

**ACCESS TO JUSTICE FOR VICTIMS OF AGGRAVATED  
ROBBERY IN THE  
TONGAAT AREA.**

**By  
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## **ABSTRACT**

To a large extent, the transition from an Apartheid state to democracy, disrupted state-run agencies such as policing and the criminal justice system, as well as informal institutions of society, thus influencing a breakdown of families, schools and communities. As a result social problems such as poverty, high unemployment rates, and inequality remain rife in South Africa, and contribute to a high level of crime and violence in the country. Tongaat is a dormitory suburb situated on the north coast of KwaZulu-Natal, and it is one of the oldest Indian communities in South Africa. Unfortunately, statistics on violent crime show a strong increase between the years 2003 to 2012 in the area, something which parallels the spread of such crime at a national level. The researcher set out to study the experience of direct and indirect victims of aggravated robbery, particularly in relation to access to justice, and with a specific reference to the services available to them in the area. At first, the research focused upon victims of crime, aiming to provide an in-depth understanding of the challenges they faced, and meeting their overall needs. These included such factors as personal safety, medical assistance, advice, emotional support and trauma counselling, reception of information about cases, the status of an offender and the process of the CJS, availability of compensation, and an ability on the part of victims to provide information and to contribute to decision making. However, in time, the research developed into an evaluation of service delivery. Information was obtained from individuals who had been victims of aggravated robbery at their homes, on the streets, and in their place of business. In addition, information was collected from a range of individuals in relevant government and non-government organisations who are meant to deal with crime victims. Primary data was collected through the use of personal interviews. The findings indicated that there were several problems related to issues of service delivery to victims of crime. Some of which included, amongst others, aspects of police sensitivity, secondary victimization, malpractice, and a general lack of awareness of victim rights and access to services. As part of the recommendations, the researcher has proposed the implementation of a docket checklist which could be used to make government departments, and its relevant personnel accountable to victims and the processes of the criminal justice processes.

## **DECLARATION**

Submitted in fulfilment of the requirements for the degree of Master of Social Sciences (Community Development), in the Graduate Programme in the School of Built Environment and Development Studies, University of KwaZulu-Natal, Durban, South Africa.

I declare that this dissertation is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. It is being submitted for the degree of Master of Social Sciences (Community Development) in the Faculty of Humanities, Development and Social Science, University of KwaZulu-Natal, Durban, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

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Student Signature

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Date

## **DEDICATION**

To my mother, father and sister.



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First and foremost, I would like to thank my supervisor, Professor Franco Frescura who has provided me with support, encouragement, and advice. I have learnt a lot under his supervision, and I am grateful for his patient guidance throughout my time as his student.

The financial assistance of the National Research Foundation (NRF) towards this research is hereby acknowledged. Opinions expressed and conclusions arrived at, are those of the author and are not necessarily to be attributed to the NRF. I am thankful for their investment in my work.

I would like to express my deep gratitude to all the respondents for their participation, and for providing me with so much valuable information. My greatest appreciation, and respect goes to the brave men and women who had spared their time, and provided me with insights into their lives, and their experiences of crime victimization. I only hope that I have done their stories justice.

It has been an unforgettable journey, and I am thankful to have had the support of friends. Above all, I would like to thank my colleagues, and friends from the Disability Unit, and Miss Tanya Dayaram, Mr. Lubombe, Mr. Nengoshmasha, and Miss Chantal Govender, for their encouragement, and for their guidance.

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Alhamdulillah (Praise to God).

## **LIST OF ACRONYMS**

ADR - Alternative Dispute Resolution  
CJS - Criminal Justice System  
CSVR - Centre for the Study of Violence and Reconciliation  
DCD - Department of Constitutional Development  
DOJCD - Department of Justice and Constitutional Development  
DSD - Department of Social Development  
ICVS - International Crime Victimization Survey  
ISS - Institute of Security Studies  
KZN - KwaZulu-Natal  
LEM - Lifestyle Exposure Model  
NCJRS - National Criminal Justice Reference Service  
NCVS - National Crime Victimization Survey  
NO - Number  
NO. - Number  
OCJR - Office of Criminal Justice Reform  
RESP. - Respondent  
RJ - Restorative Justice  
SALRC - South African Law Reform Commission  
SAPS - South African Police Services  
STAT SA - Statistics South Africa  
TVSC - Trauma and Victim Support Centre  
UN - United Nations  
UNHSP- United Nations Human Settlement Programme  
VEP -Victim Empowerment Programme  
WAG - Women's Action Group  
WHO - World Health Organisation

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## CHAPTER 1: INTRODUCTION

*“Keegan was an average, well-adjusted 20 year old young man, who spent his weekends playing sports and having braais with his friends. His weekdays began bright and early, at a clothing store he has been working for the past two years. After work, he would return home to study towards a Business degree through a distance learning institute. Until one day, walking home from work he was ambushed by several knife-wielding assailants”.*

*“Keegan was forced through a hole in the fence alongside a railway line, and tied down to the train tracks, stripped naked and blindfolded with his own clothes. Repeatedly beaten, his lower limb became dislodged from its socket at the knee, and he suffered multiple injuries including internal head trauma. Battered and bleeding profusely, he was robbed of every shred of material on him. As he lay shackled to the railway, he questioned whether it would be the next series of violent kicks to his head that would render him unconscious or whether the injuries he had already sustained were enough to end his life. Either way, he was sure he was going to die that day. Instead, his attackers left, leaving the next train that would pass to decide his fate. Just when he thought it was all over, he heard the sounds of familiar voices, it was his friends. He screamed for help, and they immediately came to his rescue. As he described his experience, his tone of voice lowered, and softened, revealing to me his sadness, his pain, as he explained how he screamed for them to release him from his binds, and to recognize his voice, “It’s me! (Pause) It’s me!”(Pers Com Resp No.9).*

### 1.1 INTRODUCTION

The small town of Tongaat is a dormitory suburb outside Durban, situated approximately 40km north of its central business district (CBD), and is the oldest Indian community in South Africa. Formerly called “Victoria”, it was chosen in 1846 by a government commission as a site for agricultural development and was developed through Indian immigration. Indentured Indian labourers were brought to Tongaat to work in the sugarcane plantations, and its district is now one of the largest sugar-producing areas in the world. It boasts a number of tourist attractions emphasizing the beauty of its wildlife, such as a crocodile breeding centre, and the

Dudley Pringle Dam. With its origins routed in Indian culture, Tongaat boasts a number of renowned temples such the Sri Siva Soobramaniam located in Brake Village, which still practices some of the oldest rituals recorded in the history of religious text, and hosts the largest Kavady festivals in the country (eThekweni Economic Development Unit & KZN Department of Economic Development, 2008: 22 & 76; South Africa Explored, Undated: 1).

The heart of Tongaat's economic wealth stems from its people, its road, and railway transportation facilities, the activities associated with the agricultural, industrial, and commercial sector, and its tourist attractions. In addition to this, added attention has been brought upon the area by the establishment of the King Shaka Airport, which was opened nearby in 2010. It is situated in close proximity to the town, between Tongaat and La Mercy, and caters for international and national passenger flights. It's one and only main road allows for easy access to the Tongaat CBD while simultaneously stimulating economic growth and job creation for its residents (eThekweni Economic Development Unit & KZN Department of Economic Development, 2008:25).

Despite such obvious economic advantages, Tongaat suffers from major social problems, and its crime rate reflects the South African Police Services national crime statistics in its escalation of violent crime, specifically aggravated robbery.

This qualitative project has focused upon the access to justice that is available to victims of aggravated robbery in the Tongaat area. While it attempts to respect the perspective of the Victim, it also strongly linked to Criminology which looks at the causes of crime, and possible measures toward its prevention. A critical viewpoint often questions the social relationships that influence criminal activities. Currie (1997) proposed several notions believed to cause crime, some of which include "the growth of extremes of economic inequality and material deprivation" and, "the withdrawal of public services and support, especially for families and children" (Schmallegger 2002: 219-220). The history of apartheid and its implied class struggle cannot be ignored when exploring social problems such as poverty and a limited access to public services. It provides a general foundation for the understanding of crime and victimization.

The introduction of political change as a result of South Africa's emancipation from Apartheid was not necessarily followed by the sudden emergence of a democratic society in which there was socio-economic equality. Apartheid criminalised its Black citizens by the mere fact that they were Black, and hence were not allowed to be in "white" residential areas, by the very definition of a segregated Apartheid city. The system often made it difficult for them to make an honest living and the law placed numerous limitations upon their lives, legislated where they could work, what employment positions they could occupy, where they could reside, what schools their children could attend, and what subjects they could learn in them. It also legislated for their access to different residential and business areas and designated only certain suburbs for their occupation. It also prohibited intimate relationships between Black and White. Any violation of these laws was considered to be a criminal offence.

This also included the participation in non-violent protests, in strikes or any other form of what was deemed to be, by the state as civil disobedience and, opposition to its totalitarian regime. Apartheid, then, created a society in which criminality was part of its culture. In addition to this, members of liberation movements at the time, were often involved in criminal activities in order to give financial support to their fight for freedom and human self-determination (Sonneborn, 2010: 32-33, 47-48; 59).

Though nearly two decades have passed since South Africa's emancipation from Apartheid, its effects are still evident in society today. Totalitarian laws labelled Black people as criminals. According to Labelling Theory, a significant contribution to repeated criminal behaviour is strongly associated with a society's response to a criminal, and the process through which a person comes to be defined as a criminal, and to be labelled as a 'criminal' (Schmallegger, 2002: 186). In other words, those who were thought to be offenders of crime during the Apartheid era were most likely to continue to commit crimes in the future.

Due to the oppressive laws in the past, many people were denied the opportunity for skills development, and also lacked adequate formal education. As a result, this created a major obstacle for them to find worth-while employment. Therefore, the Frustration-Aggression Hypothesis may be one way of explaining the cause of crime. According to the theory, frustration is built when individuals are "motivated to achieve certain goals", such as a higher-income job, and "when the attainment of these goals is blocked, the individual experiences

frustration which in turn induces aggressive energy” (Ratele, 2006:34). Criminal activity then can be understood not only as a mean of survival, but also as a manifestation of this “aggressive energy”.

The segregation of races, to a large extent, translated into a separation of classes. Class conflict may be one way of explaining crime against a more economically developed group of people, but, crime is not always targeted at those who can be regarded as having a better income. One of the basic features of a Marxist perspective views the work of, amongst others, the state as a representative of only certain classes (Goodin, Pettit & Pogge, 2007: 364-366 & 368). They place emphasis on economic relations, and view classes as the substructure that frames society. However, they fail to acknowledge, what Lytoard calls a “social bond” that exists in them. He explained that a Marxist perspective “occludes the diversity and plurality of human practice”, and suggests that instead it is a social bond that holds a society together. The concept of social bonds was described to be a weaving of “crisscrossing threads of discursive practices, no single one of which runs continuously throughout the whole” (Fraser & Nicholson 1989:88). It is this bond then that allows for people who are considered to be economically advantaged to assist others who are less privileged. An example of this is the “Bill and Melinda Gates Foundation”, which funds numerous global development programmes, some of which include projects for community empowerment, and provides grants for projects with a focus on education, agriculture, water and sanitation, poverty alleviation and health (Bill & Melinda Gates Foundation, 2010).

Quinney has viewed crime as a means of survival for members of lower economic classes. He has blamed capitalist society for criminal behaviour, and has advocated for change through the development of a socialist society (Schmallegger, 2002:218). Galper (1980:16) has described socialism as “the efforts of the majority of us, working with our hands and minds...Making society work is a collective effort”.

Crime is a social problem, and its effects are felt by all members of a community. For example, it impacts negatively on the economy of a country through reduced global investments, and on development from small to bigger business enterprises. It causes inflation in insurance rates, on tax rates and, generally, on the quality of life (Sheq Management

2012:1). Jamrozik and Nocella (1998:1) define the term ‘social problem’, stating that it “applies to social conditions, processes, societal arrangements or attitudes that are commonly perceived to be undesirable, negative, and threatening certain values or interests such as social cohesion, maintenance of law and order, moral standards, stability of social institutions, economic prosperity or individual freedoms”. In order to combat crime, and the underlying roots that lead to crime, such as poverty and inequality, it would take the efforts of society as a whole; or, to quote John Heywood, “it takes many hands to make light work” (Galper, 1980: 16; Brainyquotes, Undated: 1).

The focus of this study is upon the service providers who are specifically those who are tasked to deal with the victims of crime. It has been clear throughout this research that the concepts of Left Realism provide the most realistic model to explain who should be accountable for victims of crime and taken from a social-democratic stance that it promotes the ideal of a state in which social justice can prevail. Notwithstanding many obstacles, a practice of social justice reduces and prevents violence in societies through ensuring that members of that society have equal rights and responsibilities in which careful attention is paid to individual differences while, at the same time, recognizing the needs of all (Sullivan & Tifft, 2008:502-503; Quinney, 61: 1977).

Around the mid-19<sup>th</sup> Century, Marshall and Tawney put forward ideas of social policy development through the recognition of social, political, and civil rights. The latter include “rights concerned with individual liberty and... the right to justice”. Social rights extend over a broad range and also include “the right to share in heritage and living standards of a civilized society”. Together, they take into account the state’s provision for social welfare (Sullivan, 2003:88).

Locke’s (1967) understanding was that every person is responsible for themselves. Though justified, they cannot be isolated from a longstanding history of inequality in a country like South Africa. Taking this into consideration, it would be unfair to suggest that those who were disadvantaged during the apartheid era could, over time, recover and develop economically without some form of assistance. Interestingly, while emphasising the accountability of individuals over themselves, Locke (1967) also acknowledged the duties of governments to share the responsibility of guiding and assisting its citizens to meet their needs of employment,



protection and all the measures needed to achieve a worthwhile quality of life (Schmallegger, 2002: 57).

In almost every instance, the practice of democracy rears a sense of welfare-ism (Walzer 1999:67). Without necessarily promoting the establishment of a welfare state, the value of the state in the establishment and running of certain structures is appreciated. However, this places pressure on government resource, and as a result, fails to assist the service delivery. Lynch and Byron stated that “the criminal justice system has failed as an agent of social change because its efforts are directed at an individual as opposed to social remedies” (Schmallegger, 2002:220). Furthermore, it enforces divisions in society between those who are economically advantaged, who are forced to part with hard-earned money as an obligation rather than an act of humanitarianism, and those who are less fortunate (Goodin, Pettit & Pogge, 2007:364-365; Walzer, 1999:67).

The research also follows the concept of anti-absolutism; for example, power is not granted to government. Rather it exists merely as guidance mechanism in which, to some extent, security and quality of life is facilitated. This suggests then, that a government is required to consider the opinions of its citizens. As Dworkin (1985) stated “Nobody ought to be governed without their voice being heard” (Walzer, 1999: 379; Goodin, Pettit & Pogge, 2007: 364-366 & 368). Although, policy and guidelines frame the treatment of victims of crime in South Africa, it may be idealistic to assume that these are adhered to. It is here then that the state fails to provide the necessary support for victims of violent crime and aggravated robbery.

From a modern liberalist perspective; it is acknowledged that the State has a role to play in alleviating social problems, such as poverty and unemployment, which contribute to both violent crime, and to crime in general. The high rate of crime in Tongaat in particular, and in South Africa as a whole, is indicative of what Walklate (2007) has described as “a failure in civic trust”. Citizens do report crime in good faith, living in expectation that the criminal justice system (CJS) will produce positive results through effective investigations, successful prosecutions and programmes of crime prevention, such as community policing (Walklate, 2007: 340-341). It is here that research has shown that the system those members of society it is intended to protect. Too often the mass media and researchers alike (Faull, 2008; Rubin,

2011; Corruption Watch, 2012; Faull, 2007; News24, 2013), highlight the ineffective actions of state officials, and government departments, most particularly those of the Department of Correctional Services and the South African Police Services. Therefore it is understandable why the Criminal Justice System (CJS), and the government in general, have lost credibility, especially in such areas as the delivery of quality services.

For these reasons, this research has been strongly drawn towards the notions of Walzer (1999), whose system advocates for a joint partnership between government and the public directed towards one goal, in this case is the combating of crime, and its effects. In “Membership and Community” (1983) he has noted that “mutual provisions breed mutuality”, described as a ‘social contract’ that benefits all (Sher & Brody, 1999:61). A government that takes effective care of it’s people, simultaneously also builds their trust and confidence.

While providing protection and security for all, the implementation of crime prevention methods can be an expensive endeavour for government alone. The Bill of Rights and the Constitution in general, provide a basis for governmental support for its citizens. However, when State funds are limited, communities play a major role in supporting those who need it. A strengthened cohesive community structure has been proven to curb violent situations (Centre for the Study of Violence & Reconciliation, 2008:2). The findings of this research project, support the concept of a society where all role-players, communities and state come together to meet a common goal.

This research is, to a large extent, geared towards an examination of the needs of victims of aggravated violent crime. Given the fact that the rate of crime and violence in South Africa is held by many experts to be abnormally high, every citizen is affected, whether directly or indirectly. Therefore, this research may have focussed in particular upon events in a small industrial town in KwaZulu-Natal, but it also speaks to the needs of South African society in general.

Though references are made from time to time in the study to cases of sexual violence, this research has chosen to avoid the subject for reasons that should be self-evident. This topic, much like aggravated robbery, involves the invasion of personal space, but while it may be

worth mentioning it as an aggravating factor in cases associated with robberies, this is a subject in its own right which is in need of separate examination.

It is a common academic practice is to disseminate the findings of a research programme to its participants. In this case, however this was not done for fear of retribution against family members and personal friends. It also assists in maintaining the anonymity of victims that have contributed to this study.

The information and statistics contained here were correct as of the date of submission. The Harvard method of reference has been used to construct the bibliography.

Several alternative avenues of research did emerge during the course of the study that could have been expanded in greater detail. However, it was felt that the first priority was to produce a solid foundation, and understanding of the subject matter. If given the opportunity, these emerging themes could be explored further as part of a more detailed PhD programme.

The detailed account of his experiences provided by “Keegan” at the beginning of the chapter, is only one example of the kind of violence involved in aggravated robbery that has been documented during the course of this study. His dramatic tale may come across as something from a movie or novel, and has no happy ending. After being rescued, he was immediately rushed by a family member to receive medical treatment, and then to the police station where he made a statement. In his search of justice, he felt that he had been met with disinterest and insensitivity by all officials concerned. To his dismay, one official told him that “we won’t find those people”. He felt that the authorities did not give him the attention he deserved, and has made no attempt to try to help him. His report was taken down, a case number dispatched and he never heard about his case again.

This research on victims of aggravated robbery is an attempt to understand the nature of the victimization undergone by many residents of Tongaat. At first, research began with a concern for the victims of crime, with its main focus being on direct and indirect experiences of victims in relation to their interaction with the criminal justice system. It aimed to determine whether victims of aggravated robbery had been able to access services in the aftermath of a crime and

what type of services had been made available to them. However, the research programme began to follow its investigative path, so then it began to broaden, almost inevitably, into an evaluation of service delivery. This resulted in an increased awareness of victim rights, and had the effect of fore-fronting these issues among professionals engaged in the criminal justice system (CJS). It also identified areas of possible improvement in terms of service delivery, and assisted in the formulation of improvements in the provision of improved services for victims of crime in general.

## **1.2 BACKGROUND**

In recent years criticism had been directed against government, at national and provincial level, for its perceived inability to translate policies into practice and thereby make a tangible difference to the lives of victims of crime (Hargovan, 2007: 114). Access to justice in this research refers to services that victims are entitled to such as, victim safety, social, health and counseling services, receiving information about cases, the offender and the process of the criminal justice system, compensation, being able to provide information and contributing to decision making (Department Of Justice & Constitutional Development 2004).

Researchers and academics such as Goodey (2005) and Karmen (2004), as well as politicians and communities at all levels of governance have recognized the plight of the victim in cases of serious crime (Rauschenbach & Scalia, 2008: 442-444). While the political emancipation of South Africa into a democratic state, the expectation was held that new governance meant an improved quality of life (Buur, 2003:1). However, this was far from the reality as the rate of crime and violence in South Africa grew to become unacceptably high. In fact, the injury profile for South Africans as a result of violence is seven times the global rate; 134.4 to 18.1 per 100 000 (Norman, Matzopoulos, Groenewald & Bradshaw, 2007: 695-698). Exacerbated by a history of Apartheid and an entrenched 'culture of violence' coupled with the social ills such as unemployment and inequality, the incidence of violence and victimization continues to climb (Vogelman & Lewis, 1-3:1993; Hamber, 3-5,8:1998).

### **1.3 PROBLEM STATEMENT**

A high rate of violent crime leaves many victims vulnerable, traumatized and in need of special care and attention. A more comprehensive knowledge of victimization would assist to improve the treatment and rights of victims, while increasing awareness of these rights thus establishing public trust in the Criminal Justice System (CJS) (Garkawe, 2001:91-92).

One of the problems faced by victims is their marginalization by the criminal justice system. Victims are viewed primarily as complainants or eyewitnesses (South African Law Reform Commission, 2004: 266; Van Djik, 2008:230-231; Snyman, 2005:3). The identification and apprehension of the suspect is paramount for law enforcement while court procedures focus on conviction and sentencing of the offender. Other limitations relate to their lack of accessibility to police stations and a narrowed focus on crimes against women and children. Access to police stations hinders a victims' ability to report their victimization, thereby preventing a victim from being a part of the CJS in terms of providing and receiving information, to receive restitution, and compensation. It also impacts negatively on their access to counseling or referral to support services for victim of crime (SALRC, 2004:266; Camerer, 1997:2). In order for a victim of crime to access support from the state, such as referral services and counseling, they must first report the crime to the police. The CJS cannot officially identify victims and formally assist them if they fail to lay an official complaint.

The act of reporting a crime is a vital action on the part of the victim, not only for prioritizing crime responses and crime prevention measures but it also increases the potential for victims to receive support from the state (Burton, Du Plessis, Leggett, Mistry, & Van Vuuren, 2004:19). In the case of aggravated robbery, victims are more likely to report to the police because of the use of a weapon in the commission of the crime (Karmen, 2004:154). Victims of such crime are also more likely to report if physical harm is caused or if there has been considerable financial loss (Karmen, 2004:154). However, instances of foiled aggravated robbery incidences are less likely to be reported by victims (Karmen, 2004:154).

It is taken for granted that the act of reporting crime itself means that victims will receive appropriate service and support. More often than not, victims of crime are faced with police officials who are unaware of the role they play in the healing process. Their lack of

understanding of the trauma victims' experience after the crime, especially of violent crimes, and an insensitive treatment of victims can lead to secondary victimization within the police system (Laxminarayan, 2010:63, Nel & Kruger, 1999:5-6). Disinterested or uninvolved police officials commonly fail to provide victims with information on their rights and the methods of procedures (Laxminarayan, 2010:64). A comparison of the International Crime Victims' Survey (ICVS) from 1992 to 2005 shows that victims of serious crimes wished that they had received information and had been provided with emotional support. Furthermore, more than half of these victims' needs were not met; instead they sought solace with friends and family (Van Djik, 2008:230-231). Factors such as the treatment they received from police and the quality of service received on reporting in first incidents of victimization affect the willingness of victims to report subsequent crimes (Walklate, 2007:369; Faull, 2011: 11-12).

Public perceptions about the police are often built around the ability of officers to conduct their duties in a manner that reflects integrity and trustworthiness. However, a recent study on civilian experiences on the subject indicated that police themselves are involved in both petty and serious crimes (Faull, 2011: 6-12). This study also provided proof that police officials were involved in aggravated robberies. (Faull, 2011: 9). An analysis of the 2003, 2007, and the most recent 2011 National Crime Victimization Survey (NCVS) indicated that the levels of corruption in the SAPS had increased over the years especially in relation to serious and violent crimes such as murder and aggravated robbery (Statistics South Africa, 2011:35; Pharoah, 2008:3). Research (Burger, 2009; Bruce, 2010; Faull, 2007; Newham, 2002; Reeves, 2012; Newham & Faull, 2011; Gossmann & Premo, Undated; Makhulu News Reporter, 2011) and media alike have highlighted a problem of malpractice within various precincts of the SAPS. While victims of violent crime take the initiative to report their victimization, many cases have been registered under less serious offences and in even more cases had been left unrecorded and later disposed off by SAPS officials (Burger, 2009:4; Bruce, 2010:12-13). One of the consequences of Apartheid was increased levels of mistrust between the SAPS of the new democratic state and its citizens. In addition, the issue of malpractice on the part of the SAPS has the potential to create a further divide between citizens and their government (Burger, Gould & Newham, 2010:10; Sauerman & Kutnjak, 2008:26-27; Faull, 2007: 5). This has influenced levels of fear of crime in society

The role of media, such newspapers, also contributes to the fear of being victimised, and on the whole, influences public perceptions of the SAPS, of crime, and of victimization (Karmen, 2004:7). Reports of Tongaat's media assist in informing the public of recent events and it increases the fear in the community. Studies conducted previously on aggravated robbery, as well as publicized incidents of violent crime such as aggravated robbery/mugging/theft and burglary (Perry, Moodley & Bob, 2008; Van der Merwe, 2008; Pretorius, 2008; Saudaw, 2011; Coastal Weekly Reporter, 2011; Makhulu News Reporter, 2011; Cele, 2011; Ncube, 2011; Makhulu News Reporter, 2013), confirm that violent attacks, more specifically aggravated robbery; occur not only in public spaces but also in private property.

Weekly media reports in Tongaat highlight violent crimes that occur in homes and in public spaces. Rumours of criminal activities regardless if it is factual or fiction, plant a seed of insecurity (Whitzman, 2008:42-43). A high exposure to narratives of violent crimes not only converts readers to indirect witnesses and thus indirect victims of crime, but also increases the fear of being victimized. A study conducted by the Institute of Security Studies in 2001 confirmed that high levels of fear of crime can have an impact on an individual as if he or she had actually experienced it (Perry, Moodley & Bob, 2008: 244).

Crime, such as aggravated robbery poses a threat to developing countries like South Africa, as it causes physical harm to victims as well as property loss, but creates feelings of fear of crime and insecurity (UNHSP, 2008: vi). Broadcasts through the printed and electronic media, personal narratives and newspapers and word-of-mouth reports about violent crime in Tongaat have created the local perception that individuals' need to take extra precautions to prevent becoming victims. Unfortunately safety measures are not always accessible to economically disadvantaged communities (Whitzman, 2008: 44-45; Simpson, 1998: 3). Fear of crime infringes directly upon the rights of citizens as stipulated in the Constitution (1996) Section 12 (1), which states that "Everyone has the right to freedom and security of the person", which includes the right "to be free from all forms of violence from either public or private sources" (Frank, 2007:16). Whilst strategies of crime prevention may be necessary to reduce the rate of victimization, it is imperative not to overlook the harm caused to those already affected by violent crimes.

## 1.4 MOTIVATION

A culture of violence was deeply rooted in the apartheid era when South Africa was under authoritarian rule (Camerer, 1997:1). The term ‘culture of violence’ is commonly used in South African literature to describe the country’s high rate of crime (Vogelman & Lewis, 3:1993). Prior to 1994, police operated in the interest of the state and enforced oppressive laws. Opposition to the apartheid rule was criminalized and advocated the use of violence in response against anti-apartheid activists. Violence was used as a means to solve political problems and counter-violence was a reaction that quickly became the norm in South African history (Harris, 1999: 296-297). Although, apartheid has been abolished well over a decade ago, its effects still lingers. The transition to democratic rule disrupted formal agencies policing and the criminal justice system in general and informal institutions of society, influencing a breakdown of families, schools and communities (Burger, Gould & Newham, 2010:10; Garkawe, 2001: 90; CSV, 2007:163). The general transformation of South Africa’s infrastructure has opened the doors for globalization. However, it has also increased the accessibility of arms and opportunities for international organised crime syndicates to operate within South African borders (Schontiech & Louw, 2001: 4-5; Sithole, 2011:3; The Rising Sun, 2012: 20; Makhulu News Reporter, 2013:1-2). Significantly, due to a politically-driven violence during the apartheid era issues of victims and victimization was also largely ignored.

The 2010/2011 South African Police Crime Report confirms that aggravated robbery in Tongaat is prevalent particularly in house and business premises (South Africa Police Services, Undated: 16). Table 1.1 shows that incidences of aggravated robbery have escalated substantially between 2003 and 2009 from 211 reported incidences in the financial year 2003/2004 to 277 in 2008/2009 (SAPS, 2009). While aggravated robbery at residential premises tripled from 2003/2004 to 2008/2009 (SAPS, 2009), aggravated robbery at non-residential premises increased from just one reported case in the 2003/2004 annual report to a staggering 34 cases in the 2008/2009 (SAPS 2009). In just six years (2003-2009) Tongaat has experienced 1,277 reported cases of robbery with aggravating circumstances.

In a documentary review of recent trends in aggravated robbery, the researcher found extremely high levels of the crime in KwaZulu-Natal and nationally. Significant increases in the rates of aggravated robbery from 2003 till 2009 were also noted (Zoutenberg, 2010). With



relevance to this study, the South African Police Services Crime Research and Statistics (2012) showed increases in the rates of motor vehicle theft and significant increases in aggravated robbery at non-residential premises in the Tongaat area, a small town on the north coast of KwaZulu-Natal; reflecting the nationwide statistics (South African Police Services, Undated:1). However, these official statistics do not provide a full picture on the nature and extent of victimisation as the data obtained reflects only those crimes that have been reported to the police. Furthermore, it is unclear as to how the SAPS had come to tabulate their statistics. Therefore, the number of victims affected by the crime is uncertain; that is, whether or not one incidence of aggravated robbery had involved a single or multiple victims. For these reasons, there may be a greater number of victims of aggravated robbery than the actual crime rate that is reflected in the official crime report, and therefore a large number of affected individuals that pertain to victim policies in South Africa.

## **1.5 RESEARCH OBJECTIVES**

The main aim of this research has been to explore the experiences of direct and/or indirect victims of aggravated robbery in relation to access to justice with specific reference to the availability of services for victims. In order to do so, the researcher has gathered data that answers the following five key research questions which underpin this study:

- What is the extent of victimization from aggravated robbery in Tongaat?
- What are the immediate needs of both direct and secondary victims?
- Where and from whom do victims currently access services?
- Are the needs of victims of aggravated robbery being met adequately by the state or other service providers?
- In what ways can the police, courts and NGO service providers collaborate to increase access to justice for victims of aggravated robbery?

Given the extent of cases of aggravated robbery in the SAPS statistics, services for victims of crime need to be given priority, along with crime preventative measures. This study on access to justice for victims of aggravated robbery is two-fold. It aims to obtain first-hand information on services to victims of crime or lack thereof in the community of Tongaat, and aims to

obtain the experiences of victims with accessing justice through the CJS. This Victimological study is the first its kind conducted in the area. For the purpose of this paper a number of key terms that appears in the work that follows were identified, and defined. This is ensued by a detailed background of the study area.

## **1.6 DEFINITION OF TERMINOLOGY**

### **1.6.1 Aggravated Robbery**

Aggravated robbery is one notch up from robbery. Aggravated robbery implies the use of a firearms or knives (CSVR, 2007:81). By definition to ‘aggravate’ is “to make worse or more severe” (Barnhart & Barnhart, 1994:41). Aggravated robbery is defined by the Criminal Procedure Act 51 of 1977, as consisting of:

- ‘the wielding of a firearm or any other dangerous weapon;
- The infliction of grievous bodily harm; or
- A threat to inflict grievous bodily harm’ (Burchell & Milton, 2005:825).

Whilst physical violence via the use of a weapon is used as a means to force victims to hand over their property, mere presence and use of a weapon to instill fear in order for victims to surrender their property constitutes violence (Burchell & Milton, 2005:819-820). Even with the absence of actual physical harm, the criminal act is constituted as an act of as violence.

Incidents of robbery in the South African Police Services (SAPS) feature in crime statistics as incidents of “robbery with aggravating circumstances”. In addition aggravated robbery includes motor vehicle theft, and robberies that occur in a place of business and in the home. It is important to note that when a person is injured or a fatality occurs in a robbery, the incident may be recorded as “assault GBH”, it may also be recorded as attempted murder or murder, and if a rape occurs then it is likely to be recorded as rape (CSVR, 2007: 80-81). Therefore, there is a possibility that the numbers of reports on aggravated robbery found in the SAPS crime statistics are higher than tabulated. Regardless, crimes such as rape and murder are violent forms of crime and the victims of these crimes require immediate and effective responses to their needs.

Aggravated robbery falls under the label contact crimes. Contact crime is defined as crimes against a person (SAPS, Undated: 1). Contact crimes are often violent and more traumatizing than other categories as a result of the nature of the crime. According to the SAPS, aggravated robbery at residential premises, robbery at non-residential premises, robbery at business premises are regarded as “trio crimes” (SAPS, 2010). This research explores the access to justice for victims specifically of these forms of contact crimes.

### **1.6.2 Access to Justice**

According to the World Book Dictionary (1994), the term ‘access’ is defined as “the right... to approach, enter, or use; admittance...”; ‘justice’ is “... just treatment; deserved reward or punishment...” and “the administration of law; trial and judgment by process of law” (Barnhart & Barnhart 1994: 12 & 1142-1143). The term ‘access to justice’ amalgamates these definitions to develop an understanding that access to justice is inclusive of gaining admittance and the reception of individuals by the Criminal Justice System(CJS) where the expectations are on par with fairness of treatment, lawfulness and deserved attention.

In this study, ‘access to justice’ is applied to victims and includes access to services that victims are entitled in the community context as well as in relation to the formal criminal justice system namely, victim safety, social, health and counseling services, receiving information about cases, the offender and the process of the CJS, compensation, being able to provide information and contributing to decision making.

### **1.6.3 Victim**

There are a number of definitions for the concept of the ‘victim’ (Davis & Snyman 2005:8). This study adopts the definition as provided by the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. A direct victim is a person who has direct contact with an offender in a crime context (Davis & Snyman, 2005:8).

#### **1.6.4 Victimization**

- **Primary or Direct Victimization**

The definition of the direct victimization is similar to the definition of primary victimization. Primary victimization deals with the interaction between offender and 'victim' in the process of the crime. However, primary victimization is inclusive of the aftermath of the crime and therefore entails the victims' behavioral and psychological effects of the crime (Dignan, 2005:23).

- **Indirect Victimization**

The indirect victim includes the family and friends of the victim as well as eyewitness to the actual crime. In some instances, although they may not be a direct witness to the crime or have any immediate involvement, family members and friends experience emotional and psychological trauma as a result of hearing about the criminal incident (Karmen, 2004:2). Consequently, they are indirect victims to the actual victim of the crime.

- **Secondary Victimization**

Secondary victimization describes victims' negative experiences within the Criminal Justice System (CJS) (Pemberton, Winkel & Groenhuijsen (2008:6). It occurs through the actions of service providers, for example, the police, and other members of the CJS, and refers to insensitive and unprofessional handling of the victim at any level of interaction in the CJS process (Davis & Snyman, 2005: 103).

#### **1.6.5 Needs of Victims**

The idea of 'victims' needs' should, be guided by the rights of victims as stipulated in the 'Victim Charter' in line with the South African Constitution, 1996, Act 108 of 1996, and the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 (DOJCD, 2004:1). This Charter provides mandatory provisions for this vulnerable group. It is important that victims are provided with the necessary support to overcome the affects of traumatizing crime experiences. 'Needs' is therefore what may be

wanted by victims of crime and simultaneously what can or should be a framework set by law to assist with the aftermath of crime (Walklate, 2007: 257). Researchers divided victim needs into two parts; what is expected procedurally and as an outcome. Procedural needs include respectful treatment, information and participation while outcomes expectancies include acknowledgement, material compensation, protection from further harm, retribution and assistance in coping and managing emotional and psychological distress (Pemberton, 2009:3).

#### **1.6.6 Service Provider**

A “service provider” may be defined as ‘any organisation that provides goods, facilities or services to the public, whether paid for or free, no matter how large or small the organisation is’ (Equality & Human Rights Commission, Undated:1). Service providers for victims of crime encompass a wide range of individuals and organisations that operate in a government, non-government and private capacity. These include the SAPS and criminal justice system in general, victim trauma support centres and professionals such as, general practitioners, social workers and psychologists.

#### **1.6.7 Community**

The term ‘community’ can be seen as a generic norm to describe group of people associated with an assumed sense of belonging, common understanding and interests. The problem with defining a community in this way is that it tends to neglects the minority of people that exist within it whom may deviate from the norm, have differing opinions and are more vulnerable than others (Whitzman, 2008:12).. In this study, the term ‘community’ refers to ‘a group of people related to each other through a common bond’ in which this bond is related to the geographical space in which people occupy (Hawtin & Percy-Smith, 2007:38).

#### **1.6.8 Robbery**

There are many definitions of the term ‘robbery’. According to the World Book Dictionary (1994), robbery is the “act of robbing; theft; stealing...” (Barnhart & Barnhart 1994:1803). Robbery is defined in ‘*South African Criminal Law and Procedure: Common-Law Crimes*’

(Milton 1996:643) as a crime of theft of property committed against a person. For the purpose of this study, robbery will be defined as ‘the theft of property by intentionally using violence or threats of violence to induce submission to the taking of it from another’. In other words, violence is present in the process of the crimes regardless of it being real or threatened (Milton, 1996: 342; Burchell & Milton, 2005:817).

#### **1.6.9 Home robbery**

Statistics South Africa (2011) defines ‘home robbery’ to be an ‘unlawful and intentional forceful removal and appropriation of tangible property from residential premises while there is someone at home’ (Statistics South Africa, 2011:48).

#### **1.6.10 Violence**

While there are various ways to define violence, it is clear that the term is synonymous with aggressiveness. This study adopted the definition provided by the World Health Organization (WHO). Violence is defined as:

“The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.” (World Health Organisation, 2002: 4).

#### **1.6.11 Trauma**

The term trauma originates from an ancient word meaning “injury”. Trauma has multiple meanings used to refer to physical injury, psychological injury as well as events that cause these injuries (Courtis & Ford, 2009: 14-15). Trauma is used interchangeably to refer to the crime experience and the experience of victimization.

### **1.6.12 Accountability**

Accountability refers to the “institutionalized practices of giving account of how assigned responsibilities are carried out and public resources used (South African Government Information, Undated: 446).

### **1.6.13 Vulnerability**

It refers to the “relative state of the exposure of one’s physical, mental, or psychological systems to attack or harm caused by source and events...”, it includes a “person’s resistance to suggestibility” in certain circumstances related to events such as the experience of crime (Kreuter, 2006:10).

## **1.7 GEOGRAPHICAL AND COMMUNITY PROFILE OF TONGAAT**

Tongaat is divided into four units namely; Tongaat Beach, Central, Industrial and South. Granted its historical development, majority of the population in Tongaat are Indian, followed by Blacks, Coloureds and Whites; respectively. There are approximately 20% more females in Tongaat than males. There are insufficient employment opportunities in the area. Everyday roughly 15,000 residents travel out of the area for employment. Statistics on levels of education in Tongaat indicate that more people (44.3%) had reached high school and have a primary school certificate (38.3%). An estimated 27% of individuals have completed matric, and only 14.1% went on to obtain a diploma (11.5%) or a university degree (2.6%) (eThekweni Economic Development Unit & KZN Department of Economic Development, 2008:39-40, 43, 46).

The education profile for Tongaat reflects the national and KwaZulu Natal statistics. Majority of the statistics are clustered around primary and secondary schooling. There are more individual that complete primary school than there are those that complete a secondary level of education. Similarly, there are fewer individuals reaching levels of higher education, as indicated in the figures for Tongaat, national and KZN.

According to a recent national census (2011), 8.6% of South Africans from 20 years of age and older, had no formal education. Only 4.6% of the population had completed primary school, with almost 34% leaving at a secondary level. Less than 30 % of individuals had completed matric (28.9%), with just over a quarter of students reaching higher education (11.8%). Following national trends, the Natal's education profile indicated that 10.8% had not attended formal schooling. Only 4.2% had completed primary school, with more than 30% leaving before completing the secondary level. Approximately 30% of students had completed matric, followed by a 9.3% of students who went on to study at an institution for higher education (Statistics South Africa, 2011:1 & 3).

Although Tongaat can be regarded as a middle income town the same cannot be said about its neighbouring areas where informal settlements are rife and levels of unemployment, and education levels are poor. More than 30% of the populations are unemployed. More formal housing is found particularly in Tongaat South and Tongaat Central. On the other hand, the prevalence of shacks and informal settlements are evident in the North of Tongaat while the remainder is comprised of a number of informal settlements, formal housing, flats and duplexes (eThekweni Economic Development Unit & KZN Department of Economic Development, 2008:10, 27, 43-44, 47).

Most people reside in Tongaat South and Tongaat Central (eThekweni Municipality, Undated). Tongaat South includes suburb area of Belvedere, Chelmsford heights, Buffelsdale, Watsonia, Flamingo Heights, Mithinagar and Truroland and the Tongaat central precinct includes Tongaat industrial, Tongaat's CBD and Vanrover Gardens (EThekweni Economic Development Unit & KZN Department of Economic Development, 2008:37).

Majority of the population for these areas is between the ages of 15 and 34 years old (37%). This is followed by those who are between the ages of 35 and 64 years old (35%). The literacy rate statistics of the accumulated 25,001 individuals which reside in Tongaat South and Central indicate that 7984 individuals (31.9%) between the ages of 15 and 65 years of age are illiterate. The racial profile for these two units much like the rest of Tongaat reflect that majority of the population are Indians, followed by Blacks, Coloureds and Whites; respectively. These areas are mainly comprised of formal dwellings (Tongaath South (4043) and Tongaat Central (2082)).



Tongaath South has more traditional households (319) than informal ones (64). On the other hand, Tongaath Central has almost the same number of traditional and informal dwellings; 20 and 22 respectively (eThekwin Municipality, Undated).

### **1.7.1 Services for Victims in Tongaath**

Two of the major community facilities located within these units are a police station and a hospital. The Tongaath community health clinic is situated further north, on the outskirts of Tongaath Central. In addition, the Tongaath Victim's Support Centre, which is located next to the South African Police Service (SAPS) station, was established in recent years within Tongaath Central Unit. Professionals such as medical practitioners, social workers and clinical psychologists are also available to the public free of charge in organizations such as the Tongaath Child Welfare, The Haven of Rest and the Tongaath Community Health Clinic. There are also a number private general practitioners as well as legal services in Tongaath.

The overview of Tongaath's geographical area and community profile relates to the findings of the research. It gives meaning to some of the aspects dealt with in the Discussion chapter (Chapter 6).

## **1.8 CRIME AND VIOLENCE IN TONGAATH**

Crime statistics readily available from the SAPS, together with national victim surveys have provided secondary data on crime trends nationally and locally, and given insights on victimization nationally, provincially and locally. Demographic information was obtained from the eThekwin Municipality website to supplement an understanding of the local population composition in the respective Tongaath units.

Reflecting national trends, Tongaath has also seen an escalation of aggravated robbery rates between the period of 2006/2007 and 2010/2012. Robbery with aggravating circumstances had risen from 190 to 219 reported cases (SAPS, 2012). Official crime statistics shows an increase of the rate of aggravated robbery at residential premises from 33 to 55 reported cases; and an

escalation of incidences at non-residential premises from 3 to 20 reported incidences by 2010/2011, and it has continued to increase according to recent SAPS crime statistics (2012) (SAPS, 2012:1). The theft of motor vehicles has also increased steadily since 2006/2007. It is true that these statistics did see a decrease in the year 2009/2010, however recent crime records show that this category had continued to rise by 2012 (SAPS, 2012:1). On the whole, official crime statistics show that Tongaat has seen an accumulated increase of 1552 reported incidences of robberies with aggravated circumstances over the past five years (2007/2008-2011/2012) (SAPS, 2012:1).

The difference in statistics between the financial years of 2008 to 2009 highlighted in Table 1.1 below, and between the years of 2009 to 2010 indicates a substantial decrease in all categories of aggravated robbery. These statistics both nationally and locally can be understood to be due to a difference in structural and technical changes employed by the SAPS. This can be explained by an increased number of police officials recruited and deployed during this time, in general and in the Tongaat area, as well as constant visible policing techniques employed by the SAPS nationally in preparation for the 2010 World Cup Soccer hosted by South Africa. Strategies of visible policing are effective in reducing violent crime (Eck & Maguire, 2000: 70 & 207-208). This has been hypothesized in countries such as Singapore, Hungary and Arabia, where there are low crime rates and high numbers of police officials; indicating the existence of a direct relationship between the numbers of police and rates of serious crimes such as aggravated robbery (Van Dijk, 2008:219). The policing strategies during the financial year 2009 to 2010 deviated from the norm, and therefore figures for this year have been ignored, and greater emphasis has been paid to SAPS crime statistics before the year 2009 and after the 2010 World Cup Soccer.

Consequently, from Table 1.1, we can see that since the year 2010, the rate of aggravated robbery in Tongaat has increased in comparison to the previous years, and it shows increases in the crime in subsequent years (SAPS 2013).

**Table 1.1: Crime in Tongaat: Crime in Tongaat for April to March 2003/2004 - 2012/2013**

<b>Crime Category:</b>	<b>April 2003 to March 2004</b>	<b>April 2004 to March 2005</b>	<b>April 2005 to March 2006</b>	<b>April 2006 to March 2007</b>	<b>April 2007 to March 2008</b>
<b>Robbery with aggravating circumstances</b>	211	188	176	190	235
<b>Carjacking</b>	29	20	7	34	39
<b>Robbery at residential premises</b>	15	20	20	33	32
<b>Robbery at non-residential premises</b>	1	1	1	3	18
<b>Crime Category:</b>	<b>April 2008 to March 2009</b>	<b>April 2009 to March 2010</b>	<b>April 2010 to March 2011</b>	<b>April 2011 to March 2012</b>	<b>April 2012 to March 2013</b>
<b>Robbery with aggravating circumstances</b>	277	202	219	168	161
<b>Carjacking</b>	42	15	7	10	13
<b>Robbery at residential premises</b>	48	45	55	38	37
<b>Robbery at non-residential premises</b>	34	17	20	31	26

(Adopted from Crime Research and Statistics -South African Police Service, 2013).

High levels of crime and violence in Tongaat have affected the quality of life of its residents and hampered the economic growth of the area. This has come to be a major obstacle for formal and informal business owners. This was reinforced by the report made by the Local Economic Development Strategy (LEDS) for Tongaat which indicated that residents are unhappy with the high incidence of crimes (eThekweni Economic Development Unit & KZN Economic Development 2008:50, 87 &108). The issue that aggravated robbery had become a cause for great concern was further affirmed in recent published media reports by the Tongaat

South African Police Service (SAPS) station commander (Coastal Weekly Reporter, 2011:3). According to a Tongaat SAPS communications officer, “Crime is definitely on the increase” (North Coast Courier, 2011:1). Throughout the year, incidences of violent crimes that occur within homes, shopping centres and on the streets are often broadcast in local written media. For example, one issue of the ‘King Shaka Weekly’ (4 February 2011) highlighted two separate incidences of armed robberies which were reported to have occurred in the victims’ homes (Cele, 2011). Headlines that appear in the 2011 and 2012 editions of ‘North Star’, “Northern Star”, ‘Coastal Weekly’, ‘King Shaka Weekly’ and the ‘Makhulu News’ local newspapers unintentionally create a sense of moral panic. Flashing headlines like “Couple robbed, beaten and locked in bathroom”, “Stabbed and thrown out of her vehicle”, and “Six gunmen rob Shoprite in Tongaat” are evidence to this. Both residents and business owners in the area alike are familiar with the effects of crime and victimization that has risen over the years in this area.

### **1.8.1 Motives for Violence in Tongaat**

The recent economic growth of Tongaat has been affected by a number of factors, one of the most important being crime in the area. It is also linked to the introduction of low-priced imported merchandise and the establishment of foreign retail stores, the reduction of agricultural space in the surrounding areas, and the establishment of the new King Shaka Airport and the new industry on the Dube Trade Port. The fact that the unemployment rate is more than 30% places a further strain on the economy. Associated with past apartheid and the lack of access to education and skills development, unemployment levels are highest in rural areas. Education is limited to primary school with only 17.3% of learners completing grade 10 and 11. Whilst Tongaat has much to offer, the high levels of unemployment, poverty and a shortage of skills still remain a challenge. In addition, Tongaat’s economic status has been unable to maintain on par with the high influx of new residents (eThekweni Economic Development Unit & KZN Department of Economic Development, 2008:2, 25, 27 31 & 43).

Studies indicate that violent crime is strongly associated with issues of poverty and inequality (CSVR 2007: 166-167; Van Dijk 2008:104-105). Factors such as income inequality, high unemployment rates and low economic growth are good indicators for predicting crime rates most particularly violent crimes (Fajnzylber, Lederman, & Loayza, 2002:26; Fajnzylber et al.,

2002:1347 & 1349; Davies, Francis & Greer, 2007:6; Hsieh & Pugh, 1993:1). Tongaat's education and employment profile is indicative that there are a significant number of people who have low level of education and are unemployed. As a result, elements of relative deprivation exist in perceptions of inequality. Subjective comparisons that are made between oneself and others result in feelings of being disadvantaged. Relative deprivation includes feelings of being treated unfairly in terms of access to opportunities such as employment leading to an inability to achieve desired objectives such as money which follows incidences of robberies to obtain such objectives (Fajnzylber, Lederman, & Loayza, 2002:2 & 26). While Tongaat may be a middle income town, there are areas that are more impoverished than others and groups of people that lack skills and earn little, if any, money (eThekweni Economic Development Unit & KZN Department of Economic Development, 2008: 46). As a result, notions of relative deprivation may emerge which could explain high rates of crime and particularly the use of violence to obtain material and monetary gain.

Violence is perpetuated through the exposure of youth to it within their own communities and families. Youth involvement in violent crime can also be related to low levels of commitment to education, poverty and the easy availability of drugs and alcohol (Hawkins, Herrenkohl, Farrington, Brewer, Catalano, Harachi, & Cothern, 2000: 2-7). Tongaat's newspapers have recently highlighted the problem of drug addictions and the sale of drugs amongst children as young as thirteen years old. It was especially found in areas of low cost housing (Pillay, 2012: 2). In addition, a study conducted on male juvenile prisoners confirmed that many adolescent boys, who drop out of school, resort to crime as a means of survival (Govender, 2003:2). With issues of relatively high unemployment rates, a shortage of job opportunities and a low education profile, it is no surprise that crime has become endemic the Tongaat area.

Crime affects the world creating a ripple-effect with an adverse impact on individuals, groups, communities, and societies, filtering into a greater national level. The World Health Organization's ecological model of violence describes trigger factors which occur at four distinct levels to contribute to crime and violence.

At an individual level, violence is seen as a consequence of an individual's biological anomalies, substance abuse and history of violent behavior. Interactions between those who

are closest to us, such as, friends, colleagues, and family members, are considered to be at a relationship level and are seen to influence acts of violence and crime. Households characterized by low education profiles are associated with low levels of socio-economic statuses consequently affecting the ability to find legitimate employment. This can and often does lead to unlawful means (crime) of survival.

The community level places emphasis on the interactions between organizational settings such as schools, places of employment and neighborhoods. This describes high levels of unemployment, poverty, limited institutional support and low policing and the accessibility to illicit drugs and weapons are trigger factors for violence. Systems such as social, health and educational policies which indirectly segregate individuals, groups and communities as a whole are included at the societal level. In addition, globalization has given way to extensions of criminality; opening the doors for organized crime syndicates to operate across national borders; leading to an increase in illegal trafficking (Whitzman, 2008:53- 55).

An overlapping of any of these factors implies a higher probability that violence can occur. By any measure, crime affects the psychological and emotional wellbeing of victims. These effects often relates to a broader affect on society at large such as moral panic and an increased fear of crime. It is therefore important that victims of these crimes are dealt with appropriately to reduce the impact of the after-effects of these traumatic experiences.

- **Crime Impedes Development**

In 2008, the eThekweni Municipality and the KwaZulu- Natal (KZN) Department of Economic Development drafted a Local Economic Development Strategy (LEDS) for Tongaat. This was specific to developing its economy through fifteen specific strategies aimed at targeting five areas for development, namely, to facilitate business growth, to reduce inequality, to reduce unemployment, to improve business confidence and to improve inequitable opportunities. The aim to improve service delivery and enhancing efforts of crime prevention resulted in the establishment a community policing forum (CPF). To what extent the objectives of the LEDS were successful is not the focus of this research but rather to highlight the fact that violent crime is indeed an inhibiting factor for overall development as it was seen to be a threat for at

least one of the five areas for development. Shop owners in particular had highlighted their plight of victimization (eThekweni Municipality & KZN Department of Economic Development, 2008:12, 102-103, 108, 174 & 178).

Measures were included on how to deal with crime through prevention in the LEDS. This included the establishment of a Community Policing Forum and a Business against Crime initiative. Community police forums (CPF) in particular are merely a platform in which the public and the police come together with a primary focus on ideas of crime prevention. It would be important to note that it is unrealistic to isolate criminality especially contact crimes from victimization as a whole. It is worth noting that Tongaat's CPF was suspended in mid-August 2012 following the exposure of a number of irregularities in the press (The Rising Sun 2012:3). In general, the question of just how successful is the concept of a CPF's is debatable. However, the point to mention here is that not only are victims largely ignored but also that the notion of CPF's may veer away from government self-reflection leading to improvements in structures within the CJS.

## **1.9 CONCLUSION**

An outcome of this research has been to formulate an integrated strategy for survivors of violent crimes which include cooperation between the community and the state and non-state service providers. This strategy aids the full implementation of South African victim-orientated policies thus providing optimum support to fulfil the needs of victims in general. By evaluating the services available for survivors of violent crime, this study set out to assist in reversing the effects of crime on victims and the community; bringing together key role-players and the community to facilitate social reintegration and to heal the damage caused.

Literature (Van Dijk 2008; SALRC 2004; Louw, Shaw Camerer & Robertshaw 1998) on crime victimization shows that victims encounter a range of difficulties in dealing with their experience, including, emotional, material and social needs. These include, inter alia, reassurance and counseling, medical assistance, financial and practical assistance to secure property, information about case progress, guidance about what to expect in courts, the chance

to express how the crime has affected them, assistance with filling out forms and information about the release of the offender on bail. While all of these needs should be met by the state, this is not always the case (Van Djik, 2008: 230-231; SALRC, 2004:266; Louw, Shaw, Camerer & Robertshaw, 1998:6).

Furthermore gender bias in service delivery for victims of crime, with resources and attention being paid to victims of domestic violence, rape and/or sexual offences, victims of violent crimes such as aggravated robbery, hijackings and assault are largely neglected (Camerer, 1997:2; Frank, 2007:10; SALRC, 2004: 266; & Holtmann, 2001). The researcher aims to create a model through which government and non-governmental service providers and community members will be able to provide a coordinated response to victims of aggravated robbery. While this dissertation focuses on the Tongaat area, the approach that may be developed can be implemented in similar marginalized communities in South Africa.

This research on victims of aggravated robbery is a “qualitative victimization survey”, and an attempt to understand the impact that aggravated robbery has had on victims. While statistics have shown that the rates of aggravated robbery in particular have increased to alarming levels, this has not been matched by a parallel effort to address issues of access to justice for victims of such crime.

This victim focused research attempts to find out why victims are ignored, whether they are overlooked because of lack of awareness or issues linked to CJS personnel. This understanding is deemed important for the formulation of both state and non-state responses thereby contributing to greater awareness of victim’s rights vis-à-vis the criminal justice system and access to justice for victims generally. The researcher has attempted to learn understand, through a process of the interviews, whether victims are aware of their rights in relation to the criminal justice system, and thereby recommend whether the implementation of victim-friendly policies such as the Service Charter for Victims of Crime have been successful or not. Studies on victims of crime are important because they create an awareness, promote advocacy, enhance victim-empowerment practices, and are a valuable tool for improving service delivery (Centre for the Study of Violence & Reconciliation, Undated: 2, 4 & 8)



## **CHAPTER 2: LITERATURE REVIEW**

### **INCIDENCE OF AGGRAVATED ROBBERY IN SOUTH AFRICA**

#### **2.1 INTRODUCTION**

Africa has one of the highest rates of victimization in the world. A main contributor to high crime levels is aggravated robbery. South Africa in particular has come to be known as a crime capital, positioning itself firmly at the head of armed robbery statistics around the globe (Shaw, 2002: 52-53; SALRC, 2004:17). The country also ranked as third on a worldwide scale for its high numbers of motor vehicle theft (Van Dijk, 2008: 63-64). Robberies committed within places of business, homes, non-residential areas and theft of a motor vehicle appear to be a major problem for the South African CJS and the public in general. The rates of reported crimes of this nature have been increasing with each year. For example, recent SAPS crime statistics (2012) indicate that between the financial year 2010/2011 and 2011/2012, robberies at non-residential premises had increased by more than a 1000 cases (SAPS, 2012:1).

The National Crime Victimization Survey (NCVS) (2010) showed that more than 60% of aggravated robberies involved the use of a gun or a knife (Statistics South Africa, 2011:43, 50). Johannesburg was singled out in global comparisons for the prevalent use of guns in criminal acts (Van Dijk 2008: 65). A comparison between the International Crime Victimization Survey (ICVS) (1996-2005) indicates that trends of contact crime in Johannesburg are significantly higher than national statistics found in some countries such as the United States of America and Canada (Van Dijk, 2008:125). Reflecting national statistics, Kwazulu-Natal has comparatively high rates of aggravated robbery, falling second to the Gauteng province (Statistics South Africa, 2011:50). National crime statistics indicate that such crime has rapidly increased over the years. This translates to an exceptionally high numbers of victims in the aftermath of crime. For example, there are close to 8,000 more reported cases of robberies in a non-residential premise in the 2010/2011 than there were five years ago. There were more than 4,000 reported cases of robberies at residential premises in the year 2011 than there were in the financial year of 2006/2007 (SAPS 2011). This translates

to an accumulated difference of at least 12,000 more victims of armed robbery in these two categories alone. Although there has been a relatively small decrease in crime levels for this category across the nation; SAPS crime statistics for 2012 show significant increases since 2011 for aggravated robbery in non-residential premises (South African Police Services, Undated: 1). The small town of Tongaat, off the north coast of KwaZulu-Natal, for example is no exception to these forms of violent crime.

Whilst providing a global comparison of crime and victimization, the International Crime Victimization Surveys (ICVS) for 1996, 2000 and 2005, shows that these social phenomena are highly underestimated as crime is not always officially recorded. Research predicts that the real rate for crimes and victimization exceed the actual reported figures, especially in developing countries such as South Africa. Many victims do not formally report crimes; as a result there is a gap between official police and non-official statistics of crime (Van Djik, 2008:49). This gap is often referred to as the 'dark figure' of crime (Davis, Lurigio & Skogan, 1997:19).

In a comparative analysis of the ICVS (1992, 1996-2005), South Africa was placed in the top fifteen amongst countries such as United Kingdom, Argentina and the United States for having the highest numbers for victimization in the world over a period of 12 months. While Africa as a whole took second position for it's a high numbers of armed robberies within a period of a year; South Africa in particular was placed 12<sup>th</sup> (Van Djik, 2008:51, 66-64). The staggering high rate of this violent contact crime in South Africa implies that there are at least an equal number of victims. Although there are legal frameworks for victims of crime in South Africa, not much can be said about a successful implementation of some of them. In fact, much critique has been lodged against the Victims' Charter and Minimum Standards of Treatment; alike (Frank, 2007: 34-38).

## **2.2 VICTIMIZATION AND THE CJS**

### **2.2.1 Difficulties in Policing**

Victims' coping skills, acquired from support centres and effective service delivery of the SAPS, translates to a higher probability that any new trauma (repeat victimization) experienced by a victim could be healed sooner. Victims of violent crimes are to be treated with utmost care during polices' consultation, in order to prevent re-victimization and to promote healing. There is a strong correlation between a healthy support system and a victim's ability to cope. The presence of positive support such as informative, positive and supportive police officials and victim service providers can assist in reducing some of the affects of a traumatic crime experience. It allows a victim to recuperate, make sense of their emotions and experiences as well as allows a victim to maintain in touch of what they feel is justified and exaggerated; in a sense of keeping in touch of reality. After a traumatic experience a victim goes through various stages of healing; a process that, if successful can lead to a normal life. However, if a process of healing encounters any further trauma it could hinder this process (Hill, 2009: 30 & 47). This brings about the issue of re-victimization. Poor treatment of victims by the CJS coupled by the traumatic experience of the crime itself can halt and may reverse the process of healing.

Negative experiences include omission of information on the part of CJS authorities about court processes and risks involved in these processes; for example, encountering the offender or their kin during court procedures. Another example would be if a police officer were to display indifferent, disrespectful or an apathetic attitude towards the concerns of a victim. These occurrences constitute secondary victimization. Inadequate and insensitive police officials can render victims feeling humiliated and intimidated. The idea of future contact with the CJS can be daunting for victims who experience secondary victimization which may in turn affect decisions to report (Walklate, 2007: 97 & 282; Karmen, 2004: 146; Mawby & Walklate, 1994: 97; Bottoms & Roberts, 2010:52).

### **2.2.2 Victim Non-Reporting**

The police are generally the first port of call after a crime has occurred. However, victims of serious crimes do not always report to the police and are often of the opinion that “police won’t do anything”, “police could do nothing” and it was “not serious enough” (Statistics South Africa, 2011:31). There are a number of reasons why victims do not lay a report to the police. For example, some victims do not view their victimization as serious enough while others do not report for fear from re-victimization from the offender (Hill, 2009:19; Walklate, 2007:369). Some people are unaware of the location of the nearest police station; making reporting nearly impossible. In South Africa, distance is also a factor which renders victims unable to report crime with some people having to travel anywhere between half an hour to two hours to reach a nearest police station (O’ Donovan, 2008:2; Statistics South Africa, 2011:21). The fact that there is a lack of knowledge about locations of police stations and a problem of distance to travel to reach a nearest police station indicate that not only are crimes going underreported but that victims are left to fend for themselves and are deprived of access to justice in all its facets.

Negative perceptions about the police may also influence a victim’s decisions to report crime (O’Donovan, 2008:3). South Africa’s history of apartheid has tarnished the relationship between the police and the people they are supposed to protect, contributing to the lack of trust that exists today (SALRC, 2004:18). Media also influences reporting and perceptions of the SAPS. The police services have lost credibility due to sensationalized media reports of criminal activity. In doing so, faith and trust held by the general public in SAPS is reduced which affects decision-making in reporting a crime (O’ Donovan, 2008: 2; Hill, 2009: 19). Perceptions about public protectors such as the SAPS are based on both service delivery and the outcome of cases (Walklate, 2007:372). The longstanding relationship between the CJS, more specifically the SAPS and the general public has been filled with untrustworthiness. To have an opinion about the performance of the SAPS one must have had contact with such services. Studies show that although personal contact with the SAPS improved opinions about the CJS, there are a significant proportion of South African citizens who view the CJS in a negative light. Poor perceptions of the SAPS, be it legitimate or not, carries with it serious implications for reporting of crime as well as access to justice for victims (SALRC, 2004:18-19; O’ Donovan, 2008:3).

A lack of reporting and negative public perceptions about the police can have serious implications for victims of aggravated robbery and crime in general. Reluctance to report crime denies victims, amongst others, the right to assistance. On the other hand, the act of reporting of a crime is also highly problematic in terms of service delivery, as those who seek justice are often met with unprofessionalism, delays, perceived corruption and apathy. Clearly, police sensitivity, or a lack thereof, is a major obstacle for future reporting, policy and practice of victims' rights and meeting the needs of victims.

The words of President Reagan in his address to the task force on victims of crime in 1982 highlight the plight of victims in the Criminal Justice System, and reflect South African literature on the subject. He said:

*“Victims have discovered that they are treated as appendages of a system appallingly out of balance. They have learned that somewhere along the way, the system has lost track of the simple truth that it is supposed to be fair and to protect those who obey the law while punishing those who break it. Somewhere along the way, the system began to serve lawyers and judges and defendants, treating the victim with institutionalized disinterest.”* (New Jersey Crime Victims' Law Centre, Undated: 3).

## **2.3 THE AFTERMATH OF AGGRAVATED ROBBERY**

Crimes involving multiple forms of violence, such as aggravated robbery, create feelings of fear and anxiety. It causes serious psychological and emotional distress, and often physical harm as well. Communities fear victimization and may avoid places noted for criminal activities and places that are perceived to be unsafe. Victims become highly conscious of their environment and are often mindful of the times at which they leave and return to their homes.

Trauma can have serious implications in all aspects of one's life. Trauma derived from crime victimization can be short term and acute and it can also be very severe, with effects that prolong on to later life. The second highest cause of death in South Africa is through physical trauma as a result of violent crimes (SALRC, 2004:23 & 266). Like any experience, each

individual's account of violent crime is unique. Therefore the ways in which victims react and deal with the incidence afterwards would differ from person to person. Nevertheless, the violence involved in robberies with aggravating circumstances leaves its victims with an aftermath of debilitating consequences.

Violent crimes impact on the social, material, cognitive, emotional and financial areas of victims' lives, creating a cycle of fragmentation which includes the disintegration of thinking, behaviour and disempowerment, which affects the general well-being of victims. Cognitive consequences of traumatizing experiences lead to the questioning of religious and spiritual beliefs. It is not uncommon that victims experience lapses in memory, become extremely sensitive to loud sounds, and have reoccurring nightmares or day dreams in which traumatic events are replayed. Traumatizing experiences may affect a loss of memory of the events itself. In some cases, individuals tend to make special efforts to avoid stimuli that remind them of the traumatic event. In other words, victims may consciously avoid thinking about the incident or avoidance of the areas where the crime had occurred (Emmett & Butchart, 2000: 203; Hill, 2009:24).

A victim experiences difficulty in coping with the after-effects of crime leading to a perception that they have lost control of their lives. Victims' experiences include the inability to focus on day to day activities, family life, work etc., feelings of anxiety, high stress, apathy, mixed feelings of frustration and embarrassment of being victimized, express hostility towards others and also exhibit signs of depression and low self-esteem. These are related to symptoms of post-traumatic stress disorder (Walklate, 2007: 258 & 487). Victims also tend to blame themselves for the crime. They may lose weight drastically as they tend to develop poor eating habits, which can be related to other physical reactions such as headaches, muscle tension, nausea and sometimes turn to alcohol and substance abuse (Walklate, 2007: 258 & 487; Digan, 2005: 26; Emmett & Butchart, 2000: 203; Hill, 2009: 24; Miller, 2009:168).

These factors that contribute to disempowerment boil over into their social lives where they are unable to socialize with others or with certain types of people such as strangers. This is often related to the biographical details of their victimizers, such as race or gender. They can also lose interest in significant others, like spouses and friends, and gradually become

withdrawn. As a consequence of the distress experienced, victims find it difficult to fulfill social roles (as parent, teacher, priest, and breadwinners) and experience a loss of short term thinking therefore falling short in plans for the future. Moreover, victims lose out on education, training, personal development and opportunities (Emmett & Butchart, 2000: 203; Hill, 2009: 24; Miller, 2009: 168).

In general, victims come from both poor and financially stable backgrounds, but a victim's financial status can predict how they cope with victimization. (CSV, 2007: 79-81). Victims who are especially poor may find it more difficult than others to recover from property loss. Granted that aggravated robbery encompasses violence; medical bills become an added cost when physical harm such as a gun-shot wound or knife wound are inflicted upon the victim. Many of the serious and long term consequences of violent crime result in an inability to go to work thus a further loss of income. Other financial repercussions includes legal fees and private counseling (Miller, 2009:168; SALRC, 2004:24-25)

The repercussions of violent crime affect not only the direct victim but also his or her family on a whole (Miller, 2009:168). Secondary victims of crime such as neighbours, family members and co-workers, who hear about victimization, increase the feeling of fear and insecurity, and affecting their thoughts, behaviour and actions (Thompson & Ruback, 2001: 137-138). Similarly, children exposed to acts of violence experience problems at school and in their social lives, consequently inhibiting their personal growth and development (Thompson & Ruback, 2001: 150).

The severe debilitating consequences can lead to cyclical effects. For example, it is not unlikely that victims turn to crime themselves in some cases in the form of vigilantism (SALRC 2004: 266). Much research (Veneziano, Veneziano & LeGrand, 2000; Siegel & Williams, 2003; Meyer, 2012; English, Widom & Brandford, 2002; Manasse & Ganem, 2009) indicates that there is a link between victimization and future offending behaviour. Victims are more likely to commit a crime, particularly in cases where psychological and emotional distress caused by an experience of violent crime is not appropriately addressed (Faull & Mphuthing, 2009: 139). For example, Shaffer and Ruback's (2002) study on juveniles showed a significantly higher probability of young adults victims of crime whom themselves resorted

to criminal behaviour, than those who had no prior experience of victimization. This applied to both male and female victims of crime (Shaffer & Ruback, 2002:3-4). According to the 2011 NVCS, more than 650 households had acquired a gun as a measure to protect themselves from victimization (Statistics South Africa, 2011: 55). Therefore it is imperative that victims of traumatic crime experiences are provided with supportive structures, not only to assist in developing coping skills, recover from the harm caused, but also as a means of crime prevention. With adequate and effective service delivery to victims of crime, these objectives can be achieved.

The consequences of violent crimes also extend onto greater society. An economy of a country is adversely affected when there is a high level of violence and crime. It may contribute to a loss of interest from foreign and domestic investors, influencing the tourism industry in a country to take a downward plunge. High crime rates inflate life insurance premiums and reduce the quality of life of citizens. It impacts negatively on businesses and influences the emigration of skilled professionals and entrepreneurs thus a loss of economy and skills in a country. It becomes a developmental challenge affecting not only economic growth but also the health and legal departments in the public sector (Whitzman, 2008:77-80). Overall, a high degree of violence gradually forces a country into a state of crisis; posing a threat to democracy while further entrenching distrust in the police and the legal system to control crime.

## **2.4 THE FOUNDATION FOR ACCESS TO JUSTICE**

The Service Charter for Victims of Crime, discussed later in this chapter, was adopted from the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Therefore, this part of the chapter begins with a brief discussion on this international framework, and goes on to stipulate the policies that are applicable in the South African context. These policies, specifically the rights set out in the Services Charter (See Appendix 8.10) were later employed as the standard measure for evaluating the findings of the researcher and are consequently integrated into the discussion chapter (Chapter 6).



### 2.4.1 Framework for Evaluating Access to Justice

It would be difficult to decipher whether victims have been able to access to justice without a standard to measure to compare. Victim policy reform has taken great strides on an international level which has informed national guidelines and policies for the treatment and rights of victims within South Africa. A detailed description of access to justice has been provided below, along with various policies and guidelines which link global principles to the grass root level of Southern Africa.

Access to justice for victims of crime refers to “access to the mechanisms of justice and to prompt redress, which should be provided in national legislation, for the harm that they have suffered. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible” (United Nations, 2011:32-33). It allows for the accountability of the state in ensuring that victims’ rights are protected, facilitating the healing process of victims and promoting a fair and efficient justice system for all. The notion of access to justice is implicit in the Universal Declaration for Human Rights (1948), Article 8, which states that ‘Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law’ (United Nations, Undated:1).

Access to justice and the rule of law is guided by the Constitution of South Africa and The Department of Justice and Constitutional Development’s *Medium Term Strategy Framework* which has adopted a transformative, integrated cluster approach to justice, crime prevention and security. The cluster’s main goal is to work towards a transformative approach to justice, crime prevention and security “by adopting a restorative justice approach, building and strengthening civil society organizations that promote, protect and advance human rights, particularly those giving special attention to the needs of the most vulnerable and marginalized” (DOJCD Policy Framework; DOJCD *Medium Term Strategy Framework*, 2007-2013).

#### **2.4.1.1 International Development: United Nations (UN) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**

In the middle of the 1980's the United Nations (UN) Declaration on Basic Principle for Justice for Victims of Crime and Abuse of power was approved. This declaration laid foundation for the treatment of victims across the globe (Van Djik, 2008:225). The UN Declaration stipulates guidelines on access to justice, fair treatment, restitution, compensation and assistance for victims of crime (VOC) (Office of the United Nations High Commissioner for Human Rights, Undated). Inspired by this Declaration, South Africa adopted these principles and drafted within its legislature and also created the National Crime Prevention Strategy (NCPS) to protect victim rights and prevent further harm.

#### **2.4.2 Characteristics of South African Frameworks for Victims of Crime**

Various initiatives and policies have been implemented in South Africa that address the need for greater attention for victims of crime including a call for improved treatment of victims by the CJS and medical and legal practitioners, health care system and other support services (The Services Charter for Victims of Crime (Victim's Charter); Minimum Standards on Service for Victims of Crime; Department of Social Development Victim Empowerment Programme). It is important to note that service delivery for victims of crime is foremost the responsibility of the state and there is a tendency for this responsibility to be shifted solely to the private sector and volunteers in the public service. However, in line with the objectives of The Department of Justice and Constitutional Development and the need to improve service delivery and access to justice to victims of crime; this also includes the implementation of restorative justice ideals which involve a joint venture between both state and civil society (Hargovan, 2009: 66).

The victim reform in South Africa today stems from international developments. The intention for victim policy was to bring them and their rights to the fore especially with regard to the CJS. The notion was to ensure that victims were assisted in the necessary ways while simultaneously preventing further harm. Victim policy in itself demonstrates government's acknowledgment and acceptance of responsibility for victims and for their needs (Frank, 2007:2). The South African Constitution stipulate rights for its citizens, ensuring that everyone is equal before the law and everyone has the right to equal protection (Section 9(1) of the

Constitution). In addition, the SA Constitution (Act 108 of 1996) mentions the right to freedom from all forms of violence, whether public or private; this is an extension to the right to freedom and security. While the South African Bill of Rights maintains the rights of its citizens, the Constitution ensure that the State is be responsible to “respect, protect, promote and fulfill...”these rights (Section 12(1) (c) (Artz & Smythe, 2005:135-136).

The UN Declaration stipulates guidelines on access to justice, fair treatment, restitution, compensation and assistance for victims of crime (Office of the United Nations High Commissioner for Human Rights Undated). Access to justice therefore means the right to protection and the right to exercise human rights as stipulated in the Constitution in conjunction with other basic rights such as, the right to physical safety, information, confidentiality and privacy (Global Alliance Against Traffic in Women, Undated: 1). The Services Charter for Victims’ of Crime Charter (Charter) and Minimum Standards for Victims’ of Crime was created in line with the South African Constitution (1996) Section 234; making provision for victims within the CJS (Frank, 2007: 21). These documents also provide information and guidelines for victim assistance through CJS channels (Department of Justice & Constitutional Development, 2004: 2-5; Frank, 2007: 21 & 23).

#### **2.4.2.1 The National Crime Prevention Strategy (NCPS)**

Created in recognition of the plight of victims, the NCPS was first drafted in South Africa in 1995 to protect victims’ rights and prevent re-victimization. Launched in 1996, the NCPS sought to augment the CJS to a standard that was victim-centered, efficient and equipped to provide competent support to victims of crime (Davis & Snyman, 2005:79). The Victim Empowerment Programme, part and parcel of a victim-centric approach was an element of the first pillar of the four pillared crime prevention strategy. This programme specifically focused on increasing the justice system’s sensitivity towards victims and advocates the establishment of a more restorative justice system in order to prevent retributive crimes. It also promotes victim referral to necessary service provider and overall, providing skilled support in relation to victim needs and service delivery (Camerer, 1996: 1; Davis & Snyman, 2005:8).

#### **2.4.2.2 Victim Empowerment Programme (VEP)**

The main component of the first pillar of the NCPS is the VEP (Pretorious & Louw, 2005:80). This programme promoted the idea of a restorative CJS that put victims first and included the combined efforts of national, provincial and local government departments, the business and religious sectors, non-governmental organizations, academics and volunteers (Hargovan, 2007:116). Fundamentally the VEP sought to “enhance the effectiveness of victim empowerment as a source of relief; improve the access of disempowered groups to the criminal justice system, including women, children, and victims in general; redesign the criminal justice system to empower victims; provide a greater and more meaningful role for victims in the criminal justice system; improve the service delivered by the criminal justice process to victims of crime; and deal with the damage caused by criminal acts by providing remedial interventions for victims” (SALRC, 2004: 215-216). Now a self-standing policy, the VEP is guided by the National Policy Guidelines for Victim Empowerment (NPGVE). The NPGVE maintains principles for service providers to ensure that victim empowerment is achieved through multi-disciplinary services that are accountable, coordinated and integrated (Department of Social Development, 2009:5-6).

#### **2.4.2.3 The Services Charter for Victims’ of Crime Charter (Victims’ Charter) and Minimum Standards for Victims’ of Crime**

The Victim Charter was created in line with the South African Constitution (1996) Section 234, which makes provisions for a charter of rights and the promotion of democracy (Department of Justice & Constitutional Development, 2008: 3). Adopting its principles from the UN Declaration of Basic Principles for Victims of Crime and Abuse of Power, the Victims’ Charter aimed to prevent secondary victimization by the CJS process and officials and advocate the significance of victim involvement in the CJS process. In addition, the Minimum Standards clarified the protocol followed once a report is laid and the various government departments responsible for these processes (Frank, 2007: 20-21 & 23). This document also includes the rights of victims of crime (See Appendix 8.10) and the protocol for when victim request assistance (DOJCD, 2004)

The Charter makes provisions for victims within the CJS (Frank, 2007: 21). These provisions include:

- The right to be treated with fairness and with respect for dignity and privacy;
- The right to offer information;
- The right to receive information;
- The right to protection;
- The right to assistance;
- The right to compensation; and
- The right to restitution.

The paper provides clear guidelines on how one can lay complaints about any member of the CJS, thereby raising concerns or expressing dissatisfaction about the manner in which a victim had been treated, any information that had been received and any decisions which had been made (The Department of Justice & Constitutional Development, 2008:18).

#### **2.4.2.4 Restorative Justice**

In 2011 the Draft Restorative Justice (RJ) National Policy Framework was created to provide guidance and clarification on the roles and responsibilities of all stakeholders in the implementation of restorative approaches to justice in the CJS. (The Department of Justice & Constitutional Development, 2012:6). RJ is fundamentally “about addressing the hurt and the needs of both victims and offenders in such a way that both parties, as well as the communities which they are part of, are healed” (Batley, 2005: 21). This approach moves away from the formal CJS system approach and seeks to mend relationships amongst these three role-players. RJ has its roots in African community justice customs and practices and aims to unify the community, the victim and the offender to create a justice system that aspires to restore peace as early as possible after the crime rather than impose punishment and enforces segregation and blame (South African Law Reform Commission, 2004:219; DOJCD, 2011:3).

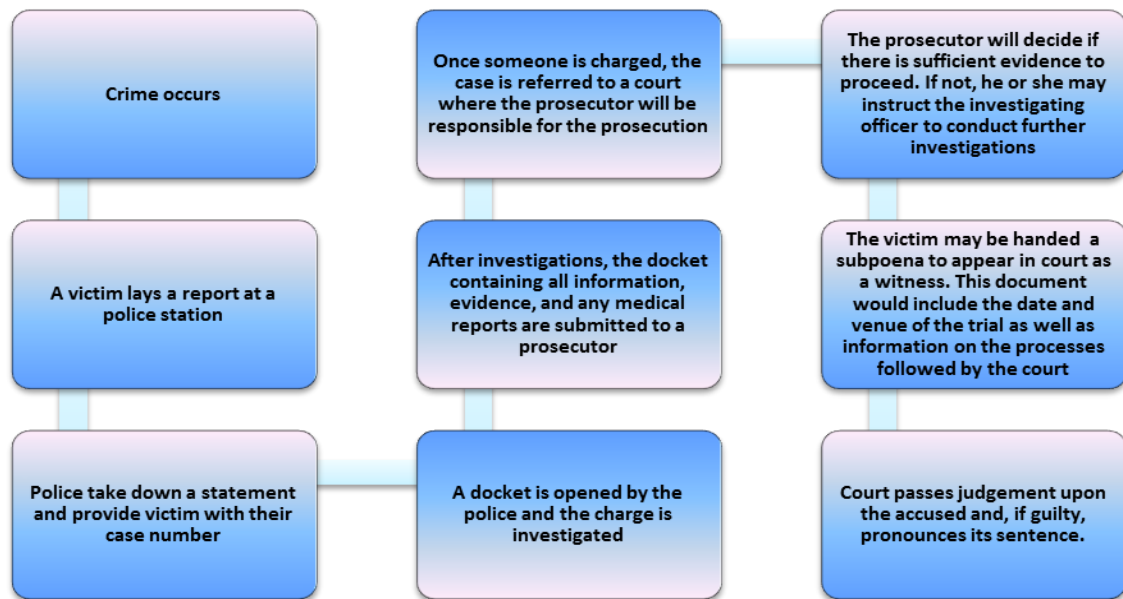
While the CJS may fall short, RJ processes directly meets the needs of victims by ensuring opportunities to participate; providing immediate reception of information and victims are able to feel as though justice is materializing before them (Strang & Sherman, 2003:26-29; Batley,

2009:30; SALRC, 2004:219). In South Africa, restorative justice moves beyond the formal legal system and focuses on restoring human dignity, to rehabilitate both the victim and the offender to build on the concept of democracy, social cohesion and the culture of Ubuntu (Batley, 2009: 21; Sullivan & Tifft, 2008:391). To some degree, this approach is seen as essential way to overcome the obstacles that affect socio-economic development. The UN concur that “peace is an indispensable prerequisite for development” (Sullivan & Tifft, 2008:395). By restoring peace to a society and subsequently creating social order and improving socio-economic status of that society; thereby reducing crime related to poverty and unemployment (Van Djik, 2008:105). Although it is accepted that RJ improves access to justice and victim empowerment by making victim an active part of the process and providing a space for victims to be heard in turn facilitating emotional healing; the use of RJ processes are not suitable as an immediate response to violent crimes (Strang & Sherman, 2003: 28-29; DOJCD, 2011:10; SALRC 2004:218; Batley, 2009:31).

## **2.5 THE CRIMINAL JUSTICE SYSTEM PROCESS**

The Minimum Standards on Service for Victims of Crime serves an informative document that equips victims of crime with knowledge, and is set out in three sections. It begins with a description of the various rights of a victim, and goes on to provide information on the different processes and responsibilities of the key role-players within the Criminal Justice System (CJS). The third section features the rights found in the Service Charter for Victims of Crime in South Africa (Victims’ Charter). The purpose of these documents was to empower and educate victims about their rights, and how to employ them (DOJCD, 2008: ii). Once a victim lays a report at a police station, their statement is taken and they are provided with a case number. An investigation process is initiated, and once someone is charged, the case docket is handed over to a prosecutor. After a trial, the court will then pronounce a judgment on the matter (See Figure 2.1 below). These sequential and specific processes entail the collective efforts of the victim, the investigating officer and the prosecutor to ensure that a good case is built leading to a successful conviction. The figure below has been referenced in the concluding chapter as it made easy the reflection on the research findings.

**Figure 2.1: Summary of Procedures in Place Once a Crime Has Been Reported to the Police**



(DOJCD, 2008).

The Victims' Charter and Minimum Standards of Service are vital documents created to empower victims, and maintain that the State and its relevant service providers are accountable for providing adequate service delivery. These include clauses on the "The right to be treated with fairness and with respect for your dignity and privacy", "The right to offer information", "The right to receive information", "The right to protection", "The right to assistance", "The right to compensation", and "The right to restitution" (DOJCD, 2008:2-7). However, a number of concerns have been raised pertaining to these rights, and in particular their phrasing.

### 2.5.1 The Hidden Charter

Given that South Africa is a signatory to the UN Declaration, its Victim's Charter is an ideal framework to address victim needs including access to justice. However, within the South African context it has yet to reach policy level. Due to the provisions found in the Constitution, the Victims' Charter was created, though it has only been approved by the Cabinet. It has yet to be recognized by Parliament, rendering its potential position in South African merely as a guiding principle. More so, the practicality of these stipulated principles are limited, and infer that although guidelines are provided for the victims' of crime and their rights, access to

justice is the prerogative of the victims themselves (Frank, 2007:31 & 37). Therefore, it remains only within the boundaries of the Victims' Charter. For example, it makes provision only for those who have reported an incident to the police. As mentioned in earlier in Chapter 5, there are many reasons why victims often do not report crimes against them, some of which are not related directly to the CJS. For example, factors that influence reporting include a fear of a revenge attack from an accused, and limited access to a local police station. Nevertheless, the Charter negates these rights for all those individuals who do not report the fact that they have been victimized. Even then, the rights within it exhibit serious implications for responding to the need of victims through cloaking the obstacles that lay within the Charter itself, thus creating a potential for increasing the plight of victims. In a sense, the limitations, in their bare form, defeat their purpose. Subsequently, those who choose to report crime, have no guarantee that they will obtain the assistance they may need (Frank, 2007:32 & 35).

For example, the right to protection implies that the state is responsible for protecting victims from harm, be it physical or otherwise (Department of Justice & Constitutional Development, 2008). The state fails to recognize that the service they offer to victims and witnesses is an ideal rather than a practical reality. This is especially true in the case of a 'protection programme' (Frank, 2007: 35). The National Prosecution authority (NPA) has noted a shortage of human resources to deal with the influx of criminal cases, rendering the idea of witness protection programmes incapable of providing such a service (Frank, 2007: 35). Even with efforts of the government to improve the situation through the recruitment of 37,000 more police officials, and an increase in financial support to police services, does not translate to an efficient, reliable and effective system.

Many South African citizens perceive the police negatively; they do not trust the service, and lack faith in its ability to do their job appropriately (Mtsolongo, 2009:1). This is also related to the fact that victims are reluctant to seek assistance from the CJS, thus affecting the official crime statistics. Crime reporting is important to pin-point high criminal activities in geographical areas, to make note of the rate of different types of crime, to identify patterns of criminality and to solve the issue of crime through developing crime prevention strategies.



The right to assistance as stipulated in the Charter has also been compromised through the use of limiting phrasing (Frank, 2007:36). The Charter defines the provision of assistance for victims within the CJS as:

“The right to assistance: You have the right to request assistance and, where relevant, have access to available social, health and counselling services, as well as legal assistance which is responsive to your needs...”(Department of Justice & Constitutional Development, 2008).

On closer inspection, two problems arise with regard to the words ‘relevant’ and ‘available’. For one, the term “relevant” is left to subjective interpretation, and there is no explanation as to how relevance is defined, or what it constitutes. Secondly, by stating victims have the right to access services where “available”, implies that appropriate services may be utilized, but can only be accessed if they exist (Frank, 2007:36).

In terms of compensation, a victim has the right to claim compensation from the offender (DOJCD, 2008). However, in order for this to happen, the offender has to first be caught and then must be in a position to afford to pay reparation (South African Law Reform Commission, 2004: 46-47). The chances of the offender being apprehended let alone reaching the court are dismally low (Gould, 2011:1). As noted, there are many limitations which need to be addressed in order for the ideals of the Victims’ Charter to be completely realised. While these reasons are equally straining, it should be noted that the one of the most challenging setbacks is the large financial capital needed to initiate, and maintain both these victim initiatives (SALRC, 2004:118). This, among the aforementioned obstacles, confines the Charter to merely a provision and not policy.

Whilst there are policies in place to cater for the needs of victims of crime, researchers concur that there are a number of obstacles that face victims and victim policy implementation to victims of crime (SALRC, 2004:266; Nel & Kruger, 1999:5-6 & Frank, 2007:30-40). Challenges for implementation are also related to issues of limited financial resources, lack of trained personnel, poor compliance and co-ordination between different sectors (Nel & Kruger, 1999:5-6). For example, during the court process, victims who are witnesses are permitted to

seek the assistance of preparation officers. However, there is a shortage of preparation officers placing a strain on existing personnel which then may compromise the quality of assistance received by victims during the court process (Webster, 2008:6).

## **2.6 CONCLUSION**

Tongaat is plagued with a number of social ills including poverty and inequality which can be related to the high rates of crime in the area. The vicious cycle of crime continues to breakdown remaining economic developments affecting the potential for a sustainable development. It creates an obstacle for socio-economic development and while the repercussions on a much larger scale cannot be ignored; any measures to deal with crime begins with the victim. With first-hand experience, a victim can play a vital role in crime control. However, a victim of crime experiences a range of consequences that reverberates adverse effects onto victims' families and friends. It is imperative that victims' needs are met in order to heal the harm caused so they may regain normal functioning and return to society as they once were.

Faced by many obstacles, victims' experiences extend from difficulties in coping with the consequences of crime to difficulty and damaging relations with the CJS. The experience of secondary victimization taints the image of the SAPS. While one cannot judge the entire SAPS based on bad experiences with certain police officers; though looking at the bigger picture, it begs the question, what are the experiences of victims in Tongaat and have they been able to access justice in accordance with the guidelines set out in South African legislature?

With special emphasis upon the right to protection, assistance, to compensation, and to offer information, the onus is upon the victim to access these rights, and thus access their own justice. The fact that victims, in their vulnerable circumstances, are expected to request access to justice can be regarded as not an entirely logical method of protocol to respond to their needs. The noted problems also means that state responsibility is overlooked, that its responsibility to ensure that services are within reach and justice for victims, are accessible (Frank, 2007:36). The limitation herein of the Victims' Charter renders it not only weak in

reaching its full potential as a fully-fledged policy for victims of crime, but is also ineffective in responding to their needs within the CJS.

Nevertheless these documents exist as a beacon of victim empowerment. However, questions remain of whether the public are aware of these rights? Are they upheld by state service providers? What are victims' needs? And are they being met? And to what extent?

## **CHAPTER 3: CONCEPTUAL FRAMEWORK**

### **3.1 INTRODUCTION**

It holds true that there is no pure theory for victimization but rather there exists a theoretical framework that stems from social control issues and lifestyle choices which fall under three main victimological paradigms. Victimologists themselves contend on what types of victims should be included in their field; however most have settled on victims of crime (Karmen, 2004:22). Notably, the study of victims cannot be isolated from Criminology; therefore this study draws on both Victimological and Criminological theories. There is no doubt that victimization rates for serious and violent crimes in South Africa are high. A number of theories can be applied to understand how and why certain individuals become targets of these crimes, and include factors such as, the behaviour and action of individuals, their lifestyles or a combination of the both.

### **3.2 Victimological Paradigms**

There are many causes of crime. Neither can be confined to a single cause, but rather it is the result of a combination of factors. In terms of crime and victimization, South Africa has a unique status. As a transitional state, South Africa moved from an authoritarian rule to a democratic one. This shift had serious implications for crime and subsequently victimization. The transition disrupted formal (policing and the Criminal Justice System in general) and informal (breakdown of families, schools and communities) institutions of society. Many people suffered at the hand of apartheid laws and its resonating effects causes many more to continue to suffer (Garkawe, 2001: 90; CSV, 2007:163).

Guided by the United Nations “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” (1985) the World Society of Victimology (WSV) is geared towards understanding the plight of victims of crime. At its first symposium in 1973 the WSV recognised the significance of victims and victims’ rights across the world (Goodey, 2005:103). The idea of the scientific study of victims was first coined by Mendelsohn in 1937,

however before this time there were many Criminologist who written about victims like Beccaria, 1764, Lombroso, 1876, Ferri, 1892, and Garófalo, 1885, had written about victims (Dussich, 2006:116). This research falls under the definition of Special Victimology which focuses on victims of crime (Barkhuizen, 2011:9).

Much research has since been conducted on victims and victimization, and to a large extent focus was placed on women and children, victim support, compensation and a victim's role in court (Davis & Snyman, 2005:26; Newburn, 2009:386). Gaps in the field identified by researchers such as Rock and Shapland indicate that there is still much to be understood about those who are victims and what is victimization (Newburn, 2009:390-392). Shapland highlights the plight of victims in the CJS and the disparity between agencies to provide coordinated support. Rock emphasized issues of victim and victim identities (Newburn, 2009:397). Unlike many countries and states such as the United States of America, South Africa lacks studies conducted on victimization (Davis & Snyman, 2005:51-52). Consequently, there are no theories in crime victimization specifically developed for, and within, a South African context. Therefore, the researcher examined criminal victimisation by referring to the three paradigms namely Positivist, Radical and Critical. The principles of Left Realism are strongly related to the research aims; each theory and each paradigm is unique, and each very valuable in its contribution in understanding victimization.

### **3.2.1 Positivist Victimology**

Early theorists of Victimology based their understanding of victimization on the various interactions and links that exist between the offender and the victim (Dignan, 2005:32; Miller 2009:165). These theorists highlights that victims are, to some extent, culpable for their own victimization. Scholars in Victimology such as Hentig (1948), Wolfgang (1958), Schafer (1968) and Amir (1971) classified victims' roles from being completely innocent in their attack to being totally responsible for their victimization. Their victim-blaming ideas viewed victims' behaviours and actions as contributors to their victimization (Miller, 2009:165-166; Walklate, 2007: 42). Victims, in this school of thought, presumed victims to be appropriate or ideal targets for victimization such as those who make themselves easily accessible and vulnerable to an attack (Walklate, 2007: 43; Meier & Miethe, 1993:462).

For example, both Wolfgang and Amir presume victims precipitate or contribute to their victimization by being associated with alcohol consumption. Although, Amir's perspective was critiqued for its attempt to explain victims' of sexual assaults culpability, and for assigning seductive dress-code and behaviour as major contributing factor which, he believed, enticed perpetrators to commit sexual crimes (Miller, 2009:166). Although, in keeping the concept of victim-blaming, his idea can be applicable to other categories of serious crimes. To some degree, Amir's explanation can also be applied to victims of aggravated robbery. In line with Amir's thinking, victims can be held partially responsible for their victimization when they openly display attractive valuables negligently, which may persuade opportunistic perpetrators to rob unsuspecting individuals. Furthermore, victims of aggravated robbery are rendered vulnerable if they are intoxicated. These theorists therefore focus on the victim and their role in facilitating victimization.

Theorists have taken various perspectives to uncover the opportunities that lead to victimization of violent and predatory crimes, such as aggravated robbery. These theories largely relate to the personal attributes, socio-economic situation, lifestyle and routine activities of victims (Miller, 2009:166-167). Most notable are the Routine Activities Theory by Cohen and Felson (1979) and the Lifestyle Exposure Theory by Hindelang, Gottfredson and Garofalo (1978), which have come to be the starting points of all victimological theories. The Routine Activities Theory suggests that opportunities for crime to occur are increased when there are changes made in daily routine activities. According to this, there is a higher probability that crime can occur if three crucial elements exist simultaneously in the same time and space (Newburn, 2007:347; Davis & Snyman, 2005: 42).

The first is the presence of a motivated offender, inclined to criminal behavior best explained by theories found in the arena of Criminology. In conjunction with a motivated offender, there should be the presence of a suitable target, which according to Cohen and Felson (1979), are evaluated by the motivated offender on whether:

- a) the item is valuable and worth the risk of apprehension and incarceration,
- b) the target itself is physically visible or not, and

- c) finally, the perceived ease of stealing the target. This includes the perpetrator's ability to steal the target without drawing attention to oneself, quick escape points after the crime, or the means to facilitate transportation of heavier property for fast escape, and the perceived victim's scope for retaliation, or lack thereof, during the process of the crime (Davis & Snyman, 2005: 40).

In line with the Positivist perspective, this suggests that victimization is a result of the victims' lifestyle, that is, victimization is a consequence of the routine activities of the victim (Newburn 2007:346). Here the victim is seen to be a facilitator in his or her own victimization. Facilitating victimization means that he/she had created the window of opportunity for the crime to take place (Newburn, 2007:345). Opportunities for aggravated robbery and a potential of victimization of such a crime increases by the presence of visible valuables (Newburn, 2007:345). Advancements in modern science and technology have contributed to the increase of predatory crimes, such as aggravated robbery. The increase in portable and expensive desirable goods, such as cell phones, laptops, ipods etc., has led to increases in victimization (Newburn, 2007: 448). Many individuals carry or own guns for their protection but, ironically can become targets for victimization as a result of their possessions. The ownership of a gun, a desirable item for any violent criminal, poses a threat to civilians in possession of a licensed firearm, thereby continuing the cycle of violence (Altbeker, 2004:61-62).

The third element according to Cohen and Felson (1979) is the absence of a guardian which can include other persons, neighbours, or inanimate objects such a closed-circuit television installation. A guardian is viewed as anyone or anything that has the potential to deter crime through its presence or through personal intervention (Davis, 2005: 40).

The routine activities and the lifestyle of an individual are intertwined and can be used to predict the risk of victimization on the basis of exposure through lifestyle patterns. The Lifestyle Exposure Model (LEM) coined by Hindelang, Gottfredson and Garofalo in 1978, suggested that the lifestyle patterns and choices of an individual are linked to their demographics and personal circumstances (Meier & Miethe, 1993:466)

According to the Lifestyle Exposure Model, exposure and risk of victimization are linked to the demographics of individuals. These include their age, marital status, gender, race and income (Davis, 2005:36). These feature prominently in LEM's five key elements, including role expectation, structural constraints, adaption, exposure and association.

- a. Role expectations are the expectations of individuals, such as, the roles of men and women. These are socially constructed and are created in the context of a patriarchal society.
- b. Structural constraints refer to the limitations that come with fulfilling the role expectations of an individual, including financial, family and legal constricting boundaries.
- c. With the factors of role expectation and the presence of structural constraints, a pattern of behaviour is formed. With the inclusion of age as a demographic factor, this pattern of behaviour continuously varies and the levels of probable exposure to victimization changes; this is adaption. For example, younger people are seen to be more at risk than older individuals. This is due to the fact that younger people tend to go out more often and are more frequently out of the house at night.
- d. Exposure refers to the unique and varied lifestyles of individuals. The assumption is that life circumstances places individuals in differing levels of potential victimization where some are higher than others.
- e. Lastly, association is the relationships built over a period of time between people who relate to one other as a result of similarities in lifestyles (Davis, 2005:36-38).

According to Davis, lifestyle choices are strongly associated with victimization. Exposure to risk of victimization is increased by evaluating how often and how long an individual spends in public areas. The more time spent there especially at night, correlates with the likelihood of criminal victimization against the person (Schontiech & Louw, 2001:7; Davies & Snyman, 2005:69; Davis, 2005:38). The amount of time spent with people of the same demographics is associated with risk: perpetrators of crime often prey on individuals within their own socio-economic class; making individuals from a low socio-economic status more at risk than others.



LEM identifies specific personal characteristics of offenders such as being youthful, single, male and unemployed. Individuals sharing these characteristics are more likely to have contact with perpetrators thus increasing their risk of victimization (Davis, 2005:38; Schontiech & Louw, 2001:7).

The risk of victimization through contact crimes can also be predicted by assessing the lifestyle patterns of people (Davis, 2005:38). Those who spend more time with individuals other than family are more at risk of violent crime such as aggravated robbery. Contrastingly, an evaluation of criminal activities by researchers such as Schontiech and Louw (2001) conclude that violent crimes, such as murder and assault, occur more often when there are gatherings of families, friends and other known individuals and where there is a presence of alcohol. Early victimological theorists such as Wolfgang (1958) and Amir (1971) placed blame on victims and highlighted alcohol consumption as the contributor to victimization of violent crimes (Miller, 2009:166).

By the same token, the ‘coming together’ of these family, friends and acquaintances assumes the idea of leaving the home and going out to an allocated rendezvous insinuates that individuals who leave home, are to some extent exposing themselves to possible victimization at any point of their route between their homes to the place of destination. This is not to say that victimization cannot occur within the home, but rather that increased exposure to public spaces increases the risk of victimization.

Financial status can also assist in establishing the risk of violent crimes; financial stability and a good income enables individuals to keep away from people with antisocial tendencies. This advantage implies that one can afford to live in an upper class, secured residence. These individuals are able to afford additional security measures such as private security, closed circuit television and alarm systems (Davis, 2005:38). Therefore, higher income families are less likely to be victims of violent crime than those who are financially less fortunate. However this refers to exposure to risk within the home, and does not necessarily relate to exposure outside the home, as noted in the earlier discussion propositions on likelihood of increased risk and victimization. Areas are deemed safer when they are clean, well lit and buildings are maintained and not dilapidated. This is less likely the case in rural and

impoverishes areas and these further increases the risks of victimization of violent crimes (Schontiech & Louw, 2001:8-9). Therefore, those who reside in poorer areas are overall more susceptible to violent crimes than those in richer areas.

The problems faced by the poor are related to relative deprivation. Elements of relative deprivation exists in ideas of perception of inequality; subjective comparisons result in feeling of being disadvantaged, treated unfairly in terms of access to opportunities such as employment, racial discrimination and low paid jobs and thus the inability to achieve goals such as a money lead to robbery with aggravating circumstances obtain their goals (Fajnzylber, Lederman, & Loayza, 2002:2 & 26). Factors such as poverty, unemployment, availability of guns, drugs, the presence of abuse and lack of parental supervision contribute to crime, and proliferate acts of violence (Holtmann, 2010:3; Dixon & Van der Spuy, 2004:93; Van Dijk, 2008:105; Davies, Francis & Greer, 2007:6 & 218). In fact, economically disadvantaged individuals are more likely to become victims of violent crime than those who are economically stable (Davies, Francis & Greer, 2007:6). Victims who experience relative deprivation are further marginalized when limited economic means prevent access to information and support such as medical and counseling services. The South African government provides guidelines for services to victim, thus assigning responsibility upon the state. However, tensions build when there is poor quality of services and the needs of victims are not met.

Lifestyle Exposure Model (LEM) also describes the general perceived appearance and attributes of individuals which can contribute to exposure to risk of victimization. Individuals are viewed as targets of crimes by offenders based on their accessibility, that is, whether they are in a crime-conducive and public area, their perceived vulnerability, and their likelihood to retaliate. In this respect, 'vulnerability' includes the perceived or real appearance of intoxicated or drugged individuals (Davis, 2005:39). Through identifying these elements as the general make-up of an ideal victim in the eyes of a perpetrator; these factors together or in isolation increase the risk of victimization. Research has indicated that lifestyle and routine activities are in fact very significant in predicting the risk of victimization particularly of property and personal crimes. Incidentally, these are also categories of crime which are entailed in acts of aggravated robbery (Miller, 2009:166).

Routine Activities Theory and Lifestyle Exposure Model (LEM) fall under the Positivist paradigm and focus primarily on predatory crimes and direct personal crimes such as aggravated robbery. Positivists define the term 'victim' by applying a stringent label which implies that he or she, in every case, had put themselves in the position of an attack (Dignan, 2005:33; Newburn, 2007:347). Prejudiced and largely critiqued from the feminist standpoint, victim-precipitation or blaming lays assumption for victim culpability through portraying victims as lacking foresight to prevent unwarranted attacks. The Positivistic approach lacks the role of offender as an opportunistic sinister antisocial individual whom preys on unsuspecting others (Walklate, 2007:43-45). The overall perspective of dubbing victim-blame is utilized as a defense in courts to subjugate the position of a true victim, victims' experiences and the effects of violent crime. While focusing in the victim responsibility in victimization, the CJS is underrepresented; however they are seen as the deliverers of justice; to punish the offender. Linked to the characteristic definition of the term victim and the rigid court processes often used to defend the offender, secondary victimization is not atypical (Digan, 2005: 32-33; Walklate, 2007: 51).

LEM is advantageous in its application as it can be generalised to apply to all individuals. It encompasses a variety of lifestyles ranging from the richer to the poor societies, both private and public domains, as well as all time frames such as a susceptibility to victimization during the day and at night. Garofalo (1987) noted that without exposure to crime, there can be no victimization and therefore the ideas of the model are in fact a reflection of truth. He further concludes that individuals' personal attributes may influence victimization, some more than others. This includes the state of mind and physical characteristics as viewed by an offender may increase risk of victimization especially with regards to contact crimes. For example, individuals who are preoccupied while walking on the road thus rendering them unaware of their surroundings. This compensates for a critique that presupposes that there are particular levels of motivation for criminal activity (Davis, 2005:39).

The 'Differential Risk Model of Crime and Victimization' coined by Fattah (1991), takes into account both the routine activities of the victim as well as their lifestyles to explain victimization. It accounts for societal disorganization and social inequalities which influence crime and victimization. The 'Differential Risk Model of Crime and Victimization' is related

to the potential for victimization, namely, opportunities, risk factors, motivated offenders, exposure, associations, dangerous times and places, dangerous behavior, high risk activities, defensive/avoidance behavior and structural/cultural proneness (Davis & Snyman, 2005; 43-44). This standpoint is victim-blaming and is comparable to the Positivist paradigm of Victimology. This idea can relate to victims reluctance to report their victimization to authorities and therefore denying themselves access to assistance, and ultimately, access to justice.

The victim-blaming perspective has been largely criticized for over-emphasizing victims' role in his or her victimization. To assume that any level of precipitation is a justifiable excuse for violent crime was deemed illogical. The presumption that there is something wrong with the personal attributes, or that their behaviour which deviates from the norm is reason for being targeted, was viewed as unreasonable (Davis & Snyman, 2005:62). On the other hand, the 'Rational Choice Theory' views the perpetrator as a rational actor whose decision to engage in crime and selection of targets for victimization are viewed as calculated conscious decisions. Nevertheless, it views certain characteristics and behaviours of individuals as responsible if not partially responsible for victimization. However, unlike Routine Activities Theory, the Rational Choice Theory is able to describe why crime is geographically-clustered rather than occurring at random and scattered (Clarke & Felson, 2008:244-246).

Scholars in Criminology such as Ferri (1913) and Sampson, Raudenbush and Earls (1997) quickly realized that more attention had to be given to structural inequalities such as poverty, which leads to victimization (Ferri, 2009: 563, Sampson, Raudenbush & Earls, 2009: 100). Victims who are geographically isolated and lack additional finances for support services may experience difficulty in accessing counseling services, social workers at community organisations, medical services and other such service providers. The Positivist paradigm was criticised for focusing on observable crimes in the public domain and overlooking crimes committed in the private arena such as domestic violence and rape (March, Cochrane & Melville 2004:109). These shortcomings are compensated for in the Radical perspective which focuses on the vulnerability of particular groups as well as structural inequalities (Newburn 2007:347).

### **3.2.2 Radical Victimology**

While there are a number of theories of victimization that stem from the idea that the victim is not necessarily blameless in his/her victimization, the Radical perspective shifts its focus towards the criminal justice system (CJS). This perspective takes into account the crimes of the powerful as well as the factors of social class strata which may influence crime and victimization (Newburn, 2007:347). Victims are viewed broadly to encompass factors such as the role of the CJS and the state which create these definitions (Dignan 2005:33). Emphasis is placed on the role of the state and the criminal justice system is responsible; both held responsible for the social construction of the 'victim'. The CJS is also seen as one of the main contributors of secondary victimization of the victim (Sullivan & Tifft, 2006:33; Goodey, 2005:102). Radical criminologist Quinney (1972) includes conventional and unconventional victims and categorises them as "victims of police force, victims of war, victims of the correctional system, victims of state violence, victims of oppression of any sort" (Marsh, Cochrane & Melville, 2004:110).

Under the Radical school of thought, the external socio-economic factors that individuals are exposed to, forces their hands to resort to a life of crime; these individuals, or offenders, are victims of economically disadvantaged circumstances (Dignan, 2005:33). This notion is negated and is critiqued for not taking crime victimization seriously (Newburn, 2007:347). The fact that more focus is placed on the offender as victims of the state and its role-players than the victims of the offenders themselves is a major critique of Radical Victimology.

The Radical perspective focuses more on the Criminal Justice System (CJS) rather than on understanding victimization as a result of the victims' own actions and behaviour. It takes into account the crimes of the powerful as well as the factors of social class strata which may influence crime and victimization (Newburn, 2007:347). This approach in a sense views the term 'victim' broadly to encompass factors such as the role of the CJS and the state which create these definitions (Dignan, 2005:33). The perspective notes the role of the state and the criminal justice system is responsible for the social construction of the 'victim' (Sullivan & Tifft, 2006:33). As noted earlier in the introduction, victims of crime come from a social group that is largely marginalized. Victims' rights also go unrecognized by the state and the CJS. The role of the CJS is vital for victims in terms of seeking support, information and guidance.

Research (Davis & Snyman, 2005; Goodey, 2005; Orth, 2002; Cory, 2011) indicates that victims are not prioritized, and more often experience secondary victimization within the CJS (Newburn, 2009:397). As a result, victims lack of information, guidance and support; affecting the decision to seek assistance from the CJS in future.

### **3.2.3 Critical Victimology**

This approach draws elements from the labeling theory and highlights the way in which the label of 'victim' is assigned to individuals who have experienced crime. They question two things; who has the power to give such a label and what is it that constitutes a 'victim' (Dignan 2005:34). The Critical paradigm argues that if totally innocent, non-precipitating are 'deserving victims' or 'true victims' and therefore viable to receive appropriate responses and support then it is important to understand how and what it is that constitutes the term 'victim'(Walklate 2007:44). This approach argues that victim services are more a right rather than a need and argues that mere citizenship should imply that the state take responsibility in ensuring that policies are in place to support the rights and services to victims (Newburn, 2007: 347-348; Davis & Snyman, 2005: 7; Mawby & Walklate, 1994:21). Critical Victimology had a strong influence on the ideas of Left Realism.

#### **3.2.3.1 Left Realism**

Left Realism speaks directly to the issues of crime victimization and access to justice by placing victims at the centre; emphasizing the need to involve victims themselves in understanding victimization and influencing policy-making decisions (Young & Matthews, 1992:108). It was built on the premise that the law simultaneously prevents crime and assists victims unlike Right Realists whom place emphasis on the creation of more punitive policies (Elias, 1996:18; Newburn, 2007: 266; Schmalleger, 2002:222). Tierney (1996) identifies the four main points of Left Realism which sought to develop an empirically-based picture of local crime and its impact, while also focusing on understanding the causal factors of crime. It aimed to explore the relationship between the offender, the victim and formal and informal controls and in addition develop policy that is practical and aimed at reducing the rate and impact of crime (Newburn, 2007:266).

Originating from British Radical Criminology in the 1970's; Left Realism proposed a realist view of what was happening in terms of crime and criminal behaviour (Newburn, 2007:624). Crime was rooted in social inequalities such as the experience and feeling of relative deprivation, poverty, social injustice and marginalization (Lea, 1992:4). Violence is perpetuated through youth exposure to violence within their communities (Hawkins, Herrenkohl, Farrington, Brewer, Catalano, Harachi, & Cothorn, 2000:2). Predictors of youth involvement in violent crime in later stages are also related to low levels of education, poverty and the availability of illicit drugs and alcohol (Hawkins & Percy-Smith, 2007:7). Research by Govender (2003:2) on adolescent boys indicated that many juvenile prisoners had dropped out of school and resorted to crime as a means to survive. A study was conducted in a children's home, in Tongaat, for teenage boys that are under-privileged, neglected and exhibit antisocial behavior (Govender, 2003:35). The findings confirmed a link between low income households and patterns of delinquent behavior. With issues of high unemployment rates, a shortage of job opportunities and a low education profile, it is no surprise that crime has manifested in the Tongaat area.

Left Realism stems from Criminology's social positivism that is the idea that better conditions reduce levels of crime and neo-classicism or effective punishment for crimes reduces crime (Young & Matthews, 1992:24-25). It was evident that economic restructuring and improved conditions had suffered an 'aetiological crisis'. In other words, it had an opposite effect on levels of crime. Crime continued to rise even with increased number of police officials and an increase in the prison population. Left Realism emerged from issues of policing and ideas of moral panic as a result of increased awareness of crime victimization. The increase in public criticism about service delivery and CJS accountability further contributed to the emergence of Left Realism (Newburn, 2007:266).

The theory removes the misconception that a crime, especially predatory crime, is perpetrated against the wealthy. Victimization includes those who are oppressed at the hands of the powerful and accounts for those victimized by the state and its agents, such as, the police and correctional services (Walklate, 2007:37; Sullivan & Tifft, 2006:33; Davies, Francis & Jupp, 2003:4). Studies highlight a lack of understanding of the trauma that victims' of violent crimes

face, which results in the insensitive treatment of victims within police stations (Laxminarayan, 2010:63, Nel & Kruger, 1999:5-6).

Young (1998b), a Radical criminologist, focused on the nature of capitalism, media and their political and moral irresponsibility in neglecting the plight of the poor. He turned away his focus from crimes of the powerful towards Left Realism. He formulated what he calls 'the square of crime' which depicts the interaction between the police and agents of social control, the offender, the public and the victim, and argued that crime is a consequence of these social relationships. He maintained that the rejection of any one of these factors would render any explanation of crime incomplete. 'The square of crime' can also be applied to responses to victim needs. Interventions implemented in the victim-healing processes, like crime prevention initiatives, should occur at all levels as they are all interlinked. They should also examine factors such as the lack of public mobilization, inadequate target hardening and ineffective policing. Young and Lea's (1989) work has highlighted the need for democratic policing and the enhancement of public trust and cooperation, and went on to discuss the real circumstance of both offender and victim, and the need to protect the victim. The writers saw relative deprivation as the root of crime amongst the poor and concluded that increased relative deprivation increases discontent thus creating a need for new politics of crime control (Newburn, 2007:267).

The left advocated the use of qualitative and quantitative evidence to influence policy decision makers by understanding and taking seriously the impacts of crime, such as street crime, the fear of crime, violence against women, perceptions and police responses. It considered communities that experience crime as primary experts and strongly encouraged the view of including them in crime prevention solutions (Winfrey & Abandinsky, 2010: 296). The significance of utilizing both qualitative and quantitative methods is their ability to obtain first-hand accounts of victimization and victims' subjective interactions with the Criminal Justice System (CJS) while at the same time maintaining cross-sectional and longitudinal analyses (Marsh, Cochrane, & Melville, 2004:110). Together, these scientific methods of inquiry are able to obtain a holistic understanding of crime victimization.



The use of local crime surveys highlights the plight of victims by obtaining descriptive information on 'problems as people experience them'; including levels of fear (Young & Matthews, 1992:108). Crime surveys are a compilation of detailed information which is not normally attainable from recorded crime statistics which are solely dependent on reporting victims. For example, official records are more likely to reflect experiences whereby victims have suffered physical harm or considerable financial loss and are less likely include foiled aggravated robbery experiences (Karmen, 2004:154). Crime surveys were critiqued for their inability to accurately record the true numbers of victims of certain crimes, like domestic violence, due to the sensitive nature of the crime and thus reflected lower rates of victimization but higher levels of fear of victimization. They were therefore unable to fully grasp the nature and extent of the true impact of victims of crime. However, by including variables such as age, gender and class these methods are successful in identifying that crime is not geographically sporadic but socially focused on the vulnerable, and that victimization is a result of a combination of risk and degrees of vulnerability (Marsh, Cochrane & Melville, 2004: 110; Newburn, 2007:268; Davies, Francis & Jupp, 2003:4).

Criticism is lodged against the approach for adopting a democratic process with the assumption that citizens are knowledgeable of their rights and of responsibilities of the state. Nevertheless, Left Realism reflected on the realities of crime and focused on the state and its agencies. It advocates for greater democratic control of the police and argued that the relationship between the public and the police can be improved through police efficiency and accountability. It attempts to develop all-encompassing crime control strategy while accepting the need for it to be pragmatic and empirically based, extending on both macro and micro levels of society. Reflecting on the realities of crime, Left Realism brings greater meaning to crime victimization by focusing holistically on the victim, the state and its agencies. It aims to improve the response of the CJS to take crime victims experiences seriously and to influence policy (Marsh, et al., 2004:111; Davis, et al., 2003).

The ideas of Left Realism imply that responses to crime are best understood and resolved when there is an involvement of people who are affected by it, that is, crime victims and society in general. While law enforcement agencies are sworn to protect the general public, combat crime and prevent it, their duties cannot be successfully accomplished without the

cooperation and support of citizens themselves, and this is a key factor to a solution to crime and improved responses to victims of it.

### **3.3 CONCLUSIONS**

The studies of victims have been limited in its theoretical foundation. The significant theories of routine activities and lifestyle exposure model have evolved and incorporated in a number of fashions. However, not much has specifically honed into a South African context. Research in the study of victims in South Africa has focused primarily on victim perspectives, their needs in accordance to the different types of victimization, and the issue of secondary victimization. In addition, research has been done in an attempt to reform legislation, as well as to monitor and assess victim programs pertaining to victims and victim needs (Davis & Snyman, 2005:26-27). However, much of the research has been critiqued for depending largely on international theories of Victimology, by taking these theories and attempting to convert and apply them to a South African context. It is critical of the fact that research in South Africa has been highly gender biased. The study of Victimology in South Africa has been limited; with the predominant focus on women as victims. Furthermore, the idea of victims being deserving of the acts of violent crimes such as aggravated robbery executed against them, denies these victims the acknowledgement and the recognition for the traumatic toll these forms of crimes can cause. Victimization caused by lifestyle opportunities, related to demographics or daily activities of individuals, the impact of violent crime is the same. Even with critique, these perspectives shed light on the understanding of victimization and more especially predatory contact crimes like that of aggravated robbery.

As the study understanding crime and victimization moves away from Positivist perspective, the spotlights grows bigger for the role the CJS and state in victim rights reform. The notion of Left Realism is fitting to this research by acknowledging victims and their vulnerability not only as victims of crime, but also as victims who may experience further harm unwittingly at the hands of the state and CJS. This highlights the need for improved trust between public and police and better efforts are to be made to involve the victim. Left Realism, like this research, seeks to emphasise the plight of victims and the roles of the state and the CJS as central focus in taking victim testimonies as guiding tools to reduce crime and victimization and provide

protection and assistance for all victims of crime. Victim rights, policy and guidelines have been developed on a global scale influencing the South African perspective.

The Critical paradigm goes beyond social class and considers the underlying issue related to patriarchy which it is claimed determines socio-economic statuses. Strongly associated with Feminist Victimology, the Critical approach places emphasis on gender violence and child abuse. To account for the shortcomings of the Radical paradigm, Critical Victimology includes of race as an element that should be considered in understanding victimization. Unlike the Positivistic and Radical paradigms, Critical Victimology has a more holistic approach, taking into consideration the idea of socially constructed definitions of victims as well as historical and cultural contexts that play a role in creating the term 'victim', and which are neither rigid and therefore not generalized (Dignan, 2005:35).

Whilst Critical criminologists had made important contributions to understanding crimes of the powerful; it ignored the underlying root causes of crimes committed by the poor against their own, and the significance of the state and public in influencing crime control. The ideas of Left Realism drew from these shortcomings and brought about new thinking in terms of crime control. Left Realism is deemed to be more relevant to this research as it provides a background understanding of the significance of the victim and their experiences and the role of the state.

## **CHAPTER 4: RESEARCH METHODOLOGY**

### **4.1 INTRODUCTION**

A qualitative approach was deemed most suitable for this research as it enabled the researcher to obtain an in-depth understanding of the views and attitudes of victims. According to Maree (2007) 'qualitative research focuses on describing and understanding phenomenon within their naturally occurring context[...] with the intention of developing an understanding of the meaning(s) imparted by the participants' (Maree, 2007:51). By utilizing a purely qualitative approach the researcher was able to delve into victims' experiences and obtain emotive and detailed accounts. Rather than statistical accounts, actual victims' narrative translated into a great deal of rich and meaningful data.

Research on victimization is complex because it deals with the experiences of human beings in relation to crime. Each tale of victimization is unique, and due to the sensitive nature of the crime, traumatizing. The data was collected by means of interviews and the key to its success is linked to the skill of the interviewer. The researcher was also the interviewer, and therefore these terms are used interchangeably throughout this document.

Initially, 'interview practical guides' were utilized to develop the skill of interviewing including asking the right questions, and listening to and recognizing non-verbal cues. The researcher conducted interviews and paid meticulous attention to minimizing secondary victimization as a result of the research process. While interviews were conducted in a manner that was polite and respectful, the researcher was empathetic and ensured that participants who had been victims' of crime were comfortable prior, during and post the interview process. Special attention was paid to probing questions to ensure that questions were not perceived as offensive or judgmental.

## **4.2 DATA COLLECTION PROCESS**

In order to achieve the research objectives, the researcher obtained information from individuals who had been victims of aggravated robbery at a residential, on the streets and/or in a place of business. The first-order experiences of actual victims especially in relation to their interaction with the criminal justice system were explored. The term ‘first-order’ implies the use of real life experiences or lived experiences as it has been described by participants (Pietersen, 2007:60). In addition, information was collected from a wide range of individuals including community leaders and professionals, who work in the community; including government and non-governmental role-players; who will act as key informants on the issue of service delivery. These community experts, with their particular knowledge, experience and understanding will be able to provide valuable insight on the nature, extent and challenges around services for victims of aggravated robbery.

Primary data was collected from victims of aggravated robbery from the districts of Tongaat Central and Tongaat South because of the high density of individuals residing in these areas. Tongaat Central is also the central business district. This allowed for easy access to a diverse range of business owners, residents as well as various service providers in the area. Information was gathered about the details of the crime, how participants viewed their own experiences of victimization, post-crime treatment by the criminal justice system (CJS) as well as the views of members of service providers and the CJS regarding victims and victim services.

### **4.2.1 Primary Data Collection**

The primary data collection tool was face-to-face interviews. The interviews were guided by the use of a preset interview schedule. The questions herein were constructed to meet the main objective of the study and were based on the key questions of the research itself. The questions were formulated with intent to direct interviews towards answering these key questions.

Closed ended questions were used to obtain biographical details of each participant, and open ended questions were used to obtain explanatory responses. An advantage of this form of

interviews is that it allows the interviewee to clarify responses and probe for more details surrounding certain responses. It also guarantees a better response rate (Maree, 2007: 164). Victims were able to fully express themselves in their responses to open-ended questions and, in some instances, this was the first opportunity they had to do so about their victimization and interaction with the criminal justice system after the crime (See Appendix 8.4). As a result the researcher was able to obtain a substantial amount of detailed information.

Field notes were made during the course of each interview. These notes were based on the researcher's observation about the location of the homes and businesses, especially if that was the site of the crime, as well as notes about the participants themselves. These included body language, facial expression, hand gestures and the like. This allowed for multiple analyses of the data. Field notes are notes inconspicuously written while in the field on relevant information in short phrases in order to enhance the analysis of the narratives obtained from victims (Neuman, 1997:66 & 364).

The interview process was conducted in two phases. Phase one involved face-to-face semi-structured open-ended interviews with key informants. The criteria for the selection of key informants were based on their likelihood to encounter victims of crime, and provide a service to them. Their particular knowledge and understanding would assist in providing insight into the challenges relating to access to justice for victims as well as possible solutions. Thus, key informants included members of the local police, a private security company, a pastor from the local church, a nurse from the local hospital, two social workers, and a prosecutor who deals with Tongaat cases, the chairperson from the local victims' centre and a general practitioner from the local clinic.

In order to gain access to these key informants the researcher had liaised telephonically and in person, with members of the various organisations who had the authority to grant the researcher access to the organization, and permission to conduct the interviews. These members included, the manager of the Tongaat Child Welfare and Trauma and Victim Support Centre, the manager of a private security, and the SAPS Colonel who was second-in-charge and responsible for the Tongaat precinct. These individuals played the role of gate keepers. Gate keepers are people who are able to assist a researchers' access into the field of research

(Neuman, 1997:351). These interviews sought to explore whether victims were referred, the types of services offered to victims, and to what extent were service providers trained, and capacitated to deal with victims of aggravated robbery (See Appendix 8.5).

Preliminary meetings, exploratory telephonic conversations and face-to-face encounters gave way for the arrangement of formal interviews and allowed the researcher to convey information on the research aims to potential participants. Interviews were conducted in the vicinity of the organisations itself, often within the offices of the respective interviewees. In some cases, where requested, verifying documentation such as formal letters which validated the study was submitted to the organisations and individuals concerned (See Appendix 8.6).

In Phase Two, personal semi-structured interviews were conducted until saturation point was reached. Saturation point is when no new ideas or information is being gathered in the field work, that is, participants' responses become repetitive throughout the process of the fieldwork (Ritchie & Lewis, 2003:152). Eventually, a total of 25 residents who had been direct and indirect victims of aggravated robbery were interviewed. Discussions were restricted to incidents of aggravated robbery over a period of 5 years (1<sup>st</sup> Jan 2005 to 31<sup>st</sup> Dec 2010). The location for the interviews with all participants was prearranged. This varied, with the overriding consideration being the convenience for participants themselves. Careful attention was paid to ensure that the environment was safe for both the researcher and the participants.

#### **4.2.2 Victim Profile and Trends**

Participants in the study came from diverse backgrounds and consisted of individuals with differing levels of education, marital status and race group, namely; Indian, Coloured, and Black (See Table 4.1 below). The participants comprised 17 males and 8 females from the ages 18 years and older, with the oldest participant being 82 years old. The education profile of participants ranged from those who were illiterate to those registered in institutions for higher education. The sample included single, married and separated individuals. Participants were of South African nationality (Indian, Coloured, and Black) except one who was Zimbabwean. Participants included those who were employed, unemployed, those seeking employment, those not seeking employment. Business owners (6), permanent employees (9), part time

employees (4) as well as university students and scholars over the age of 18 years, participated in the study.

**Table 4.1: Summary of Victim Participant Profile**

<b>AGE:</b>	<b>18-30 years Old</b>	<b>31-82 years Old</b>		
	13	12		
<b>LEVEL OF EDUCATION:</b>	<b>Primary &amp;/or Secondary</b>	<b>Tertiary Education</b>		<b>None</b>
	13	11		1
<b>RACE:</b>	<b>Indian</b>	<b>Coloured</b>		<b>African</b>
	22	1		2
<b>NATIONALITY:</b>	<b>South African</b>	<b>Foreign</b>		
	24	1		
<b>EMPLOYMENT: STATUS:</b>	<b>Business Owner</b>	<b>Employed</b>		<b>Unemployed</b>
		<b>Part-time</b>	<b>Permanent</b>	
	6	4	9	6
<b>MARITAL STATUS:</b>	<b>Single</b>	<b>Married</b>		
	16	9		

#### 4.2.3 Sampling

Interviews were conducted in two phases. Phase one involved interviews with specific individual who have in-depth or expert knowledge on victims of crime, and those who are likely to have professional or significant experience in providing support to them. Therefore, a purpose sampling method was employed for phase one. Purposive sampling is defined as a “particular settings, persons, or events are deliberately selected for the important information they can provide that cannot be gotten as well from other choices” (Maxwell 1997: 87).

Phase two involved the identification of victims of crime to partake in the interview process. It was virtually impossible to obtain names and contact details of victims from the police; therefore the researcher depended on information from community members that knew of



people who had been victims of aggravated robbery. Snowball sampling was deemed most suitable for this phase of the interviewing. Snowball sampling can be defined as “a technique for gathering research subjects through the identification of an initial subject who is used to provide the names of other actors. These actors may themselves open possibilities for an expanding web of contact and inquiry” (Atkinson and Flint 2004: 1044-1045). The researcher made first contact with a former colleague who resided in the Tongaat area, and had been a victim of aggravated robbery in the past. An interview was conducted with this individual who then provided leads to others who had similar experiences. Those who were able to identify other victims of crime were requested to obtain permission for the researcher to make initial contact with them. The interviews progressed up until reached a saturation point.

#### **4.2.4 Approaches to Rigour**

The format of questioning in semi-structured interviews serves to lead the interview. Interviewees may be reluctant to divulge information and therefore particular attention had to be paid to ensure that validity is retained and interviews were untainted (Whitzman, 2008:23). Reliability is “the likelihood that a given measurement procedure will yield the same description of a given phenomenon if that measurement is repeated” (Babbie, Mouton, Vorster & Prozesky, 2001:125). Interview reliability was achieved through the informal training of the interviewer, and through the use of two standardized interview schedules; one set of questions for all key informants and another for victims of crime (Gray, 2009:193).

While qualitative research is difficult to replicate, Gray (2009) suggests that researchers may substitute external validity through illustrating internal validity (Gray, 2009:190, 498). In order to attain internal validity, the researcher adopted a reflexive stance. Reflexivity refers the “realization that the researcher is not a neutral observer, and is implicated in the construction of knowledge” (Gray, 2009: 498). Therefore, the researcher’s personal values, beliefs and biases in general are made explicit. Internal validity was further strengthened by demonstrating victim sampling saturation and data saturation (Gray, 2009:190-191). Because the research area is specific and the levels of crime and experiences of victims may vary from one location to another; a large sample size was used to increase credibility of the data collected.

Ultimately, the sample size was a product of saturation, whereby no new knowledge was derived from the victim interviews (Morse, Barrett, Mayan, Olson, & Spiers, 2002:12).

According to Mason (2002) Validity is described as “the extent to which a specific measurement provides data that relates to commonly accepted meanings of a particular concept” or rather it is “whether a researcher is observing, identifying or measuring what they claim they are (Babbie, Mouton, Vorster & Prozesky, 2001:125; Gray, 2009:515). Validity was enhanced through the provision of a literature review which was used to indicate differences and similarities in the findings of previous studies (Gray, 2009: 516).

Authenticity is ‘a fair, honest, and balanced account of social life from the viewpoint of the people who live it every day’ (Neuman, 2006:197). The use of face-to-face interviews, and semi-constructed open-ended questions, allowed for a greater understanding of each participant and their recount of victimization (Seale & Silverman, 1997:379-380 & 412-413, 408). This approach to rigour included two fold interviews; one of which were with victims of crime and the other with members of the various service providers to victims of crime. This allowed the researcher to gather information from two differing perspectives to formulate a holistic view on victim support and access to justice (Gray, 2009:194).

Generalization was not a component in the aims of the research. It is difficult to achieve this in any qualitative research. However, based on the review of literature on the experiences of victims of crime with the Criminal Justice System, the findings and the recommendations of this research are suggestive in its application to other communities similar to Tongaat (Gray, 2009: 191).

#### **4.2.5 Data Analysis**

With the permission of each participant, the interviews were recorded through the use of a user-friendly compact dictaphone. This enabled the researcher to establish trust and empathy with participants without being distracted through manual recording while the small size of the recording device assisted in avoiding distracting the interviewee. The method of voice recording the interviews allowed for easy transcription of data at a later stage thus enhancing

the process of analyses. Recorded interviews were transcribed immediately after each interview. The transcriptions included personal observations of participants' facial expressions, physical body language and actions into the same documents. In this way the data became familiar to the researcher.

The data was analyzed manually and by means of inductive thematic analysis to make sense of the information gathered through observation and interviews in the community. This is a method through which the researcher was able to identify, analyse, and report patterns (themes) within data. The selection of themes was based on the criteria of meeting the aims of the research. During transcription, codes were ascribed to certain issues that were raised in the text. This allowed for the researcher to become familiar with the data in general, and the themes that arose from each interview (Gray, 2009:496).

Aspects of the data such as shared and contradicting emotions, experiences, ideas and phrases used by participants were carefully allocated to themes and subcategories. As a result, these succinct themes represented the "communality of voices across participants" (Anderson 2007:1). This allowed for information to be categorized, making reference to relevant data easy. Through this process the researcher was able to organize large amounts of the information gathered and thereby interpret information by identifying emerging patterns, making comparisons and uncovers affluent meanings (Maree, 2007: 105-106). After meticulous re-reading of the transcripts, the researcher then focused on to certain sections of the text that raised pertinent issues to the research aims. Paragraphs or sentences that reflected the themes were noted. This allowed for the researcher to cross-reference the data, and reject or consolidate it based on the whether the themes and the narratives fitted the criteria. The selected themes are provided in Table 4.2.

Throughout the coding process, the researcher was mindful of Strauss's (1987) fundamental principles of the data analysis process:

- 1) The data should relate to the objectives and aims of the study
- 2) The data should be analysed meticulously and should include multiple examples, incidents and categories

- 3) The researcher should take time at various stages of the coding process to compose theoretical accounts to ensure that that information is not forgotten.
- 4) The researcher should not make any assumptions regarding age, gender and social class etc., unless such variables find relevance through the data (Gray, 2009:503).

A detailed breakdown of the themes and supporting narratives are laid out in chapter 5. Based on that chapter and an amalgamation the literature review and the theoretical framework, a discussion of the findings are provided in chapter 6.

**Table 4.2: Details of themes and sub-themes**

	<b>Chapter 5: Victim Perspectives In Tongaat</b>	<b>Chapter 6: Access To Justice In Tongaat</b>
<b>Theme 1</b>	<p>The Extent of Direct Victimization in Tongaat</p> <ul style="list-style-type: none"> <li>• The Consequences of Direct Victimization <ul style="list-style-type: none"> <li>○ Behavioural Effects</li> <li>○ Psychological Effects</li> <li>○ Financial Effects</li> <li>○ Fear of Crime</li> <li>- Vigilantism</li> </ul> </li> </ul>	<p>Discussing The Victims' Perspective And A Violation Of Human Rights</p> <ul style="list-style-type: none"> <li>• Victim Perception of the SAPS</li> <li>• Police Responses</li> <li>• Restorative Justice Practices</li> </ul> <p>Barriers in Court Procedures</p>
<b>Theme 2</b>	<p>Victim perspective with the Criminal Justice System</p> <ul style="list-style-type: none"> <li>• Reporting the Crime</li> <li>• Identification Process</li> <li>• Progression of Cases <ul style="list-style-type: none"> <li>○ Restorative Justice</li> <li>○ Court Processes</li> </ul> </li> <li>• Court Processes</li> </ul>	<p>Same as above</p>

	<b>Chapter 5: Victim Perspectives In Tongaat</b>	<b>Chapter 6: Access To Justice In Tongaat</b>
<b>Theme 3</b>	<p>Victim Needs</p> <ul style="list-style-type: none"> <li>• The Need for Emotional Support</li> <li>• The Need for Medical Care</li> <li>• The Need for Restitution</li> <li>• The Need to Receive Information</li> <li>• The Need for Protection and Assistance</li> </ul>	<p>Violation Of Rights Specific To The Victim's Charter</p> <ul style="list-style-type: none"> <li>• Right to Psychological Support</li> <li>• Right to Medical Assistance</li> <li>• Right to Restitution</li> <li>• Right to Information</li> <li>• Right to Assistance</li> <li>• Right to Protection</li> </ul> <p>Civilians as Custodians</p>
<b>Theme 4</b>	<p>Victim Support Structures in the Area</p> <ul style="list-style-type: none"> <li>• Victim Awareness of Services</li> <li>• Other Available Services in Tongaat</li> </ul>	<p>Victim Support:</p> <ul style="list-style-type: none"> <li>• Gender-Focus Practices in Service Delivery</li> <li>• Knowledge and Awareness</li> </ul>

### 4.3 ETHICAL CONSIDERATIONS

The fact that the researcher was a young female influenced interviewee bias. It became evident that participants who were closer to the age group of the interviewer were more willing to share their tales of victimization. At first older business owners were reluctant to continue with the interviews, despite initially agreeing telephonically to follow through with interviews. These individuals expressed misgivings about the youthfulness of the researcher. However, it was only later in the data collection process that age became less of an obstacle, and the researcher was able to conduct several interviews with multiple store owners.

During the course of the data collection, the researcher was referred by one participant to at least two black males who resided in the rural areas in Tongaat. However, these males were

not willing to be either contacted or interviewed. The reason cited for their reluctance was that men cannot speak about traumatic experiences. Cultural stereotypes expect men to be strong and not show weakness and vulnerability by speaking about their victimization, and especially not to a young female (Walklate, 2007:99 & 190; Whitzman, 2008:41). The response of one gentleman was that he would “lose my [his] status as a man” (Pers com Resp No.10). Attempts to access these individuals included suggestions for a male interviewer. This was also met with disapproval. Whether their resistance towards the researcher or the interview itself was a display of masculinity or related to culture remains unknown. Nonetheless, it infers highly valuable information, that there is a degree of stigma attached to male expression of traumatic experiences (Islington 2011:7; Counselling Directory, ND: 4).

The methods of inquiry had raised ethical issues. However, special measures were taken to ensure that participants were protected through the use of an informed consent form which was explained verbally as well as in a written format that specified (in the language that participants understood) the nature and purpose of the research were clearly stated (See Appendix 8.2 & 8.3). Herein, the fact that participation was voluntary and all information would be confidential was emphasised. Participants were assured that confidentiality would be maintained and anonymity would be upheld where appropriate.

The informed consent forms drew attention to the fact that participants were free to withdraw from interview at any time without any negative or undesirable consequences to themselves. In addition, it provided the nature of the benefits and risks that participants may encounter as a result of their participation in interviews. The outline of the consent forms were also verbally conveyed to all participants.

Due to the very high rates of violent crime in Tongaat one can conclude that the rates of direct or indirect victimization are also high. This study involves abstract concepts which are linked to emotive responses and experiences. The interviewer was mindful of the fact that in some instances the interview may become stressful or traumatic for some while in other instances victims may view the interview as an opportunity to “tell their story” and “have a voice”. In instances where the interview were to become stressful the researcher referred the interviewee to a relevant victim support services; a clinical psychologist at the health clinic in the area. The

clinical psychologist had been approached by the researcher prior data collection process. A formal letter was submitted to the professional to request for assistance in the field work of the research (See Appendix 8.8). The selection of this clinical psychologist was based on the fact that the services of the professionals at the community clinic are provided to the public at no cost. The clinical psychologist had agreed to attend to those serious cases that may have needed psychological intervention (See Appendix 8.9).

#### **4.4 LIMITATIONS TO THE STUDY**

While the researcher was able to telephonically pre-arrange interviews, not all participants kept their appointments and often cancelled at the last minute or did not attend at all. For example, one participant did not follow through with arranged meetings on five different occasions. Regardless, the willingness of many other participants compensated for this.

#### **4.5 RESEARCHER REFLEXIVITY**

The researcher is fully aware of the effects of victimization. As a victim of crime on numerous occasions in the past, the researcher has lived in fear of victimization both at home and in public spaces. While the experience of being a victim of foiled aggravated robberies caused the researcher to be over concerned with personal and familial safety, robberies at home caused bouts of self-diagnosed insomnia and nocturnal paranoiac periphery investigation of the home.

The researcher has experienced many of the acute and severe effects of violent crimes as a result of compounded victimization. At some stage, during the course of the data collection process, the researcher had contemplated seeking counseling because of a sense of identification with the subject matter, but eventually found it unnecessary. After a traumatic experience everyone has different ways in which they try to take back control of their lives. This study is the researcher's way of gaining a greater understanding, not only of victimization, but also of the experiences of others who live in fear of crime.

The researcher's experience with the Tongaat's South African Police Services (SAPS) is limited to the certification of documents. While standing in queues for up to half-an-hour can

be overlooked, it was the presence of handcuffed suspects who stood a few steps from the queue that was most disturbing. In some cases, suspects were having their pictures taken while holding a small white board with what can only assumed to be their name and, the charge that were laid against them. At other times, handcuffed suspects sat on the floor looking around at the people that walked in and out of the police station. This was witnessed more often than not, and had therefore assumed that this was a common event. More recently, the researcher had a similar experience at the Tongaat SAPS station. On that day the researcher conversed with the officer assisting and enquired about the existence of a separate facility in which suspects could be held during the administration of their charges. The response was vague and indicated that suspects could be sent to a detention area or jail only after the paper work had been completed. Additionally, the officer quietly confessed regret about the career choice as an officer in the SAPS, and claimed that salaries were poor, and that there was an absence of teamwork in efforts of service delivery to the community.



## **CHAPTER 5: DATA RESULTS**

### **VICTIM PERSPECTIVES IN TONGAAT**

#### **5.1 INTRODUCTION**

The main aim of this research has been to explore the experiences of direct and/or secondary victims of aggravated robbery in relation to access to justice with specific reference to the availability of services, or lack thereof, for victims. Interviews were conducted with 25 members of the community who had been victims of aggravated robbery, directly or indirectly, within the last five years. This had taken place at their residences, business premises and public spaces.

This chapter is centered on the narratives of victims of aggravated robbery, their experiences with the Criminal Justice System (CJS). This is supplemented with the information obtained from key informants that is, state and non-state service providers who were directly or indirectly involved with services for victims of crime, such as a SAPS criminal-investigating detective (CID), a nurse from the local hospital, influential members from the Trauma and Victim Support Centre (TVSC), a church Minister, a private security officer, social workers from two different community organisations, namely, the Haven of Rest and the Tongaat Child Welfare and a prosecutor from a Magistrate Court. Interviews with key informants were conducted to uncover the extent of victimization from aggravated robbery, to explore the services available to victims, and to discover a way in which victim service providers whether private or public, can further assist victims' in accessing justice.

The narratives of both victims and key informants have been integrated to discuss victims' interaction with the CJS, the effects of the actual crime on victim participants and the various support structures available to them in Tongaat, and victims' needs in relation to access to justice.

## **5.2 EXTENT OF DIRECT VICTIMIZATION**

Of the 25 interviews conducted with victims of crime participants, 22 were with directly affected persons, while the remainder were with first-hand witness of aggravated robbery. Three of the direct victims were also witnesses to other incidences of aggravated robbery. A significant proportion of the participants (11 of 25) had been victimized more than once, some up to 5 times. Most of the participants had been confronted by multiple robbers, wielding guns or knives, and in few incidences other dangerous weapons such as pangas. Robberies had occurred at all hours of the day, mostly during daylight, a few in the early hours of the morning, and only one at night. Robberies which did not occur on the sidewalks of Tongaat generally occurred within homes or business premises.

### **5.2.1 Consequences of Victimization**

It is important to understand the effects of crime and victimization in order to adequately address victims' needs in relation to access to justice for victims. Extensive literature (Emmett & Butchart, 2000; Walklate, 2007; Hill, 2009; Dignan, 2005; Hanson et al., 2010; Miller, 2009; Thompson & Ruback, 2001) exists on the consequences of violent crime. The effects of violence vary from minor affects to severe with short and long term consequences for victims. Victim participants described the behavioural, psychological, and financial effects of their victimization as a result of aggravated robbery.

#### **5.2.1.1 Behavioural Effects**

As a result of the crime understandably, victims tend to make special efforts to avoid stimuli that remind them of the traumatic event. For example, many participants who were robbed while walking on the road have since changed their routes or have opted to use public transport. In this way, victims consciously avoid thinking about the incident and avoid the area where the crime had occurred. Three participants moved out of their place of residence, trading their social lives, including neighbours and friends, for a safer area to live in.

#### **5.2.1.2 Psychological Effects**

Victims tend to blame themselves for the crime and expressed feeling that were symptomatic of post-traumatic stress disorder. Several participants indicated that they blamed themselves for their victimization. Sixty percent of the victims were attacked while walking on the road. Participants associated their increased risk of victimization with the exposure of valuables such as cellular phones; walking alone in distinctly quiet areas and being oblivious of surroundings. There was common a problem of sleep deprivation amongst participants. Contrary to the literature, interviews with victims suggested that, regardless of the years that had lapsed since the crime, participants were able to recall explicit details of the crime, some remembering precise dates and times. The notion of feelings of fear and distress was a significant trend which will be discussed in greater detail later in this chapter.

#### **5.2.1.3 Financial Effects**

Victims of armed robbery are also affected financially. Participants who were robbed of valuables such as cellular phones, money, jewellery and hand bags, reported experiencing financial hardships and the loss of irreplaceable items due to personal financial constraints. Individuals who were robbed at their homes and business premises normally suffered greater financial losses as larger and more valuable items were stolen, including cars, business merchandise, airtime, clothing, money, sound systems, television sets and at least two firearms.

Medical bills became an additional cost for victims and their families. Respondents reported that one fatality had taken place as a result of the violent crime, while several other participants having undergone physical injuries, with a few requiring extensive medical treatment. In addition, victims and their families reported experiencing a loss of income after being subjected to physical injuries which delayed their return to work.

#### **5.2.1.4 Fear of Crime**

Victims indicated that now there were no places that they could feel safe. Instead, many who could afford it, had armed themselves with pepper spray and had increased security at their

homes and businesses. Measures included CCTV systems, armed security guards inside and outside of their business premises, security escorts, guard dogs, reinforced burglar bars and high fencing, electronic gates, additional latches and locks on main entrances of homes, flood-lights and nocturnal lock-downs in the home which isolate rooms from each other. Those who could not afford such measures were forced to continue their daily regimes in the hope of not being targeted again. In general, despite protective measures, victims tended to go through each day shadowed by feelings of impending doom, constantly questioning the presence and motives of every stranger around them. This was made evident by the following respondents:

“I still fright eh, when I go I tell him [husband] is this the fellow is this the fellow I tell him, he says no there’s so many fellows up till now I still tell maybe this is the fellow that robbed me, he say don’t know whether this fellow is living or what I still got the fear in me” (*Pers com Resp No.24*),

“Can’t do nothing, I should go way my house, can’t do nothing, that’s all, that’s all, just fright and go way back [claps hands]. [...] I look now, where I’m walking, where I’m going, where I’m coming, I’m scared when I come, I’m scared when I’m going, I’m look where I’m walking, I’m looking for somebody looking this side or what and then I run”(*Pers com Resp No.18*),

“my wife she was a bit scared whenever we sleeping she’ll make sure the windows is closed and if it’s gone dark I must go she won’t check because she’s too scared and at night we have to leave one light on because she’s too scared, the room door now we don’t close the door now we just leave it a little bit open so we can see” (*Pers com Resp No.22*),

and

“ [...] walking down the streets we are afraid so we are the same in our homes, do I get to sleep whole night or do I get to stay awake watching that camera wondering whose going to come and rob [...]”(*Pers com Resp No.8*).

The prosecutor interviewed raised the issue of witnesses’ fear of repeat victimization from assailants and their unwillingness to appear in court, stating that it influenced negatively the chances of a successful prosecution. The prosecutor said:

“[...] you find that some people would not want to testify, like I had recently cases [...] and the victims coming and saying the witnesses are too afraid they don’t want to come”.

A participant, who had attended a court date, expressed his fear of being identified by perpetrators whom he had only later learnt had been released back into the community. He stated:

“I can’t say I’m comfortable, me I’m not sure the same people they going to see me when I’m walking in Tongaat [...]” (*Pers com Resp No.10*).

An interview with a private security employee provided valuable insights into the extent of crime victimization in Tongaat. According to her, approximately 400-500 households utilise monitoring and armed response services in their homes, and approximately 10-15 more have acquired guarding services at their business premise. Such extensive use of private further stresses a high level of fear of crime in the community. It became apparent that the people interviewed lived in constant fear of victimization, which in turn influenced them to be overly suspicious and nervous about strangers, their environment, regardless of whether they were in public or within their own homes, and were concerned about their safety in general.

- **Vigilantism**

Serious consequences of violent crimes have cyclical effects. It is not unusual for victims to turn to criminal behaviour themselves, in the form of vigilantism (SALRC 2004: 266). There were few participants who felt it would be justified if they could take the law into their own hands. One respondent told me “Honestly sometimes I wish that we could law into our own hands” (*Pers com Resp No.8*).

While victim narratives suggested victims felt that justice would be served if perpetrators would feel their pain, one participant had ensured that he would seek out his own justice. A few months after experiencing multiple incidences of victimization, and the death of his father as a result of a separate incident of aggravated robbery, as well as his fruitless attempts to be heard by the police, a participant had orchestrated an elaborate plan to apprehend his victimizers. The following excerpt describes how he, family members and friends set out to seek justice:

“we found the people, because we set a trap for them after I got robbed and after my mother got robbed and after my father got murdered we set the trap, one day we sent [a]guy[...]we sent him with a lot of money, gold, sent him with the phone[...]“he knew what was going on...so my cousin and my uncle and all the [...]boys were on the lookout around there, so when this thing happened they was there, we found them, we never tell the polices nothing, we hit them, we tied them up, we finished them, they couldn’t make it to walk [...]me I was hitting them, my uncle them was hitting them[...]” (*Pers com Resp No.9*).

Acts of vigilantism suggests a lack of faith in the police with victims feeling that justice will be only be served if they take the law into their own hands.

## **5.3 INTERACTIONS WITH THE CJS**

### **5.3.1 Reporting the crime**

Following the commission of a crime, the most significant step for a victim is the act of reporting this event to the SAPS. Seventeen participants reported at least once to the police. Amongst those who had reported the crime to the police, there were an accumulated 34 accounts of victimization by aggravated robbery. Eight participants had not reported to the police. A few of them (3) viewed their experience as “petty” as no property was taken.

“You see the only reason I had to get the case number because the phone was insured”  
(*Pers com Resp No.25*),  
and

“They did not take anything [...]. [In terms of the police] nothing would really be done as no crime was really committed, we would most definitely have laid a report, mainly for insurance purposes” (*Pers com Resp No.3*).

However, the main reason for non-reporting was a lack of confidence in the SAPS. This can be seen in the following victim excerpts:

“I’ve never reported a crime to the police before; because there’s no point [...] I have no confidence at all in them” (*Pers com Resp No.2*),  
and

“the police won’t do anything[...] They can’t do anything [...] they don’t do anything, they take your report down, they say they going to look for the people, they don’t end up looking for them [I won’t report to the police if I had to get robbed again] all for the same reason” (*Pers com Resp No. 12*).

An interview conducted with a criminal-investigating detective suggested that there was generally a sense of apathy towards victims amongst police officers. This was confirmed in victim interviews. An example is provided below:

“[...] The police they are being so arrogant [and that] some of the police in Tongaat have got no ethics; they got no way of talking” (*Pers com Resp No.14*).

Those who had reported to the police mentioned that they used a condescending attitude towards them and displayed a large measure of disinterest. Some victims were not provided with case numbers, while others were advised by the police that investigation of their cases would be fruitless. One participant concluded that he dreaded a repeat victimization as he would be reluctant to seek help from the police. He stated:

“I just pray to God I don’t go to the police station for anything” (*Pers com Resp No.15*).

From the interviews, it was evident that the perception was that the police were uninterested and were not motivated to investigate the matter:

“The polices saying by the time you come here aunty the people would’ve been disappeared so that’s the talk they give us you know [...] if I’m going to report now they won’t worry they’ll just say me by the time you coming and telling us the rogues must be ran away we don’t know which side they went [...]” (*Pers com Resp No.24*),

and

“[...]did indicate to me that chances of any justice being handed down like the people getting caught, it was very slim, because crimes of that nature was just one of those things, you just need to accept it. [...]They’re unable to deliver that justice, even admitting that they probably will not be able to catch the people” (*Pers com Resp No.1*).

According to victims, the remarks made by SAPS officials towards them were designed to convey the message that they were wasting their time reporting crime. Interviews with victims indicated that there were two common comments firstly, that the perpetrator of the crime has already fled the scene of the crime, and secondly, that any attempts to investigate a case of aggravated robbery would be in vain.

A participant from Zimbabwe, who had come to South Africa in search of better opportunities, recounted how he was sent home after he had went to the police station to report a crime. He was not asked about his residence nor contact details. When he returned to the police station to repeat the ‘statement’ he was told by the assisting officer to personally go in search of the perpetrators and report back to the station when this task was successful. He states:

“...they [the police]ask me what happen and everything then I explained to them [...]they never write down they say okay I’m suppose to go then they’ll come and see me but they never come [...] they were suppose to come with me [...] and there was a lot of exhibit but they say they can’t come with me[...]They didn’t call me, they didn’t do anything

[...]maybe they never understand what I'm trying to tell them but they were suppose to told me[...]" (*Pers com Resp No.17*).

He further added that:

"They said okay I'm suppose to go and wait for them at home [...] [but] they [the police] never take down, my name, my number, my address nothing [...] I went back there to them because I already spoke to them, she said okay I'm suppose 1to do the work now the one who doing that, she said I must look for the people wearing my clothes" (*Pers com Resp No.17*).

One participant described a police officer's use of vulgar language at his place of business, and it was only after the respondent had telephonically contacted the station commander to resolve a matter, that the police officer left but not before delivering a verbal threat. The recount of the verbal threat is provided in the excerpt below:

"[The police officer said that] He will get me. I don't know what he meant by that and I even told the station commander that and I need an apology from your'll, it was a threat. Nothing comes of it!!! [...]" (*Pers com Resp No.14*).

In many instances, victims who had reported a crime indicated that they were confronted with police officials who lacked proficiency in English and who lacked knowledge about the geographical disposition of Tongaat. These skills are vital to communicate with victims, to react to crime, to assist victims and to ultimately provide service in an area which is largely made up of English-speaking individuals. For example, a participant indicated that speaking to an officer was "[...] crappy". When asked 'why', he responded that:

"...the lady that was there [police official] couldn't spell half the words I was saying, she didn't understand, I had to write down some of the words but she was taking down the report, so that was very stupid" (*Pers com Resp No.19*).

Interviews with other participants echoed these similar sentiments. Examples of their excerpts describing their experiences are provided below:

"Well, they had a trainee there [...] She was slow like and she took long to listen and write and couldn't speak and understand us [...] It's like she didn't have experience in what she was doing [...]" (*Pers com Resp No.7*),

and



“The police are not fast enough or helpful, because they did not know where Village Park was and yet they supposed to know every area in Tongaat and could not go out and look for the robbers. The police need to be well informed about all areas in Tongaat in case there is an incident so they can respond timeously” (*Pers com Resp No.3*).

In the above excerpts it was clear that reporting was highly problematic as the officer was not literate in the English language. In addition, no further measures were implemented to overcome this obstacle.

### **5.3.2 Victims Interaction with the Police**

Many participants felt that they were treated with disinterest by the police. Victims of crime expressed anger and feelings of outrage and frustration as they explained their experience reporting. Some examples of their experience are provided below:

“There was no interest, you know when a person is doing something, you’ll see on the persons face if they reaction if they doing, the polices said, the one policeman said ‘we won’t find those people’ without trying to find the people, [...]Now what’s the use you in the community, same thing I told them and I walked out[...]”they took down a report and then next week my mother went over there, she got robbed, then they had nothing , then my father died, they said can’t find the people, we won’t be able to find the people before they can even do the investigation[...] like no interest and even when I told them when my father passed away I said your’ll are not polices your’ll are not helping the community [...]and I told them that too that was pathetic” (*Pers com Resp No.9*),

and

“it was like we were just another person at the police station so it wasn’t really like they were handling our case any better than anybody else’s case it was just like mediocre the service wasn’t very[ ... ] I think from what I remember, it was just like yeh you got robbed so it’s cool” (*Pers com Resp No.19*).

Several other participants echoed similar sentiments. After multiple experiences of aggravated robbery and house breakings; one participant expressed disappointment when leads to one of the investigations were ignored, he stated:

“[...]they[the police had] picked up a positive [finger]print because they took my [finger]print and my wife [finger]prints and it wasn’t under ours but they couldn’t trace who it was and that’s where the case died off” (*Pers com Resp No.14*).

Another participant angrily expressed his detestation for the police when he felt nothing was done after reporting on three different occasions. The reports were of three separate

victimization incidences of his immediate family members including himself and the death of a parent as a direct result of the crime. His excerpt is provided below:

“If I get robbed now, I will never approach the police [...]because the polices, they give no interest, the only thing they worry about, they stand behind the desk and they just don’t care about you, you tell them we need to speak to a police, police say ‘what must I do’, they give you a response like that, they suppose be helping us the community, we are the people, that’s what I’m saying all our taxes we are paying them” (*Pers com Resp No.9*).

Many participants who had experience with reporting to the police indicated that they mostly likely would not report crime in the future. Reasons for non-reporting post second case of victimization were related to the treatment they received at the first time of reporting and the lack of progress in investigations after reporting.

### **5.3.3 Identification processes**

Victims had negative views on the ability, or willingness, of the police either identify or apprehend suspects. In cases where there were some progresses and suspects were taken into custody, victims were requested to assist in identifying perpetrators. Participants shared their experiences and views on the police procedures that followed. In four cases, victims indicated that they had been taken to a room with a number of individuals and then asked to identify the perpetrator by tapping him or her on the shoulder or by pointing him or her out.

“They put the guys on the floor and we were standing behind them trying to identify and they saw both of us obviously (laughs). [...] I thought that was very bad, I mean bringing the guys here [to the place of victims’ residence] firstly [...] they’re [possible suspects] looking at you and you want to identify them [...] that that’s not the way you handle the thing [...] that was very stupid” (*Pers com Resp No.6*),

and

“it was a bit unfortunate, we thought that these people won’t see us, [...] they put us in like a big room with a lot of people and we had to go touch this person that you know, [shows how touch on shoulder] that came into the store [and committed the crime], which made it dangerous for us but we had to do it any way [...]. I was complaining to the police and I said you how can you do this because you all told us that these people won’t be able to see us [...] That’s what the investigating officer did tell me [...]I couldn’t refuse because we needed to identify these people otherwise they would be let loose” (*Pers com Resp No.20*).

There was evidence that certain police officials had used their own discretion when dealing with cases. One participant had told of his surprise when he was advised to discontinue further inquiry about his case. He stated:

“when we did identify him [the perpetrator] one of the CID [crime investigation detectives] said you know this guy and look the money is gone, there’s nothing much you can do here why don’t we just forget this whole matter because we don’t know whether if you pin-point this guy here, they won’t come and harm you again” (*Pers com Resp No.20*).

## **5.4 PROGRESSION OF CASES**

### **5.4.1 Restorative Justice (RJ)**

In order to obtain a full understanding on the responses of service delivery for victims of violent crimes, enquiries were made on their understanding, opinions and experiences with restorative justice practices with select key informants. Members of the CJS in particular have their own terminology for restorative justice. Some are more familiar with the term ‘Alternative Dispute Resolution’ (ADR) which was used interchangeably. RJ or ADR is a process in which matters are dealt with outside of the formal justice system. Responses about the practice of RJ in crimes such as aggravated robbery were as follows:

“[...] it’s more for the misdemeanours; it’s not for the serious crimes. [...] Its fine for misdemeanours, for house robberies, armed robberies and carjacking [...] the person that does an armed robbery or a carjacking or a house robbery or a business robbery I don’t think that ADR or RJ thing will work because that’s a serious offender” (*Pers com. SAPS: Crime Investigating Detective*),

and

“You know what my personal opinion I that I don’t feel that is a way to go because we have that system only in assault cases, the ADR cases, it’s called the alternate dispute resolution where if a person assaults another person, instead of appearing in court a criminal matter its referred to an out of court settlement where both parties now sit and talk about it then the offender now decides to go for counselling and he’s just warned and let off the hook with no criminal record [...] I believe that the offender should be punished and that is only if there is sound [...]” (*Pers com. TVSC Coordinator*).

Contrary to the views expressed by the coordinator of the TVSC, an interview with the chairlady of the Centre welcomed notions of ADR. She was of the opinion that “I would think

it's a very good way of resolving issues, if the both parties are and come to an understanding of forgiving one another for what has happened".

With the assistance from Khulisa, a social worker at the Haven of Rest has had experience in restorative justice practices. She explains her experiences, understanding and opinions of restorative justice in the following excerpt:

"[...] we've worked with Khulisa, so Khulisa has done a programme with the group of youngsters in our rehab programme, yeh because prior to the half-way house we were running a rehabilitation treatment programme, [...] I think a way forward, it's a process of healing [...] it means a step in the right direction".

On the other hand, given the nature of work that the TCFWS are primarily involved in, it is difficult for restorative justice to be implemented with their clients under the age of 18 years. The social worker explained that:

"I haven't had or tried mediation in terms of what we do is deal with perpetrator and victims of abuse and then the victims are usually children and the perpetrator/s are adults so it's a very very touchy process to deal with but if it was may be two adults then ye it could work".

The social worker expresses views that indicated that restorative justice can however be successful in other circumstance. This is explained in the following excerpt:

"I think that's it's a good process for especially victims to have some sort of closure but at the same time with offenders if they do it for the right reasons and with good intentions then ye obviously it does work[...]".

Interview with the prosecutor indicated that she is pro-ADR; however, she stresses its application only on select cases. The participant demonstrates vast understanding and experience with ADR and provides opinions on ADR in the following excerpt:

"I can firstly let me tell you, cases like armed robbery and robbery and theft are not subjected to ADR, we only refer very petty matters for ADR but I can tell you it's really a blessing in disguise because you know why we can take all the petty assaults and the petty MITP's you know when you damage somebody's property, where you swear people, we call that Crimen Injuria all those petty matters and we can put them down for ADR and we can dispose of them you know without sending them to court without having to the parties undergo the strenuous formalities in court and we do an agreement and eventually

we withdraw charges against them very very helpful but there's one catch there, both parties must be happy to do an ADR".

Directly involved in cases of ADR, the prosecutor adds:

"I also deal with mediation, I do ADR its part of my job here, it's not an easy thing, as I said ADR is only successful if both parties are willing [...] [I have had] quite a number of them [cases], [in some cases, clients do not] want to mediate and resolve issues [therefore] I had to resubmit [cases] for further investigations and eventually we'll send it up to court".

## **5.5 COURT PROCESSES**

There were no cases of ADR of RJ recorded neither in interviews with victim participants nor in interviews with key informants in which these methods were used in cases of aggravated robbery. Ideally, once a crime is reported, docket would be opened and details and evidence would be gathered by a SAPS criminal-investigating detective. It is then forwarded to a prosecutor who then determines if there is case to be made and if so, it is then proceeds to court. Therefore, the work of the SAPS and prosecutors are crucial to increasing successful conviction rates. Any relationship shared between the prosecutor and investigating officers should involve good coordination and open communication channels. A prosecutor that deals with Tongaat cases at a Magistrate Court highlighted issues of competency in the ability of police to fulfil basic police functions, such as the taking down of statements. She stated:

"we have issues where cases are not fully investigated either because witnesses have not filed proper statements, language problems, the statements are not written legibly, the formulation of the statement and the type of language used may be is not good".

According to the prosecutor, "Tongaat is fast becoming a place of where crime takes place [...]", and indicated that the court tends to hear at least 3 cases of aggravated robbery per week. A major obstacle for the prosecution of such cases was the lack of competent police officials, making it especially difficult to secure convictions. Only two the persons interviewed confirmed that their cases had ever progressed to a court hearing and even then, both cases were dropped due to the lack of witnesses.

One of victims had indicated his fear of repeat victimization as he had made a court appearance and the case was dropped due to a lack of witnesses. He stated:

“I can’t say I’m comfortable, me I’m not sure the same people they going to see me when I’m walking in Tongaat when I’m jumping the taxi maybe I’m still in the taxi they going to still talk something I don’t like” (*Pers com Resp No.10*).

Furthermore, it became apparent in interviews that there exists a discrepancy in the way ‘armed robbery’ is defined by the authorities. The prosecutor deemed that the use of a weapon in the commission of a crime constituted an armed robbery, and was thus a serious crime, stating that “...the minute there’s a weapon involved its armed robbery; you can’t say it’s not serious”. On the other hand, the police suggested that the use of a knife as a weapon is not sufficient to constitute armed robbery but rather “just a robbery with a knife”.

## **5.7 VICTIM NEEDS**

### **5.7.1 The Need for Emotional Support**

All participants in the survey expressed the need for emotional support. This was associated with having the space to be heard, and to tell their story, and in most cases, this was sought from close friends and family members. Several participants also indicated they had spoken to neighbours and others who had experienced similar victimization. An overwhelming majority of participants (92%) viewed the research process positively because they felt that they had been given the opportunity to tell their story, some for the first time. Examples of such comments were:

“It helped me [...] it made me take out some things I wanted to take out long time ago, like I feel that a bit happier now [...] just release some stuff let out some steam sometimes it builds in your body and you like [...] feels right telling my story even not to a counsellor to someone like an individual person, it feels nice” (*Pers com Resp No.9*),

“I am happy that you, somebody is coming out to find out about it” (*Pers com Resp No.16*),

“[...] it [the interview process] relieved me from whatever I went through and I’m telling it to you” (*Pers com Resp No.24*),

“I haven’t really talked about it so I think it’s good to get it out” (*Pers com Resp No. 19*), and

“It just helps, you asked, not many people ask” (*Pers com Resp No.21*).

Only one participant had received intensive counselling via the private sector, but a few had sought comfort from their respective religious institutions. An interview with a Minister with 13 years of service to a Presbyterian church in Tongaat indicated that he had never encountered a victim of aggravated robbery, but instead had much experience in counselling individuals with marital problems. Nevertheless, the researcher was informed that biblical scriptures would be used to console and counsel victims. The Minister stated that a failed attempt to assist victims of crime of this nature necessitates the assistance of a person with a deeper religious understanding rather than professionals such as psychiatrists. He then alluded to a need for deeper counselling by “a more experienced man of God”, and prayer so that feelings of “fear can be released”.

Trauma counselling is available for patients at the local hospital in Tongaat and provided by a professional psychiatrist at a cost. Once an injured patient is admitted into the hospital; an interview with a nurse at the hospital stated that, “It’s the doctors’ decision whether they go for therapy or not but they [patients] tell us while we talk to them, we find out if they [patients] need one [counsellor]”.

An interview with a personnel from a private security company was held to uncover the extent of victimization from aggravated robbery in Tongaat. However, it was discovered that members of the company often provide informal emotional and medical support to victims at the scene of the crime. Apart from this female personnel’s main administrative role in the company, the interviewee also attends crime scenes along with private guards and private security personnel. The interviewee indicated that their duty was to attend emergency call-outs of a client with the intention to safeguard the client and their property from a perpetrator of crime. Although wary that private security guards and personnel are not trained in counselling, this participant in particular provides victims with immediate moral support utilising interpersonal skills learned from a decade in the company. She stated that this was often supplemented with advice on seeking professional counseling, and follow up courtesy calls. This is illustrated in the following excerpt:

“I would general attend cases where there is females involved and just to provide support [...] I’m not a professional counsellor as such but sometime when somebody’s been in or just been robbed or just been hijacked and they in they in that state of shock I think that little bit of support is what matters and that’s what I would go out to attend to, females that have been raped that kinds of thing.[...] obviously you would need to be more sensitive when you dealing with the victims [...] you’ve got to be sensitive because you don’t know what’s going through their head because they’ve just been through a hectic situations you need to know what to say and what to do”.

Whilst informal support was available to those victims who had acquired the assistance of this private security company, victim support services were also available to the public, and victims of crime at no cost, specifically at the Trauma and Victims Support Centre. However, it was found that knowledge of the existence of the Trauma and Victim Support Centre was almost absent amongst victim participants. More than half of those individuals interviewed had indicated that they would have sought help from Centre if they had known about it.

Some were thrilled about this new found information about it and claimed they would seek help in future:

“Yes I would go I would go [...] yeh yeh I see I understand, okay if it happens to me again I’m going to go there...that is good” (*Pers com Resp No.14*).

Similarly those who had known of the Centre indicated that seeking assistance would be dependent on the severity of the physical harm caused during the crime. A male participant was ambivalent about his feeling about seeking emotional and psychological support. He stated:

“I would have probably considered it [...] just happens, and you just got to move on from it, it happens everywhere and nobody does anything. When four guys come up to you and the one holds a knife to your neck and the others take what they want, I mean, its traumatizing” (*Pers com Resp No.2*).

Another male participant indicate that he would have sought counselling if the circumstances were more severe, that is, if he was physically harmed. His excerpt is provided below:

“If something worse than that happened, if I was fighting with that guys, if he had poked me or harmed me I would’ve have been more shocked my wife’s condition would have been worse, my mother would have been even more to see her son hurt then they would’ve had to go for counselling” (*Pers com Resp No.22*).



He highlighted his wife's increased fear of crime since the incident. This was described through her need to sleep with a room light on, to keep the bedroom door ajar at night and her requests for him to ensure that all entrances to the home were locked especially at night. A few other male participants provided short explanations as to why they felt counselling to be unnecessary. Their responses expressed a view that although their experiences were in fact traumatizing, however counselling was simply not necessary.

“No no I found it not necessary I was shocked but I was okay” (*Pers com Resp No.16*),

“It's not pride, you know, you get robbed, you're a big size guy, you go and say I've been hurt and what not, you want to give that image that you just handle your business” (*Pers com Resp No.1*),

and

“No no I didn't need it; I think I'm quite strong willed” (*Pers com Resp No.14*).

The researcher felt it important to note here that women themselves appeared to ascribe more harm caused by sexual victimization than the experience of being robbed. For example, a young female indicated that she would have sought counselling if the aggravated robbery extended onto a crime of a sexual nature. She states:

“I would have [gone for counselling] [...] if I got really really traumatised then I would have definitely gone [for counselling]” (*Pers com Resp No.4*).

She explains her phrase “really really traumatising” as “[...] as in rape; put it that way [...]”.

An interview with a prosecutor indicated that courts do referrals for rape victims and abused women to social workers and abuse centres outside of the court. The prosecutor stated that the court is affiliated with professionals from NICRO and Khulisa. These organisations also assist the prosecutor with ADR (alternate dispute resolution). According to the prosecutor “Khulisa is a group of social workers or guided social workers that assist the public”.

One participant had indicated that although she had told her family and friends she had been robbed, the interview was the first time she had spoken about the incident in detail. Another female participant was still traumatized from her experience over two years ago, had indicated that information about a victim support centre that provided professional counseling, would have been useful. Later in the interview, the participant requested assistance in seeking

counselling. She was successfully referred for counselling by the interviewer. A follow-up with particular participant showed that she is feeling better than she had before and is slowly overcoming her fear of victimization.

### **5.7.2 The Need for Medical Care**

All participants who required medical treatment had opted for private general practitioners or visited the local private hospital instead seeking free treatment from the local community clinic. Their desperate need for medical attention was emphasised by one participant who had been shot, and had not received any medical treatment despite the presence of state paramedics. Ultimately, he was forced to walk to the nearest general practitioner to receive appropriate medical treatment for a gun-shot wound to the back of the head.

“[I ...] had to walk myself to the doctors [...]the paramedic, [...] the police called them [...] and the only thing he [the paramedics] had with him was headache tablets and I said look don't bother about it I went to the doctor he stitched and cleaned my wound and the gun burn” (*Pers com Resp No.14*).

Physical injuries as a result of aggravated robbery are not uncommon in Tongaat. A local hospital attends to approximately two to three cases arising out of armed robbery every month. Patients who report for medical treatment as a result of an armed robbery are attended depending upon the severity of the injuries. In the case of gun-shot wounds, when removing bullets surgeons follow a standard procedure of personally handing them over to the SAPS for forensic purposes.

### **5.7.3 The Need for Restitution**

A significant proportion of the participants were repeat victims, and some had been victimised up to four times previously in Tongaat. Only four participants had had any recourse to justice. Participants were robbed of valuable property and items of sentimental value. Naturally, they expressed the wish to have their property returned, and while six had succeeded in claiming these back, most of the items returned were badly damaged, and in most cases were not

recovered. In one case, a cellular phone was taken as evidence by the SAPS, but was then returned to the victim with the memory card removed. His exact words were:

“The [memory] card was there when we got it from the person that stole it but when we got it back from the police it wasn’t there”[...]they [the police] took it [...] and they didn’t give it back to us straight away, they kept it and then they gave it back” (*Pers com Resp No.19*).

#### **5.7.4 The Need to Receive Information**

The process of criminal justice begins at a police station. It is the stated duty of the SAPS criminal-investigating branch to conduct investigations into any crime reported to it. Once a docket has been opened, and the relevant information has been gathered, a prosecutor determines whether there enough evidence to constitute a case, and if so, this then is placed before a court. The prosecutor then ensures that clients are informed of their rights and kept informed thereafter, on the actual day that their case is due to appear in court. However, in the two instances where cases went to court, victims felt that they were left in the dark about the processes to be followed and what to expect once called to testify. This is evident in the following excerpt:

“They [the police] never phone me, they never told me anything no advice they give me for that [...] that was my first time in my life to go in court I never go in a court, I don’t know anything about a court” [...] [the other witnesses did not pitch and therefore] the case was over like that, I never go back to the court, they never phone me to go back to the court” (*Pers com Resp No.10*).

In both cases, the matter did not proceed due to a lack of witnesses, and the suspects were released with no further action being taken. One respondent indicated that he had had no prior knowledge of the release of suspects and was “shocked” when he recognised his assailants free and back on the streets in his area. He stated:

“I saw them in town I saw the same two fellows in the village in Tongaat, well I was a bit shocked [...] when I saw those guys in town I was shocked and I thought no these guys are still walking” (*Pers com Resp No.22*).

More often than not, participants had made telephonic contact with the police for assistance during the aggravated robbery or shortly afterward. In one only occurrence had the police

contacted a victim to enquire about her well-being after she had reported to them. Many of the respondents mentioned the police's obsession with the taking of statements and a lack of action thereafter.

“You know the police have their own ways they only want statements and statements and statements and that's it, that about as far as they go, they take your statement and they gone” (*Pers com Resp No.14*).

Contact with police was often limited to provision of victims with information on the identity of the police officer investigating their case, or to request victims in the identification of stolen vehicles, the identification of suspects and to sign documents at the police station. Two participants did not receive case numbers after reporting their assaults. Although five participants had obtained case numbers, none had had any contact with the police thereafter.

A significant number of participants (23 of 25) had indicated that the interview was beneficial to them for two reasons. One reason was that it allowed for them to tell their story. The second reason was related to a right to information. Participants were happy to have learnt new information which they indicated would be useful for the future. Knowledge was imparted about the existence of the Trauma and Victim Support Centre as well the rights as set out by the Victim's Charter. A couple of related victim responses are provided below:

“At least I learnt something there [laugh] I didn't know I had those rights” (*Pers com Resp No.2*),  
and  
“I know of the Victim Trauma Centre and [...] I know about the Victims' Charter now too” (*Pers com Resp No.7*).

The need for information about victim support services in the area was an obvious one. Evidence of this was blatant in several of the above victims' narratives and is also expressed in the section on the need for emotional support. Interviews with a Zimbabwean resident in Tongaat indicated that he was not only unaware of the TVSC but also had a negative perception about the services provided by state agencies in South Africa. He stated:

“We are foreigners, we thought all those organisations they are not looking after us [...] all the organisations, something like that, they got a fear for the unknown or something like

that all those governments I don't think they going to cover us that is why I think they are taking advantage of us" (*Pers com Resp No.17*).

### 5.7.5 The Need for Protection and Assistance

All participants had a clear idea of their expectations from the SAPS, most of which related to aspects of crime prevention such as frequent patrolling, increased visibility, a greater number of convictions, and longer incarceration sentences being passed on perpetrators; all of which relate to victims' need to be feel safe and secure. A victim described how three armed men walked out from his business premises with valuables in the presence of the SAPS. He told how the police officers refused to react, insisting instead upon his making a statement first:

"it so happened that the three Africans were walking out with the jewellery and the watches the three police men were walking in so when they came in, I said there's the guys, these are the three fellas that held me up and they walking away, the police were not interested, they said listen we want a police statement [...]they said no we can't arrest them, we want a statement[...]and took a statement and today in two years later nobody came and found anything, they never come back[...]" (*Pers com Resp No.15*).

Many participants emphasised their problem with police's over concern with taking of statements and a lack of action thereafter.

"you know the police have their own ways they only want statements and statements and statements [angry tone of voice] and that's it, that about as far as they go, they take your statement and they gone, then they'll send you another detective will walk in here and say [...] I'm certain person, I'm with the local CID office and if I have anything I will come back, that's all that's the last you'll hear from them" (*Pers com Resp No.14*).

As a result of a prevalence of violent crime in Tongaat and experiences of victimization, several participants had revealed the possession of a firearm for protection. A few had divulged the use of their firearm to protect themselves or play the part of saviour for fellow residents in distress. In two separate incidents, robberies were foiled when civilians intervened by shooting the assailants. At least three respondents had retaliated against their attackers, resulting in the apprehension of the bandits. They told that:

"[...]they put a knife by me and told me no give me the phone or I'll poke you, I gave him the phone, they were going to my friend [...] he started screaming, he was shocked up[...] when he started screaming, they ran" (*Pers com Resp No.12*),

and

“[...] I covered him [the perpetrator] with the blanket [...] and [...] that’s when he had a cane knife with him and so it fell on the floor [...] While he was on the floor I had a chair over there, I hit him with the chair he fell down [and] my wife phoned for the police” (*Pers com Resp No.22*).

One participant, a witness to multiple incidences of aggravated robbery, spoke of his intervention in two separate incidences where a lady was being robbed. In both cases, he chased after thieves, warning them to stop running or he would shoot. In both cases, the participant felt it necessary to fire, and shot and wounded the perpetrators while the direct victims of these crimes fled the scene. He also explained why he had had no choice but to withhold reporting these crimes to the police:

“I did follow up [at the police station] she [the direct victim of the crime] never went there. [I went] to find out for myself after it happened[...]I just enquired if anybody came up to report a robbery and nobody did so...I never saw anything too myself. [...] Without the complainant, gunshot wound, I would be locked up for attempted murder” (*Pers com Resp No. 11*).

## **5.8 VICTIM SUPPORT STRUCTURES IN THE AREA**

By definition, a victims’ centre should comprise of “activities which are applied in response to victimization with intention of relieving suffering and facilitating recovery. According to the World Society of Victimology, this includes information, assessments, individual interventions, social advocacy, public policy and program development” (Dussich, Underwood, & Petersen, 2003:2). Victim services require a multidisciplinary approach which speaks to the needs of victims, including disciplines such as psychology and medicine. These should include assistance for medical attention, crisis counselling and access to long term therapy, legal advice and information. There are a number of victims’ such organisations that cater to the needs of victims in the aftermath of crime and violence. Interviews with key informants associated with these services included a SAPS criminal-investigating detective (CID), a nurse from the local hospital, influential members from the Trauma and Victim Support Centre (TVSC), a religious leader, a private security officer, two social workers from two different community organisations namely; the Haven of Rest and the Tongaat Child Welfare and a prosecutor from a Magistrates Court that hears cases from Tongaat.

The researcher believes that the most relevant victim-based centre in Tongaat is the Trauma and Victim Support Centre, as it is highly affiliated with the police; and unlike others, granted by its title was assumed by interviewees to be an organisation created to assist victims in general. Therefore, this chapter focuses primarily on this centre for victims of crime. A brief description of the centre is provided below, followed by a criminal investigating detective's opinion on victim support and the centre itself. This information was found to be important in the discussion on access to justice and is further explained in the subsequent chapter.

The TVSC was established in 2009, it seeks to create a friendly environment in which victim statements can be taken down in private, more especially those of a sensitive nature. In Tongaat, their prefabricated design building is located adjacent to the police station and operates from Mondays to Fridays. A volunteer is usually placed on stand-by for emergency cases during the weekend. The centre is controlled and managed by a coordinator who provides counselling sessions for those that seek assistance, and facilitates domestic violence referrals to the Tongaat Child and Family Welfare Society (TCFWS) and the Verulam court.

The centre is run by approximately 30 volunteers, who form the 'Women's Action Group' (WAG). They are trained by spiritual leaders from the community to deal with domestic violence cases. The centre has a system in which victims are referred from the local clinic, and also whereby clients are sent to the charge office for assistance, and vice versa. In cases of sexual assault, they are also affiliated with professionals from a district surgeon in Phoenix. The victim centre encounters mostly cases of domestic violence, drug and alcohol abuse, child abuse, family disputes and sexual assault cases. According to the Chairlady, since she had started volunteering there had been no case of armed robbery has been dealt with by the Centre and she was unsure whether other volunteers had encountered victims of this nature.

The coordinator of the centre, who is also a member of the SAPS, stated that she plays the role of a "trauma debriefer". She explained the importance of trauma debriefing: "It's very important because it's the immediate contact with someone who counsels you who make you speak out and say what has happened to you [...]". The coordinator illustrates the main aim of the establishment and her experience working with victims of crime:

“[...] working with victims actually you help the victims to empower themselves, so the women’s group came into place where, I indirectly empower every woman that comes into the Centre and works as a volunteer so they not only helping me they helping themselves they becoming better citizens and they more empowered”.

The coordinator describes the services available for victims of crime at the Centre as:

“We get domestic violence victims were we counsel them[...] I do counselling and then some of the ladies that are here just chat to them, some people just come here, they don’t really want to be counselled but they want to be heard, you know nobody at home wants to give them that pair of ears to listen, they just want to get things off their chest so the fact is most of them come here they just want to talk and we listen to them and the those who have problem with their partners we call the partners along and we sit and we have chat with them and by us sitting and chatting with them they pinpoint their faults themselves and they actually rectify their faults”.

The chairlady of the centre details the significance of the centre in the following excerpt:

“it’s more for the abused women and violence and abused women and there’s various other, you know problems, every problem we attend to here, be it children’s problems and drug and alcoholic problems [...] people hurt and abused and crying, desperate and even suicide cases and [...] the ladies out there, they will not speak to people at least the doors are open here [...] there’s ladies here that will open up their arms to them and accept them and they feel comfortable. [The significance of] [...] opening these offices because more or so, the ladies out there, they will not speak to people, at least the doors are open here that they can come to us no matter what it is [...] there’s ladies here that will open up their arms to them and accept them and they feel comfortable you know it’s extremely good to have this trauma Centre here”.

The chairlady of the Centre told that she had not come across a case of armed robbery since volunteering there, and was unsure if other volunteers had encountered victims of this nature. Funding for the organisation is generated through donations and monthly ‘jumble’ sales in which donated items are sold. These funds are used to run community programmes. According to the coordinator, the Centre has had numerous successful initiatives which uplifted the community, and raised awareness about crime, drugs, and the centre through distributing informative pamphlets. It also has hosted various outreach programmes that includes feeding, and awareness schemes at senior citizen homes and at schools,

Interviews with the SAPS CID indicated that victims prefer seeking emotional support elsewhere. The CID stated:



“[...] most of the victims by choice, well most of the victims that I attended to in my experience most of them chose to be counselled outside the police”.

Similarly, the CID prefers that victims to seek counselling services alternative to the TVSC. The CID is of the opinion that not all officers are sensitive to victims and are in most cases persistent to obtain statements without concern for the victim. Additionally, the CID stated that the “counselling [available at the TVSC] is not up to scratch” because there is a lack of professionally trained individuals. The participant questions the competency and capabilities of the local victims’ centre to handle and deal with issues that may be brought forward by victims of violent crime. The CID stated:

“[...] the victims do need [...] counselling due to the post-traumatic stress, there is a Centre here but [...] the centre is manned by volunteers, it’s not trained personnel in my opinion it should be manned by trained people in that a volunteer crosses a certain barrier with a victim and it would cause more harm to the victim, that’s in my opinion because I understand the value of somebody being counselled, I’ve seen children being involved in armed robberies I’ve seen adults, elderly people, sickly people, the thing is, are these who are voluntary[at the TVSC], they doing it out of their own cause?, then what happens to them[the victims]?”

### **5.8.1 Victim Awareness of Services**

Only six participants knew about the location of the TVSC through noticing billboard signage and written media. Interestingly, police officials neither informed nor referred victims to the Centre, even though it is located within the vicinity of the station itself. Participants were surprised to hear for the first time about its existence. For example, participants disbelievingly remarked “[Laughs] isn’t that the jail?” (*Pers com Resp No.1*) and “I have never seen it or heard of it [laughs]” (*Pers com Resp No.19*). Another (Zimbabwean) participant stated that he did not know about the TVSC even though he had been living in the area for several years. Some victims indicated that had they known about the Centre they would have visited it. A few participants implied that the need for information on available services might have been greater had they sustained more severe physical injuries or had been raped.

### **5.8.2 Other Available Services in Tongaat**

Organisations in the area such as the Haven of Rest and the Tongaat Child and Family Welfare Society focus their attention on other social problems in the community and have yet to encounter victims of specifically aggravated robbery. Interviews were conducted with a social worker from each of these organisations. A social worker at the Haven of Rest stated that she commonly encounters clients seeking counselling for substance addictions and that experiences of their criminal victimization, specifically aggravated robbery, were often revealed through counselling sessions. The centre tends to perpetrators of crime, who rob and steal to support substance addictions as well as victims of crime, who render themselves vulnerable when under the influence of drugs or alcohol.

Notably, the Tongaat Child and Family Welfare Society and the Haven of Rest are willing and able assist all victims in all their needs and if required, they are also prepared to provide assistance in referrals to other relevant agents for specialised support.

Interview with social workers established that they would provide assistance, free of charge, to anyone who sought help from their organisation as illustrated by a social worker at the TCFWS. She said “We deal with basically everyone who walks through the door”.

## **5.9 CONCLUSIONS**

The purpose of this chapter was to lay the foundation for a discussion on access to justice for victims. The format of the contents begins by providing a basis for the understanding of the extent of victimization and the effects it had on participants. It then goes on to highlight the common experiences of victims at different stages in the criminal justice system.

A general overview of the results indicates that victims experienced difficulties in accessing justice through the formal justice system. According to victim interviews, problems with accessing justice began at the stage of reporting the crime to the police. At this point, many of the concerns raised by victim participants were related to the attitudes, competency and behaviour of the police. The excerpts of certain key informants provided supporting evidence of this. The kind of support victims referred to in interviews was parallel to that which is

stipulated in the Victim's Charter. These provisions are to be made by the relevant members of the justice system (Frank, 2007: 21). These examples translate to a violation of the rights set out in the Victim's Charter and by extension, a violation of basic human rights. Though there are support services available in the area, narratives of victims indicate that there is a general lack of knowledge of the facilities. Sections of the interviews that pertained to victim support services raised a couple of concerns in the general functioning of the Trauma and Victim Support Centre. These issues are dealt with in greater detail in the subsequent chapter.

## **CHAPTER 6: DATA DISCUSSION**

### **ACCESS TO JUSTICE IN TONGAAT**

#### **6.1 INTRODUCTION**

The main aim of the study was to uncover the degree of access to justice for victims of aggravated robbery in Tongaat and the services available to them; however, it has ultimately unfolded into an evaluation of service delivery. Nevertheless, the means at which victims are able to access justice is through the notion of effective and efficient service delivery, and it is at this stage of seeking assistance does this process begin. This chapter then provides a series of discussions that are directly linked to the themes found in the previous chapter.

#### **6.2 DISCUSSING THE VICTIMS' PERSPECTIVE AND A VIOLATION OF HUMAN RIGHTS**

Collective analysis of victim interviews indicated that there had been several violations of human rights. The discussion begins with an overview of the perceptions participants have about the police, and relate this to their experiences of the failed responses of the SAPS in Tongaat. It would be relevant to include a summary of the responses of key informants on the debate of the applicability of a Restorative Justice practice, and provide a synopsis of their opinions for a crime such as aggravated robbery.

There is a breach of basic human rights that occurs when a contact crime occurs. Quite obviously, it is a result of the act of crime itself. While the Victims' Charter itself reveals latent meanings within its content which makes accessing justice for victims just a little more difficult, (See Chapter 2), the data obtained from participants who reported to the police indicated that these rights were not upheld by some of the members of the SAPS. Detailed discussions will be provided about the infringement of specific rights as set out in the Charter,

which then raised several concerns with regards to service delivery from the CJS as well as with victim support.

### **6.2.1 Public perceptions of the SAPS**

Consistent with the findings of the National Crime Victimization Survey (2011), non-reporting was related to the perception that the “police won’t do anything”, “police could do nothing” and it was “not serious enough” (Statistics South Africa, 2011:31). Regardless of the government’s attempt to combat crime since 2006/2007 through the recruitment of 37,000 more police officials and increased state financial support; issues of public mistrust not only pose a major obstacle to reporting of serious crimes, but also carries with it serious implications for access to justice for victims (Mtsolongo, 2009:1; O’Donovan, 2008:3). The increasing rate of crime and violence further impact on police mistrust; suggesting that the state, and the CJS in general, have no capacity to control the phenomenon (Pretorius, 2008:82).

For those who reported a crime, reasons cited included a wish to seek justice; and a need to make a formal report for insurance purposes. When probed on their understanding of what constituted ‘justice’ participants claimed that they wanted to see the apprehension of perpetrators, and the need to find restitution. This reflects the fact that although personal contact with the SAPS may, in a few instances, improves opinions about the CJS, a negative perception of the CJS is held prevalently by many of the citizens throughout South Africa (O’Donovan, 2008:3 & 6-7). This was found to be the case in the Tongaat case study. International Crime Victim Surveys (ICVS) (2000-2005) showed that such perceptions are based on both service delivery and the outcome of the cases. More often than not, contact with the police left participants feeling frustrated and distressed. The ICVS also indicated that victim satisfaction with regards to how cases had been handled reduced in a number of regions, including Asia, North America and Africa (Walklate, 2007:370 & 372).

Noted at a police station level, a SAPS officer indicated a few challenges that could possibly explain a lack of capacity to ensure that justice was served. The reasons cited included an extreme shortage of staff, vehicles and stationary. While one can understand how these shortages may affect adequate service delivery on the part of the SAPS, mismanagement of victims of crime relates to a problem of police conduct. Nevertheless, it became quite evident

that the reason participants who had chosen not to report crime or those who had decided not to report crime in the future, were not due to a problem of access to a police station but rather due to prior experiences with the SAPS. Similarly, negative perceptions held by community members that stem from tales of others influence the likelihood of non-reporting. Evidence from victim narratives indicates that there is irrefutable distrust between the CJS and the public they serve. Widely broadcast scandals of police officials and government officials further diminish public trust (Pretorius, 2008:88). An example of this includes media reports on recurrent investigation suspension and firing of National Commissioners of the SAPS for charges of fraud and corruption (Basson, 2012:1).

### **6.2.2 Police Responses**

Other than medical personnel, usually the first contact victims of violent crimes are with the SAPS (Faull & Mphuthing, 2009:127). Unfortunately, interviews with victims who took the initiative to report crimes implied that the services they receive were nothing short of disappointing. In majority of the cases where reports were taken down and case numbers were dispatched; the feedback victims received thereafter regarding the progress of cases were ultimately poor. The conduct of police personnel themselves affected whether victims received support or not. Thus, victims of crime experience victimization twice, first from an offender itself and then again from service providers (Snyman, 2005:3). Whilst the subject of secondary victimization is not the main focus of this paper, according to victim interviews it did however play a strong role in limiting access to receiving justice. As a result, the topic was given greater attention in this discussion.

The most significant step post crime is the act of reporting. This initiates a victim's access for justice through the Criminal Justice System. However, it is here where the problems begin, not rejecting the idea that the level of violent crime in the area itself is sufficient evidence of something gone wrong. An accumulation of victim experiences with the SAPS in particular, and a rate of high violent crime in Tongaat, indicate a level of immunity and a number of desensitised police officials. This notion transforms victims into statistics, rather than treating each case and individual with dignity and respect (STAT SA, 2011:23, Karmen, 2004: 146).).

Overall, interviews with victims of crime indicate that attempts to seek justice were hindered by the behaviour, and attitudes of the police that attended to them. Participants who had had experience with reporting to the police indicated that in future they most likely would not report crime. Reasons cited were related to secondary victimisation experienced at the first time of reporting. For example, victims often described a lack of concern and general apathy displayed by police towards them. In general, this is found to be a common form of secondary victimization (Karmen, 2004: 146). Countless studies (O'Donovan, 2008; SALRC, 2004; STAT SA, 2011; Elliot, Thomas, & Ogloff, 2012; Orth, 2002; Bednarova, 2011) have indicated that the CJS in general are incapable of handling victims. Similarly, the NVCS (2011) highlights victims' experiences with the police as 'harsh' (STAT SA, 2011:23).

Victims' narratives included experiences of maltreatment by the SAPS, disinterested responses, unprofessionalism and daunting protocols for identification of suspects. Contact with the CJS is often blamed for the revictimization of victims (Walklate, 2007:267). From the victim interviews it can be deduced that there is a complete disregard for victim's rights that have been set out in the Victim Charter. The right to offer information and receive information was absent by means of SAPS's remarks and a lack of initiative to listen to victims about their concerns and their experiences of crime. Interviews with reporting victims inclusive of those who did not receive case numbers after reporting to the police are exhibits to this.

The behaviour and attitudes of police reflect in the findings of investigations conducted in several other precincts where serious crime reported were undocumented in an attempt to manipulate crime statistics for personal gain. Seemingly unmotivated to carry out duties, evidence from interviews are consistent with research findings that dockets are less likely to be recorded unless suspects are readily available or reliable information is easily accessible (Bruce 2010:12). For example, a participant's attempt to report crime, recoiled in horror when he was told by the police that he "[...] supposed to do the work now, the one who doing that, she said I must look for the people [suspects] wearing my clothes" (*Pers com Resp No.17*). After approaching the police twice in the same day to lay a report, eventually he left the station without a recorded statement, no case number and no further information or advice. A sense of dignity and respect for the circumstances this victim, much like the others, was obviously non-existent.

The Victims Charter and Minimum Standards makes provisions for the rights to be treated fairly with respect to dignity and with privacy and also makes provisions for overcoming language barriers (DOJCD, 2008: 6). The education and literacy profile of Tongaat (See Chapter 1) indicate that while a police officer may explain the processes and procedures pertained within the Victims' Charter, a victim may not fully understand it.

Interestingly, victim narratives indicated that there were no provisions made by the police to assist in taking down of statements during the reporting phase. More so, the problem experienced was related to a level of illiteracy amongst police officers rather than victims themselves. In at least two incidences, the act of writing a victim's statements became a lesson in English literacy for assisting police officer.

In some cases, the basic rights found in the South African Constitution Section 9(1) and 12(1) were rejected as victims were almost immediately notified that investigation of their cases would be fruitless prior its initiation. The alleged condescending remarks made by SAPS regarding the experiences of victims on reporting, conveyed the message that victims were simply wasting their time reporting crime. Police responses suggested that the perpetrators of the crime are long gone and for that reason, any attempt to investigate a case of aggravated robbery would be in vain. It was also evident in the interviews with the victims that they were advised to drop their case for their own safety. This is quite clearly contrary to the Bill of Rights in the Constitution (Section 9(1) and 12(1)) and the Minimum Standards for Service, the right to protection (4.1.1) was notably absent.

One the most shocking interviews was conducted with a migrant who had moved to South Africa in hopes of better opportunities. The International Frameworks for Migrants includes the right to protection, to social services and to medical care and it is the responsibility of the state in which migrants reside to ensure that these rights are upheld and maintained regardless of their residential status (Idriss, Jendly, Karn & Mulone, 2010:38-39). After an attempt to report a crime at the police station, the participant was advised to return home by the police, with neither a recorded report nor a case number, and without being asked about his residential or his contact details. With high hopes, he returned to the police station to repeat his statement, but was met with inconceivable demands by the assisting officer to personally go in search of



the victimizers and report back to the station when the task was successful. The gross violation of the right to dignity, respect, protection and assistance and unashamedly maltreatment of this foreign national by officers of the law highlight the plight of migrant victims of crime; rendering legal frameworks of protection and human rights set out in the Universal Declaration for Human Rights, specifically article 8, meaningless in practice.

There is a large body of service providers in South Africa involved in the implementation of the Victim Empowerment Programme including the SAPS (Phaswana-Mafuya, Peltzer, Mlambo, Mkhonto & Tabane, 447: 2012). According to Nel, police officials should be trained to handle victims in a dignified and respectful manner. In order to support victims they are required to be trained in interpersonal and communicative skills, psychological first-aid to provide immediate assistance at the scene of the crime, information on legal protocols, and the available services for victims in the area, and the ability to refer victims to these agencies (Nel, 1996:2).

The 'Victim Empowerment Training Manual' (2001) aims to guide the training of police to increase victim sensitivity thereby decreasing secondary. It was unclear as to how many police officials have been taken through this training programme but recent research on the VEP implementation and practice, and participant narratives have reflected the need for more training to improve service delivery for victims of crime (Phaswana-Mafuya et. al., 450:2012; Faull & Mphuthing, 2009:129).

### **6.2.3 Restorative Justice (RJ) Practices**

The researcher found it important to find out the opinions of the application of Restorative Justice in cases of aggravated robbery amongst key informants. The reason for inquiry is associated to RJ's principle of respect and dignity for all, and related to access to justice. It includes that a victim may be given the opportunity to willingly face perpetrators of crime, and allows them to express the harm caused (Department of Justice & Constitutional Development 2011:10). Interviews with two key informants indicated that there were organisations such as Khulisa who have been involved with restorative work in the Tongaat area; however, the practice of restorative was selectively applied. Consistent with the narrative from the

prosecutor, in addition to being a major critique, restorative approach is viewed to be an inadequate method to deal with serious crime such as murder and rape (Batley, 2009:31). These sentiments were also consistent amongst key informant responses, specifically of those of the CID and the prosecutor.

Regardless of being acknowledged by key informants as a constructive alternative to formal justice, it was minimally practiced and furthermore should be limited to domestic issues, family dispute situations and substance abusers. Overall, key informants agreed with only the concepts of restorative justice, but were against its application in cases of aggravated robbery; with one informant adamantly remarking that restorative justice is merely a slap on the wrist and punishment is necessary for rehabilitation (*Pers com. Resp. Coordinator of TVSC*).

#### **6.2.4 Barriers in Court Procedures**

With regard to court procedures, interviews with a prosecutor indicated that victims meet with them and inform victims of their rights only on the day of appearance in court. While court officials may be skilled, and therefore may be able to communicate with victim over a short period of time, it may not necessarily be sufficient time for victims to comprehend the procedures of court. Even so, evidence from interviews indicated that only two reported case had progressed to court but were nevertheless futile as cases were soon remanded due to lack of sufficient witnesses. This in turn, affected the rights of victims to compensation and restitution. Given the rate of unemployment in Tongaat (See Chapter 1), a victim who is not working may find it difficult to replace their stolen items, and financially recover from their losses.

Another major obstacle for progressions of cases were expressed in interviews with a prosecutor; matters which were related to police official competency and their handling investigation. It was not uncommon that dockets received by the prosecutor were unsatisfactory for use in court thus negatively affecting the likelihood that cases precede to court and consequently, a chance of securing a conviction. Blame was asserted to criminal-investigating detectives and the general police, for their inability to compile adequate dockets, conduct efficient investigations and provide sufficient evidence. Problems were highlight in statement formulations whereby, there were evidence of language barriers and problems with

proficiency in writing which is legible, coherent and intelligible. This was also one of the problems faced by some of the victims who had reported to the police. It would appear that a major obstacle for access to justice begins with the police; the frontline officers who deal with the community's complaints on a daily basis.

It became clear that the police only define a robbery to be an 'armed robbery' if a gun is used, while court officials view armed robbery as a robbery involving the use of any dangerous weapon, including the use of a knife or a panga. A significantly large number of house robberies, vehicle theft and break-ins at business premises involve the use of a gun (SAPS, 2011:13). Such lack of consistency in the definition changes the nature of crimes; transforming a robbery with a knife to a less serious offence than a robbery with a gun. The failure to recognise the seriousness of a crime in which any dangerous weapon has been used, including a knife, undermines and trivialises the trauma experienced by victims of such crimes.

### **6.3 VIOLATION OF RIGHTS SPECIFIC TO THE VICTIM'S CHARTER**

While the Minimum Standard for Victims contain valuable information on the processes and responsibilities of the various role players within the CJS (Part ii), victims assistance in terms of immediate crisis interventions, referrals to medical, psychological assistance and the like, can be found at the very end. Furthermore, these guidelines are mentioned after a sentence has been executed (DOJCD, 2008:5). Data collected on victims experiences post-crime in Tongaat were consistent with existing research and literature, (Emmet & Butchart, 2000; Hill, 2009; Walklate, 2007) and asserts the need for this particular information to be provided first and foremost evident to its reader to emphasise a significance to the well-being of victims rather than an aspect side-lined to processes and procedures within the CJS.

After experiencing a traumatic event an individual goes through various stages of healing, a process that, if successful may lead to the resumption of a normal life (Hill, 2009: 30). Therefore, by meeting the needs of victims and by helping victims overcome the consequences of their victimisation, justice may be accessed. One way of improving access to justice is by putting in place an effective referral system (International Association of Chiefs of Police, 2008:14). The consequences of violent crime are extensive, and it became clear that there is a

need for appropriate services to meet the needs of victims. More often than not, the effects of violent crime are neither fully understood nor appreciated (Whitzman, 2008:44). Victims of aggravated robbery consider themselves to have been marginalised altogether, receiving support only when they themselves actively seek it. Their needs include emotional support, medical assistance, protection, assistance, recovery of their belongings, and the need to receive information. These needs were, in most cases, ignored, and negated due to poor articulation of victim centred legislation, through inappropriate handling of victims by the relevant service providers and, in general a presence of poor work ethic.

### **6.3.1 A Right to Psychological Support**

While there is great significance attached in seeking solace in religion, the value of professional counselling cannot be underestimated or overlooked, especially in dealing with the effects of violent crime. In order for counselling to be effective, there is need for individual needs assessments prior the delivery of services. The expectations of professional service delivery may become distorted and should not be confused with what Dunn (2007) terms the ‘good neighbour’, which refers to individuals who have the basic skills of listening and empathising (Walklate, 2007: 268-269). For example, apart from its main focus on female victims of crime, interviews from the Trauma and Victim Support Centre suggested that volunteers serve as ‘a pair of ears’ for victims who want to tell their story. While this form of support may, to some degree, be helpful, victims are dealt a short-hand when presented with non-professional psychological assistance, specifically at the TVSC.

### **6.3.2 A Right to Medical Assistance**

The right to assistance referred to in the Minimum Standards for Victims of Crime maintain that the police should assist victims in a number of ways, one of which includes referring victims to other service providers, such as medical treatment first, before making interviews. In addition, the Victims’ Charter makes provisions for the right to “assistance, where relevant, have access to available social, health and counselling services...” (DOJCD, 2004:10; DOJCD, 2008:3). Frank raised two problems with the articulation of this right. One, it does not

explain how the concept of ‘relevance’ would be decided. With regard to the term ‘available’, which implies that the right to access of services can be practical, as long as such services exist. Furthermore, the choice of words used in this right, negate any duty of the state to make these services available (Frank, 2007:36). With specific reference to respondent 14; it can be assumed that a gunshot wound that had caused a head injury would certify as ‘relevant’ for health services. However, due to the lack of adequate medical attention, he felt he had had no choice but to walk himself to seek private medical treatment elsewhere. From this participant’s narrative, the fact that medical services were ‘available’, did not translate to appropriate medical aid or any assistance to seek it. In essence, the right to assistance was absent. Given Tongaat’s community education and employment profile (See Chapter 1), victims who are employed, coupled with a low level of education may be denied the option of private medical attention.

### **6.3.3 A Right to Restitution**

Those who are especially poor found it particularly difficult to recover from any property loss. Consistent with the Left Realism, predatory crimes are commonly perpetrated against the less-economically advantaged, as was found to be the case in Tongaat. Victim’s narratives indicated that they had suffered great financial loss as a result of the crime. Aggravated robbery involves interpersonal violence resulting in injury or even death. Therefore, medical bills became an additional cost for victims and their families (Miller, 2009:168). However, victim’s rights paves way for victims to claim compensation from the offender. In order for this to occur, the offender has to first be caught and must then be in a position to afford the legal costs incurred in claiming reparation (SALRC, 2004: 46-47). Unfortunately, in South Africa there is a low probability of the offender being apprehended, let alone the cases reaching court (Gould, 2011:1).

Deductions from victim interviews indicate that the rate of progression for successful investigations were also low. In fact, progression of cases, most of the time, remained stagnant after the reporting phase. The fact that there were two incidences in which suspects were identified and cases proceeded to court, proved to make no difference. It is also important to highlight that for a successful prosecution to take place, it is crucial that the police pay meticulous attention to detail in accumulating data, and in compiling and preparing evidence

for use in court. A major concern raised in interviews with a prosecutor was related to the inability of police to compile adequate dockets to conduct efficient investigations, and to provide sufficient evidence which might lead to convictions. The prosecutor and victims narratives alike mentioned the low level of literacy amongst police officers, which also affected the way in which cases were prepared and then presented in court. As a result, rights to restitution were absent due to poor progression of cases and a lack of literate police personnel whom assist victims at a reporting phase. Victims' rights maintains that "any property belonging to you and which is being held for evidentiary purposes, is maintained in good condition and returned to you as soon as it is no longer needed" (DOJCD, 2008:12). However, evidence in one victim narrative suggested that a part of an item kept in custody of the police was never returned to the victim and no explanation was provided for its retention.

#### **6.3.4 A Right to Information**

The need for information was a common factor in all interviews and was consistent with the findings of recently published research which emphasises the victims' undeniable need for information. This was especially true in the progress of cases, and a provision for a list of available service providers (Ten Boom & Kuijpers, 2012: 9).

The Minimum Standards on Services document maintains that a victim has a right to information (3.4) but only "on request" (DCD, 2008:9-10). This information include "the outcome of the bail hearings (whether the suspect is to be released on bail)", "The progress of the investigation", "Prosecution of your case", "The trial date and the final result", and "The date of sentencing and the outcome" (DOJCD, 2008: 9-10).

The fact that, in their vulnerable state, whether it is physical or psychological, is expected to request an access to justice can be regarded as an illogical method to respond to their needs. In addition, victims' rights are only available to those who report to the SAPS.

Clearly, awareness on victims' rights was absent and interviews suggested that there was a demand for this type of information. No participants had any knowledge of their full rights as victims, and as a result found participating in the interview to be very helpful. This proved to

be successful in raising awareness of victims' rights as well as of various service providers in the area.

### **6.3.5 A Right to Assistance**

According to the Victims' Charter, the police are expected to explain their procedures to victims, to inform them of their rights (DOJCD, 2008:13). Clearly, the police had not met these stipulations, and was evident in the above and the methods employed by the police for victims to identify suspects.

Furthermore, some respondents had not received a case number after reporting to the police, had not been assisted due to the unwillingness of police to react to crime and a few even advised to drop their cases. Here again, it was clear that the right to offer information (See Appendix 8.10(2)) was absent (DOJCD, 2008: 8). It would be natural to assume that this state of affairs may reflect the findings of investigations that had been conducted at police stations in five provinces in South Africa, where serious crimes reported went undocumented in an attempt to manipulate crime statistics for personal gain (Bruce, 2010:12).

The provision of the right to assistance includes police assistance through making referrals to other necessary support services such as medical care, by "making referrals to other service providers for necessary support" (DOJCD, 2008:13). The need for assistance was dire when a participant sustained a head injury and was in need for medical attention. However, in the presence of police officers and state employed paramedics, the participant had resorted to walking to the nearest doctor's surgery. In this case, paramedics were only in possession of aspirins to treat this victim of aggravated robbery. In cases where victims had reported crimes, the SAPS provided no other alternatives for support services notwithstanding the fact that the Victim Support and Trauma Centre was located within the grounds of the SAPS station itself. The right to assistance also include that the police should treat a victim's safety as a priority, and to assist them by stopping violence at the scene of the crime, however, this right (See Appendix 8.10) was absent in an example of the participant 15, where armed suspects exited his place of business in the presence of police. The Charter requires the police to provide victim's with information on crime prevention. Paradoxically, in this specific case, the

criminal event and the thieves were ignored by police, thereby contradicting this right to assistance. The lack of assistance experienced by several participants resulted in a reluctance in future reporting. This can be problematic for crime rates as crime itself is not being dealt with. It can also influence an increase of public fears of crime and their perception of the SAPS's inability to maintain justice in the community.

### **6.3.6 A Right to Protection**

High rates of crime in a country make it particularly difficult for the police to respond effectively, thus affecting the frequency where cases can proceed to court (Whitzman, 2008:71). This may affect the capacity of Tongaat SAPS to conduct adequate investigations that lead to identifying suspects and convictions. However, there were a few cases in which suspects were apprehended. The next step was for victims and witnesses to identify them and this was yet another area where the SAPS had failed to uphold the rights of victims.

The Victim's Charter and Minimum Standards on Services for Victims have provisions within the CJS for the protection of victims from harm from the accused. The right to protection (See Appendix 8.10(4)) and the right to be treated with fairness and respect of dignity and privacy (See Appendix 8.10) were compromised when victims were requested to make face-to-face identification of the accused and were even asked to make needless physical contact as a means of identification. In addition, the Minimum Standards on Services document makes provisions that "...if you do not want the accused to know your personal particulars, you may contact the investigating officer and/or prosecutor and request that the information be withheld from the accused..." (DOJCD, 2008:12). At no point were witnesses of crime informed of this right. Furthermore, information on how this process was to be implemented was either partially distorted or kept entirely undisclosed from witnesses. Victims were placed in a position that crossed the boundaries proper policing and this becomes a source of secondary victimization. No precautions were taken to ensure that victims felt protected and safe; but instead the process created fear of repeated violence from the perpetrator, and created a sense of disappointment in the CJS.



According to Whitzman's (2008) community and societal scales of violence, high rates of violent crime and insecurity includes the inability for the CJS to respond effectively thus resulting in fewer cases materialising in court and the increased privatisation of policing (Whitzman, 2008:71). Research findings were in line with Whitzman (2008), in that many victims turned to a use of private security as a means for protection

While crime surveys are critiqued by Left Realism (See Chapter 3), surveys on victimisation allow both reporting and non-reporting victims to express their feelings of fear and insecurity. Feelings of fear in the aftermath of crime were one of the most prominent emotions. Van der Merwe's study on armed robbery and victim experiences, also found that fear was an emotion strongly generated by victim experiences which, in turn, influenced target hardening, such as the increased consumerism of security (2008:156-157). High levels of violent crime impacts on the perceptions of safety and security held by people about the community they live in (Burger, Gould & Newham, 2010:6). The fact that all participants in the survey had taken extra precautions to protect themselves against repeat victimization, and a reluctance of witnesses to become involved in court processes emphasises the high levels of fear in the community, and also demonstrates the lack of confidence that community members have in their police. The research findings were in line with Whitzman's community and societal scales of violence (2008). Due to the lack of trust in the police, many people have turned to private security.

The Routine Activities theory highlights the importance of environmental design, daily activities and situational factors that can contribute to and prevent violent crimes. In a South African context, this theory is applicable for crimes such as hijacking, which is a category of aggravated robbery (Davis, 2005:41-42). Routine Activities Theory highlights the presence of desirable items as one of the three key elements which needs to exist in order for a crime to occur. With regards to this, at least two of the incidences of aggravated robbery, victims admitted exposing their cell phones in public spaces. Related to the third element of the routine activities theory is absence of capable guardian which is believed to ward off potential perpetrators. Deductions from victim interviews indicate that interventions on the part of others including neighbours, and passers-by often forced thieves to flee. This is evident in three separate incidences of aggravated robbery whereby actions of individuals external to the crime included screaming, yelling for help and even physically chased away the criminals.

Notably, three respondents whom retaliated during the course of the aggravated robbery showed that victims themselves could play the role of a “capable guardians.

Although many individuals have opted for private security be it personnel, CCTVs, thicker and stronger, and higher gates in their homes and place of business, it does not necessarily mean that victimization is avoided but rather the degree of risk is minimized. Over 50% (15/25) of participants were attacked while walking on the road. This is strongly associated with the ideas found in the Routine Activities Theory and LEM in which crimes such as, robberies that occur in public spaces.

Evidence from victim interviews indicates that crime occurs any time during the day or night. Several participants had indicated that they blamed themselves for their victimization. Behavioural factors which they felt resulted in their victimization were associated with exposing their valuables, walking alone in distinctly quiet areas, and opting for short-cuts routes to destinations instead of the standard busier routes and being oblivious to their surroundings. This is associated with the Positivistic school of thought whereby victims are viewed as responsible for their violent attacks, invasions of privacy and forced removal of personal property. This focus tends to neglects the effects of crime on a victim (Digan, 2005:32). The fear of crime and victimization has led to a loss of faith in the ability of local authorities to protect citizens. Young and Lea (1989) emphasise the need to restore public trust in the state and its agents in order to ensure that victim’s feel they are well protected (Newburn, 2007:267).

Reverting to basic the basic rights of all citizens, the Constitution of the Republic of South Africa (Act 108 of 1996) and the Bill of Rights herein stipulates that “Everyone is equal before the law and has the right to equal protection and benefit of the law”, everyone has the right not have “their person or home searched; their property searched; their possessions seized.”, everyone has the right “to be free from all forms of violence from either public or private sources; not to be tortured in any way” and the right to “an environment that is not harmful to their health or well-being”. The constitution also sets out the functions of the police, highlighting that “The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their

property, and to uphold and enforce the law” (South African Government Information, 1996:2-8). The high levels of violent crime and the post-effects of violent crime thereby nullifies these rights as deductions from interviews indicate that victims live in constant fear of victimization and having their privacy both bodily and environment invaded, which in turn influences them to be overly suspicious and nervous about strangers, their environment whether public or within their own homes and concerned about their safety in general. The narratives of victim interviews highlight the inability of the police to fulfill their mandate and uphold these fundamental rights of the citizens of South Africa.

Participants are still afraid of walking on the roads of Tongaat and the same time, they are afraid of being robbed within their homes. The effects of violent crime and the fear it evokes can be devastating to the victim. Interviews with victims suggest that there is no place that they can feel safe. Instead, victims who can afford it, arm themselves with pepper spray and create fortresses which may put away the security measure in Alcatraz, equipped with CCTVs, armed personnel guards whom stand guard inside and outside of the place of business as well as to provide a security escort to and from the home, guard dogs, reinforced burglar bars on windows and reinforced high fencing surrounding premises, electronic gates, several latches and locks on entrance doors of homes, increased lighting within and surrounding homes and nocturnal lock-downs on every door within homes thus isolating each room off from the other. Those who cannot afford these measures are forced to continue their daily regime in hopes of not being targeted again.

Nevertheless, despite the number of measures one can take to prevent repeat victimization, victims of such violent crime tend to go through each day with feelings of impending doom, constantly questioning the presence and motives of every stranger around them. We can infer that feelings of fear were one of the most prominent emotions which were evoked post victimization. Concurrent with Van der Merwe’s study (2008) on armed robbery and victim experiences that fear was an emotion generated strongly from victim experiences which in turn influenced target hardening such as increased consumerism of security (Van der Merwe 2008:156-157).

High levels of violent crime in a country and the fear of victimization by its people are indicative of the CJS not adequately responding to violence and insecurity (Whitzman, 2008:71). For example the participant who planned and executed an elaborate vigilante attack against his assailant months after his victimization proves that the CJS's responses to crime are exceptionally insufficient to such an extent that victims feel that the justice will be served only if they take the law into their own hands. The fact that 400-500 households in Tongaat have acquired the service of private security such as the monitoring and armed response services and 10-15 specifically business owners have acquired the guarding services further supports the idea that alternative justice has become the norm in Tongaat (*Pers Com Resp. Private Security Personnel*).

### **6.3.7 Civilians as Custodians**

There was sufficient evidence from interviews to suggest that retaliation or civilian interventions were a valid strategy. This is related to the Routine Activities Theory and the "absence of capable guardian" which is believed to increase risk of victimization (See Chapter 3). Respondents in this study indicated that the intervention of a "capable guardian", usually were neighbours, friends or a passers-by, often forced thieves to flee. The actions of "capable guardians" included screaming, yelling for help and even physically chasing away robbers. Marked by the issues of fear of repeat victimization, the right to protection is related to the perception of safety of victims. The interventions by civilians, and the use of weapons for protection, relay to the trust or lack thereof, that community members have in the SAPS. Interviews with victims suggest that the state has failed to cultivate a sense of safety, and has instead increased perceptions of insecurity prior and post the reporting of crimes.

The right to protection is limited to processes within the CJS and overlooks the victim's protection after they have returned to their communities (Frank, 2007:36). Interviews with certain victims of crime highlighted that feeling of injustice may lead to vigilantism. This was especially the case where victims were informed that there was a minimal chance of apprehension of suspects. Interviews with those victims who had experience of assisting the police in identifying suspects at the police station were not happy with the methods that were employed. These methods may pose a threat to the safety of both the suspect through acts of vigilantism by the victim as seen in the narrative of respondent 9, and through as acts of

vengeance as described in the victim's fear of repeat victimization displayed in the narratives of the prosecutor and respondent 10.

## **6.4 VICTIM SUPPORT**

### **6.4.1 Gender-Focus Practices in Service Delivery**

Most notably, there were a number of concerns relating to the Trauma and Victim Support Centre (TVSC). According to the data collected, the main focus of services offered at the TVSC targeted female victims of violence and abuse. Derived from interviews with the coordinator and the chairlady, there was a strong indication that women were frequently victims, and in need of a safe-house, suggesting that this formed part of the purpose of the centre. The assumption gathered from these interviews was that females were viewed in isolation as the subject of men as victims were not in the least a matter of discussion. It became apparent that there was a gender-focus in service delivery for victims of crime. While services are readily available for victims of various other types of crime; victims of aggravated robbery are largely neglected.

Significantly, the focus of services is often placed on victims of sexual and domestic violence (Pretorius & Louw, 2005:82; SALRC, 2004: 31). As a result, concepts of 'victim empowerment' and 'crimes against women and children' are often blurred (Pretorius & Louw, 2005:82). Understandably, women, children and the elderly are considered to be under the umbrella of vulnerable groups. Though, it can be argued that the availability of guns and the high levels of violence used in the commission of a crime in South Africa render every law-abiding citizen at risk of victimization. This is said, not to undermine the impact of crimes against women and children but to emphasise that men too are victims of great violence. For example, from the point of view an attacker who is about to commit an armed robbery in a house, assumedly, he or she would want to cause greater physical harm, and debilitate, whom he or she perceived to be the strongest and might attempt to retaliate. It is assumed that hegemony of men being stronger than women plays a role in this scenario; it would be the husband, the father, the older son who would be targeted first.

The interviews revealed that it was mostly males who reported crimes yet emotional support is prioritised for women. The majority of direct victims that reported were males, while a small portion was females (13:4). An equal ratio of males to females did not report their victimization to the police (4:4).

It is established that victim and trauma support volunteers are mostly women (Khoza, 2007: 12). Interviews with members of the TVSC echoed strong sentiments of bias in the system; that more often than not support was provided by females, for females. Run by the Women's Action Group, the environment itself is aimed at empowering women by equipping them with knowledge of their rights and life skills. This bias in service delivery may negatively affect male victims who may want to seek counselling. At the same time, men are reluctant to report victimization, especially sexual victimization, contributing to their neglect by the CJS. The refusal of men to view themselves as victims, and a reluctance to express any sign of vulnerability, is related to ideas of hegemonic masculinity; suggesting that men cannot be real victims (Walklate, 2007:99 & 190).

Fear is viewed as a weakness; making men hesitant to express their feelings (Whitzman, 2008:41). This became evident in at least two interviews. In one case when questions were raised about seeking counselling, the participant (Resp22) diverted attention away from himself. He also tended to put emphasis on his wife's fear of crime and her need for him to ensure their safety through locking doors in the house at night, and checking that all windows were closed. Similarly, another male participant attached strong significance to a man's image to appear strong, physically and emotional, and that expressing a need for help would jeopardise the hegemonic portrayal of men as being strong and powerful.

Male participants tended to describe their experiences in a matter-of-fact way, while women were more emotive and descriptive in their response and in their expressions of fear of repeated victimization. These findings are consistent with a lack of literature on the male victim, whose perspective has been largely ignored in Victimology, and are more often viewed as oppressors and perpetrators of crime (Walklate, 2007:99 & 189-190).

An interview with a female employee in a private security company confirmed the perception that women are more likely to be in need of emotional and psychological support than men. On a much smaller scale, however here too, there appears a bias in the provision of support services for victims. Though employed as a critical part of the management, and despite a lack of training, she displayed great sensitivity to the needs of victims. The company's mandate is to react to crime in terms of apprehending and not necessarily arresting perpetrators of crime, but as an act of courtesy, they also assist in immediate support of victims; the occasional male victim but more so for female victims.

It was found that there was a common perception amongst all participants that 'counselling' was thought to be the only function of a victims centre. Victim responses regarding the TVSC, almost immediately related to ideas surrounding counseling. However, with the exception of the coordinator, all members of the Trauma and Victim and Support Centre were untrained volunteers, comprising of mostly home executives and teachers, which could impact on the capacity to deal with victims of serious and violent crime. The assumptions of many of the participants suggest that victim centres provide counselling, professionals who are equipped to handle traumatised victims of serious crime. In order for effective counselling, there is need for individual needs assessment of each individual prior the delivery of services. Victims of violent crime require more intensive counselling delivered by professionals and specialists (Walklate, 2007:268-269).

The need for professional counselling for victims of violence was an obvious one. It is even more imperative that frontline support be provided by trained personnel. With the high rates of crime being experienced in Tongaat, it is not surprising that police stations deal with a high influx of victims and are unable to handle them adequately. Research conducted in Gauteng found that police stations and victims centres become overwhelmed with the number of reporting victims and administration task, and as a consequence overlook the need for volunteers to have formal qualifications and supervision, and that this form of ad hoc counselling may cause further harm to already traumatised victims (Faull & Mphuthing, 2009:130).

The local CID confirmed that there is an extreme shortage of personnel, which affects the adequacy of responses to crime. He was also sceptical of the ability of the TVSC to provide adequate and relevant services because of their use of “under qualified volunteers”. He admitted that “counselling is not up to scratch” at the centre, and preferred to refer victims to local religious institutions, general practitioners, and to professional psychologists for counselling. Furthermore, he states that when attempting to console a traumatised person after a crime has occurred, “a volunteer crosses a certain barrier with a victim and it would cause more harm to the victim” and displays a preference for victims to undertake private counselling. Whilst accepting the need for volunteers, Faull and Mphuthing (2009) agree that there is need for professionalization and regulation of volunteers at victim support centres (Faull & Mphuthing, 2009:130). There is a dire need for expert assistance, especially for victims who experience severe trauma (SALRC, 2004: 32). Volunteers at a victim support centre then should act in support and under the supervision of professionals (Khoza, 2007:12). While there are alternative organisations capable of providing such services, a great deal of focus was placed on the TVSC because it is the sole support and trauma centre. They serve the community in a number of commendable ways such as hosting food clinics for the underprivileged, occasionally serving lunch at old age homes, and sports days for children in underprivileged areas in Tongaat. However, their function of providing a service for victims of crime is questionable. The income generated by the TVSC supports functional, reasonable and deserving causes and programmes which are undoubtedly invaluable to the community. However, services are not focussed on victims of crime and the same holds true to the utility of available resources.

#### **6.4.2 Knowledge and Awareness**

Analysis of victim interviews suggests that there is a dire need for awareness among community members about the types of services available to victims and their rights. Only 6 participants had known of the Trauma and Victim Support Centre through billboards and the written media. Interestingly, 17 participants had reported to the police, however police officials neither informed nor referred victims to the centre which is located in the vicinity of the station itself (See Appendix 8.1). Significantly, participants had noted that they would have visited the centre if they had known of its existence. This is a clear indication that other than seeking



justice via the CJS, victims of aggravated robbery want support. Alternatively, victims of crime opt for private counselling and medical assistance.

Notably, other than the Trauma and Victims' Support Centre, organisations such as the Tongaat Child and Family Welfare Society and the Haven of Rest are willing and able assist all victims in all their needs and if required provide assistance in referrals to other relevant agents for specialised support. The effects of violent crime not related to sexual abuse are often underappreciated (Whitzman, 2008:44). Victims of aggravated robbery appear to be marginalised altogether, receiving support only when victims' themselves seek it.

Although all three organisations are constantly involved in raising awareness about their roles and its functions, victims of aggravated robbery need to be assured that there are services available to them. Regardless of the years that had lapsed since the crime had occurred, participants were still able to recall explicit details of their victimization, some recollecting precise dates and times of the crimes without hesitation. It is evident that the various forms of intervention that was necessitated for a number of reasons were inaccessible for many of the participants. While reasons of inaccessibility were related to lack of knowledge of services available and victims' rights; it is imperative to note the role of the SAPS in the reporting phase which influences victim's motivation to seek any further help. It became quite clear that the rights set out in the Victims' Charter were unrecognised by police officials as secondary victimization was sewn in the threads of a significant proportion of victim experiences. Not a single participant had any knowledge of the existence of their rights. The basic human rights and victims' rights alike should be made aware to all citizens of South Africa. In the same way, communities should be made aware of the various agencies in which they can seek help thereby facilitating residents to make informed decisions about their own welfare and thereby improving access to justice.

While violent crime rates remain staggeringly high in Tongaat, evidence from victims' narratives proves that their traumatic experiences are only exacerbated through secondary victimization by state agents such as the police. While crime surveys are critiqued by Left Realism, interviews of this nature allowed for victims to descriptively express feelings of fear. Fear of crime and victimization and as a result the precautions victims took to protect themselves as noted previously is linked to lack of trust citizens have in the state and more

specifically the SAPS. There is need for greater emphasis to be placed on enhancing public trust in the state and its agents in order to ensure that victims feel that they are protected (Newburn, 2007:267).

Overall analysis of the data collected increasingly demands the need for coordinated holistic interventions between the community, state and non-state agencies to collectively combat through effective policy and practice while facilitating the restoration for victims of crime. In order to achieve this, victims themselves are to be considered as a primary source of information. In turn, it acknowledges the harm caused, educates the community and victim service providers about victims' rights and the provision of services that speak directly to victims' needs.

## **6.5 CONCLUSION**

This chapter discussed a number of issues that were raised in interviews. Victim participants had expressed their views about police service delivery and what they thought the police could do to reduce the rate of violent crime in Tongaat. Popular opinions included implementation of patrols to increase visibility of the police's presence in the area and a faster reaction time in attending crime scenes. Some participants felt surveillance systems should be introduced on the streets of Tongaat, which they felt would deter criminals from committing crimes in the area. Many participants indicated that they wished the police could have done more which would lead to the return of their material goods. A fraction of the participants indicated that there is nothing more the police can do, that preventing victimization was up to the individuals themselves. This was mainly based on victims' negative perception of police's capacity. Many participants had mentioned police's over-concern with taking of statements and a lack of action thereafter. Generally, participants were of the opinion that they were not capable of dealing with violent crime and instead focused primarily on the taking down of written statements. Interviews with those victims who had reported to the police emphasised a desire for information. This included consistent feedback from the police about their cases, information about the procedures of reporting and the processes of the court, their rights as victims of crime and how to exercise them.

The act of reporting crime can be seen as the gateway to access to justice. Using the data gathered as evidence, the process of reporting in itself was flawed mainly due to the quality of service delivered by the police. Whether it was through direct contact and experience with the police, or through word-of-mouth amongst friends, acquaintances or familial relations; victim participants had a negative perceptions about the South African Police Services. The main issues related to policing that arose from interviews were related levels of communication; competency and professionalism. In essence, at some stage during the CJS process, access to justice was hindered for every victim that had reported to the police.

Victim experiences were consistent with literature based on the effects of violent crime. Deductions from victim interviews revealed a consensus on feelings of fear and anxiety about repeat victimization as many participants spoke about limiting their movement in public spaces and transforming their homes to personal prisons equipped with a multiple security measures ranging from portable pepper sprays to high-tech electronic kits. The traumatic experience of aggravated robbery and the aftermath of the crime calls for an intervention. Other than medical personnel, the first contact victims have with the CJS is the police. While police are not equipped to provide professional psychological counseling to victims, their collaboration with appropriate service providers is vital for better responses for victims (International Association of Chiefs of Police 2008:14). Almost all participants had expressed that the interview process was beneficial to them. This was indicative that victims of aggravated robbery much like victims of domestic and sexual violence want to be heard, to tell their story. There was also an absence for support for male victims of aggravated robbery. While services for victims in general may be available, interviews suggest that males do not view themselves as victims but do however experience similar effects of crime as woman.

Both males and females referred to some level of fear of crime and repeat victimization. It was clear that there is a need for equal attention to male victims of aggravated robbery, and victims of aggravated robbery in general, other than victims of abuse and domestic violence. Even then, it was found that there was a lack of awareness about the Trauma and Victim Support Centre.

These issues are pertinent for victims' to proceed in their quest to access justice. While there are a number of policies for victims in general such as, the Service Charter for Victims' of Crime in South Africa and Minimum Standards, the National Crime Prevention Strategy (NCPS), the National Victim Empowerment Programme and the Uniform Protocol for the Management of Victims, Survivors and Witnesses of Domestic Violence and Sexual Offences which recognize the needs of victims in the aftermath of a crime, they are still overshadowed and neglected in the criminal justice process (SALRC, 2004:266; Nel & Kruger, 1999:5-6 & Frank, 2007:30-40)..

The following chapter provides a summary of the findings and possible short-term and long-term recommendations to improve access to justice for all victims of crime.

## **CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS**

### **7.1 INTRODUCTION**

This study has set out to provide an understanding of the extent of services available to victims of aggravated robbery, and the notion of access to justice in Tongaat. Related to this, a number of problems were identified through the narratives of the lived experiences of victims in accessing justice through the Criminal Justice System after the crime.

The issue of poor service delivery is nothing new in South Africa or Africa in general. In fact, in recent years, it has been the root of many violent protests in the country. Some of the issues raised by the public included the lack of service delivery for water, sanitation, refuse removal, electricity, housing, issues of high levels of unemployment, maladministration, and corruption amongst government and municipal officials. There is sufficient evidence in research (McDonald, & Pape, 2002; Booysen, 2003; Crush, 2008; Collier, & Gunning, 1999; Akinboade, Kinfack, & Mokwena, 2012; Fakir, 2007) indicating the failure of the South African government to meet the needs of its citizens, that to a large extent, service delivery is not taking place generally. It is therefore understandable to question their ability or willingness to deal with victim of crime.

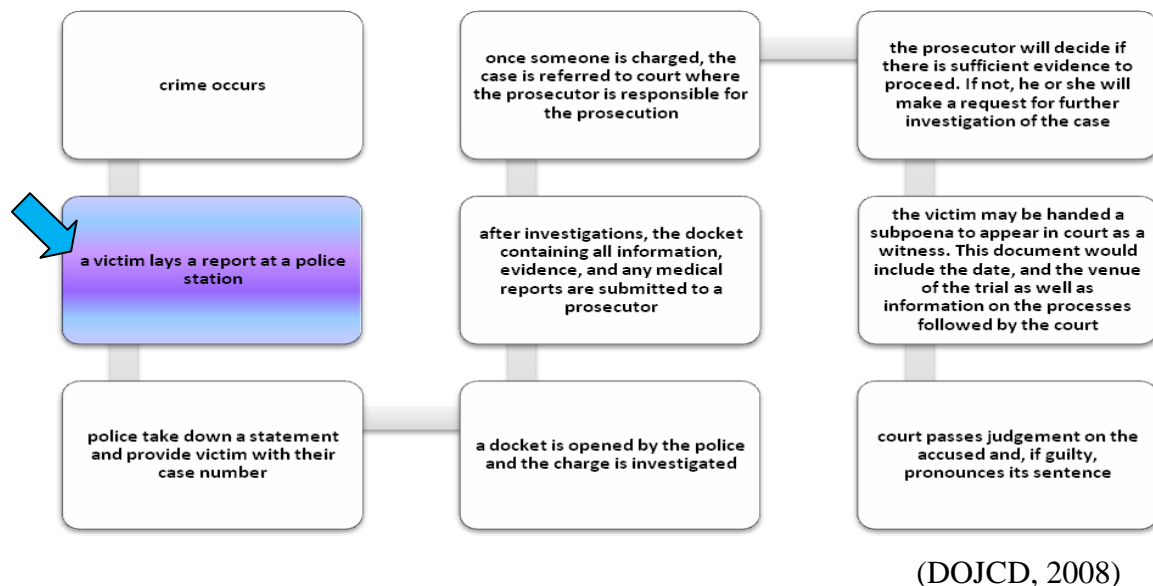
There is extensive research that aims to inform policy and provide guidelines for good practice in victim support. This study identifies several gaps in service delivery that affect a victims' access to justice. While their needs, in essence, should be guided by the Victims' Charter, the Victim Empowerment Programme, the Bill of Rights in the Constitution and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), there still remains the challenge of implementation (Frank, 2007:34-38; DOJCD, Undated:1). Accessing justice is further hindered through secondary victimization by Criminal Justice System (Dixon & Van der Spuy, 2004: 85).

## 7.2 REFLECTING ON THE FINDINGS

### 7.2.1 The Criminal Justice System

There is a specific sequence of events that should occur once a crime has been reported to the police. The research findings conclude that a number of problems were experienced by respondents at virtually every step in the CJS process. For ease of reading, this is explained by means of a diagram in which each highlighted step of the process is followed by an overview of the findings.

**Figure 7.1: The Act of Reporting**



Access to justice, in practice, begins at a reporting stage. However, victims were confronted by a number of challenges that are linked to an inadequate service delivery by law enforcement personnel. For example, during the course of field research it became clear that some police officials were ignorant of victims' rights. These then became strong elements of secondary victimization in their own right, weaving a constant thread through a significant proportion of victim narratives, and they were often met with unprofessionalism, disinterest, delays, corruption and apathy on the part of police officials.

Evidence from their narratives showed that the experience of violent crime was only exacerbated through a process of secondary victimization. This contributed to feelings of mistrust between the police and all respondents, and created a lack of faith in the ability of the SAPS to adequately deal with victims of crime in general. In several cases, the by-product of police response, or lack thereof, negatively influenced respondents' attitudes about reporting crime in future, or seeking any form of assistance from them. This can be viewed as a colossal wedge between victims, their rights, and ultimately, access to justice. It can be suggested that high levels of violent crime have made members of the law enforcement immune and desensitised to the plight of the community, having lost a compassionate response to victimization thereby transforming victim experiences into mere statistics. This related to issues of training.

#### **7.2.1.1 Support**

At the stage of reporting, the police need to inform victims of their rights and refer them to the relevant service providers, such as medical, or health centres, counselling, and support centres. However, all respondents indicated there that they knew of no such system in place, and no additional information was provided to them. Even then, there were a number of concerns were identified regarding the services available to victims of crime in the area.

While victims are able to access some services, such as counseling, much awareness-raising and rights advocacy is needed in the Tongaat community. The knowledge of victims' rights was absent amongst all the participants, and very few were aware of the existence of the Trauma and Victim Support Centre. Such centres, specifically, the TVSC, although valuable to the community, could adopt a more victim-focused approach. More attention needs to be paid to providing services which places victims of crime as the focal point of the system rather than providing a generalised service to the community. It was also found that there was a great need for awareness about the locations of services available.

In addition, it was clear that there was gender bias in relation to services for crime victims specifically within the Trauma and Victim Support Centre. Given the name of "victim support centres", these organisations should be able to provide emotional, informational, practical as

well as referral support where needed (Khoza, 2007:25). This should be provided by professionals, supported by trained volunteers, and in collaboration with CJS officials. This would also ensure that traumatized individuals are handled with care, and are provided with quality services that meets the individual needs of each victim and, if necessary, inclusive of specialised support (Office for Criminal Justice Reform, 2005: 1). The TVSC has a referral system to medical facilities, and to court. However, there was no mention in interviews with members from the centre, of a referral system for counseling or any other form of professional psychotherapy. Instead, victims are dealt with by the members at the centre through discussions about their experience. Although they have yet to encounter a victim of aggravated robbery, it was clear that the Centre lacked the professional skills to deal with victims of violent crime. This notion was also supported by a police officer from the SAPS in Tongaat.

#### **7.2.1.2 Victim Rights**

The findings of this research indicate that victims' needs are not being met. While services, such as counseling and medical care, do exist free of charge to the public, much training is needed in order for service providers, including state and non-state officials, to meet the standards set out in the National Policy Guidelines for Victim Empowerment.

At some point during their contact with the SAPS, victims should be informed of their rights (DOJCD, 2008: 5). The description of this provision was found to be at the end of the section on CJS process, and the roles of the various governmental departments in the Minimum Standards of Service to Victims document. This relatively small paragraph is after details on the sentencing of a criminal. The researcher is of the opinion that the provision of informing individuals of their rights should be at the forefront of any guiding principle for treatment of victims and, when put into action, should illustrate best practices in handling them. However, not a single participant had knowledge of their rights as victims of crime. This is linked to the right to information. Ideally, basic human rights and victims' rights alike should be made available to all citizens of South Africa. In the same way, communities should be made aware of the various agencies where they can seek help as well as their rights, thereby facilitating victims to make informed decisions about their own welfare, and improving their access to



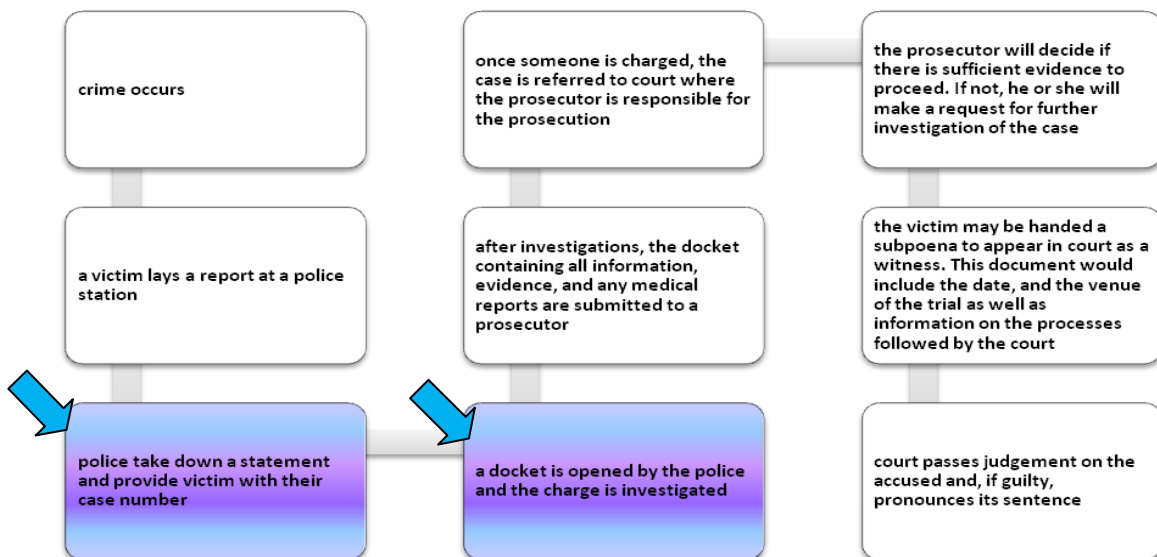
services. This can empower individuals by providing them with options, and the opportunity to take control of their lives.

The expression “on request” stipulated in the right to information is impracticable in the context of violent crime victims. All victim respondents in the study were not aware of any of their rights and the details therein, and they assumed that information, like the progress of investigations, and arrests of suspects, would be relayed to them automatically. Victims expressed their fear of repeat victimization, and of frustration and disappointment with the CJS, when their attackers were released from police custody, without having been informed beforehand. Considering the serious effects of violent crime, providing such information should be a prerequisite procedure of the South African CJS. The Code of Practice for Victims of Crime (2005) governing the services for victims in England and Wales follows these sentiments. It requires the police to ensure that victims are kept abreast about any new developments in their cases until it reaches closure. Then too, victims are made aware of when their cases have reached a terminal point. Should a case conclude with no apprehension of suspects, victims of violent crimes, such as aggravated robbery are provided with reasons. This kind of practice helps improve public perceptions of police and increases accountability (OCJR, 2005:1, 6-7).

According to the interviews, the police, and the state in general, have failed victims on all accounts in upholding their rights as set out in the Victims’ Charter. Services, such as those provided by the police, state medical care, and counseling services, have come to be an alternative to seeking justice. Many respondents had resorted to hiring private security in an attempt to feel some sense of safety in their homes and places of business, and a few had acquired a firearm for protection. Government-employed paramedics failed to assist one victim who was in desperate need of medical attention, forcing the person to seek out a private doctor to assist him in treating to his gun-shot wound. Other respondents showed an inclination to visit private doctors instead of a local health centre that provides medical care to the community at no financial cost. Similarly, such preference for the private sector was also expressed by one informant who had gone to counseling sessions. It became obvious that the private sector had become a mainstream means to access facilities and services.

Those respondents who did not report to the police often sought informal emotional support from family, friends and other community members. All respondents exhibited an increased level of fear of crime after their experience of becoming a victim. This was demonstrated in a change of behaviour and thinking that had prolonged effects for several years after the crime had occurred. They tended to be more wary about the time of day or night they choose to travel, about the routes used for travelling, and the mode of transport they choose to use. To some extent, every participant had increased their security in their homes, in their business premises and on their person. For example, as a means of protection one respondent now carries with him a pepper spray at all times. The experience of crime had caused victims to be suspicious of certain people, especially in a public place. Many respondents expressed the opinion that counseling was not necessary unless severe physical harm had been caused. However, the description of their experiences, and their positive responses about the interview process indicated that there was indeed a great need for support in overcoming the psychological effects of victimization.

**Figure 7.2: The Processes of Reporting**



(DOJCD, 2008)

The first clause of Victims' rights state that they have the right to be treated with fairness, and respect (DOJCD, 2008:6). A few respondents had been denied access to justice when police officials did not allow them to make a statement. These informants cited that the police alluded

to reasons that were related to the lack of available suspects for apprehension. There were at least two cases, involving a woman and a foreigner where the police did not take statements, and as a result, they had not received case numbers.

For most victims in Tongaat their first-time encounter with the police was usually their last. More often than not, police would record statements but thereafter failed to make contact with the complainant. On the other hand, if they did make contact, the police would only inform them of the name of the investigating-detective handling their cases. Every respondent who had reported crime expressed their frustration with the lack of assistance received from the police. Among the interviews, there were no cases where victims felt that the police had provided an adequate and satisfactory service, or felt that justice had been served. The perception amongst most victims was that the police were more focused on the administration of a statement than in their reaction to crime. This was shown in the cases of the interviews with respondents No 14 and 15. Even then, interviews with victims of crime alluded to problems of illiteracy amongst certain police officers and their ignorance of the geographical layout of Tongaat. At least two victims implied that the process of having their statements recorded only added to their emotional distress (Pers Com Resp No 7 and 19). One respondent (Pers Com Resp No. 3) spoke of a police officer's lack of knowledge of the areas around Tongaat Central, when asked to attend to a crime scene. The respondent's general perception was that some police officers were incompetent in their response to crime and victims alike.

The combination of a desperate need for police attention to treat crime reports and victimization seriously, and the experience of secondary victimization, had led to a vigilante act by at least one respondent, and a few respondents felt that justice would be better served if they could be allowed to take the law into their own hands. Some of them had acquired firearms and did not display any reluctance to use them if they were attacked by a criminal. In two separate incidents of aggravated robbery, a witness of crime reported that he had actually fired his gun and injured the suspects.

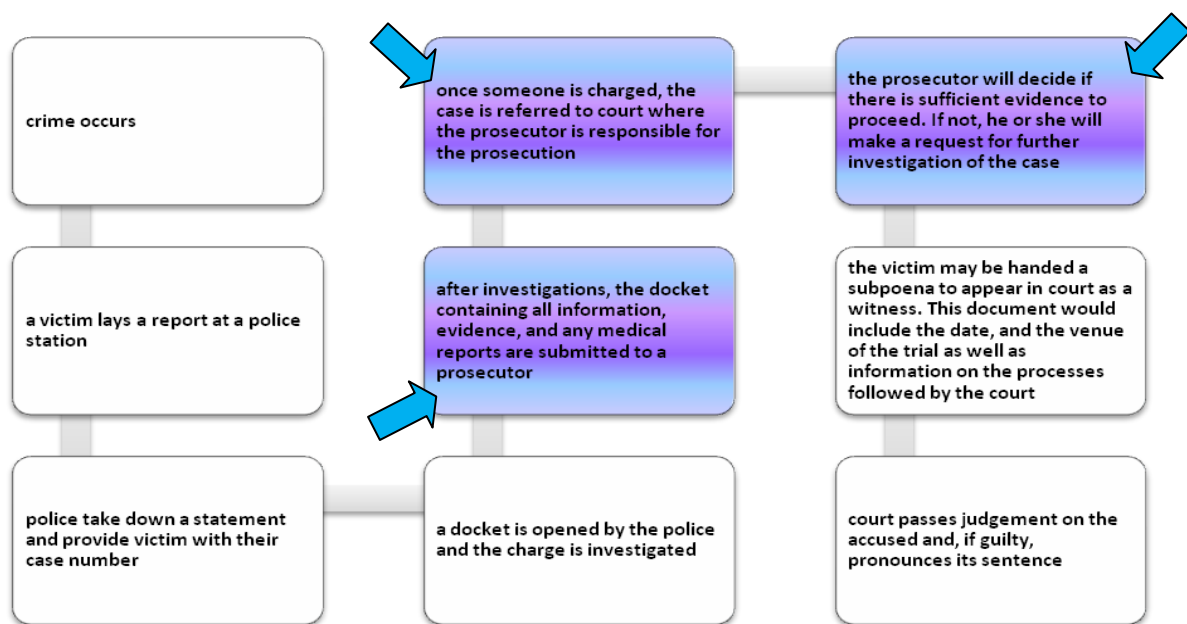
According to a study on crime conducted in South Africa (2009), a rising rate of violent crime emanates from a combination of the failed responses of the CJS and the state in general

(Burger 2009:7). A police officer had related the inability to provide adequate service to the Tongaat community to poor staffing and insufficient vehicles to respond to victim call-outs.

### 7.2.1.3 Case Progression

The fact there was limited communication between police and victims also meant a small window of opportunity existed for the police to provide them with further assistance. This includes informing victims' of their rights, and the available support services as well as updating them on their cases. It became apparent that victims felt deeply a need for this information, which was nevertheless absent.

**Figure 7.3: Processes after Reporting**



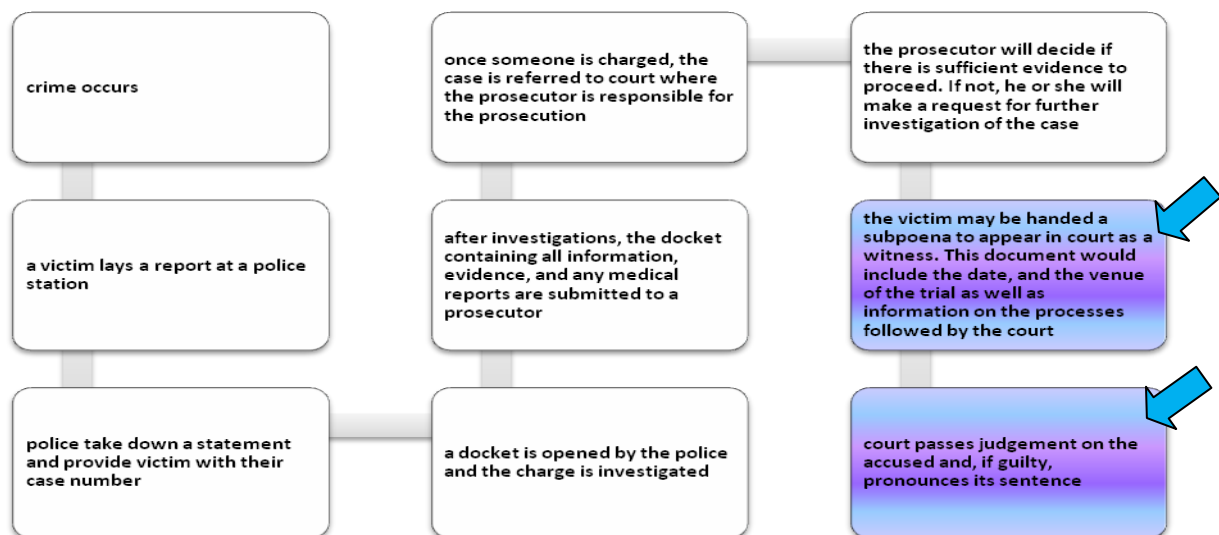
There was also evidence of corruption in the police services. In one incident, they had identified the group of culprits responsible for multiple armed robberies but ignored their procedure of carrying out an investigation, and collecting evidence. Instead, they had advised the reporting victim to drop the case because of the infamous violent nature of those perpetrators, and noted that it would be for his own safety. This was a blatant rejection of the rights to protection and goes against the actual purpose of the South African Police, whose duty, supposedly, is to protect and uphold the rights of every citizen.

It was also evident when victims were requested to make physical contact with suspects for the purpose of making a positive identification. The behaviour, and attitudes of some of the police officers largely displayed a complete disregard of the victims' rights, and the principles of the Minimum Standards on Service for Victims of Crime.

#### 7.2.1.4 Courts and Court Appearances

Even when cases had gone to court, there was no guarantee that it would proceed, and lead to a positive outcome.

**Figure 7.4: Court Processes**



(DOJCD, 2008)

As previously highlighted by victims, the problem of police illiteracy affected the chances of a successful prosecution. One court official noted that there was also an issue of poorly conducted investigations. Incomplete investigation, illegible reports, and bad vocabulary in dockets compiled by SAPS investigating detectives made it particularly difficult to use this information in court to attain convictions. Only two cases had gone to court, but failed to proceed due to a lack of witnesses. In addition to this, witnesses were not informed when suspects were released from police custody, and back into the community. It was not uncommon for a victim to become reluctant to appear in court, something that is related to a

fear of retribution from perpetrators. This was clearly expressed in the words of one prosecutor, supported by other literature on victims (See Chapter 5).

Other than the name of the court and the date scheduled for their appearance, victims were not provided with any other information, such as court procedures. On the other hand, once a victim meets with a prosecutor on the first day that they appear in court, he or she is informed of their rights. In the case of the informants, both victims were not contacted by any member of the CJS after the court date, and their attackers were released back into the community. This is related to the right to information. According to the Minimum Standards on Service, this information is available only on request. Their encounter with their perpetrators on the streets of Tongaat was disconcerting, causing them to question the abilities of the CJS to combat crime and to facilitate the prevention of crime.

### **7.3 RECOMMENDATIONS**

The research shows several cases of multiple victimization by aggravated robbery in the Tongaat area, and while the immediate needs of victims were strongly related to the rights set out in the Victims' Charter. Interviews with participants suggested that victims foremost desire information after they have reported a crime to the police. The recommendations of the study speak to the aim of addressing, amongst others, this need; and aimed towards improving service delivery in a manner that involves state and non-state organisations, the victims of crime, and the community on a whole.

#### **7.3.1 Short-Term Goals**

Access to justice can be improved by adopting “best practices” for victims, developed in countries such as the United Kingdom, England and Wales. For example, a way to prevent intimidation of victims and witnesses of crime in the method of identifying suspects, police can provide separate facility where victims can remain unseen by perpetrators during this process. A room can be provided where suspects can be lined up, and separate adjacent room can be provided for witnesses to identify their attacker through a two-way mirror. In this way, victims can feel more comfortable, and safe during this process, and especially if a suspect

were to be released from police custody on bail (Lewis & Ellis, Undated: 5). Information on complaint mechanisms, for example, Part IV of the Minimum Standards on Services for Victims of Crime, should be provided at the police station, in case a victim might feel unsatisfied with the assistance received from any of the service providers, including from the SAPS, the courts, educational services and health care workers (DSD, 2008: 18-20).

While the Minimum Standards on Services and the Victims' Charter provides a measure with which to evaluate best practices, methods of how monitoring or evaluation processes are implemented, and how often it will be carried out, are vaguely described (DSD, 2008: ii). Supported by the findings on the outcome of reporting, or lack thereof, and the experiences of poor treatment, greater attention needs to be paid to the problems in service delivery through independent methods of monitoring and evaluation. This may improve SAPS accountability to the community, and assist the identification of other problems within the Service which may affect effective service delivery.

The drafting of a CJS docket-checklist would be one way of improving CJS accountability, and ensuring that victim rights are maintained (See Appendix 8.7). This checklist should be attached to every crime report or file laid at a police station. In doing so, the relevant government departments, and its representatives would verify their specific responsibility to victims of crime. At the same time, the signatures of both, the victim and the SAPS station commander, at the end of each page of the checklist would corroborate the implementation of the specific procedures and processes.

The police can assist in raising awareness of victims' rights by making this information available at all police stations, in a form of a leaflet or a booklet. This should be relayed in a language or format that is understood by victims, and be provided to victims as soon as possible after a crime. In addition, a directory of service providers, with updated contact details, could be made available, in the same manner.

These efforts imitates the principles of Restorative Justice in which victims are able to become an active part of the CJS while maintaining that they are provided with information as soon as possible after the crime has occurred (Strang & Sherman, 2003:26-29; Batley, 2009:30; SALRC, 2004:219).

Overall analysis of the data collected increasingly demands the need for coordinated holistic interventions between the state and non-state agencies to collectively combat crime and, equally as important, the effects of crime. This can be accomplished through effective policy and “best practice”, thus facilitating the recovery from harm to victims of crime. In order to achieve this, victims themselves are to be considered as primary sources of information for efficient responses that not only acknowledge the harm caused, but also places an emphasis on defining what are their immediate and long term needs. Taking into consideration the violent nature of South African society and in general, of aggravated robbery, in particular providing those people who survive their victimization with the tools to regain from their experiences empowers them, and also transforms them from ‘victims’ to ‘survivors’ of such vicious crimes.

### **7.3.2 Future Objectives**

Not only does crime affect victims and their families, but it also affects society as a whole. The coalition of state and non-state service providers, victims, and the community in general, can serve as a mechanism for effectively responding to crime, and assisting victims. Adopted from Boles and Patterson’s “Eight-Step Model for Developing Protocol” (1997), the establishment of a community interagency council in Tongaat may be a worthwhile solution to the concerns raised in this paper. A community inter-agency council is defined as “an interdisciplinary, multiagency, victim-centre group responsible for developing and implementing protocol that improves the community’s response to crime and its victims” (Boles & Patterson, 1997: 15). Ideally, this group should include the CJS, that is to say, the police, the courts, and the correctional department, as well as medical centres, mental health centres, victim services, and educational institutions such as schools, universities, and colleges. The inclusions of professionals from these organisations can provide a basis for expert knowledge, skills, and experience.

The development of a community inter-agency council complies with the notions of Walzer (1999) and the idea of community and membership as discussed in the Introduction. Through this endeavour, victims can be kept abreast about their cases, and be provided with a space to address their concerns, as well as any inconveniences that may affect their participation. It also reflects the principles of Left Realism, and to large extent, illustrates Young’s (1988) notions on “The square of crime” (See Chapter 3).



A successful operating council can be viewed as a stepping stone to building the trust of the public in the CJS. It may also improve victims' willingness to participate in the court process, such as appearing as witnesses, thus improving the rate of crime reporting (Boles & Patterson, 1997: 16-17).

The first step of the model would be to create a database for the inventory of all service providers in Tongaat, and to make this available to victims as well as the general public. This would facilitate an effective system for referral. Thereafter the model suggests that a survey of victims and an assessment of community needs should be conducted in the area. This would assist in providing an overview of victims' experiences with the CJS, and the concerns about crime from members of the community. It can also be used to evaluate the strengths and weakness of the activities of the council. These initiatives provide a basis for the community, government and non-government agencies to pool their resources together in a coordinated manner and, in effect, meet the needs of crime victims, thus facilitating crime prevention (Boles & Patterson, 1997:55).

After each organisation has agreed upon a set of guidelines, and procedures for operation, they need to make a formal acceptance of their key roles in the inter-agency council. Thereafter a training-needs assessment would be implemented to ensure that each member responsible for victims is equipped to handle them. For example, victim centres, such as the Trauma and Victim Support Centre in Tongaat, can fulfill the role of providing initial crisis counseling. However, the research findings suggest that there is a need for training of the volunteers to become familiar, and learn the skills which will ensure that victims are offered appropriate mental health care, and be efficiently referred for long term counseling.

Clearly, a major obstacle for effective service delivery was linked to police sensitivity, or a lack thereof. The study strongly demonstrates an absence of good inter-personal skills, including interviewing techniques amongst police officers. This type of training would help in reducing the secondary victimization experienced by many of the victims in Tongaat.

The last two steps refer to the monitoring and evaluation of the inter-agency council. These steps would ensure that each agency adheres to their roles, are able to assess their strengths and weaknesses, and to make adjustments where needed to ensure that the council meets its

objectives (Boles & Patterson, 1997: 56-57). Every step of the model should be managed by a group of individuals who come together to form a committee whose duty would be to provide oversight of the various initiatives. These groups of people would also be responsible for the operation of each step of the model, and holistically facilitate the implementation of the objectives of an inter-agency council.

With the cooperation of community members, including crime victims, professionals like mental health specialists, prosecutors from the area, and the support of state agencies, an inter-agency council can achieve a number of objectives, such as making services available to victims, providing them with appropriate care, and improving public perceptions about the CJS (Boles & Patterson, 1997:23-24).

#### **7.4 CONCLUSIONS**

Providing access to justice to all of South Africa's citizens, and especially victims of crime, remains one of the country's major challenges. A lack of coordination and cooperation between state and non-state agencies is only one of several reasons contributing to an inability to provide a service that would benefit all citizens of South Africa (Nina & Scharf, 2001:40). The after-effects of violent crimes leave thousands of victims in the hands of the state. To large extent, the problems faced by victims began at the moment of reporting. More often than not, this was related to experiences of secondary victimization by the hands of police officials. The reluctance to report crime in future was a direct outcome of their initial poor treatment. Altogether, many victims face a greater challenge to move on with their lives as a result of direct victimization supplemented by secondary victimization at the hands of the CJS.

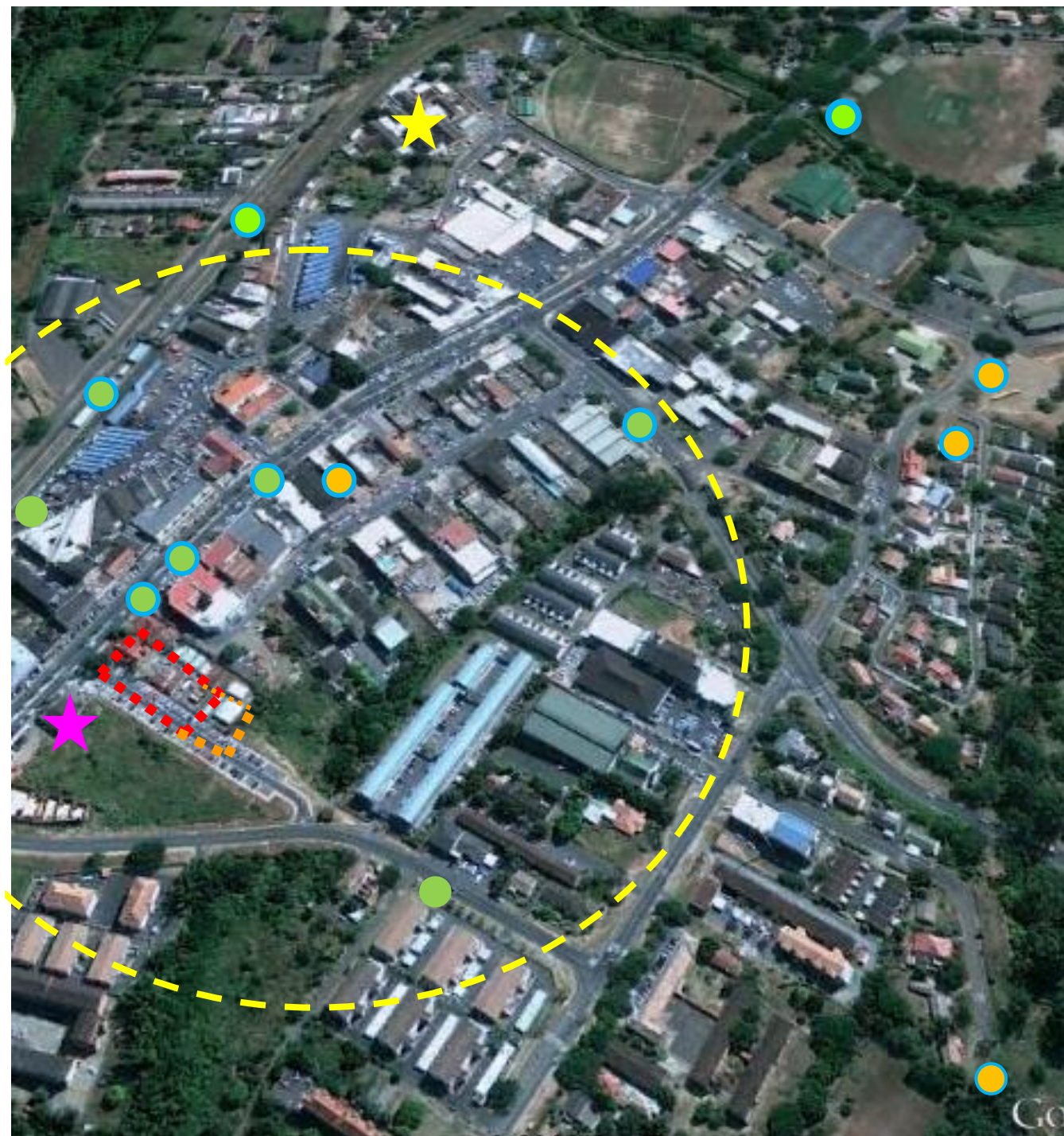
It was clear that victims have specific needs with regards to medical assistance, emotional and psychological support, and a need for protection and information. In order to recover from the trauma of a violent crime, victims require multidisciplinary support. Official referral systems should be developed between the SAPS in Tongaat, and various service providers in the area to ensure that victims have a place to turn to that can appropriately deal with the effects of their experience. Effectiveness, efficiency, and quality in service delivery are essential for improving public trust in the CJS, and uplifting not only victims themselves but also the Tongaat community as a whole. While guiding documents provide the basis for victims' rights

and better practices, they are flawed in many respects (See Chapter 2). The development of such an inter-agency council can overcome these limitations, by providing victims for example with information about court procedures and their cases. As noted earlier in this chapter, there is much room for improvement within the SAPS itself. Therefore, the challenge of combating crime and responding to its victims cannot be the responsibility of the state alone, but should include the collective cooperation, support and commitment of the public at large.

According to Boles and Patterson (1997), the eight-step model was implemented in at least two communities in America, and proved to have great success. Some of these include the establishment of a child advocacy centre, an improved victim-witness assistance program, and the introduction of specialised police officers trained to deal with children. Given its promise, the idea of a multiagency and multidisciplinary victim-focused group that comes together as a single entity could prove to be a successful venture for the community of Tongaat.

## 8. APPENDICES

### 8.1 Map of Distances between Victims and Service Providers



- Boundary of the Trauma and Victim Support Centre
- Community Health Centre
- Non-reporting victims of aggravated robbery
- Reporting victims of aggravated robbery
- No Knowledge of the TVSC
- Boundary of South African Police Station
- Location of TVSC signage
- Less than 1km walking distance to centre



(Map is not to scale)

Prepared by: Shinaaz Zoutenberg

Date: 26 November 2012

UKZN

## 8.2 Informed Consent Form for Victim Participants

**Name:** Shinaaz Zoutenberg  
**Institution:** University of KwaZulu-Natal  
**Degree:** Master of Social Science (Community Development)  
**Research Title:** Access to Justice For Victims of  
Aggravated Robbery in the Tongaat Area

Please consider this information carefully before deciding whether to participate in this research.

**Purpose of the research:** To understand the experiences post crime

**What you will do in this research:** If you decide to volunteer, you will be asked to participate in one interview. You will be asked several questions. Some of them will be about the crime itself. Others will be about your experience after the crime. With your permission, I will tape record the interviews so I don't have to make so many notes. You will not be asked to state your name on the recording.

**Time required:** The interview will take approximately 20-30 minutes.

**Risks:** Some of the questions may cause discomfort. If you require counseling, I am able to refer you.

**Benefits:** This is a chance for you to tell your story about your experiences concerning armed robbery. This process will also inform you of your rights as a victim of this crime.

**Confidentiality:** Your responses to interview questions will be kept confidential. At no time will your actual identity be revealed. You will be assigned a random numerical code. I will be transcribing the recording and therefore there are no risks pertaining to this. The recording will be erased when my final paper has been graded. The transcript, without your name, will be kept until the research is complete.

The key code linking your name with your number will be kept in a locked file cabinet and no one else will have access to it. It will be destroyed when my dissertation has been accepted. The data you give me will be used to ascertain the experiences of direct and/or secondary victims of aggravated robbery in the Tongaat area in relation to access to justice with specific reference to the availability or lack of services for victims, an article I am currently writing and may be used as the basis for articles or presentations in the future. I won't use your name or information that would identify you in any publications or presentations.

**Participation and withdrawal:** Your participation is completely voluntary, and you may withdraw from the study at any time without penalty. You may withdraw by informing me that you no longer wish to participate (no questions will be asked). You may also skip any question during the interview, but continue to participate in the rest of the study.

**Agreement:** The nature and purpose of this research have been sufficiently explained and I agree to participate in this study. I understand that I am free to withdraw at any time without incurring any penalty.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (print): \_\_\_\_\_

### 8.3 Informed Consent Form for Key Informant Participants

**Name:** Shinaaz Zoutenberg  
**Institution:** University of KwaZulu-Natal  
**Degree:** Master of Social Science (Community Development)  
**Research Title:** 'Access to justice' for victims of aggravated robbery in the Tongaat area

Please consider this information carefully before deciding whether to participate in this research.

**Purpose of the research:** To gain insight into the services available for victims of aggravated robbery both state and non- state responses in the Tongaat area.

**What you will do in this research:** If you decide to volunteer, you will be asked to participate in an interview. You will be asked several questions. Some of them will be about your/organisation's role in dealing with clients. Others will be about your experience in dealing with clients. With your permission, I will tape record the interviews so I don't have to make so many notes. You will not be asked to state your name on the recording.

**Purpose:** Key informant interviews are qualitative in-depth interviews with people who know what is going on in the community. The purpose of key informant interviews is to collect information from a wide range of people—including community leaders, professionals, or residents—who have firsthand knowledge about the community. These community experts, with their particular knowledge and understanding, can provide insight on the nature of problems and give recommendations for solutions.

**Time required:** The interview will take approximately +-30 minutes.

**Risks:** Your personal identity will be kept confidential. However, the title/s which are/is exclusive to you in your organization may be used in the research which may make it easier to detect your identity.

**Benefits:** To contribute to a credible research project by providing your professional input. This is a chance to express your views as one of the members' of the service providers that deal with victims.

**Confidentiality:** Your identity will be kept confidential. At no time will your actual personal identity be revealed. The title/s [prosecutor, counselor, police officer, social worker etc.] as a member of a service provider may be used in the research. I will be transcribing the recording and therefore are no risks pertaining to this. The recording will be erased when my final paper has been graded. The transcript, without your name, will be kept until the research is complete.

The key code linking your name with your number will be kept in a locked file cabinet and no one else will have access to it. It will be destroyed when my dissertation has been accepted. The data you give me will be used to ascertain the services available for victims of aggravated robbery in the Tongaat area , an article I am currently writing and may be used as the basis for articles and/or presentations in the future. I will not be using your name in any publications and/or presentations.

**Participation and withdrawal:** Your participation is completely voluntary, and you may withdraw from the study at any time without penalty. You may withdraw by informing me that you no longer wish to participate (no questions will be asked). You may also skip any question during the interview, but continue to participate in the rest of the study.

**Agreement:** The nature and purpose of this research have been sufficiently explained and I agree to participate in this study. I understand that I am free to withdraw at any time without incurring any penalty.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Print): \_\_\_\_\_



## 8.4 Community Interview Schedule on Crime, Victimization and Access to Justice

*(This was used to assist me to get basic information as well as a guideline for discussion)*

### Section A: Biographical Details

1. Gender: 1=Male ☐ 1  
2= Female ☐ 2
2. Age: 1= Under 18 years ☐ 1  
2= 18- 35 years ☐ 2  
3= 36-45 years ☐ 3  
4= 46-55 years ☐ 4  
5= Over 55 years ☐ 5
3. Marital Status: 1= Single ☐ 1  
2= Married ☐ 2  
3= Separated ☐ 3  
4= Divorced ☐ 4  
5=Widowed ☐ 5  
6= Living Together ☐ 6
4. Racial Group: 1= African ☐ 1  
2= Coloured ☐ 2  
3= Indian ☐ 3  
4= White ☐ 4  
5= Other ☐ 5
5. Nationality: 1= South African ☐ 1  
2= Nigerian ☐ 2  
3= Mozambiquan ☐ 3  
4= Conganese ☐ 4  
5= Japanese ☐ 5  
6= Chinese ☐ 6

- 7= Taiwanese ☐ 7  
 8= Zimbabwean ☐ 8  
 9= Other ☐ 9

6. Education: 1= Primary School ☐ 1  
 2= Secondary School ☐ 2  
 3= High School ☐ 3  
 4= University ☐ 4  
 5= College/  
 Technikon ☐ 5  
 6= Other ☐ 6  
 (Specify) \_\_\_\_\_

7. Current Employment: 1= Employed ☐ 1  
 2= Unemployed, seeking employment ☐ 2  
 3= Unemployed, not seeking employment ☐ 3  
 4= Still at school/ University/Technikon ☐ 4  
 /College  
 5= receiving a grant ☐ 5

### **Section B: Victimization and Access to Justice**

4. How many individuals reside in your home?

- 1= You, alone ☐ 1  
 2= Two, including yourself ☐ 2  
 3= Three, Including yourself ☐ 3  
 4= Four, including yourself ☐ 4  
 5= Five, including yourself ☐ 5  
 6= Six, including yourself ☐ 6  
 7= Seven and more, including yourself ☐ 7

9. Have you/ any of your immediate family members been a victim of crime?

- 1= Yes ☐ 1

2= No      ☐ 2

10. If 'Yes' in question 9, what crime(s) were you or your immediate family members a victim of?

11. What crime have you or your immediate family member been a victim off?

Only if response to question 11 is Theft, Robbery, Hijacking, Burglary, Stock theft - then continue

1. How long ago were you/they been victims of crime?
2. Was a weapon used by the perpetrator in the crime and if so, what kind of weapon?
3. How many times have you been a victim of this/these crimes?
4. Where did the/these crime/s occur?
5. Did you lay a charge/ report the crime at the local police? If no why?
6. How was your experience during reporting the crime to the local police?
7. If you did report the crime to the police, then to whom did you tell/report?
8. Have you ever had any reservations about reporting a crime and what were they?  
Elaborate
9. How was information by the police relayed to you?
10. Have you ever withdrawn charges? If so, how many times and why?
11. What happened to the offender after reporting?
12. What happened when the case went to court?
13. How were you informed about the progress of the case?
14. What harm or loss had occurred to you or your immediate family member?
15. Where and what type of services providers did you seek assistance after crime?  
(Community support groups, medical, counseling etc.)
16. Do you know about the existence of the victim trauma centre in Tongaat? (Located below the SAPS) If no, what difference would it have made if there was knowledge?
17. How do you feel about the outcome of your case/reporting and do you feel justice had been done for you?
18. What else do you feel could have been done for you?

19. (E.g. given a chance to express oneself in court, have the offender apologize, return property, police could have kept you informed; police should work harder to apprehend perpetrators, harsher punishment for offenders etc.)
20. Do you think that you could have done something to avoid/prevent the crime/ adequate security?
21. What precautions if any, have you taken to minimize the risk of becoming a victim of this crime again?
22. Do you feel you need help, to be referred for help?
23. What do you know about the Victim Charter? (Right to:
- a. Treated fair and with respect for dignity and privacy;
  - b. Info and offer info during the trial and criminal invest process;
  - c. Be informed of your rights and exercise them;
  - d. Protection, free from intimidation, harassment, fear, bribery and corruption;
  - e. Assistance, where relevant, having access to avail social, health, legal counseling
  - f. Restitution, in cases where there had been unlawfully loss/ damage of your property
24. Has this interview been of any benefit to you and how?

### **8.5 Key Informant Interview Schedule on Crime, Victimization and Access to Justice**

*(This was used to assist the researcher to get basic information as well as a guideline for discussion)*

1. What is your profession/occupation and what qualifications do you currently have?
2. Approximately, how old are you and how long have you been working for this organization
3. How is your organisation structured? Nationally? Provincially? Locally?
4. How is your organisation funded?
5. How is your organisation staffed?
6. What is your organisation about and what are its objectives?
7. What is your role in the organization?
8. What programmes/services are available for victims?
  - visit from a volunteer
  - letter offering help
  - hotline telephone
  - accommodation and shelter
  - information about rights and compensation
  - assistance at court
  - medical help
  - referral to agencies
  - information regarding outcome of court case
  - financial help
  - professional counselling
  - Other:
9. What cases (crime) do your clients most commonly come to you with?
10. Since your employment in this field/organisation, approximately how many of the cases robbery/hijacking/theft brought forward were a weapon used?
11. Through what channel do your clients come to you?
12. Who do most often deal with, Victims or Offenders?
13. Is there a difference when working with offenders and working with victims?

14. What happens to the victim after he/she has passed through your channel of assistance?
15. In your knowledge, more often have the offender/s been caught?
16. Do you know what 'restorative justice' is?
17. What is your opinion about restorative justice? (I.e. addressing the feelings/hurt and needs of the victim as well as offender where both parties are healed bringing restoration to the community too)
18. What do you in cases when victims want to confront their perpetrator?
19. What is your opinion on victim and perpetrator mediation?
20. How do you receive remuneration for your services?
21. What have been the major challenges/obstacles faced, if any, in your line of work from the public/your clients and/or members of the CJS?
22. How is the public informed of your services?

## 8.6 Letter of Proof of Registration and Study Submitted to Organisations

### SCHOOL OF BUILT ENVIRONMENT AND DEVELOPMENT STUDIES

06 February 2012

#### To Whom It May Concern

This is to confirm that Ms Shinaaz Zoutenberg is currently a Masters student in the School of Built Environment and Community Development at the University of KwaZulu-Natal. She has embarked on a study entitled:

“Access to justice for victims of aggravated robbery in the Tongaat area”.

Her study is a qualitative study involving interviews with victims of aggravated robbery who are over 18yrs and voluntarily participate in the research. She will also be required to interview key informants that provide services to direct and indirect victims of crime.

Please do not hesitate to call me should you require any further information. Your assistance is highly appreciated.

Kind regards



Dr Hema Hargovan (Supervisor)  
Lecturer: Community Development  
School of Social Work and Community Development  
University of KwaZulu-Natal  
Howard College  
Tel: 031 260 7529  
E Mail: [hargovanh@ukzn.ac.za](mailto:hargovanh@ukzn.ac.za)

## 8.7 Draft Proposed Docket Checklist

Page 1 of 3.

PROCEDURE:	CHECKLIST:	RELEVANT PERSONNEL RESPONSIBLE: TITLE, SURNAME, INITIALS	SIGN	DATE
Statement Taken	<input type="checkbox"/>	(SAPS Officer) _____		
Language Practitioner provided	<input type="checkbox"/>	(SAPS Officer) _____		
Case Number provided to Complainant	<input type="checkbox"/>	(SAPS Officer) _____		
Complainant informed:	<ul style="list-style-type: none"> <li>Details of the SAPS personnel assigned to investigate case <input type="checkbox"/></li> </ul>	(Criminal Investigating Detective (CID)) _____		
Provide complainant with information	Documents on: <ul style="list-style-type: none"> <li>Victims' Right <input type="checkbox"/></li> <li>Minimum Standards on Services <input type="checkbox"/></li> <li>List of relevant service providers <input type="checkbox"/></li> </ul>	(SAPS Officer) _____  (CID) _____		
Complainant Needs-Assessment	<ul style="list-style-type: none"> <li>Medical <input type="checkbox"/></li> <li>Counselling <input type="checkbox"/></li> <li>Legal <input type="checkbox"/></li> <li>Other <input type="checkbox"/></li> </ul>	(SAPS Officer) _____		
Complainant Referral(Please specify place of reference)	<ul style="list-style-type: none"> <li>Medical <input type="checkbox"/> _____</li> <li>Counselling <input type="checkbox"/> _____</li> <li>Legal <input type="checkbox"/> _____</li> <li>Other <input type="checkbox"/> _____</li> </ul>	(Practitioner/s or Organisation) _____ _____		
Evidence Collected	<input type="checkbox"/>	(CID) _____		

Signature of Commissioner of SAPS station: \_\_\_\_\_

Signature of Complainant: \_\_\_\_\_



PROCEDURE/ PROCESSES:	CHECKLIST	RELEVANT PERSONNEL RESPONSIBLE: TITLE, SURNAME, INITIALS	SIGN	DATE
Complainant informed of progress of case	<input type="checkbox"/>	(CID)_____		
Docket contain all documents	<ul style="list-style-type: none"> <li>• Medical report <input type="checkbox"/></li> <li>• Evidence report <input type="checkbox"/></li> <li>• Witness/Victim Statements <input type="checkbox"/></li> </ul>	(CID)_____ (Prosecutor)_____		
Docket submitted to prosecutor	<input type="checkbox"/>	(CID)_____		
Docket received by prosecutor	<input type="checkbox"/>	(Prosecutor)_____		
Prosecutor's decisions	<ul style="list-style-type: none"> <li>• Sufficient evidence to proceed to court <input type="checkbox"/></li> <li>• Request for further investigation <input type="checkbox"/></li> <li>• Withdrawal of charge <input type="checkbox"/></li> </ul>	(CID)_____ (Prosecutor)_____		
Assessment for Witness Protection Programme (WPP) conducted	<ul style="list-style-type: none"> <li>• WPP required <input type="checkbox"/></li> <li>• WPP not required <input type="checkbox"/></li> <li>• Complainant informed of details about WPP <input type="checkbox"/></li> </ul>	(Senior Prosecutor/ Representative of Director of Public Prosecutions)_____ (CID)_____		
Complainant notified of:	<ul style="list-style-type: none"> <li>• Venue of court <input type="checkbox"/></li> <li>• Date to attend court proceedings/ trial <input type="checkbox"/></li> </ul>	(CID)_____		
Request for court 'victim assistant' or 'preparation officer'	<ul style="list-style-type: none"> <li>• Yes <input type="checkbox"/></li> <li>• No <input type="checkbox"/></li> </ul>	(CID)_____		

Signature of Commissioner of SAPS station: \_\_\_\_\_

Signature of Complainant: \_\_\_\_\_

PROCEDURE:	CHECKLIST:	RELEVANT PERSONNEL RESPONSIBLE: TITLE, SURNAME, INITIALS	SIGN	DATE:
Complainant informed of decisions made thereafter regarding accused	<ul style="list-style-type: none"> <li>• Alteration of charges <input type="checkbox"/></li> <li>• Acceptance of plea bargain <input type="checkbox"/></li> <li>• Bail granted <input type="checkbox"/></li> <li>• Bail denied <input type="checkbox"/></li> </ul>	(CID) _____ (Prosecutor) _____ _____		
Provision for language interpreter	<ul style="list-style-type: none"> <li>• Yes <input type="checkbox"/></li> <li>• No <input type="checkbox"/></li> </ul>	(Interpreter) _____  (Court official) _____		
Provision for testifying witness	<ul style="list-style-type: none"> <li>• Via closed-circuit television(CCTV) (separate room from accused) <input type="checkbox"/></li> <li>• Via CCTV-with assistance of intermediary personnel <input type="checkbox"/></li> <li>• Via camera <input type="checkbox"/></li> </ul>	(Prosecutor) _____  (Other Court Official) _____		
Complainant assistance:	<ul style="list-style-type: none"> <li>• With request for compensation for damages <input type="checkbox"/></li> <li>• Victim Impact Statement <input type="checkbox"/></li> <li>• Appeals opposing imposed sentence <input type="checkbox"/></li> </ul>	(Prosecutor) _____  (Senior/ Chief Prosecutor /Director of Prosecution) _____		
Complainant informed of:	<ul style="list-style-type: none"> <li>• Accused request for appeal against conviction</li> <li>• If accused granted bail</li> <li>• Conditions and details of the above.</li> </ul>	(Prosecutor from original case/Advocate dealing with appeals) _____  (CID) _____		

Signature of Commissioner of SAPS station: \_\_\_\_\_

Signature of Complainant: \_\_\_\_\_

## 8.8 Letter to Clinical Psychologist: Request for Assistance in the Research Process



12 July 2011

To Whom it May Concern

This is to confirm that Ms Shinaaz Zoutenberg is currently a Masters student in the School of Social Work and Community Development at the University of KwaZulu-Natal. She has embarked on a study entitled:

“Access to justice for victims of aggravated robbery in the Tongaat area”.

Her study is a qualitative study involving interviews with victims of aggravated robbery who are over 18yrs and voluntarily participate in the research. However, there is a slight possibility of secondary victimization occurring.

I wish to request your permission to refer any research participants to the clinic in the event that they might require psychological counseling. Your assistance and support is important for the student to obtain the required ethical clearance in order to proceed with the research process.

Please do not hesitate to call me should you require any further information. Your assistance is highly appreciated.

Kind regards

---

Dr Hema Hargovan (Supervisor)  
Lecturer: Community Development  
School of Social Work and Community Development  
University of KwaZulu-Natal  
Howard College  
Tel: 031 260 7529  
E Mail: [hargovanh@ukzn.ac.za](mailto:hargovanh@ukzn.ac.za)

## 8.9 Letter from Clinical Psychologist: Confirmation of Assistance



health

Department:  
Health

PROVINCE OF KWAZULU-NATAL

7 Sanele Nxumalo Road  
Dores lane, Tongaat, 4400

Private bag X06, Tongaat 4400

Tel: 032 9445054 Fax: 032 945 4058

E-mail: boodhi.roopsingh@kznhealth.gov.za

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**DR B.M. ROOPSINGH  
MEDICAL MANAGER**

14 July 2011

**TO: DR HERMA HARGOVAN  
LECTURER: COMMUNITY DEVELOPMENT  
SCHOOL OF SOCIAL WORK AND COMMUNITY DEVELOPMENT  
UNIVERSITY OF KWAZULU-NATAL  
HOWARD COLLEGE**

**RE: YOUR LETTER DATED 12 JULY 2011 REFERS:**

Permission is granted for Ms Shinaaz Zoutenberg to refer any research participants to the clinic in the event that they might require psychological counseling.

I thank you

**DR B.M. ROOPSINGH  
MEDICAL MANAGER  
TONGAAT CHC**

## **8.10 Section on Victim's Rights as set out in the Service Charter.**

### **“YOUR RIGHTS AS A VICTIM OF CRIME**

If you have been a victim of crime the following rights, as contained in the Constitution and relevant legislation, will be upheld in your contact with the criminal justice system:

#### **1. The right to be treated with fairness and with respect for dignity and privacy:**

- You have the right to be attended to promptly and courteously, treated with respect for your dignity and privacy by all members of any department, institution, agency or organisation dealing with or providing a service to you (hereafter referred to as a service provider).
- The police, during the investigations; the prosecutors and court officials during preparation for and during the trial proceedings; as well as all other service providers, will take measures to minimise any inconvenience to you by, among others, conducting interviews with you in your language of choice and in private, if necessary.
- These measures will prevent you from being subjected to secondary victimisation.

#### **2. The right to offer information:**

- You have the right to offer information during the criminal investigation and trial.
- The police, prosecutor and correctional services official will take measures to ensure that any contribution that you wish to make to the investigation, prosecution and parole hearing is heard and considered when deciding on whether to proceed with the investigation, or in the course of the prosecution or Parole Board hearing.
- This right means that you can participate (if necessary and where possible) in criminal justice proceedings, by attending the bail hearing, the trial, sentencing proceedings and/or Parole Board hearing.
- It means that you will have the opportunity to make a further statement to the police if you realise that your first statement is incomplete; you may also, where appropriate, make a statement to the court or give evidence during the sentencing proceedings to bring the impact of the crime to the court's attention.
- Furthermore, you may make a written application to the Chairperson of the Parole Board to attend the parole hearing and submit a written input.

### **3. The right to receive information:**

- You have the right to be informed of your rights and of how to exercise them.
- You can, as part of this right, ask for explanations in your own language of anything you do not understand.
- You have the right to receive information and to be informed of all relevant services available to you by service providers.
- You will be informed of your role in the case and of the approximate duration of the case. You can request information regarding court dates, witness fees and the witness protection programme.
- You can request to be informed of the status of the case, whether or not the offender has been arrested, charged, granted bail, indicted, convicted, or sentenced.
- You may request reasons for a decision that has been taken in your case on whether to prosecute or not.
- You are entitled to receive documents that the law entitles you to have access to.
- You can request to receive notification of proceedings which you may attend.
- You can request the prosecutor to notify your employer of any proceedings which necessitate your absence from work.

### **4. The right to protection:**

- You have the right to be free from intimidation, harassment, fear, tampering, bribery, corruption and abuse. If you are a witness, you must report any such threats to the police or senior state prosecutor.
- The police will, if you comply with certain requirements, apply for you to be placed in a witness protection programme.
- If such an application is successful, you will be placed in a witness protection programme where you will be protected, as far as possible, from all forms of undue influence, harassment or intimidation.
- This will ensure your safety as a witness and the availability of your testimony, and prevent you from withdrawing from giving evidence as a result of undue influence.
- This right includes that in certain circumstances the court may prohibit the publication of any information (including your identity), or it may order that the trial be held behind closed doors (*in camera*).

- You can request Correctional Services to inform you if the offender has escaped or has been transferred.

#### **5. The right to assistance:**

- You have the right to request assistance and, where relevant, have access to available social, health and counselling services, as well as legal assistance which is responsive to your needs.
- The police will assist you by explaining police procedures, informing you of your rights and making the appropriate referral to other relevant service providers.
- The office manager or head of office at the court will provide for the services of an interpreter.
- The prosecutor will ensure that special measures are employed in relation to sexual offences, domestic violence and child support or maintenance matters and that, where available, such cases are heard in specialised courts.
- If you have special needs, all service providers will, within the scope of their functions, take all reasonable steps to accommodate you and ensure that you are treated in a sensitive manner.

#### **6. The right to compensation:**

- You have the right to compensation for loss of or damage to property suffered as a result of a crime being committed against you.
- You can request to be present at court on the date of sentencing of the accused and request the prosecutor to apply to court for a compensation order in terms of section 297 and 300 of the Criminal Procedure Act, Act 51 of 1977.
- “Compensation” refers to an amount of money that a criminal court awards the victim who has suffered loss or damage to property, including money, as a result of a criminal act or omission by the person convicted of committing the crime.
- The prosecutor will inform you if a compensation order has been granted, explain its contents and how to enforce it. You can institute a civil action against the accused where the criminal court did not grant a compensation order. This will usually happen where the damages are not easily quantifiable in financial terms, for example, in the case of psychological damages or pain and suffering.
- The clerk of the court will assist you with the enforcement of a compensation order granted by the court.

## **7. The right to restitution:**

- You have the right to restitution in cases where you have been unlawfully dispossessed of goods or property, or where your goods or property have been damaged unlawfully.
- “Restitution” refers to cases where the court, after conviction, orders the accused to give back to you the property or goods that have been taken from you unlawfully, or to repair the property or goods that have been unlawfully damaged, in order to restore the position you were in prior to the commission of the offence.
- The prosecutor will inform you what restitution involves and the clerk of the court will assist you in enforcing this right.” (DOJCD, 2008:2-4).



## BIBLIOGRAPHY

ABDULLAH-KHAN, N. (2008) *Male Rape: The Emergence Of A Social And Legal Issue*. Great Britain: Palgrave Macmillan.

AKINBOADE, A., O., KINFACK, E.C., AND MOKWENA, M., P. (2012) 'An Analysis Of Citizen Satisfaction With Public Service Delivery In The Sedibeng District Municipality Of South Africa'. *International Journal Of Social Economics*, Vol. 39 No: 3 pp. 182 – 199 [Online] [Accessed 14 November 2012] <http://dx.doi.org/10.1108/03068291211199350>

ALTBEEKER, A. (2004) 'Guns And Public Policy In South Africa', in Dixon, B. and Van der., E. (ed.) *Justice Gained? Crime And Crime Control In South Africa's Transition*. South Africa: Willan Publishing.

ANDERSON, R. (2007) *Thematic Content Analysis*. wellknowingconsulting.org. [Online] [Accessed 3 March 2012] <http://www.wellknowingconsulting.org/publications/pdfs/ThematicContentAnalysis.pdf>

ARMOUR, M. (2012) *Restorative Justice: Some Facts And History*. Tikkun. [Online] [Accessed 3 March 2012] <http://tikkun.dukejournals.org/content/27/1/25.full.pdf+html>

ARTZ, L., SMYTHE, D. (2005) 'South African Legislation Supporting Victims Rights', In Davis, L. And Snyman, R. (Ed.) *Victimology In South Africa*. Pretoria: Van Schaik.

ATKINSON, R, AND FLINT, J. (2004) 'Snowball Sampling', In. Lewis-Beck, M., S., Bryman, A., And Liao, T., F (eds), *The SAGE Encyclopedia Of Social Science Research Methods*. Sage Publications Inc. [Online] [accessed 20 September 2013] <http://srmo.sagepub.com/view/the-sage-encyclopedia-of-social-science-research-methods/n931.xml>

AUERHAHN, K. (2003) *Selective Incapacitation And Public Policy: Evaluating California's Imprisonment Crisis*. USA: New York Press.

BABBIE, E., MOUTON, J. AND PROZESKY, P, V, B. (2001) *The Practices Of Social Research* (S.A Ed). Oxford University Press: South Africa.

BARKHUIZEN, J. (2011) *The Effect of Vehicle Theft And Hijacking*. SlideShare PowerPoint Slides. [Online] [Accessed 20 November 2013] <http://www.slideshare.net/TrackerSA/the-effect-of-vehicle-theft-and-hijacking-dr-jaco-barkhuizen>

BARNHART, C.L. AND BARNHART, R.K. (1981) *The World Book Dictionary*. United States Of America: William, H. Nault.

BASSON, A. (2012) *Mdluli v Cele Battle Lines Drawn*. News24. [Online] [Accessed 15 June 2012] <http://www.news24.com/SouthAfrica/News/Mdluli-vs-Cele-The-battle-lines-are-drawn-20120211-2>

BATLEY, M. (2005) 'Restorative Justice In The South Africa Context', In Traggy, M. (Ed) *Beyond Retribution Prospects For Restorative Justice In South Africa*. Institute Of Security Studies. [Online] [Accessed 6 October 2011] <http://www.iss.co.za/pubs/Monographs/No111/Chap2.pdf>

BEDNAROVA, J. (2011) *The Heart Of The Criminal Justice System: A Critical Analysis of the Position of the Victim*. Internet Journal Of Criminology. [Online] [Accessed 20 July 2012] [http://www.internetjournalofcriminology.com/Bednarova The Heart of the Criminal Justice System.pdf](http://www.internetjournalofcriminology.com/Bednarova%20The%20Heart%20of%20the%20Criminal%20Justice%20System.pdf)

BILL AND MELINDA GATES FOUNDATION. (2010) *Every Person Deserves The Chance To Live A Healthy, Productive Life*. Bill And Melinda Gates Foundation. [Online] [Accessed 13 February 2013] <http://www.gatesfoundation.org/about/Documents/brochure-bill-and-melinda-gates-foundation.pdf>

BOOYSEN, R., F. (2003) 'Urban–Rural Inequalities In Health Care Delivery In South Africa'. *Development Southern Africa*, Vol. 20, No.5:pp. 659-673. [Online] [Accessed 14 November 2012] <http://www.tandfonline.com/doi/pdf/10.1080/0376835032000149298>

BOTTOMS, A.E. AND ROBERTS, J.V. (2010) *Hearing The Victim: Adversarial Justice, Crime Victims And The State*. Cullompton: Willan.

BRAINY QUOTE. (Undated) *John Heywood Quotes*. Brainy Quotes. [Online] [Accessed 9 September 2012] [http://www.brainyquote.com/quotes/authors/j/john\\_heywood.html](http://www.brainyquote.com/quotes/authors/j/john_heywood.html)

BRAUN, V. and CLARKE, V. (2006) 'Using Thematic Analysis In Psychology'. *Qualitative Research In Psychology*, Vol. 3, No.2: pp. 77-101. [Online] [Accessed 20 July 2012] [http://eprints.uwe.ac.uk/11735/2/thematic %3Cstrong%3Eanalysis%3C/strong%3E\\_revised \\_final.pdf](http://eprints.uwe.ac.uk/11735/2/thematic_%3Cstrong%3Eanalysis%3C/strong%3E_revised_-_final.pdf)

BRODY, B., A. AND SHER, G. (ed) (1999) *Social And Political Philosophy: Contemporary Readings*. USA: Harcourt And Brace College Publishing.

BRUCE, D. (2010) *The Ones In The Pile Were The Ones Going Down. The Reliability Of Violent Crime Statistics*. Institute Of Security Studies. [Online] [Accessed 6 February 2011] <http://www.issafrica.org/crimehub/uploads/BruceReliabilityofViolentCrimeStatsSACQ312010.pdf>

BURCHELL, J., AND MILTON, J. (2005) *Principles Of Criminal Law*. Landsdowne: Juta

BURGER, J. (2009) *Worrying Trends: The Official 2008/09 South African Crime Statistics*. Institute Of Security Studies [Online] [Accessed 6 February 2011] <http://www.issafrica.org/uploads/CQ30BURGER.PDF>

- BURGER, J. (2011) *To Protect And Serve. Restoring Public Confidence In The SAPS*. Institute Of Security Studies. [Online] [Accessed 6 March 2012] <http://www.issafrica.org/uploads/CQ36Burger.pdf>
- BURGER, J., GOULD, C. AND NEWHAM, G. (2010) The State Of Crime In South Africa: An Analysis Of The SAPS Crime Statistics For 2009/10. *South African Crime Quarterly*, 34, pp. 3-12. [Online] [Accessed 6 February 2011] <http://www.iss.co.za/uploads/CQ34Full.pdf>
- BURKE, R. H. (2<sup>nd</sup> Ed.) (2005) *An Introduction To Criminological Theory*. Oregon: Willan Publishing.
- BURNS, R. AND CRAWFORD, C. (1999) 'School Shootings, The Media, And Public Fear: Ingredients For A Moral Panic'. *Crime, Law And Social Change*, Vol. 32, No.2: pp. 147-168.
- BURTON, P., DU PLESSIS, A., LEGGETT, T., MISTRY, D., AND VAN VUUREN, H. (2004) *Overview Of Selected Crime Type*. Institute Of Security Studies [Online] [Accessed 3 January 2011] <http://www.issafrica.org/pubs/Monographs/No101/Chap7.htm>
- BUUR, L. (2003) 'Crime And Punishment On The Margins Of The Post Apartheid State'. *Anthropology And Humanism*, Vol. 28, No. 1: pp. 23-42. [Online] [Accessed 12 May 2012] <http://onlinelibrary.wiley.com/doi/10.1525/ahu.2003.28.1.23/pdf>
- CAMERER, L. (1997) 'Crime, Violence And Punishment—Putting Victims On The Agenda'. *African Security Review*, Vol. 6, No. 3: pp. 46-50. [Online] [Accessed 11 September 2011] <http://www.iss.co.za/pubs/asr/6no3/Camerer.html>
- CAMERER, L. (1996) *Victims And Criminal Justice In South Africa*. Institute Of Security Studies. [Online] [2 May 2011] <http://www.issafrica.org/pubs/Monograph/No7/Camerer.html>
- CELE, M. (2011) 'Residents Living In Fear'. *King Shaka Weekly*, 4 February: pp. 2.
- CELE, M. (2011) 'Tonga Police Recover 14 Firearms In One Week'. *King Shaka Weekly*, 4 March: pp.1.
- CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION. (2007) *The Violent Nature Of Crime In South Africa*. Centre For The Study Of Violence And Reconciliation. [Online] [Accessed 10 November 2011] [http://www.info.gov.za/issues/crime/violent\\_crime.pdf](http://www.info.gov.za/issues/crime/violent_crime.pdf)
- CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION. (2008) *Understanding Current Xenophobic Attacks And How South Africa Can Move Forward*. Centre For The Study Of Violence And Reconciliation. [Online] [Accessed 4 July 2010] <http://www.csvr.org.za/docs/racism/seminar20june08.pdf>
- CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION. (Undated) *Victim Empowerment Programme, From Victim To Survivor-Healing Is Possible*. CSIR. [Online] [Accessed 16 December 2012] <http://www.csvr.org.za/wits/projects/vep.htm>

CLARK, R., V., G., AND FELSON, M (ed.) (2008). *Routine Activity And Rational Choice: Advances In Criminological Theory: Volume 5*. USA: Transaction Publishers.

COASTAL WEEKLY REPORTER. (2011) 'Criminals Target Tongaat Businesses'. *Coastal Weekly*. May 27, pp.: 1.

COLLIER, P., AND GUNNING, W., J. (1999) 'Why Has Africa Grown Slowly'. *Journal Of Economic Perspectives*, Vol.13, No.3: pp. 3-22. [Online] [Accessed 14 November 2012] <http://www.jstor.org/stable/pdfplus/2646982.pdf?acceptTC=true>

CORRUPTION WATCH. (2012) *SA Sees SAPS Most Corrupt Within The State-Survey*. Corruption Watch. [Online] [Accessed 01 February 2013] <http://www.corruptionwatch.org.za/content/sa-sees-saps-most-corrupt-within-state-survey>

CORY, G. (2011) *Summing Up: A Strategic Audit Of The Criminal Justice System*. Victim Support. [Online] [16 December 2012] <http://www.victimsupport.org.uk/Aboutus/Publications/~media/Files/Publications/ResearchReports/Strategic%20Audit-lo%20res-Amended>

COUNSELLING DIRECTORY. (ND) *Key Statistics About Men And Mental Distress*. Counselling Directory. [Online] [Accessed 20 November 2013] <http://www.counselling-directory.org.uk/menstats.html>

COURTOIS, C.A. AND FORD, J.D. (ed.) (2009) *Treating Complex Traumatic Stress Disorders: An Evidence-Based Guide*. New York: Guilford Press.

CRIME RESEARCH AND STATISTICS. (2012) *Crime In RSA National Total For April To March 2003/2004 - 2011/2012*. SAPS [Online] [Accessed 11 September 2012] <http://www.saps.gov.za/statistics/reports/crimestats/2012/totals.pdf>

CRIME RESEARCH AND STATISTICS. (2012) *Crime In Tongaat (KZN) For April To March 2003/2004 - 2011/2012* .SAPS. [Online] [Accessed 11 September 2012] <http://www.saps.gov.za/statistics/reports/crimestats/2012/provinces/kzn/pdf/tongaat.pdf>

CRUSH, J. (2008) (ed.) *The Perfect Storm: The Realities Of Xenophobia In Contemporary South Africa*. Southern African Migration Programme. [Online] [Accessed 14 November 2012] <http://dspace.cigilibrary.org/jspui/bitstream/123456789/30745/1/Migration%20Policy%20Series%20No.%2050.pdf?1>

DAVIES, P., FRANCIS, P. AND GREER, C. (2007) *Victims, Crime And Society*. Great Britain: Sage.

DAVIES, P., FRANCIS, P. AND JUPP, V. (2003) 'Victimology, Victimisation And Public Policy', In Davies, P., Francis, P. And Jupp, V. (Ed) *Victimisation: Theory, Research And Policy*. London: Palgrave Macmillan. [Online] [Accessed 11 September 2011] <http://www.palgrave.com/PDFs/0333925017.Pdf>

DAVIS, L. (2005) 'Theoretical Approaches And Perspectives In Victimology', In Davis, L. And Snyman, R. (Ed) *Victimology In South Africa*. Pretoria: Van Schaik.

DAVIS, L. AND SNYMAN, R. (2005) *Victimology In South Africa*. Pretoria: Van Schaik.

DAVIS, R., LURIGIO, A. AND SKOGAN, W. (1997) *Victims Of Crime Second Edition*. United States Of America: Sage Publishers Inc.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT. (2004) *Minimum Standards On Services For Victims' Of Crime*. Department Of Justice And Constitutional Development. [Online] [11 September 2011] <http://www.info.gov.za/otherdocs/2004/vcms.pdf>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT. (2008) *Service Charter For Victims Of Crime In South Africa*. National Prosecuting Authority. [Online] [11 September 2011] <http://www.npa.gov.za/files/Victims%20charter.pdf>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT. (2011) *Restorative Justice: The Road To Healing*. Department Of Justice And Constitutional Development. [Online] [Accessed 11 September 2012] <http://www.justice.gov.za/rj/2011rj-booklet-a5-eng.pdf>

DEPARTMENT OF SOCIAL DEVELOPMENT. (2009) *National Policy Guidelines For Victim Empowerment*. Parliamentary Monitoring Group [Online] [Accessed 11 September 2012] [Online] <http://d2zmx6mlqh7g3a.cloudfront.net/cdn/farfuture/mtime:1258101469/files/docs/090713victimempowerguide.pdf>

DEPARTMENT OF SOCIAL DEVELOPMENT. (Undated) *National Policy Guidelines For Victim Empowerment*. Department Of Social Development. [Online] [Accessed 2 July 2012] <http://www.info.gov.za/view/DownloadFileAction?id=111693>

DIGNAN, J. (2005) *Understanding Victims And Restorative Justice*. United States Of America: Open University Press.

DIXON, B AND VAN DER SPUY, E. (2004) *Justice Gained?: Crime And Crime Control In South Africa's Transition*. Cape Town: Willan Publishing And UCT Press.

DOERNER, W., G. AND LAB, S., P. (2012) *Victimology*. United States Of America: Anderson Publishing.

DUSSICH, J., P., J. (2006) 'Victimology – Past, Present And Future', In *Resource Material Series No. 70*. UNAFEI. [Online] [Accessed 20 November 2013] [http://www.unafei.or.jp/english/pdf/RS\\_No70/No70\\_00All.pdf](http://www.unafei.or.jp/english/pdf/RS_No70/No70_00All.pdf)

DUSSICH, J., UNDERWOOD, T., AND PETERSEN, D (2003) 'New Definition For Victimology And Victim Service: A Theoretical Note'. In *The Victimologist, Newsletter For*

*World Society Of Victimology*, Vol. 7, No.2: pp.1-2. [Online] [Accessed 2 July 2011]  
<http://www.worldsocietyofvictimology.org/publications/wsv72.pdf>

ECK, J. AND MAGUIRE, E. (2000) 'Have Changes In Policing Reduced Violent Crime? An Assessment Of The Evidence', In Blumstein, A., And Wallman, J. (Ed.) *The Crime Drop In America*. United Kingdom: Cambridge University Press.

ELIAS, R. (1996). 'Paradigms And Paradoxes Of Victimology', In *Australian Institute Of Criminology AIC Conference Proceedings*, pp. 9-34. [Online] [2 July 2011]  
<http://www.aic.gov.au/en/publications/previous%20series/proceedings/1-27/~media/publications/proceedings/27/elias.pdf>

ELLIOTT, I., THOMAS, S.D.M. AND OGLOFF, J.R.P. (2012) 'Procedural Justice In Contacts With The Police: The Perspective Of Victims Of Crime'. *Police Practice And Research*, Vol. 13 No. 5: pp. 437-449. [Online] [Accessed 20 July 2012]  
<http://www.tandfonline.com/doi/pdf/10.1080/15614263.2011.607659>

EMMETT, T. AND BUTCHART, A. (2000) *Behind The Mask: Getting To Grips With Crime And Violence In South Africa*. Pretoria: Human Sciences Research Council.

ENGLISH, D., J., WIDOM, C., S., AND BRANDFORD, C. (2002) *Childhood Victimization And Delinquency, Adult Criminality, And Violent Criminal Behavior: A Replication and Extension, Final Report*. NCJRS [Online] Accessed 2 July 2011]  
<https://www.ncjrs.gov/pdffiles1/nij/grants/192291.pdf>

EQUALITY AND HUMAN RIGHTS COMMISSION. (Undated) *What Is A Service Provider?*. Equality And Human Rights Commission [Online] [Accessed 4 April 2012]  
<http://www.equalityhumanrights.com/advice-and-guidance/before-the-equality-act/guidance-for-service-providers-pre-october-2010/what-is-a-service-provider/>

ETHEKWINI ECONOMIC DEVELOPMENT UNIT AND KZN DEPARTMENT OF ECONOMIC DEVELOPMENT. (2008) *Tongaat Local Economic Development Strategy Report 2008*. Ethekwini Municipality And Kwazulu Natal Department Of Economic Development. [Online] [Accessed 15 March 2011]  
<http://www.durban.gov.za/durban/invest/economic-development/investment/overview/econdev/Tongaat%20LED%20Strategy%20Report%20%20October%20%202008.pdf>

ETHEKWINI MUNICIPALITY. (Undated) *Planning Unit ID- Tongaat Central*. Ethekwini Municipality. [Online] [Accessed 11 March 2011]  
<http://www.durban.gov.za/durban/wardCatalog/displayPUResults2?planUnitId=PU329&planUnitDescription=Tongaat Central>

ETHEKWINI MUNICIPALITY. (Undated) *Planning Unit-Tonga South*. Ethekwini Municipality. [Online] [Accessed 11 March 2011]  
<http://www1.durban.gov.za/durban/wardCatalog/displayPUResults2?planUnitId=PU331&planUnitDescription=Tonga South>



FAJNZLBER, P., LEDERMAN, D. AND LOAYZA, N. (2002) 'Inequality And Violent Crime'. *Journal Of Law And Economics*, Vol. 25, No.1: pp. 1. [Online] [Accessed 14 May 2011] <http://siteresources.worldbank.org/DEC/Resources/Crime%26Inequality.pdf>

FAJNZYLBER, P., LEDERMAN, D. AND LOAYZA, N. (2002) 'What Causes Violent Crime?'. *European Economic Review*, Vol.46, No. 7:pp. 1323-1357. [Online] [Accessed 14 May 2011] [http://ac.els-cdn.com/S0014292101000964/1-s2.0-S0014292101000964-main.pdf?\\_tid=c610655426d17bfc8e17c6cd15337a9&acdnat=1337008141\\_2260b26be9a690487e94f2165afa46a7](http://ac.els-cdn.com/S0014292101000964/1-s2.0-S0014292101000964-main.pdf?_tid=c610655426d17bfc8e17c6cd15337a9&acdnat=1337008141_2260b26be9a690487e94f2165afa46a7)

FAKIR, E. (2007) 'Public Service Delivery In A Democratic, Developmental State'. *Centre For Policy Studies*, Vol. 20, No.3: pp. 1-11 [Online] [Accessed 14 November 2012] [http://dspace.cigilibrary.org/jspui/bitstream/123456789/30635/1/pia20\\_3.pdf](http://dspace.cigilibrary.org/jspui/bitstream/123456789/30635/1/pia20_3.pdf)

FAULL, A. AND MPHUTHING, P. (2009) *Victim Support*. Institute Of Security Studies. [Online] [Accessed 1 November 2011] [http://www.issafrica.org/crimehub/uploads/CICH\\_6.pdf](http://www.issafrica.org/crimehub/uploads/CICH_6.pdf)

FAULL, A. (2007) *Corruption And The SAPS A Review And Its Implications*. Institute Of Security Studies. [Online] Accessed 1 February 2013] <http://www.iss.co.za/uploads/FAULLPRES01112007.PDF>

FAULL, A. (2007) *Corruption And The South African Police A Review And Its Implications*. Institute Of Security Studies. [Online] [Accessed 5 April 2011] <http://www.iss.org.za/uploads/PAPER150PDF.PDF>

FAULL, A. (2008) *Bring Them Into Line, Managing Corruption In SAPS And Metro Police Departments*. Institute Of Security Studies, *Crime Quarterly*, pp. 21-27 [Online] [Accessed 1 February 2013] <http://www.issafrica.org/crimehub/uploads/ManagingSAPSCorruptionSACQ23Faull.pdf>

FAULL, A. (2011) *Corruption In The South African Police Services Civilian Perception And Experiences*. Institute Of Security Studies. [Online] [Accessed 6 May 2012] <http://www.issafrica.org/uploads/Paper226.pdf>

FERRI, E. (2009) 'The Positivistic School Of Criminology', In Newburn, T. (Ed) *Key Readings*. United States Of America: Willan publishing

FRANK, C. (2007) *Quality Services Guaranteed? A Review Of Victim Policy In South Africa*. Institute Of Security Studies. [Online] [Accessed 5 April 2011] <http://www.issafrica.org/uploads/M137FULL.PDF>

FRASER, N., NICHOLSON, L. (1989) 'Social Criticism Without Philosophy: An Encounter Between Feminism And Postmodernism'. In *Social Text*, No. 21, *Universal Abandon? The Politics Of Postmodernism*, No. 21: pp. 83-104 [Online] [Accessed 13 February 2013] <http://www.jstor.org/stable/pdfplus/827810.pdf?acceptTC=true>

GALPER, J. (1980) *Social Work Practice A Radical Perspective*. USA: Prentice Hall Inc.

- GANEM, N., M., AND MANASSE, M., E. (2009) 'Victimization As A Cause Of Delinquency: The Role Of Depression And Gender'. *Journal Of Criminal Justice*, Vol. 37, No. 4: pp. 371–378. [Online][Accessed 6 May 2012]  
<http://www.sciencedirect.com/science/article/pii/S0047235209000695>
- GARKAWA, S. (2001) Modern Victimology: Its Importance, Scope And Relationship With Criminology. *Acta Criminologica*, Vol.14, No.2. pp.: 90-99.
- GLOBAL ALLIANCE AGAINST TRAFFIC IN WOMEN. (Undated) *The Rights To Access To Justice*. Global Alliance Against Traffic In Women. [Online] [Accessed 20 April 2012]  
[http://www.gaatw.org/atj/index.php?option=com\\_content&view=article&id=105&Itemid=116](http://www.gaatw.org/atj/index.php?option=com_content&view=article&id=105&Itemid=116)
- GOODEY, J. (2005) *Victims And Victimology: Research, Policy And Practice*. United Kingdom: Pearson Longman.
- GOODIN, R.E., PETTIT, P. AND POGGE, T.W. (2<sup>nd</sup> Ed.) (2007) *A Companion To Contemporary Political Philosophy Volume Two*. United States Of America: Blackwell.
- GOODIN, R.E., PETTIT, P. AND POGGE, T.W. (2<sup>nd</sup> Ed.) (2007) *A Companion To Contemporary Political Philosophy Volume One*. United States Of America: Blackwell.
- GOSSMANN, C. AND PREMO, A., (Undated) *Urban Resilience In Situations Of Chronic Violence Case Study Of Johannesburg, South Africa*. URCV. [Online] Accessed 20 April 2012] [http://www.urcvproject.org/uploads/Johannesburg\\_URCV.pdf](http://www.urcvproject.org/uploads/Johannesburg_URCV.pdf)
- GOULD, C. (2011) *Talking Policy With A Forked Tongue: Why Should We Re-Think Harsh Sentencing*. Institute Of Security Studies. [Online] [Accessed 5 November 2011]  
[http://www.issafrica.org/iss\\_today.php?ID=1335](http://www.issafrica.org/iss_today.php?ID=1335)
- GOVENDER, A. (2003) *Adolescent Attitude To Authority: A Study Done At Boys' Town, Tongaat*. M. Ed Dissertation, University Of Durban- Westville. [Online] [Accessed 12 May 2012] [http://146.230.128.141/jspui/bitstream/10413/1751/1/Govender\\_Amutha\\_2003.pdf](http://146.230.128.141/jspui/bitstream/10413/1751/1/Govender_Amutha_2003.pdf)
- GRAY, D., E. (2<sup>nd</sup> Ed) (2009) *Doing Research In The Real World*. London: Sage
- HAMBER, B., E. (1998) 'Dr Jekyll And Mr Hyde: Violence And Transition In South Africa'. In Bornman, E., Van Eeden, R. And Wentzel, M., (Eds). *Violence In South Africa*. Pretoria: Human Sciences And Research Council.
- HANSON, R.F., SAWYER, G.K., BEGLE, A.M. AND HUBEL, G.S. (2010) 'The Impact Of Crime Victimization On Quality Of Life'. *Journal Of Traumatic Stress*, Vol. 23, No. 2: pp. 189-197. [Online] [Accessed 20 July 2012]  
<http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=af8766d0-3625-44d7-bc4c-17599f26deed%40sessionmgr11&vid=2&hid=15>
- HARGOVAN, H. (2007) 'Restorative Approaches To Justice:" Compulsory Compassion" Or Victim Empowerment'. *Acta Criminologica*, Vol. 20, No. 3: pp. 113-123.



HARGOVAN, H. (2009) 'Doing Justice Differently: A Community-Based Restorative Justice Initiative In Kwazulu-Natal'. *Acta Criminologica*, Vol. 22. No. 3: pp.63-87.

HARRIS, G. (ed.) (1999) *Recovery From Armed Conflict In Developing Countries*. USA And Canada: Routledge.

HAWKINS, J.D., HERRENKOHL, T.I., FARRINGTON, D.P., BREWER, D., CATALANO, R.F., HARACHI, T.W. AND COTHERN, L. (2000) *Predictors Of Youth Violence*. US Department Of Justice, Office Of Justice Programs, Office Of Juvenile Justice And Delinquency Prevention. [Online] [Accessed 16 March 2011] [http://www.safecommunitiestaskforce.org/uploads/6/8/4/6/6846151/predictors\\_of\\_youth\\_violence.pdf](http://www.safecommunitiestaskforce.org/uploads/6/8/4/6/6846151/predictors_of_youth_violence.pdf)

HAWTIN, M. AND PERCY-SMITH, J. (2007) *Community Profiling: A Practical Guide*. USA: Open University Press.

HILL, J.K. (2<sup>nd</sup> Ed.) (2009) *Working With Victims Of Crime: A Manual Applying Research To Clinical Practice*. Department Of Justice. [Online] Accessed 16 March 2011] <http://www.justice.gc.ca/eng/pi/pcvi-cpcv/pub/res-rech/hill.pdf>

HOLTMANN, B. (2001) *Gender Bias To Service Delivery To Victims Of Crime*. Unpublished Master's Thesis, University Of The Witwatersrand.

HOLTMANN, B. (2010) *Local Safety Toolkit: Enabling Safe Communities Of Opportunity*. CSIR. [Online] [Accessed 16 March 2011] [http://researchspace.csir.co.za/dspace/bitstream/10204/4244/1/Holtmann\\_2010.pdf](http://researchspace.csir.co.za/dspace/bitstream/10204/4244/1/Holtmann_2010.pdf)

HSIEH, C.C. and PUGH, M.D. (1993) 'Poverty, Income Inequality, And Violent Crime: A Meta-Analysis Of Recent Aggregate Data Studies'. *Criminal Justice Review*, Vol.18, No. 2:pp. 182-202. [Online] [Accessed 16 March 2011] <http://cjr.sagepub.com/content/18/2/182.short>

KREUTER, E., A. (2006) *Victim Vulnerability: An Existential-Humanistic Interpretation Of A Single Case Study*. New York: Nova Science Publishers Inc.

IDRISS, M., JENDLY, M., KARN, J., AND MULONE, M. (2008) *International Report On Crime Prevention And Community Safety: Trends And Perspectives*. International Centre For The Prevention Of Crime. [Online] [Accessed 6 May 2011] [http://www.crime-prevention-intl.org/fileadmin/user\\_upload/Publications/Crime\\_Prevention\\_and\\_Community\\_Safety\\_ANG.pdf](http://www.crime-prevention-intl.org/fileadmin/user_upload/Publications/Crime_Prevention_and_Community_Safety_ANG.pdf)

INSTITUTE OF SECURITY STUDIES. (2012) *The Bigger Picture: What The National Victims Of Crime Survey Findings Tell Us About The Victims Of Crime*. Institute Of Security Studies. [Online] [Accessed 16 February 2012] [http://www.justice.gov.za/VC/events/2012natconf/paper\\_iss-lancaster.pdf](http://www.justice.gov.za/VC/events/2012natconf/paper_iss-lancaster.pdf)

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE. (2008) *Enhancing Law Enforcement Response To Victims*. International Association Of Chiefs Of Police. [Online] [Accessed 5 October 2012]

[http://www.theiacp.org/Portals/0/pdfs/responsetovictims/pdf/pdf/IACP\\_Strategy\\_REV\\_09\\_La  
yout\\_1.pdf](http://www.theiacp.org/Portals/0/pdfs/responsetovictims/pdf/pdf/IACP_Strategy_REV_09_La<br/>yout_1.pdf)

ISLINGTON. (2011) *Equality & Diversity Issues Affecting Victims Of Domestic Violence*. (2011). Islington. [Online] [Accessed 20 November 2013]

[http://www.islington.gov.uk/publicrecords/library/Management/Business-  
planning/Policies/2011-2012/\(2011-07-12\)-eq\\_div\\_wrk\\_group.pdf](http://www.islington.gov.uk/publicrecords/library/Management/Business-<br/>planning/Policies/2011-2012/(2011-07-12)-eq_div_wrk_group.pdf)

JAMES, N. AND BUSHER, H. (2006) 'Credibility, Authenticity And Voice: Dilemmas In Online Interviewing'. *Qualitative Research*, Vol. 6, No. 3:pp. 403-420. [Online][Accessed 6 May 2011] <http://www.uk.sagepub.com/jamesandbusher/james%20and%20busher.pdf>

JAMROZIK, A, AND NOCELLA, L. (1998) *The Sociology Of Social Problems. Theoretical Perspectives And Methods Of Intervention*. Cambridge: Cambridge University Press.

KARMEN, A. (5<sup>th</sup> Ed) (2004) *Crime Victims: An Introduction To Victimology*. Canada: Thomson Wadsworth

KHOZA, R.V. (2007) *Responses Of Non-Governmental Organisations To The Needs And Expectations Of Volunteer Trauma Support Workers Within The Victim Empowerment Sector In Kwazulu-Natal*. M.A Dissertation, University Of KwaZulu Natal. [Online] [Accessed 6 May 2011]

[http://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/2341/Khoza\\_Richard\\_Vusindaba\\_2007.pdf?sequence=1](http://researchspace.ukzn.ac.za/xmlui/bitstream/handle/10413/2341/Khoza_Richard_Vusindaba_2007.pdf?sequence=1)

LAXMINARAYAN, M. (2010) 'Measuring Crime Victims Pathways To Justice: Developing Indicators For Costs And Quality Of Access To Justice'. *Acta Criminologica*, Vol. 23, No. 1:pp.61-83.

LEA, J. (1992) *Left Realism: A Framework For The Analysis Of Crime. Rethinking Criminology: The Realist Debate*. London: Sage. [Online] [Accessed 16 July 2012] <http://www.bunker8.pwp.blueyonder.co.uk/misc/square.htm>

LEWIS, C., AND ELLIS, T. (Undated) *Victim Protection In The United Kingdom: Policies, Practice And The Law*. University Of Portsmouth. [Online][Accessed 6 May 2011] <http://www.port.ac.uk/departments/academic/icjs/staff/documentation/filetodownload,63887,en.pdf>

LOUW, A., SHAW, M., CAMERER, L.,AND ROBERTSHAW, R. (1998) *Responses To Victimization*. Institute Of Security Studies. [Online][Accessed on 1 February 2011] <http://www.issafrica.org/pubs/Monographs/No18/Responses.html>

MAKHULU NEWS REPORTER. (2011) 'Tongaat Police Officers Allegedly Take Law Into Their Own Hands'. *Makhulu News*. February 18, pp.: 1.

MAKHULU NEWS REPORTER. (2013) 'Criminal Activities On The Increase'. *Makhulu News*, January, pp.: 1.

- MAKHULU NEWSPAPER REPORTER. (2013) 'Foreign Nationals Linked To Local Crime'. *Makhulu News*, 1 February: pp.1-2.
- MAKHULU NEWSPAPER REPORTER. (2011) 'Wanted Suspects Nabbed In Tongaat'. *Makhulu News*, 25 February: pp.4.
- MANASSE, M.E. and GANEM, N.M. (2009) 'Victimization As A Cause Of Delinquency: The Role Of Depression And Gender'. *Journal Of Criminal Justice*, Vol. 37, No.4, pp. 371-378.
- MAREE, K. (2007) *First Steps In Research*. Pretoria: Van Schaik Publishers.
- MARSH, I., COCHRANE, J, AND MELVILLE, G. (2004) *Criminal Justice: An Introduction To Philosophies, Theories And Practice*. USA: Routledge
- MAWBY, R., I., AND WALKLATE, S. (1994) *Critical Criminology*. London: Sage.
- MAXWELL, J. (1997). 'Designing A Qualitative Study'. In L. Bickman And D. J. Rog (Eds.) *Handbook Of Applied Social Research Methods*. CA: Sage.
- MCDONALD, D.A., AND PAPE, J. (2002) *Cost Recovery And The Crisis Of Service Delivery In South Africa*. Human Sciences Research Council. [Online] [Accessed 14 November 2012] <http://www.hsrc.ac.za/Document-704.phtml>
- MEIER, R.F. AND MIETHE, T.D. (1993) 'Understanding Theories Of Criminal Victimization'. *Crime And Justice*, Vol. 17: pp. 459. [Online][Accessed on 1 February 2011] <http://www.jstor.org/stable/pdfplus/1147556.pdf>
- MEYER, C.A. (2012) *Relationship Between Exposure To Familial Violence And Rapists' Offense Level Of Force*. Psychology Thesis. Roger Williams University. [Online][Accessed 16 January 2013] [http://docs.rwu.edu/psych\\_thesis/11](http://docs.rwu.edu/psych_thesis/11)
- MILLER, J.M. (2009) *21st Century Criminology: A Reference Handbook*. United States Of America: Sage Publications, Incorporated.
- MILTON, J. (1996) *South African Criminal Law And Procedure: Common-Law Crimes*. Cape Town: Gaunt.
- MOLOI, T. (2012) *Department Of Social Development Victims' Charter NIP*. Department Of Social Development. [Online] [Accessed 16 February 2013] [http://www.justice.gov.za/VC/events/2012natconf/paper\\_dsd.pdf](http://www.justice.gov.za/VC/events/2012natconf/paper_dsd.pdf)
- MORRISON, B.E. AND VAANDERING, D. (2012) 'Restorative Justice: Pedagogy, Praxis, And Discipline'. *Journal Of School Violence*, Vol. 11, No.2, pp. 138-155. [Online][Accessed on 16 February 2013] <http://www.tandfonline.com/doi/pdf/10.1080/15388220.2011.653322>
- MORSE, J., M., BARRET, M., MAYAN, M., OLSON, K. AND SPIERS, J. (2002) 'Verification Strategies For Establishing Reliability And Validity In Qualitative Research'.

*International Journal Of Qualitative Methods*, Vol. 1, No. 2:13-22. [Online] [Accessed 01 November 2012] <http://ejournals.library.ualberta.ca/index.php/IJQM/article/view/4603/3756>

MTSOLOGO, T. (2009) *All Eyes On You; Integrity And The Saps*. Institute Of Security Studies. [Online] [5 October 2011] [http://www.issafrica.org/iss\\_today.php?ID=1164](http://www.issafrica.org/iss_today.php?ID=1164)

NCUBE, B. (2011) 'Watsonia Family Held Up And Robbed Of Jewellery And Cash'. *Makhulu News*, February 25: pp. 3.

NEL, J. (1996) *The Role Of The SAPS In Victim Support*. Institute Of Security Studies. [Online] [Accessed on 16 July 2011] <http://www.iss.co.za/pubs/monographs/No7/Nel.html>

NEL, J. AND KRUGER, D. (1999) *From Policy To Practice: Exploring Victim Empowerment Initiatives In South Africa*. Pretoria: CSIR.

NEUMAN, L. (1997) *Social Research Methods: Qualitative And Quantitative Approaches*. Boston: Allyn And Bacon.

NEUMAN, W., L. (2006) *Social Research Methods: Qualitative And Quantitative Approaches*. Boston: Pearson.

NEW JERSEY CRIME VICTIMS' LAW CENTRE. (Undated) *Quotable Quotes*. New Jersey Crime Victims' Law Centre. [Online] [Accessed On 9 May 2011] <http://www.njcvlc.org/reference/quotes/>

NEWBURN, T. (2007) *Criminology*. Cullompton: Willan Publishing.

NEWBURN, T. (2009) *Key Readings*. United States Of America: Willan Publishing

NEWHAM, G. (2002) *Tackling Police Corruption In South Africa*. Centre For The Study Of Violence And Reconciliation. [Online][Accessed on 16 July 2011] <http://www.issafrica.org/uploads/Mono182Web.pdf>

NEWHAM, G. (2011) *National Victims Of Crimes Survey Highlights Progress But Challenges Remains*. Institute Of Security Studies. [Online] [Accessed 10 January 2012] [http://www.issafrica.org/iss\\_today.php?ID=1407](http://www.issafrica.org/iss_today.php?ID=1407)

NEWHAM, G. AND FAULL, A. (2011) 'Protector Or Predator?'. In, *Tackling Police Corruption In South Africa*. Pretoria: Institute For Security Studies, pp. 54-64.

NEWS24. (2013) *Mthethwa Urged To Probe Police Spending*. News24. [Online] [Accessed 4 February 2013] <http://www.news24.com/SouthAfrica/Politics/Mthethwa-urged-to-probe-police-spending-20130128>

NIEUWENHUIS, J. (2007) 'Qualitative Research Designs And Data Gathering Techniques', In Maree, K. (Ed.) *First Steps In Research*. Pretoria: Van Schaik Publishers.

- NORMAN, R., MATZOPOULOS, R., GROENEWALD, P., AND BRADSHAW, D. (2007) (2007) 'The High Burden Of Injuries In South Africa'. In *Bulletin Of The World Health Organisation*, Vol. 85, No. 9: 695-702. [Online] [Accessed 01 November 2012] <http://www.who.int/bulletin/volumes/85/9/06-037184.pdf>
- NORTH COAST COURIER. (2011) 'Criminals Target Tongaat Businesses'. *North Coast Courier*, 2 June: 1. [Online] [Accessed 12 May 2012] <http://www.northcoastcourier.co.za/2011/06/02/criminals-target-tongaats-businesses/>
- O'DONOVAN, M. (2008) *South Africans' Perception Of The Police And The Courts Results Of The 2007 National Victims Of Crime Survey*. Institute Of Security Studies. [Online] [Accessed on 16 April 2011]. <http://www.issafrica.org/uploads/PAPER176.PDF>
- OFFICE FOR CRIMINAL JUSTICE REFORM (2005) *Code Of Practice For Victims Of Crime*. Ministry Of Justice. [Online] [Accessed 9 September 2012] <http://www.victimsupport.org.uk/~media/Files/Policy%20and%20research/victims-code-of-practice.ashx>
- ORTH, U. (2002) 'Secondary Victimization Of Crime Victims By Criminal Proceedings'. *Social Justice Research*, Vol.15, No.4: pp. 313-325. [Online] [Accessed 20 July 2012] <http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=670d4e90-b53d-455a-93be-ad423b2c33d6%40sessionmgr12&vid=2&hid=15>
- PEMBERTON, A. (2009) 'Victim Movements: From Diversified Needs To Varying Criminal Justice Agenda's'. *Act Criminologica*, Vol. 22, No.3: pp. 1-23.
- PEMBERTON, A., WINKEL, F. AND GROENHUIJSEN, M. (2008) 'Evaluating Victims Experiences In Restorative Justice'. *British Journal Of Community Justice*, Vol. 6, No.2: pp. 98-119.
- PERRY, E.C., MOODLEY, V. AND BOB, U. (2008) 'Open Spaces, Nature And Perceptions Of Safety In South Africa: A Case Study Of Reservoir Hills, Durban'. *Alteration*, Vol.15, No. 1: 240 – 267. [Online] [Accessed 5 May 2011] [http://www.finance.ukzn.ac.za/docs/Alternation%2015.1%20\(2008\).pdf#page=244](http://www.finance.ukzn.ac.za/docs/Alternation%2015.1%20(2008).pdf#page=244)
- PHAROAH, R. (2008) *National Victims Of Crime Survey*. Institute Of Security Studies. [Online] [Accessed 9 September 2011] <http://www.issafrica.org/uploads/PAPER175.PDF>
- PHASWANYA-MAFUYA, N., PELTZER, K., MLAMBO, G, MKHONTO, S., AND TABANE, C. (2012) 'Victim Empowerment Programme In A Selected Municipality Of The Eastern Cape, South Africa: Service Provider Perceptions'. *Journal Of Psychology In Africa*, Vol.22, No. 3: pp.459-462.
- PIETERSEN, C. (2007) 'Interpersonal Bullying Behaviours In The Workplace'. *SA Journal Of Industrial Psychology*, Vol.33, No. 1:pp. 59-66
- PILLAY, B. (2012) 'Drugs Rife At Low Cost Homes'. *Makhulu News*. October 19, pp. 2.

- PRETORIOUS, L., AND LOUW, B. (2005) 'Victim Empowerment And Support In South Africa'. In Davis, L., And Snyman, R. (Ed) *Victimology In South Africa*. Pretoria: Van Schaik Publishers.
- PRETORIUS, R. (2008). *Armed Robbery, Violent Assault And Perceptions Of Personal Insecurity And Society As A Risk*. University Of Pretoria. [Online] [Accessed 5 May 2011]. [http://repository.up.ac.za/upspace/bitstream/2263/9515/1/Pretorius\\_Armed\(2008\).pdf](http://repository.up.ac.za/upspace/bitstream/2263/9515/1/Pretorius_Armed(2008).pdf)
- QUINNEY, R. (1977) *Class State And Crime. On The Theory And Practice Of Criminal Justice*. New York: Longman
- RATELE, K. (2006) 'Introduction: Inter-Group Relations, After Apartheid', Ratele, K. (Ed.) In *Inter-Group Relations: A South African Perspective*. Cape Town: Juta.
- RAUSCHENBACH, M. AND SCALIA, D. (2008) 'Victims And International Criminal Justice: A Vexed Question?'. *International Review Of The Red Cross*, Vol. 90, No.870: pp. 441.
- REEVES, C. (2012) 'After Glenister The Case For A New Dedicated Agency'. *SA Crime Quarterly*, No.39: pp. 23-32. [Online][Accessed 4 February 2013] <http://www.issafrica.org/uploads/Reeves.pdf>
- RITCHIE, J AND LEWIS, J. (eds.) (2003) *Qualitative Research Practice; A Guide For Social Science Students And Researchers*. Britain: Sage.
- ROBERTS, M. (1994) 'The Ending Of Apartheid: Shifting Inequalities In South Africa'. *Geography*, Vol. 79, No. 1: pp.53-64. [Online]<http://www.jstor.org/stable/pdfplus/40572386.pdf?acceptTC=true>
- RUBIN, M. (2011) 'Perceptions Of Corruption In The South African Housing Allocation And Delivery Programme: What It May Mean For Accessing The State'. *Journal Of Asian And African Studies*, Vol.46, No 5:pp. 479-490.
- SAMPSON, R., J., RAUDENBUSH, S., W., AND EARLS., F. (2009) 'Nieghbourhoods And Violent Crime: A Multilevel Study Of Collective Efficacy', In Newburn, T. (Ed) *Key Readings*. United States Of America: Willan Publishing.
- SAUDAW, N. (2011) 'Crime Waves Hits Tongaat South'. *King Shaka Weekly*, February 28.pp.3
- SAUERMAN, A. AND IVKOVIC, S.K. (2008) 'Measuring The Integrity Of The South African Police Service During Transitional Times'. *Acta Criminologica*, CRIMSA Conference Special Edition 2: pp.29-31.
- SCHMALLEGER, F. (2002) *Criminology Today*. USA: Pearson Education Inc.



- SCHÖNTEICH, M. AND LOUW, A. (2001) *Crime In South Africa: A Country And Cities Profile*. Institute Of Security Studies. [Online] [Accessed 01 February 2011] <http://www.iss.co.za/pubs/Papers/49/Paper49.html>
- SEALE, C. AND SILVERMAN, D. (1997) 'Ensuring Rigour In Qualitative Research'. *The European Journal Of Public Health*, Vol.7, No.4: pp. 379-384. [Online][Accessed 28 December 2011] <http://eurpub.oxfordjournals.org/content/7/4/379.full.pdf>
- SHAFFER, J.N. AND RUBACK, R.B. (2002) *Violent Victimization As A Risk Factor For Violent Offending Among Juveniles*. US Department Of Justice. [Online][Accessed on 28 December 2011] <https://www.ncjrs.gov/pdffiles1/ojdp/195737.pdf>
- SHAW, M. (2002) *Crime And Policing In Post Apartheid South Africa: Transforming Under Fire*. South Africa: David Philip
- SHEQ MANAGEMENT. (2012) *The Constricting Effect Of Crime*. Sheq Management. [Online] [Accessed 01 February 2013] [http://www.sheqmanagement.com/index.php?option=com\\_content&view=article&id=199:the-constricting-effect-of-crime-&catid=50:featured-marchapril-2012&Itemid=100](http://www.sheqmanagement.com/index.php?option=com_content&view=article&id=199:the-constricting-effect-of-crime-&catid=50:featured-marchapril-2012&Itemid=100)
- STRANG, H. AND SHERMAN, W., L. (2003) 'Repairing The Harm: Victims And Restorative Justice'. *Utah Law Review*, Vol.15, No: 1:pp. 15-42. [Online] [Accessed 10 May 2010] [http://regnet.anu.edu.au/sites/default/files/Strang\\_Repairing\\_the\\_harm.pdf](http://regnet.anu.edu.au/sites/default/files/Strang_Repairing_the_harm.pdf)
- SIEGEL, J.A. AND WILLIAMS, L.M. (2003) 'The Relationship Between Child Sexual Abuse And Female Delinquency And Crime: A Prospective Study'. *Journal Of Research In Crime And Delinquency*, Vol.40, No.1: pp. 71-94. [Online][Accessed on 28 December 2012] <http://jrc.sagepub.com/content/40/1/71.full.pdf+html>
- SIMPSON, G. (1998) *Urban Crime And Violence In South Africa*. Centre For The Study Of Violence And Reconciliation. [Online] [Accessed 05 May 2010] <http://www.csvr.org.za/wits/papers/papgsurb.htm>
- SITHOLE, A. (2011) 'Foreign Nationals Nabbed For Robbery'. *Northern Star*. March 8, pp.3.
- SONNEBORN, L. (2010) *The End Of Apartheid In South Africa*. USA: Infobase Publishing.
- SOUTH AFRICA EXPLORED. (Undated) Tongaat, Dolphin Coast. South Africa Explored. [Online] [Accessed 12 May 2012] <http://www.sa-venues.com/attractionskzn/tongaat.php>
- SOUTH AFRICAN GOVERNMENT INFORMATION. (1996) *Chapter 11- Security Services*. SA Government Information. [Online][Accessed 5 May 2011] <http://www.info.gov.za/documents/constitution/1996/96cons11.htm#207>
- SOUTH AFRICAN GOVERNMENT INFORMATION. (1996) *Chapter 2- Bill Of Rights*. SA Government Information. [Online][Accessed 5 May 2011] <http://www.info.gov.za/documents/constitution/1996/96cons2.htm#12>

SOUTH AFRICAN GOVERNMENT INFORMATION. (Undated) *Chapter Fourteen Fighting Corruption*. South African Government Information. [Online] [Accessed 01 February 2013] <http://www.info.gov.za/view/DownloadFileAction?id=172305>

SOUTH AFRICAN LAW REFORM COMMISSION. (2004) *Project 82: Sentencing (A Compensation Fund For Victims Of Crime) Report*. South African Law Reform Commission. [Online] [Accessed 9 October 2011] [http://www.justice.gov.za/salrc/reports/r\\_prj82-2011-victim-compensation.pdf](http://www.justice.gov.za/salrc/reports/r_prj82-2011-victim-compensation.pdf)

SOUTH AFRICAN POLICE SERVICES. (2009) *Crime Information Management-South African Police Services: Crime In Tongaat (KZN) For April to March 2003/2004 to 2009/2011*. South African Police Services. [Online] [Accessed 2 February 2012] <http://www.saps.gov.za/statistics/reports/crimestats/2011/provinces/kzn/pdf/tongaat.pdf>

SOUTH AFRICAN POLICE SERVICES. (2011) *Crime In Tongaat (KZN) For April To March 2003/2004- 2010/2011*. South African Police Services. [Online] [2 February 2012] <http://www.saps.gov.za/statistics/reports/crimestats/2011/provinces/kzn/pdf/tongaat.pdf>

SOUTH AFRICAN POLICE SERVICES. (2013) *Police Station Figures Per Province 2004 To 2013*. South African Police Services. [Online] [Accessed 20 November 2013] [http://www.saps.gov.za/statistics/reports/crimestats/2013/crime\\_stats.htm](http://www.saps.gov.za/statistics/reports/crimestats/2013/crime_stats.htm)

SOUTH AFRICAN POLICE SERVICES. (2010) *The Crime Situation In South Africa*. South African Police Services. [Online] [Accessed 9 October 2011] [http://www.saps.gov.za/statistics/reports/crimestats/2010/crime\\_situation\\_sa.pdf](http://www.saps.gov.za/statistics/reports/crimestats/2010/crime_situation_sa.pdf)

SOUTH AFRICAN POLICE SERVICES. (Undated) *Crime Report 2010/2011*. Institute Of Security Studies. [Online] [Accessed 10 February 2012] [http://www.issafrica.org/crimehub/uploads/crime\\_situation\\_sa.pdf](http://www.issafrica.org/crimehub/uploads/crime_situation_sa.pdf)

SOUTH AFRICAN POLICE SERVICES. (Undated) *Crime Research And Statistics- Crime In Kwazulu-Natal For April To March 2003/2004 - 2011/2012*. South African Police Services. [Online] [Accessed on 15 October 2012] <http://www.saps.gov.za/statistics/reports/crimestats/2012/provinces/kzn/pdf/kwazulunatal.pdf>

STATISTICS SOUTH AFRICA (2011) *Victims Of Crime Survey*. Statistics South Africa. [Online] [Accessed 17 February 2012] <http://www.statssa.gov.za/publications/P0341/P03412011.pdf>

STATISTICS SOUTH AFRICA. (2011) 'Census 2011 Fact Sheet'. Statistics South Africa [Online] [Accessed 01 November 2012] [http://www.statssa.gov.za/Census2011/Products/Census\\_2011\\_Fact\\_sheet.pdf](http://www.statssa.gov.za/Census2011/Products/Census_2011_Fact_sheet.pdf)

SULLIVAN, D. AND TIFFT, L. (2008). *Handbook Of Restorative Justice*. USA And Canada: Routledge

SULLIVAN, M (2<sup>nd</sup> Ed) (2003) *The Social Democratic Perspective*. In Alcock, P., Erskine, A., And May, M. (Ed) *The Student's Companion To Social Policy*. Oxford: Blackwell Publishing



TEN BOOM, A. AND KUIJPERS, K.F. (2012) 'Victims' Needs As Basic Human Needs'. *International Review Of Victimology*, Vol.18, No.2: pp. 155-179. [Online][Accessed 2 February 2013]

<http://irv.sagepub.com/content/early/2012/02/27/0269758011432060.full.pdf+html>

THE RISING SUN. (2012) 'International Charged For Kidnapping And Robbery'. *The Rising Sun*. October 17-23, pp. 20.

THE RISING SUN. (2012) 'Management Woes For Tongaat CPF'. *The Rising Sun*, October 10-16, pp. 3.

THOMPSON, M., P. AND RUBACK, B., R. (2001) *Social And Psychological Consequences Of Violent Victimization*. USA: Sage Publications.

UNITED NATIONS (Undated) *Universal Declaration Of Human Rights*. United Nations. [Online] [Accessed 16 June 2011] <http://www.un.org/en/documents/udhr/>

UNITED NATIONS. (2011) *The Criminal Justice Response To Support Victims Of Acts Of Terrorism*. United Nations Office On Drugs And Crime. [Online] [Accessed 4 July 2012] [http://www.un.org/en/terrorism/ctitf/pdfs/victims\\_rights\\_e-book\\_en.pdf](http://www.un.org/en/terrorism/ctitf/pdfs/victims_rights_e-book_en.pdf)

VAN DER MERWE, N. (2008) 'Empirical Phenomenological Research On Armed Robbery At Residential Premises: Four Victims' Experiences'. *Acta Criminologica*, Special Edition 2: pp.139-161.

VAN DIJK, J. (2008) *The World Of Crime: Breaking The Silence On Problems Of Security, Justice, And Development Across The World*. United States Of America: Sage Publication.

VENEZIANO, C., VENEZIANO, L. AND LEGRAND, S. (2000) 'The Relationship Between Adolescent Sex Offender Behaviors And Victim Characteristics With Prior Victimization'. *Journal Of Interpersonal Violence*, Vol. 15, No.4: pp. 363-374. [Online][Accessed 16 January 2011] <http://jiv.sagepub.com/content/15/4/363.full.pdf+html>

WALZER, M. (1999) 'Membership And Community'. In Brody, B., A., And Sher, G. *Social And Political Philosophy: Contemporary Readings*. USA: Harcourt And Brace College Publishing.

WHITZMAN, C. (2008) *The Handbook Of Community Safety Gender And Violence Prevention: Practical Planning Tools*. UK And USA: Earthscan.

WINFREE, L.T. AND ABADINSKY, H. (3<sup>rd</sup> Ed.)(2009) *Understanding Crime: Essentials Of Criminological Theory*. USA: Wadsworth, Cengage Learning.

WORLD HEALTH ORGANISATION. (2002) *World Report On Violence And Health: Summary*. Geneva: World Health Organisation. [Online] [Accessed 6 May 2011] [http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/summary\\_en.pdf](http://www.who.int/violence_injury_prevention/violence/world_report/en/summary_en.pdf)

WORLD SOCIETY OF VICTIMOLOGY. (Undated) *About The WSV Strategic Plan*. World Society For Victims. [Online] [Accessed 19 April 2012]  
<http://www.worldsocietyofvictimology.org/about.html>

YOUNG, J. AND MATTHEWS, R. (1992) *Rethinking Criminology: The Realist Debate*. London: Sage Publications.

ZOUTENBERG, S. (2010) *Aggravated Robbery In Kwazulu Natal (KZN): An Exploratory Study Of The Recent Trends In Aggravated Robbery*. Unpublished Honours Thesis, University Of Kwazulu Natal.