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Crime Situations and Reaction of Criminal Justice System in Oromia, Ethiopia

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Crime Situations and Reaction of Criminal Justice System in Oromia, Ethiopia

Nega Jibat ^α & Berhanu Nigussie ^σ

Abstract- This study examined crimes situations and reaction of criminal justice system in Oromia, Ethiopia. It attempted to analyze incidence and types of crime, determine crime and criminal rate, appraise the efficiency and measures taken by criminal justice system, and provide possible explanations on crime situations using a selected theoretical framework. Socio-cultural theoretical frame work is used in explaining factors of crime. The study was conducted in Oromia National Regional State for a year 2011/12. Document or secondary data analysis of official crime statistics was used to gather information on the issues under investigation. In addition, key informant interviews were employed with police officers and record keepers. Primary and secondary data sources were collected using checklist and interview guides. Descriptive statistics was primarily used to analyze the aggregate data compiled from the police statistics. Thematic analysis was employed for qualitative information. A total of 54,852 crimes were recorded in Oromia in 2011/12. Out of the total crimes committed in the region, the majority (70%) of crimes were reported from rural areas compared to urban centers. The top five zones with the largest number of total crimes in 2011/12 were Eastern Wollega, Western Wollega, Western Showa, Eastern Showa, and Northern Showa zones in a decreasing order. Violent or crimes against the person was on the top in terms of volume followed by "other crimes". Aggravated assault was the single most crime item which constituted about 30 percent of all the 43 crime items. The crime rate was 200 per 100,000 people; offenders to offenses ratio was 1.76 and 2.62 for the total and violent crimes respectively. Criminal rate for population over 15 years old was 715 per 100,000 people. The top ten crimes in terms of number of total crimes recorded accounted for more than 90 percent of all. The court process of dealing with suspected offenders is characterized by inefficiency as most of the cases (85 percent) were pended to the next year.

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I. INTRODUCTION

All societies label certain actions as crimes and punish those who commit them (Finsterbusch, 2004: 279). Social control provides sanctions and operates in the context of all socially patterned behavior. Informal social controls operate more effectively with violations of social norms such as folkways, mores, and public sentiments. Replacement of primary relationships by the secondary one, detachment and replacement,

displacement and cultural hybridity in urban areas are among the factors contributes for the difference of crime extent between urban and rural areas. The effectiveness of informal social control is weakened by the diversity of sub-cultural norms, life-styles, and occupational activities.

Oromia is characterized by its central position in the country hence the hottest social, economic, and political interactions take place in it compared to other regions in the country. Oromia is strategically and geographically located at center and shares boundaries with all regions in Ethiopia except Tigray. Oromia also hosts the capital city, Addis Ababa and is populated by large number of people and inhabited by a heterogeneous population. All these have their own implications on the crime situations that need investigation. Usually, public claims are heard about different crime incidences; there are developments of new technologies and ideas that facilitate some criminal activities and serious crime problems are reported to the police and transmitted through the media. Crimes against the person, crimes against property, crimes against state and municipal regulations, and white collar crimes (corruption) are frequently claimed in the region. Crimes against public morality and public order such as drug abuse, and sexual norm violations are also commonly observed.

Finally, there is a critical gap of research as far as types, incidence, rate, correlates, and patterns of crime as well as response to criminal behavior in Oromia is concerned. Andargatchew (1988) dealt with patterns and trends of crime at the national level. Daniel (2004), Workneh (2007), and Nega (2011) have conducted study on different aspects of crime in Addis Ababa. However, no research that specifically focused on Oromia National Regional State has been conducted to uncover the incidence and factors of crime. This study was, therefore, to analyze incidence and types of crime; determine crime and criminal rate; appraise the efficiency and measures taken by criminal justice system particularly the court and the police, and provide possible explanations on crime situations using a selected theoretical framework. Next, operational definitions of some terms are presented.

Crime: behavior violates provisions of Ethiopian Criminal Law (2004). That is, the legal definition of crime is used in this research.

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Number of offenses: is the total number of crimes/offenses known to and recorded by the police. The term 'offense' is also interchangeably used with 'crime'.

Number of offenders: refers to the total number of criminals known to and recorded by the police. The term 'offender' is also interchangeably used with 'criminal'.

II. THEORETICAL FRAMEWORK

Of the three models of explanation of crime (Biological, Psychological and Sociological), sociological theories are used as a framework. Here, the aim is not to pick and choose a single theory so as to fit into the study but to adopt some theories as possible explanations of understanding correlates of crime. Criminologists agree that understanding the true cause of crime remains a difficult problem (Seigel, 2003: 15). Searching for a 'single' cause in crime studies begs for attempting to deal with only parts of the issue. Such attempts would eliminate the possible 'causal' explanation of a variety of phenomena. This view of causation is inappropriate because of the existence of multiple causes, or factors in human behavior (Shoemaker, 1996: 6). That is, it is quite difficult to identify a single factor that independently determines features of crime. Only possible explanations could be provided on the identifiable aspects of crimes. Theories of crime attempt to explain crime, not to determine causality. Modern criminological theories are the turning away from the search for final causes and are dealing with probabilities rather than demanding misleading certainty. Criminal responses are not regarded as the inevitable consequences of any single factor (Johnson, 1978: 81).

Sociologists focus on structural factors and social processes as explanatory factors of crime. Sociologists, in their use of a structural and cultural model, are more apt to look at societal conditions to explain crime (Kelly, 1990: 153). They emphasize the need for moving beyond individual pathology to a broad investigation of socio-cultural roots of crime. Explanations of crime and delinquency as an individual-level phenomenon fail to account for the consistent social patterns. According to structural model, crime is best seen as an expression of structural changes in the economy, opportunities, societal values, and changing roles and relationships. Sociologists look at the social forces producing criminal behavior, including neighborhood condition, poverty, socialization, and group interaction (Siegel, 2003: 14).

III. METHODS AND MATERIALS

Secondary research and key informant interview was employed in a comparative approach. Compilation of police/crime statistics was used to gather information.

Key informant interview with 10 police officers, record keepers and commissioners were employed. Coleman and Moynihan (1996) indicated that the data obtained from police statistics is the highest level at which the best and the most reliable information can be secured for types, correlates, incidence, rate and trends of investigation. Siegel (2003, 55) also recognizes that criminal statistics is a valid data to measure of crime patterns, types and trends. The police statistics may be incomplete and probably inaccurate, but are reliable enough to uncover broad trends.

Checklist and semi-structured interview guide was used as tools of data collection. Descriptive statistics was used to analyze the official data to determine rates, proportion/percentage and incidence of crime situations. Thematic analysis was simultaneously used for the qualitative information. Frequencies, percentages, ratios, and rates were widely employed in analyzing the police data; and presented using tables. Although statistical manipulation have some limitations, necessary cautions were taken in analyzing data, interpreting findings, and drawing conclusions. The aggregate official numerical data was obtained from Oromia Police Commission. The data was systematically compiled to make it ready for analyses.

IV. RESULTS AND DISCUSSIONS

a) *Incidence of Crimes by Types*

Incidence of crime was determined with the objective to see the total number of offenses committed in the region during that particular year. A total of 54,852 crimes were recorded in Oromia in 2011/12. The majority of crimes, 37, 917 crimes (69.1%), were reported from rural areas compared to urban centers, 16,935 crimes (30.9%). However, this does not prove that rural Oromia is more crime prone than its counter urban setting because it is crime rate, not percentage share, that shows clearer image of criminal tendency. Rural area with 88 percent of total population contributed only about 69 percent of crime incidences where as urban centers with less than 15 percent population produces about 31 percent of the crimes. That is, urban settings are more crime prone than rural areas.

Table 1 : Total Number and Rural-Urban Distribution of Crimes in Oromia, 2011/12

Setting	Number of Crimes	Percentage
Rural	37, 917	69.13%
Urban	16,935	30.87%
Total	54,852	100%

Source: Oromia Police Commission, 2012

The implication is that urban centers where formal social control but inefficient are more suitable for

criminal behaviors than rural areas whereby there are stronger informal social control. Yet we should not undermine the possible effects of having less interaction between criminal justice systems and potential criminals (and actual criminals) in rural areas than urban centers. Many disputes that involve criminal acts could be traditionally resolved in rural communities hence remain escaped from the police statistics. Legal vs traditional conceptualization of crime may also differ crime counting. Hence, crimes and criminals are differentially treated in different contexts that beg for diversified prevention and control strategies.

b) Zonal Distribution of Crime

Interview results show that there is variation of crime distribution by zone. The top five zones with largest number of total crimes in Oromia in 2011/12 were: Eastern Wollega, Western Wollega, Western Showa and Eastern Showa, and Northern Showa in decreasing order. Hows and whys of such variations need further investigation in the future. Northern Showa is uniquely known for higher rate of murder compared to other zones of Oromia. Strong revenge tradition in the area and inefficient replacement of indigenous conflict resolution mechanism by formal dispute handling play major roles. Court system has no mechanism of

managing relations between the two groups. i.e, it cannot check possible revenge.

c) Classification, Incidence and Proportion of Major Types of Crimes

In this research crimes are classified in to three for the sake of comparative analysis. The three typologies of crime include crimes against the person, crimes against property, and "other crimes". Accordingly, property crimes accounted for 13725 (25%) of the total incidence of crime recorded in the region. This is relatively a lesser proportion compared to property crimes in many countries including crimes reported in Addis Ababa (40%) during the decade of 2001-2010. This result contradicts findings and explanations of many criminologists on the share of property crimes among the total crime. It has been commonly understood that property crime is the largest category of crime in most countries. One of the possible explanations in this regard is rural-urban differences in terms of property distribution. The reason is that there are larger and variety of properties that can be targeted in urban setting whereas land, water, crops, animals and trees/forests are the limited targets of property crimes in rural areas.

Table 2 : Comparison of Crimes against the Person, Property and Other Crimes, 2011/12

No.	Crime categories	Frequency of each Crime Category	Percentage of each Crime Category
1	Crimes Against the Person	20805	37.93
2	Crimes Against Property	13725	25.02
3	Other Crimes	20322	37.05
	Total	54,852	100

Source: Oromia Police Commission, 2012

Property crimes are more prevalent in urban centers than rural areas and its size increases with growing urbanization. Property crimes are characterized by less clearance rate compared to violent crimes. People's lose of trust and confidence on criminal justice system make them reluctant to report property crimes. They prefer to negotiate with the criminals to re-buy their own properties. Procedural difficulties in criminal justice system and fear of harassment by the offender frustrate victims from reporting their cases. Hence, many property crimes may not be reported by the victims to the police. It may not be recorded by the police even though it is reported because of different reasons related to administration, police discretions, political motives, and efficiency evaluation. Moreover, disagreements over the target properties in rural settings contribute to violent crimes than to property crimes.

The larger proportion of aggravated assault (30%) has conflict over land and its resources which turn to violent crimes including murder. The finding also contradicts a common explanation that positively associate economic growth and larger proportion of

property crimes. Fast and continuous economic growth has been reported in Ethiopia for the past 7/8 years. However, the positive association between economic growth and property crime incidence was not apparent in Oromia. Theoretical assumptions of this argument include: increasing demand and purchasing capacity of people; changes in consumption behavior and widening income inequalities

Therefore, economic growth (EG) and incidence of property crime rise together unless the former is properly managed. Applying critical approach to EG is an advantage. EG is not a guarantee for social well being and distributive justice unless it is manipulated in such a way during the plan. EG can only be a potential for equitable distribution not an assurance of equitable distribution (ED). Rather, ED is a matter of political commitment and responsive social policy. Relatively lesser unemployment rate in rural areas could minimize criminality. Limited accessibility to criminal justice system in general and the police in particular resulted in underreporting & under recording. In addition to shifting of property crimes into violent crimes, violent crimes

have higher clearance rate. As violent crimes involve physical injuries and loss of human life, they are less tolerable by the victim or general public. Hence, it draws more attention from the police.

Violent crimes contributed 37.9% of the total crimes reported in the region. Aggravated assault, murder and attempt of murder take the lion's share in the category. Aggravated assault, mainly over land, grass and water was about 16,514, which was 30% of all crimes and 80 percent of all violent crimes. This problem has remained in place in Ethiopia for long since the Emperor Regime (Andargatchew, 1998). One can smoothly conclude that strong dispute resolution mechanisms alternative to courts are required to restore

peace among the disputing parties. Above all, effective land (its resources) management is quite needed to minimize the hurt. Factors contributing towards dispute over land and its resources need to be identified and well addressed through both formal and informal social control mechanisms taking the realities on the ground into account.

d) *The Top Ten Crimes, 2011/12*

Now we will turn to the top ten most occurring crimes in the region. Of all 43 crime items in the police record list, the largest ten crimes in terms of size account for more than 90 percent of all crimes. Table 3 presents those crimes in decreasing order.

Table 3 : Volume and Percentage of the Top Ten Crimes in Oromia, 2011/12

S. No	Titles of Crimes	Category of crime	Total No. of Crimes	%
1	Aggravated assault	Violent	16514	30.12
2	Violations of rules and regulations	Others	10169	18.54
3	Miscellaneous theft/larceny	Property	8196	14.94
4	Social crimes	Others	7094	12.93
5	Breaching trust	Others	1863	3.40
6	Homicide	Violent	1717	3.12
7	Rape	Violent	1291	2.35
8	Attempted homicide	Violent	1188	2.17
9	Burning forest or deforesting	Property	1130	2.06
10	Robbery and snatching	Property	1021	1.86
Total			50183	91.49

A total of 1291 raping cases (including underage and women victims) were reported. Here it is very plausible to argue this figure is by far underreported because of the indignity that follows publicity of such cases and its secrete occurrences. Rape cases take place between a victim and a familiar offender who might be very important person in the life of the victim. The social negative consequences of publicizing of rape on the victim such as future marriage for girls and marital relationship on married women and public shaming can strongly prohibit reporting. Economic dependency and power relationship between the victim and the criminal may also play a significant role whether such case is reported or not. Ineffective legal procedure of providing eye witnesses seriously contribute for under reporting and recording rape case. Difficulty of getting medical evidence is another. It is logically difficult to get eye witnesses because sexual affair is inter-personal matter. The difficult of physically detecting whether rape has occurred or not increases as time spends between the event and its report.

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Homicide cases rarely remain unreported because it is considered as the most serious crime since it is loss of life; therefore, it is the most identifiable, reported and recorded crime. Attempted homicide and robbery are also among the better reported crimes, because they involve severe human threat. Therefore, crime statistics provides relatively better information on these crimes compared to other crimes. The implication is that these top ten crimes deserve special attention so as to effectively prevent and control their occurrence. Major contributing factors of each crime need to be

identified through rigors investigation to design evidence based implementation strategies.

Ethiopia. The crime rate was about 200. That is, 200 crimes were committed per 100,000 population or 2 crimes per 1000 people.

e) *Crime and Criminal Rate*

i. *Crime Rate*

The rate was calculated per 100,000 population based on 2007 Population and Housing Census of

Table 4 : Crime Rate in Oromia, 2011/12

Crime Categories	Number Crimes	Population	Crime Rate
Total Crimes	54852	27,158,471	201.97
Violent Crimes	20805	27,158,471	76.61
Property Crimes	13725	27,158,471	50.54
Other Crimes	20322	27,158,471	74.83

Source: Oromia Police Commission, 2012 and Projection from CSA, 2007

ii. *Ratio of Offenders to Offenses*

The ratio of offenders to offenses was 1.76. This shows that more than one offender could engage in an offense which in turn implies that crimes tend to be committed in group. That is, on average 2/3 offenders involved in a single offense. Accordingly, on average, 176 offenders were engaged in every 100 offenses. This

happens because conflict over land, water, and pasture tend to be group based in rural areas. Rural community is organized based on clan or kinship and resources are also communal in nature. Therefore, a single conflict over resources invites members of each party to engage in the criminal act hence all the participants will become part of the criminal statistics.

Table 5 : Offenders to Offenses Ratio by Crime Categories (nearest to 100)

Crime Categories	Number Crimes	Number of Offenders	Criminals/crime Ratio
Total Crimes	54900	96300	1.75
Violent Crimes	13700	35800	2.62
Property Crimes	20800	27000	1.30
Other Crimes	20300	33500	1.65

The implication is that strategies of prevention and control of violent crimes should target group dynamics than property crimes but without undermining the group nature of certain property crimes identified with larger criminal to crime ratio. That is, one-size-fits-all strategy does not help much.

iii. *Criminal Rate*

Criminal rate was determined based on the total number of convicted offenders and the total population of above 15 years. Under 16 populations were excluded from the calculation because the Ethiopian Criminal law considers them as juvenile delinquents, not criminals although the police crime format includes records of juvenile delinquents (age group 9-15). The rate was calculated per 100,000 population based 2007 Population and Housing Census of Ethiopia. The total population and population above age 15 of the region was 27,158,471 and 13,477,319 respectively hence the obtained criminal rate was 715. Or about 96,363 people are statistically offenders. Given 'the dark figure' (unknown crimes and unidentified criminals) in crime data, the actual criminal rate is unarguably expected to

be larger than 715. This implies that these 715 people/100,000 population are not fully productive citizens in the socioeconomic development endeavors. Therefore, crime concern goes beyond personal matters to affect larger socioeconomic, cultural and political structures and processes.

f) *Measures Taken on the Reported Crime Cases*

An overview of the 'offender'-criminal justice system interaction signifies the performance efficiency and effectiveness of the systems. There are six categories for the procedural measures taken on convictions at the end of the year based on Ethiopian calendar. The categories include: cases under investigation, closed cases, pended cases, sentenced/punished, set free and cases with escaped criminals.



Table 6 : Number and Percentage of Measures taken on Crime Cases, 2011/12, Oromia

	Measures Taken on the Cases						
	Cases Under investigation	Closed Cases	Pended Cases	Sentenced Cases	Suspected Set free	Criminals escaped	Total
Frequency	5940	272	46594	1397	93	556	54852
%	10.83	0.50	84.94	2.55	0.17	1.01	100

Pended cases accounted for 85% of all convictions in the year 2011/12 which implies that 46594 out of 54852 alleged criminals by the police but not yet proved by the court (who has the final say on the matter) awaited judgment. Cases under investigation accounted for 5940 (10.83 %) for which investigation process was not completed by the police at the end of the year. That is, the cases pass through slow or long investigation and court processes before receiving decision. Only 1762 (3.21%) cases were settled: 272 (0.5%) closed, 1397 (2.55%) sentenced, and suspected people for 93 (0.17%) were set free. The police could not apprehend criminals for 556 (1.01%) cases. These roughly indicate the extent of the ineffectiveness of the criminal justice systems' interaction with criminals particularly in settling the case timely. Yet this issue begs for further study hence this could not be the final conclusion. Long stay of convicted people in prison for suspicion of being offenders would negative effect on their future lives in one way or another. Although one cannot be labeled as 'criminal' until proven by the court in strict legal definition, interaction of someone with the criminal justice system in itself tend to harm his/her acceptance in the public. Practically, being convicted and jailed being suspected of offending even until set free as innocent citizen after some stay has labeling effect on the person/s. For one thing, even if when someone who was imprisoned for suspicion of offending is set free upon proving innocence, the record remain part of the crime statistics. In addition, the court judgment that declares the innocence of a person after imprisonment cannot equally nullify the label that has been already recognized by the public against the person in charge. Hence, taking necessary precautions as well as more effective, critical and responsive strategies is vital for criminal justice system.

V. CONCLUSIONS

Although larger number of crime was reported from rural areas, urban centers were more crime prone in Oromia. Differences in social control mechanisms in both areas could play important role among other possible factors such as recording problems and differential access to criminal justice system. Unlike in many other developing countries, crimes against property were not the largest in Oromia that partly implies there were limited properties that could be suitable targets of crime.

There is no positive association between economic growth and [property] crime incidence in Oromia as lower property crimes are registered in scenario of fast growing economy in the country. Hence, the economic growth could not be significant enough to produce fertile grounds such as increasing income inequalities, purchasing power, and luxuries consumptions of the people. Better employment opportunity in current context of rural Ethiopia is also another crucial factor in limiting the incidence of property crime. But, final conclusion about their relationship begs for further and robust investigation on the two variables using retrospective trend analysis. Unfortunately, this is unlikely because of limited data on both variables at the regional level for longer period. Yet influence of greater dark figures of crimes including property crimes and lower clearance rate of property crime on the variation should be given a due attention.

Dominance of serious violent crimes such as murder, attempted murder, and aggravated assault resulted from the weakening of customary conflict prevention and resolution mechanisms. This in turn resulted from the dominance of the formal social control, i.e, the criminal justice system, on these matters in particular. Yet lack of cooperation between the formal and informal conflict resolution mechanisms make the former inefficient to control such crimes.

Shortage of farm land, poor land management and alternative livelihood strategies in rural areas seem the structural forces behind the problem. Land and related resources have remained the primary source of crimes particularly that of violent crime. Dominance of violent crimes over that of property crimes as well as rural-urban population distribution also reflects that the region is less urbanized and industrialized. Differential organization of people in rural (kinship based) and urban settings (friendship based) differentially affect the nature of group violence.

The court process is too slow and inefficient in resolving them. Such inefficiency and ineffectiveness can result in accumulation of suspected offenders in prison without receiving justice for longer period of time so long as it is the court that decides whether the suspect is innocent or guilty.

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