

CHAPTER SEVEN
GALESHEWE: PHUTHANANG

7 GALESHEWE: PHUTHANANG

7.1 Description of the Pilot Site

About eight kilometres southwest of Kimberley is the pilot site of Phuthanang, a residential area of two to three kilometres that includes 5 000-10 000 people. It is just part of Sector A of the Galeshewe SAPS Station that includes five sectors, two stations and 130 000 people within a 19-square-kilometre policing area.¹ Galeshewe was chosen as the area in which to pilot because it has the second highest level of serious assaults in the country (after Hillbrow) and ranks as one of the worst areas nationwide for murder and attempted murder.²

Since 2001 Galeshewe has had the status of a presidential station and a presidential project in terms of urban renewal. Under apartheid, Galeshewe was mostly black and Kimberley mostly white and while people are now mixing and boundaries are blurring but there is still much to be done in terms of development and justice. Interestingly, Phuthanang (a Tswana word that translates as ‘Come Together’) is the area of Galeshewe with the most informal structures.

This is the only site in the evaluation study where piloting was so delayed that it never really got underway to a degree sufficient for an evaluation of strategy (July 2007). In fact, it was decided by those attending a Reference Group Meeting for Community Prosecution in Pretoria during May 2007 that the evaluator should spend two days at the site (16/17 July) and conduct local interviews to identify: (1) the reasons for the slow rate of progress and (2) what can be done to prevent this in the implementation phase. The lessons that emerge from this are the focus of this chapter but there are some other findings of significance for implementing community prosecution.

¹ The official census indicates there are 70 000 people in Galeshewe, but according to the SAPS Director many wards were not counted in the census which also left out about 60 000 people (and 250 000 across the province); Myburgh, Peter, Interview, SAPS Galeshewe, 17 July 2007.

² Department of Safety and Security, “Precincts generating 40% of socially motivated contact crime in South Africa,” June 2007

7.2 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.

7.2.1 Advantages of the site

There were two key advantages to this site:

- It is a presidential site for development projects, which makes many partnerships available.
- It has a large, newly built and well-equipped police station that functions like a one-stop centre bringing many stakeholders together to combat crime.

The site's presidential status can both challenge a community prosecutor and offer some advantages. Without a budget, a CMP must compete for stakeholder attention yet focusing many different stakeholders on a site can also result in a big crime prevention impact.

The 309-member police station enjoys presidential status and is considered a kind of one-stop-centre with Social Services, Health Services, Victim Support Services, Home Affairs, the Child Protection Unit, the Community Policing Forum and many other organisations and stakeholders located at the station. In fact, the NPA in terms of the SOCA Unit had just secured an office there at the time of the evaluation study. Owing to this one-stop approach to strategic partnerships and policing petty crimes, crime was dropping a year before the start the pilot. Between 2004 and 2005, about 3000 fewer crimes were being reported.³ However, withdrawals were also going up yearly because the courts could not handle the higher case loads. "Perhaps 30 out of 500 arrests go to court," said the SAPS Director.⁴

³ Myburgh, Pieter, Interview, Kimberley, 02 May 2006

⁴ Myburgh, Pieter, Interview, Galeshewe SAPS Station, 17 July 2007

7.2.2 Challenges to the site

The chief challenge at this site appeared to be an internal one: perhaps gaining the support of this division for piloting in a situation where the courts are not keeping up with the caseloads. At the time of the evaluation study the CMP stated that he had never been to the pilot site but not out of lack of interest. It appeared to the evaluator that the CMP wanted to focus on the site. He said:

There is special duty with SAPS—I would like to be on the ground—go with them and take pictures and then also go out with the CPF group and see how they work. From this, we can use the community development workers to bring information into the office. And I need an office at the site. Phuthanang is less than a kilometre away from the SAPS station.⁵

Neither this kind of office location nor this set of activities had taken place at the time of the evaluation study according to the CMP. Furthermore, he had been assigned to do outreach to areas outside the pilot site. Since he was available for outreach to *other* areas, it did not appear that court pressures were the only factor. Could the project have been misunderstood as outreach? This makes it necessary to look at the history of community prosecutions at this site. Some of the factors producing the delays might be understood from the timeline below:

- *April 2006-March 2007*: The original appointee, Prosecutor Louis Heunis (of Kimberley Sexual Offences Court) was never released from court duty during this period for piloting the project and no one took his place.
- *February 26, 2007*: Chief Prosecutor Sharon Erasmus attends the February 2007 Restorative Justice/Community Prosecution Conference in Cape Town and seemingly returns more impressed as she then wrote to the owner of the project (on 26 February) to propose taking Louis Heunis off the project and replacing him by SPP Joey Mabgoane (DPP Shamila Batohi agreed on 27 February)⁶

⁵ Mabgoane, Joey, Formal Interview, Kimberley. 16 July 2007

⁶ Erasmus, Sharon L., Chief Prosecutor (Kimberley Cluster), E-mail correspondence to Shamila Batohi, 27 February 2007

- March 2007: SPP Joey Mabogoane (who was posted to Kimberley in January 2007) was appointed to the CMP post by Chief Prosecutor Sharon Erasmus (a one year gap since piloting began)
- 16 March 2007: Chief Prosecutor Erasmus officially launches the community prosecutions project by inviting all major stakeholders in crime prevention to a “Launching of a Community Prosecution Project with a Restorative Justice Diversion Outcome”⁷
- April 2007: Chief Prosecutor Erasmus resigns her post (removing the newly inspired champion of the project)
- April 2007: the Community Prosecutor takes leave
- June 2007: the Community Prosecutor takes leave
- August 2007: CMP Mabogoane lost the use of the motor vehicle that he used to perform his duties as community prosecutor.⁸

One can see from the timeline (above) that from the April 2006 induction process to around March of 2007 no piloting occurred because Louis Heunis, the initial CMP appointee, was never available to pilot. SPP Joey Mabogoane was not assigned to replace him on the project until March 2007. Then the new SPP came aboard just as the champion of the project, Chief Prosecutor Erasmus resigned. This was followed by the new CMP taking leave and eventually losing the motor vehicle that he would need to pilot at the site.

SPP Joey Mabogoane was convinced that the “The project was not really sold to the DPP and therefore was not well supported.”⁹ Logically, support comes with better understanding of the role and this is also evident in the timeline because more support was offered by Chief Prosecutor Erasmus *after* she attended the February 2007 Workshop on Community Prosecution in Cape Town. She returned very enthused about community prosecution such that she organised a launch but then resigned afterwards! Unfortunately, too, the launch was mainly with government representatives to create

⁷ Erasmus, Sharon (Chief Prosecutor, Kimberley), “An invitation to a presentation on restorative justice,” 08 March 2007

⁸ Mabogoane, Joey, E-mail communication, 30 August 2007

⁹ Mabogoane, Joey, Formal Interview, Kimberley. 16 July 2007

partnerships but had few community members present (only some ward counsellors and members of the CPF). Thus, two more factors that delayed piloting (in addition to court pressures and some limited initial commitment to piloting) had to do with the change in Chief Prosecutors *and* inadequate communications about the pilot during that changeover.

There were also other major changes in personnel during piloting aside from the resignation of the chief prosecutor and the arrival of a new CMP. There was a new director and a new deputy director. Support for piloting can be limited if incoming senior members are not well briefed about a project. Perhaps this reveals that some mechanism (a video?) is required to enable or facilitate such briefings. Consider:

- Director Ivy Thenga was appointed late in 2006 *months after* the pilot project began
- Deputy Director Tshweu, came to the province in October 2006 months after the project was under way
- In February 2007 Deputy Director Tshweu was appointed owner of the CMP project in the Northern Cape *while* he was on sick leave (late February)
- Once the deputy director was back, the CMP took leave!

At the time of his interview (July 17 2007) the Deputy Director said:

I am not getting reports about community prosecutions and need this. I need information in order to do presentations.¹⁰

The Deputy Director was not part of the initial strategic planning sessions or workshops and admitted in interview that he had never been properly briefed. Most documentation that he obtained about community prosecution came from SPP Mabogoane who was also not part of the initial workshops for community prosecutors. This was unfortunate too because Deputy Director Tshewe *told* the evaluator that he was very keen on the project

¹⁰ Tshewu, P., Deputy Director of Public Prosecutions, Interview, Kimberley, 17 July 2007

and strongly committed to engagement with communities.¹¹ Hence it may be that a potential champion *of* the project was left out of communications *about* the project.

There are still other factors that contributed to the slow development of community prosecution at the site that are *not* indicated on the timeline above. Advocate Heunis was interviewed for this report and said:

For months I was the only prosecutor in the Adult Sexual Offences Court. I sit in my office and prepare dockets all day and then I am in the court the next day. Our caseloads are very high and this is the reason that I was not released.¹²

Caseloads were high and the Kimberley Court was very short of prosecutors (40% understaffed). Prosecutor Heunis was transferred from Hopetown to the regional court to help handle the regional court work and this might make superiors reluctant to release him to a pilot project. However, CMPs at other sites faced similar pressures but then piloted after hours. Three additional factors that might have hampered piloting are worth reviewing:

- The courts were under pressure during the time of piloting owing to *improved SAPS strategy and performance* and this too made it difficult for the NPA to release the prosecutor during the day for piloting.
- The original appointee was a white male who did not speak the language of the community and was not a senior prosecutor and it can be surmised from this that it would be difficult for him to work at this site after hours (at night).
- Compounding the pressure on the courts were demands from Galeshewe residents to quickly prosecute those who commit crimes (e.g., on baseline surveys, some said that vigilantism was a growing problem that owed to long delays in the courts).

Owing to any or all of the problems cited and bulleted above, one could safely say that by the time of data collection for the evaluation (16, 17 July 2007) no more than 80 hours in terms of total time was ever devoted to developing the project and that is quite generous

¹¹ Tshewu, P., Deputy Director of Public Prosecutions, Interview, Kimberley, 17 July 2007

¹² Heunis, Louis, Interview, Magistrate's Court, Kimberley, 17 July 2007

because the pilot site was never addressed. This makes it impossible to suggest that there was any measurable impact on crime levels or that a model for community prosecution emerged from this data but the situation does tell about challenges of interest for implementation strategy.

One of the most critical of the challenges is that piloting community prosecution at this site was never well supported (as measured in terms of time commitments) seemingly up to the time of the evaluation. This can have impact not just on the CMP but on the attitudes of all prosecutors. This was evidenced elsewhere (e.g., see the previous chapter on Ngangelizwe). In terms of perceptions (by other NPA members) at this site, the CMP Mabogoane made this statement:

This is a big problem here. Those colleagues that I phone they think I am a social worker now!" A big stigma is attached and big lack of knowledge about community prosecution. I was originally told by the DPP that this is a post to occupy but it is not—it is a pilot project. Many thought it would cover the whole province but this place is vast. The lack of knowledge about the project gave the CMP name a stigma.¹³

In analysis of the above described data, it appeared that the community prosecution project was not well explained to colleagues or superiors during personnel changeovers (new director, new deputy director and new CMP). This appeared to have impact because delivery was not well focused on the pilot site. It tended to be viewed as an outreach project and in evidence; the CMP was sent to areas outside the pilot site for delivery and yet never had any contact with the community inside the pilot site! This suggests some critical lessons for implementation:

- It is critical to express to all stakeholders, CMPs and management structures that community prosecution cannot be effective unless there is a concentration on one well-defined target site in order to make impact.
- Some method (perhaps a video) is required to explain community prosecution to incoming personnel.

¹³Mabogoane, Joey, Formal Interview, Kimberley. 16 July 2007

- Chief prosecutors, deputy directors and directors must be invited to learn about community prosecution (possibly in workshops) as early as feasible since the chief prosecutor was enthused after the February workshop but the workshop was quite late on the agenda and then she resigned.

7.2.3 The size of the pilot site

Phuthanang is a descriptive area in terms of common parlance and local geography. It did not even comprise one policing sector of a policing area that has five sectors and is 19 square kilometres. This can create problems for:

- Measuring impact: owing to the displacement of crime because crime statistics are based on the station area or its sectors
- Creating partnerships: since other organisations including the CPF and SAPS work at the scale of an entire station

On the last point, Sector A did have its own CPF but the target site is even smaller than a sector.

7.2.4 Analysis of the site

The pilot site was too small. It does not appear effective to choose descriptive and historic areas for piloting (the same problem occurred at Ngangelizwe). Rather, some form of administrative unit is much more effective for community prosecution such as targeting the entire area of police stations. This allows a CMP to build appropriate partnerships (few organisations in South Africa operate at such a small scale owing to limited human resources) and to measure impact.

This one site, Galeshewe (5 sectors, 2 police stations) might require an administrative assistant and two more prosecutors that could be supervised by an SPP but the deputy director said he would like to use this complement to address two clusters for the NPA in the province: Kimberley and Uppington.¹⁴ It seemed that in the Northern Cape there

¹⁴ Deputy Director P. Tshweu, Interview, Kimberley, 17 July 2007

were many problems on the farms that needed to be addressed (rapes, assaults) and it is understandable that this creates the pressure (and enthusiasm) for extending community prosecution to additional areas. Furthermore, a community court is already functional in Uppington with control prosecutors on hand that can help with outreach.

Could the resources and personnel for community prosecution be stretched too thin by addressing two sites 400 kilometres apart? Just addressing all of Galeshewe (as recommended by the evaluator) and working with the many partners at a presidential site might require two additional prosecutors and an administrative assistant. The arguments in support of concentrating impact on ONE SITE might be these:

- Galeshewe is the site prioritised nationally for high crime making sufficient partnerships available for making impact
- Crime is a very complex social problem and concentrating on one area with all available resources and partnerships while monitoring and evaluating to improve delivery can make impact while outreach events broadly targeted over a large area seldom have any crime prevention impact.
- It is the constancy and variety of crime prevention activities in one well-targeted place that makes impact (e.g., see the chapter on Siyahlala).
- Learning is not complete (it is recommended that the project be evaluated in the second year too--one can then move onto new sites with improved methodologies)

With the community court already at Uppington, it might appear compelling to the NPA to extend community prosecution to that site too. However, it did seem to the evaluator that in over a year's time little had been accomplished at the pilot site nearby and as explained above a strongly concentrated focus on one site would be required to make a crime prevention impact. Besides, the recommended target sites are SAPS high priority areas and Galeshewe ranks among the top ten nationally.

Perhaps cooperation between the SOCA Unit and community (SPP Mabogoane and Linda LeRoux of the SOCA Unit) might increase the resources available to both

projects.¹⁵ However, placing community prosecution within the SOCA Unit is not recommended for many reasons (see Section 13.2). One reason is that community prosecution must be flexible and cover a wider range of crime prevention problems than the SOCA Unit. This can include problems of drugs and organised crime in urban areas (see Windsor) to shebeens in the peri-urban ones (see Mamelodi) and stock-theft in rural areas (see Kudumane).

7.3 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.

7.3.1 Suitability of the CMP to the role

CMP Mabogoane was only appointed as CMP in March 2007 after having been transferred to the Kimberley Magistrate's Court in January 2007 after three years at a district court in Springbok). Thus, he was so new to the post (and site) at the time of the mid-July 2007 evaluation that it is difficult to measure his suitability. However, his appointment seemed more appropriate than his predecessor) because he:

- Was senior and experienced
- Speaks the local language
- Grew up in a township environment like Galeshewe (Kwa-Thema nearby Springs)
- Had experience in community-based outreach (He worked at a legal advice centre in the East Rand during 1988-90 covering Tsakane and Duduza and Soweto Diep Kloof)

Being a senior prosecutor might make a considerable difference because decision-making powers are required (his predecessor was an ordinary prosecutor). However, the CMP had not yet had any contact with the targeted community at the time of the evaluation (mid-July 2007) making it difficult to verify any rapport with the community based on

¹⁵ LeRoux, Linda, Interview, Kimberley, 17 July 2007.

cultural ties even though this might be predicted.¹⁶ There are other sites where the lack of cultural affiliation did not deter prosecutors from making impact (Siyahlala, Windsor East). Some informants did try to make it clear in interviews that only Afrikaans is spoken in many areas of the Northern Cape and that this language facility is required among one or more of the prosecutors appointed to Northern Cape sites.

7.3.2. Time available for piloting

CMP Heunis was never released for duty and for months was the only prosecutor in the Adult Sexual Offences Court. The initial appointment of white male who was too involved in court work during the day to pilot and unable to work in the community at night because it is dangerous may have had impact on the time available for piloting. Potentially, such a situation could also contribute to the ‘stigma’ attached to community prosecution at the Kimberley Court as described above by CMP Mabogoane.

At the time of the evaluation, CMP Mabogoane was spending about 30% of his time on piloting and this mostly consisted of “selling the idea to other stakeholders”.¹⁷ Three crime prevention bodies were targeted in this way (as discussed in Section 7.5). Thus, no more than 80 hours and perhaps a great deal less were ever devoted to community prosecution at the time of the evaluation.

In analysis, the job of a CMP appears to require full time commitment. Not only is this the international norm but it is *very* difficult to continue with court work while also undertaking community prosecution (at this writing, it seems that South Africa was the only country in the world to pilot in this manner). The sites being recommended in this report are also larger than those chosen for piloting and will require full time commitment.

¹⁶ Mabogoane, Joey, Formal Interview, 16 July 2007, Kimberley.

¹⁷ Mabogoane, Joey, Formal Interview, 16 July 2007, Kimberley.

7.3.3 Analysis of the appointed community prosecutor

Effective community prosecution at this site was greatly hindered owing to the initial appointment of someone that was either unavailable to pilot or could not pilot. This was followed by the very late appointment of CMP Mabogoane, who had been afforded NO training in community prosecutions. In other words, CMP Heunis did not implement and yet partook in much training while the new CMP did not partake in any training in community prosecution because he was appointed so late in piloting (this affected the pace at which he could progress). To compound these problems, the new CMP, SPP Mabogoane:

- Took advantage of leave time that was owed to him but this did occur at a crucial time of trust-building (this factor also reduced the time available to pilot and slowed momentum)
- Had no assistant who could carry on with work while he was on leave
- Continued with court work and had very limited time for piloting
- Had little guidance or support between the time Chief Prosecutor Erasmus resigned in April and when the deputy director assumed this task in the May/June period since no information was readily available about the project (e.g., a video)

It appears that effective implementation of community prosecution requires: (1) sufficient time devoted to the job--full time for maximum impact; (2) support from well informed seniors; and (3) some form of ongoing information and training on the role. Regarding the second two points, Director Ivy Thenga was appointed in late 2006 *months after* the pilot project began. She was not part of the early workshops and discussion of the proposed new role and may never have been briefed in detail on the pilot project. The lesson: it appears critical to ensure that informational materials that are easy to access and quick to understand (perhaps a video) are at all times available in case of personnel changes.

7.4 THE OFFICE LOCATION AND ITS IMPACT

Both CMP Mabogoane and CMP Heunis (before him) worked from a Magistrate's Court seven kilometres away from the pilot site—not close enough for the community to access the prosecutor:

The community is not accessible from the Magistrate's Court. The project is in a township and people cannot afford to access the office.¹⁸

Analysis of office location

The Kimberley Magistrate's Court appeared too far from Galeshewe for community prosecution since the community would not be able to easily access the CMP. It also appeared to involve the CMPs in so much court business that they could not pilot. The alternatives might include: (1) a proposed new magistrate's court at Galeshewe; (2) a proposed community court; and (3) the SAPS station. However, all three options merge to a certain degree because the planned location of the community court is at the SAPS station and the magistrate's court would be adjacent to the SAPS station.

At the time of the May 2006 baseline study, the local informants for this report believed that a community court at the Galeshewe SAPS Station would be opened soon (a site was made available and Justice approved the idea). In addition, one must also consider that a community court opened in April 2007 in Uppington. Based on evidence from all sites, such courts might be the *ideal location* for a community prosecutor. However, Justice wanted the court in Galeshewe to address matters like taxes and traffic fines (creating a stalemate in negotiations with the NPA).¹⁹

There is an alternative to the above: plans for a new Magistrate's Court in Galeshewe.²⁰ This may be less optimal than a community court (there is evidence from this site and others that working from a Magistrate's Court can draw a community prosecutor into

¹⁸ Mabogoane, Joey, Formal Interview, 16 July 2007, Kimberley.

¹⁹ Mabogoane, Joey, Formal Interview, 16 July 2007, Kimberley.

²⁰ Deputy Director P. Tshweu, Interview, Kimberley, 17 July 2007

regular court business) but it would be right next to SAPS and not require any negotiations with Justice. This avoids cramped containers at SAPS stations or efforts to maintain a distinctive identity from an office within SAPS (and yet being entirely accessible to SAPS).

Obviously, the best *available* alternative at the time of the evaluation was the SAPS station since the proposed courts were still in the project stage. This was quite a good location because:

- The SAPS Galeshewe offers immediate access to community members
- Meetings on crime statistics and sector meetings are held regularly here
- Most other key stakeholders in crime prevention are gathering at the new police station because it now operates as a kind of one-stop centre
- The plans that have been approved by Justice are for a community court *at* the Galeshewe SAPS
- The NPA Case Flow Manager from the SOCA Unit is based there

The last bulleted point is highly significant. Linda LeRoux, an experienced Case Flow Manager was available at the SAPS station from mid-2007 *and* it is part of her job description to do community outreach. This makes another NPA team-player available to share the workload on some community prosecution activities that fit with the agenda of the SOCA Unit, particularly in terms of community education.

Whichever option is taken, the community prosecutor has an opportunity to work close by the SAPS station alongside Sexual Offences and Community Affairs. This offers the prospect of team-work that can:

- Reduce the court roll
- Offer the rapid justice that can build confidence in the NPA at the local level
- Create the independence required for effective community prosecution.

Depending on the time involved in building the courts, it might be necessary to set up a container or office for the CMP on the premises of the SAPS station (close to the planned courts). This would create an identity distinctive from SAPS but close enough for a tight partnership with them, the SOCA Unit, Thuthuzela Victim Support and others located at the station.

7.5 DEFINITIONS OF COMMUNITY PROSECUTION AND IMPACT

Originally, CMP Louis Heunis defined his role in the context of a team player who can work with both government and non-government agencies involved in service delivery:

My definition of a Community Prosecutor is one who will cooperate with a large set of relevant role-players and contribute some legal expertise in the effort to prevent and reduce crime.²¹

In interview for the evaluation, CMP Mabogoane agreed with this definition. It is one that seemingly focuses on *official partnerships* for crime prevention. This definition reveals much about the Kimberley viewpoint on community prosecutions because it leaves out the community. The focus instead is on defining the role of the NPA amongst other departments and stakeholders. Could this be a definition influenced by local circumstances where there are so many stakeholders in crime prevention that it is necessary to define one's role clearly?

What about the community role in the definition? When asked this, the CMP acknowledged more about the connection with the community:

I think this is an office with an open door policy known by the community where they bring in community based problems with a view of getting legal opinion on those problems.²²

Interestingly, SPP Mabogoane did not have a new performance agreement for community prosecution or at least did not recall one. He became a community prosecutor long after

²¹ Heunis, Louis, Interview, Kimberley, 02 May 2006

²² Mabogoane, Joey, Formal Interview, Kimberley, 16 July 2007

the others signed theirs and was apparently not presented with a new one. This seemed to fit with his statement, “I had no idea of what was expected of me!” He said he drew his ideas of what the role entailed from: (1) a draft document on the role of community prosecutors produced by the NPA and IPT; and (2) a discussion paper by Martin Schonteich, written when he was a senior legal officer for the Open Society Initiative on National Criminal Justice Reform.

In offering his opinion on the role of a CMP in the courts, SPP Mabogoane said:

We should retain some normal court duties because of the appraisals of my work. I am being judged by the criteria that apply to a normal prosecutor. So, it is important to retain some normal duties so that I am not badly marked on performance appraisals. Right now, only 10% of my appraisal process is community prosecution.²³

Analysis: defining community prosecution

The definition of community prosecution offered by SPP Mabogoane’s appeared to be shaped by local circumstances. First, the daunting task of trying to define and explain the CMP role to so many different partners in crime prevention seemed to have an impact on his definition. The definition becomes one of cooperating and negotiating with all the other stakeholders since this is of critical importance to a successful strategy. This was seen at other sites by CMPs in similar situations too (e.g., Ngangelizwe, Mdantsane).

Secondly, his definition was also shaped by seniors who utilised the same criteria to appraise the performance of the CMP as they would for any other prosecutor. In the evaluator’s analysis it is inappropriate to demand that a community prosecutor perform according to standard agreements for all prosecutors *and* to pilot a new role. This leads some to pro-rate their activities in accordance with this. Who would want to pilot community prosecution full time if that task only comprises 10% of the performance appraisal? Thus, performance agreements help to determine the time devoted to

²³ Mabogoane, Joey, Formal Interview, Kimberley. 16 July 2007

community prosecutions and attitudes toward piloting (as also seen in Ngangelizwe). If a minimal amount of time is allotted to the task it will produce little in the way of success.

7.6 CMP STRUCTURES FOR DELIVERY

CMP Mabogoane did not create any new structures for delivery. His main task between April and the July 2007 evaluation was *promoting* community prosecutions amongst other stakeholders in crime prevention. He addressed two structures:

- The Crime Prevention Committee for the Northern Cape
- Directorate of Crime Prevention and Community Police Relations

The CMP was also identifying some strategic partnerships that can be mentioned. This will be followed by an analysis of these three structures.

7.6.1 The Committee for Crime Prevention for the Northern Cape

The Committee for Crime Prevention for the Northern Cape is chaired by a former judge of the high court team and different stakeholders attend such as:

- Dept of Social Services
- Film and Publication Board
- Liquor Board
- SAPS
- Traffic
- Women Against Crime
- Homeless Children Representative
- Correctional Services
- The NPA

7.6.2 The Directorate of Crime Prevention and Community-Police Relations

This body falls under the Provincial Department of Safety and Liaison, which calls up meetings on an issue-related basis. Many other departments attend these at provisional level such as:

- Correctional Services
- SAPS
- Regional Sports
- Arts and Culture
- Housing and Local Development

7.6.3 Strategic partnerships

CMP Mabogoane said, “No partnerships are set up as yet but I have people in mind”²⁴:

These included:

- The Department of Safety and Liaison, which has appointed and trained 50 Safety Coordinators (see above) who engage in safety coordination for specific areas of the province (e.g., identifying hotspots, safety problems and coordinating responses). Youth Against Crime
- Women Against Crime
- Inter-Church Women’s ‘Icose’ Multi Purpose Project’—There agenda is to fight poverty and unemployment and abuse (domestic abuse and other kinds of crime—robbery, drug dealers, rapists taverns). They are seeking whistles for protection
- Community Development Workers—Housing and Local Government
- The CPF
- Phuthanang also has established neighbourhood watches although owing to a history of vigilantism work may be needed to improve these.²⁵

²⁴ Mabogoane, Joey, Formal Interview, Kimberley, 16 July 2007.

²⁵ Magoboane, Joey, Formal Interview, 16 July 2007, Kimberley.

The safety coordinators seemed particularly important to the Senior Prosecutor. “There are three or four of these appointees just for Galeshewe—and these would be great partners,” he said. He had met with the Department of Safety and Liaisons about this on 12 March 2007.

7.6.4 Analysis: Structures for Delivery

Integrated crime prevention is moving along rapidly in the Northern Cape but does this make it necessary for community prosecutions to ‘slot in’ with all existing forums and bodies? It seemed very important to CMP Mabogoane to participate in these:

- The Crime Prevention Committee for the Northern Cape
- The Directorate of Crime Prevention and Community Police Relations
- SAPS Social Crime Prevention

While participation on these bodies is recommended, they are very *broadly* focused. By contrast, consider that SAPS conducts monthly imbizos in each of the five SAPS sectors of Galeshewe. This would move the CMP right into the target site for maximum impact. It is far more critical for a CMP to bridge the gap between *the community structures* found at the pilot site (or might be developed for this purpose) with the appropriate stakeholders (defined by community interactions) than to concentrate efforts on forums. This link to the community had not been accomplished at the time of the evaluation as the CMP had not yet worked directly with the targeted community!

As with other sites, there were also weak partnerships and strong ones. It appeared that SAPS made an excellent partner. Based on discussions with Deputy Director Tshweu and the CMP, it seemed that Health, Housing, and Social Services (Population and Development) were poorly represented at many meetings. Yet some of these same stakeholders are represented at Galeshewe SAPS. Of course, it appears accurate that the social sector is the most difficult to bring aboard on crime prevention issues (this may help to explain the inability of the NCPS to be implemented effectively). They are

needed. For instance, there are huge problems in the province with many illegal claims for grants.²⁶

It would not be appropriate for a CMP to either await effective implementation of the NCPS or to work with broadly based forums, before delivering on the ground with the target community. It seems best to focus *from the community* toward available and strategic partnerships. To start with the NCPS or partners and gradually bring this focus to the community would not really be community prosecutions. Therefore it seemed that working with the available partners such as the Department of Safety and Liaison (working with safety coordinators) and with SAPS on the community imbizos might provide the quickest inroads into the community.

7.7 CMP ACTIVITIES AND IMPACT

At the time of the evaluation, the CMP had not yet had contact with the community. The main effort was a launch on 16 March but there were also some outreach efforts that will be described below.

7.7.1 LAUNCH OF THE COMMUNITY PROSECUTION PROJECT 16 MARCH 2007

Chief Prosecutor Sharon Erasmus set up a launch on 16 March 2007 after the February 2007 presentations in Cape Town on restorative justice and community prosecutions. This event was held at the Galeshewe SAPS Station Boardroom in March and the attendees included these:

- Provincial Safety and Liaison (a representative for MEC Madikane)
- Head of Department Minister Botes
- Department of Correctional Services
- Sol Plaatjie Municipality
- City Manager
- Regional Justice

²⁶ Deputy Director P. Tshweu, Interview, Kimberley, 17 July 2007

- Liquor Board
- Legal Aid Board
- Assistant SAPS Commissioner Sithole
- Provincial Social Crime Prevention Commanders (Director Tyuthuza)
- The Station Commissioners and Crime Prevention Heads of Galeshewe, Kimberley, Modderivier, and Roodepan
- The Ward Councillor for Galeshewe
- 4 members of the CPFs for the sites listed above

Analysis of the launch

This might have been more of a setback than a launch for community prosecutions because:

- The only champion of community prosecution at this site, Chief Prosecutor Erasmus resigned after the launch in April owing to ‘family problems.’
- The CMP had no secretarial assistance and took leave in April such that there was no follow-up to the enthusiasm built through the launch process.
- The launch was not community based and few community members attended

The late launch of ‘Community Prosecution Project’ does reveal the powerful need to sell the concept first within the NPA and then again to other stakeholders to get support. However, the timing of a launch is also critical and in this case, there was no immediate follow-up, further compounding the problem of selling the idea rather than facilitating it.

It also appears to the evaluator that a launch should be primarily directed at the target community and secondarily at other partners and stakeholders who might help to support it. The principal idea of community prosecution is to work closely with the community and then between them and various government departments and key stakeholders to promote delivery. Departments helping out other departments might not always be grounded in community needs. Besides, there are ample structures for this but the link with the community was weak.

7.7.2 OUTREACH TO OTHER COMMUNITIES

At the bequest of his director, the CMP engaged in the Community Outreach Programmes of the NPA. This was also part of the Northern Cape Province Anti-Rape Strategy but other contact crimes were discussed. This was aimed at areas far outside of the pilot site including:

- Kuyasa (two hours one-way to the Karoo area)
- Laxey Village in the Kgalagadi Area (2.5 hours one-way)

The outreach programme in Kuyasa took place on 07 June 2007

Analysis of outreach

Given the very limited time for piloting, outreach activities outside of the pilot site seem inappropriate. The DPP was new and probably not well briefed on community prosecution as a piloting activity and this again reveals the importance of marketing the concept *within* the NPA. Otherwise, a CMP might be viewed as a member specialising in outreach activities rather than one concentrating on making a site-based impact. For community prosecutions to be effective for crime prevention, it must concentrate on a clearly designated site and make continuous impact.

7.7.3. ANALYSIS OF ACTIVITIES

At a very late stage in piloting, the activities were still focused on partnership building and the CMP had not yet had any contact with the targeted community. Despite this, he was assigned to engage in outreach activities outside the pilot area. To refocus the effort, it is recommended that the CMP work temporarily from the SAPS station to develop a close partnership with SAPS on these issues:

- Educational programmes for SAPS members
- Community imbizos to the five sectors

- Developing project plans for crime prevention

The educational programmes would allow the prosecutor to work between the courts and the police to provide an education on bail procedures. This is a critical issue because one person with 15 outstanding cases against him had just been released on bail at the time of the evaluator's site visit.²⁷ There is a need to look at the criminal record of the people being charged!

The imbizos would give the CMP a quick entry into the community and an opportunity to do public outreach and make impact. The project could develop from there.

Finally, it is important to liaise with SAPS on project plans that go directly into Galeshewe since this a presidential site with much activity (e.g., a Tavern Owners Association, Adopt-A-Cop programmes in schools). Interestingly, the police do not work with shebeens to regulate them but most of the serious crimes emanate from here. This situation might be further studied by the CMP.

Considering that no direct contact had yet been made with the community, effective delivery at Galeshewe might absorb the CMP and assistants full time if appropriately engaged. Crime prevention requires creating a multi-disciplinary, interdepartmental team that can engage the community constantly on a variety of crime prevention issues. It is not the same as outreach because it is a strategic activity involving advocacy, strategic planning, environmental analysis, partnership-building and community information campaigns that target every kind of community member.

7.8 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

²⁷ Myburgh, Pieter, SAPS Director, Galeshewe SAPS, 17 July 2007

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

7.8.1 Impact on crime levels

There was no work *in* the community and therefore no impact on crime levels owing to the community prosecutor. Nonetheless, most crimes continued dropping at the site owing to more effective policing by Galeshewe SAPS although murder rose during the time of the pilot.²⁸

7.8.2 Impact on the environment

It did not seem that there were many impacts on the environment owing to community prosecution because there was little or no work within the community from the time of the baseline study until the 16-17 July evaluation. However, the baseline study did identify one problem on the landscape: a graveyard was discussed as a high crime open area and it has now been fenced. Louis Heunis discussed this matter with other members of the NPA, particularly Linda LeRoux of the SOCA Unit, and then she raised it at meetings of the Crime Prevention Committee. “We photographed where rapes had occurred,” she said.²⁹ Undoubtedly this had some impact but many others were involved including the SAPS Sector Managers who also pointed out the problem at the time of the

²⁸ Myburgh, Peter, Interview, Galeshewe SAPS, 17 July 2007

²⁹ LeRoux, Linda, Interview, Kimberley, 17 July 2007

baseline study. It does indicate the value of mapping out crime problems, an important activity that might be undertaken at all sites.

7.8.3 Impact on interagency cooperation and partnerships

Partnership building was just beginning at the site during the time of the evaluation and there were not yet any strategic partnerships or projects in the community.

7.8.4 Impact on community cooperation/involvement in crime prevention

The community prosecutor had not yet worked with the community (as of 16-17 July) such that they were not yet involved at the time of the evaluation.

7.8.5 Impact on community perceptions of safety at the site

The community prosecutor had not yet worked with the community (as of 16-17 July), such that they were not yet involved at the time of the evaluation.

7.8.6 Impact on stakeholder perceptions of the NPA

Regarding stakeholder perceptions, CMP Mabogoane said in interview:

I have attended imbizos outside of Phuthanang and this has made an impact in terms of introducing community prosecutions and I also explained the role to the Committee for Crime Prevention (Provincial). This is a very big structure with big funding – R500 000 came from Vodacom last month for working on the issue of street children.³⁰

However, this does not pertain to the pilot site.

³⁰ Mabogoane, Joey, Formal Interview, Kimberley, 16 July 2007.

7.9 LESSONS FROM THIS SITE FOR AN IMPLEMENTATION MODEL

The following are three critical lessons from this site that would be useful to consider when designing the national roll-out of the community prosecution or otherwise implementing this project elsewhere.

7.9.1 Promote and explain the concept of community prosecution both *within* the NPA (especially among directors, assistant directors and chief prosecutors) and at site

It was well evidenced above that there was difficulty in getting the pilot underway at this site owing to weak support for the project (and understanding of it) in the initial stages. Within the division, it might have been perceived as just another random idea on how to fight crime until the February 2007 introductory event on community prosecution in Cape Town. Even at the time of the evaluator's July 2007 visit, it was still perceived by some as a general outreach project that was not geographically focused.

Does the described situation suggest that a separate unit might be required for effective community prosecution: possibly the SOCA Unit or a new one altogether? The idea of placing community prosecution with the SOCA Unit was mooted at the site because the unit is pro-active here and interested in crime prevention.³¹ This has certain disadvantages and advantages:

- The biggest disadvantage would be a narrowing of the crime prevention focus to the agenda of the SOCA unit (i.e. community prosecutions includes topics ranging from shebeens to cattle theft while the SOCA unit concentrates on sexual offenses).
- The biggest advantage might be more immediate identity and visibility for community prosecution (i.e., this can draw media attention)
- Many directors are multi-tasking and perhaps one director appointed to community prosecution might be able streamline activities (making community prosecution big on the agenda)

³¹ LeRoux, Linda, Interview, Kimberley Magistrate's Court, 17 July 2007.

On review of the evidence, the evaluator would *not* recommend a separate unit for community prosecution but rather doing a better job at selling community prosecution to senior NPA members for these reasons:

- If this becomes a pet project of very few NPA members, it could get sidelined by others (there is competition between stakeholders and it is best to reduce this by broadly shared responsibility).
- Buy-in can be achieved by *all* directors and chief prosecutors because it was accomplished even for this site owing to the Cape Town conference (it is just that this came too late)
- There are sites such as Randburg where the project was strongly supported by the chief prosecutor and director right from the start such that starting a separate unit in places like that would probably undermine progress rather than promote it.
- To sustain community prosecution, it might be better to find a way to fit it deep within the organisational structure.

The problem at this site appeared to be less structural than an inadequate explanation of community prosecution to the directors and especially chief prosecutors from the start of piloting. Chief Prosecutor Erasmus returned from the February 2007 Workshop on Community Prosecutions in Cape Town enthused about implementing community prosecution. Therefore the workshops for senior members just came a little late in piloting but was somewhat effective based on this improved response. If this had occurred earlier, it might have made a significant difference at the site. Her late involvement led to late marketing (February 2007).

One marketing event (internal or external) is not enough because even at the time of gathering data for the evaluation the distinction between community courts, outreach programmes, community prosecution, and restorative justice were not well understood at this site such that community prosecution was still viewed as an outreach programme.

According to CMP Mabogoane:

There is no knowledge of what community prosecution is and we need to advertise it more especially within the NPA itself because my colleagues

do not understand what it is that I do. I think it would great for a career path – some might be better at this. Some were community workers before they joined prosecutions.³²

The situation in Kimberley provides evidence that: (1) champions within the NPA are a critical part of implementing community prosecution; and (2) a thorough briefing, perhaps even a workshop event, is required for senior members of the NPA such as chief prosecutors, deputy directors and directors *at the start of the intervention* to implement effectively; and (3) community prosecution must also be promoted within divisions and at the sites in an *ongoing* manner. It is not only necessary to promote the post with the Directors, Assistant Directors and Chief Prosecutors of each province and also with local stakeholders. “It must be seen in the newspapers that this thing is going on,” said CMP Mabogoane. This suggests that promotion must be seen as an ongoing event rather than a one-off activity.

7.9.2 Community Prosecution might work in *partnership* with the SOCA Unit at some sites

“SOCA has the experience to help manage community prosecutions and is a vibrant arm of the NPA,” said Linda LeRoux in interview, one of only five NPA Case Managers in the country.³³ Interestingly, she was about to relocate to the Galeshewe Police Station making the prospect of the CMP relocating there as well most inviting.

Community prosecution should probably partner with the SOCA Unit in areas where case managers are available (4 sites in the study) for these reasons:

- People from the public already approach the SOCA unit for advice
- The Case Manager and the CMP at this site already work well together
- This increases the resources available to the CMP project
- Case Managers also do community outreach

³² Mabogoane, Joey, Formal Interview, Kimberley, 16 July 2007.

³³ LeRoux, Linda, Interview, Kimberley, 17 July 2007

- Community Affairs is part of SOCA and is pro-active

Partnering appears as a clear recommendation based on the evidence but it did not appear that community prosecution should be part of the SOCA Unit. This directorate is geared toward gender-based violence while there is much more that a community prosecutor can do. To be confined to that activity would reduce rather than increase the effectiveness of a CMP. Thus, it becomes a question of partnership possibilities and this might be workshopped at the relevant sites.

7.9.3 CMPs require an office away from the regular courts and in the targeted community

This site furnished a good example of the misunderstanding that can result if a community prosecutor is *not* located in the target community. Not only can the CMP be pulled into court business but might be reassigned to areas outside of the pilot to do outreach! The findings from this site also find corroboration with the experience at Ngangelizwe where the CMP was also located in the regular courts and had only 10% of his time available for community prosecution. It seems very clear that a separate office in the target community away from traditional courts *and* traditional time management structures will help to:

- Create the time flexibility required for effective community prosecutions (e.g., many meetings are required after hours and on weekends rather than during the course of the day).
- Make a clear statement that the community and not the courts are the focus of community prosecutions.

In this case, a SAPS station with a station commissioner very enthused about community prosecution was less than one km from the target site and would have made a better site than the court for the reasons given.