The practice of crime prevention

Design principles for more effective security governance

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South Africa has had a comprehensive crime prevention policy agenda for some time in the form of the 1996 National Crime Prevention Strategy and the 1998 White Paper on Safety and Security. Despite this, prevention has remained very much a second cousin within the South African criminal justice family, notwithstanding the fact that there is widespread agreement that it warrants far more attention. In this article we briefly review some of the principal obstacles to effective crime prevention. Our understanding of 'crime prevention' is a broad one – it involves simply asking the question: How can we reduce the likelihood of this happening again? This question opens up a range of preventative possibilities. Whether they are of a socio-economic, environmental or law enforcement nature depends on the nature of the (crime) problem. On the basis of our analysis, we propose three design principles to be followed if we, South Africans are to establish crime prevention as a central focus of our security governance. These design principles articulate what might be thought of as 'best thinking' rather than 'best practice'.

SO LITTLE PREVENTION

It is by now widely accepted that the crime prevention impetus in South Africa has waned considerably since government adopted the National Crime Prevention Strategy (NCPS) in 1996. However, the NCPS, and the enthusiasm that surrounded it at the time of its release, along with the White Paper on Safety and Security (1998) that followed soon afterwards, remain historical reminders of a hope for effective crime prevention as a central feature of South African security governance.[1] What these policies, particularly the NCPS, argued for was the creation of a holistic, whole-of-society approach to the governance of safety and security – a whole-of-society approach that entailed aligning resources to solutions, rather than solutions to resources. They aimed at mobilising the resources, knowledge and capacities of a host of role players for the resolution of safety problems. For every safety issue a whole-of-society approach encourages us to ask the question: 'Who could be involved in crafting a solution?'

To realise this approach, the NCPS envisaged a 'maximisation of civil society's participation in mobilising and sustaining crime prevention initiatives.'[2] Similarly, the White Paper on Safety and Security set out a preventative approach that would encompass all

> activities which reduce, deter or prevent the occurrence of specific crimes firstly, by altering the environment in which they occur, secondly by changing the conditions which are thought to cause them, and thirdly by providing a strong deterrent in the form of an effective Justice System.[3]

Despite these strong calls for a preventative focus, a reactive law enforcement approach has taken

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centre stage in South African security governance reform initiatives. To the extent that crime prevention has been given attention this has been in a piecemeal fashion and, importantly, in ways that have narrowed the definition of crime prevention to little more than a handmaiden of law enforcement.[4] Accordingly, although crime prevention is intended to offset more traditional, coercive strategies of crime control, it has been implemented in South Africa in ways that have seen it sidelined in favour of short-term and tougher approaches.[5] This is evidenced, for instance, in longer minimum sentences; more aggressive policing tactics, the most recent of which have been statements about shooting to kill; as well as in name changes in the South African Police Service – for instance the suggestion to replace the SAPS term 'service' with the term 'force', and the reintroduction of military ranks.[6]

These developments have flown directly in the face of the proposals set out in the NCPS.[7] The predominance of law enforcement approaches has also manifested itself in the way policing partnerships have evolved between the South African police and other policing institutions. Private security and community patrols in neighbourhoods have increasingly evolved as adjuncts to the state police in ways that reinforce a law enforcement approach, rather than as a source of policing resources that support a more preventative approach.[8]

Accordingly, while there is much knowledge, much policy and much agreement, today, some 15 years after the introduction of the NCPS, there is still very little to show for it. Prevention is not a central feature of South African security governance. It remains very much a second cousin within the South African criminal justice family – and a poor and neglected second cousin at that. This is not to say that there have not been successful crime prevention programmes in operation – a recent very significant example was the policing of the South African Soccer World Cup, which was in many ways a model of successful crime prevention. This success was in large part due to the fact that the relevant resources needed to resolve potential safety issues – state and non-state – were aligned in novel ways. A whole-of-society governance approach was adopted, and this enabled preventative solutions to be realised through 'flexibly linking different nodes together or drawing on a particular node as the situation demanded'.[9] The challenge, of course, is how to sustain this approach, developed during a 'state of exception', beyond the World Cup.[10]

Despite these and other successes, prevention remains very much an historical ideal rather than a reality in South Africa today. Prevention, particularly within criminal justice, continues to be seen almost exclusively through the narrow lens of deterrence. Yet, as the NCPS made so abundantly clear, the domain of prevention is, and should be, much more extensive:

> Crime needs to be tackled in a comprehensive way, which means going beyond an exclusive focus on policing and the Justice system. It means problem-solving to address the causal factors which provide opportunities for crime and limit the likelihood of detection. The framework outlined in this strategy brings a far wider range of solutions to bear on specific crimes, as well as creating roles for a broader range of participants.[11]

BLAMING AND PUNISHMENT

Why is this so? Answers to this question are not hard to find. One obvious answer is that the business of criminal justice is fundamentally the business of blaming, and blaming and prevention do not make easy bedfellows. Invariably one will be emphasised at the expense of the other, who will be forced to leave the bed. Given this, why does blaming so often, and so typically, trump prevention? Although this is a complex issue we propose to draw out three significant threads in answering this question by turning around a pithy, albeit rather crude, turn of phrase that Bill Clinton reportedly used when asked by his campaign team what the focus of his election campaign should be. He is reported to have retorted, 'It's the economy, stupid'.

From blame to prevention: Crime

The label 'crime' and the meaning it brings with it constitute a problem for prevention. This meaning stands in the way of prevention within criminal justice. More specifically, it is the linking of the terms 'crime' and 'prevention' within the expression 'crime prevention' that is a source of the problem. When 'crime' and 'prevention' are tightly coupled, prevention tends to be sidelined.

John Braithwaite makes this point when he argues that when we label a harm a 'crime', we 'call out' or 'hail out' a blaming response.[12] We realise this blaming response by giving this harm/crime over to the institutions of criminal justice. Braithwaite argues that one of the interesting things about the assemblages of institutions we refer to as the 'criminal justice system' is that they are one of the few sets of governance institutions that consider a problem to be solved when someone has been blamed and punished for a harm.[13] Braithwaite in making this point contrasted this feature of criminal justice with the response to 'accidents' within the airline industry, where blaming might take place but it is most definitely not considered to be the end of the matter.

One might add to Braithwaite's example the case of the financial services industry. For instance, while blame has certainly been applied as the world has responded to the recent set of financial crises, and while some people have indeed been punished, these blaming actions have not been thought of as providing an adequate problem-solving analysis of the regulatory inadequacies that gave birth to this crisis.[14] Braithwaite, in advocating an alternative solution to the problem of offending goes so far as to say '…for no type of offending is imprisonment the normal response that is needed…'.[15]

Jonathan Simon has taken this line of thinking forward by coining the term 'governing through crime'.[16] What he uses this term to refer to are the meanings and associated actions we bring to the security governance table when we 'make up' harms as crimes. For instance, in order for the police to be able to do something about an incident, they have to open a docket and classify it according to a particular crime type. This classification process results in the governing of harms exclusively through institutions designed and developed to blame and punish 'crime' – such as the criminal justice system.

Simon's argument is that if we insist, within our mainstream security governance institutions, on governing harms primarily through crime – that is, if we insist on labelling harms as crimes and then look for people to blame and punish for these harms – we must expect prevention to fall by the wayside. In other words, if the institutions of criminal justice insist on making blame and punishment their top priority, as they now do, prevention will not fare well within their boundaries. That is not to say that the blaming done by criminal justice doesn't have an important place within security governance. What it does mean is that blaming should not be the only mainstream response.[17] When we, as a society, insist on only labelling harms as crimes, we favour a blaming/punishing response at the expense of prevention. For instance, making up harms as losses (as insurance companies, for example, often do) entails a different way of responding to that loss. Rather than automatically favouring a blaming response, the response would be more orientated towards trying to prevent future losses and shaping governance practices to achieve this.

How might one loosen the tight coupling of crime and prevention? The short answer: Through reforming our institutions of security governance.

From blame to prevention: Institutions

Institutions of criminal justice consist of a set of organisational arrangements that bring people together to construct harms in terms of 'offenders' and 'victims' and then go through a process of allocating both blame and punishment to offenders. These functions, and the institutions that realise them, lie at the very core of the criminal justice assemblage. One can moderate what the criminal justice system does by adding

on various other objectives and processes (as is done for example by building restorative processes into it), but this does not alter what the assemblage does. If the principal set of institutions dealing with harms is the criminal justice system, then we should expect blaming and punishment, not prevention.

This will not be altered by a shift of intention, or by policy reports such as the NCPS. One can talk about prevention in policy after policy but if our principal state institutions for governing security have as their central functions blame and punishment, prevention will not become an important feature of our government of security. It is not our thoughts, intentions or words that determine where our commitments really lie, but our institutions.

If one hands the problem of crime exclusively over to a set of institutions that are not designed to be preventative, one cannot expect those institutions to deliver preventative solutions.[18] If we hand over our security problems exclusively to the criminal justice system we should expect them to be dealt with by means of blame and punishment. Or, as Braithwaite puts it, if blame and punishment constitute our 'ritual of comfort' we will continue to do this, no matter what evidence there is to the contrary.[19]

If we are serious about prevention we are going to have to ensure that we rely on institutions that are designed to prevent, to govern security. If, as a society, we are serious about prevention we will need to reform our existing institutions so that they hold prevention to be important, as well as build new ones that are designed to promote prevention.[20] For instance, in order to give effect to a whole-of-society governance system, the Western Cape Provincial Government is involved in conceptualising a new institution, the Western Cape Safety Partnership – a non-state organisation – with the purpose of strengthening already existing whole-of-society initiatives, and creating new ones across the Western Cape.[21] An important feature of this envisaged partnership will be its ability to mobilise resources from both state and non-state sectors and align these with

context-specific solutions. The Partnership would have fulcrum capacity. (A fulcrum, as we have used the term here, is a site of coordination that establishes effective governance capacity for public goods by connecting the relevant institutions able to contribute to the resolution of the problem – whichever institutions these may be.)

So how is this to be done? Short answer: By changing the flows of money.

From blame to prevention: Money

If we are to understand why prevention is almost always a second cousin within the governance of security we are going to have to understand where the spend on security goes. Similarly, if we want to change things so that prevention becomes a first cousin, we are going to have to find ways of changing the paths along which money flows. If we are to realise the dream of a set of procedures for governing security that gives priority to prevention, we are going to have to get much better than we have been at following the money, and then, and more importantly, changing the flow of that money.

Although there are oversight procedures that see to it that our money is not wasted or stolen, this is not what we have in mind. What we do have in mind is determining whether budgets are being used to fulfil whole-of-society objectives. If we are going to be able to engage in reshaping the way we govern security we are going to have to find ways of redirecting our security governance budgets.

One of the reasons so little prevention is taking place (this is obvious but needs to be explicitly stated) is that there is so little money for it. At present most, indeed almost all, of our tax monies allocated to security governance are spent on blaming and punishing. The reason for this (and again it is obvious but needs to be stated) is that there is so little zero-based budgeting within our security governance arrangements. What we need are systems that require outcomes that answer the question highlighted at the outset: 'How can we

reduce the likelihood of this happening again?', rather than 'Who is to blame?'

When funding security, governments seldom start out with a clean slate, with what might be thought of as a security budget, that they then allocate to institutions and programmes they believe will be effective in dealing with the prevention of harms. Instead, our governments currently give almost all our security governance money to the institutions that specialise in blame and punishment. It follows that any prevention either takes place as a spinoff of blaming activities – for example, as deterrence brought about through punishment – or through temporarily, and usually poorly funded, 'add-ons', as is typically the case with more whole-of-society approaches.

None of this will be easy. It is particularly difficult when our dominant 'rituals of comfort' encourage the way of thinking we are currently stuck in. Furthermore, none of the shifts we have advocated can be made without taking specific contexts into account and without seeking out, and responding to, opportunities for change when they arrive. Policy alone, as we know from the NCPS, is not going to provide solutions. But, having said this, we do need a set of guiding principles that will enable us to look for, and create, opportunities for change that are context specific. We need design principles.

DESIGN PRINCIPLES

The story we have painted above is the story of a rut – a thinking rut. We are in a thinking rut in terms of the way we think about 'crime,' the institutions we have designed to govern 'crime', and the way we have spent our tax monies.[22]

The message here is that we should start with our thinking. Only if we first change our thinking will we be able to change our practice. Practice follows thinking. For best practice we first need best thinking.

This distinction between thinking and practice is important and is intended to shift the focus from practice to thinking. An emphasis on best

practice, and the idea that practices from one context can simply and easily be shifted to another, downplays the importance of context. In doing so it fails to recognise that context almost always matters. What works in one context is unlikely to simply work in another. To get from one context to another it is necessary to work at the level of thinking, of principle, rather than at the level of practice. Well-founded thinking (principles) travel well. Context-specific practices do not.

Identifying best practices usually entails drawing on the *ways of doing things* that have worked in one context and applying them to another context. However, experience has shown that this is typically not possible – practices that have worked in one context will often not work in another. To implement prevention in a meaningful, context-specific way one needs to identify the ways of thinking, or principles, underlying the practices. To put it in another way, we can derive rules from principles, and 'whereas rules may be specific, principles may be very abstract', and thus applicable to a number of contexts.[23]

Design principle 1

Limit governing through crime to a minimum, and insist on governing harm

We need to be more careful about how, and when, we use the label 'crime'. Achieving this will require a different way of thinking about our world and the harms we face in it. Applying this principle will force us to adopt a broader way of thinking about security governance. It will require us to think more carefully about the harms we may face, and whether these harms should be thought of as crimes, or as risk to be managed in other, more preventative, ways.

There are many contexts that demonstrate how this principle can be effectively applied in practice, for example any well-run company that is focused on reducing its losses rather than on simply blaming and punishing. The airline industry has also applied this principle to very good effect.[24]

DESIGN PRINCIPLE 2

Reshape the institutional environment within which harms are governed

One context where this principle has been taken seriously, and applied, is Northern Ireland. For instance, one of the recommendations made by the Patten Commission (an independent Commission on Policing in Northern Ireland) was to create a Policing Board (as opposed to a Police Board).[25] The establishment of a Policing Board worked, at the level of practice, to broaden the understanding of security governance in ways that enabled non-blaming activities to be recognised and supported. The establishment of a Policing Board in Northern Ireland enabled the government to focus on, and support, institutions and activities that were explicitly preventative in their design.[26] Although developing a similar approach here may be a possibility (such as the Western Cape Safety Partnership mentioned above), the idea or underlying principle, as mentioned, is to develop fulcrum capacity, so that a range of resources may be aligned to appropriate solutions.

Design principle 3

Change the flows of money so that it is channelled to institutions and activities that support prevention

One way this can be done is for governments to shift their focus from institutional budgets that assume money only goes to the established blaming institutions, to functional budgets that are explicitly designed to support preventative activities. Depending on the context, this can mean funding anything from a local community patrol to an early childhood development centre.[27] Again Northern Ireland provides an example. Functional budgets were developed to support community safety partnerships that were explicitly designed to find and maintain preventative initiatives involving a range of partners including 'statutory agencies, such as police, probation, social services, education and health; voluntary agencies and groups; local

government; community groups; and the private sector.'[28] Functional budgets allow governments to move beyond existing institutions and to seek out arrangements within and outside state institutions that enable a wide variety of preventative outcomes.[29] Once again, this is not to say that the criminal justice system should not be recognised as an important set of institutions within the security governance mix, but it does encourage these institutions to look for ways in which they can attract monies earmarked for prevention, and enables others to put in bids for these funds.

CONCLUSION

These three design principles direct us to what we at the outset termed a whole-of-society approach to security governance. This emphasis is consistent with a significant body of evidence, much of which was surveyed and considered in the NCPS, that confirms that prevention requires the identification, mobilisation and integration of a variety of resources found across the public, the private and the civil society sectors. Prevention can only succeed if security is broadly conceived and acted upon through a range of state and non-state entities at all levels, all bringing to the table their own sets of knowledge, skills and resources. A prominent normative focus then becomes how one best promotes this while also adhering to the practices of good governance. What is required is an approach that allows the following question from Colleen Lewis and Jennifer Wood to be posed, considered and answered.

> …what mix of governance mechanisms might best contribute to the protection of fundamental democratic principles like equity, fairness, access to justice, and human rights whilst at the same time allowing innovative arrangements to 'bubble up' in ways that acknowledge local needs and preferences?[30]

Finding practical answers to this question, in South Africa, will take time and effort. This will only be possible if the normative search that Lewis and Wood advocate is guided by principles that have been honed in a crucible of practice.

We believe that the three principles we have outlined provide the required basis for pursuing this quest.

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NOTES

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