



# Citizens' Perspective on the Effect of Court Sentencing and Preferred Crime Reduction Strategies in Mthatha Judicial Area, South Africa

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## ABSTRACT

This study explored the citizens' perspectives on the potency of court sentencing on crime control in the Mthatha policing area of South Africa. It gathered citizens' views on effective crime reduction strategies. The study comes against a background of an upsurge in crime within South Africa and in the Mthatha policing precinct, in particular. A survey was used to gather data on a sample of 90 purposefully sampled residents of the Mthatha area. The fact that offenders get a chance to renew their lives while they are in prison topped the list of effects of court sentencing, followed by the finding that when criminals are sentenced, their criminal behaviour gets worse. The preventive and deterrent effect of court sentencing was also confirmed in this study. As regards crime prevention, respondents mainly favoured primary and secondary crime prevention techniques, which are more proactive, as shown by the majority's support of early childhood interventions. Early childhood positive socialisation is therefore recommended as the key sustainable mechanism for the future prevention of criminal behaviour in South African society on a long-term basis.

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## INTRODUCTION

Sentencing flows from the conviction phase during the criminal justice process. Thus, when an accused is convicted at the close of the trial proceedings, the phase that follows the verdict is called sentencing. There are generally four key goals of sentencing, namely, punishment, incapacitation, deterrence and the rehabilitation of the offender.<sup>1</sup> In most penal systems and policies, the order of severity of punishment, "from most harsh to most lenient, is the death penalty, imprisonment, probation, suspended sentences and fines."<sup>2</sup> Notwithstanding the different types of criminal sanctions that are available, most criminal systems around the world consider imprisonment as the most important form of sanctions. Also, while different forms of sentences exist, they hold the common objective of holding offenders accountable and protecting public safety.<sup>3</sup> Ultimately, the prevention of future criminal activities is in all likelihood the main aim of any punishment.

<sup>1</sup> Adrian Hoel and Karen Gelb, *Mandatory Sentencing* (Melbourne: Sentencing Advisory Council, 2008); Donald Ritchie, *Does Imprisonment Deter?: A Review of the Evidence* (Sentencing Advisory Council, 2011).

<sup>2</sup> Nicolien Du Preez and Phumudzo Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches," *Just Africa* 2019, no. 1 (2019): 34–46.

<sup>3</sup> Alison Lawrence, "Making Sense of Sentencing: State Systems and Policies" (National Conference of State Legislatures Washington, DC, 2015).

The effectiveness of court sentencing on criminal behaviour has been a subject of debate for several decades. In South Africa, there have been concerns over the effectiveness of court sentencing, with citizens questioning the lenient sentences and unjustified parole on serious offenses. The citizens' concerns largely emanate from the nature of the South African legal and sentencing systems. South Africa has a mainly uncodified legal system that consists of various sources of law. The country also has a discretionary sentencing system, which is characterised by inconsistency and leniency. The main question that arises therefore is whether court sentencing has enough potential in controlling criminal behaviour. Thus, this paper examines citizens' understanding of the effect of court sentencing in preventing criminal behaviour in South Africa. It also looks at citizens' perspectives on the best crime prevention strategies. The study comes on a backdrop of an upsurge in criminal activities in the nation. It adds to the longstanding debate on the effectiveness of sentencing on criminal behaviour. Given that citizens bear much of the consequences of criminal activities, their input in the current study is instrumental, as they should also have a stake in the crafting of both sentencing policies and crime prevention strategies. As part of the conclusion, the study proffers recommendations on the considerations for a sound sentencing policy.

### Conceptualising Punishment

Sentencing should be understood in the context of punishment. Punishment has been a difficult term to define due to its diversity. Punishment can be defined as “the infliction of suffering on a person who has broken the laws within a community.”<sup>4</sup> Punishment can also be regarded as a deprivation or hardship, and the removal of something of value from a person for a wrong that has been committed.<sup>5</sup> Given the difficulties in finding convergence on the definition of punishment, criminologists and sociologists have come up with theories of punishment. There are five broad objectives of punishment namely: retribution, deterrence, prevention, reformation and compensation.<sup>6</sup> With retribution, the offender deserves to suffer, with punishment aimed at inflicting the suffering that the offender deserves.<sup>7</sup> One of the ways to ensure that this happens is through imprisonment, which has been conceived as a primary form of inflicting pain on offenders.<sup>8</sup> Deterrence is aimed at preventing the offender from repeating his criminal actions and showing other potential criminals the consequences of engaging in criminal actions.<sup>9</sup> For the proponents of the preventive theory, punishment is aimed at preventing criminal actions, with the prevention occurring when the criminal and his deviant actions are checked.<sup>10</sup> As regards the reformatory theory, punishment will lead to crime reduction if it is aimed at improving the offender's character so that his/her propensity to re-offend in the future is reduced.<sup>11</sup> The compensation theory propounds that punishment must not be aimed at crime prevention alone, but also to reimburse the crime victims.<sup>12</sup> None of these is pre-eminent; hence the sentencing judge must accommodate these competing demands in his or her pronouncement and take the prevailing context into consideration.

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<sup>4</sup> Robert Anthony Duff, *Trials and Punishments* (Cambridge: Cambridge University Press, 1986).

<sup>5</sup> Mirko Bagaric, *Punishment and Sentencing: A Rational Approach* (Deakin University, 2001).

<sup>6</sup> Joel Meyer, “Reflections on Some Theories of Punishment,” *The Journal of Criminal Law, Criminology, and Police Science* 59, no. 4 (1968): 595–99; Eamonn Carrabine et al., *Criminology: A Sociological Introduction* (Routledge, 2020); Larry J Siegel, *Introduction to Criminal Justice* (Cengage Learning, 2010).

<sup>7</sup> Bagaric, *Punishment and Sentencing: A Rational Approach*.

<sup>8</sup> Emeka E Obioha, “Challenges and Reforms in the Nigerian Prisons System,” *Journal of Social Sciences* 27, no. 2 (2011): 95–109.

<sup>9</sup> Meyer, “Reflections on Some Theories of Punishment.”

<sup>10</sup> Bagaric, *Punishment and Sentencing: A Rational Approach*; Siegel and Worrall, *Introduction to Criminal Justice*.

<sup>11</sup> Bagaric, *Punishment and Sentencing: A Rational Approach*; Anga Dlakulu, Ishmael Mugari, and Emeka E. Obioha, “Citizens' Perceptions on the Role of Court Sentencing in Crime Control: A Survey of Mthatha High Court Juridical Area in South Africa,” *International Journal of Criminology and Sociology* 10 (December 27, 2021): 1624–30, <https://doi.org/10.6000/1929-4409.2021.10.185>.

<sup>12</sup> Siegel, *Introduction to Criminal Justice*.

## Deterrence Theory

While deterrence has been defined in a number of ways, it is mainly premised on the idea of preventing someone from engaging in certain actions because he is aware of the unpleasant consequences that may result from such actions.<sup>13</sup> The deterrence theory is the brainchild of classical criminologist Cesare Beccaria, who averred that crime prevention should be achieved through a deterrence mechanism which is aimed at using threats of punishment to impact behaviour.<sup>14</sup> The theory, which is premised on the rational choice perspective of decision-making, avers that offenders engage in crime when they feel that the benefits of engaging in deviant actions outweigh the costs that are associated with punishment. Beccaria also highlighted the characteristics of punishment that would be instrumental in a person's decision to commit a crime, and these key deterrent characteristics of punishment included: certainty, swiftness and severity.<sup>15</sup> Thus, crime prevention should be aimed at properly manipulating these three factors. If it is certain that punishment will flow from the deviant actions, this will lead to a stronger impression of the repercussions of engaging in crime. For punishment to be certain, Beccaria argued that punishment must be clearly spelt out through a legislative provision. He was also against the concept of clemency and pardon, which he argued, militate against certainty of punishment.<sup>16</sup> As regards the swiftness of punishment, it is argued that the swifter the punishment response, the more the probability of the reduction of deviant actions.<sup>17</sup> It, therefore, follows that when punishment is prompt and closely follows after the deviant act, the more effective it will be. In terms of severity, punishment should inflict a greater evil than the benefits that will be derived from committing a crime.<sup>18</sup> However, Beccaria also notes that any form of punishment which largely exceeds a reasonable punishment will be regarded as inhuman and will actually result in further criminality.<sup>19</sup> In the end, if punishment is perceived to be swift, certain and severe in response to deviant actions, then people will refrain from engaging in these deviant acts.

Criminologists also make a clear distinction between specific deterrence and general deterrence. Specific deterrence focuses on the effect of punishment on the future actions of the offender who actually suffers the punishment.<sup>20</sup> With specific deterrence comes three preventive functions of deterrence, namely, the offender's ability to offend will be removed either through imprisonment or the death penalty; the punishment will reduce the urge to offend, resulting in the offender's rehabilitation; and the offender will refrain from reoffending for fear of further punishment.<sup>21</sup> General deterrence, which is aimed at potential offenders, entails the preventive effect of the threat of punishment upon the general population. Thus, it occurs when members of the society avoid engaging in deviant actions because of the prescribed punishment that may be meted against them. General deterrence therefore uses the punishment of convicted offenders to show the implications of law violation to the general population. The undesirable consequences that befall law violators will help to keep the rest of society in line.<sup>22</sup> Ultimately, the mere presence of a system of punishment for offenders will deter a significant number of potential law violators.

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<sup>13</sup> Michael Tonry, *Retributivism Has a Past: Has It a Future?* (Chicago: University of Chicago Press, 2011).

<sup>14</sup> Stephen Eugene Brown, F-A Esbensen, and Gilbert Geis, "Criminology: Explaining Crime and Its Context," *Journal of Criminal Justice* 24, no. 2 (1996): 186–87; Du Preez and Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches."

<sup>15</sup> Jay Livingston, *Crime and Criminology* (New Jersey: Prentice Hall, 1996).

<sup>16</sup> Ishmael Mugari, *An Introduction to Criminological Theory, Penology and Crime Prevention* (New York: NOVA Science Publishers, 2021).

<sup>17</sup> Du Preez and Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches."

<sup>18</sup> Meyer, "Reflections on Some Theories of Punishment."

<sup>19</sup> Mugari, *An Introduction to Criminological Theory, Penology and Crime Prevention*.

<sup>20</sup> Mugari, *An Introduction to Criminological Theory, Penology and Crime Prevention*.

<sup>21</sup> Du Preez and Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches."

<sup>22</sup> Du Preez and Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches."

## Sentencing and Crime Prevention

As highlighted in the previous discussion on the deterrence theory, how punishment is perceived has a significant bearing on producing crime deterrence. If potential offenders believe that they will be caught and punished, they will be deterred from engaging in deviant behaviour, even if the true likelihood of detection and punishment is not very significant. This is referred to as perceptual deterrence.<sup>23</sup> Sentencing policies have been shaped by the fact that punishment may deter potential offenders from violating the law. Some nations have embraced draconian sentencing policies which require mandatory imprisonment for specific serious crimes like drug trafficking and firearm-related crimes.<sup>24</sup> Another deterrence strategy entails the mandatory imprisonment of up to life in prison for offenders who are convicted of a serious crime on at least three separate occasions.<sup>25</sup>

One form of punishment, which has however attracted global debate is the death penalty. From the preventive perspective, capital punishment prevents the offender from committing further crimes by physically eliminating him.<sup>26</sup> Given the retributive theory's proposition that punishment for wrongdoers has to be proportionate to the harm that they do to the communities, the person who takes someone's life should also be sentenced to death.<sup>27</sup> As regards deterrence, since society has the highest disdain for murders, there has to be the strongest punishment available to deter murder, with capital punishment being the most appropriate.<sup>28</sup> However, Beccaria was against the death penalty and argued that it does not have a lasting impression or effect on society but the impression on the generality of the population is just temporary. Moreover, the deterrent effect of capital punishment is debatable as several researchers have written against it.<sup>29</sup>

There has also been longstanding debate on whether stiffer penalties deter criminal activities. The idea for supporting stiffer penalties is simple and reasoned incarcerating offenders for lengthy periods of time will enhance safety within societies. From the deterrence perspective, deterrence will effectively work when punishment is painful enough to deter potential offenders, and it has to bring about more losses than gains.<sup>30</sup> Thus, lengthy incarceration of offenders will prevent them from re-offending by incapacitating them and deterring other potential offenders from violating the law.<sup>31</sup> In support of this view, a study by Du Preez and Muthaphuli established that society expresses disappointment when lenient sentences are imposed by the law courts.<sup>32</sup> In his review analysis of imprisonment and crime, Spelman reviews four studies that focused on the effectiveness of imprisonment on crime prevention.<sup>33</sup> These four studies established a positive correlation between higher imprisonment rates and reduced crime levels.<sup>34</sup>

However, a 1999 study by Gendreau et al established that longer prison sentences were associated with a rise in recidivism after a meta-analysis review of 50 studies dating back to 1958, which involved a total of 336,052 offenders.<sup>35</sup> The study also established that those incarcerated for

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<sup>23</sup> Etienne Blais and Jean-Luc Bacher, "Situational Deterrence and Claim Padding: Results from a Randomized Field Experiment," *Journal of Experimental Criminology* 3 (2007): 337–52.

<sup>24</sup> Hoel and Gelb, *Mandatory Sentencing*.

<sup>25</sup> Marc Mauer, *Testimony before the U.S. Congress* (Washington DC: House of Judiciary Committee, 1994).

<sup>26</sup> Eric G Lambert, Alan Clarke, and Janet Lambert, "Reasons for Supporting and Opposing Capital Punishment in the USA," *Internet J Criminol* 1 (2004): 1–34.

<sup>27</sup> Robert M Bohm, "American Death Penalty Attitudes: A Critical Examination of Recent Evidence," *Criminal Justice and Behavior* 14, no. 3 (1987): 380–96.

<sup>28</sup> Bohm, "American Death Penalty Attitudes: A Critical Examination of Recent Evidence."

<sup>29</sup> Lambert, Clarke, and Lambert, "Reasons for Supporting and Opposing Capital Punishment in the USA"; Stephen E. Barkan, *Criminology: A Sociological Understanding* (New Jersey: Prentice Hall, 2012).

<sup>30</sup> Du Preez and Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches."

<sup>31</sup> Anthony N Doob and Cheryl Marie Webster, "Sentence Severity and Crime: Accepting the Null Hypothesis," *Crime and Justice* 30 (2003): 143–95.

<sup>32</sup> Du Preez and Muthaphuli, "The Deterrent Value of Punishment on Crime Prevention Using Judicial Approaches."

<sup>33</sup> William Spelman, "What Recent Studies Do (and Don't) Tell Us about Imprisonment and Crime," in *Crime and Justice: A Review of Research*, vol. 27 (Chicago: University of Chicago Press, 2000).

<sup>34</sup> Spelman, "What Recent Studies Do (and Don't) Tell Us about Imprisonment and Crime."

<sup>35</sup> Paul Gendreau, Claire Goggin, and Frances T. Cullen, *The Effects of Prison Sentences on Recidivism* (Ottawa: Public Works and Government Services Canada, 1999).

an average of 30 months had a 29% recidivism rate, compared to a 26% recidivism rate among offenders incarcerated for an average of 12.9 months. However, low-risk offenders who were incarcerated for a shorter period were 4% less likely to re-offend, as compared to low-risk offenders who were incarcerated for longer periods. It can therefore be argued that with shorter periods of incarceration, offenders will likely maintain their family, as well as ties to the society and employers, all of which are essential for successful re-entry into communities. On the other hand, with lengthy periods of incarceration, offenders have high chances of becoming institutionalised into criminal life, losing pro-social contacts in their respective communities, and they are removed from legitimate opportunities, all of which lead to high recidivism rates.<sup>36</sup> There have also been concerns that during the period of incarceration, offenders may learn the antisocial behavioural subculture norms from other inmates, in a process known as prisonisation.<sup>37</sup> Thus, prisons may become “schools of crime” in which offenders learn new ways of engaging in crime and a training platform for offenders instead of being a rehabilitation home.<sup>38</sup> Through association with other more experienced offenders, new inmates may adopt the older inmates’ deviant value systems, thus enabling them to learn new ways of offending.<sup>39</sup> These connotations have led to the preconception that the prison system is not capable of producing citizens who would be free from crime upon release. Following Howard’s position, Obioha argued from the labelling point of view, that “a prison is a place for vagrants, who may pose an actual danger to social life in the larger society, which pre-supposes that every person in the prison is a vagrant and irresponsible person.”<sup>40</sup>

### Approaches to Crime Prevention

While there are numerous crime prevention strategies and techniques, this section will look at the three broad approaches, namely, primary, secondary and tertiary crime prevention. With primary crime prevention, the focus will be on addressing social and situational factors. For social crime prevention, the focus will be on addressing factors that influence a person’s likelihood of committing a crime, and these factors include poverty and unemployment, poor health, and low educational performance.<sup>41</sup> Notable examples of social crime prevention include school-based programs and society-based programs like neighbourhood action groups which are aimed at promoting shared community ownership.<sup>42</sup> The aim of situational factors is to address the environment, for instance, the design of buildings and landscapes.<sup>43</sup> Brantingham and Faust summarise primary crime prevention as crime prevention that is aimed at modifying the criminogenic conditions in the social and physical environment.<sup>44</sup> Secondary crime prevention is aimed at changing people, especially those who are at risk of embarking on a criminal career path.<sup>45</sup> This will be focused on rapid and effective early interventions such as youth programs, and neighbourhoods that are perceived to be having high risk.<sup>46</sup> Early identification of deviants, pre-delinquent screening, targeted individual intervention and

<sup>36</sup> Thomas Orsagh and Jong -Rong Chen, “The Effect of Time Served on Recidivism: An Interdisciplinary Theory,” *Journal of Quantitative Criminology* 4 (1988): 155–71.

<sup>37</sup> Orsagh and Chen, “The Effect of Time Served on Recidivism: An Interdisciplinary Theory”; E E Obioha, “Prison Culture in Nigeria; A Study of Life within Agodi Prison Community, Ibadan,” Unpublished M. Sc. Thesis, Department of Sociology, University of Ibadan, Nigeria, 1995; Mugari, *An Introduction to Criminological Theory, Penology and Crime Prevention*.

<sup>38</sup> Steven N Durlauf and Daniel S Nagin, “Imprisonment and Crime: Can Both Be Reduced?,” *Criminology & Public Policy* 10, no. 1 (2011): 13–54.

<sup>39</sup> Darrell Steffensmeier & Ulmer T. Jeffrey, *Confessions of a Dying Thief* (New Brunswick, NJ: Aldine/Transaction, 2005).

<sup>40</sup> Obioha, “Challenges and Reforms in the Nigerian Prisons System.”

<sup>41</sup> Australian Institute of Criminology (AIC), *Crime Reduction Matters* (Australia: AIC, 2003).

<sup>42</sup> Australian Institute of Criminology (AIC), *Crime Reduction Matters*.

<sup>43</sup> Martin A Andresen and Greg W Jenion, “Crime Prevention and the Science of Where People Are,” *Criminal Justice Policy Review* 19, no. 2 (2008): 164–80.

<sup>44</sup> Paul J Brantingham and Frederic L Faust, “A Conceptual Model of Crime Prevention,” *Crime & Delinquency* 22, no. 3 (1976): 284–96.

<sup>45</sup> Brantingham and Faust, “A Conceptual Model of Crime Prevention.”

<sup>46</sup> Brantingham and Faust, “A Conceptual Model of Crime Prevention.”

neighbourhood programs are the secondary crime prevention techniques that are proffered by Andresen and Jenion.<sup>47</sup> With tertiary crime prevention, the focus will be on the operation of the criminal justice system, which includes law enforcement and courts, and tackles offending after it has occurred. Societal treatment, institutional treatment, punishment, training and institutional custody are the main forms of tertiary crime prevention.<sup>48</sup> Tertiary crime prevention is also directed at the prevention of recidivism. An important observation in relation to crime prevention techniques is the time horizon.<sup>49</sup> Primary crime prevention is long-term; secondary crime prevention is short-to-medium term; and tertiary crime prevention is immediate.

## **METHODOLOGY**

### **Area of Study and Sampling**

This study was conducted in the Mthatha policing area. Mthatha is among the most populated towns in the Eastern Cape Province of South Africa and has a population of 210,783. The headquarters of King Sabata Dalindyebo Local Municipality (KSD) is housed in Mthatha, with the town being the capital of the OR Tambo District Municipality. Mthatha town is home to people of different races including Africans, Whites, Indians and Coloureds. Data for this study was collected from a sample of 90 respondents who voluntarily participated in the study. This set of respondents, from age 18, and including all races was selected from a large population of the Mthatha policing area. Respondents were selected using purposive sampling and snowball sampling techniques. The researchers started by identifying key respondents based on their perceived appreciation of court sentencing issues, which was the most important among other inclusion criteria. From these persons, researchers were referred to other participants.

### **Instrument and Data Analysis**

The study adopted a quantitative research design in the form of a survey, wherein closed-ended questionnaires were used to gather data. The questionnaire was divided into three sections. Section A of the questionnaire dealt with the demographic profile of the respondents. Section B focused on the effectiveness of court sentencing and comprised eight assertions on the efficacy of court sentencing on crime prevention. Section C dealt with crime prevention strategies and also comprised assertions for which respondents were supposed to indicate their level of agreement to the assertions. The respondents indicated their preferred response on a 4-point Likert scale. Responses were analysed using the Statistical Package for Social Sciences (SPSS) for analysis, and the presentation of data was done on tables to reveal descriptive statistics and inferential statistics.

## **RESEARCH FINDINGS**

### **Effects of Court Sentencing**

The assertion that offenders get a chance to renew their lives while they are in prison topped the list among effects of court sentencing, with a mean of 3.27. An overwhelming majority (92.2%) were inclined to agree with the assertion, within which 57.8% agreed and 34.4% strongly agreed. This was followed by the assertion that when sentenced, most criminals' behaviour gets worse. The assertion had a mean statistic of 3.20, with an overwhelming majority inclined to agree (51.1% agreeing and 34.4% strongly agreeing) with the assertion. In the third place was the assertion that offenders are prevented from committing future crimes by being kept in prison away from the society, and had a mean statistic of 3.13. Two-thirds of the respondents agreed with the assertion, while 23.3% strongly agreed. The assertion that criminals learn to be law abiding citizens when they get in contact with the criminal justice system had a mean statistic of 3.02. Slightly above half (52.2%) agreed with the assertion, while 26.7% strongly agreed.

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<sup>47</sup> Andresen and Jenion, "Crime Prevention and the Science of Where People Are."

<sup>48</sup> Andresen and Jenion, "Crime Prevention and the Science of Where People Are."

<sup>49</sup> Brantingham and Faust, "A Conceptual Model of Crime Prevention."

The assertion that a court sentence ensures that the offender gets the punishment they deserve had a mean of 2.97, which gravitates towards agree. Almost three-quarters of the respondents were inclined to agree with this assertion (with 45.6% agreeing and 27.8% strongly agreeing). This was followed by the assertion that a court sentence prevents future crime by posing harsher punishment to offenders, with a mean of 2.94 and almost three-quarters of the respondents inclined to agree with the assertion. On the last position were the assertions: “court sentence ensures that criminals get the chance to acknowledge and repair the harm done to the victim”; and “court sentence affirms the offenders’ self-worth”, with a mean statistic of 2.93 apiece.

**Table 1: Results on effects of court sentencing in South Africa**

	Strongly disagree	Disagree	Agree	Strongly agree	N	Mean	Chi-square	Df	Sig
Most criminals when sentenced their criminal behaviour gets worse	0	13 14.4%	46 51.1%	31 34.4%	90	3.20	18,20	2	0,000
Criminals learn to be law abiding citizens when they get in contact with the criminal justice system	3 3.3%	16 17.8%	47 52.2%	24 26.7%	90	3.02	45,55	3	0,000
Court sentence prevents future crime by posing harsher punishment to offenders	4 4.4%	19 21.1%	45 50.0%	22 24.4%	90	2.94	38,26	3	0,000
Offenders are prevented from committing future crimes by being kept in prison away from the society	0	9 10.0%	60 66.7%	21 23.3%	90	3.13	47,40	2	0,000
Offenders get a chance to renew their lives while they are in prison	0	7 7.0%	52 57.8%	31 34.4%	90	3.27	33,80	2	0,000
Court sentence ensures that the offender gets the punishment they deserve	4 4.4%	20 22.2%	41 45.6%	25 27.8%	90	2.97	30,97	3	0,000
Court sentence ensures that criminals get the	4 4.4%	17 18.9%	50 55.6%	19 21.1%	90	2.93	50,71	3	0,000

chance to acknowledge and repair the harm done to their victims									
Court sentence affirms the offenders self-worth	1 1.1%	20 22.2%	53 58.9%	16 17.8%	90	2.93	64,04	3	0,000

The following are the results that came out when the chi-square test was performed: Most criminals when sentenced their criminal behaviour gets worse;  $\chi^2=18.20$ ; the degree of freedom for the test is 2; the corresponding p-value  $<0.001$ . Criminals learn to be law abiding citizens when they get in contact with the criminal justice system ( $\chi^2=45.55$ ;  $df=3$  and P-value  $<0.001$ ). Court sentence prevents future crime by posing harsher punishment to offenders ( $\chi^2=38.26$ ;  $df=3$  and p-value  $<0.001$ ). Offenders are prevented from committing future crimes by being kept in prison away from the society ( $\chi^2=47.40$ ;  $df=2$  and p-value  $<0.001$ ). Offenders get a chance of renewing their lives while they are in prison ( $\chi^2=33.80$ ;  $df=2$  and p-value  $<0.001$ ). Court sentence ensures that the offender gets the punishment they deserve ( $\chi^2=30.97$ ;  $df=3$  and p-value  $<0.001$ ). Court sentence ensures that criminals get the chance to acknowledge and repair the harm done to the victim ( $\chi^2=50.71$ ;  $df=3$  and p-value  $<0.001$ ). The court sentence affirms the offender’s self-worth ( $\chi^2=64.04$ ;  $df=2$  and p-value  $<0.001$ ). Mathematically it is said that the smaller the p-value, the more significant the results are. More importantly, based on the chosen significance level which is  $P<0.05$ , all the statements relating to the effect of court sentencing are significant. This means that citizens’ responses differ significantly, with agreement being the representative position.

### Crime Reduction Strategies

The use of early childhood intervention to prevent crime topped the least among the suggested strategies to deal with crime. The assertion that the use of early childhood intervention to prevent crime may be the solution had a mean of 3.32, with an overwhelming majority (97.7%) inclined to agree with the assertion. This was followed by the suggestion that more skilled and experienced people should be appointed to leadership positions to fight crime. The suggestion had a mean statistic of 3.28, with 47.8% agreeing to the assertion and 42.2% strongly agreeing to the assertion. In third place was the suggestion that the main focus must be on the prevention of crime rather than fighting it, with a mean of 3.26. An overwhelming majority (87.8%) were inclined to agree with the suggestion, with 46.7% agreeing and 41.1% strongly agreeing. Next was the suggestion that violence must be treated as a public health concern and had a mean of 3.24. An overwhelming majority were also inclined to agree with the suggestion, with 57.8% agreeing and one-third strongly agreeing with the suggestion.

**Table 2: Results suggested crime reduction strategies**

	Strongly disagree	Disagree	Agree	Strongly agree	N	Mean	Chi-square	Df	Sig
Bringing back the death penalty in South Africa murder crime can be reduced	12 13.3%	20 22.2%	22 24.4%	36 40.0%	90	2.91	13,289	3	0,004
If saps can work strategically with other departments and	1 1.1%	16 17.8%	46 51.1%	27 30.0%	90	3.10	47,867	3	0,000

civil society crime can be deterred									
More skilled and experienced people are appointed to leadership positions to fight crime	4 4.4%	5 5.6%	43 47.8%	38 42.2%	90	3.28	58,178	3	0,000
The focus must not be on poverty alone as a cause of crime and look at other factors	4 4.4%	18 20.0%	44 48.9%	24 26.7%	90	2.98	36,756	3	0,000
The main focus must be on the prevention of crime rather than fighting it	3 3.3%	8 8.9%	42 46.7%	37 41.1%	90	3.26	52,489	3	0,000
The programmes should focus on the population group that mostly commits violent crimes	1 1.1%	16 17.8%	47 52.2%	26 28.9%	90	3.09	49,644	3	0,000
The use of early childhood intervention to prevent crime maybe the solution	2 2.2%	57 0%	31 63.3%	0 34.4%	90	3.32	50,467	2	0,000
Violence must be treated as a public health concern	0	8 8.9%	52 57.8%	30 33.3%	90	3.24	32,267	2	0,000
The focus must be mainly on hotspots	0	10 11.1%	58 64.4%	22 24.4%	90	3.13	41,600	2	0,000

The suggestion that the focus must be mainly on hotspots had a mean of 3.13. Almost two-thirds (64.4%) agreed with the assertion, while 24.4% strongly agreed. Next was the suggestion that if Saps can work strategically with other departments and civil society crime can be deterred and had a mean of 3.10. Majority of the respondents were also inclined to agree with the assertion, with 51.1% agreeing and 30% strongly agreeing. Closely following was the suggestion that the programmes should focus on the population group that mostly commits violent crimes and had a mean of 3.09, with 81.1% inclined to agree with the suggestion. Below the 3.0 mean threshold were the suggestions that the focus must not be on poverty alone as a cause of crime and look at other factors and that by bringing back

the death penalty in South Africa murder crime can be reduced, with mean statistics of 2.98 and 2.91, respectively.

The following are the results that came out when the chi-square test was performed: By bringing back the death penalty in South Africa murder crime can be reduced ( $\chi^2=13.28$ ;  $df=3$  and  $p$ -value = 0.004). If SAPS can work strategically with other departments and civil society crime can be deterred ( $\chi^2=47.86$ ;  $df=3$  and  $p$ -value <0.001). If more skilled and experienced people are appointed in leadership positions to fight crime ( $\chi^2=58.17$ ;  $df=3$  and  $P$ -value <0.001). The focus must not be on poverty alone as the cause of crime and look at other factors ( $\chi^2=36.75$ ;  $df=3$  and  $p$ -value < 0.001). The main focus must be on prevention rather than fighting it ( $\chi^2=52.48$ ;  $df=3$  and  $p$ -value <0.001). The programmes should focus on the population group that mostly commits violent crimes ( $\chi^2=49.64$ ;  $df=3$  and the  $p$ -value < 0.001). The use of early childhood intervention to prevent crime may be the solution ( $\chi^2=50.46$ ;  $df=2$  and the  $p$ -value < 0.001). Violence must be treated as a public health concern ( $\chi^2=32.26$ ;  $df=2$  and the value of  $P$  is < 0.001). The focus must be mainly on hot spots ( $\chi^2=41.60$ ;  $df=2$  and the  $p$ -value is <0.001). Summarily, since the chosen value of  $P$  is <0.05, it is evident that the results of the test are significant as shown in the table above. This means that citizens' responses differ significantly, with agreement being the representative position.

## DISCUSSION

Results of the study reveal that respondents believe in the reformatory effects of imprisonment as shown by the overwhelming majority's agreement with the assertion that offenders get a chance of renewing their lives while they are in prison. This finding resonates with the reformatory theory of punishment, which according to previous researchers,<sup>50</sup> provides that punishment can lead to crime reduction if it is aimed at the offender's character so that he or she is less likely to re-offend in the future. Surprisingly though, results of the study also indicate the respondents' belief that offenders' criminal behaviour gets worse when they are sentenced. Though this finding casts doubt on the deterrent effect of court sentencing, previous studies confirmed that longer prison sentences were associated with high rates of recidivism.<sup>51</sup> With longer prison sentences and as confirmed by previous researchers,<sup>52</sup> offenders learn new skills of crime through prolonged association with other criminals, thus adopting older inmates' deviant value system. It also follows that the cutting of family and other social ties, as well as the closure of employment opportunities through tainted backgrounds, will all increase the incidents of recidivism.

Notwithstanding the finding that offenders' criminal behaviour gets worse when they are sentenced, findings also confirm the preventive or deterrent effect of court sentencing. It logically follows that the offenders will be deterred from engaging in criminal activities during the period of incarceration and this resonates with Doob and Webster's view that a lengthy period of incarceration should prevent offenders from re-offending by incapacitating them.<sup>53</sup> However, contrary to this logical reasoning, scholars have shown that the outcomes of prison sentences have become ironical in most cases, where instead of being a reformatory institution, the prison system tends to reinforce criminal behaviour.<sup>54</sup> Specific deterrence, as argued by Du Preez and Muthaphuli, performs three preventive functions of deterrence, namely: through taking away the offender's physical power either through incarceration or capital punishment; removing the desire to offend through the infliction of punishment; and through intimidation or fear of being punished. The effect of sentencing on specific

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<sup>50</sup> Bagaric, *Punishment and Sentencing: A Rational Approach*.

<sup>51</sup> Orsagh and Chen, "The Effect of Time Served on Recidivism: An Interdisciplinary Theory"; Gendreau, Goggin, and Cullen, *The Effects of Prison Sentences on Recidivism*.

<sup>52</sup> Darrell Steffensmeier and Jeffrey T. Ulmer, *Confessions of a Dying Thief* (New Brunswick, NJ: Aldine/Transaction, 2005); Durlauf and Nagin, "Imprisonment and Crime: Can Both Be Reduced?"; Mugari, *An Introduction to Criminological Theory, Penology and Crime Prevention*.

<sup>53</sup> Doob and Webster, "Sentence Severity and Crime: Accepting the Null Hypothesis."

<sup>54</sup> Obioha, "Prison Culture in Nigeria: A Study of Life within Agodi Prison Community, Ibadan"; Orsagh and Chen, "The Effect of Time Served on Recidivism: An Interdisciplinary Theory"; Steffensmeier and Ulmer, *Confessions of a Dying Thief*; Mugari, *An Introduction to Criminological Theory, Penology and Crime Prevention*.

deterrence also resonates with the finding that criminals learn to be law abiding citizens when they get in contact with the criminal justice system. The effects of punishment on general deterrence are confirmed by the agreement to the assertion that a court sentence prevents future crime by posing harsher punishment to offenders. As argued in a previous study by Du Preez and Muthaphuli, the miserable fate of those who fall into crime (through harsh punishment) threatens the rest of society and keeps them in line. Ultimately, the court sentence will not only deter the sentenced criminals from future engagement in crime but will also deter numerous other members of the society from engaging in criminal activities by setting an example of what will befall law-breakers.

Despite the fact that most of the effects of court sentencing revolve around reformation, crime prevention and deterrence, the findings also revealed that the respondents believe in the retributive effect of punishment. This is shown by the finding on the assertion that a court sentence ensures that the offender gets the punishment they deserve. In resonance with Bagaric's argument on the retributive effect of punishment, offenders deserve to suffer, and punishment should be proportionate to the harm that would have been caused by the offender.<sup>55</sup> It can be argued that it is the suffering that the offender goes through which will produce the deterrent and preventive effects of punishment.

Regrettably, this study further found that court sentences do not necessarily ensure that criminals get the chance to acknowledge and repair the harm done to the victim. It, therefore, means that imprisonment for instance, as one of the outcomes of the sentence potentially takes away the guilt from the offender, as he or she reinforces the deviant behaviour while in incarceration. The non-acknowledgement of guilt and lack of remorse are enveloped in the euphoria of the temporariness of the sentence. This is usually the case where the sentence is unusually lenient and disproportionate to the offence. The more significant proportion of citizens believing that sentencing does not result in the repair of damage done resonates with the belief in retribution. This is confirmed in the response regarding the death sentence, where a significant proportion of the participants upheld the return of the death sentence, which may not be applicable as the most preferred crime reduction strategy, except for murder. The citizens' inclination to bring back the death penalty into the South African penal system finds support in the works of earlier retributivist theorists like Bohm, who endorse capital punishment only for the crime of murder. This feeling of bringing back the death sentence emanates from the reason that most murderers have become serial murderers, even after imprisonment and parole that follows. Although yet to be scientifically substantiated, some segments of the South African population seem not happy with a system that gives parole to a murderer. Similarly, the common populists' assumption, which may need scientific testing is that murderers are not afraid of any prison sentence because they are sure of being released on parole after a few years.

Results from an analysis of the preferred crime reduction strategies reveal that respondents favour primary and secondary crime prevention, as shown by the majority who suggested the use of early childhood intervention. This involves a commitment to the positive socialisation of children by families and significant others in South African society. Previous researchers have also noted that school-based programs and youth programs are primary and secondary crime prevention techniques that will help to reduce criminal activities.<sup>56</sup> This strategy is not only an inexpensive mechanism to maintain, in terms of crime prevention fiscal costs but also a strategy that involves every member of the society. Findings also reveal that respondents consider police efficiency and effectiveness to be paramount, as shown by their suggestion for the employment of skilled and experienced people in police leadership positions. Perhaps another important finding, which resonates with long-term crime control focus, is that respondents favour crime prevention over responding to crime. In essence, they are against tertiary crime prevention techniques, which, according to AIC, focus on the operation of the criminal justice system and deal with offending after it has happened. Notwithstanding the respondents' inclination towards primary and secondary crime prevention techniques, hotspot policing, which focuses on the concentration of policing efforts in areas that have high crime incidents,

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<sup>55</sup> Bagaric, *Punishment and Sentencing: A Rational Approach*.

<sup>56</sup> Brantingham and Faust, "A Conceptual Model of Crime Prevention"; Australian Institute of Criminology (AIC), *Crime Reduction Matters*.

as well as the multi-agency approach to policing, were also viewed as important crime prevention strategies. These two techniques are, however, tertiary crime prevention techniques. In the end, respondents favour long-term proactive crime prevention strategies as opposed to short-term reactive crime prevention strategies.

## CONCLUSION

This study explored the citizens' perspectives on the potency of court sentencing on crime control in the Mthatha policing area of South Africa. The results of the study reveal varied opinions pertaining to the effect of court sentencing on crime prevention. The fact that offenders get a chance of renewing their lives while they are in prison topped the list of effects of court sentencing. While this finding shows an inclination towards the reformation of the offender, there is also a belief that when offenders are sentenced, their criminal behaviour gets worse. This results in a lack of sense of guilt, and unpreparedness to make amends or acknowledge the wrongdoing and repair the harm done to the victim. The preventive effect of court sentencing was also confirmed in this study and this preventive effect is two-pronged: first, offenders are removed from the society, thereby incapacitating them; and second, stiffer penalties will deter the offenders from future offending. From the findings on the potency of court sentencing, the study recommends sentencing policing and correctional schemes that largely promote offender rehabilitation. As regards crime prevention, respondents mainly favour primary and secondary crime prevention techniques, which are more proactive than reactive, as shown by the majority's support of early childhood interventions. It has become evident from this study that reliance on taking the necessary steps to ensure that children are positively socialised and cultured in the society seems to be the key to long-term crime reduction and prevention in South African society. As the benefits of early childhood positive socialisation in controlling crime prevention are real, the researchers, therefore, recommend full implementation of various aspects of this strategy. Police efficiency and effectiveness through sound recruitment policies were also considered instrumental in crime prevention, in addition to other strategies such as hotspot policing and multi-agency approach to policing. A positively socialised and raised youth population, who have come through various early childhood formation mechanisms will translate to the availability of fit-for-purpose candidates for police recruitment.

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