

EXECUTIVE SUMMARY



STREETS OF PAIN, STREETS OF SORROW

THE CIRCUMSTANCES OF THE OCCURRENCE OF MURDER
IN SIX AREAS WITH HIGH MURDER RATES



Report on Component 2 of a study conducted by the Centre for the Study of Violence and Reconciliation (CSVr) for the Justice, Crime Prevention and Security (JCPS) cluster

30 June 2008

EXECUTIVE SUMMARY

South African society is characterised by very high levels of murder, with 70% of these distributed across roughly 250 of the more than 1 100 police stations in South Africa. This report is a study of murder in six police station areas with high rates of murder, all located in major metropolitan areas in the provinces of Gauteng (Johannesburg Central in Johannesburg, Thokoza in Ekurhuleni), Durban in KwaZulu-Natal (KwaMashu, Montclair) and Cape Town (Nyanga, Kraaifontein). The six areas are profiled in Appendix 2.

The study was carried out by means of an analysis of 1 900 murder docket. An attempt was made to examine a representative sample of dockets from the six areas for the 2001–05 period. The number of dockets analysed in each area was linked to the number of murders in the area during the 2001–05 period in order to ensure a consistent error rate at the 95% confidence interval. The study under-represents open dockets, though it is argued that the impact of this on the overall picture is marginal. In addition, roughly 16% of the dockets selected by random sampling could not be accessed and had to be substituted by other randomly selected dockets, and there is the possibility that this may have resulted in some systematic biases in the sample. Nevertheless, random sampling techniques were consistently used in selecting those dockets available, and it is believed that the study provides a reliable picture of murder in the six areas studied. A total of 39 dockets were excluded from the sample on the basis that it was not clear that they involved an incident where one person had been killed by another; the eventual sample, therefore, was 1 161 dockets. The report’s methodology is discussed in Appendix 1.

The report is divided into 20 sections. After the introduction in **Section 1**, it provides an overview of the murder incidents described in the 1 161 murder dockets in **sections 2, 3 and 4**. The murders documented in these six areas have much in common with murders as documented in other work on the subject in South Africa, in terms of factors such as the month, day of the week, time of day, locality, levels of blood alcohol, weapons used, percentage of female and male victims, and the age profile of victims. The racial profile of victims has much in common with the racial profile of the six areas studied, though African and Coloured victims are slightly over-represented. Regarding the relationship between victim and perpetrator, in 53% of cases this was not recorded or is unknown; in 13% the perpetrator was confirmed to be a stranger; in 15% the victim and perpetrator appeared to be known to each other though the relationship was unclear. The remaining 19% of cases where the relationship could be clearly defined included 9% in “outer circle relationship”, 5% in intimate partner relationships, and 5% in “other close” relationships. The methodology is discussed in detail in Appendix 1.

Section 5 introduces the system of categorisation of murder that is a central feature of this report. (This is discussed further in Appendix 3.) Murders were classified into seven main categories, as follows:

- Category A: Argument-type murders (26% of murders in the sample).
- Category B: Murders in the course of another crime (usually a robbery) (12%).
- Category C: Killings in self-defence (2%).
- Category D: Murders related to conflicts between (formal) groups such as taxi associations or gangs (less than 1%).
- Category E: Various other types of murder (7%).
- Category F: Murders where the circumstances or motives are unclear (12%).
- Category G: Murders where the circumstances and motive are unknown (41%).

The combination of categories F and G therefore provides a figure of 53%, indicating that the majority of murders in the six areas ended up being classified as occurring in unknown or unclear circumstances, while 47% can be described as occurring in known circumstances.

In the eventual analysis of the data, Category E was divided into 11 subcategories of which vigilantism (3% of the total number of murders), “accidental killings” (1,5%) and “premeditated killing of a current or former intimate partner” (less than 1%) were the largest.

Section 6 compares the different areas to each other. Most distinctive here was that Kraaifontein stood out very clearly from the other five stations with the highest proportion of female victims (15%), of knives or other sharp instruments used (76%), of victims testing positive for blood alcohol (76%) and of murders in Category A (85% of murders in known circumstances). Thokoza was also exceptional on two counts. Only a small fraction of victims (5%) had been tested for blood alcohol and the station also recorded a proportion of murders in Category F that was significantly higher than in the other six areas. KwaMashu was the only area that recorded more murders in Category B (42% of murder in known circumstances) than in Category A (40%). A large majority of foreign victims (65%) were killed in the Johannesburg Central area. There were also significant variances between the areas in terms of the reasons for victims being in the areas, in each case in some way reflecting the status of the area as, for example, a residential area or central business district.

Section 7 compares the various categories of murder with an emphasis on the comparison between categories A and B (the two largest categories of murders in known circumstances), as well as Category G. Category A is quite distinct from Category B on a number of measures that are highlighted in this section as well as in Table 50 (in Section 14). Further distinctive points of difference between the two categories also emerge from the discussion of suspects/offenders in Section 16, and a substantive list of points of comparison of Category A and Category B is provided in the final discussion section (under 19.2.1).

Sections 8–14 involve a more detailed and focused examination of the seven largest categories or sub-categories of murder. In addition, Section 15 discusses intimate partner murders that are not a stand-alone category of murder in this report but are spread across a number of the different categories. The

discussion of Category A-type murders in Section 8 includes an analysis of the reasons for these arguments and dynamics feeding into the killings. Similarly, the discussion of Category B-type murders also provides a discussion of why the incidents of robbery or other crimes turned into incidents of murder.

Most significant from the point of view of the overall report, however, is **Section 14**, which examines the significance of Category G. As noted Category G, which comprises murders in unknown circumstances, was the biggest category of all, accounting for 41% of all murders. Analyses of murder that disregard this information as “unknown” may wrongly assume that these murders follow the pattern of murders in known circumstances. However, on the basis of data on the identity and blood alcohol levels of victims, time and place of the murders, and weapons used (as reflected in the victim’s fatal wounds), this section indicates (see Table 50) that there is a strong pattern of resemblance between the deaths in Category G and those in Category B, and that this resemblance is much larger than any similarities between categories G and A. This motivates for the conclusion that a high proportion of murders in Category G are Category B-type murders, which include robberies and murders committed in the course of other crimes, including rape.

The discussion of the profile of suspects/offenders in **Section 16** includes data on previous convictions as well as data on the outcome of the closed murder cases. Out of 1 026 cases, 13% resulted in convictions for either murder or culpable homicide, with Category A accounting for 81 (62%) of the total number of 130 convictions.

Sections 17 and **18** focus on specific interesting aspects of the data emerging from the report, including the involvement of gangs in murders (not found to be a major factor in the areas studied) and hostel-related murders. Partly coincidental was that three of the areas studied included large residential hostels. Particularly in KwaMashu and Montclair, hostels were strongly implicated in the overall number of murders. However, very few (3%) hostel-related murders resulted in convictions, suggesting that there is powerful culture of intimidation and silence in these hostels.

The discussion in **Section 19** starts by addressing the relevance of the study. The ratio of Category B to Category A cases in the six areas is compared to the ratios of the crimes of aggravated robbery to assault GBH in these areas. On this basis the report argues that robbery to assault ratios may be seen as roughly predicting the likely ratio of Category B to Category A killings in any area. The aggravated robbery to assault GBH ratios in the six areas are generally high by national standards and more characteristic of aggravated robbery to assault ratios in the major metropolitan areas where this study was conducted. It is therefore suggested that the study should be seen as providing a good basis for understanding the circumstances of occurrence of murder in high-density areas and high-violence areas in the major metropolises in South Africa. On the other hand, it is suggested that outside of the areas murder patterns are likely to have a lot more in common with the pattern in Kraaifontein, which is characterised by high Category A-type (argument) murders and relatively low Category B-type (robbery and other crimes) murders.

The second part of the concluding discussion develops the argument outlined above relating to the relationship between categories A, B and G. The study under-represents open dockets, and these appear to include a slightly higher proportion of Category B cases and a lower proportion of Category A cases as compared to closed dockets. In the light of this fact, as well as the conclusion that Category G contains a relatively high proportion of Category B-type killings, it seems reasonable to conclude that in areas of the kind examined in this study, Category B-type murders may contribute as much, or even more, to the overall murder rate, as does Category A. One of the corollaries of this argument is that rape murders may also contribute to a higher percentage of the overall number of murders of women than is suggested by the six cases in Category B.

The final section of the discussion focuses on Category F, which is the third-largest of all seven categories, accounting for a slightly greater number of murders overall than Category B. It is noted that Category F cases may be generated by the quality of witness evidence or other factors, but may also be generated by poor standards of policing, particularly in relation to statement-taking. The large number of Category F cases in Thokoza appears to coincide with other indicators, suggesting that, during the 2001-05 period, murder investigations in this area were not very methodical, and highlighting more broadly the role of police service-delivery factors in influencing the kind of picture that may emerge from studies of murder dockets.

The conclusion in **Section 20** focuses on the importance of Category A and Category B-type killings in contributing to the overall murder rate, and notes the major contribution of street robberies and other robberies in public spaces to the overall murder rate in these areas. It also notes the apparently very distinctive findings relating to the level of killings in hostels and the apparent culture of lawlessness that prevails in some of them.

The report recommends that:

- In so far as there is the intention to prevent Category A-type killings, control measures should focus more on the possession of knives/sharp instruments, as well as addressing the use of and availability of alcohol.
- In relation to the policing of Category B-type killings there is a need for greater attention to be paid to crimes in public space as part of policing and other crime-prevention policy.
- In areas where hostels that are characterised by a culture of intimidation are located, one of the policy priorities should be to extend the reach of the law in these environments.

The report concludes with a note drawing attention to the broader set of recommendations provided in the concept paper submitted in June 2007, and motivates that the recommendations above should be read alongside those ones. Note is also made of the fact that a full set of final recommendations will also be submitted as part of the final report of the study, which is due in November 2008.