criminologist. The chief characteristic common to all these theories is the fact that real efforts have been made to find explanations for criminal behaviour.

Crime causation theories are an important facet of criminology, which is the study of crime from an overall perspective. On the one hand it helps to increase knowledge from a purely scientific point of view and, on the other it is useful from a practical point of view, which is that crime can only be combatted and handled effectively if sufficient information is available on how and why this ought to be done. Thus, theoretical criminology becomes an essential requirement for orientational research in this discipline, with specific reference to vehicle theft and hijacking in KwaZulu-Natal and the Western Cape.

Valid answers explaining why crimes are committed are not easily available; no comprehensive model exists enabling us to forecast with any degree of certainty if – or why – a crime would or would not be committed in certain circumstances. This defect (if it may be regarded as such) stems from the fact that human behaviour and hence also crime, is the result of a large assortment of variables or combinations of variables.

Criminology with its systematic search for the causes of crime seeks a causal link between all these variables, to enable it to predict and explain crime more accurately.

When one assesses the problem of crime causation in its totality, the premise appears to be the interaction between individual / human and environmental factors, interrelated in varying ratios. However, criminologists in their diverse fields still tend to overemphasize either the individual / human or the environmental factors. At the theoretical level in particular, these two sets of factors have been insufficiently integrated for the construction of a truly comprehensive, consolidated model of crime causation.

The role of individual / human factors is however not so determinative that it may serve as a basis for predicting either criminal or law-abiding behaviour with any degree of certainty. Their significance resides in the fact that not all persons living in unfavourable environmental conditions resort to crime, whereas a favourable environment as such is not sufficient guarantee that everyone living under these conditions is immune to criminal behaviour.

Apart from individual / human factors, behaviour is also influenced by the total environment, on the basis of which conscious life can be explained. It plays an important role in the personality process, and also in the causation of crime, where it interacts with the personality as a totality.

Many researchers are of the opinion that individual / human factors are of primary importance in determining whether or not an individual will resort to crime, while environmental factors determine the nature and type of crime. The significance of the two sets of factors can be explained by means of the following formula:

$$\text{Crime} = \frac{\text{Individual / human factors}}{\text{Environmental factors}} + \text{Crime situation}$$

On the whole, causation theories tend to overemphasize certain approaches. Exponents of specific causation theories too often insist that the truth is to be found only in their particular schools of thought. This is not a sound assumption, because in the search for the causality of crime one should strive for comprehensive knowledge (Van der Walt, Cloete & Stevens 1983:1 – 12).

Criminological theories serve the purpose of improving one's understanding of crime-related phenomena by allowing a study of crime causation from a variety of perspectives.

Quinn, Holman & Tobolowsky (1992:59) suggested that: "Unfortunately very few, if any, criminal acts can be explained fully by one criminological theory because the 'causes' of criminal behaviour occur simultaneously at all levels of analysis and interact constantly with one another as well as other environmental, structural and internal forces".

The researcher has decided not to explain theft (vehicle) juridically only, but has deemed it fit to analyse some of the more significant criminological theories. This approach has been recommended by Naude (1998:24), namely the adoption of a more wider instead of a narrow orientation to the study and explanation of crime. There is a wide variety of theories that can be used jointly to explain vehicle theft. An exposition of socio-theoretical explanations of crime and delinquency will be given with special reference to the following theories: general strain theory, social control theories, social disorganisation theories, conflict theories and cultural transmission theories. Although these theories have been designed for the American scene, they have been extensively used to define and explain crime outside the United States. In fact, these theories offer valuable insight into deviant behaviour. For this reason, the researcher has decided not to reject these conventional theories out of hand. Further, to overcome the apparent lack of these social theories to successfully explain crime in South African context, the researcher also included a brief summary of Glanz's contemporary theoretical approach (see par.4.7).

4.2 GENERAL STRAIN THEORY

Siegel (1989:167) opine that strain theories constitute the second branch of social structure theory. Collectively, they view crime and delinquency as *a result of the frustration and anger people experience over their inability to achieve legitimate social and financial success.*

Strain theorists agree that most people originally share similar values and goals but that the ability to achieve them is stratified by socio-economic class. In middle- and upperclass communities, strain does not exist, since education and prestigious occupations are readily obtainable. In lower-class areas, strain occurs because legitimate avenues for success are all but closed. When no acceptable means for obtaining success exist, individuals may either use deviant methods to achieve their goals or reject socially accepted goals and substitute others for them (Siegel 1989:167 – 168).

This last point is quite important, because it distinguishes strain theory from cultural deviance theory. Strain theories hold that everyone desires middle-class goals but that the frustration of failing to achieve them causes lower-class people to substitute criminal behaviour. Cultural deviance theories, on the other hand, maintain that many, if not all, lower-class people have a separate value system that places them in conflict with middle-class social control agents (Siegel 1989:168).

4.2.1 Robert Merton's theory of anomie

According to Reid (1991:177), Merton's theory was developed in reaction to biological theories which suggested that human behaviour is the result of inborn traits. His theory was also designed as an alternative to the Freudianism which taught that man is characterized by an inexorable struggle between biological desires and social constraints.

Merton set out to discover why individuals acting within the same environment behaved differently. His hypothesis suggested that social structures exert pressure on certain people to engage in deviant behaviour rather than to conform (Trojanowicz 1973:33).

Thus, because of the circumstances in which it originated, anomie theory seeks to explain deviant behaviour (and therefore crime as a result of such behaviour) in terms of the structure of human society.

4.2.1.1 Social adaptations

Merton argues that each person has his or her own concept of the goals of society and of the means available to attain them. Whereas some people have inadequate means of attaining success, others, who do have the means, reject societal goals as being unsuited to them (Siegel 1989:168).

According to Cloete and Stevens (1990:157), Merton's anomie theory also offers a satisfactory explanation of economic crimes such as theft and robbery and according to this theory every member of society strives to achieve certain goals by the prescribed means. Thus, the individual can develop one of five adaptations to deal with the possibility of stress.

A. Conformity	+	(cultural goals)	+	(means)
B. Innovation	+		-	
C. Ritualism	-		+	
D. Retreatism	-		-	
E. Rebellion	±		±	

A. Conformity

Conformity occurs when individuals accept social goals and also have the means at their disposal to attain them. In a balanced, stable society, this is the most common social adaptation. If a majority of its people did not practice conformity, the society would cease to exist (Siegel 1989:169).

B. Innovation

Innovation occurs when an individual accepts the goals of society but rejects or is incapable of using legitimate means to attain them. For example, when people want luxuries but lack money, the resulting conflict sometimes forces them to adopt an innovative solution to the problem – they steal.

Of the five adaptations, innovation is most closely associated with criminal behaviour. Thus, anomie causes an interactive effect, in which people who observe the inability of society to control crime will resort to the law-violating means others have successfully used. This explains why crime is created and sustained in certain low-income ecological areas (Siegel 1989:169).

C. Ritualism

Ritualism results when goals are lowered in importance and means are at the same time rigidly adhered to. The maintenance of a strict set of manners and customs that serve no purpose is an example of ritualism. Ritualists gain pleasure from the practice of traditional ceremonies that have neither a real purpose nor a goal (Siegel 1989:169).

D. Retreatism

Retreatism entails a rejection of both the goals and the means of society. Merton suggests that people who adjust in this fashion are "in the society but not of it". Included in this category are "psychotics, outcasts, vagrants, chronic drunkards and drug addicts".

Often, this posture results when an individual accepts socially acceptable goals but is denied the means to attain them. Because such people are also morally or otherwise incapable of using illegitimate means, they attempt to escape their lack of success by withdrawing – either mentally or physically (Siegel 1989:169).

E. Rebellion

A rebellious adaptation involves the substitution of alternative sets of goals and means for the accepted one of society. This adaptation is typical of the revolutionist, who wishes to promote radical change in the existing social structure and who call for alternative lifestyles, goals and beliefs. The revolutionary orientation can be used as a reaction against a corrupt and hated regime or as an effort to create alternate opportunities and lifestyles within the existing system.

It is evident that behaviours associated with retreatism, rebellion and innovation are relevant to the production of criminal behaviour (Siegel 1989:169).

Considering the apparent inequality in the South African society, it is not surprising that large segments of the population react to the resulting anomic condition with innovations such as theft or extortion, by retreating into drugs or alcohol, or with rebellion exhibited by joining revolutionary or cultist groups.

4.2.1.2 Evaluation of Anomie theory

Since its publication, Merton's theoretical model had been praised for its scope and precision.

- ◆ **Adequate access** - Reid (1991:180) notes that Merton's explanation of innovation is questionable because criminal innovation is also prevalent amongst the middle and upper classes, which can be presumed to have adequate access to opportunities for conformist behaviour.
- ◆ **Unidentified determinants** - Van der Walt et al.(1983:26) state that Merton's explanation of the deviant modes of adaptation to anomie fails to identify the determinants which lead to specific modes of adaption.
- ◆ **Status achievement** - Kruger(Van der Walt et al.1983:26) opines that the striving for material success - which is closely connected with status achievement within the prestige system of a community - can only motivate behaviour in societies where the only way of attaining status is to achieve it. This pattern would not be applicable in communities where status is chiefly ascribed.
- ◆ **Frustration of goal attainment** - Kruger(Van der Walt et al.1983:27) states that Merton's idea that the frustration of an individual's goal attainment gives rise to deviance has added greatly to our understanding of deviant behaviour.
- ◆ **Socio- psychological** - Kruger(Van der Walt et al.1983:27) states that Parson, in his discussion of anomie, actually tries to compensate for Merton's sociologicistic approach by arguing that psychic factors are the real driving forces in social life. In this respect Parson's explanation of reactions to anomie as a socio-psychological phenomenon is in fact more comprehensive than Merton's.

4.2.2 Cohen's theory of Delinquent Subcultures

Albert Cohen first articulated the theory of delinquent subculture in his 1955 book, Delinquent Boys. Cohen's main purpose was to explain the delinquent behaviour found in lower-class slum neighbourhoods. His central position was that the delinquent behaviour of lower-class youths was a protest against the norms and values of middle-class American culture. Because social conditions make them incapable of achieving success legitimately, lower-class youths experience a form of culture conflict which Cohen labeled *status frustration* (Siegel 1989:171).

As a result, many of them join together in teenage gangs and engage in behaviour that is "non-utilitarian, malicious and negativistic". Cohen viewed delinquents as forming a separate subculture and possessing a value system directly in opposition to that of the larger society (Siegel 1989:171).

4.2.2.1 Causes of Delinquency

According to Cohen, the development of the delinquent subculture is a function of the social and familial conditions children experience as they mature in the ghetto or slum environment. Rather, it is a result of the social and economic limitations suffered by members of the less fortunate groups in society (Siegel, 1989:171).

A critical element of lower-class life, one that directly influences later delinquency behaviour, is the nature of the child's family structure. Cohen argues that the relative position of a child's family in the social structure determines the quality of experience and problems that the child will encounter later in life. Permanently cut off from the middle-class way of life, lower-class families produce children who lack the basic skills necessary to achieve social and economic success in a demanding society. Developmental handicaps produced by a lower-class upbringing include lack of educational training, poor speech and communication skills and inability to delay gratification (Siegel 1989:171).

4.2.2.2 Middle-class measuring rods

One significant handicap that lower-class children face is the inability to positively impress authority figures, such as teachers, employers or supervisors. In society, these positions tend to be held by members of the middle or upper-class, who have difficulty relating to lower-class children. Cohen calls the standards set by these authority figures *middle-class measuring rods*. The conflict lower-class youths feel when they fail to meet these standards, it's a primary cause of delinquency (Siegel 1989:171).

4.2.2.3 Reactions to middle-class measuring rods

Cohen believes lower-class boys who suffer rejection by middle-class decision-makers become deeply affected by their lack of social recognition. They usually elect to adopt one of three alternative behaviours: the corner boy role, the college boy role or the delinquent boy role (Siegel 1989:171 – 172).

- ◆ The *corner boy* role is the most common response to middle-class rejection. The corner boy is not overtly delinquent but behaves in a way that is sometimes defined as delinquent. For example, he is a truant. He hangs out in the neighbourhood; engages in gambling, athletics and other group activities and eventually obtains a menial job. His main loyalty is to his peer group, on which he depends for support, motivation and interest.
- ◆ The *college boy* embraces the cultural and social values of the middle-class. Rather than scorning middle-class measuring rods, he actively strives to be successful by middle-class standards. Cohen views this type of youth as one who is embarking on an almost hopeless path, since he is academically, socially and linguistically ill-equipped to achieve the rewards of middle-class life.
- ◆ The *delinquent boy* adopts a set of norms and principles in direct opposition to middle-class societies. Cohen describes some general properties of the delinquent subculture. For one thing, its members often manifest *short-run hedonism*. That is, they live for today and let tomorrow take care of itself

Members of the delinquent subculture are also careful to maintain group autonomy. They resist efforts by family, school or other sources of authority to control their behaviour. According to Cohen (Vito & Holmes 1994:165), the lower-class boys accepted the goals of the middle-class but were unable to reach them by socially acceptable means. Because they experience *status frustration* and a loss of self-esteem, these boys developed a subculture of delinquency. Cohen termed the creation of this subculture *reaction formation*.

Reaction formation causes the delinquent boy to overreact to any perceived threat or slight. Consequently, the delinquent boy establishes himself as being quite distinct from middle-class society (Siegel 1989:172).

4.2.2.4 Criticism against Cohen's Theory of Delinquent Subcultures

Despite its merits, Cohen's work has been subject to significant criticism (Siegel 1989:173):

- Cohen presents no rigorous empirical evidence to support his contentions; and self-report studies have uncovered data indicating that delinquent behaviour may be unrelated to social status or status frustration.
- The internal consistency of Cohen's theory also has been brought into question.
- Kitsuse & Detrick also question Cohen's concept of reaction formation and suggest that it is impossible to test the validity of this concept scientifically.
- Kitsuse & Detrick object to the categorization of delinquent behaviour as non-utilitarian, malicious and negativistic. They point to evidence that delinquent behaviour is often rational, calculated and utilitarian.
- Cohen & Short acknowledged that the original formulation of the delinquent subculture may have been too simplistic and that a more complex model may be called for.
- Results of studies specially designed to test Cohen's theory have been inconclusive.

4.2.3 Cloward & Ohlin's Theory of Differential Opportunity

Delinquent subcultures spring up in areas where youths lack the opportunity to gain success through conventional means. True to strain theory principles, Cloward & Ohlin portray delinquents as individuals who want to conform to middle-class values but lack the means to do so: "*Reaching out for socially approved goals under conditions that preclude their legitimate achievement may become a prelude to deviance*" (italics added) (Siegel 1989:173).

4.2.3.1 Differential Opportunities

The centerpiece of the Richard Cloward and Lloyd Ohlin theory is the concept of differential opportunity. The authors agree with Merton that people who perceive themselves as failures within conventional society will seek innovative ways to gain success; some will question the legitimacy of conventional codes of conduct as an appropriate guide for their own behaviour and instead begin to use illegal means. Group support helps them handle the shame, fear or guilt they may develop from engaging in illegal acts (Siegel 1989:173).

If the ecological area in which a person resides provides the opportunity for personal success through crime-related activities – theft, organized crime and the like – then the person may make use of these illegitimate opportunities to achieve financial gain. For example, such a person may join a successful car-theft syndicate, become a member of organized crime or get involved in gambling (Siegel 1989:174).

Not only are conventional opportunities stratified unequally in the social structure, but so too are illegal opportunities. *This is the basis of differential opportunity.* Cloward and Ohlin propose the existence of three types of collective responses to blocked legitimate opportunities:

- a) criminal gangs, which seek monetary gain through crime;
- b) conflict gangs, which specialize in violence; and
- c) retreatist gangs, which are drug-related.

The response taken depends on the means available to them (Siegel 1989:174).

- a) **Criminal gangs** – Siegel (1989:174) opines that youths join criminal gangs as a training ground for adult criminal careers. The dominant feature of group membership involves learning the knowledge and skills needed for success in criminal activities. The gang member starts by learning to look up to older criminals, as a middle-class youth might admire athletes or rock stars. Delinquent experiences help the gang boy to learn the techniques and orientation of the criminal world and to “*cooperate successfully with others in criminal enterprises*”(italics added).
- b) **Conflict gangs** – Siegel (1989:174) states that the stereotype of the conflict gang member is the young tough guy who swaggers with his gang, fights with weapons to win respect from rivals, and engages in unpredictable and destructive assaults on persons and property. The conflict gang member must be ready to fight to protect his own and his gang’s integrity and honour. Conflict gangs develop in communities unable to provide either legitimate or illegitimate opportunities. These highly disorganized areas are marked by transient residents and physical deterioration. Crime in these areas is “*individualistic, unorganized, petty, poorly paid and unprotected*”(italics added)(Siegel 1989:174).
- c) **Retreatist gangs** – Members of the retreatist subculture are constantly in search of ways of getting high – alcohol, pot, heroin, unusual sexual experiences and music. They are always “*cool*”, detached from relationships with the conventional world. To feed their habits, retreatists develop a “*hustle*” – pimping, conning, selling drugs and committing other non-violent crimes (Siegel 1989:174).

Siegel (1989:174) is of the opinion that many retreatists are double failures, unable to gain success through legitimate means and unwilling to do so through risky ones such as a robbery. Not all double failures become retreatists; some may choose to be law-abiding corner boys previously identified by Albert Cohen.

4.2.3.2 Analysis of Differential Opportunity Theory

Cloward and Ohlin’s theory has the distinct advantage of avoiding the pitfalls of previous theoretical models. It is neither so broad as to lack precision nor so narrow as to be unimportant. Their recognition of the existence of different types of delinquent gang cultures seems to be a more realistic reflection of the actual world of the

delinquent than Cohen's original view of purely negativistic, destructive delinquent youths who oppose all social values (Siegel 1989:175).

Cloward and Ohlin's tripartite model of urban delinquency also relates directly to the treatment and rehabilitation of delinquents. While other theorists, such as Cohen, Miller, Shaw and McKay, see delinquent youths maintaining values and attitudes in opposition to middle-class culture, Cloward & Ohlin suggest that many delinquents share the goals and values of the general society but lack the means to obtain them (Siegel 1989:175). This position is an argument for rehabilitation programs, because it suggests that preventing delinquency does not involve changing basic attitudes and beliefs of delinquent youth.

Some recent surveys of gang delinquency also have called into question Cloward and Ohlin's conclusions. They suggest that gangs are more pervasive than was previously expected, that more than one type of gang (conflict, criminal, retreatist) exists in a particular area and that the commitment of gang boys to one another is less intense than opportunity theory would suggest. Moreover, gangs do not seem to specialize in any particular type of behaviour. Thus, while some empirical evidence supports Cloward & Ohlin, an equal amount seems to contradict their approach (Siegel 1989:175).

4.3 SOCIAL CONTROL THEORY

Reid (1991:232) opine that the classical approach and modern deterrence theory examined the proposition that criminal behaviour is rational, that it is the response of people who have decided what they want and calculated the costs. Crime is more attractive than achieving the goods or services by legitimate means. If so, the economic approach is to control such behaviour by increasing the cost or the punishment.

According to control theorists, deviance results when social controls are either weakened or broken down. When controls are strong, deviance does not occur. The problem is to try to explain what can be done in a positive way to allude appropriate behaviour. *The question is not how to prevent criminal behaviour but how to train*

people to engage in law-abiding behaviour. This training is done through control theory, which begins with the assumption that *all persons have to be trained to behave properly* (Reid 1991:232 – 233).

Reid (1991:233) states that like many other explanations of criminal behaviour, social-control theory is really not a theory in the sense of rigorous scientific procedures of developing and testing hypothesis; rather, *it is an approach or an explanation.*

There are two types: training and containment, illustrated by the work of Walter C. Reckless, and; attachment and commitment, illustrated by the work of Travis Hirschi.

4.3.1 **Reckless's Containment Theory**

Fox, (Van der Walt et al.1983:56) states that Reckless's containment theory is based on another theory advanced by Beely in 1945, which was divided into two categories:

- personal factors that weaken self-control, and
- social factors that weaken self-control.

Reckless published his theory in 1961. With Beely's theory as the basis, he subjected his own theory to seven criteria (or tests) for validity. This criteria will be presented in paragraph 4.3.1.2

Initially, Reckless's theory was known as the "Halt" theory. Later, when it was formulated more comprehensively, it was renamed, containment theory, and it makes provision for explaining both conformist and deviant conduct. Accordingly, it is known as a middle range theory in that it tries to explain most forms of criminal behaviour (Schafer in Van der Walt et al. 1983:56).

Reckless's containment theory is based on internal and external containment systems. It presupposes that both internal and external push and pull factors relate directly to criminal or conformist behaviour. In other words, where both inner push factors and external pull factors tend towards criminal behaviour, criminal behaviour will result Fox in (Van der Walt et al.1983:56). According to Siegel & Senna (Van der Walt et

al.1983:56) the object of containment is to serve as a buffer against social causes leading to crime. *Thus it depends chiefly on the person's inner strength whether or not he/she will succumb to crime.*

Containment theory explains both conformist and criminal behaviour. It presents two possibilities for reinforcement:

- an inner containment system, and
- an external containment system.

It is presumed that strong inner and reinforced external control will ensure that normatively (not constitutionally or psychologically) criminal behaviour will be eliminated, for example as transgression of socio-legal norms of behaviour (Reckless in Van der Walt et al. 1983:56).

This containment theory is concerned with the regulation of normative behaviour through resistance to deviant behaviour and guidance provided by legitimate social expectations. Inner and external containment systems occupy a central position between the push and pull factors of the external environment and everyday push factors (or inner drives)(Giallombardo in Van der Walt et al. 1983:57).

4.3.1.1 Principal Elements (Concepts) of Containment Theory

Reckless (Van der Walt et al. 1983:57 – 58) states that these elements (concepts), discussed below, are of cardinal importance for containment theory.

I. Inner containment or self-control

Reid and Nettler (Van der Walt et al. 1983:57) opine that inner containment may also be seen as *conscience*.

The main point about the inner containment is that it is directed at the *self*, in other words, at the inner strength of an individual's personality (Siegel & Senna in Van der Walt et al. 1983:57). Among the relevant aspects here are self-control, healthy self-image, ego strength, well developed superego, high frustration threshold, avoidance of high resistance, sense of responsibility, the

ability to find satisfactory alternatives, and the ability to defuse tension rationally. This containment may also be applied to a mobile, flexible community. No form of social control can be exerted over these people because of their "alienation" which usually precludes them from participating in group activities (Fox in Van der Walt et al. 1983:57).

II. **External containment or social pressure**

This concept refers to the ability of a community, group, organization or other social ties which keep a person's behaviour within the accepted norms of behavioural standards, rules, regulations, and expectations. Other relevant aspects include effective discipline and supervision (social control), provision of opportunities for activities or and appropriate alternative, the introduction of safety mechanisms, opportunities for social acceptance, identification and participation. This structure helps the family and other supporting groups to control the individual (Siegel & Senna in Van der Walt et al. 1983:58).

III. **Social or environmental push factors**

These factors include poverty, unemployment, conflict and discord, minority group status, and limited opportunities for self-realization. Siegel & Senna (Van der Walt et al. 1983:58) refer to these as *external push factors* which, they say, may influence a person's way of life to the extent of causing deviant behaviour.

IV. **Social or environmental pull factors**

Pull factors include individual prestige, delinquent or criminal subcultures, undesirable influence of friends, propaganda and suggestions by the mass media. These are factors that channalize the individual away from a normal and socially acceptable way of life. Siegel & Senna (Van der Walt et al. 1983:58) refer to these as *external pull factors*.

V. **Normal push factors**

These include the individual's drive, motives, frustrations, restlessness, disappointments, rebelliousness, hostility and feelings of inferiority.

Contradictorily, these factors may create resistance to push and pull factors and can, for example, enable the individual to cope effectively with conflicts without taking unnecessary risks or landing in trouble (Fox in Van der Walt et al. 1983:58).

Siegel & Senna (Van der Walt et al. 1983:58) describe this concept as *inner push factors*.

4.3.1.2 Exposition of Containment Theory

Reckless (Van der Walt et al. 1983:58 – 59) states that this theory is based on seven criteria for validity:

- Containment theory is a middle-range theory in that it claims to explain most cases of criminal behaviour.
- It offers an explanation of crimes against persons as well as against property.
- It offers a terminology that can be used equally well in their own disciplines by psychologists, psychiatrists and sociologists as well as by pragmatists.
- The theory can be used in individual case studies to determine the degree of an individual's internal and external containment. Strengths and weaknesses may be observed.
- Containment theory can also serve as an operational basis for the treatment of criminals. It can be of great value in cases where treatment of the criminal largely depends on restructuring the environment (reinforcing external containment) and on reinforcing and improving personal aspects such as self-concept (reinforcing of inner containment).
- Containment theory also offers an effective operational theory for crime prevention. Children with poor external containment can be identified at an early stage. Efforts can then be made to reinforce the external containment structure by restructuring the environment.
- Internal and external containment can be estimated. Strengths and weaknesses can be established for research purposes.

4.3.1.3 Application of Containment theory to the causation of criminal behaviour

The initial formulation of containment theory maintained that the causation of criminal behaviour manifested in offsetting the pressure of circumstances against the resistance of the individual. If the pressure of circumstances predominates, crime will be committed, and vice versa. Reckless (Van der Walt et al. 1983:59) drew up the following formula:

$$C = \frac{S}{1}$$

C = Crime

S = Pressure of situation or environment

1 = Resistance of individual

However, researchers soon realized that the above exposition ignored both unfavourable and favourable aspects within the person.

In the subsequent reformulation of his theory, Reckless elaborated on the ideas of pressure and resistance, and postulated that the causation of criminal behaviour depended on what he termed "*containment*" (Van der Walt et al. 1983:59 – 60):

- When an individual possesses strong inner control, and external control is also favourable, the chances of his turning to deviant behaviour are slight.
- When an individual's inner control is strong, but external control is weak, the chances that he will commit a crime are likewise slight, but greater than in the previous case,
- When inner control is weak, and external control strong, the chances that the individual will become involved in crime are greater than in both the hypothetical cases mentioned above.
- The chances that an individual will commit a crime are greatest when both inner and external control are weak (Van der Walt et al. 1983:60).

Van der Walt et al. (1983:60 – 61) argued that human behaviour is determined by the interaction between push and pull factors in the social environment, and that the inner drives of the individual. In this interaction, external and internal control act as a buffer. The extent to which this buffer manages to cope with both inner and external onslaughts or influences on the individual, will determine the quality of his behaviour in terms of either criminal or law-abiding behaviour.

4.3.1.4 Evaluation of containment theory

Negative

- Nettler (Van der Walt et al. 1983:61) maintains that containment theory may be valid for overall human behaviour, but it is too general to be of any value in the field of criminology in so far as criminal behaviour is concerned.
- Schafer (Van der Walt et al. 1983:61) states that Reckless fails to define all concepts beyond reasonable doubt. His theoretical definition of the self-image may serve as an example.
- Reid (Van der Walt et al. 1983:62) foresees problems in the quantitative measurement of aspects such as self-image, strength and weakness of inner or external control, etc., when it comes to empirical research into the theory.
- According to Voss (Van der Walt et al. 1983:63), containment theory is similar to the theory of differential association, with the difference that differential association emphasizes the *process* of differential association whereas containment theory emphasizes the *product* of socialization (the self-image).

There are still various aspects of Reckless's attempt to explain criminal behaviour which are open to criticism.

Positive

- Siegel & Senna (Van der Walt et al. 1983:64) point out that the real value of containment theory lies in the fact that it explains both criminal and non-criminal behaviour.

- Although it could be regarded as a middle-range theory, containment theory does not explain only one type of criminal behaviour, but accounts for both crimes against property and crimes against persons (Reid in Van der Walt et al. 1983:64).
- An advantage of this theory is that it can be used as a point of departure for research into crime and its prevention and for treatment of delinquents (Reid in Van der Walt et al. 1983:64).
- Containment theory can also serve as a basis for studying the phenomenon of crime, both as an individual and a mass phenomenon (Van der Walt et al. 1983:64).

4.3.2 Hirschi's Social-Control Theory

Travis Hirschi's version of control theory articulated in his famous book, *Causes of Delinquency*, replaced Reckless's containment theory as the dominant version of social control theory (Siegel 1989:198).

Hirschi links the onset of criminality to the weakening in a person's youth, of the ties that bind him or her to society. Hirschi assumes that all individuals are potential law violators. They are kept under control by their fear that illegal behaviour may lead to irreparable harm in their relationships with friends, parents, neighbours and important social institutions such as schools, jobs, and the like. Without social bonds, and in the absence of sensitivity to and interest in others, a person is free to commit criminal acts (Siegel 1989:198 – 199).

Like most social process theorists, Hirschi does not believe that different elements of society maintain separate and unique value systems that reject conventional norms and behaviours. Rather, he suggests that in all elements of society there exist variations in the way people respond to social rules and values. Thus, even in the middle and upper-class, a person whose bond to society is weak may fall prey to criminogenic behaviour patterns (Siegel 1989:199).

4.3.2.1 Elements of the Social Bond

Hirschi (Siegel 1989:199 – 200) argues that the social bond a person maintains with society is divided into four main elements: attachment, commitment, involvement and belief.

Attachment

- Attachment refers to a person's sensitivity to and interest in others. Psychologists believe that without a sense of attachment, a person becomes a psychopath and loses the ability to relate coherently to the world. The acceptance of social norms and the development of a social conscience depend on attachment to other human beings. Hirschi views parents, peers and schools as the important social institutions with which a person should maintain ties. *Attachment to parents is the most important.* Even if a family is divided by divorce and separation, a child must retain a strong attachment to one or both parents. Without attachment to family, it is unlikely that feelings of respect for others in authority will develop (Siegel 1989:199).

Commitment

- Commitment involves the time, energy, and effort expended in conventional lines of action. It embraces such activities as getting an education and saving money for the future. Social bond theory holds that if people build up a strong involvement in life, property and reputation, they will be less likely to engage in acts that will jeopardize their positions. Conversely, lack of commitment to conventional values may foreshadow a condition in which risk-taking behaviour, such as crime, becomes a reasonable behaviour alternative (Siegel 1989:199).

Involvement

- Heavy involvement in conventional activities leaves little time for illegal behaviour. Hirschi believes that involvement insulates a person from the potential lure of criminal behaviour, while idleness enhances it (Siegel 1989:199 – 200).

Belief

- People who live in the same social setting often share common moral beliefs; they may adhere to such values as sharing, sensitivity to the rights of others, and administration for the legal code. If these beliefs are absent or weakened, individuals are more likely to participate in antisocial acts. Hirschi further suggests that the interrelationship of elements of the social bond influences whether an individual pursues illegal or conventional activities (Siegel 1989:200).

4.3.2.2 Evaluation of Hirschi's Theory

Hirschi (Reid 1991:237) himself recognized that his theory of social control “does not escape unscathed”. In the first place, his theory “underestimated the importance of delinquent friends; it overestimated the significance of involvement in conventional activities”.

Secondly, he also recognized that one should probably look at the relationship between delinquent activities and the person's self-concept or self-esteem.

Thirdly, that relationship might be important in explaining “the potency of the adult-status items, such as smoking, drinking, dating and driving a car”. Although social-control theory can help us in understanding these relations, says Hirschi, he concludes on an optimistic note with regard to his theory. “I am confident that when the processes through which these variables affect delinquency are spelled out, they will supplement rather than seriously modify the control theory, but that remains to be seen”.

Siegel (1989:201 – 202) states that the control theory fails to explain some important issues:

- How are social bonds formed and why do they weaken?
- Are all the elements of the bond equally important?
- Does weakening of one element of the bond precipitate criminality, or must all the elements be affected in concert?

- How does control theory explain the aging out process: that is, once weakened can a social bond be strengthened?

4.4 SOCIAL DISORGANIZATION THEORY

Urban ecology is the study of how human relations are effected by a particular environment. Crime is one aspect of urban ecology. Thus, crime can be found in the social and physical structure of an environment – that is, the setting may promote crime (Vito & Holmes 1994:140).

Vito & Holmes (1994:140) opine that *social disorganization* relates to the theory that urban areas plagued by high crime rates also suffer from housing problems and high rates of poverty, suicide and disease.

For an urban ecologist, the central question is why certain areas are more involved with crime than others. In studying ecological forces, criminologists have attempted to understand the role of environment in criminal activity (Vito & Holmes 1994:140).

4.4.1 Clifford Shaw and Henry McKay

Shaw & McKay focused their attention on four trends that have come to characterize urban life:

- crime,
- poverty,
- ethnic heterogeneity, and
- residential mobility.

These trends, they contend, lead to the disruption of community social organization, and thus to crime and delinquency. In other words, the urban environment spawns criminality: *The social conditions in transitional neighbourhoods promote deviance* (Vito & Holmes 1994:142).

To study this breakdown of social norms, Shaw and McKay conducted several studies on delinquency in Chicago over a 30 year period. Their studies confirmed Park's

finding that delinquency is highest in the zone in transition. Furthermore, the further one moved from this zone, the lower the rate of delinquency (Vito & Holmes 1994:142).

Vito & Holmes (1994:142) mention other key findings which include the following:

- Stable communities have lower rates of delinquency.
- Communities with higher rates of delinquency have social values that differ from those with lower rates of delinquency.
- Lower-income areas with a high rate of frustration and deprivation have a high level of delinquency.
- Social conditions in a community are directly related to the rate of delinquency.

Some obvious criticisms can be directed toward the Chicago school's approach to the study of crime. For example, what does *social disorganization* mean? How can it be measured? If something is disorganized it must necessarily be dysfunctional (Vito & Holmes 1994:142).

Siegel (1989:164) states that Shaw & McKay viewed crime as a product of the decaying *transitional neighbourhood*, which manifested in *social disorganization* and maintained conflicting values and social systems.

4.4.2 Frederick Thrasher: Delinquent Gangs

One problem social scientists face in their study of delinquent gangs is lack of consensus on what a gang is. Sometimes the term "gang" is used broadly to describe any congregation of youths who have joined together to engage in delinquent acts. Some police departments use the term narrowly, designating gangs only as groups that hold and defend territory, or turf (Siegel & Senna 1988:278).

Thrasher defines the juvenile gang as:

"...an interstitial group originally formed spontaneously and then integrated through conflict. It is characterized by the following types of

behaviour: meeting face to face, milling, movement through space as a unit, conflict and planning. The result of this collective behaviour is the development of tradition, unreflective internal structure, esprit de corps, solidarity, morale, group awareness and attachment to local territory”.

Thrasher's definition first appeared in 1927, and it seems to capture the essence of group cohesiveness and solidarity that is still the prevailing view of gangs. Thrasher uses the term *interstitial* to mean a break in the social fabric, a foreign element in normal society (Siegel & Senna 1988:278).

Thrasher, a colleague of Shaw and McKay, initiated study of the modern gang in his analysis of more than 1 300 youth groups in Chicago. His report on this effort, *The Gang*, was first published in 1927. Thrasher found that the social, economic and ecological processes that affect the structure of great metropolitan cities create interstitial areas, or cracks in the normal fabric of society, characterized by weak family controls, poverty and social disorganization (Siegel & Senna 1988:280).

4.4.3 William Thomas

In his 1923 work, *The Unadjusted Girl*, Thomas added a psychological dimension to the biological theory of female delinquency. Thomas believed that there were basic biological differences between men and women. In an earlier work, *Sex & Society*, he had argued that males are “katabolic”, having an animal force that is destructive and aggressive and that produces creativity, while females are “anabolic”, storing energy, being conservative and lethargic (Siegel & Senna 1988:219 – 220).

Thomas also suggested that human behaviour was a function of wish fulfillment that could be grouped into four independent categories:

- desire for experience - new sensations, excitement and adventure;
- desire for security - fear of death, caution and conservatism;
- desire for response - love, approval and appreciation;
- desire for recognition - social status, fame and luxury (Siegel & Senna 1988:220).

According to Thomas, attempts to fulfill wishes could lead a person down a path of good or a path of evil, depending on the opportunities available, individual temperaments, individual definitions of situations and social pressures. In the society in which we live, many poor girls who have not been socialized under middle-class controls could become thrill-seekers while attempting to satisfy their wishes.

Thus, Thomas held that delinquency in girls was the result of their impulse to get amusement, adventure, pretty clothes and so on and their falling prey to the allurements of the larger world (Siegel & Senna 1988:220).

Thomas portrayed the female criminal as a member of the underclass, someone whose desire for excitement and wish fulfillment made her an easy prey for men who forced her into a life of crime and prostitution (Siegel 1989:75).

4.5 **CONFLICT THEORY**

The premise of most milieu theories is that there is consensus about the objectives, values and norms regulating behaviour. This is reflected in the laws of communities.

Conflict theory, however, rejects this premise and emphasizes conflict as the most important characteristic of contemporary communities in crime causation. The main premises of conflict theory/theories received attention a long time ago. Thus certain principles can be traced to the work of George Simmel (1858 – 1914), who regarded conflict as a form of interaction; Karl Marx's pronouncements on the class structure; and Willem Bonger's economic environment theory as outlined in his *Criminality and economic conditions* (1969) (Van der Walt et al 1983:29 – 30).

However, as a crime-causation theory, conflict theory first gained prominence only after 1960. This happened mainly as a result of the publication of *Class and class conflict in industrial society* (1959), the work of German sociologist, Ralf Dahrendorf. Dahrendorf is not concerned explicitly with the problem of crime as such, but aims rather at analyzing and judging the Marxist view of society. However, unintentionally he advanced the shift in emphasis in criminology from a "narrow" view of crime to a

critical approach to the community and general social theories (Van der Walt et al. 1983:30).

Essentially, his viewpoint is that conflict arises between persons in authority and subordinates, which results in crime. Exponents of conflict theory regard this premise as important in the causation process.

4.5.1 **Exposition of the theory**

The theory questions the validity of existing or “traditional” perspectives of criminology. The contents of criminology are increasingly politicized on the grounds that crime is caused by different and conflicting world-views accompanied by a labeling process (Van der Walt et al. 1983:30).

Criminal behaviour should thus be seen as behaviour that leads to social injustice resulting from, for example, the denial of racial and economic equality.

Galliher and McCartney (Van der Walt et al. 1983:31) opine that modern conflict theory may be summarized as follows:

- Crime is a definition of human behaviour formulated by authorities in a political organized community.
- The definition of crime describes actions conflicting with the interests of those groups in the community which possess the ability and the power to formulate social policy.
- Definitions of crime are applied by that section of the community, possessing the authority to enforce and administer criminal law.

Briefly, this means that crime is caused by the community’s structure, particularly its class structure. Groups with little authority are feared by the dominant group(s) and, when threatened, the latter asserts its right to apply measures to protect its interests.

4.5.2 Principal exponents of the theory

The principal exponents of this theory are from the United States, England and Holland. They include Schwendinger (1970), Skolnick (1969), Turk (1968), Quinney (1970), Lefcourt (1972), Taylor, Walton and Young (Van der Walt et al. 1983:31 – 32).

4.5.2.1 Willem Bonger's views on crime causation

The essence of Bonger's socialistic theory is that society consists of two groups or classes, namely the rulers and the ruled. Legislation in such a societal structure is based on the interests of the ruling or dominant group.

Bonger is particularly opposed to the capitalistic system. He maintains that it engenders a higher degree of egoism, which promotes crime. The capitalist environment generates egoistic rather than altruistic influences, hence a general predisposition to crime. However, the pattern of crime differs between the affluent and the working classes, because the egoistic actions of the former are legitimized. The wealthy do not steal because they are more secure and have greater access to opportunities for economic development. Wealthy people who commit crimes, *do so as a result of opportunities for illicit gain, and because their moral sense is underdeveloped* (Van der Walt et al. 1983:32).

In brief: capitalism results in a class division that predisposes individuals at all levels of society to crime. In the propertied class, fierce competition plays a major role; the insecurity of middle-class life is a motivating factor; and the working classes resort to crime as a result of the injustices and humiliations that characterize their life (Van der Walt et al. 1983:32).

4.5.2.2 Austin Turk's theoretical approach

Austin Turk (1969) is a well-known conflict theorist, who developed a radical view of crime etiology under the influence of Dahrendorf. His approach to crime causation is

not the conventional one. Instead crime is regarded as a status conferred on an individual.

According to him, the question of why people commit crimes is meaningless. He argues that nothing or no-one is intrinsically criminal; crime is a status conferred by persons in authority. He further maintains that violation of the law cannot be distinguished from conformation. An artificial distinction is made through the reaction of persons in authority and law-enforcers, because they define criminality in a specific way.

In his exposition, Turk also expresses his views on the social order and maintains that conflict is endemic in society. He discusses at length the conditions that could generate social and cultural conflict, and points out that it develops mainly between persons in authority and their subordinates. Basically conflict derives from the aspirations of and competition between the various groups in the community for the acquisition of social and material benefits. Turk maintains that crime should in fact be seen as an indication of either defective authority or no authority at all (Van der Walt et al. 1983:32 – 33).

In his theory, Turk proceeds on the assumption that certain structures exist in society. The top structures are largely responsible for the process of “criminalization” – conferring the status of criminal on individuals by applying legal norms. However, he ignores the origin of structures of authority or the social order, regarding this as less important. *Thus he overlooks a fundamental aspect of great significance to exponents of the conflict theory* (Van der Walt et al. 1983:34).

4.5.2.3 Richard Quinney’s theoretical approach

Richard Quinney is probably the best-known exponent of radical criminology. Over the years his views have become increasingly radical until today he may be regarded as a disciple of “Marxist” criminology. He goes so far as to view conflict theory as merely an academic exercise – in the radicalization of criminology. His initial exposition of conflict theory, based on American society, was published in his *Social reality of crime* (1970) and *Critique of legal order* (1974).

He maintains that all social life, including everything concerned with crime, should be explained in terms of the objective economic conditions of production and the subjective class struggle associated with these conditions. He is extremely critical of the social structure and the social order, which he believes to be the source of all crime.

In his subsequent work, *Class, state and crime* (1977), Quinney generalizes further about crime causation. He maintains that crime is a material problem and once again affirms that crime is a matured consequence of modern capitalism.

Don Gibbons feels that Quinney is trying to represent criminals as modern Robin Hoods or political criminals, despite their records of heinous and violent crimes, robbery of other underprivileged individuals, and their total ignorance of the concept "political criminal".

In brief: Quinney's view focusses on the concept "authority" as he understands it within the context of the capitalist system. Crime is an abstract concept, which becomes reality only in the exercise of authority by the dominant group in a community (Van der Walt et al. 1983:34 – 35).

The conflict theory in total cannot actually be regarded as a crime causation theory in the ordinary sense of the term. Owing to the unacceptable perspectives adopted by its exponents, they incur a dilemma where criminology and crime causation in a scientific context are no longer the main concern, *but which is in fact an ideological struggle, with political objectives as the overriding factor.*

4.6 CULTURAL TRANSMISSION THEORY

Cultural transmission theory, especially Sutherland's theory of *Differential Association*, is of special importance to the present study as it sufficiently explains why people engage themselves in criminal activities – especially motor vehicle theft and car hijacking.

Siegel (1989:161) states that cultural deviance theory, also referred to as cultural transmission or cultural conflict theory, suggests that criminal behaviour is an exposition of conformity to lower-class cultural values and traditions. Obedience to the informal rules of behaviour existing in slum areas causes inevitable conflict with the laws of conventional society.

By adhering to the values of people with whom they are in close personal contact, lower-class citizens are often put in a position in which they must violate the law. Furthermore, non-conventional lower-class values are handed from one generation to the next; hence the term *cultural transmission* (Siegel 1989:161).

4.6.1 Edwin H. Sutherland's Theory of Differential Association

Sutherland set out to design a theory that would explain all criminal behaviour. Whilst the first (1924) edition of Sutherland's text, *Criminology*, offered no causation theory, he had formulated a clear hypothesis of crime causation ten years later, under the title *Principles of criminology* (1934). Here he raises the idea that *culture conflict* could be a basic principle in explaining crime.

In the third edition of *Principles of criminology* (1939), Sutherland defined differential association, which he claimed to be a theory to explain all forms of systematic criminal behaviour. Problems still arose in the practical application of the theory, however, with the result that in 1947 and 1955 Sutherland revised his theory in later editions of *Principles of criminology*.

In his interpretation of Sutherland's theory of differential association, Grove concludes that the theory concerns the *process* whereby an individual becomes involved in criminal behaviour. Thus it explains criminal behaviour in terms of a person's past experience. Sutherland also refers to a genetic or historical explanation (Van der Walt et al. 1983:68 – 69).

4.6.1.1 Exposition of the theory of Differential Association: Grove (1963)

Grove's exposition, which reflects Sutherland's theory and an interpretation of the possible applications of the theory, corresponds with that of Karl Schuessler (Van der Walt et al. 1983:69 – 72):

a) Learning

“Criminal behaviour is learned”; it is not genetically passed down from generation to the next, but is largely a process of cultural transmission. Just as most people learn to obey the law, criminals learn to break it!

b) Interaction

“Criminal behaviour is learned in interaction with others in a process of communication”; individuals reared in a criminal family have a better chance of becoming delinquent, but they do not automatically become criminals because of an excess of criminal associations.

c) Intimate contact

“The principle part of the learning of criminal behaviour occurs in intimate personal contact”; non-personal communication, such as through films and newspapers, therefore plays a relatively minor role in the causation of criminal behaviour.

d) Techniques and motives

“When criminal behaviour is learned, the learning process includes:

- techniques of committing the crime, which are sometimes very complicated;
- learning the specific direction of motives, drives, rationalizations and attitudes”; in other words, learning or acquiring certain attitudes towards crime, for example learning how to commit vehicle theft and vehicle hi-jacking.

e) Directions of motives

“The specific direction of motives and drives is determined by people’s conception of the laws of the country”; within the competing subcultures, a person will receive different messages on how to regard the laws.

f) A rule to be broken

“An individual becomes delinquent when the majority of people around him regard the law as a rule to be broken”; *This statement is the crux of the theory of differential association.* Thus a person becomes a criminal as a result of contact with criminal patterns of behaviour and also because of isolation from anti-criminal behaviour. Unless this is in conflict with other forms of behaviour, a person usually adopts the culture around him.

g) Frequency and other factors

“Differential associations may vary in frequency, duration, priority and intensity”; if a person is reared in a delinquent or criminal household and criminal messages are a part of the person’s daily experiences, criminal behaviour has a high priority. Intensity refers to the prestige, importance and emotional significance attributed to the source of the criminal association.

h) Mechanisms involved in the learning process

“The process of learning criminal behaviour from association with criminal and anti-criminal patterns of behaviour involves all the mechanisms concerned in any other learning”; the same process involved in learning any type of behaviour are involved in the learning of criminal behaviour – associating with others.

i) Expression of needs

“While criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behaviour is an expression of the same needs and values”; goals such as money, status, or goods, do not explain criminality. Rather, *criminality is explained by the extent of exposure to law-abiding attitudes.*

Differential association, according to Sutherland, is a direct consequence of *learning by association, group relations and environmental factors* (Vito & Holmes 1994:183).

4.6.1.2 General Remarks

The premise on which the theory of differential association rests is that crime is rooted in the community and is therefore an expression of that community. A group can be organized either for or against criminal behaviour. Most communities are organized both for and against criminal behaviour, and in this sense the crime rate is a reflection of differential group organization.

Sutherland believed that each person is either more or less susceptible than another to the influences acting upon him. Sutherland's point of view, we could say, centres on the dual possibility that criminal behaviour is, first, a *symptom of social disorganization*, and secondly, is *learned*. The individual structures his behaviour in accordance with what he learns through differential association, and this may vary in frequency, duration, priority and intensity (Van der Walt et al. 1983:72 – 73).

4.6.1.3 Evaluation of Sutherland's theory on differential association: Glueck and Nettler

One of the most outspoken critics of Sutherland's approach has been *Sheldon Glueck* (1969), who suggests that the theory is so general as to be worthless, and that it adds nothing to the explanation of criminal behaviour. Some of the most important concepts are ambiguous and too much emphasis is placed on the individual and too little on environmental factors. This theory ignores such primitive impulses as aggression, sexual desire and greed which can give rise to criminal behaviour, instead of it being learned from others. Thus Glueck rejects the idea that criminal behaviour is always learned behaviour, and states that this tendency is frequently discovered by chance (Van der Walt et al. 1983:75).

Nettler (1974) (Van der Walt et al. 1983:75) summarizes the most pertinent criticism of the theory of differential association as follows:

- it does not take individual differences into account;
- it regards opportunity to engage in crime as a constant factor;
- it offers no explanation for certain categories of crime, such as impulsive or emotional crimes;
- the explanation is so general that it is hard to refute; and
- the theory of differential association presents no policy recommendations of any significance.

Sutherland acknowledged that his theory of differential association was not the only useful one for the explanation of crime. In an article in 1944, Sutherland reaffirms his belief in the theory of differential association as an essential and adequate explanation of criminal behaviour. Associations with criminal behaviour are essential in that an individual can hardly proceed to criminal behaviour without some previous introduction to these forms of behaviour.

The process is exactly the same as learning a language. In terms of the theory one's involvement or lack of involvement in criminal behaviour is determined by the ratio between structures with criminal codes of conduct and structures with anti-criminal codes of conduct.

The fiercest attacks on Sutherland's theory were directed at its inadequacy as an explanation for the causation of criminal behaviour. On this basis, Sutherland acknowledged that certain factors involved in the causation of crime are not catered for by this theory (Van der Walt et al. 1983:76).

4.6.2 **Walter Miller's Theory of Lower-class Culture Conflict**

Sociologist Walter Miller's theory of lower-class culture conflict is another well-known attempt to explain the gang activity found in lower-class environments. Following in the cultural deviance tradition Miller portrays delinquent behaviour as a "normal" reaction to the norms and values of a unique lower-class culture passed down from one generation to the next.

Miller studied the daily activities of working-class citizens while conducting a delinquent gang control program in Boston. He found that slum areas manifest a distinct cultural climate that remains stable over long periods of time. Because citizens in these areas are on the fringe of the established economic system with little chance for success within the legitimate social order, they seek to achieve personal satisfaction in their own neighbourhoods and culture.

Miller describes the lower-class culture as initially female-dominated (since many families have absent fathers) but eventually controlled by single sex groups and gangs that provide a family substitute and define the male role for adolescent boys (Siegel & Senna 1988:129).

4.6.2.1 Lower-class focal concerns

According to Miller, a unique group of value-like *focal concerns* dominates life among the lower-class. These concerns do not necessarily represent a rebellion against middle-class values; rather, they have evolved specifically to fit conditions in slum areas. The major focal concerns that Miller identified are set out in more detail below (Siegel 1989:166):

a) Trouble

Getting into and staying out of trouble is a major concern of lower-class citizens. Trouble includes such behaviour as fighting, drinking and sexual misconduct. In lower-class communities, people are evaluated by their actual or potential involvement in trouble making activity. In most instances, trouble making activity escapades are undertaken with a goal in mind, such as stealing a vehicle when the money to buy one is unobtainable.

b) Toughness

Lower-class males want local recognition of their physical and spiritual toughness. They refuse to be sentimental or soft; instead, they value physical strength, fighting ability and athletic skill. Lower-class males who cannot meet these standards risk getting a reputation for being weak, inept and effeminate.

c) Smartness

Another critical concern of lower-class citizens is maintaining an image of streetwise savvy, which carries with it the ability to outfox and outcon the opponent. This, of course, does not mean that intellectual brilliance is admired; in fact, ivory-tower types are disclaimed. Smartness means knowing essential survival techniques, like gambling, conning and outsmarting the law.

d) Excitement

Another important feature of the lower-class lifestyle is the search for fun and excitement. The search for excitement may lead to drug use, gambling, fighting, getting drunk, seeking sex and so on. Looking for excitement may eventually lead to another focal concern, *trouble*. Excitement is not sought all the time. In between, the lower-class citizen may simply “hang out” and “be cool”.

e) Fate

Lower-class citizens believe their lives are in the hands of strong spiritual force that guide their destinies. Getting lucky, finding good fortune, and hitting the jackpot are all daily dreams.

f) Autonomy

A general concern exists in lower-class cultures about personal freedom and autonomy. Being in the control of authority figures such as the police, teachers and parents is an unacceptable weakness, incompatible with toughness. Conflicts arise when the lower-class citizen is confronted with rigidly controlled environments like schools, hospitals, the military, courts and prisons. The usual manner of dealing with these authoritarian regimes is to actively disclaim them, a behaviour response that frequently results in a continuing relationship with them. For example, such behaviour in youths can result in their being held back in school.

4.6.2.2 Gang focal concerns

Siegel & Senna (1988: 131) state that in addition to the focal concerns listed above, Miller finds two concerns unique to gang youths - belonging and status.

a) **Belonging**

Lower-class youths find it essential to belong to a structured group and to be well thought of as an in-member of that group. This coveted membership is achieved by excelling at the general focal concerns, for example, toughness and smartness.

b) **Status**

Status is achieved and maintained by demonstrating excellence in the five generalized focal concerns. By achieving status, lower-class adolescents are able to feel grown-up. Therefore, they can participate in adult activities such as gambling and drinking. Furthermore, when many members of a peer group or a gang achieve status, the group as a whole develops a significant reputation in the community.

4.6.2.3 **Focal concerns and delinquency**

Miller argues that by strictly satisfying the behavioral demands imposed by lower-class focal concerns, an adolescent is drawn into an ever-expanding pattern of delinquent behaviour. By adhering to the cultural values, rules and norms with which they are in close personal contact, lower-class youths often find that they are in conflict with representatives of the legal code. For example, proving their toughness may demand that lower-class youths engage in constant fighting, both individual and in groups. Smartness may lead them into theft schemes and con games. Excitement may cause them to gamble, drink and engage in premarital sex. Thus, obedience to unavoidable cultural demands, not a sense of alienation or anger, precipitates lower-class delinquent behaviour.

4.6.3 **Matza & Sykes's Neutralization Theory**

Neutralization theory is identified with the writings of *David Matza* and his associate, *Gresham Sykes*. Matza & Sykes also view the process of becoming a criminal as a learning experience.

However, while other learning theorists such as Sutherland and Akers dwell on the learning of techniques, values and attitudes necessary for performing criminal acts,

Matza & Sykes maintain that most delinquents and criminals hold conventional values and attitudes but master techniques that enable them to *neutralize* these values and drift back and forth between illegitimate and conventional behaviour.

Matza & Sykes argue that even the most committed criminals and delinquents are not involved in criminality all the time; they also attend schools, family functions and so on. Matza & Sykes identify a process, which they call *drift*, whereby an individual moves from one extreme of behaviour to another, behaving sometimes in an unconventional, free, or deviant manner and at other times with constraint and sobriety. Learning *techniques of neutralization* allows a person to temporarily drift away from conventional behaviour and get involved in deviance (Siegel 1989:196 – 197).

4.6.3.1 Elements of neutralization theory

Siegel & Senna (1988:164) state that Matza, in his major work, *Delinquency and Drift*, explains neutralization (or drift) theory. He suggests that most individuals spend their lives behaving on a continuum somewhere between total freedom and total restraint. Drift is the process by which an individual moves from one extreme of behaviour to another, behaving sometimes in an unconventional, free, or deviant manner and at other times with constraint and sobriety.

Writing with Sykes, Matza subsequently rejected the notion that the subculture of delinquency maintains one independent set of values of the dominant culture. Rather, Matza & Sykes point to the complex pluralistic culture in our society which is both deviant and ethical. Though most youths actually appreciate goal-oriented middle-class values, they may feel that expressing conventional virtues and engaging in accepted behaviour would be frowned upon by their peers. Therefore these beliefs remain unconscious or subterranean because juveniles are afraid to express them to members of their own group. Juveniles are particularly susceptible to holding *subterranean values* because society does not provide them with specific goals or role orientation.

In a later paper, Matza further defines his concept of the teenage subculture as a conventional version of the delinquent's traditional behaviour. The subculture emphasizes fun and adventure, and its members are persistently involved in status offences like smoking, drinking, gambling and engaging in premarital sex. They disclaim schoolwork and scholars and are overly concerned with proving masculinity or femininity.

4.6.3.2 Techniques of neutralization

Matza & Sykes (Siegel & Senna 1988:165) suggest that juveniles develop a distinct set of justifications for their behaviour when it violates accepted social norms. These neutralization techniques allow youths to temporarily drift away from the rules of the normative society and to participate in subterranean behaviours. Matza & Sykes base their theoretical model on the following observations:

- delinquents sometimes voice a sense of guilt over their illegal acts;
- juvenile offenders frequently respect and admire honest, law-abiding persons;
- delinquents draw a line between those whom they can victimize and those whom they cannot; and
- delinquents are not immune to the demands of conformity.

Matza & Sykes suggest that delinquency is a result of the neutralization of accepted social values through employment of a standard set of rationalizations for illegal behaviour. Thus, most youths generally adhere to the rules of society but learn certain techniques to temporarily release themselves from their moral constraints:

- denial of responsibility;
- denial of injury;
- denial of victim;
- condemnation of the condemners; and
- appeal to higher loyalties.

In sum, the theory of neutralization presupposes a condition in which such slogans as “I didn’t mean to do it”, “I didn’t really hurt anybody”, “They had it coming to them”, “Everybody’s picking on me”, and “I didn’t do it for myself” are used by youths to rationalize accepted social norms and values so that they can enter, or drift into delinquent modes of behaviour (Siegel & Senna 1988:165 – 166).

4.6.3.3 Evaluation of neutralization theory

Several attempts have been made to empirically verify the assumptions of neutralization theory. Some research studies indicate that delinquents generally approve of social values; others came to the opposite conclusion, thus the results have been inconclusive. Some studies indicate that delinquent youths approve of criminal behaviour; still others find evidence that they oppose illegal behaviour (Siegel & Senna 1988:166).

The concept of neutralization provides a logical explanation of many delinquent activities that defy other theoretical explanations. For example, the use of “soft” drugs such as dagga, LSD and cocaine seems particularly amenable to neutralization techniques like “everybody’s doing it” and “no one is really hurt”.

Neutralization theory also has its drawbacks. Travis Hirschi asks: do delinquents neutralize law-violating behaviour *before* or *after* they engage in it? If they neutralize their guilt after engaging in illegal activity, then neutralization theory loses its poer as an explanation of the *cause* of delinquency and becomes a theory describing the *reactions* of juveniles to their misdeeds.

Even if neutralization techniques are actually used before the omission of delinquents acts, the theory fails to distinguish why some youths consistently drift into delinquency and others do not. Unless we can understand why drift occurs, the theory will remain too abstract and vague to be of practical use (Siegel & Senna 1988:167).

Siegel (1989:198) states that the validity of Matza’s model depends on showing that the neutralizations come first, causing the criminal behaviour to follow; *so far such data are unavailable*.

4.7 POSTMODERN CRIMINOLOGICAL THEORIES

4.7.1 Introduction

Livingston (Naude 1998:19) contends that the ultimate test of a theory lies in its capability to prove that it can prevent crime. It appears that most of the traditional theories (which have been discussed so far) made little attempt to link theory to crime prevention. Although knowledge has distinctive international dimensions, each country has its own unique social problems, political and cultural traditions and history which will determine how their crime rates are explained, interpreted and how crime is prevented and controlled (Naude 1998:19). According to this author, the time has arrived to develop a more postmodern criminological approach to explaining crime. The question should be asked, is whether the criminological theories developed during the fifties and sixties (which represents the 'golden era of theory development to explain the etiology of crime') are still valid today for South Africa. To explain: during these two decades, armed robbery and car-hijacking were relatively unknown crimes in South Africa. Merton's *anomie theory* (1938), which was adapted by himself in 1968 to explain deviant behaviour in American society, offers excellent explanations of American criminality (see par.4.2.1) and, by implication property crimes such as theft, armed robbery and car-hijacking by labeling these types of criminals *innovators*. Prior to and after the introduction of democracy to South Africa, these types of property crimes (armed robbery is often regarded to be a violent crime) escalated virtually out of all proportion. While Merton's theory is still used in South Africa to explain property (economic) crimes "...rather than merely describing crime and its occurrence"(Naude 1998:19). Therefore, whether Merton's *anomie theory* only, can be implemented to explain theft, robbery and car-hijacking without considering contemporary factors present in South Africa that might offer excellent insight into this social phenomenon, is debatable.

Postmodern criminology is, according to Schmalleger (1996:481), not a single theory, but rather a cluster of new emerging criminological perspectives which emanated since the late 1980's. This new approach proffers that past criminological theories have failed to "...realistically assess the true causes of crime and have failed to offer

workable solutions for crime control...they...may have been appropriate at one time, but they are not applicable to the modern [South African] era”(Naude 1998:21).

4.7.1.1 Postmodern criminology in South Africa

In the discussion that follows, a brief exposition will be given of Glanz’s *crime explanation model* (1996).

Naude (1998:24) criticises Glanz’s (1996) approach on two levels. Firstly, Glanz developed an integrated South African crime explanation model based on five traditional American social theories, namely strain (e.g. Merton’s anomie theory), social learning (e.g. Sutherland’s theory of differential association), control (e.g. Reckless’s containment theory), labeling (e.g. Becker) and conflict (e.g. Turk and Quinney) —the value of which is debatable in a postmodern era. Secondly, Glanz also failed to link her crime explanation model to crime prevention.

Naude (1998:24) concurs, however, that the identification of a number of specific factors associated with high levels of crime (such as armed robbery and car-hijacking) and violence are by far more valuable than an in-depth study of criminological theory – “...provided that attempts be made to link these factors to crime prevention programmes.”

Glanz (cf.1996) regards the following factors of particular relevance to explaining crime in South Africa (Naude 1998: 24 – 25):

A) Macro-level factors. These factors are summarised below:

- ◆ demographically young populations (54% of South Africa’s population is below 25 years)
- ◆ rapid urbanisation (extensive influx of people into large cities)
- ◆ high levels of unemployment
- ◆ political instability and intolerance of opposing political views
- ◆ social transformation in general (which probably might cause cultural conflict)

- ◆ the migrant labour system (especially those who work in mines)
- ◆ inadequate education, uncertainty as a result of teacher retrenchments and poor preparation for the (dwindling) job market
- ◆ an inadequate social welfare system
- ◆ poor credibility of the criminal justice system (incompetence of the police to control crime, an overloaded court system and striking court personnel, and an ineffective correctional system (high escape rate)
- ◆ large contingent of illegal immigrants (and the concomitant drug trafficking problem and gun smuggling)
- ◆ the current emphases on human and individual rights (ignoring the victim of crime)
- ◆ granting of large-scale amnesty.

B) Meso-level factors

- ◆ alienation and frustration of the youth
- ◆ overcrowding and lack of privacy
- ◆ criminal subcultures and gangsterism
- ◆ organised and syndicate crime
- ◆ lack of official recognition of traditional or indigenous ways of dealing with crime
- ◆ loss of parental control over youth
- ◆ subculture of violence.

C) Micro-level factors

- ◆ mental retardation
- ◆ psychopathy
- ◆ high levels of aggression and frustration
- ◆ emotional and psychological damage during childhood
- ◆ the need for instant gratification (desire to satisfy sexual needs through rape; desire for money through theft, robbery and car-hijacking)

- ◆ constant portrayal of violence by the mass media (print media: newspapers, magazines and books; electronic media: television, radio, the Internet, videos and movies)
- ◆ high levels of stress associated with meeting basic needs
- ◆ personal crises such as marital conflict and job loss
- ◆ alcohol and drug abuse
- ◆ low esteem
- ◆ peer pressure.

Naude (1998:25) concludes by saying that: "At least Glanz... should be given credit for trying to identify specific factors that contribute to crime in South Africa in terms of our specific social and political conditions.

4.8 SUSPECT METHOD OF OPERATION

4.8.1 Introduction

Motivations for stealing vehicles are varied, yet such thefts may be categorized in terms of three general intents. Either the vehicle is being stolen for "*joyriding*" purposes, for use in *other criminal activity*, or for *profit* motives (Gilbert 1986:303).

4.8.2 Joyriding

Joyriding is both a descriptor for a type of offender and a method of operation. Joyriding offenders are generally youngsters, typically under eighteen years of age. The vehicle is stolen to provide thrill or pleasure, with the motivation of transportation occasionally a factor. - Whereas nearly 75% of vehicle thefts were attributed to this type of offender ten years ago, a significant reduction has been reported to date. It is now apparent that joyriding has decreased to a 50% ranking, resulting from a decrease in the profit motivation.

Juvenile joyrides are likely to steal an vehicle because of peer pressure, or because they want to experience the "thrill" of driving a desirable model car at high speeds.

The crime is typically perpetrated by more than one youth, and the stolen vehicle is usually abandoned near the residence of one of them, or where one of their own cars is parked. Joyrides are apprehended more frequently than other types of car thieves, and vehicles stolen for joyriding purposes are recovered in greater numbers than those stolen for other reasons (Gilbert 1986:303 –304).

4.8.3 Additional criminal activity

This motivation for vehicle theft is a factor in the smallest number of actual vehicle thefts. Certain types of suspects will habitually steal a vehicle prior to committing a second criminal offence. Armed robbery suspects are particularly prone to this activity, as are kidnapping offenders. The reason for the theft is to eliminate personal vehicle tracing clues that the victim witnesses may supply to the investigator. The suspect will typically park a personally owned vehicle near the site of the vehicle targeted to be stolen and proceed with the theft. The vehicle may be stolen from a parking lot or other congested area. Offenders who are more experienced will steal vehicles from residences that they have surveyed previously. In this manner it can be determined when the owners are asleep or not using the car, avoiding a stolen vehicle report while the vehicle is being used in the subsequent robbery or other offence. The offender may even attempt to return the car to the residence following the robbery, in the hope that the owner will never realize that the car was stolen. If this effort is successful, the vehicle will be lost as a site of probable evidence.

The majority of vehicles stolen for additional criminal activity are recovered in a relatively short time period. While some offenders may return the vehicle to its original site, the majority will not. A small number of suspects will attempt to delay the discovery by burning the vehicle, pushing it into a pond or other site of concealment, or parking it in a commercial lot (Gilbert 1986:304).

4.8.4 Profit motives

The profit-motivated suspect constitutes what is commonly termed the “professional vehicle thief”. Because this offender’s method of operating is very sophisticated, apprehension is difficult. Furthermore, professionals often resell the entire vehicle or

strip the vehicle, making recovery infrequent. Vehicle theft for profit is becoming more prevalent and poses the most serious challenge of all the various types of theft. Whereas thirteen years ago nearly 90% of all vehicles stolen for profit in the U.S.A. were eventually recovered, only 75% are currently recovered. The professional thief is attracted to vehicle theft because the crime is, indeed lucrative. The FBI estimates that more than \$250 million in criminal profits results from this type of vehicle theft in the U.S.A. (Gilbert 1986:304 – 305).

4.8.4.1 Stripping

Vehicle theft for stripping purposes generally involves the taking of parts and accessories, rather than the body of the vehicle. Stripping may be perpetrated by an individual seeking a new or better part for a personal vehicle, or by an organized group of offenders. In the group operation, the parts are often sold to “customers” who have “ordered” a specific part, or to unscrupulous vehicle part dealers. Stripping, as a method of operation, will generally involve one of two techniques. Either the vehicle will be stripped at the same location at which it was parked by the victim, or it will be towed or driven to another locality. This majority of vehicle stripping occur within concealed locations, such as rented garages (Gilbert 1986:305).

4.8.4.2 Chopping

Chopping refers to the dismantling of the vehicle’s major body components, such as the fenders, doors, hood and the like. It is estimated that of the nearly 1 million passenger cars stolen in the U.S.A., nearly 40% are stolen for chopping purposes. Apparently, this motive is the fastest growing of those pertaining to vehicle theft. Chopping is preferred by offenders to engine stripping, in that vehicle body components generally lack identifying numbers. The profit is also an inducement, for it is estimated that the average new car has the potential to clear over \$4,00 when the body components are dismantled and sold. However, this fact merely suggests the true extent of the problem, for few dismantled vehicles are ever recovered. The general method of operation regarding chopping involves three groups of offenders: the *salvage yard owner*, the *vehicle thief* and the *chopping crew*. To remedy this type of vehicle larceny for profit, there is but one solution. Laws must be enacted that will

force vehicle manufacturers to put identifying numbers, similar to the VIN system, on major body components. This procedure is very expensive, and it is unlikely that the vehicle manufacturers will voluntarily comply without statutory enforcement (Gilbert 1986:305).

4.8.4.3 Title switching

Another illegal operation involving the salvage yard operator concerns title switching. Through various unlawful means, a yard dealer obtains the title of a vehicle that has been destroyed. Generally, this is a vehicle that has been brought to the yard to be crushed into scrap metal. The dealer does destroy the vehicle, but retains all identifying data. A second vehicle of the same make, model and year of the destroyed vehicle is subsequently stolen. The VIN numbers and licence plates of the destroyed vehicle are then transferred to the stolen vehicle to "legitimize" the latter vehicle.

Because the title is retained from the destroyed vehicle, no official record exists showing the loss of this vehicle. Thus, when the identifying data are transferred to the stolen vehicle, a routine file check will reveal no irregularity. The dealer will generally sell the stolen vehicle to a consumer or to another dealer (Gilbert 1986:306 – 307).

4.8.4.4 Resale

A relatively small number of vehicles, when contrasted to the numbers stolen for joyriding and for stripping or chopping, are stolen for resale. In resale operations, the entire vehicle is sold, either in South Africa or in a foreign country. Using various methods, the thief acquires a legal registration certificate or fraudulent title for the stolen vehicle. The vehicle is sold as quickly as possible to a private party or to a used-car lot.

Many stolen vehicles in this category find their way into such countries as Namibia or Mozambique, where the registration procedures are often lax. Unless the investigator has a lead indicating a specific country, recovery is unlikely.

4.8.5 Vehicle robbery: Non-violent to violent crime

Because of the increasing difficulty in stealing a car due to anti-theft devices, some thieves have increasingly been resorting to vehicle hijacking, instead of breaking into parked vehicles, thieves force drivers out of their cars at stop signs, parking lots, and red lights to steal their cars. As one news article states, "*A crime once considered 'victimless' is tuning up casualties*".

"Kimberly Horton was waiting at a red light on the way home one July night when some young men decided they wanted her car. The twenty-one-year-old college student ended up on the pavement, shot in the head and dying. Her Honda Accord was pulled over two hours later, thirty-five kilometres later. *"It was just beyond comprehension"*, her father, the Rev. Richard Horton said, *"All her hopes and dreams gone, and for such an inconceivable reason"* " (Gilbert 1986:308).

A Los Angeles police detective believes that some criminals "are lazy". He indicated in an interview that "If you point a weapon and take a car, you don't have the hassle of breaking the window or popping the ignition, and the car's not damaged".

An assistant director of the FBI's criminal division in Washington D.C., reported vehicle hijacking is sweeping across the U.S.A. "like a hurricane and is shocking the entire country...not only the public, but law enforcement officers as well... While it's a crime that has been going on for years, the very alarming fact today is that it is on the upswing". Vehicle hijacking is a good example of how the crime of theft, a non-violent crime, can turn into a crime of violence (Glick 1995:265).

There are two kind of robberies belonging to this category, namely motor vehicle robberies and truck hijacking or cargo robbery.

Cargo robbery always involves armed offenders who specialize in the hijacking or seizure and robbery of fully-loaded trucks. The method of operative is highly specialized and organized – many of these offences being linked to organized crime operations. These types of robbers select a truck which is known to carry specific

cargo. These actions also imply pre-planning as to where the hijacking will take place, where the hijacked truck will be unloaded and how the cargo will be disposed of. Truck robbery often occurs within boundaries of a large metropolitan area. Drivers are surprised and fire-arms are displayed to eliminate or discourage resistance (Gilbert 1986:310).

In South Africa, hijackings of motor vehicles have become a serious problem. Red traffic lights have become a suitable locality where cars are hijacked – usually with heavy fire-arms. Table 1.1 shows a progressive increase in car hijackings over the period 1990 – 1997.

4.9 CONCLUSION

It is clear that several attempts have been made over the years to establish the causation of crime. Various theorists came forward with different approaches, each one believed that his theoretical explanation is “correct”.

Valid answers explaining why crimes are committed are not easily available; no comprehensive model exists to forecast with any degree of certainty if – or why – a crime would or would not be committed in certain circumstances. This defect – if it may be regarded as such – stems from the fact that human behaviour, and hence also crime, is the result of a large assortment of variables or combinations of variables.

This chapter offers a discussion of various socio-criminological theories against which, motor vehicle theft and hijacking could be explained. Among all these theories, Merton’s theory of *anomie* and that of *differential association* advocated by Sutherland, appear to be the most important to explain motor vehicle theft and hijacking.

CHAPTER FIVE

ANALYSIS OF DATA

5.1 INTRODUCTION

The main focus of this Chapter will be on the analysis and interpretation of data pertaining to motor vehicle theft and car hijacking in KwaZulu-Natal by means of an information schedule (see Annexure A). This data will be analysed and compared in respect of Umbilo and Empangeni, both areas located in the Province of Kwazulu-Natal.

The researcher also deemed it fit to include data forthcoming from an earlier research project undertaken by him at Claremont and Paarl in the Western Cape for the corresponding period. The rationale for the inclusion of this data rests mainly on the intention to compare data on motor vehicle theft between the two mentioned Provinces. The data for motor vehicle theft in the Western Cape emanated from a research project completed in 1997 at the University of Zululand in partial fulfillment of the BA (Honours) degree. The researcher is satisfied that a comparison of this nature could be invaluable to depict a more comprehensive frequency distribution of motor vehicle theft.

5.2 FREQUENCY OF MOTOR VEHICLE THEFT BY AREA

The frequency distribution of motor vehicle theft in two selected areas, namely KwaZulu-Natal and Western Cape is dealt with in Table 5.1

**TABLE 5.1 COMPARATIVE FREQUENCIES OF MOTOR VEHICLE
THEFT IN TWO SELECTED PROVINCES – 1 JANUARY TILL
31 DECEMBER 1995**

AREA	FREQUENCY	DISTRIBUTION
	N	%
KWAZULU-NATAL		
Umbilo	1118	84.0
Empangeni	213	16.0
SUB-TOTAL	1331	100.0
WESTERN CAPE		
Claremont	276	74.19
Paarl	96	25.81
SUB-TOTAL	372	100.0

According to Table 5.1, KwaZulu-Natal showed the highest incidences of motor vehicle theft for the period under investigation, namely 1331 compared to the Western Cape which only registered 372 motor vehicle theft cases. On close inspection, Table 5.1 indicates that Umbilo, Durban had the highest motor vehicle theft index (1118 or 84,0 percent) compared to only 213 (16,0%) motor vehicle theft cases recorded at Empangeni.

This trend could possibly be ascribed to a higher crime rate in KwaZulu-Natal than was the case in the Western Cape during 1995. The Annual Report of the South African Police Service shows, for instance, that during 1996/96, 69 (61,1%) police officers were killed in attacks on SAPS members in KwaZulu-Natal compared to only 9 (7,9%) in the Western

Cape. This data clearly depict the magnitude of criminal activities in both provinces during 1995/96 which could, analogously, explain the higher incidence of motor vehicle theft for KwaZulu-Natal (Annual Report, 1996/97).

5.3 ASPECTS RELATING TO COURT CASES

In this section attention will be devoted to the following criminal justice aspects of motor vehicle theft and vehicle hijacking: (a) court of trial, (b) disposal of cases, and (c) cases concluded in court.

5.3.1 Court of trial

Only in exceptional cases are motor vehicle theft cases referred to magistrate's (lower) courts. These cases are usually tried in regional courts with higher jurisdiction. Most of the motor vehicle thefts, including vehicle hijacking, are accompanied by violence or threats of violence. In cases of vehicle hijacking, resulting in the death of the victim, the case will be referred to a Supreme Court where the offender will be charged with murder.

TABLE 5.2 COURT OF TRIAL

TYPE OF COURT	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Magistrate's Court	1	0.08	25	6.72
Regional Court	55	4.13	31	8.33
Supreme Court	-	-	-	-
No Appearance*	1275	95.79	316	84.95
TOTAL	1331	100.0	372	100.0

* Cases undetected (offenders unknown to the Police), false, withdrawn, etc.

Table 5.2 shows that for both Provinces, most motor vehicle thieves and car hijackers appeared in regional courts, namely 86 (5,05%) compared to 26 (1,53%) cases referred to magistrate's courts (N=1703 for both Provinces). Based on this data, the deduction can be made that the Western Cape actually recorded a higher arrest rate, given the proportionate higher motor vehicle theft rate for KwaZulu-Natal. The relative high percentages of cases not referred to court, namely 95,79% for KwaZulu-Natal and 84,95% for the Western Cape (N=1591 for both Provinces) is a matter of great concern.

5.3.2 Disposal of cases

There are various ways to conclude a motor vehicle theft case in South Africa. One such option is to conclude a case docket as undetected (i.e. where the alledged offender is totally unknown and, as a result, can not be detected).

In yet another case, the offender might be known to the police (and the victim or a witness) but cannot be detected. In such case, the case docket is likely to be concluded as "undetected – warrant of arrest issued". In other cases, the Public Prosecutor may decide to withdraw a case as a result of insufficient evidence, etc. in which case the docket will be concluded as *nolle prosequi*. Cases of motor vehicle theft withdrawn by complainants (victims) may indicate that in most cases the motor vehicle has never been lost through theft (e.g. taken by a relative without the owner's knowledge). Cases of motor vehicle theft concluded as "false" indicates that the motor vehicle was never stolen.

Table 5.3 indicates the extent to which motor vehicle theft cases for both provinces have been disposed of.

TABLE 5.3 DISPOSAL OF MOTOR VEHICLE THEFT CASES

MANNER OF DISPOSAL	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Still pending	-	-	-	-
Undetected (offender unknown)	1256	94.36	295	79.30
Undetected (warrant of arrest)	-	-	1	1.27
Withdrawn – Public Prosecutor	11	0.83	9	2.42
Withdrawn – complainant	4	0.30	7	1.88
Closed by Police – false	4	0.30	4	1.08
Not applicable*	56	4.21	56	15.05
TOTAL	1331	100.0	372	100.0

*Appeared in court – see Table 5.2

Table 5.3 reveals that, in KwaZulu-Natal 19 cases (1,43%) were either withdrawn by the Public Prosecutor or the complainant or closed as false by the Police, compared to 20 cases (5,38%) concluded in the same manner in the Western Cape.

5.3.3 Cases concluded in court

Table 5.4 reflects those motor vehicle theft cases which have been concluded in court for both Provinces.

TABLE 5.4 CASES CONCLUDED IN COURT

MANNER OF CONCLUSION	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Guilty and sentenced	7	0.53	23	6.18
Not guilty – acquitted	17	1.28	2	0.53
Warrant of arrest	4	0.30	11	2.95
Withdrawn – Public Prosecutor	28	2.10	20	5.39
Not applicable	1275	95.79	316	84.95
TOTAL	1331	100.0	372	100.0

Table 5.4 clearly shows that of the fifty-six cases referred to court in both Provinces respectively, only 7 (0,53%) in KwaZulu-Natal compared to 23 (6,18%) in the Western Cape led to convictions in court. Likewise, (17 or 1,28 percent) offenders were acquitted in KwaZulu-Natal, while only (2 or 0,53 percent) offenders walked out free. It follows from this information that only 24 (1,81%) of the fifty-six cases referred to court in KwaZulu-Natal, were juridically finalised, while 25 (6,71%) such cases in the Western Cape, were concluded in the same way.

5.4 PROFILE OF VICTIMS OF MOTOR VEHICLE THEFT

In this section a statistical description of the victims of motor vehicle theft and hijacking will be discussed. The victim profile is exclusively based on independent variables contained in the measuring instrument (information schedule).

5.4.1 Victimasation

Victimasation is defined by Cloete (in Cloete & Stevens 1990:39) as the intentional and unlawful action of a criminal toward an innocent person. It is by definition characterised by physical, emotional and/or financial harm and represents an asymmetrical relationship that is exploitative, parasitical, oppressive and alienating. According to Karmen (1984:3), after many years of neglect, the study of victims has been rediscovered by social scientists and the criminal justice system.

Snyman (1994:120) avers that a victim is "...anyone who experiences injury, loss or hardship owing to a cause outside his/her control". From this general definition of a victim, it can be deduced that a victim is any individual who was dispossessed of his/her valuables and/or lost his/her life (as a result of murder) or injured (as a result of theft or robbery).

5.4.1.1 Victim typologies

The concept of victim can be traced back to ancient cultures. In the original meaning of the term, a victim was a person or criminal that was put to death during a ceremony in order to appease some supernatural power or deity. Today's usage of the term victim encompasses many facets, and the victim typologies of Young-Rifai, Mannheim, Schafer and Van der Westhuizen will be highlighted.

- ◆ **Schafer's victim typology:** Schafer (1977:45 – 47) classifies victims of crime in terms of responsibility. He regards this concept as decisive in determining the criminal-victim relationship. In this regard, his typology could be regarded as comprehensive because it can always be linked with either the victim or the criminal, or both depending on the responsibility of each party. With regard to the biologically and socially poorly-integrated victims in society, Schafer argues that the ruling authority as well as the community are to be held responsible for the victim's misfortune. This also applies to the criminal's unlawful action. He makes, however, no mention anywhere of why these two categories of victims should not also bear some measure of responsibility, given the

fact that they could just as well be regarded as precipitating victims. This would mean placing a distinct responsibility on such people without abrogating the responsibility of the criminal and/or the community or government. In this way, victims belonging to these two categories are reminded that they should at least adopt some sort of responsibility for protecting themselves.

- i) *The innocent victim*: According to Schafer (1977:45) the innocent victim has no engagement with the criminal – except for the crime committed against him/her. He regards the victim as an accidental choice, for instance where the victim is involved in a crime situation where he/she necessarily (but accidentally) becomes a victim, e.g. during a motor vehicle hijacking. The criminal has to bear the sole responsibility for the crime.
- ii) *The precipitating victim*: Precipitating victims are regarded as innocent, but might through their own thoughtless actions taunt or entice the offender. For example motor vehicle owners who would leave their vehicle keys in their vehicles while vehicles are left unattended.
- iii) *The biologically weak victim*: This type of victim's bodily condition and physical and mental attributes make the victim susceptible to crime, e.g. the elderly, women and the disabled. According to Schafer (1977:46 – 47), these victims actually bring crime upon themselves, but cannot avoid it, and for this reason, responsibility for the criminal act is apportioned as follows (a) on the one hand, the criminal has to bear the major portion of the guilt for taking unlawful action (b) on the other hand, society or its leaders are partially to be blamed for having not made adequate provision to protect such people. The car robber will see this type of victim as an easy pray to disposes him/her of their vehicle (Cf. Van Velzen 1998).

- ◆ **Van der Westhuizen's victim typology**: Van der Westhuizen (1982:123 – 125) used the susceptibility of the potential victim of crime as criterion for the classification of victims. In terms of this criterion, the victim's activities, predisposition, hereditary

factors, personality traits, habits, religion, vices, life philosophy and culture, are all considered in order to classify the victims in terms of susceptibility.

- i) *Defenceless victims*: Defenceless victims are those who are physically, mentally and/or totally defenceless, against the criminal. Examples are women the elderly, the disabled and the naïve.
- ii) *Negligent victims*: The negligent behaviour and habits of the victim make it easy for the criminal to steal from him or her. Other examples include merchants who display their goods without proper protection, holidaymakers who leave their doors and windows unlocked, the careless victim who leaves money, property or keys about – in other words, people who do not take proper precautions against theft, fraud and housebreaking. The motor vehicle owner who leaves his vehicle's door or window unlocked when the said vehicle is parked at a large shopping centre is also a good example of a negligent victim (Cf. Van Velzen 1998).

5.4.2 Gender of victims

TABLE 5.5 GENDER OF COMPLAINANTS

GENDER	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Male	1077	80.92	263	70.70
Female	254	19.08	109	29.30
TOTAL	1331	100.0	372	100.0

It appears from Table 5.5 that for both Provinces, males outnumbered females as victims of motor vehicle theft and hijacking. A possible explanation for the male dominance in this

crime situation could in most cases be ascribed to the fact that males usually represent the complainant as the head of a household where a motor vehicle has been lost through theft or hijacking. Usually, males spend more time on the road (often long distances) in motor vehicles for the purpose of performing their jobs.

5.4.3 Ethnic grouping of victims of motor vehicle theft

TABLE 5.6 ETHNIC GROUP OF VICTIMS

RACE	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Africans	207	15.55	21	5.64
White	840	63.11	254	68.27
Coloureds	38	2.85	91	24.46
Asians	246	18.49	6	1.63
TOTAL	1331	100.0	372	100.0

From Table 5.6 it is significant to note that more than two-thirds of motor vehicle owners who were victimised through theft or hijacking were Whites, namely 63,11% in KwaZulu-Natal and 68,27% in the Western Cape. As far as the other ethnic groups are concerned, it is interesting to note that in KwaZulu-Natal, 246 (18,49%) of the victims were Asians compared to 91 (24,46%) Coloureds in the Western Cape.

African victims 207 (15,55%) in KwaZulu-Natal (21 or 5,64 percent) outnumbered their counterparts in the Western Cape.

5.4.4 Age grouping of victims of motor vehicle theft

TABLE 5.7 AGE CATEGORIES

AGE GROUPS	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Below 20 years	61	4.58	18	4.83
21 – 25 years	181	13.60	63	16.93
26 – 30 years	182	13.67	49	13.17
31 – 35 years	193	14.50	54	14.51
36 – 40 years	176	13.22	42	11.29
41 – 45 years	143	10.74	26	6.98
46 – 50 years	130	9.77	37	9.94
Above 50 years	236	17.74	81	21.82
Unknown*	29	2.18	2	0.53
TOTAL	1331	100.0	372	100.0

*Age not reflected in police records

The data contained in Table 5.7 shows the frequency distribution of motor vehicle theft according to the various age groups of the victims. It is disturbing to note that 236 (17,74%) and 81 (21,82%) in both Provinces respectively, were people above 50 years of age. For the sake of interest, it should be noted that the oldest victim of motor vehicle theft was a white male person of 85 years (born 1910-04-12) who owned a 1975 Ford Escort. The vehicle had been recovered undamaged – see Umbilo CAS 278-12-1995.

Table 5.7 also reveals that vehicle owners in KwaZulu-Natal falling in the age categories 21 – 40 years, were more or less evenly victimised either through theft or hijacking. People below 20 years were the least to be victimised in both Provinces. The victimisation of older

people, i.e. those above 50 years of age, could be ascribed to the possibility of these victims being perceived by thieves and robbers as "soft targets". Their apparent inferior physical condition and their inability to resist any attack of this nature leave them vulnerable in the hands of their attackers.

5.4.5 Occupational status of victims

TABLE 5.8 OCCUPATIONAL CATEGORIES

OCCUPATION CATEGORY	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Unknown (not indicated)	89	6.68	19	5.10
Unemployed	58	4.35	16	4.30
General labourer	16	1.20	11	2.95
Professional worker (Doctor, lawyer, dentist, psychologist, teaching etc.)	118	8.86	38	10.22
Technical or related worker (Mechanic, electrician etc.)	124	9.31	26	6.99
Factory / Plant / Production worker	36	2.70	2	0.54
Businessman / -lady / selfemployed	112	8.41	33	8.87
Sales worker (Representative)	82	6.16	17	4.57
Manager / Executive official / Director	142	10.66	47	12.63
Administrative capacity (Clerk, supervisor, secretary, controller etc.)	158	11.87	37	9.95
Worker in transport (Driver, dispatcher)	114	8.56	16	4.30
Worker in communication (Journalist, P.R.O. etc.)	7	0.53	9	2.42
Craftsman or related worker	57	4.28	21	5.65
Student / Scholar	73	5.48	19	5.11

Services worker (Nursing, social workers etc.)	21	1.57	7	1.88
Engaged in sport and recreation	6	0.45	7	1.88
Agricultural and related worker (Tending crops, animals, forests etc.)	2	0.15	3	0.81
Farmer	6	1.45	-	-
Security services (Security guards, patrolman, transporters of money etc.)	9	0.67	1	0.27
Security forces (Police, Army)	20	1.50	5	1.34
Bank Clerk / Teller	2	0.15	-	-
Pensioner	77	5.78	34	9.14
Till operator	1	0.07	3	0.81
Other	1	0.07	1	0.27
TOTAL	1331	100.0	372	100.0

From Table 5.8, it appears that the frequency distribution of motor vehicle theft victims varies disproportionately in the two Provinces under investigation. In KwaZulu-Natal, for instance, victims employed in an administrative capacity 158 (11,87%) showed the highest victimisation rate compared to 47 (12,63%) victims in the Western Cape who occupied executive positions. Likewise, victims in executive capacities 142 (10,66%) showed the second highest victimisation rate in KwaZulu-Natal, compared to 38 (8,86%) professional workers who ranked second highest in the Western Cape as victims of motor vehicle theft and / or hijacking. It is also interesting to note that pensioners in both Provinces were relatively severely victimised.

5.4.6 Victim – offender relationship

**TABLE 5.9 FREQUENCY DISTRIBUTION PORTRAYING VICTIM -
OFFENDER RELATIONSHIP**

NATURE OF RELATIONSHIP	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
No relationship*	84	6.31	48	12.90
Intrafamilial	1	0.07	-	-
Acquaintances / friends	5	0.38	10	2.69
Employee / employer	2	0.15	7	1.88
Partners	-	-	1	0.27
Other relationship	-	-	1	0.27
Suspect unknown**	1235	92.79	305	81.99
Unknown	4	0.30	-	-
TOTAL	1331	100.0	372	100.0

*Vehicle hijacking: offender was only seen by the victim, but no personal relationship

**Vehicle theft: offender was totally unknown to the victim

Table 5.9 reveals two important observations. Firstly, in the case of vehicle hijacking the encounter between victim and robber is usually a surprise event, accompanied by the unducement of fear as a result of the brandishing of a fire-arm or similar dangerous object. Victims and robbers are usually unknown to each other because of the fact that such encounter is probably the first interaction between these two parties.

Secondly, in the case of common vehicle theft, offenders are usually unknown to their victims. In some cases, offenders are positively individualised through dactyloscopic (finger-) prints. Although the first contact between victim and thief occurs in a criminal court, there still appears to be no personal relationship between the two parties.

In cases of common vehicle theft, the percentages regarding the anonymity of suspects are more or less evenly distributed for both Provinces.

5.4.7 Injuries sustained by victim(s)

**TABLE 5.10 BREAKDOWN OF INJURIES SUSTAINED BY VICTIMS OF
VEHICLE HIJACKING**

TYPE OF INJURY	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Cuts / incised wounds	3	0.22	-	-
Bruises	7	0.52	2	0.54
Other	2	0.15	-	-
No injuries	82	6.16	5	1.34
Not applicable	1237	92.94	365	98.12
TOTAL	1331	100.0	372	100.0

Table 5.10 reveals that in 82 (6,16%) of the encounters with their assailants, the victims in KwaZulu-Natal did not sustain any injuries, compared to 5 (1,34%) in the Western Cape.

It is also observed that in both Provinces no fatal injuries were inflicted to victims, but instead, only a few minor injuries were sustained by victims.

A possible explanation for this phenomenon could be ascribed to the fact that vehicle owners have come to realise not to offer any resistance against armed robbers. Also, there appears to be a shift in emphasis from the common vehicle thief to that of a hijacker where the intention revolves solely around the acquisition of a vehicle through inducing fear by means of a fire-arm. In this case it has become much more easier to rob rather than to steal a vehicle.

5.5 TEMPORAL DISTRIBUTION OF MOTOR VEHICLE THEFT AND HIJACKING

Danto, Bruhns & Kutscher (1982:6), for instance, discovered an increase in murder during the months of July and December. These two months, according to this study occurred during holidays which correlates with MacDonald's (1961) and Lunde's (1976) findings that during these periods a greater social interaction takes place between people.

MacDonald (1961) discovered a significant increase in murder, suicide and sexual crimes during summer months, while property crimes reflected an increase during winter months. Compared to these findings, data contained in this investigation will show the opposite, namely that motor vehicle theft and hijacking in the Western Cape reached its lowest point. Even for KwaZulu-Natal, the data shows an increase in property crime (motor vehicle theft and hijacking) during the summer months of January to March – see Figure 5.1.

Various attempts have been made in the past to explain the correlation between crime and seasonal fluctuation. According to Fourie (1990:72), Leffingwell (in Gustafson 1985), an American proffered that seasonal transition from winter to spring created a peculiar excitement and stimulation in the nervous system of humans. Although he could not establish the precise causes of this condition, he nevertheless, presumed the causes to be found in the gradual increase in atmospheric light and heat. In this regard, Landau & Drapkin (1968) concurred that intensive heat and irritation contributed to the aggression

level of offenders. These findings could, therefore, be analogously applied to the present investigation by accepting the fact that different seasons in South Africa may have an indirect influence on human behaviour.

5.5.1 Month of the year

Table 5.11 shows that for KwaZulu-Natal, March 131(9,84%), August 125 (9,39%) and October 120 (9,02%) had the highest incidences of motor vehicle theft and hijacking. The lowest vehicle theft rates are observed in April 98 (7,36%), May 88 (6,61%) and December 82 (6,16%). A possible explanation for this trend may be the increased role – visibility of the South African Police Service as well as the Durban City Police during the holiday seasons. It appears therefore, that there is a slight seasonal fluctuation in this type of criminal activity in both Umbilo and Empangeni.

Table 5.11 also reveals that vehicle theft and hijacking are more or less evenly distributed across the twelve months of 1995. It appears however, that May 41 (11,02%), September 45 (12,10%) and October 46 (12,37%) were the most popular months in which car thieves and vehicle robbers were active in the Western Cape.

**TABLE 5.11 BREAKDOWN OF MOTOR VEHICLE THEFT AND
HIJACKING BY MONTH OF THE YEAR (1995)**

MONTH	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
January	116	8.72	16	4.30
February	119	8.94	27	7.26
March	131	9.84	27	7.26
April	98	7.36	31	8.33
May	88	6.61	41	11.02
June	113	8.49	28	7.53
July	111	8.34	22	5.91
August	125	9.39	27	7.26
September	111	8.34	45	12.10
October	120	9.02	46	12.37
November	117	8.79	32	8.60
December	82	6.16	30	8.06
TOTAL	1331	100.0	372	100.0

Figure 5.1 renders a convenient observation of the data contained in Table 5.11.

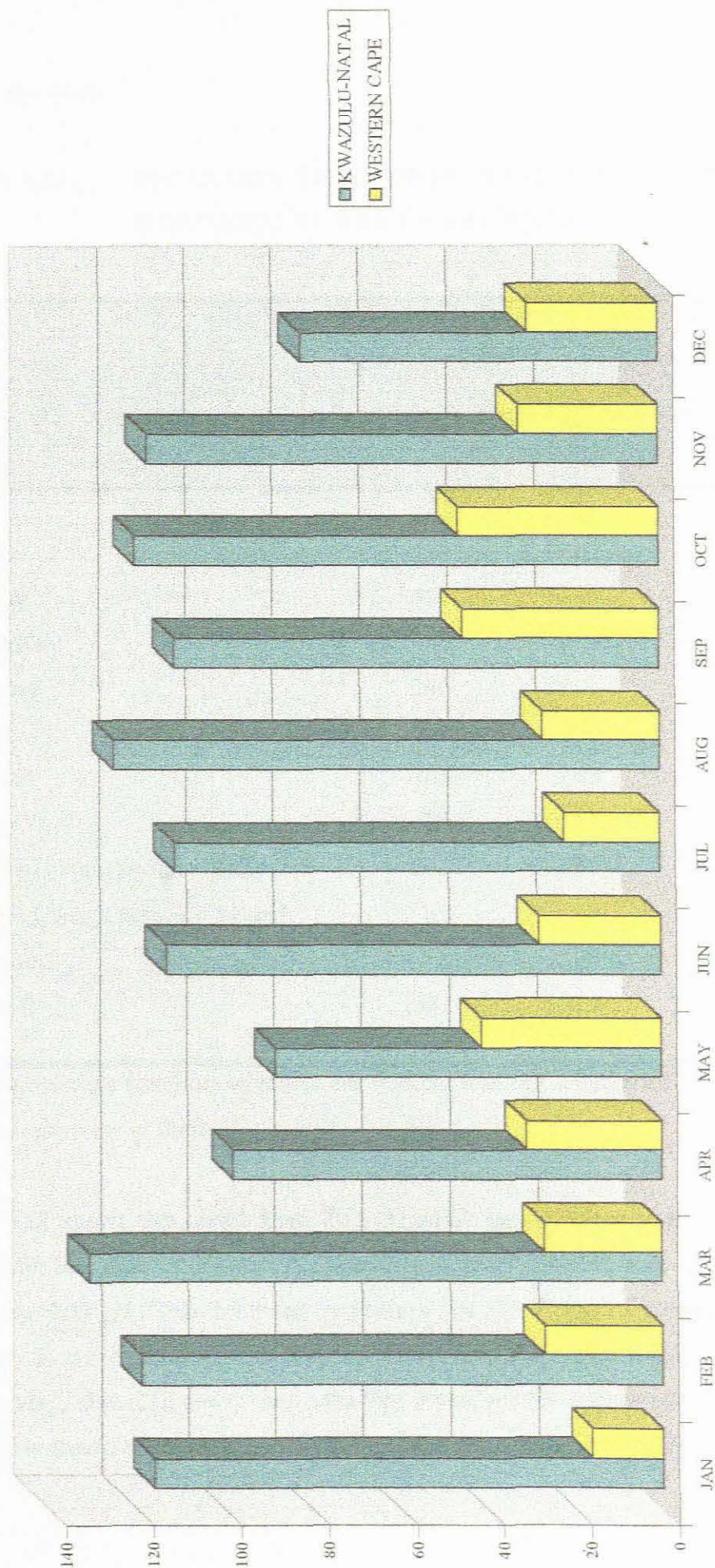


FIGURE 5.1 VERTICAL BAR GRAPH (HISTOGRAM) OF MOTOR VEHICLE THEFT AND HIJACKING IN KWAZULU-NATAL AND WESTERN CAPE FOR THE PERIOD 1 JANUARY - 31 DECEMBER 1995

5.5.2 Day of the week

**TABLE 5.12 BREAKDOWN OF MOTOR VEHICLE THEFT AND
HIJACKING BY DAY OF THE WEEK**

DAY	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Monday	160	12.02	36	9.68
Tuesday	151	11.03	29	7.80
Wednesday	143	10.74	37	9.95
Thursday	200	15.03	47	12.63
Friday	164	12.32	49	13.17
Saturday	105	7.89	63	16.94
Sunday	88	6.62	35	9.41
Occurred over a period < 2 days*	292	21.94	68	18.28
Occurred over a period > 2 days*	20	1.50	8	2.14
Unknown	8	0.60	-	-
TOTAL	1331	100.0	372	100.0

*Represents time (day) on which motor vehicle was left unattended by owner until time (day) of discovery of theft

Table 5.12 shows that, apart from 292 (21,94%) motor vehicles left unattended by the owners for less than 48 hours in KwaZulu-Natal, most vehicles were stolen or hijacked on Thursdays 200 (15,03%), followed by Fridays 164 (12,32%) and Mondays 160 (12,02%). Contrary to the expectation that motor vehicles would have been stolen or hijacked over week-ends, Table 5.12 clearly indicates that motor vehicle thieves and vehicle robbers did not follow any fixed criminal pattern in this regard. In the Western Cape, however, it

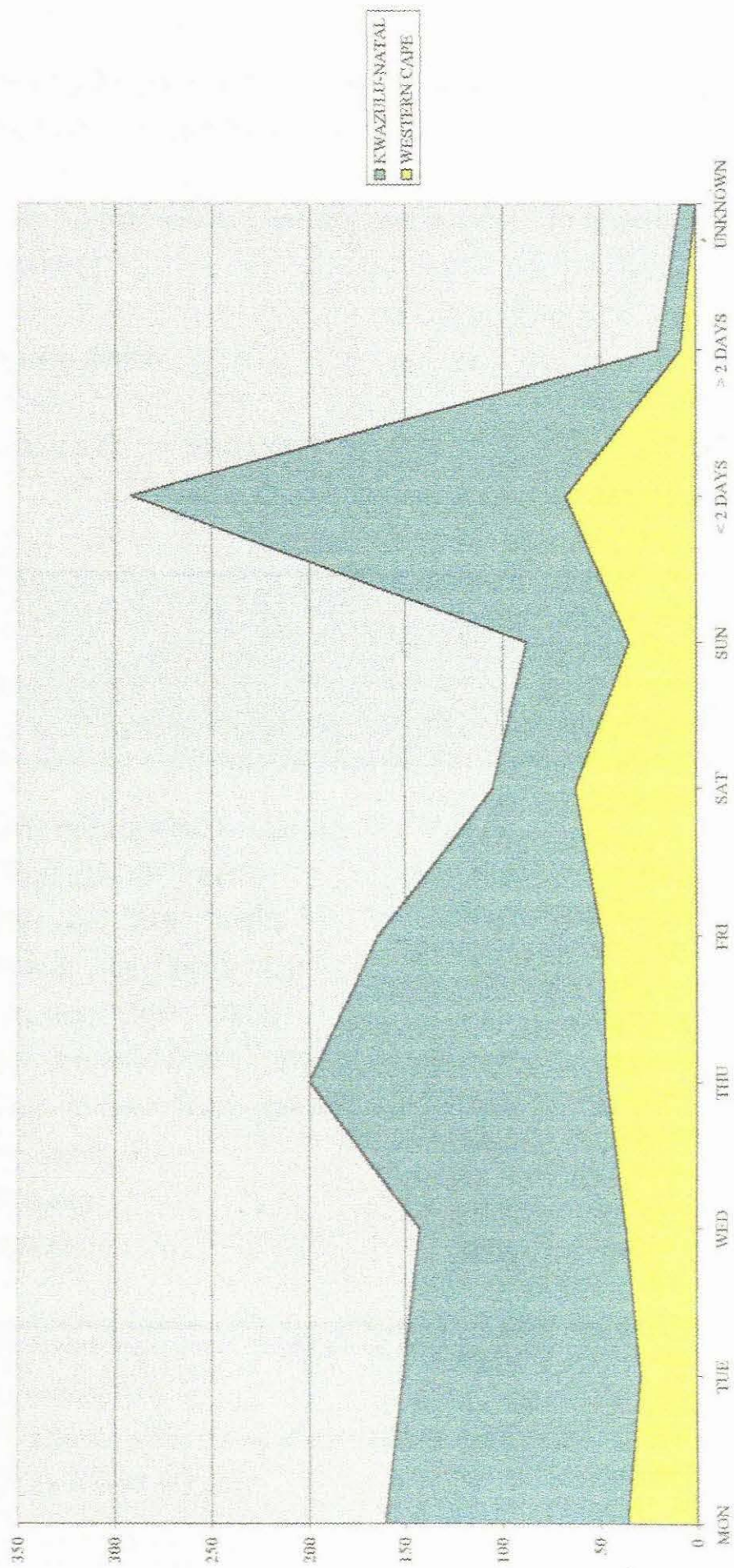


FIGURE 5.2 AREA CHART OF MOTOR VEHICLE THEFT AND HIJACKING BY DAY OF THE WEEK IN KWAZULU-NATAL AND WESTERN CAPE FOR THE PERIOD 1 JANUARY - 31 DECEMBER 1995

appears that criminals followed a more fixed pattern, e.g. Thursdays 47 (12,63%), Fridays 49 (13,17%) and Saturdays 63 (16,94%).

Figure 5.2 represents the data contained in Table 5.12 in graphical format for convenient reference.

5.5.3 Hours of the day

**TABLE 5.13 BREAKDOWN OF MOTOR VEHICLE THEFT AND
HIJACKING BY HOUR OF THE DAY**

TIME OF THE DAY	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Early morning (00h00 – 05h59)	103	7.74	62	16.67
Morning (06h00 – 11h59)	149	11.19	29	7.80
Afternoon (12h00 – 16h59)	172	12.92	47	12.63
Early evening (17h00 – 20h59)	366	27.50	35	9.41
Late night (21h00 – 23h59)	51	3.83	38	10.22
Day – between 06h00 – 17h59*	107	8.04	49	13.17
Night – between 18h00 – 05h59*	198	14.88	36	9.68
Day and night**	172	12.92	76	20.42
Unknown	13	0.98	-	-
TOTAL	1331	100.0	372	100.0

*Represents time frame during which vehicles were left unattended by owner till time of discovery of theft.

**Represents period during which vehicles were stolen, e.g. vehicle parked on Monday and theft discovered on Friday.

Table 5.13 clearly shows that, in KwaZulu-Natal, almost one-third 366 (27,50%) of the motor vehicles were stolen or hijacked during the early evening (i.e. between 17h00 and 20h59). This tendency is strongly confirmed by the researcher's personal observations (based on these victims' statements) indicating the time when these motor vehicles were parked and discovered as stolen in cases of motor vehicle theft and the exact time when an armed robbery (hijacking) took place. A possible explanation for this phenomenon could be found in greater vehicle movement after 17h00 when vehicle owners are travelling from their workplace to their place of residence. Being exhausted after a day's work, victims tend to be careless (Cf. Karmen's "carelessly facilitating victims" – par.6.1.1.3).

Compared to KwaZulu-Natal, the Western Cape shows a different pattern, namely that 62 (16,67%) motor vehicles were lost during the early morning, i.e. between midnight and 06h00. This pattern continued during day-time (06h00 – 17h59) when 49 (13,17%) motor vehicles were lost through theft or armed robbery. It is difficult to provide an acceptable explanation for this kind of behaviour, except for adding that criminals in this Province acted fearlessly by accepting that vehicle owners would not anticipate the loss of a vehicle in the early morning and even during day-time. Perhaps a matter of the presence of the element of surprise. Compared to KwaZulu-Natal's "early evening" data (17h00 – 20h59), vehicle owners experienced proportionately less victimisation through motor vehicle theft during the early evening.

5.6 PARTICULARS OF MOTOR VEHICLE

In this section attention will be devoted to (a) type of motor vehicle, (b) make of motor vehicle, (c) year of fabrication, (d) value of stolen motor vehicle, (e) value of stolen motor vehicle recovered, and (f) anti-theft device(s).

Table 5.14 renders an indication of the type of motor vehicle stolen or hijacked during 1995. More than half (792 or 59,49 percent) of all motor vehicles stolen or hijacked in KwaZulu-Natal, were sedan vehicles, while the Western Cape had a similar pattern in that about two-thirds (263 or 70,70 percent) of the same type of motor vehicles were stolen or hijacked.

This phenomenon could be ascribed to this type of motor vehicle being a convenient target (general availability, speed, greater market for spares, commission of other crimes etc.).

5.6.1 Type of motor vehicle

TABLE 5.14 TYPE OF MOTOR VEHICLE STOLEN OR HIJACKED

CLASSIFICATION	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Sedan	792	59.49	263	70.70
LDV / Panelvan	419	31.49	65	17.47
Lorry / Truck	6	0.45	1	0.27
Minibus / Combi	105	7.88	26	6.99
Motorcycle	3	0.23	15	4.03
Tractor	-	-	1	0.27
Bus	3	0.23	1	0.27
Unknown	3	0.23	-	-
TOTAL	1331	100.0	372	100.0

Light delivery vans (LDV's) and/or panel vans ranked second highest in popularity for both Provinces, namely KwaZulu-Natal 419 (31,49%) and the Western Cape 65 (17,47%). In both Provinces, minibuses/combi's also attracted the attention of motor vehicles thieves and armed robbers in KwaZulu-Natal (105 or 7,88 percent) and the Western Cape (26 or 6,99 percent) respectively. Due to the magnitude of the taxi industry in South Africa, this type of vehicle renders itself a suitable target for an abundant spares market.

5.6.2 Make of motor vehicle

TABLE 5.15 MAKE OF MOTOR VEHICLE STOLEN OR HIJACKED

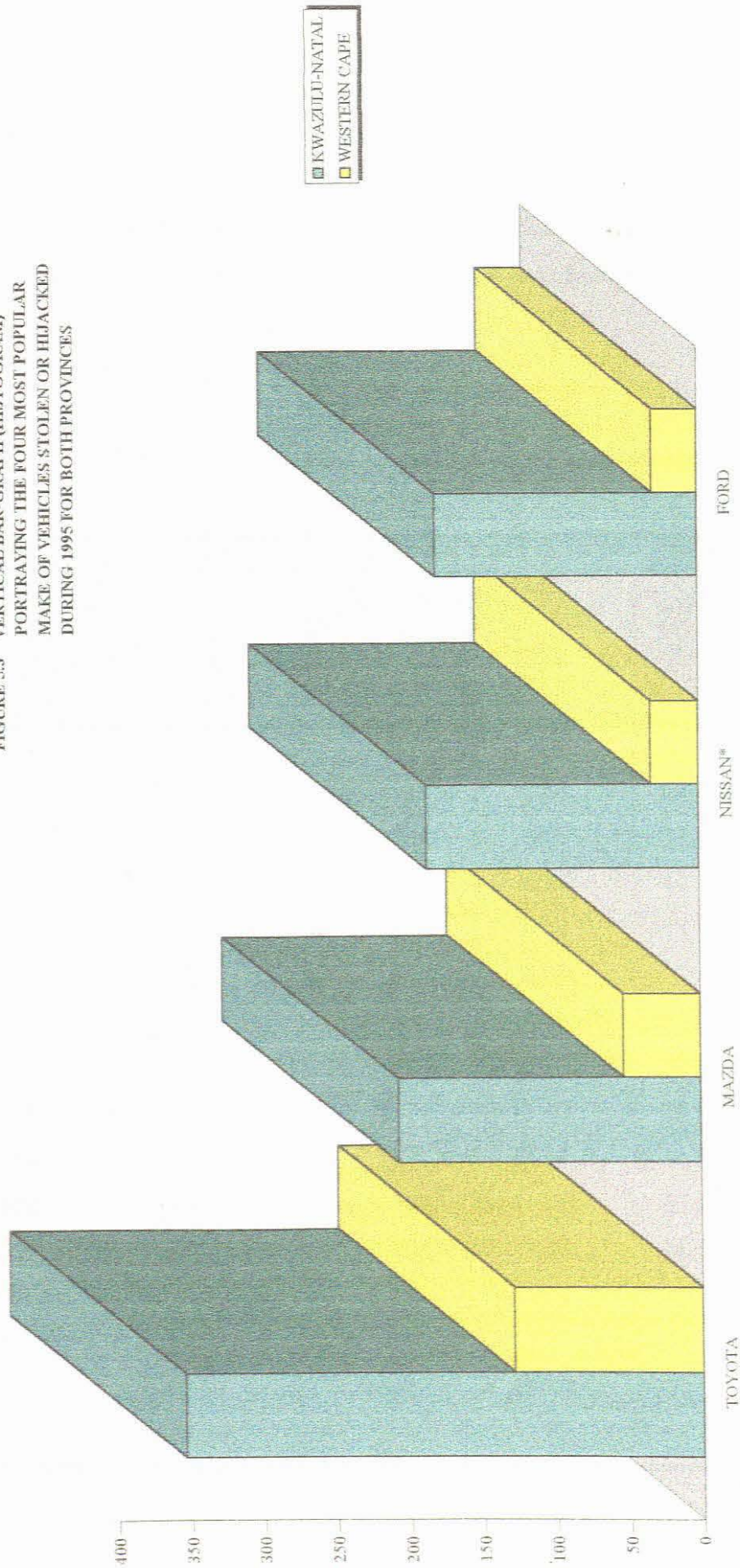
MAKE	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Alfa Romeo	2	0.15	1	0.27
Audi	-	-	1	0.27
BMW	59	4.44	7	1.88
Charade	1	0.07	2	0.54
Chevrolet	9	0.68	3	0.81
Colt	8	0.60	2	0.54
Erf	1	0.07	-	-
Fiat	4	0.30	-	-
Ford	181	13.61	31	8.33
Honda	14	1.05	11	2.96
Huyundai	-	-	1	0.27
Isuzu	75	5.63	4	1.08
Kawasaki	1	0.07	1	0.27
Leyland (Mini)	-	-	11	2.96
Man	2	0.15	-	-
Mazda	208	15.63	53	14.25
Mercedes-Benz	4	0.30	4	1.08
Mitsubishi	20	1.50	2	0.54
Nissan / Datsun	188	14.13	33	8.87
Opel	46	3.46	18	4.84
Peugot	1	0.07	9	2.42
Renault	4	0.30	1	0.27

Rover	1	0.07	1	0.27
Suzuki	2	0.15	2	0.54
Toyota	354	26.60	129	34.68
Uno	2	0.15	5	1.34
Volkswagen	136	10.22	35	9.37
Volvo	-	-	1	0.27
Yamaha	-	-	4	1.08
Other	2	0.15	-	-
Unknown	6	0.45	-	-
TOTAL	1331	100.0	372	100.0

Table 5.15 highlights that Toyota motor vehicles outnumbered the other motor vehicle makes by far as objects of thieves and hijackers. This trend shows a similar pattern for both Provinces, namely 354 (26,60%) in KwaZulu-Natal and 129 (34,68%) in the Western Cape respectively. On closer inspection of this table, it could be observed that other Japanese models, viz. Mazda (208 or 15,63 percent for KwaZulu-Natal and 53 or 14,25 percent for Western Cape) and Nissan / Datsun (188 or 14,13 percent for KwaZulu-Natal and 33 or 8,87 percent for Western Cape) also turned out to be popular objects for theft and armed robbery. The question that could be raised is whether (or not) these Japanese models are easier objects to remove than is the case with other vehicle makes. On the other hand, it could also be possible that criminals' techniques and tactics have become more sophisticated, making it easier for them to steal or rob motor vehicles. It should also be borne in mind that especially Toyota motor vehicles have outnumbered other models on the road.

Likewise, Volkswagen also proved to be a popular choice for motor vehicle thieves and armed robbers in both Provinces, namely KwaZulu-Natal (136 or 10,22 percent) and Western Cape (35 or 9,37 percent) respectively. Whether these observations will be still valid in 1998/99 or 2000, remains an open question because more luxury models (such as

FIGURE 5.3 VERTICAL BAR-GRAPH (HISTOGRAM)
PORTRAYING THE FOUR MOST POPULAR
MAKE OF VEHICLES STOLEN OR HIJACKED
DURING 1995 FOR BOTH PROVINCES



*NISSAN / DATSUN

Mercedes-Benz, Honda Ballade and BMW) are nowadays owned and driven by especially the Black population group of South Africa (own observation).

The answer to this submission should, however, be left for further research. Figure 5.3 represents the data contained in Table 5.15 in graphical format for convenient reference.

5.6.3 Year of fabrication

TABLE 5.16 MODEL OF MOTOR VEHICLE STOLEN OR HIJACKED

MODEL	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
1995	34	2.55	5	1.34
1994	76	5.71	11	2.96
1993	84	6.31	11	2.96
1992	87	6.54	18	4.84
1991	81	6.09	7	1.88
1990	86	6.46	15	4.03
1989 – 1988	164 ($\bar{X}=82$)	12.32	29 ($\bar{X}=15$)	7.80
1987 – 1986	157 ($\bar{X}=79$)	11.80	25 ($\bar{X}=13$)	6.72
1985 – 1984	182 ($\bar{X}=91$)	13.68	66 ($\bar{X}=33$)	17.74
1983 – 1982	156 ($\bar{X}=78$)	11.72	57 ($\bar{X}=27$)	15.32
1981 – 1980	96 ($\bar{X}=48$)	7.21	46 ($\bar{X}=23$)	12.37
1979 and older	92	6.91	73	19.62
Unknown	36	2.70	9	2.42
TOTAL	1331	100.0	372	100.0

According to Table 5.16 a slightly different pattern is observable between the two Provinces as far as the *model* of stolen or robbed motor vehicles is concerned. Except for 1979 and older models, the following fifteen years, namely 1980 to 1994, showed a more or less evenly distributed mean average ($\bar{X}=78$) of stolen or robbed motor vehicles for KwaZulu-Natal. For the Western Cape the mean average for the same period of fifteen years equals 19.

During 1995 KwaZulu-Natal witnessed a lost of 34 (2,55%) compared to only 5 (1,34%) stolen or robbed motor vehicles in the Western Cape. The relative low theft rate for 1995 could be ascribed to the introduction of more sophisticated anti-theft vehicle devices. Also, vehicle owners became more aware of the increase in motor vehicle theft and robbery during the past years and, consequently, took more effective precautionary measures.

5.6.4 Value of stolen vehicles

Judging the frequency of value-categories of vehicles stolen or robbed in KwaZulu-Natal during 1995, Table 5.17 shows that in 144 (10,82%) of the cases, motor vehicles were valued by their owners (victims) as being between R27 000 – R36 999 compared to 136 (10,22%) cases valued between R15 000 – R18 999. A further 125 (9,39%) of the cases were categorised between R9 000 – R10 999. In all possibility, the valuations described in Table 5.17, do not reflect the real market value of these vehicles, but rather represent a personal (and even a somewhat emotional) issue.

**TABLE 5.17 VALUE CATEGORIES OF STOLEN OR HIJACKED
MOTOR VEHICLES IN KWAZULU-NATAL (N=1331)***

VALUE	KWAZULU-NATAL	
	N	%
Less than R1 000	2	0.15
R1 000 – R2 999	8	0.60
R3 000 – R4 999	51	3.83
R5 000 – R6 999	107	8.03
R7 000 – R8 999	95	7.14
R9 000 – R10 999	125	9.39
R11 000 – R14 999	82	6.16
R15 000 – R18 999	136	10.22
R19 000 – R22 999	117	8.79
R23 000 – R26 999	109	8.19
R27 000 – R36 999	144	10.82
R37 000 – R46 999	104	7.81
R47 000 – R56 999	76	5.71
R57 000 – R66 999	53	3.98
R67 000 – R76 999	43	3.23
R77 000 – R86 999	28	2.10
R87 000 – R96 999	10	0.75
R97 000 – R109 999	9	0.68
R110 000 – R149 999	16	1.20
R150 000 – R199 999	4	0.30
R200 000 +	3	0.22
Unknown	9	0.69
TOTAL	1331	100.0

*Data for the Western Cape not available

5.6.5 Value of stolen vehicles recovered

TABLE 5.18 VALUE CATEGORIES OF STOLEN OR HIJACKED MOTOR VEHICLES RECOVERED IN KWAZULU-NATAL (N=1331)*

VALUE RECOVERED	KWAZULU-NATAL	
	N	%
Less than R1 000	11	0.83
R1 000 – R2 999	11	0.83
R3 000 – R4 999	25	1.88
R5 000 – R6 999	31	2.33
R7 000 – R8 999	29	2.19
R9 000 – R10 999	34	2.55
R11 000 – R14 999	23	1.73
R15 000 – R18 999	38	2.86
R19 000 – R22 999	37	2.78
R23 000 – R26 999	36	2.70
R27 000 – R36 999	36	2.70
R37 000 – R46 999	32	2.40
R47 000 – R56 999	16	1.20
R57 000 – R66 999	12	0.90
R67 000 – R76 999	9	0.68
R77 000 – R86 999	4	0.30
R87 000 – R96 999	4	0.30
R97 000 – R109 999	5	0.37
R110 000 – R149 999	6	0.45
R150 000 – R199 999	4	0.30
Unknown	7	0.52
Not recovered	921	69.20
TOTAL	1331	100.0

*Data for the Western Cape not available

As far as the value of stolen or hijacked motor vehicles in KwaZulu-Natal is concerned, Table 5.18 shows a more or evenly distributed recovery rate for motor vehicles valued between R3 000 – R46 999.

What appears to be disturbing though, is the fact that about three-quarters of the vehicles, namely 921 (69,20%) were never recovered – even up to the end of 1998 when these police case dockets were scrutinised by the researcher during the data collection phase.

5.6.6 Anti-theft device(s)

TABLE 5.19 INSTALLATION OF ANTI-THEFT DEVICE(S)

TYPE	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Gorilla / Steering lock	28	2.11	1	0.27
Multi-lock / Gear lock	10	0.75	-	-
Satellite tracking	-	-	-	-
Alarm and immobiliser	44	3.30	6	1.62
Immobiliser (only)	64	4.80	-	-
Alarm (only)	25	1.88	1	0.27
Other	4	0.30	1	0.27
None fitted	1044	78.44	348	93.54
Unknown	112	8.42	15	4.03
TOTAL	1331	100.0	372	100.0

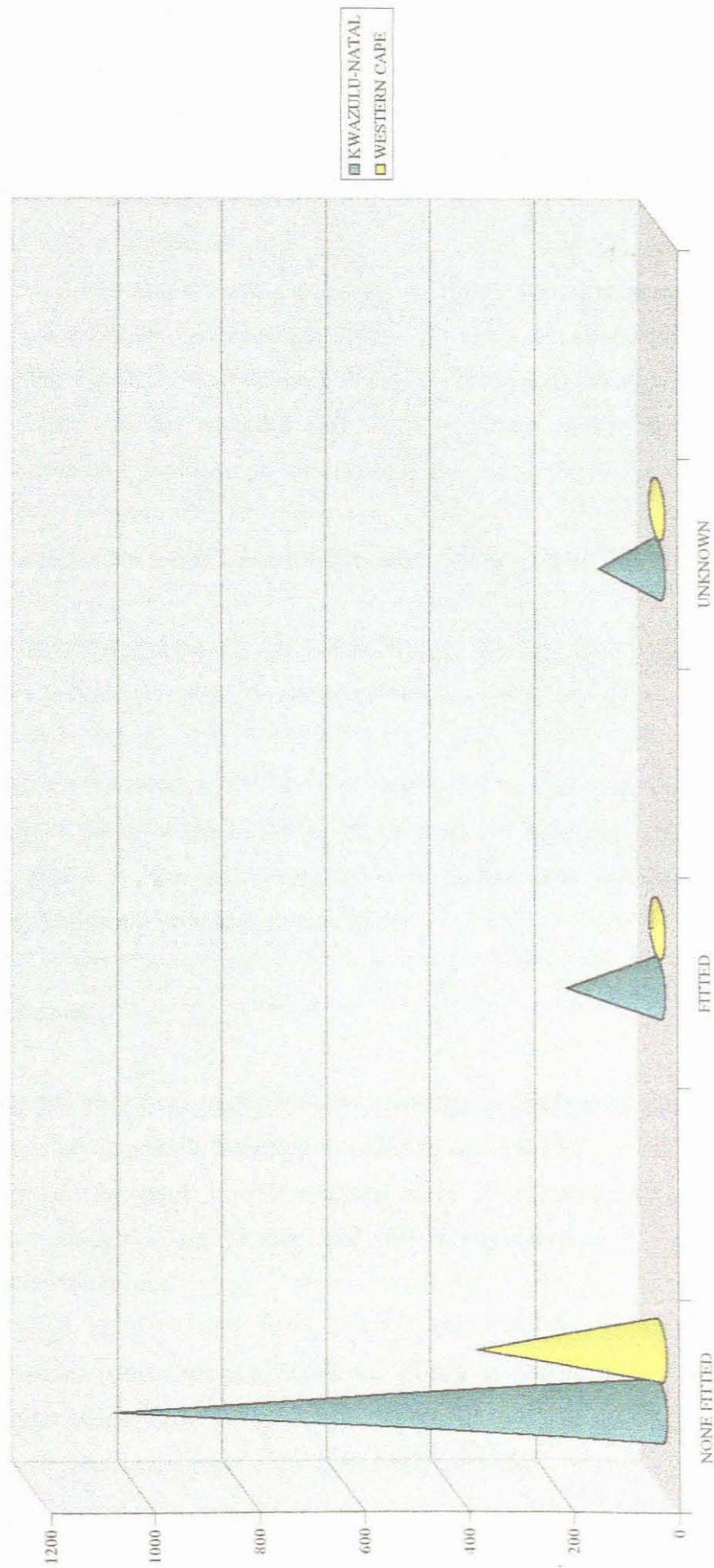


FIGURE 5.4 CONE CHART PORTRAYING THE VEHICLES STOLEN OR HIJACKED WHICH WERE FITTED WITH AN ANTI-THEFT DEVICE(S) IN KWAZULU-NATAL AND THE WESTERN CAPE FOR THE PERIOD 1 JANUARY - 31 DECEMBER 1995

Karmen (1996:113) ascribes victim carelessness to victim facilitation where victims unknowingly and negligently create the opportunity for car theft. One method of preventing car theft is the installation of anti-theft devices. According to Table 5.19, no motor vehicle equipped with a satellite tracking system was stolen or hijacked in either of the two Provinces. It also appears that alarms (44 or 3,30 percent) and immobilisers (64 or 4,80 percent) proved to be somewhat ineffective for motor vehicle owners in KwaZulu-Natal. An alarming 1044 (78,44%) motor vehicles in KwaZulu-Natal and 348 (93,54%) in the Western Cape were not equipped with any kind of anti-vehicle theft devices. Vehicle owners may often regard such devices as being too costly or even unnecessary.

Figure 5.4 represents the data contained in Table 5.19 for convenient observation.

5.7 DEMOGRAPHIC PROFILE OF OFFENDERS OF MOTOR VEHICLE THEFT IN KWAZULU-NATAL (N=1331) AND WESTERN CAPE (N=372)

In this section the *modus operandi* of offenders will be discussed briefly and a statistical description of the offenders of motor vehicle theft and hijacking will be described. This offender profile is also exclusively based on independent variables contained in the measuring instrument (information schedule).

5.7.1 Modus operandi

The study and classification of criminals according to their *modus operandi* or method of operation is an important technique to identify the offender. Consequently specialised knowledge on this subject is very important in the identification and eventual detection of offenders. Gilbert (Van Heerden 1984:39) rightly labels it "...an essential tool of investigation to this day".

Modus operandi is the Latin term for manner of action, mode of conduct or operation, while O'Hara view *modus operandi* as a combination of the criminals habits, techniques and idiosyncratic behavioural patterns (Van Heerden 1984:46).

According to Van Heerden (1984:39 – 40) the *modus operandi* of offenders as such is worthless unless it is described, studied, classified, and recorded in a scientific way for the purpose of future comparison and identification and therefore, is an effective *modus operandi* system a must.

Hijacking: Victim arrived at his vehicle with the vehicle keys in his/her hand or had just got into the vehicle when hijacker(s) appeared on the scene. This observation supports the notion that vehicle thieves and armed robbers are constantly changing their method of operation to avoid (as far as possible) the use of fire-arms (for fatal purposes), or hot-wiring a vehicle, breaking a window which could attract the attention of bystanders. Surprising a owner with a fire-arm at his/her vehicle, first of all, produces less exposure of the offender. Using the element of surprise at a stage when vehicle owners/drivers arrive at their motor vehicles enables the offender (armed robber), first and foremost, not only to minimise his exposure at the crime scene but, secondly, it offers the most convenient way of dispossessing victims of their motor vehicles.

The classification of criminals according to an operational profile largely depends on the knowledge and orientation of the criminal investigators, since it is they who complete the *modus operandi* reports. Consequently, accurate and detailed reporting of all relevant information and allied factors is essential. This proves again that the criminal investigator is the key figure in the investigation process (Van Heerden 1984:46).

5.7.2 Gender, ethnic grouping and age of offenders

Table 5.20 shows that in KwaZulu-Natal, 55 (4,13%) of the offenders were males and only 1 (0,07%) was a female, while in the Western Cape 50 (13,44%) were male and 6 (1,61%) were female. This data once again highlight the increased involvement of males in criminal activities. Fifty-one (3,84%) of the KwaZulu-Natal offenders were Africans, compared to only 28 (7,53%) in the Western Cape. This finding is in accordance with that of the Uniform Crime Report in the USA for 1993 where it was found that Hispanics were more

involved in vehicle theft than non-Hispanics (Glick 1995:263) Likewise, the Western Cape had 19 (5,10%) Coloured offenders, compared to only 1 (0,07%) in KwaZulu-Natal. This trend could be ascribed to KwaZulu-Natal being an African-dominated Province, while in the Western Cape, Coloureds outnumber Africans.

It also appears from Table 5.20 that offenders in both Provinces are more or less evenly represented in the different age categories. It is disturbing to observe that juveniles and young adults are almost equally active in motor vehicle theft and armed robbery in both Provinces.

The “not applicable” categories for both Provinces (KwaZulu-Natal N=1275 and Western Cape N=316) represent all those cases not referred to court – see Table 5.2.

TABLE 5.20 COMPARATIVE OFFENDER PROFILE OF MOTOR VEHICLE THEFT AND HIJACKING IN KWAZULU-NATAL (N=1331) AND WESTERN CAPE (N=372)

DEMOGRAPHICS	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
GENDER:				
Male	55	4.13	50	13.44
Female	-	-	6	1.61
Unknown	1	0.07	-	-
Not applicable	1275	95.80	316	84.95
TOTAL	1331	100.0	372	100.0
ETHNIC GROUPING:				
Africans	51	3.84	28	7.53
White	1	0.07	9	2.42
Coloured	1	0.07	19	5.10
Asian	2	0.15	-	-
Unknown	1	0.07	-	-
Not applicable	1275	95.80	316	84.95
TOTAL	1331	100.0	372	100.0
AGE:				
07 – 17 years	9	0.68	13	3.49
18 – 20 years	12	0.90	7	1.88
21 – 30 years	13	0.97	25	6.72
31 – 40 years	14	1.05	6	1.61
41 – 50 years	2	0.15	4	1.08
Unknown	6	0.45	1	0.27
Not applicable	1275	95.80	316	84.95
TOTAL	1331	100.0	372	100.0

5.7.3 Occupation of offender(s)

TABLE 5.21 OCCUPATION OF OFFENDER

OCCUPATION CATEGORIES	KWAZULU-NATAL		WESTERN CAPE	
	N	%	N	%
Unknown	3	0.22	3	0.81
Unemployed	27	2.04	27	7.23
General labourer	5	0.37	4	1.08
Semi-skilled labourer	3	0.22	2	0.54
Professional worker (Doctor, lawyer, teacher etc.) -	-	-	-	-
Technical or related worker (Mechanic, electrician etc.)	2	0.15	4	1.08
Businessman or sales worker	2	0.15	-	-
Administrative, executive or manager	-	-	-	-
Worker in transport (Driver, dispatcher etc.)	-	-	2	0.54
Worker in communication (Journalist, P.R.O. etc.) -	-	-	-	-
Craftsman or related worker	-	-	-	-
Student / scholar	9	0.68	9	2.42
Services workers (Nursing, social worker, etc.)	-	-	-	-
Engaged in sport and recreation	-	-	-	-
Armed forces (Police, Army)	3	0.22	1	0.27
Security services (Security guards, patrolman etc.)	2	0.15	3	0.81
Other	-	-	1	0.27
Not applicable	1275	95.80	316	84.95
TOTAL	1331	100.0	372	100.0

It is evident from Table 5.21 (but not surprising) that more than one-third of the KwaZulu-Natal offenders, namely (27 or 2,04 percent) and 27 (7,23%) of those in the Western Cape were unemployed at the time of their arrest. It is also interesting to note that 9 (0,68%) KwaZulu-Natal and 9 (2,42%) of the Western Cape offenders were, at the time of their arrest, students or scholars.

The relatively high unemployment figure observed for both Provinces indicate that criminals have fallen into a state of idleness and, being disadvantaged, they most probably nurture the desire to reach out for wealth which evaded them for so many years. This observation could therefore also be explained in terms of Merton's anomie theory, and more specifically in terms of the innovator-type of adaptation in response to society's quest for adherence to legitimate means and goals – see par. 4.2.1.1.

CHAPTER SIX

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.1 FINDINGS

Most important findings emanating from the literature as well as from the information schedule will be summarised in this Chapter. These findings will be confined to information about the victim, offender, temporal distribution of motor vehicle theft and the stolen vehicles.

6.1.1 Victim profile: A typology of vehicle theft victims

It has been shown that the rate for being a victim of motor vehicle theft or armed robbery was higher for males than for females – see Table 5.5. The victimisation rate in both Provinces was higher for Whites than any other race group – see Table 5.6. Likewise, younger vehicle owners (>26 years) suffered more through vehicle theft victimisation in both Provinces than did the other age groups. The elderly in both Provinces ranked second highest in this regard – see Table 5.7.

Based on the statistical data contained in Tables 5.5, 5.6, 5.7 and 5.8 the following of victim profile for both Provinces has been compiled:

TABLE 6.1 VICTIM PROFILE

DEMOGRAPHICS	KWAZULU-NATAL	WESTERN CAPE
Gender	Male	Male
Race	White	White
Age group	31 – 35	21 – 25
Occupation	Administrative capacity	Manager/Director/ Executive official

Karmen (1996) renders a suitable typology of victims of crime in general which could be equally applied to victims of motor vehicle theft and armed robbery. A typology is a classification scheme that aids in the understanding of what a group of people has in common and how it differs from other groups. Research have discussed and dismissed the possibility of “born victims” who are doomed from birth to become targets of criminal predators. They have also observed that the social reaction to victimisation is not always outrage, empathy, and support but can range from indifference to that of approval. Some of the types of persons identified in typologies include victims who are “ideal” (above criticism); “culturally legitimate and appropriate” (fair game, outcasts); “deserving” (arouse no sympathy); “consenting” (willing); and “recidivist” (chronic). Several typologies over the years have been devised to try to illustrate the degree of shared responsibility, if any, that victims bear in particular crimes (Karmen 1996:123).

A typology of different kinds of victims of a single crime, such as burglary or vehicle theft, makes it possible to derive estimates about the relative proportions of various “types” of groupings of people, what they did “wrong” if anything, and how crime might be prevented. In the typology of vehicle theft victims to follow, six types are defined,

ranging from those who are totally or largely blameless, through various degrees of shared responsibility – facilitation, precipitation, and provocation – to individuals who are completely responsible (for faking a theft) (Karmen 1996:123 – 126).

6.1.1.1 Conscientiously resisting victims

Conscientiously resisting victims are totally blameless and bear no responsibility for the theft of their cars. These unwilling victims tried to protect their vehicles by scrupulously following the crime-prevention tips suggested by security specialists. They did all they could to minimise their risks and reduce their vehicle's vulnerability to attack by purchasing anti-theft devices. Yet, the defensive measures they adopted proved futile, and they were preyed on by professional thieves who knew how to disarm or circumvent the most sophisticated alarm systems and resistant locks.

6.1.1.2 Conventionally cautious victims

Conventionally cautious victims relied upon the anti-theft features provided by vehicle manufacturers as standard equipment. They took the precautions of removing all valuables from sight, closing up their car's windows, locking all its doors, and pocketing the keys. Even though they did all they were supposed to do, experienced thieves with the proper tools had no trouble stealing their cars. These victims did nothing "wrong" but since they did not attempt to make their cars more theft resistant, they can be faulted for not taking the threat of car stealing seriously enough. Thus, they can be considered largely blameless, although they are not above criticism.

6.1.1.3 Carelessly facilitating victims

Carelessly facilitating victims set the stage for crimes of opportunity. In many cases they were victimised by inexperienced thieves and teenage joyriders. They made the criminals' tasks easier by failing to use the standard anti-crime measures available to them. They left their car doors unlocked or the windows rolled down, and worst of all,

they left their keys inside. They can be considered partly responsible precisely because they did not take precautions. Their thoughtless, negligent acts and indifferent attitudes were significant contributing factors to their own losses. However, they were unintentional, unwilling, inadvertent victims who bear no guilt, legally.

6.1.1.4 Precipitative initiators

Precipitative initiators were knowingly and willingly victims who intentionally singled out their vehicles for trouble. They wanted their cars to be stolen because they were “gas puzzlers” or “lemons”. They coldly calculated that they would be better off financially if they received the “book” value as reimbursement from the insurance company than if they kept their cars or tried to repair them or sell them. So they took steps that went beyond carelessness. They deliberately left their cars unlocked, with the keys dangling inside it, parked invitingly in a high crime area. By maximising the vulnerability of their vehicle, they incited would-be thieves to steal it. But the relationship between the precipitating victims and the criminals were impersonal; they never met each other despite the symbiosis between them. These substantially responsible victims, if challenged or investigated, could conceal their dishonest motives and contend that they were merely negligent motorists with innocent intentions who had accidentally left their keys in the cars.

6.1.1.5 Provocative conspirators

Provocative conspirators are largely responsible victims. They contributed so much to the genesis of the crime that without their instigation the act would not have taken place. These victims are not really injured parties but accomplices of thieves. These victims are actually criminals, part of a conspiracy to commit insurance fraud. If the deal was arranged at their initiative (for example, if they offered money to amateurs or professionals to dispose of their unwanted vehicles), then they are more guilty than the individual who drove their cars away. These criminals posing as victims arranged to have their cars “splashed” (driven off a bridge into deep water), “squished” (compacted, crushed, and then shredded beyond recognition), or “torched” (set of fire) to collect

insurance reimbursement. Largely responsible victims have the same motives as substantially responsible victims. But the provocative conspirators leave nothing to chance; they know and pay the criminals who work with them.

6.1.1.6 Fully responsible victims

According to Karmen (cf. 1996), fully responsible victims are not victims at all because they never even owned cars. They made false claims to defraud insurance companies. They insured a non-existing vehicle (a “paper car” or “phantom car”) and later reported it stolen to the authorities so that they could collect money. They simulated being a victim and fabricated the entire episode for their own dishonest purposes.

Rough estimates can be derived of the relative proportions of these six types of vehicle theft victims. Carelessly facilitating victims who leave their keys in their cars make up almost 20% of all victims these days (but constituted a higher proportion decades ago). Another 10% nationwide, maybe as many as 25% in some areas, are suspected of engaging in insurance fraud. The percentage of conscientiously resisting motorists who did all that could reasonably be expected is more difficult to operationalise and measure. About 6% of all cars on the road are protected by alarms. In addition, owners install a wide variety of other anti-theft devices, including steering-wheel locks, tamper-resistant doors and ignition locks, ignition kill switches, and fuel cut-off mechanisms. If as many as 25% of all victims wanted their cars to be stolen (precipitative initiators, provocative conspirators, and fabricating simulators), and another 20% are careless facilitators, then conventionally cautious and conscientiously resisting motorists together add up to remaining 55%.

Therefore, the majority of vehicle theft victims, at least 55% and perhaps as much as 70% (assuming the lower national estimate for insurance fraud cases), are totally or basically innocent and should not be blamed in any way for their losses.

6.1.2 Offender profile

Based on the statistical data contained in Table 5.20 and 5.21 the following offender profiles for both Provinces have been compiled:

TABLE 6.2 OFFENDER PROFILES

DEMOGRAPHICS	KWAZULU-NATAL	WESTERN CAPE
Gender	Male	Male
Race	African	African
Age group	31 – 40	21 – 30
Occupation	Unemployed	Unemployed

6.1.2.1 Types of vehicle thieves and explanations for the crime

There are many different types of car thieves and reasons for stealing cars. Studies have indicated that most young people steal cars to go out “joyriding”. This type of car thief is motivated by a need for the power, status, and recognition associated with having a car in our society. This type of car theft, according to McCaghy and fellow researchers, is not for financial profit or gain but for the short-term thrill of experiencing an South African status symbol.

A second type of car thief is the short-term transportation thief. He uses the car only to go from one place to another. A third, usually older type of car thief – the long-term transportation thief – has the intention of keeping the car for his personal use after repainting and disguising it.

Thieves also steal cars in order to commit another crime such as robbery or burglary. Some thieves steal cars for profit. Many of these are amateurs who steal parts such as tyres, batteries, and wheel covers for a quick sale. Others are more organised, with highly sophisticated “chop shops” where new cars are quickly broken down into their component parts and resold at high profit. Still other car thieves are highly organised professionals who steal high-priced cars on consignment and resell them after altering vehicle identification numbers and falsifying registration papers (Glick 1995:263 – 264).

6.1.3 Temporal distribution of vehicle theft

It would appear that vehicle theft is more or less evenly distributed across the twelve months of 1995. It appears, that May, September and October were the most popular months for car thieves in the Western Cape – see Table 5.11, while in KwaZulu-Natal, March, August and October were the most popular months for car thieves and vehicle robbers.

According to the day of the week, Saturdays were mostly favoured by car thieves followed by Thursdays and Fridays in the Western Cape – see Table 5.12. In KwaZulu-Natal however, Thursdays were mostly favoured by motor vehicle thieves and vehicle robbers followed by Fridays and Mondays.

As far as the time of the day is concerned, it would appear that most vehicles in the Western Cape were stolen in the early hours of the morning; between midnight and six o’ clock, while in KwaZulu-Natal almost one-third of the motor vehicles were stolen or hijacked during the early evening; between 17h00 and 20h59 – see Table 5.13.

6.1.4 Particulars of stolen vehicles

Based on the statistical data contained in Tables 5.14, 5.15, 5.16, 5.17, 5.18 and 5.19 it appears that the vehicle most likely to be stolen in both Provinces would be:

**TABLE 6.3 VEHICLE MOST FAVOURED BY CAR THIEVES AND
CAR ROBBERS**

DEMOGRAPHICS OF MOTOR VEHICLE	KWAZULU-NATAL	WESTERN CAPE
Type	Sedan	Sedan
Make	Toyota	Toyota
Model	1984 – 1985	1984 – 1985
Value stolen	R27 000 – R36 999	Unknown
Value to be recovered	Not to be recovered	Unknown
Anti-theft device	None fitted	None fitted

6.2 CONCLUSION

IS IT THE CARELESS WHO END UP CARLESS ?

Karmen (1996:132 – 133) opines that some people mistakenly consider vehicle theft to be the “happy crime” in which no one loses and everyone gains. The thief makes money; the owner gets reimbursed by the insurance company and then enjoys the pleasure of shopping for a new car; the manufacturer gains a customer, who wasn’t due back in the showroom for another couple of years; and the insurance company gets a chance to raise the premiums and invest that money in profitable ventures.

But actually, most victims of vehicle theft are not pleased, for a number of reasons. First of all, many owners invest a great deal of time, effort, and loving care customising their vehicles and keeping them in good shape. Second, the shock of not finding the vehicle

where it was parked touches off a sense of violation and insecurity that lingers for a long time. Third, not all motorists purchase the optional comprehensive fire and theft coverage, either because they choose not to or cannot afford it. Those that are covered almost always must pay a deductible amount out of their own pocket, which usually amounts to several hundreds of rands, maybe more. Any personal items left in the trunk are lost, as are any expensive add-ons, like tape decks and sport equipment. The loss is always unanticipated, necessitating emergency measures like taking taxi's, renting cars, and canceling important appointments. Finally, motorists who collect insurance reimbursement may find that either their premiums are raised or their policies are not renewed.

Karmen (1996:133) opines that car stealing is an old problem. As long ago as 1919, Congress in the USA passed the Dyer Act in response to professional thieves who were driving across state borders to evade local police forces. Today, five different motives for car theft can be distinguished. Juvenile joyriding (which the law calls "unauthorised use of a motor vehicle" and treated as a misdemeanour) has been a craze among teenage boys ever since cars were marketed with the message that owning one is a sign of manhood. These amateurs, who seek the status, thrills, and challenge of "borrowing" cars to take their friends for rides, often prey upon careless motorists. But professional thieves don't need to rely on the negligence of drivers. It takes them just a few minutes with the right tools to disarm alarm systems and to defeat standard security hardware like door and ignition locks. These pros, working in league with commercial theft rings, steal cars either to sell or to strip. Steal-to-sell operations ("retagging") alter the car's identity (registration and title documents and vehicle identification number) and then pass it off as a used car. Steal-to-strip operations ("chop shops") dismantle vehicles and infiltrate the crash-replacement parts (sheet metal components like the bonnet, trunk lid, fenders and doors) into the salvage and recycling pipelines supplying panel beater shops. A fourth motive for stealing a vehicle is to use it for temporary short-term travel, often as a getaway car after committing some other crime, such as robbing a bank. The fifth variety of vehicle theft is provided as a "service" to the victim. Some owners pay to have their cars disposed off without a trace so that they can collect insurance reimbursement for

vehicles they no longer want or can afford to keep (thus they become part of a conspiracy to commit insurance fraud).

6.2.1 **Blaming the victim for facilitating the crime**

The question remains, who or what is to blame for the theft of nearly 100 000 vehicles each year in South Africa?

Vehicle theft seems to be the only crime for which there is an organised victim-blaming lobby, a peculiar situation that developed long ago. Composed of representatives of the vehicle manufacturers, insurance companies, and law enforcement agencies, this victim-blaming lobby has castigated motorist carelessness ever since the dawn of the automobile age. As public pronouncements show, they are quick to fault negligent drivers for facilitating thefts by leaving their vehicles unlocked, or, worse yet, for leaving their keys dangling in their cars' ignition locks.

The contribution of victim facilitation to the vehicle theft rate has usually been measured as the percentage of recovered stolen cars in which there was evidence that the thief had used the owner's keys. Although this methodology has its problems, surveys based on it show a trend that casts doubt on the continued importance of negligence as a factor. Data derived from insurance company records from the 1940's through the 1960's indicate that at least 40% and as many as about 90% of all thefts in the USA were facilitated by victims through carelessness about locks and keys. Since the 1970's, police, FBI, and insurance industry records estimate facilitation to be a factor in from 13% to 20% of all thefts. By the early 1990's, an insurance industry publication reported that only 13% of all vehicle thefts were still victim facilitated (National Insurance Crime Bureau, 1993) (Karmen 1996:135).

In the case of vehicle theft, the difference in point of view between victim blaming and victim defending is another example of the half-empty/half-full debate. Victim blaming focuses on the proportion of motorists who still have bad habits; victim defending

emphasises that the overwhelming majority of people whose cars were stolen did nothing wrong. The theft of their cars was not facilitated in any way. These drivers don't have selfdefeating attitudes and don't act carelessly. the image of the absentminded owner that is frequently conferred up in the victim-blaming arguments is an outmoded stereotype that no longer fits most motorists according to victim defenders (Karmen 1996:138).

According to data contained in Table 5.19 it is clear that in the Western Cape, only 9 of the 372 stolen vehicles have been fitted with some or other anti-theft device where 348 of the vehicles stolen during 1995 were not at all fitted with anti-theft device(s), while in KwaZulu-Natal an alarming 1044 of the 1331 stolen vehicles were not equipped with any kind of anti-theft device. This is of major concern when it comes to proactive policing.

6.3 **RECOMMENDATIONS**

Following are some recommendations which in the opinion of the researcher, could be helpful in combating vehicle theft:

6.3.1 **The myth of the police**

Bayley (1994:3) adamantly states that: "The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet, the police pretend that they are society's best defence against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth."

What is the evidence of this heretical and disturbing assertion?

First, repeated analysis has consistently failed to find any connection between the number of police officers and crime rates. Second, the primary strategies, adopted by modern police have been shown to have little or no effect on crime.

Since World War II, increases in the numbers of police have closely paralleled increases in crime rates. Detailed analysis has shown that communities hire more police when they see crime rates rising. But this is a desperate game of catch-up that has no effect on the rate of increase in crime. Additional police officers do not slow, even temporarily, the rate of increase. A few ingenious studies have explored what happens when the number of police is suddenly reduced in communities - for example, as a result of strikes or significant layoffs due to budgetary crises. Surprisingly, crime rates are again unaffected.

No one seriously proposes on the basis of these studies that police be disbanded and sent home, although that would save a great deal of money. Although criminals do not seem to notice normal changes in the number of police, they would surely notice if there were no police. It is probably also true that at some point adding police would make a difference in how much crime occurs. If there were a police officer on every corner or on every doorstep, crime would almost surely go down. In other words, there are probably critical thresholds beyond which changing the number of police would affect crime. The problem is that no one knows what these thresholds are. Would half as many, for instance, be too few or would twice as many be just enough to change crime patterns? What are the critical numbers? All that one can reasonably conclude is that the increases and decreases that are likely to occur in the number of police as a result of normal political and budgetary pressures will not make any difference in the incidence of crime.

Summing up all the evidence, the authoritative Audit Commission of Local Authorities and the National Health Service (1991:12) in Britain recently wrote: "The terms of public debate need to move off the assumption that more police officers and more police expenditures lead to a commensurate increase in the quantity and quality of police outputs." Or as Bouza 1990 (Bayley 1994:5) states that one distinguished U S police executive said that U S police chiefs should stop acting like urban generals "who keep throwing men into battles without any evidence that this will win the war".

The second sort of evidence that demonstrates the ineffectiveness of the police in preventing crime comes from evaluations of the impact on crime of the three core

strategies of contemporary policing: street patrolling by uniformed officers, rapid response to emergency calls, and expert investigation of crime by detectives. These are the activities that police themselves believe to be essential for protecting public safety. These are the functions they say will prevent crime. Unfortunately, there is no evidence that they do (Bayley 1994:5).

The success the police have in criminal investigations has no appreciable effect on public security. When crimes occur the responsibility of the police is to find and apprehend the suspect and then to collect evidence that can be used in subsequent prosecution and trial. Police success is measured by clearance rates – that is, the ratio of crimes solved to the number of crimes reported to the police. In the United States this is somewhat misleadingly referred to as the arrest rate, because arrest is what usually happens when the police complete their investigation and pass matters on to prosecutors. In any case, arrest or clearance rates have not been found to be related to crime rates. Strange as it may seem, the crime rate is not affected by the rate of success the police have in solving crimes. For instance, although the percentage of violent crimes cleared by arrest in the United States between 1980 and 1990 rose from 43,6% to 45,6%, the rate for violent crimes also increased – and by a whopping 22,7% during the same period. If criminals noticed the increased efficiency of the police, they certainly didn't seem to care (Bayley 1994:7).

Studies have actually found that the critical ingredient in solving crimes is whether the public – victims and witnesses – provide information to the police that helps identify the suspect, for example where a victim of a hijacking incident can describe the offender profile in such a way that it would be easy for the police to detect and apprehend the offender.

According to Bayley (1994:9) the plain fact is that police actions cannot be shown to reduce the amount of crime. Whose fault this may be is largely beside the point because it is doubtful that even if the criminal justice system became substantially more sure or more severe, crime rates would respond as we would wish. With respect to police policy,

therefore, Patrick V Murphy 1992, a former police commissioner in New York City, was surely right when he said that “police executives can rest assured that whatever they do is not going to make the situation worse.” The damning conclusion that the police are not preventing crime rests entirely on a large body of research undertaken for the most part during the 1970s. Try as they might, researchers were unable, often at considerable cost, to show that the number of police, the amount of money spent on police, or the methods police use had any effect on crime. This is still the consensus among experts.

Although the research done so far may not be the last word, it places the burden of proof squarely on the police. Police everywhere promise to “serve and protect”, (This is also the motto of the S A Police Service – *Servamus et Servimus*). Robert Peel, who created the London Metropolitan Police in 1829 – the first modern force in the English-speaking world – said, “I want to teach people that liberty does not consist in having your house robbed by organised gangs of thieves, and in leaving the principal streets of London in nightly possession of drunken women and vagabonds”. These words sound contemporary, don’t they? If this is what police promise, then it’s reasonable to ask them to show that they are doing what they say. But have they? The “evidence” they produce is entirely a matter of anecdote, intuition, and gut instinct (Bayley 1994:9).

That the police are not able to prevent crime should not come as a big surprise to thoughtful people. It is generally understood that social conditions outside the control of the police, as well as outside the control of the criminal justice system as a whole, determine crime levels in communities. Police themselves recognise this, often complaining that they are expected to protect communities from the consequences of their own neglect. the police often see themselves as a “band-aid on cancer” (Bayley 1994:10).

Crime experts generally accept that the best predictors of crime are factors such as employment status, income, education levels, gender, age, ethnic mix, and family composition. A precise figure can’t be put on it, but most – perhaps as much as 90% - of the differences in crime rates among communities can be explained by differences in such factors. To give only one example from a voluminous literature, Cohen, Felson, and Land

(1983) found that between 1947 and 1977 such factors could account for 96,5% of the differences in robbery rates, 99% of the differences in burglary rates, and 99,3% of the differences in vehicle theft rates throughout the United States. It is not really surprising, then, that finding evidence the police prevent crime is so difficult. Police shouldn't be expected to prevent crime: They are outgunned by circumstances (Bayley 1994:3 – 10).

6.3.2 Crime prevention

Prevention of crime is proactive in that action takes place before a crime has been committed. When reactive policing becomes essential, it means that the police have already failed in their primary task of protection. Total crime prevention would in any case demand such a degree of authority that it would destroy the democratic principles of individual freedom and privacy. Apart from this cardinal principle, there is considerable variety in the possibilities of preventing the various kinds of crime, and the police are also not in a position to eliminate all the factors that contribute to crime (Botha, Coetzee & Van Vuuren 1986:115).

Crime prevention is an extensive and somewhat vague concept on which consensus cannot always be reached. Edelman & Rowe (Naude & Stevens 1988:111) believe that a broad definition (such as the prevention of crime being any activity which will hinder one or more criminal activity) is too comprehensive in the control of crime. Prevention involves steps taken before and control steps taken after the commission of a crime. Crime prevention includes a wide variety of actions or strategies and comprises, inter alia, the treatment of offenders and potential offenders, the elimination of detrimental social conditions that promote crime as well as the protection of the physical environment, potential victims and property (Conradie, Stevens, Naude and Labuschagne 1986:150).

In the widest sense crime prevention can thus be defined as all the strategies or methods, for example the use of anti-theft devices – see Table 5.19, employed by individuals, the community and the police in order to prevent and control criminal behaviour and victimisation (Conradie et al. 1986:150).

When police departments take the challenge of crime prevention seriously enough to be extend that they break with the practices of the past, four elements recur again and again: consultation, adaptation, mobilisation and problem solving (CAMPS)(Bayley 1994:105).

South Africa does not have a history or tradition of community-orientated policing nor is there a legacy of policing by consent. There has, until recently, been an absence of laws protecting civil liberties and basic freedoms. The history and experience of the police as an oppressive military force acting as an arm of the apartheid regime, reactive and repressive, remains alive in people's memories. There is still a legacy of mistrust and suspicion of the police, and the public still regard the police as partisan.

Obviously, crime can best be prevented if each individual carries out his basic obligations by regulating his conduct in accordance with the expectations expressed in the rules of conduct (laws) and by taking responsibility for his own protection (voluntary compliance). Such obligations in fact bring about privileges such as freedom and security. This means that society as a whole must be involved in all crime prevention programs. Crime prevention cannot be regarded as the sole task of either the public or the police (Botha et al. 1986:116).

Community policing is entrenched in the South African Constitution, which places emphasis on the need for community consultation. The Constitution provides that consultation will be facilitated by the introduction of Community Police Forums in every police station area. These forums present the formal structure through which the police will be able to communicate with representatives of the total community.

Community involvement in crime prevention should be given top priority by police departments namely that programs be developed to promote and encourage community involvement in crime prevention. The Car Watch program is an example of a community driven crime prevention initiative. Car Watch activities can usually be seen at large shopping centres like Pick & Pay and the like. Community members are assisting the S A

Police Service in combating vehicle theft and hijackings which were well known at these shopping centres.

It is a considered opinion of the researcher, as a matter of urgency, that the public of South Africa should adopt a greater awareness as far as motor vehicle theft and vehicle hijacking is concerned. This objective could only be achieved through positive media presentation of constructive police work in our society.

6.3.3 Security measures

To combat the crime of motor vehicle theft, insurance companies and vehicle-alarm manufacturers have developed a wide variety of anti-theft devices to, at least, make it more difficult to steal cars. Some of the anti-theft devices in use today are armoured ignition or starter cut-off switches, steering-column armoured collars, fuel cut-off devices, steering-wheel locks, alarm systems, and vehicle tracking-transmission systems. Unfortunately, as fast as many anti-theft devices are employed, thieves are devising methods of disarming them. Over the past decade, however, better parking facilities and guarded lots have helped to make it more difficult for the car thief to pursue his goal.

The researcher discovered that 85,99% of the vehicles reported stolen or hijacked in this study, had no anti-theft device fitted. This seems to be a major contribution factor when a vehicle is selected by a vehicle thief – see Table 5.19.

According to Glick (1995:268), a vehicle owner can avoid car theft by:

- Lock his/her car and take the key. In some vehicle thefts, the keys were left in the ignition.
- Park in a well-lighted and busy area.
- Consider using a “club”-type bar lock on the steering wheel. Some thieves can beat them, but most will avoid taking the extra time.
- Consider using a highly visible alarm system. Again, many thieves will avoid a car appears to be protected.

6.3.4 Specialist units

Because the police and the public are not always successful in the prevention of crime, crime must also be suppressed by the investigation of the committed crime. Between prevention and investigation we find the combating function which is solely a police function.

In addition to this list of past experiences and perceptions, the SAPS at present are undermined by inadequate facilities, have an unprofessional image, and lack knowledge and understanding of local community needs. Further barriers to change include the militarised, authoritarian culture and style, use of extreme force, a lack of accountability to local communities, inequalities in respect of resources, priorities not in line with community needs in respect of resources, priorities not in line with community needs, overcentralisation, bureaucracy, and a reactive (as opposed to a proactive) approach. Members also harbour fears of affirmative action (often not founded on fact) and concerns about restructuring and the rationalisation of the Service, which could lead to loss of jobs and benefits.

However, there are high expectations for the future. While political violence is virtually a thing of the past (except for KwaZulu-Natal and the Western Cape), criminal violence remains a challenge for the present and future. Escalating crime rates and, in particular, motor vehicle theft and hijacking statistics, are matters of great concern.

The investigation of vehicle theft is a highly specialised task. The traditionally low rate of recovery of stolen vehicles and convictions of vehicle thieves indicates the investigative difficulties associated with this offence. Several factors, unique to vehicle theft are mainly responsible for these difficulties. These factors vary from the relative ease with which the crime can be committed to the two most important ones namely the nature of the property being stolen and the professionalism of some car thieves.

Many vehicles are stolen for parts other than the readily identifiable engine. The parts are difficult, if not impossible to identify. The professional car thieves are typically mechanical experts and are often part of a sophisticated theft ring (Gilbert 1986:310).

The impact of crime, especially vehicle theft, on the economy of South Africa, requires from the SAPS to be more effective and mobile specialist units with the ability to apprehend vehicle thieves, investigate the crime effectively and provide the prosecutor with evidence that will secure a conviction.

6.3.4.1 Quality of criminal investigation

Having perused all the police case dockets personally, pertaining to motor vehicle theft and vehicle hijacking, the researcher is of the opinion that quality supervision is urgently needed to ensure that criminal investigation is directed towards achieving the ultimate goal of policing, namely effective and efficient order maintenance.

It is disturbing that data contained in the statistical tables of this investigation have reflected so much data under the “unknown” categories. This in itself, points to poor supervision at middle and higher levels of management. It is, therefore, recommended that top management should take positive steps to upgrading policing at grassroots level.

Positive discipline, through training and leadership could pave the way to accepting the established values, practises and traditions of the S A Police Service. Management should adhere to this request in complete fulfillment of the notion of a rainbow nation within a democratic society.

For instance, Tables 5.7, 5.13, 5.16, 5.17 and 5.18 show that crucial information have not been recorded by the police. This in itself contributed towards the so-called “dark figure” pertaining to motor vehicle theft and vehicle hijacking.

What happened to the mission statements so profoundly displayed at each and every police station throughout South Africa?

To illustrate: on close inspection, the following dockets revealed a few discrepancies –

- Umbilo CAS 324-7-95 – Vehicle theft docket stolen at court. A new skeleton docket has been prepared, but the investigation landed up in a *cul-de-sac*.
- Umbilo CAS 514-9-95 – An armed robbery (vehicle hijacking) – suspect known to the police; no investigation pursued and docket closed as “undetected”. So near, but yet so far.
- Umbilo CAS 252-12-95 – An armed robbery (vehicle hijacking) – only a statement by the victim; further no investigation shown under C1.
- Empangeni CAS 565-5-95 – A vehicle theft docket where the suspect was positively identified through dactyloscopic prints. Sworn affidavit filed under “B” with no further follow-up investigation. Docket closed “undetected”.
- Empangeni CAS 621-5-95 – A vehicle theft docket – vehicle recovered but no statements by the victim regarding the positive identification of the stolen vehicle. No statement filed by the police regarding the recovery of the vehicle.
- Empangeni CAS 36-11-95 – An armed robbery (vehicle hijacking) – particulars of vehicle not circulated on the SAPS stolen vehicle register (computer); docket closed as “undetected”.

The above-mentioned police case dockets only reflect some of the deficiencies detected through this investigation. Circulation and cancellation of stolen or hijacked vehicles in Empangeni leaves much to be desired.

To strengthen the S A Police Service in their action against vehicle theft, the implementation of an Act regarding vehicle theft will be inevitable; although the Road Traffic Act (Act 29 of 1989) make provision for some matters regarding motor vehicles, it does not regulate aspects like detention, bail, sentences, etc.

6.3.5 Crackdown on police corruption

The announcement some time ago by Commissioner George Fivaz to have Police Officers in charge of vehicle theft branches and other specialised units tested with the aid of a polygraph, should be welcomed. As long as dishonest practices continue to exist, i.e. police involvement in creating a "market" for hijacked and stolen vehicles, and the issuing of false police clearance certificates (SAP 263), vehicle theft will not be controlled. Intensive police response should constantly be initiated to uncover the existence of "chop shops", as well as other dishonest practices among police specialised units.

6.3.6 Research

Van Heerden (1976:147), pointed out that no relationship or alliance with the public will be forthcoming if the factors disturbing this very same relationship have not been properly identified. The statement that we are the police and that we are aware of the problems upsetting sound relationships, holds true for the new South Africa. For this reason, proper research into all facets of policing in general but into criminal investigation in particular, should receive the immediate attention of top management of KwaZulu-Natal and the Western Cape.

Constructed research, acknowledging the role of tertiary institutions like the departments of Criminal Justice at various Universities and Technikons in South Africa would do much to alleviate the burden of the police. Let us strive towards this goal!

6.4 SUMMARY

This study makes a comparison between Claremont and Paarl in the Western Cape and Umbilo and Empangeni in KwaZulu-Natal, regarding vehicle theft and vehicle hijacking for 1995 and it was established: who steals what, from whom and when.

Van Heerden (1976:131 – 132) clearly states that the police are the public and the public are the police. This Peelian principle should be the motto of the S A Police Service and should be enshrined in every police mission statement.

This would do much to achieve the slogan of **“SIMUNYE”**.

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S v Pacha 1962 (4) SA 246 (T) 249

S v Sithole 1981 (1) SA 1186 (N)

S v Thabata 1946 (2) PH H 160

S v Witbooi 1984 (1) SA 242 (C)

ANNEXURE A

INFORMATION SCHEDULE

“MOTOR VEHICLE THEFT – A COMPARATIVE STUDY”**SECTION A (Administrative particulars)**V.1 **POLICE AREA**

Claremont	1
Paarl	2
Umbilo	3
Empangeni	4

V.2 **COURT OF TRIAL**

Magistrate's Court	1
Regional Court	2
Supreme Court	3
Not applicable – no appearance	4

V.3 NO APPEARANCE (Reasons)

Still pending police investigation	1
Undetected (suspect unknown)	2
Undetected (warrant of arrest issued)	3
Withdrawn by public prosecutor	4
Withdrawn by complainant	5
Closed by police – false	6
Other	7
Not applicable	8

V.4 CONCLUDED IN COURT

Found guilty and sentenced	1
Found not guilty – acquitted	2
Not concluded – warrant of arrest issued	3
Withdrawn by public prosecutor	4
Not applicable	5

SECTION B (Victim Profile)**V.5 RACE**

Black	1
White	2
Coloured	3
Asian	4

V.6 AGE

20 years and below	1
21 – 25 years	2
26 – 30 years	3
31 – 35 years	4
36 – 40 years	5
41 – 45 years	6
46 – 50 years	7
51 +	8
Unknown	9

V.7 SEX (Gender)

Male	1
Female	2

V.8 **OCCUPATION**

Unknown (not indicated)	1
Unemployed	2
General labourer	3
Professional worker (Doctor, lawyer, dentist, psychologist, teaching, etc.)	4
Technical or related worker (Mechanic, electrician, etc.)	5
Factory / Plant / Production worker	6
Businessman / -lady / selfemployed	7
Sales worker (Representative)	8
Manager / Executive official / Director	9
Administrative capacity (Clerk, supervisor, secretary, controller, etc.)	10
Worker in transport (Driver, dispatcher)	11
Worker in communication (Journalist, P.R.O. etc.)	12
Craftsman or related worker	13
Student / Scholar	14
Services worker (Nursing, social workers, etc.)	15
Engaged in sport and recreation	16
Agricultural and related worker (Tending crops, animals, forests, etc.)	17
Farmer	18
Security services (Security guards, patrolman, transporters of money, etc.)	19
Security forces (Police, Army)	20

Bank Clerk / Teller	21
Pensioner	22
Till operator	23
Other (specify)	24

V.9

RELATIONSHIP BETWEEN VICTIM AND OFFENDER**(Refer to complainant's statement)**

No relationship at all with accused*	1
Intrafamilial (father, son, brother, etc)	2
Acquaintances / friends	3
Employee / employer relationship	4
Girl / boy friend relationship	5
Partners	6
Other relations	7
Suspect unknown**	8
Unknown	9
Not applicable	10

*Vehicle hijacking: offender was only seen by the victim, but no personal relationship

**Vehicle theft: offender was totally unknown to the victim

V.10 INJURIES SUSTAINED BY VICTIM(S)
(In cases of car hijacking)

Fatal injuries	1
Stab (open) wounds	2
Gunshot wounds	3
Cut(s) / incised wounds	4
Bruises	5
Scratches	6
Abrasions	7
Other (specify)	8
No injuries inflicted	9
Unknown	10
Not applicable	11

SECTION C (Temporal distribution of vehicle theft)**V.11 DATE OF OFFENCE
(Month of the year)**

January	1
February	2
March	3
April	4
May	5
June	6
July	7
August	8
September	9
October	10
November	11
December	12

**V.12 DATE OF OFFENCE
(Day of the week)**

Monday	1
Tuesday	2
Wednesday	3
Thursday	4
Friday	5
Saturday	6
Sunday	7
Occurred over a period of time - < 2 days	8
Occurred over a period of time - > 2 days	9
Unknown	10

V.13 TIME OF OFFENCE
(Hours of the day)

Early morning (00h00 – 05H59)	1
Morning (06H00 – 11H59)	2
Afternoon (12H00 – 15H59)	3
Early evening (17H00 – 20H59)	4
Late evening (21H00 – 23H59)	5
Day – occurred over a period of time (06H00 – 17H59)	6
Night – occurred over a period of time (18H00 – 05H59)	7
Day and night – occurred over a period of time	8
Unknown	9

SECTION D (Particulars of motor vehicle)

V.14 TYPE OF MOTOR VEHICLE

Motorcar (sedan)	1
L.D.V. / Panelvan	2
Lorry / Truck	3
Minibus / Bus	4
Motorcycle	5
Tractor	6
Unknown	7

V.15 **MAKE OF MOTOR VEHICLE**

Alfa Romeo	1
Atlantis	2
Audi	3
BMW	4
Built up (converted etc.)	5
Chevrolet	6
Colt	7
Erf	8
Fiat	9
Ford	10
Honda	11
Huyundai	12
International	13
Isuzu	14
Iveco	15
Kawasaki	16
Leyland	17
Man	18
Mazda	19
Mercedes Benz	20
Mitsubishi	21
Nissan / Datsun	22
Opel	23
Peugot	24
Porsche	25
Renault	26
Rover	27
Scania	28

Suzuki	29
Toyota	30
Valiant	31
Volkswagen	32
Yamaha	33
Charade	34
Uno	35
Volvo	36
Other (specify)	37
Unknown	38

V.16 **YEAR OF FABRICATION**

1995	1
1994	2
1993	3
1992	4
1991	5
1990	6
1989 – 1988	7
1987 – 1986	8
1985 – 1984	9
1983 – 1982	10
1981 – 1980	11
1979 and older	12
Unknown	13

V.17 VALUE OF STOLEN VEHICLE

Less than R1 000	1
R1 000 – R2 999	2
R3 000 – R4 999	3
R5 000 – R6 999	4
R7 000 – R8 999	5
R9 000 – R10 999	6
R11 000 – R14 999	7
R15 000 – R18 999	8
R19 000 – R22 999	9
R23 000 – R26 999	10
R27 000 – R36 999	11
R37 000 – R46 999	12
R47 000 – R56 999	13
R57 000 – R66 999	14
R67 000 – R76 999	15
R77 000 – R86 999	16
R87 000 – R96 999	17
R97 000 – R109 999	18
R110 000 – R149 999	19
R150 000 – R199 999	20
R200 000 +	21
Unknown	22

V.18 VALUE RECOVERED BY POLICE

Less than R1 000	1
R1 000 – R2 999	2
R3 000 – R4 999	3
R5 000 – R6 999	4
R7 000 – R8 999	5
R9 000 – R10 999	6
R11 000 – R14 999	7
R15 000 – R18 999	8
R19 000 – R22 999	9
R23 000 – R26 999	10
R27 000 – R36 999	11
R37 000 – R46 999	12
R47 000 – R56 999	13
R57 000 – R66 999	14
R67 000 – R76 999	15
R77 000 – R86 999	16
R87 000 – R96 999	17
R97 000 – R109 999	18
R110 000 – R149 999	19
R150 000 – R199 999	20
R200 000 +	21
Unknown	22
Not recovered	23
Not applicable	24

V.19 **ANTI THEFT DEVICE(S)**

Gorilla / Steering lock	1
Multi-lock / Gear lock	2
Satellite Tracing	3
Alarm and Immobiliser	4
Immobiliser (only)	5
Alarm (only)	6
Other (Anti-hijacking system)	7
None fitted	8
Unknown	9

SECTION E (Offender Profile)

V.20 **AGE**

07 – 17 years	1
18 – 20 years	2
21 – 30 years	3
31 – 40 years	4
41 – 50 years	5
51 – 60 years	6
61 – 70 years	7
71 +	8
Unknown	9
Not applicable	10

V.21 RACE

Black	1
White	2
Coloured	3
Asian	4
Other	5
Unknown	6
Not applicable	7

V.22 SEX (Gender)

Male	1
Female	2
Unknown	3
Not applicable	4

V.23 LANGUAGE

Zulu	1
Xhosa	2
Sotho	3
Swazi	4
English	5
Afrikaans	6
Other (Foreign)	7
Unknown	8
Not applicable	9

V.24 MARITAL STATUS

Married	1
Single	2
Widowed	3
Divorced	4
Unknown	5
Not applicable	6

V.25 NATIONALITY

S A Citizen	1
Lesotho	2
Swaziland	3
Mozambique	4
Zambian	5
Namibian	6
Zimbabwean	7
Other	8
Unknown	9
Not applicable	10

V.26 EDUCATIONAL LEVEL

Illiterate	1
Std 5 and below	2
Standard 6	3
Standard 7	4
Standard 8	5
Standard 9	6
Standard 10	7
Diploma	8
Degree	9
Other	10
Unknown	11
Not applicable	12

V.27 PLACE OF BIRTH

Kwazulu Natal	1
Free State	2
Gauteng	3
North West Province	4
Mpumalanga	5
Northern Province	6
Eastern Cape Province	7
Western Cape Province	8
Northern Cape Province	9
Lesotho	10
Namibia	11
Mozambique	12
Botswana	13
Swaziland	14
Other	15
Unknown	16
Not applicable	17

V.28 OCCUPATION

Unknown	1
Unemployed	2
General labourer	3
Semi-skilled labourer	4
Professional worker (doctor, lawyer, teacher, etc.)	5
Technical or related worker (mechanic, electrician, etc.)	6
Businessman or sales worker	7
Administrative, executive or manager	8
Worker in transport (driver, dispatcher, etc.)	9
Worker in communication (journalist, P.R.O., etc.)	10
Craftsman or related worker	11
Student / Scholar	12
Services worker (nursing, social worker, etc.)	13
Engaged in sport and recreation	14
Agricultural and related worker (tending crops, animals, etc.)	15
Armed forces (police, army)	16
Security service	17
Other (specify)	18
Not applicable	19

**V.29 PREVIOUS CONVICTIONS I.R.O. PROPERTY CRIMES (Robbery, theft,
housebreaking, arson, malicious damage to property.)**

One	1
Two	2
Three	3
Four	4
Five	5
Six – Ten	6
Eleven +	7
Unknown (No SAP 69)	8
Not applicable	9

ANNEXURE B**CODING SHEET****SCHEDULE NO** :**CAS NO** :

V.1		V.16	
V.2		V.17	
V.3		V.18	
V.4		V.19	
V.5		V.20	
V.6		V.21	
V.7		V.22	
V.8		V.23	
V.9		V.24	
V.10		V.25	
V.11		V.26	
V.12		V.27	
V.13		V.28	
V.14		V.29	
V.15			

ANNEXURE C

SOUTH AFRICAN POLICE SERVICE CASE DOSSIER

SAP 34

SUID-AFRIKAANSE POLISIE



SOUTH AFRICAN POLICE

SAP 34

DOSSIER - DOCKET

M A S N o
C A S N o

M	M	J	J	M	M	Y	Y		

Stasie
Station

Ondersoeker Investigator	Tel No.	Ondersoeker Investigator	Tel No.
Ondersoeker Investigator	Tel No.	Ondersoeker Investigator	Tel No.

Mark met Indicate with	X	Suikdossier Case docket	GDO Inquest	Lychuis Mortuary	Verw Ref
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Klaer (voornamers en van)
Complainant (initials and surname)

Datum en tyd van misdryf/voval: Op _____ om _____ of Typerik: Tussen _____ op _____
Date and time of offence/incident: On _____ at _____ or Period: Between _____ on _____

en _____ op _____ Dag van week _____
and _____ on _____ Day of week

SO	MA	DI
SU	MO	TU
WO	DO	VR
WE	TH	FR
		SA

Datum oorlede _____
Date deceased _____

Metode gebruik/Toegang verby/Omstandighede van dood
Method used/Entrance gained/Circumstances of death _____

Type instrument gebruik _____ Plek waar lyk gevind/misdryf gepleeg is
Type of instrument used _____ Place where corpse was found/offence committed _____

Aard en beskrywing van misdryf Nature and description of offence	Aard van eiendomsbeserings Nature of property injuries	Waarde/Skade Value/Damage	Waarde teruggevind Value recovered
1. _____	_____	_____	_____
2. _____	_____	_____	_____

Vir verdere misdrywe - See **A** _____ For further offences - See **A** _____

BEVINDING/UITSLAG VAN VERHOOR • FINDING/RESULT OF TRIAL			
Type hol Type of court	Hof No Court No	Stad van hol Place of court	HOOFDATUMS COURT DATES
Hofsaak No Court case No	Datum skuldig bevind/Bevinding Date of conviction/Finding		
OORTREDINGS WAARAAN SKULDIG BEVIND EN VONNIS: OF - LANDOOROS SE BEVINDING OFFENCES CONVICTED OF AND SENTENCE: OR - FINDING OF MAGISTRATE			
Datum _____ Aanklager/Prosecutor _____			

BEWYSSTUKKE • EXHIBITS	Stasie Station	SAP 13 No _____	(A) SAP 43 No _____
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BESKIKKING OOR DOSSIER DISPOSAL OF DOCKET	L/V Datums B/F Dates	Paraaf Initials
Opmerkinge Remarks		
Datum _____	Offiser/Stasie of Tak Eenheidsbevoerder Officer/Station or Branch Unit Commander	