

UNIVERSITY OF KWAZULU-NATAL

**A Victimological Exploration of the Programmes and Services available
to Victims of Trio-Crimes in Durban Metropolitan Area**

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DECLARATION

I Siyanda Dlamini declare that:

- (i) The research reported in this dissertation, except where otherwise indicated is my work.
- (ii) This research has not been submitted for any degree or examination at any other university.
- (iii) The sources have been properly referenced in text and in the reference section.

Signature:

Date:

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ABSTRACT

This research was aimed at exploring and giving insight into the programmes and services available to victims of trio-crimes in the Durban Metropolitan Area. The motivation behind the study is that as a recently constitutional democracy, South Africa faces major challenges with the enforcement of the rule of law and with guaranteeing the protection of the citizen's fundamental human rights. Post-Apartheid South Africa is founded on democratic values and the Constitution enshrines a range of fundamental human rights, including the right to freedom and security. In light of these provisions, strengthened by international human rights jurisprudence, the South African government is accountable for the management of crime, and requires policies, strategies and programmes to carry out this responsibility.

In ensuring that the goals of this study are achieved, a qualitative approach was used in this study that assisted to focus on the exploration of the programmes available to victims of Trio-Crimes within the City of Durban. Data collection for this study was based on semi-structured interviews conducted on an individual basis. It combined a set of pre-determined questions that enabled the interviewer to explore further particular themes and responses. In analysing the data collected, thematic analysis method was utilised. The effectiveness of thematic analysis was derived from the familiarisation of data by the researcher. This was possible because the researcher conducted tape recorded interviews and transcribed them, and it allowed the researcher to familiarise with the data for an in-depth and perceptive analysis. However, this research considered the common threads among the respondents that provided an opportunity to ascertain patterns that showed common cause or commonalities among the research participants. The main findings highlighted that there are programmes and services available to assist and empower victims of trio-crimes in the Durban Metropolitan Area; and such programmes and services are provided by different organisations within the city. It also indicated that these programmes and services are beneficial and effective, and they impact on a victims' life in a constructive manner. However, these victim support systems are deeply reliant upon volunteers for their execution.

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ABBREVIATIONS

CJA- THE CHILD JUSTICE ACT

CVS- COMMUNITY VICTIM SUPPORT PROGRAMME

**DJCD- DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

DSD- DEPARTMENT OF SOCIAL DEVELOPMENT

IMF- INTERNATIONAL MONETARY FUND

NCPS- NATIONAL CRIME PREVENTION STRATEGY

NGO- NON-GOVERNMENT ORGANIZATION

**NICRO- NATIONAL INSTITUTE FOR CRIME PREVENTION AND THE
REINTEGRATION OF OFFENDERS**

NPA- NATIONAL PROSECUTING AUTHORITY

NPGVE- NATIONAL POLICY GUIDELINES FOR VICTIM EMPOWERMENT

PEP- POST-EXPOSURE PROPHYLAXIS

SAPS- SOUTH AFRICAN POLICE SERVICES

UN- UNITED NATIONS

**UPVM- UNIFORM PROTOCOL FOR THE MANAGEMENT OF VICTIMS,
SURVIVORS AND WITNESSES OF DOMESTIC VIOLENCE AND SEXUAL
OFFENCES**

VEP- VICTIM EMPOWERMENT PROGRAMME

WB- WORLD BANK

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CHAPTER ONE

1. General Orientation and Problem Formulation

This research explores the programmes and services available to victims of trio-crimes within a Victimological framework. It is imperative to begin the study with a basic orientation of the key concepts. This will include definitions of various important terms which will be operationalised for the purposes of this study. A discussion on crime especially trio-crimes will serve as a contextual basis for the presentation of the problem formulation. The rationale for the study will be presented in reference to the specific aims of the study followed by a concise outline of the research dissertation.

1.1. Introduction

In the past 30 years there have been unprecedented developments in the international arena with regard to the establishment of a human rights framework for victims of crime. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985, and the proliferation of legislation and policy in countries such as the United States, Canada, Australia and New Zealand were clear indications that the issues of crime victims had been placed firmly on the international human rights agenda. Frank (2007:1) maintains that these changes were primarily driven by “a diverse set of interests, which has come to be known as the victims’ rights movement”. While hardly a single cohesive movement; the campaigns for victims’ rights sought to ensure the recognition of crime victims as stakeholders in the criminal justice process, and to introduce measures both within criminal justice and social spheres to respond to the many needs resulting from criminal victimization, especially in relation to countering secondary victimization. This chapter gives an overview of the concepts to be operationalized throughout this study; the general problem area, explanation of why the topic is important, research approach of the dissertation, limitations and key assumptions and contribution to be made by this research.

1.2. Conceptualisation

For the purpose of basic orientation to the topic, as well as to provide the context in which concepts will be used, an introduction to the following terms is necessary:

1.2.1. Victim

According to the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the term victim refers to “persons who, individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states.” The Declaration goes further to stipulate that a person may be considered a victim, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term also includes, where appropriate, the immediate family or dependents of the direct victim who have suffered harm intervening to assist victims in distress or to prevent victimization.

Dey, Thorpe, Tilley & Williams (2010:28) are of the same view as the Declaration about the conception of the victims of crime. However they go further and stipulate that all victims, irrespective of race, gender, sex, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture and language are included.

1.2.2. Victimization

Victimization may be referred to as an unbalanced interpersonal relationship that is abusive, painful, destructive, parasitical, and unfair. While a crime is in progress, offenders temporarily force their victims to play roles that mimic the dynamics between predator and prey, winner and loser, victor and vanquished and even master and slave (Hunt, 1998:291). Many types of victimization have been outlawed over the centuries, specific oppressive and exploitative acts, like raping, robbing, and swindling. But not all types of hurtful relationships and deceitful practices are forbidden by law. It is permissible to overcharge a customer for an item that can be purchased for less elsewhere; or to underpay

a worker who could receive higher wages for the same tasks at another place of employment; or impose exorbitant interest rates and hidden fees on borrowers who take out mortgages and use credit cards; or to deny food and shelter to the hungry and the homeless who cannot pay the required amount (Hunt, 1998:292; Karmen, 2013:2).

1.2.3. Empowerment

According to Lord and Hutchison (1993:4) empowerment can be referred to as a “social-action process that promotes participation of people and organizations towards the goals of increased individual and community control, political effectiveness, improved quality of community life and social justice.” From this conceptualization of empowerment by Lord and Hutchison, one may look at empowerment as a process whereby individuals achieve increasing control over various aspects of their lives and participate in the community with dignity. The National Policy Guidelines for Victim Empowerment state that empowerment may be defined as “having or taking control, having a say, being listened to, being recognized and respected as an individual and having the choices one makes and being respected by others (moving from victim to survivor)”.

1.2.4. Robbery

In essence robbery is theft by violence or theft accompanied by an assault. Burchell and Milton (2007:817) hold that the crime of robbery possesses a double element of fear, namely fear of losing one`s property and fear of losing one`s life. The fact that robbers traditionally rely on weapons to instil fear in their victims contributes further to society`s abhorrence of this type of crime. In South Africa victims of crimes such as house robberies and vehicle hijackings, are subjected to extreme levels of violence and torture due to the fact that the perpetrators are heavily armed (Bezuidenhout & Klopper, 2011:219). South African Criminal Procedure Act (51 of 1977) section 1(b) defines robbery as theft of property by unlawfully and intentionally using violence to take property from someone or using threats of violence to induce the possessor of the property to submit to the taking thereof (Snyman, 2008:517). Robbery with aggravating circumstances comprises the use of a firearm or any other

dangerous weapon, the infliction of grievous bodily harm or a threat to inflict grievous bodily harm (Burchell & Milton, 2007:825).

1.2.4.1. Subtypes of Robbery within the South African Context

According to Eloff (2010:1) the trio crimes (house robbery, vehicle hijacking and business robbery) have consistently increased over the past years despite various operational policing efforts to curb these crimes. The following discussion will be based on the types of robberies in South Africa paying particular attention to trio crimes.

1.2.4.1.1. House Robbery

House robbery is one of the trio crimes within the South African context. Zinn (2010) holds that house robbery is where the perpetrators overpower, detain and rob the occupants of a residential premise inside their place of residence. Van der Merwe (2008:141) is of the view that robbery at residential premises should in addition to the aforementioned, include incidents of robberies that take place near the victim's residence, such as in the yard on which the dwelling is built.

1.2.4.1.2. Business Robbery

Robbery at non-residential premises may be referred to as an act of unlawfully taking the property of another by the use of violence or intimidation at a business premises, this is called business robbery. Stewart (2002:7) stipulates that "two central elements of this type of robbery include violence and theft and therefore it is a violent crime and not property crime per se. Some scholars view business robbery as a property crime since some robbers do not intend to hurt people during the robbery but to acquire money or goods of value (Snyman, 2008). However, the physical and emotional consequences of a robbery support the notion that this type of robbery cannot be exclusively seen as a property crime. In view of this, Stewart (2002:7) defines a retail or business robbery as the "unlawful, intentional theft of a retailer's money or goods and/or valuables against their will, with the use or threatened use of violence and force with or without a weapon."

1.2.4.1.3. Vehicle Hijacking

The fear of vehicle hijacking is very real to anyone who drives a vehicle. Media reports have indicated that many citizens have learnt through experience to look very carefully around them when stationary in their vehicles. Geldenhuys (2010:30) stipulates that “vehicle crime is a much broader concept than anyone may imagine.” Vehicle/Carjacking may be referred to as the unlawful seizure of an automobile by force or threat of force. The typical hijacker would forcefully demand the victim to hand over the car and disarm the vehicle’s alarm system or satellite tracking device. The key point in vehicle hijackings is that a vehicle is forcefully taken from a person without their consent. South Africa has one of the highest vehicle theft and hijacking rates in the world. In her study of motor vehicle hijacking in South Africa, Stewart (2002) found that hijackers rarely undertake a hijacking if they are not armed with weapons. Geldenhuys (2010:30-31) is of the view that most vehicles are hijacked for any of the following reasons: (i) hijacking on “order” where a specific model was ordered by local client via a syndicate or by a chop shop (disassembles cars and sells the parts, rebuild or customise cars); (ii) hijacking for a cross-border export on demand either into Africa or the rest of the world or; (iii) hijacking for re-registration or resale, which is the biggest segment of the hijacking market.

1.3. Background and outline of research problem

As a newly formed constitutional democracy, South Africa faces major challenges with the enforcement of the rule of law and with guaranteeing the protection of the citizen’s fundamental human rights. Post-Apartheid South Africa is founded on democratic values and the Constitution enshrines a range of fundamental human rights, including the right to freedom and security. In light of these provisions, strengthened by international human rights jurisprudence, the South African government is accountable for the management of crime, and requires policies, strategies and programmes to carry out this responsibility (Nel & Van Wyk, 2013:77). The Western Criminal Justice processes of which are the ones which are currently employed in South Africa concentrate on the adjudication of the offence through a focus on the offender. This effectively relegates the victim to the role of witness, where she or he holds a status that is secondary to that of the offender and the state who are the primary actors.

Within this legal framework the obligations of the state in relation to offenders have been clearly established; the state must identify, adjudicate and punish offenders. The state's obligations in relation to the other party in the crime event, "the victim" have always been in question.

By treating victims more fairly, the criminal justice system can maintain or restore the victim's respect for the law. In doing so, a downward spiral of criminal violence and resentment among victims can be prevented. In this perspective, helping crime victims is a task for welfare agencies and volunteers in close co-operation with the police, prosecutors and the courts. Victims need more general information about what is available to them by way of assistance, information about the criminal justice system, the role that they are required to play within that system and information about how the law works. Such information needs to be made available automatically to victims, just as criminals are advised of their rights and also to members of the public at large and to communities supporting victims of crime. The legal literacy of South African citizens needs to be improved so that the empowerment of victims through information starts before a crime has even been committed.

1.3.1. Why Trio-Crimes?

This research is aimed at finding out whether there are programmes and services available to victims of trio crimes within the City of Durban, and if so what is the nature, accessibility and effectiveness of these programmes and services.

Trio-Crimes may be regarded as incidences of violent organized crime, with a particular focus on House Robberies, Vehicle Hijackings and Business Robberies. The question that one may ask, is why a focus on trio-crimes? The nature of trio crimes are of particular concern to people, as they occur in places where one would expect to feel the safest, such as at home, at work or while travelling in a motor vehicle. These crimes can happen to anyone and may be highly traumatic to victims as they are often accompanied by violence such as murder, rape and serious assault. The reason for choosing this study is that crime and violence especially with regards to Trio-Crimes continue to present a challenge to the South African democracy and this may be an impediment to

achieving a better life for all citizens. Despite the efforts of the government as well as civil society organizations to prevent crime and violence, these remain challenges that impact on all South Africans, directly or indirectly. This research aims to make a valuable contribution to ascertain whether there are any programmes available to victims of trio-crimes in the city of Durban and if so, are they accessible and known by the people residing within the city.

1.4. Objectives of the Study

In considering the abovementioned background it should become clear that there is a need for research pertaining to victims of trio-crimes, especially in the South African context. In order to adequately address the problems and draw informed conclusions the following, measurable aims have been constructed:

- i. Identify the programmes and services available to victims of Trio-Crimes who reside within the City of Durban.
- ii. Explore and analyse these programmes.

1.5. Chapter Outline

Chapter 2- Empirical Perspective- (Literature review on the victims of trio crimes) and Theoretical Model.

This chapter will provide a discussion on the literature that is relevant to the study being conducted. The literature review will provide a background to the study on victims of trio-crimes. Existing literature will be reviewed and provide an indication as to where the research fits into the existing body of knowledge.

This chapter will also outline the theoretical model. The theoretical model will demonstrate an understanding of different models and concepts that are relevant to this research. An introduction and description of the crime prevention model in Victimology will attempt to elucidate on why the research problem under study is pertinent.

Chapter 3- Research Design

An in depth description of the research methodology and various research techniques that are to be used in the study will be presented in this chapter.

Furthermore an in-depth explanation of the data collection instruments to be utilised will be conducted.

Chapter 4- Analysis of data

This chapter will provide an interpretation of the results collected in light of the aims and overall objectives of the research.

Chapter 5- Recommendations and conclusion

This chapter will provide recommendations and suggestions for further research on victims of trio-crimes.

CHAPTER TWO

2. An Empirical Perspective on the Programmes and Services available to Victims of Crime (Literature Review); and Theoretical Models

2.1. Introduction

It is fundamentally pertinent to any research undertaken to find out what others have already learned about an issue before one addresses it. A literature review serves as an integral part of any research project. According to Neuman (2011:124) “a literature review builds on the idea that knowledge accumulates and that one can learn from and build on what others have done.” However, the central theme of this study’s literature is based on the “programmes” and “services” that are available to the victims of trio-crimes within the City of Durban. These will include the policy frameworks and actual programmes that have been developed. This chapter will provide a discussion on the literature that is relevant to the study being conducted. The literature review will provide a contextual framework to the study on the programmes available to victims of trio-crimes. This chapter will examine the literature and will indicate where the research fits into the existing body of knowledge with regard to victim support and services in South Africa.

2.2. An Overview of the extent of Trio-Crimes in South Africa

Information regarding the extent and nature of crime nationally and internationally is usually obtained through official and non-official data sources. Official data sources refer to records, reports and statistical surveys undertaken by agencies dealing officially with crime, such as the police, the courts and correctional services. Non-official data sources include victimization surveys, self-report studies of crime victims and reports of insurance companies concerning aspects such as motor vehicle theft. For the purpose of this study, South African Police Services Crime statistics will be used to show the extent of trio-crimes in South Africa.

According to the SAPS Crime Statics (2013/2014) vehicle/carjacking increased by 11% in 2013/2014 financial year nationally, and provincially in KwaZulu-Natal it increased by 14.1%. With regard to robbery at residential premises (house robbery) there was an increase of 6.1% in 2013/2014 financial year as compared to 3.6% of 2012/2013 financial year. Provincially, KwaZulu-Natal showed a decrease by 1.5% in 2013/2014 as compared to 14.7% in 2012/2013 financial year. Robbery at non- residential premises (business robbery) increased by 12.1% nationally in 2013/2014 financial year. Provincially, there was also an increase of 14.1% in KwaZulu-Natal.

From the above statistics it can be noted that crime and violence especially Trio-Crimes continue to present a problem to the South African democracy and they may be an impediment to attaining a better life for all. Despite the best efforts of government as well as civil society organizations to prevent crime and violence, these remain challenges that impact on all South Africans, directly or indirectly.

2.2.1. Reporting Crimes and Victimization satisfaction nationally

Statistic South Africa (2013/2014) indicate that housebreaking/burglary is most likely to be reported in Free State (77%) and Western Cape (75%) and least likely to be reported in the Limpopo (48%), North West (50%), Mpumalanga (50%) and KwaZulu-Natal (50%). This is due to the fact that offenders relocate from one place to another and that Free State and Western Cape are occupied mostly by whites that are wealthy, and that is why incidents of housebreaking are high in those provinces. The extent to which a household crime is reported to the police depends on the type of crime. Murder was most likely to be reported (98.2%) in 2011, followed by car theft (92.2%) and deliberate damage of the dwelling (62.6%). About 60% of housebreaking/burglary, and home robbery incidents were reported to the police. Slightly over half of thefts from car (56.5%) incidents were also reported to the police. Crimes least likely to be reported to the police were motor vehicle vandalism (40.8%), theft of livestock (40.1%), and theft of crops (18.3%). Incidents of car theft and housebreaking/burglary were most likely not to be reported to the police in 2013 as compared to 2012. There was a 6.1% point decrease in the cases of car

theft reported to the police in 2013 as compared to 2012, and a 1.5% point decrease in housebreaking/burglary incidents being reported (Statistic South Africa, 2013/2014).

2.2.2. Reasons for not reporting

Victims gave reasons why they did not report the crime to the police. These, amongst others, included:

Police issues: the victims believed that either the police would fail to solve the crime, or that some police were corrupt or inaccessible, or that sometimes the police behaviour was inappropriate. **Perpetrator issues:** some victims did not report a crime to the police because they could not identify the perpetrator(s), while others feared reprisals from the perpetrator(s). **Crime related issues:** some victims did not report a crime because it was not serious enough; others did not report it because items stolen were not insured or old or not valuable, while others claimed that they had solved the crime themselves. **Self-blame issues:** these included fear of being blamed, belief that it was partly the victim's own fault, and fear of being exposed or embarrassed (Statistic South Africa, 2013/2014).

2.3. International Developments

Contemporary governments are used to assessing their economy's performance in an international perspective and to regard the advice of international bodies such as International Monetary Fund (IMF) and the World Bank (WB). In other areas, such as public health or housing, governments are also aware of their performances relative to that of other countries and eager to learn from foreign experiences. According to Camerer and Nel (1996:18) a policy which addresses one of the most pressing social problems of our times, namely that of public safety is almost everywhere exclusively made in impressive isolation.

In the past few years, there has been a movement within the international community directed at encouraging countries to establish a framework of rights for victims of crime. On the 29th of November 1985, the General Assembly of the United Nations adopted the Declaration of Basic Principles of Justice for

Victims of Crime and Abuse of Power. The 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power signified an important shift in the discourse around crime and victimization. The declaration was the result of interest groups advocating a shift away from offender-focused justice systems. Their argument was that while states assumed the responsibility of judging and sentencing offenders, their responsibility to victims was less clear (Faull & Mphuthing, 2009:125).

The Declaration is based on the philosophy that victims should be adequately recognized and treated with respect for their dignity; and that they are entitled to access to the mechanisms of justice and prompt redress for the harm and loss suffered. They are also entitled to receive adequate specialized assistance in dealing with emotional trauma and other problems caused by the impact of victimization (Nel & Van Wyk, 2013:83; Pretorius & Louw, 2005:78). The Declaration recommends measures to be taken on behalf of the victims of crime at international and regional levels to improve access to justice and fair treatment of victims. In an effort to facilitate the establishment of minimum standards of services for victims, the Declaration highlights for victims the right to be treated with respect and dignity, to offer information, to receive information, the right to legal advice, to protection, to restitution and to compensation (Karstedt, 2002:300; Camerer, 2010:48; Karmen, 2013:13; Pretorius & Louw, 2005:78). The Declaration further specifies how governments, the police and community agencies could assist and protect the rights of victims. According to the United Nations Commission on Crime Prevention and Criminal Justice (1996:16) this include ways of providing access to justice and ensuring fair treatment, restitution, compensation, counselling and other support services.

National victim support schemes exist in the United Kingdom. These services are often coordinated by non-governmental agencies and funded by the government. Victim support services differ with regard to their organizational structure, location (i.e. whether they are linked to a police station, hospital or non-governmental organization), relationships with other agencies, the nature of services provided, and the victim population targeted or prioritized. Despite these differences, the majority rely on volunteer workers and provide services

such as: crisis intervention, counselling, support during investigation of crime, support during criminal prosecution and trial, training for allied professionals on victims issues, advocacy, public education on victim issues, and to a lesser extent crime and violence prevention (Simmonds, 2009:14).

In the United Kingdom, there exist a victim support organization of which is the national charity providing free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected. The organization is not a government agency or part of the police and one does not have to report crime to the police to get help from the organization. A person can call them any time after the crime has occurred, whether it was yesterday, last week or several years ago. The victim support offers the following to the victims of crime: (i) someone to talk to in confidence. (ii) Information on police and court procedures. (iii) Help in dealing with other organizations. (iv) Information about compensation and insurance and (v) Information on other sources of help.

United Kingdom`s Victim Charter, 1988 sets out what the criminal justice should be doing to support victims of crime and provides specific victim`s rights. Under the Criminal Injuries Compensation Scheme, which also covers Scotland and Northern Ireland, blameless victims of violent crime can receive compensation for their injuries, ranging from around £1,000 to £500,000, depending on the injuries. Lewis and Ellis (2009:8) hold that this state compensation scheme is administered by the Criminal Injuries Compensation Authority and provides for financial awards for physical and mental injuries caused by a violent crime and, in certain circumstances to compensate for past or future lost earnings as a result of violent crime. The death of a close relative may be similarly compensated.

2.4. South African Developments

In order to have any real meaning, the human rights enshrined in the Constitution and contained in various national and international instruments need to be realized in everyday life. These rights are valuable in that they provide the tools to empower victims, or rather, survivors of various crimes. A Criminal Justice System that focuses on victims` rights and empowerment has the ability to transform for people the current confusion that one must navigate

to access justice. An overview of South African developments with regard to victim support and services will be elaborated upon. These will include: the national policy framework; national legislative framework; and the actual programmes for victims.

2.4.1. The National Policy Framework

There have been a number of initiatives to develop policy around victim empowerment. It bears noting that these policies do not have the same status as legislation and do not create the same obligations on the state as legislation does. They do however, provide guidelines and will be taken into account when reviewing government actions in implementing the legislation.

2.4.1.1. National Crime Prevention Strategy

The National Crime Prevention Strategy was developed by the Department of Justice and Constitutional Development in 1996. The purpose of the NCPS was to develop a comprehensive approach to crime control and prevention while keeping victim support and services as a key part of its agenda. It prioritized victims of crime and advocated for a victim centred approach to justice. The aim of the NCPS was threefold: to create an efficient and effective criminal justice system which focused on deterrence; to educate and create awareness on crime; as well as to facilitate active and effective community participation in crime prevention. It does not create immediate rights for victims, but rather provides a policy framework for the various departments (Dey, *et al*, 2010:10; Faull & Mputing, 2009:126).

According to Nel and Van Wyk (2013:83) the NCPS was enlightened in that it recognizes the social and developmental causes of victimization that are beyond the scope of the police, courts and correctional services. Although the NCPS as a structure no longer exists, its functions and responsibilities are now managed by various governmental departments.

2.4.1.2. Victim Empowerment Programme

Since 1994, and in keeping with the cultivation of a human rights culture, the focus has gradually shifted from an adversarial and retributive criminal justice system to that of Restorative Justice. Central to the concept of Restorative Justice is the recognition of crime as more than an offence against the state, but also as an injury or wrong done to another person. This is in line with the National Crime Prevention Strategy's victim-centred vision for the criminal justice system. The ultimate goal is victim empowerment through meeting victims' needs, be they material or emotional (Department of Justice, 2004).

In recognizing the inadequate support given to victims of crime historically, the NCPS acknowledged the need to promote and implement a victim-centred approach to crime prevention. This was done through the introduction of the Victim Empowerment Programme as an integral part of the NCPS. Broadly this programme aimed to make integrated criminal justice victim-friendly and to minimize the negative effects of crime and violence on the victims of crime (Integrated Victim Empowerment Policy, 2007:16). Victim empowerment is an approach to facilitating access to a range of services for all people who have individually or collectively suffered harm, trauma and/or material loss through violence, crime, natural disaster, human accident and/or through socio-economic conditions. It is the process of promoting the resourcefulness of victims of crime and violence by providing opportunities to access services available to them, as well as to use and build their own capacity and support networks and to act on their own choices. It aims to restore the loss or damage caused by criminal acts and their consequences through a variety of actions intended to empower the victim to deal with the consequences of the event, to leave it behind and suffer no further loss or damage. It is premised upon the belief that individuals, families, and communities have the right to privacy, safety and human dignity, and that victims should play a more central role in the criminal justice process (Department of Social Development, 2009; Nel & Kruger, 1999:10; Pretorius & Louw, 2005:77).

According to Dey, *et. al* (2010:10) The VEP is the longest running effort to develop a framework for the provision of support services to victims of crime and to prevent victimization. The programme is based on a strong partnership

between community based organizations, government agencies, academics, volunteers and research institutions. Some of the key stakeholders are the Departments of Justice, Education, Health and Correctional Services. It also includes the South African Police Service and the National Prosecuting Authority.

Victim empowerment initiatives by civil society organizations in South Africa were in existence long before the National Victim Empowerment was established in 1998. Although a multitude of initiatives in victim empowerment existed at local levels across the country, many of which were provided by non-profit organizations (NGO's), these resources were not equally distributed, coordinated and sustainable. The successful implementation of victim empowerment programmes requires a serious commitment from all three levels of government and the civil society organizations (Victim Empowerment Programme Tenth Anniversary Conference, 2008). South African government has opted for the crime prevention model of delivering support and assistance to victims. According to such a model, attending to the needs of victims is not only the humane thing to do; it also motivates victims to cooperate with the criminal justice system, increases their ability to do so, and limits the longer term debilitating effects of trauma and victimization (Nel & Van Wyk, 2013:84).

2.4.1.3. National Policy Guidelines for Victim Empowerment

The National Policy Guidelines for Victim Empowerment (NPGVE) provide a framework for the implementation of the Victim Empowerment Programme, led and coordinated by the Department of Social Development and managed by national and provincial Victim Empowerment Management Forums. The NPGVE recognizes the impact of crime on society and that the services provided can further victimize the people concerned rather than empower them. Dey *et al* (2010) hold that the NPGVE are based on the concept of restorative justice. In order to reduce secondary trauma the NPGVE seek to provide a framework for sound inter-departmental and inter-sectoral collaboration and for the integration of effective institutional arrangements for a multi-pronged approach to managing victim empowerment.

The NPGVE provide nationally recognized definitions of terms such as “victim”, “Victim empowerment”, “violent crime”, and “secondary victimization”. The guiding principles are empowerment, human rights, participation, self-determination, and a family-centred approach. The NPGVE state that victims’ needs must be “met through a well-managed, integrated, multidisciplinary team approach.” Further, a holistic and coordinated approach to victim empowerment is stressed and co-operation with the criminal justice process encouraged to reinforce socially desired behaviour, and to discourage offenders or potential offenders (Dey, *et al*, 2010:11).

According to the Department of Social Development (2009), these guidelines are intended to achieve a society in which the rights and needs of victims of crime and violence are acknowledged and effectively addressed within a restorative justice framework. The objectives of the NPGVE are to: give strategic direction on the development of management structures for effective co-ordination of the programme at all government levels; identify and clarify sector specific roles and responsibilities at all government levels of the management structures; guide the process of monitoring, evaluation and reporting by implementing structures; serve as a framework for the development of sector specific policies and strategies; identify roles and responsibilities of relevant government departments; create a common understanding of victim empowerment amongst various State Departments, victims, perpetrators, non-profit organizations including non-governmental organizations and community-based organizations, and individual members of the community.

2.4.1.4. The Service Charter for Victims of Crime in South Africa

The Service Charter for Victims of Crime in South Africa is an important instrument for promoting justice for all. The Victims’ Charter is compliant with the spirit of the South African Constitution of 1996 and the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

Developed by the Department of Justice and Constitutional Development, the Victims’ Charter sets out the current legal framework relating to the rights of

and the services provided to the victims of crime. According to the Victims' Charter (2004) victims of crime have the following rights: the right to be treated with fairness and with respect for the victim's dignity and privacy; the right to offer information; the right to receive information; the right to protection, the right to assistance, the right to restitution and, the right to compensation. Peacock (2013:78) holds the view that the Victim's Charter outlines the processes by which a victim of crime may access the complaints mechanisms if the rights in the victims' charter are not upheld; and that South Africa is the only country on the African continent with the Service Charter for Victims of Crime.

2.4.1.5. The Minimum Standards on Services for Victims of Crime

The Minimum Standards were developed by the department of justice and constitutional development (DJCD) in order to expand on the Victims' Charter. The Minimum Standards set out what standard of service a victim of crime can expect in relation to each of the rights set out in the Victim's Charter. For example, how one can expect to be treated by the different departments or officials if one is a victim of crime in order to demonstrate best practice in relation to the right to be treated fairly and with dignity. The Minimum Standards also set out the various complaints mechanisms for a victim that feels that her or his rights have not been respected.

2.4.1.6. National Policy Guidelines to the Sexual Offences Act for the South African Police Services

The purpose of the guidelines is to set out the duties of the police to victims of sexual offences and to inform the members of the SAPS of the level of professional service expected of them when dealing with victims of sexual violence.

The guidelines makes it clear that the police must accept and acknowledge the allegations that a victim of a sexual offence has made when reported at the police station in person, and assist victims in a private and confidential manner. SAPS staff should provide immediate, respectful, empathetic and professional attention to a reported sexual offence. There are no time restrictions for reporting a sexual offence and all reports must be dealt with equally, regardless

of when the crime was committed. The SAPS staff member must introduce themselves and their role in the investigation; request the victim's name and address; establish their capability for laying a charge; open a docket with the victim's basic details; assess whether medical care is necessary; and arrange necessary assistance. The SAPS staff member must refer the victim for a medical examination. The medical examination must take precedence over recording the victim's statement. Such a statement must only be taken when the victim is emotionally, psychologically and physically able to make it. SAPS staff must also contact the investigating officer and offer to stay with the victim until the investigating officer arrives (Dey, *et al*, 2010:14; Frank, 2007:19).

The investigating officer should register a case docket; take a detailed statement from the victim and offer the victim support. The police should also help the victim identify where counselling services can be obtained and must assist in obtaining such services. During the court proceedings, the police must keep the victim informed of any progress with the case and must explain the court proceedings to the victim. Victims must be informed how to preserve evidence for the court proceedings, assisted when reporting an offence telephonically (establish if the victim is in danger, needs medical attention and secure the crime scene with a patrol vehicle). The first officer to arrive at the scene must be extremely careful and follow detailed guidelines to ensure that evidence is not lost. Further, he or she must talk to the victim, listen without interrupting, show empathy, explain what is being done and make sure that the victim is not left alone. The police must also accept telephonic reports of sexual offences committed against others. In this situation the same information should be obtained from the person that is reporting the sexual offence (Report on Sexual Offences against Children, 2002).

2.4.1.7. The Uniform Protocol for the Management of Victims, Survivors and Witnesses of Domestic Violence and Sexual Offences

This document was introduced by the National Prosecuting Authority (NPA). Through this document, the NPA seeks to address the accountability and professionalism of those government departments and civil society groups that provide services for victims of sexual offences and domestic violence.

According to Dey, *et al* (2010:17) the UPVM seeks to create “awareness amongst victims on their rights, promote awareness and education amongst service providers on dealing with victims, survivors and witnesses of domestic violence and sexual offences and strives to bring qualitative uniformity to services provided to the victims.”

2.4.1.8. National Directory on Services for Victims of Violence and Crime

This Directory developed by the Department of Social Development is an update on the National Directory of Services for Victims of Violence, which was first written in 2003 and subsequently updated in 2005 and 2006.

The 2009 Directory lists provinces and towns in alphabetical order, and provides the town, type of service, organization or department, the physical address, and contact numbers. The Directory also lists the national and provincial coordinators. At the end of each province section, there is a list of shelters, the town each shelter is located in, and a contact number. Additionally, in the section on provinces there is information listed in relation to provincial organizations and their contact number to lodge complaints (Peacock, 2013:82).

2.4.2. National Legislative Framework

In South Africa, the criminal justice system has remained focused on the offender. Victims’ rights have mostly been relegated to the sphere of gathering evidence against the offender. However, some changes have been made in the legislative framework, which seek to uphold some of the values stated in the NCPS. Snyman (2005:10) holds that these legislative provisions “look at the criminal procedure from a victim’s point of view and also incorporate the language of rights *Vis a Vis* victims. While there is no single comprehensive legislative instrument that governs how victims should be treated by the criminal justice system, there are several existing laws which provide various rights to victims under different categories of crime.” These existing laws and their relevance to victims’ empowerment and rights are discussed below.

2.4.2.1. Domestic Violence Act No. 116 of 1998

The Preamble of the Domestic Violence Act states that victims of domestic violence are amongst the most vulnerable members of society. The Act describes a variety of behaviours that can be classified as domestic violence in a range of domestic relationships, unconfined by the limiting definition of marriage alone constituting a domestic relationship.

The Act further lays down various duties for the police. Primary amongst these are the rendering of assistance to the complainant and making arrangements for shelter and medical treatment, as well as providing information on remedies available to the complainant. It places a positive duty on the police to provide assistance to victims of domestic violence when taking down such a complaint (Dey, *et al*, 2010:3).

Section 4 of the Domestic Violence Act provides for a victim of domestic violence to obtain a protection order against a perpetrator which prohibits violence. Section 9 of this legislation seeks to protect the well-being of the complainant through measures including the seizure of arms and dangerous weapons. The Act also provides for in-camera trials and the prohibition of the publication of certain information related to the trial (Section 11 of the Domestic Violence Act). Section 18(4) of the Act compels the police to fulfil their obligations in terms of the Domestic Violence Act and the failure to do so amounts to misconduct and calls for disciplinary action against the officials who fail to comply with their obligations.

2.4.2.2. Witness Protection Act 112 of 1998

According to Frank (2007:17) the purpose of the Witness Protection Act is to ensure the protection of witnesses. It seeks the establishment of an Office for Witness Protection and also lays down the duties and functions of the Director which include the responsibility for the protection of witnesses, including temporary protection. Another duty of the Director is the appointment of a Witness Protection Officer. The Act also allows for the application for protection by witnesses or persons who have reason to believe that their safety may be compromised (Section 4, 5, 7 and 8 of the Witness Protection Act).

2.4.2.3. The Probation Services Act No. 116 of 1991 and Amendment No. 35 of 2002

This legislation requires that probation services provide the assessment, care, treatment, support, referral for and provision of mediation in respect of victims of crime. It also creates provision for the establishment, financing and registration of shelters, as well as, the compensating of victims of crime. The Amendment Act lays down a provision for the establishment of services to victims (Pretorius & Louw, 2005:91).

2.4.2.4. The Judicial Matters Second Amendment Act No. 55 of 2003

This legislation amends section 60 of the Criminal Procedure Act 1977 and allows for the participation of victims in the proceedings related to the bail of the accused. It provides for the right of a complainant to make representation relating to an offender being placed on parole, on day parole, or under correctional supervision (Section 6 of the Judicial Matters Amendment Act).

2.4.2.5. The Children's Act No. 38 of 2005

The purpose of the Children's Act is to make provisions for the care and protection of children and to define parental responsibilities. It also makes further provisions on children's courts, adoption and contribution orders. Additionally, it addresses the issue of child abduction and certain new offences relating to children.

The Act tries to achieve child rights that have been set out in the Bill of Rights and creates a 'best interest of the child' standard which is to be taken into consideration where ever it is relevant. It also states that every child has a right to information on health care and access to courts. The Act sets out the functioning, powers, jurisdiction and proceedings of the children's courts. Furthermore it allows for the participation of children in the proceedings. The Act addresses protection of children, the setting up of the National Child Protection Register and the identification of children in need of care and protection, as well as the laying down of contribution orders. It also lays down procedures to deal with children who have been victims of trafficking, including

the provision of a social worker, safe care and repatriation (Dey, *at al*, 2010:5; Pretorius & Louw, 2005:94; Frank, 2007:18).

2.4.2.6. The Children's Amendment Act 41 of 2005

The Children's Amendment Act adds to welfare service delivery and furthers the protection of families and children. It makes provision for the reporting of abused and neglected children by authorized individuals and agencies, as well as any person acting in good faith to the provincial Department of Social Development, designated child protection organizations, or a police official. These agencies and individuals are further responsible for ensuring the safety and well-being of the concerned child. It provides for prevention and early intervention as a first layer of services provided to children and families in need of assistance. It also deals with partial care, the definition of early childhood development and early childhood development services, children in alternative care, child and youth care centres and shelters and drop-in centres (Peacock, 2013:115).

2.4.2.7. The Older Person Act No. 13 of 2006

The Older Person Act establishes a framework to empower and protect older persons through the promotion and protection of their rights, access to information, security and well-being. In relation to victim empowerment, the Act ensures that if a member of the residents' committee has been convicted of an offence which involves dishonesty or the abuse of older persons then such a member can be removed from the residents' committee (Faull & Mphuthing, 2009:136).

In relation to the protection and safety of older persons, the Act states that every service provider must have measures in place to promote the rights of older persons. This includes access to information, protection from abuse and access to care. It also states that service providers must have measures in place to prevent abuse of older persons through the co-operation of service providers, operators and stakeholders such as the SAPS and medical facilities. There are also specific measures that must be taken by service providers to advance the rights of older persons disadvantaged by unfair discrimination, such as

increased subsidies for service providers working with older persons who have suffered unfair discrimination, as well as specific programmes that are tailored for such older persons. The Act makes provision for a register of persons who have been convicted for abuse of older people (Dey, *et al*, 2010:6).

2.4.2.8. The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

The Sexual Offences Act broadens the common law definition of 'rape' and defines various other sexual offences so as to broaden the legal understanding of sexual assault to incorporate the realities of different individuals who face varied forms of sexual assault. The Act also extends itself to cover children and people with mental disabilities.

The Act states that its main objective is to provide the maximum and least traumatizing protection that the law can afford to complainants. It enables all matters relating to sexual abuse under a single statute and criminalizes all forms of sexual abuse and exploitation. It also aims at protecting complainants and their families from secondary victimization through the establishment of an efficient criminal justice system that is based on the principle of 'Batho Pele' or 'the people first,' while dealing with sexual offences (Section 2 of the Sexual Offences Act).

Chapter 5 of the Act makes provision for the services of post-exposure prophylaxis (PEP) and HIV testing to be rendered to victims of sexual assault. It states that victims are to be notified of the services that are available to them. It also states that victims of sexual assault have to report the assault to the SAPS within 72 hours of the occurrence of the offence to ensure that these services are available to them. In some cases, Dey, *et al* (2010:6) hold that the Act also allows for a victim, interested person or investigating officer to apply to a court to have an alleged offender in a sexual offence case tested for HIV.

The Act does not allow any person who had been found guilty of sexual crimes against children or people with mental disabilities to hold any position, either through employment, business concerns or foster care and adoption, in a space that primarily focuses on children or people with mental disabilities. In order to

facilitate this, it establishes a National Register for sex offenders (Tshwaranang Legal Advocacy Centre, 2009). Regarding compensation, the Court may order the convicted person to compensate the complainant for costs incurred as a result of the crime, including medical expenses, housing, counselling, replacement of destroyed property and wages lost due to attending court proceedings. However, one may forfeit a civil claim if choosing to exercise this option (Section 300 of the Criminal Procedure Act).

2.4.2.9. The Child Justice Act No. 75 of 2008

According to Camerer (2010:48) the Child Justice Act (CJA) focuses on children who are in conflict with the law. It is one of the few laws that is victim-centric and also incorporates a restorative justice principle which allows greater scope for victim engagement in the criminal justice process. The CJA lays down the standard to determine the criminal capacity of children under the ages of 10 to 14. It sets out the procedure for diversion of cases and allows for consultations to take place with victims before a diversion is allowed.

The CJA further provides that one of the objects of diversion is to afford those persons affected by the harm to express their views on its impact on them. The CJA also states that diversion may not be approved if the victim's views have not been considered and if the victim has not been afforded the opportunity to express his or her views as to whether or not the matter should be diverted (Section 51 and 52 of the Child Justice Act). Section 70 of the CJA also makes provision for the submission of victim impact statements. The victim can make a sworn statement stating the way in which the offence has affected him or her psychologically, physically, socially or any other consequences that the victim suffered.

2.4.2.10. The Prevention of and Treatment for Substance Abuse Act No. 70 of 2008

This Act provides for a comprehensive national response to combat substance abuse. It provides measures aimed at demand and harm reduction through prevention, early intervention, treatment and reintegration programmes. Chapter 3 of the Act sets out the strategies and principles for demand and harm

reduction. It specifically states that all services rendered to affected persons will recognize the individual needs of each person, ensure access to information, prevent the exploitation of such persons and prevent stigmatization. It also promotes the participation of users in the decision making process on their needs. It ensures that services are available and further gives the right to the user to give written consent to participate in any research related to their treatment and rehabilitation (Karmen, 2013:16). Chapter 5 and 6 of the Act provides for the establishment of community based services and in-patient and out-patient services as well as the monitoring and assessment of such services.

2.4.3. Programmes and Services for Victims

These are services rendered by organizations that endeavour to assist victims by assessing their needs and actively working to address these needs. These services aim at: skilfully supporting victims to deal with their trauma, and preventing secondary victimization; and preventing crime and violence by advising and guiding victims towards a preventative lifestyle (Nel & Kruger, 1999:6). Organizations offering these services may be governmental, nongovernmental or community-based.

2.4.3.1. National Institute for Crime Prevention and the Reintegration of Offenders (NICRO)

NICRO is the South African National Institute for Crime Prevention and the Reintegration of Offenders. It remains the only national non-government organization providing comprehensive crime prevention services across South Africa. Nicro is the main provider of diversion services for children in South Africa (Frank, 2007:25).

Nicro has many years of experience and has been acknowledged as a leader in the field of victim support services. The introduction of Nicro`s victim support services dates back to the 1980`s when the organization made significant inroads through its lobbying initiatives to improve the plight of abused women (Pretorius & Louw, 2005:89; Nel & Kruger, 1999:7).

In 1996, Nicro responded to the call by the NCPS for the need for services to a broader category of victims by extending its capacity and developing accessible

frontline support services through the establishment of victim support services at local police stations throughout the country (Department of Social Development, 2009). Nicro established the Community Victim Support programme (CVS) as one of the four programme areas of Nicro. The CVS programme aims to promote basic human rights and access to social justice by capacitating community volunteers to effectively support and empower all victims of crime and violence (NICRO). Pretorius and Louw (2005:89) hold that the programme provides comprehensive support services at every level to witnesses and victims of crime, violence and abuse as well as those at risk of victimization. Services are aimed at providing immediate crisis intervention, trauma counselling and psycho-enabling support to promote the recovery process; facilitating access to justice and legal resources; reducing the fear of recurring crime; and offering survivors development opportunities and enabling them to regain control of their lives (2005:89). These services are aimed at bringing about fundamental change rather than merely providing palliative care. Nel and Van Wyk (2013:83) are of the view that through its direct service delivery and as a member of many local and provincial victim support networks, Nicro has been instrumental in influencing the growth and development of victim support in South Africa.

2.4.3.2. Thuthuzela Rape Care Centres

The Sexual Offences and Community Affairs Unit of the National Prosecuting Authority launched the Thuthuzela rape care centres to assist rape victims from the moment they report the crime. These centres are linked to the Sexual Offences Courts with access to two prosecutors and a dedicated magistrate. They are staffed by medical personnel trained in forensic evidence gathering and social workers, legal personnel and/or staff from non-governmental organizations who provide basic victim support, trauma counselling and intermediary services, as well as court preparation and support during the trial. Where possible the Thuthuzela rape care centres are linked to Family Violence, Child Protection and Sexual Offences units as well (Pretorius & Louw, 2005:85; The National Prosecuting Authority of South Africa, 2003).

The centres are managed by a top level inter-departmental team comprising Justice, Health, Education, Treasury, Correctional Services, Safety and Security, Local Government, Home Affairs, Social Development and designated civil society organizations. Thuthuzela's integrated approach to rape care is one of respect, comfort, restoring dignity and ensuring justice for children, women and men who are victims of sexual violence. When reporting, the rape victim is removed from crowds and intimidating environments, such as at the police station, to a more victim-friendly environment before being transported by ambulance to the Thuthuzela one stop care centre at the hospital. On route, the victim receives comfort and crisis counselling from a trained ambulance volunteer (The National Prosecuting Authority of South Africa, 2003).

2.4.3.3. One-Stop Crisis Centres

The departments of Social Development and Health created one-stop centres for survivors of sexual offences and domestic violence. Examples include the funding of non-governmental organizations to establish trauma or crisis centres (Department of Social Development) or violence referral centres (Department of Health) at some state hospitals with nurses trained in forensic nursing and psychological needs of the victim without offering facilities for trial (Morrell, 2002:17).

Pretorius and Louw (2005:85) hold the view that although these centres fulfil a useful role and provide a much needed service for victims of gender violence, the lack of synergy and joint planning and budgeting at both national and provincial level often lead to duplication and a waste of scarce resources. One-stop centres also cater only for women and children who have been victims of rape, domestic violence and abuse, while male victims of sexual offences, victims of robbery and serious assault, and family members of homicide victims are not catered for.

2.4.3.4. Ikhaya Lethemba

Ikhaya Lethemba centre is a public –private partnership between government and the corporate sector. The centre caters not only for victims of gender

violence in Johannesburg area, but also any victims in the province in need of specialized care. The centre houses the Family Violence, Child Protection and Sexual Offences Unit of the South African Police Service, the Department of Social Services, NICRO and the Centre for the Study of Violence and Reconciliation (Pretorius & Louw, 2005:86).

2.5. Theoretical models for the need and implementation of programmes to assist the victims of crime

A theoretical model demonstrates an understanding of concepts and theories that are relevant to the study and also relates to the broader areas of knowledge being considered. The selection of a theoretical model depends on its appropriateness, ease of application and explanatory power. Therefore, the theoretical model strengthens the study in the following ways as suggested by Peacock (2013):

- i. An explicit statement of theoretical assumption permits the reader to evaluate the theory critically.
- ii. The theoretical model connects the researcher to existing knowledge. Therefore guided by a relevant theoretical model, one is given basis for a hypothesis and choice of research methods.
- iii. Having a theoretical model helps one to limit generalisation.

The theoretical model introduces and describes the theory that explains why the research problem under the study exists.

For many years, criminological theory focused on the actions of the criminal offender; the role of the victim was virtually ignored (Peacock, 2013:79). Scholars began to realize that the victim is not a passive target in crime. These early works helped focus attention on the role of the victim in the crime problem. Today a number of different theories and models attempt to explain the causes of victimisation. In Victimology different models are available for the need and implementation of programmes to assist the victims of crime. According to Pretorius and Louw (2005:77), these models include the care, criminal justice and crime prevention models. These victimological models will be discussed below and how they link to this study.

2.5.1. The Care Model

This model is characterized by services such as a compensation scheme for victims of crime, and care-orientated services in the form of rape crisis centres, shelter homes for victims of spousal abuse, and other forms of moral and practical support (Stewart, 2002). The value of this model is vested in the fact that the immediate needs of victims are addressed, and that the trust in one's fellow man has been violated by the crime incident. According to Snyman (2005:10) this model has a major drawback as it is "very expensive and not accessible to all victims and does not address the victim's need that justice must be done."

2.5.2. The Criminal Justice Model

The criminal justice model has as its aim the creation of a meaningful role for the victim in the criminal justice system. Although the victim's need for justice to be seen and to be done may be satisfied through this model, it is aimed only at those victims who actually report the victimization to the police, with the case proceeding to court (Van Dijk, 1996). The increased focus placed by this model on the role of the victim in the criminal justice system leaves those victims who do not report the victimization to the police out in the cold, and fails to address the range of non-criminal justice needs that the victim may have.

2.5.3. Crime Prevention Model

In the South African Law Commission discussion paper (2009) on victim compensation, four theoretical arguments for the implementation of a victim compensation scheme were put forward. These were:

- a) Legal Liability Theory: This argued that the State has a legal duty to compensate victims for all damages and losses suffered because an offense was committed and the State was considered responsible for allowing it to be committed.
- b) Social Contract Theory: The philosophy of moral duty and thus violent crime victims have the privilege, not the right, to receive compensation, which is granted on grounds of sympathy, goodwill and humanitarian reasons (not because the State is liable for all crimes).

c) Accountability Theory: The State makes contributions available to crime victims, and then a partnership is formed with the State in combating crime. This is likened to an insurance scheme where the State wants to maintain society to minimize pay-outs and citizens act responsibly to keep tax payments down.

d) Utilitarianism: the successes of a compensation scheme will benefit the judicial system and therefore will help restore relationships within the community. If victim compensation is available, victims will be more likely to cooperate with the justice system and possibly get involved in fighting crime.

These four models of understanding could also be applied to the need for empowerment for victims of crime and are worth reflecting on, together with the broader definition of a victim. In addition to this there are certain elements in a victim's path to healing that require elaboration. These include the principles of empowerment, avoiding secondary victimization, an understanding of the healing as a process, access to the necessary medical services, compensation and access to justice. From these four models, crime prevention model emanated for the need and implementation of the programmes and services for victims of crime.

The crime prevention model states that by treating crime victims better, they maintain their respect for the law. Victims then cooperate more willingly with the criminal justice system, which again benefits crime investigations and prosecutions (Pretorius & Louw, 2005:78). This model combines and extends the care and criminal justice model to improve the provision of services to victims.

By its research design and processes, this research offers an exploratory study dealing with the programmes and services available to victims of trio-crimes within the Durban Metropolitan Area. For the purposes of this study the focus will be on the crime prevention model in Victimology. A better procedure for crime victims is important in the fight against crime because:

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| (i) An increased cooperation of the victim is essential for effective criminal investigation. This means that the victim must not only |
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	report the crime to the police, but also cooperate with the police and the rest of the criminal justice system to ensure successful arrest, prosecution and conviction of the offender.
(ii)	Victim-oriented prevention can contribute largely to lowering the crime rate. The level of crime is partly determined by the availability of suitable targets and potential targets, and actual victims can significantly decrease the chances for opportunistic crimes.
(iii)	A person who has been victimized once runs a relatively high risk of becoming a victim again. Specific advice and guidance of victims can break the cycle of repeat victimization.

On the evaluation of this model in the Netherlands (Snyman, 2005) indicates that when victim services are made part of crime prevention, victims have a more positive attitude towards the police and the criminal justice system as a whole, and they feel more obliged to respect the law and therefore less likely to become offenders in future. During the implementation of this project, the crime rate was reduced markedly as repeat victimization was to a large extent avoided.

2.5.4. Why Crime Prevention Model?

In South Africa there is a need for a promotion of a generic approach to victims of crime in terms of which all victims of all crimes are regarded as equal and deserving of equal treatment from the police and justice officials, at least initially. This position avoids the danger of promoting stereotypes of only women and children as vulnerable groups as Snyman (2005:11) points out that service providers have “traditionally focused on women and children.”

Victimization lies at the heart of much retributive crime and the absence of means of victim aid, and empowerment play an important role in the cyclical nature of violence and crime in South Africa. While victim aid is often regarded as remedial rather than preventative in dealing with crime, Snyman (2005) holds that this view is dangerously misleading. Snyman (2005) goes further to outline that “victims of past or current criminal activity, if untreated they

frequently become perpetrators of either retributive violence or of violence displaced within the social or domestic arena.”

From this model it is evident that there is a need for the implementation of the programmes or services to assist the victims of crime in South Africa. This model collaborates with the topic of this study since a victim friendly criminal justice system is more likely to work, because victims may be more comfortable in reporting crime and cooperate with the police since there will be programmes or services available to assist them, and they might have more confidence in the criminal justice system again, especially the police. To emphasize this point Dey, et al. (2010:29) stipulate that “if empowering victims is available, victims will be more likely to cooperate with the justice system and possibly get involved in fighting crime.”

2.6. Conclusion

Victim empowerment and support is deemed a very necessary crime prevention strategy and in the light of the appalling need for stability, reconstruction and development, South Africa can no longer afford to neglect the needs and the rights of victims.

From the above discussion it is evident that there is no legislation dealing holistically and comprehensively with victim empowerment in South Africa. The existing policies and legislations do not seem to recognize the need to deal with the trauma experienced by the victims of violent crime such as trio-crimes and those who are close to victims of such crimes. The policies do not engage strongly enough with the question of ‘who is a victim’, and restricts the label only to those who engage with the criminal justice system. Although providing services for all those affected by crime would be a mammoth task, it is something that government and civil society should explore. This does not have to entail full provision of support for secondary victims; it could simply provide facilities, and awareness of such facilities, either state or NGO run to which those affected can turn to channel their emotions and receive support. From the above discussion it is evident that there is sparse research on the study of trio crimes, therefore this research aims to make a valuable contribution in building a Victimological frame of knowledge about victims of trio-crimes in

South Africa. Since there has been a gap on research concerning the programmes and services available to victims of trio crimes at a national and local/provincial level this study aims to assess the nature, accessibility and effectiveness of the programmes and services available to victims of trio crimes in Durban metropolitan area. The following chapter will provide an interpretation of the results collected in light of the aims and overall objectives of the research.

CHAPTER THREE

3. Methodology: How the study was conducted, and why these approaches were chosen

3.1. Introduction

Research methods form the backbone of any research project. These methods make fieldwork possible and provide a systematic guide to the data collection processes in which the goals of the research project can be met. In order to fulfil the aims and objectives of this study, it was imperative to select the appropriate methodological procedures and techniques. The research design of a study provides the framework for aspects related to how the study is to be carried out in the field. A good research design encompasses adherence to the rules of scientific investigation along with a level of creativity which allows the researcher to be flexible within the context of the study (Bailey, 2008). This chapter will outline the research methodology along with the assessment instruments used in the study to fulfil the aims outlined in chapter one. This will be followed by a presentation of relevant participant characteristics in order to provide a description of the overall nature and characteristics of the sample. Finally, the techniques used to analyse the collected data will be presented and explained.

3.2. Research design

According to Dadrian (1976:41) Victimization has been cast as an interactional phenomenon contingent upon features of both victimizer and victim, thus leading Victimological research to focus on the social contexts, correlates, and consequences of victimization (Holstein and Miller, 1990:116). The key purpose of this research was to explore the programmes and services available to victims of trio-crimes in Durban Metropolitan Area. Hence a qualitative approach was used in this study that assisted the researcher to focus on the exploration of the programmes available to victims of Trio-Crimes within the City of Durban. Qualitative research involves “an in-depth investigation of

knowledge” (Crix, 2004:119). Qualitative researchers seek to frame the information from their studies, with a view to discerning patterns, trends and relationships between key variables (Khan, 2010:33). Alan Bryman defines qualitative research as a “research strategy that usually emphasizes words rather than quantification in the collection and analysis of data” (Bryman, 2004:26). The use of a qualitative method facilitates a more in-depth understanding of factors that would be difficult to get in a quantitative survey. Subjective factors such as opinion, attitude, personality, emotion, motivation, interest, personal problems, mood, drive and frustration are relatively more complex, and hence more difficult to capture quantitatively than variables that can be empirically verified (Baumgartner and Strong, 1998:248).

3.3. Data collection techniques

According to the Centre for Civil Society (2003: 73) an interview “refers to any person-to-person interaction between two or more individuals with a specific purpose in mind”. Interviews are the most commonly employed method to collect information from people. Data collection for this study was based on semi-structured interviews conducted on an individual basis. It combined a set of pre-determined questions that enabled the interviewer to explore further particular themes and responses. The semi-structured interview was appropriate for this study because it allowed for a free and open dialogue with the interviewees, and provided a unique opportunity to acquire in-depth information about the programmes and services available to victims of trio-crimes. This allowed for a great degree of flexibility and prompted participants to speak on issues that were relevant to this research. In undertaking research, ethical considerations played an important role. This research ensured anonymity and confidentiality by using pseudonyms and obtained informed consent from the participants.

Semi structured interviews were constructed in such a manner that more neutral social demographic information was requested at the onset of the interview and more sensitive questions, once the research participant felt at ease and comfortable to participate in the presence of the researcher. The

interview session started with less sensitive questions in order to facilitate the conversation between the interviewer and the interviewee by creating an informal, friendly atmosphere that enabled a natural flow of ideas and opinions. The social demographic data capturing was then followed by more in-depth complex analytical questions. The advantage of a semi-structured interview technique was that it allowed informants the freedom to express their views in their own terms. This ensured that participants in this research were given the opportunity to express themselves in their own words about the Services and Programmes available to victims of trio-crimes. Semi-structured interviews can also provide reliable, comparable qualitative data (Cohen and Crabtree, 2006:168). There was more depth of information; respondents influenced the topic, therefore unexpected issues/topics emerged; and the researcher endeavoured to understand the perspectives and experiences concerning the programmes and services available to victims of trio crimes.

The topic guide ensured that a core list of questions was asked in each interview; because the order of questions was not fixed, flow and sharing of views were more natural. The weaknesses of semi-structured interviews are that, trained interviewers are needed to probe without being directive or judgmental; analysis of findings is more challenging, and ideally this should be done by people who did the interviews. Furthermore the researcher has to avoid bias in analysis; the researcher also should be acquainted with the local culture to capture the interviewees real meaning; analysis is time-consuming; and it is difficult to generalize findings. Fortunately the interview session were conducted by the researcher personally who is trained and aware of these weaknesses, and took cognisance of the various variables into consideration while doing data analysis by providing what participants had indicated as their experiences. All interviews were recorded on a digital audio recorder. The advantage of using an electronic recorder is that “it allows the researcher the opportunity to listen to the flow of discussion and the exact vocabulary used by informants” (Activist Guide to Research and Advocacy, 2003:74). Audio recording allowed the researcher to capture all the necessary information that was relevant to the study. Once all the information was recorded, the researcher transcribed the completed interviews. Although transcribing can be time

consuming it is nevertheless a helpful technique that allows the abstraction of all relevant and necessary data.

Eight participants from different organisations were included in the qualitative aspect of this research. The study was conducted in different organisations within the Durban Metropolitan Area which included: the South African Police Services; Durban North & Umhlanga Crisis Team and Khulisa Social Solutions. Appointments were made with the willing participants as to the times that they would be available for an interview. The interviews took place at their offices and the duration of the interviews ranged from 30 to 45 minutes each, depending on how much information was given by the respondents. Based on the fact that the study aimed at attaining rich qualitative data, the researcher recorded the interviews, as previously mentioned. Overall it took a period of seven weeks to collect the data required for the study, as all the participants had other tasks and commitments to fulfil as part of their duties and responsibilities within their respective organisations.

To obtain research participants, theoretical sampling was used. According to Glaser and Strauss (1967) theoretical sampling is “the process of data collection for generating theory whereby the researcher jointly collects, codes and analyses the data in order to develop his/her theory as it emerges”. Theoretical sampling is a form of comparative method, aimed at discovering significant dimensions of variation in categories of social phenomena and their relations to one another. Theoretical sampling is guided by, and helps to generate the ‘theoretical sensitivity’ that is necessary in grounded theorizing, and indeed in qualitative research (Strauss and Corbin, 1998). This type of sampling is tied to the purpose of generating and developing theoretical ideas, rather than being aimed at producing findings that are representative of a population or testing hypotheses. This sampling was relevant to this study because the participants selected informed the researcher’s understanding of the area of investigation. It is often used in grounded theory research in order to develop a theory throughout the research process itself. Therefore this study allowed the researcher to collect data from various organisations such as the

South African Police Services, Durban North Umhlanga Crisis Team and Khulisa Social Solutions. The information collected provided the appropriate and relevant data for the generation of the researcher's understanding of victim support and empowerment.

Ethical issues form an integral part of any research project. For the purpose of this study gatekeepers permission was granted by the South African Police Services; Durban North Umhlanga Crisis Team and Khulisa Social Solutions. Bryman (2004) argues that access is usually mediated by gatekeepers who are concerned about the researcher's motives. In all cases, informants participated voluntarily and they were insured that their identity will remain anonymous. This research ensured anonymity and confidentiality by using pseudonyms and obtained informed consent from the participants.

The organisations or services providers highlighted that due to ethical considerations and risk of repeat victimisation, they could not allow for victims to participate at this stage. This was a limitation to this research because it would have been better to explore the experiences of the victims of trio-crimes with regard to the programmes and services offered by the organisations.

3.3.1. Sample Demographics

<i>Demographic Characteristics</i>			
Occupation	Organisation	Frequency	Percentage
Detective(trio-crimes)	South African Police Service (SAPS)	1	12.5
Crime Prevention Coordinator	Khulisa Social Solutions	1	12.5
Social Worker (Supervisor)	Khulisa Social Solutions	1	12.5
Head of Department	Durban North/Umhlanga Crisis Team	1	12.5
Colonel/ Head of Support Service	South African Police Service (SAPS)	1	12.5
Administrator/Receptionist	Khulisa Social Solutions	1	12.5
Project Coordinator	Khulisa Social Solutions	1	12.5
Finance Administrator	Khulisa Social Solutions	1	12.5
Age Group			
25-30		3	37.5
35-40		2	25
45-50		2	25
55-60		1	12.5
Gender			
Female		6	75
Male		2	25
Race			
African		2	25
Coloured		1	12.5
Indian		4	50
White		1	12.5

Table 3.3.1 Demographic Characteristics of the sample used in the study.

The above table indicates that of the eight respondents that were interviewed, the majority (62.5%) were from Khulisa Social Solutions, followed by (25%) from the South African Police Service, and (12.5%) from Durban North/Umhlanga Crisis Team. The majority of the respondents were in the age group of 25-30 years (37.5%), followed by those who were 35-40 years (25%) and 45-50 years (25%). The minority were those in the age group 55-60 years. In terms of gender, 75% of the respondents were females compared to 25% who were males. The majority were Indian (50%), followed by Africans (25%), white (12.5%) and coloured (12.5%).

3.4. Data analysis

Exploratory data was generated through the semi-structured interview schedule, and this was presented in terms of a thematic analysis together with percentages and frequency distributions in order to summarise the data. To gain a better understanding of the programmes available to victims of crime narrative accounts accompanied the presentation of data. Thematic analysis is a method for identifying, analysing and reporting patterns (themes) within data as it organizes and describes data in detail (Braun and Clarke, 2006:18). The effectiveness of thematic analysis was derived from the familiarisation of data by the researcher, this was possible because the researcher conducted tape recorded interviews and transcribed them, and it allowed the researcher to familiarise with the data for an expedited and insightful analysis. However, this research, looked for common threads from among the respondents that provided an opportunity to ascertain patterns that showed mutual cause or commonalities among the research participants. Following transcription, the scripts were analysed through the utilisation of NVivo version 8 software. This software organised the raw data so that it was possible to link and compare thematic issues within and across documents. The list of “starter nodes” was generated from an initial entry in a project journal in the software where the questions and assumptions brought to the report were outlined. The software gave results that allowed for a deeper examination and management of the qualitative data that might not be possible in traditional coding.

Two distinct types of coding were used in the analysis, namely: (i) the descriptive coding, which described the cases in the study. This process related both to the coding of information in categories and the creation of attributes to clarify them. (ii) The second type was analytical coding; and it was done by selecting source content so as to interpret and reflect on the meaning of the data in order to arrive at new ideas and categories. The process entailed gathering material that could be re-thought and reviewed given the growing understanding of the inter-relationship of the categories in the data. Topic coding was not undertaken because the study already had relevant topics under different themes. The original themes had been embedded within an

interview schedule (see appendix one). The themes generated in the analysis were modified to suit the study objectives.

Validity as defined by Selltiz, Wrightsman, Cook, Balch, Hofstetter and Bickman (1976) is ultimately a matter of judgment, and was used to enhance the quality of the interview schedule of this study. In assessing the validity of the measuring instrument, face validity was applied as a procedure whether the instrument is really measuring what is assumed to be measured and whether it provides an adequate sample of the phenomenon or an aspect thereof (Bailey,2008). Face validity was simply assessed by the researcher in studying the concept that was to be measured and determined in his best judgment whether the instrument arrived at the concept adequately. It was partly a definitional judgment. In other words, if the items in the interview schedule did not measure any recognisable concept other than the ones it was supposed to measure, the instrument was said to have face validity.

The reliability of the research was enhanced by the pilot study. The reliability of a measure refers simply to its consistency. According to (Bailey, 2008) a measure gained from the interview schedule would be reliable if the measurement remains consistent. This was determined by the testing and re-testing of the measuring instrument (interview schedule) over a period of time by means of the pilot study. Finally according to Ulin (2002) credibility is the extent to which the findings in the interviews or focus groups are said to be accurate, sufficiently rich, grounded in, supported by narrative data, and show a logical relationship to each other. Blanche, Blanche, Durrheim and Painter (2006) state that the participants' views must be reflected as much as possible in the inferences and conclusions drawn from qualitative research. Therefore, raw data collected through interviews was transcribed and presented respectively, as stated verbatim, by participants for analysis.

3.5. Conclusion

With the information presented above, it can be concluded that the current study has been executed within the framework of a sound and appropriate methodology to fulfil the aims and objectives of the study. The following chapter will therefore present the findings of the study in reference to the aims and

objectives postulated in chapter one based on the data captured from the measuring instrument (interview schedule).

CHAPTER FOUR

4. Interpretation of Results

In this chapter the results of the research study are discussed in relation to the objectives formulated in chapter one in order to empirically verify the aims of this study.

4.1. Introduction

This chapter focuses on reporting the analysis of data obtained during the course of the study, drawing out findings, and elaborating on them through a discussion. In this chapter all the verbatim quotations from respondents is presented in italics. Individuals are not identified by name in keeping with the policy of anonymity discussed in a previous chapter and for reasons associated with ethical considerations already outlined in the previous chapters. While many of the themes overlap, the discussion has been clustered in terms of the objectives and aims outlined in chapter one.

4.2. Trio-crimes in Durban Metropolitan Area

Trio-crimes can be regarded as incidences of violent organised crime, with a particular focus on house robberies, vehicle hijackings and business robberies. Karmen (2013) holds that the nature of these crimes are of particular concern to people as they occur in places where one would expect to feel the safest.

4.2.1. The understanding of Trio-Crimes

The trio crimes (house robbery, vehicle hijacking and business robbery) have consistently increased over the past years despite various operational policing efforts to curb these crimes (South African Police Service Annual Report, 2014). In this study the understanding of trio-crimes by the participants was assessed in terms of their own personal views.

The majority of the participants had a clear understanding of the trio-crimes, they outlined that these are the most serious crimes and that these crimes have

been affecting the communities severely. A crime prevention coordinator at Khulisa Social Solutions stated that:

“They are basically crimes that have been affecting communities quite drastically and they are crimes that can be related.”

Some participants felt that these crimes are a serious problem because citizens are being violated in their residences or robbed of their vehicles and businesses are also being robbed. Some were of the view that these crimes are contact in nature namely: business robberies, house robberies and car hijacking. The detectives of trio-crimes in the South African Police Service stipulated that:

“We were called in to do these crimes because they became a problem with regards to people being violated in their residences or robbed of their vehicle and businesses being robbed, then in 2002 the unit was formed for us to specialise in these crimes (The unit deals specifically with trio-crimes).”

In addition, a Colonel and Head of support services in the SAPS stated that:

“My understanding of trio-crimes is basically that they are serious crimes that are contact in nature which are classified as trio-crimes. Namely: business robberies, house robberies and car hijacking.”

Some of the respondents highlighted that these crimes are of a serious nature and they have a special unit that deals with such crimes in the area. They went further to stipulate that these crimes are not fair on victims because a person would work hard to own a vehicle, then someone just comes and take it. Some felt that people can die from such crimes and people who do such crimes are selfish. The Head of the Department who is from Durban North/Umhlanga Crisis Team was of the view that:

“These are more serious crimes and basically, Trio has a unit that investigates the more serious crimes happening in the area.”

The administrators from Khulisa Social Solutions were of the opinion that:

“Basically, last week our offices were broken in to and I think people are very selfish in doing things like that, if you can’t get to work. I believe in honest work.”

Why do you have to steal and kill someone when they worked hard to get what they have?"

"There has been an increase in these crimes and I feel that the law is not strict enough and therefore people just do as they please. I don't think it's fair on the victim because you work hard for your things and someone just comes and takes them."

From the above analysis it is evident that the respondents had an understanding of trio-crimes. Such an understanding included them knowing that trio-crimes involved house robberies, business robberies and vehicle hijackings. It also showed that these crimes are of a serious nature because a life can be lost in the event of such crimes. This then leads to the question of the nature and extent of such crimes within the Durban Metropolitan Area?

4.2.2. Nature and Extent of Trio-Crimes in Durban

The nature of trio-crimes involves physical contact, usually of a violent or intimidating nature between the criminals and their victims. Such crimes normally cause enormously serious and often lingering sometimes permanent or even fatal physical, psychological and material damage to the victims, leaving lifelong scars on the soul of South African society and, for that matter, on the country's economic wellbeing (South African Police Service, 2009).

The majority of the respondents outlined that trio-crimes are getting more violent because victims are assaulted and threatened in the event of such a crimes happening. It was also outlined that such crimes can be extremely traumatic. They also stipulated that these crimes often take place within the Durban Metropolitan Area. A crime prevention coordinator and Administrators at Khulisa Social Solutions thought that:

"It is threatening, if not physically then emotionally. It scars a person making them sceptical and businesses are forced to close earlier and take more precaution. These are crimes that are escalating and you start doubting even security companies." (Crime Prevention Coordinator).

“They are violent because they hold a firearm against you and that is very traumatic. It happens as often as every half an hour in the Durban CBD.” (Administrator 1).

“In most cases, I would think that they have become violent, if you don’t give them what they want. It is traumatic and it scar’s people for the rest of their lives. If you are hijacked, you are going to be scared to drive or stop at any intersection because you never know who can come from where just to attack you. Break-ins happen quite often.” (Administrator 2).

Some of the participants felt that the aggressiveness and brutality sometimes evident in these crimes can lead to murder especially when the victim has seen the perpetrator’s face. Because of the stress and trauma such crimes can have, the participants felt that victims of such crimes do need attention, especially counselling. The Social worker/Acting Office Supervisor of Khulisa Social Solutions and the Head of Department from Durban North/Umhlanga Crisis Team held that:

“Robberies occur often within Durban and they are very violent and brutal in nature. People can be very aggressive, especially when they come in contact with the victim. There is a use of weapons most of the time in these type of robberies, especially if the victim has seen the perpetrator’s face, and it can also lead to murder. Therefore these crimes can be traumatic and stressful, and victims of such crimes do need attention, especially counselling.” (Social Worker).

“Over the years, it is getting more violent and victims are assaulted and threatened. They basically have to beg for their lives, which is a very traumatic experience. These crimes happen on a regular basis yet it is very hard to estimate.” (Head of Department).

On the contrary, some of the participants felt that the occurrence of such crimes depends on a time period. They held that these crimes normally happen towards the end of the month, and occur less during the month, therefore the occurrence of such crimes fluctuates. Some attest that such crimes are under constant monitoring and constant scrutiny, and it is not a huge problem as

compared to other areas. However, they do confirm that such crimes have the element of violence, and sometimes they do not, especially if the victim submits to the perpetrator. The Detective of Trio-Crimes and the Colonel/Head of Support Service from the South African Police Service held that:

“Within the cluster it depends on a time period. They normally happen towards the end of the month and we had an average of 14 cases. But during the month, our last call was just 6 cases. If you look at an average of our cases per month and that includes cases that the general wants us to look at, it ranges from 27 in July; 41 in August and 16 in September 2015 so far. Therefore, it fluctuates. Sometimes these crimes are violent in nature. Sometimes it’s not if the complainant submits to the suspect, they either tie them up or alternatively leave them in the toilet or bathroom. Sometimes they can be very violent in that they can lead to murder especially vehicle hijackings.” (Trio-Crimes Detective).

“These crimes are indeed of concern, but not a huge concern, we have on occasion exceeded the base line but which is under constant monitoring and constant scrutiny and we have them under control. They are not so huge as compared to other areas. Therefore, they are not really a problem for us. Because of the element of violence that is prevalent in them, that is why they have been classified as trio-crimes.” (Colonel/Head of Support Service).

From the above, it can be noted that trio-crimes are contact crimes that have an element of violence, brutality, aggressiveness and sometimes can lead to murder and rape. Such crimes may leave the victim threatened if not physically, then emotionally, and they can also be traumatic and stressful to the victim. Therefore victims of such crimes do need attention either from the state or private organisations.

4.2.3. Measures put in place to curb Trio-Crimes in Durban

The intolerable levels of crime continue to impede peace and stability in South Africa and weakens economic growth and tarnishes the image of the Republic. There is a need for measures to be taken to combat crime especially trio-crimes, therefore the respondents were asked which are the most common trio-crimes victims between house robberies, business robberies and vehicle

hijacking they are most faced with in their respective organisations; and what measures have been taken to curb the issue of trio-crimes in Durban Metropolitan Area.

The majority of the respondents highlighted house robberies` victims as people whom they are faced with more often in their respective organisations. They also outlined that the SAPS have put some measures to curb such crimes; these measures include police visibility, using crime intelligence and informers. The Head of Department from Durban North/Umhlanga Crisis Team and the Crime Prevention Coordinator from Khulisa Social Solutions stated that:

“Most of the time we are faced by victims of house robberies. The police are trying hard by being visible and by using crime intelligence and informers to curb the issue of trio-crimes.” (Head of Department).

“We have dealt more with victims of house robberies. Visible policing by SAPS has drastically reduced vehicle hijacking and police patrolling.” (Crime Prevention Coordinator).

Some of the respondents felt that it depends on the geographical area to ascertain which victims of trio-crimes they are likely to encounter. In areas such as Durban Central they encounter more of business related robberies, Durban North it is house robberies, Berea is vehicle hijackings and then Point has an occasional occurrence of the three crimes. Some felt the measures that have been placed by the law enforcement agencies is not enough, and that the communities sometimes take their own measures to combat such crimes. Furthermore, there are measures that have been put in to place to curb this issue of trio-crimes, and these includes:

- (i) Arresting the suspects and trying all the best to solve the cases that they have.
- (ii) Crime intelligence driven programmes and monitoring of crime scene.
- (iii) Informer network and visitation by members in terms of the different cluster operation, and
- (iv) High Police visibility.

The Detective of Trio-Crimes and the Colonel/Head of Support Services were of the view that:

“It depends on the stations, here at Durban central it’s business robberies, Durban north it’s house robberies, Berea it’s vehicle hijackings, and then Point it’s we have an occasional business and house robberies and vehicle hijackings. But the predominant areas are Berea, Durban central and Durban North. In combating these crimes within our cluster (Durban), we arrest the suspects and we try our best to solve all the cases that are given to us. We have to have an informant database. We also have measures put in place as we give the stations dates and times to have their crime prevention, and working on these dates and times to try and curb these crimes. But either then that it’s just in my opinion a difficult issue to solve. On my personal experience, I live in Reservoir Hills, where house robberies are at its height, what we have done is put our own security measures where we closed off the road and we are restricting access to the road. It is illegal but it has actually curbed our crime rate from an average of 3 house robberies a month to nothing. We have taken an initiative as a community and it’s about 107 of us living on that road and we just sealed off the road.” (Trio-Crimes Detective).

“There are different initiatives that has been put into place to combat these crimes such as: Crime intelligence driven programmes, Monitoring of crime scene, Informer network, Visitation by members in terms of the different cluster of operation and High visibility by the SAPS personnel.” (Colonel/Head of Support Service).

Different organisations come across different victims of trio-crimes, however organisations such as the Durban North/Umhlanga Crisis Team and Khulisa Social Solutions have dealt more with victims of house robberies, whereas the SAPS, depending on the geographical area have dealt with almost all trio-crimes (house robberies, business robberies and vehicles hijacking). Some initiatives have been put in to place by the law enforcement agencies such as the SAPS to try and combat the issues trio-crimes within Durban. Such initiatives include: high police visibility, crime intelligence programmes and informer networks. However, such initiatives by the law enforcement agencies

seem not to be sufficient in curbing the issues of trio-crimes in Durban, as some communities devise their own measures to curb the issues of trio-crimes.

4.3. The South African Criminal Justice System and the Victims

The South African Criminal Justice System (CJS) is run by the Department of Justice and Constitutional Development. This is the umbrella department for all justice related bodies in the country. These consist of all the courts, from the Constitutional Court downwards, all policing structures such as the SAPS, and all correctional services. The CJS indicates the types of sentencing to be implemented in a country and deals with both victims and criminals. It aims to protect the rights of all, while striving towards a crime free country (Geldenhuis, 2010). However this might be an ideal, and not the reality. The question that can be raised is whether victims have a role to play in the South African Criminal Justice System or not? What is to follow is the discussion of different perspectives concerning victims and the CJS in South Africa from the respondents of this study.

4.3.1. The Victims` Role in the South African Criminal Justice System

The South African Criminal Justice System as it was mentioned in chapter one of this study, concentrates on the adjudication of the offence through a focus on the offender. This efficiently relegates the victim to the role of a witness, where she or he holds a status that is secondary to that of the offender and the state who are the primary actors (Nel & Van Wyk, 2013:77). The respondents were asked if they think that victims have a role that they play within the South African Criminal Justice System and if they do what role is that. The majority of the respondents stipulated that the victims do have roles within the CJS. Such roles included: Being witnesses, enabling the law enforcement agencies to be aware of the crime by reporting, enabling the police to enforce pro-active measures to ensure that the matter is attended to and there is satisfaction on the side of the victim thus boosting the public confidence in the police; they may strengthen this by giving evidence and bringing the perpetrators to justice. The Trio-crimes Detective and the Colonel from the SAPS argued that:

“Yes, they do have a role. We also having instances where complainants are refusing to come to court. I have just given the Colonel a few of my closed dockets and I have linked suspects to four different house robberies and the complainants refused to come to court. The role that they have at this stage is basically that they are victims of crime, but then in my personal opinion if the suspect is arrested in this matter the complainants evidence should be heard as soon as possible on the grounds that you shouldn’t be putting that person through the same trauma five or six months later. Therefore we can conclude that their role is only as a witness” (Trio-Crimes Detective).

Yes, victims do have roles they play within the system, and they are the following:

- (i) Enables us to be aware of the crime by reporting.*
- (ii) Making known the status of being victim of a crime.*
- (iii) Enables us to enforce pro-active measures to ensure that the matter is attended to and there is peace and satisfaction given to the victim and thus, boosting the confidence of the public in the police, and*
- (iv) Part of the investigative mandate is the involvement of a witness that may strengthen the case by bringing the perpetrators to justice (Colonel).*

Some of the participants felt that there is not much of a role that victims have within the CJS, because the focus is mostly given to the offender and making sure that they get the punishment that they deserve. Therefore, the only role that victims have is the one of being a witnesses. The Social worker, Project Coordinator, Administrators, and Crime Prevention Coordinator from Khulisa Social Solutions held that:

“To be honest, it`s a two way fold, however there is not much role that they play because if the offence has occurred the focus is mostly given to the offender and making sure that they get the punishment that suits them. On the other hand they tend to forget about the victim, who has been traumatised or stressed by this event. The only role that victims have is the role of being a witness, because sometimes you will find that there would be a case just because there

is not much evidence the case may be withdrawn and the offender gets free, and the victim will not find joy because of that” (Social Worker).

“No, they do not have much of a role because South Africa has failed miserably when it comes to crime. The only thing that victims are is witnesses” (Administrator 1).

“Yes, the victims should also feel a sense of justice and not specifically by the justice system punishment. They might need answers and face to face interaction to find out why they were the target. The victims only play the role of being a witness in the criminal justice system. There has been an implementation of restorative justice and victim offender mediation” (Crime Prevention Coordinator). “Furthermore yes, they do however it is not much of a role, because they only act as witnesses”.

“Not really, the only time the Criminal Justice System needs you in court is when you have to become a witness” (Administrator 2).

From the above evidence and discussion, it is evident that most respondents felt that victims do not have much roles within the South African Criminal Justice System except as being witnesses, the focus is more on the offender. As much as they may report the crimes so that the police can initiate pro-active measures, it does not relegate the fact that the victims in the CJS can only be witnesses who provide evidence so that the state can be successful in giving punishment to the offender.

4.3.2. Retributive and Restorative Justice Systems

Retributive Justice System sees crime as an act against the state and a violation of a law. The criminal justice system controls crime and the offender`s accountability is defined as taking punishment. Within this justice system, crime is seen as an individual act with individual responsibility, and punishment is regarded as effective because: Threats of punishment deter crime and punishment changes behaviour (Camerer, 2010). Victims are seen as peripheral to the process and the offender is defined by discrepancies.

Furthermore the focus is on establishing blame or guilt, on the past (did he/she do it?). The emphasis is on argumentative relationship and the imposition of pain to punish and deter/prevent crime is evident. The community is put on a side-line, represented abstractly by the state and the response is focused on the offender's past behaviour.

Within the Restorative Justice System crime is regarded as an act against another person and the community and crime control lies primarily in the community. Accountability is defined as assuming responsibility and taking action to repair the harm that was done. Moreover, crime has both individual and social dimensions of responsibility therefore punishment alone is not effective in changing behaviour and is disruptive to community harmony and good relationships (Camerer, 2010). Victims are central to the process of resolving a crime and the offender is defined by the capacity to make reparation. This justice system focuses on the problem solving, liabilities/obligations, and on the future (what should be done?). Emphasis is put on dialogue and negotiation and restitution as a means of restoring both parties. The goal is reconciliation or restoration and the community act as a facilitator in a restorative process. The response is focused on the harmful consequences of the offender's behaviour; therefore the emphasis is on the future.

The respondents were asked of their understanding of retributive and restorative justice systems and they were asked which one they believed in and the reason for that. Most of respondents held that the retributive justice system equates to punishment and restorative justice tries to restore justice by bringing the offender and the victim together and build the relationship. They went further to stipulate that it deals with how best the person can be rehabilitated and restored to normality. On the issue of which one they believed in, the respondents highlighted that it depended on the seriousness of the case, because in some cases restorative justice is not enough. However some of them felt that their professional lives can shape their response to which one they believe in, but most of them were of the opinion that both restorative and retributive justice systems are important. Few of the respondents highlighted that they believed in retribution, because people should be punished for their crimes. Some respondents felt that the retributive system is in favour of

suspects rather than the victims. They highlighted that there is often miscommunication between the prosecution and the police. The following are some of the responses from the respondents:

“The justice system at the moment in my opinion is more in favour of the suspects rather than in favour of us as the arm of the prosecution. If you really look at it, we just had an incident recently, if you are in a possession of a fire arm in Central Durban, you obviously are planning to do something with it. So now we take the possession of the firearm, cases and dockets as well. When we place the matter before court, without informing the investigating officer on first appearance, the suspect is given bail. There is no consultation between the prosecution and us. We have given bail objections, however accused were given bail. We have instances in my opinion that prosecutors are family with the defence attorney and your statement is given to the defence and they plan their defence on your statement.” I believe in Retributive, because offenders should suffer the consequences of their actions and victims must have justice (Trio-Crimes Detective).

“Retributive equates to punishment and restorative is for us to see how best we can rehabilitate and restore a member to apposition of normality. Both, depending on the gravity of the case, I would say retributive would be an important measure but restorative may be a victim of circumstance and opportunity driven by factors such as unemployment” (Colonel).

“I do not think it should be an eye for an eye. I think restorative justice is very important but also the participants must be willing if the offender has offended the victim, he must be willing and accountable for his actions because only then can restorative justice be done, if you’re accountable. It is not a matter of just saying sorry so your case can be dropped, you have to be sincere about it. I wouldn’t recommend restorative justice for certain cases such as rape and murder. Because of my religious background, I would have to say restorative justice. There are some cases where you have to think of retributive justice” (Administrator 1).

“Retributive, I know is punishment and restorative tries to make justice by bringing the offender and the victim together to build a relationship, and the

offender would indicate why they committed an offence and the victim would be forgiving. It depends on the work that I do, but on the other hand sometimes it depends on cases that we deal with. With house robberies that is something that can be restored and discussed and people can move forward. There are some other cases which are very sensitive and as much as we believe in restorative justice, you feel it could not work because of the immense pain the victim has suffered. Restorative does help because the victim faces the offender and the victim is able to face this person who has caused so much pain. I believe in restorative justice very much but at some stage it depends also on which cases we are talking about” (Social Worker).

“Yes, retributive is more punishing the offender by doing your time for the crime you committed. Restorative justice is to find a more peaceful way of resolving the situation. What would you like to know and feel is that you have received justice for what has happened to you, and the victim meets the offender, victim’s share sentiments and are able to find closure. Restorative justice gives you the opportunity to see how you can repair the harm that has been caused. It also gives the offender an opportunity to be held accountable for their actions” (Crime Prevention Coordinator).

“We are doing mediation, which is restorative justice but because of funding we withdrew our services. We are actually doing adult divergent which is being held in different courts. With restorative justice you hear both sides of the story. Khulisa does not believe in punishment, we believe in forgiveness. It is hard because it depends on the case. Sometimes a person must be given a second chance, maybe if someone robs it was because they were unable to find food” (Administrator 2).

From the above discussion, it can be noted that the respondents had different point of views with regard to the two forms of justices namely: the retributive and restorative justice systems. Some believed in retributive, and some in restorative; while others believed in both justice systems and highlighted that it depends on the seriousness of the crime committed.

4.4. The Nature and Effectiveness of Programmes and Services for Victims of Trio-Crimes.

From the previous chapters, it can be noted that there is a need for the implementation of the programmes or services to assist the victims especially the victims of trio-crimes in the Durban Metropolitan Area and in South Africa as a whole, because of the violent and traumatic nature of these crimes. The following is the discussion of the programmes available to victims of trio-crimes in Durban by different organisations.

4.4.1. Programmes for Victims

The respondents were asked whether they have programmes or services that seek to assist victims of crime within their respective organisations, and to mention and explain such programmes or services. Khulisa Social Solutions deals mostly with offenders, especially young offenders, however it was outlined that their programmes and services do not only cater for offenders but also caters for the victims as well. Programmes and services that were mentioned included the following:

- (i) The Shining Women Empowerment Programme. This programme deals with supporting and empowering women who are victims of rape and abuse.
- (ii) Silence the Violence Programme. This programme deals with people who have experienced crime. It is based on the assumption that when a person has been a victim of crime, especially violent crime, they are more likely to be violent themselves because of the anger within them. Therefore this programme ensures that victims are aware of the violent behaviours; and
- (iii) Positively Cool Programme, which is a life`s skill programme. This programme is mostly aimed at young offenders, however it also used on victims as well. The programme seeks to make people aware on how they should behave, act and live their lives.

Khulisa also offers services such as traumatic counselling and circle dialogues to the victims of crime in an attempt to assist them. The staff at Khulisa Social Solutions maintained that:

“Yes we do, because our programmes do not only cater for offenders, but they do also cater for victims as well. Shining woman empowerment programme, that deals with empowering women. We created the programme for people who were victims of rape and abuse. Silence the violence programme which is also used for victims who have experienced crime, because when one has been a victim of crime they tend to be violent as well. This is mainly due to the fact that if the violent act has been done to a person one becomes very angry and can also be an offender doing it to someone else. This programme also ensures that people are aware of their violent behaviours. Positively cool programme, which is a life`s skills programme that is usually used for our young offenders, but we also use it on victims as well because it is a life`s skills programme that makes one aware of how they should behave, act and live their lives” (Social Worker).

“With us there is an 8 week positively cool programme which is mostly offenders, but victims do utilise this programme and there is also counselling for victims” (Administrator1).

“Programmes in specific areas where the needs of a particular area are identified. Such as traumatic counselling, circle dialogues and parenting programmes” (Crime Prevention Coordinator).

“We have youth diversion, STV (Silence the Violence) Positively Cool where if you’ve been stealing and in possession of drugs, we teach them about themselves. We also have the Shine programme for women empowerment and adult diversion” (Project Coordinator).

Some of the organisations such as the Durban North/Umhlanga Crisis Team also have services in place to assist the victims. These services include doing trauma debriefing on the scene, doing follow ups on a victim and referrals. They are present when the victim makes the statement to the police. They also assist victims when going to court and throughout the process.

“We do trauma debriefing at the incident; do a follow-up and referrals. We also provide assistance when they go to court, and we are with the victim when they go to the police to make statements” (Head of Department).

The South African Police Service seems to be dependent primarily on external assistance when it comes to services and programmes for victims. They rely mostly on Non-Governmental Organisations and members of the community who are actively involved in victim empowerment and support. They get assistance in a form of a victim friendly support structure that enables a victim to be counselled and be given therapeutic support. They do however have in place, the police social workers who assist victims.

“Yes, we have trauma counselling units in Durban north, which assists us. The majority of the time they are at the scene with us. Alternatively we call them to the scene so that the complainants are given trauma counselling. However, this is a voluntary programme which it is not funded by the SAPS” (Trio-Crimes Detective).

“We have a victim friendly support structure that basically enables a victim of crime to be counselled and given therapy and support in whatever form. Police social worker get involved. External NGOs also come on board to support us. Members from the public who are actively involved in building the psych and confidence of the victim and assure them that all’s going to be okay and that they can live a life of normality” (Colonel).

As a victim of crime, making decisions can be challenging and puzzling. It is important to know how or where to get information and support from. During this difficult time, it is vital that a victim is treated with courtesy, compassion and respect. From the above discussion, it is evident that most of the programmes and services for victims is provided by the NGO`s and community members on a voluntary basis. The South African Police Service and the state rely on such voluntary measures for assistance.

4.4.2. Information on Support and Services

As mentioned above it is extremely vital for a victim to know how and where to get support and information after an incident. Therefore the respondents were asked whether the community is aware of the programmes and services that they offer, and what measures they have taken in making sure that the community is aware of these programmes and services. Most of the

respondents highlighted awareness campaigns as an initiative to let the community know about their programmes and services. They went further to highlight that having meetings with community members and other stakeholders is another initiative they have implemented in publicising their programmes and services to the community. The other initiatives included handing out brochures, word of mouth, Social crime prevention desk, media, internet (website), and collaborating with different organisations.

“We do awareness campaigns, hand out brochures at police stations and word of mouth” (Head of Department).

“Yes, they know that we have this service because as a detective attending the scene, it’s one of the questions you have to ask the complainant, whether they need trauma counselling or not. We do so on our Police Day and Police Awareness or crime awareness days” (Trio-Crimes Detective).

“The communities that we work with they do know about the programmes and services that we offer, but it depends on the marketing of the organisation and the programmes. I know that in the communities where we have been, they are aware of Khulisa as an organisation our programmes and services. Also in those months when we are celebrating certain events, we also market our programmes and services. We also take referrals from the SAPS, however there is a procedure to be followed, because sometimes they cannot refer straight to us, the matter needs to start at court first and then they come to us. But then if they see that the case is a minor case and there is no need for it to go to court, they ask us to come in and intervene and do the programme or service for them.

Let us start with what we do in the beginning of the year: we have got the child protection week where we are very much involved and that is where we market our services and programmes, in youth month as well we do events; as well as in communities. If there are meetings or if we are invited in any event, that is where we also get a platform to market ourselves and make ourselves known out there. We have a good relationship with the SAPS because they form part of our stakeholders, and if they have their events, they also invite us and so do

we when we have ours. We do this because they have an enormous knowledge of the functioning of the justice system and crime” (Social Worker).

“Yes, the community is aware of our programmes. We make use of the media, newspapers, Internet/website and Collaborate with Department of Social Development and SAPS” (Receptionist 1).

“The community is aware of the services that we provide. We do awareness campaigns and events and meetings with community members and other organisations” (Crime Prevention Coordinator).

“Yes, we’ve got pamphlets that say we do restorative justice. The courts that we deal with. We’ve got a website. We network with a lot of organisations and our key role player is the department of justice” (Administrator 2).

“Yes, we do crime prevention awareness campaigns, Social crime prevention desk and we liaise with different structures that have different targets such as business forums and old age homes” (Colonel).

Appropriate technical and organisational measures need be taken into account to make programmes and services concerning victims provided by different organisation known by the public. From the above, it is evident that most of the organisations have implemented different measures for their services to be known by the general public. What then needs to be outlined is whether victims make use of such programmes and services.

4.4.3. Victims of Trio-Crimes and the Programmes/Services

Trio-Crimes within South Africa are still a leading criminal behaviour that labels South Africa as one of the most violent crime countries in the world. These contact crimes are social or domestic in nature and occur primarily within the social environment, such as private residence, vehicles and business. The victims of such crimes can be left in a traumatic state as it was mentioned in the previous chapters. Therefore, it is of paramount importance to enquire whether such victims utilise the programmes and services that were mentioned above which are offered by different organisations. This is because it would be

pointless to have programmes and services in place to assist victims if they are not utilised by victims of these heinous crimes.

Therefore the respondents were asked if victims of trio-crimes utilise their programmes and if they do, how effective are these programmes and services in assisting the victims. All the respondent (100%) stipulated that the victims of trio-crimes utilise their programmes and services and they encourage them if they need extended help. This can be provided to them because the aim is to rebuild their confidence and restore them, and removing the negative thinking they may have. With regards to the effectiveness of their programmes in assisting the victims, most of the respondents held that their programmes and services are very effective, since healing starts immediately when there is a support system and this makes the healing process quicker. It was highlighted that the programmes that are offered are voluntary, the victim is not forced to utilise them; however they do advise them accordingly. Respondents argued that they have never received any negative report that their programmes are a waste of time. The utilisation of surveys to acquire feedback concerning the programmes and services is also evident and such surveys show good feedback. Some get positive responses from victims as to how their programmes have assisted and changed the victims` life. The effectiveness of the programmes and services is mostly seen when the organisations do follow ups on victims.

“They are very effective. I believe that healing starts immediately when there’s a support system and it makes the healing process quicker. Victims may suffer from post-traumatic stress and anxiety if they do not deal with the issue right away” (Head of Department).

“They are very effective because we do get reports from people saying how Khulisa has helped them and changed their lives. We do an after care calls, and do follow up visits” (Administrator).

“Very effective, it is dependent on the response or character of the offender. If he is willing to take accountability then it most definitely works and the victim needs to understand where the offender is coming from” (Crime Prevention Coordinator).

Yes, victims of trio-crimes do and we also encourage them that, if they find they need extended help as much as we have the relevant personnel or someone structured, they are also at liberty to consult private psychologists and social workers. The aim is to build the confidence and basically restore them and remove the thinking that that has become the end of their life journey. It is voluntary, we don't force anyone but we find more often than never that this might be the first point of contact for victims and not only are we seen as people who catch criminals but we also show the humane side of police by holding the victims hands and leading them through the process. We haven't received any negative report or that our programmes were a waste of time" (Colonel).

Further to the effectiveness of the programmes and services offered by these organisations, the respondents were asked if their programmes and services have an impact on victims' life, and if so how do they impact. Most of the respondents highlighted that their programmes and services have an impact on the victims' life, and that the impact is positive because of the reaction of the victims. This impact does not only include the victim, but the family also comes in to play. This is because families may be given opportunities to join support groups. The check-ups and follow-ups also come into play on the effect and the encouragement of family involvement. The impact is not only for the victim but for the family and the community at large.

"These programmes have a positive impact because they receive a lot of gratitude (thank you) and comments on their Facebook page. This is also seen by their reaction" (Head of Department).

"Yes, they do have an impact, and in most instances it's a positive impact, for the victim and also for the whole family or community. We had a case back in 2012 in Durban North, and even today they are still giving support to that victim. This shows that it's not just a one day thing, there are follow ups that take place" (Trio-Crimes Detective).

"Yes, they do have an impact on a victim's life and it is mostly a positive impact. This is because with the programmes that we have people do not only come once or twice and then we are done; we do follow ups just to check and see how the person is doing and also to see whether the programme and service is

impactful or not. We also encourage family involvement and participation because the family plays an significant role in a person`s life” (Social Worker).

4.5. Conclusion

From the above analysis it is evident that there is a need for the implementation of the programmes or services to assist the victims especially the victims of trio-crimes in the Durban Metropolitan Area because of the violent and traumatic nature of these crimes. A victim-centred justice system, as envisaged by the retributive justice system described in the previous chapters, is yet to be realized in South Africa since the country is still utilizing the retributive justice system which focuses more on the offender. Taking into consideration the aims and objectives of this study, from the above analysis it can be noted that there are programmes available to victims of trio-crimes in the Durban Metropolitan Area. However such programmes and services are not specifically designed for victims of trio-crimes, but they are programmes and services for any victims. It is also evident that such programmes are provided by NGO`s and members of the community who are passionate about victim empowerment and support; the state does not have its own programmes and services. These programmes and services seem to be effective and impact on victims` lives positively by including both the family and the community. The following chapter will provide a conclusion with specific emphasis to the aims and objectives mentioned in chapter one. Furthermore it will also provide recommendations and suggestions for further research on victims of trio-crimes and the programmes and services to assist and empower such victims.

CHAPTER FIVE

5. Conclusion and Recommendations

In light of the analysis of the data presented in chapter four pertaining to the variables associated with the programmes and services available to victims of trio-crimes, the extent to which the aims of the study (see chapter one) have been achieved can now be discussed. Recommendations for future research pertaining to the programmes and services for victims of trio-crimes and associated factors based on the findings of the current study will also be presented.

5.1. Conclusions Pertaining to the Fulfilment of the Aims of the Study

The following discussion pertains to the conclusions derived from the results of the study based on the objectives developed in chapter one with the express purpose to consider the achievement of the aims of this research.

5.1.1. Identification of the programmes and services for victims of trio-crimes in Durban

The first aim of the study refers to identifying the programmes and services available to victims of trio-crimes in Durban Metropolitan Area. This was accomplished through the use of a semi-structured interview schedule (See Appendix one). From the analysis of data it was evident that there are programmes and services available to assist and empower victims of trio-crimes in Durban Metropolitan Area; and such programmes and services are provided by different organisations within the city, such as Khulisa Social Solutions, Durban North/Umhlanga Crisis Centre, and South African Police Service. However, it was outlined that the SAPS rely mostly on the services provided by the NGO's, they do not have programmes or services funded by them, and these are on a voluntary basis.

5.1.2. Analysis and exploration of Programmes and Services for Trio-Crimes Victims

The analysis showed that these programmes and services are beneficial and effective, and they impact on a victims` life in a positive way. However, victim support systems laid out in this paper are deeply reliant upon volunteers for their execution. Such systems require regulation to ensure that unsuitable and untrained people do not become involved. It is also important that the quality of services is monitored and improved. This would involve developing a single set of minimum standards by which to measure service providers, along with structures to do the measuring, and programmes to improve the skills of service providers.

A central and well-articulated gap relates to accountability for victims of crime. There is, in this respect, a need for better accountability mechanisms in the provision of victim empowerment services. Accountability is not provided for currently by law or policy in a way that victims of crime can adequately hold service providers in the victim empowerment arena to account for poor service delivery both within and outside of the criminal justice system. It is difficult for those responsible for the provision of services to identify where there are shortcomings in services as there are inadequate feedback mechanisms for the managers of VEP programmes and there is no legislation regulating the provision of services that provides for consequences for poor service delivery.

It was also evident that there is no policy that provides an enforceable mechanism to ensure that departments or organizations should work together. This makes it difficult to coordinate efforts, hold departments to commitments, to set due diligence standards and enforce them as well as monitoring the services.

Although examples from the industrially developed world cannot simply be applied to developing world contexts such as South Africa, the United Kingdom, among others, is an example of countries that deliver excellent services to victims of crime and violence. When comparing the services in this country to those offered in South Africa, the differences in cultural specifics, structural limitations and other aspects of the societies ought to be borne in mind. United

Kingdom has a well-developed economy, good infrastructure and sophisticated social welfare system. All citizens have access to medical, social work, psychological and psychiatric services which are provided by the state at no cost to the individual. However in South Africa the paradigm shift has led to a number of quite comprehensive statements and policy documents and ad hoc provisions in legislation seeking to empower victims of crime, notably in relation to sexual offences and the law around children. However, the legislation that is in place is disconnected and relates only to specific areas such as witness protection or victims of sexual offences. What about other victims of crime such as the trio-crimes victims?

5.2. Recommendations for Future Research

In order to improve on the current state of the programmes and services that are in place to assist and empower victims of trio-crimes it is imperative that additional research into the variables associated with such programmes and services be conducted. Further research will allow for a more substantial engagement for purposes of the development and implementation of effective policies and practices within the ambit of this study-field in South Africa.

The utilisation of longitudinal studies will allow for future researchers to determine the effect of a number of change related variables associated with victim assistance and empowerment, especially for victims of trio-crimes. The implementation of longitudinal designs will therefore allow for a more accurate assessment of such programmes and services. Longitudinal research will also avail the opportunity to include the victims focusing amongst others on the possible effects of programmes and other mediating or circumstantial variables, both within institutional and community context.

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Appendix one

INTERVIEW QUESTIONS- ORGANISATIONS

Semi-structured interview

1. Demographics:
 - a. Occupation:
 - b. Age:
 - c. Gender:
 - d. Race:
 - e. Name of Organisation:

2. Is South Africa your country of citizenship?

3. Which Province are you from?

4. What motivated you to come to Durban?

5. What motivated you to work for this organisation?

Trio – crimes in Durban

6. What is your understanding of trio-crimes?

7. What do you think of the nature and extent of trio-crimes in Durban Metropolitan Area?

8. What measures are being undertaken to curb issues of Trio – crimes in Durban Metropolitan Area?

9. Which are the most common trio-crimes victims (between; vehicle hijacking, house robberies and business robberies) you are most faced with in your organisation?

Criminal Justice System in South Africa

10. Do you think victims have a role in our Criminal Justice System?

11. If so, what role is that?

12. What is your understanding of the retributive and restorative justice systems?

13. Which one do you believe in and why?

The nature and effect of programmes and services available to victims of Trio - Crimes

14. Are there programmes or services available to victims of crime within your organisation?

15. If so, what are these programmes or services?

16. Does the community know of these programmes or services?

17. What are the measures that have been taken to make these programmes or services known by the community?

18. Do the victims of trio-crimes utilise these programmes or services?

19. If so, how effective are these programmes or services?

20. Do you think that these programmes or services have an impact on the victims` lives?

21. If so, how?

Appendix two



15 October 2015

Mr Siyanda Dlamini 208506987
School of Applied Human Sciences
Howard College Campus

Dear Mr Dlamini

Protocol Reference Number: HSS/0524/014M
Project title: A vitmological exploration of the programmes and services available to victims of trio-crimes in durban metropolitan

Full Approval – Committee Reviewed Protocol

This letter serves to notify you that your application in connection with the above has now been granted full approval.

Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project; Location of the Study, Research Approach/Methods must be reviewed and approved through an amendment /modification prior to its implementation. Please quote the above reference number for all queries relating to this study. Please note: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

Best wishes for the successful completion of your research.

Yours faithfully


.....
Dr Shenuka Singh (Chair)
Humanities & Social Sciences Research Ethics Committee

/pm

cc Supervisor: Prof R Peacock & Prof Shanta Singh
cc Academic Leader Research: Dr Jean Steyn
cc School Administrators: Ms Ayanda Ntuli

Humanities & Social Sciences Research Ethics Committee

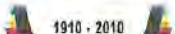
Dr Shenuka Singh (Chair)

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Website: www.ukzn.ac.za


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Appendix three

South African Police
Service



Suid-Afrikaanse
Polisiediens

Umbutho Wamaphoyisa Aseningizimu-Afrika

Our Reference / U Verwysing / Inkomba Yakho
My Reference / My Verwysing / Inkomba Yami
Enquiries / Navrae / Buza
Telephone / Telefoon / Ucingo
Fax No / Faks No

25/7/12/2/3 (272)
Colonel A.D. van der Linde / CAC R. Moodley
031 – 325 4841 / 6116
031 – 325 6022

THE PROVINCIAL COMMISSIONER
KWAZULU-NATAL
P O BOX 1965
DURBAN
4000

Mr Siyanda Dlamini
P.O. Box 5405
ESHOWE
3815

RE: RESEARCH STUDY: A VICTIMOLOGICAL EXAMINATION OF THE PROGRAMMES AND SERVICES AVAILABLE TO TRIO-CRIMES IN DURBAN METROPOLITAN AREA: MASTERS STUDY: UNISA: RESEARCHER: MR SIYANDA DLAMINI

Attached, please find Head Office minute 3/34/2 dated 2014-07-24 from the office of Major General Menziwa regarding permission to conduct the above-mentioned research.

Recommendation to conduct the said research has been granted in terms of SAPS Research Policy (National Instruction 1/2006).

Approval from the office of the Provincial Commissioner is hereby granted to conduct the research on condition that the contents stipulated in paragraph 5 of Head Office minute 3/34/2 dated 2014-07-24 are adhered to prior to the commencement of the research study.


RE: RESEARCH STUDY: A VICTIMOLOGICAL EXAMINATION OF THE PROGRAMMES AND SERVICES AVAILABLE TO TRIO-CRIMES IN DURBAN METROPOLITAN AREA: MASTERS STUDY: UNISA: RESEARCHER: MR SIYANDA DLAMINI

For any queries, please contact Colonel A.D. van der Linde on the following numbers:

Office: 031 325 4841

Cell: 082 496 1142

Thank you.



.....**MAJOR GENERAL**
DEPUTY PROVINCIAL COMMISSIONER: OPERATIONS OFFICER: KWAZULU-NATAL
P.E. RADEBE

DATE: 2014-08-11