



Africa Criminal Justice Reform
Organisation pour la Réforme de la Justice Pénale en Afrique
Organização para a Reforma da Justiça Criminal em África



National Prosecuting Authority

Measuring Effectiveness and Efficiency

Webinar | 17 March 2022



UNIVERSITY of the
WESTERN CAPE



Introduction

- Feelings of safety of South Africans declined by one-seventh, over only four years from 2013/2014 to 2017/18
- The number of murders nationally increased by 37 percent over the decade from 2011 to 2021, far outpacing population growth
- Trust in the National Prosecuting Authority (NPA) declined by almost a fifth between 2006 and 2015
- Real expenditure on the NPA increased almost six-fold between 2000 and 2018
- *How effective is the NPA? How efficient is the NPA?*
- *Is measurement part of the problem?*

Effectiveness

- The degree to which something is successful in producing a desired result.
- Effectiveness refers only to whether the programme or department has achieved the desired objective
 - without reference to the costs or inputs.
- A programme may be effective but not efficient or cost effective.

Efficiency

- The extent to which a programme converts its input resources economically into results in order to achieve the maximum possible outputs, outcomes, and impacts.
- A monetary value is often placed on the benefits arising from the activities of the programme, and this is compared with the actual costs of the programme.
- Where a monetary quantification is problematic, assessment of efficiency focuses on ratios such as, for example, the number of lives saved, the number of children vaccinated, or the number of additional households served with electricity, per thousand or million Rand invested.

Cost-effectiveness

- Asks whether the benefits of the programme could have been produced at a lower cost compared with alternatives.
- Shortcomings in cost-effectiveness occur when the programme is not the least-cost alternative or approach to achieving the same or similar outputs and outcomes.

Current outcomes for the NPA

- Justice Vote
 - *Uphold the Constitution*
 - *Protect the rule of law*
 - *Accessible, fair, speedy, cost-effective administration of justice*
 - *Contribute to safer and more secure South Africa*
- *NPA specific (Programme 4)*
 - Co-ordinated prosecution
 - Justice to victims
 - Remove profit from crime
 - Protect witnesses

Current measures for the NPA

- Maintaining **conviction rates** (87 per cent in the high courts, 74 per cent in regional courts, and 88 per cent in district courts).
- Total **number** of Thuthuzela Care Centres (Increasing the number of operational TCCs from 58 in 2020/21 to 61 in 2023/24)
- **Conviction rate** in sexual offences No target
- **Number convicted** of corruption in the **private sector** in the year (increasing the number from 150 in 2020/21 to 174 in 2023/24)
- **Number of government officials convicted** on corruption/related offences in the year No target
- Value of **freezing orders** obtained for corruption in the previous year (R2.4 billion)
- Value of **recoveries** relating to corruption or related offences (1.4 billion).
- No witnesses and related persons **in the witness protection programme** are threatened, harmed or killed.

NPA Conviction rate

$$\frac{\text{Number of convictions}}{\text{Number of verdicts}} = \text{NPA Conviction rate}$$

(‘guilty’ plus ‘not guilty’)

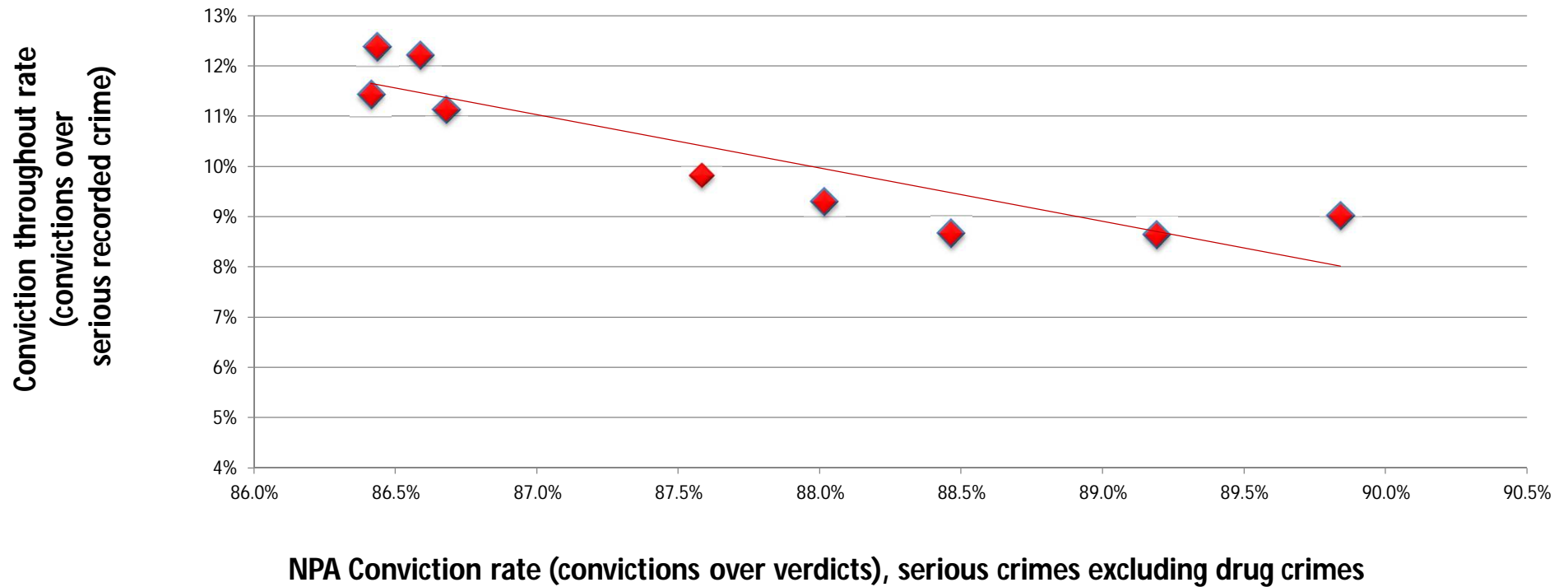
Conviction throughput rate

Number of convictions

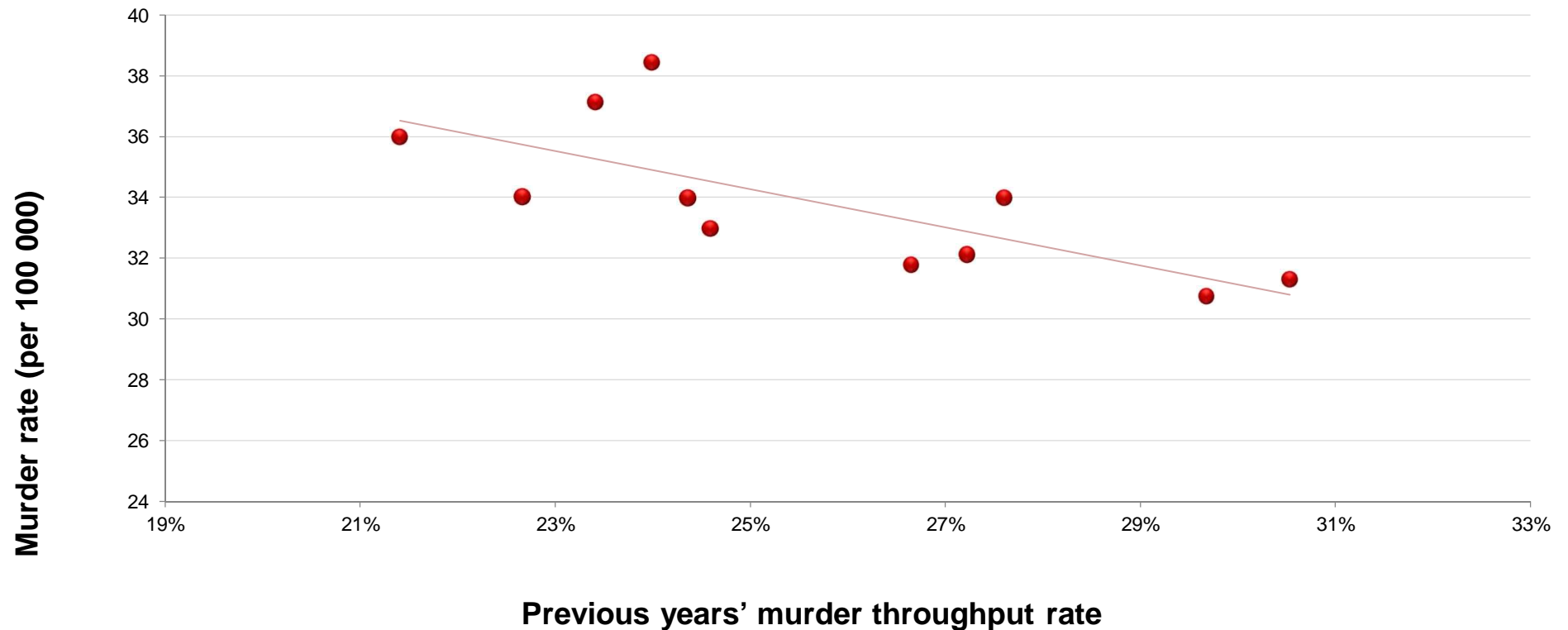
= Conviction throughput rate

Number of cases reported

Higher conviction rate, lower throughput



Higher throughput, lower murder rate



Analysis

- NPA Conviction rate has perverse outcomes
- Conviction throughput is associated with safer outcomes
- Conviction throughput a better measure of effectiveness
- NPA Conviction rate is a measure of efficiency rather than effectiveness
- Prioritising of prolific offenders would maximise cost-effectiveness
- Referrals from state enterprises need a denominator
- Asset forfeiture should be measured against losses
- Witness protection should not be limited to programme

‘Uphold Constitution and Rule of Law’

- Rule of law means:
 - The government as well as private actors are accountable under the law.
 - The law is clear, publicized, stable and applied evenly. Human rights, property rights and procedural rights are upheld.
 - The processes by which laws are adopted, administered, adjudicated and enforced are accessible, fair, and efficient.
 - Justice is delivered timeously by competent, ethical, and independent representatives and neutrals that are accessible, have adequate resources, and reflect the makeup of the communities they serve.

Proposed measurements

- Conviction throughput disaggregated by crime type and area
 - Serious violent crime
 - Human rights abuses
 - Corruption, by referral agency
- Other denominators: “trial-ready dockets”?
- Interpretation of conviction throughput

- Measuring past effectiveness

| Crime type | 2009/2010 convictions | 2016/17 convictions | Change |
|---------------------------|-----------------------|---------------------|-------------|
| Drugs | 85026 | 152074 | 79% |
| Shoplifting | 65124 | 38579 | -41% |
| Theft Other | 36746 | 17052 | -54% |
| Assault Gbh | 55440 | 16342 | -71% |
| Drunk Driving | 29960 | 14268 | -52% |
| Assault Common | 51062 | 12889 | -75% |
| Burglary Non-Res | 19176 | 11086 | -42% |
| Fraud | 13189 | 10012 | -24% |
| Sexual Offences | 10778 | 7704 | -29% |
| Malicious Injury Property | 14131 | 5848 | -59% |
| Robbery Aggravating | 4208 | 5403 | 28% |
| Murder | 5064 | 4300 | -15% |
| Burglary Res | 4957 | 3319 | -33% |
| Theft Out Of Mv | 3439 | 2677 | -22% |
| Robbery Common | 6723 | 2461 | -63% |
| Attempted Murder | 2860 | 1652 | -42% |
| Theft Stock | 2139 | 1212 | -43% |
| Theft Of Mv | 2014 | 1051 | -48% |
| Firearms | 5106 | 368 | -93% |
| Arson | 560 | 196 | -65% |
| Total Serious | 417702 | 308493 | -26% |

Long term trends

| Conviction throughput | 1998 | 2009/10 | 2016/17 |
|------------------------|------|---------|---------|
| murder | 11 | 30 | 23 |
| robbery | 4 | 6 | 4 |
| rape | 8 | 16 | 16 |
| serious property crime | 5 | - | - |
| assault | 11 | 26 | 9 |
| fraud | 8 | 16 | 14 |

Efficiency?

| | 2009/10 (million) | 2009/10 inflation adjusted to 2016/17 | 2016/17 (million) | effective change |
|--------------|----------------------|--|----------------------|---------------------|
| Prosecutions | R 1,708.20 | R 2,342.40 | R 2,621.30 | 12% |
| OWP | R 128.00 | R 175.52 | R 168.40 | -4% |
| AFU | R 73.70 | R 101.60 | R 126.30 | 24% |
| Support | R 472.20 | R 647.51 | R 478.50 | -26% |
| Total | R 2,439.60 | R 3,345.34 | R 3,557.50 | 6% |

Recommendations

- The NPA should undertake an investigation to understand the reasons for the deterioration in effectiveness and efficiency over the period 2009/10 to 2016/17.
- The NPA should obtain and publish the relevant data from SAPS to uncover whether the situation has subsequently improved or worsened.
- The NPA, Treasury and Parliament should return to the practice of using conviction throughput as an indicator, and develop an appropriate indicator of conviction per dockets.
- Data should be disaggregated by crime type and geographical area, in order to identify the location and problems of effectiveness and efficiency accurately.