INTRODUCTION

Until recently, surprisingly little comparative criminological research, and even less in the field of victimology was undertaken, despite the work of Naudé, Grobbelaar, Neser and Pretorius (1995); Mawby and Kirchoff (1996); Mawby (1998); Sanders (1999) and Van Dijk (2000). This paper is a report on one aspect of a small pilot study which aimed to contribute to this literature by comparing the provision of services for victims in two very different places: the Eastern Cape in South Africa, and the English Midlands. The research arose from a Higher Education Link collaboration (funded by the British Council) between De Montfort and Fort Hare Universities. When the opportunity arose to undertake a joint venture, this project was proposed.

The authors were conscious at the outset of the formidable obstacles experienced by comparative researchers. There is considerable potential for false comparisons when attempting to look at a single aspect of social policy in an African country in transition from authoritarian rule and comparing it to the same in a post-industrial Western country. Indeed, even these succinct notes reveal some of the debatable issues underlying any such attempt at comparison.

Cross-national criminological research is “in its infancy” (Mawby 1998: 197). Nevertheless, with appropriate attention to such dynamics, worthwhile and revealing comparisons can surely be made. Comparative work of this kind has the potential to be beneficial for policy-makers and analysts in both countries involved. This is not so much by creating the conditions for transferring particular practices from one place to another, but rather by improving the understanding of people in both countries about their own system and the possible alternatives to it (Cochrane 1993). It is also likely to raise new research questions for future attention, and at least begin to explain differences in the experiences of crime victims in different countries (Mawby 1998).

Because of the small scale and exploratory nature of the research, its findings are only tentative. Further, larger studies would be required before firm conclusions could be drawn. Nevertheless, we feel that it would be of some interest to the research and practitioner communities. Services for victims are, as we hope to show, crucially important determinants of public confidence in criminal justice institutions.

This paper reports on one aspect of a wider research project which aims to explore the range of services provided to victims in the Eastern Cape and the English Midlands and the reasons for the differences between such provision in the two countries. This has been conducted in a small number of sites by interviewing service providers and service users employing semi-structured questionnaires. The services were selected for their known commitment to providing services to victims of crime, and as such they are unlikely to be typical.
POLICE WORK WITH VICTIMS OF CRIME IN ENGLAND

Like other criminal justice agencies, the police in England and Wales have been subject to a Victim’s Charter since 1990. This was revised in 1996, and is currently again under review. At present, it requires the police to provide a variety of information to victims of crime, and to take account of the losses and injuries suffered by victims and of their fears of further victimisation when making decisions about cases. Where victims or witnesses fear attack or intimidation, the police are required to protect them and to keep the prosecution service informed. When defendants are bailed, it is the task of the police to tell witnesses as soon as possible and to let them know of any conditions of bail (Home Office 1996). The emphasis given to keeping victims informed and protecting them from further victimisation reflects what we know, from research, about victims’ own priorities (Williams 1999).

These are national guidelines, but policing in the United Kingdom is organised on a regional basis with some local accountability, and the degree of priority given to these duties towards victims and witnesses varies from one police service to another. In a number of areas, the decision has been taken because protecting victims and witnesses is likely to lead to better quality evidence in court and thus to higher rates of successful prosecution. Consequently police work with victims and witnesses should be given higher priority and more resources (Williams 1999). The case studies discussed below were drawn from practice in such an area, namely Staffordshire.

In Staffordshire, certain specified types of witness and victim are automatically referred to the Witness Care Department at police headquarters. These include all cases where there has been an unlawful death, a sexual offence, domestic violence, racially motivated or other hate crime, those involving child witnesses and those with disabilities. Additional cases are also referred by the prosecution and by other departments within the police. The department exists, for “the support and reassurance of victims and witnesses in the system… It depends on what the requirements are of each individual victim or witness, which, of course, can differ from individual to individual” (Personal communication: Officer in charge).

As such, this service responds to some of the common criticisms of police treatment of victims in the UK: that it can be impersonal, insensitive, remote, cynical and uninformative (Lees 1997; Mawby & Walklate 1994; Temkin 1997). The failure to keep victims and witnesses informed in particular causes upset in many cases.

Since the Youth Justice and Criminal Evidence Act of 1999 has come into force, a variety of types of victim and witness has been defined as “vulnerable”, and the list of witnesses offered assistance reflects that definition. Some victims are offered support by telephone, while others are visited by an officer, and in a minority of cases they would be escorted to court. The strength of this service is that it is offered by specialists, but this is also a weakness in the sense that the ordinary front-line police officers do not necessarily develop appropriate skills in dealing with victims and witnesses. The Staffordshire Police Service has recently submitted a bid to fund a pilot project which would both improve information provision to victims, and also extend the training provided to all police officers. It is reasonable to assume that part of the problem of insensitivity and cynicism described in the research mentioned above arises from ignorance on the part of front-line officers, and that this could be alleviated by providing training in victim awareness, appropriate ways of dealing with victims and witnesses, and procedures for referring people for the specialist service.

Interestingly, the police officer in charge of the service spoke of it specifically in terms of promoting confidence in the criminal justice system: “(T)here is a Criminal Justice Business Plan which is currently in force for 2000-2001,
where we are given various targets to hit in relation to various areas within the criminal justice system, one of which is to meet the needs of witnesses, victims and jurors in the criminal justice system, which is objective six. And objective eight, which actually says about promoting confidence in the system. I think by doing the work that we do, we address, certainly, objective six, and hopefully promoting confidence in the system if they can see that it actually works and why it is necessary for them to give evidence”.

Three people who had been in contact with the police victim liaison department were interviewed by telephone, and all had found the service extremely helpful. It has to be noted that those interviewed were selected by the victim liaison department itself, and that there is therefore a possibility of bias. However, there was no need for the service to open itself to external scrutiny at all, and the interviews represent valuable data not only in terms of the satisfaction expressed by a small and possibly unrepresentative sample of service users: they also speak to the contribution the service makes to public perceptions of the police and the criminal justice system.

One was the mother of the victim of an aggravated burglary. The defendant was acquitted at the Crown Court, and the boy’s family felt this was unfair, but they were nevertheless full of praise for the victim liaison officer: “I was angry when we came out of the court. We spent a whole day there and had not really got the result we expected. But X, the support officer, was absolutely brilliant.”

Before the case came to court, the family had been kept up to date with the case by the department, and had also contacted its staff with enquiries. The mother said: “If we’d got anything to ask or we were worried about, I had the opportunity to pick the phone up and speak to [someone]. Nine times out of ten I was talking to an answer machine, but they would always ring me back.”

Immediately prior to the court case, the victim and his family were given the opportunity to visit the court and see the room in which he would be interviewed by video link. In the event, this evidence was not required, but “It did help, we knew where we would be going and what would be happening, even though we never got that far…”

The mother was also very impressed by the way in which the vulnerable witness arrangements of the Youth Justice and Criminal Evidence Act of 1999 were implemented. The boy was asked whether he would prefer to give evidence by video link rather than be cross-examined in court, and whether he would prefer the judge not to wear the usual wig and gown. He was also offered a tour of the courts the previous week, and his wishes in relation to all these issues were respected. Asked whether she would recommend the service to anyone else in a similar position, the mother said: “Definitely, yes. At times like this you need all the support that you can get. And they supported me as well as Z because I wasn’t the actual victim but I’ve got to deal with Z as well.”

Another witness in a case of harassment, an elderly man who had never been to a court before, had also made use of the pre-court service and been accompanied at court by a member of the victim liaison department. As he put it, “It made you feel as though you were really at home, kind of thing. But I mean, most folks, unless you are a real criminal, are frightened to death of courts. You know, all the officialdom and uniforms, it’s all a bit hair-raising… I’d definitely recommend the liaison department because I think without it, without it I think we’d have been frightened. To tell you the truth… without the liaison I don’t think we’d have got her [the victim] to court and then the police wouldn’t have any case [against the defendant].

A third victim, an adult who had reported a case of sexual abuse he had experienced as a child after receiving treatment for alcohol misuse as an adult, had also used the service both before and at court. He summed up his
experience as follows: “It was an excellent service really, and I was very satisfied with it. It gives you a lot of confidence in the police and the legal process.”

In one case, the victim’s family had objected to the charge of burglary laid against the defendant, feeling that an assault charge would have been justified. In the event, the defendant was acquitted, but the family’s anger at this outcome was mitigated by their satisfaction with the service they received from the police victim liaison department. In the second case (whose outcome is not mentioned in the interview) the witness was reassured by the support he and the victim received, and he explicitly said that the victim would probably never have attended court to give evidence without this support. Part of the rationale for providing such a service is to ensure that victims and witnesses do feel safe attending court, so this will be a welcome finding from the point of view of the police. The third case involved supporting a victim of child sexual abuse through the prosecution process. He mentioned in the interview that the police “came to see me at the treatment centre. They didn’t seem to think that it would go much further as it was such a long time ago but, obviously, they kept in contact with me and did their job and obviously it did go further because it ended up at crown court.”

It seems likely that the officer concerned deliberately played down the likelihood of a successful prosecution because so many such cases do not come to court. Unobtrusive support was provided and the victim was kept informed in the run-up to the court case. In his comment, quoted earlier, he explicitly linked his satisfaction with the support he received to the confidence it gave him in the police and the legal process. Here, too, one of the aims of the police victim liaison department is addressed: victims and witnesses are treated well not only for their own sake but also as a means to an end, and building greater confidence in the system increases the likelihood that crime will be reported, while it also improves the legitimacy of criminal justice institutions.

POLICE WORK WITH VICTIMS OF CRIME IN THE EASTERN CAPE

It has been argued that the South African Constitution spells out the human rights of criminals and offenders, but does not say a word about the rights of victims (Democratic Party 1998; Camerer & Kotze 1996). These authors further argued that there is a need in South Africa to fix this imbalance in the Constitution by introducing a victim’s charter. The support services for victims of crime and violence in South Africa are limited, fragmented, uncoordinated, reactive in nature and therefore also largely ineffective. The planning and establishment of services are often not community driven. Certain services are over-utilised, while others tend to be inaccessible with regard to their location and/or service fees, or are poorly marketed and therefore not often used. Certain categories of victims are highlighted while others are underplayed. Service provision in South Africa tends to concentrate almost exclusively upon victims of rape and child abuse, both because of the prevalence of such crime and because of government priorities (Nel 2000).

A child protection unit of the South African Police Service (SAPS) was established in 1986, which led to the creation of such units in all the main urban centres of the country. In areas where these centres do not exist, trained police officers are always on standby to handle cases of child abuse. SAPS works hand in hand with provincial hospitals, where the staff in the emergency units are trained to handle rape cases, child abuse and child molestation. The Department of Health Services and Welfare house of assembly was established in accordance with the Probation Services Act 98 of 1996. Its task is to oversee the introduction of a national programme for the handling and treatment of victims of sexual offences. A further development of the Probation Services Act was the establishment of the national Childline that offers a toll-free telephone counselling service to the victims of child abuse and sexual molestation (Schurink 1992).
In 1992/1993 the South African Police Service formally adopted the philosophy of community policing as its new approach to policing. According to this strategy, one of the cornerstones of policing is to assist in the protection of more vulnerable groups within communities. With the development of the National Crime Prevention Strategy in 1995, it became clear that a new relationship needed to be established between crime prevention and the criminal justice system. The Strategy stated that in future the emphasis would shift towards a victim-centred system, which is a restorative justice system. In terms of this, a victim-centred justice system is one which is concerned with addressing the direct effects of crime and places emphasis on those victims less able to protect themselves (Smit 1999). Community policing requires specific programmes to protect and assist vulnerable groups and individuals. These include victim assistance, youth liaison and diversion schemes, multi-agency strategies aimed at dealing with domestic violence as well as the safety concerns of women and children. It is debatable, however, to what extent the SAPS has in practice embraced either community policing or restorative justice. There is, however, not enough space to discuss these issues in any detail here.

Victims often endure a secondary victimisation in the criminal justice system at the hands of the police or the court. Research conducted for the Centre for the Study of Violence and Reconciliation (Mistry 1997) showed that there are gaps in police-provided services for victims in a number of areas such as the poor quality of statement taking, language and literacy issues within the criminal justice system, the identification and tracing of witnesses and witness intimidation. Many officers have to take statements in languages other than their own, and only five years ago more than a quarter of South Africa’s police officers were illiterate (Mistry 1997). The system’s failure to take victims’ concerns seriously and to meet their needs has a negative impact on their faith in, their satisfaction with and their support for criminal justice institutions (Law Commission 1997), including the police who were already widely mistrusted (Pelser et al 2000; Naude et al 1995; Olivier 1992; Tutu 1999).

Nevertheless, the police service has a stated policy which accepts that it has a role to play in working with victims of crime, albeit a limited one, and that this requires a programme of staff training. Police officers need to be able to deal with victims reporting crime in a supportive way, as well as identifying victims who need further support and referring them to appropriate agencies where these exist locally. Specialist services for victims of particular crimes have also been developed within the police, initially concentrating on providing at least one such centre in each province. These services concentrate upon people reporting rape, domestic violence and crimes against children. The first such centre, near Port Elizabeth, was opened in 1996 as part of the community policing strategy. Its counter staff received training in taking statements sensitively (Nel 1996).

The privacy of victims can be violated and their credibility and character are often challenged by contact with statutory criminal justice agencies. In most cases, the victim of crime’s first contact with the criminal justice system happens when he or she reports the crime to the police. This is the stage where the victim loses possession of the crime and instead of being the centre of the event, becomes a mere accessory. At present the victim is sidelined and only consulted when the police, and later the prosecutor, need his or her evidence.

The Criminal Procedure Act of 1977 provides for protective custody for a witness in a criminal case (section 153) and for the witness’s "right" to be in court when the case is heard (section 179). However, this "right" is accorded the victim as a witness and not as a victim in his/her own right. As such, these "rights" benefit the state more than the victim. In practice, victims may be made to "enjoy" these "rights" in a coercive manner (Kgosimore
Typically, victims have no special standing in criminal court; they are merely witnesses. In some cases they are even considered impediments, particularly when they object to plea bargaining by the prosecution or to what they consider an unduly lenient sentence (Voigt et al 1994).

Addressing the needs of victims of crime, both practically and emotionally, can enable them to cope better with the experience of victimisation, encourage them to participate in the investigation and prosecution of offenders, and help them to regain faith in the criminal justice system (Pelser et al 2000).

Victimisation through crime and related abuses has immediate and long-term effects. The trauma that criminal incidents may cause can have serious repercussions beyond the event itself. Disturbances following violence are sometime complicated by the contacts of the victim with the police, newspapers, insurance company personnel and medical authorities. The first goal of the police, for example, is solving the crime and not assisting the victim. There is therefore an imbalance in the interests of the police and that of the victims, and this imbalance makes it difficult for victims who already feel degraded by the act of violence to cope.

Apart from information on the progress of the case and the court hearing date, victims also need to be enlightened about the court process and what will be expected of them when testifying. Information on crime prevention and on the resources in the community is also much needed by victims. The victim has a need to be understood and trusted. Owing to the victimisation, victims become caught up in the criminal justice system: the decision to report crime lies with them. They are the main witnesses when the offenders are apprehended and charged, and they are often unsure about their rights and obligations in this regard. Victims who have never been involved in the judicial process need guidance and support to prevent this course of events from adding to the trauma (Schurink 1992).

In practice, the SAPS does not have the resources to meet all these needs. Instead, it has formed partnerships with non-governmental organisations (NGOs) which provide victim services in the community. An example is the Community Victim Support Projects set up by NICRO. These are usually based in police stations, employing volunteers supervised by a small professional staff. In East London, three such projects have been running since 1998, with a total of eight volunteers. Most of their referrals are received from police officers, but victims are also referred by other NGOs which provide services to victims, including Childline and local projects. Most cases involve offences of domestic violence, rape and other sexual offences. A “trauma debriefing programme” is also provided to the families surviving victims of murder. A small number of victims of kidnapping and vehicle hijacking are also dealt with. The NICRO staff member responsible for the project said that “volunteers… do most of the work in terms of support given to all victims because it’s always full in police stations with crime victims. At times the police need help from us.”

The last statement may, at least partly, be a diplomatic reference to the role often taken by NICRO volunteers in helping illiterate police officers to take statements from victims. The volunteers assisting with this project do so full-time, and receive only minimal financial compensation for their efforts. Some of them are former victims themselves. In addition to direct work with victims, they also represent the organisation at local Community Police Forum meetings, another practical example of community policing. Each local project, with between two and four volunteers, deals with scores of victims each week, and the three centres worked with around 800 victims in the second half of 2001. Much of the work involves helping victims of domestic violence to obtain protection orders. One volunteer, asked whether there were types of victim currently ineligible to receive the service, said: “We don’t have an agreement with NICRO to render service to… elderly people, although they come to the police station for
their problems, but we try to refer them to relevant centres.”

One victim, who was at the police station to report domestic violence, told us that she had received assistance in applying for a protection order and also received general advice and support. She found the volunteer sensitive and helpful: “They helped me, they also gave me hope…Their service is very supportive and quick; if you have a problem they try to come up with the solution all the time, that’s why I count on them. In the police station they responded the same day, that’s another reason I say the service is good.”

The availability of the service did not appear to be very well known. One victim disclosed that she found out about it through a friend who was a volunteer there, and she added: “The problem is that we don’t know that NICRO is having these support centres in our areas. Everyone with a problem must try to find out these support centres: it’s where we can get help and be healed.”

The service appeared to concentrate mainly upon victims of rape, domestic violence and child abuse. Some police stations provide NICRO with a suite of rooms which include somewhere for people reporting rape to rest and to be medically examined. Some were referred on to a “safe home” where a social worker and volunteer provided support. Although the victims interviewed expressed general satisfaction with the service received from the project, there appeared to be difficulties in obtaining information about the progress of court cases. Asked whether she was provided with the information she needed, one said “Yes, kind of.” When asked to elaborate on this response, she said “When my mother’s boyfriend was still alive, I asked service providers when was the case, but she said ‘As soon as the court sets the date’.”

Another victim expressed similar concerns. Many of the comments about levels of satisfaction with the service provided concentrated upon the provisions made for victims’ material comfort, as in the case of the teenager who said “We have food, sometimes sweets and everything we hope for, so I don’t think there is anything to be improved.”

In the course of the interviews in East London, references were made by those questioned, not only to NICRO and Childline, but also to a number of other NGOs such as Masimanyane (which provides emergency accommodation and counselling to women victims of abuse), FAMSA and Gompo Welfare. This suggests that community support agencies are developing in response to the need.

Another approach recently taken by the police in some areas is to train their reservists to provide services to victims. The specialist training is provided by NGOs such as FAMSA, and co-ordinated by a police officer. When this officer is not available, front-line police officers draw upon their training in “victim empowerment” but can also call on the reservists. A police captain responsible for victim services in a large town in the Eastern Cape told us that she could draw upon 19 reservists and 20 other volunteers capable of supporting victims: “Our idea with volunteers is that it’s not stopping here; they also assist victims in hospitals, they actually befriend a victim right until the trial is finished, because what we’ve seen in the studies that we’ve done is that mostly cases keep [being] withdrawn. It takes quite a while before the prosecution goes through, and in the mean time there is no support given to a victim… the victim ends up withdrawing the case because there is no moral support.”

This demonstrates the capability of SAPS to respond to concerns about victim intimidation and the need to support victims giving evidence. The same officer also spoke of the need for privacy: “We have a victim support comfort room that we privately interview victims in, so that they don’t have to be in the general public’s eye and explain the whole situation in an open area.”
During the first half of 2001, these arrangements were applied in 42 rape cases alone, as well as providing a less intensive intervention in dozens of other - mainly domestic violence - cases. Numbers have since increased as trained volunteers have become available. In practice, car hijacking and minor assault victims do not currently receive these services. A monthly victim empowerment meeting has been established, involving the police, hospitals, health workers and NGOs. This group has recently begun community awareness campaigns on rape and assault, attempting to implement community crime prevention. Victimisation patterns are also scrutinised with a view to influencing the provision of local facilities such as street lighting, a form of environmental crime prevention which has been shown to be effective (Pease 1997). As the police captain told us: “I really think if we can give victims enough support they can be strong and we can together fight first victimisation.” “First” presumably refers to primary victimisation.

CONCLUSION

Although the language used in each country to describe victims’ needs is different, victim services are being introduced by the police in England as well as in South Africa for broadly similar reasons. The existence of the Victim’s Charter provides an impetus to develop services in England, but they are developing in South Africa without such a central initiative. In both cases, priorities are determined locally, which has inevitably led to the piecemeal introduction of new services. Lessons may be learnt from pilot projects, as in the case of Staffordshire Police being singled out for praise when the national Inspectorate of Constabulary reviewed its witness support arrangements, and in the spreading of the model pioneered in Port Elizabeth in 1996 (see above). Policing priorities obviously include successfully prosecuting more offenders, and police officers advocating improved services for victims and witnesses in both countries defend the use of scarce resources for this purpose in similar terms: good witness care can improve the prosecution’s case in court and lead to fewer victims withdrawing their evidence.

The range of services offered to victims offered services in England is wider, which is hardly surprising given the resource constraints and the comparatively high rate of violent crime in South Africa, where victim services have hitherto concentrated most of their attention on victims of domestic and other violence, rape and sexual abuse. A weakness of the specialist model of victim care employed in some parts of England is that ordinary ‘beat’ police officers may not develop victim care skills, and this is being addressed in South Africa by including victim empowerment and support in the on-the-job training police officers. It is also recognised within Staffordshire Police, where Witness Care Department staff are applying for additional funding with a view to improving training provision.

Although nobody interviewed for this research used the word “legitimacy”, the confidence of citizens in the criminal justice system was a key consideration for police officials in both countries and some English victims spoke in these terms themselves. It was interesting to note that victims were able to distinguish between outcomes and processes: the provision of services improved their perception of the criminal justice system even in cases where they disapproved of the final outcome. Similarly, arrangements for consultation with victims and their organisations (through the provision of choices for “vulnerable” witnesses in England, and more obliquely through community policing measures in South Africa) may contribute to victim empowerment.

Much greater use is made of volunteers in delivering victim services at the police station in South Africa than in England (although this paper has not discussed the work of Victim Support and Witness Service volunteers in the UK, and in some respects they perform functions similar to that of the South African NGO volunteers). South African
victim services have been developed in the context of a move towards community policing, which has perhaps brought the NGOs and the police closer together than in England. Community policing in South Africa has encompassed consulting victims’ representatives about improving services and attending to environmental crime prevention.

The SAPS has responded to the lack of new resources for victim services in at least one instance by calling upon its reservists. A similar force (the special constabulary) exists in the UK, but no moves have so far been made to involve its members in victim services.

It is clear from this succinct study that similar problems have been addressed to a different extent and in widely differing ways in the two countries. Further research would be needed to establish the extent to which victim services succeed in improving public confidence in the criminal justice system, and this paper shows that it is an issue worthy of further investigation.

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