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# **The IRR's Blueprint for Growth 8:** Solutions to SA's crime crisis to boost growth

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December 2024  
Marius Roodt



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# Introduction

South Africa is a violent society. It has one of the highest rates of murder in the world, along with high levels of inter-personal violence and sexual assault. Property crime, too, is a serious burden on society. At the same time, organised criminal groups make the country a difficult place to work and do business, with euphemistically named “business forums” making their presence felt in many places.

High levels of crime affect all South Africans. Those who can afford it, pay for extra security measures and private security companies to help protect themselves and their families. Others, who cannot insulate themselves from high crime rates, sometimes take the law into their own hands, with the result that outraged mobs attack people accused of being criminals – though not proved to be such – sometimes with fatal results.

South Africa has always been a crime-prone country, although crime levels started to decline after peaking in the mid-1990s. However, in 2010 this trend started to reverse. The country’s murder rate, one of the best proxies of the overall crime rate, began rising, reaching levels that make the country a practical warzone.

In addition to the human cost of crime, such as death, injuries, grief and post-traumatic stress, there is an economic cost. The higher the levels of crime, the higher the economic cost. The World Bank estimates that the cost of crime is the equivalent of 10% of South Africa’s gross domestic product (GDP), as explored in greater detail below.<sup>1</sup>

High levels of crime and lawlessness depress investment and economic growth. The only way that South Africa will be able to make a dent in its high poverty and unemployment rates is through economic growth. High rates of crime and lawlessness discourage investment – local and international – making high and sustainable economic growth difficult to sustain. This results in a vicious cycle: without economic growth people remain trapped in poverty, from which crime may promise an escape.

In addition, there are issues with the police and other law enforcement agencies. They are under-resourced and over-politicised. This all contributes to increased levels of crime and lawlessness, which undermine the rule of law, weaken property rights, and threaten the personal safety of South Africa’s people.

This paper forms part of the IRR’s *Blueprints for Growth series*. It provides information on the state of crime and justice in South Africa. It shows how high levels of crime harm investment and economic growth. Finally, it presents recommendations on how to fix the situation to create a country that is safe for companies, investors, and individuals.

# Crime in South Africa

South Africa is one of the most violent societies on earth. South African cities are ranked among the world's most dangerous. But how did we get here and what can be done?

South Africa's high crime rates are more than a perception. They are real, with all this implies for people, their conduct and their decision making.

One of the best proxies for a country's overall crime rate is its murder rate. Murder is one of the few crimes where almost every incident is reported to the police, which is not the case with many other crimes. The discovery of a dead body will be reported to the police in practically every instance.

South Africa's murder rate is increasing after a steady period of decline. In the 1994/95 reporting year the rate was 67 per 100,000 people. It declined through the 1990s and early 2000s, and by 2012, it had fallen by over 50% to 31 per 100,000 people. Despite the significant drop, this was still exceptionally high, at over five times the global average. However, over the following decade it grew again, reaching 44 per 100,000 people, a percentage increase of 41%. In the latest crime statistics, released in November 2024, the murder rate was about 40 per 100,000, three times the African average and six times the global average.<sup>2</sup>

In global terms this rate places South Africa among the most murderous countries on the planet.

About 27,000 people get murdered in South Africa each year. To put this into context, the high estimate for the number of Ukrainian soldiers killed in the current Ukraine-Russia War is about 100,000.<sup>3</sup> South Africa has seen nearly as many violent deaths as Ukraine has in its three years of open war with Russia.

According to Our World in Data, in 2021 (the latest year for which this source provides data) South Africa was the second-most murderous country on Earth. The murder rate per 100,000 was 42. Only Jamaica, where 52 people were killed for every 100,000, had a higher rate of murder.<sup>4</sup>

The rest of the top ten was completed by small countries in the Caribbean or Central America, with the exception of Myanmar. The latter had a murder rate of 28, enough to make it the tenth-most deadly country in the world.

Perhaps paradoxically, South African cities – measured on their murder rate – are high on similar lists, but do not dominate the top ten.

According to a Mexican research organisation, the Mexican Council for Public Security and Criminal Justice, in 2023 only one South African city, Nelson Mandela Bay, was among the ten most dangerous in the world. It was ranked ninth with a murder rate of 78.<sup>5</sup> The most dangerous city in the world was Colima in Mexico, which had a murder rate of 140 per 100,000 people. Mexican cities accounted for six of the top ten most dangerous cities in the world, with an Ecuadorian city and a Haitian city also being in in the top ten (Mexico's overall murder rate was 28 in 2021, about two-thirds that of South Africa's). The other South African cities to be ranked in the top50 were eThekweni (16<sup>th</sup> and a rate of 65), Cape Town (17<sup>th</sup> and a rate of 64), and Johannesburg (26<sup>th</sup> and 50). By contrast, the most murderous city in the world, Colima, had a murder rate of 140.

The rate of murder in Colima was five times higher than in Mexico as a whole. The murder rate in South African cities, while higher than the overall national rate, did not see such a contrast – Nelson Mandela Bay's murder rate was not even twice that of South Africa as a whole.





This would suggest that South African rural areas are probably also significantly more dangerous than non-urban areas abroad.

But on various other global indices South Africa also ranks highly, not just on murder.

According to the *World Population Review*, published by the United Nations, South Africa was the fifth most criminal country in the world in 2024.<sup>6</sup> This was calculated by taking the total number crimes reported and determining this rate per 100,000.

Venezuela was the most crime-ridden country on Earth, according to the Review, followed by Papua New Guinea, Afghanistan, and Haiti. The top ten was rounded out by Honduras, Trinidad and Tobago, Syria, Guyana, and Peru.

The *Review* noted that South Africa's high rate of crime could be "attributed to several factors, including high levels of poverty, inequality, unemployment, social exclusion, and the normalization of violence".

However, as the World Bank notes, even when factors such as inequality are controlled for, crime in South Africa is still exceptionally high by global standards.<sup>7</sup>

On a number of other global measures South Africa also fares poorly. According to the latest Global Peace Index (GPI), South Africa was ranked as the 127<sup>th</sup> safest country on Earth, out of 163.<sup>8</sup> The index, compiled by the Institute for Economics and Peace, looks at 23 factors to determine how peaceful a country is. It considers how many people are imprisoned in the country, how much the country spends on the military, the number of murders, and the level of organised crime, amongst other factors, to determine where a country ranks.

The least peaceful country in the world, according to the GPI, was Yemen, followed by Sudan, South Sudan, Afghanistan, and Ukraine.

In the Global Organised Crime Index (GOCI) South Africa again was in the top ten.<sup>9</sup>

The GOCI, which is produced by the Global Initiative against Transnational and Organised Crime (GI-TOC) examines factors including the proliferation of the drug trade, the presence of organised criminal groups, human trafficking, and illicit trade. It also consults qualitative and quantitative sources to determine a country's score. Here South Africa was ranked seventh. Myanmar was first, followed by Colombia, Mexico, Paraguay, the Democratic Republic of Congo, and Nigeria. The top ten were rounded out by Iraq, Afghanistan, and Lebanon.

Organised crime has reached such levels that it poses an existential threat to the South African state itself, says the GI-TOC.

Disturbingly, the GI-TOC said that the high levels of crime in South Africa – from mass shootings at taverns to rape to the activities of illegal miners – were "...not as random or isolated as they may at first appear. Below the surface, and often not immediately perceptible in each individual incident, is a dark web: a criminal ecosystem that links many of these countless criminal acts, which need to be understood as the manifestations of an escalating set of problems, driven by South Africa's increasingly sophisticated, violent underworld economy"<sup>10</sup>

It is clear that South Africa crime rates are extraordinarily high. Unsurprisingly, South Africans feel unsafe.

According to the 2023/24 edition of the *Governance, Public Safety, and Justice Survey* (GPSJS), published by Statistics South Africa, fewer South Africans feel safe in their neighbourhoods compared to previous survey years.<sup>11</sup> In the latest edition of the survey, 80% of South Africans felt safe walking around their neighbourhood during the day, a decline from the 87% recorded in 2019/20. Unsurprisingly, even fewer felt safe walking around after dark. The proportion of people who said they felt safe walking in their local area at night was 35%, a decline from the 42% registered in 2019/20.

Surveys from other sources show similar figures. According to Afrobarometer, a pan-African survey company, 75% of South Africans felt unsafe walking around their home, while nearly two-thirds feared crime affecting their home.<sup>12</sup>

There is clear evidence that people are losing trust in the police. According to the latest GPSJS in 2023/24, some 44% of respondents said that they would call the police if they saw a crime being committed. However, in 2019/20 the proportion of people who said they would do so was 55%.

Afrobarometer showed that few people considered the police as a trusted or trustworthy institution. Its 2022 survey found that in 2022 police were viewed as the third-most corrupt institution in the country. Some 61% of respondents believed that most police officers were corrupt, with 51% believing at least some were corrupt. The only two institutions to harbour a greater share of corrupt individuals, in the eyes of respondents, were the Office of the Presidency and among Members of Parliament.

Afrobarometer similarly found low levels of trust in the police. The proportion of respondents who said they did not trust the police “at all” in 2022 was 43%. This reflected a significant jump – in 2011 only 18% of respondents had said they did not trust the institution at all. At the same time, 23% of respondents said they only had a small amount of trust in the police, meaning that two-thirds of South Africans did not entirely trust the police.

Respondents also had little faith in how the police conducted themselves. Over three-quarters believed that police officers engage in criminal activities, with just over 70% believing that officers use excessive force when dealing with criminals. Finally, only 11% of respondents believed that the government was doing a good job when it came to reducing crime, compared to the nearly 40% who believed this in 2011. This is unsurprising because, as shown above, crime in South Africa was decreasing steadily from the mid-1990s until about 2012 when this trend began to reverse.

In addition, IRR polling conducted in 2024 found that South Africans felt that crime or safety and security should be one of the government’s top priorities. Respondents were asked what they believed the two issues were that the government should prioritise – nearly a quarter named crime and security as one of the two issues that the government should focus on. Corruption was named by 16.1% of respondents as one of the two priority issues.<sup>13</sup> Unemployment was ranked as the most pressing issue, which is common in these types of surveys.

While some may argue that these are simply perceptions, perceptions exist because they are rooted in reality. For example, evidence suggests that the police are becoming less effective.

According to the Institute for Security Studies (ISS), the proportion of murders solved by the police has also been declining steadily over the past decade. In 2011/12 the proportion of murder cases where a suspect was identified was 31%. By 2022/23 this had declined 12%.<sup>14</sup> Given the rise in the number of murders in that period, the total number of murders without an identified suspect will have increased markedly.

The ISS also notes that this fuels a vicious cycle. As the police become less effective, they receive less co-operation from the public, which makes them less effective, and so on.

Another issue that is often overlooked is that of police brutality, which further reduces public trust in the police. For example, the police in the United States are widely regarded as being uniquely brutal, especially against black Americans.

While statistics show this is not the case, on a per capita basis, the South African police are more likely to cause death than their counterparts in the United States. A study conducted in 2021 found that the South African police killed three times as many people, on a per capita basis, as American police.<sup>15</sup> In South Africa the police kill about eight people per million – in the United States about 3.4 people per million were killed by the police.<sup>16</sup>

The data are difficult to compare internationally because of different methodologies and ways of measuring police killings and brutality. However, according to the *World Population Review*, South Africa's police rank 14<sup>th</sup> in the world for deaths inflicted on the population.<sup>17</sup> According to this data, Venezuelan police are responsible for the most deaths, at nearly 200 per million, significantly higher than South Africa; but Venezuela is an oppressive police state, on the brink of state failure. Most of the other countries above South Africa are countries that have high levels of state failure or countries in the Caribbean, which have issues with gang violence. But all that considered, the number of people killed by police in South Africa remains far too high.

Nevertheless, the fact that so many more people die at the hands of the South African police than the US police – who in the popular imagination of many are often little better than an occupying army – is something to note with concern, and suggests that something is profoundly amiss.

Another factor in the breakdown in law and order in South Africa has been the number of police officials who are members of, or linked to, criminal groups. The IRR has written extensively on this in the past and noted that police officials have often been implicated in crime or found guilty of criminal activity, and that in certain areas the police service been infiltrated by organised criminal networks. While it is difficult to put a figure on the proportion of police officials involved in crime, we can identify the number who have been arrested for serious crimes, whether these are linked to organised crime or not.

At the end of 2023, the then minister of police, Bheki Cele, said in response to a parliamentary question that nearly 5,500 police officers had been arrested for serious crimes between 2019 and 2023. These ranged from murder to rape, kidnapping, perjury, burglary, and assault with intent to do grievous bodily harm. Of the people charged, nearly 4,000 were still in the employ of the police, while only 430 had been convicted.<sup>18</sup>

Experts at the time said that there were few internal consequences for engaging in this kind of behaviour. An ISS researcher, Dr Johan Burger, was quoted as saying: “There’s no deterrent to act outside of the disciplinary code, and if the police fail to hold their members accountable, you will see a situation where police involved in criminal activity will increase.”<sup>19</sup>

Ian Cameron, then head of Action Society, an anti-crime advocacy group, commented on the fact that there was little in the way of disciplining wayward police officers, saying that “the wolf is guarding the sheep”.<sup>20</sup>



According to the Democratic Alliance (DA), officials implicated in crimes could not be suspended indefinitely because of the South African Police Service (SAPS) disciplinary code. The party pointed out that the regulations governing discipline dictate that SAPS members can only be suspended for sixty days, after which the suspension is automatically lifted, no matter how serious the alleged crime is. The DA said that the regulations – which can be changed by the relevant minister – should be amended “so that arrested members remain on suspension and that any serious offence be an automatic termination and appropriate criminal convictions follow, not just a light slap on the wrist”.<sup>21</sup>

In 2022/23 alone the cost of civil claims against the police for unlawful police conduct (primarily unlawful arrests) was over R600 million.<sup>22</sup>

But, as noted above, crime does not just affect individuals. It also has an impact on business and economic activity. As the World Bank has observed when assessing the cost of crime in South Africa, the issue has a “multidimensional impact on growth, jobs and inclusion”.<sup>23</sup>

High levels of crime in a particular area can affect businesses negatively in a number of ways. An investor or business owner might decide simply not to invest in a country or a city because of it. If they do decide to invest, or are already invested, then money they could have used more productively needs to be spent on security. Instead of being able to invest in more stock or factory upgrades, for example, a business owner will need to ensure that his investment is secure through building walls or fences, paying round-the-clock security guards, and other security features, such as CCTV and so on.

So-called business forums also play a role in making it difficult for investors to work in South Africa (business forums are a euphemism for what are basically extortionist gangs which demand to be cut into various infrastructure or construction projects). In 2019, two international companies pulled out of working on the Mtentu Bridge in the Eastern Cape, which will be the highest bridge in the country when it is completed. This was because of business forums, which had sent armed gunmen onto the site, demanding their cut of the deal. A German company which was involved in the project reportedly said that it had never seen anything comparable to this kind of interference, not even in countries such as Afghanistan and Iraq.<sup>24</sup>

Crime has a quantifiable effect on economic growth, and by extension, overall prosperity in a country.

A study done by the International Monetary Fund (IMF) found that if Latin America brought its crime rate down to the world average, this would boost annual economic growth by 0.5 percentage points. It also IMF found that a 30% increase in murder rates reduced economic growth by 0.14 percentage points.<sup>25</sup> The rate at which South Africa’s number and rate of murders have risen in the past fifteen years will result in a significant drag on economic growth.

The IMF also notes that crime impedes capital accumulation. Instead of being able to put money into more productive areas, individuals and businesses are forced to invest in home and business security; and when they become victims of property crime, this can directly reverse their efforts at building wealth.<sup>26</sup>

In a 2023 study, the World Bank rated the cost of crime in South Africa as high as 10% of GDP. It estimated that robberies affecting the home and person cost about 0.3%, while business robberies, which saw the loss of stock and other assets, costing another 1.5%.

Extortion likely cost the economy 0.7%, while copper theft alone saw another 0.1% shaved off South Africa's economic output. Security spending by private households cost another 1.3% of GDP, while equivalent spending by businesses equated to 2.9%.

Finally, the World Bank also attempted to quantify "opportunity costs", which included aspects such as tourists deciding not to visit South Africa and investors avoiding the country because of its reputation. These costs were estimated to shave another 2.8% off GDP.

Notably, the World Bank only included some crimes in its assessment. It excluded the impact of what it calls "non-economic crimes", such as murder, sexual assault, and drug- or alcohol-related crime. These types of crimes – apart from the deep personal and traumatising impact they can have on the victims and their families – also have economic costs.

Furthermore, it also did not examine the cost of corruption, which obviously also has serious economic costs.

Given this as a backdrop it is clear that the cost of crime (and related issues, such as corruption) likely far exceeds 10% of GDP.

And indeed, other organisations have arrived at estimates well above 10%. The Institute for Economics and Peace (IEP), an independent global thinktank, found in 2020 that about 13% of South Africa's GDP was lost to violence, the equivalent of nearly \$150-billion.<sup>27</sup> Syria topped the list, at 60% of GDP lost. The top five was completed by countries suffering from war and other conflict or a breakdown in central government, namely South Sudan, Afghanistan, Venezuela, and Somalia. Two of South Africa's neighbours were listed just above it on the list – Lesotho was 20<sup>th</sup> with violence costing 14% of GDP, and Zimbabwe 21<sup>st</sup>, losing a similar amount of GDP to violence as South Africa.

Globally, violence cost 10% of global GDP, meaning South Africa is slightly above average.

The IEP also ranks costs on a per-capita basis, and estimates that violence costs each South African just over \$2,500.

The IEP's methodology examined the costs of internal security infrastructure, such as the courts and police, and the costs of diverting to public resources to deal with violence. Other costs included productivity costs for businesses, and health and other costs for individuals.

Subsequently, the cost of violence in South Africa has risen further. In 2023 it had risen to 15% of GDP, costing the country about \$176 billion annually, coming in at nearly \$3,000 per capita for South Africans, again signifying a rising burden of crime.<sup>28</sup> At the same time, the global cost of violence had risen to 13% of world GDP.<sup>29</sup>

Things did not get better more recently – according to the 2024 Peace Index violence cost South Africa \$187 billion, about \$3 100 per capita.<sup>30</sup>

Clearly crime imposes a high cost on the economy and on growth overall, no matter how it is measured or which methodology is used.

# Solutions

South Africa's crime problem has no simple solution. Solutions need to range from the macro – where the law enforcement and criminal justice as a whole are reformed – to the micro, as to what an individual police station can do.

In the first instance, what needs to happen is that trust between communities and the police must be restored.

Partly as a legacy of the past and partly because of the way policing continues in South Africa, there is very little trust between many communities and those who are meant to police them, as can be seen from the data above. Often the police act more as an occupying force than as partners of communities.

This is a problem not just at the level of individual police officers who directly serve communities, but also at the leadership level. During the Covid lockdowns, the language used towards South Africa's population by people such as former police minister, Bheki Cele, or former defence minister, Nosiviwe Mapisa-Nqakula, was reminiscent of a parent speaking to a child, rather than a cabinet minister discussing how to manage an undertaking as large as the lockdown. Speaking just after the implementation of the first Covid lockdown in March 2020, on the deployment of the defence force to enforce the lockdown, Mapisa-Nqakula said: "It will only be skop, skiet and donder [kick, shoot and beat] when circumstances determine that. For now, we're a constitutional democracy..."<sup>31</sup> This feeble commitment to the rule of law will have provided cold comfort to family members of those killed by the police or the army during the lockdown, such as Collins Khosa or Petrus Miggels, to name just two of the many who have died because of South African police brutality.

Writing in *News24* in March 2021, former Constitutional Court judge, Edwin Cameron, said that at the time of writing, at least 200 cases were being investigated by IPID, regarding people who had either died as a result of police action, had been shot at by police, or had been assaulted.<sup>32</sup>

Changes also have to come down to a change in the mindset of police and, let it be said, communities. Communities and the police need to work together in symbiosis to create safe communities. Police must not see communities as errant children or potential insurgents who need to be handled with an iron fist. Communities should not see the police as sinister agents of the state, intent on oppression – or criminals intent on depriving them of their lives or property.

## Decentralisation

Decentralisation of the police demands urgent thought. As with many things in South Africa, less control from the centre could go some way to improving matters on the ground. In policing this would be no different.

The DA in the Western Cape has been lobbying for the devolution of policing powers to the provinces for some time. According to the province's MEC for community safety, Albert Fritz, the Western Cape government has been working with academics and legal experts to study the devolution of policing powers to the province. However, the DA will likely be opposed firmly by the ANC in trying to implement this 'federalism-lite'. The ANC has shown that it is opposed to any policy which could loosen its grip on power – although the loss of its national electoral majority has changed the dynamics in action.

Although the Constitution explicitly states that the country only has one police service, it makes provision for municipal police forces. Section 206 of the Constitution also gives provinces strong oversight powers over the police, suggesting that provincial police services could de facto be established without any need to change the Constitution.

A key problem is that no real thinking on this issue has taken place since the 1990s. During the constitutional negotiations, the ANC pushed for the creation of a single national police force and opposed devolved police forces.

This was likely due to its goal of centralised control – but municipal “police” had also acquired a negative connotation during the period of white rule, often being little better than thugs deployed to enforce the state’s will.

Nevertheless, municipal police bodies are not new in South Africa. Durban, for instance, has had its own police force from as long as ago as the middle of the 19<sup>th</sup> century.

During the constitutional negotiations, the issue of municipal or metropolitan policing was nearly left out of the final document. However, it was included under pressure from the Democratic Party (DP), the predecessor to the DA. What this actually meant was never clarified, resulting in the situation South Africa has now, where constitutionally there is only one national police service, while at the same time local bodies are tolerated.

While the ANC was initially hostile to the idea it soon became clear that local police forces were popular with the public. After the 1995/96 local government elections the ANC started working to make these a reality and seizing the initiative from the DP. By the turn of the century, a number of metropolitan police services had been created in ANC-run municipalities.

Legislation now needs to be rationalised to resolve the contradiction which states that there is only one national police service while allowing municipal police.

Allowing for much greater oversight of police in a particular province, while stopping short of creating a provincial police service, is also possible. Despite the best efforts of the ANC, the provinces are given significant powers in the Constitution and the SAPS Act to act as an oversight body and set policy in the province. The Western Cape government is working to secure greater control and oversight of the police in that province, and this can be done in the current constitutional and legislative framework.

David Bruce, an independent researcher in policing and security issues, has also said that devolution of policing is possible in the current constitutional framework. He argues that the Constitution states that “the SAPS may be ‘structured to function’ not only in the national and provincial spheres of government but also in the local sphere. This implies that municipalities’ policing-related powers could be expanded if this is provided for in legislation”.<sup>33</sup>

In addition, he says that new thinking around policing in England and Wales argues that for policing to be effective it should be a mixture of centralised and devolved policing. A review of policing in England and Wales argues that investigations into, for example, organised crime syndicates should be centralised, while other functions will have a more devolved nature.<sup>34</sup>

The experience of Wales should show that the move to devolve police powers in the Western Cape is not because of some shadowy racist cabal, but rather evidence that devolved policing works better. Alun Michael, a former First Minister of Wales and a Police and Crime Commissioner in South Wales, argues that part of the reason why Cardiff – the capital of Wales – is one of the safest cities in the United Kingdom is because of devolved policing. He suggests that strong links between communities and the police are one of the reasons for this.<sup>35</sup> This is only possible when policing is devolved down to lower levels, rather than being managed centrally.

In addition, Bruce says that the South African government's own Integrated Crime and Violence Prevention Strategy states that municipal managers should be able to establish capacity to prevent crime and violence. However, this is difficult to do when they do not have the ability to establish their own police service or manage existing police resources in their municipality.<sup>36</sup>

In addition, while the Institute of Security Studies recommends that there be some level of devolution of policing power down to municipalities, it suggests that this should be done on a case-by-case basis. The ISS writes: "Clean municipal audits for a minimum of five years might be one criterion. To minimise political abuse of the police, provision should be made for a high level of transparency on directives given to police by local governments."<sup>37</sup>

Municipalities could also be required to meet other criteria to have some level of local policing. For example, they would have to prove that they can meet a certain minimum level of revenue collection to fund their own police services. Thought should also be given to issues such as local referendums and asking communities whether they would be support establishing a municipal police service. Too much of South Africa's governance is top down, rather than bottom up, and this is one way in which this could be changed.

As Bruce says: "Government must give greater attention to how municipalities — particularly those that are run more effectively — can take on new functions that help them deal with crime and violence. Giving selected metros more authority over policing could expand their scope for innovation and lesson learning. This, in turn, may help get South Africa's policing system out of the rut it's currently in."<sup>38</sup>

Moreover, having a single national force does not make sense for a country as large and varied as South Africa. The experience of the United Kingdom – which has devolved policing and is arguably a more homogenous society than South Africa – shows that police devolution is something that should be considered.

The type of policing necessary for Alexandra in Johannesburg or Gugulethu in Cape Town is not the same type of policing that is needed in Kakamas in the Northern Cape or Nottingham Road in KwaZulu-Natal. Murder rates differ widely (even between and within our large cities) and so does the type of crime.

As Geordin Hill-Lewis, the mayor of Cape Town, was quoted as saying: "National government officials sitting in Tshwane don't know what is best for Cape Town — or any city for that matter. They are too far away from the problems on the ground and, frankly, they have run out of ideas."<sup>39</sup>

In addition, the battle over resources between the national SAPS and the Western Cape government is one example of where the centre seeks to dictate over local expertise what resources are needed to combat crime, often at the expense of those who are most affected by crime.



Creating police services that are more rooted in the local community could also go some way to resolving the issues of trust in the police – it is one of the least trusted institutions in South Africa, as shown above.

Gareth Newham, head of justice and violence prevention at the ISS, points out that devolution will not result in improved policing in and of itself, but it is important that the correct people are appointed.<sup>40</sup> This is true, but as another researcher, Jean Redpath, points out, the presence of Cape Town’s LEAP patrols does appear to have made a positive difference in policing.<sup>41</sup> In areas where LEAP officers were deployed there was either a decrease in murder rates between 2019 and 2022, or murder rates stayed fairly static. Looking at the second phase of the programme (LEAP 2), areas where LEAP officers had been deployed in 2021 saw an increase in murder but at a lower rate than the country as a whole. Over the period, murder rates increased by 15% in LEAP 2 areas compared to 29% for Gauteng and 31% for areas adjoining LEAP 2 neighbourhoods.

In August 2024, the MEC for police oversight and community safety in the Western Cape, Anroux Marais, was quoted as saying: “The devolution of power is not off the table. It is a tightrope, but things are different with the government of national unity. We must have a mutual understanding and see how we can get a devolution of power in the Western Cape.”<sup>42</sup>

It is not clear whether much progress has been made on the issue and whether the Government of National Unity (GNU) will accelerate or retard this process.

## Policing reform

The police service itself needs to be reformed. A first step is the professionalisation of the police and ensuring that there is pride in being a member of the SAPS. This would take a concerted effort from all involved in managing the police in any way, from the minister and national commissioner down to individual station commanders.

Pride needs to be shown not only in the badge, but also in equipment and police stations. Anecdotally, many South Africans will tell you that when they go into a police station in South Africa, it is dilapidated and dirty. Police vehicles are also often in poor repair, with old paint jobs, or headlights that do not work, or faded lettering. Of course, some of this is owing to funding issues but a police service that takes pride in itself and its citizens could go some way to creating a police service which works for the people it serves.

In addition, regulations around police who have been found guilty of crimes need to change. For serious and violent crimes, suspension should be immediate. A concerted effort must be made to bring such cases to finality. While police officers accused of serious crimes should be suspended, this cannot be indefinite. The principle of “innocent until proven guilty” still applies, whether those accused are ordinary citizens or police officers. In the interests of justice, and the individuals involved, these cases need to be brought to finality rapidly.

## Legal reforms

The ISS has recommended that the SAPS Act be amended. This is a recommendation with which the IRR concurs. As the ISS notes, the Act was passed before South Africa’s current constitution came into force in 1997. The ISS argues that the Act be amended to clarify the role of the minister. The ISS also states that the Act should be changed to help supplement police reform and help it become a modern police service.



Crucially, the ISS recommends that the Act be amended to clarify the interaction between provincial governments and the police, as well as the interactions between SAPS and the various metropolitan police services that exist around the country.<sup>43</sup>

A number of other reforms can be implemented to improve the broader security situation.

One of these is to allow greater involvement of private security firms in policing. Of course, this is something that must be implemented with care and great caution, but given the security situation in South Africa, it is something that must be considered. Currently, there are far more private security officers in South Africa than police officers. In 2023 there were nearly 580 000 private security officers and just below 150 000 police officers.<sup>44</sup>

Allowing the use of private security could be done through the “doctrine of necessity,” creating a legal basis for involvement. The essence of this doctrine is that if an action was necessary to prevent a greater harm, that can be used to avoid both criminal and civil liabilities. It could be used in conjunction with the “doctrine of impossibility”, which says that the law may not require the impossible.

In conjunction, these two concepts could allow for the use of private security in crime fighting through the creation of a concept of “noncompliance-by-necessity”. It could be argued that it is simply impossible to comply with the State’s prohibition on substantive private involvement in law enforcement, which the courts might accept if the fact pattern is appealing.

In addition, security officers could be appointed as “peace officers”.

In addition to making use of the options current legislation allows, lawmakers should be urged to pass laws that formalise the involvement of the private sector in law enforcement. For example, they could pass a Promotion of Safety and Security Bill. This would formalise the right of private providers of law enforcement services to perform citizen’s arrests. It would also recognise the the admissibility of evidence gathered privately (by private forensic services for example) for public prosecution purposes.

Municipal by-laws could also be passed which delegate powers to private security firms. These laws would empower municipal law enforcement authority to “deputise” private security firms within the municipality – delegate to them certain powers that are held by the official law enforcement authority, subject to some constraints, but with appropriate oversight and appeals processes.

## Involvement of the private sector

More broadly, large companies could commit funds to an independently managed trust that would engage specialist prosecutors whose remit would be to deal with criminality in the police. The goal would be to raise the ethical tone of policing and address the systemic failures in law enforcement.

Private initiatives can also help fill gaps left by failing state agencies. For example, private firms could help form a private national forensics laboratory, private national air support unit, and other specialised law enforcement capabilities, on a non-profit basis, offering these services to any law enforcement agency (SAPS, provincial, local) for free.

Another initiative which should be considered is encouraging private entities to create a South Africa-wide app freely available to anyone with a South African ID number or a passport with a valid South African visa.

This app would act as a “panic button” and would be linked to neighbourhood watches, private security firms (for-profit and non-profit), and the police. It could also notify family members or friends when it is activated.

## Corruption

The commercial private sector could commit to calling out corruption in public without fear of political reprisal. It could commit to forming private institutions dedicated to the identification, investigation, and (private, if necessary) prosecution of political corruption.

Business should also lobby for the Independent Police Investigative Directorate (IPID) to be better resourced and for its independence to be strengthened.

In addition, the formation of a Chapter Nine Anti-Corruption Unit must be supported and accelerated. A Private Members’ Bill was presented in Parliament in November 2024 which would see the formation of such a unit which would be independent from the executive, properly resourced, and have a secure tenure of office.<sup>45</sup>

## Technology

The police must look to the increased use of technology. The so-called “Internet of things” should be used to help monitor assets and infrastructure. Self-monitoring assets that are moved or tampered with could then notify police or private security.

Regulations around the use of drones could also be simplified, and these could be used more often in policing.

More robust systems should be used when it comes to managing dockets. Thought should be given to some sort of blockchain system to monitor dockets, which would go some way to making it very difficult to lose dockets.

## Non-profit private security services

To ensure that security is not only enjoyed by those who can afford private security, private firms should be encouraged to work together to form or support non-profit private security firms, particularly in areas that tend to be underserved by for-profit private security firms. This could be seen as a formalised, turbo-boosted version of a neighbourhood watch. However, it would be vital to get community buy-in.

What is also imperative is to ensure that these firms seek memoranda of understanding with local SAPS precincts or metro police agencies.

## Upgrading police stations

Local businesses could also provide basic infrastructure support to local police stations, such as painting buildings, maintaining gardens, fences and parking areas, and so on. This would help to cement the sense that these are community assets. It also brings to mind the thinking around policing during the time of the transition – police stations were to be seen as community institutions rather than symbols of oppression or coercion.

Similarly, municipal chambers of business could take over maintenance and repairs of local police stations to lift morale and demonstrate “skin in the game” involvement. Chambers of business could even play a oversight role aimed at improving police performance.

This would also go some way to ensuring that police officers have a sense of pride in the badge by ensuring that police stations are well-maintained and are places where people are proud to be seen working.

## **Promote co-operation between private entities and state law enforcement**

Companies with contributions to make in the security sector – security companies, firms with monitoring facilities, IT companies, law firms and auditing companies, for example – could co-operate more closely with the police; assisting in roadblocks, sharing information, tracing criminal networks and illicit financial flows etc., although this would need to be done with due recognition for legal and constitutional demands.

Neighbourhood watches could also be better integrated with private security companies.

## **Provide scholarships to upskill the police**

Another avenue where the private sector could be involved is through the provision of business-funded scholarships for detectives and forensic investigators. To further strengthen the latter, funding could also be provided for private forensic labs.

In addition, this would also help to strengthen the police. Something that has been identified as a key impediment for SAPS is the relative lack of a university-educated officer corps. Having more police officers with university and other tertiary education could strengthen the middle rungs of the police, as well as provide incentives to lower ranks through competition for bursaries.

## **Create or recreate specialised protection units**

The formation of specialised units which should be formed as a priority and given support. Priority should especially be given to specialised units to protect infrastructure. Examples include railway police (not just on carriages), anti-land invasion police, power infrastructure police (units which protect Eskom infrastructure), and mine police, to name some examples. Other specialised units could focus on illicit financial flows, drug trafficking, people smuggling, farm safety, gender-based violence, and murder and robbery.

## **Incentivise private spending on security**

SARS should allow people who perform security upgrades on their homes to claim the costs back as a tax break, including monthly fees paid to private security companies.

Similarly, corporates that spend money on supporting law enforcement should be allowed to claim the expenses as part of their corporate social responsibility funding.

# Conclusion

It is essential that police reform be delayed no longer. South Africa is losing the war against crime. This will continue for as long as the necessary hard decisions are delayed. At the risk of sinking into cliché, it is time to “think outside of the box”. It is clear that the old ways of doing things simply do not work anymore.

While non-state solutions are one way of turning the tide against crime, these are not sustainable in the long run. As with most aspects of state failure, the breakdown in the capacity of the police affects poorer South Africans the most. In addition, the lack of police capacity is also linked to the phenomenon of vigilante violence.

While private interventions can work in the short term to start turning the tide against crime, these cannot be the solution. The only sustainable solution will be through ensuring that the SAPS is fit for purpose and can fight crime and criminality. This will take a concerted effort from everyone involved in policing in South Africa, from the president and the minister down to a constable in a sleepy Northern Cape town.

In addition, the issue of crime and economic growth go hand in hand. Crime retards economic growth. While the high rate of violent crime cannot be explained by low economic growth alone, at least some opportunistic and economic crime can be linked to a lack of other opportunities to earn an income in this country.

In post-apartheid South Africa, rates of crime, such as murder, were lowest when economic growth was highest, in the first decade of this century. There is likely at least some correlation between economic opportunities and crime.

Furthermore, people must become proud of their communities. Much opportunistic crime is stealing public infrastructure for scrap metal or other items of value. Creating a sense of pride in communities could see less of this type of destruction, if people felt like public infrastructure was part of their common heritage and worth protecting.

At the same time, it is important to remember that the statistics on robbery, murder and other violent crimes represent harm done to real persons. Each of the murders recorded in South Africa represents a real person, who had hopes, dreams, and aspirations, and had loved ones. Making South Africa a place with lower levels of crime is important not only to encourage investors and businesses to come to this country, but also important to allow people to live their lives in peace and without fear.

A South Africa with low levels of crime is not only important for economic growth but also to allow all South Africans to reach their potential. It is vital that this is achieved – a South Africa which is racked with crime and lawlessness will never reach its full potential.





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