

CHAPTER ELEVEN

THE POINT

11. POINT

Point refers to a four-square kilometre SAPS policing area adjacent to the beachfront of Durban. This is a site of recreational facilities including hotels, sports clubs, entertainment complexes and nightclubs situated between the heart of the city at West Street and the Esplanade, a grassy park that follows along the Eastern seashore. From North to South it falls between Aliwal Street and Seaview Road. The 2000 Census lists 55 000 residents for Point but the actual population is probably three to four times that figure owing to: (1) new construction--during 2007 alone, residences were built for 7000-10,000 people; (2) and the huge migratory population of tourists, shoppers, patrons and transients from day to night and seasonally.¹

The crime challenges at this site are significant. Not only is Point on the SAPS contact crime priority list for the province but this is one of the biggest transshipment points for drugs in the world and international drug dealers operate from the area. Some 1.5 million containers pass through the harbour every year (compare this to 300,000 for Cape Town).² The big drugs include Ecstasy, Crack, Heroin, Mandrax from the East and Cocaine from South America.

Owing to the great mix of tourists, transients, drugs and crime one finds these types of phenomena:

- Human trafficking (e.g., a bar called After Dark was bringing young Thai girls to the area promising them jobs but exploiting them as prostitutes).
- Brothels, sex workers, and escort agencies
- Illegal foreign nationals are found throughout the site
- The homeless gravitate here (both children and adults)
- There are many derelict buildings, slum lords, and vagrants

¹ The population statistics were provided by the SAPS Head of Crime Prevention, Senior Supt van der Westhuizen.

² Barford, Roy (June 5, 2005), 'Durban harbour an important stopover in world drugs trade', Sunday Tribune, p.6

One of the country's first CMPs, SPP Sunil Prithipal, set up community prosecution at the SAPS Point Station (with IPT support) in September 2005, eight months prior to the April 5, 2006 Induction Day that marked the official start of the pilot project. Even earlier in time, he helped to develop a community court at the site (late 2004). Unfortunately, he went on extended sick leave in September 2006 but during his time, he had a strong and visible impact on the landscape (cleaning up slum areas and closing down illegal taverns—see Section 11.7.2 below). However, after he left, his partnership structures and projects were not sustained because he was the principal driver.

In February 2007 SPP Val Melis came to replace Sunil Prithipal after a half-year gap. She reported facing a problem of credibility because many projects collapsed after CMP Prithipal departed. “This was not good for the NPA image,” she said and saw this as a lesson learnt: “one must be very careful about ownership issues.”³ SPP Melis decided to work with pre-existing structures and to develop strategic partnerships for crime prevention. Although this was the main strategy, she did spearhead a most promising new programme (Project Hope) aimed at reducing vagrancy.

11.2 THE IMPACT OF THE SITE ON PILOTING COMMUNITY PROSECUTIONS

Discussion pertains to the (1) advantages of the site; (2) challenges to the site for piloting; (3) the size of the pilot site and (4) analysis of the previous three factors.

11.2.1 Advantages of the site

The pilot site offered four major advantages for the CMP. First of all, it is a confined and manageable urban area of only four square kilometres. Quite unlike the rural area or some big peri-urban areas, the CMP did not have to travel far to meet with stakeholders, observe problems, or respond to issues that arise. This quickens the pace of delivery.

³ Melis, Val, Formal Interview, Durban, 13 August 2007.

Secondly, the Point SAPS Station (where the CMP office is located) embraced the NPA effort and offered many partnership advantages including:

- A top-rated crime analysis unit
- Top-rated performance--Point had the second highest reduction in contact crimes in the entire province during the pilot period
- Weekly meetings of SAPS commanders that the CMP attends every Monday
- Lifeline and NICRO offices, which allowed the CMP to make *immediate* referrals
- Sector policing, which enabled the CMP to meet with cohesive groups of stakeholders about particular crime problems in their areas
- A civilian member of SAPS (Leslie Smithwick) who does socioeconomic studies to *explain* crime patterns in Point like drug addiction, sex workers and homeless people, which SPP Val Melis described as extremely useful

Third, the community court (also at the SAPS station) offered many advantages including these:

- It enabled both CMPs to drive their strategies through the court
- It created a clear distinction between the community prosecutor and the SAPS Station (in the public mind)
- It provided additional prosecutors to support crime prevention programmes
- It helped with NPA/SAPS operations (e.g., when the CMP and SAPS cooperated on tavern closures, they confiscated the liquor and this required a destruction order, which they obtained immediately via the community court)

The court prosecutors also played such an important role in the crime prevention effort that the third bulleted point (above) should be detailed a little further:

- Prosecutors Cyril Ndwandwe and Nomalanga Njobe were an integrated part of developing the strategy to reduce crime in the Point
- They participated in outreach programmes
- They managed the Addington School project until December 2006 (in the months between the departure of Sunil Prithipal and his replacement by Val Melis)

- During the 5-6 month gap between community prosecutors, the court prosecutors filled in for the CMP at Monday morning SAPS operations meetings⁴

The community court location at the Point SAPS station also appeared to be an excellent situation for security reasons: this site was never affected by strikes and other civil action even while this occurred in the streets and outside the regular courts more than once during the time of piloting. This is because the court was on the grounds of a police station. By contrast, the other pilot site with a community court (Nyanga) was located directly in the community with little security and this facility was destroyed by arson in May 2006 (a new court replaced it during late 2007). Nonetheless, some participants in round-table discussion did not consider the CMP to be completely safe in her location (see Section 11.4.2).

The fourth major advantage to this site was the immediate and strong interest in the project by business investors. Hoteliers, business groups and developers (e.g., the Developers of Point Waterfront Management Association--DPWMA) are eager to sort out the crime problem in Point since it is a focus of tourism. SAPS Sector 5 is where business is concentrated and they helped to support projects driven by the CMP. For instance, various businesses with the support of Business Against Crime donated a 'morpho-touch' machine to SAPS (i.e., a thumbprint scanner that checks to see if someone is currently wanted by SAPS in terms of a warrant of arrest) and donated money for Operation Hope (the vagrancy project that SPP Melis set up).

11.2.2 Challenges to the site

There were four big challenges to effective community prosecution at the time of the evaluation study. First, for most of the pilot, the office lacked some basic equipment including a telephone and a photocopier (however, both items were delivered the week of the August 2007 evaluation study). The CMP lacked privacy too because she shared a

⁴ Ndwandwe, Cyril, Interview, Point Community Court, 14 August 2007

small space with a personal assistant and found it difficult to hold conversations on confidential matters like child neglect.⁵

Second, it was reported at the time of the baseline study that the pilot site had a good CCTV monitoring system for intelligence but during the course of piloting the facility became severely understaffed. At the time of the evaluation study, only seven people were available to man 240 CCTV cameras, of which 189 were in working order.⁶ Many cameras quit working and most criminals now understand how they work. “It can be a good investment,” said CMP Melis “but the criminals now look up to see where the camera is pointed!”⁷ Of course, the cameras can still help with crime operations. For instance in 2007, the police and CMP Melis made use of the CCTV camera to videotape, identify and arrest robbery suspects as they left the mall and travelled to the buyers and sellers of the stolen merchandise. This led to successful prosecutions.

Third, baseline surveys had suggested that there were some corrupt SAPS members participating in the crime prevention initiative (e.g., “law enforcement agencies are represented by members who are part of syndicates”⁸) and this still seemed accurate to CMP Melis at the time of the evaluation who commented, “One has to be aware of who *not* to trust!”⁹

Fourth, despite ongoing development in certain areas of Point (especially Sector 5), throughout the other four sectors, there are many dilapidated buildings with no electricity and no sanitation and these become occupied by vagrants, drug dealers, homeless youth, criminals and prostitutes.¹⁰

⁵ Melis, Val, Formal Interview with the CMP, 13 August 2007; Supt van der Westhuizen, SAP Point Crime Prevention, Interview, 15 August 2007

⁶ Beachfront Business Committee, Minutes of Meeting, 11 June 2007

⁷ Melis, Val, Formal Interview with the CMP, 13 August 2007

⁸ Facilitated Survey on Community Based Crime Prevention, Point SAPS Station, 10 May 2005)

⁹ Melis, Val, Formal Interview, Durban, 13 August 2007

¹⁰ This was observed on site tours and discussed with the SAPS Inspector Shabangu (Sector One Manager)

11.2.3 The size of the pilot site

The pilot site, all five sectors of the SAPS Point Policing Area, was 4 square kilometres. This did not cover the contiguous tourist zone of hotels, beachfront and recreation facilities. For instance, in terms of the policing area, the hotel where the round-table discussion with stakeholders took place on 15 August 2007 (the Southern Sun Elangeni Hotel) is mid-way along the strip of beachfront hotels and yet outside of the pilot site (part of SAPS Durban Central). It appears arbitrary to stop at one hotel along the strip and not include the next one. “If we deal with the Southern Sun—they have hotels up and down the strip,” said the CMP. “One cannot just stop randomly at a street corner if there are more clubs, hotels, recreational facilities running into Durban.”¹¹

There is another way to look at the pilot site (the area of the Point SAPS Station). For 15 rand, one can take a ‘people mover’ along a standard route from the Sun Coast Casino across the golden mile to the U Shaka Tourist area, then into Aliwal Street, along Pine and back again. This is a tourism loop and it defines the tourist area better than the policing area of the Point SAPS Station.¹² This might comprise five sectors in Point and one sector of Durban Central.

11.2.4 Analysis of the pilot site

It might make more sense for the CMP to include the whole beachfront tourist area as part of the target site including the relevant areas of Durban Central for these four reasons:

- The Beachfront Tourism Zone (defined by the City Tourism Committee) includes all of the beachfront area across two SAPS station areas.
- Addressing only the sectors of the Point SAPS station leads to the displacement of both the crime and the socioeconomic problems because the continuous tourist area is not being addressed.

¹¹ Melis, Val, Formal Interview, Durban, 13 August 2007.

¹² Melis, Val, Formal Interview, Durban, 13 August 2007.

- Hotels and partners questioned why they were left out of the initiative¹³
- The Magistrate's Court is located inside of the Durban Central area right next door to the police station making cooperation easy

11.3 THE APPOINTED COMMUNITY PROSECUTOR AND ITS IMPACT

This section concerns: (1) the suitability of the CMP to the role, (2) time available for piloting and (3) an analysis of the previous two factors.

11.3.1 Suitability to the role

The evaluator worked primarily with Val Melis at the time of the evaluation. On observation it could be seen that she had certain characteristics well suited to the role. It was observed that she:

- Expressed a strong interest in restorative justice
- Described her job in terms of community service rather a career move
- Partnered easily with people including those from very low socioeconomic levels (she described them as “good people who do not want to be patronised”) to business investors (who supported her projects)
- Understood the need to empower the disadvantaged (“some by fate are not as lucky as others but deserve an equal amount of respect” she said)

These described factors express a compassionate nature. This could be further evidenced when asking questions about her personal history. Fifteen years prior to her appointment as a CMP, SPP Val was dealing with children's issues (a critical problem in the Point area). She set up the second child abuse court in the country at the Durban Regional Court (Wynberg was the first) and focused on issues of domestic violence, child justice and child maintenance. “This was my passion,” said SPP Melis.¹⁴

¹³ Facilitated Discussion with stakeholders, Elangeni Hotel, Durban, 15 August 2007

¹⁴ Melis, Val, Formal Interview, Durban, 13 August 2007

Of course, this site had a change of leadership during piloting and the two CMPs had similarities and differences that can help to better explain how different styles, approaches and perhaps character traits affect outcomes.

Three similarities can be described. First, both prosecutors were senior prosecutors and both believed that this seniority was important to the role. For instance, CMP Melis said in interview, “You need someone with confidence and authority to tackle contentious issues but to attract partners one must also create a career path that is recognised.” However, with a senior prosecutor in charge, would it be possible to supervise one or two more from a C5 or D1 level? Val Melis and Sunil Prithipal both believed that such a situation was feasible.¹⁵

Secondly, if measured in terms of time commitment, availability and documentation (minutes of meetings), both CMPs were hardworking individuals with an enthusiasm and passion for community prosecution.

Third, both CMPs tried to achieve a balanced strategy that included some social crime prevention initiatives with improved law enforcement. For instance both CMPs: (1) tried to address the causal factors behind street children and prostitution; and (2) cooperated in police operations to shut down illegal operations and certain buildings and taverns that generated crime. CMP Prithipal achieved the closure of Shag’s Bar and the Tong Lok Building. CMP Melis also helped to take down the operations of a syndicate (eight to ten people) that robbed residents and tourists at the top end of the West Street Mall.

There appeared to be one critical difference between the CMPs that affected *stakeholder perceptions* of them: Val Melis worked closer to the CPF than CMP Prithipal. Several stakeholders among the 12 participants in round-table discussion for the evaluation study argued that a CMP should work close to the community and that this had *not* been achieved until Val Melis came aboard. They presented two lines of evidence:

¹⁵ Melis, Val, Formal Interview, Durban, 13 August 2007; Prithipal, Sunil, Interview, Durban Magistrate’s Court, 15 August 2007

- Val Melis pushed the *social crime prevention* agenda harder and therefore involved more stakeholders outside of law enforcement
- CMP Melis worked closer with the CPF and this helped to keep community members engaged in the solutions¹⁶

Evidence in support of the first perception can be found by comparing the kind of attendees present at the 2006 baseline study workshop with those at the 2007 evaluation workshop under the new CMP:

- Those who attended the research workshop for the baseline study in May 2006 involved six males and one female (SAPS detectives, Licensing, CCTV, and the SAPS Crime Prevention Head).
- Those who attended the research workshop for the evaluation in August 2007 included eight women and four men (eThekweni Health Department, Education, I-Care, a businesswoman, the CPF, and the SAPS Crime Prevention).

Furthermore, participants at the evaluator's research workshop were emphatic that there was this difference in style and focus:

- Sunil Prithipal was described as using strong leadership skills to create core teams of stakeholders that acted on community-based information to clean up the Point in visible ways (closing down drug dens, illegal taverns, taking criminals off the street)
- CMP Melis was perceived as more of a community-based team player that worked closer to the CPF to empower them to help them identify crime problems and be part of the solutions

It is in evidence that the strong leadership style was effective but that the structures for these activities (mainly operations) fell apart when CMP Prithipal departed. The attendees also had another view about appropriate leadership style and this comment found widespread agreement the group:

¹⁶ Round-Table Discussion with Stakeholders, Elangeni Hotel, 15 August 2007.

You have to have open door policy to community members and work at ground level with a certain kind of compassion. Val did not just think with her head but was moved by her heart.¹⁷

The group seemed to feel that a CMP should work with the community on a wider scale and avoid these kinds of core teams and operational approaches.

11.3.2 Time available to pilot

Both SPPs that piloted community prosecution made about 75% of their time available to the role. However, they also spent about a quarter of their time away from the CMP project to attend to other NPA matters. For example, Val Melis spent the other 25% of her time with these kinds of activities: (1) the NPA Restorative Justice Committee that meets in Pietermaritzburg; (2) the Case Flow Management committee for Durban Magistrates Court; (3) Durban management meetings; and (4) a National Serurubele Project looking at the possibility of the 24-hour availability of prosecutors.

The time that Val Melis had available to pilot was also affected by having to learn about the role without the same training and workshop opportunities given to the other CMPs. In fact *both* SPP Melis and SPP Mabogoane (Galeshewe) had to learn about community prosecution on the ground without a proper briefing and this affected the time it took to get the project moving and their performance measurements. According to Val Melis:

I was not made aware of the existence of a specific job description and performance contract until I received the evaluation documents. At this stage, I had already been assessed for the year ending 1 April 2007 on the standard SPP Performance Contract and had actually signed a new standard SPP performance contract for the next year. It was only on my questioning IPT and my Chief Prosecutor that I was informed that a performance contract with a specific CMP job description was in fact in existence.¹⁸

¹⁷ Jackson, Monica, School Social Worker (Addington Primary School), Round-Table Discussion with Stakeholders, Durban (Point), 15 August, 2007

¹⁸ Melis, Val, Formal Interview with the CMP, Durban, 13 August 2007

Owing to the long gap in piloting (September 2006-March 2007), no training and the lack of a good briefing, the new CMP expended the initial weeks learning about the role (on her own) and re-building relationships (she had to convince partners to return after the long absence of Sunil Prithipal).¹⁹

By the time of the August site visit for the evaluation, the way in which she would divide her available hours was becoming clearer. This is how it looked in terms of a daily norm:

- *One hour*: replying to e-mails, doing administrative work and liaising with people at Durban Court
- *2-3 hours*: Meetings (e.g., Beach Front Business Meetings, Community Policing Forum meetings, SAPS Crime Combating Meetings, etc)
- *1-2 hours*: ad hoc responses to issue-based problems in the community such as a particular crime affecting a sector (e.g., ‘Sugars’—a new heroine based drug is on the rise and the CMP engaged in effort to stop it)
- *30 minutes*: Managing the community court prosecutors

11.3.3 Analysis of the appointed CMPs

There are two key issues to analyse: (1) the long gap in piloting in terms of the impact it had on CMP performance; and (2) the difference in style between the two CMPs since this can inform appropriate appointments.

On the first matter, this chapter provides important evidence that replacing a CMP is an event that is likely to occur again and therefore a handover strategy is required including access to appropriate performance agreements and an appropriate job description.

However, the details of this will be discussed in terms of the recommendations emanating from this report.

Secondly, it was evidenced in the sections above that each CMP engaged in *both* operations and social crime prevention efforts but round-table discussants *associated* CMP Prithipal a little bit more with operations (raids on drug dealers, closing illegal

¹⁹ Melis, Val, Formal Interview, Durban, 13 August 2007

taverns or making use of CCTV surveillance systems) while CMP Melis was associated more with community-based crime prevention (school outreach, the CPF, community-based referrals and reducing vagrancy through an employment scheme). Both balanced social crime prevention with some operations. So, why were the two CMPs *perceived* so differently by partners? Significantly, CMP Melis had a stronger relationship with the CPF giving her a higher profile with community members than CMP Prithipal and that affected *community impressions* of the CMP:

- Val Melis embraced the CPF as her *primary* partner and headed quickly toward more community-based information sharing and community-based partnership activities. “Trust-building was pretty easy at the community level although some stakeholders were new to me,” she said.²⁰
- CMP Prithipal was very effective at visibly cleaning up the Point but did so in terms of focused activities with smaller groups of stakeholders that might not be regarded as inclusive.
- When CMP Melis engaged in operations with law enforcement agencies, her participation was always *with* CPF members and her focus was on addressing *their* social problems

This described situation suggests that is *very important* to include the CPF (or some community-based structure such as the Windsor Action Group at the Windsor site) as a chief and critical partner. Furthermore, operational engagements should also be about *their* crime prevention concerns. Otherwise, it affects perceptions of the CMP and the NPA and fuels misunderstanding about the CMP role.

CMP Prithipal was very good at building strategic partners and this made visible impact on the landscape but he kept these strategic groups small, focused and more operational (less community-focused). At the time of the baseline study, the SPP *theorised* that too much visibility in the community might make him vulnerable. Data is now available to show that a high level of visibility in the community helps to strengthen the post. In other words:

²⁰ Melis, Val, Formal Interview, Durban, 13 August 2007

- Building community profile is very important to the job because it develops trust
- A CMP can be involved with operations (particularly to strengthen SAPS capacity in terms of collecting evidence) but it is more appropriate to weight time expenditures toward social crime prevention efforts.
- A CMP should *not* take ownership of the crime prevention agenda but empower the community to take ownership of it by capacitating existing structures like the CPF

Since creating *community ownership* of crime prevention activities (not CMP ownership) now appears critical to the role, it also seems that a CMP should:

- Be highly visible in the community
- Support community-owned structures for crime prevention
- Have an ‘open door’ to the community members
- Make use of needs assessments and other tools to define *community* needs

Put another way, it seems that a CMP should NOT:

- Define the needs of government departments first and then approach the community (otherwise, this would not be *community* prosecutions)
- Concentrate on police operations to the exclusion of community and business partnerships

The data suggests that the most important time expenditure should be on building a stronger relationship between *all willing partners* in crime prevention (NGOs, faith-based organisations, business, government departments, etc). This is especially applicable to the relationship between community-based structures and departments of government including SAPS. The purposes of this approach would be to:

- Understand community-based crime problems *from* community members;
- Advocate appropriate service delivery *to* the defined community

- Capacitate both community members and government departments on the laws appropriate to preventing crime in the area
- Achieve a better integration between key community stakeholders and those that deliver government services

Further to the above bulleted points, too much engagement in police operations can: (1) become a safety liability for the prosecutor; and (2) divert a CMP away from the principal focus of crime prevention. However, to *observe* SAPS activities so that the CMP can design workshops and learning events that improve and refine police methodologies is certainly warranted.

11.4 THE OFFICE LOCATION AND ITS IMPACT

This section pertains to the office site including: (1) a description; and (2) an analysis of the impact of this location.

11.4.1 Description of the office location

Both CMP Val Melis and CMP Sunil Prithipal had two offices: one at the Durban Magistrate's Court and another at the Point SAPS station where there was a small office in a container. Both concentrated their time at the SAPS station where nearby was a community court with two more prosecutors who also helped out with community prosecutions from time to time. There were other cooperating partners at the station including two NGOs: NICRO and Lifeline.

The CMP's office location at the SAPS station appeared to be mutually beneficial. First, it made 143 members of the Point SAPS Station accessible to the CMP including:

- Crime prevention: 43
- Charge office: 53
- Detectives: 47²¹

²¹ Van der Westhuizen, Crime Prevention Head, Personal Communication, 13 August 2007

Secondly, the relationship also helped SAPS. For instance, the CMP could also react immediately to legal problems being encountered with dockets and give immediate advice. Several other advantages were already itemised and discussed in Section 11.2.1 (above) relating to the advantages of the pilot site such that they will not be repeated here.

11.4.2 Impact and analysis of the office location

It is evident from the findings (Section 11.4.3 and 11.2.1) that the close proximity of the CMP to SAPS members and the community court was highly effective and very good for the NPA/SAPS partnership. In fact, Point offers the best example in the evaluation study of how a SAPS-based location can work in an optimal way.

Owing to the community court, the community and partners easily distinguished the CMP from SAPS. The independence of the community prosecutor was challenged at other SAPS stations like Mamelodi but this was not a problem at the Point Station. “I am identified with the court not the SAPS station” said SPP Melis.²² Interestingly, CMP Melis found that the location discouraged criminal elements from interacting with her and invited law-abiding members to frequent the office.²³

It is also significant that CMP Melis said, “It would have been very difficult for me to take on the CMP role whilst retaining my offices at the main Durban Court as those with whom I had previously worked would possibly not understand the change in my role.”²⁴ In other words, a location away from the regular courts allowed the CMP to get on with the business of being a community prosecutor whereas the regular courts would have been more disruptive. Notwithstanding this perspective, the office at the Magistrate’s Court might still be of some use because it is *not* recommended that the CMP work with only one SAPS station for two main reasons:

²² Melis, Val, Formal Interview, Durban, 13 August 2007

²³ Melis, Val, Formal Interview, Durban, 13 August 2007

²⁴ Melis, Val, Formal Interview, Durban, 13 August 2007

- Working with more than one SAPS station helps to stabilise community prosecutions (CMPs elsewhere lost momentum on their programmes when a supportive station commissioner was replaced by an unsupportive one).
- The Durban SAPS station, which is right next door to the Magistrate's Court (and connected by a tunnel), includes part of the beachfront in the station area.

Rather than simply moving away from the misunderstanding of the role by regular prosecutors, evidence from this site and the other eight suggests that the rank and file members of the NPA need to have a better explanation of community prosecution.

What is required to build local NPA support for the CMP? These are possibilities:

- a workshop or seminar
- a video to explain community prosecution
- A buddy system wherein a regular prosecutor joins the community prosecutor in their work for a limited time (one or two weeks perhaps).

These are not mutually exclusive and utilising all three methods is suggested in the final recommendations of this report. However, the last idea might be a very effective one for Point because it is feasible owing to the close proximity between the Point and the main courts.

Whatever method is undertaken, it would be of great benefit to the NPA if regular prosecutors understood the activities and role of a CMP. First, it builds awareness among *regular prosecutors* about the environmental conditions producing both the crime and the criminals (a perspective that emerges from engagement with community prosecution). Secondly, it would help sustain learning *within* the organisation about community prosecution (in case one of the existing CMPs departs). Third, it empowers the NPA to build teamwork among its members by helping them to understand respective roles.

The evaluator observed that in several NPA divisions across the country, regular prosecutors were already being asked to engage in some limited amount of outreach work

and therefore this is another possible manner of developing such a programme (i.e., take an assignment to work with a community prosecutor for a week or two).

It was evidenced further above that many partners did not really distinguish the CMP from the community court. This confusion in roles can be dealt with through appropriate professional cards, stationery, brochures and other materials to describe the role to the public.

While the office at the SAPS stations had many advantages, the *particular* location of the mobile unit within the SAPS station was not ideal for these reasons:

- It is relatively isolated such that the office might not be secure *at night*.
- It is also too small to bring aboard additional prosecutors for training
- It is located in an entrance area to the SAPS station that is cramped (cars must back out to let others in)

These bulleted points can be addressed through negotiations between the SAPS and the NPA and this also requires some perspective because this is a relatively secure site. For instance, compare it to the original location for the CMPs in Cape Town at the somewhat isolated Fazeka Community Court in Nyanga, which was bombed and burnt down. The court at the SAPS station has never been threatened in such a manner.

11.5 DEFINING COMMUNITY PROSECUTIONS

At the time of the baseline study, Sunil Prithipal defined the post as a liaison post between the community and key stakeholders to develop solutions to crime. He stated it this way in interview:

Finding out what is creating high crime levels with the help of the community and then trying to solve the problem with the relevant role-players and again informing the community and sometimes creating the relevant structures to address the problem.²⁵

²⁵ Prithipal, Sunil, Formal Interview, Durban, 10 May 2006

CMP Prithipal's original definition of community prosecution shows that he viewed the community as the best *source of information* about crime problems but then referred this information to more capacitated bodies. CMP Melis defined the community as one of the main consultative bodies that can offer solutions (not just informants regarding crime problems). Melis' definition affected strategy: it created more of a bond between the CMP and CPF members. She made this change as follows:

Community prosecution works *with* a community to identify what is creating high crime levels and then tries to solve these problems with the relevant role-players including the community, government departments and any structures that deliver services.²⁶

11.5.1 Analysis: defining community prosecutions

SPP Prithipal suggested in interview that a CMP is a kind of community liaison officer of the NPA and that seems valuable. It even suggests a more community-friendly title: community liaison prosecutors. Based on the additions of Val Melis, it seems very important and relevant to include the community as active participants in both identifying and resolving the problems of crime. This might suggest one critical aspect of a workable definition: *a community prosecutor facilitates appropriate partnerships for crime prevention by liaising between the community and service providers to help identify and resolve community irritants in the most appropriate way.*

11.6 CMP STRUCTURES FOR DELIVERY

CMP Val Melis worked with five structures, one of which she designed herself (Operation Hope Steering Committee). She also engaged in strategic partnership building such that six main platforms for organising delivery were utilised:

1. Weekly SAPS Crime Combating Meetings (Mondays)

²⁶ Melis, Val, Formal Interview, Durban, 13 August 2007

2. The Monthly Executive Meetings of the Community Policing Forum and some SAPS Sector Meetings (usually Sector 5)
3. Service Provider Forum
4. Community Court
5. Steering Committee for Operation Hope
6. Strategic partnership building

11.6.1 Weekly SAPS Crime Combating Meetings (Mondays)

The CMP attended the SAPS Point station's Monday crime combating meetings chaired by the station commander. Also in attendance are the SAPS commanders of different units, the Crime Prevention Head, and a member of the Crime Intelligence Centre. The main aim is to review and compare crime patterns that week with the same week the previous year. Strategies are also discussed (crime generators, hotspots, etc) and the CMP offered reports on crime prevention activities and community court statistics (both part of standing matters on the agenda). She also offered legal advice on strategies and planning operations.

Outcomes of the SAPS Crime Combating Meetings:

"These meetings helped me to understand crime patterns," said CMP Melis. The CMP's participation also led to partnerships for crime prevention and improved SAPS operations. For example, a pattern of robberies during 2007 involved street children who escaped into an abandoned building known as Joe's Tavern. SAPS brought the problem at Joe's Tavern to SPP Melis' attention at these meetings. She then went with the police to look at and photograph the site. From there, she participated in meetings with the city with the result that the area was sealed off so that youth could not use it as a hideaway.

11.6.2. The Monthly Executive Meetings of the CPF and sector forum chairpersons

SAPS Sector managers and civilian sector managers attend meetings the last Wednesday of every month and the CPF meets monthly. There are five sectors and CMP Melis attended at least one each of the Sector meetings but attended every CPF Executive

meeting since she was appointed in March. She also worked closely with the chairperson of the executive and each one of the civilian sector managers and the SAPS sector managers. In fact, in interview she attributed most of her success to her close relationship with the CPF and sector forums.

At the time of the baseline study, surveys and interviews suggested that public participation on the CPF was weak and yet there was participation by organised crime. Val Melis agreed that there had been questionable conduct by civilian members but that this should not stop a CMP from working with a CPF. She just advised taking sensible precautions regarding the kinds and details of matters that are discussed in an open forum.²⁷

Impact of the structure

The main value of a CPF for the work of a CMP is that: (1) it makes the NPA accountable to the community; and (2) offers the NPA an opportunity to learn about community problems and the activities of other stakeholders. “I take notes and get tasked with setting up other meetings,” said CMP Melis. After I have engaged in an activity, this is where I report back because it links all the main stakeholders.”²⁸ For instance:

- The CMP would inform the community about the vagrancy project that she was starting.
- The problem of Joe’s Tavern (leading to its closure) was first raised at these meetings.

The NPA can be cautious about such bodies and still make very good use of them. The reasons for being somewhat cautious are these:

- CPF had failed and restarted a number of times at the Point over many years (the last start-up was November 2005).

²⁷ Melis, Val, Formal Interview, Durban, 13 August 2007

²⁸ Melis, Val, Formal Interview, Durban, 13 August 2007

- This above situation relates to a general problem with forums in South Africa: they depend on *regular* attendance which sometimes falls away.
- This is also a structure that had been infiltrated by criminals such that public meetings might not be the best venues for discussing operations or certain NPA strategies.

Owing to the above, the CMP requires alternative ways to address crime problems and this was the case (e.g., SAPS Crime Combating meetings). Nonetheless, working with the CPF seems critical to a CMP and cannot be easily ignored. Furthermore, they can be made to function effectively. In the case of Point, the CPF helped the CMP to build partnerships and to understand community-based problems. In fact, it was the most critical link with the community for Val Melis and it appears that such a structure is vital for a community prosecutor. Nonetheless, the actual structures for accessing the community may vary between sites (e.g., SPP Raymond Mathenjwa worked closely with the Windsor Action Group; Thaxx Matolong worked with Kgomo Modimo Wa Gae).

11.6.3. Service Provider Forum

At the time of the baseline study, CMP Prithipal was holding exploratory meetings to develop partnerships between non-government and government service providers to address the underlying socioeconomic issues that supported or generated crime in the Point area. Partners from the social sector were viewed as essential for a good crime prevention strategy but in the April/May 2006 period the forum was not working as well as the CMP had hoped for these reasons:

- The Department of Social Development was seen as ‘tough to bring on board’
- Many civil society organisations compete and have their own agenda—Lifeline, NICRO, Department of Correctional Services, NPA, SANCA)

CMP Melis also tried to make this body work by achieving wider representation but reported that this failed as well. Ultimately, these partners were not very effective for the

community prosecution project. However, they did offer services to the community court: the Lifeline Sex Worker Project emerged from that forum.

Analysis of the Service Provider Forum

Efforts to create broad-based forums in South Africa often fail since regular attendance by a large group of stakeholders is difficult to sustain. Stakeholders are busy and often prefer to meet around a defined agenda and for this reason strategic partnerships are often more effective than forums. Making the National Crime Prevention Strategy work may not be the best role for the NPA (rather this falls to Social Development) and therefore the NPA might take the more practical approach of building strategic partnerships while supporting forums as far as possible.

Even when crime prevention forums like Community Safety Forums appear to work reasonably well, the group that is most frequently missing is the social sector. They are well-funded such that the problem with delivery on the crime prevention agenda remains something of a conundrum. One theory to propose is that personnel from these departments have backgrounds as case workers and do not adapt easily to strategic activities. Perhaps they do not see themselves as focused on crime prevention even though national strategy assigns this role to them. The NPA could consider an advocacy role here at national level: is it time to rethink the National Crime Prevention Strategy and who takes the lead?

11.6.4. The Community Court

A community court opened at the Point SAPS station in December 2004 and the Head of Crime Prevention, Senior Superintendent J. D. van der Westhuizen referred to it in a 2006 interview as “the best thing that ever happened to Point to improve case flows, success rates, and prosecuting for petty offences.”²⁹ It sits five days a week and includes a magistrate and two additional community prosecutors that SPP Melis supervises. SPP

²⁹ van der Westhuizen, Snr Supt J. D. Interview, Point, May 2006.

Melis is only a few steps away and says the main value of having a CMP work with a community court is being able to attend to problems immediately:

If someone is mugged on the street, you can handle the court case right away. Community Courts work much faster than normal courts and this gives me some clout to fast-track cases.³⁰

For example, on 10 March 2007, CMP Melis went with police on a raid to target seven different night clubs for nuisance bylaws and inappropriate liquor licenses. Most had a restaurant liquor license requiring kitchen and health inspections but were not in compliance with the conditions of that license (e.g., no liquor sales after 2 a.m.; food must be served). These were all shut down until they converted their licenses to an entertainment license. The CMP directed these cases to the community court. The sentence: a financial penalty was imposed that was awarded to the CPF to support projects to fight crime.

A community prosecutor and community court prosecutors seem to complement each other well because they support each other in their respective roles. The CMP assisted the court in these two ways:

1. *Resolving problems coming from the court:* For example, a young man came to her from the court where he was appearing for vagrancy. He said he required R100 to return home to Johannesburg. CMP Melis then called a businessman who hired him for R100 for the day and then he bought a ticket and went back in a bus.
2. *Prosecuting in court when others are not available or cannot take a case:* For example, 20 people on strike were arrested for intimidating others not on strike and the court prosecutors feared taking the case. So, the CMP undertook these trials and dealt with the case immediately.

Just as the CMP helped with the court, the court prosecutors supported both CMP Prithipal and CMP Melis in community and school outreach events. In fact, this assistance was even more significant because during the half-year gap between the

³⁰ Melis, Val, Formal Interview, Durban, 13 August 2007.

departure of Sunil Prithipal and the arrival of Val Melis, Prosecutor Cyril Ndwandwe helped to keep community prosecutions active in the following ways:

- Identifying hotspots in Point and referring these problems to appropriate service providers
- Attending the SAPS Crime Combating Meetings every Monday
- Working with a body corporate to identify crime problems
- Maintaining the outreach project at Addington Primary School on his own right through to December 2006³¹

“The pro-active approach was a real learning experience, said Prosecutor Ndwandwe who helped to maintain the status quo after CMP Prithipal left.³²

The community court-CMP relationship had one other value worth highlighting. During the May 2007 Tourism Indaba that brought some 15 000 delegates to Durban from around the world, the CMP and prosecutors ran the court for special hours and over the weekend. Furthermore, the CMP was part of the Tourism Indaba Security Planning Committee and was available for legal advice. This was a factor that helped to make the event incident free.

Analysis of the role of a community court for a community prosecutor

A community prosecutor linked to a community court is the *ideal* situation for community prosecution because:

- The prosecutors in the court and the community prosecutor can help share the workload in both areas
- It provides the community prosecutor with a powerbase from which to address community issues (e.g., clubs generating loud music and creating a disturbance)

³¹ Ndwandwe, Cyril, Interview, SAPS Point Station, 14 August 2007

³² Ndwandwe, Cyril, Interview, SAPS Point Station, 14 August 2007

- The community court is a crime-prevention mechanism in its own right owing to rapid justice but combined with community prosecution becomes more powerful and the CMP makes the court more effective
- It allows for diversions (NICRO programmes, Lifeline, etc)
- It provides the community prosecutor with a distinct identity such that there is less public confusion about the role and more confidence in the CMP
- It creates a mechanism for rapid justice, a crime prevention factor

Interestingly, many partners had a hard time distinguishing the role of a CMP from that of the court such that SPP Melis said, “It is better to pull people in around defined projects.”

11.6.6 Steering Committee for Operation Hope

This is a steering committee for a project that is discussed in more detail in the next section (11.7) on activities. CMP Val Melis conceived of this project in May 2007 while sitting in an airport awaiting a flight! She realised that most vagrants were unemployed males but most of the available community programmes were for women (e.g., Lifeline). An employment programme was needed for the men but they would have to be screened, sheltered and fit into appropriate employment. “We only work with people who are clean and free of drugs,” said the CMP

The CMP then put together this team to develop an intervention:

- The CMP
- The CPF Chair for Point
- The Head of Security for 16 hotels along the beachfront (an ex-Metro policeman working for the Hotel Industry)
- Business Against Crime
- SANCA
- Addington Hospital

- eThekwinini Parks and Recreation
- The Nest Shelter
- Metro Police

Outcomes

The CMP cooperated with a member of Business Against Crime to draft a formal plan.³³ Although the programme had only been in effect 2 weeks at the time of the evaluation study, there were some impacts owing to early activities but these will be discussed in the section on activities further below (Section 11.7).

11.6.7 Strategic partnership building

Val Melis also made use of certain partnerships for developing strategy. For instance, she has been involved in many meetings to discuss ‘street children’ such that this might evolve into a coordinated strategy. These are some of the critical ones;

- *The Department of Home Affairs*: the CMP meets with them regarding the problem of foreign nationals being issued work permits in the area.
- *The Beachfront Business Committee*: the CMP attends monthly meetings and initially explained to them the CMP project (using the Carte Blanche DVD)
- *The Safety and Justice Committee of the Durban Chamber of Commerce*: The CMP meets with them once a month and community prosecutions is a standard item on the agenda (at her request)
- *NICRO and Lifeline*: The CMP refers many cases to these NGOs. NICRO is at the station every Tuesday to help assess offenders for diversion programmes and Lifeline is there every day and provides skills development and HIV-awareness to former sex workers (to make the transition to other jobs like hairdressing)

³³ Glen, Kevin and Melis, V. J., ‘A Model to Address Vagrancy in the Point Area’, Durban, July 2007.

- *Correctional Services*: This department is also on the SAPS site and helps with the court but not much with community prosecutions.
- *Liquor Board*: They are utilised to check on the status of liquor licenses.
- *Addington Primary School*: This is where the Adopt-a- School programme was situated under Sunil Prithipal as outreach; SPP Melis then worked with them in a more targeted way on identified crime and safety problems.

Stakeholders in round-table discussion also highlighted these concerns about weak and absent partnerships:

- HOME AFFAIRS: this department was described as ineffective in the Point owing to the high number of illegal immigrants (one cited the failure of Home Affairs to document known offenders who are illegally in South Africa)
- KZN WELFARE: this department was described as a weak partner but much needed partner owing to street children, abuse, and mentally disturbed people on the streets³⁴
- TRADERS AGAINST CRIME: this group was described as an important group for the CMP to approach
- METRO POLICE: “They do not enforce the bylaws and seem to have lost focus”³⁵

In addition, CMP Melis rated her partners in interview and this helps to clarify and document the partnership patterns existing at the time of the evaluation study:

³⁴ Round-Table Discussion with Stakeholders, Elangeni Hotel, 15 August 2007

³⁵ Round-Table Discussion with Stakeholders, Elangeni Hotel, 15 August 2007

CMP Ratings of Partners in Point

(0=ineffective; 1=somewhat effective; 2=effective; 3=very effective)

PARTNER	RATING	THE REASON FOR THE RATING IN THE WORDS OF THE CMP
CPF	3	They are strong and powerful in Point and headed by a strong woman, Yvonne Badenhorst. Information comes to me about what is happening in the area because residents attend that have been in Point all their lives—very informative.
SAPS	3	This is a symbiotic relationship—we both benefit equally—a good exchange of information here about crime problems. We both have ideas from different perspectives. They have a policing mentality and look at policing solutions.
BUSINESS AGAINST CRIME	2.5	They definitely have come to the party and offered financial support for projects. To run projects like Operation Hope, one needs money for shelters,
CHAMBER OF COMMERCE SAFETY AND JUSTICE COMMITTEE	2	This gave me insight into the concerns of the greater business community in Durban and provided a platform to promote the CMP project to business
BEACHFRONT BUSINESS COMMITTEE	2	This forum gave voice to the businesses, mainly hotels in the area, to discuss their crime and security concerns.
PARKS AND RECREATION	2	On an ad hoc basis, they offer support. For instance, they offer transport and manpower for Operation Hope and even contribute.
NICRO (NGO)	2	Fully effective and helpful for referrals
LIFELINE (NGO)	2	Fully effective and helpful for referrals
DEPARTMENT OF HEALTH	2	They are responsible for street children and for bad buildings and they helped us to close the Corner Shop, Joe's Tavern and the Tonglok Building and now we are working together on Ark Royal
I-CARE (NGO)	2	This group works with street children, a contentious political issue, and they help me to understand the phenomenon and how to address it in a social way.
LIQUOR BOARD	1	It is difficult to get a hold of them but someone was found that needed help from me and now they cooperate!
LICENSING AUTHORITY	1	They offer information and participate in raids. They offer statements as to why certain establishments are in breach of the law.
METRO POLICE	1	They seem to have no commitment to being accountable to the community. Now and again they help by being visible
SOCIAL DEVELOPMENT	0	I have tried to approach them but they do not cooperate—weak commitment

Analysis: Strategic Partnership Building

It seems very likely that strategic partnership building for a CMP is an incremental process that takes place over a period of years. It will not take a settled form during the first year. Internationally, a CMP builds a primary partnership with law enforcement and

crime prevention groups in the first year, especially police and the neighbourhood watches. Later some other departments come aboard that might become even more crucial partners. This is part of the reason it is important to continue to monitor and evaluate community prosecution as it develops—based on the experience in the United States, it takes up to six years for it to take an institutionalised form.

Urban areas and particularly a tourist area like Point also allows for a strong initial relationship with business because it is in their interest to see a drop in crime. The CMP forged a strong partnership with the person in charge of security for 16 hotels along the Marine Parade and it was this partnership that led her to do a presentation before the Beachfront Business Committee and from there many important partnerships formed that are helping to fund the CMP's Vagrancy Project (e.g., the Security and Justice Forum of Business Against Crime).

Various City Departments (the eThekweni Municipality) and local divisions of provincial and national government are also valuable stakeholders in the urban environment and easier to access than in peri-urban or rural areas. The CMP has worked with Health, Fire, Metro Police, Licensing, the City Ombudsman, and Parks and Recreation as well as Welfare, Education and the Liquor Board.

NGOs are also highly significant and quick to come on board. The IPT has played a significant role in helping to sponsor development of community prosecutions at the Point and I-Care, NICRO, Lifeline and SANCA have also been highly important partners in the effort to prevent and reduce crime.

Some needed departments do not come aboard easily but a possible role of the CMP might be to audit this situation and then engage in advocacy to ensure that government departments are performing according to their mandates. The glaring gap to examine might be the role of Social Development because they are supposed to take the lead in terms of the National Crime Prevention Strategy. The NPA could examine this law and its appropriateness to South African circumstances. If Social Development belongs in

this role then the NPA can help to advocate delivery at these target sites (or nationally). Otherwise the legislation needs to be revised so that ownership of the NCPS is situated appropriately (e.g., SAPS?).

11.6.8 Analysis: Structures for Delivery

On review of the data, it seems:

- A CMP is better placed, more safely placed and more effective when working to prevent crime as opposed to concentrating on SAPS operations
- It is better to work with existing structures than to create too many new ones
- If creating a new structure it is important to make it jointly owned and not dependent on the CMP for its survival
- Forums are difficult bodies to develop and sustain such that strategic partnerships are often required to augment gaps in the performance of forums
- With regard to partnering with forums, a CMP should concentrate first on developing or empowering *community-based* forums concerned with crime prevention (the CMP can gather information from the community and work with the bodies to prevent crime by liaising between them and appropriate structures and departments)

The inherent problem with participation in SAPS crime operations is that crime is usually displaced rather than prevented using such methodologies (see Section 11.7.2 or the chapter on Windsor). There is a relationship between reactive policing and proactive prevention measures but it seems that a CMP should emphasise the latter and this is more or less the direction in which the pilot moved when CMP Melis arrived.

It is significant that certain structures continued to function with the new CMP and certain ones did not. The ones that were sustained like the Service Provider Forum or the CPF were not dependent on the CMP. The CMP could make valuable contributions to the CPF but this structure would not fall apart in his or her absence. The ones that were dropped when CMP Melis replaced CMP Prithipal a half year later were CMP developed or led structures. Once CMP Prithipal was no longer on hand, certain

structures collapsed and this may hold important lessons for community prosecutions.

The structures that were dropped were these:

- The Beachfront Safety and Security Forum
- The CMP Operational Planning Forum

CMP Melis tried to resurrect the first one but failed owing to time constraints and because it was heavily dependent on the NPA to sustain it. A similar problem occurred in Cape Town at Siyahlala when CMP Cloete lost Machel Jacobs owing to a transfer (working alone, she did not have the time to sustain the social forum either). It seems best if dependency on the NPA for sustaining forums (requiring joint participation) is avoided.

The second named forum that originally met every Friday was developed and chaired by Sunil Prithipal. It was aimed at a rapid response to brothels, pubs and other illegal establishments and was orientated toward joint operations. It led to the closure of many illegal businesses including drug dens, sex clubs and brothels and seemed to be cleaning up various targeted sections of the Point but some of the crime and grime started to return once the body collapsed.

The CMP's Operational Planning Forum faced another problem mentioned in the baseline study: a suspicion of corruption among certain participants. Interviewees at the time of the baseline study alleged that a member on the forum was corrupt and that bribes were being accepted for information about operational plans, particularly raids on illegal drinking establishments.³⁶ Others alleged that criminals that are apprehended and charged get off in court due to corrupt judicial officials.³⁷ It does not seem that a CMP working on crime prevention issues needs to be so heavily involved in operations (owing to the risks and associations) other than to improve SAPS performance in regard to understanding the law and how this affects operations and the collection of evidence.

³⁶ Stakeholder questionnaire on Community Based Crime Prevention (10 May 2006): The Point

³⁷ Stakeholder questionnaire on Community Based Crime Prevention (10 May 2006): The Point

The chief lesson emerging from analysis is that a *community* prosecutor has a natural constituency—the community. Of course, he or she must access this group from some kind of representative body (e.g., the municipality, neighbourhood action groups, the CPF). The best focus might be any community-based forums on crime prevention so that the CMP can empower them and liaise between them and other stakeholders to: (1) build strategic partnerships with departments that can deliver on community identified problems; and (2) engage the community so that they are participating in and informed about crime prevention activities. In this respect, the role of the CMP is one of both building strategic partnerships for crime prevention outcomes and capacity building in the law.

11.7 CMP ACTIVITIES AND IMPACT

The primary activities of CMP Melis at the time of the evaluation were these three:

1. Addington Primary School Partnership
2. Operation Hope (the vagrancy project)
3. Improving SAPS and departmental performance (and community relationships) through joint training *with* community members in the law

The above three activities are described and their outcomes discussed. Then, a fourth section (below) analyses all these activities in terms of their value for learning about effective community prosecutions.

11.7.1 Addington Primary School Partnership

CMP Prithipal began this engagement as an outreach project and used the court prosecutors to conduct educational presentations on various crime prevention topics at Addington Primary School. CMP Melis continued this work but instead of outreach on pre-selected crime prevention topics, she met with school principals and social worker to decide on the *particular* problems in the school that needed to be addressed. She and

Prosecutor Cyril Ndwandiwe then brought experts into the school to speak on these subjects:

- A new drug sweeping the area—Sugars
- Children’s Rights (aimed at abuse in the home)
- HIV-Aids issues (a speaker came in to address them)

Regarding this new approach, CMP Melis said, “Prosecutors are not experts on every subject and not expert on communicating with kids. Therefore one needs to find an expert.”

CMP Melis also responded to particular problems in Addington School and would advise on such problems on a call-out basis (this occurred on six or seven occasions). For instance, a particular boy was involved in late night activities and did not seem to be going home or doing his homework. CMP Melis spoke to this boy and then the following day saw the mother. Both got referred to NICRO. The boy went on the six-month-long ‘Journey Programme’ (a wilderness experience) and the mother went into the NICRO parenting programmes.

Outcomes of the Addington School Partnership

CMP Melis planned awareness campaigns with the school as the need arose with these results:

- Referrals to NICRO were made (as discussed above)
- The walk to school was studied and changed—the CMP advised the school to instruct learners not to walk along Smith Street owing to problems with unsupervised youth who sexually harassed girls and robbed learners en route to school
- Court interventions took place (some children were removed from homes and placed in care).

- The school was instructed in how to make refer learners to social welfare (a letter must go to the parent according to the Schools Act explaining that the parent can be prosecuted for negligence for failure to follow up on this referral)
- A parent made allegations against the school and the CMP got called in for legal advice

The school may soon move because of limited space in the community and perhaps re-locate at another site within Point.

11.7.2 Operation Hope

Operation Hope is a partnership project that offers a new crime prevention model based on reducing vagrancy. The idea is that unemployment and an absence of self-worth might lead such a person into crime. Therefore a number a stakeholders cooperate in finding employment for screened vagrants and increasing their sense of self-worth through support.

The first step in the programme is that SAPS brings vagrants to the community court for bylaw infractions (e.g. sleeping in public, etc) where they are screened before being diverted to the programme:

- SANCA screens them for drugs³⁸
- Addington Hospital screens them for mental illness
- SAPS uses a Morpho-Touch machine (donated by business) to screen the applicants to ensure that they are free of any criminal record

SPP Melis and Kelvin Glen of Business Against Crime drafted a paper describing the model with the idea that Social Development would be the next bulleted item listed jut above.³⁹ They would ideally assess the vagrant by looking into such issues as the location of family, possible mental illness, and motivation levels. Unfortunately, Social Development simply did come aboard and it was left to the available partners to diagnose

³⁸ The South African National Council on Alcoholism and Drug Dependence

³⁹ Glen, Kevin and Melis, V J 'A Model to Address Vagrancy in the Point Area', Durban, July 2007.

the problems of the vagrants. Those who are foreign nationals are not admitted and are referred to the Department of Home Affairs. The others have a court date and therefore must come back and this allows for monitoring.

Once screened and diverted out of the justice system, the partners offer the appropriate men labour with the eThekweni's Parks and Recreation Department. They put them into orange jackets (with the words 'community worker printed on them) and have them clean up areas that have been defaced by vagrants (e.g., parks, beaches, and public spaces). Accommodation for them is provided by the Nest Shelter and Business Against Crime (R21 per vagrant per night to subsidise the shelter). The BAC also provided their reflective uniforms.

CMP Melis was partly inspired by the idea of 'Crime Prevention through Environmental Design.' The vagrants will also rehabilitate any area that Parks and Recreation has under their jurisdiction including the beaches in Durban owing to storm damage.

Outcomes of Operation Hope:

The project was designed so that those participants that show a good work ethic will be identified for employment but was so new at the time of the evaluation that most of the outcomes were pending. However, as of mid-August 2007, this could be stated:

- One man also found a permanent job in security now owing to this programme
- The idea is popular: hundreds of homeless people started coming to the SAPS station wanting to be part of the programme!
- The community now sees a solution to a problem that has plagued them for a long time⁴⁰

⁴⁰ Badenhorst, Yvonne, Round-table Discussion with the Evaluator, Durban, 15 August 2007

11.7.3 Improving SAPS and departmental performance and their relations with the community by training them in the law

The CMP was available to give legal advice and direction that improved SAPS operations. Some of this was confidential at the time of the evaluation since she was helping in a major way to root out corruption. She also helped to build relationships between the community and government departments, including SAPS, by training SAPS, Metro Police, Health and CPF members on issues relevant to the law.

CMP Melis first decided to take these approaches after she accompanied SAPS on a raid (10 March 2007) to observe: (1) poor handling of evidence; and (2) a poor understanding of the relevant legislation. It was then that she decided to equip them for the next raid and to also improve the handling of street children as this was becoming a sensitive public issue that needed to be addressed.

She offered half-day workshops as follows:

- Two training sessions with SAPS, Metro and the CPF on collecting evidence
- One training session with Metro Police, the Ethekwini Department of Health and SAPS on handling street children

These training sessions clarified and explained certain laws:

- Liquor Act
- Business Act
- Child Care Act
- Municipal bylaws

Analysis of the three training sessions:

It is too early to say if the two training session on collecting evidence improved the conviction rate. However, it did improve the approach of the police since they learnt more about the law, especially in terms of the Liquor Act and the Business Act. The

following were impacts that could be identified from the research regarding evidence collection:

- The CMP attended another raid on 08 August 2007 and could identify an improved understanding of the legislation.
- The community sent letters of thanks to the CMP for including them and improving their understanding of the legislation
- The relationship between SAPS and CPF improved greatly owing to the workshops such that the CPF now accompanies SAPS on raids and they wear luminous yellow bibs that say community policing forum
- The CPF reportedly has a better understanding of the Liquor Act and Business Act.⁴¹

Assessing the impact of the training on the treatment of street children is slightly more complex because the legislation is weak. According to the CMP, Street children are governed by the Provincial Department of Welfare and the national legislation on the Child Care Act. There is no provincial legislation in KZN on the matter which makes it very difficult to respond appropriately. According to the CMP:

- The national legislation being employed is flawed in that it deals with *any* child in need of care and not the particular problem being addressed (street children).
- It is also weak legislation that results in much confusion
- The City also has a programme to tackle the problem too but this city effort is not mandated by any legislation, which creates a dilemma for the police: *does SAPS work with the unlegislated city response or the flawed national legislation?*

The national legislation provides for a very simple four step process for the police to follow and this is what the CMP taught them. It can also be said that as a result of the workshop, the cooperation on street children (between NGOs, the Department of Health and SAPS) improved. This last is a very beneficial outcome considering that relations

⁴¹ Round-Table Discussion with Stakeholders, Elangeni Hotel, 15 August 2007

were previously antagonistic (SAPS took a law enforcement approach and the others a public health approach)

11.7.4 Analysis of CMP activities

There is evidence from this site (and the others) that two of the most effective activities include organising partnerships for crime prevention outcomes (this can also take the form of advocating appropriate service delivery once problems are identified in negotiation with the community) and training in the law to help empower members of government departments so that they can perform more optimally according to their mandates.

Operation Hope was an original idea of Val Melis and it is largely based on organising partnerships to address vagrancy. It addresses men, the group that commit most crimes and as aptly named, it also offers unemployed men hope for the future. This can prevent crimes that might be generated owing to socioeconomic circumstances. Furthermore, this is *true* social crime prevention and does not suffer from the problem of displacement that the engagement in short term operations is producing. In fact, it might prevent people on the edge from ever turning to crime because they are assisted in the direction of taking up employment instead.

Much of the work with SAPS as described further above involved training and thus was also about helping to support better service delivery. CMP Melis has regularly gone to SAPS management to try to improve the way they charge and investigate petty offences to ensure that: (1) fingerprints are taken; (2) names and addresses verified; and (3) that basic arrest statements are taken and investigated. She also attempted to improve the delivery from Social Development and although this eluded her, it seems appropriate.

The CMP also identified some flawed legislation in terms of addressing homeless youth or ‘street children.’ It also appears most appropriate for a CMP to employ knowledge of the law and observations of flaws in the law to advocate better legislation. This is similar

to what SPP Thaxx Matolong had been doing in Kudumane with regard to the Stock Theft Act. CMP Melis agreed with this suggestion in interview, “I want to do this— improve the legislation. This could be a role.”

Both CMPs (Melis and Prithipal) worked with schools with the aim of long term crime prevention. However, Val Melis introduced a new method that involved diagnosing the problems in the school and then responding as appropriate instead of developing a set of standard school interventions. This then allowed her to refer. In analysis, this is a much better approach-- a CMP may not be the best person to deliver services to schools and to engage in this constantly is too time consuming (what if there were 15 schools in the area?). Rather, a CMP can help to organise delivery by the appropriate service provider. It is developing better service delivery through partnership-building that is strength and core of community prosecution at all nine sites and this is far more efficient than a CMP trying to deliver programmes to every public institution.

Training in the law is very important and seems right on target in terms of the kinds of activities that are appropriate to the NPA and that can make impact. CMP Melis informed SAPS, Metro Police, Health and the CPF of legislation that can improve their operations. For instance, she informed them about the Child Care Act and this helped SAPS, Metro Police, Health and even some community members to understand how to respond appropriately when they see a child on the street. It may not reduce the court role in the short term but will improve the conviction rate and over a longer term help to remove crime from the streets and give the law some meaning.

11.8 GENERAL IMPACTS

In addition to some of the specific impacts emanating from the structures and activities described above, there is also a collective impact from the many different projects and activities of the CMP. Some of this is a matter of review from the evidence given above but there is also a significant amount of new evidence here. These include:

1. Impact on crime levels
2. Impact on the environment
3. Impact on interagency and departmental cooperation
4. Impact on community cooperation/involvement in crime prevention
5. Impact on stakeholder perceptions of the NPA
6. Impact on community perceptions of safety at site

11.8.1 Impact on crime levels

Certain statements can be made about probable impact on crime levels with reference to (A) SAPS Crime Statistics; and (B) a questionnaire with CMP partners.

(A) SAPS Crime Statistics

It can be predicted but not confirmed (for reasons to be explained) that the two CMPs would have had an impact on: (1) robbery and common robbery since these were frequently committed by a group targeted by CMP projects-- ‘street children’ in Point; and (2) drug related offences because the CMPs closed down establishments where drugs were sold. Assault (GBH and Common) might be affected by these activities too but not as significantly because this is more often related to domestic disputes. In this regard, the following table compares April, May, June 2006 to the same period in 2007:

CRIME	REPORTED CASES APR-JUN 2006	REPORTED CASES APR-JUN 2007	% CHANGE
ROBBERY AGGRAVATED AND ATTEMPTED	187	160	-15%
COMMON ROBBERY	134	91	-32%
ASSAULT GBH	69	64	-07%
ASSAULT COMMON	109	112	+03%
DRUG-RELATED OFFENSES	241	141	-42%

The above figures from SAPS Crime Analysis at Point show a drop in the crimes that might be predicted based on CMP activities but this correlation to the work of the CMPs cannot be stated with certainty for these reasons:

- There was more than a six month gap at the site between the departure of SPP Sunil Prithipal and the arrival of SPP Val Melis
- CMP Melis had been appointed only six months prior to the evaluation and expended much time partnership building and developing new programmes
- Each focused on crime generators such that it is the reduction in street children, the closure of illegal businesses and improved regulation of taverns that provides clearer evidence of their accomplishments (see section 11.8.2).

It is *likely* that the reduction in street children and the closure and better regulation of taverns reduced the number of contact crimes and SAPS Crime Prevention Head van der Westhuizen did testify to this in interview.⁴² The CMPs also made certain contributions that improved operations and in this way they can be correlated to the drop in crime. Such a statement would fit with testimony and project documentation. Nonetheless, it remains that CMP impact is best identified in terms of specific sites (section 11.8.2).

B. Questionnaire with CMP partners

Ten out of 11 people (91%) at the evaluator’s workshop with stakeholders believed that the CMP did help to reduce crime according to Question One as follows:

QUESTION ONE	YES	NO	DO NOT KNOW
IN YOUR OPINION DID THE CMP HELP TO PREVENT OR REDUCE CRIME AT THE PILOT SITE BETWEEN MAY 2006 AND THE PRESENT?	10 (91%)	--	1 (9%)

The reasons for the positive responses include these (responses paraphrased and duplications in responses eliminated):

- The CMP networked SAPS, Metro Police, business and the CPF to create an effective partnership
- The CMP improved stakeholder understanding of the law

⁴² Supt. Van der Westhuizen, SAPS Crime Prevention Head, Point, Interview, 15 August 2007

- The court roll on robbery dropped between May 2006 and August 2007⁴³
- Contact crimes decreased in Point as a result of prosecutions working with police on identified problems in the community⁴⁴
- The CMP improved SAPS operations with regard to making ‘drug busts’
- The CMP forced businesses to comply with their conditions of licensing
- The CMP helped to close down illegal liquor outlets
- The CMP helped to identify learners with psycho-social problems affecting educational development
- The CMP addressed learners to educate them on identifying crime and how to avoid becoming a victim
- Buildings where offenders committed crime have been closed down (e.g., Tong Lok)
- The CMP worked with partners to identify the social and environmental factors producing crime

All of these responses appeared accurate although some conflate impact on the environment (the next question) with a general drop in crime levels. There is insufficient data to make this correlation certain because there were too many factors impacting on crime levels.

11.8.2 Impact on the environment

The impact on the environment has been described throughout various parts of this chapter. This section adds to the weight of evidence in terms of: (a) the evaluator’s observations during the site tour and (b) questionnaire responses:

⁴³ Njobe, Nomalanga, Public Prosecutor, Community Court Durban, Stakeholder Questionnaire on Community Prosecutions, 15 August 2007

⁴⁴ Mndoweni, Patience, SAPS Captain (Point), Stakeholder Questionnaire on Community Prosecutions, 15 August 2007

(A) Evaluator's observations of the environment

Both CMPs had major impact on the environment that could be observed by the evaluator owing to comparisons between observations made at the time of the baseline study (May 2006) and the evaluation (August 2007). This was observed:

- *Closure of the Tong Lok Building:* This site of drug sales and organised crime in Sector 3 as described in the baseline study was closed down with the help of Sunil Prithipal. The building still stands and some crime appears to be returning in the form of street kids that rob people and then hide at the back of the building.
- *Closure of Lord Nelson Bar:* This tavern in Sector One was engaged in much heavy drug dealing and was shut down by the CMP and Licensing during 2006. However, drug dealing, illegal occupation and other activities continued after the bust through the use of a side entrance. CMP Melis then became involved and worked with the owner of the building and his attorney to force the closure of the bar. In August 2007 R 100 000 worth of liquor was confiscated and the owner faces charges of dealing in cocaine, selling liquor without a license and operation without a business licence. Nonetheless evidence of drug dealing was seen on the premises during the evaluator's site tour (e.g., empty cereal boxes, tapes and containers for concealing drugs)!
- *Closure of Shag's Night Club:* People were lured in here to be robbed in the club and there were also assaults. Sunil Prithipal found out about this from the community court prosecutors and then inspected to find beds inside. He went to Durban Licensing, which then shut the business down (the owner then moved overseas)
- *Sealing up former site of OK Bazaar:* This establishment went out of business and into ruins and rubble atop an underground parking area that soon became an escape route for delinquent youth and street children engaged in crime. CMP Prithipal went to the municipality and arranged to have the site flattened and the underground parking filled with rubble. This brought an end to the robberies.
- *Closure of the Waterfront Action Bar:* Stolen items were being taken here in exchange for drugs and this was closed down by CMP Prithipal and the municipality for selling liquor without a license
- *Cleaning up In Town Holiday Lodge:* This was a site of prostitution, robberies and drug dealing (clients were lured inside and robbed while having sex with a prostitute). CMPs Prithipal and Melis prosecuted and brought in Lifeline to retrain the sex workers. Today it is a real lodge!

- *Sealing off Joe's Tavern:* CMP Melis successfully negotiated with the City's Department of Health to seal off this empty building in West Street Mall in July 2007 after it was identified as an area for street children to hide after theft/robbery. "We set up the meetings with Clive Powell at the eThekwini Department of Health," said Melis.
- *Closing down the Corner Shop:* This shop at the corner of Gillespie and Tyzak was a haven for stolen goods and drugs (run by the TDK Gang) and both CMP Prithipal and CMP Melis worked with the Department of Health and City Licensing to shut it down.
- *Cleaning up Shepstone Road:* This also relates to Operation Hope because the first team of homeless people were put to work by eThekwini Parks and Recreation cleaning a wall defaced by homeless people that runs along the tourist route toward UShaka Marine World)
- *Reduction in unsupervised youth at West Street Mall, the Wheel and along the beachfront:* The number of unsupervised youth visible on the streets and the beachfront dropped dramatically between the time of the May 2006 baseline study and the August 2007 evaluation.

SAPS Inspector Shabangu, Prosecutor Cyril Ndwandwe and Val Melis told a story to the evaluator that helps to explain another CMP role in the observed environmental changes. A robber named 'Chicken' had for years harassed tourists and locals along the beachfront. CMP Ndwandwe profiled the case and then SAPS, the CMP and the court prosecutor found the evidence to convict him of a robbery. The case was sent to the community court and he was given a three year sentence (the maximum sentence in a community court). The described arrest of 'Chicken' combined with the environmental re-design of the area at Joe's Tavern (where many youth engaged in robberies as described above) led to the tremendous drop in contact crime along Point toward the Wheel from West Street. "People now walk freely," said Inspector Shabangu.⁴⁵

(B) Questionnaire responses on environmental change

The respondents at this site did not distinguish between impact of crime levels and improvements in the environment and therefore this was partly covered in QUESTION ONE

⁴⁵ Melis, Val, Ndwandwe, Cyril and SAPS Inspector Shabangu, Interview, Point, 14 August 2007.

(Section 11.8.1) above. As seen below, Question Two asked the respondents if the CMP made an impact on the environment and if so to name specific sites where this occurred.

QUESTION TWO	YES	NO	DO NOT KNOW	SPOILT
DID THE COMMUNITY PROSECUTOR HELP TO CHANGE THE ENVIRONMENT AT THE TARGET SITE TO MAKE IT LESS CONDUCTIVE TO CRIME?	5 (45.5%)	-	1 (9%)	5 (45.5%)

The individual from the organisation I-Care did not know about the impacts and five individuals responded ‘yes’ but failed to name specific sites and therefore these responses were listed as ‘spoilt’. The five respondents who could reference their positive responses to sites that became less conducive to crime included the CPF chair, the Safety Manager for Ushaka Marine World (also of Point CPF), the SAPS Crime Prevention Head, the Regional Manager for Security for the Southern Sun Hotel Group, and a SAPS Captain in Social Crime Prevention. These were the responses:

- Lord Nelson Bar (closed down owing to illegal activities)
- African Paradise (brought into compliance)
- Charcoal Haven (brought into compliance)
- Coffee Brown (brought into compliance and owner now attends CPF meetings)
- Club 007 (brought into compliance)
- Joe’s Bar (this was an empty building that was used by street children and criminals that the CMP helped to close up to such activities)
- Corner Shop (a drug outlet that was shut down)
- Point Road Tavern
- West Street Mall (Street kids removed to places of safety)
- Addington Hospital Area (Vagrants removed, profiled and sent to Welfare and Department of Health)

- Tong Lok Building (A haven for drug dealers and street kids that created a dangerous site of crime was closed down and the occupants removed; council will decide the future of the building)

All the above observations appear as accurate data. For instance, owing to widespread press coverage, it is well known that that seven clubs situated on Smith Street, West Street and Point Road were closed down by the CMP working closely with SAPS, the CPF, and the eThekweni Municipality. This data also fits with the evaluator's own observations during the August 2007 site visit.

Analysis

Observations, testimony, questionnaires and press coverage make it clear that a strong impact was made on the environment by the two community prosecutors working with SAPS, Metro Police, the CPF and city departments.

This kind of focus attracts attention and may be good for the image of the NPA but also requires further analysis because 'crime prevention through environmental design' in both the urban areas (Windsor too) tended to focus on the closure of illegal establishments. This resulted in some displacement and the certain need to constantly monitor the closed facilities (illegal operations would persist in new forms). Without criticising the activity, is this the best type of time-expenditure for a CMP? Social crime prevention might be the more appropriate focus. Even though it does not produce such visible impact, it appears to produce a more meaningful long term impact than a focus on operations, which can shift the crime around and make impact less certain.

11.7.3 Impact on interagency cooperation/involvement in crime prevention

CMP Melis viewed one of her strengths as bringing the key stakeholders together (particularly business, the CPF, SAPS) to fight crime more effectively. She said, "One of my strengths is that I listen to people without committing necessarily to their point of view. I see commonalities and bring people together." This seemed to be validated in terms of the questionnaire with CMP partners (below).

Questionnaire with CMP partners

QUESTION 5 asked, “Did the community prosecutor help to build greater levels of stakeholder cooperation on crime prevention in the targeted community between May 2006 and the present?” QUESTION 6 asked, ‘Did the CMP help individual government departments to address crime prevention more effectively at the target site? The responses were as follows:

QUESTIONS 5 AND 6	YES	NO	DO NOT KNOW
5. IN YOUR OPINION DID THE CMP HELP TO BUILD GREATER LEVELS OF STAKEHOLDER COOPERION IN CRIME PREVENTION?	10 (91%)	-	1 (9%)
6. DID THE CMP HELP INDIVIDUAL GOVERNMENT DEPARTMENTS TO ADDRESS CRIMPE PREVENTION MORE EFFECTIVELY AT THE TARGET SITE?	10 (91%)	-	1 (9%)

The court prosecutor did not know if the CMP helped to build greater levels of stakeholder cooperation but the other 10 other survey participants (91%) circled ‘yes’ and justified their responses as follows (duplications eliminated):

- The relationship between SAPS and the community improved such that ‘day to day’ complaints are now handled more readily
- Addington School and SAPS are better partners
- The CPF and business are better partners
- The CMP brought different stakeholders together to address the issue of street children (NGOs, Metro Police, SAPS, I-Care)
- Social Welfare and the municipality work together now
- SAPS and Metro Police cooperate better

QUESTION SIX asked if the CMP helped individual government department to address crime prevention problems more effectively at the target site. The representative from I-

Care circled ‘do not know’ and the remaining 10 (91%) answered ‘yes’ and justified their responses as follows:

- Municipal Health Department (the CMP made contact with individual officials and made presentations with question and answer sessions)
- SAPS (CMP Melis improved their knowledge of criminal acts, the Liquor Act and improved the manner of collecting evidence during investigations)
- Metro Police (the CMP improved their knowledge of the bylaws and how to implement them)
- Department of Correction Services (the CMP organised the transport and referral of sex workers to the Lifeline Project)
- Education (the CMP offered awareness programmes at Addington School in subjects like substance abuse, gender-based violence, and the legal system)
- eThekweni Department of Health (the CMP addressed them on the use of Children’s Court and the placement of street children)
- Metro Council (the CMP advised them on bylaws, helped to close down crime operations in buildings and clean up streets of vagrancy)
- Home Affairs (the CMP helped to involve them in operations involving illegal immigrants)

Analysis

First, this data correlates with all other documentation, findings and interviews.

Secondly, it appears that the CMP played quite a valuable role by simply bringing stakeholders together to (1) inform them of the laws relevant to their work on resolving crime problems; and (2) creating partnerships. These activities seem to describe the role best suited to the CMP but engaging in these first requires an understanding of the crime problems. It would be useful if a CMP started with an audit of existing stakeholders and programmes and then looked for the gaps or otherwise helped these structures by both building their capacity in the law and developing them as a team to focus on crime prevention. Research can assist to greatly empower a CMP.

11.8.4 Impact on community cooperation/involvement in crime prevention

It was well-evidence throughout the report that the CPF is much more involved in crime prevention and partnering better owing to the work of the CMP. Prior to the project, the community might identify the problem and reported it to SAPS, who would then act and communicate back to the community. This has changed owing to CMP Melis who has so improved partnerships that SAPS brings the CPF along on operations.

Questionnaire with CMP partners

Two questions also asked respondents about improved cooperation and involvement in crime prevention. The results are given in the table below.

QUESTION 7 AND 8	YES	NO	DO NOT KNOW	SPOILT
7. DID THE COMMUNITY PROSECUTOR HELP TO MAKE MORE EFFECTIVE ANY PUBLIC/CITIZEN GROUPS ON SAFETY?	7 (64%)	-	2 (18%)	2 (18%)
8. DID THE COMMUNITY PROSECUTOR CREATE ANY NEW FORUMS OR BODIES TO HELP BUILD COOPERATION ON CRIME AT THE PILOT SITE?	5 (45%)	-	6 (55%)	--

Regarding QUESTION SEVEN, the representatives from Social Development and Lifeline Durban did not know the answer and two responses did not make sense (e.g., one named the SAPS Women’s Network about which CMP had no knowledge). Otherwise seven respondents circled ‘yes’ on their questionnaires and listed these groups as justifications for this response:

- Community Policing Forum
- SAPS Sector Forums
- Tourism Authority and Business Forum
- Safety and Security for Southern Sun

Basically the CMP attended such meetings and offered advice on crime prevention and information about the law.

As to QUESTION 8, CMP Melis created one new structure: the Steering Committee for Operation Hope. She also tried to revive the Social Crime Prevention Forum but did not succeed. These are the results of the questionnaire:

- Only three respondents (27%) identified the Project Hope Committee as the new structure created by the CMP (the typist at the SAPS Point Community Court, the representative from the Southern Sun, and the CPF member from Ushaka Marine World).
- Two others (18%) knew about the Social Crime Prevention Forum (the SAPS Crime Prevention Head and the Lifeline) and both commented that it was moribund and ineffective.
- The other six (55%) circled ‘do not know’.

QUESTION 3 shows (next section below) shows that many of the ‘do not know’ respondents knew about Project Hope. The issue in this section is that they did not attribute this idea to the CMP! It seems that it was extensively publicised by the BAC and therefore the idea was then attributed to them. If the NPA desires credit for new projects and even crime prevention impacts, a method to document and expose this association in some manner is required (brochures, newsletters, videos, documentation).

11.8.5 Impact on community perceptions of safety at the site

QUESTION 3 of the questionnaire with CMP partners asked, “Did the community prosecutor help to develop any crime prevention projects or programmes at the target site that will help to prevent crime on an ongoing basis? These are the responses:

QUESTION 3	YES	NO	DO NOT KNOW
DID THE CMP HELP TO DEVELOP ANY CRIME PREVENTION PROJECTS OR PROGRAMMES AT THE TARGET SITE THAT WILL HELP TO PREVENT CRIME ON AN ONGOING BASIS?	10 (91%)	--	1 (9%)

These are the projects and programmes that the CMP *helped to develop* according to the 10 ‘Yes’ respondents:

- Project Hope (8 respondents)
- Street Children Project (7 respondents identified this in terms of shelters, the referrals and administration of the children’s court such that street children could be fast tracked, and feeding schemes)
- Awareness Project at Addington School (1 respondent)
- Lifeline Durban iThubalethu Project (1 respondent)

Comparing the responses to QUESTION 3 (above) and those to QUESTION 10 (further above) one can see that 91% of the respondents identified CMP Melis here as a *participant* on Project Hope but only 45% identified her as the driver (she was clearly the one that initiated this idea). She was also active on the Street Children’s Project and seven respondents associated her with this. One respondent each mentioned the ongoing work at Addington School, which is accurate.

The iThubalethu Lifeline Project appears to have been initiated in July 2002 long before CMP involvement. However, many of the youth that participate are channelled through the Point Community Court and perhaps the court and the community prosecutor were not distinguished by this respondent.

11.8.6 Impact on stakeholder perceptions of the NPA

QUESTION 9 of the questionnaire to CMP partners asked, “Based on the experience of piloting, do you now believe that a prosecutor appointed by the National Prosecuting Authority can play a role in helping to prevent crime?” QUESTION 10 asked if the participation had a changed perception of the NPA owing to piloting. These are the results:

QUESTION 9 AND 10	YES	NO	BLANK	SPOILT
9. CAN THE NPA PLAY A ROLE IN PREVENTING CRIME?	11 (100%)	-	-	-
10. HAS YOUR PERCEPTION OF THE NPA CHANGED?	10 (91%)	--	1 (9%)	--

All 11 respondents (100%) circled 'yes' to QUESTION 9 and indicated in round-table discussion that the NPA could help prevent crime. These are the reasons indicated on the questionnaires (the number of similar responses to each is given in parentheses):

- Networking and focusing all the stakeholders on crime prevention (7)
- Providing knowledge and guidance regarding the law and crime prevention (2)
- Advocating proper service delivery (1)
- Reducing the court roll through prevention (1)
- Making liquor outlets comply with the Liquor Board Act (1)
- Supervising the community court (1)

The top three listed items (including the first and most popular response) fits with the main recommendations of this report on the appropriate role of a community prosecutor.

Ten out of 11 respondents (91%) to QUESTION 10 said that they had an improved image of the NPA because seeing the NPA work *with* the community on the ground increased confidence in the organisation. Apparently this expresses a kind of care and empathy that is not normally associated with prosecutions. One said, "The NPA is now practicing Batho Pele!"⁴⁶ One respondent did not know what the NPA was until the project was introduced in the Point and therefore could not say that they had a new and improved image.

⁴⁶ Badenhorst, Yvonne, Point CPF, Facilitated Discussion and Survey, 15 August 2007

11.9 LESSONS FROM THIS SITE FOR AN IMPLEMENTATION MODEL

Below are eight key lessons from this site that might be useful to consider when designing the national roll-out of the community prosecution project.

11.9.1. Community Prosecution seems to take a distinct form in the urban areas

Urban areas appear to be distinct from rural and peri-urban ones. By comparison, settlement and crime are very widespread in peri-urban and rural areas and the owners of plots and buildings (many abandoned ones) cannot be easily located. Shebeen regulation also appears more likely in peri-urban areas and less likely in the urban areas where they are closed down instead if they do not meet the conditions for licensing.

The activities of the CMPs at Point also helped to illustrate the difference. Owing the built environment:

- Crime concentrates in very specific buildings and places (e.g., extension of Palmer Street, West Street Mall, Fisher Street, Tong Lok Building)
- There are 'body corporates' in buildings, trader forums, and business groups (chamber of commerce, BAC, hotel groupings) that can make good partners in preventing crime
- Unlike peri-urban and rural areas, the owners of buildings can be easily identified and targeted in order to control and prevent crime problems
- It is easier to make use of the bylaws (e.g., some peri-urban sites were on private land)
- A CMP can also make rapid use of the community courts in urban (and sometimes peri-urban areas) but this is more difficult in rural areas

11.9.2. Community Prosecution is an idea that must be sold to stakeholders

Interestingly, the station commander, the Captain from the Crime Intelligence Centre (CIAC) and even the clerks often failed in interview to distinguish between the CMP role and that of the community court (it was viewed as one activity) For instance, when

asked about *community prosecution*, the SAPS Crime Prevention Head referred to the community court instead and described it as a “big plus.”⁴⁷

The CMP found that even members of the NPA failed to distinguish between the two roles. CMP Melis said,

Sometimes within the NPA there is a distinct lack of understanding about the difference between a community court and a community prosecutor. I am mindful that being located at the court helped to cement the impression within the NPA that these are the same. I have talked to other senior prosecutors who still do not understand. Some also described me as ‘a social worker’.⁴⁸

Most NPA colleagues were negative and sceptical about community prosecution according to CMP Melis (although she managed to sit down and explain the concept to some of them). “You have to sell the concept,” she said, “because it is so new to both the community and the NPA.” “I see a need to go big with publicity and attract interest,” she added. For example, a reporter from the Daily News was at the inaugural meeting of the Operation Hope Steering Committee and the resulting news article led to a business from Umhlanga (with a social responsibility budget) offering money for the project.

11.9.3 Implementation should begin in the same pilot areas (or expand from them)

This site offered an opportunity to see what it is like to work in an area and then stop. It had an impact on the credibility of the NPA. According to SPP Melis:

I had to rebuild community prosecution after Sunil left. If you remove a CMP without explanation and a replacement, you can forget about community prosecutions in those areas! We let these people down.

The evaluator also strongly recommends in the recommendations of this report that work continue in the original pilot areas because:

- Many of them were well chosen as high crime priority sites

⁴⁷ Van der Wuijsthuizen, Crime Prevention Head, Facilitated Survey and Discussion, 15 August 2007

⁴⁸ Melis, Val, Formal Interview, Durban, 13 August 2007

- Capacity exists at these sites must be utilised to train new CMPs
- Implementing community prosecution takes 3-5 years and requires continuous monitoring and evaluation

11.9.4. Community Prosecution requires its own performance agreements

Performance agreements specifically for CMPs are required because this is an activity aligned with the effort to *prevent crime* rather than the effort to prosecute. The performance agreements were reviewed at each site and it did appear to the evaluator that these were designed for normal prosecutors. Community prosecutors have different objectives than regular prosecutors and therefore cannot be assessed by the same criteria.

According to SPP Melis, “I was evaluated by management for my performance in May and since I had concentrated on community work I bombed out because the community court statistics were bad!” Chief Prosecutor Eric Sibeko agreed when asked about this and said, “The assessment tool for community prosecutors should not be generic—the weighting cannot be the same.”⁴⁹

In general terms, it seemed to the evaluator that many senior managers in the NPA did not appreciate that community prosecutions is a full time job. Piloting in South Africa was viewed as a part-time activity, the only country in the world to view it this way. This needs to be reviewed and the actual value of the task and the time-commitment involved fully appreciated.

11.9.5. All structures with a potential crime prevention impact should be identified using an audit before setting up community prosecutions

SPP Sunil Prithipal made a visible impact on the landscape but after he left the structures and projects that he developed were not sustained. In interview, he understood this and said, “We must guard against this in the future—structures should never be dependent on personalities.”⁵⁰

⁴⁹ Sibeko, Eric, Chief Prosecutor, Durban Magistrates Court, Interview, 15 August 2007

⁵⁰ Prithipal, Sunil, Durban Magistrates Court, Interview, 15 August 2007.

When Val Melis arrived she faced an initial problem of building credibility for community prosecutions because some structures had collapsed. She then decided to work closely with pre-existing structures. This suggests two valuable lessons:

- At the start, a CMP needs to audit the structures for crime prevention, identify both the available structures and gaps in delivery and then develop a strategic plan appropriate to NPA capacity and objectives
- If new structures are required, ownership should be situated with a forum like the CPF or an interdepartmental forum of some kind.

Professional and not ad hoc research is required to make any crime prevention project work effectively simply because crime is a very complex social phenomenon. Professional researchers should work hand-in-hand with community prosecution conducting audits and analysing data to maximise impact. Perhaps local partnerships can help with this (e.g., work with universities).

11.9.6 A CMP must be both community and project orientated

When Chief Prosecutor Eric Sibeko was interviewed for this report, he was asked an open question: “Do you have any ideas to ensure the success of community prosecution in South Africa?” His first response was this:

The appointment of the community prosecutor is *the* most important aspect of this because the *right attitude* is required to make it work. Not everyone can do this! It is not a question of rank but rather this individual must be community and project oriented. It must be in their blood.⁵¹

There was much evidence in this chapter to indicate that a CMP must be community-orientated and work closely with community based structures. Otherwise, a CMP alienated from the community is not really effective. In this case, poor initial relations with the CPF slowed community impact. It seems that community prosecution must focus *first* on the community and then secondly toward partnerships with departments

⁵¹ Sibeko, Eric, Chief Prosecutor, Durban Magistrates Court, 15 August 2007

and structures that can support community-defined needs on crime prevention. This is a liaison role and one that appears to be much needed across the country based on nine sites.

Certain kinds of prosecutors will move in this described direction owing to their character and background. Eric Sibeko said, “This can be taught in workshops but this is not enough. It must be in the character of the person appointed.”⁵² This assessment fits with the findings of this report such that the personality and character traits of the prosecutor chosen for this role are very important. This must be a compassionate person who is a team player and will to work closely with *community-based* organisations.

11.9.7 The role that Social Development can play in crime prevention requires further investigation

At many sites including this one, this partner was not available for crime prevention and yet according to the NCPS, this is the central stakeholder driving the crime prevention agenda in national strategy. This does not seem like a situation can be ignored but it must be confronted at national level in terms of the Justice Cluster in cabinet (Justice, the NPA, Correctional Services, SAPS and Social Welfare are all located here). This will necessarily require an NPA champion for community prosecution and this is discussed in the general summary of recommendations.

11.9.8 Community Prosecutors can return to prosecutions better skilled and able to make a positive impact on organisational culture at the NPA

When Sunil Prithipal returned from sick leave, he did not return to Point but to the Magistrate’s Court where he now manages nine courts (Courts 11, 12 and A-H). He has arranged that each prosecutor will interact with their communities on issues like taverns, theft of electrical cables, noise or prostitution. He did this by assigning one or more SAPS stations to each of the nine courts (e.g., Court G covers SAPS Bellair, Montclair and Durban Harbour). Thus, ordinary court prosecutors are *already* being prepared to

⁵² Sibeko, Eric, Chief Prosecutor, Durban Magistrates Court, 15 August 2007

interact with both SAPS and community members on issues of crime prevention. This reveals that experience as a community prosecutor can have a multiplier impact on the NPA and that the organisation is already changing owing to the project.