

CHAPTER SIX

MTHATHA: NGANGELIZWE

6. NGANGELIZWE

6.1 Description of the Pilot Site

Two kilometres east of Mthatha is the peri-urban area of Ngangelizwe, the pilot site for CMP Jongikaya Busakwe. The Ngangelizwe Police Station has five policing sectors that stretch over 97 square kilometres and Ngangelizwe fits mainly *within* Sectors Four and Five, a relatively confined area (5-6 square kilometres).¹ However, the target site was based neither on sectors nor administrative units. Rather, Ngangelizwe has a place-based identity rooted in culture and history. Settlement dates back to the 1930s and it is a historic part of the King Sabata Dalindyebo Municipality.

Today some 70 000 people reside within 12 800 households, mostly within formal housing but there are certain areas of informal settlement and much ‘backyard shacking’.² There is widespread poverty and little economic development and these two factors seemed to be linked to the high crime levels because: (a) development has been uncontrolled; (b) the evaluator could observe and photograph this link; (c) the priority crimes were property-related; and (d) the sheer lack of development produced idle and bored youth who turned to drugs and crime. These factors are discussed below.

(a) Uncontrolled development

Development had been uncontrolled such that informal settlements were ‘mushrooming’ without any planning of infrastructure, health needs, basic services, and least of all the impact this would have on crime levels. In April 2006, the King Sabata Dalindyebo Municipality had absolutely *no* municipal plan---it was only unveiled at the time of the evaluation, one year later.³ This becomes important in the study because no partnership was ever established between the municipality and the CMP despite many efforts.

¹ CMP Busakwe worked with two Sector Managers: Inspector Nongandla and Inspector Ntshobole.

² Population estimates were provided by various SAPS members but ranged quite widely. It was suggested that there were 700 000 people in the policing area (all five sectors) but this seemed unlikely.

³ Bodi, Malungelo, “Putting the shackles on runaway development,” *Daily Dispatch*, 28 June 2007

(b) Observations of the environment

The evaluator took photographs for the April 2006 baseline study that provided evidence of a link between lack of development and crime:

- Many dwellings did not have street numbers (*making it difficult for the police to locate the scene of a crime or to apprehend criminals*)
- 75% of the roads were in poor condition and poorly lit (*making the environment conducive to crime*)
- The landscape was dominated by big open areas (*facilitating violent crimes like rape*)
- There were many illegal shebeens that included under aged youth (*most crimes are committed by youth under the influence of alcohol and usually originate in these drinking establishments*)

(c) Crimes are often about property

Only 56% of the adult residents were economically active and 55% percent of the households earned between R500 and R800 per month (mainly from pensions). This situation did not change during piloting and neither did the priority crimes:

- Burglary Residential
- Aggravated Robbery
- Common Assault
- Assault with Grievous Bodily Harm
- Theft of Motor Vehicle

The most problematic crime on the list was the first one (burglary) and it was on the rise at the time of the baseline study but the high level of assaults, rapes, murders and attempted murders also revealed a *violent* situation. These crimes frequently involved illegal firearms.

(d) Sheer lack of development produces idle and bored youth who turn to crime

The priority crimes bulleted above were mainly committed by youngsters (the majority of the population). This owed in part to poverty and the sheer lack of development—youth would loiter where there are criminals and gangs and then turn to crime under their influence. Residents reported on baseline surveys that they feared to venture out of their homes owing to this. They said that they did not enjoy ‘the freedom of movement’ to even go to the shops or walk the streets.⁴

6.2 THE IMPACT OF THE SITE ON PILOTING COMMUNITY PROSECUTION

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 these factors.

6.2.1 Advantages of the site

Nganglizwe is both a: (1) national SAPS priority area and (2) Presidential Node for Urban Renewal. This led to certain improvements especially in policing during the time of piloting. These are not really attributable to the CMP but useful for understanding the impact of the site on his activities. Under the new station commissioner:

- SAPS restructured its programmes including sector policing (during the time of piloting) to become much better and more active partners in crime prevention
- The CPF was revitalised
- Crime prevention programmes were implemented in the schools and community including Adopt A Cop, NICRO and Youth Leaders Against Crime
- The SAPS station was upgraded during 2006-2007 period using European Union funding
- The station *appeared* more organised at the time of the evaluation (renovations, improved signage, higher levels of activity, etc) with more top management

⁴ Griggs, Richard, Developing a Community Prosecution Model for South Africa: The Baseline Study for a Planned Evaluation, October 2006.

involvement owing to SAPS restructuring (including a new crime prevention head—Supt Taleni).

Regarding its presidential status, development was ongoing but *very slowly* both during the time of the pilot study and the evaluation:

- Roads were being repaired
- Recreation facilities were being built
- Sanitation had improved (the bucket system that was prevalent at the time of the baseline study was gone)
- Clean-up campaigns were undertaken using local labour
- Access to clean water and electricity increased.
- Refuse removal was made more regular, reducing the widespread dumping that had occurred at the time of the baseline study
- All the streets were marked and named during the pilot period

6.2.2 Challenges to the site

The biggest challenge at this site appeared to be the weak response to crime. By comparison to most other sites in the study, there was little visible change between the time of the baseline study and the evaluation. Unfortunately even the NPA fit into this slow pace since the CMP was only devoting about 10-15% of his time to an area that really needs attention.

Another big challenge is a weak capacity to *respond* to crime. The Ngangelizwe Police Station was assessed from the time of the baseline study as under-resourced and unable to adequately serve this sizeable community owing to:

- Insufficient vehicles
- Insufficient staffing--only 84 police members for a huge and highly populated area (less than one police member for every square kilometre of station area)
- Insufficient police training: few SAPS member even had driver's licenses
- Insufficient patrols (e.g., the police did not patrol the schools)

- Mistrust of the police such that the community did not cooperate with them on criminal cases

Community-police relations improved, partly attributable to the CMP project and better SAPS management. Nonetheless, the other problems remained or improved only slightly during the time of piloting.

Other gaps in service delivery appeared to produce and reproduce high crime levels. The attendees at the evaluator's round-table discussion all agreed that violence against women and children was not being adequately addressed since rape, sexual assault, and assault were at high levels and aimed at children as young as three years old. Furthermore, they reported that the Domestic Violence Act was misunderstood and this led to false reporting levels as well.⁵

The evaluator observed that there were still many youth on the streets at the time of the evaluation study such that this issue needs to be a priority. As will be seen in Section 6.8.1, the shebeen project brought down violent crime levels to a small extent during 2006 and then the statistics remained unchanged for 2007. The likely reason for the unchanged figure is that the main perpetrators of contact crime, the youth, were not addressed as part of this pilot.

6.2.3 The size of the pilot site

Six SAPS station members and a CPF member were present at the 04 July 2007 evaluation workshop and asked if the CMP should rather have targeted more policing sectors than the principal ones that comprise Ngangelizwe. They did not think so (100%) and argued that Ngangelizwe was exactly the right focus. This site is unique in that regard. Most other pilot sites in the study were deemed to be too small and expansion to the entire policing areas was recommended by research participants.

⁵ Round-Table Discussion with Stakeholders, Ngangelizwe SAPS Station, Ngangelizwe, 04 July 2007.

Why did it not seem appropriate to the respondents in round-table discussion that the CMP should change his target site to include more policing sectors? This is because: (1) crime, particularly violent crime, concentrates in this one area; and (2) the attendees wanted the CMP address more issues in the same area, particularly crime against women and children; and (3) to move beyond the initial target area after a rather limited piloting effort would affect the credibility of the CMP and the NPA.

6.2.4 Analysis of the pilot site

The respondents did believe that SAPS sectors (and NOT the more vaguely defined historic area) were the appropriate units for targeting. While concentration on two policing sectors pertaining to Ngangelizwe is recommended in the next phase of implementation to resolve the problem of youth violence, the evaluator also recommends that the entire policing area be taken into account when planning activities. For instance, the NPA could participate in certain kinds of public information campaigns that might extend over the entire policing area (e.g., prevention of domestic violence, regulating shebeens) while the crime prevention programmes targeting youth might focus mainly on the appropriate sectors of Ngangeliwe. In other words, the type and range of crime being addressed for prevention should inform targeting rather than assigning a CMP to fixed sectors within a policing area.

Based on the data emerging from all sites, it appears that a CMP should be assigned *first* to an entire SAPS priority area. Then, the CMP should negotiate with partners regarding the policing sectors on which to concentrate for making impact on the *overall area* and crime figures. In other words, the focus on solving particular crime problems within a SAPS priority area should inform the sectors on which the CMP focuses and this should be developed in discussions between the NPA and relevant stakeholders at each site (e.g., SAPS, CPF). In broad terms, the work of the NPA should rather be in support of (and viewed as) bringing down crime in an entire SAPS priority area.

6.3 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 appointed community prosecutor according to the previous two factors.

6.3.1 The suitability of the CMP to the role

CMP Jongikaya Busakwe appeared to be well qualified to be a community prosecutor since he accomplished much despite so little time devoted to the role (@10%). Furthermore, he had been at the site since July 2004 as a Senior Public Prosecutor and had been involved in school based interventions to prevent crime since October 2005. He said,

I come from the same background as the community. I was raised here in Transkei and went to Cape Town and resided in Langa and I know about township life—I can intermingle. You must go for someone who knows the community—this is the knowledge that is important. You cannot bring someone in from the suburbs—a CMP must understand the locals.⁶

6.3.2 Time available for piloting

This CMP spent most of his month working on court cases rather than the project according to this ratio: 85% court work and 15% community prosecution (two to three days a month). Thus, his main focus was not on community prosecution but preparation for and engagement in court work. This is evident in the mileage on the car made available for community prosecution—it registered very few kilometres and never needed a service. In terms of the time available for piloting, about 75% was expended on public education and 25% on various meetings (e.g., with tavern owners, police).⁷

The CMP said that he was supported for piloting purposes although it appeared to the evaluator that he was not necessarily encouraged in this role. The Director of Public

⁶ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

⁷ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

Prosecutions Humphrey Lusu said in interview, “This region will do all possible to make this project a success.”⁸ For this reason, one cannot say the DPP was uncooperative in piloting but he did NOT favour the idea of community prosecution for reasons that will be analysed. Could this situation have had an impact on time availability for piloting community prosecutions or the feelings of the prosecutor toward the role? In interview, the director said:

Why should a member of the NPA address issues of social or economic development? An advocate is not a social worker. It is good to stop a fight before it starts [crime prevention] but is this activity linked to prosecutions? Since 1994 we have had so much to attend to just in redressing the past that we are now in a quagmire with piloting so many new things. There are good aspects to this project but if police did policing and just took some instruction from prosecutions--that might be enough to make a difference.⁹

Thus, Director Lusu was not entirely opposed to a role for a prosecutor in crime prevention but rather to the type of activities that he witnessed during piloting and this requires analysis below.

6.3.3 Analysis of the appointed community prosecutor

The CMP stated in interview that he was not certain that he would like to retain this post beyond training other prosecutors to carry on activities at this site. At the time of the evaluation he said he would prefer courtroom work.¹⁰ Yet evidence was provided that the appointment was an excellent one in terms of the individual. Did the viewpoints of Director Humphrey Lusu influence the community prosecutor? Theoretically, this could have impact and is worth exploring.

No matter how supportive a DPP might be, a CMP might not feel rewarded for engaging in community prosecution if his director regards his main activity (regulating shebeens)

⁸ Humphrey Lusu, Director of Public Prosecutions, Informal Interview, Mthatha, 02 July 2007.

⁹ Humphrey Lusu, Director of Public Prosecutions, Informal Interview, Mthatha, 02 July 2007.

¹⁰ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

as inappropriate. The director made three strong arguments for his resistance to prosecutors engaging in ‘social work’. These are also given verbatim:

- “A prosecutor by legislation must decide whether to prosecute or not prosecute but a CMP sees a crime and then tries to prevent it—this does not seem to fit.”
- “People who sell alcohol and drugs illegally—shebeen owners—should be prosecuted but now a CMP turns a blind eye to this offence and works with them! Robberies and other crimes are also planned in shebeens. Is it appropriate for the NPA to work here and create partners or does that create a problem? Shouldn’t some NGO do this instead or maybe another government department?”
- “When we engage in community prosecution like this we are sending out a message from the prosecuting authority to the public that says—we are not coping with crime. Those who decide to commit crime are stronger than us and now we must negotiate with the criminals.”¹¹

Director Lusu identified the CMP role with a specific activity with which he did not agree: working with shebeen owners. Yet there is a conundrum: the CMP had little time available to the project and therefore concentrated on shebeens. Could this have influenced the Director’s idea of what the job entails (i.e., working with shebeen owners)? The DPP stated that he did not see anything wrong with prosecutors working between SAPS and the courts (a principal activity of many CMPs). It was specifically working with *illegal* shebeens that he did not believe was an appropriate role for the NPA.¹²

Whether or not it is inappropriate for a CMP to help instruct shebeen owners in the law must be debated within the NPA. It can be said that the CMP conducted his outreach activities in cooperation with the Eastern Cape Liquor Board, which under the Eastern Cape Liquor Act (Section 2) can ‘facilitate the entry of new participants into the industry.’¹³ The Liquor Board also has the mandate to provide public education and this can be done in cooperation with other agencies such as the NPA. In this case, the NPA did this on their behalf and this forged a partnership and one that led to Ngangelizwe’s

¹¹ Humphrey Lusu, Director of Public Prosecutions, Informal Interview, Mthatha, 02 July 2007.

¹² Humphrey Lusu, Director of Public Prosecutions, Informal Interview, Mthatha, 02 July 2007.

¹³ Mayatula, B, Senior Inspector, Eastern Cape Liquor Board, Interview , Mthatha, 03 July 2007

status as a Liquor Board priority area. The evidence suggests that crimes were reduced at this site through such an effort (Section 6.8.1) and at other sites through similar efforts (e.g., See Siyahlala, Mamelodi).

Whatever the outcome of NPA discussion on shebeen activities, the situation has ramifications for implementation strategy. For instance, one might consider a separate directorate for community prosecution because it may not fit neatly into the normal activities of prosecutors to which directors and managers are accustomed. Alternatively the NPA might consider its fit with the SOCA Unit since this included community activities of this kind. This subject is further addressed in Section 13.2 of the report where it is recommended that community prosecution be part of the normal performance contract of each DPP but explained better to them than in the pilot (the conference in Cape Town to explain it did not take place until February 2007 and was second on the agenda to the discussion of restorative justice, after which many attendees departed).

6.4 THE OFFICE LOCATION AND ITS IMPACT

Jongikaya Busakwe's office was at the Magistrate's Court in the Umtata CBD two kilometres away from the pilot site. However, he did not think it was a good location for community prosecution and "detracted from his productivity" as a CMP for these reasons:

- "You get dragged into court business, disrupted and your colleagues resent someone who works on community prosecutions—it is seen as a side show."
- "When community members need to physically access me, they cannot. A CMP must be immediately accessible and available and it is not always right to phone people."¹⁴

All seven participants in the round-table discussion with the evaluator (mainly SAPS members) on 04 July stated that:

¹⁴ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

- The best *available* location was the police station because it offered accessible partners and security.
- The office location at the magistrate's court was too far away.¹⁵

The CMP also stated in interview that being close to a SAPS station was practical for security reasons but he did not want to be *within* the police station because it would undermine his independent status with the community. “Sometimes people complain about the conduct of the police. So, you should be seen as independent of them.”

Establishing a community court for Ngangelizwe was under discussion at the time of the evaluation but interested parties had been long-awaiting Justice to proclaim the site a place of safety. SPP Busakwe considered such a court to be the ‘ideal location’ for a community prosecutor.¹⁶

6.4.1 Analysis: the office location

Based on data from all sites, the best location for a community prosecutor appears to be a community court and preferably one at a SAPS station. If no court is available, a location close to the community is needed but unlike Europe or America (where the model for community prosecution developed), it is dangerous to locate a CMP in the community in places such as shopping centres. The next best location, then, is a SAPS Station and possibly in a mobile unit to distinguish the role.

Based on information from other sites, the third choice is a Magistrate’s Court but only if it is close to the site. There are also many problems when operating from a Magistrate’s Court that make it the third option. For instance, at this site it was counterproductive since:

- It drew the CMP into court business

¹⁵ Round-Tables Discussion with Stakeholders, Ngangelizwe SAPS Station, 04 June 2007.

¹⁶ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

- It placed him out of contact with the community as evidenced on questionnaires and in the focus group discussion with SAPS partners that followed¹⁷
- In that location, he did not seem to enjoy a great deal of support for the role from other prosecutors or his DPP

6.5 DEFINITIONS OF COMMUNITY PROSECUTION AND IMPACT

This CMP printed a definition for community prosecution on the invitations to the evaluation workshop held at Rabe Church Hall in Mthatha on 26 April 2006. It said:

It is a pro-active approach in dealing with crime where the NPA enters into a pact with stakeholders including the community to identify community irritants and to deal with the environment conducive to criminality. Community Prosecution is about working with the community, for the community and solving the community's problems relating to crime.¹⁸

CMP Busakwe told the evaluator during the July 2007 site visit, “My view now is basically unchanged but I can shorten it: a prosecutor working with the community, for the community in order to better their lives by preventing crime.” Thus, a community prosecutor works between the community and relevant stakeholders to identify and resolve the types of crimes that are committed in the targeted community including crime-related issues left unattended by ordinary courts.

Did this fit with the *job description* given to the CMP for piloting? The CMP said:

For the community prosecutor, this job description does not tie in at all. It is really more appropriate to a regular prosecutor. Just the bit where it says “promote partner integration, community involvement and customer satisfaction”—this is the only line that fits.¹⁹

¹⁷ Round-Table Discussion and Questionnaire with CMP Stakeholders, SAPS Ngangelizwe, 04 July 2007

¹⁸ Griggs, Richard, Developing a Community Prosecution Model for South Africa: The Baseline Study for a Planned Evaluation, October 2006.

¹⁹ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

The key performance areas seemed to fit. So, the only problem was with the job description and this finding was corroborated by the other eight CMPs making it certain that the job description must be rewritten but not the key performance areas.

6.6 STRUCTURES FOR DELIVERY

The work of the CMP concentrated on two structures that he developed—the Tavern Owners Forum and monthly meetings with the CPF and SAPS. He also attended and contributed to monthly community imbizos (SAPS calls these together) and developed strategic partnerships. This will be detailed below as follows:

1. Tavern Owners Forum
2. Local Joint meeting of CPF/SAPS/CMP
3. Monthly community imbizos
4. Strategic partnership building

6.6.1. Tavern Owner and Shebeen Forum

The CMP created this and it might be described as his main accomplishment. On 22 June 2006, the CMP invited a member of the Eastern Cape Liquor Board (Ms B Mayatula) to give a workshop to the police, the magistrate, himself and some other prosecutors so that they could better understand how to address the problems emanating from taverns and shebeens. The outcome of this meeting was significant for community prosecution.

According to CMP Busakwe:

Originally, my idea was to close the shebeens. After we looked at this I realised that it would not be successful to close them down. We then decided to have this Tavern and Shebeen Owners Forum. The purpose was to empower the people about the Provincial Liquor Act (2003).²⁰

²⁰ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

This seemed to fit with circumstances since interviewees informed the evaluator that the shebeen owners knew nothing about the law and some were in a position to be licensed according to the law.²¹ According to CMP Busakwe:

We do not have by-laws in this area from the municipality that regulates trading times. You have to *explain* to tavern and shebeen owners why they must close at a particular time and reach some sort of agreement.”²²

In July 2006, SPP Busakwe met with the station commissioner to develop a plan. They would create a Tavern Owner and Shebeen Forum that they could address monthly. Membership started with about 15 tavern and shebeen owners and then grew to include nearly all of them in Ngangelizwe (@25). This forum included:

- An executive member of the CPF
- SAPS Ngangelizwe
- Tavern owners (legal)
- Shebeen owners (illegal)
- SAPS Liquor Inspector
- The CMP

Analysis of impact: The Tavern Owner and Shebeen Forum

These impacts can be attributed to this structure that was developed by the CMP working in partnership with SAPS:

- The CMP helped to organise this body, its membership and then contributed to discussion on how the shebeens could regulate their activities (especially trading hours)
- On 22 August 2006, rules were established for self-regulation and this included closures by midnight on weekends.
- The rule-making was successful—shebeens close at midnight according to SAPS informants who inspect the site²³

²¹ Mayatual, B, Senior Inspector, Eastern Cape Liquor Board, Mthatha, 03 July 2007

²² Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

- The police monitor—they are allowed in to do random searches of the taverns and their regular visibility at any point in time appears to prevent crime.
- The shebeen and tavern owners have a much better relationship with the police and had no such relationship prior to this intervention.
- On testimony, the number of cases coming from shebeens continuously dropped between July and the December holidays (a rise in the holiday periods is expected).²⁴
- Police also received a significant education on shebeens (e.g., it seems that SAPS has no authority to close them; only the Liquor Board)²⁵

Details on these activities owing to these structures and the crime prevention impacts that can be associated with the activities are discussed separately in Section 6.7.

6.6.2. Local Joint Meeting (CPF/SAPS and Community Prosecutor)

These meetings started on April 27, 2006 and occur on a monthly or bimonthly basis dependent on the availability of participants. The purpose: to bring the concerns of the public to the police and to discuss crime in the area. Other partners also attend based on the focus of the meeting such as:

- Lovelife
- Family Mediation of South Africa (FAMSA)
- Mthatha Women's Support Centre
- Social Development
- NICRO

Analysis of impact: Local Joint Meetings

These three outcomes could be attributed to this structure:

²³ SAPS Liquor Inspector Captain Lobi, Sector 4 Manager Inspector Ntshobole, Sector 5 Manager Inspector Madyibi, Informal Interviews during site inspection, Ngangelizwe, 03 July 2007.

²⁴SAPS Liquor Inspector Captain Lobi, Sector 4 Manager Inspector Ntshobole, Sector 5 Manager Inspector Madyibi, Informal Interviews during site inspection, Ngangelizwe, 03 July 2007.

²⁵ Mayatula, B, Senior Inspector of the Eastern Cape Liquor Board, Interview, Mthatha, 03 July 2007

- The cell phone numbers of the CPF Chair, SAPS Station Commissioner and the CMP were distributed to community members. If they experience any problems with policing, they can contact any of these members.
- The community complained to the CMP about poor police response times and the CMP reported this at the meeting. The police responded and senior police officers (commanders) were put onto the night shift to monitor police performance.
- Owing to these coordinated meetings the CMP improved the relationship between the CPF and the police and directed their cooperation toward the shebeen and tavern owners project

6.6.3 Community Imbizos

The police used a loud-hailer to call these big community meetings together (imbizos), which occur about four times a year. Imbizos, along with sector policing, are at the core of SAPS crime prevention strategy in the Eastern Cape. However, they had become moribund at the pilot site and the CMP helped to reactivate them and attended. It is organised in a particular place—the Rotary Stadium. This is where the CMP made several community presentations on topics like:

- Bail applications
- Issues of domestic violence
- How to prevent crime and be streetwise
- How to behave in public
- Public drunkenness
- Municipal bylaws

For example, criminals are usually released on bail immediately after arrest and therefore most of the community refused to report crime because they would then fall under attack by those that they reported. The CMP helped the community to better understand bail and worked to improve relations with the police. He also furnished his telephone number so that crimes could be reported directly to him.

Analysis of impact: the community imbizos

The overall impact of the imbizos is that they seemed to smooth community-police relations and build trust. The CMP was highly influential in achieving this since he had reactivated the imbizos and contributed to building community-police relations. These are the findings:

- Perhaps 30 to 50 people attended each one and it might be surmised that many people are now more informed about both the law and crime prevention measures.
- The CPF and police also participated in these and also learnt from the community prosecutor about the topics bulleted further above.
- The CMP identified mistrust of the police and then improved relations by working between the police and the community to sort out misunderstandings.
- The CMP helped the community to better understand bail and worked to improve relations with the police on this issue.
- The CMP furnished his telephone number to the community so that crimes could be reported directly to him
- Owing to the above, the SAPS superintendent not only furnished his number to the community but placed a senior police member in charge of the night shift to be accountable to complaints (now neither the CMP nor the station commissioner need to be contacted directly).
- Owing to all of the above, crime reporting increased at the imbizos—the community used to refuse to report crime publicly because they would then fall under attack by those that they reported.²⁶

6.6.4 Building strategic partnerships and advocacy

Creating strategic partnerships to achieve certain outcomes contains an element of advocacy and the CMP built such partnerships. The most critical one might be a partnership between SAPS, shebeen owners and the manager of the Liquor Board (for the region), Mrs. B. Mayatula.

²⁶ Griggs, Richard, Developing a Community Prosecution Model for South Africa: The Baseline Study for a Planned Evaluation, October 2006.

The CMP partnered with the Liquor Board at this site from June 2006 (by writing letters to the East London Office ask for their assistance and cooperation). His chief partner, Mrs B. Mayatula, formerly a Liquor Board member in East London, was appointed Senior Inspector for a wide-ranging area of the Eastern Cape that includes 90 sites. She has the delegated authority to both license and close a tavern and to conduct public education campaigns on the Liquor Act. This had impact:

- She opened an office to serve Mthatha and Ngangelizwe after working with the CMP for some months. The new office was officially launched on 31 May 2007.²⁷

Senior Inspector Mayatula also told the evaluator in interview:

This is such a successful partnership that we should do this countrywide. I just joined the Liquor Board on December 1 and Mr Busakwe helped me a lot. Many people want to point fingers at Liquor Traders because most crimes are liquor related but these can be regulated. We see good cooperation now and a definite change in attitudes.²⁸

The CMP also facilitated the partnerships between the shebeen owners and the police so that it is now possible to monitor these establishments. The Provincial SAPS and the Liquor Board also have a signed agreement to cooperate but the CMP provided the direction and coordination to facilitate better cooperation at this pilot site: Ngangelizwe.²⁹

There were other strategic partnerships or advocacy efforts of value including these:

- The CMP identified the need for a ‘place of safety’ for children requiring this and then negotiated it with Social Development. This led to his partnership with an organisation called Bosasa—a place of safety for homeless youth. The CMP makes referrals and phones them and informs them of children that need care.
- He negotiated with the municipality (advocacy) to clear a dangerous grassy area that hid criminals and this was successful

²⁷ Mayatula, Ms, B., Senior Inspector Liquor Board, Interview, Liquor Board Office, Mthatha, 03 July 2007

²⁸ Mayatula, Senior Inspector Eastern Cape Liquor Board, Interview, Liquor Board Office, Mthatha, 03 July 2007.

²⁹ Mayatula, Ms B., Senior Inspector Liquor Board, Interview, Liquor Board Office, Mthatha, 03 July 2007

Strategic partnering was not always successful. The municipality was described as a weak partner throughout piloting despite *many* open areas and a need to proclaim by-laws. To address this problem, the CMP organised a meeting on 14 December 2006 at the Magistrate's Court. He invited the executive of the municipality, members of the police force, traffic officers, officers from Social Development, and the Chief Prosecutor:

We then waited there for people from the municipality. The meeting was to start at 10 and we waited until 11:15 and they never came. Weak cooperation remained the case with the municipality. There seems to be a lot of political instability inside of the municipality including poor management and much politics—so they do not want to be accountable to anyone.³⁰

This situation probably owes to the lack of bylaws such that there is no bylaw enforcement (it seemed to the evaluator that the municipality did not want to come to forums where they might have to field complaints). This necessitates compromises to prevent crime and explains the ‘memorandum of understanding’ with the community on shebeens. It is the municipality’s legal responsibility to regulate shebeen hours but they have not responded. Since the municipality does not have any by-laws on the critical matter of opening and closing times, CMP Busakwe of necessity worked with the Liquor Board with beneficial outcomes.

Another difficulty in partnering was in evidence:

- When open spaces were identified as dangerous areas, the CMP negotiated with the Department of Land Affairs but they could not respond because this falls within the jurisdiction and responsibility of the municipality.

The partnerships of each CMP were also rated as part of the interview process with the evaluator. Below are the ratings that CMP Busakwe offered:

³⁰ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

CMP Ratings of Partnerships

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

PARTNER	CMP RATING	THE REASON FOR THE RATING IN THE WORDS OF THE CMP
SAPS	2	Because I get a lot of cooperation; I organise everything with them and they offer facilities, logistics, and they even help organise the community.
CPF	2	Because they participate in the monthly meetings
SHEBEEN AND TAVERN OWNERS	2	They do participate but at the beginning they were reluctant but as we organised education workshops, they came to like the idea of regulation.
LIQUOR BOARD	3	Their involvement was with the CMP and it was to their benefit. It is really their responsibility but we facilitated this. They are also very active now
JUSTICE	1	We get support from the senior magistrate but are not well engaged with them
SOCIAL DEVELOPMENT	1	They do give assistance in terms of street kids and referring them to a place of safety. They compile reports.
MUNICIPALITY	0	They are not actively participating in crime prevention and when we invite them they do not come. They only apologise.
FAMSA	1	Recently on board but they are good for family mediation. We wanted to use them for minor conflict between the families. A domestic protection order divides the family but they can sort out the squabbles in the beginning and keep things out of court and prevent domestic violence.

6.6.5 Analysis: Structures for Delivery

There are three points of analysis. First, at most pilot sites, three kinds of structures similar to those outlined above appeared in some form: (1) certain partnership structures, such as local joint meetings, for the purpose of designing or developing crime preventions interventions; (2) structures for receipt of the intervention programme such as a forum for tavern and shebeen owners; and (3) sometimes structures to exchange information with the community about crime prevention (e.g., community imbizos). That the CMP enjoyed success despite some very limited time for piloting might owe to a strategy of identifying these structures, which upon analysis of all sites seemed appropriate (see Section 2.15).

Secondly, both sustainability and stakeholder buy-in appear more likely if *new* structures are avoided. At this site, the community was undertaking the development of their own tavern owner's forum, such that the CMP's forum might not be needed in the future.³¹ This can be seen as beneficial and occurred rather rapidly at another site (Mdantsane).

Third, a structure that has significance for delivery at many sites seems to be the 'Tavern and Shebeen Owners Forum.' These appeared to help reduce crime in and around certain shebeens and to affect overall crime levels. The question arose at this site as to whether this was an appropriate NPA role or the role of the Liquor Board.

Interestingly, seven survey respondents were asked in QUESTION 11 about the challenges ahead for the CMP in Ngangelizwe and one of them (Head of Crime Prevention, Supt. Taleni) said that a Justice Forum was needed that involved community-based structures.³² This helps to reveal that the CMP role (and its structures) will probably continue to evolve over time under various influences including new structures and new legislation. In the United States where 'community prosecution' has been ongoing the longest (10 years in some cases), it was found that the focus of the first year or two is not the same as the next three to five years.

6.7 CMP ACTIVITIES AND IMPACT

The main activities of the CMP were these:

1. Regulating shebeens
2. Crime Awareness Campaigns
3. Negotiating a community court
4. Partnering for improved SAPS services

³¹The Umtata Liquor Trader's Association already exists but had not yet entered Ngangeliswe. Mrs Mayatula of the Liquor Board thought that the Eastern Cape needed one organisation with which to negotiate, perhaps an 'Eastern Cape Liquor Trader's Association.' Mayatula, Ms B., Senior Inspector Liquor Board, Interview, Liquor Board Office, Mthatha, 03 July 2007

³²Taleni, David Mzinamanda, SAPS Supt and Head of Crime Prevention, Survey and discussion, Ngangelizwe, 04 July 2007

5. Selective Prosecution
6. Advocating for crime prevention activities

6.7.1 Regulating Taverns and Shebeens (Legal and Illegal)

This was the main focus of the CMP effort: regulating shebeens and taverns. SPP Busakwe viewed these drinking establishments as a causal factor in crime. Most of them in his area had been open 24 hours and during this time many rapes, murders and armed robberies had originated from these places. The lack of control and regulation over them also contributed to community mistrust of the police. At the time of the baseline study, he said, “If we can regulate shebeens, we can reduce crime. This will result in an environment less conducive to criminality.”³³

The CMP then engaged in meetings with shebeen owners about once every two months that included SAPS. These amounted to awareness/education campaigns in terms of licensing requirements. Most of the shebeen owners came to these meetings.

From November 2006, the CMP formed a critical partnership with the Liquor Board, which can close them down if they do not comply with the conditions of their licenses. “SAPS cannot legally play this role and if they are challenged they will lose in court.”³⁴ The tactic: move the shebeens toward regulating themselves and then eventually licensing them. Regulating them creates conditions that prevent crime. Furthermore, trying to close them down can drive these activities underground. “It is better to facilitate the entry of new participants into the industry and this is described in Section 2 of the Eastern Cape Liquor Act.”³⁵

On 29 June 2007, the CMP organised a workshop at Ngangelizwe Police Station where about 22 people attended, mostly tavern and shebeen owners. The aim of the workshop was for the liquor officer to educate them on how to get their licenses. What are the conditions of those

³³ Griggs, Richard, Developing a Community Prosecution Model for South Africa: The Baseline Study for a Planned Evaluation, October 2006.

³⁴ Busakwe, Jongikaya, Formal Interview, Mthatha, 02 July 2007.

³⁵ Mayatula, Senior Inspector (Eastern Cape Liquor Board), Interview, Mthatha, 03 July 2007.

that have licenses? What happens if you do not adhere to these conditions? The prospect of their licenses being revoked was discussed too.

The impact of regulating taverns and shebeens

These impacts could be identified:

- The CMP educated tavern owners of the laws including their obligations and duties on a monthly basis between June 2006 and July 2007.
- Random searches now place in shebeens and taverns by SAPS owing to the CMPs efforts to enrol their cooperation and involvement.
- Police response times to shebeen incidents have quickened and complaints about slow police response times have dropped.³⁶
- A closing time of 12 midnight was negotiated--the police patrol the area, monitor this and reported to the evaluator that shebeen owners are cooperating with this 'Memorandum of Understanding'.³⁷
- More shebeen owners are applying for licensing (this was witnessed by the evaluator and photographed at the office of the Liquor Board).³⁸
- The evaluator inspected Spur's Tavern, Ndlovu's Tavern, and Roadhouse Tavern to obtain photographs and testimony that there is increased security, improvements, signage, better regulated hours, and on testimony reduced crime in and around these liquor outlets.³⁹
- The shebeen owners interviewed said that they were enthusiastic about the outcomes of the CMP's efforts because it is leading to a more regulated environment and they can become properly licensed. Many of them knew nothing about licensing or regulations previously. This enthusiasm is evident in their choice to create and enter into their own Tavern Owners Association.⁴⁰

³⁶ SAPS Liquor Inspector Lobi, SAPS Sector 4 Manager Inspector Ntshobole, and SAPS Sector 5 Manager Inspector Madayibi, Interviews, Ngangelizwe, 03 July

³⁷ SAPS Liquor Inspector Lobi, SAPS Sector 4 Manager Inspector Ntshobole, and SAPS Sector 5 Manager Inspector Madayibi, Interviews, Ngangelizwe, 03 July

³⁸ Mayatula, Senior Inspector Eastern Cape Liquor Board, Interview, Mththa, 03 July 2007.

³⁹ Nuza Nondlwani, Ndlovu's Tavern, Ngangelizwe, 03 July 2007; William Bozinia and Nomzamo Buzini, Nomzamo Tavern, Ngangelizwe, 03 July 2007

⁴⁰ Unfortunately the owner of this project was shot dead in late June 2007 temporarily delaying this outcome but it was ongoing at the time of the evaluation.

Was there a reduction in contact crimes in and around shebeens (originating in them) owing to these attempts at regulation? This can be identified:

- Contact crimes dropped in Ngangelizwe during the August-October period when the new hours and regulations were in place. There had been a total of 209 contact crimes between August and October 2005 and these dropped by 59 cases (28% fewer) during the same period in 2006.⁴¹
- The SAPS Ngangelizwe Sector Managers (4 and 5) along with the SAPS Liquor Inspector testified in interview that contact crimes had dropped in and around the shebeens in Ngangelizwe.⁴²
- Three tavern owners interviewed for this report said that crime had dropped in and around the shebeens owing to adherence to new types of self-regulations like security fencing, security guards, burglar bars, signage, regulated hours and refusing to sell alcohol to minors and people who have had ‘too much’.⁴³
- The impact of shebeen regulation could be seen in the 2006 crime statistics (see Section 6.8.1).

6.7.2. Crime Awareness Campaigns

SPP Busakwe has participated in Crime Awareness Campaigns. For example:

- On August 21, 2006 at ‘Ncise A/A’ in the district of Mthatha, SAPS and the CMP organised and offered a workshop to educate residents about domestic violence, the legal rights of the accused (presumption of innocence and bail applications) and the role of the community in fighting crime and identifying criminals who harbour there.
- On September 28, 2006 at Lindile Great Place an awareness campaign on crimes against women and children, was organized by the Department of Safety and Liaison. All government departments were represented and explained various projects that are currently in place to alleviate poverty. The Community Prosecutor explained: (1) how to fight crime through the criminal justice system; (2) bail applications; (3) the role of youth projects in crime prevention.

⁴¹ Ngangelizwe Police Station, SAPS Quarterly Crime Comparison, Contact Crimes August-October 2005/2006.

⁴² SAPS Liquor Inspector Lobi, SAPS Sector 4 Manager Inspector Ntshobole, and SAPS Sector 5 Manager Inspector Madayibi, Interviews, Ngangelizwe, 03 July

⁴³ Nuza Nondlwani, Ndlovu’s Tavern, Ngangelizwe, 03 July 2007; William Bozinia and Nomzamo Buzini, Nomzamo Tavern, Ngangelizwe, 03 July 2007

The impact of crime awareness campaigns

These are one-time event days supported that targeted a wider area than just the pilot site. Thus, it is not possible to identify impacts owing to this although participation in such activities might be a normal expectation of a community prosecutor.

6.7.3. Advocating a community court

Although he did manage some dispute resolution on an individual basis, CMP Busakwe expressed the need for a court to expedite alternative dispute resolution and diversions.⁴⁴ “Fast justice is a powerful tool for crime prevention,” he said. Therefore he worked between the community and the Department of Justice and Constitutional Development to lobby for the opening of a community court.

Impact of advocating a community court

The approval of the Minister of Justice and Constitutional Development is required to establish a community court and this is where this effort is stalled. SPP Busakwe said they had been waiting for a year and the chief prosecutor was ‘pushing for this’ but the outcome could not be predicted. So far, a local NGO said they would offer a pre-fabricated building to help establish one if approval is granted. There is also a designated site for the court in Ngangelizwe.

6.7.4 Partnering for improved SAPS services

The CMP advocated improved SAPS services but did not work as closely with the police as some other CMPS that worked in SAPS stations. He cooperated with them mainly in terms of helping to regulate shebeens (police conducted random searches and the CMP provided an education on the law) and in terms of monthly meetings the CMP called between the station commissioner and the CPF to address common concerns.

⁴⁴ Busakwe, Jongikaya, Community Prosecution Monthly Report, 03 May 2007.

6.7.5 Selective Prosecution

CMP Busakwe also identified a corrupt police officer through informers. The member was involved in possession of unlicensed fire arms for his own security company. So a unit was formed and he was arrested together with his wife in October 2006. Bail was refused at the Magistrate's Court (but he was granted bail in February by the high court). He spent Christmas in prison. SPP Busakwe is still pursuing this high profile case (it is being covered by SABC news reports) and said, "It gave a clear identity to the post of community prosecution—it makes it separate from the police."

6.7.6 Advocacy (partnership-building for crime prevention outcomes)

This heading is just to underscore a point of analysis---all of the outcomes described above go beyond just offering information but include an element of advocacy (promoting, encouraging, supporting, or backing a crime prevention solution to an identified problem). This included:

- Advocating self-regulation by shebeen owners
- Advocating community responsibility for crime prevention
- Advocating a community court
- Advocating improved services by SAPS
- Advocating improved relations between SAPS and community members
- Lobbying 'Boxing Against Crime' to help out the Youth Club and now a Mr Dumezweni is training youth owing to this (this outcome was not previously itemised)

If the NPA seeks another way to phrase this activity, it might be building strategic partnerships between the community and key service providers for a crime prevention outcome. This seldom engages the CMP directly in service delivery (hence, the evaluator's term for it is advocacy) but rather engages the CMP in identifying a crime problem, analysing it and creating the capacity or partnerships to prevent it.

6.7.7 Analysis of CMP Activities

The CMP's available time for piloting was very limited and he appeared to make good use of it by concentrating on one major project (educating shebeen owners so that they would self-regulate) but otherwise engaging in cooperation with other stakeholders to achieve some additional outcomes. As with many sites, much of this can be condensed into three major activities: (1) strategic partnership-building for crime prevention outcomes--this involves an element of advocacy too; (2) information and capacity building on the law—for both the public and members of government departments; and (3) selective prosecutions to send a message that crime does not pay—the SAPS member described above who was in possession of unlicensed firearms.

Is there anything more the CMP should have focused on? Interviewees and participants in focus group discussions and surveys agreed that if a new activity were undertaken, he should look at the crimes against women and children (sometimes very young children), which are at high levels in this community. In the evaluator's view, the CMP should next concentrate on the youth loitering on the street corners of Ngangelizwe and contributing the most to high crime levels and keeping residents in fear of the streets. Furthermore, “Young children were also being used in the commission of crimes because they are easily released to parental custody.”⁴⁵

6.8 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

⁴⁵ Busakwe, Jongikaya, *Community Prosecution Monthly Report*, 03 May 2007.

4. Impact on community cooperation and involvement in crime prevention
5. Impact on community perceptions of safety at site
6. Impact on stakeholder perceptions of the NPA

6.8.1 Impact on crime levels

Comparing May-December 2005 with the same eight months in 2006, contact crimes dropped from 466 reported cases to 366 (a 21% drop). This dropped precipitously between August and October (2005 and 2006) when the new hours and regulations for shebeens were put into place owing to CMP-led partnership efforts. There had been a total of 209 contact crimes between August and October 2005 and these dropped by 59 cases (28% fewer) during the same months in 2006.⁴⁶ While there was no drop when comparing November 2005 and 2006, contact crimes were more than halved in December 2006 (53%).

Ngangelizwe Contact Crimes Comparison: Jun-Dec 2005/2006⁴⁷

<i>Crime</i>	Jun 2005	Jun 2006	Jul 2005	July 2006	Aug 2005	Aug 2006	Sep 2005	Sep 2006	Oct 2005	Oct 2006	Nov 2005	Nov 2006	Dec 2005	Dec 2006
MURDER	05	05	02	04	02	03	04	02	02	07	02	04	06	04
ATT MURDER	05	02	02	01	01	04	02	04	02	01	02	03	03	01
MURDER AGGR ROBBERY	12	04	03	07	03	02	05	07	17	07	07	06	15	08
COMMON ROBBERY	06	02	05	03	10	07	10	14	06	04	05	02	12	05
RAPE	02	03	06	05	04	04	09	05	10	10	07	09	07	08
ASSAULT GGH	08	10	25	10	22	13	21	12	15	23	13	13	33	13
ASSAULT COMMON	15	07	14	05	15	15	24	07	25	18	11	10	31	11
TL	53	33	57	35	57	48	66	51	77	70	47	47	107	50

The crime drop from mid to later 2006 was attributed by stakeholders to the period of the CMPs partnership efforts and correlated to: (1) the shebeen project; (2) the community

⁴⁶ Ngangelizwe Police Station, SAPS Quarterly Crime Comparison, Contact Crimes August-October 2005/2006.

⁴⁷ Ngangelizwe SAPS Station, Crime Analysis, June 2007.

imbizos that educated the community about how to report crimes and (3) the CMP's efforts to facilitate improved community-police relations. These were the three major partnership mechanisms in place aimed at preventing crime during the statistical crime drop in crime. Furthermore:

- The statistical drop in contact crimes correlates with testimony regarding the impact that better regulated shebeens were having on crime levels for the same period.⁴⁸
- Shebeens had security measures, including guards, that they did not have before the pilot (visually evident) and their hours were regulated at the time of the evaluation (but not at the time of the baseline study).

Crime figures did not drop significantly during 2007 but were stabilised at the new levels. Below are the comparative statistics for Ngangelizwe between January-June 2006 and 2007. This period shows less change:

Ngangelizwe Contact Crimes Comparison: January-June 2006 and 2007⁴⁹

<i>Crime</i>	Jan 2006	Jan 2007	Feb 2006	Feb 2007	Mar 2006	Mar 2007	Apr 2006	Apr 2007	May 2006	May 2007	Jun 2006	Jun 2007
<i>MURDER</i>	02	01	05	02	01	01	03	02	04	06	05	0
<i>ATTEMPTED MURDER</i>	01	01	06	01	02	08	02	04	02	03	02	05
<i>AGGR ROBBERY</i>	13	02	11	09	06	06	11	10	08	08	04	04
<i>COMMON ROBBERY</i>	06	05	03	07	07	07	02	05	06	04	02	09
<i>RAPE</i>	05	03	03	05	01	04	06	04	0	03	03	03
<i>ASSAULT GGH</i>	16	17	15	24	15	15	13	15	08	06	10	03
<i>ASSAULT COMMON</i>	12	17	18	11	09	09	17	12	04	05	07	03
TL	55	46	61	59	41	50	54	52	32	35	33	27

Comparing 2006 and 2007 for the January to June period there were 276 contact crimes in 2006 and 269 in 2007 (a 2.5% drop). In other words, crime seemed to stabilise at

⁴⁸ SAPS Liquor Inspector Lobi, SAPS Sector 4 Manager Inspector Ntshobole, and SAPS Sector 5 Manager Inspector Madayibi, Interviews, Ngangelizwe, 03 July 2007.

⁴⁹ Ngangelizwe SAPS Station, Crime Analysis, June 2007.

lower levels but there is little to suggest that serious crime was lowered again in Ngangelizwe *after* January 2007 indicating that:

- The impact of shebeen regulation was mainly achieved during 2006.
- Since not all contact crime originate in shebeens, other interventions are required to make further impact on contact crimes (e.g., addressing loitering youth)

Often statistics do not account for possible displacement of crime but this did not appear to be the case at this pilot site because crime concentrates in Ngangelizwe and the station's other areas are *not* high crime zones.

Questionnaire responses

All but one of seven questionnaire respondents reported that crime dropped at the pilot site *owing* in part to the prosecutor's efforts. The Head Crime Prevention was newly appointed (2 weeks before the study) and was the one who circled "do not know" given in the chart below. Otherwise, the senior SAPS members including the station commissioner, the relevant SAPS Sector Managers and the crime information analyst circled 'Yes' 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?	6 (86%)	0	1 (14%)

The reasons for the above responses were these (duplications eliminated):

- Meetings were organised by the CMP and the police where the members of the community were informed about crime prevention, legal matters, and the government's intervention to establish a community court at the station.
- Common assaults decreased during the time of the pilot
- Fewer crimes were reported at the charge office
- Docket overflow is reduced

- The tavern owners are adhering to regulations and business legislation and this creates a more regulated environment that reduces crime

6.8.2 Impact on the environment

The CMP did not address the environment to any significant degree but at the roundtable discussion with stakeholders, it was identified that he helped to improve lighting in the area by contacting the municipality (Madikane Street where the lights had been out for a long time until the prosecutor contacted them). “Lights are now functioning,” said one respondent, “but there are restraints on the municipal budget.”⁵⁰

Questionnaires also confirmed this impact on the environment. QUESTION 2 asked, “Did the Community Prosecutor help to change the environment at the target site to make it less conducive to crime? These are the results

QUESTION TWO	YES	NO	DO NOT KNOW
DID THE COMMUNITY PROSECUTOR HELP TO CHANGE THE ENVIRONMENT AT THE TARGET SITE TO MAKE IT LESS CONDUCIVE TO CRIME?	6 (86%)	0	1 (14%)

The ‘do no know’ response was from the newly appointed Head of Crime Prevention who had only been two weeks on the job. Those that responded ‘Yes’ cited: (1) the newly regulated shebeens that had an environmental impact in terms of gates, signage and a better regulated appearance; and (2) street lighting. Therefore this provides corroboration and confirmation of the findings that lighting improved and shebeens were better regulated owing in part to the work of the CMP.

6.8.3 Impact on interagency cooperation and partnerships

Evidence of improved interagency cooperation can be established owing to: (a) the evaluator’s observations; (b) testimony and focus group discussion; (c) surveys; and (d) an analysis of the preceding factors.

⁵⁰ Round-table discussion with CMP partners, Ngangelizwe Police Station, 4 July 2007.

Observations of the evaluator

Relationships between stakeholders, particularly the police and the community appeared to the evaluator to have improved greatly over the course of the intervention owing to the work of the CMP. In fact, there was no relationship between the Liquor Board and the NPA at the time of the baseline study. CMP Busakwe established this and helped to roll out an education to shebeen owners on behalf of the liquor board.

Senior Inspector Mayatula told the evaluator that the Liquor Board Office had a break-in the Friday just before the interview (29 June 2007) and money and items were taken from the office. The boy who stole the items was from Ngangelizwe. He was caught by a Shebeen owner participating in the CMP's programme. When she saw the boy with the stolen items (including a T-shirt given to those who cooperate with the Eastern Cape Liquor Board), she contacted the police. The suspect was escorted to the office by the police at the time of the evaluator's interview and therefore the return of the T-shirt was observed to provide evidence of an improved relationship between the CMP, the community, shebeen owners, the Liquor Board and SAPS.

B. Testimony and Focus Group Discussion

All of the CMP partners in attendance at evaluator's 04 July 2007 workshop discussion on community prosecution were SAPS members. They responded on questionnaires (below) that stakeholder cooperation had improved. Thus, it was evident that the interagency cooperation between the NPA and SAPS had improved.

C. Questionnaire responses regarding stakeholder cooperation

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? These are the results:

QUESTIONS FIVE AND SIX	YES	NO	DO NOT KNOW
5. DID THE CMP HELP TO BUILD GREATER LEVELS OF STAKEHOLDER COOPERATION ON CRIME PREVENTION BETWEEN MAY 2006 AND THE PRESENT?	7 (100%)	0	0
6. DID THE CMP HELP INDIVIDUAL GOVERNMENT DEPARTMENTS TO ADDRESS CRIME PREVENTION MORE EFFECTIVELY AT THE TARGET SITE?	7 (100%)	0	0

These were the reasons cited for the affirmative response to question five tabled above (duplications eliminated):

- He emphasised the importance of cooperation in workshops
- He is helping to establish a community court that can expedite cases
- The police and the community became friends because of this effort
- The shebeen owners now understand municipal bylaws, close early and have security guards
- The community prosecutor called some of his own meetings with stakeholders
- The improved relationship between police, community and the community prosecutor is the main evidence of greater cooperation⁵¹

In response to QUESTION 6, the participants named four government departments that cooperate better (owing to the CMP) to justify the 100% affirmative response to question six as tabled above:

- SAPS-The level of crime in the station precinct declined owing to the cooperation between the Justice System, police and the community
- EDUCATION-Owing to awareness campaigns and workshops, school principals now understand what to do when there is a problem of crime at schools
- HEALTH-This group has a close relationship with the CMP, who is also working with police to root out corruption within the department

⁵¹ This last comment was from the SAPS crime information analyst

- IMMIGRATION/HOME AFFAIRS-Through the CMP's intervention police and the immigration officer now conduct random visits to the identified areas to check on the authenticity of documents

D. Analysis

The two partners of significance were the police and the tavern owners. The CMP worked between them to improve cooperation to the point that shebeens were better regulated such that crime dropped in and around them. The CMP effort that went into improving relationships with Education, Health and Immigration was relatively minor but on testimony had impact and this is corroborating evidence as to the value of advocacy or partnership-building (high returns for a limited investment of time).

6.8.4 Impact on community cooperation/involvement in crime prevention

Evidence was provided in the previous sections that the CMP increased community cooperation and involvement in crime prevention including:

- Revitalising the CPF
- Improving the relationship between the CPF and SAPS through the “Local Joint Meeting that is held monthly or bimonthly”
- Supporting community awareness imbizos and helping to explain the law

Questionnaire responses regarding community involvement

Two questions were put to the seven survey respondents about improved cooperation on crime prevention. The results are given in the table below.

QUESTIONS 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 (100%)	0	0	0
8. DID THE COMMUNITY PROSECUTOR CREATE ANY NEW FORUMS OR BODIES TO HELP BUILD COOPERATION ON CRIME AT THE PILOT SITE?	0	0	04 (57%)	03 (43%)

Three justifications were offered by the group (duplications eliminated) to justify this unanimous ‘yes’ response to Question Seven:

- The CPF: The CMP attended these and held workshops for them emphasising the importance of building community-police relations and explaining legal aspects
- Community Action Groups: The CMP helped them to become better informed at community meetings and awareness campaign workshops
- Neighbourhood Watches: The CMP held meetings with these groups and raised their awareness

As to QUESTION EIGHT, the CMP did create the Tavern Owner and Shebeen Forum but none stated this in response to this question. Three said that they did not know and another left the question blank (recorded as ‘do not know’). Three suggested various ways that did not make sense including the community court (but this had not yet taken place), attendance at meetings (not a new structure), and another said ‘anti-crime structure’ but this was vague or non-existent.

Analysis

The questionnaire respondents would like to see community prosecution develop permanently at the site and therefore seemed reluctant to say the CMP did *not* create any new bodies. Yet they failed to identify the tavern owner’s forum which resulted from SAPS/CMP cooperation. The main impact of the CMP was on shebeen regulation but he was only available about 10% of his time. Owing to his limited time commitments, it was difficult for the group to always associate the outcomes of his work with him.

It does not seem necessary for a CMP to develop new forums and structures. Based on the evidence from all sites it appears better to work with existing structures for both sustainability reasons and to limit dependency on the NPA. However, it appeared that some respondents wanted to support the CMP role by suggesting that he created many structures (a ‘positive’ response on a questionnaire). This might be a vote of support but also suggests that respondents can be political in their answers and this can skew the

findings. However, this is not beyond interpretation. It simply means that respondents value community prosecution and would like to encourage the NPA to support this new post.

6.8.5 Impact on community perceptions of safety at the site

Upon analysis of the data, it does not appear credible to say at this point that people are *feeling* safer. There are indications that they might be safer in and around shebeens owing to the testimony of shebeen owners, police and the CPF. Much more of the area of Ngangelizwe would have to be addressed in a much more intensive manner to change community perceptions.

Nonetheless, QUESTION 3 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:

SURVEY QUESTION 3	YES	NO	BLANK	SPOILT
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?	4 (57%)		2 (29%)	1 (14%)

The reasons given for the give positive responses were NOT all accurate but included these:

- Substance abuse programmes in schools
- The tavern workshop
- The Cleaning and Greening Project
- Poultry Project
- Sakhisizwe Project

It can be confirmed that the CMP offered the tavern workshops but the others did not appear to involve him to any significant degree or at all. Therefore only one of the ‘yes’ answers was actually accurate. At all sites, the respondents liked community prosecution

and wanted to sustain it in their communities and some appeared to resist offering a ‘no’ response as this might lead to the CMP being withdrawn from the crime prevention effort. Therefore the data actually speaks of support for the CMP, particularly from SAPS Ngangelizwe—they *want* to partner with the NPA in fighting crime.

6.8.6 Impact on stakeholder perceptions of the NPA

QUESTION 9 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?” These are the results:

QUESTIONS 9 AND 10	YES	NO	BLANK	SPOILT
9. CAN THE NPA PLAY A ROLE IN PREVENTING CRIME?	5 (71%)	0	0	2 (29%)
10. HAS YOUR PERCEPTION OF THE NPA CHANGED?	2 (29%)	0	2 (29%)	3 (42%)

Across all nine sites, these two questions led to more blank responses or inappropriate responses than any of the others on the questionnaire. This is because respondents at several sites still did not know what was meant by the NPA (and presumably did not want to admit this publicly by raising their hands and asking). In the first question, the NPA (as at most sites) was interpreted to mean ‘the community prosecutor’ or SPP Busakwe. The perceptions of the role that could be played by the NPA were these:

- Speed up the finalisation of cases
- Improve police investigations and guide the handling of dockets
- Educate the community on the law
- Help to regulate shebeens
- Run a community court to reduce the case load

At *all* sites, there was much confusion about QUESTION 10 as indicated by a high percentage of confused and vague responses like these from Ngangelizwe:

- “Yes the NPA can always change into Justice”⁵²
- “I thought the NPA was a big person or department that could not come to police stations”

The result indicated that most respondents do not know what the ‘NPA’ means or stands for although they do know of the prosecutor. Therefore they can answer the first question more easily but the second one reveals that they do not quite understand the department that he comes from.

Analysis of stakeholder perceptions

An important role for the community prosecutor at all sites is to explain the NPA because most do not understand the functions of this department. Sometimes they are familiar with the ‘Scorpions’ but few know about the NPA. For the implementation plan, an explanation of the NPA role in government and society is apparently needed.

It appeared to the evaluator that stakeholders at all sites had a commonsense perception of the CMP role as one tied to courts, dockets and public information on the law.

Addressing these common and obvious expectations of the role might ensure that CMP activities are publicly accepted without much question. Otherwise, it might become necessary to explain and re-explain why a community prosecutor is involved in activities outside of the expected role (development issues, health issues, sports programmes, lighting, etc). The lack of association with some activities could lead to a lack of appropriate credit and this is why some could not credit the CMP with his work on shebeens (i.e., that is the job of the Liquor Board).

6.9 LESSONS FROM THIS SITE FOR AN IMPLEMENTATION MODEL

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

⁵² A SAPS respondent, Questionnaire and Round-table Discussion with CMP Partners on Community Prosecution, Ngangelizwe SAPS, 04 July 2007.

6.9.1. The Liquor Board might be an appropriate agency for addressing the problem of shebeens

The evaluator was advised by CMP partners in this province that only this body, the Liquor Board, has the authority to close down shebeens that do not comply with the Liquor Act. They are also the body with the mandate to educate shebeen owners. The most appropriate role for the NPA might be to help develop a relationship between the targeted site and stakeholders such as the Liquor Board, the municipality and SAPS that can help to bring about a more regulated environment. This would be an advocacy function or a partnership-building role. Such roles might be closer to the skills of a prosecutor than too much direct engagement in shebeen regulation (other than providing information on the law, which appears effective).

6.9.2 Community education is required for effective crime prevention and every department can play a role

SAPS cannot succeed alone and neither can the NPA. Both must also work together with the community and this creates a natural partnership (SAPS, NPA, and CPF). To illustrate this, if the SAPS-community relationship is not good, they will not report crime. If they suspect that the police are corrupt, they will not report either. The NPA can help to explain the law and encourage reporting through various community information campaigns, imbizos, and attendance at events and functions. The CMP can also work closely with the CPF and SAPS and this appeared to be one of the most appropriate, effective and efficient activities in which SPP Busakwe engaged. It also fits with the findings from the other sites.

6.9.3 Community prosecution is *not* a part-time job

The impact at this site would have been much greater had the CMP been able to pilot full time. Many critical issues were left unaddressed including the youth, which contribute the most to the high crime levels, and the high levels of domestic violence (which are not always reported). According to the CMP:

This is a dedicated full-time job and not a part-time job! We did this piloting in a unique way in South Africa—some of us only had a small percentage of our time to pilot.⁵³

⁵³ Busakwe, Jongikaya, Formal Interview with the Community Prosecutor, Mthatha, 02 July 2007